



City of Westminster

Committee Agenda

Title: **Planning Applications Committee (1)**

Meeting Date: **Tuesday 15th September, 2015**

Time: **6.30 pm**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Robert Davis (Chairman)
Susie Burbridge
Tim Mitchell
David Boothroyd

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Joe McBride, Committee and Governance Officer.

**Tel: 020 7641 2341; Email: jmcbride@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|--------------------------|
| 1. 40 BEAK STREET, W1 | (Pages 5 - 46) |
| 2. 70-73 PICCADILLY, 1-3 BERKELEY STREET AND 43-48 DOVER ST, W1 (ADDENDUM REPORT) | (Pages 47 - 106) |
| 3. ST JOHN'S WOOD POLICE STATION, 20 NEWCOURT STREET, NW8 | (Pages 107 - 136) |
| 4. LONDON ZOO, OUTER CIRCLE, REGENTS PARK, NW1 | (Pages 137 - 150) |
| 5. BROWN HART GARDENS, W1 | (Pages 151 - 178) |
| 6. 33 CLEVELAND SQUARE, W2 | (Pages 179 - 192) |
| 7. 31 CLIFTON ROAD, W9 | (Pages 193 - 202) |

8. KNIGHTWAY HOUSE, 20 SOHO SQUARE, W1

**(Pages 203 -
208)**

**Charlie Parker
Chief Executive
7 September 2015**

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Agenda Item

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 15 SEPTEMBER 2015
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	
1	RN 15/04904/FULL West End	40 BEAK STREET, W1	Demolition and redevelopment to provide a new five storey building (plus basement) for use as Class A3 restaurant at part of ground and basement floors and Class B1 offices at part basement, part ground and first to fifth floors. Creation of terrace at roof level and plant. Excavation of existing basement by one metre.	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> • Provision of £1,040,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development); • The costs of monitoring the S106 agreement. <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p>(a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>(b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>				
2	RN 15/01827/FULL West End	70-73 PICCADILLY, 1-3 BERKELEY STREET AND 43-48 DOVER STREET, W1 (ADDENDUM REPORT)	Demolition of the existing buildings and redevelopment to construct a building of ground plus six-10 storeys with three basement levels; use of the property as residential accommodation (Class C3) comprising 52 residential dwellings, hotel accommodation with ancillary functions (Class C1) and either retail/financial and professional services/ restaurants or drinking establishments (Classes A1-A4) at part basement, ground and first floor levels; installation of plant; creation of terraces at seventh and eighth floor levels; installation of PV cells at main roof level; open space as part of an amended pedestrian access route between Dover Street and Berkeley Street, 51 car parking spaces, 151 cycle parking spaces and other ancillary works.	
<p>Recommendation</p> <p>1. Grant conditional permission subject to a S106 legal agreement to secure:</p> <ol style="list-style-type: none"> i) Provision of £1,500,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development) ii) Compliance with the City Council's Code of Construction Practice and submission of a CEMP (Construction Environmental Management Plan) to an annual cap of £30,000. iii) Costs of highways works around the site to facilitate the development (including paving, dropped kerbs, raised crossing etc). iv) A Servicing Management Plan (SMP) for the development. v) Re-location of the sculpture within the site. vi) A walkways agreement vii) A contribution of £617,800 towards Crossrail. 				

CITY OF WESTMINSTER
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ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL
			<p>2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution then:</p> <p>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</p> <p>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.</p>
3	RN 14/11909/FULL Regent's Park	ST JOHN'S WOOD POLICE STATION, 20 NEWCOURT STREET, NW8	Three storey rear link building and two storey rear extension and associated external alterations in connection with conversion of former St John's Wood Police Station to residential (Class C3) comprising 2 x 1 bedroom; 3 x 2 bedroom, 2 x 3 bedroom and 1 x4 bedroom flats.
	<p>Recommendation</p> <p>For Committee's consideration:</p> <p>1. Does the Committee agree that, notwithstanding the inadequacy of the marketing, the policy presumption to retain a social and community use on the site can be replaced by a financial contribution towards an appropriate community and cultural project in the St. John's Wood Ward on the basis that there is currently insufficient evidence of a demand for social and community uses in the area.</p> <p>2. Subject to 1) above, grant conditional permission, subject to a S106 legal agreement to secure a financial contribution of £150,000 towards a community and cultural project in the St. John's Wood Ward area (index linked and payable on commencement of development).</p> <p>3. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p>a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>		
4	RN 15/02809/FULL Regent's Park	LONDON ZOO, OUTER CIRCLE, REGENTS PARK, NW1	Demolition, excavation, infilling and removal of two trees in connection with the construction of 10 single storey timber huts to provide overnight accommodation for up to four people per hut and associated alterations including new fencing, footpaths (raised and grade), hard and soft landscaping.
	<p>Recommendation</p> <p>Grant conditional permission.</p>		

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 15 SEPTEMBER 2015
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	
5	RN 14/12253/FULL RN 14/12254/LBC West End	BROWN HART GARDENS, W1	Use of three areas of carriageway each measuring 12.0m x 2.0m on the west side of Lumley Street for the placing of 20 stalls as a street market (four times per year and not more than once per calendar month, excluding Sundays) for the sale and display of goods (Class A1). Use of two areas of Brown Hart Gardens deck each measuring 23.6m x 2.0m for the placing of up to 24 stalls for an artisan food market, including hot food takeaway, no more than one day per week (excluding Sundays). Installation of four plinths for the display of temporary artworks on the Brown Hart Gardens deck.	
	<p>Recommendation</p> <ol style="list-style-type: none"> 1. Grant conditional permission subject to a S106 legal agreement to require the applicant to meet all costs associated with road closures, the suspension and temporary relocation of residents' parking bays and the removal of parked vehicles from suspended bays, if necessary. 2. If the S106 legal agreement has not been completed within six weeks of the application being reported to the Committee then: <ol style="list-style-type: none"> a) The Director of Planning shall consider whether 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 a S106 legal 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. 4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter. 			
6	RN 15/05085/FULL Lancaster Gate	FLAT 8, 33 CLEVELAND SQUARE, W2	Creation of roof terrace to fourth floor rear closet wing roof with associated railings and privacy screen, insertion of rooflights into front pitch of main roof and lowering of cills at fourth floor level on front elevation; all associated with fourth floor Flat 8.	
	<p>Recommendation</p> <p>Refuse permission - design and amenity.</p>			
7	RN 15/03978/FULL Little Venice	31 CLIFTON ROAD, W9	Use of the basement and ground floors for Class A2 (financial and professional services) purposes.	
	<p>Recommendation</p> <p>Refuse permission - loss of retail (Class A1).</p>			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 15 SEPTEMBER 2015
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	
8	RN15/06534/FULL West End	KNIGHTWAY HOUSE, 20 SOHO SQUARE, W1	Removal of Condition 1 of planning permission dated 19 May 2005 (RN: 05/00841) for use of part ground and part first floors for office purposes (Class B1); namely, to remove the 'personal permission' requirement and enable the part ground and part first floors to be used for unrestricted Class B1 (office) use.	
	Recommendation Refuse permission - failure to comply with mixed use policy.			

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Agenda Item 1

Item No.
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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 September 2015	Classification For General Release	
Report of Director of Planning	Wards involved West End		
Subject of Report	40 Beak Street, London, W1F 9RQ		
Proposal	Demolition and redevelopment to provide a new five storey building (plus basement) for use as Class A3 restaurant at part of ground and basement floors and Class B1 offices at part basement, part ground and first to fifth floors. Creation of terrace at roof level and plant. Excavation of existing basement by one metre.		
Agent	Bidwells		
On behalf of	40 Beak Street Ltd		
Registered Number	15/04904/FULL	TP / PP No	TP/9369
Date of Application	06.06.2015	Date amended/ completed	06.06.2015
Category of Application	Major		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Core Central Activities Zone		
Stress Area	Within West End Stress Area		
Current Licensing Position	A Premises Licence has not been submitted to date.		

1. RECOMMENDATION

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

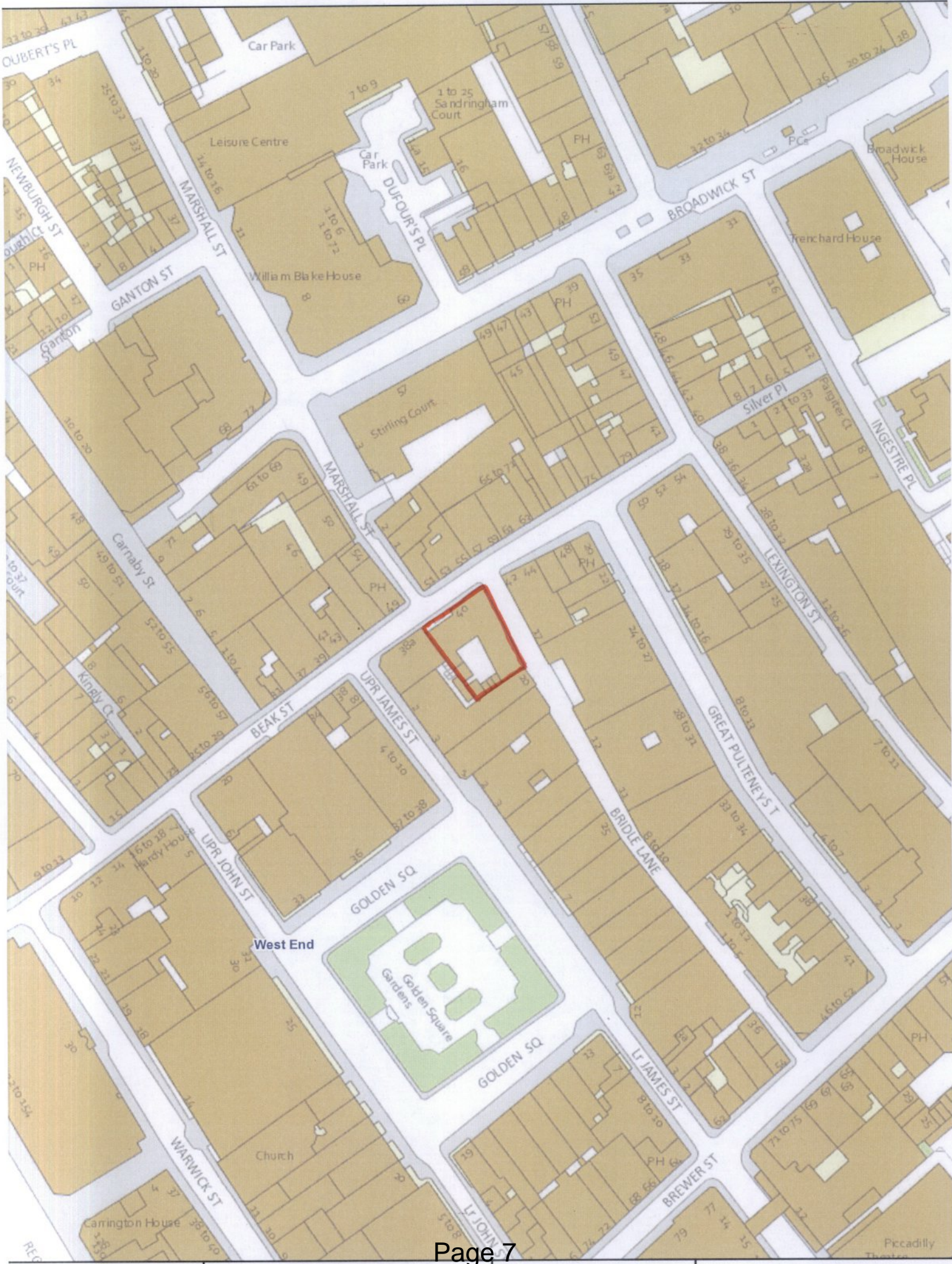
- Provision of £1,040,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- The costs of monitoring the S106 agreement.

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

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

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





40 BEAK STREET, W1
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2. SUMMARY

The application site is located on the corner of Beak Street and Bridle Lane. The building was originally built as a police section house. Although now vacant, the building was last in use for office purposes. Planning permission has previously been granted (2008 and 2011) for the demolition of the building and the construction of a modern building. These permissions have now expired. Permission is now sought for the demolition of the existing building and redevelopment to provide a new building comprising basement, ground and five upper floors. The basement and ground floors are proposed to be used for restaurant purposes (Class A3). A full height extract duct is proposed and this will be routed internally through the building and terminates at roof level. The rest of the building will be used for office purposes.

The key issues for consideration are:

- The impact of the new building on the character and appearance of the Soho Conservation Area;
- The impact of the new building on residential amenity;
- The increase of restaurant floorspace in the West End Stress Area.

The proposals result in an uplift in commercial floorspace, which requires an equivalent amount of residential floorspace, however, a viability assessment has been submitted, which has been assessed by external consultants, who have concluded that a payment of £1,040,000 can be made.

The proposal is considered acceptable in land use, amenity, design and conservation grounds and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) and is therefore recommended for approval.

3. CONSULTATIONS

HISTORIC ENGLAND

Regret the proposed demolition of the building which is considered to make a positive contribution to the special character of the conservation area. The applicant is urged to fully explore all options for reuse and adaptation of the existing building. The scheme presents a generally contextual approach to the design and articulation of the elevations and includes a high quality of material finish. Unlike the previously approved scheme, it is noted that the proposed massing exceeds that of Nos. 38a and 42 Beak Street and suggest that the massing of this scheme is reduced accordingly.

SOHO SOCIETY

Objection - new restaurant unacceptable as an intensification to the West End Stress Area. There has been a loss of A1 in the area and the basement and ground floor unit should be used for retail purposes instead.

- The proposal will not enhance the Soho Conservation Area.
- The site is constrained and would make construction difficult.

HIGHWAYS PLANNING MANAGER

No objection.

ENVIRONMENTAL HEALTH

No objection.

BUILDING CONTROL

No objection.

GO GREEN

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND ANY OTHER REPRESENTATIONS

No. Consulted: ; Total No. of Replies: 24.

Eight letters of support and 16 letters of objection raising all or some of the following:

Land Use

- Restaurant floorspace in West End Stress Area is unwelcome.

Amenity

- Increase in noise and disturbance from restaurant.
- Opening hours should be restricted to 23.00 not midnight.
- Increase of noise disturbance from taller building.
- New windows will increase the amount of overlooking.
- Loss of light to buildings on the north side of Beak Street.
- The submitted daylight and sunlight report does not give consideration to existing office premises.
- Increase sense of enclosure/loss of daylight and sunlight to adjacent office building.
- Increase in odour from extract duct.
- Impact on the quality of existing office accommodation.

Design

- Loss of existing building.
- Building should be renovated rather than demolished.
- The building should be no taller than that granted consent in 2008 and 2011.
- Dark tiled facade is overpowering and will date quickly.
- Building should be no taller than the adjacent building on Beak Street.

Highways/Servicing

- Pavement will become congested from customers of the restaurant.
- Vehicular conflict.

Other

- Impact of the works (vibration and noise) on radio station.
- Timing of works is important - no Saturday or Sunday working.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION**4.1 The Application Site**

The application site is situated on the corner of Beak Street and Bridle Lane and comprises basement, ground and three upper storeys. The existing building is 'L' shaped and there is a large lightwell in the middle of the site adjacent to the boundary with the adjoining office building at 1-3 Upper James Street.

The building dates from 1910 and was originally built as a police section house. Although now vacant, the building was used for administrative purposes since the 1970s. The building is unlisted but is recognised as an unlisted building of merit within the Soho Conservation Area Audit.

The immediate surrounding properties are all in commercial use. The nearest residential is located opposite the site at 51 Beak Street.

The site is located within the Soho Conservation Area and the West End Stress Area.

4.2 Relevant History

Planning permission granted in June 2008 and renewed in 2011 for the demolition and redevelopment to provide a new building of five storeys plus basement, for use as offices (Class B1) with three self-contained flats on the third and fourth floors (1x3 bedroom, 1x2 bedroom and 1x1 bedroom); creation of green wall from ground to fourth floor, green roof, terraces at third and fourth floor levels and plant at roof level.

5. THE PROPOSAL

Permission is sought for the demolition of the building and reconstruction to create a building comprising basement, ground and four upper floors and a plant room is proposed at fifth floor level. The fourth floor and the plant room will be set back from the main building line and will incorporate terrace areas. The basement level will be lowered by 1175mm. The proposed building is taller to that which received consent in 2008 and 2011.

The new building will be used for restaurant purposes over basement and ground floor level. Access to the restaurant will be via the corner entrance on Beak Street and Bridle Lane. The extract duct will be routed internally and vent at roof level. The rest of the building is proposed to be used as offices with the access from Beak Street.

Proposed floorspace schedule

	Existing	Proposed	+/-
Office	1530.6	2081.6	+551
Restaurant	0	495.8	+495.8
Total	1530.6	2577.4	+1046.8

6. DETAILED CONSIDERATIONS

6.1 Land Use

Offices

The site is located within the Core Central Activities Zone to where new offices are directed by City Plan Policy S18 and UDP Policy COM1. Therefore, an increase in office floorspace is acceptable in principle.

Mixed use policy

UDP Policies CENT3 and COM2 and City Plan Policy S1 aim to encourage mixed use developments within Central Westminster, with the particular aim of including residential accommodation. It is a requirement that any increase in commercial development in excess of 200m² should be matched by residential provision.

The scheme involves an increase in commercial floorspace by 1046.8m² without any provision of residential floorspace. UDP Policy CENT 3(a) states: where appropriate and practical...the provision of self-contained residential accommodation with separate access, where physically possible, will be required; part (b) states: where it is not practical to provide residential accommodation on site, the Council will seek the provision of the required residential accommodation on another site in the vicinity; part (c) states: where it is not

practical to provide residential on site or off-site in the vicinity, other uses which contribute to the character and function of the CAZ should be provided; and part (d) states: where the residential accommodation or an alternative use cannot be provided a contribution to the affordable housing fund is likely to be sought. The 2008 and 2011 scheme included the provision of three residential units, therefore as the proposed footprint of the building is similar to that granted planning permission, it is considered that it is practical to provide residential floorspace on this site.

However, the applicant has stated that it is not appropriate to provide residential accommodation on site for the following reasons:

- Tight site with a relatively small footprint with little scope to add height beyond that proposed.
- The building would require two separate cores resulting in inefficient layout.
- Any residential units would have to be let on shorthold tenancies (freeholder requirement).

The applicant has therefore concluded that on-site residential is inappropriate and given the constraints identified by the applicant, it is considered that there would be difficulties with on-site provision. The applicant has also concluded that it is not possible to provide the required residential floorspace off-site due to the high costs involved in purchasing a site, which would have an impact on viability.

The applicant has argued that they have satisfied CENT3(c) by providing an alternative use to the required residential by proposing a restaurant at basement and ground floor levels. The proposed restaurant comprises 495.8m², is within the West End Stress Area and is 4.2m² below the threshold of a large entertainment use. It is therefore not considered that the restaurant use is a suitable alternative to residential use in the West End Stress Area. Furthermore, even if the City Council accepted this argument, the increase in restaurant floorspace would be required to be offset by an equivalent amount of residential floorspace (as the increase is over 400m²).

The policy compliant payment is £1,722,474 (according to the formula set out in the UDP). The applicant has provided a viability report which sets out the reasons why the residential floorspace cannot be provided on site and why the development would not be viable with a payment to the affordable housing contribution fund.

The City Council has appointed an independent viability expert to assess the proposals and to advise on the matter. Our consultants agree that the provision of on-site residential would undermine the economic viability of the proposals. However, they have confirmed that the scheme would be viable with a payment of £1,040,000. The applicant has agreed to make this payment.

Restaurant

City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core Central Activities Zone. However, as the site is located within the West End Stress Area the introduction of new entertainment uses is considered more sensitive.

The Soho Society comments that this space would be better used for retail purposes. Retail floorspace is not proposed as part of this scheme and it would be unreasonable to request that this is introduced.

The proposed restaurant use comprises 495.8m² and Policy TACE9 of the UDP applies. This relates to entertainment uses which may be permissible. TACE9(B) states that permission will

only be granted for proposals where the City Council is satisfied that the proposed development has no adverse effect upon residential amenity or local environmental quality as a result of noise; vibration; smells; increased late night activity; increased parking and traffic and no adverse effect on the character or function of its area.

The Soho Society has objected to the new restaurant floorspace commenting that it will result in an intensification of entertainment uses within the West End Stress Area. A number of objections have also been received from residential and commercial occupiers relating to the increase in noise disturbance from customers, deliveries, rubbish disposal, saturation of restaurant uses and the cumulative impact in the immediate area.

The restaurant proposals are speculative with no end-user identified, and therefore it is not possible at this time to consider the likely impact by assessing the track record of the intended occupier. However, conditions could be used to control the opening times and activity to limit the impact. These conditions would ensure that the use would essentially be a sit-down restaurant (limited to 125 covers) with any ancillary bar limited to a small part of the premises (i.e. 15%) and these bars could be used only by diners before and after meals. The hours of opening would be restricted to the terminal hour of midnight with breakfast opening at 08.00hrs and despite the objection on the hours proposed is within the hours set out in the UDP. The main entrance doors at ground floor level would be required to be self-closing within an enclosed lobby to minimise noise escape. The new building has been designed to incorporate an internal kitchen extract terminating at high level.

The nearest residential properties are located opposite the application site at 51 Beak Street and 61-63 Beak Street, with other residential properties being located towards the junction with Lexington Street. The ground floor units along Beak Street are characterised by restaurant and retail uses. It is considered that there is an even mix of A3 and A1 uses along the street and the addition of a further restaurant use in this street is acceptable. The proposal will introduce and enhance the street level activity in place of the existing blank frontage. It is not considered that there will be a cumulative impact as a result of this new restaurant in the West End Stress Area.

A draft Operational Management Plan (OMP) has been submitted which states that the restaurant will operate a booking system, which will prevent customers queuing on the street. Any customers who wish to smoke will be directed to Bridle Lane and they will be supervised at all times and will be prevented from taking their drinks with them. As the management plan is in draft form, it is considered that once an operator is selected a more robust OMP is submitted. This is dealt with by condition.

An internal refuse storage area is proposed and this is considered acceptable.

There is a dedicated service entrance for the restaurant use within Bridle Lane. The submitted Servicing Management Plan (SMP) states that there will be up to four deliveries per day and will take place between 06.00 – 08.30. These hours and the number of daily deliveries are considered reasonable in this area and it is not considered that there will be an increase in noise disturbance.

6.2 Townscape and Design

6.2.1 Demolition of the existing building

The police section house was erected in 1909–10 for the Metropolitan Police; the architect being the police surveyor at the time, J. Dixon Butler. The Survey of London describes the building as:

"An austere building reflecting something of the influence of C. R. Mackintosh. The walls are of grey brick above a base of brown glazed bricks, and there are plain stone surrounds with cyma-moulded labels to the arched doorway and the three-light windows of the ground storey. A large segmental bowed window, divided by stone mullions and transoms, lights the staircase." (*Survey of London: volumes 31 and 32: St James Westminster, Part 2 1963*).

The building's most attractive features are the entrance and curved stairwell on Beak Street. These features are visible along Beak Street from the west only, being hidden by the projecting corner in views from the east.

Apart from the entrance, the existing building does not present an active frontage to the street. The raised design of the ground floor means that the lower street presence is dictated by the half-basement windows at foot level and not full windows at eye level, to create a street-friendly facade. In this respect it represents poor urban design. The Bridle Lane facade is more utilitarian than Beak Street, with only high and low level windows and no entrance.

The existing building is unlisted but designated as being of merit in the Soho Conservation Area Audit. It contributes to the rich mixture of buildings in Beak Street, which includes original Georgian houses, Victorian redevelopment and 20th century buildings in a variety of architectural styles. There is a presumption in favour of its retention unless demolition is required to accommodate a replacement building that preserves or enhances the character and appearance of the conservation area to a greater degree.

However, the City Council accepted the demolition of the building in 2008 because it considered the merits of the alternative proposal (i.e. the proposed new building) outweighed the benefits to the conservation area of retaining the existing building.

6.2.2 The proposed new building

Layout

The proposed building would fill the site, reinstating the historic building lines and eliminating the set backs of the existing building on Beak Street. This is considered acceptable and appropriate.

Height and bulk

The proposed building is five storeys high with roof level plant. The top floor and plant room are progressively set back from the front facade. The principal parapet level on Beak Street and Bridle Lane is slightly higher than the parapet of the building immediately to the east, on the other side of Bridle Lane. At its western end the parapet is one storey lower. The highest parapet level, above the top floor, is slightly higher than the top of the front of the mansard roof of the adjoining building to the west. The roof level plant area is just over two metres above this level, and corresponds to the level of the set back mansard on the adjacent property.

The proposed height and bulk are greater than the existing building and the previously approved building, but are considered acceptable in relation to the neighbouring buildings.

Facade design

The proposed new building would be a modern design, with facades of glazed bricks. The ground floor is clad in dark bricks and the upper storeys clad in a lighter brick. The use of high quality glazed bricks is acceptable in this location. The use of glazed tiles would diminish the quality of the building, and is inappropriate and unacceptable in this conservation area location. The facades have a regular fenestration pattern recessed within a framework of

glazed brick piers. The scale and design of the new building relates to the larger scale 19th century redevelopments in Soho, such as those elsewhere in Beak Street and Lexington Street.

Shopfronts

One of the weaknesses of the existing building is its rather inactive ground floor frontage. The new building will have an active frontage with glazed shopfronts to bring activity to the street. This is beneficial in conservation area terms.

Public art

Public art is integrated into the design of the façade in the form of cast decorative metalwork panels in the framework of the splay windows on the corner, and in the cornice at high level. The public art, inspired by microscopic metal structures, and a reference to the historic name of Beak Street, Silver Street, is the work of Lee Simmons, who is also working on other new buildings in the West End, at Marble Arch, Wimpole Street and Wigmore Street. These panels give the building a slightly Art Deco feel.

Objections

A number of objections have been received with respect to design issues. Several refer to the height and bulk being unacceptable in relation to the context. Some suggest that the building should be no higher than previously approved. Others refer to the design being bland and the use of large windows and dark tiles inappropriate.

Historic England state that the scheme 'presents a generally contextual approach to the design and articulation of the elevations and include a high quality of material finish'. However, they object to the proposed height and bulk which 'exceeds that of 38a and 42 Beak Street' and they suggest the massing of this scheme should be reduced accordingly.

6.2.3 Conclusion

The existing building is undoubtedly of architectural and historic interest and makes a positive contribution to the conservation area. However, the proposed building is a high quality modern design which would be a suitable addition to the rich eclectic mixture of buildings which comprise Beak Street and this part of the conservation area generally. It is concluded that demolition of the existing building is acceptable given the qualities and advantages of the proposed building. The proposal is considered to comply with UDP Policies DES 1, DES 4 and DES 9.

6.3 Amenity

The proposed building is taller than existing, and also taller than its immediate neighbour at 1-3 Upper James Street. The proposed scheme is also one storey taller than the approved 2008 and 2011 scheme. To the rear the building will occupy the whole of the existing rear lightwell and will be built up to the boundary wall. Terraces are proposed at third, fourth and fifth floor level.

The nearest residential properties are located at 51 Beak Street, opposite the application site. Objections have been received on the grounds that there will be a loss of light to residential properties and adjacent office premises, loss of privacy from the proposed terraces and new office windows, increased noise disturbance from the terraces, increased sense of enclosure to office premises and loss of sky visibility.

Daylight and Sunlight

A daylight and sunlight study has been submitted and this has tested the residential properties

on the opposite side of the street. An objection has been received from the neighbouring office premises that their windows should have been tested. However, UDP Policy ENV13 seeks to protect residential and other sensitive uses. Offices are not considered to be sensitive uses and therefore there is no requirement for a study to be submitted.

With regards to 51 Beak Street, the daylight report indicates that there will be losses to daylight levels (VSC) ranging from 0.10% - 25.10%. Two windows at ground floor level will lose 25% and 20%, these windows serve the library of the single family dwelling and the existing levels of VSC are low, so the losses are disproportionately high. There are also two further windows at ground floor level which serve the library and remain unaffected by the proposals, and it is considered that this room would retain good levels of daylight. One window at first floor level which serves the living room will lose 21% of VSC, this window will also lose 33% of sunlight. There are three other windows which serve the living room on Marshall Street which remain unaffected by the proposals and given this, it is considered that this room would also retain good reasonable daylight and sunlight levels. The proposal is therefore considered to have no potentially unreasonable effect on the living conditions of existing residents in the locality.

Sense of Enclosure

The proposed building will occupy the full extent of the building's footprint and will be built up to the boundary walls with 1-3 Upper James Street. To the west, the neighbouring office building is set back from the boundary by a lightwell. To the south, the neighbouring office building abuts the site. There are windows in both elevations, which will be affected by the proposal. The objection from the occupier's states that this will have a detrimental impact on the office accommodation blocking two boardroom windows and resulting in loss of light and increased sense of enclosure. However, the 2008 and 2011 permissions also built up to both boundaries and given that the City Council's policy for protecting amenity is primarily aimed at protecting the living standards of residents rather than commercial occupiers, it is not considered that a reason for refusal could be sustained on the grounds of loss of light or increased sense of enclosure to existing office windows.

The boardroom which will be blocked is on the windows boundary wall and subsequently the applicant will need a party wall agreement for this element of the proposals. In addition, this room is also served by another window on Bridle Lane and it is not considered that the use of this room would be so adversely affected to prevent its continued use for office purposes.

It is considered that the western elevation on this boundary should be clad in white glazed brick to increase the reflectivity and this is dealt with by condition.

An objection has also been received from the office occupier of the building on the opposite side of Bridle Lane, stating that the increased height of the building will have a detrimental impact on daylighting levels and sky visibility. Any loss of views of the sky from this neighbouring commercial building would not have sufficient weight to justify refusal of planning permission.

Overlooking

Objections have been received on the grounds that there will be loss of privacy from the use of the terraces. The third floor terrace to the front of the building will be set back behind the building line, it is also opposite the entrance to Marshall Street and therefore not considered to cause overlooking to the residential properties at 51 Beak Street. Terraces are also proposed at fourth and fifth floor level. As these are at a higher level than the existing residential properties, it is not considered that there will be an increase in overlooking from the use of these terraces.

Objections have also been received to the new office windows. It is noted that these are larger than the existing windows, however, they have been designed to include ceramic fritting to the lower part of the window, thereby reducing the amount of visibility through the glass.

It is not considered that the use of the terraces will increase the amount of noise and disturbance in the area, as these will only be used during office times.

Plant

Mechanical plant is proposed at basement and at roof level. At roof level this will be enclosed within an acoustic plant enclosure. A full height extract duct is also proposed, this will be routed internally (from basement level) and extract at roof level. The duct will exhaust in the direction of the plant enclosure away from the neighbouring windows. Objections have been received from the neighbouring office building on the grounds that there will be an increase in noise from the plant and odours from the extract duct. Environmental Health has no objection to the proposal and the plant is likely to comply with the City Council's standard noise conditions. A condition is also proposed to ensure that the duct terminates above the height of the adjoining office building. The objections on these grounds are therefore not considered sustainable.

6.4 Transportation/Parking

The Highways Planning Manager raises no objections to the proposal and considers that the proposal is unlikely to have a significant impact on car parking in the area. The site is also well served by public transport, and despite the objections raised on the grounds of vehicular conflict, it is not considered that the application could be refused on these grounds. The measures outlined in the draft OMP, including asking customers to remain in the premises until taxis arrive, will help to address objector's concerns relating to pavement congestion.

Servicing

UDP TRANS20 requires off street servicing. No off-street servicing is proposed. The site is located within a Controlled Parking Zone, which means that single/double yellow lines in the vicinity can allow loading and unloading to occur. The largest regular servicing vehicle expected to be associated with the development is the refuse collection vehicle. A Servicing Management Plan (SMP) has been submitted with the application and indicates that servicing will take place between 07.00 and 19.00, but as there is no loading between 08.30 and midnight, the servicing can only occur during the early hours of the morning. As the service entrance is located within Bridle Lane away from any residential properties, it is considered that servicing can take place between 06.00-08.30 hours. A condition is recommended to secure these hours.

Cycle parking

Separate storage areas are proposed for the offices and restaurant. The application has been amended to ensure that the number of cycle spaces complies with the standards set out in the London Plan. The Highways Planning Manager has confirmed that the proposal now provides sufficient spaces.

6.5 Economic Considerations

Any economic benefits generated are welcomed.

6.6 Other UDP/Westminster Policy Considerations

Basement excavation

The existing basement level is proposed to be lowered by 1175mm. A structural report has been submitted and Building Control has no objection to the lowering of the floor level.

Construction impacts

Objections have been received on the grounds that this is a constrained site situated on the corner of relatively narrow roads, in particular Bridle Lane. An objection has also been received from Kiss radio, who is concerned over the vibrations caused during building works. A draft Construction Management Plan has been submitted, which covers issues of the basement excavation and the demolition and reconstruction. As this is still in a draft form, a condition requiring a full CMP is recommended. The objections relating to the construction impacts are not considered sustainable to justify a refusal.

The concerns regarding weekend construction works are noted, and the standard hours of work condition is imposed.

6.7 London Plan

The proposal does not raise strategic issues and does not have significant implications for the London Plan.

6.8 National Policy/Guidance considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.9 Planning Obligations

From 6 April 2015, the Community Infrastructure Levy Regulations 2010 (as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced later in 2015. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to

development avoided. This includes using the full range of statutory powers available to the Council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

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

- Affordable housing payment of £1,040,000.

The proposed development is also liable for a Mayoral CiL payment.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations 2010 (as amended).

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

City Plan Policy S39 states that major development should be designed to line to and extend existing heat and energy networks in the vicinity. Space has been made available at basement level to incorporate future connections, should a district energy network become viable for this development. This is considered to comply with Policy S39.

City Plan Policy S40 requires all major development to maximise on-site renewable energy generation to achieve at least 20% reduction in carbon dioxide emissions. Photovoltaic panels are proposed at roof level (10m²). Other energy efficiency measures are proposed and these result in 36% reduction in carbon dioxide emissions.

6.11 Access

Level access will be provided to the ground floor restaurant and the office entrance. Lift access is proposed to all floors of the office accommodation. A condition is recommended requiring the detailed layout of the proposed restaurant to show how access will be gained to the lower ground floor level.

6.12 Conclusion

The proposal is considered acceptable in land use, amenity and design grounds and is therefore recommended for approval.

BACKGROUND PAPERS

1. Application form
2. Letter from Historic England dated 29 June 2015
3. Letter from the Soho Society dated 10 July 2015
4. Memoranda from Environmental Health dated 8 July 2015 and 2 September 2015
5. Memorandum from the Highways Planning Manager dated 5 August 2015
6. Letter from owner/occupier of 1 Golden Square dated 24 June 2015
7. Letter from owner/occupier of 93 Stirling Court, 3 Marshall Street dated 26 June 2015
8. Letter from owner/occupier of 94 Stirling Court, 3 Marshall Street dated 26 June 2015
9. Letter from owner/occupier of 65c Beak Street dated 29 June 2015

10. Letter from owner/occupier of 51 Beak Street dated 30 June 2015
11. Letter from owner/occupier of 42-44 Beak Street dated 1 July 2015
12. Letter from owner/occupier of 1 Upper James Street dated 2 July 2015
13. Letter from owner/occupier of Flat 2, 6 Upper John Street dated 3 July 2015
14. Letter from owner/occupier of 53 Stirling Court, Marshall Street dated 3 July 2015
15. Letter from owner/occupier of 10.2 Stirling Court dated 6 July 2015
16. Letter from owner/occupier of first floor, 61-63 Beak Street dated 6 July 2015
17. Letter from owner/occupier of Flat 1, 6 Upper John Street dated 6 July 2015
18. Letter from owner/occupier of Flat 3, 61-63 Beak Street dated 7 July 2015
19. Letter from owner/occupier of Flat 9, 20 Marshall Street dated 7 July 2015
20. Letter from owner/occupier of 22 Marshall House, 49 Marshall Street dated 14 July 2015
21. Letter from owner/occupier of 11 Marshall House, 49 Marshall Street dated 19 July 2015
22. Letter on behalf of Simon Bowden Architecture, 37 Golden Square dated 10 August 2015
23. Letter on behalf of Estates and Agency Group, 33 Ely Place dated 10 August 2015
24. Letter from owner/occupier of 11-13 Frith Street dated 14 August 2015
25. Letter from owner/occupier of 27 Kingly Street dated 14 August 2015
26. Letter from owner/occupier of Flat 1, 25 Kingly Street dated 14 August 2015
27. Letter on behalf of Landmass London, 48 Beak Street dated 17 August 2015
28. Letter from owner/occupier of Flat 2, 24 Palace Court dated 21 August 2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT JOSEPHINE PALMER ON 020 7641 2723 OR BY E-MAIL – jpalme@westminster.gov.uk

DRAFT DECISION LETTER

Address: 40 Beak Street, London, W1F 9RQ

Proposal: Demolition and redevelopment to provide a new five storey building (plus basement) for use as Class A3 restaurant at part of ground and basement floors and Class B1 offices at part basement, part ground and first to fifth floors. Creation of terrace at roof level and plant. Excavation of existing basement by one metre.

Plan Nos: ST-EX-00-001, ST-EX-02-99, 100, 101, 102, 103, 104, ST-EX- 03-099, 100, 101, ST-EX-04-100, ST-DM-00-000
ST-PR-02 -099 P1, ST-PR-02-100 P1, 101, 102, 103, 104, 105, ST-PR-03-099, 100, 101 P1, ST-PR-04-100

Noise impact assessment, Structural Statement (INFORMATION ONLY), Energy assessment, transport statement

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 4 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours 08.00 to midnight Monday to Saturday and 08.00 - 23.00 on Sundays. (C12DC)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 5 You must provide detailed drawings (plans and section/elevation) showing the full height kitchen extract duct indicated on your approved drawings. These details must be provided before the restaurant use commences and the approved duct shall thereafter be permanently retained for as long as the restaurant is in use.

Reason:

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

- 6 You must apply to us for approval of a management plan to show how you will prevent restaurant customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 7 The Class A3 use allowed by this permission must not begin until you have fitted self-closing doors within an enclosed lobby at the entrances. You must not leave these doors open except in an emergency or to carry out maintenance. (C13MA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 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 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.

- 9 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.

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

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 11 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (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.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

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.

- 12 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the proposed arrangements. (C29AC)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 13 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 14 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 energy report from GDM Partnerships.

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

Reason:

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

- 15 You must submit detailed drawings showing the layout of the restaurant uses before the restaurants are occupied. The drawings must include the entrances, kitchens, covers and bar areas.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Mayfair Conservation Area. This is in line with S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 16 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings of how you will give people with disabilities access to all parts of the development. These drawings must include:

- * full details of threshold levels;
- * relevant elevations, plans and cross-sections of the building at a scale of 1:50; and
- * plans of all doors and handrails at a scale of 1:20.

You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C20BA)

Reason:

To make sure that there is reasonable access for people with disabilities, and to make sure that the access does not harm the appearance of the building, as set out in S28 of

Westminster's City Plan: Strategic Policies adopted November 2013 and H 8 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20BC)

- 17 All servicing must take place between 06.00 - 08.30 on Monday to Saturday and 06.30 - 08.30 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

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

- 18 You must clad the western elevation in white glazed brick. You must apply to us for approval of a sample of the white glazed brick. You must not start work on the relevant part of the development until we have approved the sample. You must then clad the elevation in the brick we have approved and must not change it without our permission.

Reason:

To increase the reflectivity into the adjoining office windows.

- 19 The plant/machinery hereby permitted shall not be operated except between 08.00 hours and 00.00 (midnight) 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: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 20 You must not allow more than 125 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 21 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 Soho 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)

- 22 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development - typical facade details at all levels. 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 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 Soho 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)

- 23 The facades shall be constructed using glazed bricks and not glazed tiles or slips.

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 Soho 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)

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

Reason:

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

- 25 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme

- The extract duct to terminate above the roof level of the adjacent property (1 Upper James Street)

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

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

- 26 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 8 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.

- 27 You must paint all new external ductwork black and keep them that colour. (C26EA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho 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)

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

Reason:

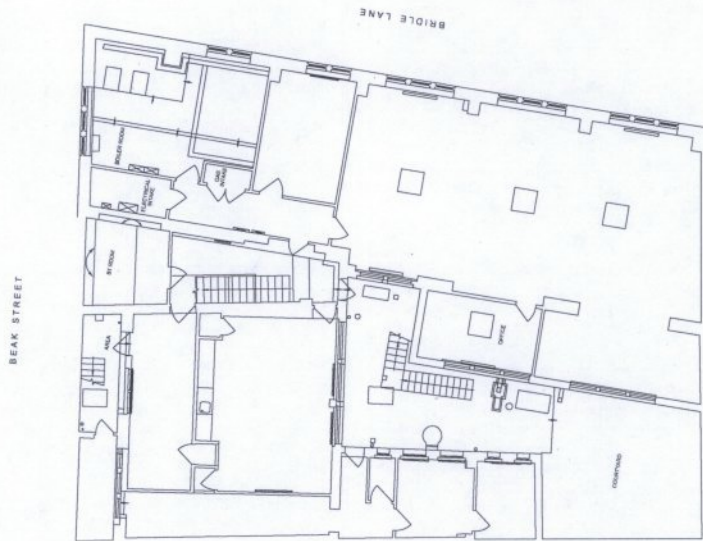
In the interests of public safety as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge. If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
Further details on the Mayor of London's Community Infrastructure Levy can be found on our

website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.

- 3 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.
- 4 Conditions 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. (182AA)
- 5 In premises that are to be used for entertainment purposes, where there may be a risk to employees from their exposure to high noise levels, the design and layout must seek to minimise such exposure so far as is reasonably practicable. For further information and guidance, please see: www.hse.gov.uk/noise/musicound.htm.
- 6 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.
- 7 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (139AA)
- 8 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (110AA)
- 9 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (106AA)



Project	40 Beak Street
Location	LONDON W1F 9RQ
Drawing	BASEMENT LEVEL PLAN
Project No.	AS EXISTING
Drawing No.	3814
Revision	ST-EX-02-099
Scale	1:200 @ A1
Date	10/07/2014
Sheet	P0

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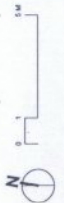
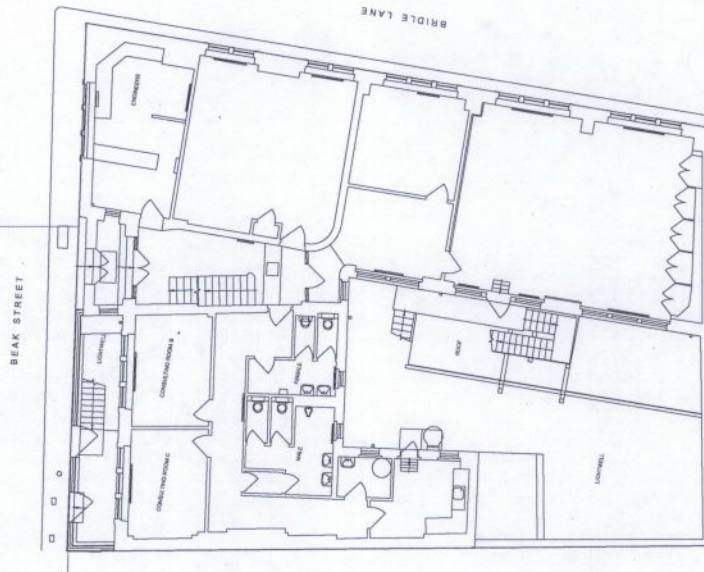
PLANNING

No.	Date	Revision Notes



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Site Area
451.9 sq m



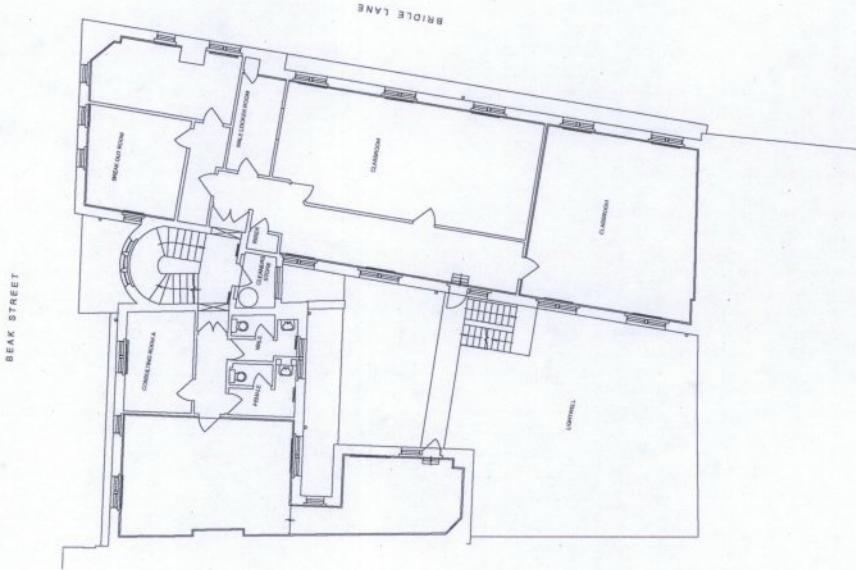
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No. Date Revision Notes

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Project	40 Beak Street LONDON W1F 9RQ
Drawings	GROUND FLOOR PLAN AS EXISTING
Project No	3814
Drawing No	ST-EX-02-100
Revision	P0
Scale	1:500 @ A1 Date: 02/07/2014
	Sheet



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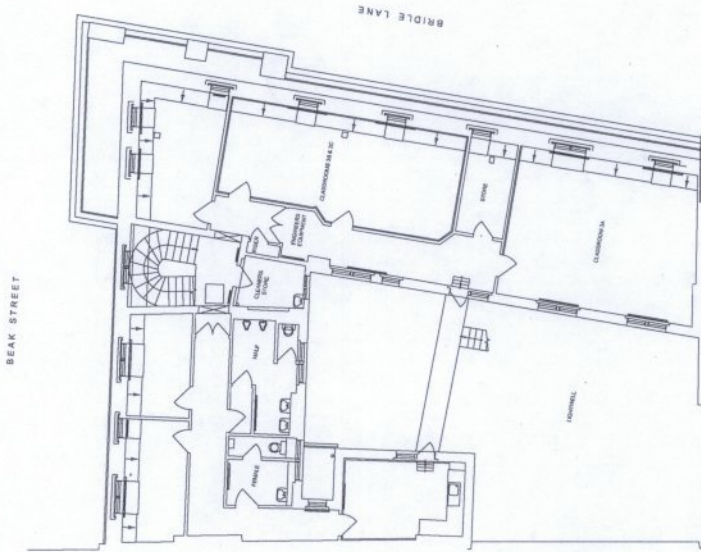
No. Date Revision Notes

No.	Date	Revision Notes
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Project	40 Beak Street LONDON W1F 9RQ
Drawn by	FIRST FLOOR PLAN AS EXISTING
Project No	3814
Drawn No	ST-EX-02-101
Scale	1:100 @ A3
Date	03/11/14
Sheet	P0



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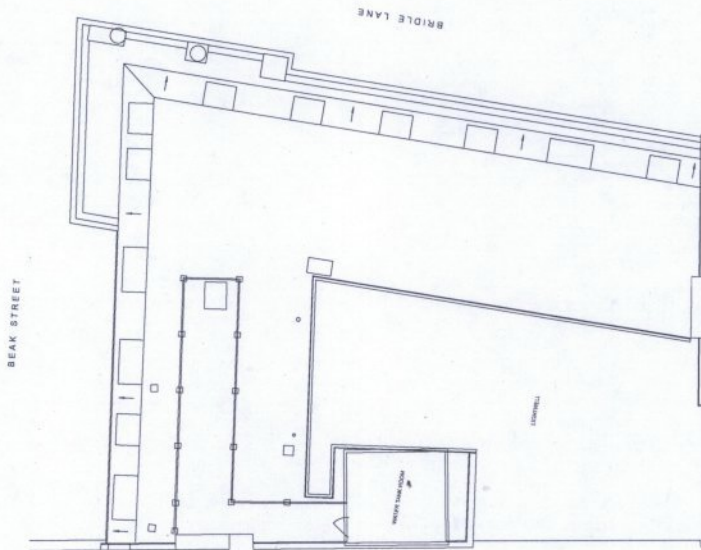
No. Date Revision Notes

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From	40 Beak Street
Drawn	LONDON W1D 4JL
Project No	3814
Drawing No	ST-EX-02-103
Scale	1:100 @ A3
Date	13/07/2011
Revision	P0

15/05/2014



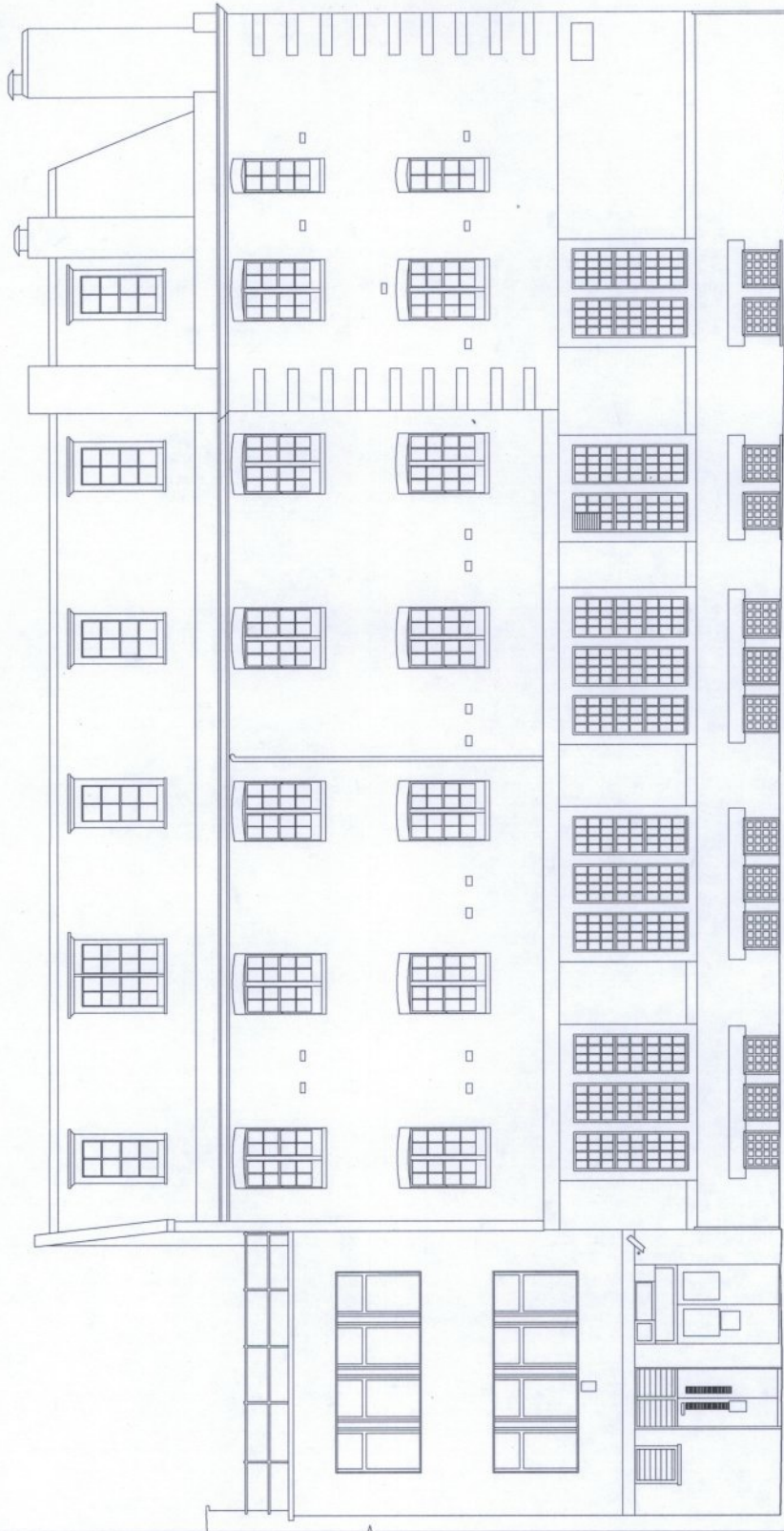
<p>GENERAL NOTES: Do not scale from this drawing. Check drawing on site and immediately report any discrepancies to the architect. Verify all dimensions and levels on site prior to construction. This drawing is the property of Stiff + Trevillion Architects LLP. Copyright © 2014. All rights reserved. No part of this drawing may be reproduced without their written permission.</p>	<p>No. Date Revision Notes</p>	<p>PLANNING</p>	<p>Project: 40 Beak Street LONDON W1F 9RQ Drawing: ROOF PLAN Status: AS EXISTING Project No: 3814 Drawing No: ST-EX-02-104 Scale: 1:500 @ A1 Date: SEP 2014</p> <p>Stiff + Trevillion Architects Ltd 15 Woodfield Road London W1F 9SE T: +44(0)20 7610 5350 F: +44(0)20 7610 5408 www.stiffandtrevillion.com</p>
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38a BEAK STREET

40 BEAK STREET

<p>Project: 40 Beak Street LONDON, W1F 9RD</p>	<p>Client: BEAK STREET ELEVATION</p>	<p>Project No: 3814</p>	<p>Drawing No: ST-EX-03-100</p>	<p>Date: 18.03.11</p>	<p>Scale: 1:100 & 1:25</p>
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<p>PLANNING</p>					
<p>0 1 5 M</p>					
<p>No. 010</p>	<p>Date</p>	<p>Revision Notes</p>	<p><small>GENERAL NOTES: Do not scale from this drawing. Check drawing on receipt and immediately advise the architect if any errors are noted. Verify all dimensions and levels. The accuracy of this drawing are: SDF - Trevillion Architects Ltd copyright and shall not be re-used without their written permission.</small></p>		



40 BEAK STREET

20 BRIDLE LANE

Project	40 Beak Street
Location	LONDON, W1F 9RQ
Drawn by	BRIDLE LANE ELEVATION
Client	AS EXISTING
Project No.	3814
Revision No.	ST-EX-03-101
Scale	1:100 @ A2
Date	14/03/2017
Sheet	P0

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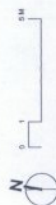
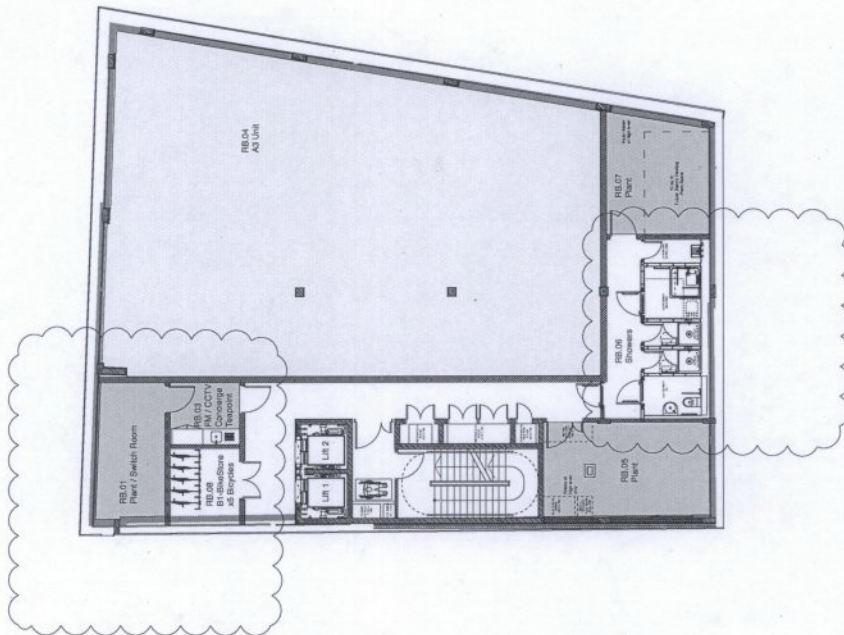
PLANNING

0 1 5 M

No.	Date	Revision Notes

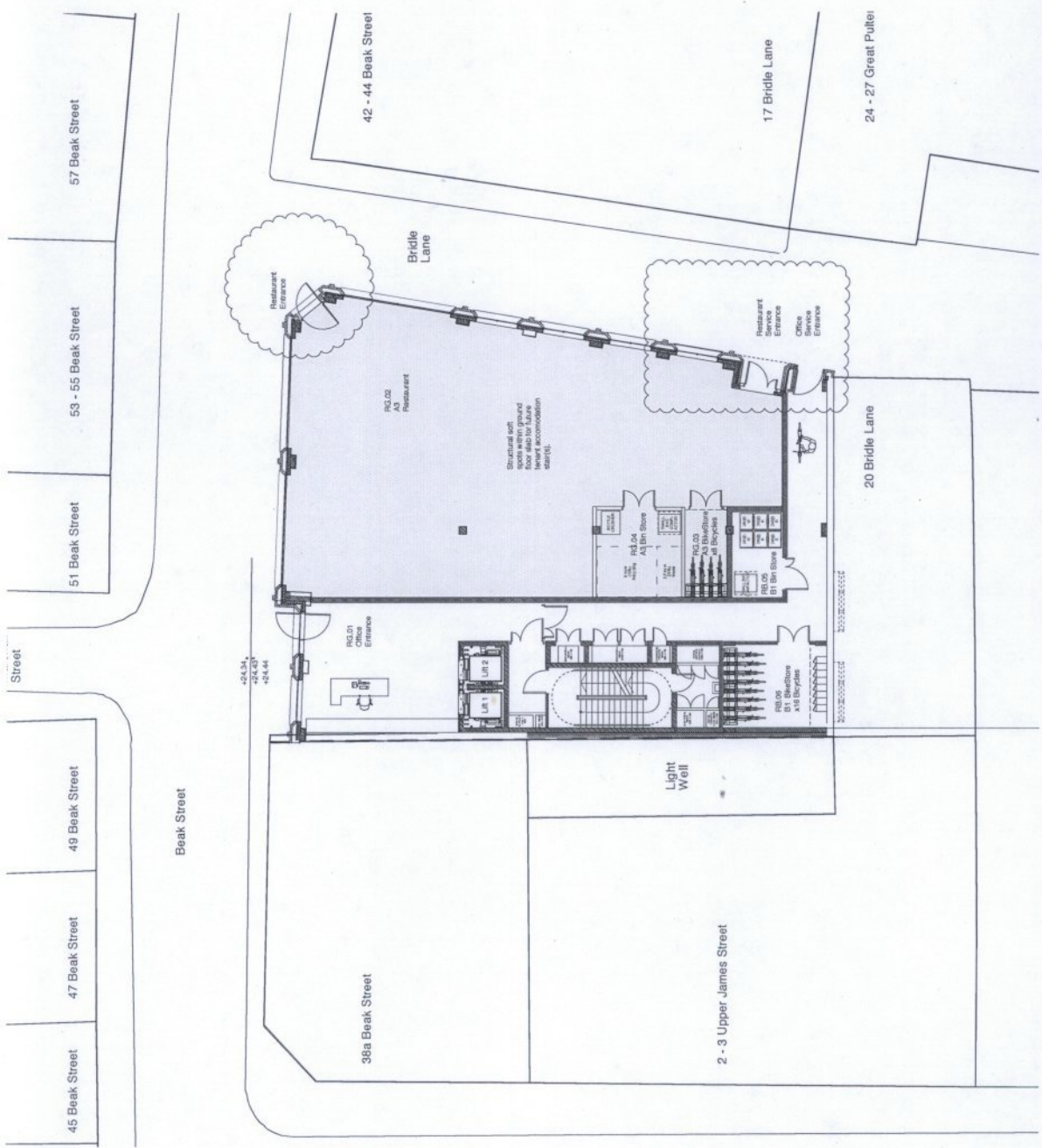
GENERAL NOTES:
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 2. Check drawing on receipt and immediately report any discrepancies to the architect.
 3. Verify all dimensions and levels.
 4. All work to be carried out in accordance with the relevant Building Regulations.
 5. Stiff + Trevillion Architects LLP copyright and shall not be liable without their written permission.

- LEGEND
-  B1 Office
 -  A3 Retail / Restaurant
 -  Plant
 -  Terrace



<p>NOTES:</p> <p>1. Check drawing for errors and inconsistencies. Verify all dimensions and levels. Scale: 1/8" = 1'-0". All dimensions are in feet and inches unless otherwise specified. All dimensions are to the center of the wall unless otherwise specified. All dimensions are to the center of the wall unless otherwise specified.</p>	<p>No. Date Revision Notes</p> <p>1 18/06/2018 Baseline (R10.06) with 5 no. additional shower rooms incorporated. Showers / WCs / Relocated to enable a full plant / plant room (R10.07) from 40 Beak Street.</p>	<p>PLANNING</p>	<p>Stiff + Trevillion Stiff + Trevillion Architects Ltd 140 Tottenham Court Road London W1P 0LP T +44(0)20 8846 5500 F +44(0)20 8846 5648 mail@stiffandtrevillion.com www.stiffandtrevillion.com</p> <p>Project: 40 Beak Street Drawn: LONDON W1F 9RQ Basement Level Plan AS PROPOSED</p> <p>Project No: 3814 Scale: 1/8" = 1'-0" Issue: 18/06/2018</p>
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- Legend**
- B1 Office
 - A3 Retail / Restaurant
 - Plant
 - Terrace



Project	40 Beak Street LONDON W1F 9RG
Drawn by	AS PROPOSED
Checked by	
Scale	1:500 @ A1
Date	18/07/2014
Sheet No.	3814
Project No.	ST-PR-02-100
Revision	P1
Number	03.03.1716

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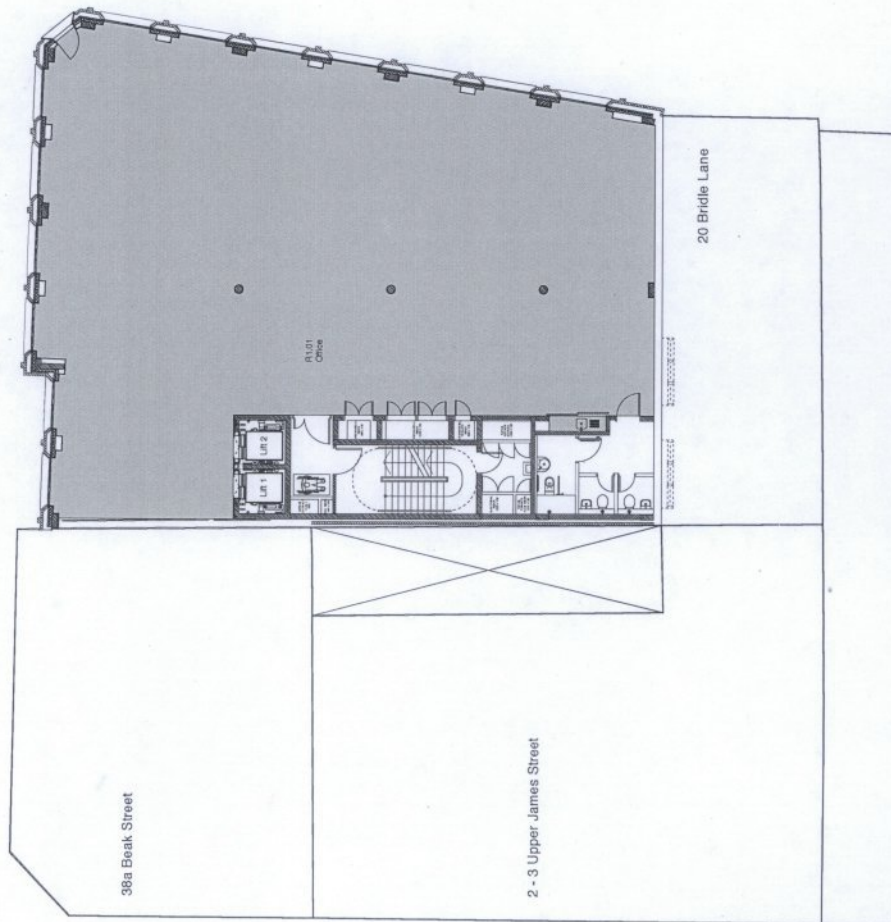
PLANNING

No.	Date	Revision Notes
1	13/08/2015	Restaurant corner entrance door moved further. Amendments to service entrance doors. Office service door moved to rear of building. Restaurant service door to front of building. Additional entrance added to Bridle Lane.

NOTES:
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 Check drawing in respect to local and international building codes and regulations.
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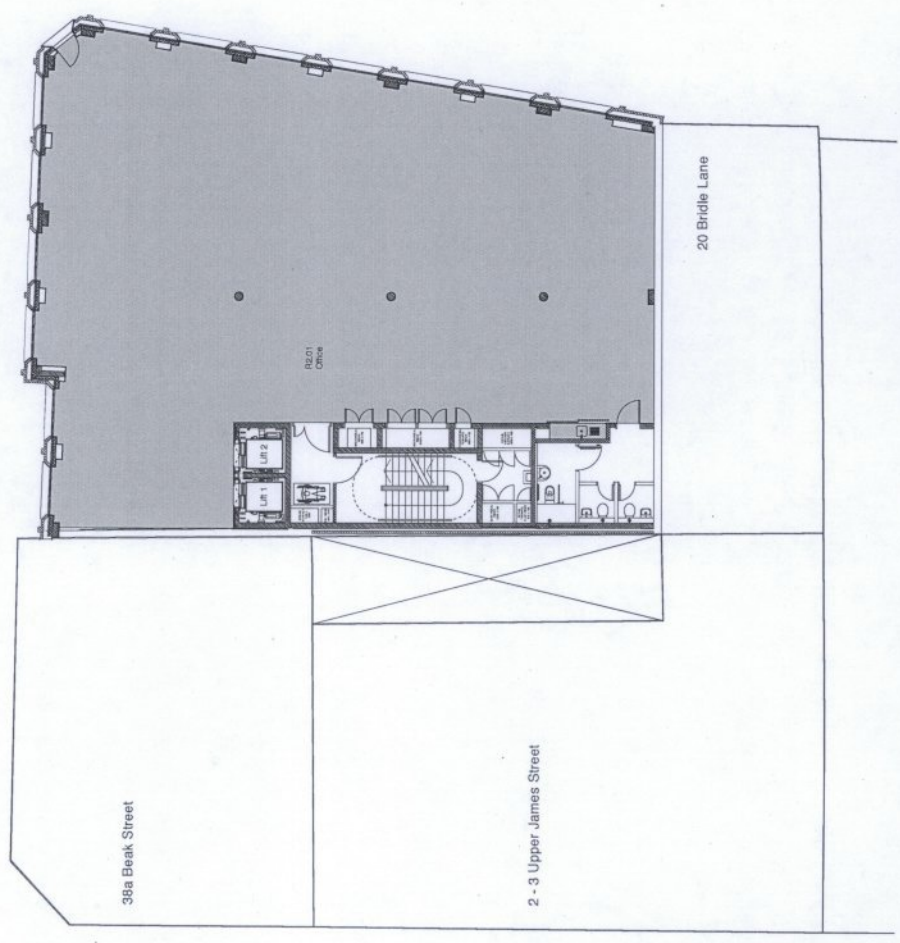


- Legend**
- B1 Office
 - A3 Retail / Restaurant
 - Plant
 - Terrace



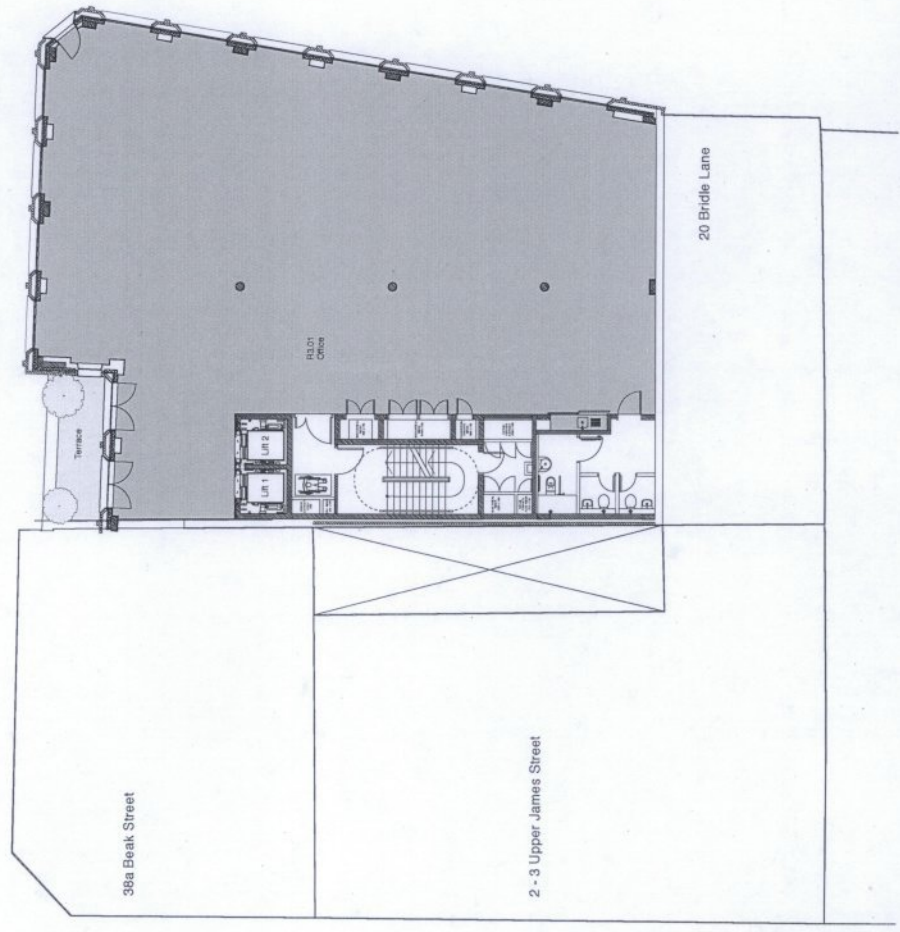
<p>GENERAL NOTES</p> <p>Do not scale from this drawing.</p> <p>Check drawings on receipt and immediately notify the architect of any discrepancies.</p> <p>Verify all dimensions and levels.</p> <p>The contents of this drawing are the property of the architect and shall not be used for any other purpose without the architect's permission.</p>	<p>No. _____ Date _____ Revision Notes _____</p>	<p>PLANNING</p>	<p>Stuff + Trevillion Staff + Trevillion Architects Ltd 15 Woodside Road London W1D 2JL T +44(0)20 8949 2349 M 0203 818487 www.stuffandtrevillion.com</p>	<p>Project: 40 Beak Street LONDON W1F 9RD Drawing: FIRST FLOOR PLAN AS PROPOSED</p>
	<p>Scale: 1:200 @ A1 Date: 09/12/2014</p>	<p>Drawn by: _____</p>	<p>Project No: 3814</p>	<p>Revision: P0</p>

- Legend**
- B1 Office
 - A3 Retail / Restaurant
 - Plant
 - Terrace



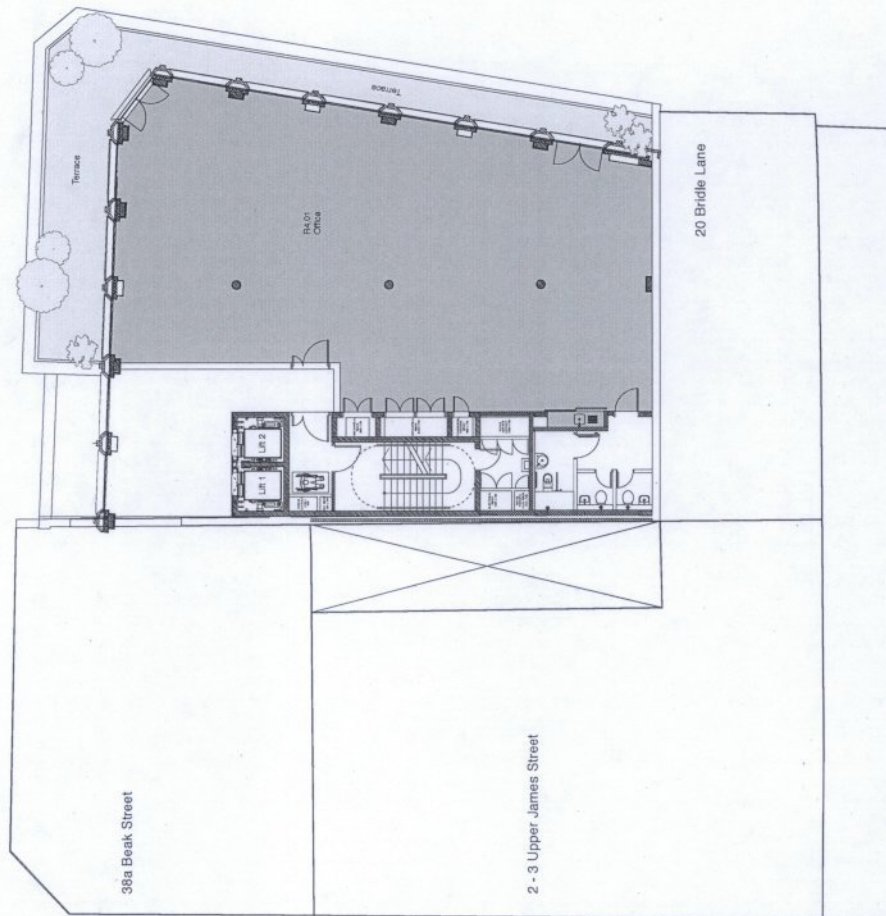
<p>GENERAL NOTES</p> <p>Do not build from this drawing.</p> <p>Check drawings in context and particularly verify all dimensions and levels.</p> <p>The contents of this drawing are valid for the project/contract only unless otherwise stated.</p>	<p>N.L. Date Revision Notes</p>	<p>PLANNING</p>	<p>Project: 40 Beak Street LONDON W1F 9RG</p>
			<p>Drawing: SECOND FLOOR PLAN AS PROPOSED</p>
<p>Client: Stiff + Trevillion Stiff + Trevillion Architects Ltd 14 Blenheim Street London W1F 9RG T: +44(0)20 7649 8669 www.stiffandtrevillion.com</p>			<p>Drawing No: 3814</p>
<p>Scale: 1:200 @ A3</p>			<p>Revision: P0</p>

- LEGEND**
-  B1 Office
 -  A3 Retail / Restaurant
 -  Plant
 -  Terrace



<p>PLANNING</p>	<p style="text-align: right;"> Project 40 Beak Street London W1F 9RG Drawing THIRD FLOOR PLAN AS PROPOSED </p> <p style="text-align: right;"> Client 3814 Drawn by ST-PR-02-103 <small>Scale 1:200 @ A2 Date: 07/11/2014</small> </p> <p style="text-align: right;"> Staff + Trevillion <small>Staff + Trevillion Architects Ltd 15 Woodgate Road London W1F 9JL T +44 (0)20 899 9999 F +44 (0)20 899 9999 info@staffandtrevillion.com www.staffandtrevillion.com</small> </p>						
<p>GENERAL NOTES</p> <p><small>Do not scale from this drawing. Check drawings on receipt and immediately notify the architect if there are any omissions or errors. The contractor shall be responsible for the accuracy of the dimensions and shall advise the architect if there are any discrepancies.</small></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">No.</th> <th style="width: 10%;">Date</th> <th style="width: 80%;">Revision Notes</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	No.	Date	Revision Notes			
No.	Date	Revision Notes					

- Legend:
- B1 Office
 - A3 Retail / Restaurant
 - Plant
 - Terrace



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 www.staff-trevillion.com

Project: 40 Beak Street
 LONDON W1F 9RQ
 Scheme: FOURTH FLOOR PLAN
 AS PROPOSED

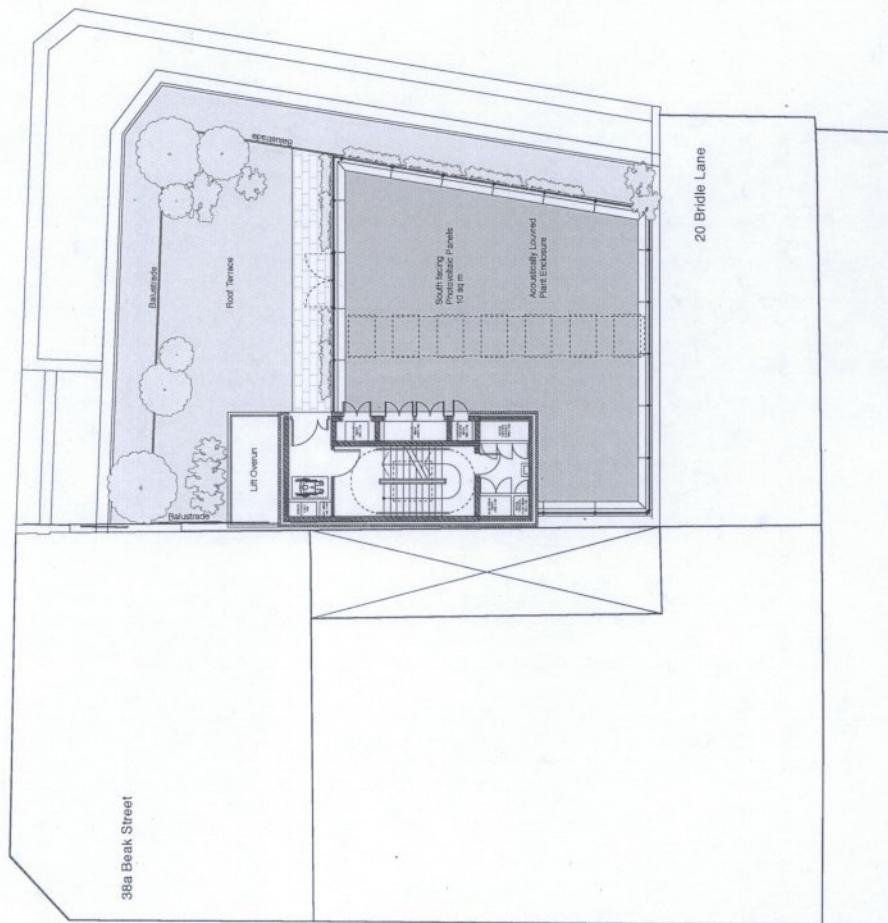
Drawn: [blank]
 Checked: [blank]
 Project No: 3814
 Scale: 1:200 @ A3
 Date: 09/11/14

No. Date Revision Notes

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Revision: P0

- Legend**
- B1 Office
 - A3 Retail / Restaurant
 - Plant
 - Terrace



No. Date Revision Notes

IMPORTANT NOTES
 Do not start construction until you have received the necessary planning permission.
 Check drawings on receipt and immediately report any discrepancies to the architect.
 All work shall be carried out in accordance with the approved drawings.
 All work shall be carried out in accordance with the approved drawings.
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Project	40 Beak Street
Location	LONDON W1F 9RQ
Drawing	ROOF PLAN
Revision	AS PROPOSED
Project No.	3614
Revision No.	ST-PR-02-105
Date	08/11/2014
Scale	1:100
Author	P0



Bridle Lane Restaurant Entrance Office Entrance

42 BEAK STREET 40 BEAK STREET 38a BEAK STREET

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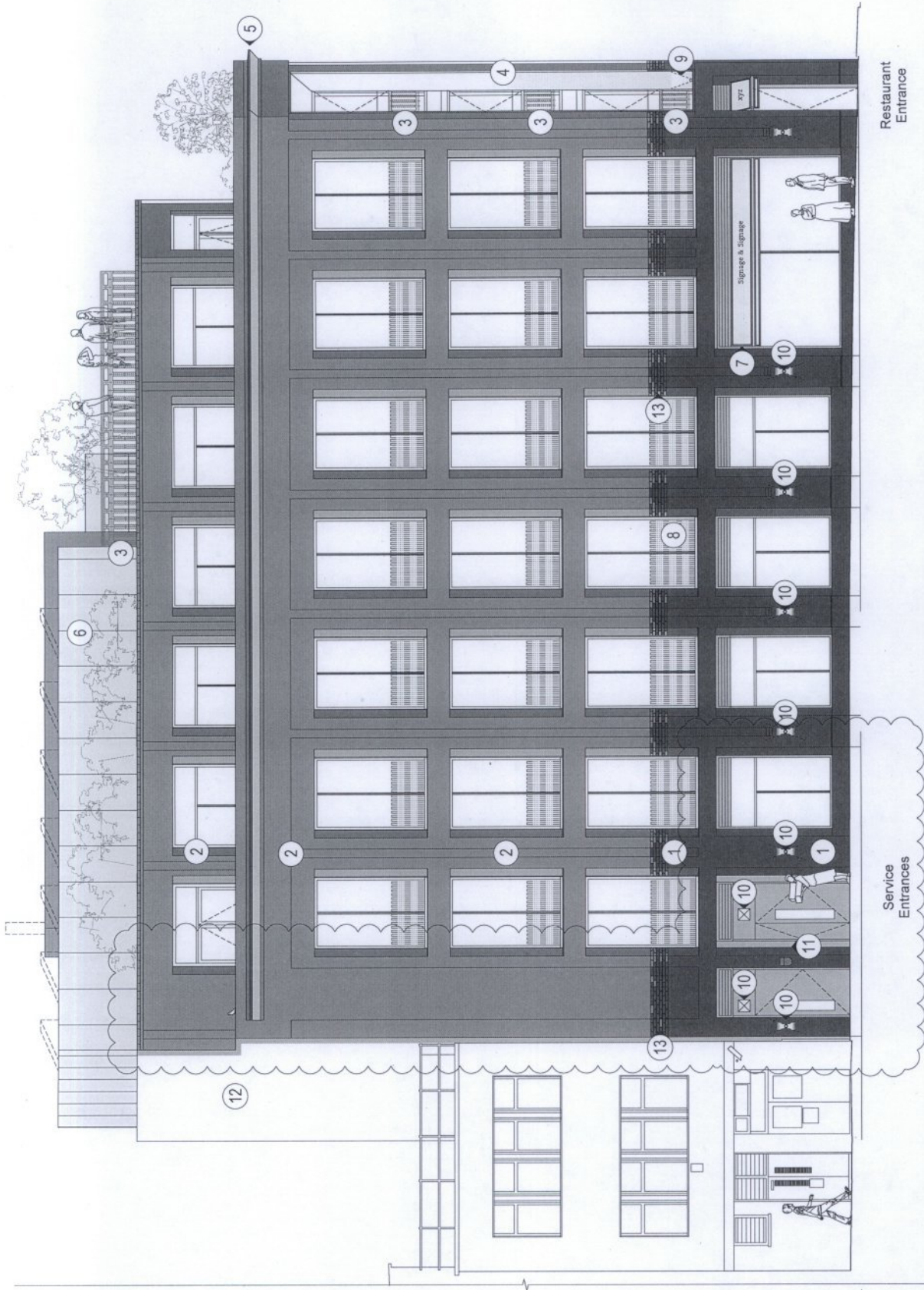
No.	Date	Revision Notes

LEGEND
01 Glazed Brickwork, Type 1 (Base)
02 Glazed Brickwork, Type 2 (Body)
03 Metal Balustrade
04 Decorative Corner Window Reveal
05 Acoustically Louvered Plant Enclosure
06 Restaurant Awnings
07 Ceramic Fitting
08 2nd External Warm White LED Uplighters (To base of corner window reveal)
09 External Warm White LED Light fittings
10 Wall Mounted Ashtrays
11 Brickwork, Type 1 To Floor Wall
12 Transom between Glazes Type 1 & 2

PLANNING		
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Project	40 Beak Street
Location	LONDON, W1F 9RG
Drawing No.	BEAK STREET ELEVATION AS PROPOSED
Project No.	3814
Drawing No.	ST-PR-03-100
Revision	P0
Date	15.08.2023
Drawn	MCD/MS
Checked	



20 BRIDLE LANE

40 BEAK STREET

Restaurant Entrance

Service Entrances

<p>GENERAL NOTES:</p> <p>1. Check all dimensions and levels against the approved drawings. Report any discrepancies to the Architect.</p> <p>2. The contents of this drawing are for the use of the contractor and shall not be repeated without their written permission.</p>	<p>No. Date Revision Notes</p> <p>1 03/02/2015 Service entrance doors reconfigured. Additional ground floor window added. Facade amendment to final facade by adjacent to 20 Bridle Lane.</p>	<p>Project 40 Beak Street Location LONDON, W1F 9RQ Drawn by BRIDLE LANE ELEVATION AS PROPOSED</p> <p>Project No. 3814 Scale 1:50 @ A3 Date 04/01/2015</p>
	<p>LEGEND</p> <p>011 Glazed Brickwork, Type 1 (Base)</p> <p>021 Glazed Brickwork, Type 2 (Body)</p> <p>031 Metal Balustrade</p> <p>041 Decorative Corner</p> <p>051 Acoustically Louvered Plant Enclosure</p> <p>071 Restaurant Awnings</p> <p>081 Ceramic Fitting</p> <p>091 2nd, External Warm White LED Uplighters (To base of corner window reveal)</p> <p>101 External Warm White LED Light fittings</p> <p>111 Wall Mounted Asptrays</p> <p>121 Brickwork, Type 1 To Plinth Wall</p> <p>131 Transition between Glazed Type 1 & 2</p>	<p>Stuff + Trevillion Staff + Trevillion Architects Ltd London W1P 2NR T +44(0)20 8193 8888 F +44(0)20 8193 8844 mail@stufftrevillion.com www.stufftrevillion.com</p>
<p>Project 40 Beak Street Location LONDON, W1F 9RQ Drawn by BRIDLE LANE ELEVATION AS PROPOSED</p> <p>Project No. 3814 Scale 1:50 @ A3 Date 04/01/2015</p>	<p>Stuff + Trevillion Staff + Trevillion Architects Ltd London W1P 2NR T +44(0)20 8193 8888 F +44(0)20 8193 8844 mail@stufftrevillion.com www.stufftrevillion.com</p>	<p>PLANNING</p> <p>0 1 5 M</p>

Agenda Item 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 September 2015	Classification For General Release	
Addendum Report of Director of Planning		Wards involved West End	
Subject of Report	70-73 Piccadilly, 1-3 Berkeley Street and 43-48 Dover Street, London, W1J 8HP		
Proposal	Demolition of the existing buildings and redevelopment to construct a building of ground plus six-10 storeys with three basement levels; use of the property as residential accommodation (Class C3) comprising 52 residential dwellings, hotel accommodation with ancillary functions (Class C1) and either retail/financial and professional services/ restaurants or drinking establishments (Classes A1-A4) at part basement, ground and first floor levels; installation of plant; creation of terraces at seventh and eighth floor levels; installation of PV cells at main roof level; open space as part of an amended pedestrian access route between Dover Street and Berkeley Street, 60 car parking spaces, 151 cycle parking spaces and other ancillary works.		
Agent	DP9		
On behalf of	Crosstree Real Estate Management LLP		
Registered Number	15/01827/FULL	TP / PP No	TP/4847/6184/5858
Date of Application	27.02.2015	Date amended/ completed	13.03.2015
Category of Application	Major		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

1. Grant conditional permission, subject to a S106 legal agreement to secure:
 - i. Provision of £1,500,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development).
 - ii. Compliance with the City Council's Code of Construction Practice and submission of a CEMP (Construction Environmental Management Plan) to an annual cap of £30,000.

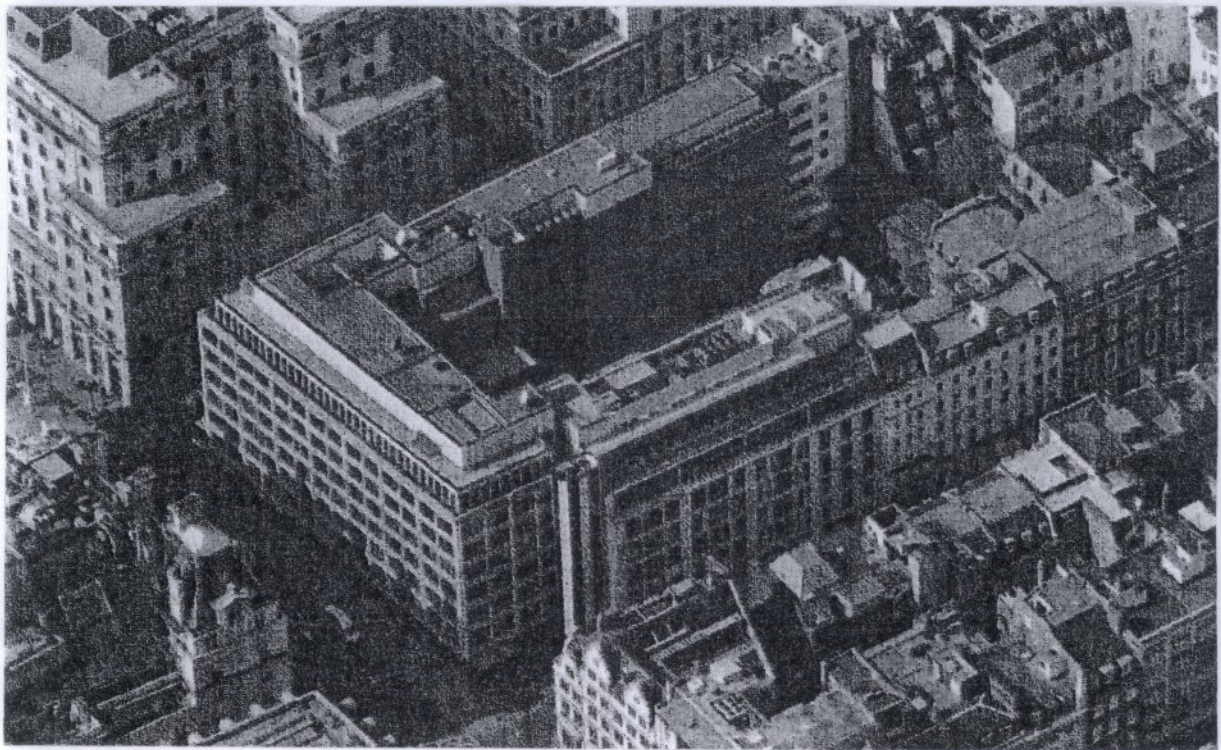
Item No.
2

- iii. Costs of highways works around the site to facilitate the development (including paving, dropped kerbs, raised crossing etc).
- iv. A Servicing Management Plan for the development.
- v. Re-location of the sculpture within the site.
- vi. A walkways agreement.
- vii. A contribution of £617,800 towards Crossrail.

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

- a) The Director of Planning shall consider whether 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.





70-73 PICADILLY, 1-3 BERKELEY STREET AND 43-48 DOVER STREET, W1

2. SUMMARY

This proposed redevelopment scheme was considered by the Planning Applications Committee on 14 July 2014. The Committee resolved to defer its decision to allow the applicant to reconsider the following:

1. The size and number of residential units, including consideration of reducing the size of some units and also the number of three/four bedroom units;
2. Providing unallocated parking;
3. Use of Portland stone on the proposed building;
4. Retention of a shopfront at 43 Dover Street;
5. Retention and restoration of Dover Yard sign.

Since the Committee's resolution the scheme has been amended. The number of residential units has been increased from 39 to 52. The table below compares the original residential mix as considered at the 14 July Planning Applications Committee against the revised scheme.

	Original submission considered 14 July 2015	Revised submission
1 bed	4	14
2 bed	11	22
3 bed	11	7
4 bed	10	7
5 bed	3	2
Total	39	52

The scheme now incorporates a higher percentage of one and two bedroom units. 48 of the 52 units proposed range between 82m² and 350m². Larger 2 x 4 bed units and 2 x 5 bed units ranging between 443m² and 760m² occupy the eighth to tenth floors.

The revised scheme will now provide 60 unallocated car parking spaces at basement level 3. The horse and statue and shop historic shopfront will be retained on site in Dover Yard. The applicant has confirmed that the Dover Yard sign will be retained and restored.

With regards to the use of Portland stone, unfortunately the applicant has declined to confirm that natural Portland stone will be used. As stated in the original officers report, it is considered essential that the new building be faced in natural Portland stone. This is because it is the stone which characterises Piccadilly and the Mayfair Conservation Area. For example, the listed buildings immediately south and west of the site, including the Ritz Hotel and Devonshire House, are all faced in natural Portland stone. In this case, planning permission could be issued with the condition attached (requiring the use of natural Portland stone) and the applicant can then lodge an appeal against the condition. Or alternatively the application could be refused on the basis that an alternative stone is not acceptable in this location. It is recommended that the former course of action is followed.

Independent consultants acting on behalf of the Council previously advised that the scheme could not viably support either the provision of on-site affordable housing or a financial payment in lieu. The applicant has submitted an updated viability report which concludes that the changes to the residential mix do not add to the residual land value of the proposed scheme and that the revised scheme cannot viably sustain affordable housing. The revised viability report is currently being assessed by the Council's independent consultants, and their conclusion will be verbally reported to Committee. Notwithstanding this, the applicant previously offered an exgracia payment of £1.5 million towards the City Council's affordable housing fund. This offer is again made.

The application is reported back for determination.

3. CONSULTATIONS

CONSULTATION RESPONSES RECEIVED AFTER PREVIOUS COMMITTEE REPORT WRITTEN, VERBALLY REPORTED TO COMMITTEE ON 14 JULY 2015:

COUNCILLOR GLANZ

- Supports the application, the new building is of a high quality architecturally and the materials used and improves the space to the rear.
- Smaller sized units would be more appropriate.
- Disappointed that a financial contribution is not made towards affordable housing.
- The statue should be relocated to an appropriate site within the West End Ward.

COUNCILLOR CHURCH

Objection in design terms, the building is too modern and inappropriate for one of the country's most iconic streets.

NO FURTHER CONSULTATIONS UNDERTAKEN

BACKGROUND PAPERS

1. Application forms and agent's letters dated 14 July 2015 and 14 August 2015.
2. Report to Planning Applications Committee and background papers dated 14 July 2015.
3. Email from Councillor Church dated 12 July 2015.
4. Email from Councillor Glanz dated 14 July 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT JOSEPHINE PALMER ON 020 7641 2723 OR BY E-MAIL – jpalm@westminster.gov.uk

DRAFT DECISION LETTER

- Address:** 70-73 Piccadilly, 1-3 Berkeley Street and 43-48 Dover Street, London, W1J 8HP
- Proposal:** Demolition of the existing buildings and redevelopment to construct a building of ground plus six-10 storeys with three basement levels; use of the property as residential accommodation (Class C3) comprising 52 residential dwellings, hotel accommodation with ancillary functions (Class C1) and either retail/financial and professional services/ restaurants or drinking establishments (Classes A1-A4) at part basement, ground and first floor levels; installation of plant; creation of terraces at seventh and eighth floor levels; installation of PV cells at main roof level; open space as part of an amended pedestrian access route between Dover Street and Berkeley Street, 60 car parking spaces, 151 cycle parking spaces and other ancillary works.
- Plan Nos:** BEC-P-10-001, BEC-P-11-001, BEC-P-11-002, BEC-P-11-003, BEC-P-11-004 rev P1, BEC-P-11-005 rev P1, BEC-P-11-006 rev P1, BEC-P-11-007 rev P1, BEC-P-11-008, BEC-P-11-009 rev P1, BEC-P-11-010 rev P1, BEC-P-11-011, BEC-P-11-012, BEC-P-11-013, BEC-P-11-014, BEC-P-11-015 rev P2, BEC-P-12-001, BEC-P-12-002, BEC-P-12-003, BEC-P-12-004, BEC-P-13-001, BEC-P-13-002, BEC-P-13-003,
- Case Officer:** Mike Walton **Direct Tel. No.** 020 7641 2521

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: 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)
- 3 The street facades of the new buildings shall be faced in natural Portland stone.
Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES

1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings (scales 1:50, 1:20 and 1:5 as appropriate) of the following parts of the development -
1. Typical details of the new facades at all floor levels.
 2. New shopfronts
 3. Roof level plant areas
 4. Proposals for the relocation of the historic shopfront at 43 Dover Street within the new development or an alternative location within the vicinity of the site
 5. Proposals for the relocation of the statue 'Horse and Rider' by Dame Elizabeth Frink within the proposed Dover Yard
 6. Public art

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

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

Reason:

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

- 5 You must apply to us for approval of a strategy for the design and location of all shopfronts and signs on the street facades.

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

Shopfronts and signs shall then be installed according to this strategy. (C26DB)

Reason:

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

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

Reason:

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

- 7 Customers shall not be permitted within the restaurants (Class A3) and bar (Class A4) premises outside of the following hours: 07.00 to 0000 midnight Sunday to Thursday, bank holidays and public holidays and 07.00 to 00.30 the next day on Friday and Saturdays.

Reason:

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

- 8 You must apply to us for approval of detailed drawings of the appearance and location of the ventilation system for the Class A3 use. You must not start any work on the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to these details prior to the first use of the restaurant and thereafter the ventilation system shall be retained and maintained for as long as the Class A3 unit is in place.

Reason:

The use of the Class A3 unit without any kitchen ventilation would cause harm to occupiers of neighbouring properties from cooking smells. This is as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007

- 9 You must apply to us for approval of an Operational Management Plan for the bar (Class A4) and restaurant (Class A3) uses. This shall include details of the capacity for each unit. You must not open the restaurant(s) or bar(s) to customers until we have approved what you have sent us. Thereafter you must manage the restaurant(s) and bar(s) in accordance with the approved plan.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8, TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 10 You must provide at least 2736 m² of retail (Class A1) floorspace within the development. The location of this Class A1 retail floorspace shall be approved as part of an Operational Management Plan prior to occupation of this part of the development. Thereafter the retail (Class A1) uses must be carried out in accordance with the approved plan.

Reason:

To ensure that there is no loss of retail (Class A1) in accordance with Policy S21 of Westminster's City Plan that we adopted in January 2011 and SS5 of the Unitary Development Plan that we adopted in January 2007.

- 11 (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.

- 12 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.

- 13 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 10 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.

- 14 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)

- 15 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(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)

- 16 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic

insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

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

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

Reason:

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

- 18 You must provide the waste store shown on drawings BEC-P-11-013, BEC-P-11-014, BEC-P-11-015 and BEC-P-11-001 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the properties. You must store waste inside the property and all the waste shall be collected internally. 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)

- 19 At least 20% of car parking space shall have access to an electric car charging point to be provided prior to occupation, and thereafter be maintained in working order.

Reason:

To provide parking spaces for people using the development as set out in TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

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

- 21 **Pre Commencement Condition.** No development shall take place, including any works of

demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:

- (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.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 22 Prior to commencement of development detail design of the cycle parking provision for all proposed land uses should be submitted for approval by the Local Planning Authority in accordance with FALP 6.9. The proposal must provide a minimum of 24 cycle parking spaces for the A class retail, 4 cycle parking spaces for the C1 Hotel and 74 cycle parking spaces for the Residential units. Details of access must be included. The approved cycle parking spaces must then be provided prior to the occupation and thereafter maintained as approved for cycle parking

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 23 Prior to commencement of development, detail design of the proposed basements to be submitted and approved, to ensure compliance with TRANS19. All basement structures must provide a minimum of 900mm cover to the footway and not extend more than 1.8 metres under the highway.

Reason:

To ensure that the development complies with Policy TRANS 19 to limit the extent of new basement vaults under the highway

- 24 Any structure over the footway (highway) must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge.

Reason:

In the interests of public safety 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. (R24BC)

- 25 Prior to commencement of development, detail design of the entrance and exit of the HGV Service Vehicle Lift and adjoining walls shall be submitted for approval to ensure the adequate visibility splays can be achieved to other highway users.

Reason:

In the interests of public safety 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. (R24BC)

- 26 Prior to commencement of development, detail design of a vehicle signalling system shall be submitted for approval for the HGV vehicle service lift. The signalling system shall be installed prior to occupation of the development and thereafter maintained in working order for the life of the development.

Reason:

In the interests of public safety 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. (R24BC)

- 27 You must provide each car parking space shown on the approved drawing for people living in the development. At least one car parking space must be provided for each of the residential flats within the 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)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 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)

- 3 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 4 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 5 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)
- 6 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

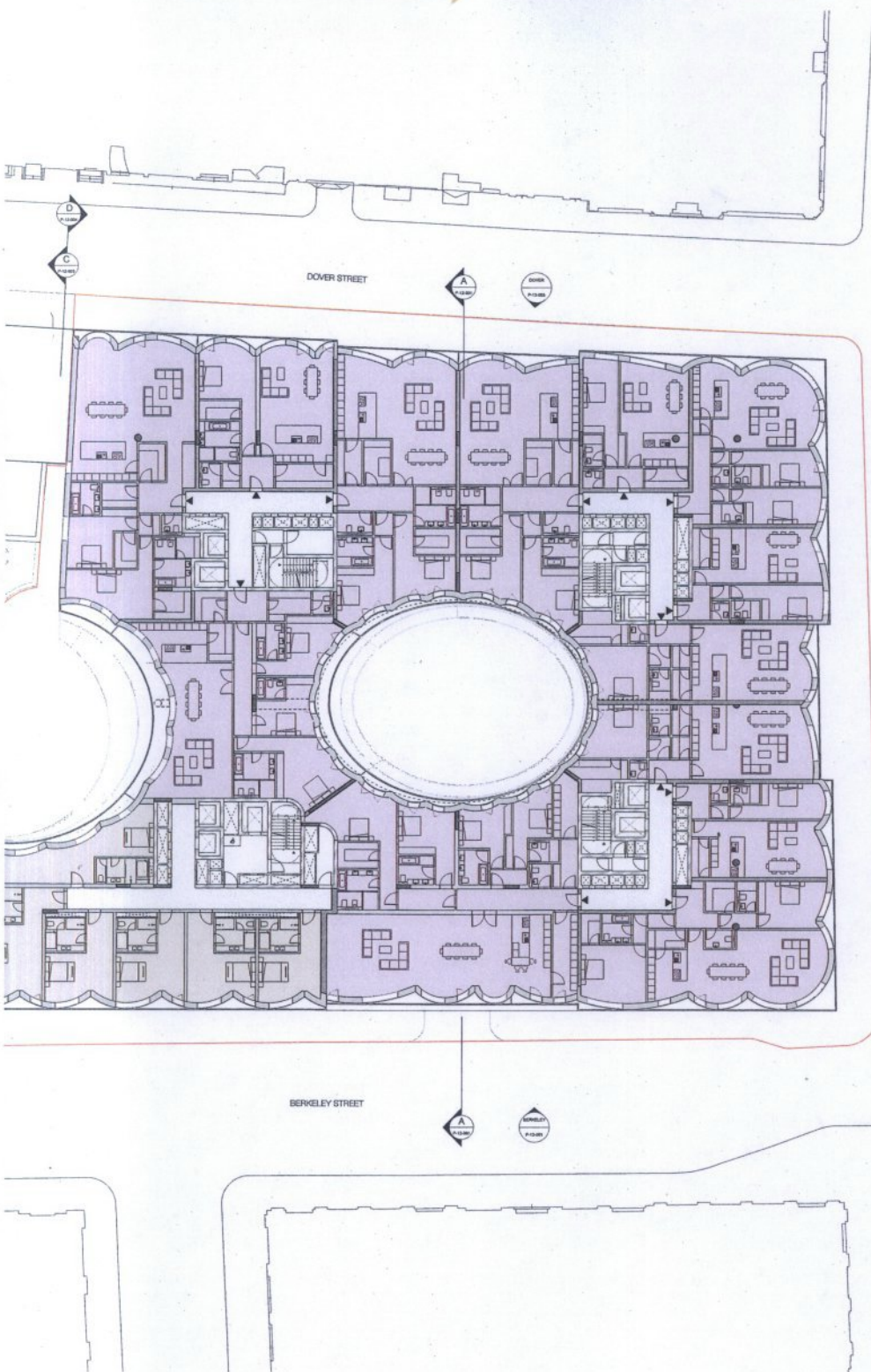
- 7 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely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

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

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

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

- 8 Conditions 11 and 12 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (182AA)
- 9 Please contact Andy Foster in Engineering and Transportation Projects on 0207 641-2521 regarding works to the highway.
- 10 Prior to the commencement of development, the highway will need to be stopped up under s247 of Planning Act. If works commence prior to the finalisation of the stopping up process, an obstruction of the highway is still occurring. The Highway Authority does not and would not support a stopping up order for the section of highway required for the development to occur.



PLEASE NOTE:
 DRAWING TO BE USED IN CONJUNCTION WITH THE SPECIFICATION AND ALL RELEVANT DRAWINGS.
 DO NOT SCALE FROM THIS DRAWING.
 ANY ERRORS OR OMISSIONS TO BE REPORTED TO THE ARCHITECT IMMEDIATELY.
 ALL MATERIALS, FINISHES AND BUILDING INFO HAS BEEN COPIED FROM VARIOUS SOURCES.
 ALL INTERNAL LOCATIONS ARE INDICATIVE ONLY.
 ALL LANDSCAPE DETAILS ARE INDICATIVE AND SUBJECT TO AGREEMENT VIA THE PLANNING CONDITIONS.

- KEY:
- RESIDENTIAL
 - HOTEL
 - RETAIL
 - SHARED PLANT
 - PARKING

- 1:100 Area Retaining Wall
- 1:100 Area Retain On
- 240 The Network On

- PASSIVE ELECTRICAL CHANGING POINT (EPCO)
- ACTIVE ELECTRICAL CHANGING POINT (EPCO)



REV DATE COMMENTS

PI	14.08.2010	Increased number of apartments
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PLANNING

Project: 70-73 Piccadilly

Drawing Title: Fourth Floor Plan

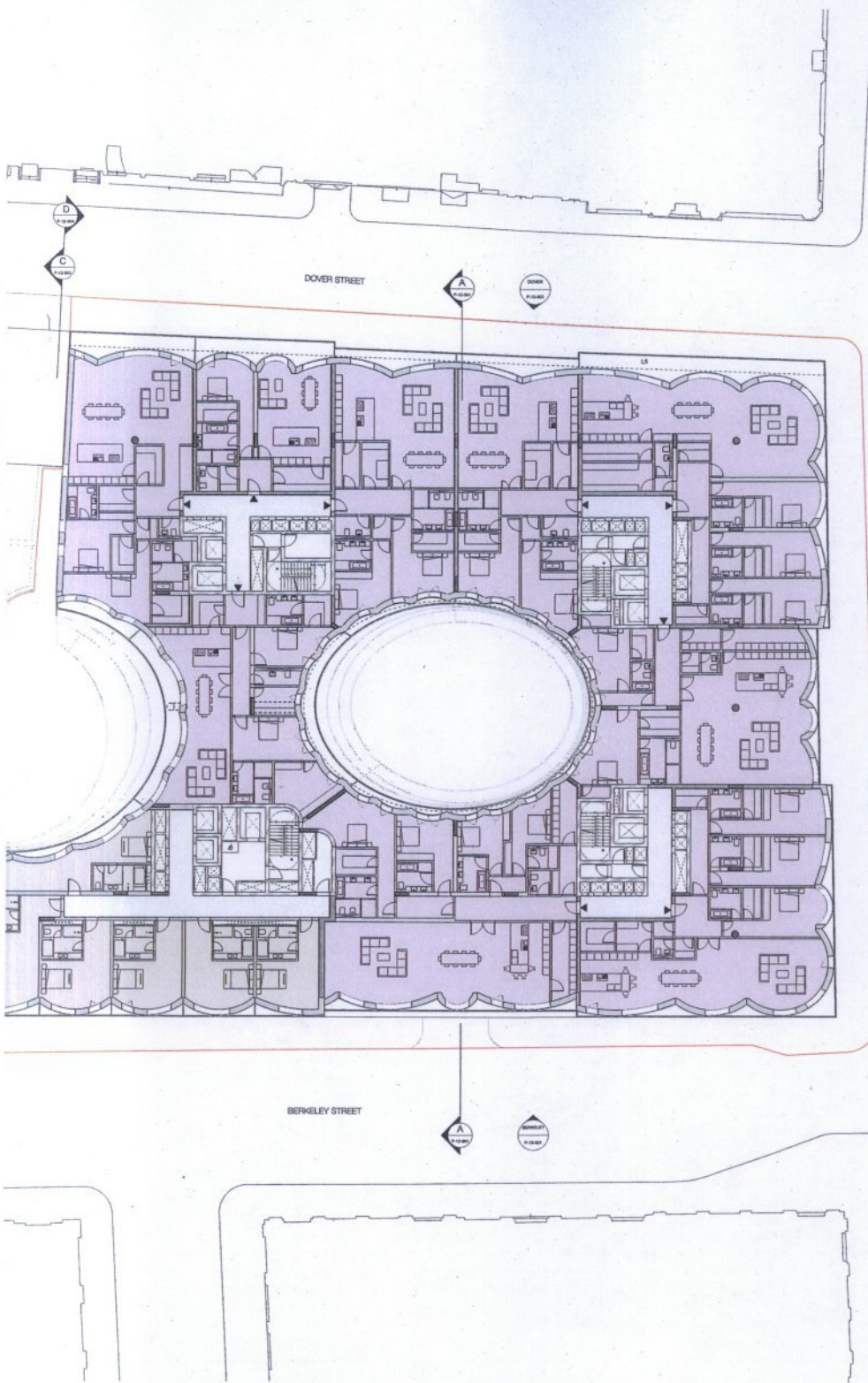
Scale: 1:200 (A1) / 1:400 (A3) Date: Feb 2010

Drawn by: PPI/GP Checked by: JB

Drawing No: BEC-P-11-005 Revision: P1

Aljaye Associates

100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000



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- KEY:
- RESIDENTIAL
 - HOTEL
 - RETAIL
 - 5-WHEELED PLANT
 - PARKING

- 1,100 mm Recycling Bin
- 1,100 mm Refuse Bin
- 800 mm Petrol Bin
- PASSIVE ELECTRICAL CHANGING POINT (P.E.C.)
- ACTIVE ELECTRICAL CHANGING POINT (P.E.C.)

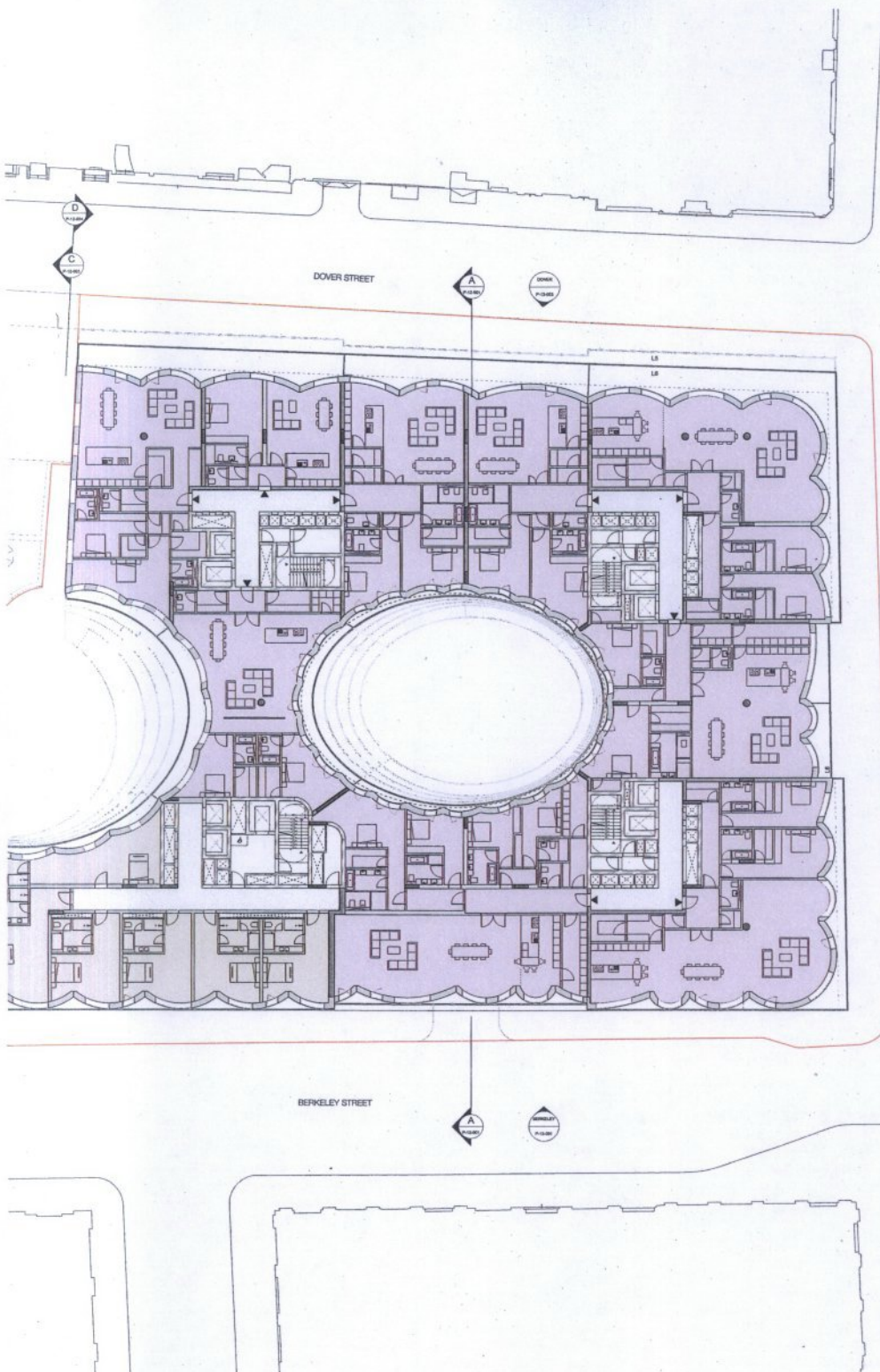


REV	DATE	COMMENTS
P1	14.08.2015	Increased number of apartments

PLANNING

Project: 70-73 Piccadilly
 Drawing Title: Fifth Floor Plan
 Issue: 1.200@A1/140928A3 issue: Feb 2015
 Drawn by: PPH/QP
 Checked by: JB
 Drawing No: SEC-P-11-006
 Revision: P1

Adjaya Associates
 100-102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000



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- KEY:
- RESIDENTIAL
 - HOTEL
 - RETAIL
 - SHARED PLANT
 - PARKING

- 1,100 Wm Recycling Bin
- 1,100 Wm Refuse Bin
- 240 Wm Refuse Bin

- PASSIVE ELECTRICAL CHARGING POINT (PICO)
- ACTIVE ELECTRICAL CHARGING POINT (PICO)

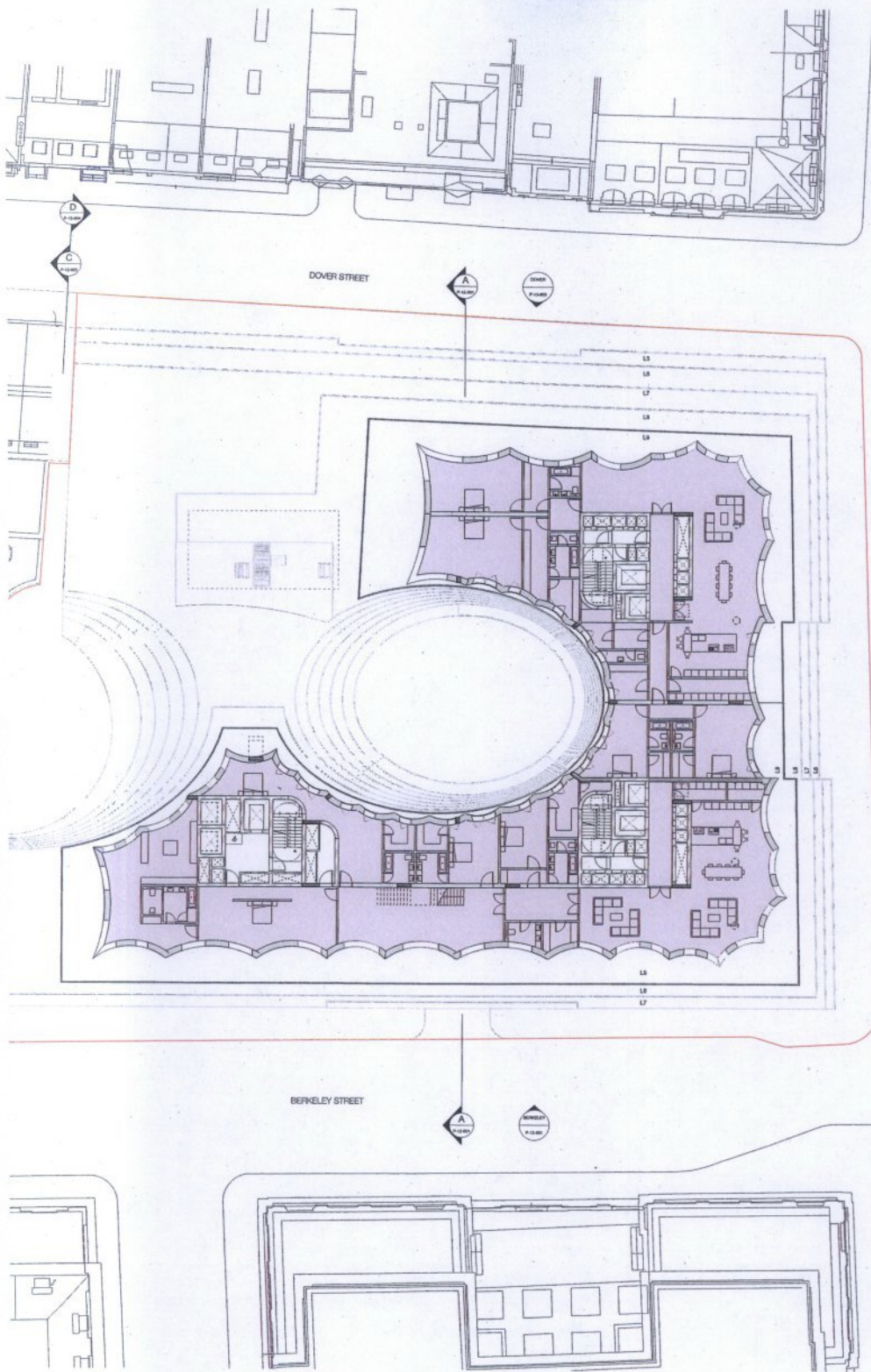
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REV	DATE	COMMENTS
P1	14.08.2018	Finalised number of apartments

PLANNING

Project: 70-73 Piccadilly
 Drawing Title: Sixth Floor Plan
 Scale: 1:200 (A1) / 1:400 (A3) Date: Feb 2018
 Drawn by: PPI/GP Checked by: JB
 Drawing No: BEC-P-11-007 Revision: P1

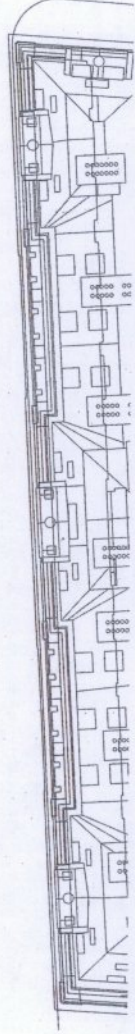
Adgeye Associates
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- KEY:
- RESIDENTIAL
 - HOTEL
 - RETAIL
 - SHARED PLANT
 - PARKING

- 1,100 ltr Recycling Bin
- 1,100 ltr Refuse Bin
- 240 ltr Refuse Bin
- FIRE ALARM CONTROL PANEL
- ACTIVE ELECTRICAL CHANGEOVER POINT PANEL



REV	DATE	COMMENTS
P1	14.06.2015	Increased number of apartments

PLANNING

Project: 70-73 Piccadilly
 Drawing Title: 9th Floor Plan
 Scale: 1:200 (A1) 1:400 (A2) Date: Feb 2015
 Drawn by: PFG/JP Checked by: JBJ
 Drawing No: REC-P-11-010 (Revision: P1)

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CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** held on **Tuesday 14th July, 2015**, Rooms 5, 6 & 7 - 17th Floor, City Hall.

Members Present: Councillors Robert Davis (Chairman), Peter Freeman, Susie Burbridge and David Boothroyd

Also Present: Councillors Karen Scarborough and Ian Rowley.

Prior to formal proceedings, the Chairman called a minute's silence in memory of Councillor Audrey Lewis who had recently passed away.

1 MEMBERSHIP

- 1.1 It was noted that Councillor Peter Freeman was replacing Councillor Tim Mitchell.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Davis declared that any members of the Majority Party who had or would make representations on the applications on the agenda were his friends. He also advised that in his capacity as Deputy Leader and Cabinet Member for Planning it was inevitable and part of his role that he gets to know, meet and talk to leading members of the planning and property industry including landowners and developers and their professional teams such as architects, surveyors, planning consultants, lawyers and public affairs advisers as well as residents, residents associations and amenity groups. It was his practice to make such declarations. He stated that it did not mean that they were his personal friends or that he had a pecuniary interest but that he had worked with them in his capacity as Cabinet Member for Planning. He also declared that those Members of the Majority Party who had or would be making representations were his friends.
- 2.2 He also explained that all four Members of the Committee were provided a week before the meeting with a full set of papers including a detailed officer's report on each application together with bundles of every single letter or e-mail received in respect of every application including all letters and e-mails containing objections or giving support. Members of the Committee read

through everything in detail prior to the meeting - often taking a whole day over the weekend to do so.

2.3 Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at the meeting in the officers presentation or by Members of the Committee, because of the need to get through a long agenda, it does not mean that Members have ignored the issue as they will have read about it and comments made by correspondents in the papers read prior to the meeting.

2.4 Councillor Davis also declared that in his capacity as the Cabinet Member for the Built Environment with specific responsibility for planning he regularly met with developers as part of the City Council's pre-application engagement with applicants. This was wholly in accordance with normal protocols and the terms set out in the Localism Act 2011 and as amplified in the Communities and Local Government Guidance document "A Plain English Guide to the Localism Act".

2.5 The meetings held with applicants and in some case objectors too are without prejudice and all parties are advised that a final formal decision is only taken when all the facts are before him and his Committee through the normal planning application process.

2.6 Councillor Davis made the following further declarations as they related to the specific applications on the agenda:

Item 1 – the Council owns the site and therefore has an interest and that he has had meetings with the applicants and knows DP9, their consultants.

Item 2 – he knows Montagu Evans, the consultants.

Item 3 – he has had meetings with the applicants and knows DP9 the consultants.

Item 4 – he knows the directors of the applicants, Lodha and has had meetings with them, he knows the architects, and Gerald Eve and their directors who are the applicant's consultants and that the application has been considered by the committee previously.

Item 5 – he has had meetings with the applicants and knows their consultants, James Lang LaSalle.

Item 6 – he has had meetings with the applicants, knows the applicants and the directors of the Grosvenor Estate, and knows the consultants Gerald Eve and their directors.

Item 7 – the site is next to City Hall and he knows the directors of Land Securities Wellington Limited and he knows directors of the applicant's representative, Gerald Eve.

Item 8 – he has had meetings with the applicants and knows the directors of the applicants and knows clients of their representative, Rolfe Judd.

Item 9 – the application had been considered by the committee previously.

Item 10 – that in his capacity as Deputy Leader and the Cabinet Member responsible for theatre, he had got to know a number of people in the theatre business, and that included Andrew Lloyd-Webber, he had met with a director of the applicant's representatives with regard to this application and had in the past received hospitality from RUG and Lord Lloyd-Webber.

Item 11 – the application site is in his ward and he had met with the applicants and their agent, Turley and that he knows the directors of Turley.

Item 13 – the application has been considered by the committee previously and he knew directors at Redrow.

2.7 Councillor Davis also stated that in his capacity as Cabinet Member he knew a number of other Planning Consultants acting generally for these applicants, including Four Communications and Belgrave, as well as the others above already mentioned.

2.8 Councillor Burbridge declared that any members of the Majority Party who had or would make representations on the applications on the agenda were her friends and some in the Minority Party too. She added that as a Member of the Planning Applications Committee, she does meet architects, developers and planners from time to time, however she had not discussed any applications with them on this agenda. She further declared that she had met many of the developers and architects involved with applications on the agenda in her capacity as a councillor.

Councillor Burbridge also declared that in respect of item 4, the application has been considered by the committee previously.

2.9 Councillor Boothroyd declared that he is Head of Research and Psephology for Thorncliffe, whose clients are companies applying for planning permission from various local authorities. He explained that no current clients are in Westminster and if there were he would be precluded from working on them under the company's code of conduct.

2.10 Councillor Boothroyd stated that some Thorncliffe clients have hired planning consultants who are also representing applicants tonight: DP9 on items 1, 2 and 3, Gerald Eve on items 4, 6 and 7, Jones Lang LaSalle on item 5, Rolfe Judd on item 8, and Turley on item 11. However, Councillor Boothroyd stated that he does not deal directly with clients or other members of project teams, and there is no financial link between the planning consultants and his employers.

2.11 Councillor Boothroyd made the following further declarations as they related to the specific applications on the agenda:

Items 1 and 2 – he was a member of the Planning Briefs committee in 2009 which considered the development brief.

Item 4 – he holds a visitor card for the LSE Library which is an adjacent building, and was a member of the committee deciding the previous residential scheme.

Item 5 - PegasusLife are current clients of Thorncliffe but only in relation to a development in Islington.

Item 7 - the site is part of a development by Land Securities; they are current clients of Thorncliffe but only in relation to a development in Worcester.

Item 13 - is in his ward and he has made representations on the main application and the construction management plan, so he will withdraw from the meeting when this item is considered.

2.12 Councillor Karen Scarborough declared in respect of item 1 that she has a granddaughter in Reception Class at St Vincent's School.

2.13 Councillor Ian Rowley declared in respect of item 1 that he occasionally attends mass at the Catholic Church of St. James (Spanish Place) which is attached to St. Vincent's School and that he knows the church's priest who is also his friend.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 16th June 2015 be signed as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 CAR PARK, AYBROOK STREET, W1

Erection of a building including excavation works to provide three basement storeys and six above ground storeys for mixed use purposes including up to 79 residential units, retail shops, restaurants, multi-purpose community hall, community space, cycle and car parking, servicing, landscaping, plant and other works. (Site also known as Moxon Street Car Park.)

Additional representations were received from Councillor Karen Scarborough, Councillor Ian Rowley and Councillor Iain Bott (10.07.2015), Ridgeford Developments Ltd (undated) on behalf of the applicant, Montagu Evans (08.07.2015) on behalf of Howard De Walden Estate and Dixon Jones (15.05.2015 and 18.05.2015).

Late representations were received from Councillor Heather Acton (11.07.2015), St. Vincent's Catholic Primary School (10.07.2015), Ridgeford Developments Ltd on

RESOLVED:

1. That conditional permission be granted, subject to a S106 legal agreement to secure:
 - the funding of all costs required to make changes to the existing parking regulations and traffic arrangements.
 - ensure that this layout is only implemented when the redevelopment of Moxon Street is completed.
2. That if the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution then:
 - a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue 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 the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
- 3 **70-73 PICCADILLY, 1-3 BERKELEY STREET AND 43-48 DOVER STREET, W1**

Demolition of the existing buildings at 70-73 Piccadilly, 1-3 Berkeley Street, and 43-48 Dover Street and redevelopment to construct a building of ground plus six-10 storeys with three basement levels; use of the property as residential accommodation (Class C3) comprising 39 residential dwellings, hotel accommodation with ancillary functions (Class C1) and either retail/financial and professional services/restaurants or drinking establishments (Classes A1-A4) at part basement, ground and first floor levels; installation of plant; creation of terraces at seventh and eighth floor levels; installation of PV cells at main roof level; open space as part of an amended pedestrian access route between Dover Street and Berkeley Street, 51 car parking spaces, 151 cycle parking spaces and other ancillary works.

Additional representations were received from Environmental Health (22.04.2015) and the Highways Planning Manager (01.07.2015).

Late representations were received from Councillor Paul Church (12.07.2015), Councillor Jonathan Glanz (14.07.2015) and DP9 (14.07.2015).

RESOLVED:

That the application be deferred to allow the applicant to reconsider:

- The size and number of residential units, including consideration of reducing the size of some units and also the number of three/four bedroom units;
- Providing unallocated parking;
- Retaining the horse statue on site;
- Use of Portland Stone on the proposed building;
- Retention of the Harrington Shop Front;
- Retention and restoration of Dover Yard sign.

4 NEW COURT, 48 CAREY STREET, WC2

Demolition of existing building and construction of a replacement building comprising sub-basement, basement, ground and nine upper floors to provide between 190 and 202 residential flats, with ancillary gym/fitness centre, car and cycle parking spaces and building services plant on the basement and sub-basement levels. **REVISED SCHEME:** changes to internal layout to create four additional residential units.

A late representation was received from Lodha Developers UK Ltd (14.07.2015).

RESOLVED:

1. The Committee agreed that a financial payment of £16 million in lieu of on-site affordable housing is acceptable, staged in three phases of affordable housing payments.
2. Subject to 1. above, that conditional permission be granted, subject to the views of the Mayor of London and a S106 agreement to secure:
 - i) a financial contribution of £16 million towards the Council's affordable housing fund;
 - ii) all highway works around the site for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving;
 - iii) a financial contribution to the Council's Environmental Inspectorate to monitor compliance with the Construction Environmental Management Plan;
 - iv) unallocated car parking;
 - v) free lifetime (25 years) car club membership for residents of the development;

Agenda Item 3

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 July 2015	Classification For General Release	
Report of Director of Planning		Wards involved West End	
Subject of Report	70-73 Piccadilly, 1-3 Berkeley Street and 43-48 Dover Street, W1		
Proposal	Demolition of the existing buildings and redevelopment to construct a building of ground plus six-10 storeys with three basement levels; use of the property as residential accommodation (Class C3) comprising 39 residential dwellings, hotel accommodation with ancillary functions (Class C1) and either retail/financial and professional services/ restaurants or drinking establishments (Classes A1-A4) at part basement, ground and first floor levels; installation of plant; creation of terraces at seventh and eighth floor levels; installation of PV cells at main roof level; open space as part of an amended pedestrian access route between Dover Street and Berkeley Street, 51 car parking spaces, 151 cycle parking spaces and other ancillary works.		
Agent	DP9		
On behalf of	Crosstree Real Estate Management LLP		
Registered Number	15/01827/FULL	TP / PP No	TP/4847/6184/5858
Date of Application	27.02.2015	Date amended/ completed	13.03.2015
Category of Application	Major		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Core Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

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

- i) Compliance with the City Council's Code of Construction Practice and submission of a CEMP (Construction Environmental Management Plan) to an annual cap of £30,000.
- ii) Costs of highways works around the site to facilitate the development (including paving, dropped kerbs, raised crossing etc).
- iii) A Servicing Management Plan (SMP) for the development.
- iv) Re-location of the sculpture within the site.
- v) A walkways agreement.

Item No.
3

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

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

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

2. SUMMARY

The site is occupied by four buildings in a prominent location fronting onto Piccadilly, Berkeley Street and Dover Street, within the Mayfair Conservation Area. The buildings are primarily a mix of hotel and offices with retail shop units and a restaurant on part of the ground floor and residential flats.

Permission is sought for redevelopment of the site to provide a single building comprising three basements, ground and up to 10 upper floors. The new building would provide a mix of retail (Class A1-A4 uses), a hotel, and residential accommodation. The scheme would result in the loss of the existing offices.

The key issues for consideration in this case are:

- The impact of the proposed building on the townscape and the character and appearance of the Mayfair Conservation Area.
- The acceptability of the proposal in land use terms.
- The impact on the surrounding highway network.

The new building is considered to be an innovative design that is an improvement to the existing buildings, in particular the 1970s buildings on Piccadilly and Berkeley Street. The detailing of the proposed new building gives it a complexity and richness and the use of Portland Stone and bronze are in keeping with the established palette of materials along Piccadilly.

The mix of uses are considered appropriate to the Core Central Activities Zone. The City Council's valuation consultants have advised that the scheme could not viably support either the provision of on- site affordable housing or a financial payment in lieu.

Notwithstanding an objection from the Highways Planning Manager subject to appropriate conditions and a legal agreement, the scheme is considered acceptable, including highways terms and complies with relevant policies set out in the Unitary Development Plan (UDP) and Westminster City Plan: Strategic Policies (City Plan).

3. CONSULTATIONS

GREATER LONDON AUTHORITY:

The principle of the scheme is supported in strategic terms.

Further details are required with regards to the loss of offices and the affordable housing offer. In design terms consideration should be given to the flank elevation of the retail unit at the north east end of the link. Details of the provision for the Dame Elizabeth Frink 'Horse and Rider' should be confirmed. Energy - the overheating strategy for residential living areas should be reviewed to avoid the use of air conditioners. Transportation - The proposal should be car free (except for blue badge parking)

LONDON UNDERGROUND LTD

No comment.

RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S

No objection.

THE ROYAL PARKS

No response received.

ENGLISH HERITAGE *Historic England*

No objection; comment that the existing buildings make no contribution of significance to the Mayfair Conservation Area. Considered that it is unfortunate that the opportunity is not taken to part re-instate the original historic plot widths to Piccadilly.

ENGLISH HERITAGE (ARCHAEOLOGY) *Historic England*

No objection, subject to an appropriate condition.

HIGHWAYS PLANNING MANAGER

- Refuse; changes to the building line would be harmful to pedestrian movements.
- If permission is granted a Servicing Management Plan should be secured as part of a S106 agreement.
- Car parking and cycle parking provision is acceptable.

ENVIRONMENTAL HEALTH

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 576; Total No. of Replies: 2.

Two objections on the following grounds:

Amenity

- Loss of sunlight.

Noise and Disturbance

- The development would result in unacceptable noise impacts both during construction and during the lifetime of the development.

Design

- The design, bulk and mass would be harmful to the area, including views from Green Park.

4. BACKGROUND INFORMATION**4.1 The Application Site**

The application site is located on the northern side of Piccadilly directly opposite the Ritz Hotel, close to Green Park. The site is occupied by a group of buildings fronting onto Piccadilly to the south, Berkeley Street to the west and Dover Street to the east.

The existing buildings comprise a number of different uses; a Holiday Inn hotel, commercial office space, residential retail (Class A1) and a restaurant (Class A3) uses.

The four buildings which occupy the site are:

No. 3 Berkeley Street a 1970s building comprising ground and seven upper floors occupied as a hotel by the Holiday Inn;

No. 70-73 Piccadilly is also a 1970s building comprising ground and seven upper floors with a recessed plant room above. The ground floor is in retail use, floors 1-4 are offices, floors 5-7 are hotel occupied by the Holiday Inn;

44-48 Dover Street was constructed in 2009 and comprises ground and 6 upper floors. The ground floor is retail, levels 1-5 are offices with residential at 6th floor level;

43 Dover Street is a 1980s building of ground and 6 upper floors. The ground floor is retail with residential above.

Dover Yard is located to the rear of the site and is used as a service yard for the Holiday Inn hotel, including car parking refuse areas and electricity substations. Dover Passage is a public right of way into Dover Yard linking Dover Street and Berkeley Street.

None of the buildings are listed but all are located within the Mayfair Conservation Area and the Core Central Activities Zone.

4.2 Relevant History

Various permissions have been granted with respect to buildings which comprise the site, however none are directly relevant to the current application.

5. THE PROPOSAL

Permission is sought for the demolition of all the existing buildings and redevelopment to provide a single building ranging from ground and six upper floors, to ground and 10 upper floors with three basement levels. The new building will provide 39 residential flats, a hotel and retail (Class A) floorspace.

Residential: The residential flats are dual aspect arranged around a central courtyard at 3rd to 10th floor levels. Residents have access to a spa, gym and treatment rooms at 1st basement level and 51 car parking spaces at 3rd basement level. Residential is accessed from either Piccadilly or Berkeley Street.

Retail: Retail (Class A1-A4) units are located at part ground, part first and part basement levels. The unit sizes have been designed with a degree of flexibility to cater for future tenants.

Hotel: The scheme aims to replace the existing hotel with a 5* hotel. The hotel will be located primarily at 1st and 2nd floors of the building but will rise up to 8th floor around the north west core on Berkeley Street. Access to the hotel will be from Berkeley Street and Dover Yard. Back of house facilities are located at first and second basements. The application drawings indicate that the hotel would have 95 rooms but the applicant is seeking flexibility and the number of rooms could range between 80-120.

Plant rooms for the building are located at basement levels as well as a standalone building in Dover Yard. The scheme includes car parking, cycle parking, and storage within the basement. All servicing will be off street via a vehicular service yard at basement level 2.

A sculpture- 'Horse and Rider' (1974-75) by Dame Elizabeth Frink is located where 70-72 Dover Street is set back on the south west corner of the site.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The floorspace figures are set out in the table below:

Use	Existing	Proposed	Change
Office	9,887	0	-9,887
Residential	1,504	19,340	+17,836
Retail (Class A1)	2,736	2,737	+1
Restaurant (A3) /Bar	309 (just A3)	1,296 (A3/A4)	+997 (A3/A4)

(A4)			
Hotel	10,601	13,163	+2562
Total	25,037	36,510	+11,473

6.1.1 Loss of office use

The proposal would result in the loss of 9,887 m² of office floorspace. The GLA, whilst supportive of the scheme in strategic terms, request that loss of offices should be further justified. Their stage 1 response refers to London Plan Policy 4.1 which promotes the continued development of a strong, sustainable and increasingly diverse economy with different types, size and cost of office space. They also comment that the site is within Westminster's Core CAZ where growth of commercial uses is encouraged to maintain the significant contribution Westminster makes to London's world city status.

In response to the GLA's comments the applicant refers to the fact that the London Plan recognises the pressing need for more housing in London, with increased housing targets set for each year. London Plan Policy 4.2 states that the Mayor and boroughs should support mixed use development and redevelopment of office provision to improve London's competitiveness and address the wider objectives of the London Plan. The strategic objective being to deliver additional housing to meet the need for more homes. Furthermore the London Plan states that local plans should support the conversion of surplus offices to other uses and promote mixed use developments and there is sufficient provision of office accommodation within the development pipeline. The applicant therefore concludes that the proposal accords with the strategic objectives of the NPPF, the London Plan and Westminster City Council policies.

The proposal needs to be assessed in the context of Policy S47 of the City Plan which 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.'

Paragraph 51 of the NPPF advises that local planning authorities should normally approve planning applications for change of use to residential and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Whilst there would be a loss of office floorspace and employment as a result of the development, the loss of offices is part of a mixed use scheme which would increase hotel and residential floorspace on the site. There is no evidence to suggest that the economic impact of the proposals on this part of Piccadilly or the City as a whole would be sufficiently harmful in this instance to justify refusing permission. There are no current policies within the UDP or City Plan which protect existing offices, this is under review but at the present time this application is considered to be acceptable

6.1.2 Residential

The use of the proposed building for residential purposes is supported by Policies H3 of the UDP and S14 of Westminster's City Plan.

The proposal would create an additional 17,835 m² of residential floorspace (GEA) in the form of 39 dwellings. This would make an important contribution to new housing provision and is welcomed in policy terms.

6.1.3 Residential mix and standard of accommodation

The table shows the proposed housing mix:

Table 2. Mix of units

Units	Number	%
1 bed	4	11
2 bed	11	28
3 bed or more	24	61
Total No.	39	100

The City Council wants to encourage more families to move into and stay in Westminster by providing more family sized housing. Policy H5 of the UDP requires that 33% of housing units be family sized (being three or more bedrooms). In this case 24 (61%) of the 39 units are family sized. Overall the mix of accommodation proposed is considered acceptable.

All units (ranging between 140 m² and 766 m²) have been designed to meet or exceed the Mayor's dwelling space standards set out in London Plan Policy 3.5.

All units have level access by virtue of the lifts provided the four vertical cores within the building. The residential units meet Lifetime Homes Standards and 10% of the units have been designed so that they can be easily adaptable to meet wheelchair accessibility standards in accordance with London Plan Policy 3.8.

In terms of residential quality all units are dual aspect apart from 4 x 1 bed units facing onto Dover Street. It is accepted that the background noise levels in this area of the City are high. Policy ENV6 of the UDP states that residential developments are required to provide adequate protection from existing background noise as well as noise from within the development itself. The submitted Environmental Noise Survey addresses the issue of internal noise levels to the new flats and assesses the building envelope's acoustic performance. This is a redevelopment which would incorporate double glazed windows and the high specification building fabric necessary to meet modern performance standards. A system of mechanical ventilation for the new flats is proposed should residents choose to keep their windows shut. Conditions are recommended to ensure that sufficient measures are put in place to mitigate against internal and external noise.

Overall, the quality and quantity of residential accommodation is acceptable in terms of layout, natural daylight, and internal noise levels.

6.1.4 Affordable Housing

Policy H4 of the UDP and S16 of Westminster's City Plan and Interim Guidance Note Implementation of Affordable Housing are relevant.

The policy requirement is that proposals for housing developments of either 10 or more additional units or over 1000m² additional residential floorspace will be expected to provide a proportion of the floorspace as affordable housing.

The proposed new residential floorspace is 17,836 m² GEA. Using the calculations set out in the Interim Guidance Note, this requires 25% of the total residential floorspace to be provided as affordable housing. This equates to 4459m² or 55 units (based on a unit size of 80 m²).

Policy S16 requires the provision of affordable housing on-site. It adopts a 'cascade' approach and states that "where the Council considers that this is not practical or viable, the

affordable housing should be provided off site in the vicinity. Off site provision beyond the vicinity of the development will only be acceptable where the Council considers that the affordable housing provision is greater and of a higher quality than would be possible on or off site in the vicinity...". If these options are not feasible, then a financial contribution in mitigation is an appropriate alternative, calculated according to the Interim Affordable Housing Note. A policy compliant payment in lieu is £28,463,283.

A viability report prepared on behalf of the applicants has been submitted to support the argument that the scheme cannot support either on-site affordable housing provision, or a payment in lieu to the City Council's affordable housing fund without impacting on the financial viability of the scheme.

An independent review of the viability report submitted in respect of the application has been undertaken by DTZ on behalf of the City Council. DTZ's professional conclusion is that the scheme is not able to support either affordable housing on site, the provision off site or a payment in lieu.

In the light of this independent advice it is considered that permission could not reasonably be withheld on the basis that the scheme does not make provision for affordable housing.

6.1.5 Retail

The site is within the Core CAZ, and the West End Special Policy Area. City Plan Policy S21 seeks to protect existing retail, as such permission will only be granted where the proposal would not be detrimental to the character and function of the area or the vitality and viability of a shopping frontage or locality. Policies SS4 and SS5 of the UDP seek to protect and maintain the established extent of A1 uses in the CAZ.

At present there are shop units on Piccadilly and Dover Street and the southern end of Berkeley Street close to the junction with Piccadilly. The majority of these units are occupied as retail (Class A1) shops. One of the shop units fronting onto Piccadilly is in restaurant (Class A3) use. In total there is 2736 m2 of retail (Class A1) and a restaurant of 309 m2 on the site.

The applicant has confirmed that at least all the existing retail (Class A1) floorspace will be re provided in the redevelopment scheme but at this stage there are no identified operators the applicant has requested some flexibility to allow part of the shop units to be occupied as either restaurant (Class A3) or bar (Class A4) space.

The provision of shop type premises at basement (level 01), ground and first floors is considered acceptable in principle and will retain uses which provide a service to visiting members of the public. It is considered important that quantum of retail (Class A1) and the location of the uses ensures that Piccadilly's strong retail character is maintained. Conditions are recommended which require there to be no loss of retail (Class A1) floorspace in comparison with existing and operational management plans for the units to be approved which will secure the location of the Class A uses and to maintain the strong retail (Class A1) character of Piccadilly.

6.1.6 Entertainment uses, restaurant and bar

The scheme may result in the provision of 1306 m2 of restaurant (Class A3) or bar (Class A4) should the additional Class A floorspace not be used as retail (Class A1). This would increase entertainment floorspace on the site by 997 m2. Westminster's City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses. They aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide services to people living in, working in and visiting

the City and contribute to its role as an entertainment centre of national and international importance.

The balance of these policies in terms of promoting entertainment uses and protecting amenity varies depending on the size, type and location of the entertainment use. The TACE policies are on a sliding scale in which developments where TACE 8 is applicable would be generally permissible and where TACE10 is applied (where the gross floorspace exceeds 500m²) only in exceptional circumstances.

In assessing the impact on residential amenity and local environmental quality regard is had to a) noise, b) vibration, c) smells, d) increased late night activity e) increased parking and traffic and f) no adverse effect on the character or function of the area.

The provision of new entertainment floorspace of 997 m² would need to be assessed against UDP policy TACE 10. It is unlikely that a large bar would be considered acceptable. The applicants have indicated that it is likely that there would be two restaurants which may both exceed 500 m². Given the size of the site it is considered that a development could potentially successfully accommodate two large restaurants however this would be subject to appropriate management and conditions to control hours of operation and capacity. A condition is therefore recommended requiring the submission of operational management plans which will come forward once the operators are known. The location of entertainment and retail uses will also be secured by condition.

6.1.7 Hotel

The site contains an existing hotel operated by the Holiday Inn along the Berkeley Street frontage. The proposal seeks to increase the size of the hotel by 2562 m². The applicant's stated intention is to operate a 5* plus hotel in keeping with Mayfair. There is no identified hotel operator. Flexibility is sought in the number of hotel rooms that would be provided which would range between 80-120.

The provision of a hotel accords with the aims of City Plan Policy S23 and UDP Policy TACE 2. These policies recognise the importance of Westminster as one of the world's premier visitor destinations and direct new hotels to the Core Central Activities Zone (CAZ), which do not have a predominantly residential character. The policies set out the criteria for assessing new hotels and extensions to existing hotels, in relation to their impact on residential areas, traffic and parking.

The principle of the provision of an enlarged hotel on the site is considered acceptable subject to the hotel use operating in accordance with an appropriate being hotel management plan which will be secured by condition.

6.2 Townscape and Design

The four buildings on the site are within the Mayfair Conservation Area. The buildings on Piccadilly and Berkeley Street are post war buildings of little merit. The Dover Street buildings include a modern building (no. 44-48) by Squire and Partners, which is less than 10 years old, and a new, but traditional, building at No. 43 Dover Street which features a very good historic shopfront. There is a strong presumption to retain this shopfront. The proposal involves the demolition of all of these buildings.

Both Dover Street buildings make a positive contribution to the character and appearance of the Mayfair Conservation Area. The other buildings do not make a positive contribution to the conservation area. The demolition of all these buildings could be acceptable in the context of a new building which makes an equal or greater contribution and preserves or enhances the character and appearance of the conservation area.

There are a number of listed buildings in the vicinity of the site. These include:

Grade II*

- Ritz Hotel, Piccadilly
- 157-160 Piccadilly
- Caviar House, 161 Piccadilly

Grade II

- Devonshire House, Piccadilly
- Stratton House, Piccadilly
- 41-42 Dover Street
- 63-65 Piccadilly

The site is adjacent to and visible from Green Park, which is in the Royal Parks Conservation Area, and the St James's Conservation Area which lies on the south side of Piccadilly.

a. Plan form

The existing buildings follow the historic building line, with the exception of the Dover Street frontage of 70-72 Piccadilly. The building is set back to provide semi-public space, used by the café (Café Nero) adjacent. There is an important sculpture, 'Horse and Rider' (1974-75) by Dame Elizabeth Frink in this space.

At the north end of the site is Dover Yard, which is essentially a service space. It is linked to Dover Street by a pedestrian route through the adjacent building at 42 Dover Street, which is not part of the site, and to Berkeley Street through the undercroft of the hotel.

The proposed building reinstates the historic building across the whole site. It also recreates Dover Yard as a circular space at the north end of the site. The space on Dover Street is lost, which is not unacceptable, but there is a need to relocate the important, and valuable, Frink sculpture within the site. There are no proposals to do this in the submitted scheme. The applicants preference is that the sculpture is relocated off site, however it is considered that it should be retained on site. It could be located in the new Dover Yard. This will be secured as part of the legal agreement.

b. Height and bulk

The existing buildings on the site are of different heights. The Piccadilly and Berkeley Street buildings are seven storeys high to parapet level, with one set back roof storey and a further set back plant floor, making nine storeys in total. The modern building at 44-48 Dover Street is five storeys high to parapet level, with two recessed roof storeys and a plant room, making eight floors in total. The narrow, single plot building at 43 Dover Street is six storeys, with a mansard roof storey above.

The building to the west, on Berkeley Street, Devonshire House (listed Grade II), is a large building in the context of Piccadilly and the surrounding streets. Devonshire House is an exception to the generally low scale of the eastern end of Piccadilly. From Berkeley Street eastwards the buildings are significantly lower than those immediately to the west of Berkeley Street. To the north of the site the buildings on Dover Street are generally 5 or 6 storeys high. On Berkeley Street the adjoining buildings are 8 storeys.

The proposed building is 10 storeys high, with an 11th floor on the Berkeley Street side. It is the equivalent of approximately one storey higher than the existing building; two storeys higher on Berkeley Street. It is higher than the existing buildings to the north. It is also higher than the top of the roof of the Ritz Hotel (listed Grade II*) on the south side of Piccadilly.

The impact of the height is reduced in views by progressive stepping back of the facades at high level. This is particularly the case on Dover Street where floors 6 to 9 are set back significantly in order to reduce the visual impact on street views along Dover Street. The upper floors are also set back on Berkeley Street. The setbacks on the Piccadilly frontage are significantly less than on the other two streets.

The upper floors of the building are visible in longer views from Green Park to the south west and from the south side of Piccadilly to the east of the site. However, in these views the proposal is seen in the context of the higher Devonshire House.

The massing (height and bulk) has been the subject of much negotiation. A lower building, with a more recessive roofscape would have less impact on the area and would be more beneficial. However, the proposed massing is considered acceptable, but represents the maximum that can be achieved on this site without causing serious harm to heritage assets and views.

c. Design

The proposed building has strongly expressed horizontal floors slabs, in concrete, with bronze metal infill at ground and first floor levels, and curved stone panels with full height glazing on the floors above. The lowest two floors have concave bays and the upper floors have convex bays, all set within the envelope defined by the floor slabs. The concave bays at roof level give the building a scalloped roof line. Metal balustrades run the whole length of each level, above first floor level.

This is a very large new building, replacing four separate buildings. Therefore there is a loss of architectural variety and grain in the streetscape. The architects have sort to address this to a degree by modelling the facades. On each street frontage the middle sections of the facades are slightly recessed to break up the potential monolithic nature of the building.

This is a high quality modern building which seeks to respond positively to its context. It is highly modelled giving it complexity and richness. It is considered an acceptable replacement for the existing buildings, and complies with the City Council's urban design and conservation policies as set out in S25 and S28 of the City Plan and in chapter 10 of the Unitary Development Plan.

However, it is considered essential that it be faced in natural Portland stone which is the stone which characterises Piccadilly and the Mayfair Conservation Area. For example, the listed buildings immediately south and west of the site, including the Ritz Hotel and Devonshire House, are all faced in natural Portland stone.

An objection that the new building would be out of context with its surroundings and does not have regard to the form, function and structure of the area, is not considered to be sustainable.

If planning permission is to be granted then this should be on the basis that:

- a. Natural Portland stone is to be used for the facades
- b. The Frink sculpture shall be relocated to Dover Yard
- c. The shopfront at 43 Dover Street shall be salvaged and reused within the development.

6.3 Amenity

UDP Policy ENV13 seeks to protect existing premises, particularly residential, from a loss of daylight and sunlight as a result of new development. Permission would not normally be granted where developments result in material loss of daylight or sunlight. Regard is had to

the Building Research Establishment (BRE) guidelines.

Daylight

In assessing daylight measuring the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances. The 'No Sky Line' method has also been used, which measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky.

Sunlight

With regard to the impact on levels of sunlight, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 5% of annual winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values.

A daylight and sunlight report has been submitted as part of the application which assesses the impact on 14 residential properties surrounding the site. In summary, 10 of these properties would fully comply with BRE guidelines in terms of daylight and sunlight. These properties are as follows:

8-9 Dover Street, 41-42 Dover Street, 8 Stafford Street, 39-40 Albemarle Street, 47 Albemarle Street, 50 Albemarle Street, 15a Dover Street-6 Stafford Street, 5 Arlington Street, 4 Arlington Street, and 6-8 Bennett Street.

In the case of 4 properties (10 Berkeley Street, 4 Dover Street, 5-7 Dover Street, and 40 Dover Street) there are minor breaches to BRE guidelines which are discussed further below.

10 Berkeley Street is a residential building situated to the north west of the site directly to the rear of Dover Yard. An objection has been received from the occupant of a ground and lower ground floor maisonette that the development would result in a loss of sunlight.

65 windows (44 rooms) have been assessed of which 52 (80%) will meet the BRE guidelines for VSC. Of the 13 windows where there are technical breaches 11 will experience actual changes of between 1% to 3%. In the case of 2 windows, losses in daylight will be slightly greater as existing VSC levels of 15.68 and 17.33 will be reduced to 8.63 and 9.21 (a loss of 7.05 - 44% and 8.12- 46.86% respectively). Although this breaches BRE guidelines regarding daylight the losses are not considered to be so significant that permission should be withheld.

With regards to sunlight 17 rooms within the property have windows facing within 90 degrees of due south and have therefore been analysed for potential change to sunlight. Of these 17 rooms 14 (82%) will meet the suggested levels within the guidelines. Of the 3 rooms that experience non-compliant changes, one room will retain 22% annual sunlight hours and it is the loss in winter sunlight that causes the technical transgression. In the case of the other two breaches, one room currently receives 6% annual probable sunlight hours (APH) which would be reduced to 1% (83% loss), the other room 18% APH would be reduced to 1% (94% loss). This loss of sunlight would be noticeable, however given that only 2 of the 44 rooms within the property would experience a material loss of sunlight it is not considered that the impact is so great that permission should be withheld.

4 Dover Street is a Public House with ancillary residential situated to the east of the site.

Of 11 windows tested for potential changes to VSC 10 will achieve BRE compliance. One window there would be a technical breach as there would be a 26 % reduction. The actual change is only 2%. This is considered acceptable.

There would be no breach in the APH.

5-7 Dover Street is situated to the east of the site and includes residential flats at 2nd to 5th floor levels.

The study shows that with regards to daylight there would be no losses to VSC levels above 20% in compliance with BRE guidelines.

With regards to sunlight, 18 rooms have windows that face 90 degrees due south and 16 (88%) will achieve BRE compliance. The two rooms that experience technical transgressions will retain 21-23% APSH and one will retain 5% winter sunlight. This is only slightly below the BRE guidelines. The impact is relatively minor.

40 Dover Street is situated to the north east of the site. Permission has been granted for use of the upper floors as residential flats. Of 23 windows that serve habitable rooms which face the site 22 would comply with BRE guidelines. In the case of the bedroom window, an existing VSC of 22.75 % would be reduced to 5.92 %. The loss is therefore significantly above 20% which the BRE guidelines state would be noticeable. The window serves a bedroom and there are two other windows that serve the room which will be unaffected by the proposal. This impact is therefore considered acceptable.

The sunlight analysis for the premises illustrates that out of 23 windows tested 22 would comply. One bedroom would experience a loss of sunlight in excess of BRE guidelines as existing APSH of 31% would be reduced to 21%. That the impact would only be to one bedroom this is considered acceptable.

In summary the impact of the development on daylight and sunlight to surrounding residential properties is relatively minimal and where there are breaches to the BRE guidelines they are not so great that there would be a material loss of residential amenity that would warrant permission being refused.

Overlooking

Part (F) of Policy ENV13 seeks to resist developments that would result in an unacceptable degree of overlooking. Given the orientation of the site with regards to surrounding properties the development would not result in overlooking or a loss of privacy to neighbouring buildings.

Sense of Enclosure

Part (F) of Policy ENV13 also states that developments should not result in an increased sense of enclosure. Overall the bulk and mass of buildings are considered acceptable and would not result in a harmful increased sense of enclosure to nearby residential properties

6.4 Transportation/ Parking

There are a number of highways issues arising from the application. These include traffic implications, servicing provision and cycle parking.

Traffic Implications

A Transport Assessment produced on behalf of the applicant identifies the site as being within a highly accessible location in terms of public transport. The assessment states that the majority of trips associated with the site will be via public transport or other sustainable modes (eg walking, cycling) and concludes that the proposed development will not have a significantly detrimental impact on the safety or operation of the highway network.

Car parking

The proposed development will provide 51 car parking spaces on-site at basement level 3. 12 of the car parking spaces will have access to electricity charging points (24% of the total provision). The car park is accessed by vehicular lifts from an internal courtyard off Berkeley Street. No car parking is proposed for any of the other uses on the site.

The GLA request that development should be car free (save for Blue Badge parking) and that for any parking provided, electric vehicle charging points should be provided in line with London Plan policy and all residents should be exempt from applying for on street parking permits.

The Highways Planning Manager welcomes the car parking provision which is in accordance with UDP Policy TRANS 23. The layout of the car parking is acceptable and functional. The car lift is accessed from an internal space. No details have been provided of the car lift cycle time, however given the trip rate details and the location of the car lifts well off the public highway, any queuing would occur off the public highway within the internal waiting space and the access to the car parking is considered acceptable.

Cycle parking

A total of 151 cycle parking spaces would be provided on the site for the residential, hotel and retail elements of the scheme. Proposed cycle parking is as follows:

100 cycle parking spaces will be provided for residents in stores at basement Level 3. Access to the cycle parking is by means of the car lift off Berkeley Street.

46 cycle spaces will be provided for hotel staff in basement level 3. Access to the storage is from a staff entrance core off Dover Yard.

5 cycle parking spaces will be provided for the retail units in basement level 1. Access to the storage is by means of the staff entrance core off Dover Yard hotel staff in basement level 3. The cycle parking is considered acceptable.

Vehicular Access – Servicing and Deliveries

The development will have two vehicular access points along Berkeley Street. The normal policy requirement set out in UDP Policy TRANS 20 and City Plan Policy S42 is that as part of redevelopment schemes servicing would take place off-street. The proposal is that off street servicing would take place accessed from a vehicular lift, directly from Berkeley Street.

The vehicle lift directly abuts the footway with no off-street waiting space. The applicant indicates that the lift cycle time would be 83 seconds. The highways planning manager advises that if two delivery vehicles arrived in Berkeley Street within a short space of each other, then potentially 1 vehicle would be left waiting on the highway for the lift to be available.

The applicant argues on trip generation profile of the servicing needs of the proposed uses, two vehicle arriving at the site would be a rare occurrence. It is anticipated that 9 deliveries are likely to occur during the peak servicing hour between 09.00 and 10.00. The Highways Planning Manager advises that the proposed lift arrangement may result in short term localised congestion to both traffic and pedestrians. It is therefore recommended that a Servicing Management Plan (SMP) is developed and secured via legal agreement. The SMP should outline how servicing will occur on a day to day basis, identifying process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised.

On the basis that the SMP is secured and it ensures that all servicing occurs within the development, then no objection is raised to the servicing arrangements.

Visibility Splays for Vehicle Access Points

The Highways Planning Manager raises concern at the lack of visibility splay for vehicles exiting the HGV service lift. Given the pedestrian activity at this location, this is considered to be unacceptable.

As this is a new vehicle access, it is considered important to ensure the impact on the highway is minimised. Redesign of the vehicle access point with improved visibility splays is therefore required, and will be secured by condition.

Other Highways Issues

A pedestrian walkway from Dover Street via Dover Yard to Berkeley Street will be retained and reconfigured. To ensure that this link remains available for use it is recommended that this is covered by a walkways agreement to ensure the link is kept clear of obstacles and adequate pedestrian access is maintained. This will be secured as part of the S106

Building Line/Highway Boundary

Within Westminster, maintaining a high quality pedestrian environment is vital to facilitate pedestrian movement while managing the numerous competing demands on highway space.

The application alters the building line in numerous places, with some minor infills and some minor setbacks. The proposal also infills an existing splay to the building on the Berkeley Street/Piccadilly corner. To offset this the proposal is to widen the footway of the south west corner of Berkeley Street by 1 metre. The Highways Planning Manager has objected to this change to the building line which would infill the chamfered corner as no justification in highway terms have been provided for this alteration to the highway boundary.

The applicant argues that re-instating the chamfered corner would be harmful to the design of the new building. In design terms reinstating the historic plan form of the corner is welcomed and on balance this aspect of the development is considered acceptable.

The Highways Planning Manager advises that confirmation cannot be given that the stopping up would be agreed. This however would be considered under separate legislation.

Traffic Management Orders

The proposed changes to on-street restrictions will be subject to the formal Traffic Management Order process. This is a separate legal process, involving consultation, under the Roads Traffic Regulation Act 1984. The changes the applicant wish to make are outside the control of the applicant and therefore require agreement of the Traffic Authority. The commencement of the use could not occur until all the Traffic Orders had been confirmed. Any costs associated with the proposed changes will need to be covered by the applicant. The process can only be undertaken by the Council, as Highway and Traffic Authority.

6.5 Economic Considerations

This mixed use scheme is welcomed and will benefit the local and wider West End economy. The viability considerations are set out elsewhere in this report.

6.6 Access

The proposed buildings have been designed to meet the requirements of the Disability Discrimination Act 1995 (DDA) and incorporate the principles of inclusive design. The

building entrances on the site are level with the public pavement and the main cores are fitted with wheelchair accessible lifts that provide flush access to all floors.

6.7 Other UDP/Westminster Policy Considerations

The applicant has submitted aspirational ideas which they envisage would improve the public realm on Piccadilly. The proposal involves the construction of a controlled pedestrian crossing facility at the junction of Berkeley Street. The facility could provide a diagonal crossing similar to that implemented at Oxford Circus. This does not however form part of this application and would be part of a separate process in the future.

Waste Storage

Waste storage for the development is situated adjacent to the service yard on basement level 2. Residential, retail and hotel elements each have their own self-contained waste storage rooms. Service corridors allow direct access from cores to the service yard. The proposed waste storage is considered acceptable and would be secured by condition.

Noise from Plant

The applicant has provided an Environmental Noise Assessment Report which indicated that the site is within an area having ambient noise levels above WHO guidelines. The report does not contain full details of all the plant to be used because the detailed requirements of the future occupiers of the building are not known at this stage.

Conditions can be imposed to control plant noise emission levels and to require submission of supplementary acoustic reports with full details of all the plant equipment to be used; and attenuation measures, details of kitchen extract systems and sound insulation measures, including mitigation from ground and first floor commercial units to residential units above, to ensure that the Council's residential internal noise standards are met.

Air Quality

The applicant has submitted an air quality assessment which confirms that the development achieves air quality neutral and no mitigation measures are required.

Construction Works

A Construction Method Statement has been submitted as part of the application. Objections have been received that the development would result in unacceptable noise and disturbance during construction works. Permission could not reasonably be withheld on this basis. It is recommended that a construction management plan is secured by condition. This will cover issues such as a programme of works, traffic management, environmental management and construction methodology. The applicant has also agreed to an annual contribution of £30,000 towards the Council's Code of Construction Practice and submission of a CEMP (Construction Environmental Management Plan which secured by a legal agreement.

6.8 London Plan

The proposal to redevelop the site is referable to the Mayor because the building is more than 30m high and outside the City of London. The Stage 1 response has been received from the Mayor who has made the following comments:

The principle of the scheme is supported in strategic terms.
Further details are required with regards to following;

Loss of offices and the affordable housing offer;

Details of the flank elevation of the retail unit at the north east end of the link;

Provision for the Dame Elizabeth Plunkett Horse and Rider should be confirmed.

The overheating strategy for residential living areas should be reviewed to avoid the use of air conditioners;

The proposal should be car free (except for blue badge parking)

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. However, at this stage the scheme is considered to comply with relevant City Council policies and for that reason is recommended for approval.

6.10 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.11 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.

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or

provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

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

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

- i) Compliance with the City Council's Code of Construction Practice and submission of a CEMP (Construction Environmental Management Plan) to an annual cap of £30,000.
- ii) Costs of highways works around the site to facilitate the development (including paving, dropped kerbs, raised crossing etc).
- iii) A Servicing Management Plan (SMP) for the development
- iv) Re-location of the sculpture within the site
- v) A walkways agreement

The proposed development is also liable for a Mayoral CIL payment.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations (2010 as amended).

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

The applicant has submitted a Sustainability and Energy Strategy (including a Code for Sustainable Homes Pre-Assessment, and a BREEAM Pre-Assessment Report. Assessments indicate that the commercial retail, office, and assembly and leisure and non-residential institution elements could achieve a BREEAM rating of "Excellent" a number of measures being incorporated (which it is proposed to secure by condition). These are considered to be acceptable.

Policies 5.1 to 5.9 of the London Plan focus on how to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. Developments are required to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions (be lean), adopting sustainable design and construction measures and prioritising decentralised energy (be clean), including renewables (be green). London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments. The scheme should be targeting a 40% reduction in carbon dioxide emissions.

Policy 5.6 in the London Plan which requires development proposals to evaluate the feasibility of Combined Heat and Power (CHP) systems and where a new system is appropriate to examine opportunities to extend the system to adjacent sites. Major development proposals should select energy systems in accordance with the Mayor's hierarchy related to CHP systems. The aim being to increase the proportion of energy generated from renewable sources.

Policy S39 of the City Plan seeks to encourage decentralised energy and ensure that major developments make provision for site wide decentralised energy generation and where possible connectivity. Policy S40 seeks to achieve a 20% reduction of carbon dioxide emissions

and where possible towards zero carbon emissions except where it is not appropriate due to the local historic environment, air quality and/or site constraints.

A range of passive design features are proposed to reduce the carbon emissions of the proposed development. These include roof mounted solar electric PV modules, façade developed including concave and convex features to reduce solar gain, provision of central heating plant, cooling provided by high efficiency water cooled chillers, space heating delivered by low temperature under floor heating to all dwellings, variable speed pumping and low energy fans, high efficiency lighting.

The developments community heating systems will be designed to enable a future connection and associated internal routing to any future networks in the vicinity of the site.

The proposal will lead to a 35% of carbon dioxide savings, compared to a 2013 Building Regulations compliant development.

The GLA has raised concerns about the provision of mechanical cooling for the residential part of the development. The applicant advises that this has been incorporated into the design to meet market demand for the level of accommodation that will be provided rather than being necessary to avoid overheating. Furthermore the efficiency cooling system will ensure internal comfort during periods where noise or air quality requirements dictate the need to close windows.

6.13 Conclusion

The site is in an important location situated on the northern side of Piccadilly opposite the Ritz hotel. The proposal will result in a comprehensive redevelopment of the site to provide a mixed use scheme that will contribute to the character and function of the area.

The new building is considered to be of a high quality design that will be appropriate for the site enhancing the townscape.

The City Council's independent viability consultant has confirmed that the scheme could not viably support the provision of affordable housing or a payment in lieu towards the City Council's affordable housing fund.

The Highways Planning Manager objects to alteration to the building line on the south west corner of the development at the junction of Berkeley Street and Piccadilly, however this needs to be balanced against the design merits of infilling this corner. In other respects the application is considered acceptable and redevelopment of the site is welcomed.

BACKGROUND PAPERS

1. Application form.
2. Letter from Greater London Authority dated 21 May 2015.
3. Letter from Residents Association of Mayfair and St James's undated.
4. Letter from London Underground Ltd dated 23 March 2015.
5. Letters from Historic England dated 1 and 7 April 2015.
6. Email from owner/occupier of Flat 2 10 Berkeley Street dated 14 April 2015.
7. Letter from Osborne Clarke dated 17 April 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT PAUL QUAYLE ON 020 7641 2547 OR BY E-MAIL – pquayle@westminster.gov.uk

5.7.5 View #8

From along Pecosdilly opposite Old Bond Street looking West.

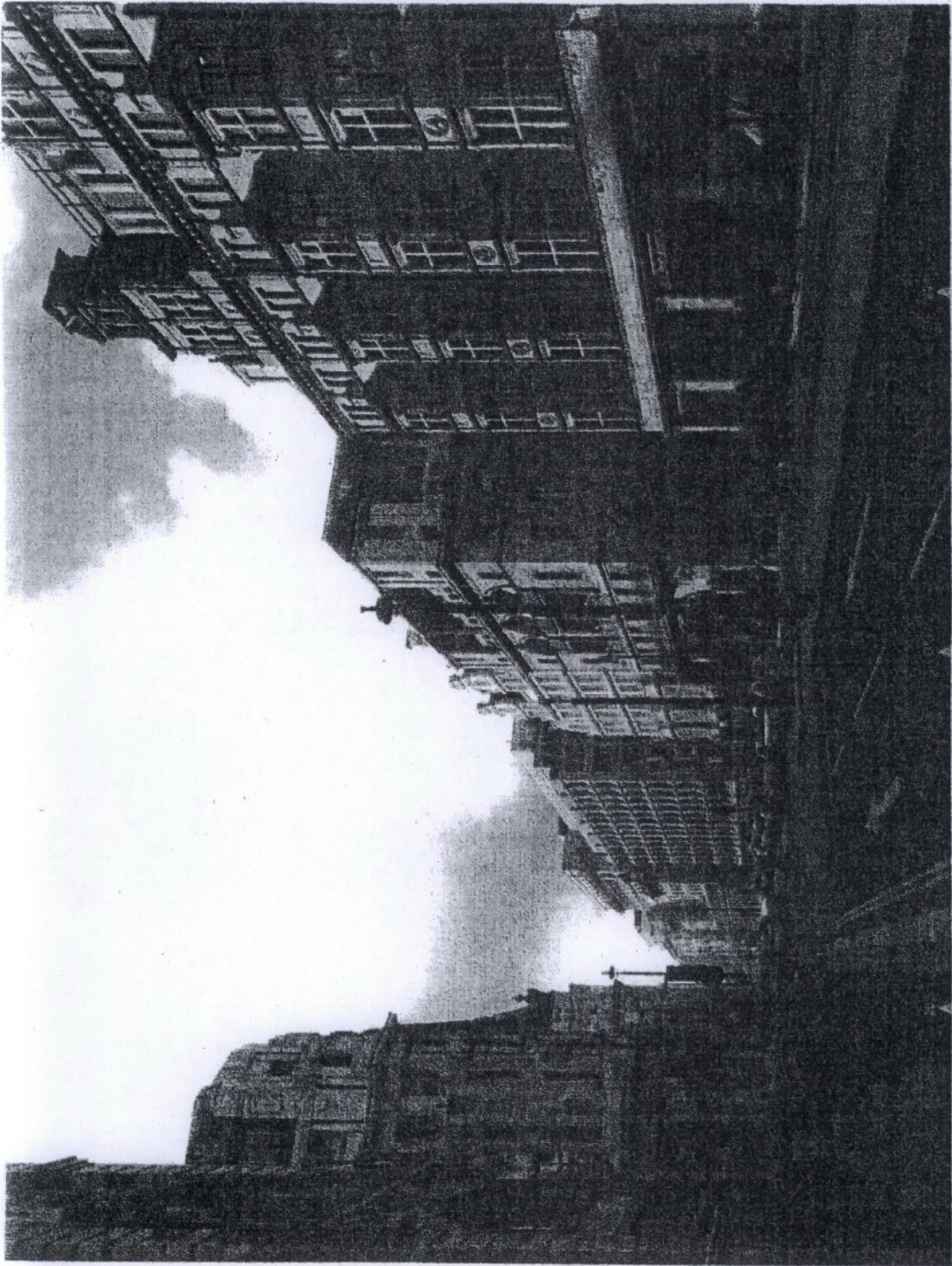


Fig. 5.34. Reconstructions View #8 Existing





5.7.6 View #6

Looking North from Green Park towards Devonshire House and the Fitz.



Fig. 5.56: Devonshire View #15 Existing





5.8 Floor Plans

5.8.1 Above Ground Plans

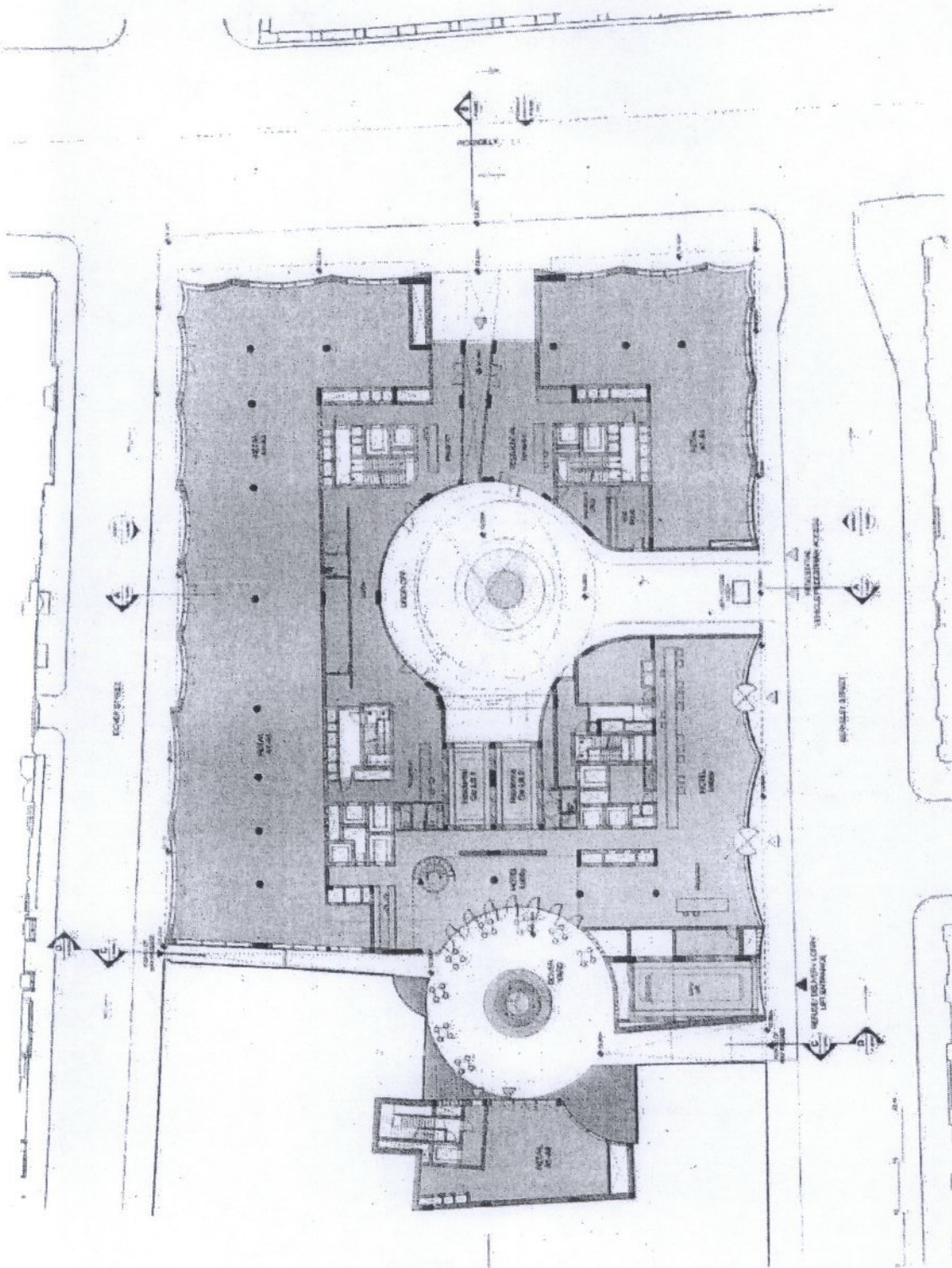
Ground Floor

The perimeter of the ground floor is occupied by retail units and the hotel lobby. This serves to create a continuous active street frontage contributing to the public realm. The active frontage continues into the new Dover Yard wherever possible eliminating areas of blank facade. A route linking Dover Street and Berkeley Street is maintained through Dover Yard.

Retail units front Piccadilly, Berkeley St, Dover St as well as in Dover Yard. The hotel has main entrances on Berkeley Street in the form of two revolving doors. A secondary entrance is located in Dover Yard which transitions into a grand double height lobby. The North-West vertical circulation core is dedicated to the hotel.

The central area of the ground floor opens up into a courtyard offering a flood of natural light deep into the centre of the site. It is dedicated to a residential porte-cochere which provides vehicle and pedestrian access points off Berkeley Street to a green landscape. The entry-point to this area shall be controlled security access. Residents may drive into the courtyard, drop-off, and/or enter the car lift descending to the underground car park.

There are additional residential pedestrian entrances to the courtyard on Piccadilly in the form of a double height entrance to the facade. Three out of the four of the scheme's vertical circulation cores fall within the central residential lobby.



First Floor

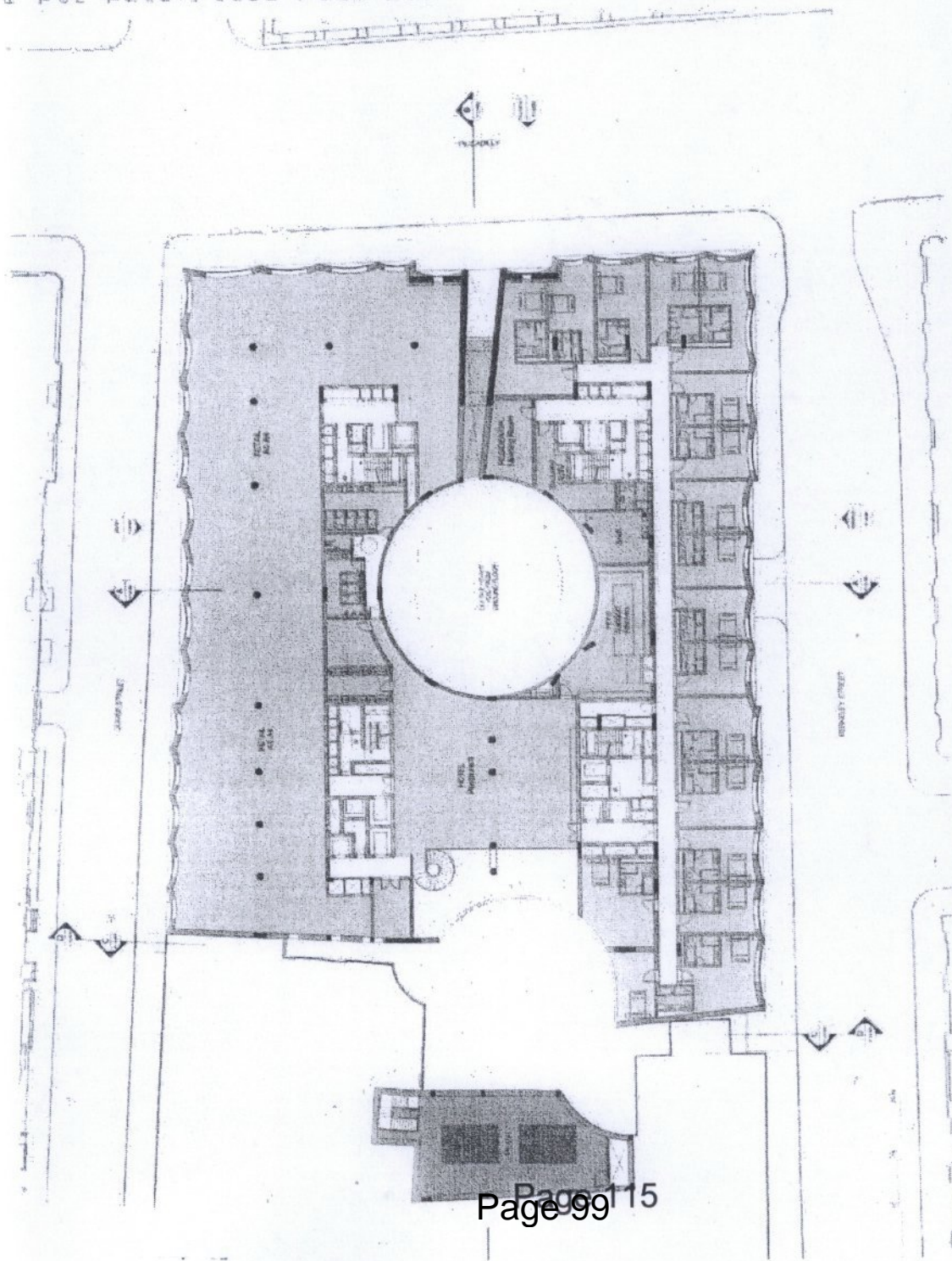
This floor comprises hotel rooms along the Berkeley Street side and retail units on the Dover Street side. All hotel rooms here have an exterior street aspect.

The north west hotel core is the main point of vertical circulation from lobby to hotel rooms. A secondary point of vertical access is appended onto the north east core and connects the first floor east wing of the hotel to the lobby in Dover yard.

This secondary link is also the primary route to the hotel restaurant which is envisaged to operate as a destination restaurant, thus requiring good street access. The dining area has a grand view through the double height void of the ground floor lobby and Dover yard.

The south west core provides access to a limited area of residential amenity in the form of a residents meeting room. It also forms the route to the security room which has aspect over the porte-cochere.

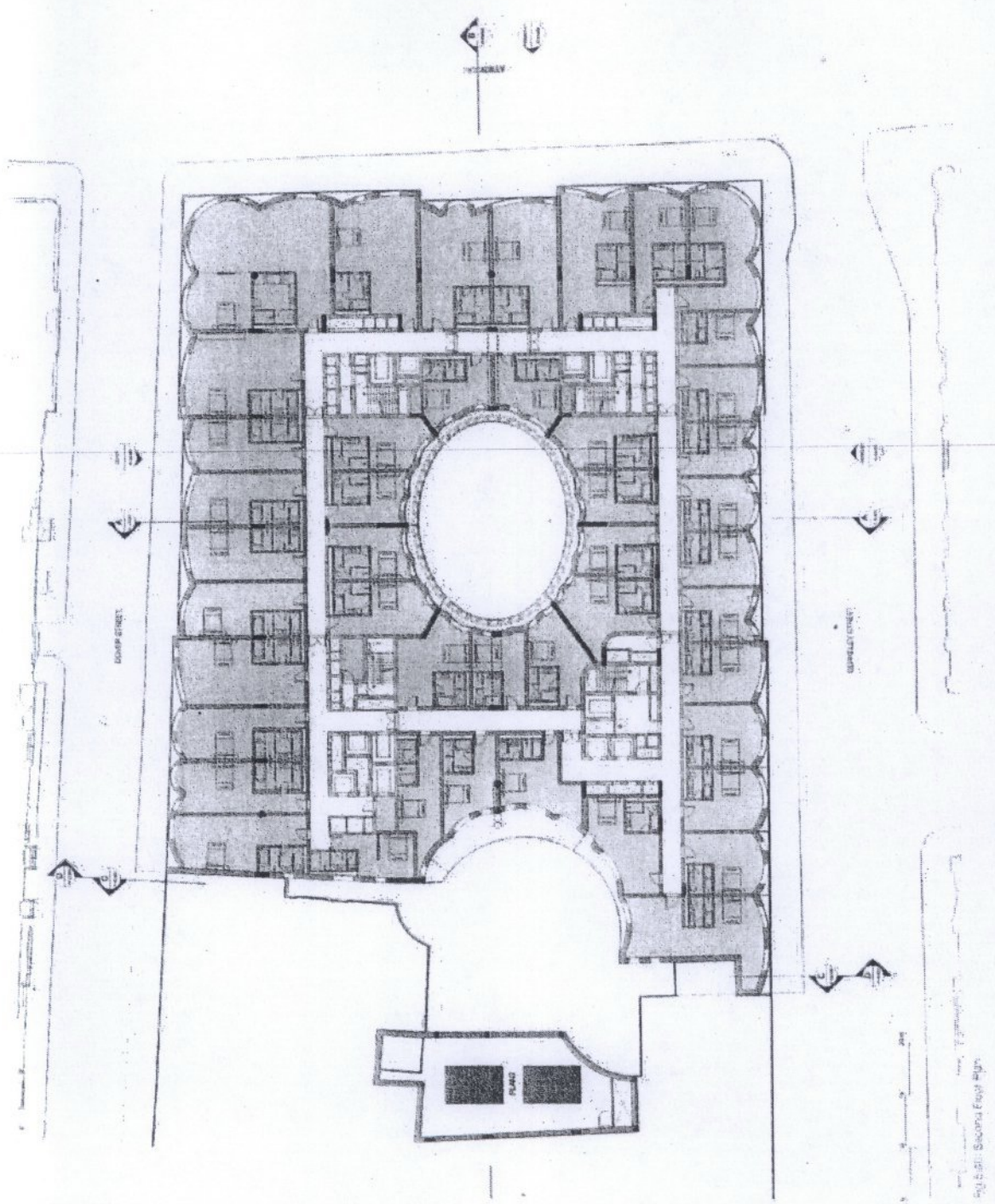
The first floor level of the stand-alone building in Dover yard is triple-height volume dedicated to the heat rejection plant for the whole development.



Second Floor

The second floor comprises wholly of deluxe rooms; there will be in the region of 80-120 hotel rooms in total, spread across the first to eighth floors. Rooms have street as well as courtyard aspect.

The shape of the plan presents good opportunity to create a mix of rooms including double rooms, and suites whilst maintaining a sense of order around the cores.



Third Floor - Eighth Floor

The third to the eighth floors follow a similar organisation of programme around the cores. Three residential cores serve the apartments whilst the hotel core continues to serve the hotel rooms.

At the northern end of the Dover Street side, the North East residential core stops at the seventh floor. This due to the building form stepping back at higher levels well beyond the core position, responding to contextual alignment, and townscape views along Dover Street.

The hotel is confined to the Northern end of the Berkeley Street side, within the maximum the escape distances from the hotel core. The eighth floor is the last floor which maintains this configuration. This due to the building form stepping back at higher levels responding to contextual alignment and townscape views along Berkeley Street.

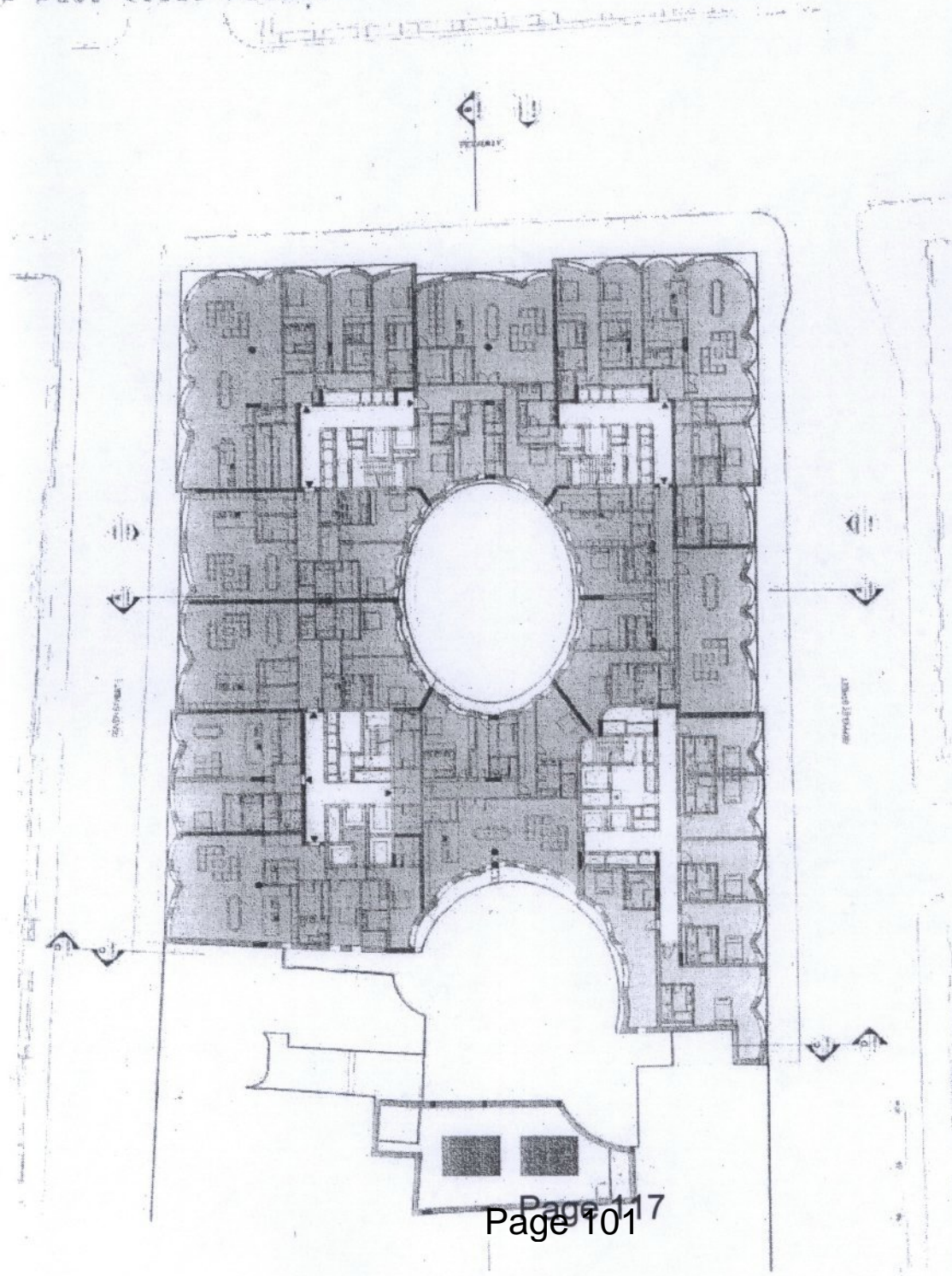


Figure 41 Third Floor Plan

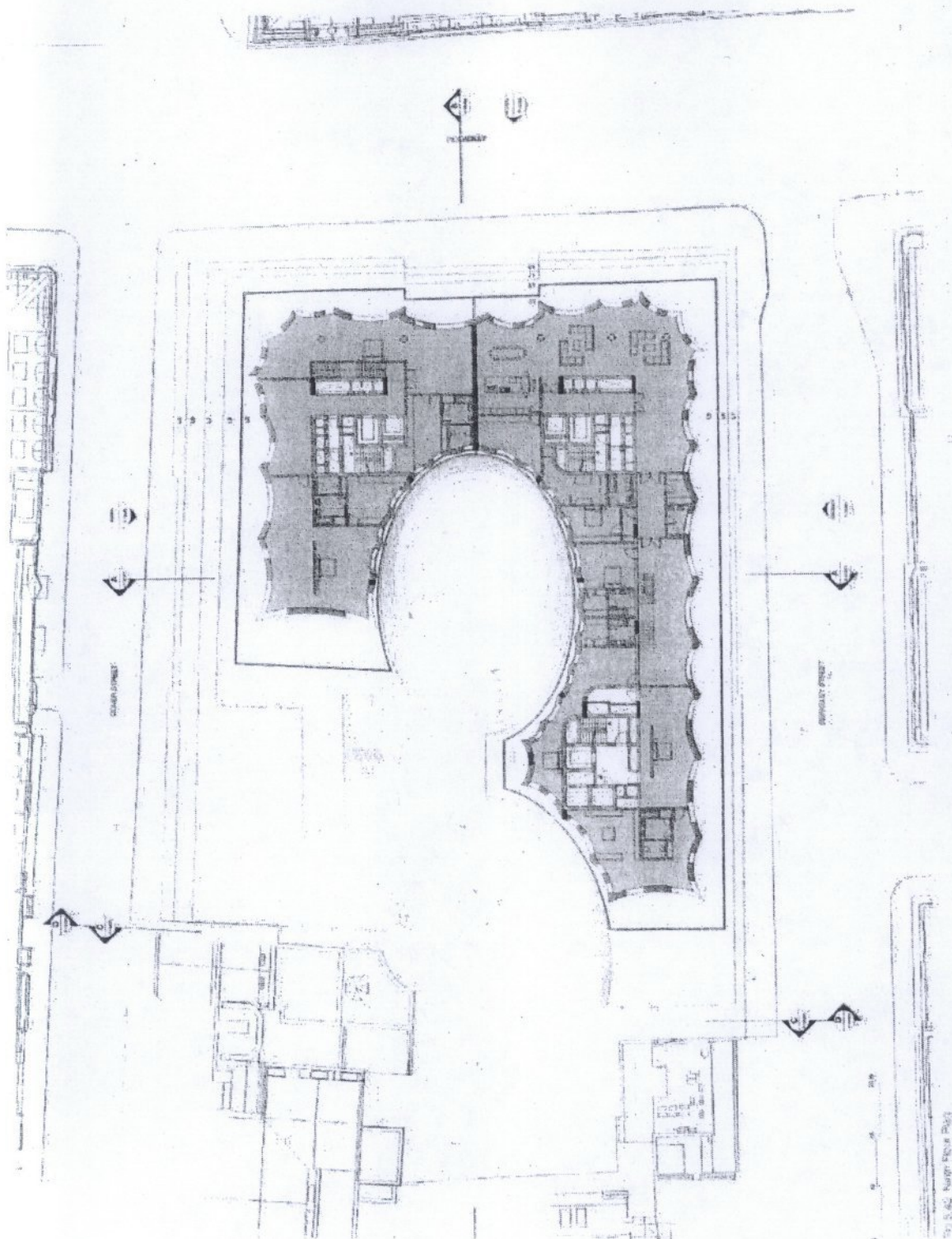
Ninth Floor

Ninth floor level and above is entirely residential programme. The floor plate is set in from the site boundary considerably due to the building form and its many influencing factors. The apartments are accessed by two cores on the Picoobly side; South-West and South-East.

The reduced area around the hotel core becomes inefficient for hotel suites and is instead merged with the apartment accessed from the adjacent residential core. The hotel core does not service this level and becomes active only as part of the controlled lip egress strategy.

Ample terraces start to form at higher levels providing external amenity for the apartments.

The two duplex apartments in the development occupy this floor. The Dover Street side apartment has second level below, whereas the Berkeley Street side apartment has a second level above.



Tenth Floor

The tenth floor forms the upper level of a duplex apartment accessed from the ninth floor.

The apartment is confined to an area to the rear of the roof (from the Piccadilly side), so as to be inconspicuous and unobtrusive within the streetscape. A large terraced area is associated with this apartment.

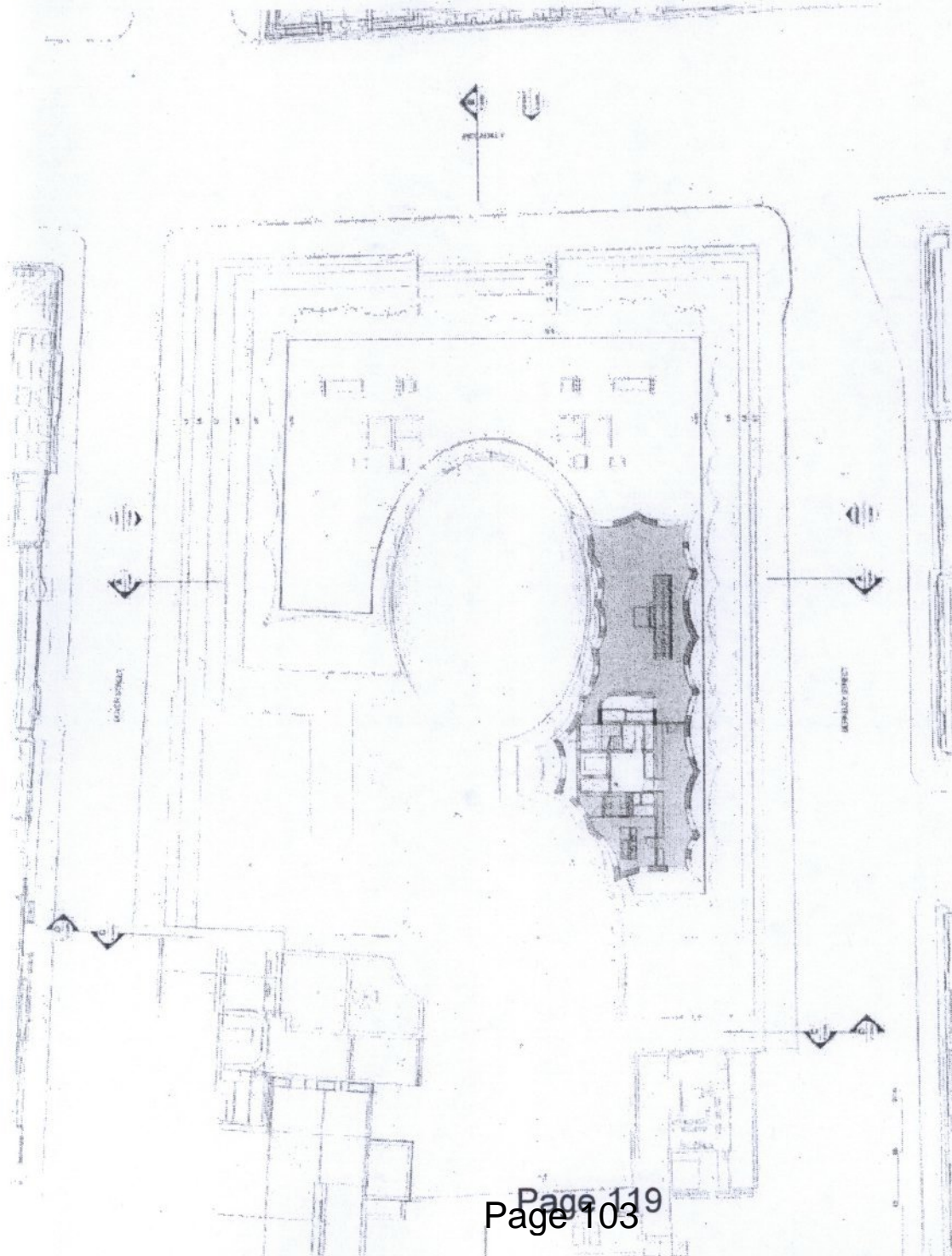


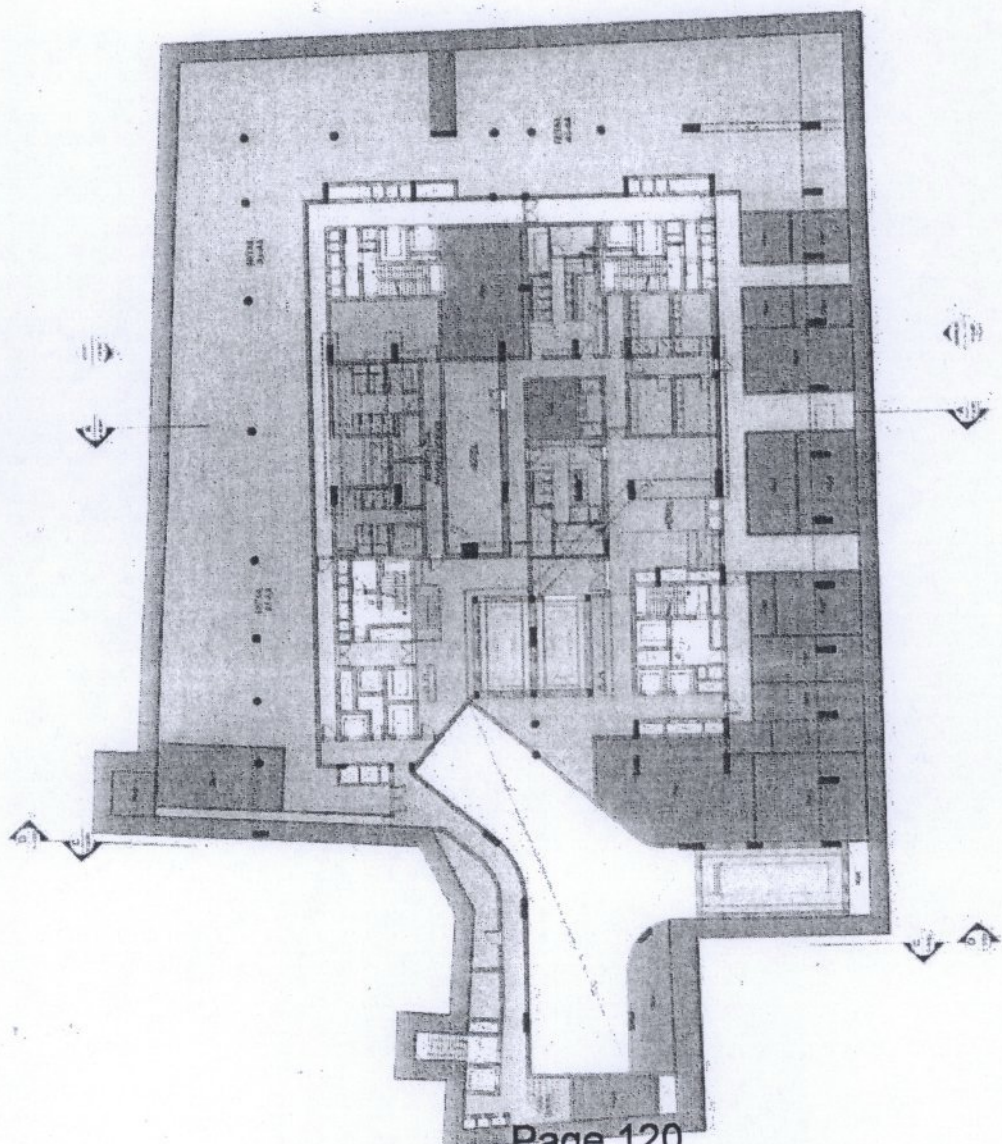
Fig. 43. Tenth Floor Plan

5.8.2 Basements Level Plans

The basement levels accommodate a range of uses and have been carefully planned to maintain a clarity of zoning and accessibility. Most of the buildings plant equipment is subterranean due to no natural light requirements. Additionally there are back of house and ancillary areas for the hotel as well as complete front of house spa and gym facilities, including a swimming pool.

First basement

- **Hotel and Residential Amenity**
Centrally located between the 4 cores is the hotel and residential spa and gym including private treatment rooms. Hotel guests enter the spa lobby from the hotel core (North-West core). This ensures direct access from all hotel floors as well as the hotel lobby.
Residents access the spa directly from all residential apartment cores via special controlled access doors which prevent the flow of hotel guests into private residential areas.
The swimming pool situated on the floor below is accessed from this level off the spa circulation.
- **Retail**
A retail zone occupies the perimeter along the Picovalley and Dover Street. This sits under the ground floor retail units and has flexibility to be subdivided as per retailer's requirements. This area may be an extension of the selling floor or storage and staff facilities.
There is access to the retail zone from the goods delivery area on the floor below via the Dover yard core.
- **Plant**
Electrical plant rooms are located at the perimeter along Berkeley Street. This location enables continuous access for UKPN to service their electrical substations. Direct access is provided for service personnel via a removable access panel at ground level of Berkeley Street. This means of access is under development with a UKPN guiding office.



Second Basement Level

This floor is predominantly of back-of-house and support programs with the exception of the swimming pool, accessed via the spa and gym on the floor above.

- **Hotel**
The hotel kitchen, laundry and staff facilities are all located on this floor. The kitchen servicing the hotel restaurant benefits from being adjacent to the delivery area for efficient transfer of goods.
- **Service Yard**
The service yard is a double height space underneath Dover Yard which can accommodate all waste pick-up and goods deliveries, scheduled via the building management. A ten meter trolley lift connects the ground level with the service yard. Waste and recycling storage rooms for Hotel, Residential and Retail programmes are all located off the service yard for ease of transfer.
- **Plant**
Almost half of the floor area is dedicated to the mechanical, electrical and plumbing services plant. It is readily accessible from the service yard where any equipment may be brought in using the trolley lift.

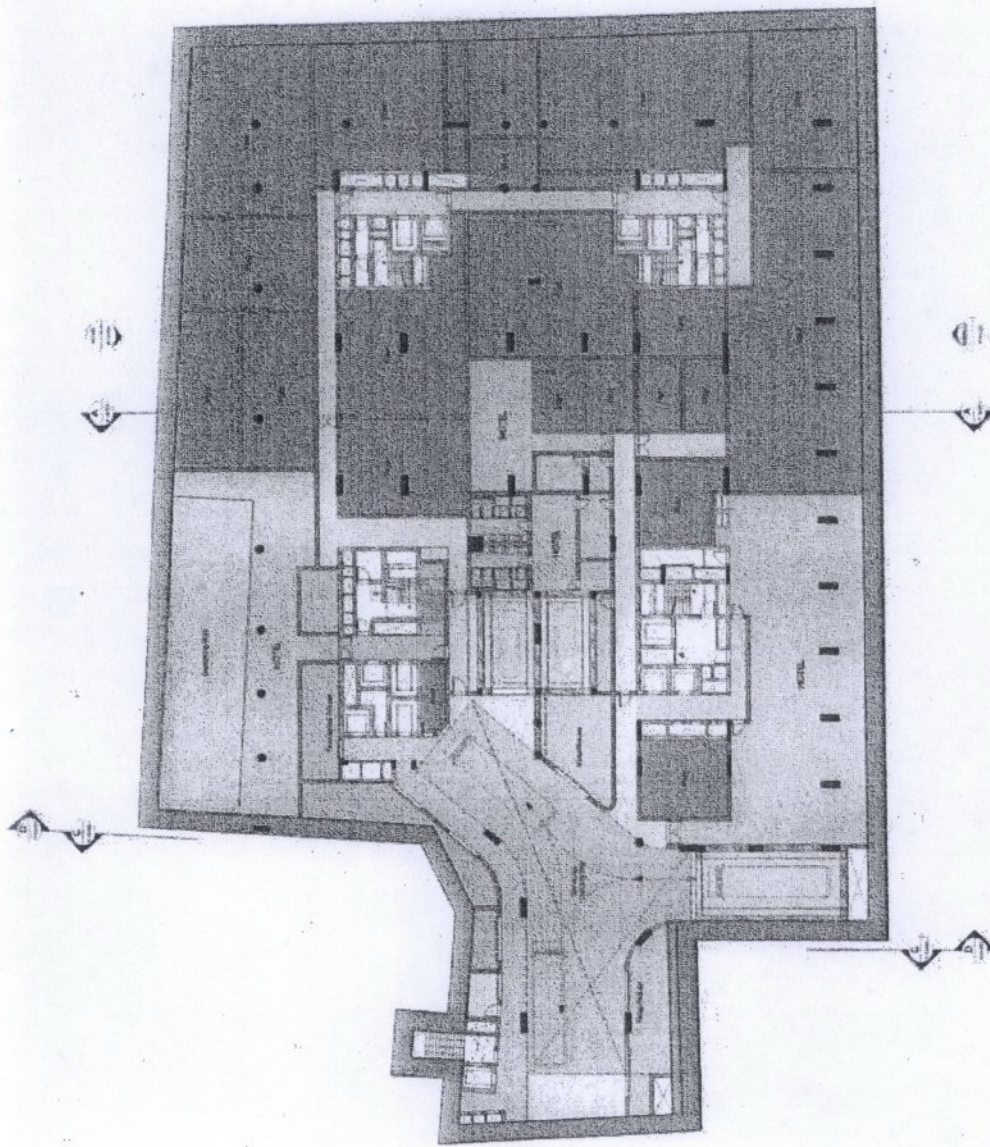


Fig. 48 Second Basement Floor Plan

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Agenda Item 3

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 September 2015	Classification For General Release	
Report of Director of Planning	Wards involved Regent's Park		
Subject of Report	St John's Wood Police Station , 20 Newcourt Street, London, NW8 7AA		
Proposal	Three storey rear link building and two storey rear extension and associated external alterations in connection with conversion of former St John's Wood Police Station to residential (Class C3) comprising 2x1 bedroom; 3x2 bedroom, 2x3 bedroom and 1x4 bedroom flats.		
Agent	Turley		
On behalf of	Newcourt Property Holdings Ltd		
Registered Number	14/11909/FULL	TP / PP No	TP/25599
Date of Application	03.12.2014	Date amended/ completed	26.01.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

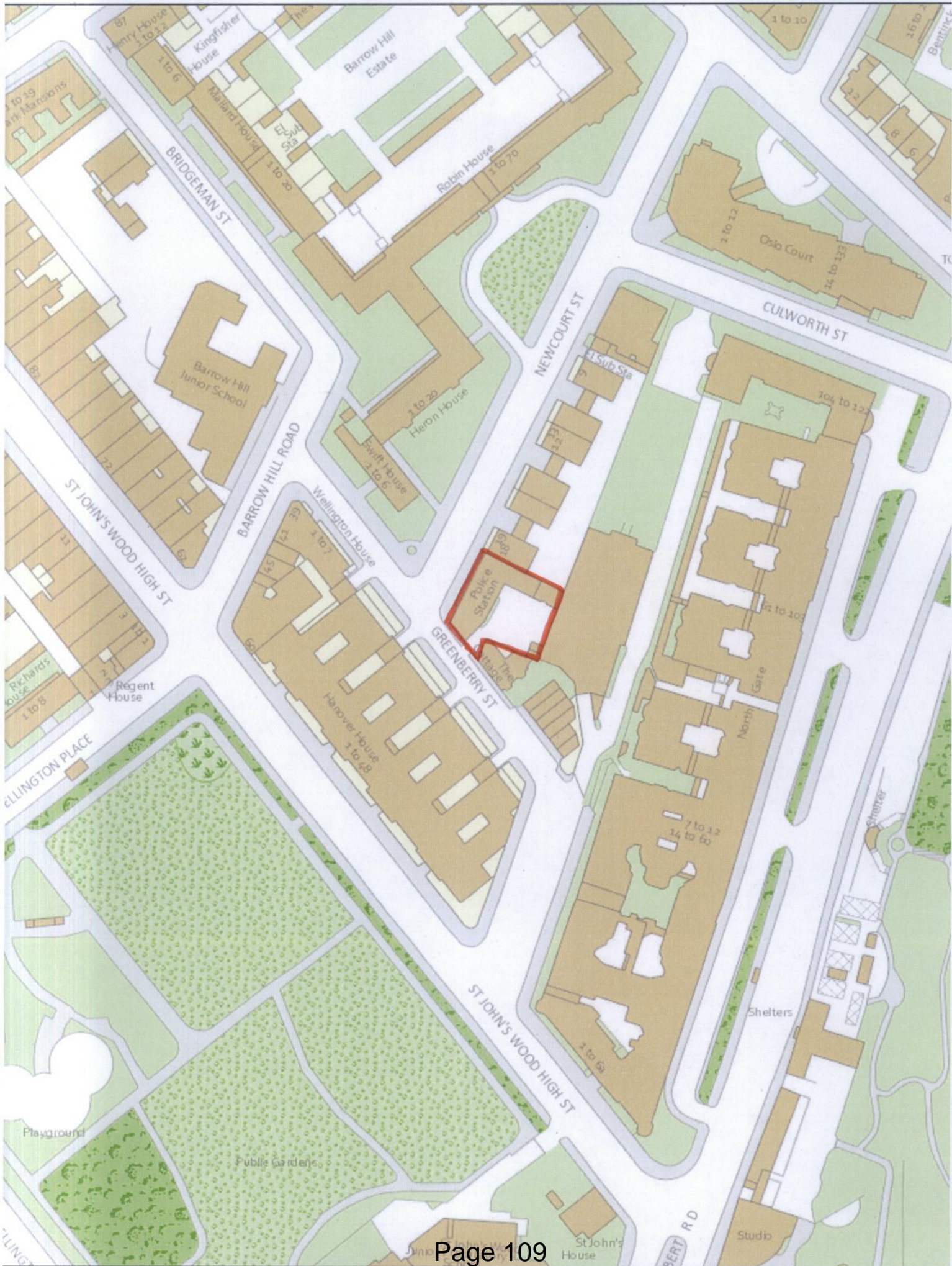
For Committee's consideration:

- 1) Does the Committee agree that, notwithstanding the inadequacy of the marketing, the policy presumption to retain a social and community use on the site can be replaced by a financial contribution towards an appropriate community and cultural project in the St. John's Wood Ward on the basis that there is currently insufficient evidence of a demand for social and community uses in the area.

- 2) Subject to 1) above, grant conditional permission (including amending conditions), subject to a S106 legal agreement to secure a financial contribution of £150,000 towards a community and cultural project in the St. John's Wood Ward area (index linked and payable on commencement of development).

3) If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

- a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not
- b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.





ST JOHN'S WOOD POLICE STATION, 20 NEWCOURT STREET, NW8

2. SUMMARY

Planning permission is sought to extend and alter to this unlisted building of merit within the St John's Wood Conservation Area, in connection with a change of use from vacant police station (social and community use) to eight residential flats with associated car parking (car stackers) and associated cycle and refuse storage to rear courtyard area. Representations of objection have been received on design and amenity grounds from the St John's Wood Society and three local residents.

The key issues are:

- Loss of social and community floorspace from the site.
- The impact of the proposed development on the character and appearance of this unlisted building of merit and the St John's Wood Conservation Area.
- The impact of the proposed development on the amenities of surrounding residents in terms of noise and disturbance.

The proposal is considered acceptable in design and conservation and amenity terms, subject to conditions (including amending conditions). However, the Committee's views are sought regarding the acceptability of the loss of the social and community floorspace and whether notwithstanding the inadequacy of the marketing, the policy presumption to retain a social and community use on the site can be replaced by a financial contribution towards an appropriate community and cultural project in the St. John's Wood Ward, on the basis that there is currently insufficient evidence of a demand for social and community uses in the area.

3. CONSULTATIONS

THAMES WATER

No objection, general water advice given.

HOUSING MANAGER

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Further details of multi parking system required. Standard noise conditions recommended.

GO GREEN PROGRAMME MANAGER

Higher standard in energy efficiency required, condition recommended.

HIGHWAYS PLANNING MANAGER

Acceptable on transportation grounds, subject to conditions.

ARBORICULTURAL MANAGER

No trees within site. Proposed green wall is not a sustainable way to provide greenery. Recommend redesign of the yard space more efficiently to increase soft landscaping at ground level. Proposed landscaping is not adequate and does not improve the appearance of the conservation area.

CLEANSING MANAGER

No objection, subject to permanency condition.

BUILDING CONTROL

No comment.

ST JOHN'S WOOD SOCIETY

Over development of site at the cost of architectural quality and amenity. Green wall does not work against the Victorian architecture and will be reliant on maintenance. No sense of arrival at the flats as the access is only through the automated gate system (should not have a solid backing). Building has lost its symbolic historic entrance on Newcourt Street. Location of car stacker and bin store will have a major negative impact on the adjoining property.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS:

No.Consulted: 263 Total.No.of Replies: 3

Amenity

- Existing gates to yard cause The Cottage adjacent to shake.
- Car lifts would cause noise and disturbance to residents of The Cottage.
- Cycle storage attached to The Cottage would cause noise and disturbance.
- Refuse storage next to party wall of The Cottage would cause noise and disturbance and would be a health and safety issue.
- Any change in elevation would block sunlight to Hanover House, St John's Wood High Street.

Design.

- Car lifts unsightly.
- Don't think much of green wall.

Transportation

- Question need for cycle storage given Barclay bikes in Greenberry Street
- No provision for wheelchair access to the building.

Construction

- Noise, disturbance and dust from construction works would affect sleep of 18 month old daughter.

ADVERTISEMENT /SITE NOTICE: Yes

4. BACKGROUND INFORMATION**4.1 The Application Site**

St John's Wood Police Station is designated as an unlisted building of merit located on the corner of Newcourt Street and Greenberry Street, within the St John's Wood Conservation Area. It is surrounded on all sides by residential properties, including The Cottage on Greenberry Street which adjoins the site to the rear and the flats within 18-19 Newcourt Street which adjoin to the north.

4.2 Relevant History

The site was used by the Metropolitan Police as a Police Station until 2013 when it was vacated prior to its subsequent sale on the open market.

5. THE PROPOSAL

Planning permission is sought for a two storey rear extension and three storey link extension in connection with the creation of eight residential units comprising of 2x1 bedroom, 3x2 bedroom, and 2x3 bedroom and 1x4 bedroom unit. Vehicles would utilise the existing access to the rear curtilage of the site from Greenberry Street and car parking (in the form of car stackers), cycle storage and provision for waste and recycling are proposed in this area.

6. DETAILED CONSIDERATIONS

6.1 Land Use

6.1.1 Loss of social and community use

As a former police station, this site constitutes a social and community facility, as defined in Westminster's City Plan: Strategic Policies (adopted 2013) ("the City Plan") and a community facility, as defined in the UDP. The proposal entails conversion of this social and community floorspace into residential use although none of the representations received are concerned with the loss of this floorspace.

Policy S34 of the City Plan states that "all social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider. In all such cases the Council will need to be satisfied that the overall level of social and community provision is improved and there is no demand for an alternative social and community use for that floorspace".

Accordingly, the loss of this social and community floorspace, must be considered against the following tests:

1. Whether existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider; and
2. There is no demand from an alternative social and community use for this floorspace.

1. Existing provision

This site, as well as two others in Westminster (Marylebone and Harrow Road Police Stations) have become surplus to the Metropolitan Police's requirements, as set out in the Mayor of London's Policing and Crime (MOPAC) Estates Strategy 2013-2016 (Published May 2013) and have closed. These closures have not been accompanied by the opening of new stations elsewhere in Westminster nor is it the Metropolitan Police Services (MPS) intention to do so. As such, and strictly speaking, the closure of this and other police stations in Westminster have not resulted in reconfiguration, upgrade or re-location of their floorspace.

However, the overall objective of the estate's strategy is "To deliver a more efficient and higher quality estate which meets the operational needs of the Metropolitan Police Service (MPS) and is significantly lower in cost to run". To achieve this, the estates strategy states that capital from sales of redundant properties are reinvested in more modern facilities that enhance opportunities for members of the public to access police services, including the provision of more police officers. The emergence of redundant floorspace in the MPS estate is unsurprising, with modern working practices, such as increased use of mobile computerisation, reducing the need for physical storage and desk space. Accordingly, it is recognised that the cost to the MPS of maintaining this surplus floorspace would prevent the provision of more tangible service improvements, such as the provision of more police officers.

MOPAC's 2013/14 Annual Report also states that the sale of this and other properties have raised £125 million to invest in front-line policing throughout London. This has included the recruitment of 2,343 new police officers and redeployment of 2000 officers from back office to front line roles.

In Westminster, the four police stations are:-

- West End Central Police Station: 24/7
- Charing Cross Police Station: 24/7
- Paddington Green Police Station: 8am – 6pm
- Belgravia Police Station: 8am – 10pm

In addition, four contact points are proposed (contact points are locations where the public can have non-urgent face-to-face contact with their local police), one of which is at St John's Wood Library, Circus Road, the others are based in W10 (Beethoven Centre, Third Avenue), W11 and SW1. Other front counter police services are located within Camden (Swiss Cottage and West End Lane).

Whilst the loss of this police station is regrettable, it is recognised that changing ways of work have made some of the MPS's floorspace redundant and that revenue raised from the sale of these buildings have resulted in tangible policing improvements, such as more front line officers. Accordingly, the improvement sought by policy S34 of the City Plan would be achieved via the Mayor's published strategy, albeit not through reconfiguration, upgrade or re-location of the social and community floorspace on this site.

2. Demand for alternative social and community use

The applicant contends that their marketing evidence demonstrates that there is no demand for the social and community floorspace on-site. However, an independent review undertaken on behalf of the City Council by GVA Grimley Limited, suggests that whilst the length of marketing has exceeded 12 months, it has not been robust. Based on the applicant's marketing evidence, the site has not been clearly and specifically marketed for social and community uses and the marketing process is not sufficient to be able to prove there was absolutely no social and community demand for the property. The applicant has not sufficiently demonstrated beyond all reasonable doubt that there is no demand.

The applicant suggests that it is clear from the existing social and community provision that there is already a very good level of community services that are accessible to the site and local area including:-

- St John's Wood Library, Circus Road
- A total of 14 schools; 13 within NW8.
- 3 General Practitioners (GP's); The Wellington Health Centre, Wellington Road, St Johns Wood Medical Practice, Grove End Road and Lisson Grove Health Centre, Gateforth Street.
- 3 Dentists; St John's Wood Orthodontic Clinic, Queens Grove, Shidler LJ Dental Practice, Finchley Road, and Lisson Grove Health Centre Orthodontic Clinic, Gateforth Street.
- Places of Worship; The Liberal Jewish Synagogue, St John's Wood Road, St John's Woods Church, St Johns Wood High-street, Church of Our Lady R.C, Lodge Road, London Central Mosque Trust Ltd, Park Road, Handmaids of the Sacred Heart of Jesus, St Edmunds Terrace, Abbey Road Baptiste Church, Abbey Road, Comunidade Batiste De Londres, St Johns Wood Road.
- Leisure and Sports Facilities; The Hub, Regents Park Outer Circle, Little Venice Sports Centre Crompton Street, Seymour Leisure Centre, Seymour Place, St Georges RC School, Lanark Road, and Paddington Recreation Ground, Randolph Avenue.

Whilst the above is acknowledged, it does not assist in proving that there is no demand from an alternative social and community use for this site as required by policy S34 of the City

Plan. Notwithstanding this, the presence of a number of facilities could be an indicator of high demand for them, rather than an excess of supply.

The applicant has also sought to mitigate against the loss of this social and community floorspace by the provision of a financial contribution of £150,000, potentially towards community and cultural projects in the area, public realm improvements in the area and improvements in playspace and civic space within the area. However, officers consider that to be considered as mitigation for the loss of social and community floorspace, the full £150,000 (index linked and payable on commencement of development) should be directed towards a community and cultural project in the St. John's Wood Ward area.

The Committee's views are therefore sought regarding the acceptability of the loss of the social and community floorspace and whether notwithstanding the inadequacy of the marketing, the policy presumption to retain a social and community use on the site can be replaced by a financial contribution towards an appropriate community and cultural project in the St. John's Wood Ward on the basis that there is currently insufficient evidence of a demand for social and community uses in the area.

6.1.2 Residential

In the event that the loss of the social and community is justified, residential use is the priority replacement use.

Eight new residential units of accommodation are proposed, comprising of; 2x1 bedroom, 3x2 bedroom, 2x3 bedroom and 1x4 bedroom unit. All three of the family sized units and one of the two bedroom units are dual aspect, two further two bedroom units within the extension to the rear are partially dual aspect and the two one bedroom units are single aspect.

Whilst three bedrooms located at lower ground floor level within the duplex family units do not provide for the minimum levels of daylight suggested in the BRE guidelines, the applicant has suggested that with careful consideration of reflectance value of room surfaces (floors, walls, ceilings), the BRE minimum levels (1% Average Daylight Factor ADF) for bedrooms could be achieved. Given that these poor levels of daylight relate to one or two bedrooms within the large duplex units of private accommodation, it is not considered justification to withhold permission on this ground.

Two of the proposed residential units would have external balconies which would also be their main access. There is scope for the rear courtyard to be designed for use, but this area is also proposed to be used for parking, cycle storage and waste storage and there is therefore a space limitation and potential conflict of these uses. Whilst regrettable, the lack of external amenity space is not in this case considered to justify withholding permission.

Overall the mix of unit sizes (three of the eight units are family sized) and their size (55m²-158m²) and layout provides a satisfactory internal residential environment for future occupiers, with overall adequate daylight, aspect and privacy and meets the aims of Policies H5 and ENV13 of the UDP and S15 and S29 of the City Plan.

The provision of eight new residential units on site accommodated within less than 1,000m² of floor space does not meet the threshold requirement for the provision of affordable housing under Policy H4 of the UDP and Policy S16 of the City Plan.

6.2 Townscape and Design

St John's Wood Police Station is designated as an "unlisted building of merit" within the City Council's St John's Wood Conservation Area Audit. It is a handsome classically influenced mid-19th century building, which makes a positive contribution to the character and appearance of the conservation area.

6.2.1 Rear extensions

The proposed rear extensions are considered acceptable in principle in design terms (although require a reduction in height in amenity terms, see section 6.3), subject to an amendment to the two storey rear projection so as not to overlap the original building. Their height and bulk remain subordinate in scale and the overall traditional design using traditional brickwork with punched openings and sash windows, (essentially a pared down palette of the existing detailing), is acceptable. The objection raised by the St John's Wood Society on grounds of overdevelopment is not supported by officers.

However, there are some minor design details that could be improved upon, including detailed design of doors, railings, gate design including the retention of the attractive gate piers and the use of lead to the lift shaft. Subject to these details the extensions are considered acceptable.

6.2.2 Green wall

The existing side elevation of this unlisted building of merit is attractively detailed with brick cornices and is highly visible in the public domain.

As such the proposed green wall is considered to be an inappropriate feature on this attractive building, of detriment to its character and appearance. This is a view supported by the St John's Wood Society and a local resident. For this reason (as well as other reasons detailed in this report), it is considered necessary to impose an amending condition to seek the removal of this unacceptable feature from the proposal.

6.2.3 Vehicular and pedestrian gate

The replacement vehicular and pedestrian gate to Greenberry Street is acceptable in principle, but the present design is too ornate for a utilitarian public building and does not therefore reflect the architecture of the building or former use. The design could easily be refined to resolve this and to retain its attractive piers and a condition is recommended to this affect.

6.2.4 Other alterations

The main entrance door to the building on Newcourt Street is to be retained (although an entrance via the rear courtyard is also proposed to the residential unit that this serves), which is welcomed as the entrance door is a positive element visually and in urban design terms.

An objection has been raised to the car stackers on grounds of them being unsightly. It is accepted that when in use the structure would be seen above ground level, however when not in use, the structure would be underground and would not be seen. In the interests of visual amenities a condition is recommended to ensure that the car stacker remains in a down position when not in use.

6.2.5 Design and conservation conclusions

Subject to the recommended conditions already mentioned together with conditions to require samples of materials, a sample panel of brickwork and details of joinery to ensure appropriate

design detailing, the proposal is acceptable in design and conservation terms in accordance with Policies DES 1, DES 5, DES 6 and DES 9 of our UDP and Policies S25 and S29 of our City Plan.

6.3 Amenity

6.3.1 Daylight and sunlight, sense of enclosure and privacy

The closest residential neighbours to the proposed extension are occupiers of The Cottage on Greenberry Street and the occupiers of flats within 18-19 Newcourt Street.

The Cottage is a two storey single family dwelling house which shares a boundary with the application site and is located behind the existing building on Greenberry Street adjacent to the existing vehicular access gates. This property has a first floor window (bedroom) to its flank elevation and three first floor windows (hallway and two bathroom windows) to its rear elevation, all of which overlook the rear of the application site. The proposed rear extension to the building would be located between 13-16.5m away from this neighbouring property's hallway and bathroom rear facing windows. Given the distance, angle of view and nature of the rooms which the windows serve, it is not considered that the proposed extension would result in any significant loss of light or privacy or increased sense of enclosure to this neighbour.

In terms of the flats within 18-19 Newcourt Street, there are windows at ground, first, second and third floor level within their rear elevation which lie directly adjacent to the proposed extension. The applicant's Daylight and sunlight survey indicates that the proposal would result in a loss of daylight and winter sunlight to the ground and first floor rear windows above and beyond the tolerances set out in the BRE guidelines. The result is that these two rooms would see a 25-31% reduction in daylight (24-32% VSC to 18-22 %VSC respectively) together with a 83% loss of winter sunlight (6 -18% to 1-3%). Whilst a loss of daylight would occur, the two rooms would still receive fairly high levels of daylight (between 18-22%) VSC compared to 25%VSC sought within the guidelines. In terms of sunlight, annual sunlight would still exceed the guidelines and on this basis the loss of winter sunlight, whilst regrettable is not considered so significant so as to withhold permission.

However, the height and bulk of the two-storey extension raises concern with regard to a significant increase in sense of enclosure on the boundary with the neighbouring properties at 18-19 Newcourt Street. Given the excessive floor to ceiling height proposed it is considered that there is scope to overcome this issue by reducing the height of the two-storey extension to no more than 7m in height. An amending condition is proposed to secure this in order to reduce the impact on these neighbours. Therefore subject to this amendment the physical impact of the extensions are considered acceptable in amenity terms.

Given the orientation of the proposed windows within the development and the relationship with neighbouring properties, it is not considered the proposal would result in any significant loss of privacy. The courtyard was previously used in connection with the Police Station activities. The proposed use of the courtyard would comprise of activities ancillary to the use of the site for residential purposes including parking of cars by residents, cycle storage and refuse storage. These activities are not considered to result in any significant loss of privacy, given the previous use of the courtyard.

The closest other residential neighbours are located on the opposite side of Greenberry Street (Hanover House) and Newcourt Street and given the location of these properties and their relationship with the application site, the amenities they currently enjoy are not considered to be affected by the proposal. The concern raised by an occupier of Hanover House is therefore unsustainable.

Overall the proposal is, subject to amending conditions, considered to protect the amenities of surrounding residents in accordance with policy ENV13 of our UDP and S29 of our City Plan.

6.3.2 Noise and disturbance from activities and mechanical plant

The proposed change of use of the site from a police station which has more recently been vacant, to residential use, will change the nature of the activities that take place within the site. Compared to a fully operational police station, the activities associated with eight residential units of accommodation is not considered to raise any significant issues with respect to noise and disturbance associated with vehicular and pedestrian and other associated activity. However the location of the cycle parking and waste store close to or on the boundary with The Cottage is regrettably not particularly neighbourly and has brought about objection from the occupiers of The Cottage and the St Johns Wood Society. An amending condition is recommended to seek an alternative more neighbourly location within the rear courtyard so as to minimise the effect of the proposal on neighbouring residents.

Whilst no mechanical plant is proposed for heating or cooling, a mechanical car stacker and automated vehicular and pedestrian access gate are proposed, although no manufacturing details or associated acoustic report have been provided at this stage. Given the potential for this equipment to cause noise and disturbance, a concern also raised by the occupiers of The Cottage, further details are proposed to be required by condition to ensure that the amenities of neighbours and future occupiers of the development are protected as requested by the City Council's Environmental Health officer in accordance with Policies ENV6, ENV7, ENV13 of our UDP and S29 of our City Plan.

6.4 Transportation

The provision of underground mechanical car stackers within the rear curtilage of the site will provide off street car parking for eight cars, one for each new residential unit created on site, in accordance with TRANS23 of our UDP. However, further details of the car stackers are required for amenity reasons (see earlier in the report) along with a revised lower ground/basement plan to show the area of the car stacker structure on plan.

Whilst provision is made for eight secure vertical cycle racks on the boundary wall of the site (adjacent to The Cottage), this is neither neighbourly or weatherproof and on this basis a condition is recommended to secure an alternative location and design which is weatherproof, in order to satisfy TRANS10 of our UDP. Whilst a representation has been received questioning the need for cycle storage, given the local Barclay cycle docking station in Greenberry Street, the cycle storage proposed on site is specifically to serve the eight new flats and not the general public at large.

Whilst adequate provisions is made for the storage of waste and recyclables within the rear yard its location on the boundary with The Cottage is considered unneighbourly and a revised location is sought by condition.

6.5 Economic Considerations

The applicant is proposing a £150,000 financial contribution (index linked and payable on commencement of development) in mitigation of the loss of the social and community floorspace from this site.

6.6 Equalities and Diversities (including Disabled Access)

None relevant.

6.7 London Plan

Policy 3.16 of the London Plan states, inter alia, "The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered". See section 6.1 for expansion on this issue.

6.8 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise

6.9 Planning Obligations

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

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

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

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

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

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following in mitigation of the loss of the social and community floorspace:

-A financial contribution of £150,000 towards a community and cultural project in the St. John's Wood Ward area (index linked and payable on commencement of development).

The proposed development is also liable for a Mayoral CiL payment.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations (2010 as amended).

6.10 Environmental Assessment including Sustainability and Biodiversity issues

The proposal is expected to achieve Level 4 Code for Sustainable Homes, although it is noted that the Code for Sustainable Homes has now been incorporated into the Building Regulations.

The Go Green Programme Manager would like the development to achieve a higher site regulated Co2 reduction on 2013 Building Regulations, however, this is not a major development and policy requirements are therefore much more limited. As such the sustainability of the proposed development to include the above ratings, whilst minimal, is not considered to justify withholding permission in light of policy S28 of the City Plan.

The proposal incorporates a wall planted "living wall" by Tree box on the flank elevation of the existing building facing Greenberry Street and the introduction of 2.5m² (1.4mx1.8m) soft planting within the rear curtilage of the site. The living wall is not considered to be appropriate in biodiverse terms and has brought about negative representation from the St John's Wood Society, a local resident and the City Council's Arboricultural Manager, it also has negative implications for the character and appearance of the building and the townscape (see section 6.2 of this report).

The green wall is proposed to protrude 150mm (100mm beyond the brick corbelling (50mm)) and it is proposed to irrigate the wall with rainwater harvested in the site so apart from the electricity for the pump, the water is a sustainable source (although details of a rainwater tank have not been provided). However, green walls are not easy to sustain and require regular maintenance and replanting and the height of the wall will make maintenance difficult and therefore costly. No details of the calculated water requirement for the wall per day and how the supply be maintained during dry periods has been provided.

There are no trees within the site, presumably due to the previous use of the site as a working Police Station. However, the change of use to residential provides the opportunity to introduce

significant soft landscaping. It is accepted that the rear curtilage area incorporates car and cycle parking and provision for waste and recycling, however the 2.5m² of soft landscaping is measly and inadequate. For the reasons stated it is considered appropriate to impose an amending condition to remove the living wall from the proposal and to require the reconfiguration of the rear curtilage area to secure significant and appropriate soft landscaping.

6.11 Other Issues

Whilst a resident has raised objection to the potential for noise, disturbance and dust from construction works on health and amenity grounds, this is not a valid reason to withhold permission. In imposing a restriction on hours of noisy building works, the City Council seeks to strike a balance between the timely completion of works and the protection of resident's amenities.

7. Conclusion

The proposal is considered acceptable in design and conservation and amenity terms, subject to conditions (including amending conditions). However, the Committee's views are sought regarding the acceptability of the loss of the social and community floorspace and whether notwithstanding the inadequacy of the marketing, the policy presumption to retain a social and community use on the site can be replaced by a financial contribution of £150,000 (index linked and payable on commencement of development) towards an appropriate community and cultural project in the St. John's Wood Ward on the basis that there is currently insufficient evidence of a demand for social and community uses in the area.

BACKGROUND PAPERS

1. Application form
2. Email from Thames Water dated 30.01.2015
3. Memo from Environmental Health Consultation Team dated 24.04.2015
4. Memo from Go Green Programme Manager dated 29.01.2015
5. Memo from Cleansing Manager dated 02.02.2015
6. Memo from Building Control dated 09.02.2015
7. Memo from Arboricultural Manager dated 17.02.2015
8. Memo from Highways Planning Manager dated 24.04.2015
9. Email from St John's Wood Society dated 11.03.2015
10. Emails from the occupier of The Cottage, Greenberry Street dated 03.03.2015, 04.03.2015, 07.03.2015 (x 3), 15.03.2015
11. Email from the occupier of 4 Heron House, Barrow Hill Estate, Newcourt Street dated 03.02.2015
12. Email from the occupier of Flat 39, Hanover House, St John's Wood Road dated 05.02.2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT SARAH WHITNALL ON 020 7641 2929 OR BY E-MAIL – swhitnall@westminster.gov.uk

DRAFT DECISION LETTER

Address: St John's Wood Police Station , 20 Newcourt Street, London, NW8 7AA

Proposal: Three storey rear link building and two storey rear extension and associated external alterations in connection with conversion of former St John's Wood Police Station to residential (Class C3) comprising 2x1 bedroom; 3x2 bedroom, 2x3 bedroom and 1x4 bedroom flats.

Plan Nos: 891/60;61;62;63;64;65; John Hough limited Design and Access Statement Turley letter 03.12.2014; Turley Heritage Statement December 2014; JS Lewis Ltd Sunlight and Daylight Report November 2014; Newcourt Property Holdings/Oakley Hough Ltd Sustainability/Energy Statement 07th November 2014; Knight Frank Marketing Report 13 October 2014; Schedule of Areas.

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641 2929

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

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

- 3 Pre Commencement Condition

You must not start work until we have, notwithstanding the approved drawings, approved detailed drawings showing the following alteration(s) to the scheme :-

- 1) Omission of the green wall to the flank wall on Greenberry Street.
- 2) Reconfiguration of the rear curtilage area to incorporate the following:-
 - a) Relocation of the refuse and recycling storage away from the boundary with The Cottage.
 - b) Relocation of cycle storage away from the boundary with The Cottage and redesigned to be secure and weatherproof.
 - c) Significant increase in soft landscaping.

- 3) Revised design to incorporate the following:-

- a) Entrance doors to be four panel doors.
- b) Railings of more traditional design and less utilitarian and with plinth to ground floor level.
- c) Alteration to two storey rear projection to a height of no more than 7m and so as not to overlap the original building.
- d) Entrance gate to Greenberry Street to retain its gate piers and of a more simpler gate design and annotated to state no solid backing to gate.
- e) Covering of lift shaft with lead.

4) Revised basement plan to show subterranean carlift.

You must then carry out the work according to the approved drawings and where relevant retain them in situ thereafter. (C26UB)

Reason:

To make sure that the appearance of this unlisted building of merit is suitable and that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area and to ensure that the development is not detrimental to residents amenities. This is as set out in S25, S28 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 5, DES 6, DES9, ENV13 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

- 5 You must apply to us for 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 this unlisted building of merit is suitable and that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must 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 this unlisted building of merit is suitable and that it contributes to the character and appearance of this part of the St Johns Wood Conservation

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

- 7 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

Reason:

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

- 8 You must apply to us for approval of detailed sections through all new joinery (including doors and windows). 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 details.

Reason:

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

- 9 You must apply to us for approval of details including manufacturing specification (including operational details to confirm car lift will revert to subterranean position when not in operation) and acoustic details of the following parts of the development -

- a) Mechanical Car lift.
- b) Vehicular and pedestrian access gates.

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 approved details. (C26DB)

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: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 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 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.

- 12 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing 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.

- 13 Pre commencement condition. You must not start work until we have approved a revised energy strategy to show that the development will achieve no less than 35% on-site regulated CO2 reduction on 2013 Building Regulations. All measures, required space and equipment shall be installed and operational prior to the first occupation of the development and all equipment shall be maintained and in situ thereafter.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 and S40, of Westminster's City Plan: Strategic Policies adopted November 2013 and to comply with policies 5.2,5.3,5.5,5.6 and 5.7 of the London Plan. (R44BC)

- 14 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme , on the basis of the revised layout of the courtyard required under condition 3, 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 1 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 5 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 St Johns Wood 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)

- 15 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 this residential development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 16 You must provide each cycle parking space shown on the approved drawings (on the basis of the revised layout of the courtyard approved under condition 3) prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 17 You must provide the waste store on the basis of the revised layout of the courtyard approved under condition 3, 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)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACMs). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACMs, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 3 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 4 If a proportion of the flats within the premises are to be rented following development, under the HMO Licensing Scheme, the building requires an increased level of fire precaution and is subject to the City of Westminster Standards for Multiple Occupation. The applicant should

contact the Residential Proactive Environmental Health Team for information concerning the requirements of the Houses in Multiple Occupation Licensing Scheme Housing Act 2004.

Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
www.westminster.gov.uk
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 5 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
www.westminster.gov.uk
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 6 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)
- 7 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 8 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 a financial contribution of £150,000 towards a community and cultural project in the St. John's Wood Ward area (index linked and payable on commencement of development).

Notes:
For gross internal areas refer to separate schedule.

Project: Proposed Rear Alterations and Internal Refurbishment of 20 Newcourt Street, London NW8 7AA

Title: Existing Floor Plans

Scale: 1:100 @ A1

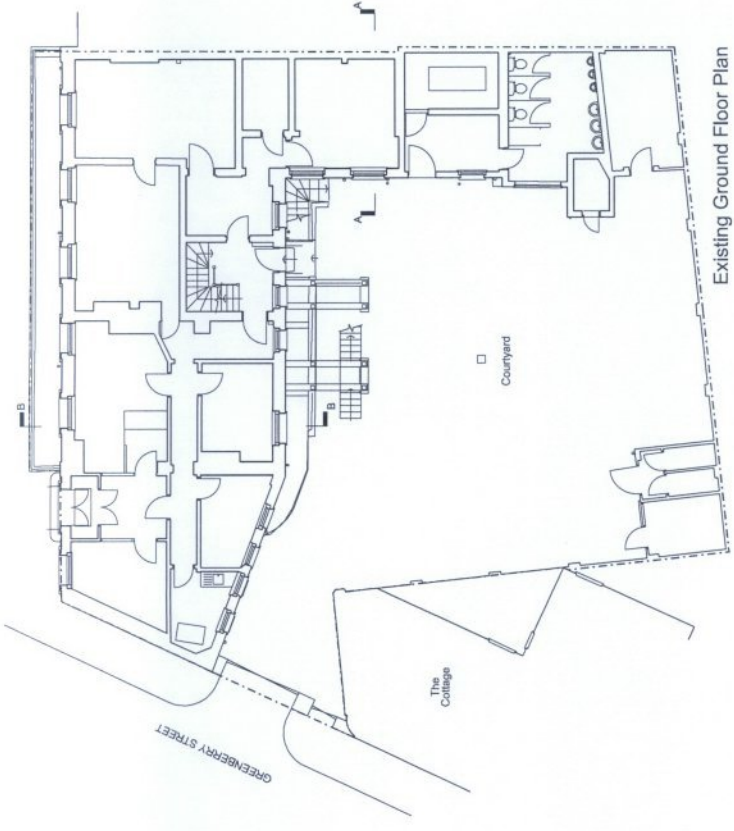
Date: Oct 2014

Oakley Hough.

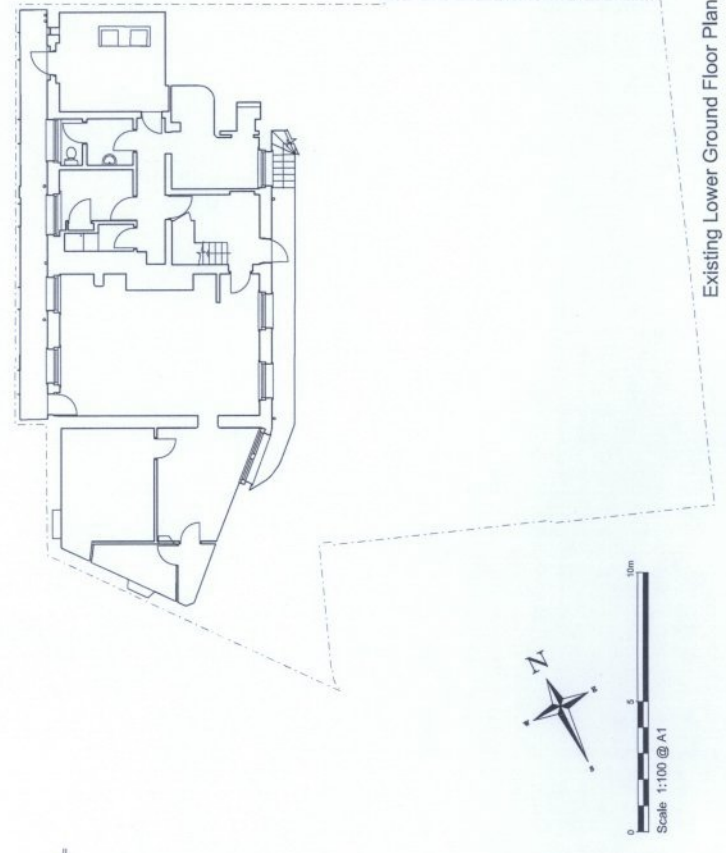
The Barn, Stabling Farm
Fishers Green, Stevenage,
Hertfordshire SG1 2JB

Tel: 01438 745288
Mobile: 07710 546 270
e-mail: john@oakleyhough.co.uk

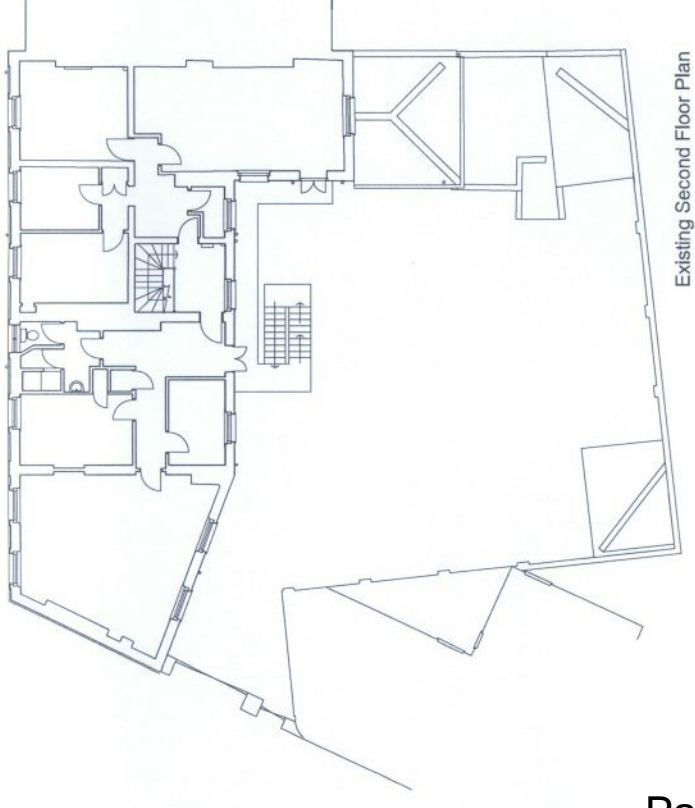
Drawing Number: 891/60



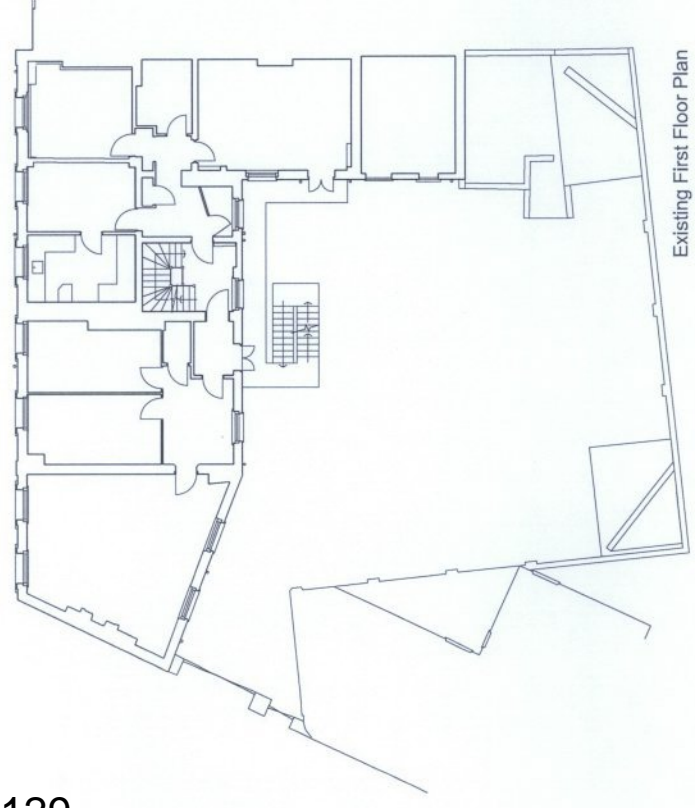
Existing Ground Floor Plan



Existing Lower Ground Floor Plan

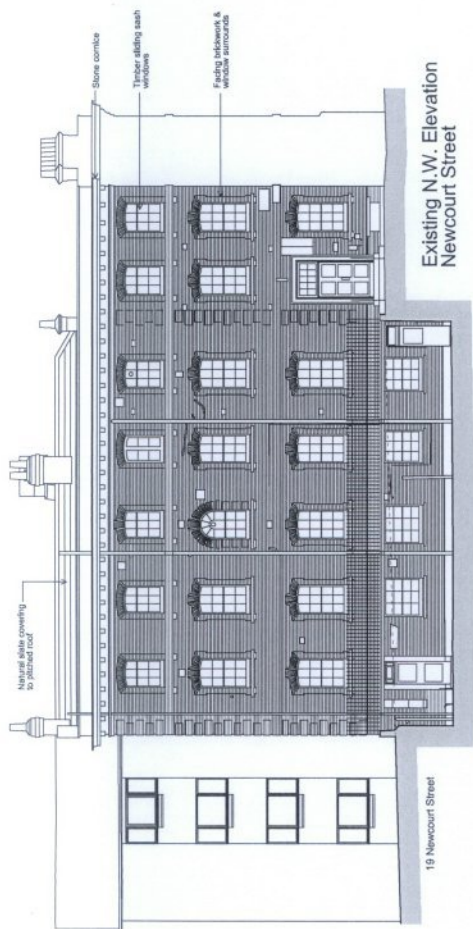


Existing Second Floor Plan

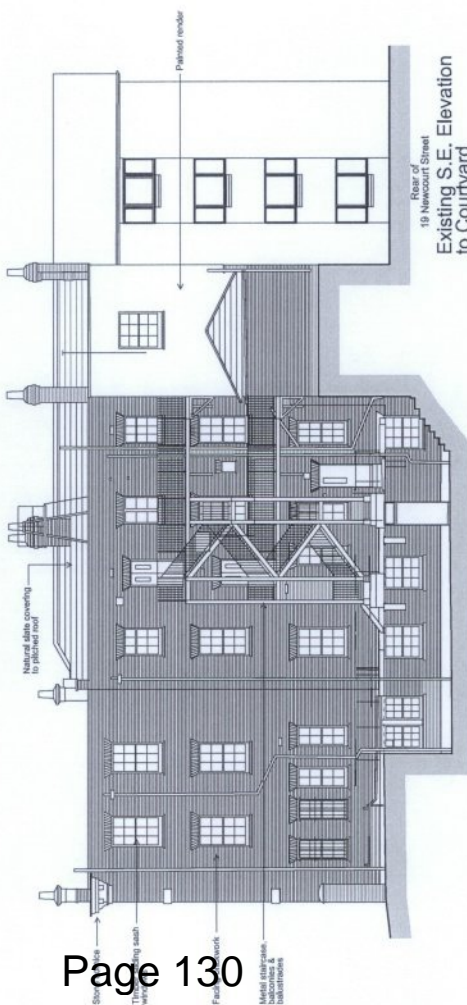


Existing First Floor Plan

Notes:
For gross internal areas refer to separate schedule.



The Cottage
Existing S.W. Elevation
Greenberry Street

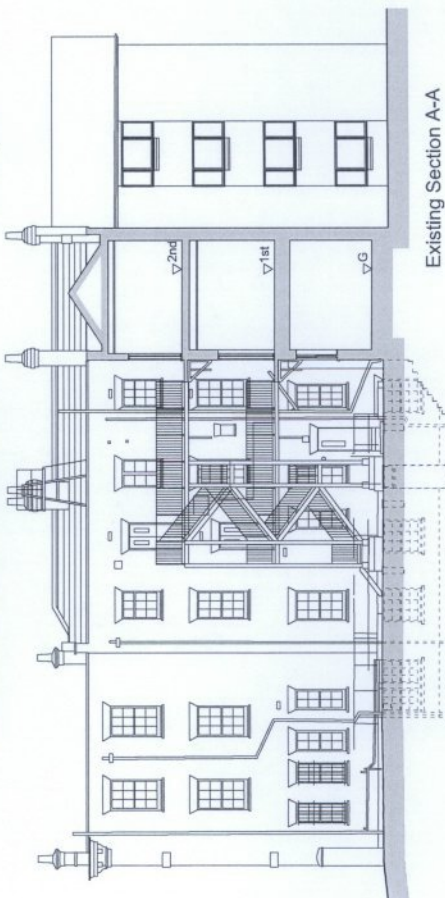


Existing N.W. Elevation
Newcourt Street

Existing S.W. Elevation
to Courtyard



Existing Section B-B



Existing Section A-A

Project:
Proposed Rear Alterations
and Internal Refurbishment of
20 Newcourt Street,
London NW8 7AA

Title: Existing Elevations
and Sections

Scale: 1:100 @ A1

Date: Oct 2014

Oakley Hough.

The Barn, Stebbing Farm
Fishers Green, Stevenage,
Hertfordshire SG1 2JB

Tel: 01438 745288
Mobile: 07710 549 270
e-mail: john@oakleyhough.co.uk

Drawing Number:
891/61

Notes:
For gross internal areas refer to separate schedule.



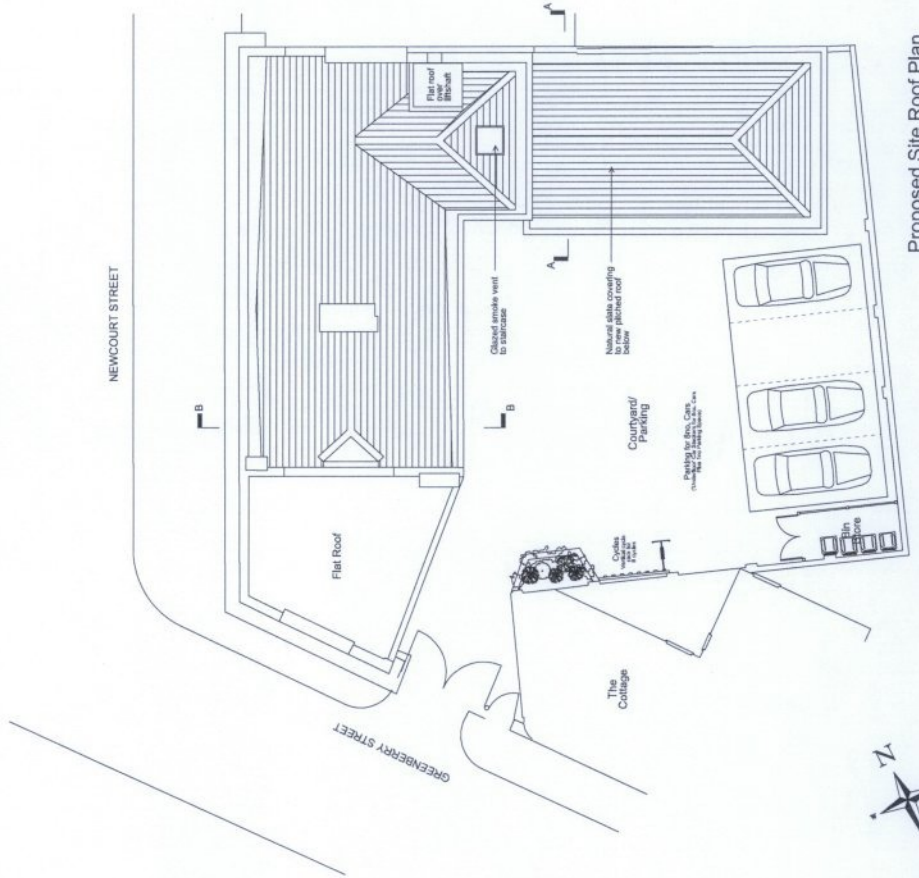
Site Location Plan

Scale 1:1250



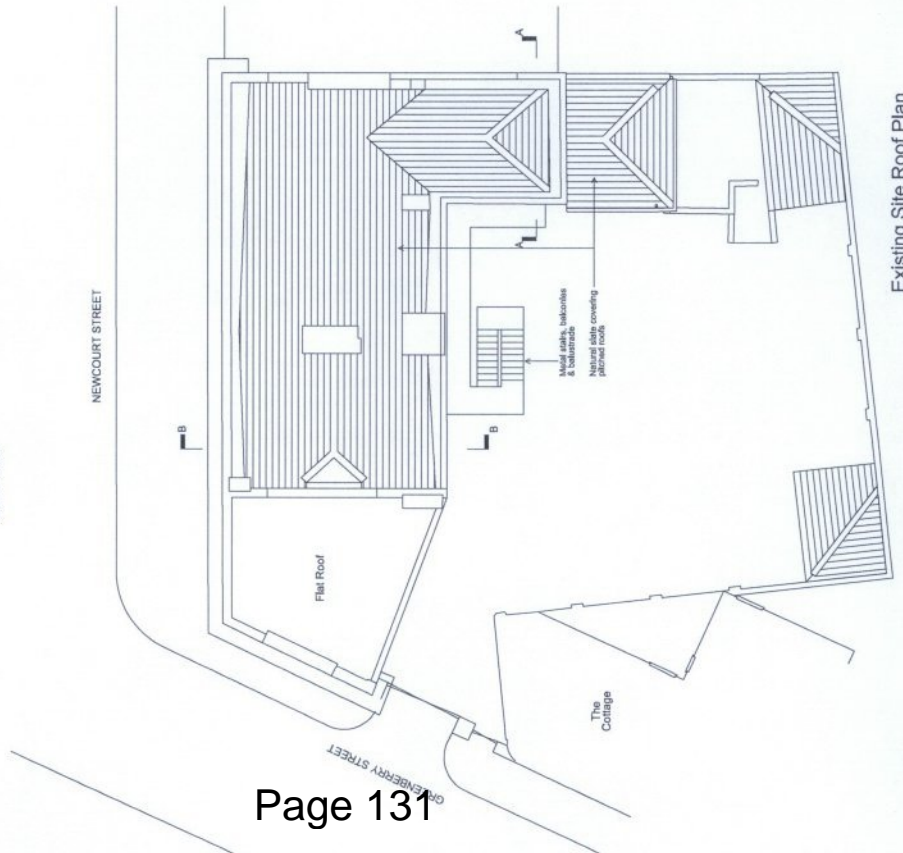
Block Plan

Scale 1:500



Proposed Site Roof Plan

Scale 1:100 @ A1



Existing Site Roof Plan

Scale 1:100 @ A1

Project:
Proposed Rear Alterations
and Internal Refurbishment of
20 Newcourt Street,
London NW6 7AA

Title: Existing & Proposed
Site/Roof Plans
Block Plan & Location Plan
Scale: 1:100, 1:500 & 1:1250 @ A1
Date: May 2014

Oakley Hough.
The Barn, Stebbing Farm
Fishers Green, Stevenage,
Hertfordshire SG1 2JG
Tel: 01438 745288
Mobile: 07710 546 270
e-mail: john@oakleyhough.co.uk

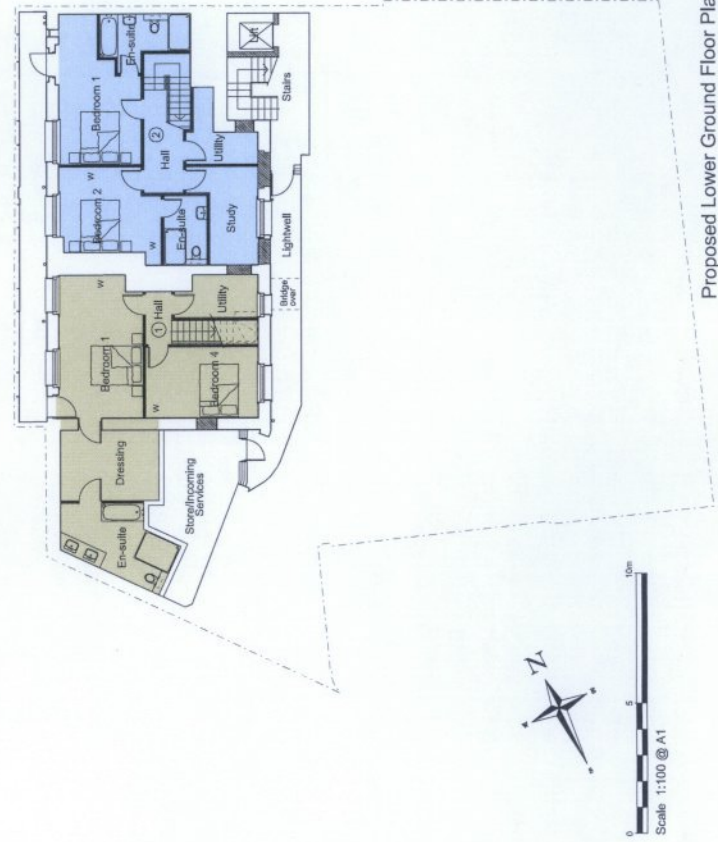
Drawings Number: 891/64

Notes:
For gross internal areas refer to separate schedule.

- Key:**
- Insulated external masonry cavity walls
 - Insulated external masonry cavity walls (to match existing where applicable)
 - Walls to be replaced
 - Walls to be replaced - Using WAF (by Tracey)



Proposed Ground Floor Plan



Proposed Lower Ground Floor Plan



Proposed Second Floor Plan



Proposed First Floor Plan

Project: Proposed Rear Alterations and Internal Refurbishment of 27 Newnham Street, London NW6 7AA

Title: Proposed Floor Plans

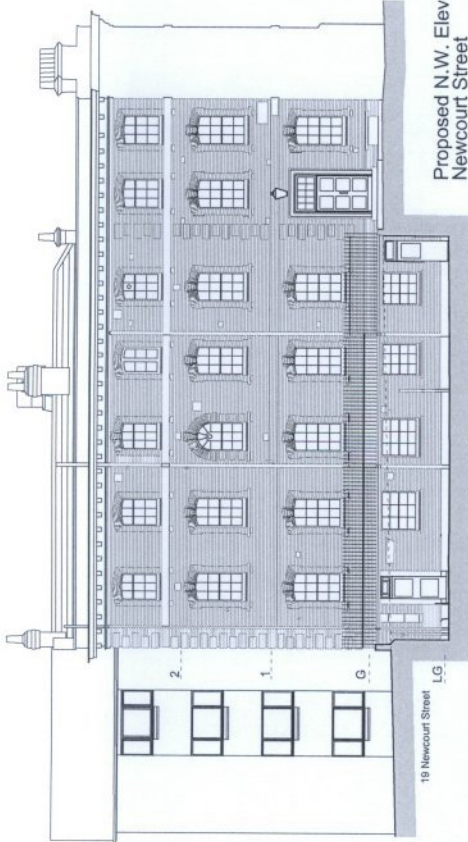
Scale: 1:100 @ A1

Date: October 2014

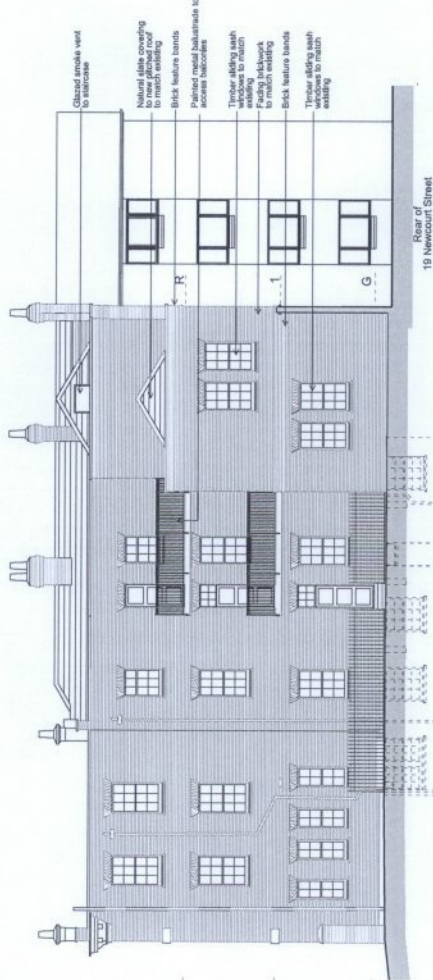
Oakley Hough.
The Barn, Stebbing Farm
Flethers Green, Stevenage,
Hertfordshire SG1 2JB
Tel: 01438 746298
Mobile: 07710 549 270
e-mail: john@oakleyough.co.uk

Drawing Number: 891/62

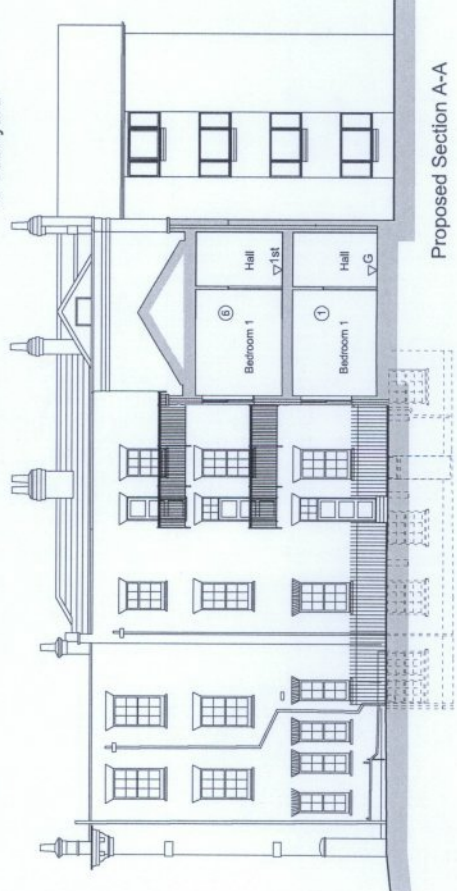
Notes:
For gross internal areas refer to separate schedule.



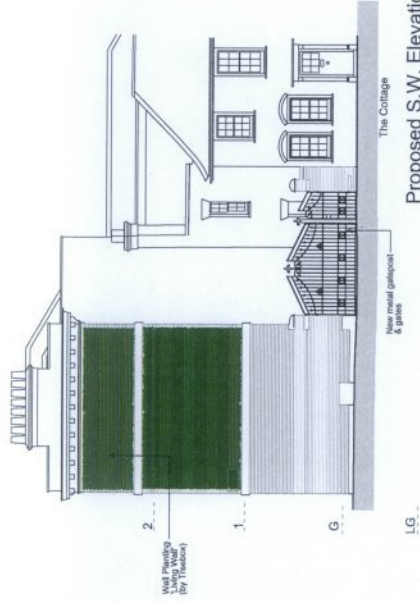
Proposed N.W. Elevation
Newcourt Street



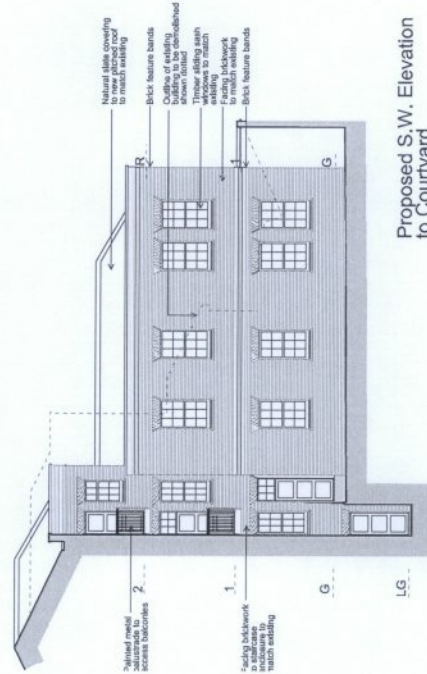
Proposed S.E. Elevation
to Courtyard



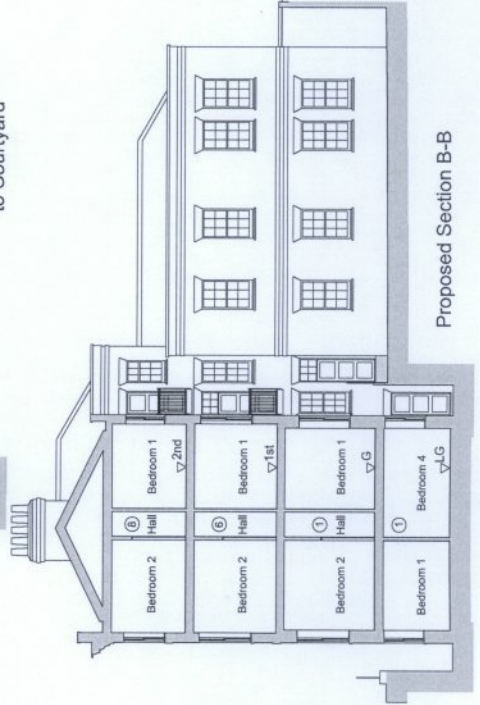
Proposed Section A-A



Proposed S.W. Elevation
Greenberry Street



Proposed S.W. Elevation
to Courtyard



Proposed Section B-B

Project: Proposed Rear Alterations and Internal Refurbishment of 20 Newcourt Street, London NW8 7AA

Title: Proposed Elevations and Sections

Scale: 1:100 @ A1

Date: Oct 2014

Oakley Hough.

The Barn, Stebbing Farm
Fishers Green, Stevenage,
Hertfordshire SG1 2JB

Tel: 01438 745288
Mobile: 07710 549 270
e-mail: john@oakleyough.co.uk

Drawing Number: 891/63







Agenda Item 4

Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 September 2015	Classification For General Release	
Report of Director of Planning		Wards involved Regent's Park	
Subject of Report	London Zoo, Outer Circle, Regents Park, London NW1		
Proposal	Demolition, excavation, infilling and removal of two trees in connection with the construction of 10 single storey timber huts and storage hut, to provide overnight accommodation visitor experience for up to four people per hut and associated alterations including new fencing, footpaths (raised and grade), hard and soft landscaping.		
Agent	Ray Hole Architects		
On behalf of	Mr Robin Fitzgerald		
Registered Number	15/02809/FULL	TP / PP No	TP/6405
Date of Application	30.03.2015	Date amended/ completed	18.08.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Regent's Park		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Regent's Park is a Royal Park Metropolitan Land Site of Metropolitan Importance for Nature Conservation Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





LONDON ZOO, OUTER CIRCLE, REGENT'S PARK, NW1

2. SUMMARY

Permission is sought for operational development in connection with the construction of 10 single storey timber huts to provide a new overnight visitor experience at the Zoo located adjacent to the new lion exhibit "Land of Lions", which is currently under construction. The experience would operate from 17.00 until 10.00. Nine of the huts including a fully accessible hut, would provide sleeping accommodation with en suite facilities for up to four people, the remaining smaller hut would provide staff accommodation and a further smaller structure would be utilised for associated storage of items required for maintenance of the huts including housekeeping. Guests would be provided with dinner and breakfast within the Terrace Restaurant or Animal Adventure Cafe. All tours during the experience would follow pre-determined routes around the Zoo and the area would be secured, and monitored by zoo staff, security guards and cameras. The proposal has been designed to protect the welfare of the animals.

The proposed expansion of the visitor attractions/facilities within the existing grounds of London Zoo is considered to be acceptable in principle in land use terms. The application has been amended during the course of the application and revised drawings have been submitted along with additional supporting documentation in order to seek to address officers concerns with respect to the impact on three existing London Plane trees and to clarify operational matters.

The huts are designed as single storey timber structures with a pitched roof and a glazed door leading to a veranda. The applicant has indicated that externally the huts are intended to be evocative of holiday lodges found in India and are to be "dressed" by distressed painting of the timber cladding and use of brushwood decorative cover over roof felt. Whilst the huts would not be visible from outside of the Zoo, officers are disappointed that the huts are not of a more quality bespoke design incorporating green roofs, as is the case for most of the new buildings within the Zoo. This is a view supported by Historic England and a resident of Prince Albert Road. Officers had sought to address this concern during the course of the application, however, the applicant has indicated that a budget has been allocated to "dress" the huts with an Indian Village theme. Notwithstanding this, a condition is recommended to secure a more quality bespoke design to address this concern.

The trees located within the Zoo are considered to be of considerable importance in terms of contributing to the character and appearance of the setting of the Zoo and its exhibits, its listed buildings and the wider Regent's Park Conservation Area as well as providing screening and biodiversity benefits. A Corkscrew Willow and Chinese Privet tree are proposed to be removed to accommodate the development. The Privet is of below average form, but the Willow is a mature and reasonably attractive specimen, and makes a useful contribution to visual amenity in the immediate vicinity. Its loss is regrettable, but on balance and subject to suitable replacements and landscaping, the loss of these trees are acceptable. The proposal as amended remains of concern to our Arboricultural Manager on grounds that the cumulative impact of services, foundations, central pond and water features and boundary fencing within the root protection area of three London Plane trees proposed to be retained, would be harmful to these trees which are of significantly high amenity value. Officers had sought to address this significant area of concern by requesting the reduction in the number of huts and removal of en suite facilities among other amendments. However, the applicant has indicated that such amendment would significantly impact upon their business plan; instead the applicant requests that a solution is sought through the imposition of conditions.

Whilst officers are not convinced that total protection of the London Plane trees can be addressed through conditions (rather than more significant amendments to the scheme), in order to support the Zoo in upgrading the visitor offer to ensure consistent level of visitor numbers and

revenue, it is considered that there are grounds in which to support the proposal, subject to a number of detailed conditions to minimise the impact on trees and to secure a more bespoke design to the huts. The application is therefore recommended for approval, subject to detailed conditions.

3. CONSULTATIONS

HISTORIC ENGLAND

Authorisation to determine application, but comment that whilst no objection in principle, would support Westminster if wishing to pursue a more bespoke design for the huts.

ROYAL PARKS

Any response to be reported verbally.

NATURAL ENGLAND

No comment.

LONDON BOROUGH OF CAMDEN

No objection.

ST MARYLEBONE SOCIETY

No objection, support the Zoo in its efforts to fund its conservation work.

ARBORICULTURAL MANAGER

Objection. Remain very concerned about the cumulative impact of the proposal on three high amenity value London Plane trees.

LICENSING

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection. Query how alcohol will be monitored and restricted. (NB. This is not controlled under Planning)

HIGHWAYS PLANNING MANAGER

Acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No Consulted: 84; Total.No.of Replies: 1;

One objection stating the proposal will destroy the residential delights of Primrose Hill to rival those of Leicester Square.

ADVERTISEMENT /SITE NOTICE: Yes

BACKGROUND PAPERS

1. Application form
2. Letter from Historic England dated 02.06.2015.
3. Email from Natural England dated 19.05.2015.
4. Email from LB Camden dated 16.07.2015.
5. Email from the St Marylebone Society dated 02.06.2015.
6. Memoranda from Arboricultural Manager dated 01.09.2015, 04.08.2015 and 19.06.2015.

7. Memo from Environmental Health dated 22.07.2015.
8. Email from Highways Planning Manager dated 24.06.2015.
9. Letter from the occupier of 17 Prince Albert Road NW1 dated 23.07.2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT SARAH WHITNALL ON 020 7641 2929 OR BY E-MAIL – swhitnall@westminster.gov.uk

DRAFT DECISION LETTER

Address: London Zoo, Outer Circle, Regents Park, London NW1

Proposal: Demolition, excavation, infilling and removal of two trees in connection with the construction of 10 single storey timber huts and storage hut, to provide overnight accommodation visitor experience for up to four people per hut and associated alterations including new fencing, footpaths (raised and grade), hard and soft landscaping.

Plan Nos: AS001AS002;AS010P3; AS020P4; AS021P4; AS022P1AS023P1; AS100P5; AS101P5; AS102P4; AS103P1; AS104P1; AS110P3; AS200P5; AS201P5; AS202P3; AS203P3; AS204P2; AS205P2; AS208; AS210P1; AS500P2; TPP-01ASPA; ZSL-HORT-PA-001; 5331/PH210T2; 5331/PH510T2; 5331/E310T2; 5331/M410T2; 5331/E210T2. Design and Access Statement with appendices, ACS Arboricultural Assessment and Protection Method Statement 16.07.2015; Additional information - operational elements and project Asian sleeping pods.

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641 2929

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 Notwithstanding the submitted arboricultural report and service route drawings. You must apply to us for approval of a revised arboricultural report and detailed drawings showing the following alterations (together with further detailed information) to the scheme :-
- Deletion of proposed water feature.
 - Revised layout to services and trenches.
 - Revised details of foundations to include location, number of pad foundation, depth and width and means of excavation and construction.
 - Alternative proposal for central pond feature to be informed by details of trial investigation.
 - Details of location and number of supports to proposed boundary fence to be informed by trial pits.
 - Details of tree protection to accord with British Standard 5837:2012 in relation to design, demolition and construction and to include cumulative impacts of the development proposal and construction activities on the trees and the long term impact of the trees as a result of the increase in intensity of activity.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the trees and the character and appearance of this part of the Regent's 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)

- 3 You must apply to us for approval of detailed drawings of a planting scheme which includes the number, size, species and position of trees and shrubs, including details of new trees to replacement the two trees to be removed. 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 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 3 years of planting them, you must replace them with trees of a similar size and species. (C30BB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Regent's 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)

- 4 Notwithstanding the approved drawings. You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme .

A revised design to the huts to be of a more quality and bespoke design.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

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, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 5 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

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

Informative(s):

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

100mm
ORIGINAL SHEET SIZE - A1

NOTES
ALL CONDITIONS TO BE CHECKED ON SITE AND REPORTED TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO WORK COMMENCING.
THESE DRAWINGS HAVE BEEN PREPARED BY CLIENT AND HAVE NOT BEEN CHECKED FOR ACCURACY.

NO.	DESCRIPTION	DATE	DR BY

THIS DRAWING SUBJECT TO COPYRIGHT

CLIENT	ZSL LONDON ZOO
PROJECT	SLEEPING ACCOMMODATION UNITS (A&A)
TITLE	LOCATION PLAN
DATE	11/09/2014
SCALE	1:1250
JOB NO.	1581/001
DRAWN BY	VS
CHECKED	VS
DRAWING NO.	A5001

rayholearchitects
 9th floor, 69 park lane
 101 city street
 CR0 1LD
 t +44 (0) 20 8862 4600
 www.rayholearchitects.com



Sleeping Accommodation Units - Location Plan
1:1250@A1

NOTES:
ALL DIMENSIONS TO BE CHECKED ON SITE AND ADJUSTED TO BE SUITABLE FOR ANY DISCREPANCIES PRIOR TO WORK.
CONSTRUCTION OF THIS DEVELOPMENT HAS BEEN REVIEWED BY CLIENT AND HAS NOT BEEN CHECKED FOR ACCURACY.

NOTES (PROPOSED):

- 1 Timber frame accommodation unit with treated timber cladding boards with distressed painted finish, treated timber doors and windows, composite decking and treated timber balustrade painted white and felt roof with brushwood effect roof finish
 - 1.1 Typical Unit (finc)
 - 1.2 DDA Accessible Unit (1no)
 - 1.3 Keeper /Site Supervisor Unit (1no)
 - 1.4 Storage
- 2 Treated timber fence painted white 1100mm high
- 3 Close boarded treated timber fence 1800mm high
- 4 Access footpath
- 5 Water feature pump chamber and return pipe

NO.	DESCRIPTION	DATE	DR BY
REVISIONS			
1	Report Boundary line re-assignment amended.	27/02/15	VB
2	Report amended to include DDA unit and storage unit.	06/02/15	VB
3	Report amended to include storage unit and water feature.	17/02/15	VB
4	Report amended to include storage unit and water feature.	17/02/15	VB
5	Report amended to include storage unit and water feature.	17/02/15	VB

THIS DRAWING SUBJECT TO COPYRIGHT

CLIENT	ZSL LONDON ZOO
PROJECT	SLEEPING ACCOMMODATION UNITS (A1/A2)
TITLE	3D VISUALISATION
DATE	27/02/15
SCALE	1:100
DRAWN BY	VB
CHECKED	VB
NO.	AS202
REVISION	P3

rayholearchitects
 4th Floor, 85 South Lane
 Cannon, London
 CR0 1LD
 T: +44 (0) 20 8862 4850
 F: +44 (0) 20 8862 4800
 www.rayholearchitects.com



Sleeping Accommodation Units - 3D Visualisation Of Proposed Development (Aerial View)

NOTES (PROPOSED):

- ① Timber frame accommodation unit with treated timber cladding boards with distressed painted finish, treated timber doors and windows, composite decking and treated timber balustrade painted white and rear roof with brushwood effect roof finish
 - 1.1 Typical Unit (1no)
 - 1.2 DDA Accessible Unit (1no)
 - 1.3 Keeper /Site Supervisor Unit (1no)
 - 1.4 Storage
- ② Treated timber fence painted white 1100mm high
- ③ Close boarded treated timber fence 1800mm high
- ④ Access footpath
- ⑤ Water feature pump chamber and return pipe

NO.	DESCRIPTION	DATE	FOR BY
REV 01	Initial design	27/02/15	VB
REV 02	Client feedback incorporated	03/03/15	VB
REV 03	Final design	17/03/15	VB
REV 04	Final design	17/03/15	VB

THIS DRAWING SUBJECT TO COPYRIGHT

CLIENT	ZSL LONDON ZOO
PROJECT	SLEEPING ACCOMMODATION UNITS (ANJAM)
TITLE	3D VISUALISATION
DATE	27/02/15
DRAWN BY	VB
CHECKED BY	VB
REVISION NO.	P3
AS203	CREATED

rayholearchitects
99, Race Point Lane
Croydon, London
CR9 1LD
Tel: 01883 626200
Fax: 01883 626201
www.rayholearchitects.com



Sleeping Accommodation Units - 3D Visualisation Of Proposed Development (Ground Level View From Entrance Zone)

ORIGINAL SHEET SIZE - A1
100mm

NOTES
ALL DIMENSIONS TO BE CHECKED ON SITE AND ADJUSTED TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO WORK.
THESE DRAWINGS AND DIMENSIONS PROVIDED BY CLIENT AND HAVE NOT BEEN CHECKED FOR ACCURACY.

NOTES (PROPOSED):

- 1 Timber frame accommodation unit with treated timber cladding boards with distressed painted finish, treated timber doors and windows, composite decking and treated timber balustrade painted white and felt roof with brushwood effect roof finish
 - 1.1 Typical Unit (6no)
 - 1.2 DDA Accessible Unit (1no)
 - 1.3 Keeper /Site Supervisor Unit (1no)
 - 1.4 Storage
- 2 Treated timber fence painted white
1100mm high
- 3 Close boarded treated timber fence
1800mm high
- 4 Access footpath

NO.	DESCRIPTION	DATE	DR BY
REVISIONS			
1	reptl boundary line repositioned around	27/02/15	VB
2	reptl boundary line repositioned around	05/03/15	VB
3	marginally altered, fence type altered	17/03/15	VB
4	reptl based for Planning Approval	10/05/15	CD
5	reptl level amendments	17/05/15	CD
6	reptl unit 1 and 4 number	17/05/15	CD

THIS DRAWING SUBJECT TO COPYRIGHT

CLIENT	ZSL LONDON ZOO
PROJECT	SLEEPING ACCOMMODATION UNITS (A&L/A&I)
TITLE	UNIT LAYOUT PLAN
DATE	SCALE
23/02/15	1:100 @ A1
DRAWN BY	VB
CHECKED BY	VB
DATE	REVISION
23/02/15	PS
CREATED	

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**Sleeping Accommodation Units - Unit Layout Plan
1:100@A1**



ORIGINAL SHEET SIZE - A1
100mm

NOTES:
ALL DIMENSIONS TO BE CHECKED ON SITE AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO WORK.
CONTRACTOR TO VERIFY ALL DIMENSIONS PROVIDED BY CLIENT AND HAVE NOT BEEN CHECKED FOR ACCURACY.

NOTES (PROPOSED):

- 1 Timber frame accommodation unit with treated timber cladding boards with distressed painted finish, treated timber doors and windows, composite decking and treated timber balustrade painted white and flat roof with brushwood effect roof finish
 - 1.1 Typical Unit (6no)
 - 1.2 DDA Accessible Unit (1no)
 - 1.3 Keeper /Site Supervisor Unit (1no)
 - 1.4 Storage
- 2 Treated timber fence painted white 1100mm high
- 3 Close boarded treated timber fence 1800mm high
- 4 Access footpath

NO.	DESCRIPTION	DATE	DR BY
REVISIONS			
1	report boundary line re-orientation amend	27/02/15	VB
2	report boundary line re-orientation amend	03/03/15	VB
3	report boundary line re-orientation amend	03/03/15	VB
4	report boundary line re-orientation amend	17/03/15	VB
5	report level amendments	18/07/15	CD
6	report store trench modification	14/07/15	CD

THIS DRAWING SUBJECT TO COPYRIGHT

CLIENT	ZSL LONDON ZOO
PROJECT	SLEEPING ACCOMMODATION UNITS (A1)
TITLE	GL SITE WORKS PLAN
DATE	27/02/15
DRAWN BY	VB
CHECKED BY	VB
DATE	27/02/15
SCALE	1:100 @ A1
JOB NO.	186/109
DRAWING NO.	AS100
REVISION	PS
CHECKED	

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EXISTING SURFACE

- Concrete/ Asphalt Hard Surface
- Soft Landscape

PROPOSED SURFACE

- Level Ground / Top Of Foundation Level
- Loose Gravel Ground Cover
- Tar & Chip Surface Dressing Substrate
- Finished Tar & Chip Surface Dressing
- Raised Treated Timber/Composite Decking
- Soft Landscaping To Rear Of Accommodation Units
- Soft Landscaping Within Infilled Moat
- Soft Landscaping Within Compound
- Shallow Water Feature Within Former Moat Structures



Sleeping Accommodation Units - GL Site Works Plan
1:100@A1

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Agenda Item 5

Item No.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 September 2015	Classification For General Release	
Report of Director of Planning	Wards involved West End		
Subject of Report	Brown Hart Gardens, London, W1		
Proposal	Use of three areas of carriageway each measuring 12.0m x 2.0m on the west side of Lumley Street for the placing of 20 stalls as a street market (four times per year and not more than once per calendar month, excluding Sundays) for the sale and display of goods (Class A1). Use of two areas of Brown Hart Gardens deck each measuring 23.6m x 2.0m for the placing of up to 24 stalls for an artisan food market, including hot food takeaway, no more than one day per week (excluding Sundays). Installation of four plinths for the display of temporary artworks on the Brown Hart Gardens deck.		
Agent	Gerald Eve LLP		
On behalf of	Grosvenor West End Properties		
Registered Number	14/12253/FULL 14/12254/LBC	TP / PP No	TP/13449/17730
Date of Application	12.12.2014	Date amended/ completed	04.03.2015
Category of Application	Other		
Historic Building Grade	Grade II Listed Building		
Conservation Area	Mayfair		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Core Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

1. Grant conditional permission subject to a S106 legal agreement to require the applicant to meet all costs associated with road closures, the suspension and temporary relocation of residents' parking bays and the removal of parked vehicles from suspended bays, if necessary.
2. If the S106 legal agreement has not been completed within six weeks of the application being reported to the Committee then:

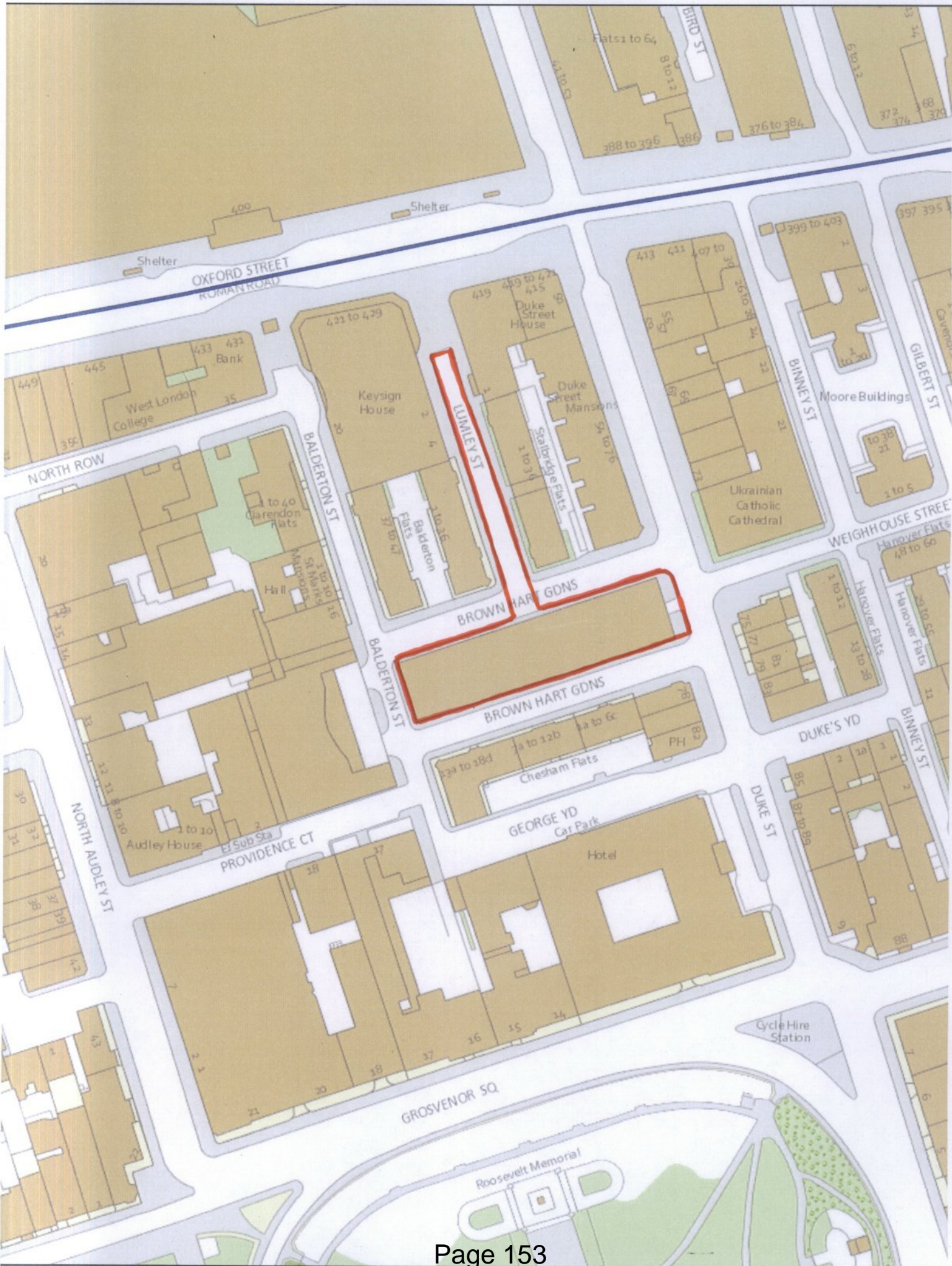
Item No.
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a) The Director of Planning shall consider whether permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and 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 a S106 legal 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.

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





BROWN HART GARDENS, W1

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2. SUMMARY

This proposal relates to the creation of temporary street markets upon the Grade II listed deck area in Brown Hart Gardens and in Lumley Street. A weekly market of 24 stalls, including a maximum of eight hot food stalls, is proposed on the deck. A quarterly craft and gift market (no cooking) of up to 20 stalls would take place on Lumley Street, and would coincide with the weekly deck market. Neither market would take place on a Sunday. The markets would be open to the public from 11.00 until 16.00. Market setting up would commence at 09.00 and the markets would be removed by 18.00. The Lumley Street market would necessitate the closure of the road and the suspension of a total of 12 residents' parking bays in Lumley Street and on Brown Hart Gardens. The applications also relate to the installation of four plinths for the temporary display of works of public art, at each of the four corners of the Brown Hart Gardens. The proposal does not include details of the proposed art works.

The key issues in this case are:

- The impact of the proposed markets on residents' amenities.
- The impact of the proposals upon residents' parking and on-street parking availability in the area.
- The acceptability of the display plinths, and the principle of public artwork displays, upon the special interest of the Brown Hart Gardens deck.

The proposed markets are considered acceptable in land use terms and subject to appropriate operational conditions, it is not considered that the use would have a material impact upon the amenities of neighbouring residents. Given that the Lumley Street market would take place only four times a year, subject to a S106 legal agreement requiring the applicant to cover the costs associated with temporary road closures and the suspension of residents' parking bays, the scheme is considered acceptable in highways terms. The display of public artwork upon the deck is considered acceptable and it is not considered that the addition of the display plinths would have an adverse impact upon the special interest of the host structure or upon the character and appearance of this part of the Mayfair Conservation Area. The proposals are considered to accord with relevant UDP and City Plan policies and are therefore recommended for approval.

3. CONSULTATIONS

ORIGINAL SUBMISSION:

COUNCILLOR ROBERTS

Concerned about the impact of a weekly market in this residential area; setting up of stalls from 07.00 is too early; markets should operate from 11.00 until 18.00 hours; residents do not wish to see seating and umbrellas on the deck and presumes that residents would be against the intensification of eating and drinking and cooking smells; overcrowding of deck and dangerously steep access stairs.

CROSSRAIL

Do not wish to comment.

GROSVENOR-MAYFAIR RESIDENTS' ASSOCIATION

Any response to be reported verbally.

RESIDENTS' SOCIETY OF MAYFAIR AND ST. JAMES'S

No objection - operating hours should be extended to serve the wider community; objections from "local" residents are unreasonable.

ENVIRONMENTAL HEALTH

No objection but expressed concern about the impact of Sunday trading, particularly with a 07.00 set up.

HIGHWAYS PLANNING MANAGER

Objection: Concern re level of parking suspensions required and practicality of suspending and publicising suspension of residents' parking bays in Lumley Street; no objection to the deck market subject to detailed servicing plan.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 230; Total No. of Replies: 5.

Land Use

- Increased commercialisation of the deck; the applicant has previously consulted with local residents who advised that they objected to the markets. Residents most affected by the proposal/local residents' association have no representation on the Management Committee and information not readily available.
- Markets should be relocated to other squares e.g. Manchester Square, which should be opened to the public.

Amenity

- Proposals will exacerbate existing problems with noise disturbance to residents; setting up of stalls in Lumley Street already causes disturbance and the operator has done nothing to address this; disturbance from market vehicles.
- People generally like the market, which is well run but noise problems will worsen if the market is on a weekly rather than a monthly basis; market set-up should be from 08.00; no other events should be permitted on the deck.
- No primary cooking should be permitted. Fortnightly food market generates unacceptable nuisance from cooking smells which would be intolerable on a weekly basis. No primary cooking permitted in cafe.
- Overcrowding at the western end of the deck and associated noise disturbance; potential conflict with proposed cafe seating; no stalls should be permitted at the western end of the deck and adjacent to the café.
- Overlooking from deck into neighbouring flats.
- Would exacerbate existing problems with litter generation.
- Increased security risk from additional people visiting this residential area.
- Noise disturbance from rotating plinths.

Servicing

- Impact on air quality from additional market vehicles. The applicant should encourage stall holders to adopt eco-measures e.g. electric vehicles etc.
- Early setting up of stalls will encourage neighbouring shops to move servicing to an earlier time.

ADVERTISEMENT/SITE NOTICE: Yes

REVISED SUBMISSION:

COUNCILLOR ROBERTS

Any response to be reported verbally.

CROSSRAIL

Do not wish to comment.

GROSVENOR-MAYFAIR RESIDENTS' ASSOCIATION

Any response to be reported verbally.

RESIDENTS' SOCIETY OF MAYFAIR AND ST. JAMES'S

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection provided markets operated in accordance with the submitted Operational Management Statement and in compliance with the proposed setting up/close down times.

HIGHWAYS PLANNING MANAGER

Re-iterate previous objections.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 301; Total No. of Replies: 5.

Five (including three letters from one address)

Parking

- Objection to suspension of residents' parking bays in Lumley Street as vehicle was damaged when parked in an alternative location following a previous suspension; suspension of these bays will affect parking availability in the area.

Amenity

- No objection to markets providing no amplified music played; the disabled persons lift is not used by traders to transfer goods onto the deck, all refuse is removed at the end of the day and details of an emergency contact are displayed at all times when the markets are in operation.
- Re-iterate previous objections relating to cooking smells and the fact that no primary cooking is permitted at the deck café.

Design

- Art works should not be permitted to rotate or incorporate flashing lights (amenity implications).

Other Issues

- Object to the art display plinths/future artworks on safety grounds. Artworks would be located close to steep access stairs to the deck - people looking at the artworks are likely to obstruct the stairs or slip from the stairs leading to risk of an accident.

4. BACKGROUND INFORMATION**4.1 The Application Site**

The deck in Brown Hart Gardens forms part of a Grade II listed building, located in the Mayfair Conservation Area and within the Core Central Activities Zone.

It was built as an electricity sub-station in 1905 with a deck over, accessed from the street via two sets of stairs at the east and west ends of the structure. The deck was laid out as a formal public space and used as such up until the 1980s. After that it was closed until 2007 when the Grosvenor Estate secured responsibility for the deck and reopened it for use as a public open

space between the hours of 11.00 and 18.00 from May – September, and between 11.00 and 15.00 from October – April.

There is a small café at the western end of the deck, erected pursuant to a permission dated 28 March 2012.

The deck is fronted on the north and south sides by residential blocks of social housing occupied by Peabody tenants. There is a significant number of elderly residents. Adjacent to the site, at 8 Balderton Street, is the newly opened Beaumont Hotel.

Lumley Street is a no-through road running northwards from the Brown Hart Gardens deck towards Oxford Street. The street is bordered by Peabody flats. There is also an entrance to Oxford Street offices at 1 Lumley Street.

The northern end of the street is a cul-de-sac. The pavement beyond, on the south side of Oxford Street, houses a street trading kiosk, cycle racks and refuse bins.

The western side of the highway in Lumley Street provides residents' parking (9 bays). The eastern side of the carriageway is marked by double yellow lines.

The applicant (Grosvenor West End properties) has been operating the markets in conjunction with Shepherd Markets. They have advised that markets have been held:

- 1) on the Brown Hart Garden deck: on a monthly basis (from 21 May 2014 until 11 February 2015) and on a fortnightly basis since then.
- 2) in Lumley Street and on the deck: in December 2013 and April, September and December 2014, when the Lumley Street parking was suspended. No Lumley Street markets have been held in 2015.

4.2 Relevant History

The lawful use of the deck is considered to be a publicly accessed open space (sui generis).

Permission and listed building consent were granted on 28 March 2012 for the construction of a glazed extension at the west end of the deck for use as a café. This permission also involved the installation of new access stairs and glazed lift on the north side of the deck, incorporating a piece of public art; the refurbishment of the deck to include a new water feature; resurfacing; the provision of new fixed and moveable planters, seating and new lighting; alterations to the highway on the north side of the deck, pavements and lighting columns. The application was revised to delete the proposal to use the remainder of the deck for a range of community and commercial events. The permission has been implemented.

An Operational Management Strategy was also approved to ameliorate the impact of the café use. Café customers (eat-in) are prevented from using the public seating on the deck; the sale of hot food and alcohol to take away customers is not permitted; sales of takeaway food are limited to between 11.00 and 18.00 and the opening elements of the café (north and south sides) are to remain closed, except between 11.00 and 18.00, to prevent significant noise outbreak to flats overlooking the deck. Only maintenance and cafe staff can access the deck between 07.30 and 21.00 and only café staff and eat-in customers are permitted to access the deck between 08.00 and 11.00 and between 18.00 and 20.00. Full access to the deck for the general public, and for all café customers, is limited to between 11.00 and 18.00.

These measures were designed to ensure i) that the café did not colonise the deck and occupy space and seating intended for use by members of the general public visiting the deck (but not the café) and ii) to safeguard the amenities of those many local residents living in flats adjoining the deck.

An application (submitted by the café operator) for the placing of tables and chairs on the deck area for use in association with the cafe, was withdrawn on 20 April 2015 due to potential conflicts between the external seating and the proposed market. A new application for tables and chairs has recently been received.

5. THE PROPOSAL

The current proposal incorporates three separate elements:

- i) The use of three areas of the carriageway on the western side of Lumley Street (each measuring 12m long x 2m wide) for the placing of 20 market stalls for the display and sale of goods (Class A1) - on a maximum of four occasions in any one year and not more than once in any calendar month, on any day except Sundays ("Lumley Street market").

The Lumley Street market would sell sweets, jewellery, olive oil and gifts.

When this market is in operation, nine residents' parking bays on the western side of Lumley Street and three residents' parking bays on the north side of Brown Hart Gardens would be suspended.

- ii) the use of two areas of the Brown Hart Gardens deck, each measuring 23.6m long x 2m wide, for the placing of a maximum of 24 stalls for the sale and display of artisan foods (including hot food takeaway) on no more than one day per week, on any day except Sundays (the "deck market").

The deck market would sell pastries, pancakes, cakes, honey products and rice/noodle dishes and meat/fish/vegetable dishes.

When only the deck market is operating, a maximum of six stalls would undertake primary cooking. On those occasions when the Lumley Street market is also operating, there would be fewer stalls on the deck, but a maximum of eight stalls would undertake primary cooking.

No generators would be used to provide power. Any cooking would be done using chafing fuels, gas cartridges or gas cylinders, as currently,

Market stalls on both locations would measure 3m x 3m, and a maximum of 3m at the highest part of the roof.

- iii) The installation of four copper-clad plinths, one at each corner of the Brown Hart Gardens deck, for the display of works of public artworks. The intention is for artworks to be displayed on a temporary "rotating" basis, similar to artworks on the Fourth Plinth in Trafalgar Square. This application seeks permission for the physical works necessary to create the plinths, and for the principle of the artwork displays.

It is proposed that both markets would operate between 11.00 and 16.00, with the supplementary Lumley Street market coinciding with the date of the deck market. Setting up of the market stalls would commence at 09.00. All stalls and associated equipment removed by 18.00.

The application has been amended to commence the setting up of stalls at 09.00 hours (originally 07.00 hours), to prevent Sunday market trading and to clarify/limit the number of hot food stalls in the deck market. A more comprehensive Operational Management Plan has also been provided.

6. DETAILED CONSIDERATIONS

The proposal raises a range of material planning issues which are addressed below.

6.1 Land Use

6.1.1 Policy context

UDP Policy SS13 states that proposals for new street markets will be considered with reference to amenity, parking, servicing, highways, cleansing, refuse storage/recycling and licensing considerations and the effect on existing street markets and local shopping facilities.

Policy S18 directs new commercial development to the Core CAZ and designated shopping centres, amongst other specific locations, but states that proposals for new commercial uses must be appropriate in terms of the scale and intensity of land uses and their impact on the character and function of the area. Policy S1 directs new retail uses (floorspace) to the designated shopping centres, amongst other specified locations.

Policy DES12 states that development will not be permitted on or under parks, landscaped spaces and public or private gardens where the open spaces form an important element in the townscape, part of a planned estate or street layout; are characteristic features of conservation areas; provide the setting of a listed building or are of significant ecological value.

Under Policy S35, all open spaces and their quality, heritage and ecological value, tranquillity and amenity will be protected.

Policy ENV15 of the UDP states that permission will not be granted for development on public or private open space of amenity, recreational or nature conservation value unless the development is essential and necessary to maintaining or enhancing that land as valuable open space.

The Council's Open Space Strategy SPD 2007 is intended to improve the quality, management, accessibility and use of parks and other open spaces in the city and to provide new facilities where there are deficits in their provision. The strategy acknowledges the contribution of open spaces, and sports and recreational facilities, to the residential environment. The SPD includes a list of protected open spaces. Although the Brown Hart Gardens deck is not included on this list, the SPD makes it clear that all open space is protected, whether or not it is included on the list.

As part of the Crossriver Partnership, the City Council is a project partner in the Sustainable Urban Markets project which seeks to explore the potential of street and covered markets as drivers of local economic development.

Although, due to their regular nature, the proposed market uses are considered to constitute development, the policies detailed above are largely concerned with the permanent displacement of public open space rather than with the effects of temporary uses where, once these have ceased, the space returns to its previous condition. It could be argued that the

proposals for the deck would result in the commercialisation of a publically accessible open space, which provides some valuable outside space to local residents and an objection has been received on these grounds. However, an element of commercialisation of the deck space has already been approved through the granting of permission for the cafe use. Given the temporary nature of the markets, and their scale, it is not considered that they would have an adverse impact on local shopping in the area, but could be seen to supplement it. Given the proximity of the sites to Oxford Street, and the nature of the proposals, it is not considered that the markets could reasonably be resisted on the grounds that they would have an adverse impact upon the character of the area. In these circumstances, the market proposals are considered acceptable in principle in land use terms.

The impact of the proposals upon residents' amenity and the local highways network is considered in Sections 6.3 and 6.4 below.

6.2 Design and townscape

The Brown Hart Gardens deck comprises the roof of a building erected in 1904-05 as an electricity sub-station, concealed by a raised terrace. It was designed by C.S. Peach for the Grosvenor Estate. The list description states:

An architecturally tasteful disguise for the sunken sub-station, in Edwardian Baroque. Stone paved terrace with garden, surrounded by balustrades and with stone domed and columned pavilions to east and west end, the whole raised over rusticated arcade of lunettes lighting the sub-station below.

The building makes a positive contribution to the character and appearance of the Mayfair Conservation Area.

6.2.1 Market stalls

Market stalls design

The market stalls for the deck on Brown Hart Gardens are supplied by the traders themselves and comprise a gazebo cover with tables and serving points beneath.

The stalls for the Lumley Street market are hired by the applicant and comprise a metal frame with plastic canopy and wooden counter top.

Given their temporary nature, it is not considered that these stalls would have an adverse impact upon the special interest of the listed deck or upon the character and appearance of this part of the Mayfair Conservation Area.

6.2.2 Works to facilitate the display of public art

The applications seek further approval for the installation of four copper-clad plinths, 20cm in height, bolted to the stone piers on each corner of the Brown Hart Gardens deck.

The applications relate only to these physical works and to the principle of the artwork display programme. The applicant intends to hold further discussions with the City Council regarding details of the "rotating" artwork programme which will be considered by the Management Committee which has been set up in relation to proposed activities on the deck. The committee is involved with a number of parties including the Brown Hart Gardens Liaison Group which represents local residents, businesses and other organisations regarding activities at the site.

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Residents are concerned about potential disturbance should the artworks rotate, or incorporate flashing lights. The term "rotating" has been coined by the applicant to denote a series of temporary artworks, rather than physical movement. All subsequent proposals for the installation of works of public art will require separate planning permission and listed building consent and any impact on neighbours' amenities will be assessed at that stage.

The temporary display of public art on the corners of the deck is considered acceptable in principle. The design of the plinths is appropriate and the proposal will not harm the special interest of the listed building or the character and appearance of the Mayfair Conservation Area..

Concern has been raised that additional seating and umbrellas should not be provided on the deck. This does not form part of the current proposal. However, a condition is recommended to that effect.

In conclusion, it is considered that the proposal is acceptable in listed building and conservation area terms and complies with City Plan and UDP policies, including S25 and S28, DES 1, DES 5, DES 9 and DES 10.

6.3 Amenity

The key amenity issues which the proposal raises are noise from the servicing activity generated by the markets (particularly early in the morning), customer noise, potential smell nuisance from the hot food stalls, and loss of privacy to local residents through overlooking from the deck by market customers.

The deck, and both sides of Lumley Street, are bordered by a large number of residents living in small flats managed by Peabody. The flats are occupied by a range of tenants including elderly people and families. The blocks face the deck on the north and south sides.

Few comments have been received in relation to the applications. The local amenity society has written in support of the proposal and has suggested an extension of market trading hours. One objector, whilst conceding that the markets are popular and well run, is concerned about the impact of the intensification of the market use. Other objectors state that objections made to the market operators have not been resolved. The objections are addressed in detail below.

i) Noise

a) Customer noise

Given the nature of markets, and the vagaries of the weather, it is not possible to anticipate the level of customer activity generated by the proposed markets. However, the proposed trading hours 11.00 to 16.00, are relatively short and are less than those permitted for general public access to the deck (11.00 to 18.00).

These restricted trading hours will help to minimise the impact of the markets upon on the amenities of residents in Lumley Street and of flats overlooking the deck. However, it is not possible to limit the number of those market customers visiting the 24 stalls on the deck, many of whom are likely to remain on the deck to consume food purchased at the market. Similarly, it is not possible to restrict the number of customers visting Lumley Street, which is a public highway.

The applicant has been keen to emphasise that no complaints have been received in relation to the market operation to date, although this is contrary to the advice made by objectors. However, Environmental Health officers have confirmed that there is no record of any complaints having been received in respect of the market operations. It is noted that few comments/objections have been received to the applications notwithstanding the wide neighbour consultation.

The submitted Operational Management Strategy includes various measures to ameliorate the impact of the market use, including to prevent amplified music from being played and an undertaking that stallholders will not be permitted to operate noisy equipment, including generators. A member of the market operator's management team would be on site at all times.

Operating at the busiest times of the day, but not on Sundays, and given their proximity to Oxford Street, it is not considered that the general level of activity associated with the markets would have a significant adverse impact upon the amenities of local residents.

b) Servicing activity

It was originally proposed that the setting up of market stalls would commence at 07.00 and that all stalls and equipment would be removed between 16.00, when market trading ceases, and 18.30. The revised application involves the setting up of market stalls from 09.00, with all equipment now being removed by 18.00 hours.

One objector expressed concern that the original start-up time proposed (7.00) would be used as a lever by Oxford Street retailers to commence their site servicing at an earlier time to the detriment of residents' amenities. This same objector states that their objection made to the market operator, about noise disturbance from the market set-up has not been satisfactorily resolved.

When considering servicing hours for the deck cafe, it was considered appropriate for servicing to take place from 07.30 hours. The level of additional disturbance associated with the setting up of the market stalls is likely to be considerable, and certainly greater than the potential impact associated with the servicing of the deck cafe. However, the area is close to Oxford Street, which is subject to early morning servicing activity and traffic noise. In this context, and given the revised start up hour (09.00), it is not considered that the level of activity associated with the setting up, or dismantling of the market would have a significant impact upon the amenities of neighbouring residents.

c) Other noise disturbance

One objection has been received in relation to potential noise disturbance from "rotating" plinths. This is a result of a misunderstanding of the proposals. It is the artwork displays which would be rotating i.e. installed on a temporary basis, rather than the plinths.

ii) Overlooking/overcrowding

The approved scheme for deck refurbishment and cafe approved a seating design which minimised the potential for overlooking from the deck, including fixed perimeter seating and moveable seating/planters in the centre of the deck. These non-fixed elements will be moved to facilitate the erection of the market stalls, which will be confined to the centre and eastern end of the deck.

The concern that people visiting the market will be able to look into neighbouring flats, particularly from the western end of the deck, is noted, as are comments about the overcrowding. However, that potential situation currently exists during the hours that the deck is open to the public. The proposed market trading hours are less than the permitted hours for public access to the deck and would take place on one day a week. There is no evidence to suggest that the market use has, to date, resulted in dangerous overcrowding. In these circumstances, it is not considered that the proposals would significantly worsen the existing position.

iii) Smell nuisance

A maximum of eight food stalls would be provided on the deck providing a range of meat, fish and vegetable dishes. Only the occupiers of one residential flat have expressed concern about this issue, noting that no primary cooking is permitted in the deck café, and stating that permission for a weekly market would exacerbate existing problems with smells nuisance which have resulted from the existing markets. However, no other objections have been received on these grounds notwithstanding the fact that the market has been operating on a monthly, then fortnightly, basis for the past 18 months.

Although no primary cooking is permitted in the deck café, no kitchen ventilation/extract ducting was proposed for the café building. This would have been required to extract cooking smells from within the café premises. The café is permitted to serve food on a daily basis, for up to 12 hours each day. Cooking in the deck market would be limited to a maximum of eight stalls, between 11.00 and 16.00 hours, and on only one day a week. The Environmental Health officer considers that the distance from the central deck area to residential properties is sufficient to allow dilution and dispersal of cooking smells. In addition, given the limited number of stalls and the frequency of use, it is not considered that the applications could be refused on smell nuisance grounds.

iv) Cleaning and litter

An objection has been received on the grounds that the proposal would result in increased litter generation.

The applicant has confirmed that all market stallholders will be responsible for removing, and disposing of their own packaging and food waste. However, given the nature of the operation, little packaging waste would be generated and that any waste generated by customers can be accommodated by existing litter bins on the site. However, given the large numbers of hot food stalls on the deck, there is the potential for existing bins to overflow with food packaging/food waste. To address this concern, a team of cleaners will attend the site on market days to ensure that the bins are emptied when they become full and that no litter remains at the end of the day. Some of the bins alert cleaners when they are full. This is the current arrangement, which will continue, and details form part of the Operational Management Strategy.

v) Other issues

Concerns about anti-social behaviour and loss of security for residents are noted. It is not considered that the markets will materially increase crime opportunities in the area, which are mainly a consequence of the proximity of Brown Hart Gardens to Oxford Street.

One local resident is concerned that market traders should not be able to use the access lift serving the deck, to transfer goods from the deck to street level, and vice versa. A condition is recommended to deal with this issue.

Objections have also been received on the grounds that people stopping to look at the art works could obstruct the pavement or could slip from the steep access stairs to the deck, resulting in an increased risk of accidents. While these concerns are noted, it is not considered that the proposal would generate any increased accident risk when compared with people accessing the deck, as currently permitted, or viewing the deck, which is itself an attractive listed structure.

One local resident has requested that no other events be permitted on the deck area. Any proposals for other activities/events, which require planning approval, will be considered on their own merits and it would not be possible to restrict future development proposals as part of the consideration of these applications.

One objector has referred to consultations carried out by the applicant in relation to the market proposals and to the fact that those most affected by the proposals are not represented on the deck Management Committee. This is a matter for local residents and the Grosvenor Estate. However, the City Council has undertaken extensive consultations in relation to the market proposals which have given local residents opportunity to make representations.

One respondent considers that the proposed markets should be relocated to other sites. However, the City Council has a duty to assess the application as submitted.

6.4 Transportation

6.4.1 Servicing/parking

When the weekly deck market is in operation, servicing would take place in 15 minute time slots between 09.00 and 11.00 and from 16.00 until 18.00. Traders would be allocated a time slot, during which no more than three vans (no lorries) would be in attendance. Servicing would take place in Brown Hart Gardens, as at present. Given the limited number of servicing vehicles present at any one time, no suspension of parking bays would be required in either Lumley Street or Brown Hart Gardens. These arrangements would not conflict with the agreed servicing arrangements for the deck cafe, which is serviced from Balderton Street. The Highways Planning Manager has raised no objection to this aspect of the scheme subject to the submission of a detailed Servicing Management Plan.

When both the Lumley Street and deck markets are in operation, on a maximum of four occasions a year, servicing would take place at the same times, using the same system of 15 minute time slots. Again, no more than three vehicles in attendance at any one time. However, Lumley Street would be closed to traffic and all nine residents' parking bays on the west side of the street would be suspended, together with three bays on the north side of Brown Hart Gardens. These arrangements would allow for the free flow of traffic around the deck.

However, the Highways Planning Manager has objected to this aspect of the proposal. Whilst the parking from the suspended residents' parking spaces could be temporarily relocated to public parking, (with reduced public parking availability during those times), there is concern that any residents who might park their car in Lumley Street for several days at a time (without visiting the street), could be unaware of the suspension and might be at risk of having their vehicle removed.

In these circumstances, if the proposal is otherwise considered acceptable, the Highways Planning Manager has requested that the applicant be required to enter into a S106 legal agreement to cover all costs associated with the temporary closure of Lumley Street and parking suspensions, including the costs of having to move residents' vehicles, should that be

required. Subject to this, and to a condition requiring the submission of a detailed Servicing Management Plan, it is not considered that the applications could justifiably be recommended for refusal on highways grounds.

It is not considered that the operation of the markets is likely to generate any additional customer parking.

An objection has been received from one motorcyclist, who currently parks in Lumley Street (which is a no-through road with limited traffic movements) who has advised that his vehicle was damaged when relocated as a result of previous parking suspensions. Although this incident is regrettable, permission could not reasonably be withheld on these grounds.

6.5 Economic Considerations

This proposal raises no specific economic issues. The employment opportunities created by the markets are welcomed.

6.6 Other UDP/Westminster Policy Considerations

None.

6.7 London Plan

It is not considered that this proposal raises any strategic issues.

6.8 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of these applications are considered to be consistent with the NPPF unless stated otherwise.

6.9 Planning Obligations

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

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

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure.

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

- an undertaking for the applicant to cover all costs associated with the temporary closure of Lumley Street and parking suspensions, including the costs of having to move residents' vehicles, should that be required. The applicant has confirmed that they are willing to enter into this agreement.

The planning obligations to be secured, as outlined above, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations (2010 as amended).

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

The proposal does not raise any biodiversity or sustainability issues. However, the supporting text to UDP Policy SS13 recognises street stalls to be a sustainable form of retailing using far less energy than conventional shops, with most customers arriving on foot or by public transport.

6.11 Conclusion

The proposals are considered acceptable on land use, amenity and design grounds and it is recommended that planning permission be granted subject to appropriate conditions and to a S106 legal agreement dealing with the issue of road closures, parking suspensions and the removal of vehicles from suspended bays, and that conditional listed building consent be granted.

BACKGROUND PAPERS

1. Application forms
2. E-mail from Councillor Roberts dated 14 April 2015
3. E-mails from Crossrail dated 1 July and 20 August 2015
4. Letter from the Residents' Association of Mayfair & St James's dated 26 March 2015
5. E-mails from Highways Planning dated 2 June and 16 July 2015
6. Memoranda from Environmental Health dated 19 March, 2 July and 2 September 2015
7. E-mail from the occupier 10 Stalbridge Flats, Lumley Street dated 30 March 2015
8. E-mail from the occupier 19 Stalbridge Flats, Lumley Street dated 8 July 2015 (enclosures)
9. E-mail from the occupier 7 Balderton Flats, Brown Hart Gardens dated 15 July 2015
10. E-mails from the occupiers 19 Balderton Flats, Brown Hart Gardens dated 1 April, 8 August (two) and 26 August 2015.

11. Letter from the occupier 24 Balderton Flats, Brown Hart Gardens dated 1 April 2015
12. Letter from the occupier 32 Balderton Flats, Brown Hart Gardens dated 17 March 2015
13. Letter from the occupier 3A Chesham Flats, Brown Hart Gardens received 19 March 2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT JOSEPHINE PALMER ON 020 7641 2723 OR BY E-MAIL – jpalme@westminster.gov.uk

DRAFT DECISION LETTER

Address: Brown Hart Gardens, London, W1

Proposal: Use of three areas of carriageway each measuring 12.0m x 2.0m on the west side of Lumley Street for the placing of 20 stalls as a street market (four times per year and not more than once per calendar month, excluding Sundays) for the sale and display of goods (Class A1). Use of two areas of Brown Hart Gardens deck each measuring 23.6m x 2.0m for the placing of up to 24 stalls for an artisan food market, including hot food takeaway, no more than one day per week (excluding Sundays). Installation of four plinths for the display of temporary artworks on the Brown Hart Gardens deck.

Plan Nos: Proposed market plan (entitled Lumley Street) dated 16 October 2014; Operational Management Plan dated June 2015; SK (90)LP009 (plinth details only); plinth location plan dated 22 August 2014; plinth detail (dated 11 September 2014)

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

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 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 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: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AG)

- 3 The markets shall operate in accordance with the details set out in the Operational Management Strategy (June 2015) hereby approved.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007 and to protect neighbouring residents from noise nuisance as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and of our Unitary Development Plan that we adopted in January 2007.

- 4 The Brown Hart Gardens deck market hereby approved shall take place on a maximum of one day per week (excluding Sundays) and shall only be open to customers between 11.00 and 16.00 hours.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 5 The Lumley Street market hereby approved shall take place on a maximum of four times per year (excluding Sundays) and not more than once in any calendar month and shall only be open to customers between 11.00 and 16.00 hours.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 6 The setting-up of the markets, including the loading and unloading of goods and market fixtures from vehicles, shall not commence before 09.00 and all goods, fixtures and traders' refuse associated with the market use shall have been removed from the market sites by 18.00 hours.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 7 A maximum of 20 market stalls shall be located in the Lumley Street market and a maximum of 24 market stalls shall be located in the Brown Hart Gardens market.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 8 You must not undertake any primary cooking (cook raw or fresh food) and no hot food shall be served within the Lumley Street market.

Reason:

To ensure that occupants in neighbouring properties do not suffer from unacceptable nuisance from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 9 A maximum of 6 stalls within the Brown Hart Garden market shall be permitted to undertake primary cooking (cook raw or fresh food) except on those occasions when the Lumley Street market is also in operation, when a maximum of 8 stalls within the Brown Hart Gardens shall be permitted to undertake primary cooking and only these stalls can serve hot food.

Reason:

To ensure that occupants in neighbouring properties do not suffer from unacceptable nuisance from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 10 No mechanical plant, including generators, shall be operated in association with the market use hereby approved.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 11 No amplified music shall be played in association with the market operations hereby approved.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 12 The access lift serving the Brown Hart Gardens deck shall not be used for the transfer of goods or fixtures associated with the market use.

Reason:

To make sure that the existing access for people with disabilities is maintained set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 13 Other than the market stalls hereby approved, no structures such as gazebos, umbrellas or tables and chairs shall be provided in association with the market operations.

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: 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)

- 14 You must apply to us for approval of a Servicing Management Plan. You must not start work until we have approved what you have sent us.

You must then operate the use in accordance with the approved Servicing Management Plan

Reason:

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

- 15 The market use allowed by this permission is limited until 30 September 2016.

Reason:

In order to assess the impact of the use of the market on the amenities of nearby residents.

- 16 You must not display any artworks on the plinths hereby approved without the further consent of the City Council.

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: 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)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This 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 an obligation to meet the City Council's costs in relation to road closures, the suspension of resident's parking bays and the removal of parked vehicles. (I55AA)
- 3 You are advised to contact Sean Dwyer on 0207-641 3326 to discuss the Council's requirements in relation to the discharge of Condition 14.

DRAFT DECISION LETTER

Address: Brown Hart Gardens, London, W1

Proposal: Installation of four permanent plinths for the temporary display of works of public art on the Brown Hart Gardens deck.

Plan Nos: SK (90)LP009 (plinth details only); plinth location plan dated 22 August 2014; plinth detail (dated 11 September 2014)

Case Officer: Sara Spurrier **Direct Tel. No.** 020 7641 3934

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 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 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: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must not display any artworks on the plinths hereby approved without the further consent of the City Council.
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: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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 our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

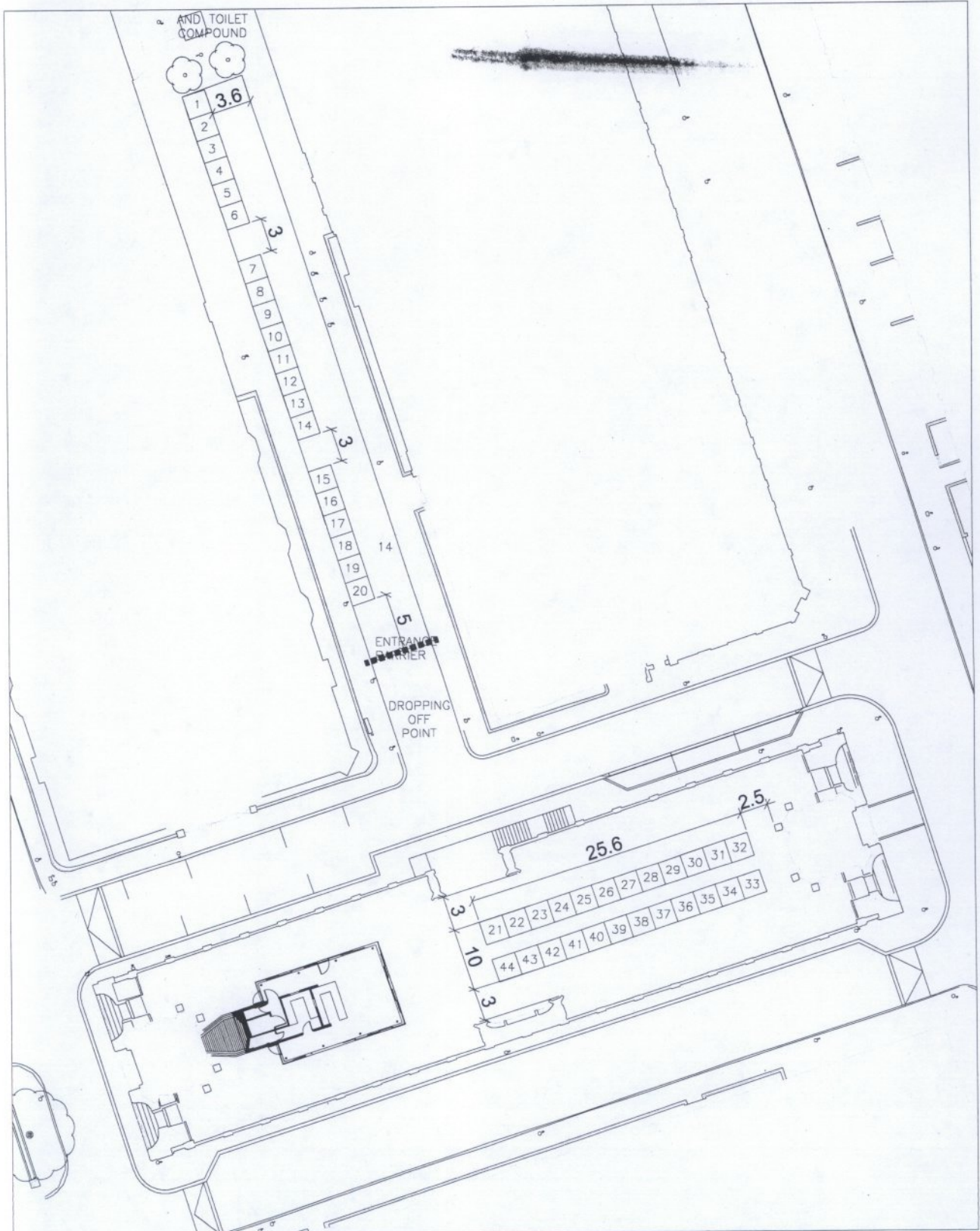
- 3 You are reminded that all subsequent listed building applications for the display of temporary artworks on the plinths hereby approved will require details of the method of fixing.

Lumley Street

Proposed Plan

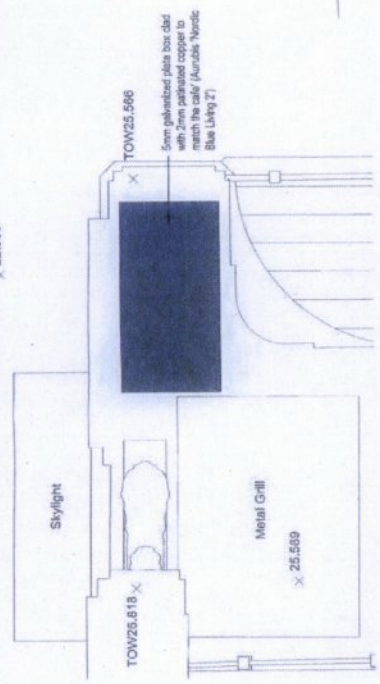
CASE COPY

12 DEC 2014



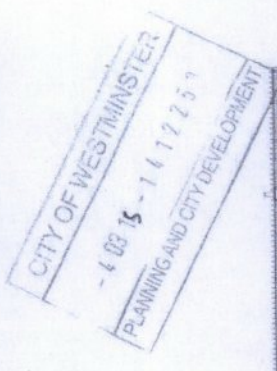
Ordnance Survey © Crown copyright 2013. All rights reserved. Licence number LAN1000980

x 22.550

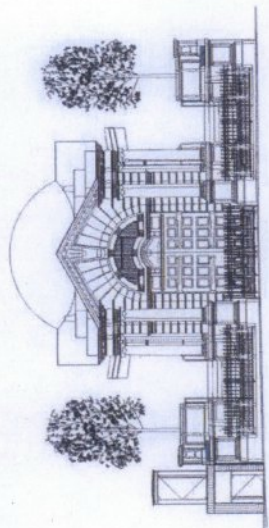


Detail Plan (North East Corner) 1:20@A1
 Refer Plinth Proposal Drawing Date: 11/09/14 For Plinth Detail

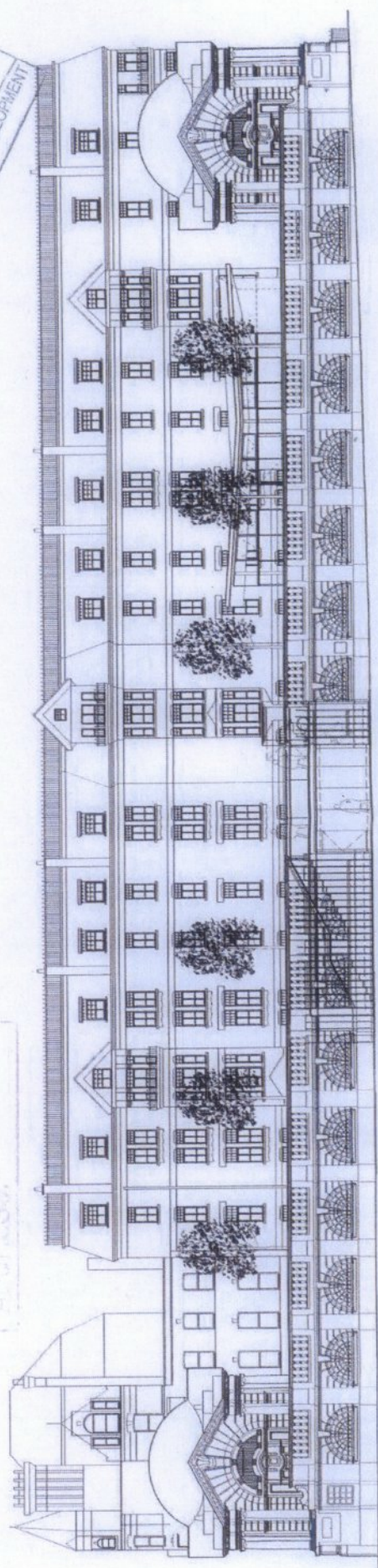
West Elevation 1:100@A1



East Elevation 1:100@A1



CASE COPY
 TP: _____
 FOL: _____
 APPROV: _____



North Elevation 1:100@A1

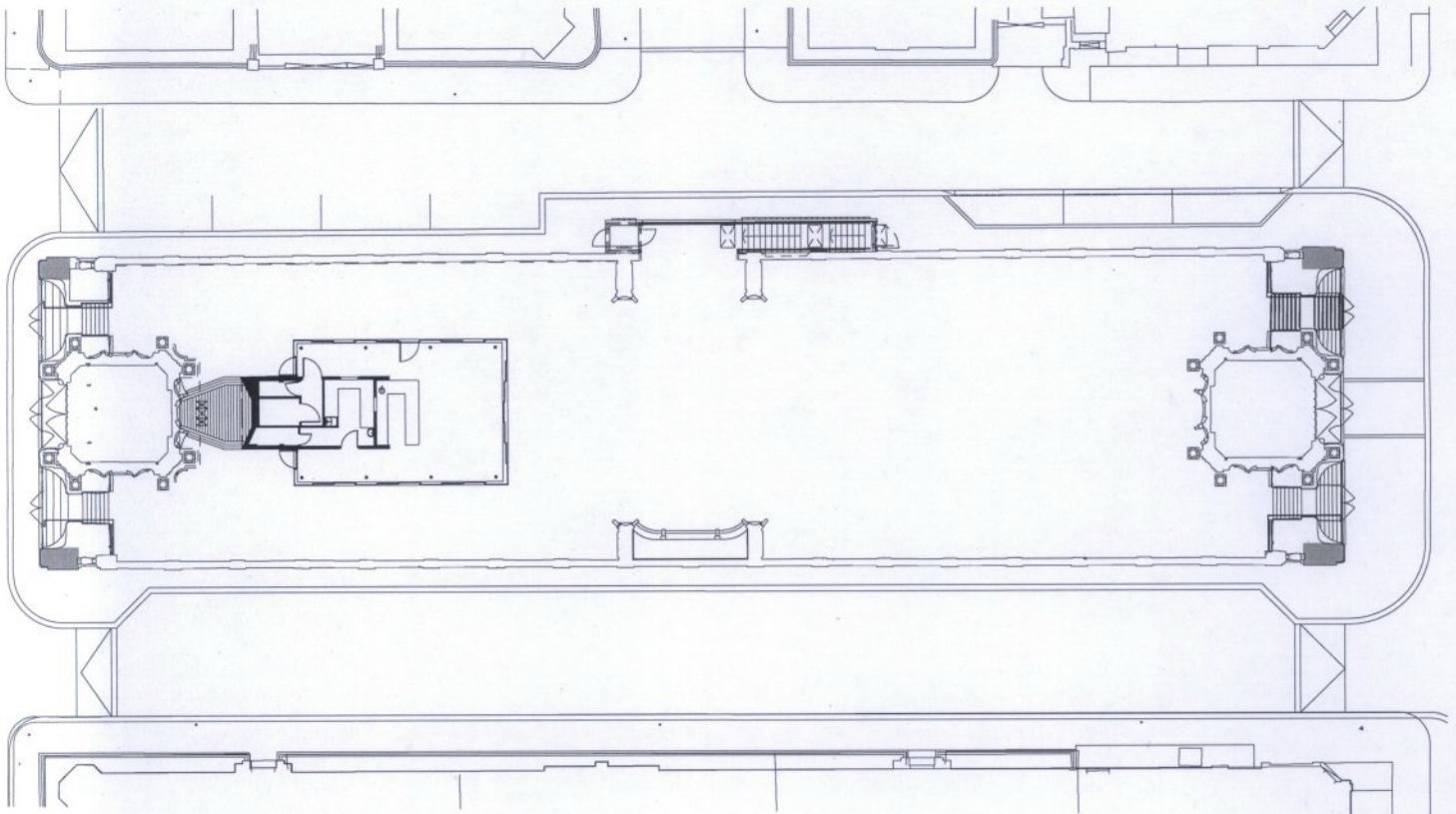
BDP.
 ARCHITECTURE DESIGN ENGINEERING URBANISM SUSTAINABILITY LIGHTING ACCUSTICS

18 Denham Street, London, W2 1AL, United Kingdom
 T +44 (0)20 7323 8500 F +44 (0)20 7323 8500 www.bdp.com

Brown Hart Gardens
 P25002825
 Proposed Landscape Works
 Sketch Layout for Copper Plinth
 Elevations and Detail Plan
 28.08.15
 SK/601L/P009

Project Name: _____
 Date: 18/03/15
 Scale: 1:100

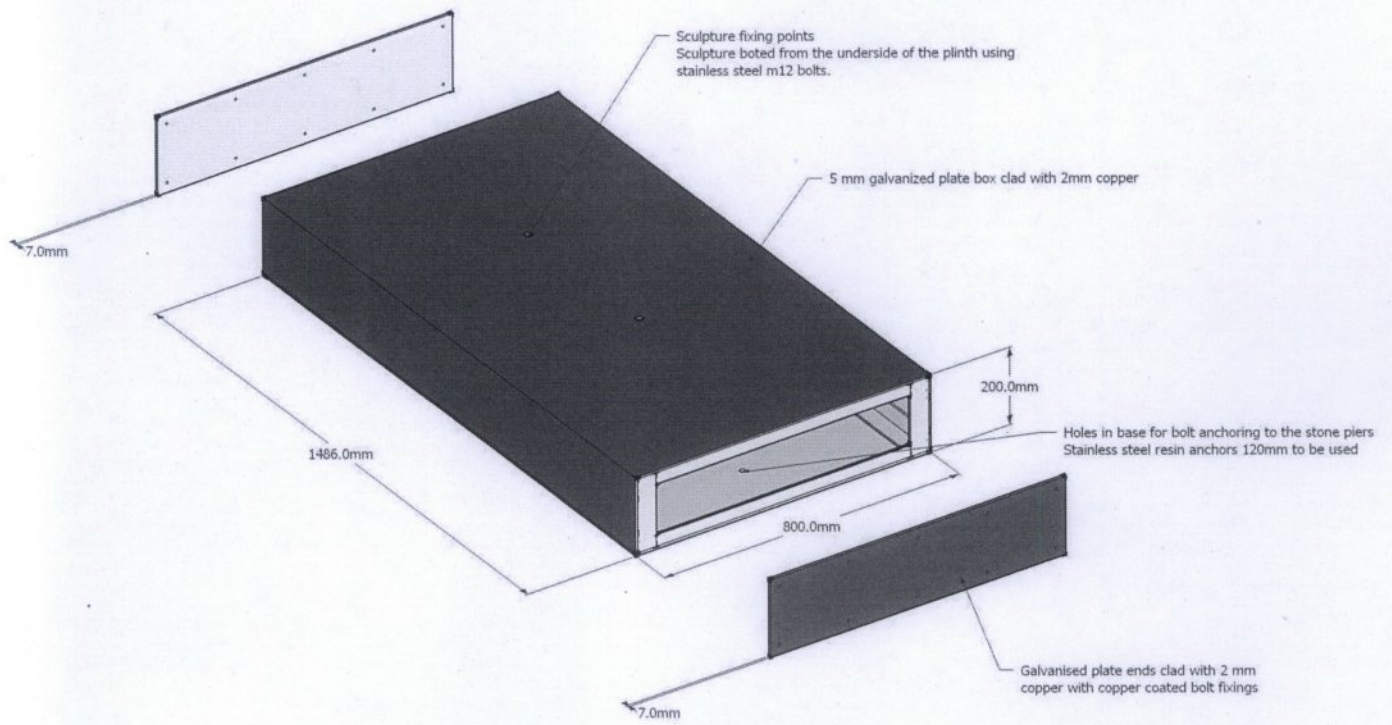
Brownhart Gardens
Plinth Locations



SCALE 1:250 @ A3

22 Aug 14

Plinth Proposal Drawing



Client: *Iain Brunt*
Project: *Brownhart Gardens Sculpture plinths*
Drawn by: *B Young*
Date: *11/09/14*

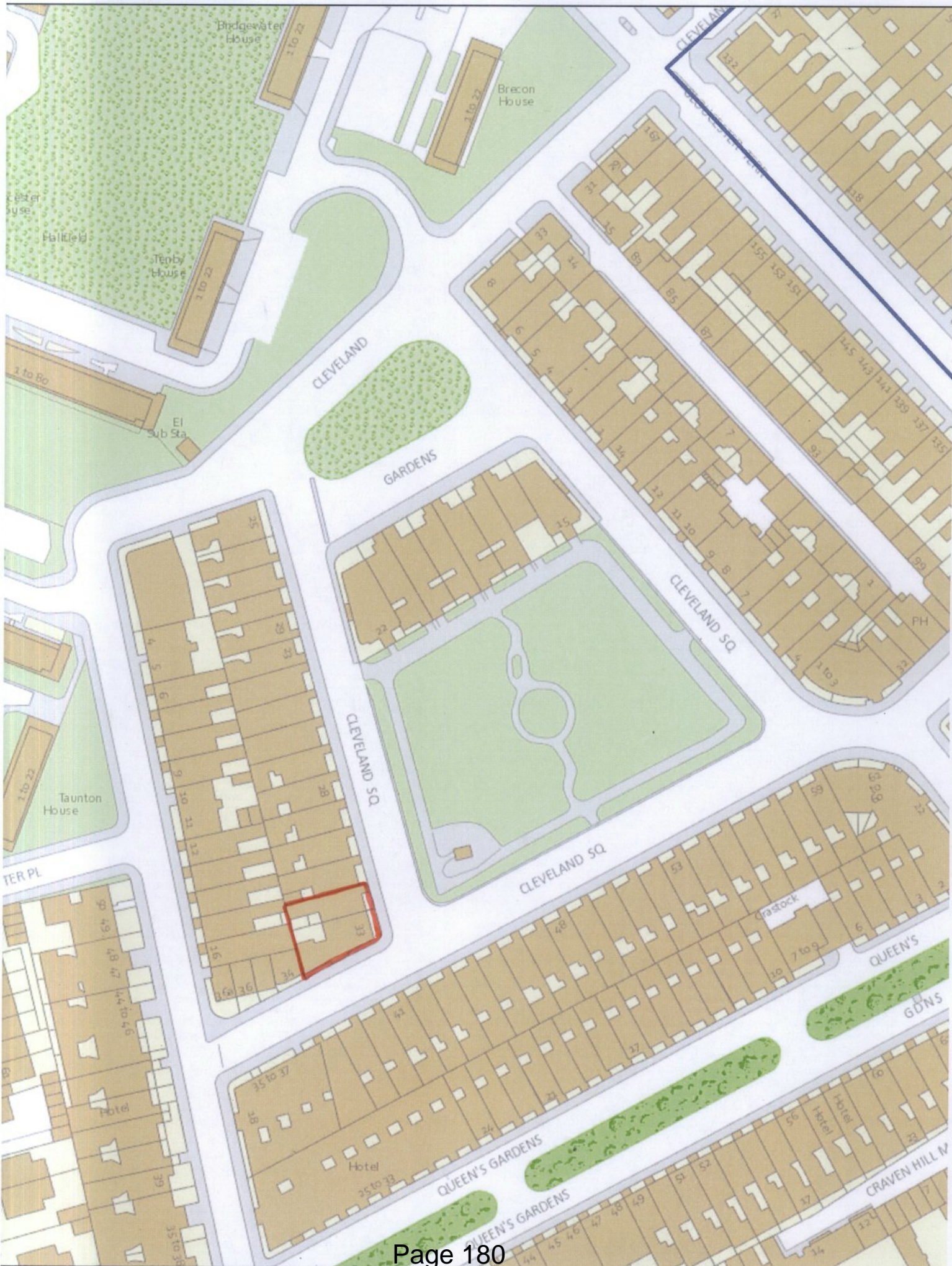
Agenda Item 6

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 September 2015	Classification For General Release	
Report of Director of Planning		Wards involved Lancaster Gate	
Subject of Report	Flat 8, 33 Cleveland Square, London, W2 6DD		
Proposal	Creation of roof terrace to fourth floor rear closet wing roof with associated railings and privacy screen, insertion of rooflights into front pitch of main roof and lowering of cills at fourth floor level on front elevation; all associated with fourth floor Flat 8.		
Agent	A3Associates		
On behalf of	Mr R Keech		
Registered Number	15/05085/FULL	TP / PP No	TP/15025
Date of Application	08.06.2015	Date amended/ completed	08.06.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Refuse permission - design and amenity.





Flat 8

33 CLEVELAND SQUARE, W2

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2. SUMMARY

No. 33 Cleveland Square is an unlisted building located within the Bayswater Conservation Area.

This application involves works to Flat 8 on the fourth floor of the building including a roof terrace on top of the third floor closet wing, enclosed by metal railings and a glass privacy screen, a reduction in the cill height of windows on the front elevation of the building, and the installation of four rooflights to the roof. Representations of both objection and support have been received.

The key issues in this case are:

- The impact of the roof terrace on residential amenity.
- The impact of the external alterations on the character and appearance of the building and the Bayswater Conservation Area

The application is considered to be unacceptable in amenity and design terms and contrary to the relevant City Plan and Unitary Development Plan (UDP) policies. It is therefore recommended for refusal.

3. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Objection on grounds that reducing level of cills would break uniformity of existing window lines. No objection to rear roof terrace.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 41; Total No. of Replies: 28.

18 letters of objection, Eight letters of support. Two neutral comments.

Objections received on the following grounds:-

Design

- Unsightly and of a poor design.
- Obscure frosted glass out of character with host building.
- Sets precedent for similar alterations on other properties.
- Relates poorly to adjacent listed buildings.
- Negative impact on the skyline from public and private views.

Amenity

- Noise from proposed roof terrace.
- Cumulative impact of additional roof terraces results in increased noise.
- Loss of privacy and additional overlooking as a result of the creation of this terrace.
- Conditions relating to occupancy of the terrace would be impossible to enforce.
- Loss of daylight and sunlight to surrounding occupants.
- Proximity to residential rooms in No. 31 Cleveland Square and Nos. 15-16 Leinster Gardens to rear.
- Impact of cigarette smoke from balcony on air quality in vicinity of the development.

Other

- Application documentation does not reflect pre application consultation with surrounding residents.

- Debris from garden on roof terrace likely to affect servicing arrangements.

Letters of support

- Design would improve appearance of rear elevation of building.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

The application site is known as 33 Cleveland Square which also comprises 32 Cleveland Square. The application relates to Flat 8, which spans across the full width of the top floor of these buildings.

4.2 Relevant History

14/11415/FULL: Permission granted in March 2015 for the installation of two front and two rear rooflights into pitched roof, replacement of windows to Flats 8 and 9 involving alterations to window openings on front and rear elevation.

As part of this proposal a roof terrace with glass balustrading was originally proposed. This was subsequently deleted following objections from neighbouring residents.

5. THE PROPOSAL

It is proposed to create a roof terrace on the flat roof of the closet wing that exists to the rear of the property. The terrace would be surrounded by a parapet wall to a height of 60cm. On two sides there would additionally be metal railings to a height of 1.2m with the northern elevation having a 1.8m high obscure glazed privacy screen.

Other alterations included in the proposal include the lowering of the window cills to the front elevation at fourth floor level, and adding four rooflights at roof level.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The provision of additional external amenity space is welcomed in land use terms and supported by the City Council's policies on housing, including Policy S14 of the City Plan and H3 of the UDP.

6.2 Townscape and Design

33 Cleveland Square is part of a group of buildings (22-33 Cleveland Square) of which the remaining original buildings (numbers 22-31) are Grade II listed. The application site itself is not listed as it is understood to be a high quality 1950s replica of the original building on the site, which was demolished following bomb damage in the Second World War.

6.2.1 Creation of roof terrace

To the rear of the building it is proposed to convert the existing flat roof of the rear closet wing to a roof terrace to provide external amenity space for the flat at fourth floor level.

To facilitate the use of the roof as a terrace it is proposed to raise the existing parapet in like for like materials and to erect steel railings to two sides of the flat roof and a frosted privacy screen to the third side.

The physical alterations would be visible from the junction of Cleveland Square and Leinster Gardens, in addition to the rear of the terrace opposite at Leinster Gardens, and from the host building and 31 Cleveland Square. Whilst metal railings can be acceptable as a boundary treatment, the installation of glass balustrades at this height and location is normally resisted as it would create an alien boundary treatment that is uncharacteristic of the building within its immediate and wider setting.

The proposed location is considered to be particularly sensitive due to its location immediately adjacent to a group of listed buildings and its visibility from public views within the conservation area. In this context the glass balustrade would be an incongruous and alien feature that results in harm to both the setting of the adjacent listed buildings, and the wider conservation area. Furthermore, the introduction of two types of boundary treatments (glazed screen and steel balustrading) results in a confused appearance and visual clutter at roof level. The fact that the alterations would be visible from street level exacerbates this harm.

The proposed design alterations to create a roof terrace are considered unacceptable in design terms.

6.2.2 Alterations to window openings and installation of rooflights

Objections have been raised to the lowering of the window cills facing Cleveland Square, and to the installation of rooflights to the roof of this building. These alterations already benefit from approval under a previously approved scheme, and can therefore be carried out by the applicant irrespective of the outcome of this application.

The proposed lowering of the window cills to the front elevation are considered acceptable in design terms as the proposal would be consistent with other window openings in close proximity to the site, and preserves the existing hierarchy of windows which diminish in size from the first floor upwards, reflecting the characteristics of many of the other listed buildings in Cleveland Square.

In respect of the proposed rooflights, these would not be visible from street level. Furthermore, similar rooflights already exist on both the front and rear elevations of Cleveland Square including Nos. 28, 39, 41, 42 and 48 Cleveland Square.

Overall, the proposal is considered unacceptable in design terms because of the detailed design of the roof terrace boundary treatments. These would be contrary to Policies S25 and S28 of the City Plan, and Policies DES 1, DES 5, DES 6, DES 9 and DES 10 of the UDP.

6.3 Amenity

A number of objections have been raised by occupants of Leinster Square to the rear, and the adjoining properties on Cleveland Square, expressing concerns that the proposal would result in an unacceptable level of additional overlooking to surrounding properties, together with a loss of daylight and sunlight and noise that could result from the proposal.

6.3.1 Overlooking

The installation of a 1.8m high privacy screen adjacent to 31 Cleveland Square means that the proposal would not directly overlook the adjoining bedroom window of the neighbouring

property. Any direct overlooking resulting from the proposal would therefore be restricted to the windows within the application site.

From a greater distance the roof terrace would overlook the rear elevation of the buildings at Leinster Gardens. This has been the source of a number of objections from the residents of 15-16 Leinster Gardens. Whilst it is noted that there are already a number of terraces that have been constructed with a similar relationship to that now under consideration, including one at 30 Cleveland Square and one at 14 Leinster Gardens, these are historic structures that have not been granted planning permission under the existing policy framework.

It is considered that the provision of external amenity space at this location does have the potential to result in a feeling of overlooking to the rear windows of these properties in Leinster Gardens. The use of a terrace at this location could result in the occupants sitting out for large periods of time on the terrace, particularly in summer time with a clear line of sight into the rear windows of the adjacent building, therefore leading the neighbouring residents to close their curtains or blinds to protect their own privacy. This is a materially worse situation to the mutual overlooking that already exists between the windows that exist at present on the two elevations, and is considered unacceptable in amenity terms.

6.3.2 Noise and Air Quality.

Concerns are also raised by residents that the proposal could result in disruption from noise as a result of the use of this terrace. In addition, concerns are expressed about the potential for air pollution, for instance through cigarette smoke from users of the terrace.

The roof terrace would comprise 7m² of useable floorspace. Such a space is not large enough to hold a large number of people. At the most, four may be realistic. A glass screen is proposed between the terrace and the nearest residential bedroom, and this would provide some mitigation against noise travelling from the terrace to the adjacent bedroom.

Notwithstanding this, the additional overlooking is considered unacceptable, and the application is considered to be contrary to the City Council's policies on protecting residential amenity as set out in S29 of the City Plan and ENV 13 of the UDP.

6.4 Transportation/Parking

None relevant.

6.5 Economic Considerations

None relevant.

6.6 Equalities and Diversities (including Disabled Access)

Access to the existing private residential unit would not be altered by the proposed extension at roof level.

6.7 London Plan

The proposed development does not raise strategic issues.

6.8 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.9 Planning Obligations

None relevant to this application.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

None applicable.

6.11 Other Issues

None relevant.

6.12 Conclusion

The application is considered to be unacceptable in design and amenity terms and is therefore recommended for refusal.

BACKGROUND PAPERS

1. Application form.
2. Objection from South East Bayswater Residents Association dated 31 July 2015.
3. Objection letter from occupier of Flat 8, 30 Cleveland Square dated 7 July 2015.
4. Objection letter from occupier of Flat 7, 31 Cleveland Square dated 8 July 2015.
5. Objection letter from occupier of Flat 6, 31 Cleveland Square dated 9 July 2015.
6. Objection letter from occupier of Flat 11, 7 Cleveland Gardens dated 9 July 2015.
7. Objection letter from Room 10, 16 Leinster Gardens dated 12 July 2015.
8. Objection letter from 18/16 Leinster Gardens dated 12 July 2015.
9. Objection letter from 20/15 Leinster Gardens dated 12 July 2015.
10. Objection letter from Room 18, 15 Leinster Gardens dated 12 July 2015.
11. Objection letter from Room 18, 16 Leinster Gardens dated 12 July 2015.
12. Objection letter from Flat 21, 15 Leinster Gardens dated 12 July 2015.
13. Objection letter from Room 17, 16 Leinster Gardens (undated).

14. Objection letter from Flat 2, 15 Leinster Gardens dated 12 July 2015.
15. Objection letter from freeholder of 15 and 16 Leinster Gardens dated 12 July 2015.
16. Objection letter from 53 Cleveland Square dated 13 July 2015.
17. Letter of support from 28 Cleveland Square dated 13 July 2015.
18. Objection letter from 34 Cleveland Square dated 13 July 2015.
19. Objection letter from 47 Cleveland Square dated 13 July 2015.
20. Objection letter from Flat 2, 28 Cleveland Square dated 14 July 2015.
21. Letter of support from Flat H, 22 Cleveland Square dated 17 July 2015.
22. Letter of support from 21 Cleveland Square dated 23 July 2015.
23. Letter of support from Flat 3, 33 Cleveland Square dated 23 July 2015.
24. Letter of support from 33 Cleveland Square dated 23 July 2015.
25. Letter of support from 33 Cleveland Square dated 23 July 2015.
26. Letter of support from Flat 9, 33 Cleveland Square dated 24 July 2015.
27. Letters of objection from Flat 6, 31 Cleveland Square dated 18 August 2015 (x2).
28. Letter of objection from Flat 11, 7 Cleveland Square dated 21 August 2015.
29. Neutral letter from 32 Cleveland Square dated 23 August 2015.
30. Neutral letter from 33 Cleveland Square dated 23 August 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT SARAH WHITNALL ON 020 7641 2929 OR BY E-MAIL – swhitnall@westminster.gov.uk

DRAFT DECISION LETTER

Address: Flat 8, 33 Cleveland Square, London, W2 6DD

Proposal: Creation of roof terrace to fourth floor rear closet wing roof with associated railings and privacy screen, insertion of rooflights into front pitch of main roof and lowering of cills at fourth floor level on front elevation; all associated with fourth floor Flat 8.

Plan Nos: 1065 PL 01, 1065 PL 02, 1065 PL 03, 1065 PL 04 rev B, 1065 PL 05 rev A, 1065 PL 06 rev B, 1065 PL 07. Design and Access Statement.

Case Officer: Neil Holdsworth

Direct Tel. No. 020 7641 5018

Recommended Reason(s) for Refusal:**Reason:**

- 1 Because of its detailed design the glazed screen to be erected on the proposed roof terrace would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area and the adjoining group of listed buildings at 31 - 22 Cleveland Square. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 5, DES 6, DES9, DES 10, DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AC)

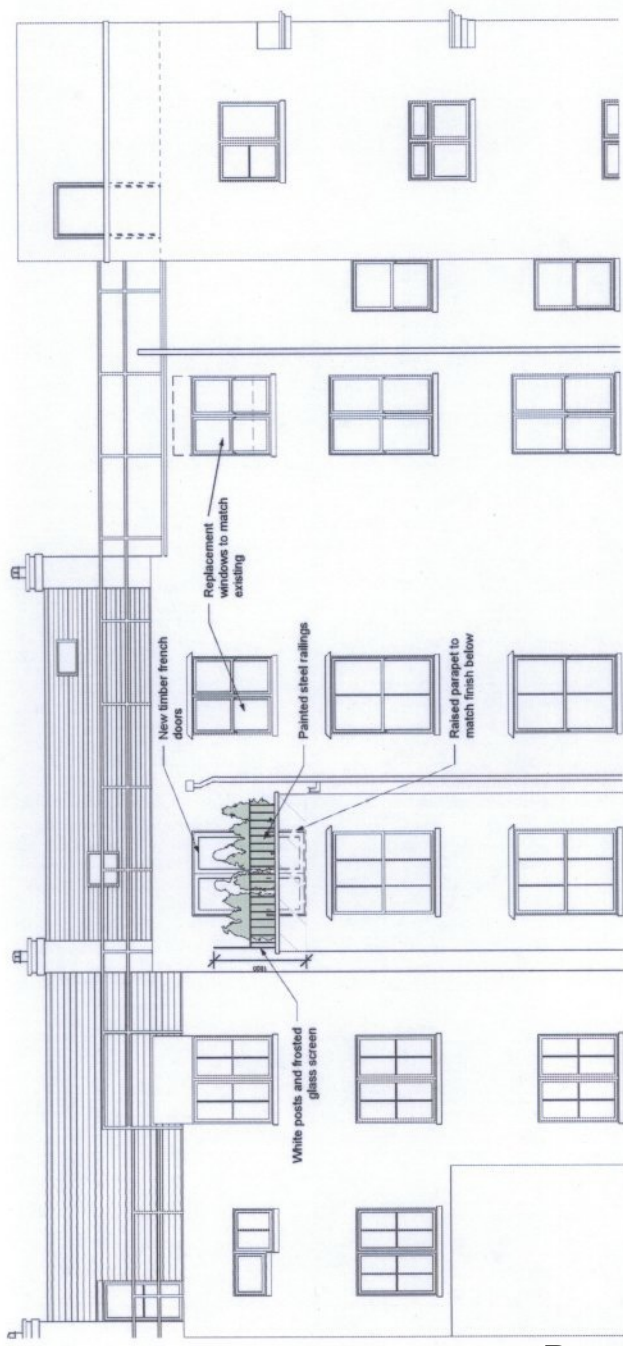
Reason:

- 2 The use of this area of roof as a terrace would lead to an unacceptable loss of privacy for people in neighbouring properties. This would not meet S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (X13AB)

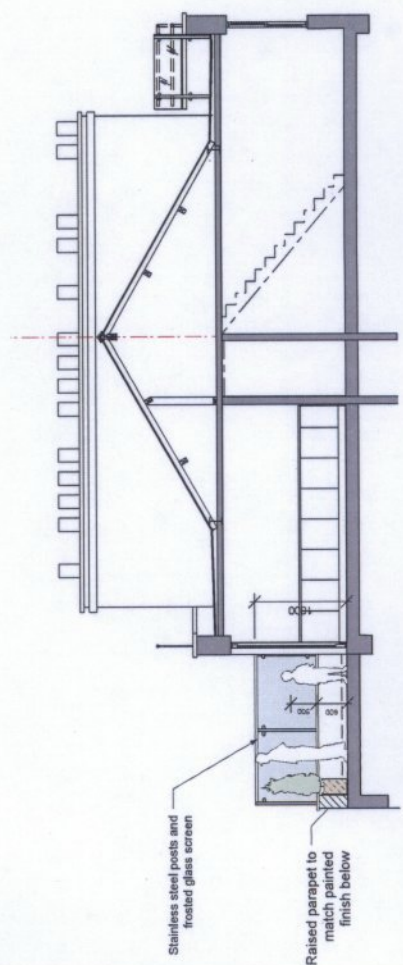
Informative(s):

- 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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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1 Rear Elevation



2 Section through Terrace



Revision B: 20/05/15 Roof Terrace & Section Added
 Revision A: 19/01/15 Roof Terrace omitted

FOR INFORMATION	
A3 Associates Ltd	
16 Daisy Lane London W14 8PL Tel: 020 7731 6463 lan@a3associates.net	
PROJECT	Flat 8, 33 Cleveland Square
DRAWING	Side Elevation & Section
SCALE	1:100 @ A3
DATE	May 15
DRAWN BY	1065 PL 06
REVISION	B
CHECKED BY	

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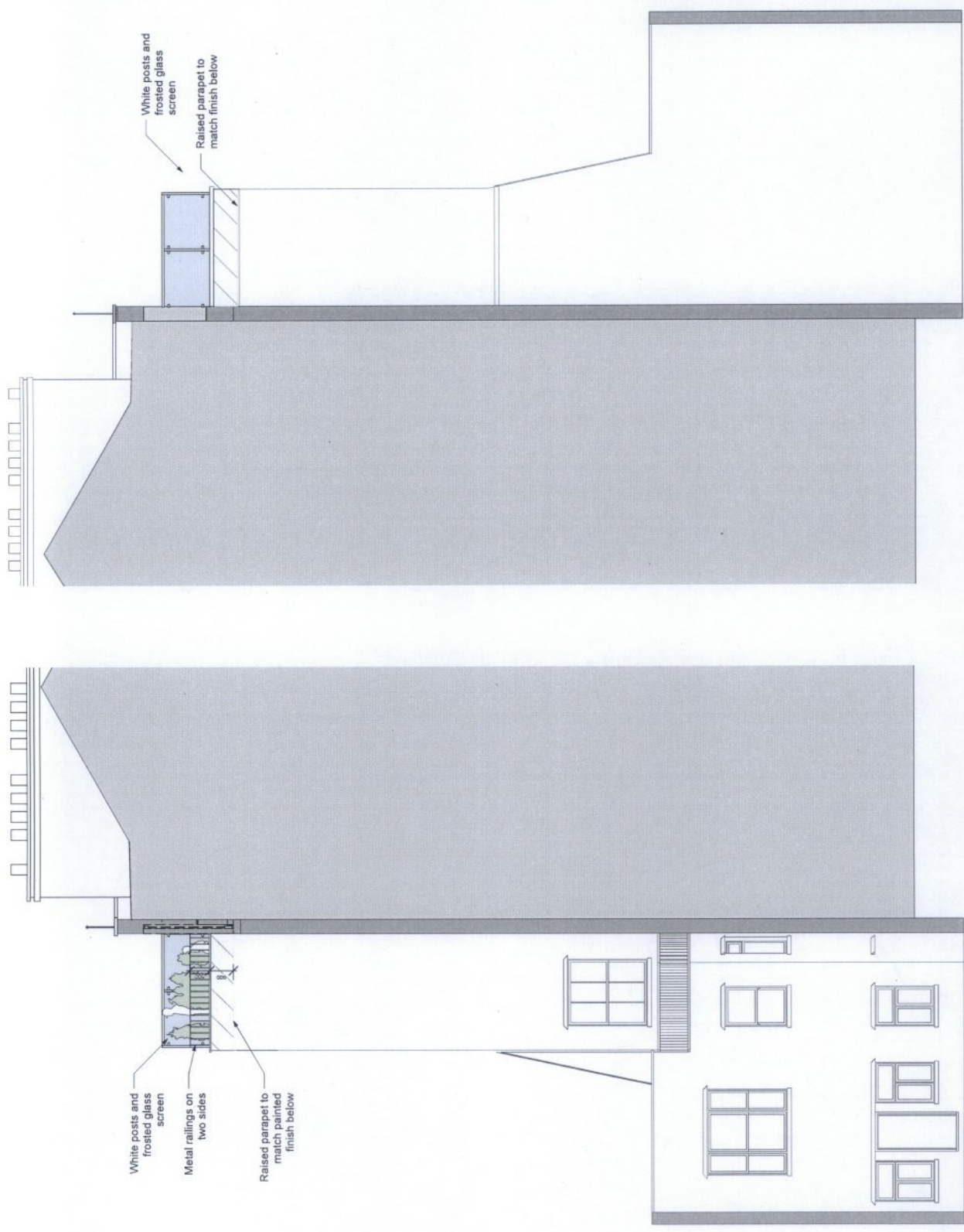


1 Elevation on Cleveland Square

Revision A : 19/05/15 Flat 9 Omitted

FOR INFORMATION	
A3 Associates Ltd	
16 Dairy Lane London E16 3JN Tel: 020 7731 6463 Email: info@a3associates.net	
Flat 8, 33 Cleveland Square	
PROJECT	
Front Elevation	
DRAWING	
1:100 @ A3	May 15
SCALE	DATE
1065 PL 05	A
DWG. NO.	REVISION
	CHECKED

These drawings are copyright A3 Associates and may not be reproduced or copied without consent. Do not scale from the drawings for construction purposes. All dimensions should be checked on site. All dimensions to be checked on site.



White posts and frosted glass screen
Metal railings on two sides
Raised parapet to match painted finish below

White posts and frosted glass screen
Raised parapet to match finish below



FOR INFORMATION	
A3 Associates Ltd	
16 Daley Lane London W14 9JQ Tel: 020 7731 5463 Email: lm@a3associates.net	
PROJECT	Flat 8, 33 Cleveland Square
DRAWING	Side Elevations
SCALE	1:100 @ A3
DATE	May 15
DWG. NO.	1065 PL 07
REVISION	
CHECKED	

1 Side Elevation from No 33

2 Side Elevation from No 31

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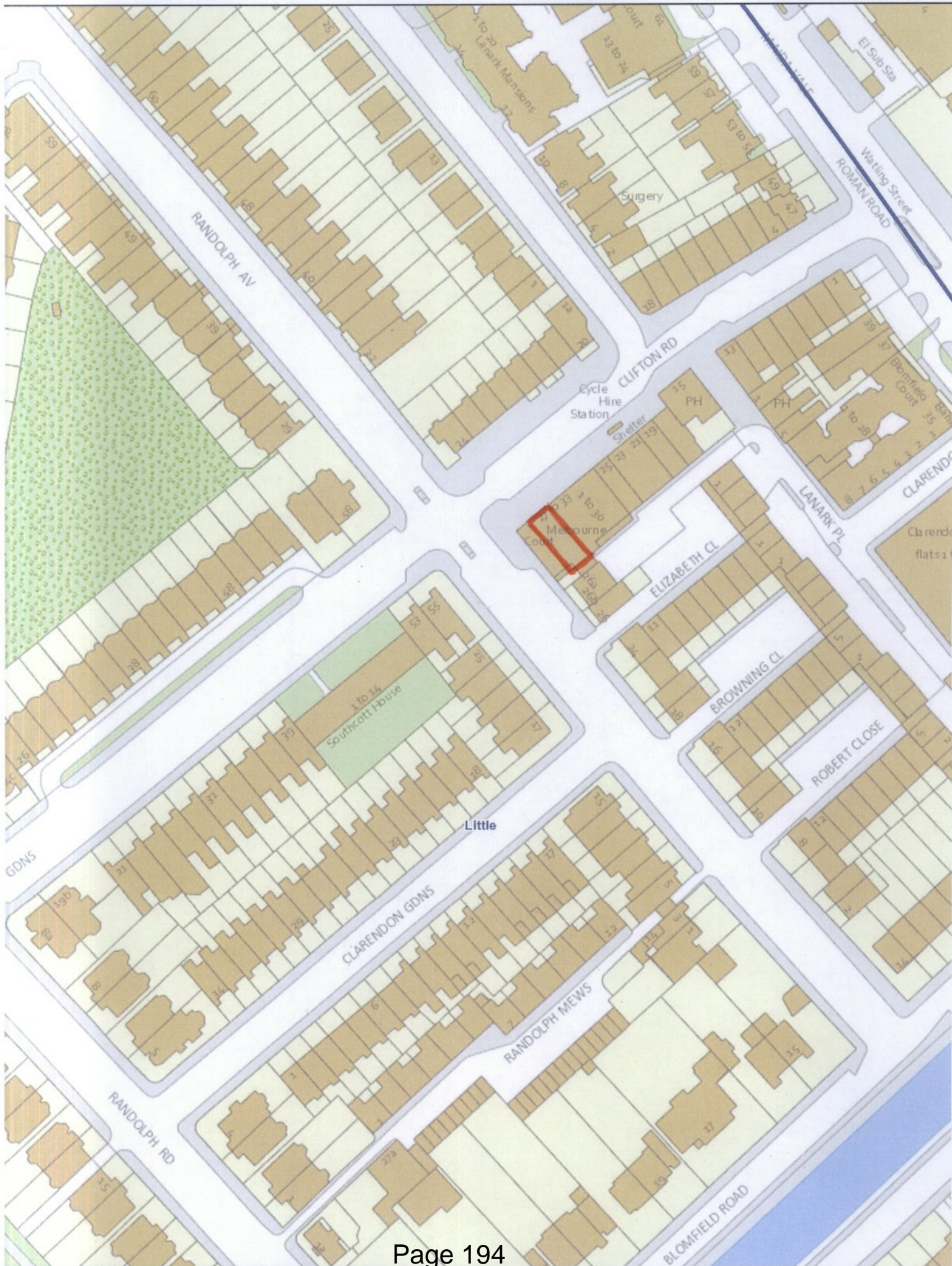
Agenda Item 7

Item No.
7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 September 2015	Classification For General Release	
Report of Director of Planning	Wards involved Little Venice		
Subject of Report	31 Clifton Road, London, W9 1SY		
Proposal	Use of the basement and ground floors for Class A2 (financial and professional services) purposes.		
Agent	Montagu Evans		
On behalf of	Foxtons		
Registered Number	15/03978/FULL	TP / PP No	TP/4199
Date of Application	06.05.2015	Date amended/ completed	22.05.2015
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone Within Clifton Road Local Centre (Core Frontage)		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Refuse permission - loss of retail (Class A1).





2. SUMMARY

Permission is sought for a change of use of the ground and basement floors of a shop unit in a parade of shops below a large block of residential flats from Retail (A1) to Estate Agents (A2). The unit forms part of the Core Frontage of the Clifton Road Local Centre as designated by the adopted Unitary Development Plan (UDP).

The key issue in this case is:

- The impact on the retail character and function of the area.

The proposal is considered to be unacceptable in land use terms and would be contrary to the relevant policies in the Unitary Development Plan and Westminster's City Plan: Strategic Policies (the City Plan). It is therefore recommended for refusal.

3. CONSULTATIONS

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Concerns raised about the loss of diversity of the retail space in this location where there is already two Class A2 estate agents in this section of the road, and others in the near vicinity. It will also increase pressure on parking which will negatively impact public transport, deliveries and casual shoppers.

HIGHWAYS PLANNING MANAGER

Conditions should be attached to any permission to secure cycle parking and refuse/recycling storage.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 34; Total No. of Replies: 0.

ADVERTISEMENT/SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

The application site is occupied by a ground and basement shop unit in a parade of shops below a large block of residential flats. The unit forms part of the Core Frontage of the Clifton Road Local Centre as designated by the adopted UDP.

4.2 Relevant History

8.3.2006: Planning permission refused in respect of use of basement and ground floor shop unit (Class A1) as a dental practice (Class D1) (RN: 06/00244/FULL).

Reason for refusal;

'Your development would lead to the loss of a local convenience shop in a main shopping frontage as defined in our Unitary Development Plan and in a Core Frontage in the Clifton Road Local Centre as defined in our Replacement Unitary Development Plan (Second Deposit version) and Pre-Inquiry Unitary Development Plan. This would harm the retail character and function of the area which would not meet SS1 and SS6 of our Unitary Development Plan, SS1 and SS8 of our Replacement Unitary Development Plan (Second Deposit version) and SS1 and SS8 of our Pre-Inquiry Unitary Development Plan.'

Applications for a new shopfront and advertisements for a Foxtons Estate Agents at 30 Clifton Road were approved by the City Council earlier in the year. The applicant wishes to point out that Foxtons does not intend to use No.30 unless planning permission for No.31 is refused.

5. THE PROPOSAL

Permission is sought for the use of the basement and ground floor as an Estate Agent (Class A2).

The proposal does not comprise any external alterations.

6. DETAILED CONSIDERATIONS

6.1 Land Use

Policy S21 of the City Plan states that existing A1 retail will be protected throughout Westminster except where the Council considers that the unit is not viable, as demonstrated by long term vacancy despite reasonable attempts to let. In the absence of evidence to suggest that the A1 unit is not viable, the proposal would be contrary to this policy.

Policy SS7 of the UDP refers to designated local centres and states that in the Core Frontages at ground floor level, planning permission for change of use from A1 use will only be granted in the most exceptional circumstances and at basement level A2 uses will only be permitted if the proposal would not:

1. Harm the vitality or viability, or character or function of the parade.
2. Have a detrimental effect on the environment or residential amenity.
3. Unacceptably intensify an existing use or existing concentration of uses.
4. Jeopardise the long term A1 use of the ground floor.

The loss of the A1 use at ground floor level in the Core Frontage of a designated local centre would clearly be contrary to this policy, whilst the associated loss of A1 floorspace at basement level would compound the harmful impact on the character and function of the Clifton Road Local Centre.

As part of a supporting statement, the applicant stresses that whilst a change of use from Class A1 to Class A2 is now permitted by Part 3, Class D of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), an application for planning permission has been submitted to provide certainty before making significant investment in fitting out the shop and creating a new shopfront. The applicant was advised to withdraw the application and submit an application for a Certificate of Lawful Development, however, declined to do so on the basis that an Article 4 direction brought into effect between issue of the Certificate and occupation of the premises would have severe financial implications for Foxtons.

The applicant states that the role of high streets has significantly changed since the adoption of Policy SS7 and that this is reflected in Government legislation, with the above change to the GPDO being most relevant. The applicant suggests that this change to permitted development rights is a material consideration that carries significant weight. The applicant also asserts that as the premises is not a convenience store or a launderette, which are considered particularly important by supporting text in the policy and will be occupied by a business with a very active street frontage, that the proposal meets the criteria of being an exceptional circumstance. The employment creation and improvements to the visual amenity of the unit are also suggested to be material considerations.

Section 38(6) of the Town and Country Planning Act requires planning applications to be determined in accordance with the statutory development plan unless material considerations

indicate otherwise. It is acknowledged that the proposal could be carried out under permitted development, however, a planning application has been submitted and it is considered that this change to the GPDO does not outweigh the requirement to protect the A1 use in accordance with adopted Policies S21 and SS7 and therefore does not constitute exceptional circumstances as referred to in Policy SS7. With regard to the other material considerations suggested by the applicant, it is noted that the current A1 use provides employment and an active frontage and that there is no reference to the greater protection of certain Class A1 uses in the main policy wording. As such, they also do not constitute exceptional circumstances. It is considered that the proposal would undermine the character and function of the local centre which provides a valuable service to local residents, visitors and workers, reducing the need to travel. The proposal would therefore be contrary to the objectives of Policy S21 of the adopted City Plan and Policy SS7 of the adopted UDP and planning permission should be refused.

6.2 Townscape and Design

No external alterations are proposed and therefore the proposal does not raise any design concerns. It would therefore comply with Policy S28 of the adopted City Plan as well as Policy DES5 of the adopted UDP.

6.3 Amenity

The proposal is unlikely to attract a higher level of footfall than the existing use and therefore does not raise any amenity concerns. It would therefore comply with Policy S29 of the adopted City Plan as well as Policy ENV13 of the adopted UDP.

6.4 Highways/Parking Issues

The proposed site is well served by public transport and there is no significant change in pedestrian or vehicular traffic expected due to the proposed change to Class A2 use. The City of Westminster GIS mapping system shows a loading bay outside Nos. 27 to 33 Clifton Road to allow for deliveries.

It is considered that in terms of people arriving and departing the site, the levels would be similar to the existing use and therefore no significant change will occur. The site is also within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls.

Subject to a condition requiring the provision of refuse storage, the proposal is accordingly considered to be acceptable in terms of highway safety and parking.

6.5 Equalities and Diversities

Not relevant in the determination of this application.

6.6 Economic Considerations

Not relevant in the determination of this application.

6.7 Other UDP/Westminster Policy Considerations

None relevant.

6.8 London Plan

The proposal does not raise strategic issues and does not have significant implications for the London Plan.

6.9 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.10 Planning Obligations

Not relevant in the determination of this application.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

Not relevant in the determination of this application.

6.12 Conclusion

The proposal is considered to be unacceptable in land use terms and would be contrary to the relevant policies in the UDP and the City Plan. It is therefore recommended for refusal.

BACKGROUND PAPERS

1. Application form
2. Memorandum from the Highways Planning Manager dated 19 June 2015
3. Response from Paddington Waterways and Maida Vale Society dated 17 June 2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT SARAH WHITNALL ON 020 7641 2929 OR BY E-MAIL – swhitnall@westminster.gov.uk

DRAFT DECISION LETTER

Address: 31 Clifton Road, London, W9 1SY

Proposal: Use of the basement and ground floors for Class A2 (financial and professional services) purposes.

Plan Nos: Site Location Plan, 8744/EX-01, 8744/PL-01 and PB/SS/PD10067.

Case Officer: Claire Berry

Direct Tel. No. 020 7641 4203

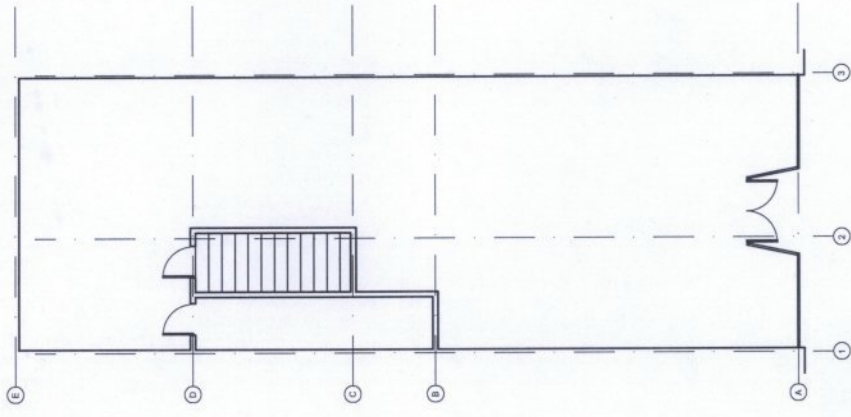
Recommended Reason for Refusal:

Reason:

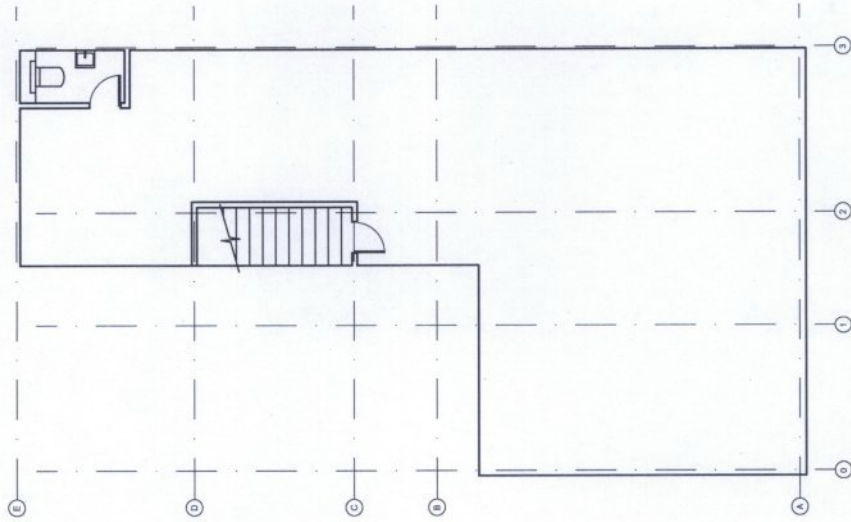
- 1 The proposal would result in the loss of a Class A1 retail unit which would restrict valuable services for local users, would be detrimental to the character and function of the Clifton Road Local Centre and in the absence of full and proper marketing to support the change of use would be contrary to the objectives of Policy S21 of the adopted City Plan (November 2013) and Policy SS7 of the adopted Unitary Development Plan (January 2007).

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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.



PROPOSED GROUND FLOOR PLAN
1:100 @ A3



PROPOSED BASEMENT PLAN
1:100 @ A3

Rev. Date Comments

Where no dimensions are given drawings should not be scaled and the maker should be referred to ICEWIT DESIGN PTN.

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ICEWIT DESIGN PTN
103-109 LAVENDER HILL
LONDON SW11 5DD
TEL: 0207 350 2935
FAX: 0207 350 2935

Client

FOXSTONS

Project
31 CLIFTON RD, LONDON

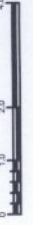
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Title
PROPOSED BASEMENT AND GF PLANS

Scale
1:100 @ A3

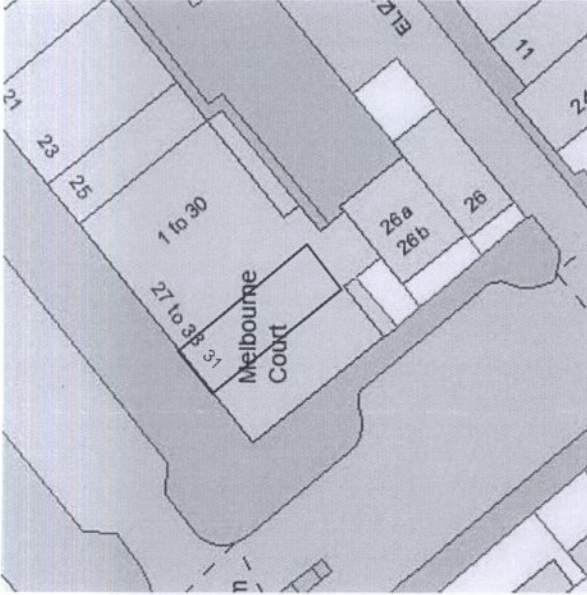
Date
MAY 2015

PLANNING



Drawing Number
8744/PL-01

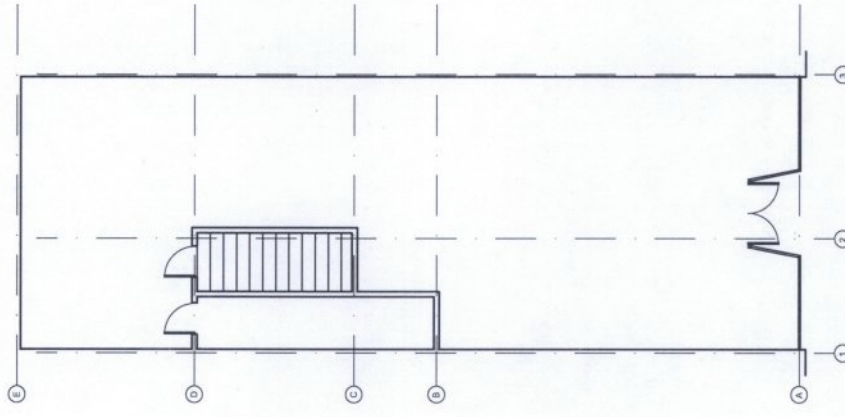
Rev.



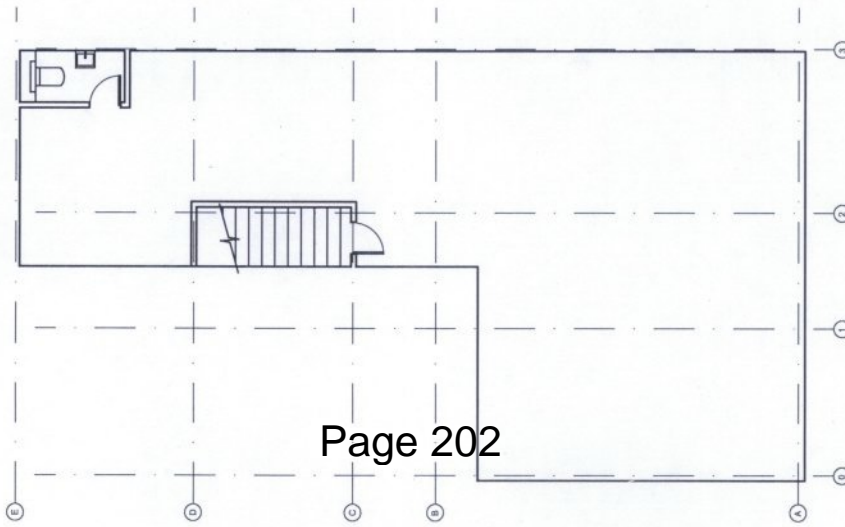
BLOCK PLAN 1:500



SITE PLAN 1:1250



EXISTING GROUND FLOOR PLAN
1:100 @ A3



EXISTING BASEMENT
1:100 @ A3

Rev. Date Comments

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ICEWIT DESIGN PTN
150-150 LANCASTER MALL
LONDON SW11 3DL
TEL: 0207 292 2000
FAX: 0207 292 2005

Client

FOXTONS

Project

31 CLIFTON RD, LONDON

W9 1SY

Title

EXISTING BASEMENT AND GROUND FLOOR

PLANS, SITE PLAN, BLOCK PLAN

Scale

1:100, 1:500, 1:1250 @ A3

Date

MAY 2015

INFORMATION

Drawing Number

8744/ EX-01



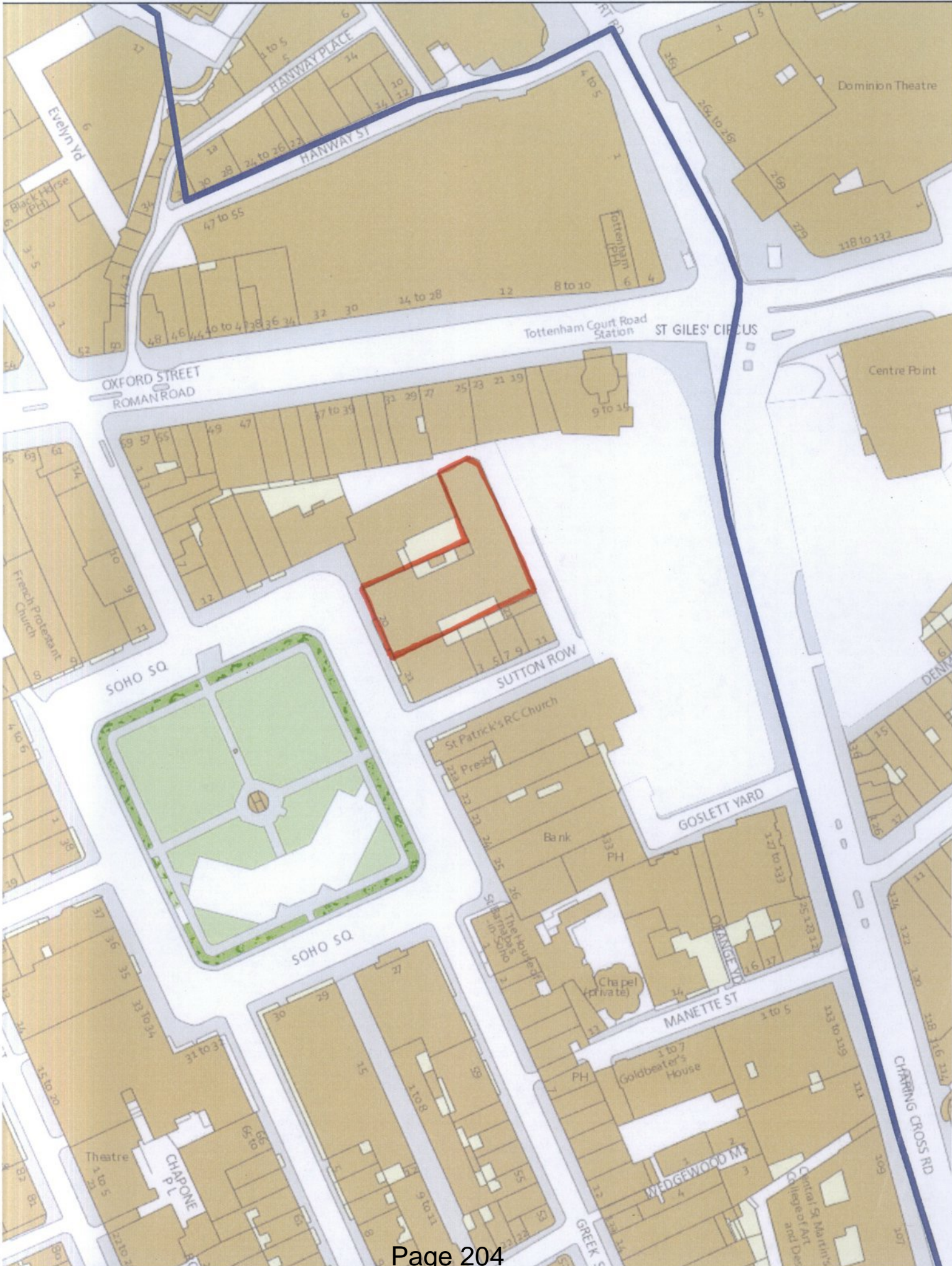
Agenda Item 8

Item No.
8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 September 2015	Classification For General Release	
Report of Director of Planning		Wards involved West End	
Subject of Report	Knightway House, 20 Soho Square, London, W1D 3QW		
Proposal	Removal of Condition 1 of planning permission dated 19 May 2005 (RN: 05/00841) for use of part ground and part first floors for office purposes (Class B1); namely, to remove the 'personal permission' requirement and enable the part ground and part first floors to be used for unrestricted Class B1 (office) use.		
Agent	Rolfe Judd Planning Ltd		
On behalf of	Aviva Investors		
Registered Number	15/06534/FULL	TP / PP No	TP/4606
Date of Application	17.07.2015	Date amended/ completed	17.07.2015
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Central Activities Zone		
Stress Area	Within Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Refuse permission - failure to comply with mixed use policy.





KNIGHTWAY HOUSE, 20 SOHO SQUARE, W1

2. SUMMARY

This building of basement, ground and six upper floors is located close to the north east corner of the square within the Soho Conservation Area. Prior to 2000, the whole of the building was in office use and in September 2000 permission was granted for extensions at roof level to provide additional office accommodation, use of the ground floor for retail (A1) and light industrial purposes (B1(c)). That permission was only deemed acceptable in mixed use policy terms as the increase of 469m² of office floorspace was off-set by the provision of an equivalent amount of B1(c) floorspace. The 2000 permission imposed a condition requiring the Class B1(c) floorspace to be retained for light industrial use only.

Subsequent permissions granted in February and July 2003 for variations to the mix of uses have resulted in loss of the A1 unit and the building currently provides 555m² of B1(c) accommodation and the remainder as B1 offices.

In 2005, planning permission was granted for the use of the area secured for B1(c) use for office purposes personal to Andrews Aldridge. The permission was granted on the basis that the building had been marketed substantially for B1(c) purposes without success, and on the basis that the nature of the occupiers business was a creative one involving artwork production, digital production from websites and retouching of photographic images. Such activities whilst not formally falling within Class B1(c) were considered very similar to a light industrial use. A condition was also imposed which required the floorspace to revert back to B1(c) following the departure of Andrews Aldridge.

Andrews Aldridge vacated the property in March 2015 and therefore the lawful use of this part of the building is light industrial B1(c).

Permission is now sought to remove the personal condition from the 2015 permission to allow the use of part of the ground and first floors for offices (B1(a)). Policy COM8 of the UDP states that 'proposals for redevelopment, rehabilitation or other development affecting premises containing light industrial floorspace will not be granted planning permission where:

1. The site is located within the Creative Industries Special Policy Area (CISPA).
2. This would result in the loss of industrial activities which contribute to the character and function of the area.

The City Plan no longer identifies the CISPA but does recognise that protecting and enhancing the Creative Industries is a priority. Further, the City Plan defines Creative Industries as both light industrial (Class B1(c)) and Creative Services (architects, advertising agencies, graphic design and media design) (Class B1) and recognises that a significant amount (63%) of Creative Industries operate from B1 use class units. The relevant office policy (Policy S20) states that new office development will be directed to the Core Central Activities Zone and refers to, where appropriate, the provision of a range of business floorspace including workshops and studios, however, it does not specifically protect light industrial uses.

In support of the 2005 application, the applicant claimed that the B1(c) floorspace had been extensively marketed without success and that there was no demand for a B1(c) occupier. In this case, whilst no recent active marketing has been undertaken, it is understood that the premises had been extensively marketed at the time of the previous application, with four years of active marketing including a reduction in the rent sought. The applicant claims that there is no reason to believe that the situation would be any different today, and their client's

leasing agents have confirmed that two areas of B1(c) use, split over two floors, would have limited appeal in this core West End location. Given that the space has not been occupied for B1(c) purposes since the building was initially extended in 2000, and the shift in current policy, it is not considered that the application could be refused on the loss of light industrial use.

The loss of the light industrial floorspace does, however, result in a subsequent increase in office floorspace and therefore the Mixed Use Policy (COM2 of the UDP and S1 of the City Plan) applies. This requires the provision of residential accommodation on site equivalent to the increase in office floorspace and where this is not practical it requires the provision on another site in the vicinity. Where it is not appropriate or practical to provide residential accommodation, the policies seek the provision of other uses which contribute to the character and function of that part of the CAZ, and where none of these are provided it seeks an appropriate financial contribution towards affordable housing. Given that the original 2000 permission did not achieve either on or off-site residential, and that the alternative use originally secured is to be removed as part of this application, the only means of complying with COM2 is for a payment towards the City Council's affordable housing fund. Using the formula set out in the UDP, the application would attract a payment of £913,234. The applicant has confirmed that they are unwilling to make such a contribution and offer no explanation as to why the Council's mixed use policies should not apply in this instance.

The proposal is considered unacceptable as it would not be compliant with either Policy S1 of the City Plan or COM2 of the UDP as the applicant has refused to provide an affordable housing contribution. There are not considered to be any special circumstances which justify an exception to policy in this instance.

3. CONSULTATIONS

SOHO SOCIETY

No response received to date..

CROSSRAIL

No comments raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 99; Total No. of Replies: 0

ADVERTISEMENT/SITE NOTICE: Yes

BACKGROUND PAPERS

1. Application form.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT JOSEPHINE PALMER ON 020 7641 2723 OR BY E-MAIL – jpalme@westminster.gov.uk

DRAFT DECISION LETTER

Address: Knightway House, 20 Soho Square, London, W1D 3QW

Proposal: Removal of Condition 1 of planning permission dated 19 May 2005 (RN: 05/00841) for use of part ground and part first floors for office purposes (Class B1); namely, to remove the 'personal permission' requirement and enable the part ground and part first floors to be used for unrestricted Class B1 (office) use.

Plan Nos:

Case Officer: Josephine Palmer

Direct Tel. No. 020 7641 2723

Recommended Reason for Refusal:

Reason:

- 1 Your development includes a large amount of extra office floorspace but does not provide an acceptable mix of uses as set out in S1 of Westminster's City Plan: Strategic Policies adopted November 2013 and COM2 of our Unitary Development Plan that we adopted in January 2007.

DRAFT