



City of Westminster

# Committee Agenda

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

Meeting Date: **Tuesday 17th November, 2015**

Time: **6.30 pm**

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

Members: **Councillors:**  
Robert Davis MBE DL (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, Reuben Segal, Senior Committee and Governance Officer.**

**Tel: 020 7641 3160; Email: [rsegal@westminster.gov.uk](mailto:rsegal@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://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**

- |  |                          |
|--|--------------------------|
| <b>1. FENTON HOUSE, 55-57 GREAT MARLBOROUGH STREET, W1</b> | <b>(Pages 5 - 38)</b>    |
| <b>2. 9-11 RICHMOND BUILDINGS, W1</b>                      | <b>(Pages 39 - 80)</b>   |
| <b>3. WITHDRAWN</b>  |                          |
| <b>4. 90-91 BERWICK STREET, W1</b>                         | <b>(Pages 81 - 102)</b>  |
| <b>5. 206-216 MARYLEBONE ROAD, NW1 (ADDENDUM REPORT)</b>   | <b>(Pages 103 - 168)</b> |
| <b>6. 4-6 ST EDMUND'S TERRACE, NW8</b>                     | <b>(Pages 169 - 210)</b> |
| <b>7. 46 SUTHERLAND PLACE, W2</b>                          | <b>(Pages 211 - 244)</b> |
| <b>8. 12 MELINA PLACE, NW8</b>                             | <b>(Pages 245 -</b>      |

9. OPEN SPACE AT LEICESTER SQUARE, WC2

256)

(Pages 257 -  
266)

10. 30 SOUTH EATON PLACE, SW1

(Pages 267 -  
282)

11. 2 WESTBOURNE PARK VILLAS, W2

(Pages 283 -  
294)

12. 150 QUEENSWAY, W2

(Pages 295 -  
302)

Charlie Parker  
Chief Executive  
9 November 2015

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# Agenda Item

CITY OF WESTMINSTER  
PLANNING APPLICATIONS COMMITTEE – 17 NOVEMBER 2015  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	
<b>1</b>	RN 15/03432/FULL West End	FENTON HOUSE, 55-57 GREAT MARLBOROUGH STREET, W1	Demolition and redevelopment behind retained street facades at 54 and 55-57 Great Marlborough Street to provide a new building comprising basement, ground and first to seventh floor levels. Use of the part basement and ground floor levels as two retail units (Class A1) and one dual / alternative retail or restaurant (Class A1 / A3) unit at part basement and ground floor levels. Use of part basement and ground and the entire first to seventh floor levels as residential accommodation comprising 27 units with associated terraces at rear first floor and balconies at fifth and sixth floor levels. Excavation at basement level, the provision of a green roof at main roof level and installation of plant in the basement and at seventh floor level. (SITE INCLUDES 54 GREAT MARLBOROUGH STREET)	
<p><b>Recommendation</b> Refuse permission - affordable housing grounds.</p>				
<b>2</b>	RN 15/02851/FULL West End	9-11 RICHMOND BUILDINGS, W1	Demolition of the existing building and erection of a replacement building to provide sub-basements for use by a car stacker, and basement, lower ground, ground and first to fifth floor levels for use as residential accommodation comprising 13 residential units (Class C3). Creation of terraces at first to fifth floor levels and lightwells to the front and rear of the property. Installation of plant and PV cells at main roof level and condenser units within an enclosure at ground floor level within the undercroft.	
<p><b>Recommendation</b></p> <p>1. Grant conditional permission, subject to a legal agreement to secure the following:</p> <ul style="list-style-type: none"> <li>i) A financial contribution of £1,015,000 towards the Council's affordable housing fund (index linked and payable on commencement of the development);</li> <li>ii) Provision of lifetime car club membership (minimum 25 years) for all 13 flats;</li> <li>iii) Provision of Site Environmental Monitoring Plan and £27,000 per annum towards construction monitoring;</li> <li>iv) Management and maintenance of the car lift;</li> <li>v) Securing unallocated car parking within the development;</li> <li>vi) Monitoring costs of £500 for each of the above clauses.</li> </ul> <p>2. If the S106 legal agreement has not been completed within two months, then:</p> <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul>				

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ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL		
<b>3</b>	<b>ITEM 3 WITHDRAWN</b>				
<b>4</b>	RN 15/06792/FULL West End	90-91 BERWICK STREET, W1	Variation of Conditions 1 and 30 of planning permission dated 20 February 2015 (RN: 13/12007) for the partial demolition and rebuilding of existing podium levels with additional part single and part two storey extensions; front extension of part of the west elevation to Hopkins Street; replacement facades and new shopfronts; all in association with continued use of parts of the basement and ground floor on Berwick Street for shops (Class A1), financial and professional services (Class A2) and food and drink (Class A3) and new retail unit at northern end of Hopkins Street, use of remainder of podium (as extended) for hotel (Class C1) and residential (Class C3) purposes (maximum of 16 units) together with associated roof terraces (including for use by existing Kemp House residents); green roofs, landscaping, car and cycle parking, servicing, plant and ancillary works. Namely, to amend the approved drawings so as to allow the provision of an additional 17 hotel bedrooms and to expand the food and drink offer to hotel guests on a 24 hour basis rather than just serving breakfasts.		
<p><b>Recommendation</b></p> <p>1. Grant conditional permission subject to a Deed of Variation to the S106 legal agreement relating to planning permission ref: 13/12007/FULL to secure the following:</p> <ul style="list-style-type: none"> <li>i) The provision of the on-site affordable housing as proposed.</li> <li>ii) Free car club membership for 20 years for each new and existing flat at the site.</li> <li>iii) The provision, at a discounted rate, of eight car parking spaces for existing residents in the off-street public car park in Poland Street for as long as that car park remains.</li> <li>iv) £16,000 towards parking review studies following implementation of the development.</li> <li>v) £113,163 towards public realm improvements.</li> <li>vi) Provision of a roof garden and roof terrace for the sole use of the residents of Kemp House in perpetuity.</li> <li>vii) Highway works (including works to footways and changes to traffic orders).</li> <li>viii) A contribution towards the Council's Environmental Inspectorate for monitoring.</li> <li>ix) S106 monitoring.</li> </ul> <p>3. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul>					

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 17 NOVEMBER 2015  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	
<b>5</b>	RN 15/05254/FULL Bryanston And Dorset Square	206-216 MARYLEBONE ROAD, NW1  (ADDENDUM REPORT)	Redevelopment of the site behind a part retained facade to provide an eight level (plus basement) mixed use development containing up to 64 residential units (Class C3), office floorspace (Class B1) and retail floorspace (Class A1), together with car and cycle parking, plant and other associated works.	
	<p>Recommendation</p> <p>1. Grant conditional permission, subject to a S106 legal agreement to secure the following:</p> <p>a) 16 affordable units on-site comprising seven intermediate rented units and nine affordable rented units. Three (2x1 bed and 1x2 bed) of the intermediate units to be let at sub-market rents;</p> <p>b) Provision of £1,338,138.00 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);</p> <p>c) Highways works associated with the development;</p> <p>d) Provision of lifetime car club membership (minimum 25 years) for all 64 flats;</p> <p>e) On-site parking spaces to be unallocated;</p> <p>f) Provision of £36,000 per annum (index linked) towards monitoring the construction project by the City Council's Environmental Inspectorate and Environmental Health officers; and</p> <p>g) The costs of monitoring the S106 agreement.</p> <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 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>			
<b>6</b>	RN 15/04351/FULL Regent's Park	4-6 ST EDMUND'S TERRACE, NW8	Demolition of the existing buildings at 4 - 6 St Edmund's Terrace and redevelopment of the site to provide a new building comprising nine residential units, with associated car and cycle parking, refuse and recycling storage, plant, roof level photovoltaic panels and brown roofs.	
	<p>Recommendation</p> <p>Refuse permission – amenity, tree impact and design/landscaping grounds.</p>			
<b>7</b>	RN 15/04266/FULL Bayswater	46 SUTHERLAND PLACE, W2	Excavation of basement underneath footprint of house and rear garden with associated walk-on rooflights and access grille to rear.	
	<p>Recommendation</p> <p>Grant conditional permission.</p>			
<b>8</b>	RN 15/05040/ADFULL Regent's Park	12 MELINA PLACE, NW8	Details of Construction Management Plan pursuant to Condition 3 of planning permission dated 12 December 2012 (RN: 12/03803).	
	<p>Recommendation</p> <p>Approve details.</p>			

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 17 NOVEMBER 2015  
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ITEM No	References/ Ward	SITE ADDRESS	PROPOSAL	
9	RN 15/07033/ADV St James's	OPEN SPACE AT LEICESTER SQUARE, WC2	Display of tree uplighting scheme for a temporary period from 19 October 2015 to 27 March 2016 between the hours of 15.00 to 07.00 hours daily.	
	Recommendation Grant conditional advertisement consent.			
10	RN 15/04221/FULL Knightsbridge And Belgravia	30 SOUTH EATON PLACE, SW1	Extensions at lower ground, first and second floor levels.	
	Recommendation Grant conditional permission.			
11	RN 15/08808/FULL Bayswater	2 WESTBOURNE PARK VILLAS, W2	Temporary use for two years of the lower ground floor flat for Class B1(a ) office use for the Westbourne Baptist Church and external alterations including new steps in front lightwell, new windows and door.	
	Recommendation Grant conditional permission.			
12	RN 15/08937/FULL Lancaster Gate	150 QUEENSWAY, W2	Use of the ground floor as a children's library (Class D1) for a temporary period of two years.	
	Recommendation Grant conditional permission.			



# Agenda Item 1

Item No.
1

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 17 November 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning	<b>Wards involved</b> West End		
<b>Subject of Report</b>	<b>Fenton House, 55-57 Great Marlborough Street, London, W1F 7JX</b>		
<b>Proposal</b>	Demolition and redevelopment behind retained street facades at 54 and 55-57 Great Marlborough Street to provide a new building comprising basement, ground and first to seventh floor levels. Use of the part basement and ground floor levels as two retail units (Class A1) and one dual/alternative retail or restaurant (Class A1/A3) unit at part basement and ground floor levels. Use of part basement and ground and the entire first to seventh floor levels as residential accommodation comprising 27 units with associated terraces at rear first floor and balconies at fifth and sixth floor levels. Excavation at basement level, the provision of a green roof at main roof level and installation of plant in the basement and at seventh floor level. (Site includes 54 Great Marlborough Street)		
<b>Agent</b>	Turley		
<b>On behalf of</b>	Marlborough House Ltd		
<b>Registered Number</b>	15/03432/FULL	<b>TP / PP No</b>	TP/10098/8908/ 12038
<b>Date of Application</b>	20.04.2015	<b>Date amended/ completed</b>	20.04.2015
<b>Category of Application</b>	Major		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		
<b>Development Plan Context</b> - 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		
<b>Stress Area</b>	Within Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

Refuse permission - affordable housing grounds.





**FENTON HOUSE, 55-57 GREAT MARLBOROUGH STREET, W1  
(includes 54 GREAT MARLBOROUGH STREET)**

## 2. SUMMARY

Permission is sought to demolish Nos. 54-57 Great Marlborough Street behind their retained facades and for the erection of a new eight storey building (with single basement) for use as retail, restaurant and residential accommodation. In 2012 permission was granted for the demolition of these buildings and the erection of a seven storey building for office, retail and restaurant purposes. That scheme also involved buildings at the rear on Poland Street but these buildings no longer form part of the current proposals.

The key issues are:

- The scale, massing and detailed design of the new buildings;
- The acceptability of the proposal in land use terms.
- The introduction of a new restaurant within the West End Stress Area;
- The impact on neighbours in terms of daylight, overlooking and sense of enclosure.

Objections have been received on land use (specifically the loss of showroom, light industrial and retail uses, the lack of on-site affordable housing and the introduction of a new restaurant use), design and amenity grounds.

The proposed development provides a mixed use development of good architectural quality that will contribute to the character and function of the area. However, the proposed financial contribution in lieu of affordable housing on site is inadequate, and is not supported by the City Council's independent viability consultants. The application is therefore recommended for refusal on these grounds.

## 3. CONSULTATIONS

### HISTORIC ENGLAND

Do not wish to offer any comments.

### HISTORIC ENGLAND (ARCHAEOLOGY)

No objections raised.

### SOHO SOCIETY

Objection - loss of office space and changing policy position noted. Development provides no on-site affordable housing despite retaining two building cores. Object also to a large new A3 use in the West End Stress Area because of the threat to residential amenity, including the prospective residents of the proposed development.

### CROSSRAIL

No objections raised.

### TRANSPORT FOR LONDON

Requests that consultation is carried out with TfL if the Cycle Hire station on Great Marlborough Street is to be affected during construction.

### ENVIRONMENTAL HEALTH

No objection subject to conditions relating to plant operation and noise levels within the new flats, including a requirement for supplementary noise reports.

Separate objection to the creation of remote rooms.

### HIGHWAYS PLANNING MANAGER

Recommends refusal on the grounds of lack of car parking.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 227; Total No. of Replies: 6 (from three respondents)

Objections received on the following grounds:

**Design**

- Proposal seeks the demolition of unlisted buildings of merit.
- The Council's emerging office policy cannot justify or support the demolition of the buildings for a residential use.
- The previous permission was considered to bring a number of economic benefits to justify the harm caused by the demolition of the buildings.
- The additional two storeys to 55-57 and the additional storey to 54 is out of keeping with the scale and massing, character and scale of buildings within the vicinity.

**Land Use**

- Loss of offices and light industrial uses and impact on the Creative Industries Special Policy Area.
- The redevelopment of the Poland Street buildings at the rear of the site do not form part of this application and should not be used to off-set the loss of office space on this site.
- The application should be refused in accordance with paragraph 14 of the NPPF because the harm arising from the loss of office space demonstrably outweighs any benefit of granting planning permission.

**Amenity**

- Daylight report is not based on figures previously agreed for neighbouring developments; no layout drawings and NSL contours for rooms assessed and not possible to ascertain whether results are based on correct details.
- Daylight report only assesses the impacts of loss of light on residential buildings and not neighbouring commercial buildings.
- Loss of light to adjoining terraces and recording studios.
- Loss of rights to light.
- Proposal should not take into account any future increase in height of the Poland Street flank wall (Site 2) as no details have been submitted for this part of the site.
- Noise impact during construction on neighbouring recording studios.
- The Addendum Noise Report identifies that the construction of the proposed development would have a significant adverse impact on the use of the adjoining sound recording studios.
- Noise levels during construction should accord with the levels agreed during construction of Crossrail

**Other Issues**

- Insufficient detail has been submitted to assess the impact of the height of boundary walls/screens on the adjoining building. Details of this should be reserved by condition.
- The developer should adopt 'Considerate Contractor' guidelines.

**ADVERTISEMENT/SITE NOTICE: Yes**

## 4. BACKGROUND INFORMATION

### 4.1 The Application Site

The application site comprises two buildings, Nos. 54 and 55-57 Great Marlborough Street which are located on the south side of Great Marlborough Street close to the junction with Poland Street. Both buildings are identified as unlisted buildings of merit within the Soho Conservation Area. No. 54, known as Europa House, is seven storeys in height, with a recessed plant room whilst 55-57 (Fenton House) is six storeys in height, also with a recessed plant room. Both buildings are currently vacant. No.54 was formerly in use as showroom accommodation at basement and ground floor levels and office accommodation above and No. 55-57 was in retail use at basement and ground floor levels with office and light industrial (sound recording and post-production studio uses) on the upper levels.

The surrounding area has a mixture of mainly commercial uses, although the rear of the site lies close to the recently redeveloped Soho car park, now known as the Marshall Street development, a residential redevelopment scheme. There are also other residential properties at 1, 2 and 58-59 Great Marlborough Street and 9 Poland Street. In 2014 permission was granted for four flats at 3-4 Great Marlborough Street and permission has also recently been granted, subject to the completion of a S106 legal agreement, for the residential conversion of 52-53 Poland Street.

Immediately to the rear of the site lies 49-50 Poland Street, a six storey office building, and an application has recently been submitted for the demolition of this building for hotel use.

The site is within the Core Central Activities Zone. It is also located within the Creative Industries Special Policy Area (SPA) as defined in the Unitary Development Plan (UDP). This SPA designation is not included within the City Plan.

### 4.2 Relevant History

#### 54 Great Marlborough Street

4.06.1951 – planning permission granted for the erection of a new building for use as shop, workrooms and offices.

#### 55-57 Great Marlborough Street

03.09.1980 – planning permission granted for the use of ground floor as shop, showrooms, storage and ancillary offices.

14.10.1983 – planning permission granted for the use of basement and ground floors as emergency medical and dental clinic.

2.10.1987 – planning permission granted for the use of first floor as sound recording studio (subject to a condition limiting the use to sound recording studio purposes only and to a personal condition for the Bridge Facilities Company).

30.03.1988 – planning permission granted for the use of fifth floor as office accommodation (Class B1).

#### 54-57 Great Marlborough Street, 47 and 49-50 Poland Street

In February 2012 permission was granted for the demolition and redevelopment of 54 and 55-57 Great Marlborough Street to provide a seven storey building for offices, retail and restaurant purposes at rear ground floor level; new facade to upper floors of 49-50 Poland Street and use of first to fourth floors for offices, fifth floor as residential and erection of new

sixth floor for residential purposes and use of rear ground floor for studio/workshop use; refurbishment of 47 Poland Street for use as retail at basement and ground floor level and residential on the upper floors.

That permission was subject to a legal challenge, subsequently dismissed, and as a result remains extant until February 2016.

## 5. THE PROPOSAL

The proposals seek the demolition of the existing buildings on Great Marlborough Street, behind their retained facades, and the erection of a new eight storey building (with single basement) for use as retail, restaurant and residential accommodation. Two retail units are proposed at ground and basement floors with a single restaurant also at these levels. A mix of 27 one, two, three and four-bedroom flats is proposed over the upper floors with rear terraces at first floor and balconies at fifth and sixth floors.

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

The existing and proposed land uses can be summarised as follows:

Use	Existing (m2)	Proposed (m2)	Change (+ or - m2)
<b>Class B1</b>	<b>2,975</b>	<b>0</b>	<b>-2,975</b>
<b>Nil use</b>	<b>344</b>	<b>0</b>	<b>-344</b>
<b>Showroom</b>	<b>466</b>	<b>0</b>	<b>-466</b>
<b>Residential</b>	<b>0</b>	<b>3,762</b>	<b>+3,762</b>
<b>Retail (Class A1)</b>	<b>713</b>	<b>586</b> (if the A3 use is implemented)	<b>-127</b>
		<b>1,085</b> (if all 3 units are occupied for A1 retail purposes)	<b>+372</b>
<b>Restaurant (Class A3)</b>	<b>0</b>	<b>499</b>	<b>+499</b>
<b>Total (m2 gross)</b>	<b>4,498</b>	<b>4,847</b>	<b>+349</b>

#### 6.1.1 Loss of Offices

Policy S47 of the City Plan advises that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework... to secure development that improves the economic, social and environmental conditions in the area.'

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.

There are no policies within the UDP or City Plan which safeguard the existing office use. However, the City Council recognises that adopted development plan policies relating to office and mixed use policies are out of date and that, given recent pressures to convert office buildings to residential use, there is now an under-supply of office accommodation within the borough, eroding the character of commercial areas and resulting in a need to protect existing

office floorspace. However, this objective still needs to be balanced against the requirement to provide new homes. Consequently, interim measures, (set out in an initial statement dated 1 March 2015), have been drawn up in relation to the consideration of applications involving the replacement of offices with new residential floorspace, (and applications for the provision of new office floorspace). From 1 September 2015, any such applications will be determined under a 'presumption in favour of sustainable development' in line with national policy. This means that within the Core CAZ (and in other specified locations) housing is no longer acceptable in principle where it results in the loss of office floorspace. A further statement (dated 22 July 2015) confirmed that the loss of offices will be acceptable where they are to other commercial uses, or outside of the Core CAZ or other specified locations.

Objections have been raised on the grounds that the application should be considered in light of the emerging policies, however as the current application was submitted in April 2015, it is not subject to consideration under the interim measures or emerging policies, but should be considered in the light of adopted development policies which do not protect existing office uses.

### **6.1.2 Retail Use**

Three retail units are proposed at basement and ground floor levels onto Great Marlborough Street. If all three units were to be occupied for Class A1 retail purposes the proposals would provide a net increase of 372m<sup>2</sup> of retail floorspace. This is welcomed. However, the applicant has applied for the dual/alternative use of the one of these units for restaurant purposes and therefore potentially only two of the units would be occupied for retail purposes. In this scenario, only 586m<sup>2</sup> of retail floorspace would be provided representing a reduction of 127m<sup>2</sup> compared to that existing.

Both the UDP and City Plan seek to protect the retail role and function of CAZ. Policy SS4 states that 'development schemes should provide at least the same amount of retail floorspace as was there before, and should provide for at least the same amount of A1 use as was there before. The size and type of units must be appropriate to the character and function of the street.'

Whilst the loss of retail floorspace would be strictly contrary to Policy SS4 the new retail floorspace would be better configured than the existing retail unit on the site. The existing accommodation is a relatively long linear ground floor retail space which contains a large amount of storage at basement level. The newly configured units would, however, be superior in qualitative terms consisting of more open floorplates. In addition, there will be an increase to the amount of retail frontage to Great Marlborough Street and an overall net increase of two retail units (as currently only one retail unit exists at 55-57 Great Marlborough Street exists).

### **6.1.3 Loss of Showroom Use**

The proposals also involve the loss of 466m<sup>2</sup> of showroom accommodation (located at basement and ground floor levels at 54 Great Marlborough Street). Policy COM12 of the UDP states that, outside the East Marylebone Special Policy Area the loss of wholesale showrooms at ground floor will not normally be granted where the showroom contributes to the character and function of the area. The Policy further states that 'in other cases, planning permission will be granted where the proposed use is as a retail shop, or a use appropriate for a street level location, generating passing trade and providing a direct service to customers, if the proposed use is within an area which would benefit from its introduction.' Whilst some 240m<sup>2</sup> of showroom use is being lost at ground floor level, the area is not one that is characterised by other showroom uses, and the former occupiers of the showroom, Steilmann, have now vacated No.54 and are now understood to operate from a property in Bolsover Street. Given that the proposals relate to an isolated unit, it is not considered that the showroom use makes a significant contribution to the character and function of the area.



In these circumstances, and given that the entire ground floor of No.54 is to be replaced with an 'active' retail frontage, it is considered that the loss of the former showroom use is acceptable in this instance.

#### 6.1.4 Restaurant Use

The proposal also involves the potential introduction of a new restaurant providing 499m<sup>2</sup> of entertainment floorspace.

UDP Policy TACE 9 states that within Stress Areas permission will only be granted for restaurant uses (between 150m<sup>2</sup> and 500m<sup>2</sup>) where the City Council is satisfied that the proposed development has:

1. No adverse effect, (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of:
  - a) noise
  - b) vibration
  - c) smells
  - d) increased late night activity, or
  - e) increased parking and traffic; and
2. No adverse effect on the character or function of its area.

Policy S24 is similarly worded.

The site is within a predominantly commercial location close to Oxford Circus and the major shopping areas of Regent Street and Oxford Street. There is some residential accommodation in the vicinity, the nearest being on the upper floors of the adjacent building at 58-59 Great Marlborough Street and opposite the site at 1 and 2 Great Marlborough Street. Permission has been granted for the use of 3-4 Great Marlborough Street as four residential flats, and this permission is currently being implemented.

The Soho Society has objected to the new restaurant floorspace commenting that a large entertainment space within the West End Stress Area would have an adverse impact on residential amenity.

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, had the application been considered acceptable, conditions would have been used to control the opening times and activity to limit the impact. Conditions could have been imposed to 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 also have been restricted to the terminal hour of midnight with breakfast opening at 08.00hrs. The main entrance doors at ground floor level would also have been required to be self-closing within an enclosed lobby to minimise noise escape.

Notwithstanding the size of the premises, the number of covers is relatively modest and in this location, and given the proposed hours of use, it is not considered that the proposals would have a material impact on the living conditions of neighbouring residents nor local environmental quality. In these circumstances, the objection from the Soho Society cannot be supported.

A full height duct is proposed to service the kitchen area, which would be routed through the building, which Environmental Health consider acceptable, and is discussed in further detail below.

It is accepted that the proposed restaurant use will help to enliven the street frontage which, along this part of Great Marlborough Street, which is characterised by a number of non-public uses. In addition, the introduction of a new restaurant facility on the fringes of London's prime shopping streets, would serve to support the wider retail function of the area as set out in Policy S7 of the City Plan. Although there are other restaurants in the vicinity, it is not considered that the proposal will create an adverse cumulative impact, given the dispersed nature of these premises along the street

#### **6.1.5 Mixed Use Policy**

Given that there would be an overall net reduction in commercial floorspace on this site, the Council's mixed use policies do not apply in this instance. However, the applicant has requested that the increase of residential floorspace on this site (3,762m<sup>2</sup>) is used as a 'credit' for the recent hotel application submitted on the rear part of the site (47-50 Poland Street).

However, there is no policy basis to accept this and had the application been considered acceptable Committee's views would have been sought on this issue.

#### **6.1.6 Light Industrial Use**

Concerns have been raised on the grounds of loss of Soho's traditional light industries, including sound recording and post-production studios, a number of which previously operated from the Great Marlborough Street buildings.

The site lies within the Creative Industries Special Policy Area (CISPA) within the UDP wherein light industrial uses are protected. Policy COM8 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
2. this would result in the loss of industrial activities which contribute to the character and function of the area.

Although the site is located within the CISPA as defined in the UDP, this SPA designation has not been included within the City Plan. The City Plan recognises that protecting and enhancing the Creative Industries is a priority, however, it also acknowledges that such uses do not fall within a specific use class and they therefore require a customised approach. 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.

The buildings are now vacant. However, there were a number of sound recording and production uses within 55-57 Great Marlborough Street, but only the first floor of this building was subject to a restrictive condition that protected those former uses (some 344m<sup>2</sup>). This floor is subject to a personal planning permission to a sound recording studio use, The Bridge, but they have vacated the premises. As such, the first floor is considered to have a 'nil' planning use and again no protected light industrial use would be lost from this building. As such there is no protected light industrial floorspace on the site to which Policy COM 8 would apply. In these circumstances, objections to the loss of the light industrial use/floorspace cannot be supported.

### 6.1.7 Proposed Residential

The residential element of the scheme is contained within the upper floors of the buildings accessed from two entrances from Great Marlborough Street. In total 27 flats are provided (nine x 1-bedroom, nine x 2-bedroom flats, seven x 3-bedroom and two x 4-bedroom flats), resulting in a mix of unit sizes complying with the 33% threshold of the UDP. The proposed flats are, with the exception of the four bed duplex apartments, relatively modest in size and it is considered that the application is in accordance with Policy S14 City Plan which seeks to optimise the number of residential units on development sites.

The new flats would generally provide a good standard of accommodation in terms of unit size and layout and some would benefit from private amenity space in the form of balconies or larger terraces. All the units meet the space standards set out within the London Plan. The majority of the flats (18) are dual aspect however all the 1-bedroom flats are single aspect. These flats are however south-east facing and would benefit from good levels of lighting. Each flat would also be provided with a heat recovery unit to provide fresh air and ensure that each apartment would not become overheated.

All residential units are compliant to lifetime homes standards in line with London Plan policy, and all are wheelchair accessible, provided through a level entrance into the residential building with lift access to all floors. This exceeds the 10% of units policy requirement.

Policy ENV 6 of the UDP states that the City Council will require residential developments to provide adequate protection from existing background noise. The need to insulate the new residential properties from existing background noise to the daytime and night time levels required by ENV 6 has been identified in the submitted Noise Assessment report. Environmental Health officers recommend that the City Council's standard internal noise conditions are imposed to ensure an adequate protection against external noise. The report also proposes mitigation measures including the upgrading of windows, installation of secondary glazing, and other measures in order to provide an acceptable residential environment. The applicant intends to provide an alternative source of ventilation to enable residents to close windows if they so chose. There is no objection to their provision, but had the application been recommended for approval, a condition would have been recommended requiring the residential windows to remain openable. Residents would then be able to decide for themselves whether to rely on the acoustic ventilation or to open their windows for ventilation.

Environmental Health officers also raise concerns relating to 'remote rooms' however this is a matter for the Building Regulations and the remote room escape issue can be addressed at the detailed design stage of the Building Regulations submission.

### 6.1.8 Affordable Housing

Policy S16 relates to affordable housing. It requires that proposals of 10 or more new residential units, or over 1000m<sup>2</sup> of additional residential floorspace will be expected to provide a proportion of the floorspace as affordable housing. The proportion required will be determined by the City Management Plan which is unlikely to be adopted for some time and the draft is not sufficiently advanced to use for development management purposes. In the meantime we have published an Interim Guidance Note, originally for the purposes of the public inquiry into the Core Strategy.

The expectation of the London Plan, the UDP and the City Plan is that affordable housing should be provided on site. Policy S16 states "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, and where it would not add to an existing localised concentration of social housing..."

The scheme results in an increase in residential floorspace of 3,762m<sup>2</sup> (GEA). Applying the Interim Guidance, a scheme of this size is expected to provide 25% of its floorspace as affordable housing, which equates to 941m<sup>2</sup>. If this were to be met by a financial payment in lieu, this would generate a requirement for £4,498,516.

The applicant has submitted a viability report in support of their proposals and initially argued that the scheme could not viably provide either on or off-site affordable housing or a payment in lieu. This report has been assessed by Cluttons, the consultants acting on behalf of the City Council. They agree that it would not be practical or viable to provide the affordable housing units on site, however, they conclude that the scheme can support the full PIL contribution of £4.49m whilst remaining viable. In this regard, the comments made by the Soho Society are not supported.

There has been considerable discussion between the two consultants and there remains a significant difference in opinion between the two parties most notably on values and fit-out costs. The applicant is convinced that the advice put forward by Cluttons is not supported by sufficient evidence, that the comparable scheme that Cluttons refer to has only been based on brochure photographs and that they have taken an unrealistic position on fit-out costs.

The applicant also believes that if the permission given to the DCLG to appeal against the High Court's decision on Vacant Building Credit (VBC) is successful and the VBC is reinstated, given that the buildings have been vacant for a number of years, it is unlikely that the uplift in floorspace would trigger any substantial payment in lieu. However, the VBC did not apply (as in this case) to buildings made vacant for the sole purpose of redevelopment and to buildings covered by an extant or recently expired planning permission for the same or substantially the same development. Whilst it is not clear at this stage whether the VBC will be re-introduced, there is no reason to believe that the previous exclusions would not apply.

The applicant is of the view that if the full payment in lieu is applicable, that the site may not be redeveloped and the benefits of their restoration will not be seen. They argue that they are able to offer a payment of £1.5m towards affordable housing, and this is made on the basis that they would not seek to review this offer under a Section 106 appeal procedure. They have also asked that a second opinion on Cluttons work is sought.

In defence of their advice, Cluttons have argued that their opinion is robust and their judgement is fair and based on current evidence and values. It is not considered that a review of their work is considered necessary.

Given the advice from the Council's valuation consultants, the applicant's offer of £1.5 million which is £2.99 million short of the full PIL contribution is not considered to be compliant with policy and therefore the application is recommended for refusal on affordable housing grounds.

## **6.2 Design and Conservation**

The proposal retains the existing street facades, which make a positive contribution to the character and appearance of this part of the Soho Conservation Area. Although planning permission has been granted for the replacement of these buildings with a high quality modern building, the retention of the facades is welcomed and acceptable. Their retention will preserve and enhance the character and appearance of the conservation area. The existing windows will be replaced and the detailed design of the new windows should be controlled by condition.

The key issue is the proposed roof level extensions. Objections have been received with respect to the proposed height and bulk. At no. 54 it is proposed to replace the existing roof level plant areas with a new floor of accommodation, with only a slight increase in height and bulk. This is considered acceptable.

At No. 57 two extra floors are proposed. This is a significant increase in height and bulk but the floors are set back progressively from the street frontage to reduce their visual impact. The total height will be very similar to that proposed at No. 54, and slightly lower than the building to the west, No. 51-53.

The buildings to the east, at the junction with Poland Street, are lower and there is a longer view along Great Marlborough Street from the east where the proposed top floor of No. 57 will be visible above the roof line of these buildings. However, the visual impact is relatively small and not considered to be harmful to the conservation area. The new floors are design in a style compatible with the existing facades, which is appropriate and compliant with Policies DES 5 and DES 6.

The buildings lie within the London View Management Framework (LVMF) Protected Vista from Primrose Hill to the Palace of Westminster. However, the proposed extensions lie just below the level of the development plane of the strategic view (LVMF View 4 A.2). Therefore there is no impact on this view.

It is considered that given the above, the proposals are acceptable in terms of the impact on the appearance of the retained facades of the buildings, and on the character and appearance of the Soho Conservation Area. The proposals will not harm that character and appearance. They comply with the urban design and conservation policies set out in the Unitary Development Plan, including DES 1, DES 5, DES 6, DES 9 and DES 14.

### **6.3 Amenity**

The closest affected residential properties are within the Marshall Street development to the immediate south of the site. There are also residential flats on the upper floors of 1 and 58-59 Great Marlborough Street. New flats are also under construction at 3-4 Great Marlborough Street.

#### **6.3.1 Daylighting/Sunlighting**

A daylight and sunlight report has been commissioned by Point 2 Surveyors which examines the impact on daylight and sunlight conditions to the adjacent residential properties. An addendum sunlight/daylight report has also been submitted which identifies the room layouts and windows within the neighbouring property.

##### **6.3.1.i Daylighting**

The report considers the Vertical Sky Component (VSC) and No Sky Line (NSL) in accordance with the BRE guidance. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the 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 NSL assesses daylight distribution by measuring the area of the room from which there is visible sky. If there are reductions from existing NSL values of more than 20% then the change is likely to be noticeable.

The sunlight/daylight assessment submitted with the application demonstrates that five windows would be adversely affected by more than the 20% recommended in the BRE

guidelines. These are all windows at fourth floor level within the Marshall Street development. These windows would experience NSL losses of between 40.6% and 65.1%. They would however retain good levels of VSC of between 22.78 and 27.46%. Whilst these losses would be over 20%, the windows affected serve bedroom accommodation which the BRE guidelines state as being less important in relation to daylighting distribution than main living rooms. These are also north facing windows which are particularly small compared to the size of the rooms and as a result this does impact on light penetration and partially explains why it is only NSL that is adversely affected to these rooms. Larger windows would have allowed light to penetrate more deeply than the windows that have been installed. The losses would be similar to those deemed acceptable under the extant scheme for this site.

It is considered that within this urban built-up location, the levels of daylighting retained are acceptable and the impact is not considered sufficient to justify a refusal. Given this, it is considered unreasonable to refuse this scheme given the losses involved.

The residential accommodation at 1, 3-4 and 58-59 Great Marlborough Street all retain satisfactory daylighting levels.

### **6.3.1.ii Sunlighting**

With regard to impact on levels of sunlight, the BRE guidance 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 value. The habitable windows to the flats within the Marshall Street development facing the application site do not face within 90 degrees of due south and therefore are not required to be analysed for the purposes of loss of sunlight under the BRE guidelines.

With regard to the residential flats at 1, 3-4 and 58-59 Great Marlborough Street, one kitchen/living/dining area at first floor within 3-4 Great Marlborough Street would experience a 25% loss of winter sunlight hours (from 4% to 3%). This room would however retain excellent overall annual probable sunlight hours of 55% and it is not considered that the loss of winter hours would adversely impact on the quality of sunlight to this property to warrant refusal. All other windows within these properties will retain satisfactory values in terms of annual sunlight hours.

### **6.3.1.iii Other Adjoining Properties**

The adjoining sound recording studios at 51-53 58-59 Great Marlborough Street has raised a number of concerns including the fact that the report fails to address the impacts on their property, the reduction in sunlight and daylight to their terraces and on the grounds that the proposal would impact on Rights to Light. Whilst the report has not addressed the impact of light issues on 51-53 Great Marlborough Street, the City Council's policy for protecting daylight and sunlight is primarily aimed at protecting the living standards of residents, and 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 commercial windows. The concerns raised on the grounds of loss of established Rights to Light is a private matter between the two parties.

### **6.3.2 Sense of Enclosure/Overlooking**

Policy ENV13(F) states that where developments result in an unacceptable increase in the sense of enclosure, planning permission will be refused. Policy S29 states that the Council will resist proposals that result in an unacceptable loss of residential amenity.

The proposed new building where it fronts Great Marlborough Street will be approximately the same height as the existing plant room at 54 Great Marlborough Street but the new building

will project further at the rear than the existing buildings. Whilst the proposed new building would clearly be of a greater bulk than that existing, it is not considered that given the relationship with adjoining and adjacent residential flats that there would be any adverse increased sense of enclosure or increased overlooking.

### **6.3.3 Roof Terraces**

Roof terraces are proposed at first floor and balconies at fifth and sixth floor levels. It is not considered that in these locations that use of these terraces and balconies by residents would result in unacceptable noise, disturbance or overlooking.

An adjoining office occupier at 51 Great Marlborough Street has raised concerns on the grounds that details of the boundary screens have not been provided and that this information is required to determine the impact on their property. The office occupier has windows at first floor level which currently face the rear wing of 54 Great Marlborough Street. These windows would face onto the terrace areas of the first floor flats and whilst no details of the boundary treatment have been submitted, it is not considered that the relationship with the adjoining office building would be materially different to the existing situation. Details of the boundary treatment would have been reserved by condition had the application been acceptable.

### **6.3.4 Noise**

UDP Policies ENV6 and ENV7 deal with the subject of noise pollution and vibration both from new uses, internal activity and the operation of plant. The policies require the potential for any disturbance to be ameliorated through operational controls and/or attenuation measures. Policy S32 requires disturbance from noise and vibration to be contained.

Under Policy ENV6, new developments are expected to incorporate design features and operational measures to minimise and contain noise levels in order to protect noise sensitive properties. Where developments adjoin other buildings, the applicant is required to demonstrate that, as far as reasonably practicable, schemes will be designed and operated to prevent the transmission of audible noise or vibration through the fabric of the building. The application is supported by an acoustic report.

#### **6.3.4.1 Noise from the development**

##### **6.3.4.1 Plant noise**

Plant is proposed at basement level and within existing vaults for the new ground and basement floor commercial uses. To ventilate the restaurant at ground and basement floor level a full height duct is proposed rising internally through the building. The detailed design of the precise plant required and details of the duct have yet to be finalised. An acoustic report has been submitted as part of the application which includes background noise surveys around the site and, from this are set targets for the operation of the new plant which must be below existing background noise levels.

The Environmental Health officer has assessed the submitted acoustic report and raises no objection to the proposals subject to conditions relating to plant noise and vibration. On this basis, it is not considered that the plant operation would adversely affect the amenities of existing, or future, residents.

##### **6.3.4.2 Noise disturbance during the course of construction**

An objection has been received on behalf of the operators of the post-production sound studios in 51-53 Great Marlborough Street on noise grounds, primarily on the basis that the extent of demolition and construction works would result in significant disturbance in respect

of noise, vibration and dust generation affecting the objectors' ability to carry out their business. The objector refers to a policy requirement to reduce noise generated, so far as it is practical, to the Lowest Observed Adverse Effect Level (LOAEL) and notes that this requirement also applies during the construction phase.

National Planning Policy Guidance on Noise (6 March 2014), to which the objector refers, requires local planning authorities to take account of the acoustic environment and, in doing so, to consider whether or not a significant adverse effect, or an adverse effect, is likely to occur and whether or not a good standard of amenity can be achieved. The guidance refers to the Explanatory Note of the Noise Policy Statement for England, which states that the assessment of noise disturbance would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the Significant Observed Adverse Effect Level (SOAEL – the level above which significant adverse effects on health and quality of life occur) and the Lowest Observed Adverse Effect Level (LOAEL – the level above which adverse effects on health and quality of life can be detected) for the given situation. The Explanatory Note acknowledges that it is not possible to establish a single objective noise-based measure that defines SOAEL, as this is likely to be different for different noise sources, for different receptors and at different times.

The objector contends that, due to the nature of their business, LOAEL is the level at which they can operate without any material effect on their business, and that SOAEL is the level at which they could no longer use their studios. In the absence of any assessment of the construction or operational impacts in relation to LOAEL or SOAEL, the objector contends that it is not possible to ascertain whether or not the proposal complies with national planning policy. Furthermore, even if it can be demonstrated that the impact of the development process, or the completed development, falls between LOAEL and SOAEL, unless it has been shown that all possible mitigation will be employed to reduce the noise impact to the LOAEL, the development is contrary to national noise policy and should be refused.

However, the stated vision set down in the Explanatory Note is to “promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development”, with the aim to “avoid significant adverse effects on health and quality of life”, to “mitigate and minimise adverse impacts on health and quality of life” (and to, “where possible, contribute to the improvement on health and quality of life”). The Note addresses the impact of “neighbour noise” including construction noise, and human reactions to it including sleep deprivation etc. It is primarily weighted towards the consideration of the impact of noise upon residential amenity rather than with the impact of noise upon commercial activity.

Nevertheless, the application building is adjacent to a flat at sixth floor at 58-59 Great Marlborough Street and in close proximity to flats in Marshall Street. The Note sets out a requirement for developers to avoid significant adverse impact on health and quality of life and, where the impact lies somewhere between LOAEL and SOAEL, “to take all reasonable steps to mitigate and minimise adverse effects on health and quality of life whilst also taking into account the guiding principles of sustainable development”. However, the Note is clear that “this does not mean that such adverse effects cannot occur”. It also sets out the “need to integrate consideration of the economic and social benefit of the activity or policy under examination with proper consideration of the adverse environmental effects, including the impact of noise on health and quality of life. This should avoid noise being treated in isolation in any particular situation i.e. not focussing entirely on the noise impact without taking into account other related factors”.

The applicant's Acoustic Consultants have submitted an updated report dealing with the issue of construction noise. This report has been assessed by officers from the Council's



Environmental Sciences Team. The report refers to the noise impact in relation to the relevant British Standard, which is the code of practice for noise and vibration from open sites.

Limits have been suggested, in relation to noise from demolition and construction activities in accordance with British Standard Guidance. As these limits would be applicable to the flats immediately adjacent to the site, it is considered likely that the received noise level at the sound studio, which is likely to be soundproofed to protect the use from external noise sources, would be significantly lower. In addition, the applicant has confirmed that a commitment has been made to enter into a S61 agreement (Control of Pollution Act), ensuring that the quietest machinery is used, with silencers, and that acoustic screening is employed wherever possible. Noise and vibration monitoring will also take place continuously. The Environmental Sciences Officer has advised that whilst the proposed vibration levels are not appropriate for a noise sensitive business, lower levels will be imposed through the SEMP. The SEMP will also need to show how impacts on the studio are being reduced. The Council also expects the developer to do everything possible to engage and liaise with the neighbouring residents and businesses. Had the application been recommended for approval, a Site Environmental Management Plan (SEMP) would have been required which would have required the applicant to provide details of noise and vibration (including predictions, managing risks and reducing impacts) and details of monitoring (including details of receptors, threshold values and analysis methods, procedures for recording and reporting monitoring results and remedial action in the event of any non-compliance). In addition, the applicant has also agreed to an annual contribution of £33,000 towards the Council's Code of Construction Practice and towards monitoring of the SEMP. In these circumstances, it is considered that the issue of construction noise has been satisfactorily addressed.

#### **6.4 Transportation/Parking**

In terms of servicing, Policy TRANS 20 states that the City Council will require convenient access to premises for service vehicles and will normally require that "vehicular servicing needs of developments are fully accommodated on-site and off-street ... sufficient to cater for the size, type and frequency of arrival of the vehicles likely to be servicing the development". Policy CS41 is similarly worded.

The applicant has submitted a Transport Statement in support of the application. The applicant estimates that the proposed retail and restaurant elements of the development will be serviced on average by 10 service vehicles daily. The Highways Planning Manager believes these figures to be robust and considers that the impact of servicing from Great Marlborough Street will not be significantly worse than the existing situation. In order to ensure that servicing of the development is effectively managed, had approval been recommended a Servicing Management Plan would have been secured. The plan should identify 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. The plan would clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants.

The Highways Planning Manager is concerned that the proposed shopping floorspace could be used as a foodstore or supermarket since such uses have particular servicing requirements dependent on deliveries by very large articulated vehicles which would be difficult to accommodate on street. These uses could be precluded by planning condition.

#### **Parking/Cycle Storage**

No off-street parking is provided on site. Policy TRANS23 (B) states that for new residential developments the City Council may take into account the additional demand for on-street parking arising from the development and will normally consider there to be a serious deficiency where additional demand would result in 80% or more of available legal on-street parking places being occupied during the day. In these circumstances the City Council would

normally seek to resist the proposal unless the potential impact of the additional cars being parked on the street in the vicinity can be mitigated.

The evidence of the Council's most recent daytime parking survey (Buchanan's 2006) indicates that the parking occupancy of Resident's Bays and Shared Use Bays within a 200m radius of the main site is 78%. Overnight the pressure reduces to 26%.

It is acknowledged that the site has a high level of public transport accessibility, though it is important to note that households within the West End ward with one or more cars is 29% (2011 Census figures). Whilst this is lower than the city average, the above figures indicate that residents in the area do own cars, along with the fact that during the day residential bays have a high level of occupancy.

Overall, parking pressures in this location remain below stress levels but it is likely that the parking situation will deteriorate as a result of the proposed development and parking mitigation measures would therefore be necessary if approval had been recommended. The applicant has agreed to provide lifetime car club membership (25 years) for each of the proposed flats. These measures are considered acceptable and could be secured by legal agreement.

Cycle parking is provided in two separate areas at basement level providing a total of 33 spaces. The Highways Planning Manager calculates that the proposed residential flats would require a total of 45 cycle parking spaces and considers that, if there were some alteration to the two cycle stores, these spaces could be provided at basement level. An additional 6 cycle spaces are required for the retail and restaurant uses, and these could be provided within the basement vaults.

#### **6.5 Economic Considerations**

The economic benefits generated are welcomed.

#### **6.6 Access**

Level access from street level is restricted as the existing entrances have steps above pavement level, the steps are original and form part of the original fabric of the building. The applicant had addressed this through the provision of a platform lift. These measures comply with Document M of the Building Regulations. There is full level access within the building and in all other respects the residential units will meet Lifetime Homes Standards. Accessible wc facilities will be provided within the new restaurant.

#### **6.7 Other UDP/Westminster Policy Considerations**

Waste and recycling storage areas are located at basement floor level. These arrangements are considered to be acceptable in principle under UDP Policy ENV11.

#### **6.8 London Plan**

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

#### **6.9 Planning Obligations**

The City Council's approach to and priorities for planning obligations are set out in our Supplementary Planning Guidance (SPG) on Planning Obligations adopted January 2008. Planning obligations can serve to mitigate the land use impacts arising from a development either on the development site, in the wider locality, or where the development will increase

local demands for facilities and services or where it is important to integrate the new development into the new community and environment so that it is more sustainable.

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 three following tests set out in Regulation 122(2):

- 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 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 in 2016. 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.

In this case, the principal 'Heads of Terms' of the legal agreement would, if approval had been recommended, have sought to secure the following:

- i) a financial contribution 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 SEMP (Site Environmental Management Plan) with an annual cap of £33,000.
- iii) Lifetime car club membership (25 years) for the occupants of each new dwelling.
- iv) monitoring costs

#### **6.10 Environmental Assessment including Sustainability and Biodiversity Issues**

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture. Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide

emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints. The NPPF establishes a presumption in favour of sustainable development. London Plan Policy 5.3 also requires developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy.

A BREEAM pre-assessment has been carried out on the proposed flats in the building and it is predicted that, if enhancement measures are introduced, the proposed flats could achieve a BREEAM Excellent rating.

The energy efficiency and sustainability initiatives of the site have been optimised to address the Mayor's Energy Hierarchy and to address the requirements of policies in Chapter 5 of the London Plan and Westminster's City Plan Policy S28. The applicant's Energy Statement states that with the installation of a CHP engine, passive design measures and energy efficiency measures that the building's total CO2 emissions are predicted to show a reduction of 23% over Building Regulations Part L 2013 baseline emissions, which is welcomed. It is also proposed to introduce PV panels on the roof.

To encourage biodiversity a green roof is proposed which would be in accordance with Policy S38 of the City Plan and UDP Policy ENV 17.

#### **6.11 Other Issues**

TfL advise that it may be problematic to construct the development without impacting on the cycle hire station on Great Marlborough Street in front of the site. This is dealt with by informative.

One of the objectors also raises concerns on the grounds that the proposal should not take into account of any future increase in height of the Poland Street flank wall (Site2). Site 2 however does not form part of these proposals.

#### **6.12 Conclusion**

The proposed development provides a mixed use development of good architectural quality that will contribute to the character and function of the area. However, the proposed financial contribution in lieu of affordable housing on site is inadequate, and is not supported by the City Council's independent viability consultants. The application is therefore recommended for refusal on these grounds.

### **BACKGROUND PAPERS**

1. Application form
2. Letter from Historic England dated 21 May 2015
3. Email from Historic England (Archaeology) dated 1 June 2015
4. Email from Transport for London dated 7 May 2015
5. Email from Crossrail dated 18 May 2015
6. Email from the Soho Society dated 12 May 2015
7. Memorandum from Highways Planning Manager dated 22 May 2015

8. Memoranda from Environmental Health dated 1 June 2015 and email dated 2 November 2015
9. Letters on behalf of the occupiers of 51-53 Great Marlborough Street dated 26 May, 8 and 30 September and 22 October 2015
10. Letter from Marshall Street Regeneration Ltd, 18 Marshall Street dated 19 June 2015
11. Letter on behalf of the occupier of 51 Great Marlborough Street dated 3 June 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](mailto:pquayle@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** Fenton House, 55-57 Great Marlborough Street, London, W1F 7JX

**Proposal:** Demolition and redevelopment behind retained street facades at 54 and 55-57 Great Marlborough Street to provide a new building comprising basement, ground and first to seventh floor levels. Use of the part basement and ground floor levels as two retail units (Class A1) and one dual / alternative retail or restaurant (Class A1 / A3) unit at part basement and ground floor levels. Use of part basement and ground and the entire first to seventh floor levels as residential accommodation comprising 27 units with associated terraces at rear first floor and balconies at fifth and sixth floor levels. Excavation at basement level, the provision of a green roof at main roof level and installation of plant in the basement and at seventh floor level. (SITE INCLUDES 54 GREAT MARLBOROUGH STREET)

**Plan Nos:** DM.001, 002, 003, 004, 005, 006, 007, 008, 009, 201, 202, 203; PR.001, GA.100, PR.002, 003, 004, 005, 006, 007, 008, 009, 010 Rev B, 011 Rev B, 201.1 Rev A, 201.2, 202.1, 202.2, 203, 204, 205.1, 300.1, 300.2, 301.1, 301.2

**Case Officer:** Josephine Palmer

**Direct Tel. No.** 020 7641 2723

**Recommended Reason for Refusal:****Reason:**

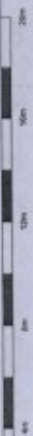
- 1 The proposal fails to make adequate provision for affordable housing which would not meet S16 of Westminster's City Plan: Strategic Policies adopted November 2013 which seeks a proportion of new residential floorspace as affordable housing, and policy H4 of our Unitary Development Plan that we adopted in January 2007. We do not consider that the circumstances of your case justify an exception to our policy.

**Informative(s):**

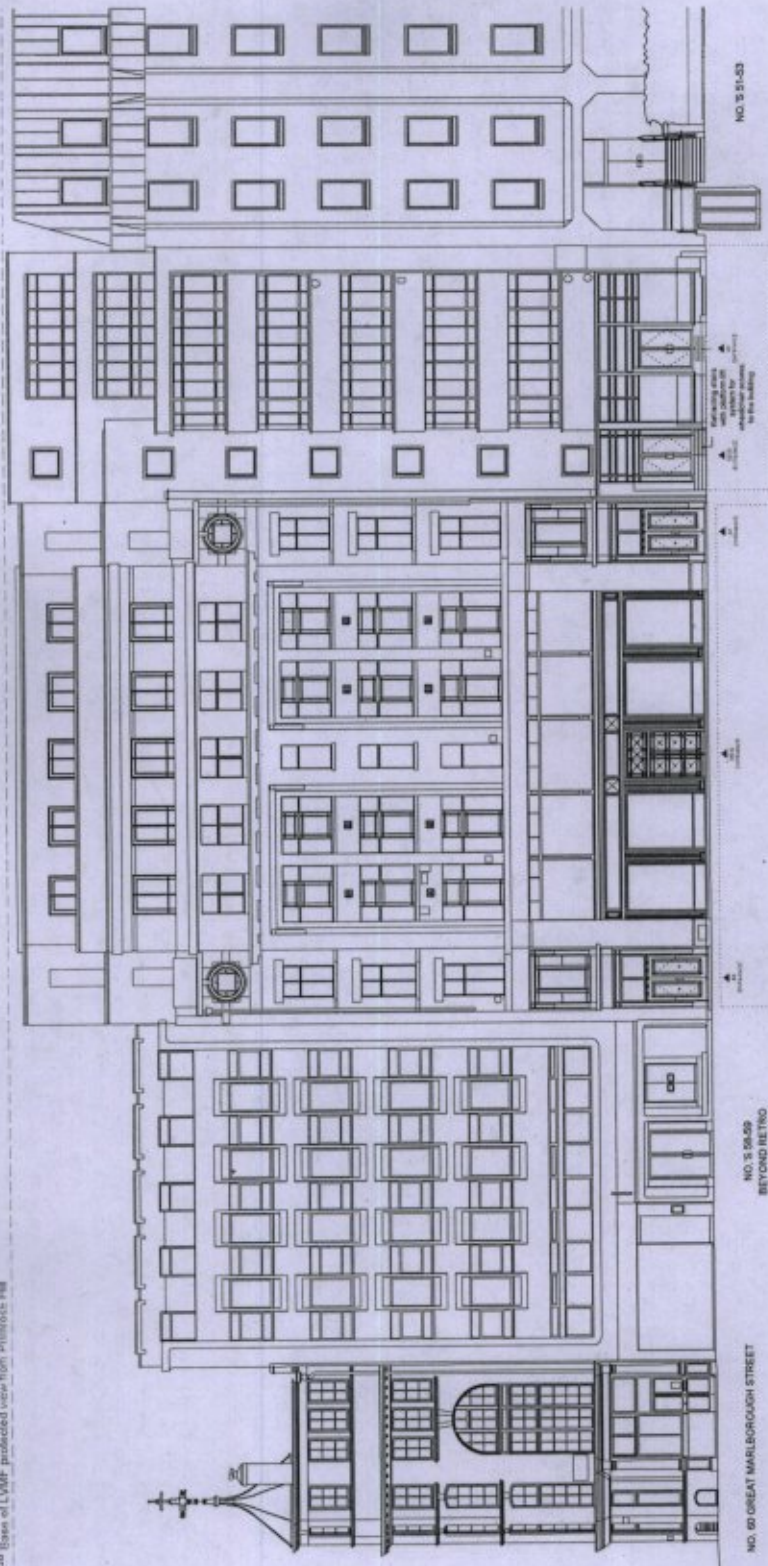
- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's 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, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant at the validation stage and by the case officer to the applicant during the processing of the application to identify amendments to address those elements of the scheme considered unacceptable. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

**Required amendments:** A revised affordable housing offer

- 2 In the event that you resubmit a revised application for this site, you are advised to contact Richard McEllistrum (Transport for London) on 0203 054 8966 to discuss whether construction works require the suspension of the Cycle Hire Station on Great Marlborough Street. You will need the consent of Transport for London for such a suspension



52.38 East of LVMF produced view from Purtoise Hill

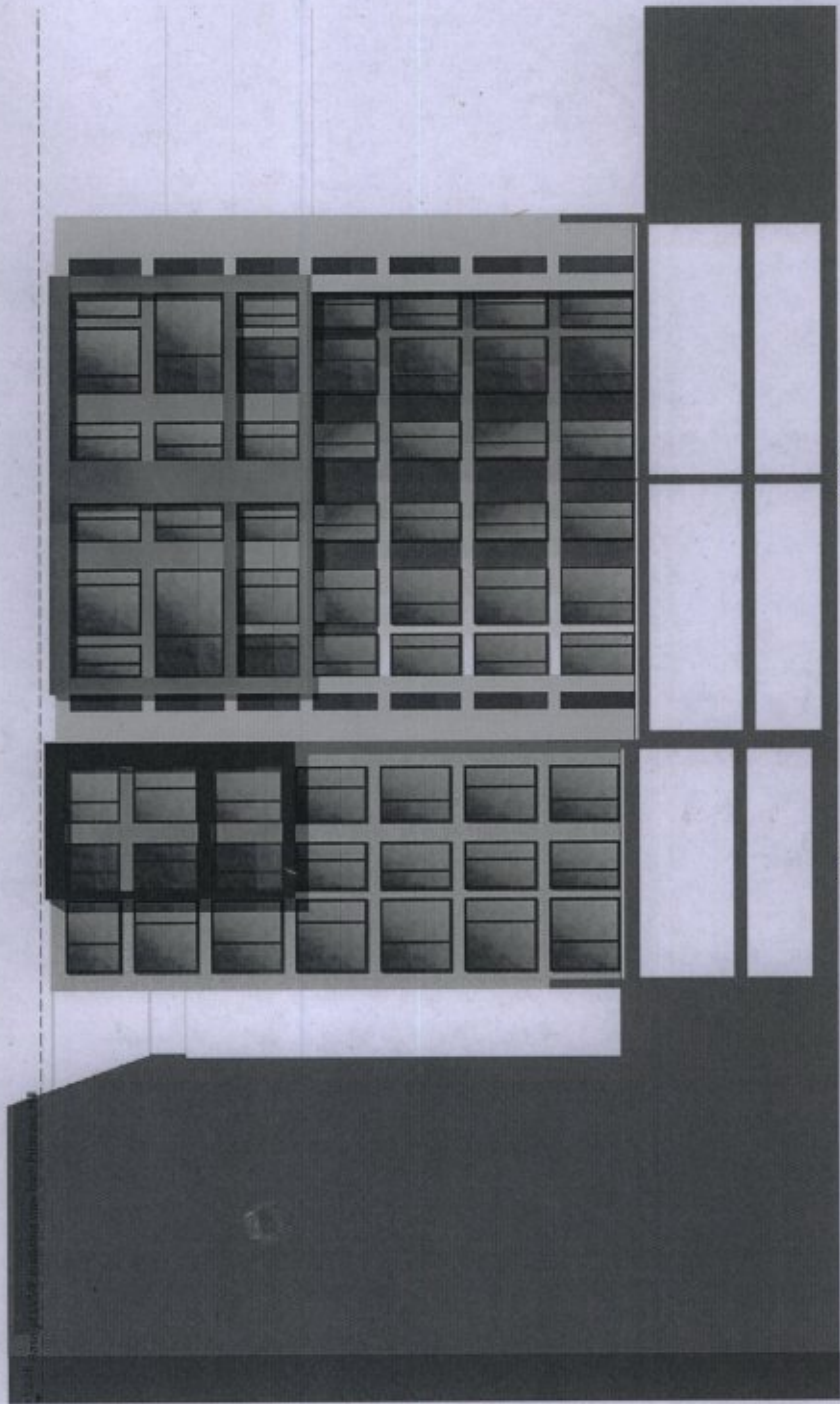


20.00 Above Ordnance Datum

NOTES:  
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 F. 020 7052 0757  
 E. info@tfarchitecture.com

CLIENT	MARLBOROUGH HOUSE LTD
PROJECT	NOS. 54 & 55-57 GREAT MARLBOROUGH ST
DRAWING TITLE	FRONT ELEVATION_PROPOSED
DATE	01.2015
SCALE	1:200 @ A3
JOB NO.	452
DRWG NO.	PR.201.1
REV.	A



CLIENT	MARLBOROUGH HOUSE LTD
PROJECT	NOS. 54 & 55-57 GREAT MARLBOROUGH ST
DRAWING TITLE	REAR ELEVATION_ARTIST'S IMPRESSION_PROPOSED
DATE	01.2015
JOB NO.	452
DRWG NO.	PR.202.2
REV.	

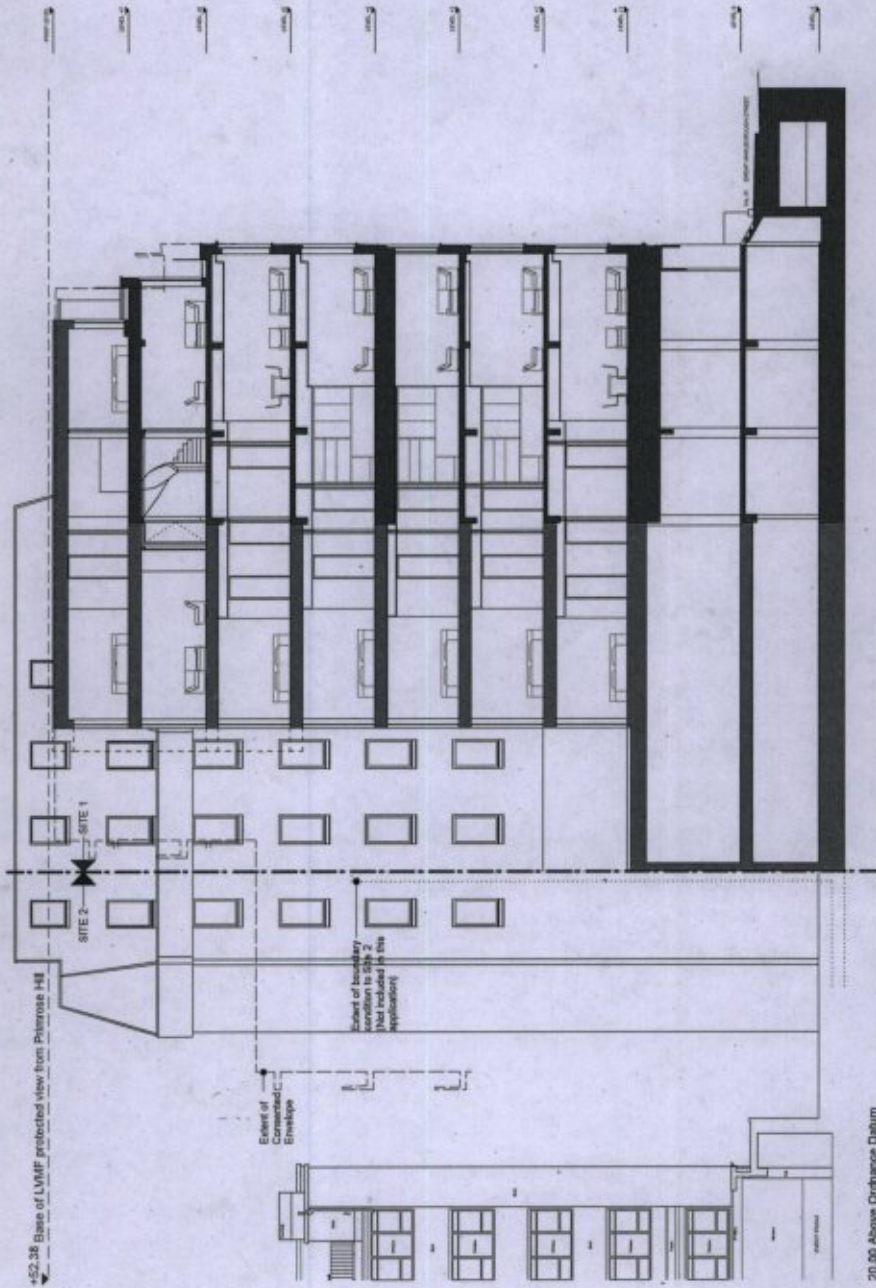
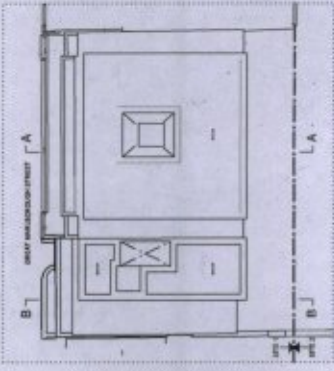
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SITE PLAN



+52.38 Base of LVMP protected view from Primrose Hill

SITE 1  
SITE 2

Extent of Committed Envelope

Extent of boundary condition to Site 2 (not included in this application)

20.00 Above Ordnance Datum

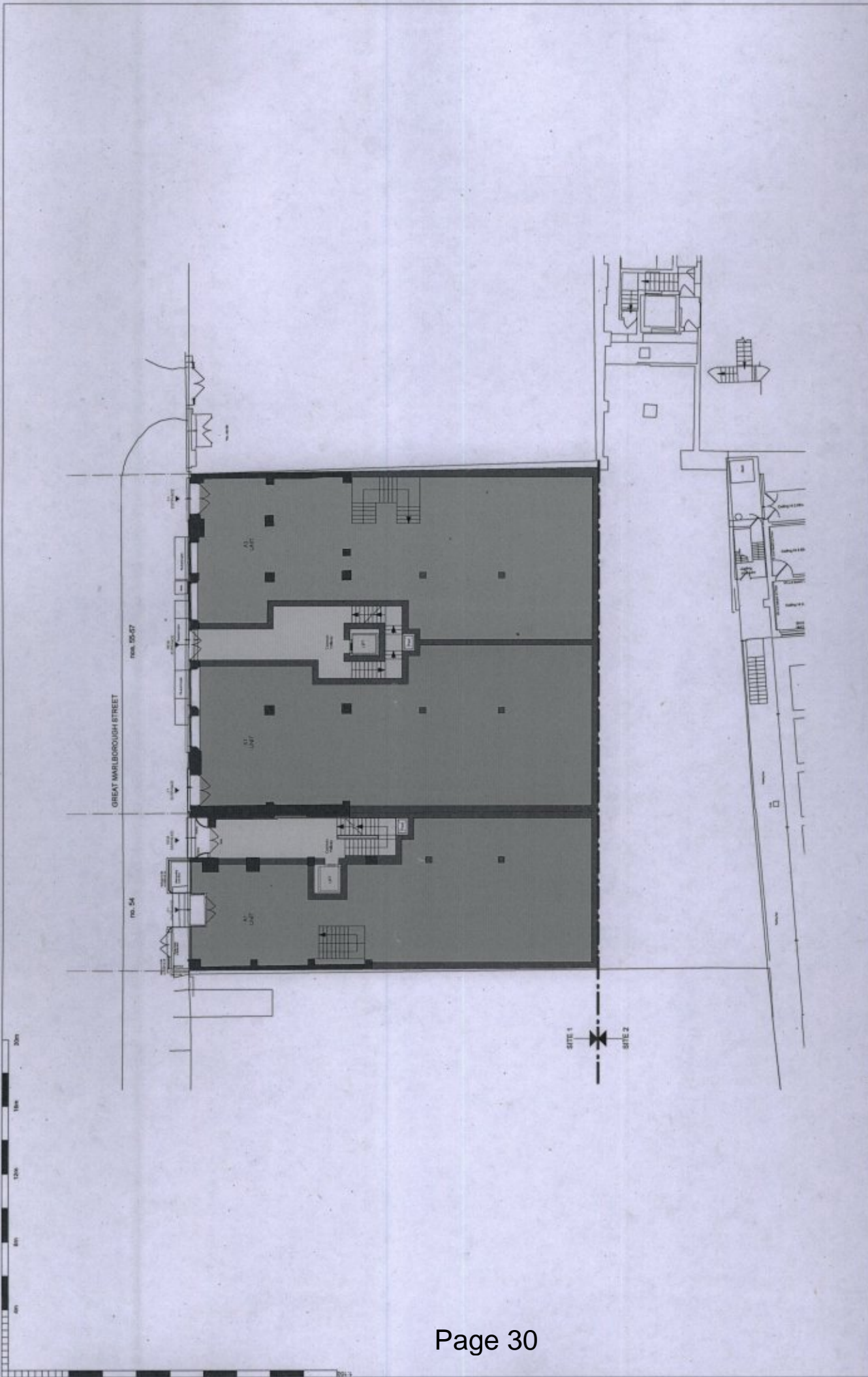


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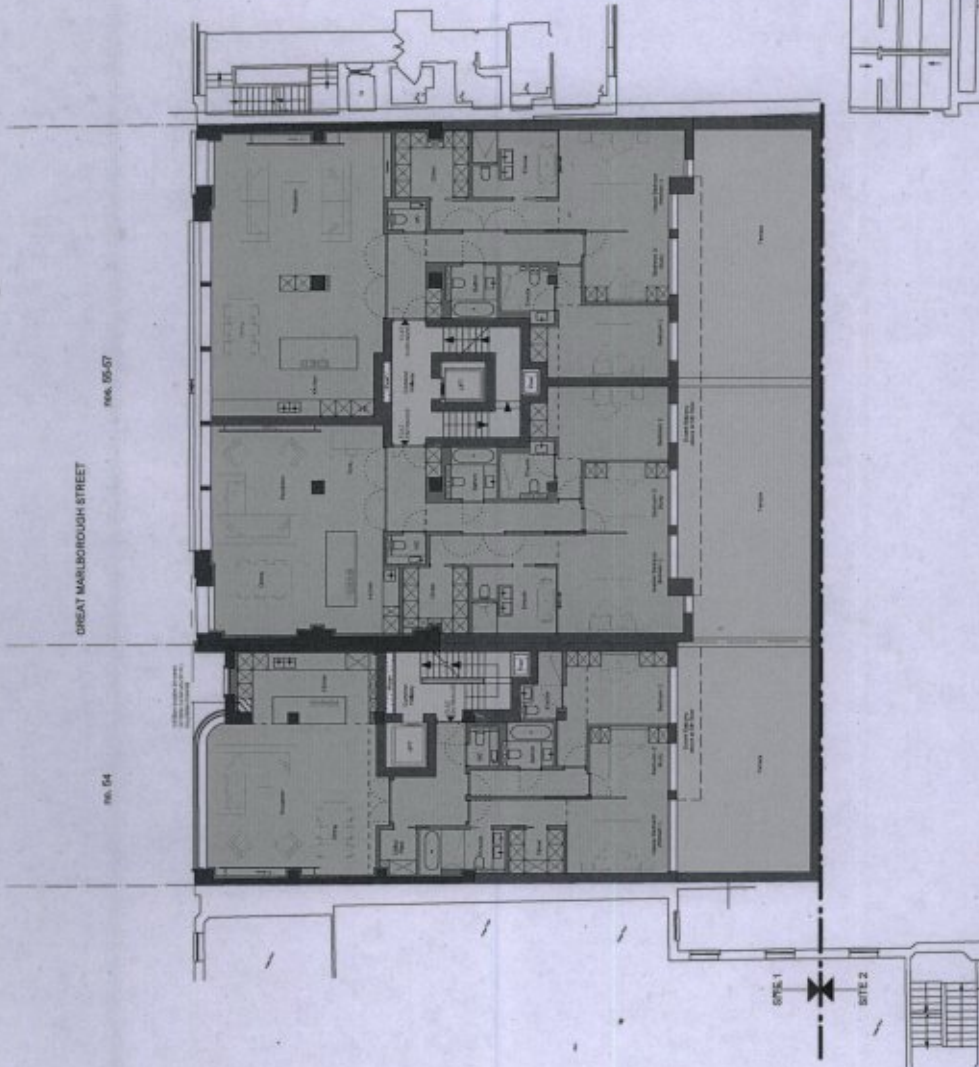
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CLIENT  
PROJECT  
DRAWING TITLE  
DATE 01.2015

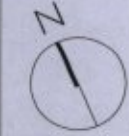
MARLBOROUGH HOUSE LTD  
NOS. 54 & 55-57 GREAT MARLBOROUGH ST  
PLANNING: 150410  
SCALE 1:200 @ A3  
JOB NO. 452  
DRAWING NO. PR.204  
REV.



<p><b>NOTE:</b></p> <ul style="list-style-type: none"> <li>1. ALL DIMENSIONS TO BE CHECKED ON SITE</li> <li>2. ALL OMISSIONS AND DISCREPANCIES TO BE REPORTED TO THE ARCHITECT IMMEDIATELY</li> </ul>					<p><b>CLIENT</b></p> <p>MARLBOROUGH HOUSE LTD</p>
	<p><b>PROJECT</b></p> <p>NOS. 54 &amp; 55-57 GREAT MARLBOROUGH ST</p>		<p><b>DRAWING TITLE</b></p> <p>LEVEL 0, PROPOSED</p>		<p><b>DATE</b></p> <p>01.2015</p>
	<p><b>TF ARCHITECTURE</b></p> <p>2-3 WOODSTOCK STREET LONDON W1C 2AB</p> <p>T: 020 7052 0756 F: 020 7052 0757 E: info@tfarchitecture.com</p>		<p><b>PLANNING:</b> 150410</p>		<p><b>JOB NO.</b></p> <p>452</p>
	<p><b>SCALE</b></p> <p>1:200 @ A3</p>		<p><b>DRWG NO.</b></p> <p>452</p>		<p><b>REV.</b></p> <p>PR.003</p>



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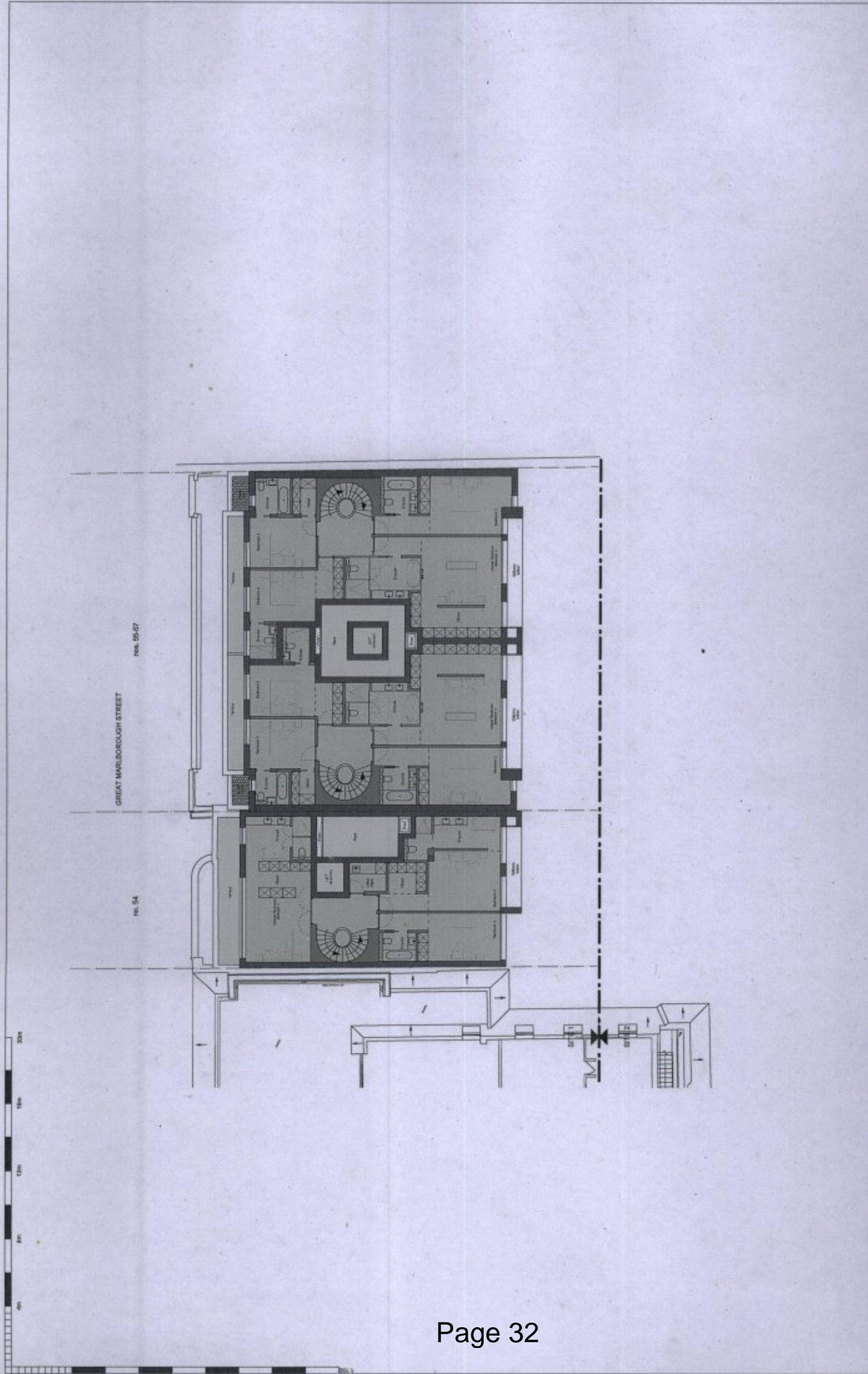


NORTH POINT



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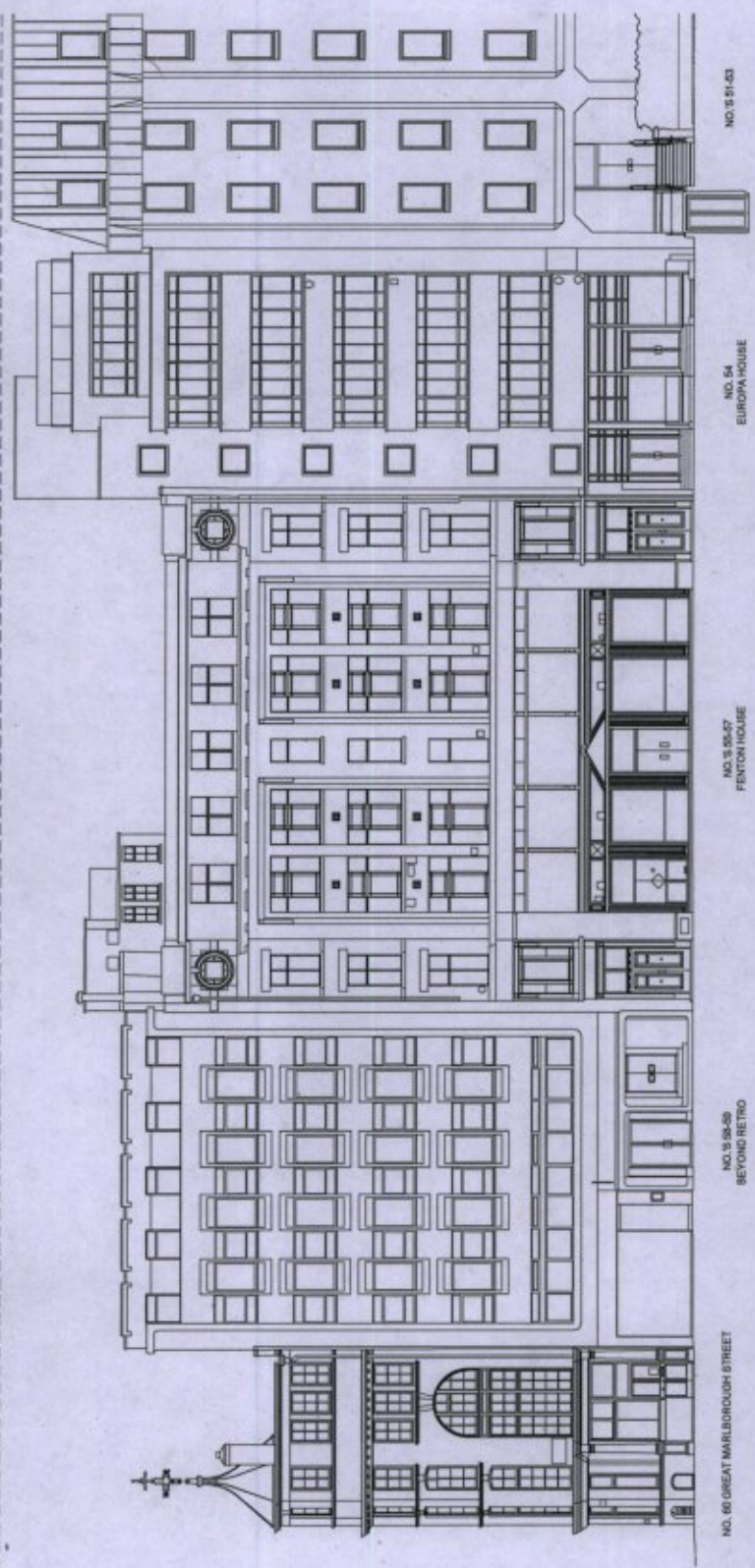
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PROJECT	NOS. 54 & 55-57 GREAT MARLBOROUGH ST
DRAWING TITLE	PLANNING: 150410 LEVEL +1, PROPOSED
DATE	01.2015
SCALE	1:200 @ A3
JOB NO.	452
DRWG NO.	PR.004
REV.	



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			<p><b>DRAWING TITLE</b></p> <p>PLANNING: 150410</p>	<p><b>DATE</b></p> <p>01.2015</p>
			<p><b>SCALE</b></p> <p>1:200 @ A3</p>	<p><b>PR.010</b></p> <p>REV.</p>



1:50 3/8 Base of LVMF protected view from Princess Hill



20.00 Above Ordnance Datum

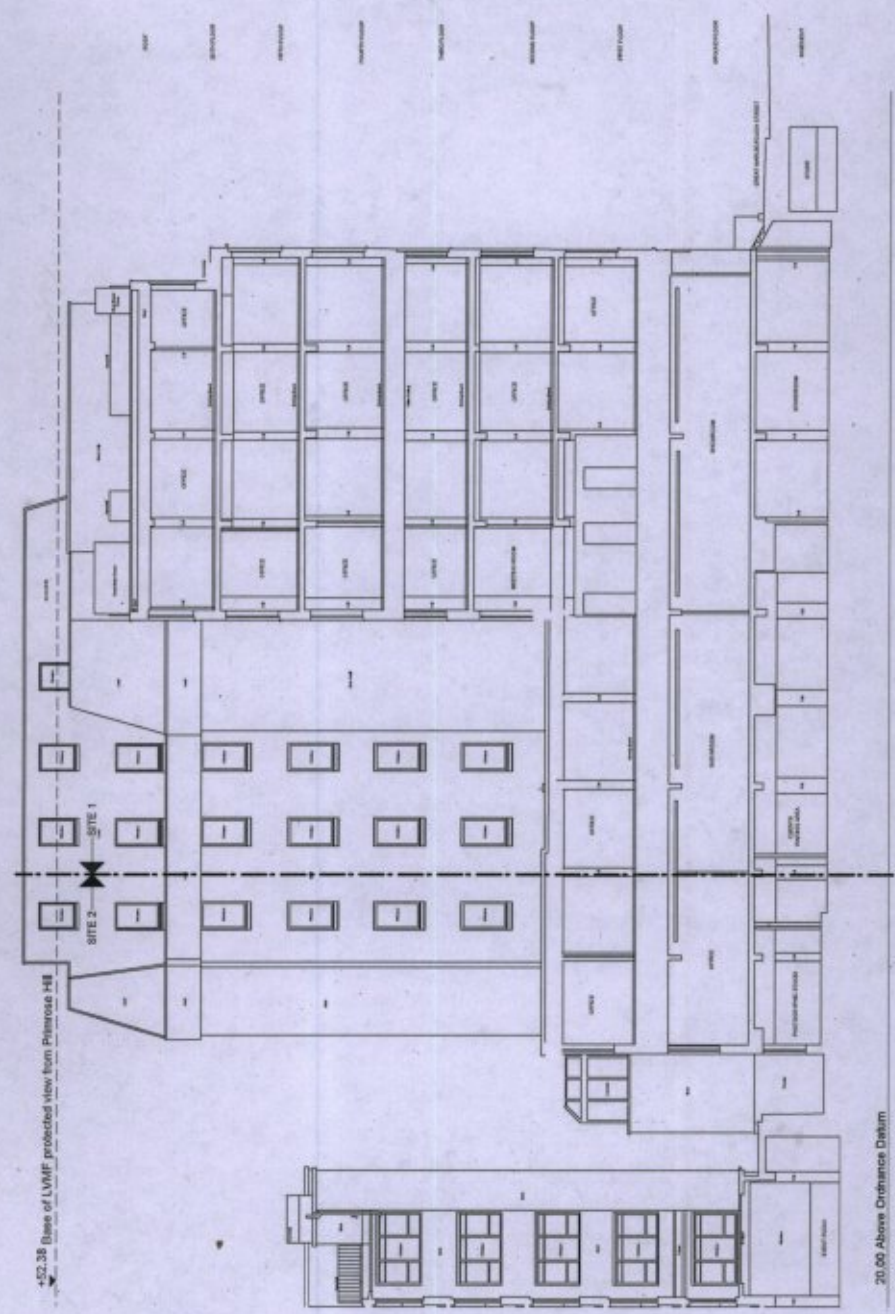
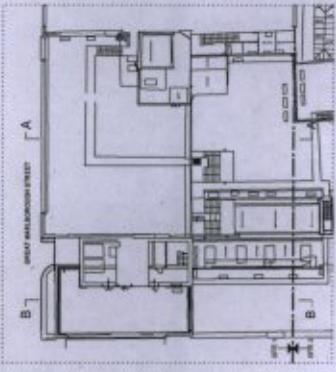
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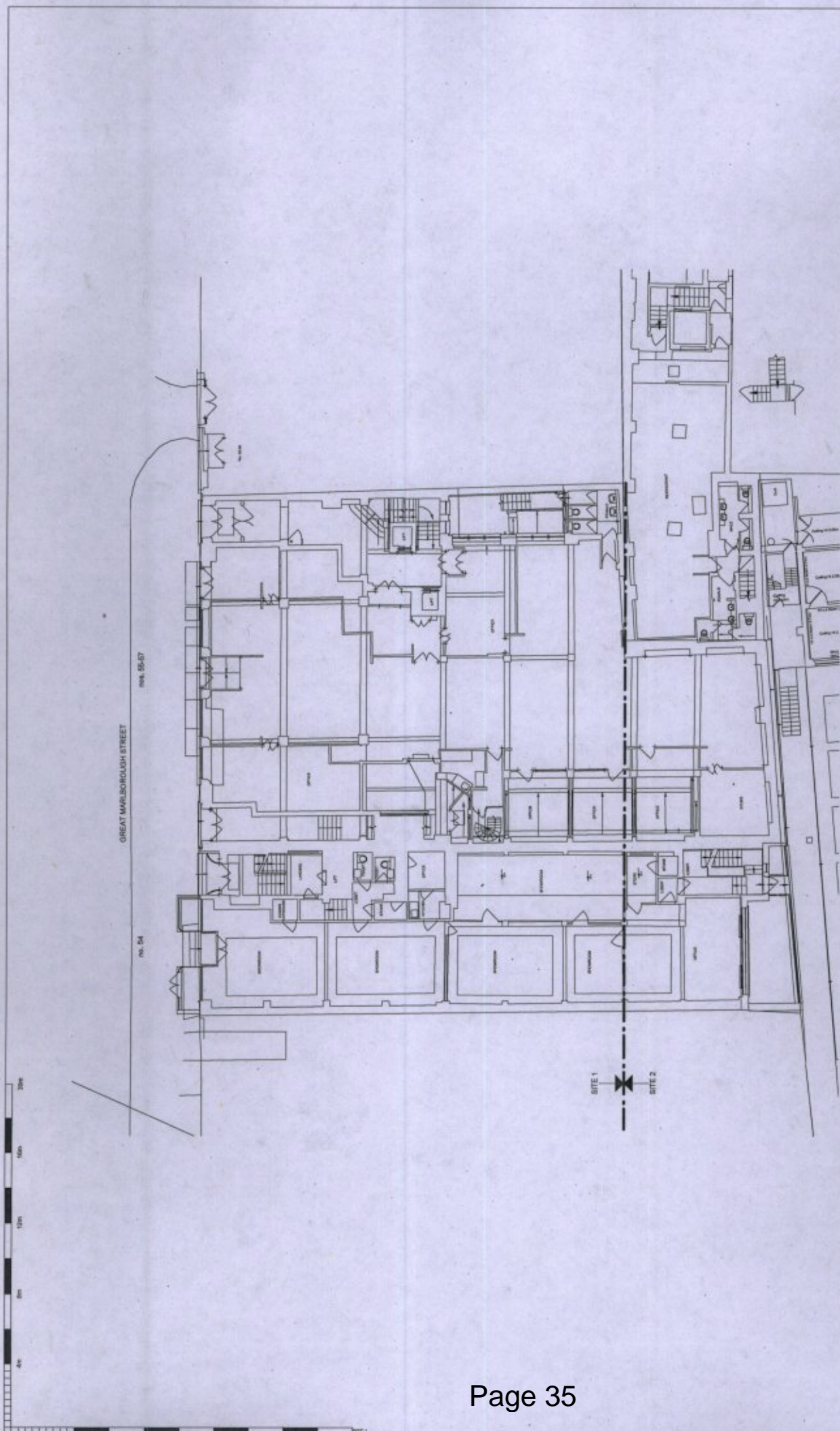
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PROJECT	NOS. 54 & 55-57 GREAT MARLBOROUGH ST
DRAWING TITLE	FRONT ELEVATION_EXISTING
DATE	01.2015
SCALE	1:200 @ A3
JOB NO.	452
DRWG NO.	EX.201.1
REV.	

SITE PLAN

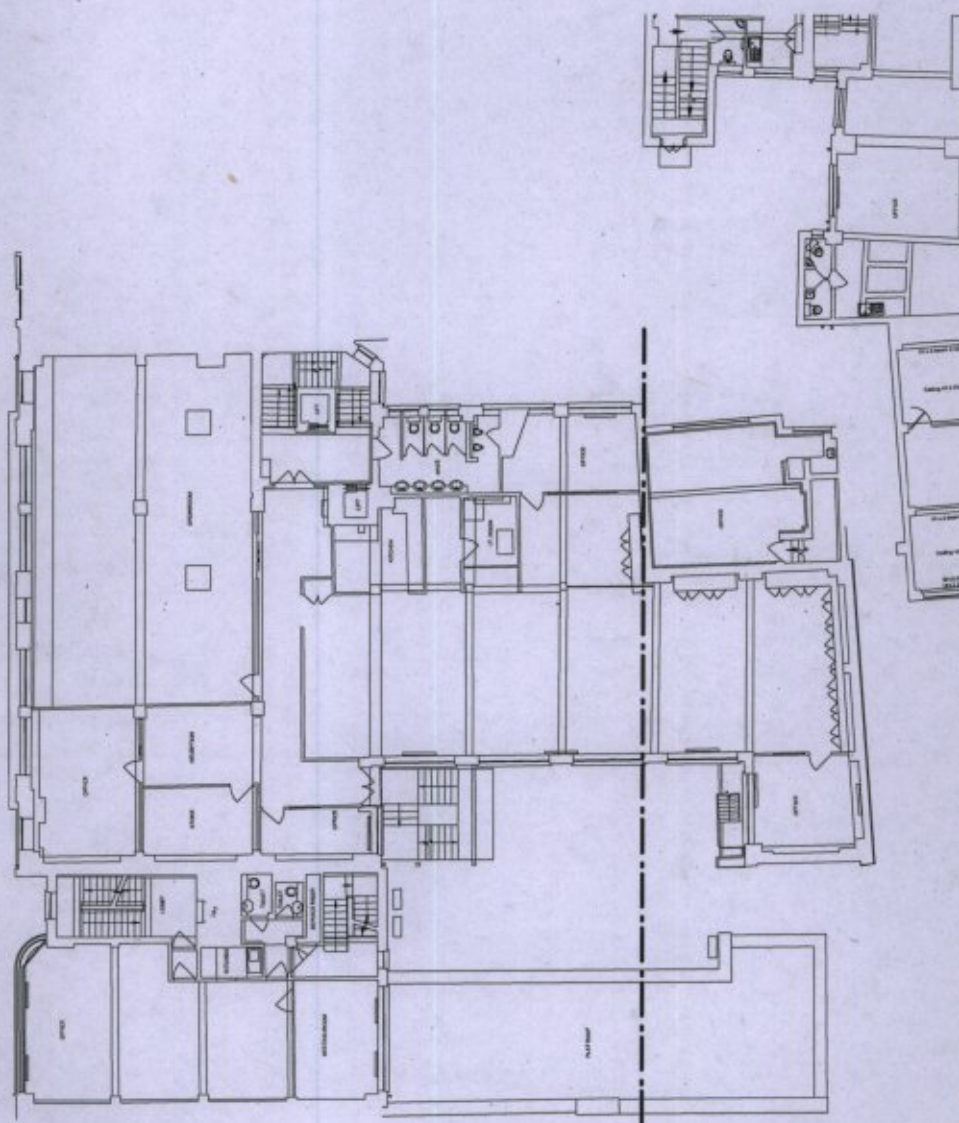


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	PROJECT	NOS. 54 & 55-57 GREAT MARLBOROUGH ST
	DRAWING TITLE	PLANNING: 150410
	DATE	01.2015
	SCALE	1:200 @ A3
	JOB NO.	452
	DRWG NO.	EX.203
	REV.	
	SECTION	BB_EXISTING

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	<p>PROJECT          NOS. 54 &amp; 55-57 GREAT MARLBOROUGH ST</p>		<p>DRAWING TITLE          LEVEL 0_EXISTING</p>	
	<p>DATE          01.2015</p>		<p>PLANNING: 150410</p>	
	<p>NORTH POINT</p> 		<p>SCALE          1:200 @ A3</p>	
		<p>JOB NO.          452</p>	<p>DRWG NO.          EX.003</p>	<p>REV.  </p>



GREAT MARLBOROUGH STREET

nos. 54-57

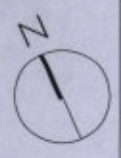
nos. 54

SITE 1  
SITE 2



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NORTH POINT



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CLIENT  
 PROJECT  
 DRAWING TITLE  
 DATE

MARLBOROUGH HOUSE LTD  
 NOS. 54 & 55-57 GREAT MARLBOROUGH ST  
 PLANNING: 150410  
 01.2015

SCALE 1:200 @ A3  
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 DRWG NO. EX.005  
 REV.

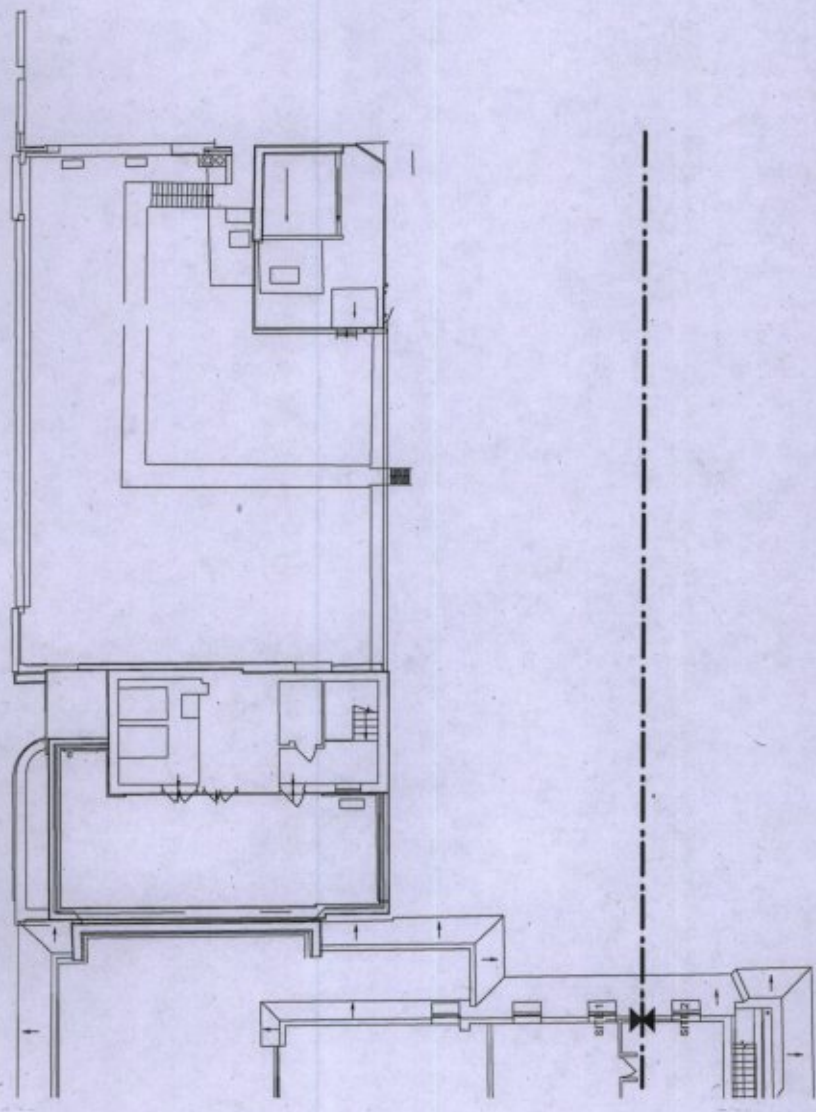




GREAT MARLBOROUGH STREET

nos. 54

nos. 55-57



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CLIENT	MARLBOROUGH HOUSE LTD
PROJECT	NOS. 54 & 55-57 GREAT MARLBOROUGH ST
DRAWING TITLE	PLANNING: 150410
DATE	01.2015
SCALE	1:200 @ A3
JOB NO.	452
DRWG NO.	EX.010
REV.	LEVEL +7_EXISTING

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Item No.
2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 17 November 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning	<b>Wards involved</b> West End		
<b>Subject of Report</b>	<b>9-11 Richmond Buildings, London, W1D 3HF</b>		
<b>Proposal</b>	Demolition of the existing building and erection of a replacement building to provide sub-basements for use by a car stacker, and basement, lower ground, ground and first to fifth floor levels for use as residential accommodation comprising 13 residential units (Class C3). Creation of terraces at first to fifth floor levels and lightwells to the front and rear of the property. Installation of plant and PV cells at main roof level and condenser units within an enclosure at ground floor level within the undercroft.		
<b>Agent</b>	Scott Brownrigg Planning		
<b>On behalf of</b>	Almondbox Property Limited		
<b>Registered Number</b>	15/02851/FULL	<b>TP / PP No</b>	TP/10829
<b>Date of Application</b>	31.03.2015	<b>Date amended/ completed</b>	24.08.2015
<b>Category of Application</b>	Major		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		
<b>Development Plan Context</b> - 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		
<b>Stress Area</b>	Within Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

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

- i) A financial contribution of £1,015,000 towards the Council's affordable housing fund (index linked and payable on commencement of the development);
- ii) Provision of lifetime car club membership (minimum 25 years) for all 13 flats;
- iii) Provision of Site Environmental Monitoring Plan and £27,000 per annum towards construction monitoring;
- iv) Management and maintenance of the car lift;
- v) Securing unallocated car parking within the development;
- vi) Monitoring costs of £500 for each of the above clauses.

Item No.
2

2. If the S106 legal agreement has not been completed within two months, 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.





9-11 RICHMOND BUILDINGS, W1

## 2. SUMMARY

The existing building, dating from the 1960s, is used for offices and two flats. There is basement car parking accessed from a ramp in Richmond Buildings. Part of the building oversails the entrance to Richmond Mews and abuts the Soho Hotel, with which it shares a small lightwell. The proposed redevelopment for wholly residential use has been subject to lengthy negotiations and has undergone some revisions, in particular to reduce the number of proposed flats from 16 to 13, reduce parking from 13 spaces to eight, and design changes to ameliorate the impact on the amenity of adjoining properties.

The key issues are considered to be:

- The design of the replacement building;
- Affordable housing requirements;
- Impact on the amenity of adjoining properties;
- Increased car parking and potential traffic generation, particularly in Richmond Mews.

For the reasons set out in detail in the main report, the revised proposal is now considered to be acceptable. It is acknowledged that given the constraints of the site, demolition and construction of the new building will cause noise and disturbance, including local transport movements, but the applicant has agreed to sign up to the Council's Environmental Inspectorate initiative and this should help minimise disruption.

## 3. CONSULTATIONS

### COUNCILLOR ROBERTS

Expresses concern about the impact on the Soho Hotel in terms of increased sense of enclosure and overlooking

### HISTORIC ENGLAND

Comment that the application should be determined in accordance with national and local planning policy.

### HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to conditions.

### TRANSPORT FOR LONDON

With regard to the site lying within the zone of safeguarding land for Crossrail 2, no objection subject to conditions.

### SOHO SOCIETY

Objection - consider that the design does not contribute to the Soho Conservation Area in any positive way, and object to loss of office space, noting that the [then] draft policy was under consideration to restrict the loss of offices.

### DISTRICT SURVEYOR

No concerns about the proposals.

### HIGHWAYS PLANNING MANAGER (Revised scheme)

Note that 8 parking spaces are to be provided for the 13 units, such spaces not to be allocated and supported by car club membership, which on balance makes the parking provision acceptable; the scheme is acceptable with regard to waste storage, the height of the new oversailing section above the entrance to Richmond Mews, cycle parking and provision (subject to details) of electric car charging points;

Some concern about the use of the car lift potentially causing localised congestion but on balance this is considered to be acceptable given that there is an existing access and the expected low number of vehicles, subject to management and maintenance of the car lift secured by the legal agreement.

#### ENVIRONMENTAL SERVICES - PREMISES MANAGEMENT

Recommend that the development is subject to a Site Environmental Management Plan and an Environmental Inspectorate contribution of £27,000 per annum.

Confirm that the proposed plant will operate within acceptable noise limits and that the new accommodation will be adequately sound insulated.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 125; Total No. of Replies: 8.  
from five occupiers of adjoining properties;

Objections raised on some or all of the following grounds:

##### Land Use

- Loss of office space.
- Lost opportunity for affordable housing.
- Construction of luxury apartments is "an unworthy long term planning decision for the area".
- Over-intensification of use of a small site.

##### Design

- The existing building is of some architectural and structural merit and the proposed replacement is "bland and of little or no merit... it would be of no value to the Soho Conservation Area.

##### Amenity

- Overlooking, noise and disruption from the proposed terraces, increased sense of enclosure, increased security risk, loss of light to the Soho Hotel.
- Potential noise nuisance from the plant.

##### Highways

- Increased traffic congestion within Richmond Mews, due to increased car parking capacity, use of the proposed car lift and provision of the waste storage area in the undercroft/entrance to Richmond Mews.
- Lost opportunity for widening the access to the Mews.
- Potential blocking of access to entrance and parking area of 1 Richmond Mews.
- Flaws with the swept path analysis for the proposed car park entrance, as the proposed turning circle is routinely occupied by vehicles and bins.
- Use of the car stacker will increase the number of vehicles using Richmond Mews and Richmond Buildings to an unacceptable degree, and increase the number of cars in the West End generally.

##### Other

- Noise and disruption during the demolition and construction of the new building, including increased traffic congestion and temporary loss of parking bays.
- Potential structural implications for adjoining buildings, particularly due to excavation of the additional basements.



## 4. BACKGROUND INFORMATION

### 4.1 The Application Site

The building is located on the south side of Richmond Buildings, and partially oversails the entrance to Richmond Buildings. Dating from the 1960s, it comprises a lower ground floor largely occupied as parking space (approximately 4-5 vehicles, accessed from a shallow ramp in Richmond Mews), upper ground and four upper floors. Apart from two small flats occupying the fourth floor (142.1m<sup>2</sup> GEA), the rest of the building is occupied as Class B1 offices (851m<sup>2</sup> GEA). The flats and offices share the same entrance, stairs and a single lift.

The building is not listed but it is within the Soho Conservation Area. It is also within the Core Central Activities Zone. Most of the site, apart from the section which oversails the entrance to Richmond Mews, is within the safeguarding zone for Crossrail 2.

### 4.2 Relevant History

None.

## 5. THE PROPOSALS

Permission is sought for the complete demolition and redevelopment of the site to provide a wholly residential building with basement parking. Initially permission was sought for two sub-basements (providing 3 levels of stacker parking and ancillary plant, cycle and waste storage, etc.), two basement levels for residential accommodation, ground and five upper floors, also for residential accommodation, providing a total of 16 flats and parking for 13 cars.

Following negotiations, the scheme has been revised to remove one sub-basement, to reduce the number of proposed flats to 13 and to reduce the number of parking spaces to eight. The total residential floorspace would be 1,724.5m<sup>2</sup> GEA. The roof terrace proposed for the section that oversails the entrance to Richmond Mews (abutting the hotel) has now been removed, as have the proposed balconies to the flats at the rear, in both cases to address concerns about impact on the amenity of adjoining properties.

Terraces would be provided to the front and rear of the fifth floor residential unit; photo-voltaic panels (PVs) would be provided at roof level, surrounded by a sedum roof, and condensers units within an enclosure at ground level within the undercroft area and incorporated into the fifth floor.

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

#### 6.1.1 Loss of offices

The application will result in a net loss of 851m<sup>2</sup> of B1 office floorspace within the Core CAZ. Although the Council's position with regard to loss of offices in the Core CAZ changed in September 2015, and now seeks their protection, this application was submitted well before this change in emphasis and the loss of offices is considered to be acceptable in this case.

Paragraph 51 of the NPPF advises that local planning authorities should normally approve planning applications to residential use 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 will be a net reduction in employment from the scheme, this is relatively small compared with the overall commercial provision in the Core CAZ, and can be off-set by other office developments in the area.

Policy CS47 of the Core Strategy (NPPF revision) 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.' Other policy presumptions (outlined below) also encourage new residential accommodation.

### **6.1.2 New Residential – Mix, Standard and Size**

Policy H 3 of the Unitary Development Plan adopted January 2007 (UDP) encourages the provision of more housing, specifically part (A) "The City Council will seek to maximise the amount of land or buildings in housing use outside the CAZ and where appropriate, within the CAZ". Policy S14 of 'Westminster's City Plan: Strategic Policies' also seeks to optimise housing delivery and states residential use is the priority across Westminster, except where specifically stated. Furthermore, S14 specifies that

- "The Council will work to achieve and exceed its borough housing target set out in the London Plan"
- "Residential use is the priority across Westminster except where specifically stated", and
- "The number of residential units on development sites will be optimised."

The supporting text notes that "Land and buildings should be used efficiently, and larger development sites should optimise the number of units in schemes, taking into account other policies and objectives. Housing densities should reflect the densities set out in the London Plan. City Management policy will address housing densities to be applied to development sites in different parts of the city."

London Plan Policy 3.3 seeks to increase housing supply; Policy 3.4 states that new developments should optimise housing output.

In principle, the development of the site for residential use is therefore considered to be acceptable. Whilst there have been objections to the replacement of the office accommodation with residential accommodation, the application was submitted before the change in policy emphasis to protect offices and therefore the objections are not sustainable in this case.

There have been objections to over-development of the site. The scheme has been revised from the original submission to reduce the number of residential units from 16 to 13, achieved in part by removing one basement level of underground living space, and a reduction in the amount of parking. Subject to other considerations (such as design and quality of the proposed flats) the amended proposal is considered to provide an acceptable scheme and the objections to over development are not considered to be sustainable.

This also needs to be balanced against City Plan policy S14, which seeks to optimise housing delivery, depending on the number and size of the proposed flats. Policies H5 of the UDP and S15 of the City Plan seek to secure an appropriate mix of units in housing developments. Policy H5 normally requires at least 33% of new units providing three or more bedrooms.

The proposed mix is 4 x 1-bedroom, 7 x 2-bedroom, 2 x 3-bedroom. Whilst the 15.4% provision of family sized units falls below the 33% policy requirement, in this central location with little amenity space for children in the vicinity of the site, this aspect of the proposals is considered to be acceptable.

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All units exceed the minimum space standards. Ten of the units range in size from 60.9m<sup>2</sup> to 96.8m<sup>2</sup>; the two penthouse units (which comprise three bedrooms) measure 156.6 and 158.5m<sup>2</sup>; the largest unit (171.3m<sup>2</sup>, 2-bedrooms) is the 'Quadplex' which occupies the whole of the section that oversails the entrance to Richmond Mews – this is meant to represent a 'townhouse in the sky' and its large size is acceptable given it is an integral part of the design.

The amenity of the flats is generally considered to be acceptable. The original submission proposed 3 No. duplexes at basement and lower ground level, which was considered to create poorly lit accommodation and was therefore unacceptable. The revised scheme arranges these maisonettes over lower ground and ground floor levels. Although there is still limited natural light to the lower ground floor level, the bedrooms are located at this level, they achieve the recommended levels of daylight and thus this arrangement is considered to be acceptable. The design of the new building will ensure adequate internal noise levels for all the new flats whilst providing mechanical ventilation.

### **6.1.3 Affordable Housing and Viability**

UDP Policy H 4 states that the Council expects affordable housing to be provided as part of housing developments on sites of 0.3 hectares or more, where there are 10 or more additional dwellings and in other cases which would have been equivalent to either of these criteria but fall below these thresholds because of the exceptional size of the units or the phasing of development. The policy requires affordable housing to be provided on site as part of the development, except where the applicant can satisfactorily demonstrate that the affordable housing cannot be designed for transfer to, or management by, a registered social landlord or other appropriate body. The amount of affordable housing required will be assessed in accordance with criteria such as location within the City of Westminster but the Council will take into account whether there would be particular costs associated with the development of the site, or the provision of affordable housing would make it difficult to meet other planning objectives that need to be given priority in developing the site.

Policy S16 of the City Plan differs from the UDP policy in that it introduces new criteria triggering affordable housing requirements - an increase in residential floorspace of 1,000m<sup>2</sup> or more (in addition to 10 or more additional units). The policy requires the affordable housing to be provided on-site, but where this is not practical or viable, cascade options allow for it to be provided off-site in the vicinity of the development site or possibly beyond the vicinity of the site. The supporting text to this policy notes that financial contributions towards the Council's affordable housing fund in lieu of affordable housing provision is an option that the Council will only accept if the cascade options have been thoroughly explored and proved impractical or unfeasible. The relevant London Plan policy concerning affordable housing provision is Policy 3.12.

The current proposal provides a total of 1,582.4m<sup>2</sup> (GEA) of additional residential floorspace. The policy requirement is that 240m<sup>2</sup> of this should be provided as affordable housing (or approximately three units based on a standard size of 80m<sup>2</sup> per unit). It is accepted that on a small site like this that it is physically impractical to provide a separate element as on-site affordable housing. The applicant has provided letters from two housing associations (Soho and Peabody) confirming that they would not be interested in having a small number of affordable units on this site.

The applicants are offering the alternative of a commuted payment: the policy compliant contribution would be £1,015,000 and the applicants are offering the full amount, which is welcomed. This would be secured with a legal agreement.

## 6.2 Townscape and Design

Richmond Buildings is a short street in the Soho Conservation Area which leads to Richmond Mews. It lies within protected vista 2A.2 - Parliament Hill summit to the Palace of Westminster, and the Crossrail Line 2 Safeguarding Area.

The street has been comprehensively redeveloped and no buildings of historic interest or architectural merit survive other than at the south east corner. The north side is occupied by buildings varying in height between three and six storeys and planning permission was recently granted to substantially alter the building on the corner of Dean Street (81-82 Dean Street and 3 Richmond Buildings) with the intention of minimising its apparent height and to remove the incongruous bay windows, which are not a characteristic feature of the conservation area. The south side of the street is also occupied by modern buildings, of four and five storeys, but the corner (80 Dean Street and 14 Richmond Buildings) is a much smaller and older scale of development and forms an important part of the setting of neighbouring listed buildings in Dean Street. Planning permission was recently approved for alterations and extensions at 12-13 Richmond Buildings which would see the replacement of the existing, vaguely historicist, facades with a carefully designed and skilfully detailed façade of elegant proportions.

The two recently approved developments in the street are considered to represent significant and welcome improvements to two of the most unattractive buildings in the area, and the opportunity to improve the appearance of the site at 9-11 Richmond Buildings follows their example, both in terms of its scale and architectural sobriety. The proposal is considered successful in these key respects.

The existing building is out of scale, incongruously designed, and faced with inappropriate materials, meaning its redevelopment is acceptable in principle. The proposed development represents a welcome improvement in comparison to the existing building in terms of its detailed design and facing materials. Reintroduction of a hierarchy of fenestration and the use of brickwork will ensure that the building relates appropriately to its immediate surroundings and makes a positive contribution to the conservation area. The height and massing respects the prevailing overall height and massing of neighbouring buildings, and the subtle vertical sub-division of the facade would reintroduce an appropriate sense of plot widths more in character with the historic scale of development in the area.

The height of the main part of the building (excluding the small lift overrun) will increase by 5.6m (from 33.9m datum to 39.5m). Although the site does lie within the protected view from Parliament Hill to Palace of Westminster, the new building remains below the development plane of the strategic view and therefore there is no impact on this view.

A key feature of the design is the use of metal screens. While they are acceptable in principle, great care will be needed when working-up their detailed design, otherwise the appearance of the building could be spoiled. This may be dealt with by condition.

In design and heritage asset terms the development accords with NPPF paragraphs 56, 63, 131 and 132, the Westminster City Plan: Strategic Policies S25 and S28, UDP policies DES 1, DES 4 and DES 9, and the 'Development and Demolition in Conservation Areas' supplementary planning guidance. Whilst there has been a design objection to the loss of the existing building and the design of the replacement, this objection is not considered to be sustainable.

## 6.3 Amenity

### 6.3.1 Impact on Residential - Daylight and Sunlight

UDP Policy ENV13 and City Plan Policy S29 seek to ensure that new developments do not result in an unreasonable loss of natural light for existing local residents. Whilst the policies are primarily designed with regard to residential accommodation, the City Council may apply them to other uses, such as schools and other activities, where loss of daylight or sunlight may prejudice the present use of the premises.

No objections have been received from residents on the grounds of loss of daylight and sunlight (an objection from the adjoining hotel is dealt with separately below). The applicant has undertaken a daylight and sunlight assessment in accordance with the recommended standards for daylight and sunlight in residential accommodation set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (2011). The properties tested are Clarion House (on the north side of Richmond Buildings, directly opposite the site), 76 and 77 Dean Street and 12-13 Richmond Buildings (currently being converted to residential).

With regard to daylight, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels and is a measure of the amount of sky visible from the centre point of a window on its outside face. This method does not need to rely on internal calculations, which means it is not necessary to gain access to the affected properties. If the VSC achieves 27% or more, then the BRE advises that the windows will have the potential to provide good levels of daylight. If, however, the light received by an affected window, with the new development in place, is both less than 27% and would be reduced by 20% or more as a result of the proposed development, then the loss would be noticeable. 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.

In terms of sunlight, the BRE guidelines state that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH, where total APSH is 1486 hours in London) including at least 5% during the winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% of the original sunlight hours either over the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight. Windows are tested if they face within 90 degrees of due south.

The assessment demonstrates that the loss of daylight to these properties will generally be within the recommended guidelines. Four of the windows in Clarion House will experience losses of daylight that marginally exceed the recommended 20% (maximum loss of VSC – 20.9%) but this is considered to be acceptable. The maximum daylight loss of VSC at 76 and 77 Dean Street is 9.8% or less, which is acceptable.

With regard to sunlight, there are five windows in Clarion House which will lose more than 20% of their annual probable sunlight hours (APSH) and 12 which will lose more than 20% of their winter sunlight, in five cases all of it. However, for the winter sunlight, most of the affected windows currently enjoy very limited amounts of winter sun and therefore any reduction expressed as a percentage is disproportionate. As there have been no consultation responses from Clarion House, the use of the affected rooms is unknown, but some are likely to be bedrooms, which are considered to be of less importance in amenity terms. Whilst the loss of sunlight to this property is regrettable, on balance it is not considered to justify a refusal.

Immediately adjoining the site to the east is 12-13 Richmond Buildings, which is currently being converted to residential accommodation. The approved plans show a mix of bedrooms and living accommodation at the rear of the building. To address concerns about the potential impact of the proposals on the new flats, the scheme has been revised to omit balconies and provide a small cut-back at fifth floor level. Whilst the scheme retains the rear infill of the site, the amenity at the rear is still largely determined by the flank wall of 1 Richmond Mews. The applicant's daylight assessment shows that one room will lose 76.3% VSC, but this is a third bedroom at basement level where existing VSC is already low (3.5%) so the loss is proportionately high. The rest of the affected windows have losses less than 20% or just over (up to 21.7% loss) and on balance the impact is considered to be acceptable.

### **6.3.2 Impact on Residential - Overlooking and Enclosure**

It is not considered that the proposals will cause any loss of privacy to neighbouring residents through overlooking, nor increased sense of enclosure, any worse than the existing situation, for neighbouring residents. The terraces proposed along the street frontage at fifth floor level are small and at high level and are not considered to be any worse than the small balconies in front of the existing two flats.

With regard to potential overlooking of the new flats in 12-13 Richmond Buildings, the revised scheme has omitted balconies that would have been right on the site boundary that would have resulted in unacceptable overlooking and noise nuisance. It is proposed to install screening 'fins' to the relevant windows in No. 9-11, which should minimise overlooking from within the new flats. Details of this will be conditioned.

### **6.3.3 Impact on the adjoining hotel**

The site physically adjoins the Soho Hotel. There is currently a small lightwell within the part of the site that oversails the entrance to Richmond Mews; onto which three hotel bedrooms face. At fifth floor level there is another storey of hotel bedrooms, setback from the hotel's frontage but with roof terraces that face towards the application site. The proposal includes rebuilding the section about the entrance to Richmond Mews and making it taller by approximately one storey; the original proposals also included using the flat roof of this section as a terrace, with screening between it and the hotel against which it immediately abuts.

Objections have been raised on behalf of the hotel's operator about overlooking from the fifth floor apartments and terraces; noise and disruption from the terraces, increased sense of enclosure, security, and other concerns about noise from the plant, impact of the construction and access to the car park which are dealt with elsewhere. Councillor Roberts has also expressed concerns about the impact on the hotel.

Revision of the scheme to omit the proposed roof terrace adjacent to the hotel, and the screening that was proposed, is considered to overcome part of the hotel operator's objection. The terraces to the rear and front of the fifth floor apartments are 6m and 7m respectively away from the hotel's bedroom windows and the end of the terraces will be screened: this is considered to be sufficient to overcome potential overlooking. Given the small size of the terraces and their domestic function, it is not considered that there would be any significant noise disturbance to warrant their removal. The objector's suggestion that the hours of use and activity engaged on the terraces should be conditioned is not considered to be reasonable.

The new building will maintain the small lightwell that currently serves three of the hotel bedrooms, which at the moment look onto a brick wall. By raising this part of the building by one storey, one more bedroom will be enclosed in this manner. Council policy is primarily concerned with protecting residential amenity and as there are already three hotel bedrooms

enclosed in this way, objections about a fourth being affected are not considered to be sustainable. However, the applicants have been in discussion with the hotel and have offered to improve the treatment of the lightwell to improve its appearance and use light-reflecting materials to improve the outlook from the hotel bedrooms. This would be secured by condition.

With regard to security, it is not considered that the proposal will be any worse than existing: the roof of the existing application building can be used as a terrace (with each of the two flats having an access ladder to it) and access from this roof to the hotel terraces is relatively easy. Given the limited access to the proposed roof of the new building, it is not considered that this situation will worsen.

#### **6.3.4 Plant operation**

Policies ENV6 and ENV7 of the UDP seek to protect occupants of adjoining noise sensitive properties from the impacts of noise from new development, including from plant. The majority of the proposed plant is contained within the basement, with a small amount of boxed in plant located within the undercroft (accessed from Richmond Mews) and at fifth floor level. Environmental Health have raised no objection to the proposal, subject to conditions controlling the noise levels from the plant. Subject to these conditions the proposals are considered acceptable in amenity terms and the objections on this grounds are not considered to be sustainable.

#### **6.4 Highways, Servicing and Parking**

There have been several objections about the proposed parking and potential traffic congestion within the immediate locality of the site, particularly from the head lessee and freeholder of 1 Richmond Mews/77 Dean Street.

##### **6.4.1 Car Parking**

The existing site does have a parking area at lower ground floor level for 4-5 vehicles. This is accessed by a gated ramp in Richmond Mews and vehicles wanting to access the car park would have to wait in front of 1 Richmond Mews, which has its own recessed parking area at ground floor level. Access to the new parking spaces within the application site will be located in approximately the same location.

The amount of car parking proposed has been reduced from 13 to 8 spaces, for the 13 residential units (0.61 spaces per unit), using a stacker arrangement at sub-basement level. These would be accessed via a car lift in the same location as the existing vehicle access in Richmond Mews, with no change to the highway element. The applicant has indicated that the car parking spaces would not be allocated to a specific unit, and that this arrangement would be supported by car club membership. There is no waiting space proposed within the development site for a vehicle.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The evidence of the Council's most recent night time parking survey in 2011 (Buchanan's) indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 70%. TRANS23 includes all legal parking spaces (e.g. Single Yellow Line, Metered Bays, P&D, Shared Use). With the addition of Single Yellow Line availability, the stress level reduces to 54%.

However, the evidence of the Council's most recent daytime parking survey in 2011 (Buchanan's) indicates that parking occupancy of ResPark bays within a 200 metre radius of

the site is 70%. TRANS23 includes all legal parking spaces. During the daytime within the area, the only legal on-street spaces for permit holders are Residential and Shared Use Bays.

Whilst it is acknowledged that the site has a high level of public transport accessibility, households with 1 or more car in the West End Ward is 29% (2011 Census figures). This indicates that residents in the area do own cars, along with the fact that during the day Residential Bays have a high level of occupancy.

Based on these figures, it is expected that 13 residential units in this location would generate an additional four vehicles, which will be accommodated within the new basement parking area. Therefore, on balance, as the proposal provides unallocated car parking provision (as offered by the applicant), the proposal is considered consistent with TRANS23. The applicant has also indicated that they will also offer residents car club membership for all the flats. This will assist in maintaining low level car ownership within the development, further reducing demand on on-street car parking. This is welcomed. To ensure these elements are delivered, they should be secured via legal agreement.

#### **6.4.2 Refuse**

Waste stored on the public highway creates an obstruction to pedestrians and other highway users. It would also have an adverse impact on the public realm. It is noted that refuse will be maintained within the subject site and not adversely affect the public highway/public realm.

Waste collection in this part of Westminster remains a problem, due to the narrow nature of the street network, high servicing demands of existing surrounding properties and access to the adjacent hotel. Waste will need to be collected from on-street and the new development has an easily accessible waste storage area within the undercroft area. It is understood that refuse vehicles are unable to enter Richmond Mews and that bins from within the mews have to be manually wheeled from the mews to the refuse vehicle waiting in Richmond Buildings. While these problems exist, given the nature of the proposed development it is not considered that the proposals will exacerbate the existing situation.

#### **6.4.3 Development over the Highway**

The existing building over sails the highway, across the entrance to Richmond Mews. The proposal is for the oversail to be demolished and rebuilt. The drawings submitted by the applicant indicate a minimum clearance of 5.3 metres. This is consistent with the minimum requirements of the Westminster Highways Planning Guide. Therefore, the over sailing section of the proposal is considered acceptable.

Whilst some objectors state that the opportunity should be taken to increase the entrance to the mews, this is not considered to be justified. The new building will retain the existing footprint of the existing building and there will be no change in the access to the mews. As there will be no worsening in the situation, there are not considered to be any grounds for insisting on this rearrangement, however desirable it may be.

#### **6.4.4 Cycle Parking**

The Mayor of London's Further Alterations to the London Plan (FALP) requires 1 cycle space per 1 bedroom unit and 2 spaces for all other units. The proposal would therefore require 22 (4 1-bed units and 9 2-plus units) cycle parking spaces. 24 cycle parking spaces are provided within the basement car parking area, which is acceptable.

The cycle parking is located within the basement car parking areas and would be accessible by internal lift. The cycle parking is considered to be secure, accessible and weather proof.



#### **6.4.5 Electric Car Charging Points for Residential Car Parking**

The London Plan requires at least 20% active provision of electric vehicles (EV) charging points and 20% provision of passive EV points. While it is indicated that this will be provided, no details have been provided. This will be secured by condition.

#### **6.4.6 Vehicle Access and Car Lift**

The proposal includes a single car lift to access the 8 car parking spaces in the basement. This is an increase of four car parking spaces compared with the existing on-site parking, accessed from Richmond Mews and a ramp within the site. The car lift arrangement (in the same position as the existing ramp) may lead to extra vehicle movements or waiting in Richmond Mews, as vehicles wait for a car lift. This could lead to queuing on the highway obstructing other vehicles and creating localised congestion. The head lessee and freeholder of 1 Richmond Mews is particularly concerned about this as vehicles are likely to be waiting immediately in front of their premises.

The Highways Planning Guide indicates for ramps, any barrier should be set back to allow a vehicle to wait off-street. Given car lifts are less efficient than a ramp, a waiting space should ideally also be provided within this proposal but none is proposed because of the constraints of the site. The design of the car lift/stacker would mean if two vehicles did arrive at a similar time one would need to wait on the highway for a short period of time. While not ideal, given the expected trip rate of the proposed development this would be a rare occurrence.

On balance, as this is an existing access, and having consideration to the nature of the highway in this location, this aspect of the proposal is considered to be acceptable and there is not considered to be significant harm to the highway environment in Richmond Mews as a result of this aspect of the proposal. An objector's request that waiting space should be provided within the site is therefore not considered to be sustainable.

While the lack of visibility splays for pedestrians is not ideal, given the low numbers of vehicles expected and the low exit speed from the lift and the mews environment, an objection is not raised on the overall car lift arrangements in this instance.

Management and Maintenance of the car lift will need to be secured by legal agreement. It is common for car lifts to fall into disrepair and the associated basement parking becoming unused, leading to increased pressure on on-street parking spaces. This alone is insufficient to remove the concerns however of the proposed design.

Whilst one of the objectors has questioned the swept path analysis for vehicular movement into the site, the Highways Planning Manager is satisfied with the proposed arrangements, whilst recognising the constraints of Richmond Buildings and Richmond Mews.

#### **6.5 Economic Considerations**

The general economic benefits associated with the development are noted and welcomed.

#### **6.6 Access**

The proposed development will be designed to meet the requirements of the Equality Act 2010 and Building Regulations Part M and Approved Document M (2004) where possible, and incorporates the principles of inclusive design. There will be level access into the new building, although once through the front door there is a stepped access to the main lift core: this is addressed with a platform lift for those in need of assistance.

## 6.7 Other UDP/Westminster Policy Considerations

### Archaeology

Although the site lies outside an archaeological priority area, Historic England (Archaeology) consider that there may be archaeological interest on the site and recommends an archaeological watching brief. This would be secured by condition.

## 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. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13<sup>th</sup> 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.

## 6.10 Planning Obligations

The City Council's approach to and priorities for planning obligations are set out in our Supplementary Planning Guidance (SPG) on Planning Obligations adopted January 2008. Planning obligations can serve to mitigate the land use impacts arising from a development either on the development site, in the wider locality, or where the development will increase local demands for facilities and services or where it is important to integrate the new development into the new community and environment so that it is more sustainable.

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 three following tests set out in Regulation 122(2):

- 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:

- i) a financial contribution of £1,015,000 towards the Council's affordable housing fund (index linked and payable on commencement of the development);
- ii) Provision of lifetime car club membership (minimum 25 years) for all 13 flats;
- iii) Provision of Site Environmental Monitoring Plan and £27,000 per annum towards construction monitoring;
- iv) Management and maintenance of the car lift;
- v) Securing unallocated car parking within the development;
- vi) monitoring costs of £500 for each of the above clauses.

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**

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture. Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints. The NPPF establishes a presumption in favour of sustainable development. London Plan Policy 5.3 also requires developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy.

The applicant's Energy Statement demonstrates that the proposed new construction will incorporate sustainable design and construction measures, including a communal combined heat and power unit and photovoltaic panels at roof level. It will achieve Code Level 4 for Sustainable Homes and there will be an overall 54% carbon reduction, which is welcomed.

Policy S38 of the City Plan and UDP Policy ENV 17 encourage biodiversity. Whilst the roof is largely covered with PV panels, there is no limited scope biodiversity provision, but a sedum roof will be provided between the PV panels.

## 6.12 Other issues

### Construction Impact

Concerns have been expressed by neighbours regarding building works, noise and disturbance and the difficulties of developing this site, including the proposed excavation for the new basements. The applicant is prepared to sign up to the Council's Environmental Monitoring initiative and this will help deal with the potential difficulties that may arise.

## 6.13 Conclusion

The redevelopment of this dated building for residential purposes is welcome in principle. It is acknowledged that this is a constrained site and that there is potential amenity and traffic implications for occupiers of adjoining properties, but on balance these are not considered to be insurmountable. Accordingly approval is recommended, subject to conditions and the benefits outlined above being secured by legal agreement.

## BACKGROUND PAPERS

1. Application forms.
2. Email from Councillor Glenys Roberts dated 15.10.15
3. Letters from Historic England dated 30.4.15 and 1.5.15
4. Letter from Transport for London dated 28.4.15
5. Representation from The Soho Society dated 11.5.15
6. Email from District Surveyor dated 7.7.15
7. Memorandum from the Highways Planning Manager dated 30.9.15
8. Memoranda from Environmental Sciences dated 20.4.15 and 8.7.15
9. Representations on behalf of Soho Hotel, 4 Richmond Mews, dated 5.6.15, 30.7.15 and 30.9.15
10. Representation from the occupier, Flat 38 Soho Lofts, 10 Richmond Mews dated 14.6.15
11. Letter from The Corner, 1 Richmond Mews dated 30.6.15
12. Letter from The Red Fort, 77 Dean Street, dated 9.6.15
13. Letters from Ralwood Securities Ltd dated 10.6.15 and 18.8.15

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](mailto:pquayle@westminster.gov.uk)

**DRAFT DECISION LETTER****Address:** 9-11 Richmond Buildings, London, W1D 3HF**Proposal:** Demolition of the existing building and erection of a replacement building to provide sub basements for use by a car stacker, and basement, lower ground, ground and first to fifth floor levels for use as residential accommodation comprising 13 residential units (Use Class C3). Creation of terraces at first to fifth floor levels and lightwells to the front and rear of the property. Installation of plant and PV cells at main roof level and condenser units within an enclosure at ground floor level within the undercroft.**Plan Nos:** [TO BE ADDED]**Case Officer:** Paul Quayle**Direct Tel. No.** 020 7641 2547**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 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

**Reason:**

To protect family accommodation as set out in S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 4 You must not use the flat roof of the building that oversails the entrance to Richmond Mews (ie the roof adjacent to the Soho Hotel) for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

**Reason:**

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 5 You must apply to us for approval of detailed drawings and a sample of the 4 No. screens to be installed at the ends of the terraces at Level 05 as shown on Drg. No. 15983 A TP(10) 006 Rev 2. These screens shall be 1.8m high. 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 and install the screens before occupation of any of the flats hereby approved and permanently maintain them thereafter.

**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)

- 6 You must apply to us for approval of detailed drawings and a sample of the screening fins to be installed to the windows on the eastern facade that face towards the rear of 12-13 Richmond Buildings, as shown on the drawings hereby approved. These details must include scaled drawings demonstrating that there will be no overlooking of the windows in the rear facade of 12-13 Richmond Building. 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 and install the screening fins before occupation of any of the flats hereby approved and permanently maintain them thereafter.

**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)

- 7 You must apply to us for approval of samples (including the metal screening) 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)

- 8 You must apply to us for approval of detailed drawings at scale 1:10 and 1:1 (details) of the following parts of the development:

- i) the metal screening (cross-referenced with the sample of metal screening required for condition 7);
- ii) details of each different type of window;
- iii) the front entrance door;
- iv) the garage door.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

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

- 9 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

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

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

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)

- 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 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.

- 14 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant (at roof level and ground floor level) will comply with the Council's noise criteria as set out in Condition 11 of this permission. You must submit this report within six months of the plant being installed (and no later than three months from the first occupation of any of the approved flats). Any remedial measures must then be installed within three months of the Council's approval of the supplementary acoustic report.

The supplementary acoustic report must include:

- (a) A schedule of all plant and equipment installed;
- (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 all most affected noise sensitive receptor locations and the most affected windows;
- (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) The lowest existing L A90 (15 minutes) measurement as already established.
- (g) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning condition.

**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.

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

- 16 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.

- 17 You must provide the waste store shown on drawing 15983 A TP(10) 009 Rev 2 and 008 Rev 3 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flats. 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)

- 18 Any structure over the highway must maintain a minimum of 5.3m vertical clearance from the highway surface at all times.

**Reason:**

To make sure that the entrance to Richmond Mews will be available for all types of vehicles, 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. (R23BB)

- 19 You must apply to us for approval of detailed drawings showing a minimum of 20% of the car parking spaces within the basement car park having access to electric charging points. You must not occupy any of the flats until we have approved what you have sent us and the charging points have been installed and made available. They must thereafter be maintained in working order.

**Reason:**

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

- 20 You must apply to us for approval of details/detailed drawings showing a vehicle signalling system for the car parking. You must not occupy any of the flats until we have approved what you have sent us and the signalling system has been installed and made available. It must thereafter be maintained in working order.

**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)

- 21 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)

**22 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)

**23 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:**

- (i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works,
- (ii) Accommodate ground movement arising from the construction thereof,
- (ii) Mitigate the effects of noise and vibration arising from the operation of the Chelsea Hackney Line railway within the tunnels and other structures,

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i), (ii) and (iii) and of this condition shall be completed, in their entirety, before any part of the building[s] [is] [are] occupied.

**Reason:**

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

**24 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement and its addendums before you use the building. (C20AB)****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 DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 25 You must apply to us for approval of details/detailed drawings showing the proposed treatment of the new lightwell shared with the Soho Hotel. You must not commence work on this part of the development until we have approved what you have sent us. The development must then be carried out in accordance with these approved details.

**Reason:**

To minimise the impact of the development on the adjoining hotel, in accordance with policy ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 26 You must not carry out building, engineering or other work which will involve increasing the height of the building above what is shown on the approved plans. (C34AA)

**Reason:**

To meet the requirements of Regional Policy Guidance Note 3a. This is as set out in S26 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 14 of our Unitary Development Plan that we adopted in January 2007. (R34AC)

- 27 You must provide the photovoltaic panels, combined heat and power unit and other environmental sustainability features (environmentally friendly features) set out in the Energy Statement prepared by Green Tiger Sustainability before you start to use any part of the development, as set out in your application. 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)

- 28 You must provide the sedum roof before you start to use any part of the development, as set out in your application, and thereafter retain it.

**Reason:**

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

**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 . (I55AA)
- 3 With regard to condition 5, you are advised that the Council considers that acceptable screening, in design terms, might be provided by using the same metal as proposed elsewhere on the exterior of the building.
- 4 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)
- 5 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)
- 6 Developing this site is likely to damage archaeological remains. Archaeological work must be carried out in line with condition 22. Please contact Historic England's Archaeological Officer on 020 7973 3242 to discuss the work which is necessary. (I66AA)
- 7 Transport for London is prepared to provide to information about the proposed location of the Crossrail 2 tunnels and structures. It will supply guidelines about the design and location of third party structures in relation to the proposed tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the construction and use of the tunnels. Applicants are encouraged to discuss these guidelines with the Crossrail 2 engineer in the course of preparing detailed design and method statements. If you require any further information or assistance then please feel free to contact a member of the Safeguarding Team on 0343 222 1155, or by email to [safeguardcrossrail2@tfl.gov.uk](mailto:safeguardcrossrail2@tfl.gov.uk)



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1. Drawing Number: 04-10-11  
 Date: 10/10/11  
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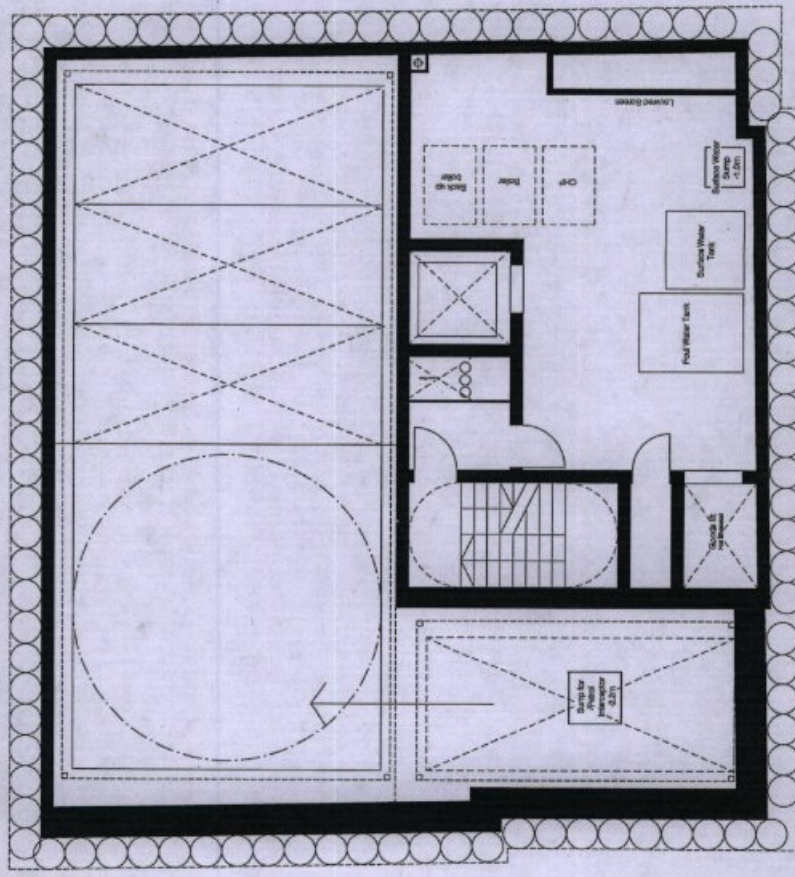
Client Name:  
**Almondbox Property Ltd**

Job Title:  
**9-11 Richmond Buildings, Soho**

Drawing Title:  
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Scale:  
**1 : 50 @ A1**

Quantity Surveyor:  
**15983 A TP(10) 010**  
 Date:  
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Client Name  
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Job Title  
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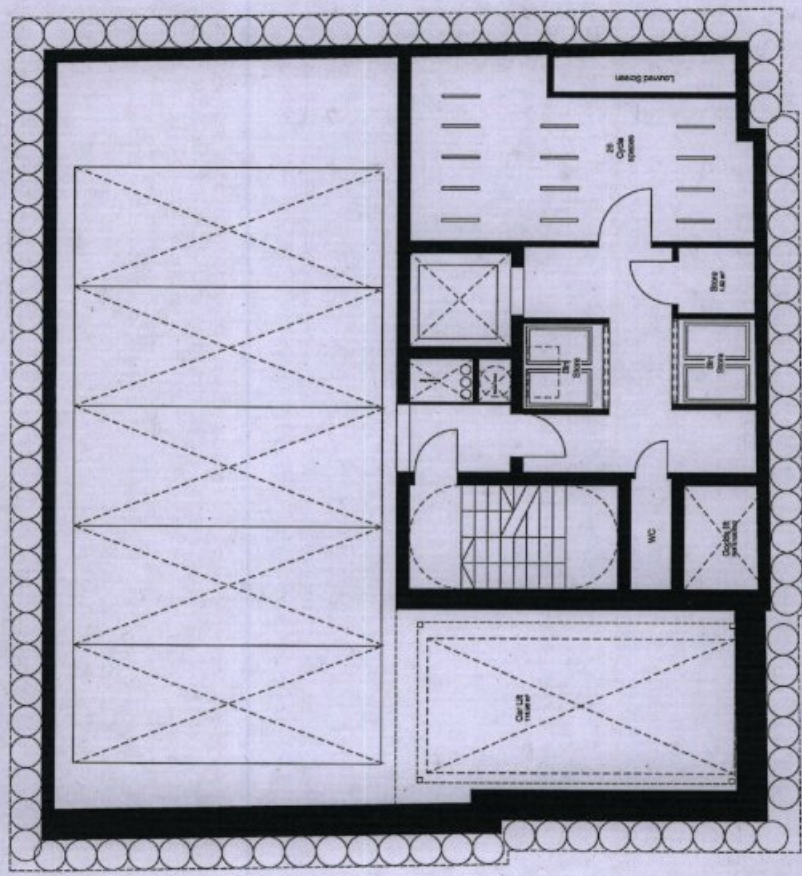
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Revision  
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Rev	Description	Date	By	Check
1	Planning Application / Other Comments	27.10.15	SB	SB
2	Planning Update	27.10.15	SB	SB
3	Revised amenability statement	27.10.15	SB	SB
4	Final	27.10.15	SB	SB

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**Almondbox Property Ltd**

Site No  
**9-11 Richmond Buildings, Soho**

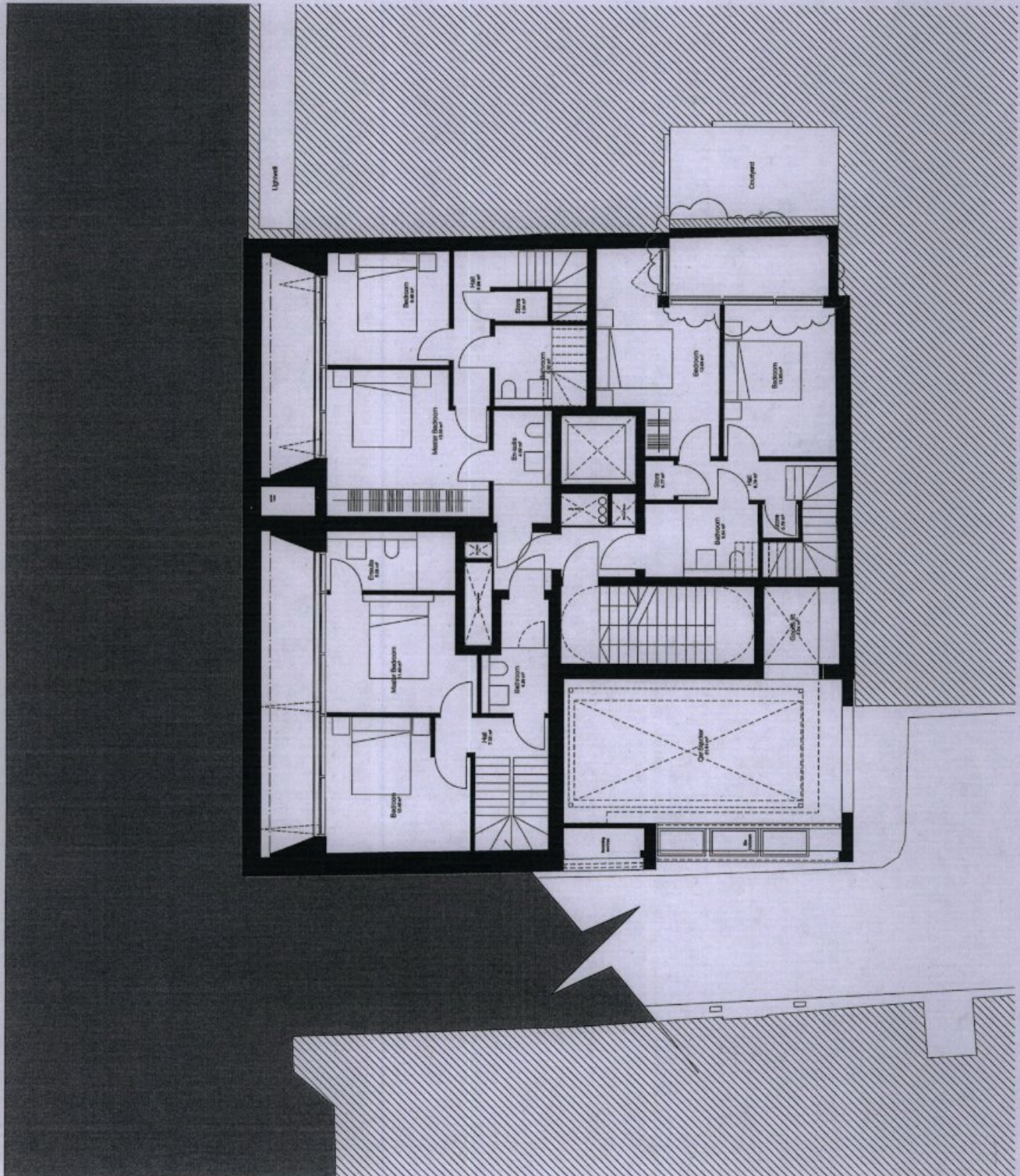
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Revision	Description	Date	Drawn
1	Issued for Client Comment	26.10.15	SB
2	Approved for Construction	27.10.15	SB
3	Approved for Construction	27.10.15	SB

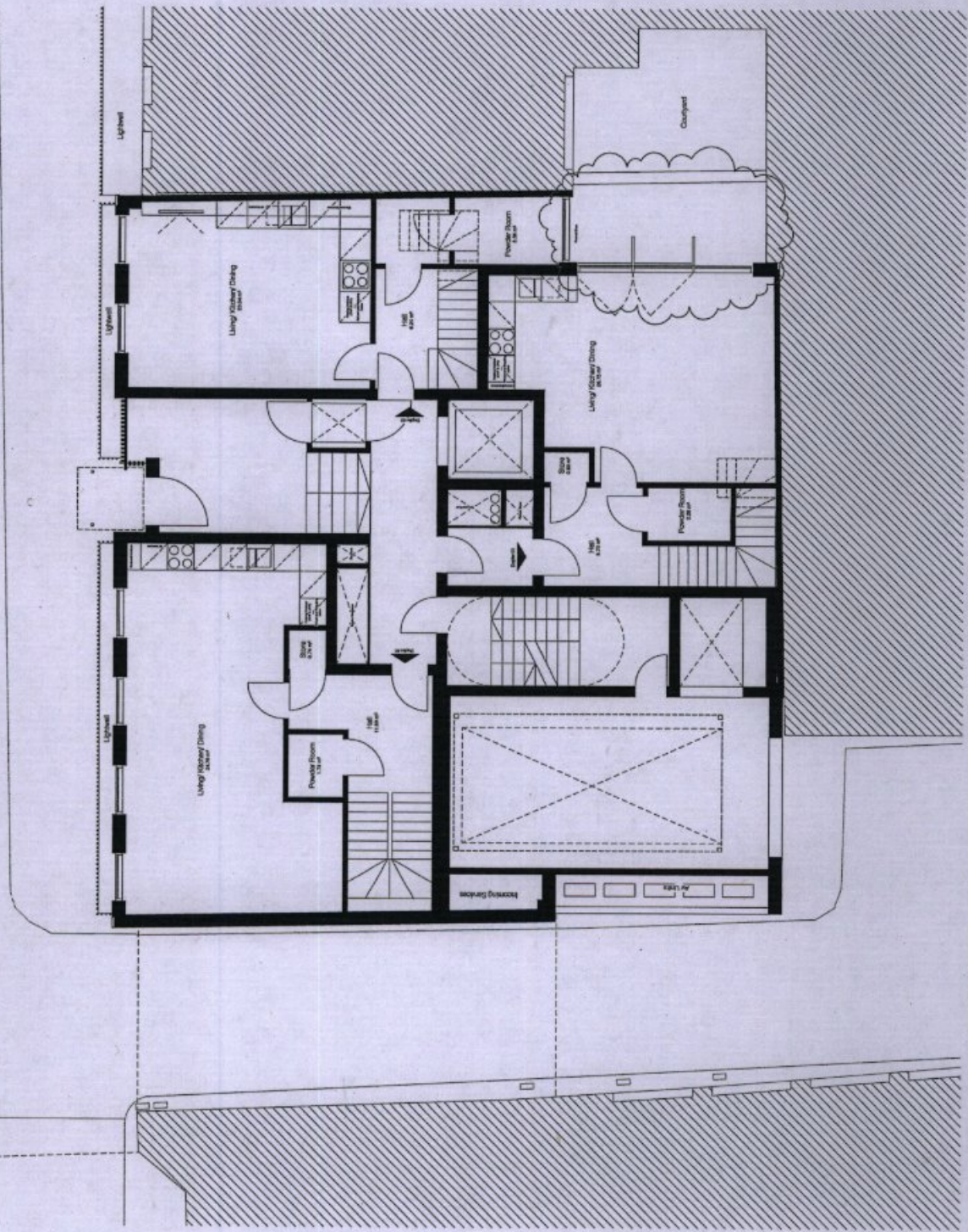
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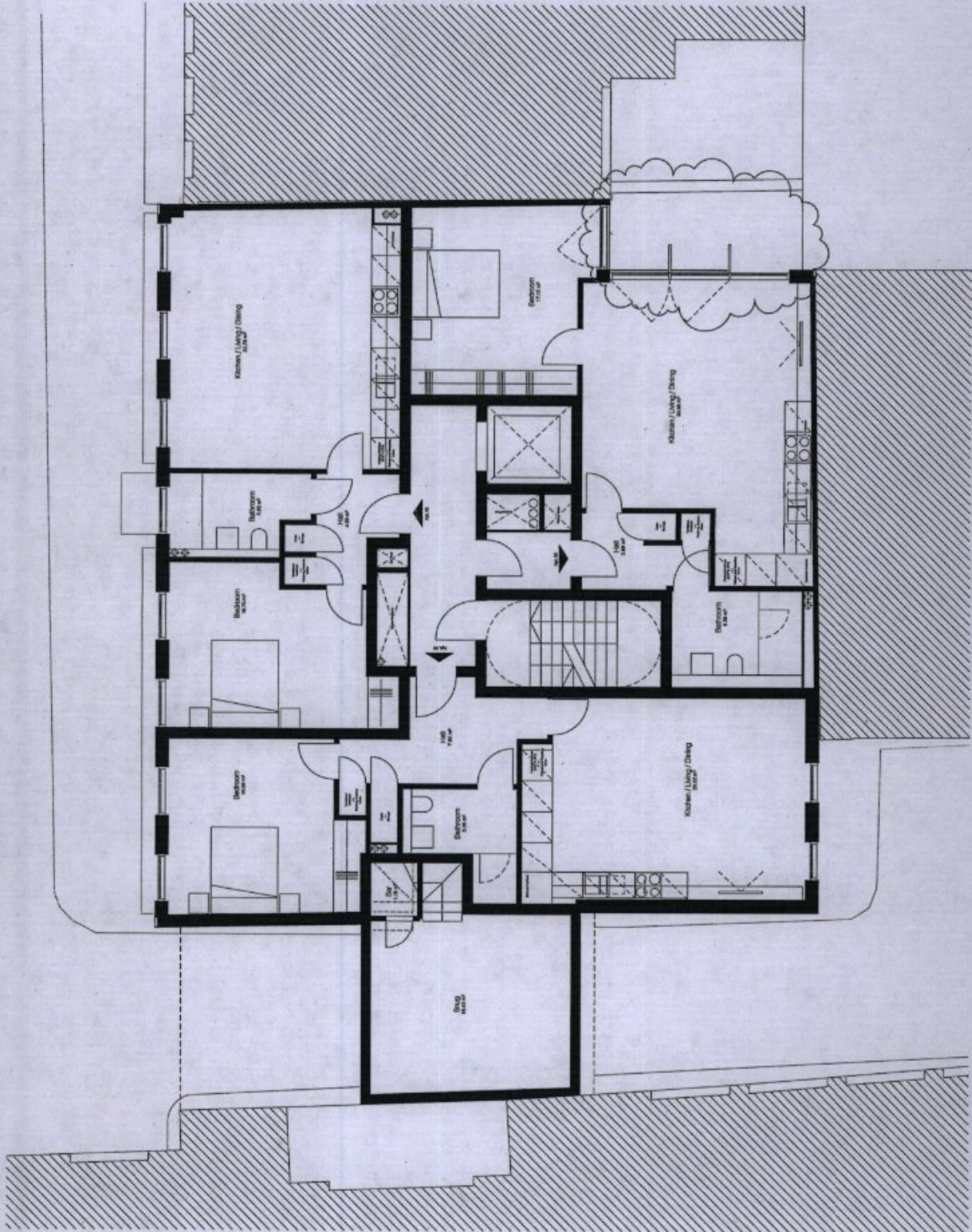
1 Planning Applications Other Comments  
 2 All Use  
 3 Other

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Planning Issues (Other Comments)  
No. of Units  
Other

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Client's Name  
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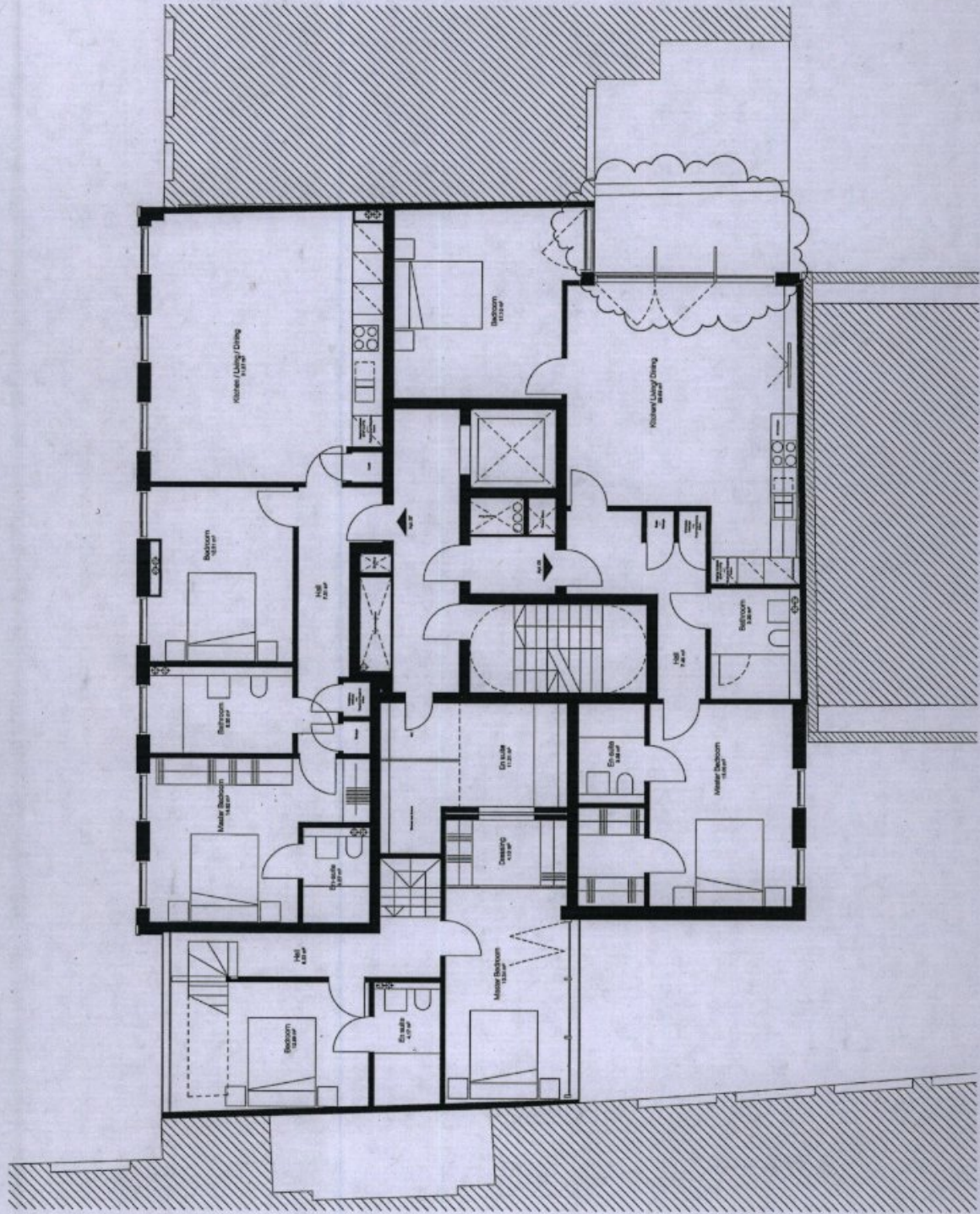
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Drawing Title  
Town Planning - Level 02

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Rev	Revised / Issues / Other Comments	By	Date
1	Approved	WJ	27.10.15

**SCOTT BROWNRIIG**  
 77 Finsbury Street  
 London EC2A 3DF  
 Tel: +44 (0)20 7463 7000  
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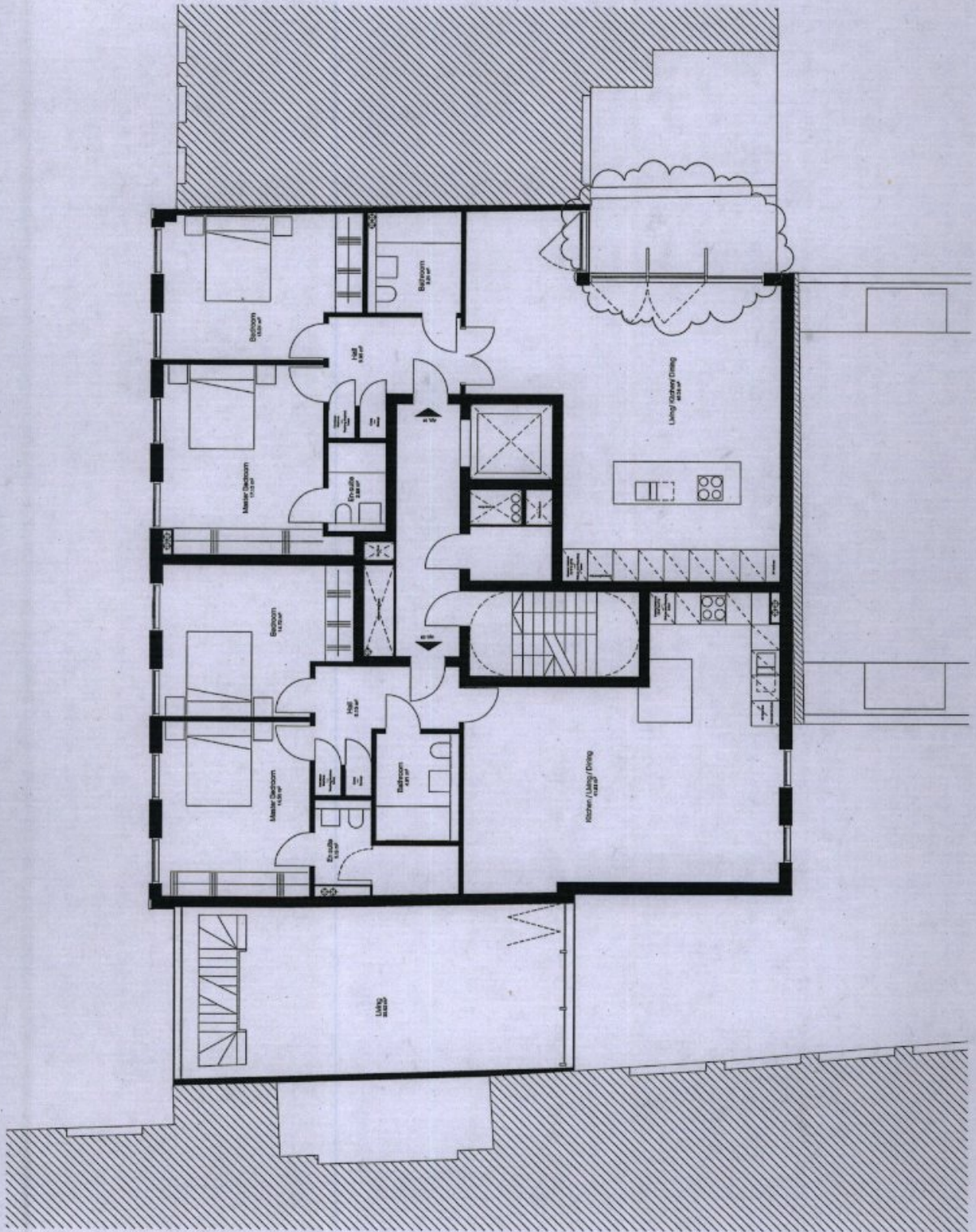
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**Almondbox Property Ltd**

Project Name  
**9-11 Richmond Buildings, Soho**

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27.10.15

CASE COPY

TP:  
FN:  
ADDRESS:

1	Planning Application Other Comments	EA No. 15	15	15
2	Proposed Address	EA No. 15	15	15

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W20H 8ZZ  
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Client's Name  
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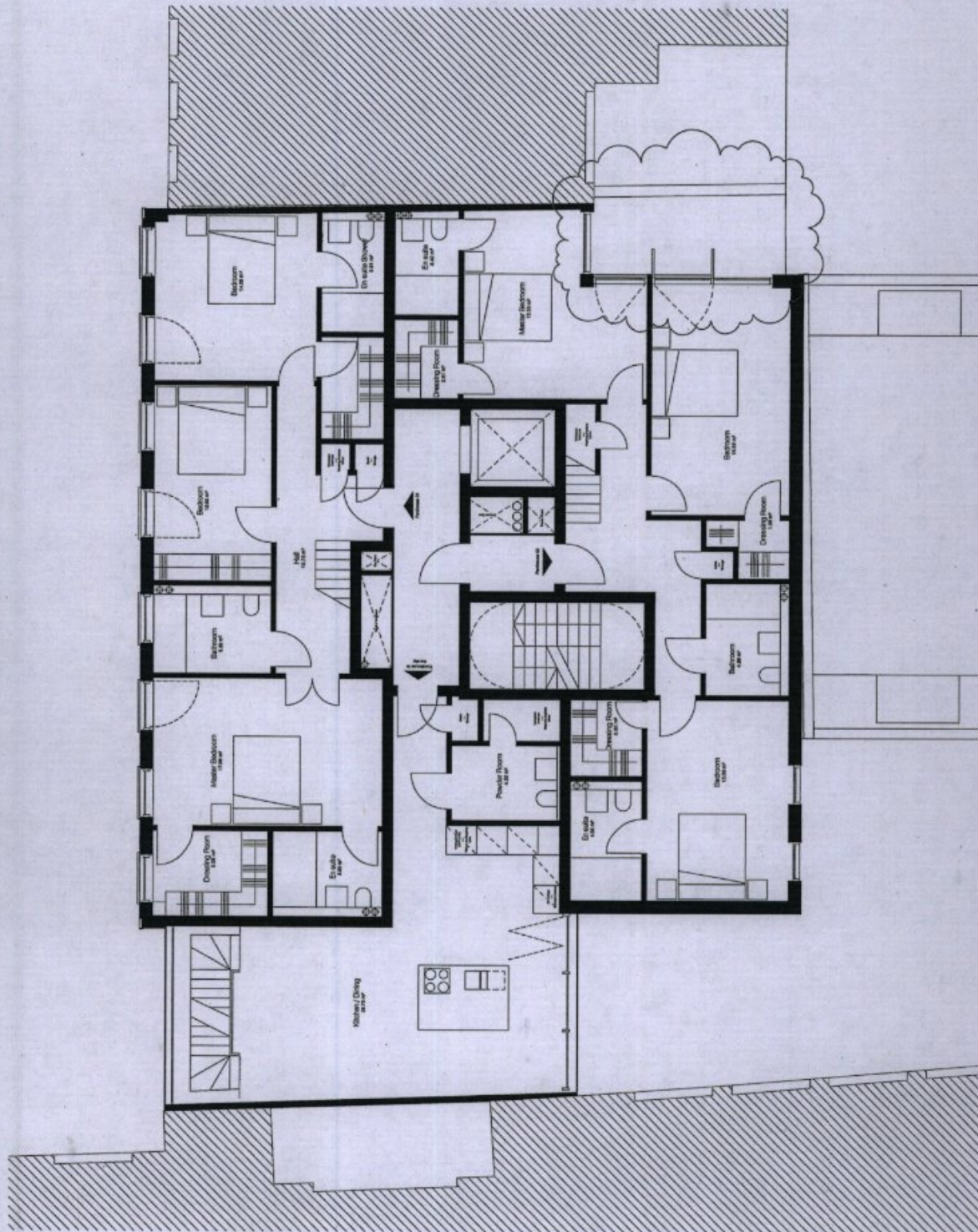
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9-11 Richmond Buildings, Soho

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Rev	Description	Date	By	Check
1	Planning Application	20.10.15	SB	DM
2	Revised	27.10.15	SB	DM

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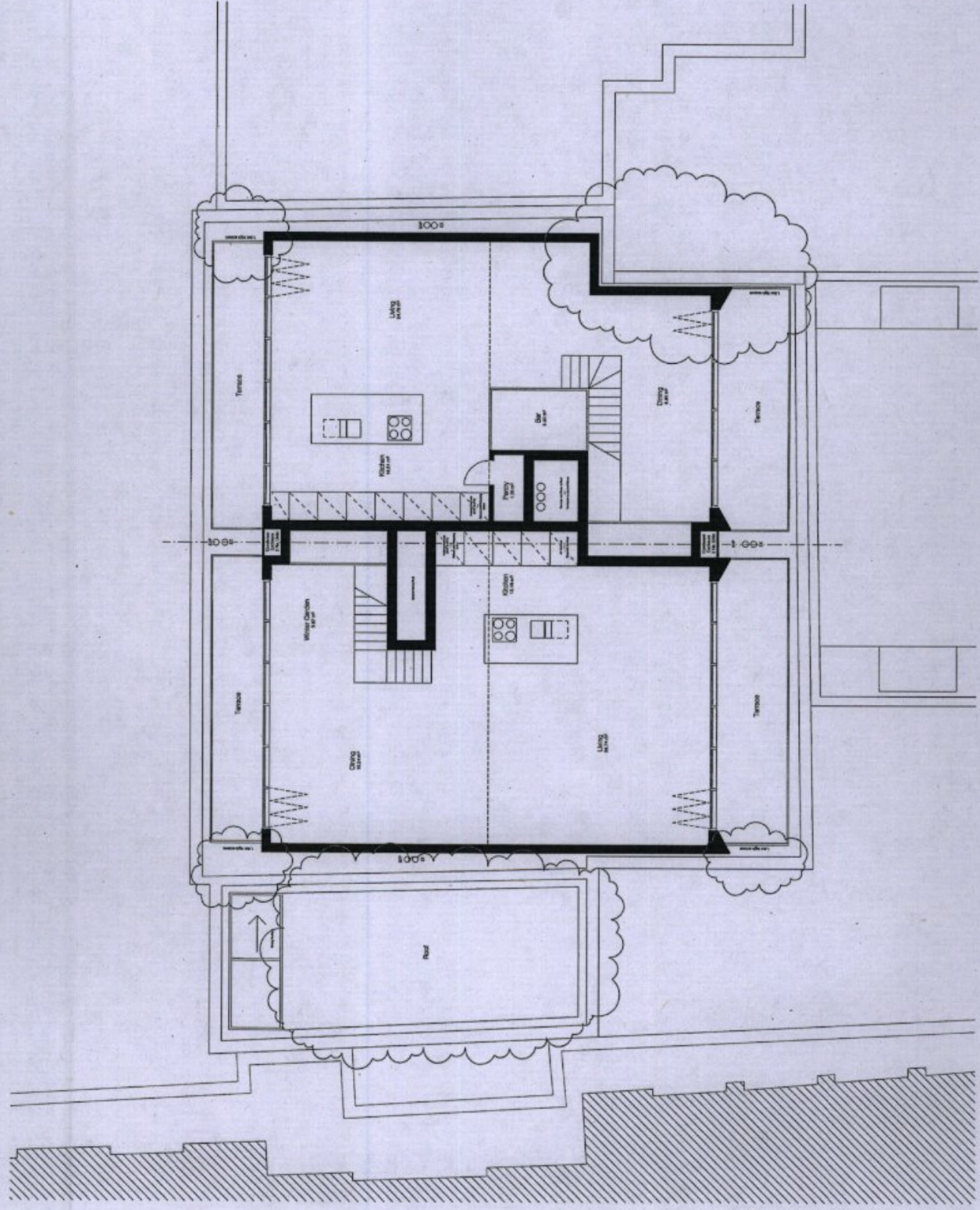
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**Almondbox Property Ltd**

Job Title  
**9-11 Richmond Buildings, Soho**

Drawing Title  
**Town Planning - Level 05**

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RM:

ADDRESS:

1	Proposed/Existing/Other Comments	26.10.15	05	10
Revision	Description	Date	By	Checked

TP Field Form

London

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Client Name  
Almondbox Property Ltd

Site No  
9-11 Richmond Buildings, Soho

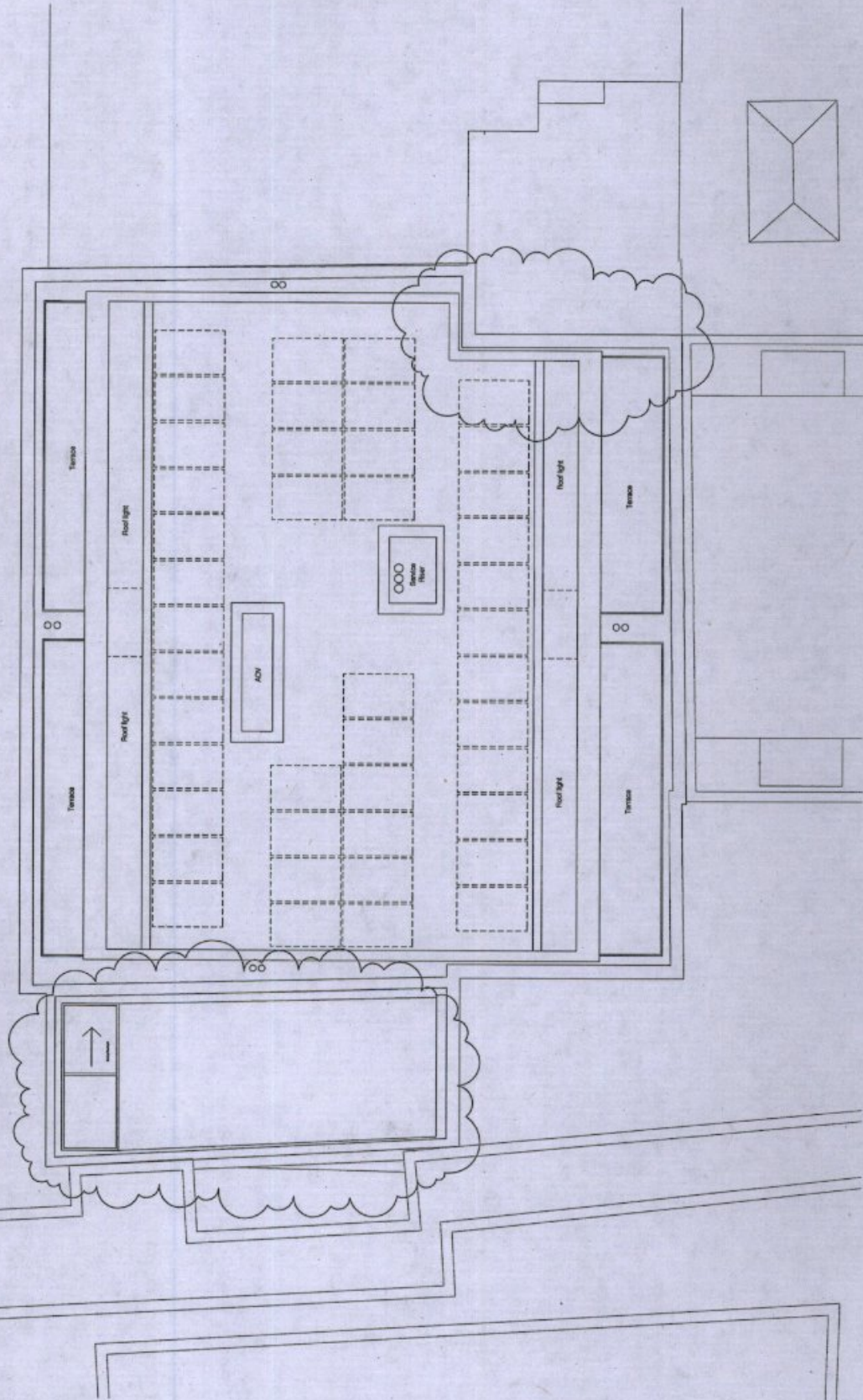
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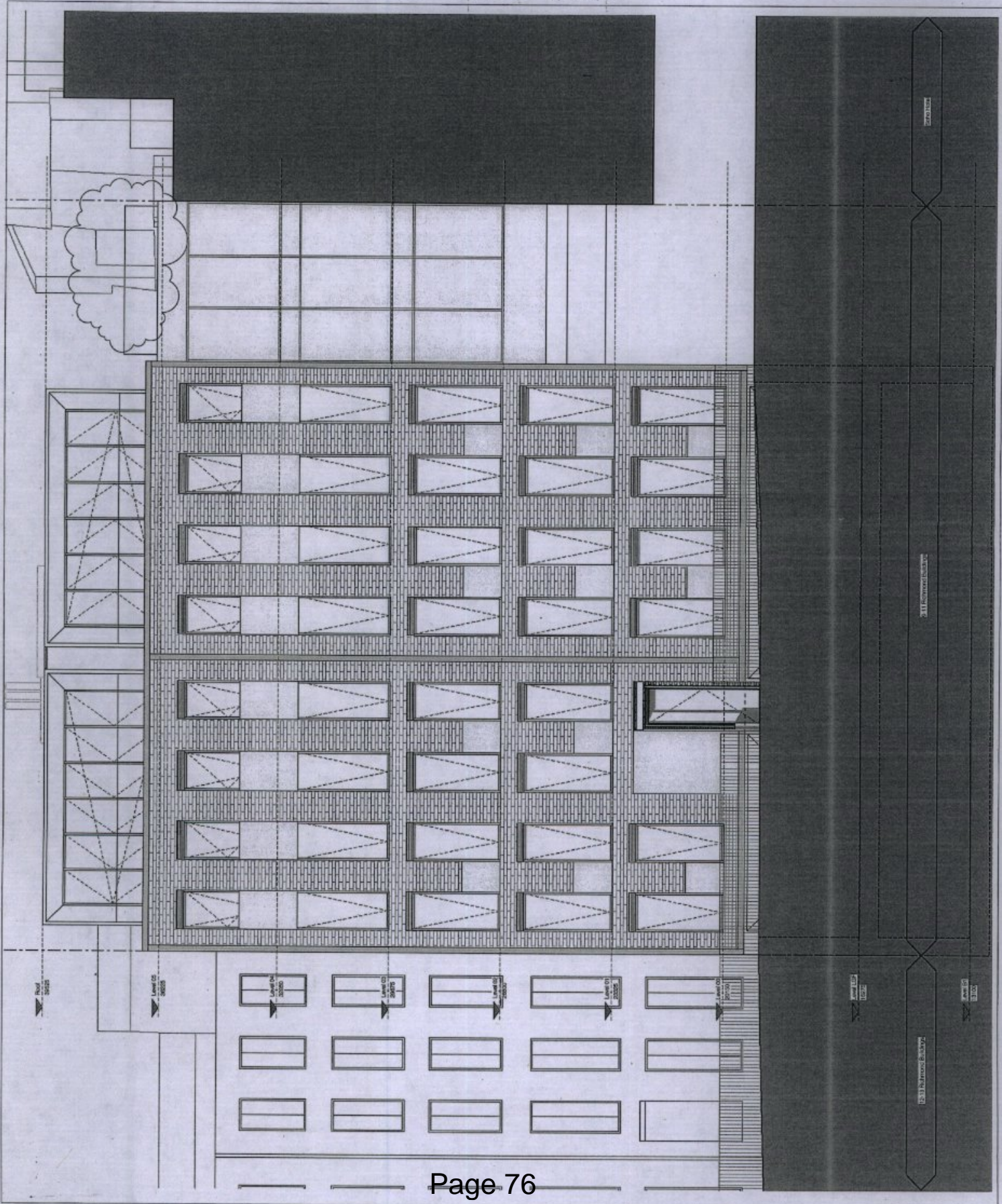
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Rev	Description	Date	By	Check
1	Issue for Planning (Other Comments)			

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Client's Name  
 Almondbox Property Ltd  
 9-11 Richmond Buildings, Soho

Drawing Title  
 Town Planning - Front Elevation  
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 Date  
 27.10.15  
 Drawing No.  
 15983 A TP(11) 001  
 Date  
 27.10.15  
 Drawing Title  
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27.10.15

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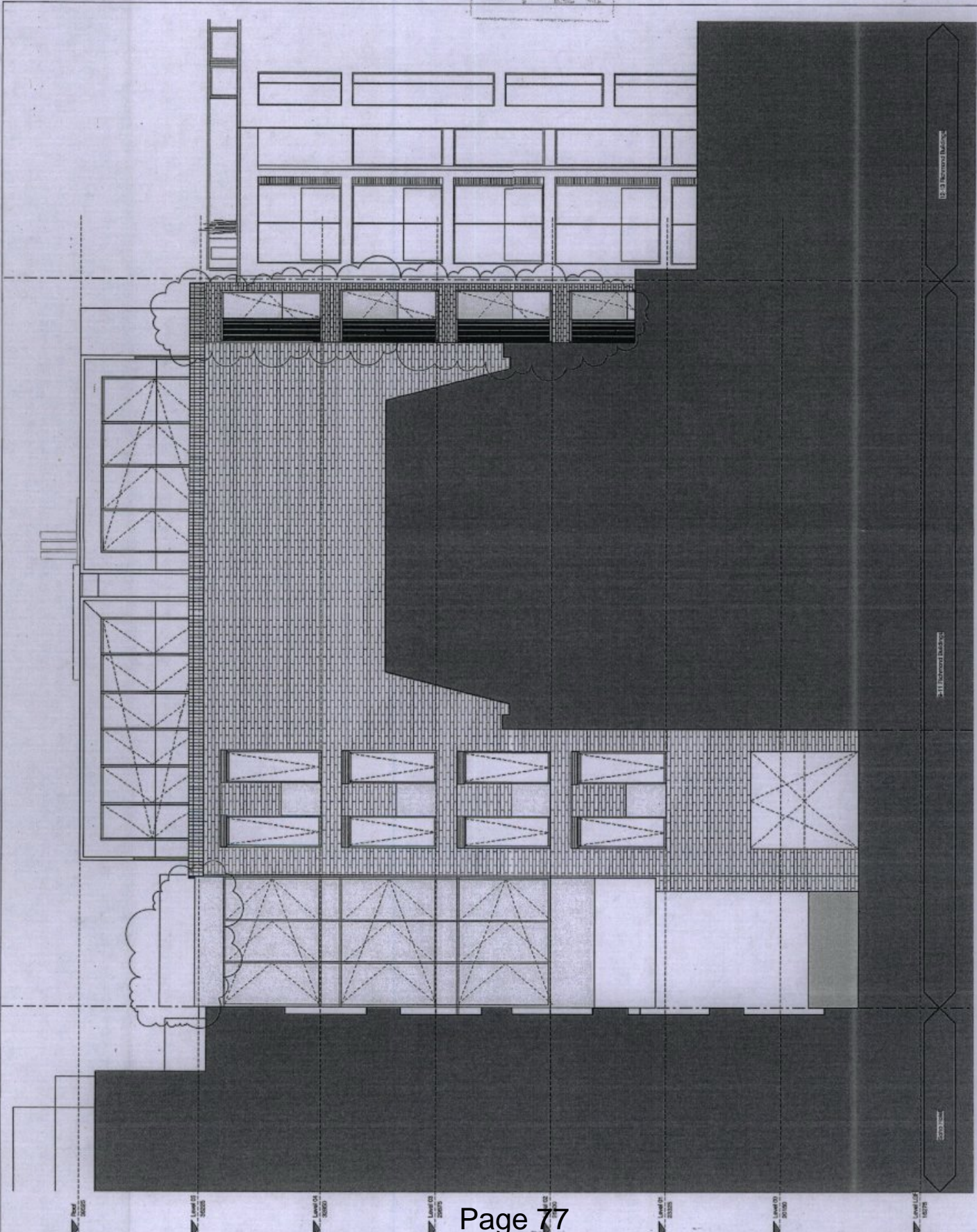
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Drawing Title  
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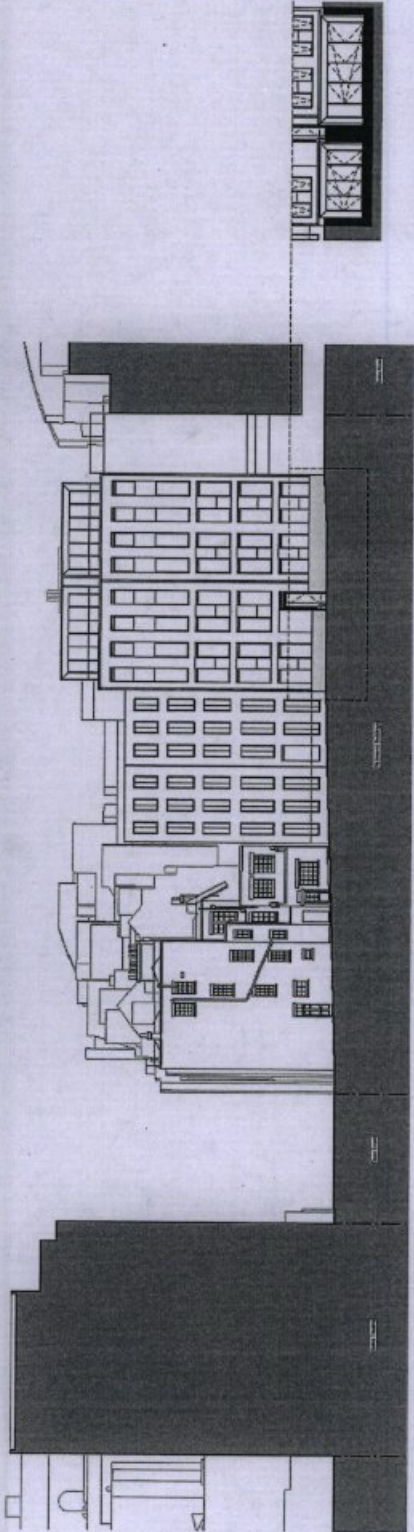
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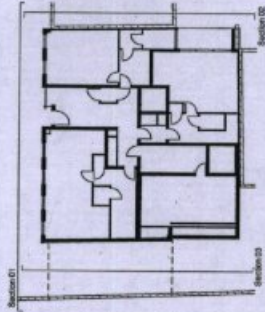
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Ground Floor Elevation



Section 01

Section 02

Project Name: 9-11 Richmond Buildings, Soho  
Project No: 15983 A TP(11) 003  
Date: 27.10.1

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Client Name: Almondbox Property Ltd

Job Title: 9-11 Richmond Buildings, Soho

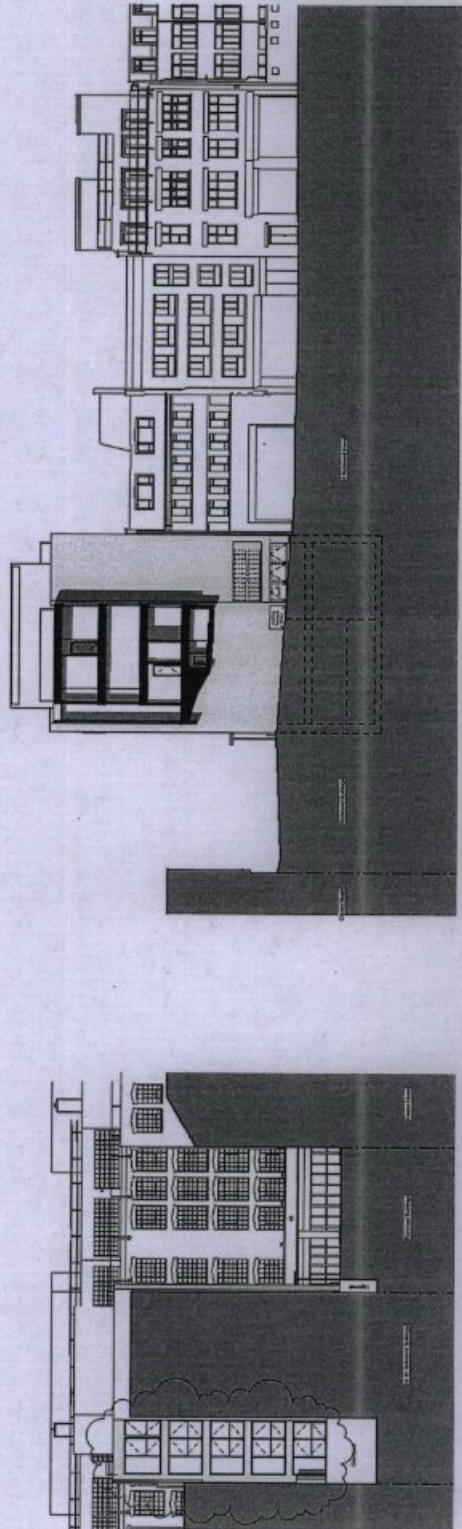
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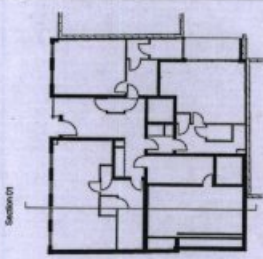
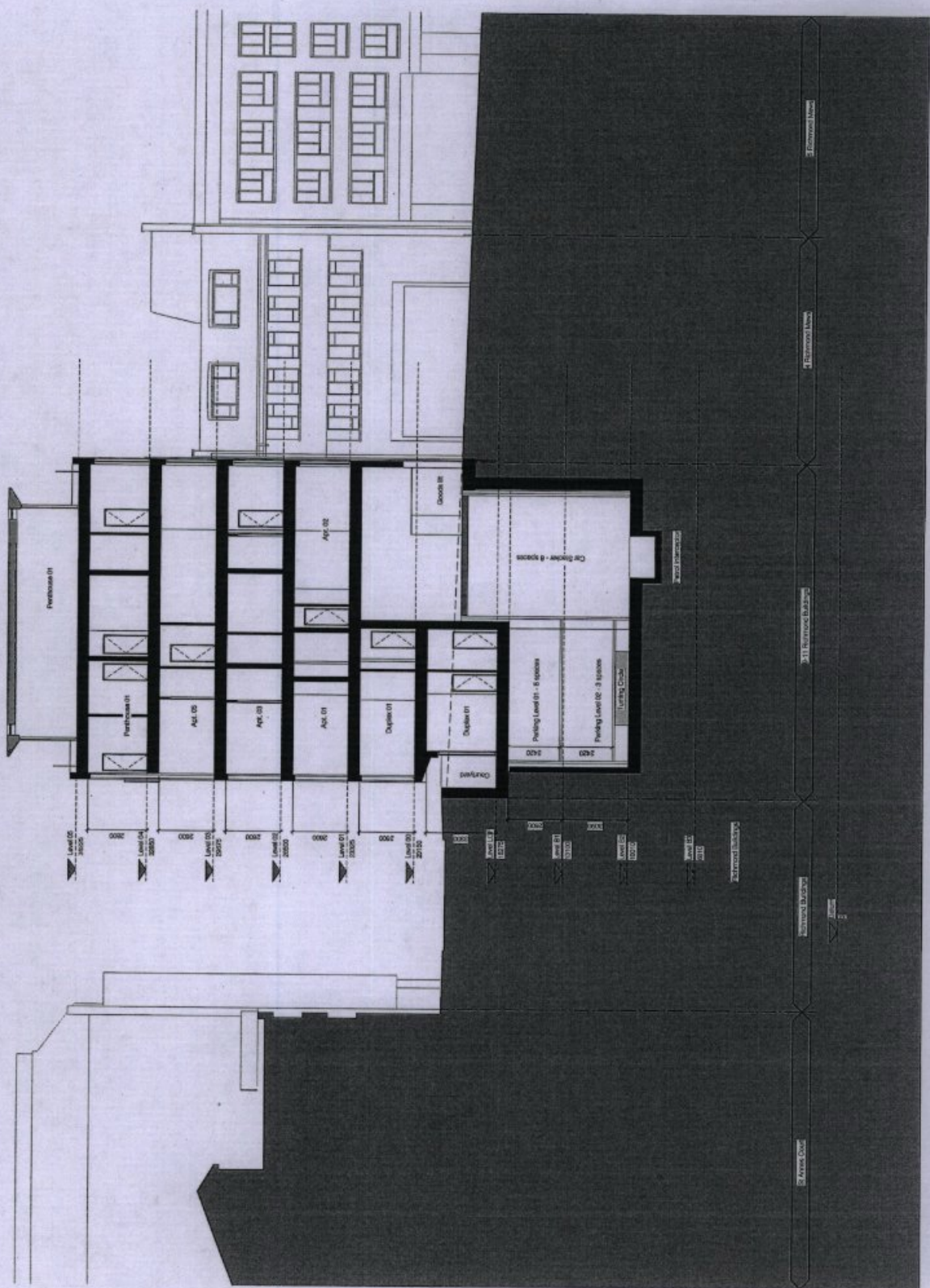
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Section 03



Section 02



Item	Description	Quantity	Unit	Value
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2	Perthouse 02	1	sqm	1000
3	Perthouse 03	1	sqm	1000
4	Perthouse 04	1	sqm	1000
5	Perthouse 05	1	sqm	1000
6	Perthouse 06	1	sqm	1000
7	Perthouse 07	1	sqm	1000
8	Perthouse 08	1	sqm	1000
9	Perthouse 09	1	sqm	1000
10	Perthouse 10	1	sqm	1000
11	Perthouse 11	1	sqm	1000
12	Perthouse 12	1	sqm	1000
13	Perthouse 13	1	sqm	1000
14	Perthouse 14	1	sqm	1000
15	Perthouse 15	1	sqm	1000

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Client Name  
**Almondbox Property Ltd**

Job Title  
**9-11 Richmond Buildings, Soho**

Drawing Title  
**Town Planning - Sections**

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Drawing Number  
**15983 A TP(12) 001**

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# Agenda Item 4

Item No.
4

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 17 November 2015	<b>Classification</b> For General Release.	
<b>Report of</b> Director of Planning		<b>Wards involved</b> West End	
<b>Subject of Report</b>	<b>90-91 Berwick Street, London, W1F 0QB</b>		
<b>Proposal</b>	Variation of Conditions 1 and 30 of planning permission dated 20 February 2015 (RN: 13/12007) for the partial demolition and rebuilding of existing podium levels with additional part single and part two storey extensions; front extension of part of the west elevation to Hopkins Street; replacement facades and new shopfronts; all in association with continued use of parts of the basement and ground floor on Berwick Street for shops (Class A1), financial and professional services (Class A2) and food and drink (Class A3) and new retail unit at northern end of Hopkins Street, use of remainder of podium (as extended) for hotel (Class C1) and residential (Class C3) purposes (maximum of 16 units) together with associated roof terraces (including for use by existing Kemp House residents); green roofs, landscaping, car and cycle parking, servicing, plant and ancillary works. Namely, to amend the approved drawings so as to allow the provision of an additional 17 hotel bedrooms and to expand the food and drink offer to hotel guests on a 24 hour basis rather than just serving breakfasts.		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	Berwick Street Securities LLP		
<b>Registered Number</b>	15/06792/FULL	<b>TP / PP No</b>	TP/11524
<b>Date of Application</b>	24.07.2015	<b>Date amended/ completed</b>	28.07.2015
<b>Category of Application</b>	Minor		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		
<b>Development Plan Context</b> - 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		
<b>Stress Area</b>	Within Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

1. Grant conditional permission subject to a Deed of Variation to the S106 legal agreement relating to planning permission ref: 13/12007/FULL to secure the following:

- i) The provision of the on-site affordable housing as proposed.
- ii) Free car club membership for 20 years for each new and existing flat at the site.

- iii) The provision, at a discounted rate, of eight car parking spaces for existing residents in the off-street public car park in Poland Street for as long as that car park remains.
- iv) £16,000 towards parking review studies following implementation of the development.
- v) £113,163 towards public realm improvements.
- vi) Provision of a roof garden and roof terrace for the sole use of the residents of Kemp House in perpetuity.
- vii) Highway works (including works to footways and changes to traffic orders).
- viii) A contribution towards the Council's Environmental Inspectorate for monitoring.
- ix) S106 monitoring.

3. 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.





90-91 BERWICK STREET, W1



## 2. SUMMARY

Kemp House comprises a modern three storey (plus basement) podium block with a 17 storey tower extending from the podium roof with 57 residential flats. At ground floor level the podium contains mainly shops with frontages to Berwick Street which extend into the basement level. The largest shop is at the southern end of the site, comprising a Co-Op store with a flank to Peter Street. The two upper floors of the podium are in office use, whilst the remainder of the basement contains a car park for the occupiers of Kemp House accessed from Hopkins Street.

Planning permission was granted in February 2015 for partial redevelopment of the podium, including extensions, which would provide increased shopping floorspace, a hotel and both affordable and market housing. The roof of the podium on both the north and south sides of the residential tower would be extended by the addition of two storeys covering most of the podium but set back from the roof edge and from the tower itself. At second floor level the northern extension would extend over the roof of the neighbouring Duck and Rice pub/restaurant.

In the approved scheme new shopping floorspace would be added on Hopkins Street whilst windows would be inserted in the flank of the existing large shop on Peter Street to enliven that frontage. The basement car park and the first and second floor offices would be removed and replaced by a 95 bedroom hotel with an entrance on Hopkins Street and 16 residential flats including four affordable units. The flat roof areas of the proposed extensions would be used as residential terraces or green roofs, with the terraced areas on the proposed northern podium extension provided as amenity space for the existing residents of the tower.

No hotel operator was yet involved when the planning permission was granted. It was anticipated by the applicant that given its location in a central part of the West End, a hotel operator would have no requirement for extensive ancillary hotel facilities such as restaurant or bar, and no provision was made for these in the scheme. The applicant did, however, wish to have the option of a breakfast bar, which was subsequently allowed for in the permission.

A hotel operator is now interested in the project but is requesting certain changes to the approved scheme, and this forms the content of the current planning application. The hotel operator is the 'hub at Premier Inn' which is Premier Inn's new concept of City Centre compact, hi-tech hotel accommodation with smaller than average bedrooms. It focusses on a high degree of self-service with self check-in kiosks and in-room facilities controlled via the hub by an app. These hotels do not provide formal restaurants or bars as such, but have a 'Deli + Bar' which offers mainly takeaway breakfast boxes, pastries, sandwiches and drinks including alcohol. There is, however, no primary cooking and therefore no requirement for a fully operational hotel kitchen.

There are two main proposed amendments to the approved scheme in order to accommodate the hub hotel. Firstly, it is now proposed to allocate part of the hotel floorspace in the basement to a food and beverage area to accommodate the 'Deli + Bar'. This is a relatively small area in comparison to the overall scale of the hotel, accommodating seating for 46 persons, most of which would be around refectory style tables. This would amount to a modest hotel food and drink ancillary facility, which would be a minor part of the hotel operation. Although there have been some objections to this part of the proposals, it would be difficult to justify its refusal given the limited floorspace concerned which does not result in a highly intensive use. It is unlikely that the 'Deli + Bar' would be used by persons other than hotel guests and therefore it would not be an entertainment facility to be considered as a separate use in its own right under the Council's entertainment policies, rather being an integral part of the hotel and therefore acceptable under UDP Policy TACE2.

There have been objections that the food and drink offer would lead to rowdy behaviour by hotel guests to the detriment of existing residential amenity, especially for those living in Kemp House, and would divert trade away from local food and drink businesses who would otherwise benefit from custom from hotel guests. However, as discussed above, the 'Deli + Bar' would be a relatively minor facility and is not intended to, or be capable of, servicing the entire capacity of the hotel and therefore the majority of the hotel guests would still use external facilities for their meals.

The second change to the hotel proposed in this application is the increase in the number of hotel bedrooms from 95 to 112. The creation of these new rooms would be achieved by wholly internal alterations with no external changes to the approved scheme. At first to third floors in the approved scheme there is a middle row of hotel rooms which have no street windows, instead being lit from internal lightwells. In the proposed alterations these lightwells would be replaced by hotel bedrooms, meaning that all the middle row bedrooms on these three levels would be windowless. Although many people would not wish to stay in a hotel bedroom without a window, it is increasingly a feature of hotels in high cost City Centre locations throughout the world to offer these as it helps to reduce costs and enables more affordable accommodation in these places. The City Council has recently granted planning permission for a hotel with windowless rooms in the Trocodero building at Piccadilly Circus. Unlike for permanent residential accommodation, which are required to meet certain standards for natural lighting, there are no planning policies or legislative requirements for hotel bedrooms to have access to natural light. There is therefore no planning objection to the creation of additional internal hotel bedrooms.

Some local residents have objected to the increase in the capacity of the hotel on the grounds that this would create more activity, both pedestrian and vehicular, leading to greater noise and disturbance for local residents. However, any increase in activity is not likely to be so materially harmful that planning permission could reasonably be withheld.

There have also been objections from local residents to the potential use of the external terraces by hotel guests. This was not the intention in the approved scheme, and it is not proposed in the current alterations, as these terraces are to be provided for the existing residents of Kemp House. However, it is considered appropriate to ensure this by controls imposed by planning conditions and legal agreement.

It is recommended that planning permission should be granted.

### **3. CONSULTATIONS**

#### **SOHO SOCIETY**

Objects to the introduction of additional hotel bedrooms leading to overdevelopment of the site with windowless rooms; and also object to food and drink being sold at the hotel as this will not support local businesses which would otherwise have benefitted from hotel guests' custom.

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

No. Consulted: 308; Total No. of Replies: 5. One letter of support and four objections.

#### **Objections to:-**

- The increased capacity of the hotel will increase the likelihood of noise and disturbance to existing local residents from hotel guests arriving late at night.
- Greater demand for servicing for a larger capacity hotel with food and drink facilities would increase the chances of disturbance from delivery traffic early in the morning.
- Food and drink offer will make the hotel more of an entertainment venue with accompanying noise and disturbance to local residents.

- Food and drink offer will compete with local businesses which is the opposite of the original idea of the hotel which was to provide custom to local businesses.
- Terraces should not be used as external space by hotel guests or by Kemp House residents if they are consuming alcohol.
- Kitchen extract equipment will be required which may be noisy.
- Increased use of taxis to serve additional guests will cause noise and disturbance.

## BACKGROUND PAPERS

### 1. Application form

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](mailto:pquayle@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 90-91 Berwick Street, London, W1F 0QB

**Proposal:** Variation of Conditions 1 and 30 of planning permission dated 20 February 2015 (RN: 13/12007) for the partial demolition and rebuilding of existing podium levels with additional part single and part two storey extensions; front extension of part of the west elevation to Hopkins Street; replacement facades and new shopfronts; all in association with continued use of parts of the basement and ground floor on Berwick Street for shops (Class A1), financial and professional services (Class A2) and food and drink (Class A3) and new retail unit at northern end of Hopkins Street, use of remainder of podium (as extended) for hotel (Class C1) and residential (Class C3) purposes (maximum of 16 units) together with associated roof terraces (including for use by existing Kemp House residents); green roofs, landscaping, car and cycle parking, servicing, plant and ancillary works. Namely, to amend the approved drawings so as to allow the provision of an additional 17 hotel bedrooms and to expand the food and drink offer to hotel guests on a 24-hour basis rather than just serving breakfasts.

**Plan Nos:** P(15.1)01C, 02C, 03C, 04C, 05C, 06D, 07C; P(15.2)01D, 02C, 03D, 04C; (15.3)01C, 02C, 03C, 04D.

**Case Officer:** Steve Brandon

**Direct Tel. No.** 020 7641 8541

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

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

**Reason:**

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

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

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

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

**Reason:**

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

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

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

**Reason:**

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

- 4 The area of the site used for Class A3 purposes shall not exceed 247sqm

**Reason:**

We cannot grant planning permission for unrestricted use in this case because it would not meet S21 and S24 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE10 of our Unitary Development Plan that we adopted in January 2007.

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

**Reason:**

To 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)

- 6 You must not open the Class A3 premises to customers, and you must not allow customers on the premises, outside the hours 07.00 to midnight. (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)

- 7 You must apply to us for approval of details of the ventilation system to get rid of cooking smells from any Class A3 use, including details of how it will be built and how it will look. You must not begin any such use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

**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)

- 8 The area of the site used for Class A2 and Class A3 purposes combined shall not exceed 369sqm

**Reason:**

We cannot grant planning permission for unrestricted use in this case because it would not meet S7, S21 and S24 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS4 and TACE10 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must provide the waste storage facilities shown on drawing nos.P(15.1)01C, P(15.1)02B and P(15.1)08A before anyone moves into the property. You must clearly mark them and make them available at all times to everyone using the office, restaurants and shops. 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 and materials for recycling 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. (R14CC)

- 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 Before occupation of any of the development you must provide for approval details of how the bicycle parking will be allocated between the commercial and residential occupiers of the building. The use of the bicycle parking facilities shall be in accordance with the allocation as approved by this condition.

**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.

- 12 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

**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)

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

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

**Reason:**

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

- 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 (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 Page 9 of 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.

- 16 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 15 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.

- 17 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.

**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)

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

**Reason:**

As set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

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



(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

**Reason:**

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

- 20 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:**

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.

- 21 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:**

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.

- 22 No demolition shall take place until a demolition management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan must include the following details (where appropriate):
- (i) a construction programme including a 24 hour emergency contact number;
  - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
  - (iv) erection and maintenance of security hoardings (including decorative displays and

facilities for public viewing, where appropriate);

(v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and

(vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

Subsequently no development/construction shall take place until a separate construction management plan (including the above details as appropriate) has been submitted to and approved in writing by the City Council as local planning authority. You must not start construction until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

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 ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 23 Prior to the occupation of the development, you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the development. All servicing shall be undertaken in accordance with the approved strategy.

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)

- 24 You must apply to us for approval of details of a security scheme for the entrances on Hopkins Street including the recessed doorway adjacent to the external servicing lay-by to show how they will be protected from anti-social behaviour. You must not occupy any 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 before anyone moves into the building. (C16AB)

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 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. (R16AC)

- 25 You must apply to us for approval of a scheme of public art.

You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details.

You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AB)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

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

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

1. Typical details of all new facades
2. 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 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 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)

- 29 The proposed new retail unit at the northern end of the site fronting Hopkins Street shall not be used as a supermarket or foodstore

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)

- 30 With the exception of the areas annotated as "Hotel Food and Beverage Area" and "Hotel Lobby" as shown on the approved drawings nos. P(15.1)01C and P(15.1)02C the hotel shall only be used for guest bedrooms and there shall be no other hotel facilities included.

Reason:

To make sure that the use will not cause nuisance for people in the area and to avoid congestion on the local highway. This is as set out in S24, S29, S32 and S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TACE 10, ENV 6, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 31 You must not cook raw or fresh food anywhere on the hotel premises.

**Reason:**

We do not have enough information to decide whether it would be possible to provide extractor equipment that would deal properly with cooking smells and look suitable. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05DC)

- 32 None of the external flat roof areas, green roofs or terraces on the building shall be used for hotel purposes.

**Reason:**

To protect the environment of the people in the residential part of the development. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

**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.





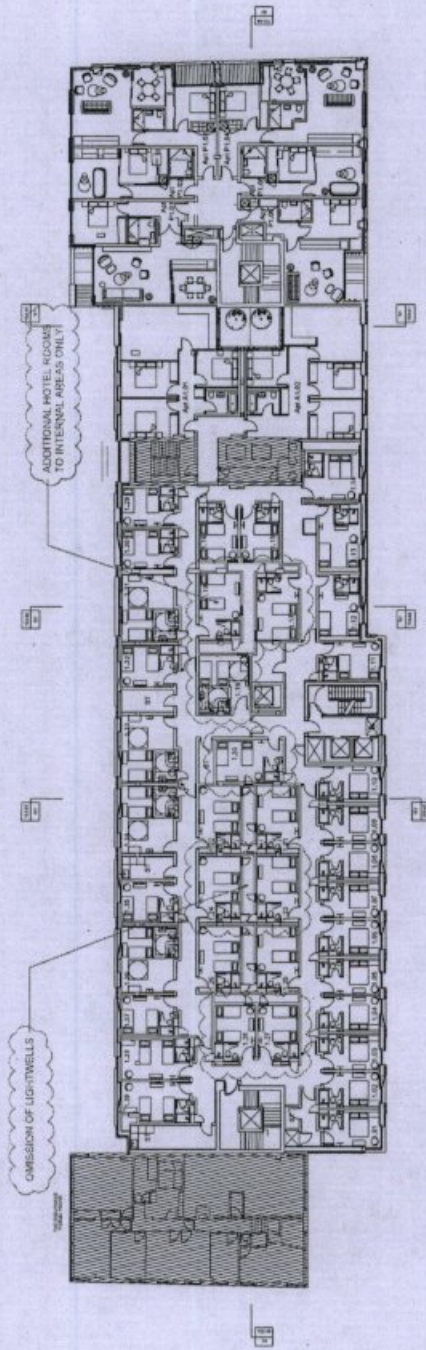
**GENERAL NOTES**

Drawings to be used in conjunction with all information by architect, structural engineer & other disciplines.  
 All dimensions are to be taken from the center line of the structure unless otherwise indicated.  
 The drawing is the property of Latitude Architects and Designers and must not be used or distributed in any form without prior written consent.

**KEY**



DENOTES AREA OUTSIDE OF DEMISE



- C LW/MB 17/07/12 Issued for Minor Material Amendment
- B LW/LB 20/03/10 Issued for Non-Material Amendment
- A LW/MB 05/11/10 Issued for Stage 3 Report

Issue	Checked/Drawn	Date	Description
PLANNING	and the	1106	15.10.03
Issue			C

Drawing: PROPOSED FIRST FLOOR PLAN  
 Project: 90-104 BERWICK STREET

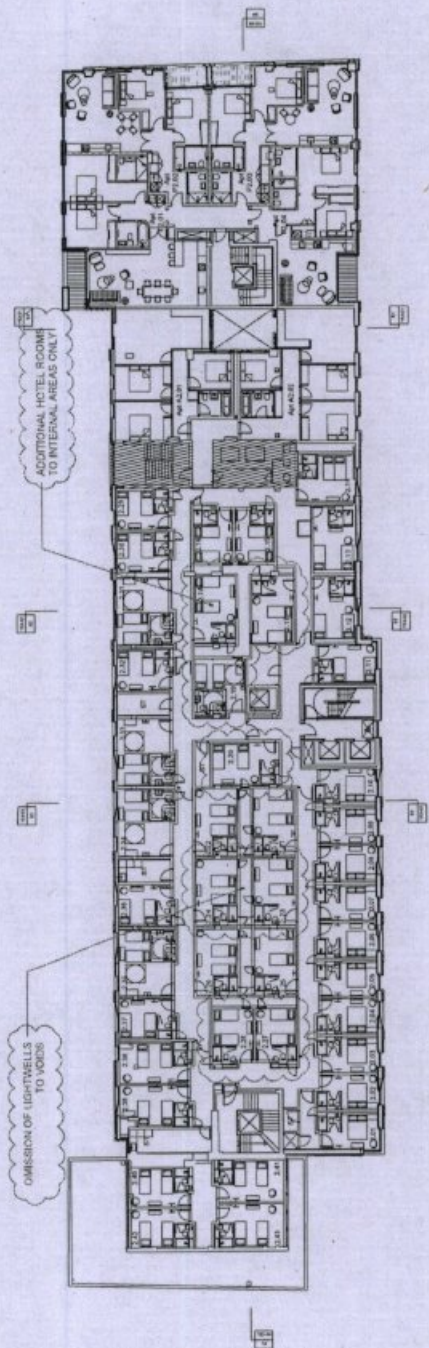
Scale: 1:400 (A3) 1:200 (A1)

**GENERAL NOTES**

Drawing to be used in conjunction with all information to architect, structural engineer, A/E/C team and other consultants.  
 This drawing is the property of Latitude Architecture and Design and shall not be used or reproduced in any form without prior written consent.  
 All dimensions, materials, quantities, and specifications shall be checked by the architect.  
 All work shall be in accordance with the applicable codes and regulations.

**KEY**

DENOTES AREA OUTSIDE OF SCHEME



- C LIV / WS 17/07/15 Issued for Minor Material Amendments
- B LIV / LB 20/03/15 Issued for Non-Material Amendments
- A LIV / WS 05/11/14 Issued for Stage 3 Report

Issue	Checked	Date	Description
PLANNING		11/15/10	C

Project: 91-105 BERWICK STREET

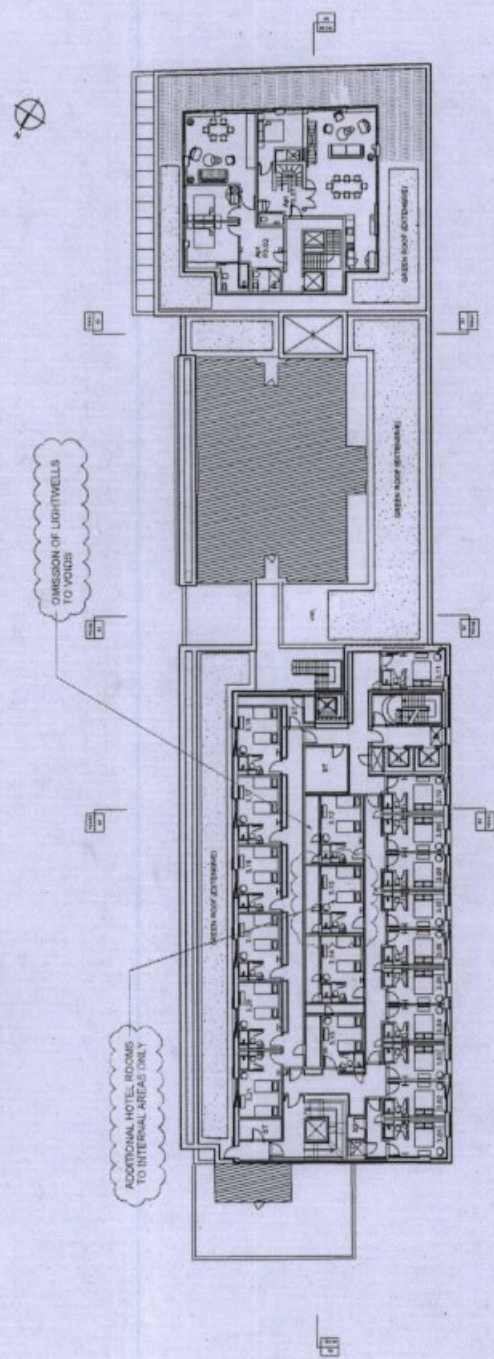


**GENERAL NOTES**  
 Drawings to be read in conjunction with all specifications by architect, structural engineer & service consultants.  
 All work shall be in accordance with the Building Code of the City of London and the Building Regulations 2010. All work shall be in accordance with the Building Regulations 2010. All work shall be in accordance with the Building Regulations 2010.  
 This drawing is the property of Latitude Architects and Copyright and must not be reproduced or used for any other project without the written consent of Latitude Architects.

**KEY**



DENOTES AREA OUTSIDE OF SCHEME



- C LW/MB 17/07/15 Issued for Minor Material Amendment
  - B LW/LB 20/07/15 Issued for Non-Material Amendment
  - A LW/MB 09/11/14 Issued for Stage 3 Permit
- Issue | Check/Drawn | Date | Description

Sheet	1106	Draw No.	PT15.106	Issue	C
PLANNING					
Drawing PROPOSED THIRD FLOOR					
PLAN					
Project 90-104 BERWICK STREET					

Latitude Architects  
 15 WALKER STREET  
 LONDON EC1R 3JG  
 www.latitudearchitects.com

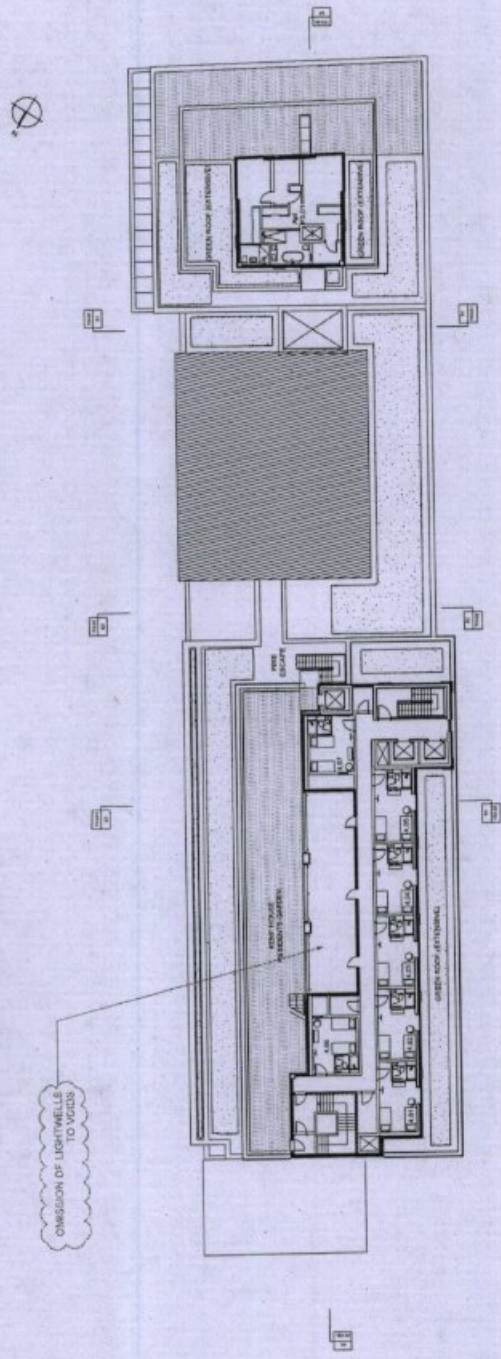
GENERAL NOTES

Changes to be made in conjunction with all information by architect, structural engineer & service consultants.  
 The contractor is to verify with the client the drawing of all work items to be checked on site before work commences. Discrepancies, when identified, must be reported to the architect.  
 This drawing is the property of Latitude Architecture and Design and must not be reproduced or published in any unauthorised person's work or in print without written consent.

KEY



DENOTES AREA OUTSIDE OF DEMISE



D	LVV / ME	17/07/15	Issued for Minor Material Amendments
C	LVV / ME	20/07/15	Issued for Non-Material Amendments
B	MO / LVV	14/07/14	Issued for Minor Material Amendments and enclosure removed
A	LVV / ME	05/11/14	Issued for Stage 3 Report

Issue	Checked/Drawn	Date	Description
PLANNING		11/06	P115.1106
Status	Job No.	Draw No.	Issue
			D

Drawing: PROPOSED FOURTH FLOOR  
 PLAN  
 Project: 90-104 BERWICK STREET  
 1:400/03 1:200/01

# Agenda Item 5

Item No.
5

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 17 November 2015	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Director of Planning		<b>Wards involved</b> Bryanston And Dorset Square	
<b>Subject of Report</b>	<b>206-216 Marylebone Road, London, NW1 5LA</b>		
<b>Proposal</b>	Redevelopment of the site behind a part retained facade to provide an eight level (plus basement) mixed use development containing up to 64 residential units (Class C3), office floorspace (Class B1) and retail floorspace (Class A1), together with car and cycle parking, plant and other associated works.		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Gerald Eve		
<b>Registered Number</b>	15/05254/FULL	<b>TP / PP No</b>	TP/2478
<b>Date of Application</b>	03.06.2015	<b>Date amended/ completed</b>	03.06.2015
<b>Category of Application</b>	Major		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Dorset Square		
<b>Development Plan Context</b> - 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		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

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

- a) 16 affordable units on-site comprising seven intermediate rented units and nine affordable rented units. Three (2x1 bed and 1x2 bed) of the intermediate units to be let at sub-market rents;
- b) Provision of £1,338,138 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- c) Highways works associated with the development;
- d) Provision of lifetime car club membership (minimum 25 years) for all 64 flats;
- e) On-site parking spaces to be unallocated;
- f) Provision of £36,000 per annum (index linked) towards monitoring the construction project by the City Council's Environmental Inspectorate and Environmental Health officers; and
- g) The costs of monitoring the S106 agreement.

Item No.
5

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 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.





206-216 MARYLEBONE ROAD, NW1

## 2. SUMMARY

The proposed redevelopment scheme was considered by the Planning Applications Committee on 20 October 2015. The Committee resolved to defer its decision to allow for a site visit to take place. That site visit took place on 13 November 2015. Accordingly, this application is referred back to the Committee for its consideration.

## 3. CONSULTATIONS

No further representations have been received since the Committee meeting on 20 October 2015.

## BACKGROUND PAPERS

### RESOLUTION OF AND REPORT TO PLANNING APPLICATIONS COMMITTEE DATED 20 OCTOBER 2015.

#### REPRESENTATIONS INCLUDED IN REPORT TO COMMITTEE ON 20 OCTOBER 2015:

1. Application form.
2. Emails from TfL dated 27 July and 2 October 2015.
3. Letter from London Underground dated 12 August 2015.
4. Letter from Historic England dated 5 August 2015.
5. Email from National Rail dated 25 August 2015.
6. Email from Thames Water dated 27 July 2015.
7. Memorandum from Head of Affordable and Private Sector Housing dated 6 October 2015.
8. Memorandum from Environmental Sciences dated 6 October 2015.
9. Memorandum from Highways Planning Manager dated 3 September 2015.
10. Memorandum from Arboricultural Manager dated 2 September 2015.
11. Memorandum from Environmental Health dated 19 August 2015.
12. Representation from the St Marylebone Society (undated).
13. Representation from owner/occupier of The Mews House, 33 Knox Street dated 1 September 2015.
14. Representation from owner/occupier of 8 Knox Street dated 24 August 2015.
15. Representations from owner/occupier of 19 Regis Court, Melcombe Place dated 19 August 2015 (4x), 10 August 2015, 9 August 2015 and 7 August 2015 (2x).
16. Representation from owner/occupier of 16 Regis Court, Melcombe Place dated 19 August 2015.
17. Representation from Marathon House Residents' Association dated 18 August 2015.
18. Representation from owner/occupier of 83 Marathon House dated 17 August 2015.
19. Representation from owner/occupier of Top Flat, 34 Dorset Square dated 14 August 2015.
20. Representation from owner/occupier of 34 Dorset Square dated 13 August 2015.
21. Representation from owner/occupier of 34 Dorset Square dated 13 August 2015.
22. Representation from owner/occupier of 26 Melcombe Court, Dorset Square dated 12 August 2015.

23. Representation from owner/occupier of 18 Melcombe Court, Dorset Square dated 13 August 2015.
24. Representation from Mahdi Monfared dated 2 August 2015.
25. Representation from owner/occupier of Flat 1, Regis Court, Balcombe Street dated 13 August 2015.

NO FURTHER REPRESENTATIONS HAVE BEEN RECEIVED.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY E-MAIL – [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk)



# APPENDIX

Item No.
1

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 20 October 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> Bryanston And Dorset Square	
<b>Subject of Report</b>	<b>206-216 Marylebone Road, London, NW1 5LA</b>		
<b>Proposal</b>	Redevelopment of the site behind a part retained facade to provide an eight level (plus basement) mixed use development containing up to 64 residential units (Class C3), office floorspace (Class B1) and retail floorspace (Class A1), together with car and cycle parking, plant and other associated works.		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Gerald Eve		
<b>Registered Number</b>	15/05254/FULL	<b>TP / PP No</b>	TP/2478
<b>Date of Application</b>	03.06.2015	<b>Date amended/ completed</b>	03.06.2015
<b>Category of Application</b>	Major		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Dorset Square		
<b>Development Plan Context</b> - 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		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

1. Grant conditional permission, subject to a S106 legal agreement to secure the following:
  - a) 16 affordable units onsite comprising seven intermediate rented units and nine affordable rented units. Three (2x1 bed and 1x2 bed) of the intermediate units to be let at sub-market rents;
  - b) Provision of £1,338,138 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
  - c) Highways works associated with the development;
  - d) Provision of lifetime car club membership (minimum 25 years) for all 64 flats;
  - e) On-site parking spaces to be unallocated;
  - f) Provision of £36,000 per annum (index linked) towards monitoring the construction project by the City Council's Environmental Inspectorate and Environmental Health Officers;
  - g) The costs of monitoring the S106 agreement.

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 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.

## 2. SUMMARY

Permission is sought for redevelopment of the site to create a mixed use development made up largely of residential flats (Use Class C3) with offices (Use Class B1) and retail (Use Class A1). The buildings on-site would be largely demolished, leaving the 1930's facades to Marylebone Road, Balcombe Street and Great Central Street. To the rear of the retained facades, an eight storey block containing 48 open market flats and two retail premises would be constructed. The block fronting Marylebone Road would be connected to two further blocks to the rear by a ground floor level podium. Above first floor level, these blocks are separated from the block fronting Marylebone Road by an outdoor amenity space with a cross shaped floor plan.

The western block would be six storey's high and would contain seven intermediate rent nine affordable rent. It would be constructed in a contemporary architectural style with charcoal coloured brick cladding and balconies fronting Great Central Street above ground floor level. The eastern block would contain 1585 square metres of office floorspace. It would also be constructed in a similar contemporary style with charcoal coloured brick cladding.

A basement car park would be located beneath the entire application site. This car park would be accessed from a new crossover on Balcombe Street. The car park would contain 62 parking spaces. Cycle parking for 101 bicycles would be provided at ground floor level within a room accessed off Great Central Street.

The key issues are:

- Demolition of an unlisted building of merit within the Dorset Square Conservation Area;
- The impact of the proposed replacement building on the character and appearance of the Dorset Square Conservation Area and the setting of adjacent listed buildings and unlisted buildings of merit;
- The standard of residential accommodation;
- The impact of the proposed development on the amenities of surrounding residents in terms of their daylight, sunlight, outlook and privacy; and
- The amount of on-site parking and the absence of on-site servicing.

The proposed development would provide an appropriate mix of uses within the Central Activities Zone. The building proposed would also preserve the significance of the existing unlisted building of merit and the character and appearance of the Dorset Square Conservation Area. It would also preserve the setting of nearby listed buildings and Unlisted Buildings of Merit. The proposal would also not result in unacceptable harm to the amenity of local residents and the surrounding transport network. Subject to conditions and completion of a satisfactory legal agreement, the proposed development is recommended for approval.

## 3. CONSULTATIONS

### ST MARYLEBONE SOCIETY (SMS)

SMS attended an exhibition at Marylebone Station in May. Note that developers leafleted an area around the site including Melcombe Court and Regis Court. However it is difficult to access these buildings and get leaflets to individual flats, and some residents of these blocks have had no knowledge of the proposals. Several of these flats directly face the application site. Request that the Residents Associations of both buildings be contacted and that regular Community Liaison Committee meetings be arranged with them and one of the local councillors. A newsletter would not be adequate in the early stages of the project. Many people in this area work from home, and this is very difficult when adjacent to a demolition site. In another large local project the developer provided extra glazing for those people most severely affected.



Note that residents are worried about having heavy vehicles moving up Balcombe St, along Melcombe Place, and down Great Central St. These streets are already heavily used by traffic. A new rail line to Oxford from Marylebone is also due to open shortly, and at rush hour there is already a large stream of pedestrians moving between Marylebone and Baker St Stations along Melcombe Street. The narrowness of Melcombe Place is cause for concern about accidents involving pedestrians at these times.

The ground floor flats on Great Central Street would have windows opening directly onto the pavement, which would result in poor privacy. They would rather see shops along this stretch of Great Central Street, which has almost no interesting activity along it.

Restoration of the NCR facade is welcomed.

Support mixed use development as this is beneficial to the area.

Use of the main ground floor central entranceway on Marylebone Road is appropriate.

The two corner shops are about 200 square metres, which would preclude large supermarket chains. Likely that these would be used as cafes.

Welcome active frontages from the inclusion of shops at ground floor level. Request additional retail below the affordable units as the street level experience could do with as much enriching as possible this location. Also query whether any part of the basement could be given to the retail units within the retained 1930s facades to increase size and make them more viable. Also note that servicing has the potential for conflict with the red route and bus stops.

No objection to loss of post-war commercial buildings. The rationale behind the arrangement of new parts is plausible and this idea was welcomed as it allowed the NCR building to be restored and stand-alone/dominate the composition.

The character of the area is varied, with buildings ranging from around 1820 to the modern day. This site is on the fringe of the Conservation Area. Consider the modern idiom for the extension appropriate as they prefer high quality modern replacements in preference to pastiche.

The use of black bricks to clad both new buildings divided opinion within the SMS. Some like the idea of the black bricks though thought that the white cills and lintels are distracting. The narrow black bricks could also be elegant if detailed well and create an interesting contrast to the white NCR building. Some suggest that the black 'boxes' should be plainer and not have the white lintels, and queried the busy-ness of the silhouettes of the Balcombe Street and Great Central Street replacements. Some considered the new black building disharmonious with the buildings on either side, that the black brick will date the building and that it would be oppressive.

The bronze and decorative motifs are supported.

The residential balconies are a good idea in principle, but without careful management these spaces can become outdoor store rooms and present a cluttered view to the street. Query whether this could be controlled by lease. Balconies in Marylebone are usually decorative or for planting only. This is a highly polluted area and outdoor living space is not appropriate at the front of the buildings. Glass balconies should be opaque or tinted glass. The residential balconies opposite the Landmark Hotel and noise control could be a potential future problem.

Traffic problems may arise in Balcombe Street from loading for retail. Note that there could be potential conflicts with TfL proposals and the Baker Street two-way project and new cycle grid.

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#### **THAMES WATER**

Request that applicant incorporate backflow prevention devices as the sewerage network may surcharge to ground level during storm conditions.

With regards to surface water drainage, it is the responsibility of a developer to make proper provision to ground, water courses or a suitable sewer. It is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. Where a connection is proposed to a public sewer, prior approval from Thames Water Developer Services will be required.

Should the proposed building work fall within three metres of pipes within Thames Waters ownership, then agreement with Thames Water may be necessary to build over or near them.

Advise that sufficient sewerage water infrastructure capacity exists.

Should application be approved, request condition requiring the Council's prior approval of piling methodology to avoid damage to subsurface water and waste water infrastructure.

Thames Water expect the developer to demonstrate that measures will be undertaken to minimise ground water discharge to public sewers.

Thames Water advise that there is sufficient water infrastructure capacity for the development. Also request attachment of an informative to any planning permission with regards to water pressure levels.

#### **TRANSPORT FOR LONDON (TFL)**

Whilst the level of car parking accords with London Plan (2015) standards, TfL would support a car free development at this location (except blue badge parking provision). TfL expects that car parking is equipped with electric vehicle charge points to accord with London Plan standards.

Access to the car parking/delivery and servicing yard is proposed from Balcombe Place. The site also has frontage to Marylebone Road which forms part of the TfL Road Network (TLRN). Whilst no changes are proposed to the TLRN, the applicant is reminded that no physical works can occur on the TLRN without the prior approval of TfL in the form of a Section 278 agreement (Highways Act 1980). During construction, none of the trees on the TLRN should be removed or damaged, and appropriate protection measures should be introduced during construction if required, in consultation with TfL's arboriculturalist.

A Construction Logistics Plan and Delivery and Service Plan should be secured as part of the planning application. TfL should be consulted prior to any discharge of these planning conditions.

The level of cycle parking proposed fails to accord with London Plan standards. To accord with London Plan standards, 77 cycle spaces must be provided for the residential component (including 1 short stay) and 35 spaces (20 long stay; 15 short stay) should be provided for the commercial component (B1 and A1 uses). Cycle changing facilities (such as showering facilities) should also be secured by condition for the commercial uses proposed.

#### **LONDON UNDERGROUND**

No objection in principle to development. Request that a condition be attached to any permission requiring their approval of foundation and basement structures as these may impact transport infrastructure.

#### **HISTORIC ENGLAND**

This application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

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#### **NETWORK RAIL**

No objection, subject to the inclusion of conditions controlling the following to be attached to any permission:

- Submission of a risk assessment and method statement (RAMS) for the proposal to the Network Rail Asset Protection Engineer before development commences.
- Submission of details of proposed scaffolding works to the Network Rail Asset Protection Engineer for review before development commences.
- If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement should be submitted to the Network Rail Asset Protection Engineer.
- Details of the use of tower cranes that have the potential to oversail railway infrastructure.
- Alterations to ground levels, earthworks and excavations to be carried out near Marylebone Railway Station.

Network Rail also wish to know the arrangements for ensuring unblocked access to the Marylebone Railway Station.

#### **BUILDING CONTROL**

No response received at the time of writing. Any response to be reported verbally.

#### **CLEANSING MANAGER**

No response received at the time of writing. Any response to be reported verbally.

#### **GO GREEN MANAGER**

No response received at the time of writing. Any response to be reported verbally.

#### **ENVIRONMENTAL HEALTH**

No objection to the proposal on noise or nuisance grounds, subject to standard conditions requiring submission of a supplementary acoustic report with respect to internal noise levels, as well as details of plant and machinery noise and vibration. Have also requested contribution toward monitoring of Construction Environmental Management Plan.

Note that an Air Quality Assessment has not accompanied this application. Recommend refusal of the application unless adequate mitigation measures are adopted to reduce the air quality impact or exposure to acceptable levels.

#### **HEAD OF AFFORDABLE AND PRIVATE SECTOR HOUSING**

No objection, subject to section 106 agreement that secures the affordability of the intermediate units proposed.

#### **HIGHWAYS PLANNING MANAGER**

No objection, subject to conditions and section 106 agreement.

Parking space provision for residential use is adequate and unallocated operation would be supported. Absence of car parking for non-residential uses also supported.

Canopy height is acceptable as it provides sufficient clearance for pedestrians and traffic.

A Travel Plan is not required for the proposed uses.

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No off-street servicing is proposed. Given the uses, the servicing proposals would be broadly acceptable. Recommend a condition requiring that a Servicing Management Plan is secured by condition to minimise the impact on the highway.

Recommend a condition requiring that details of waste storage are approved to ensure that it is not stored on the highway where it would become an obstruction.

Recommend a condition requiring that details of cycle parking for the residential and non-residential uses are approved to ensure that they meet the requirements of The London Plan (FALP - March 2015) ("London Plan")

Recommend a condition requiring that at least 20% of parking spaces have access to Electric Vehicle charging points to meet the requirements of the London Plan.

Recommend a condition requiring the provision of adequate visibility splays for vehicles exiting the car park and the provision of the car parking ramp details to ensure that it provides a satisfactory gradient.

Recommend a condition requiring that doors not open over the highway.

Query whether light well on Great Central Street projects forward of the existing building line. If it does, it is unlikely that the Highway Authority would agree to a stopping up order to allow a lightwell in this position.

Request that requirements for unallocated residential car parking, lifetime car club membership and highways works around the site are secured by condition.

#### ARBORICULTURAL MANAGER

The submitted tree report is generic and provides no definite or practical assurance that the trees would be protected during development.

The report does not properly address the likely impact of the proposal on the trees, in particular the London planes. It has not considered the proposed structural methodology, the need for substantial supports to the retained façade, the arrangement of the supports as proposed in the structural methodology, the extra loading on the root protection areas of trees, the proposed installation of a crash deck, the potential need to divert services or create new services, or the proposed bike rack locations. The report also confuses the construction exclusion zone and the root protection areas of trees as defined by the British Standard (BS5837:2012).

Subject to the advice in the structural methodology being correct, namely that the existing basement retaining walls to both the 1930's and 1960's structures will be retained in the new development, it should be possible to carry out the basement works without harm to the trees. However, the tree report does not consider this.

A garden / amenity space is proposed to be created at first floor level. A stormwater attenuation system is proposed, but it is not clear if run off from the roof will be directed into this. The two sections on plan 120 P1 show two different soil depths. Adequate soil depth and irrigation will be critical to the successful establishment and longevity of the proposed planting scheme. More details of landscaping are required to ensure suitable and sustainable soil depths and water management.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 704; Total No. of Replies: 13.

Thirteen (includes 10 representations from one party).

13 representations opposed to the development were received. In summary, the issues raised include the following:

- Demolition and construction would take three years to complete. This would result in noise, stress, loss of health and disruption for local residents, particularly for those working at home. Request mitigation measures, including additional glazing for affected properties;
- The proposed construction hours (10 hours per day weekdays and five hours on Saturdays) are too long;
- Request creation of a liaison committee and regular liaison meetings between the developers, local residents, local businesses and the local councillors;
- Support and reiterate some or all of the objections raised by the St Marylebone Society (see above);
- The proposal includes creation of three separate entrances - one for the affordable housing block, one for the market housing block and one for the offices. The market housing block also has exclusive access to the outdoor amenity space. The proposed development will therefore result in segregation and is likely to result in gentrification, disparity and social exclusion;
- The proposed two way traffic on Gloucester Road and Baker Street have not been factored into the proposed Construction Management Plans;
- Removal of the existing façade on Great Central Street and Balcombe Street and their replacement will detract from the character and appearance of the area;
- The new blocks proposed will impair views for residents in Regis and Melcombe Courts;
- The proposal would harm the special interest of the listed Landmark Hotel;
- The proposal would harm the character of Melcombe Court and the wider character and appearance of the Marylebone area, contrary to Council policy;
- The proposed development would result in light loss for the occupiers of neighbouring properties;
- The proposed development may have further utilities added to the roof height;
- The proposed development will set a precedent for other buildings;
- The application documents incorrectly refer to Marathon House as being in office use;
- The proposed first floor amenity space and balconies would increase overlooking and the potential to cause noise disturbance;
- The additional storey proposed would result in increased sense for enclosure;
- Refuse storage is proposed on the east side of the ground floor on Balcombe Street. This may cause nuisance to residents of Marathon House through noise and odour;
- The electrical substation and plant on Balcombe Street will create an area of inactive frontage;
- The proposal does not provide an assessment of potential noise on neighbouring residential properties;
- The light assessment does not include consideration of any impact on the residential windows of Marathon House. The proposal may also infringe Rights of Light to Marathon House;
- Local residents will be unable to sell or let their properties during works and should be compensated;
- The proposal will increase pollution in this area;
- Object to loss of the existing building;
- The loss of office space is excessive and contrary to the City Council's policies;
- Request that the City Council delay deciding the application until leaseholders and residents have time to consider the proposal in its entirety and seek professional advice; and
- The proposal would result in further parking and traffic congestion in the area.



ADVERTISEMENT/SITE NOTICE: Yes

#### 4. BACKGROUND INFORMATION

##### 4.1 The Application Site

The application site has an area of approximately 0.25 of a hectare and is located on the north side of Marylebone Road. It occupies most of the block of land bound by Marylebone Road, Great Central Street (west side) Melcombe Place (north side) and Balcombe Street (east side). The remainder of this block is occupied by Melcombe and Regis Courts, which are seven and nine storey's high, respectively. The ground floors of Melcombe and Regis Court contain retail uses with residential flats on the upper floors.

The application site contains a building with a U-shaped plan. The southern part of the building was constructed in the mid-1930s and is up to eight storeys in height, including rooftop plant rooms. Two later wings were added to the rear of the building in the 1960's. The western wing, fronting Great Central Street, is five storey's high whilst the eastern wing, fronting Balcombe Street is four storey's high. The entire building contains approximately 13,809 square metres of office floorspace (Use Class B1(a)). A basement parking level, accessed off Balcombe Street, is located beneath the entire building.

The application site is located within the Dorset Square Conservation Area, within the Central Activities Zone (CAZ) and within the CAZ frontages (Marylebone Road). This building is also designated as an Unlisted Building of Merit within the Dorset Square Conservation Area Audit (adopted 2008).

The surrounding area contains a mixture of uses and building typology. The Grade II listed Landmark Hotel is located opposite the application site to the west, whilst a modern high-rise building containing flats (Marathon House) is located opposite to the east. Smaller, Georgian terrace buildings containing flats or dwellinghouses are located to the rear of Marathon House, opposite the application site. Marylebone Station and a cluster of office uses surrounding it are located approximately 30 metres to the north-west of the application site.

##### 4.2 Relevant Planning History

There have been a number of permissions for minor works on the application site, such as the installation of satellite dishes, refurbishment and the introduction of rooftop plant. A Lawful Development Certificate (ref: 94/03285/CLUED) was also issued in 2004 that confirmed the use of this premise as an office. However, none of these permissions are directly relevant to this application.

#### 5. THE PROPOSAL

Permission is sought for redevelopment of the site to create a mixed use development made up largely of residential flats (Use Class C3) with offices (Use Class B1) and retail (Use Class A1).

The buildings on-site would be largely demolished, leaving the 1930s facades to Marylebone Road, Balcombe Street and Great Central Street. To the rear of the retained facades, an eight storey block containing 48 open market flats would be constructed. Two retail premises would be located within the ground floor of this building, on the corners of the building.

The block fronting Marylebone Road would be connected to two further blocks to the rear by a ground floor level podium clad in rusticated Portland Stone to connect it to the retained facade. Above first floor level, these blocks are separated from the block fronting Marylebone

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Road by an outdoor amenity space with a cross shaped floor plan. The western block would be six storey's high and would contain 16 affordable units seven intermediate rent nine affordable rent. It would be constructed in a contemporary architectural style with charcoal coloured brick cladding and balconies fronting Great Central Street above ground floor level. The eastern block would contain 1585m2 of office floorspace. It would also be constructed in a similar contemporary style with charcoal coloured brick cladding.

A basement car park would be located beneath the entire application site. This car park would be accessed from a new crossover on Balcombe Street. The car park would contain 62 parking spaces. Cycle parking for 101 bicycles would be provided at ground floor level within a room accessed off Great Central Street.

The table below sets out a comparison between the existing and proposed uses/floorspace.

**Table 1: Floorspace figures**

Use	Existing Areas (GEA m2)	Proposed Areas (GEA m2)
Office	13,809	1,585
Retail	0	497
Residential	0	9504
Area of Residential Floorspace that is Affordable Housing	0	2066
<b>Total</b>	<b>13,809</b>	<b>13,652</b>

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

#### 6.1.1 Office

As noted within paragraph 4.26 of the City Plan, there are no policies within the operative development plan that protect office floorspace within the City due to the unique market pressures for office floorspace within the City and long term stability in provision. As the proposal does not increase office floorspace on-site, it is also not subject to mixed use Policies S1 of the City Plan and CENT 3 of the UDP. The proposal would also provide a mix of uses within the CAZ, consistent with Policy 4.3 of the London Plan.

It is noted that the City Council are currently revising its policies on office to residential conversion's within the CAZ and this would apply to the application site as it is on a Named Street. The revised policy would make the loss of office floorspace in sites such as this unacceptable in principle. However, and as set out in the Deputy Leaders statement of 22 July 2015, this policy only applies to applications made after 1 September 2015. As the subject application was made before this date, the revised policy does not apply to this application.

#### 6.1.2 Residential Provision

Policies H3 of the Unitary Development Plan (adopted 2007) ("the UDP") and S14 of Westminster's City Plan: Strategic Policies (adopted 2013) ("the City Plan") also seek to encourage the provision of more residential floorspace including the creation of new residential units and encourage changes of use from non-residential uses to residential use. Accordingly, the provision of residential flats on this site is supported in principle.

Other relevant residential use considerations are set out below.

### Density

The density of the proposed scheme is 902 hr/ha, which is within the appropriate density range set out within The London Plan (FALP – March 2015) (“the London Plan”).

This density does exceed that specified in Policy H11 of the UDP for this location (Zone 1 – 400-850 hr/ha). However, and as set out in Policy H11, density is a useful starting point for protecting local character but is not definitive. Development densities that exceed the limits contained within Policy H11 will be expected to meet complementary policies on townscape and design; residential amenity; provision of off-street parking; mix of housing units; affordable housing; garden space; and the desirability of maintaining any special feature of the urban fabric of the area. These matters are considered further later in this report.

### Affordable Housing

The proposal would result in new residential floorspace exceeding 1,000m<sup>2</sup> of Gross External Area (GEA). As such, Policy S16 of the City Plan expects a proportion of the floorspace to be provided as affordable housing.

In this instance, based on the total residential floorspace of approximately 9,504m<sup>2</sup> GEA and the City Council's Interim Guidance Note on Affordable Housing (November 2013), there is a requirement for 2,376m<sup>2</sup> (i.e. 25%) of affordable floorspace to be provided.

Policy S16 requires this affordable floorspace to be provided on-site. Only where the Council considers that this is not practical or viable, affordable housing should be provided off-site in the vicinity. Off-site provision beyond the vicinity will only be acceptable where the Council considers that the affordable housing being offered is greater and of a higher quality than would be possible on or off-site. A financial contribution in lieu will only be acceptable where the above options are not possible.

In this instance, the applicant proposes 16 affordable units on-site, with a total floor area of approximately 2066m<sup>2</sup> or approximately 22% of the residential floorspace proposed. The applicant indicates that it would not be possible to provide any more than this on-site due to daylight/sunlight limitations on the proposed affordable housing block. Were the additional housing to be provided in the market housing block, it would require an additional entrance and lift core to be provided for it to be suitable for a registered provider. This would reduce the overall quantum of residential units that could be provided on-site. The applicant also does not have any other properties in the vicinity or within the City on which to provide the additional affordable housing. Accordingly, it is accepted that the on-site affordable housing is the maximum possible in the circumstance and that physical provision off-site is not possible.

To account for this shortfall in physical affordable housing provision, the applicant is willing to make a payment in lieu of £1,338,138.00. This equates to a full financial payment in lieu for the outstanding affordable housing provision, consistent with the City Council's Interim Guidance Note on Affordable Housing (November 2013).

Seven of the affordable housing units would be provided as intermediate rented housing with the remaining nine units provided as affordable rented housing. This tenure split would be consistent with the GLA guidance of 60:40.

The Head of Affordable and Private Sector Housing has concerns about the future affordability of the intermediate units proposed. The current income threshold for eligible intermediate households in London as determined by the GLA is £71,000 for one and two bedroom intermediate homes. However, the income profile of households registered for intermediate housing opportunities in Westminster evidences that household incomes are more moderate;

the median household income for registrants requiring one bed intermediate homes in Westminster is £33,000 while two bed median household incomes are £38,000.

The Head of Affordable and Private Sector Housing wishes to ensure that the intermediate homes proposed can be made affordable to a range of Westminster intermediate household income cohorts. To achieve this, it is recommended that two of the one bed, and one of the two bed intermediate homes should be let at sub-market rents that are affordable to households registered for intermediate housing opportunities in Westminster whose household income does not exceed Westminster's median intermediate household incomes for one and two bedroom units

The remaining one and two bed intermediate units should be made affordable to a range of other Westminster intermediate household incomes, ranging from Westminster upper quartile income levels to the mid-point income between Westminster upper quartile intermediate incomes and the maximum GLA income for intermediate housing.

Subject to a legal agreement to secure the above, the proposed affordable housing offer is considered acceptable.

### Residential Mix

The proposed mix is set out in the table below:

**Table 2: Residential Mix**

Bedrooms	Total	%
1 bed (incl. Studio)	20	31
2 bed	28	44
3 bed	16	25
<b>TOTAL</b>	<b>64</b>	<b>100</b>

'One third' of the units proposed are not family sized units (i.e. 3 bedroom or more), as specified in policy H5 of the UDP. However, and as noted in paragraph 3.74 of the supporting text to this policy, this requirement will be applied with some flexibility. For example, a lower level of family sized accommodation may be appropriate in very busy, noisy environments. The application site is located in just such an environment, being located on Marylebone Road and on the main thoroughfare between it and Marylebone Station. Accordingly, this shortfall would be consistent with Policy H5 of the UDP in this instance.

### Standard of Residential Accommodation

All of the flats meet the size requirements set out within the Governments Nationally Prescribed Space Standard (March 2015). The majority of the units are also dual aspect. All the units would be Lifetime Homes compliant and 10% of the units would be wheelchair accessible or easily adaptable, consistent with Policy H8 of the UDP.

The majority of the flats would also meet the standards set out in BRE's 'Site Layout Planning for Daylight and Sunlight' (Second Edition) (published 2011) ("the BRE Guide"), as referred to in the supporting text for Policy ENV 13 of the UDP. However, there are a small number of windows which fall short of the guidelines. These shortfalls arise largely from retaining the façade of the Unlisted Building of Merit on-site and the close proximity of neighbouring buildings. Overall, it is considered that the levels of light are not so substandard to warrant refusal of permission.

It is recognised that the constraints of retaining the façade of this unlisted building of merit prevent the inclusion of balconies and terraces for most of the units in the southern block.

Despite this, terraces have been provided for the upper floor flats and balconies to the rear for flats facing the amenity space in the centre of the site. This amenity shared amenity space is also accessible for the flats in the southern block. Private outdoor amenity space has also been provided for the affordable units facing Great Central Street in the form of inset balconies on the western façade. Accordingly, an acceptable level of outdoor amenity space is proposed when the constraints of retaining the façade of this unlisted building of merit and this sites central location are considered, having regard to policy H10 of the UDP and the GLA's Housing Design Guide.

The Environmental Health Officer has objected to this development, noting that the proposal introduces a residential use into an area with poor air quality. Accordingly, they have requested an Air Quality Assessment. However, Policy S31 of the City Plan specifies that development "will minimise the impact of poor air quality on occupants through the design of the building and appropriate technology". Accordingly, the requirements of Policy S31 can be addressed through an appropriate ventilation/filtration strategy and building specification, rather than prohibition of a residential use on this site. This could be secured by condition and a condition to this effect is recommended. Subject to this condition, the proposal would minimise the impact of poor air quality on the occupants of this building, consistent with Policy S31 of the City Plan.

### **6.1.3 Retail**

It is acknowledged that Policy S21 of the City Plan directs new retail floorspace to the designated Shopping Centres and the application site is not located within one of these shopping centres. However, the retail units are relatively small and are not the larger types of retail unit that Policy S21 is intended to control. Furthermore, the introduction of retail premises of the size proposed would be consistent with Policy SS4 of the UDP on this site, which encourages retail provision within the CAZ frontages. Given this and the active frontage and associated townscape benefit that these units would create, the provision of these retail units would be appropriate in this instance. A condition is recommended that restricts permitted changes of use to these retail units to ensure that these benefits are secured.

The proposal would also comply with Policy S1 of the City Plan in that it provides more than 497m<sup>2</sup> of residential floorspace commensurate with the 497m<sup>2</sup> of retail floorspace provided.

### **6.2 Townscape and Design, including Impact on Dorset Square Conservation Area and Setting of Landmark Hotel.**

The application site is located within the Dorset Square Conservation Area and contains an Unlisted Building of Merit (NCR Building), as set out in the Dorset Square Conservation Area Audit (2008) (the Audit"). The Landmark Hotel to the west and 9-15 Balcombe Street and 29-40 Dorset Square to the east are Grade II listed, as is the St Marylebone Library to the south east, across Marylebone Road. Marathon House, Regis Court and Melcombe Court are all Unlisted Buildings of Merit. Accordingly, the application site and its surrounds are sensitive in conservation terms, containing heritage assets of varying significance.

#### Demolition of the Existing Building

Policy DES 9 of the UDP contains a presumption against demolition of buildings identified as having local architectural, historical or topographical interest in conservation area audits. Policy DES9 does specify that the demolition of unlisted buildings may be permitted where the existing building makes either a negative or insignificant contribution to the area and/or the design quality of the proposed development would result in an enhancement to the character and appearance of the conservation area.

The Audit designates the original 1930s block and the 1960s block to Great Central Street as Unlisted Buildings of Merit. The 1960s block to Balcombe Street has not been designated. The Audit notes that the value of post-Georgian buildings such as this to the conservation area derives from their being representative of different periods and the evolution of the area. With regards to the application building in particular, the Audit describes it as "an attractive inter-war building constructed in Portland Stone with classical detailing's".

The significance of this building derives from its classically detailed, monumental and attractive Portland Stone façade. It is an attractive example of the large scale buildings that are prevalent in this part of the conservation area and that were constructed predominantly in the inter-war period. The 1960's additions are of little significance, being mediocre examples of the post-war evolution of the conservation area. Despite being constructed of Portland Stone, they lack the classical detailing and monumental quality of the original 1930's block. The inclusion of the Great Central Street 1960's block and the exclusion of its counterpart to Balcombe Street indicates that the inclusion of the former in the Unlisted Building of Merit status may be an error.

The proposal would retain almost all of the 1930s façade. The retained façade would ensure that the monumental quality and classical detailing of this building are retained in the redevelopment of this site and that this building's significance as an attractive example of inter-war architecture in the conservation area is preserved. The applicant also proposes reinstating the sixth floor wing details and original flagpoles to the Marylebone Road corners. Accordingly, those aspects of the existing building that are of significance to the conservation area would be retained.

It is noted that a section three bays wide on the Balcombe Street façade would be removed, as would the sixth floor of the original building. Whilst these losses are regrettable, these parts of the original 1930s building are relatively small in comparison to the areas of façade that would be retained and do not contain any particularly important details, with the exception of the wing details and flagpoles that would be reinstated. Accordingly, their loss would not harm the significance of this unlisted building of merit and would preserve the character and appearance of the conservation area.

With regards to demolition of the 1960s wings, these make a neutral contribution to the character and appearance of the conservation area and are not features of the application building that contribute to the significance of this unlisted building of merit. Accordingly, their demolition would not harm the significance of this unlisted building of merit and would preserve the character and appearance of the conservation area.

Subject to the replacement building being acceptable, the extent of demolition proposed would therefore accord with Policy DES 9 of the UDP. Conditions are recommended that would prevent demolition of the existing building much in advance of construction of its replacement and that require the City Council's approval of a scheme to retain the façade.

#### New Build

The sixth floor proposed above the retained façade would replicate the existing sixth floor, complete with reinstatement of the wing details and flagpoles. However, the windows/doors proposed would not align with those of the floors below and they would not be critical style like those on the retained façade. As this level is intended to replicate the existing sixth floor and the character of the retained façade, a condition is attached requiring amendments to these windows.

With regards to the seventh floor proposed, the Audit notes that the existing building has modern roof extensions but does not indicate that it is either acceptable or unacceptable for

further extensions. Up to sixth floor level, this building is a complete composition constructed in the 1930's with further plant rooms apparently added as part of the 1960's extensions. The proposal would consolidate the visually piecemeal nature of these plant room extensions into a more coherent mansard roof extension. This extension is set back sufficient distance from the perimeter of the sixth floor below to ensure that it does not dominate the retained façade below or appear visually intrusive in long views of the site. It is made more recessive by the use of grey zinc cladding. Accordingly, the proposed roof extensions would preserve the character and appearance of the conservation area.

The rear extensions to the retained façade would be of a contemporary design. Whilst it is regrettable that the centre parts of the rear extension rise sheer to seventh floor level, they are set back from the Great Central and Balcombe Street elevations by the return elevations of the new sixth and seventh floors, thereby ensuring that it does not dominate the retained façade. The use of white brick would also tie it visually to the lighter tone of the Portland stone on the retained facades. The additional height of this rear extension would also be separated from Melcombe and Regis Courts by the lower new blocks, which would partially screen it whilst also providing ample separation distance to ensure that their setting is preserved.

The new blocks would share a ground floor level podium with the retained 1930's façade but would be separated from it above by a gap, approximately seven metres wide. It is also proposed to set the podium level and new blocks back from the retained façade. The new blocks would also be several storeys lower than the retained façade. These features of the proposed building ensure that the monumental nature of the original 1930's façade is reinforced and that the new building would be subordinate to it. This would also be an enhancement in comparison to the existing 1960's blocks, which share the same building line and Portland stone as the 1930's facades and therefore lack sufficient contrast to reinforce the significance of the latter.

The use of Portland Stone on the ground level facades is welcomed as it forms a coherent link to the original facade. The introduction of large glazed areas to the Great Central Street and Balcombe Street ground floor facades would also create active frontages in parts of the streetscape that are largely devoid of activity at present. The railings at ground floor level on the Great Central Street frontage would also create an area of semi-public space that would provide sufficient separation distance between the residential units and the pedestrian footway, thereby ensuring that the privacy of these units and an active frontage are simultaneously created. The addition of a canopy on the Marylebone Road frontage would also create a legible pedestrian entrance to this building, something that is lacking at present and would also be an enhancement. A condition is recommended that would prohibit the use of obscure glazing on the ground floor facades so that the active frontage is retained and to secure further details of the proposed canopy.

The creation of plant and refuse storage rooms at ground floor level are regrettable as they create areas of inactive frontage on the Great Central and Balcombe Street elevations. However, the proposal does result in a net increase in activity on the ground floor level facades. Further interest is also added through the use of ornately detailed 1930's style bronze doors, grilles and railings on these parts of the façade. Accordingly, an objection to the scheme on this basis could not be sustained. A condition is recommended requiring that further details of the doors and railings are submitted to the City Council for approval.

The Balcombe Street block would have a clearly defined bottom, middle and top, demarcated by the Portland Stone ground floor, black brick clad middle floors and setback fourth floor, respectively. The two forward projecting bays would also add vertical emphasis to this block. These aspects of the design would be consistent with the Georgian terrace opposite and would contrast with the horizontal emphasis of the retained façade. Whilst it is regrettable that this block sits forward of Melcombe Court, its lower height, bulk and massing ensures that it

remains subordinate to and reinforces the prominence of the retained façade and Melcombe Court. With regards to the Great Central Street block, and for these same reasons, its bulk and height and the introduction of vertical emphasis would ensure that it remains subordinate to the retained façade and Regis Court.

The balconies proposed on the façade of this building have been the subject of several objections. The objectors note that these balconies provide an opportunity for items to be stored outside and that these items would harm the overall composition of this building. A condition is recommended that would prevent this from occurring. The proposed balconies would also add articulation to this block that would make it appear more recessive and secondary to the comparatively solid facades of the retained 1930's façade and Regis Court. Accordingly, and subject to the recommended condition, the proposed balconies and terraces are supported.

The dark brick cladding to the new blocks have also been the subject of objections to the scheme and some support. Brick is the prevailing building material in the conservation area, with a variety of types and tones evident in the immediate surroundings of the application site. In this context, the use of brick is acceptable in principle. The dark brick proposed would also give these buildings a relatively recessive appearance in comparison to the lighter Portland Stone and red brick cladding of the retained 1930's façade and Melcombe and Regis Courts, respectively. Accordingly, the use of this dark brick would ensure that the prominence of these Unlisted Buildings of Merit in the conservation area are enhanced. At the same time, the dark bricks proposed would highlight the contemporary nature of these blocks, in contrast to the older Unlisted Buildings of Merit to either side. Accordingly, the bricks proposed are supported.

With regards to the setting of listed buildings and other Unlisted Buildings of Merit near the application site, including the Landmark Hotel, the relatively modest additional bulk proposed is not considered sufficient to cause harm to their setting. Similarly, the relatively recessive design of the proposed extensions would also not cause harm to their setting.

Overall, and subject to recommended conditions, the proposed development would preserve the character and appearance of the Dorset Square Conservation Area and the setting of nearby listed buildings and Unlisted Buildings of Merit. Accordingly, the proposed development would be consistent with 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 (Daylight and Sunlight/Sense of Enclosure/Privacy/Noise and Disturbance)**

Several objections have been received in relation to potential loss of light, sense of enclosure and privacy.

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 a material loss of daylight or sunlight.

Regard is to be had to the BRE Guide as noted above. The BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.



The applicant has submitted a Daylight and Sunlight Report by Point Surveyors Limited (May 2015) ("the Light Study") to demonstrate compliance with the BRE Guide. In response to concerns raised by local residents, a Supplementary Assessment (14 September 2014) ("Supplementary Assessment") has also been submitted by Point Surveyors Limited. The Light Study and Supplementary Assessment consider the properties below:

- 9-15 Balcombe Street;
- 29 Dorset Square;
- Melcombe Court;
- Regis Court; and
- Marathon House (174 Marylebone Road).

Residential properties beyond these are considered too distant from the subject property to result potentially unacceptable light loss.

The Light Study and Supplementary Assessment do not assess light levels in relation to the Landmark Hotel, located opposite the site to the west. However, this hotel is not a dwellinghouse or form of residential accommodation that the provisions of Policy S29 of the City Plan and Policy ENV 13 of the UDP are intended to protect. Furthermore, the proposed development would result in relatively modest increases in height and bulk in some places in comparison to the existing buildings on the application site and when seen from the Landmark Hotel. Some parts of the proposed development would also result in decreases in height and bulk in comparison to the existing buildings on-site and when seen from the Landmark Hotel. Accordingly, the proposed development would not result in unacceptable light loss to the Landmark Hotel.

### 6.3.1 Daylight

In assessing daylight levels, 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. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both methods, the BRE guide also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents' amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6 square metres) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways.

In terms of loss of daylight, the BRE guidelines advise that diffuse daylighting to an existing building may be adversely affected if the vertical sky component (VSC) measured from the centre of the window is less than 27% and less than 0.8 times its former value.

Of the properties noted above, the Light Study and Supplementary Assessment confirm that no window or room will result in VSC or NSL losses that exceed the guidelines set out within the BRE Guide. This is unsurprising as the building envelope proposed is similar to the existing buildings on-site. In some instances, particularly to Marathon House, Regis Court and Melcombe Court, light levels would increase due to gaps between the proposed blocks for example. Given the central London location of the application site, the resulting light levels would be acceptable and consistent with Policy S29 of the City Plan and ENV 13 of the UDP.

### 6.3.2 Sunlight

The BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

The Light Study indicates that only one window on the ground floor of Regis Court would result in loss of sunlight exceeding BRE guidelines. The level of sunlight admission would however be consistent with average sunlight hours in this locality for similar windows. Given the central London location of this site, the relatively modest level of sunlight loss would be acceptable.

Accordingly, the proposal would be acceptable and consistent with policies ENV13 of the UDP and policy S29 of the City Plan.

### 6.3.3 Sense of Enclosure


With regards to Regis and Melcombe Courts, the proposed development would occupy a building envelope similar to that existing on-site at present. The market housing block is also considered too far from Regis and Melcombe Courts to result in a significant sense of enclosure for the occupants of those properties.

The new affordable housing and office blocks would be largely screened from Regis and Melcombe Courts by the flank walls of those properties although there would be a noticeable increase in bulk at first and second floor level to the rear of both the office and affordable housing blocks. However, the nearest east and west facing windows in Regis and Melcombe Courts would have oblique views of these additional areas of bulk. The south facing windows in Regis Court are also considered too far from these areas of bulk to experience a significant sense of enclosure for their occupants.

The nearest south facing windows in Melcombe Court would be located approximately five metres from the area of increased bulk on the office block. This would be approximately two metres closer than the existing building in this location and would result in an increased sense of enclosure. However, in the context of the building to be replaced and the central London location of this site and when it is considered that some areas of bulk from the existing building would be removed (including a double level pedestrian walkway connecting the two 1960s additions), this increase in bulk would not be significantly increased when viewed from these windows.

With regards to those properties located opposite the site to the west, south and east, the proposed building would occupy a similar building envelope to the existing buildings. Furthermore, the width of Great Central Street, Marylebone Road and Balcombe Street would provide a large separation distance between the proposed development and the occupiers of those properties. Accordingly, the proposed development would not result in a significant sense of enclosure for the occupants of those properties.

Given the above, the proposed development would not result in a significant increase in sense of enclosure, consistent with Policy ENV13 of the UDP and policy S29 of the City Plan.

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### **6.3.4 Privacy**

The proposed affordable housing and office blocks have been designed so that they do not have windows or balconies facing Regis and Melcombe Courts. A condition is also recommended requiring the provision of privacy screening on the northern ends of the external walkways on the affordable housing block, to prevent overlooking of Regis and Melcombe Courts from persons using these walkways. It is also noted that the existing 1960's wings currently have a number of windows that overlook Regis and Melcombe Courts that would be removed as a result of the proposed development. Accordingly, these office and affordable housing blocks would not result in significant overlooking of the occupants of Regis and Melcombe Courts.

With regards to those properties located opposite the site to the west, south and east, the width of Great Central Street, Marylebone Road and Balcombe Street would provide sufficient separation distance between the proposed development and the occupiers of those properties to safeguard their privacy. Accordingly, the proposed development would not result in a significant increase in overlooking for the occupants of those properties.

The Environmental Health Officer has also reviewed the proposal and raises no objection to it, subject to conditions requiring the submission of supplementary acoustic reports in relation to internal noise levels, as well as details of plant and machinery noise and vibration.

Subject to recommended conditions, the proposed development would provide acceptable levels of privacy for the occupants of neighbouring properties, in accordance with Policies ENV 7 and ENV13 of the UDP and Policy S29 of the City Plan.

## **6.4 Transportation /Car Parking**

### **6.4.1 Trip Generation**

Concerns have been raised with additional traffic from the development and its impact on the surrounding road network.

The Highways Planning Manager and TFL have not objected to traffic generation from the proposed development or its construction. To mitigate the impact of construction traffic on the surrounding road network, TFL have requested a condition requiring their approval of a Construction Logistics Plan and Delivery and Service Plan before works commence. Conditions to secure this have been recommended.

### **6.4.2 Car Parking**

The proposed development would provide 62 spaces for the 64 residential units proposed. The applicant confirms that these would be on a first-come first served basis, with a right to park system in operation. To ensure that low car ownership enables a right to park system to operate efficiently for the life of the development, it is recommended that lifetime car club membership also be provided for the proposed flats to reduce car ownership of the future residential occupiers. Should permission be granted, it is recommended that the right to park system and lifetime car club membership be secured via a section 106 agreement. No car parking is proposed for the office and retail uses, although given the sites location, this is welcomed.

The ramp gradient is proposed to be altered. If this ramp is steeper than the minimum 1:7 gradient usually accepted by the City Council, this may affect the long term usability of the ramp. Given no cross-section detail of the ramp is provided, a condition is recommended to secure further details of the ramp design to ensure it is satisfactory.

Details of Electric Vehicle Charging Points (EVCP) have not been shown. The provision of EVCP's is a requirement of Policy 6.13 of the London Plan. A condition is recommended to secure details of these EVCP's.

A revised crossover layout is proposed. It is recommended that the cost of carrying out this and other highways works related to the development should be secured via a section 106 agreement.

The Highways Planning Manager also requested a condition requiring the installation of visibility splays at the entrance to the car park ramp. However, these visibility splays would compromise the architectural integrity of the columns either side of the proposed access ramp on the Balcombe Street elevation. Furthermore, the existing and much narrower ramp access exists in a similar position at present without these splays and without any apparent safety concerns. Accordingly this condition is considered unnecessary.

Subject to the conditions and legal agreement recommended, the proposal would be consistent with Policies TRANS 21, TRANS 22 and TRANS 23 of the UDP and Policy 6.13 of the London Plan.

#### **6.4.6 Cycle Parking**

Policy 6.9 of the London Plan requires one cycle parking space for a 1 bedroom residential unit and two spaces per residential unit of two or more bedrooms. This would equate to a requirement for a minimum of 108 cycle parking spaces. However, only 101 cycle parking spaces are proposed for the proposed flats.

With regards to the non-residential uses, Policy 6.9 of the London Plan requires the provision of a minimum of three cycle parking spaces for the retail units and a minimum of 18 cycle parking spaces (i.e. a total of 21 spaces). However, the applicant has indicated only 18 spaces for the non-residential uses.

A condition is recommended requiring that the applicant provide and the City Council approve further cycle parking details, including the provision of ten additional spaces.

The provision of showering and changing facilities for cyclists travelling to and from the office is noted. This would be consistent with Policy 6.9 of the London Plan.

#### **6.4.7 Servicing**

Policy S42 of the City Plan and TRANS 20 of the UDP require adequate off-street servicing provision. In this instance, no off-street servicing is provided.

The applicant maintains that servicing could occur on-street given the existing on-street restrictions. Given the application is proposing to remove the on-site servicing, it is disappointing that access points have not been rationalised to allow more efficient use of the kerb space.

Given the existing uses of the site, servicing proposals are broadly acceptable. In order for the applicant to demonstrate that the site servicing is to be closely managed, a condition requiring submission of a Delivery and Servicing Plan (DSP) is recommended. This is particularly

important as Marylebone Road, Balcombe Street and Great Central Street all have high traffic levels (both pedestrian and vehicle) and it is unfortunate that such a plan has not been included with the submission documents.

The DSP should identify 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, in this case. It should also clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the DSP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users.

Subject to the recommended DSP condition, servicing arrangements would be acceptable.

#### **6.4.8 Waste Provision**

Internal waste stores are shown on the proposed drawings for all uses. Within the waste stores, it is unclear if there is sufficient storage for the various waste streams (residual, recyclable and organic). Given the quantum of units and non-residential floor space, organic waste storage should be allowed for to future proof the scheme, in accordance with the requirements of the Westminster Recycling and Waste Storage Requirements.

A condition is recommended to secure satisfactory waste storage details. Subject to this condition, the proposed development would be should be consistent with policies S41 and S44 of the City Plan and policies ENV 12 and TRANS 3 of the UDP.

The submitted drawings indicate that doors at ground level would open outwards, over the public highway. This would be contrary to Policy TRANS 3 of the UDP. A condition is recommended to secure an alternative design where these doors open inward.

#### **6.4.9 Impact on Public Transport Infrastructure**

TFL, London Underground and Network Rail have reviewed the proposed development and raised no objection to it, subject to conditions safeguarding public transport infrastructure. Where relevant to the proposed development, these conditions have been recommended.

Network Rail have also requested a suite of conditions relating to works within 10 metres of rail infrastructure and preventing tower cranes oversailing rail infrastructure. However, the application site is located over 50 metres from Marylebone Rail Station and associated rail lines. Accordingly, these conditions are not relevant and have not been recommended.

#### **6.5 Economic Considerations**

Whilst the loss of the office floorspace from this site is regrettable, the City Council has no policy at the present time that would allow its retention, as set out above.

Construction of the proposed development would create opportunities for employment in the short term and benefit local service businesses. The future residential population of the development will also bring local economic benefits to the area.

#### **6.6 Equalities and Diversities**

As noted above, the proposed flats have been designed to meet Lifetime Home Standards.

### **6.7 National Planning Policy Framework (NPPF)**

Relevant considerations have been referred to above.

### **6.8 The London Plan**

Relevant considerations have been referred to above.

### **6.9 Planning Obligations**

The City Council's approach to and priorities for planning obligations are set out in our Supplementary Planning Guidance on Planning Obligations adopted July 2008. Planning obligations can serve to mitigate the land use impacts arising from a development either on the site, in the wider locality or where the development will increase local demands for facilities and services or where it is important to integrate the new development into the new community and environment so that it is more sustainable.

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:

- a) 16 Affordable Units on-site comprising seven intermediate rented units and nine affordable rented units. Three (2x1 bed and 1x2 bed) of the intermediate units to be let at sub-market rents;
- b) Provision of £1,338,138.00 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- c) Highways works associated with the development;
- d) Provision of lifetime car club membership (minimum 25 years) for all 64 flats;
- e) On-site parking spaces to be unallocated;
- f) Provision of £36,000 per annum (index linked) towards monitoring the construction project by the City Council's Environmental Inspectorate and Environmental Health Officers ; and
- g) The costs of monitoring the S106 agreement.

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**

### **6.10.1 Sustainability**

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

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

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

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

Policy S39 of the City Plan states that major development should be designed to link to and extend existing heat and energy networks in the vicinity, except where the City Council considers that it is not practical or viable to do so. Policy S40 requires all major development to maximise on-site renewable energy generation to achieve at least a 20% reduction in carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considered it not appropriate or practical due to site-specific considerations. However, it should be noted that the London Plan now seeks 40% carbon reductions over the 2010 Building Regulations.

The applicant has submitted an Energy Strategy (ES) setting out how the proposal will minimise energy use. The ES notes that the development will achieve carbon reductions of 37.6% above 2013 Building Regulations. This will be achieved through a number of measures, including use of energy efficient building fabric and rooftop photovoltaic panels. As such, the proposal is consistent with Policy 5.2 of the London Plan.

The applicant has indicated that the proposed offices will achieve a BREEAM Excellent rating. A condition to secure this is recommended. The applicant has also indicated that the residential units will achieve Code for Sustainable Homes Level 4, although recent changes introduced by central government prohibit the City Council from requiring this by condition.

#### **6.10.2 Sustainable Urban Drainage**

Policy 5.13 of the London Plan specifies that development should utilise Sustainable Urban Drainage Systems (SUDS) unless there are practical reasons for not doing so, should aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed as close as possible to its source.

The application site is entirely covered in hard surfaces and buildings at present and provides no run-off attenuation. The amenity area proposed at first floor level would include a stormwater retention crate system and tree planting that would provide 68 cubic metres of run-off storage. Whilst this would not achieve greenfield run-off rates, it would significantly reduce run-off rates in comparison to the existing building. It would also be inappropriate to provide further attenuation measures, such as green roofs, as this would compromise the character and appearance of the proposed building, particularly the retained 1930's facade. The Lead Local Flood Authority has also been consulted and any comments received will be reported verbally. Accordingly, the proposed drainage system proposed is considered acceptable.

#### **6.10.3 Biodiversity, including Trees**

The proposal would not result in removal of any protected trees. The Arboricultural Manager has indicated that the submitted tree report does not fully consider the impact of the proposed development on two Council owned and managed Liquidambar trees on Balcombe Street but does acknowledge that it is unlikely that these trees will be rooting beneath the application site due to the presence of the existing basement. Furthermore, these trees can be safeguarded by the recommended condition requiring submission of an Arboricultural Method Statement.

Two mature London Plane trees on Marylebone Road are owned and managed by Transport for London who have indicated that appropriate protection measures can be introduced during construction, in consultation with TfL's arboriculturalist. This could be considered as part of the Arboricultural Method Statement required by the condition recommended above.

Subject to the recommended condition, the proposed development would be consistent with policy ENV 16 of the UDP.

A condition is also recommended requiring further details of hard and soft landscaping to ensure that it provides suitable and sustainable soil depths, water management and associated biodiversity enhancements, consistent with Policy S38 of the City Plan and ENV 17 of the UDP.

#### **6.10.4 Construction Impacts**

Objections have been received from neighbouring properties regarding the impact of construction noise and traffic.

It is a long standing principle that planning permission cannot be refused due to the impact of construction. This is due to its temporary nature and the ability to control it by condition. Accordingly, conditions are recommended that limit the hours of construction and require the City Council's approval of a Construction Management Plan, Construction Logistics Plan and Delivery and Service Plan to minimise harm to the amenity of local residents and traffic flow. The applicant has also indicated a willingness to enter into a section 106 legal agreement to



allow the City Council's monitoring of a Construction Environmental Management Plan which would manage noise, dust and other potential adverse effects on residential amenity arising from construction.

## **6.11 Other UDP/Westminster Policy Considerations**

### **6.11.1 Basement Excavation**

The proposal includes some excavation to lower the floor of the existing basement level.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework (NPPF) March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

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

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

In respect of Westminster City Council's progression of policy towards basements, the City Council recently adopted its Supplementary Planning Document (SPD) 'Basement Development in Westminster' in October 2014. The SPD provides detailed advice on how current policy is implemented in relation to basement development. It does not introduce any additional restrictions on basement development above and beyond the precautionary approach that the City Council had already adopted in response to such development.

The Draft Basements Policy remains the subject of consultation and has not yet been adopted. It is this document which will provide a specific basement policy and it will form part of the local plan (replacing the UDP) in due course. It has some, but only very limited, legal weight (known as material weight or a material consideration). It will not gain more legal weight until after consultation and amendment and will need to be tested at an independent examination before formal legal adoption.

The adopted SPD prescribes a precautionary approach to basements, requiring a Construction Methodology Statement (CMS) prepared by a suitably qualified professional, explaining the likely methodology of excavation. The applicant has submitted a CMS. Provided it is constructed in accordance with the Building Regulations, it should not compromise the structural integrity of neighbouring structures.

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

It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and

whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, as cited above. To go further would be to act beyond the bounds of planning control.

### 6.11.2 Other Matters

It is a long established principle that potential loss of property value or rental income are not material planning considerations.

An objector contends that the proposal will breach their Right to Light. This is not a material planning consideration.

Objectors contend that the construction management arrangements proposed do not factor in the Baker Street Two Way arrangements currently being consulted on. However, the streets around the application site are not affected by this proposal. Accordingly, any impact arising from the two-way system proposed is unlikely to have a significant impact on construction arrangements around the application site.

## 7. CONCLUSIONS

The proposed development would provide an appropriate mix of uses within the CAZ. The building proposed would also preserve the significance of the existing Unlisted Building of Merit and the character and appearance of the Dorset Square Conservation Area. It would also preserve the setting of nearby listed buildings and Unlisted Buildings of Merit. The proposal would also not result in unacceptable harm to the amenity of local residents and the surrounding transport network. Subject to conditions and completion of a satisfactory legal agreement, the proposed development is recommended for approval.

## BACKGROUND PAPERS

1. Application form.
2. Emails from TfL dated 27 July and 2 October 2015.
3. Letter from London Underground dated 12 August 2015.
4. Letter from Historic England dated 5 August 2015.
5. Email from National Rail dated 25 August 2015.
6. Email from Thames Water dated 27 July 2015.
7. Memorandum from Head of Affordable and Private Sector Housing dated 6 October 2015.
8. Memorandum from Environmental Sciences dated 6 October 2015.
9. Memorandum from Highways Planning Manager dated 3 September 2015.
10. Memorandum from Arboricultural Manager dated 2 September 2015.
11. Memorandum from Environmental Health dated 19 August 2015.
12. Representation from the St Marylebone Society (Undated).
13. Representation from owner/occupier of The Mews House, 33 Knox Street, dated 1 September 2015.
14. Representation from owner/occupier of 8 Knox Street, dated 24 August 2015.
15. Representations from owner/occupier of 19 Regis Court, Melcombe Place, dated 19 August 2015 (4x), 10 August 2015, 9 August 2015 and 7 August 2015 (2x).
16. Representation from owner/occupier of 16 Regis Court, Melcombe Place, dated 19 August 2015.
17. Representation from Marathon House Residents' Association, dated 18 August 2015.
18. Representation from owner/occupier of 83 Marathon House dated 17 August 2015.
19. Representation from owner/occupier of Top Flat, 34 Dorset Square, dated 14 August 2015.
20. Representation from owner/occupier of 34 Dorset Square, dated 13 August 2015.

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21. Representation from owner/occupier of 34 Dorset Square, dated 13 August 2015.
22. Representation from owner/occupier of 26 Melcombe Court, Dorset Square, dated 12 August 2015.
23. Representation from owner/occupier of 18 Melcombe Court, Dorset Square, dated 13 August 2015.
24. Representation from Mahdi Monfared, dated 2 August 2015.
25. Representation from owner/occupier of Flat 1, Regis Court, Balcombe Street, dated 13 August 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY E-MAIL – [nbarrett@westminster.gov.uk](mailto:nbarrett@westminster.gov.uk)

**DRAFT DECISION LETTER**

- Address:** 206-216 Marylebone Road, London, NW1 5LA,
- Proposal:** Redevelopment of the site behind a part retained facade to provide an eight level (plus basement) mixed use development containing up to 64 residential units (Use Class C3), office floorspace (Use Class B1) and retail floorspace (use Class A1), together with car and cycle parking, plant and other associated works.
- Plan Nos:** Drawing no's 001 Revision P1, 002 Revision P1, 003 Revision P1, 004 Revision P1, 010 Revision P1, 011 Revision P1, 012 Revision P1, 013 Revision P1, 014 Revision P1, 020 Revision P1, 030 Revision P1, 031 Revision P1, 050 Revision P1, 051 Revision P1, 100 Revision P1, 101 Revision P1, 102 Revision P1, 103 Revision P1, 104 Revision P1, 105 Revision P1, 106 Revision P1, 107 Revision P1, 108 Revision P1, 109 Revision P1, 120 Revision P1, 200 Revision P1, 201 Revision P1, 300 Revision P1, 301 Revision P1, 302 Revision P1, 303 Revision P1, 304 Revision P1, 305 Revision P1, 306 Revision P1, 307 Revision P1; Visual representation no's 6003 Revision P1, 6004 Revision P1, 6005 Revision P1, 6006 Revision P1, 6007 Revision P1, 6008 Revision P1, 6009 Revision P1, 6010 Revision P1; Town Planning Statement by Gerald Eve (May 2015); Heritage Statement by Montagu Evans (May 2015); Design and Access Statement by KSS (May 2015); Energy Statement by WSP (May 2015); Sustainability Statement by WSP (May 2015); Transport Assessment by WSP (22/05/2015); Acoustic Planning Report by WSP (27/05/2015); Daylight and Sunlight Report by Point Surveyors (May 2015); Letter from Point Surveyors to Penny Ager of Gerald Eve (14 September 2015); Tree Protection Plan by Barrell Tree Consultancy (ref: 15264-BT1); Arboricultural Impact Appraisal and Method Statement by Barrell Tree Consultancy (ref: 15264-AIA-PB); Accommodation Schedule by KSS (ref: SCHED 5000 Revision P1); Letter from Point Surveyors to Penny Ager of Gerald Eve (07 October 2015).

FOR INFORMATION ONLY: Preliminary Construction and Environmental Management Plan (July 2015); Structural Methodology Statement by WSP (June 2015).

**Case Officer:** Nathan Barrett

**Direct Tel. No.** 020 7641 5943

**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 **Pre-Commencement Condition:** You must apply to the City Council (in consultation with Transport for London) for approval of a Construction Logistics Plan, which identifies efficiency and sustainability measures to be carried out while the development is being built. You must not carry out the development until the plan has been approved. You must then carry out the development in accordance with the approved plan.

**Reason:**

To ensure that the construction logistics for the development minimise nuisance and disturbance in the interests of the amenities of neighbouring occupiers and of the area generally, and to avoid hazard and obstruction to the public highway. This is as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 4 **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.

- 5 **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 approved arrangements. (C29AC)

**Reason:**

To maintain the character of the Dorset Square 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)

- 6 **Pre Commencement Condition.** No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

- 7 **Pre Commencement Condition.** The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures;
- accommodate the location of the existing London Underground structures and tunnels;
- accommodate ground movement arising from the construction thereof; and
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

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

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with policy 6.2 of The London Plan (FALP - March 2015) and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 8 **Pre-Commencement Condition:** You must apply to us, in consultation with Transport for London, for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect the trees and the character and appearance of this part of the Dorset Square 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)

- 9 You must apply to us for approval of details of secure cycle storage for the uses hereby approved, including the provision of ten spaces in addition to those shown on the approved drawings. You must not start any work on this part of the development until we have approved

what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the development. You must not use the cycle storage for any other purpose.

**Reason:**

To provide cycle parking spaces for people using the development, as set out in policy 6.9 of The London Plan (FALP - March 2015).

- 10 You must apply to us for approval of details of how waste is to be stored on site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details and clearly mark it and make it available at all times to everyone using the development. You must not use the waste store for any other purpose.

**Reason:**

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

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

- 12 You must 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 Dorset Square 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)

- 13 You must apply to us for approval of a sample panels of the brickwork to the new buildings 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 samples.

**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 Dorset Square 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)

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

- installation of privacy screens on the northern end of the walkways on the eastern elevation of the affordable housing block, to a height of 1.8 m above finished floor level; and
- doors at ground level opening inwards, rather than outwards over the footway.

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 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.

- 15 You must apply to us for approval of detailed drawings of the following parts of the development:

- a) All windows and doors (scale 1:20);
- b) The ornate bronze detail to the roller shutters and steel doors (scale 1:20);
- c) The black louvre door proposed at ground floor level on the Balcombe Street elevation (scale 1:20);
- d) The canopy proposed at ground floor level on the Marylebone Road elevation (scale 1:20);
- e) All railings (scale 1:20);
- f) The stone artwork to the Balcombe Street elevation (scale 1:20); and
- g) Integration of the PV panels into the roof structure (scale 1:20).

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 drawings.

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

- 16 You must apply to us for approval of the following parts of the development:

- the location of 12 Electric Vehicle Charging Points within the basement parking level.

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

**Reason:**

To encourage sustainable transport, in accordance with policy 6.13 of The London Plan (FALP - March 2015).

- 17 You must apply to us for approval of the following parts of the development:

- the ramp to the basement parking level, showing a gradient no steeper than 1:7.

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



**Reason:**

To ensure that the ramp provides a satisfactory means of access to the parking spaces for people living in the residential part of the development as set out in TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

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

**Reason:**

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

- 19 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 18 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

**Reason:**

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.

- 20 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.

- 21 You must apply to us for approval of an Air Quality Assessment demonstrating how acceptable air quality will be achieved for the residential units. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

**Reason:**

To safeguard the living conditions of the occupiers of the residential units as set out in S31 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 22 The development hereby approved shall not be occupied until a Delivery and Servicing Plan (DSP) has been submitted to and approved in writing by the City Council, in consultation with Transport for London. You must then carry out the development in accordance with the approved details.

**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 TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 23 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

**Reason:**

To protect family accommodation as set out in S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 24 You must not paint or apply vinyl films or obscure the window glass of the ground floor windows of the Great Central Street facade or the retained 1930's facade or block them in any other way. The windows must be clear glazed and must be maintained as such.

**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 Dorset Square 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)

- 25 The retail units hereby approved shall only accommodate uses within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). You must not use it for any other purpose, including any change of use permitted by The Town and Country Planning (Use (General Permitted Development) (England) Order 2015 (or any order that may replace it).

**Reason:**

To ensure that the retail use secured and its associated benefit to the CAZ frontage and the streetscene are retained as set out in SS 4 and DES 9 of our Unitary Development Plan that we adopted in January 2007.

- 26 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

**Reason:**

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

- 27 Before the development hereby approved is first occupied, a post-construction certificate shall be submitted to and approved in writing by the Local Planning Authority. This certificate shall demonstrate that the office block has been constructed to meet BREEAM 2014 'Excellent'. You must then ensure that this standard is maintained thereafter.

**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)

- 28 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within three years of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within three years of planting them, you must replace them with trees of a similar size and species. (C30CB)

**Reason:**

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Dorset Square 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)

- 29 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:

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 Dorset Square 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)

- 30 You must not store items or furniture on the terraces and balconies.

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)

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

a) Amendment of the fenestration at six floor level so that it matches the type and alignment of the windows in the retained facade below.

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 prior to occupation of the development. (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 Dorset Square 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)

#### **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 Further information on the content of Construction Logistics Plans and Delivery and Service Plans can be found on Transport for London's website at [www.tfl.gov.uk/corporate/publications-and-reports/freight](http://www.tfl.gov.uk/corporate/publications-and-reports/freight)

- 3 No physical works can occur on the TfL Road Network (TLRN) without the prior approval of TfL in the form of a Section 278 agreement (Highways Act 1980). During construction, none of the trees on the TLRN should be removed or damaged, and appropriate protection measures should be introduced during construction if required, in consultation with TfL's arboriculturalist.
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 6 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)
- 7 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 8 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

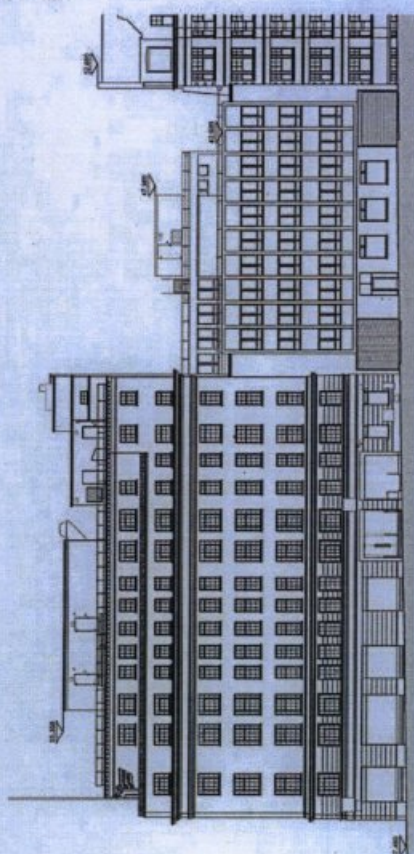
Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 9 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) 16 Affordable Units on-site comprising seven intermediate rented units and nine affordable rented units. Three (2x1 bed and 1x2 bed) of the intermediate units to be let at sub-market rents;
  - b) Provision of £1,338,138.00 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
  - c) Highways works associated with the development;
  - d) Provision of lifetime car club membership (minimum 25 years) for all 64 flats;
  - e) On-site parking spaces to be unallocated;
  - f) Provision of £36,000 per annum (index linked) towards monitoring the construction project by the City Council's Environmental Inspectorate and Environmental Health Officers ; and
  - g) The costs of monitoring the S106 agreement.
- 10 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.
- 11 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)

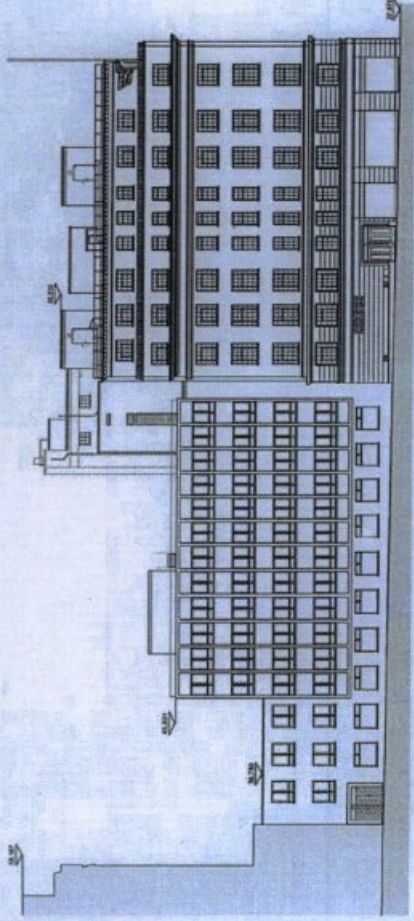
All drawings shall be prepared in accordance with the British Standards Institution (BSI) standards for architectural drawings. The drawings shall be prepared in accordance with the British Standards Institution (BSI) standards for architectural drawings. The drawings shall be prepared in accordance with the British Standards Institution (BSI) standards for architectural drawings.

**Health and Safety Information**  
 The drawings shall be prepared in accordance with the British Standards Institution (BSI) standards for architectural drawings. The drawings shall be prepared in accordance with the British Standards Institution (BSI) standards for architectural drawings. The drawings shall be prepared in accordance with the British Standards Institution (BSI) standards for architectural drawings.

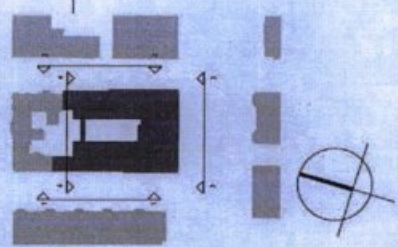
Date: 15.05.15  
 Drawn: [Name]  
 Checked: [Name]  
 Approved: [Name]



2 ELEVATION  
 Elevation of Building 2  
 1:200



3 ELEVATION  
 Elevation of Building 3  
 1:200

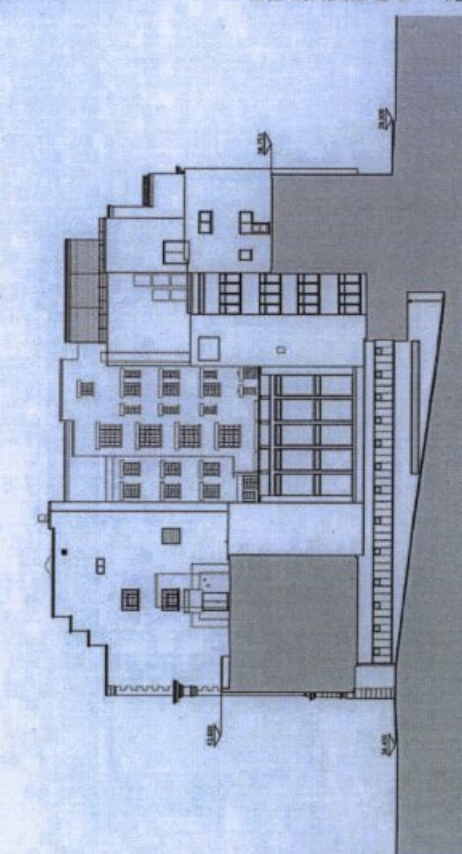


**PLANNING**  
 MARKLEBOE PROPERTIES LIMITED  
 9, Lancelotti Property Asset Management Ltd  
 208 MARYLEBONE ROAD - MIXED USE  
 PROPOSAL  
 15.05.15

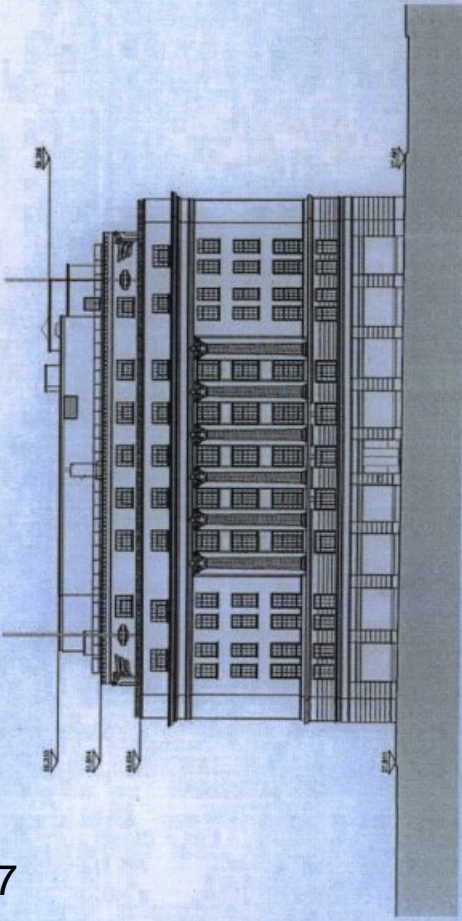
**KSS**  
 KSS CONSULTANTS  
 15, GERRARD STREET EAST  
 LONDON, W1D 6JF  
 TEL: 020 7437 5000  
 FAX: 020 7437 5001  
 WWW.KSSCONSULTANTS.CO.UK

15.05.15  
 A. HINDS  
 15.05.15  
 15.05.15  
 15.05.15

1:2000 030 P 1



4 ELEVATION  
 Elevation of Building 4  
 1:200



3 ELEVATION  
 Elevation of Building 3  
 1:200





**Health and Safety Information**  
 This drawing is for informational purposes only and does not constitute a contract. It is subject to change without notice. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

**Materials / Quality**  
 All materials shall be of the highest quality and conform to the specifications of the relevant standards. The contractor shall be responsible for providing all necessary materials and labor.

**Notes**  
 1. See drawings for details.  
 2. All work shall be completed within the specified time frame.

**Scale**  
 1:100

**Revision**  
 1. Initial Design

**Materials**  
 All materials shall be of the highest quality and conform to the specifications of the relevant standards.

**Notes**  
 1. See drawings for details.  
 2. All work shall be completed within the specified time frame.

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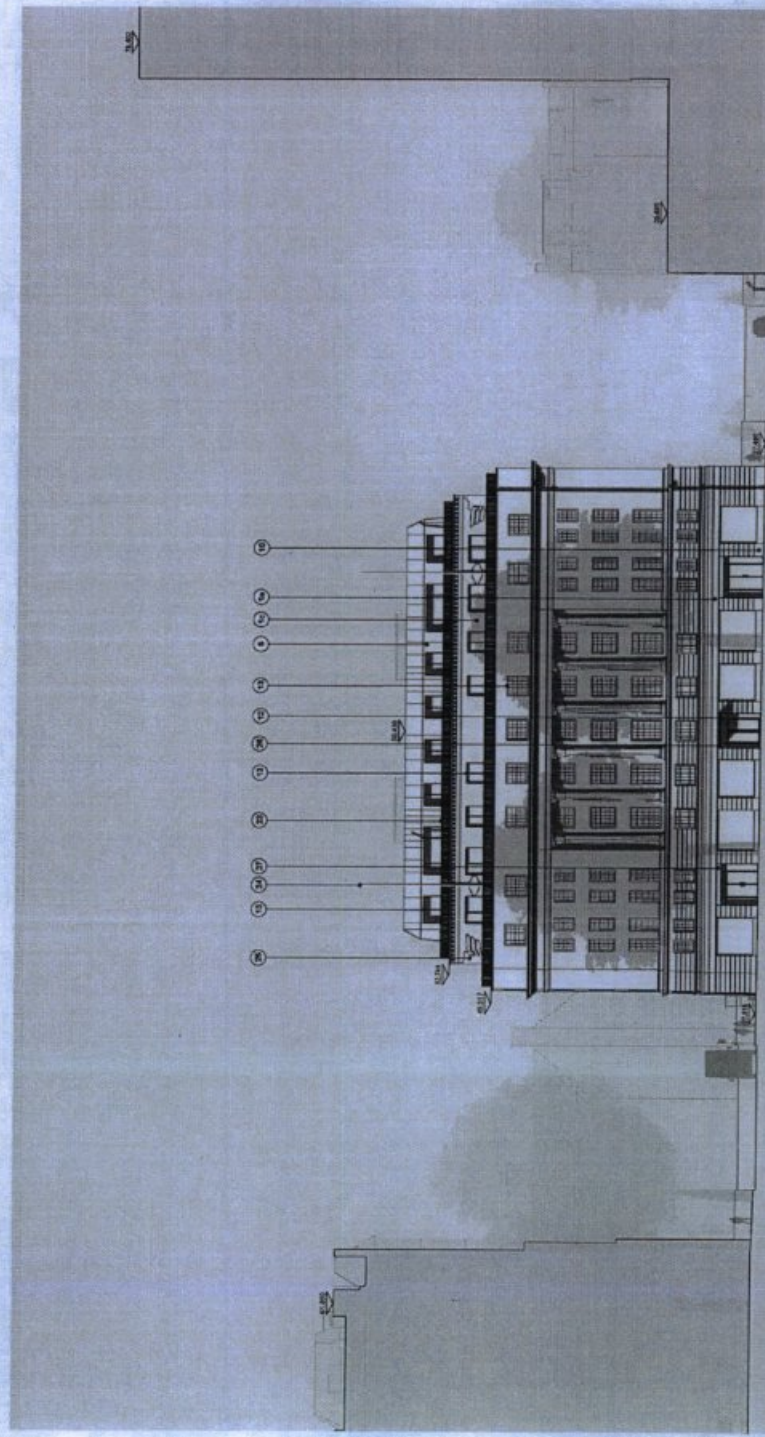
**Notes**  
 1. See drawings for details.  
 2. All work shall be completed within the specified time frame.

**Materials**  
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**Notes**  
 1. See drawings for details.  
 2. All work shall be completed within the specified time frame.



1 ELEVATION  
 PROPOSED MARYLEBONE ROAD

1:100

THE CLARENCE HOTEL, 205 MARYLEBONE ROAD, LONDON, W1U 2JH



0 100 200 300

**PLANNING**

**MARYLEBONE PROPERTIES LIMITED**  
 14, Lancer Property Asset Management Ltd  
 205 MARYLEBONE ROAD - MIXED USE  
 PROPOSAL  
 PROPOSED MARYLEBONE ROAD  
 ELEVATION



**Project Information**  
 Project Name: 205 MARYLEBONE ROAD - MIXED USE PROPOSAL  
 Project No: 10/23/15  
 Date: 15/05/15

1:2005 300 P 1



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2. This drawing is a preliminary design and is not to be used for construction purposes. It is subject to change without notice.

3. The client is responsible for providing accurate and complete information. KSS is not responsible for any errors or omissions in the information provided.

4. This drawing is not to be used for any other project without the written consent of KSS.

Client: MARYLEBONE PROPERTIES LIMITED  
 5% Lancelot Property Asset Management Ltd  
 206 MARYLEBONE ROAD - MIXED USE  
 PROPOSAL

Project: PROPOSED GREAT CENTRAL STREET  
 ELEVATION

Scale: 1:500  
 Date: 15.06.18  
 Author: [Name]  
 Check: [Name]

1:5000 300 P-1

1:5000 300 P-1

1:5000 300 P-1

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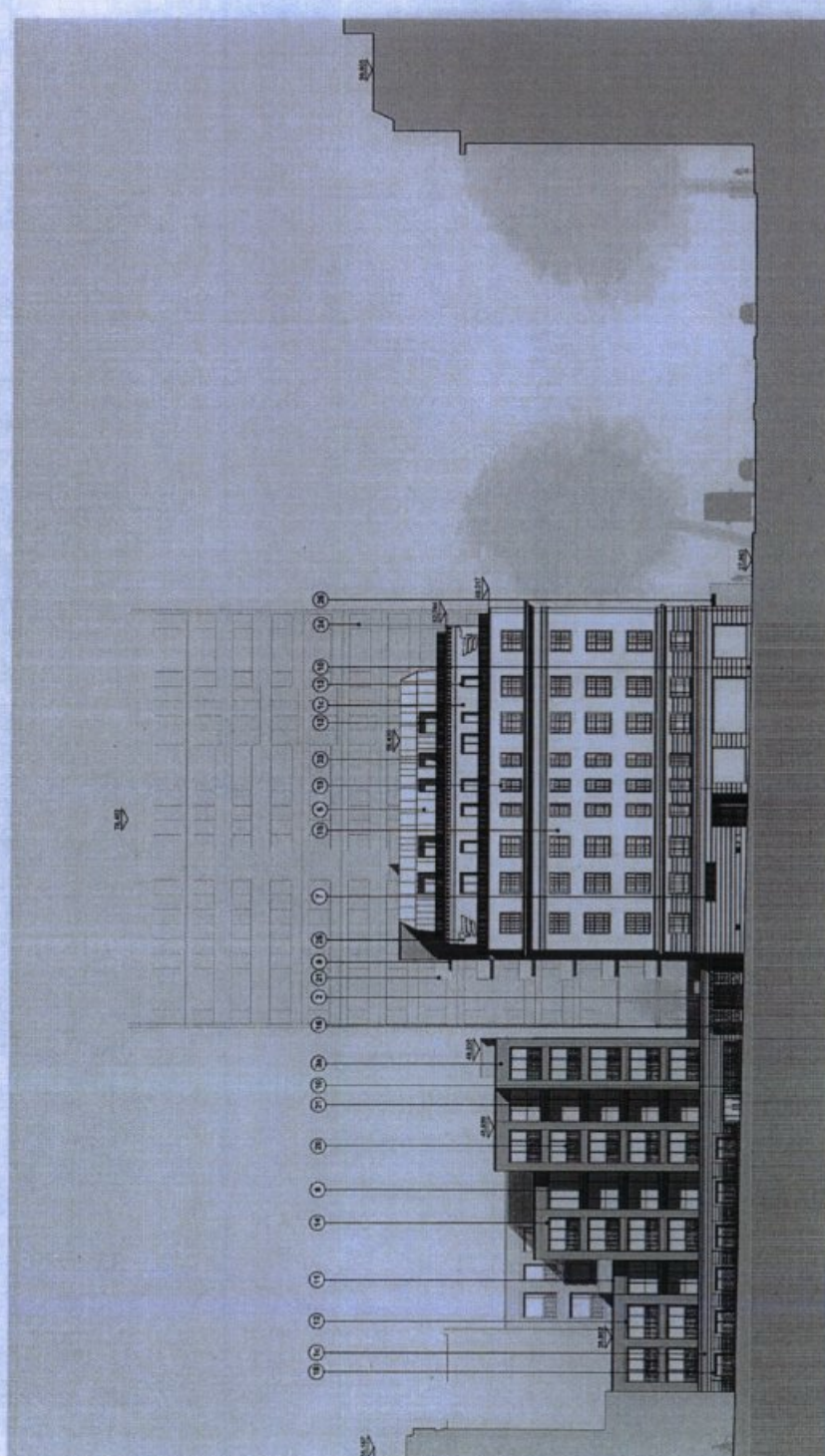
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1 ELEVATION  
 PROPOSED GREAT CENTRAL STREET ELEVATION

1:500



1:5000 300 P-1

All dimensions are in millimetres unless otherwise stated. These drawings are the property of KSSM and shall remain the property of KSSM. No part of these drawings shall be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of KSSM.

**Health and Safety Information**  
 The drawings are prepared in accordance with the relevant standards and codes of practice. The drawings are prepared in accordance with the relevant standards and codes of practice.

**Consent**  
 No significant risk.

**Supervisors / Checking / Designer**  
 [Signature]

**Drawings / Schedule**  
 No significant risk.

**REVISIONS**

No.	Date	Description	By	For
1	15.05.15	AS PER ISSUE		

**Indication of Materials Key**

**Face Materials**

- 1. External Wall: [Material]
- 2. Internal Wall: [Material]
- 3. Floor: [Material]
- 4. Ceiling: [Material]
- 5. Window: [Material]
- 6. Door: [Material]
- 7. Staircase: [Material]
- 8. Balcony: [Material]
- 9. Terrace: [Material]
- 10. Garden: [Material]
- 11. Driveway: [Material]
- 12. Path: [Material]
- 13. Road: [Material]
- 14. Footpath: [Material]
- 15. Boundary: [Material]
- 16. Fencing: [Material]
- 17. Gate: [Material]
- 18. Light: [Material]
- 19. Sign: [Material]
- 20. Other: [Material]

**Structural**

- 1. Concrete: [Material]
- 2. Brick: [Material]
- 3. Block: [Material]
- 4. Timber: [Material]
- 5. Steel: [Material]
- 6. Glass: [Material]
- 7. Slate: [Material]
- 8. Tile: [Material]
- 9. Asphalt: [Material]
- 10. Gravel: [Material]
- 11. Sand: [Material]
- 12. Earth: [Material]
- 13. Rock: [Material]
- 14. Other: [Material]

**Services**

- 1. Water: [Material]
- 2. Sewer: [Material]
- 3. Gas: [Material]
- 4. Electricity: [Material]
- 5. Heating: [Material]
- 6. Cooling: [Material]
- 7. Ventilation: [Material]
- 8. Other: [Material]

**Other**

- 1. Landscaping: [Material]
- 2. Fencing: [Material]
- 3. Gates: [Material]
- 4. Signs: [Material]
- 5. Lights: [Material]
- 6. Other: [Material]

**Notes**

1. All dimensions are in millimetres unless otherwise stated.
2. All work shall be in accordance with the relevant standards and codes of practice.
3. All work shall be completed by the date specified in the schedule of work.
4. All work shall be completed to the satisfaction of the relevant authorities.
5. All work shall be completed to the satisfaction of the relevant authorities.
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9. All work shall be completed to the satisfaction of the relevant authorities.
10. All work shall be completed to the satisfaction of the relevant authorities.

**PLANNING**

MARYLEBONE PROPERTIES LIMITED  
 % Lancer Property Asset Management Ltd

200 MARYLEBONE ROAD - MIXED USE  
 PROPOSAL

15.05.15

**PROPOSED COURTYARD ELEVATION  
 TOWARDS BALCOMBE STREET**

**KSSM**

15.05.15

**1**

**PROPOSED COURTYARD ELEVATION  
 TOWARDS BALCOMBE STREET**

**1**

**PROPOSED COURTYARD ELEVATION  
 TOWARDS BALCOMBE STREET**

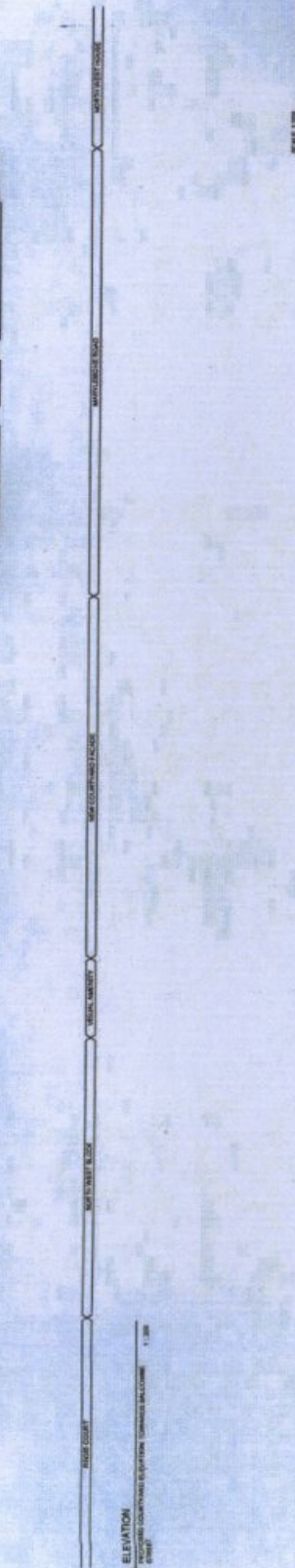
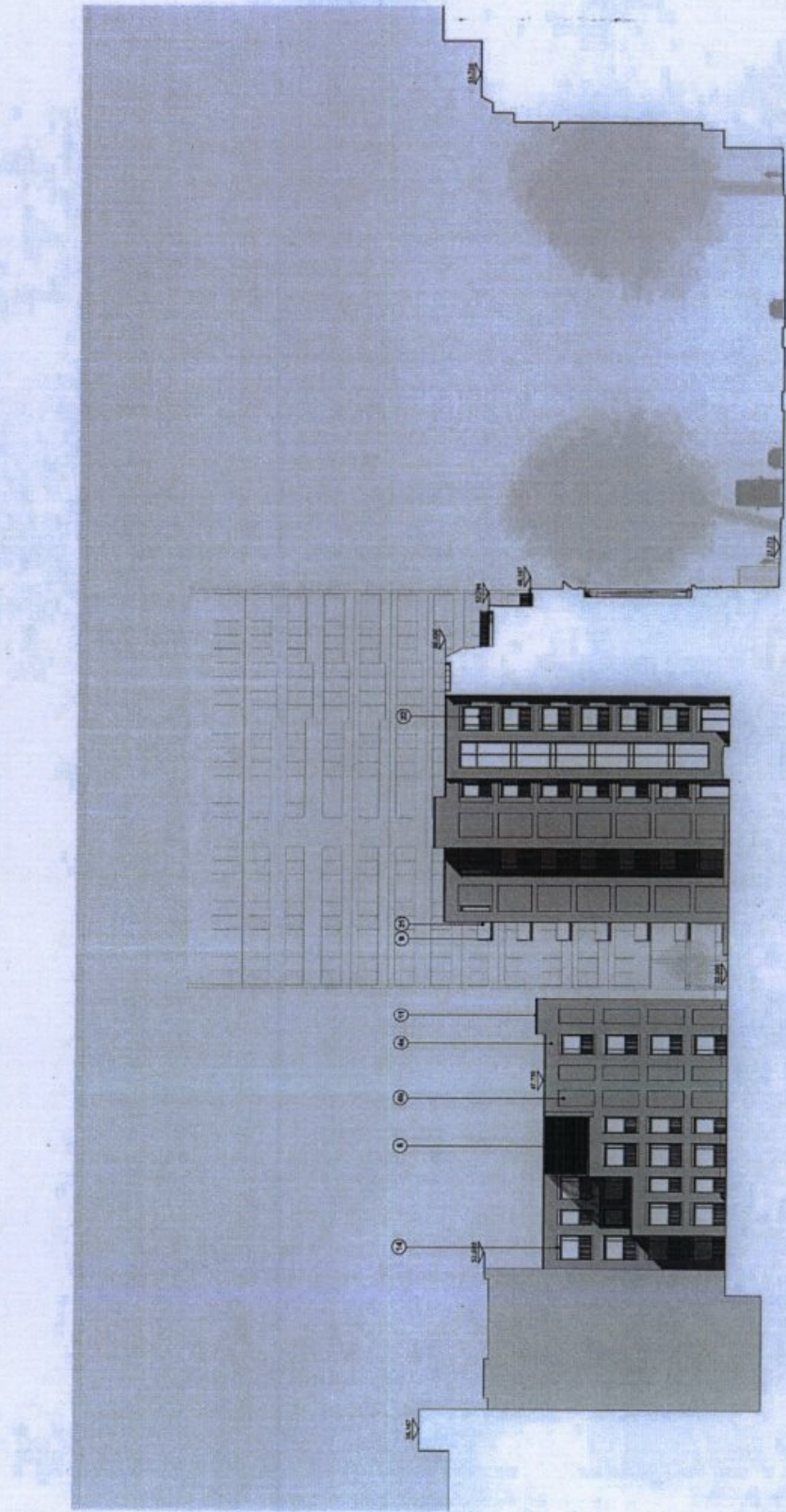
**1**

**PROPOSED COURTYARD ELEVATION  
 TOWARDS BALCOMBE STREET**

**1**

**PROPOSED COURTYARD ELEVATION  
 TOWARDS BALCOMBE STREET**

**1**

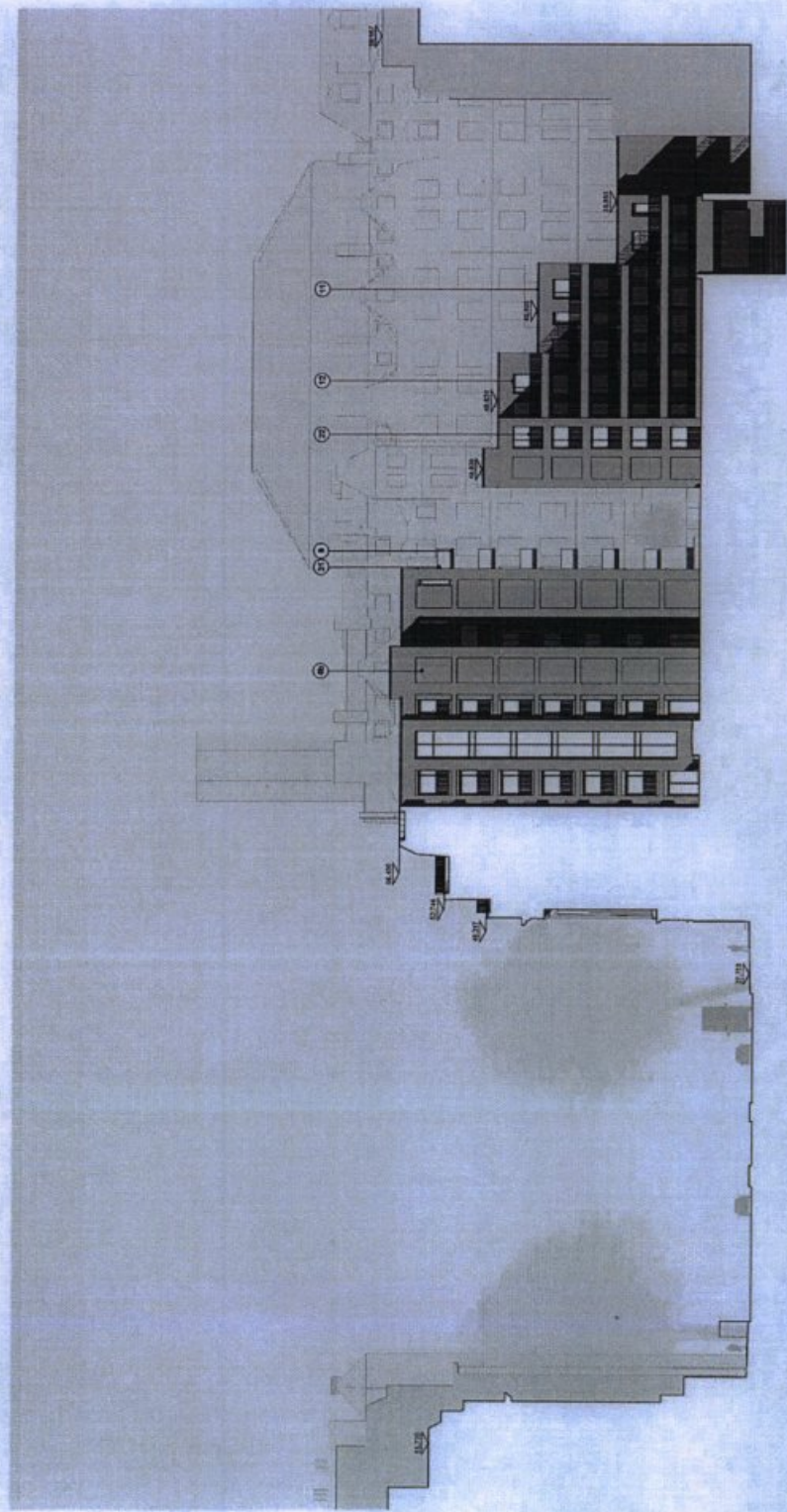


**Health and Safety Information**  
 This document is a technical drawing and should not be used for construction purposes. It is intended for use by the design team and should not be used for construction purposes. It is not a contract document and should not be used for construction purposes. It is not a contract document and should not be used for construction purposes.

**Client:** MARYLEBONE PROPERTIES LIMITED  
**Project:** PROPOSED COURTWARD ELEVATION TOWARDS GREAT CENTRAL STREET  
**Location:** 206 MARYLEBONE ROAD - MIXED USE  
**Date:** 15.05.15

**Author:** [Name]  
**Check:** [Name]  
**Date:** 15.05.15

**Scale:** 1:200  
**Sheet:** 304  
**Total:** P.1



**1 ELEVATION**  
 PROPOSED COURTWARD ELEVATION TOWARDS GREAT CENTRAL STREET  
 SCALE 1:200

**KSS**  
 KSS ARCHITECTS  
 15, GERRARD STREET, EAST, LONDON, N1 1PL  
 TEL: 020 7493 4000  
 FAX: 020 7493 4001  
 WWW.KSSARCHITECTS.COM

12605 304 P.1

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 This document contains information that is confidential to the client. It is intended for the use of the client and its authorized personnel only. It is not to be distributed to the public or other third parties without the prior written consent of the client.

**Project Information**  
 Project Name: Marylebone Road - Mixed Use  
 Client: Marylebone Properties Limited  
 Architect: KSS

**Drawings Information**  
 Drawing No: 1.000  
 Date: 15/05/15

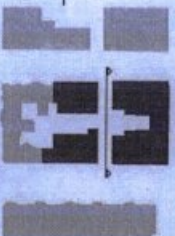
**Scale**  
 1:500

**Notes**  
 1. All levels are in meters above sea level (MSL).  
 2. The proposed building is shown in grey.  
 3. The existing building is shown in white.  
 4. The proposed courtyard is shown in green.  
 5. The proposed parking spaces are shown in blue.

**Legend**  
 Proposed Building  
 Existing Building  
 Proposed Courtyard  
 Proposed Parking Spaces

**Materials**  
 Brickwork: Red Brick  
 Windows: Dark Grey  
 Balconies: Dark Grey  
 Ground Floor: Light Grey  
 Roof: Flat

**Other Information**  
 The proposed building is a mixed-use development consisting of residential, commercial and parking spaces. It is located on Marylebone Road, London.



**Planning**  
 Planning Reference: 15/01005/FUL  
 Planning Officer: [Name]

**Client**  
 Marylebone Properties Limited  
 15, Gower Street, London WC1E 6BT

**Architect**  
 KSS  
 15, Gower Street, London WC1E 6BT

**Project Details**  
 Project Name: Marylebone Road - Mixed Use  
 Client: Marylebone Properties Limited  
 Architect: KSS

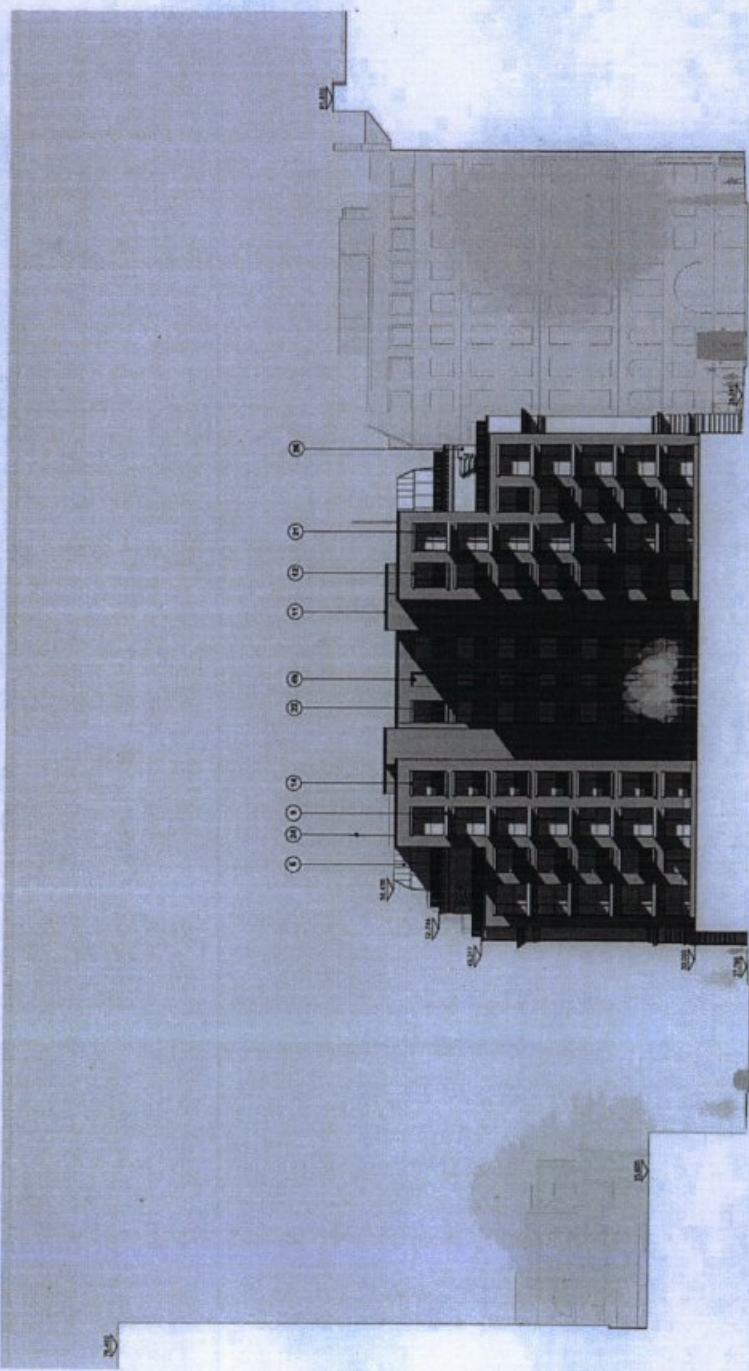
**Proposed Courtyard Elevation**  
 Towards Marylebone Road

**Scale**  
 1:500

**Notes**  
 1. All levels are in meters above sea level (MSL).  
 2. The proposed building is shown in grey.  
 3. The existing building is shown in white.  
 4. The proposed courtyard is shown in green.  
 5. The proposed parking spaces are shown in blue.

**Legend**  
 Proposed Building  
 Existing Building  
 Proposed Courtyard  
 Proposed Parking Spaces

**Other Information**  
 The proposed building is a mixed-use development consisting of residential, commercial and parking spaces. It is located on Marylebone Road, London.



MARYLEBONE ROAD - MIXED USE  
 PROPOSED COURTYARD ELEVATION TOWARDS MARYLEBONE ROAD

1 ELEVATION  
 PROPOSED COURTYARD ELEVATION TOWARDS MARYLEBONE ROAD  
 1:500



12505 305 P1









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 This document is a planning application and does not constitute a contract. It is intended to provide information to the public and is not intended to be used as a basis for any legal proceedings. It is the responsibility of the applicant to ensure that the information provided is accurate and up-to-date. The applicant is responsible for ensuring that the information provided is accurate and up-to-date. The applicant is responsible for ensuring that the information provided is accurate and up-to-date.

Maximum (Cherry) Operation  
 Regulated Area

Development Description  
 The proposed development

Reference  
 1 15/01/15 14/00010008 102 PY

- Office
- Plant
- Storage
- Plant



PLANNING  
 MARYLEBONE PROPERTIES LIMITED  
 % Lanser Property Asset Management Ltd

200 MARYLEBONE ROAD - MIXED USE  
 PROPOSAL

Scale  
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 1:500  
 1:1000

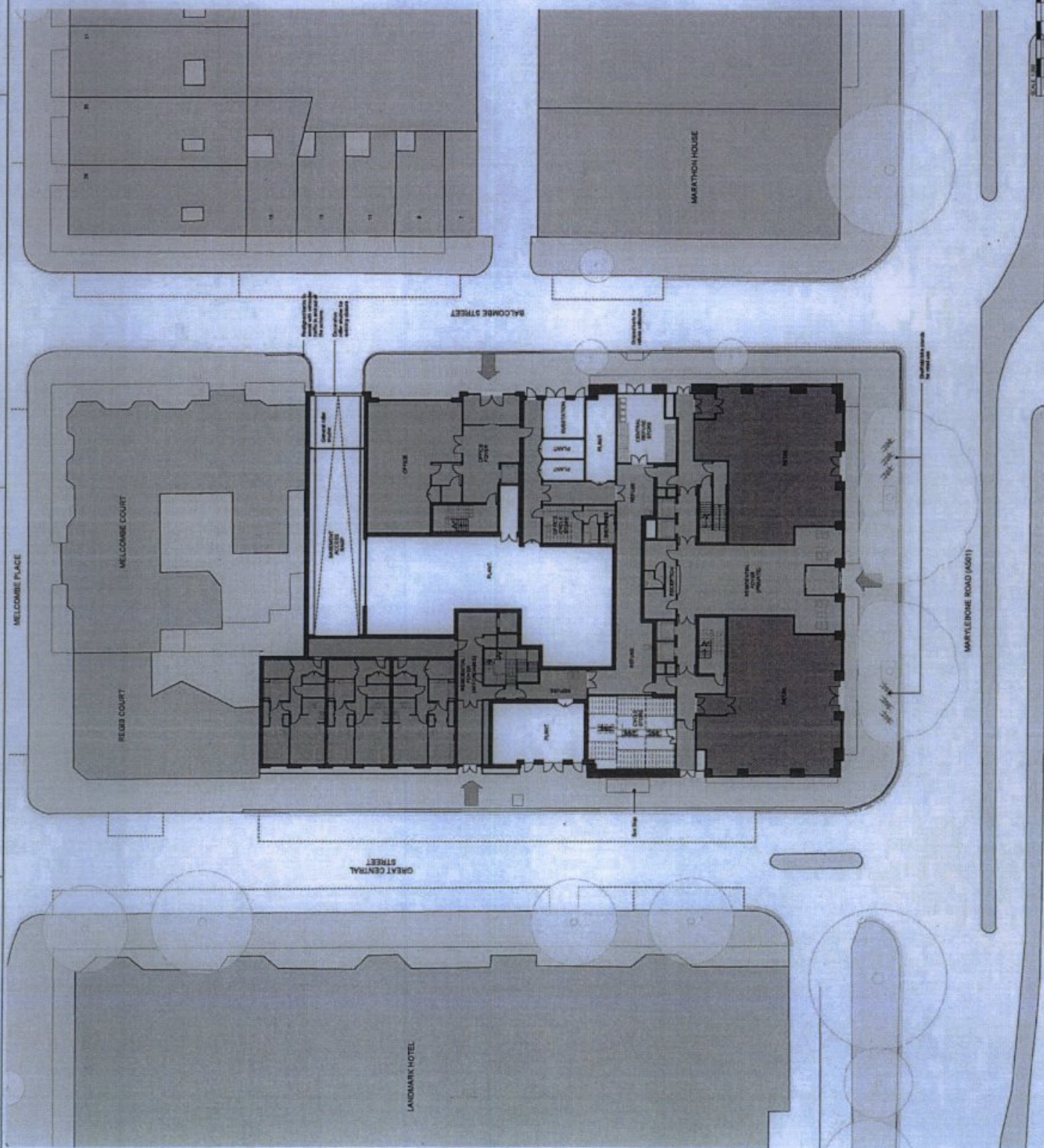
**KSSM**

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 1:1000

15.02.15  
 15.02.15  
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1:2005 100 P.1





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 This drawing is intended for use by the client and is not to be used for any other purpose without the written consent of the architect.  
 The architect is not responsible for any health and safety issues arising from the use of this drawing.

1. SCALE IS PLANNING SCALE  
 2. DATE IS 15/05/15  
 3. PROJECT IS MARYLEBONE ROAD

DATE 15/05/15  
 DRAWN BY J. JONES  
 CHECKED BY M. SMITH  
 PROJECT NO. 15/05/15  
 SHEET NO. 102

1. SCALE IS PLANNING SCALE  
 2. DATE IS 15/05/15  
 3. PROJECT IS MARYLEBONE ROAD

1. SCALE IS PLANNING SCALE  
 2. DATE IS 15/05/15  
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1. SCALE IS PLANNING SCALE  
 2. DATE IS 15/05/15  
 3. PROJECT IS MARYLEBONE ROAD

MELCOMBE PLACE

MELCOMBE COURT

REDS COURT

LANDMARK HOTEL

GREAT CENTRAL STREET

BALCOMBE STREET

MARYLEBONE ROAD (A501)

MARATHON HOUSE



PLANNING

MARYLEBONE PROPERTIES LIMITED  
 % Linear Property Asset Management Ltd

206 MARYLEBONE ROAD - MIXED USE PROPOSAL

SECOND FLOOR GA PLAN



Scale: 1:200  
 Date: 15/05/15  
 Project: 15/05/15  
 Sheet: 102

1:2005 102 P 1

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 The information on this drawing is for the use of the client and is not to be used for any other purpose without the written consent of the architect.

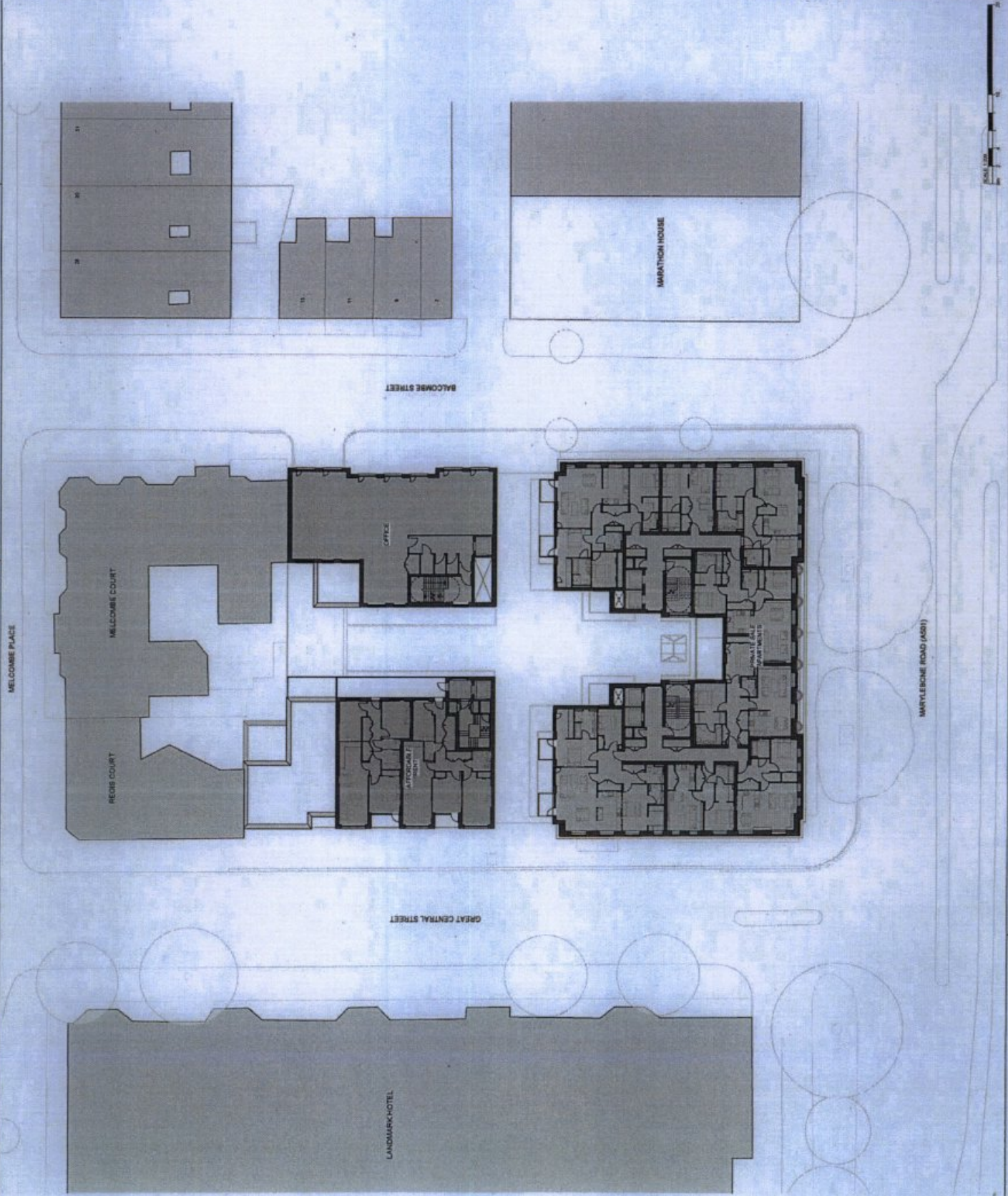
Construction  
 The construction details are shown on the drawings and are to be used as a guide only. The contractor is responsible for the construction details.

1:1000  
 1:1000  
 1:1000

1:1000  
 1:1000  
 1:1000

PLANNING  
 MARYLEBONE PROPERTIES LIMITED  
 % Lancet Property Asset Management Ltd  
 208 MARYLEBONE ROAD - MIXED USE  
 PROPOSAL  
 THIRD FLOOR OA PLAN

**KSS**  
 KSS ARCHITECTS  
 15, GERRARD STREET EAST  
 TORONTO, ONTARIO M5E 1B3  
 TEL: 416-593-9300  
 WWW.KSSARCHITECTS.COM



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Health and Safety Information  
 This document contains information that may be used for the purpose of health and safety. It is not to be used for any other purpose without the prior written consent of the client.

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Checked by  
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DATE: 14.05.15  
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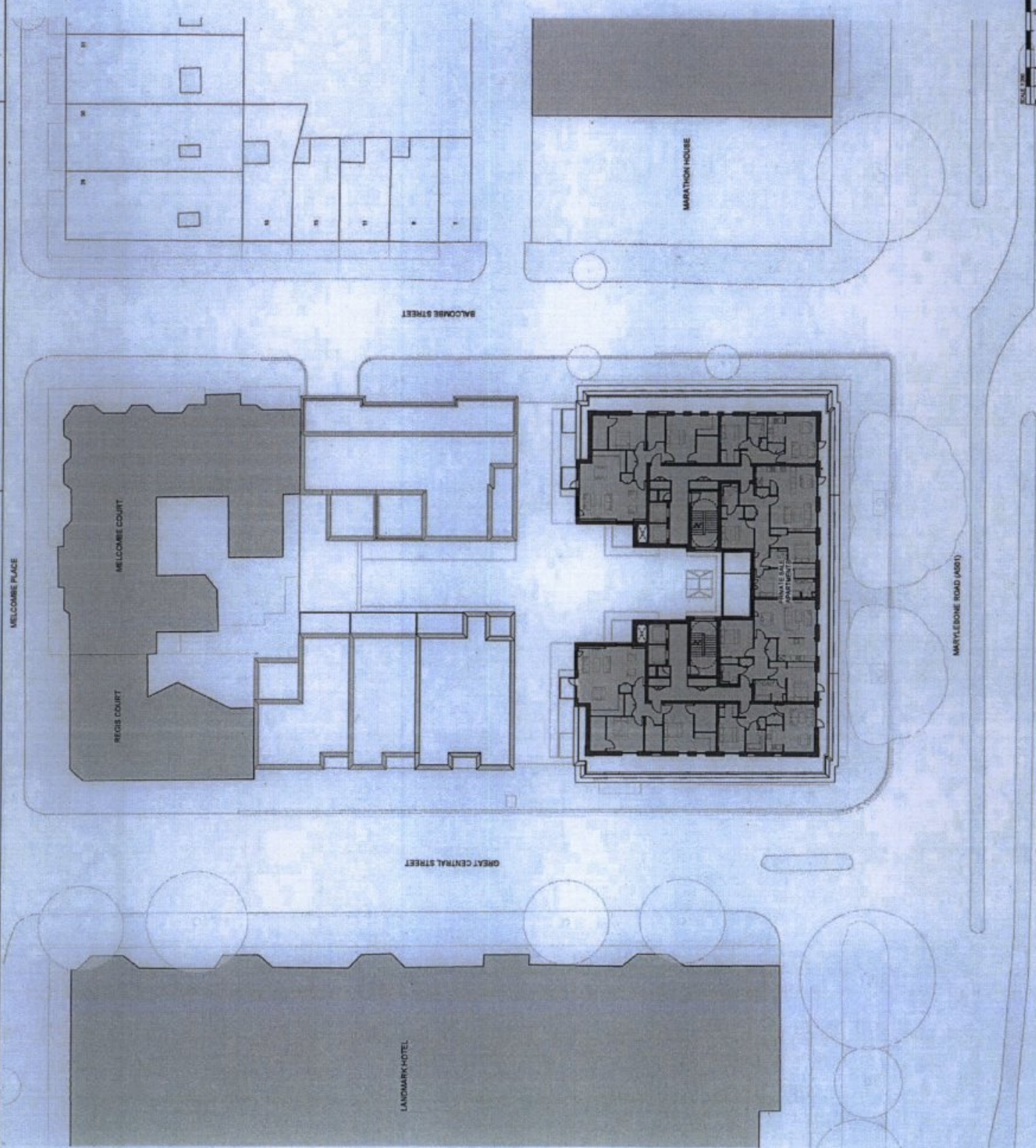
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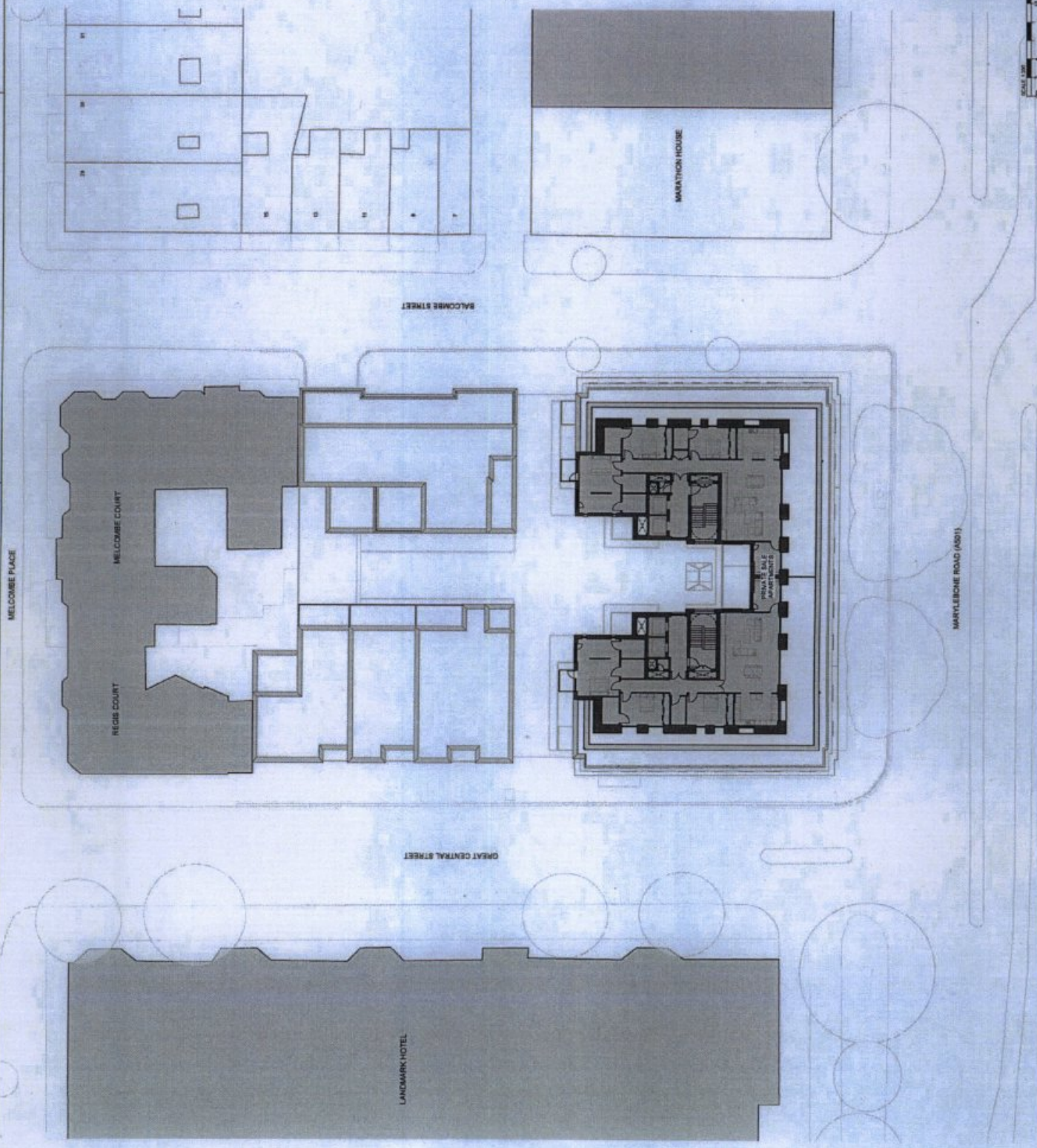
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 200 MARYLEBONE ROAD - MIXED USE  
 PROPOSAL  
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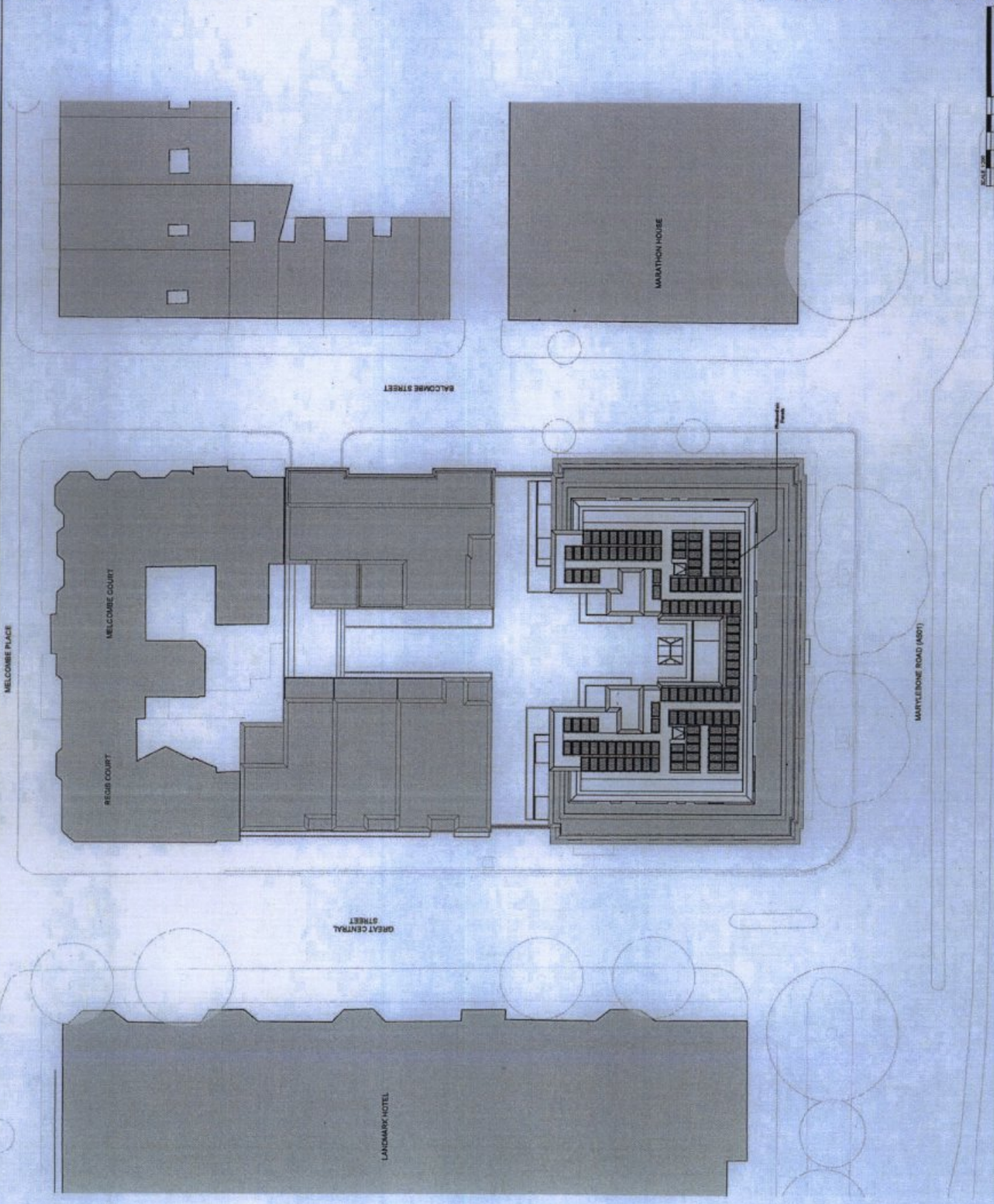
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**PLANNING**  
 MARYLEBONE PROPERTIES LIMITED  
 % Lancelot Property Asset Management Ltd

206 MARYLEBONE ROAD - MIXED USE  
 PROPOSAL  
 SCALE: 1:200  
 DATE: 15/05/15  
 PROJECT NO: 15/05/15

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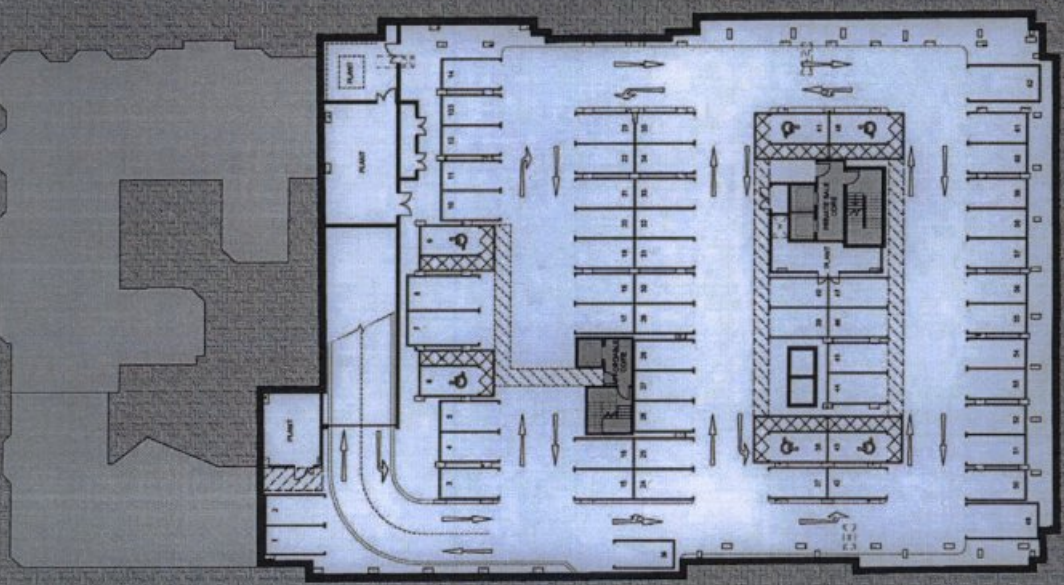
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**PLANNING**  
MARYLEBONE PROPERTIES LIMITED  
% Lancelot Property Asset Management Ltd  
206 MARYLEBONE ROAD - MIXED USE  
PROPOSAL  
BASEMENT OA PLAN

<b>KSS</b>	
Project Name	206 MARYLEBONE ROAD - MIXED USE PROPOSAL
Client	MARYLEBONE PROPERTIES LIMITED
Architect	LANCELLOT PROPERTY ASSET MANAGEMENT LTD
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Structural Elements  
1. As per Structural Engineer  
2. As per Structural Engineer

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# Agenda Item 6

Item No.
6

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 17 November 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning	<b>Wards involved</b> Regent's Park		
<b>Subject of Report</b>	<b>4-6 St Edmund's Terrace, London, NW8 7QP</b>		
<b>Proposal</b>	Demolition of the existing buildings at Nos.4-6 St Edmund's Terrace and redevelopment of the site to provide a new building comprising two basement floors, a lower ground floor, ground floor and five upper storeys to provide nine residential units, with associated car and cycle parking, refuse and recycling storage, plant, roof level photovoltaic panels and brown roofs.		
<b>Agent</b>	Savills		
<b>On behalf of</b>	4-6 St Edmund's Terrace Ltd		
<b>Registered Number</b>	15/04351/FULL	<b>TP / PP No</b>	TP/11235
<b>Date of Application</b>	15.05.2015	<b>Date amended/ completed</b>	14.07.2015
<b>Category of Application</b>	Minor		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside Conservation Area		
<b>Development Plan Context</b> - 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		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

Refuse permission - amenity, tree impact and design/landscaping grounds.





St Edmund's Terrace elevation (top) and Wells Rise elevation (bottom)

**4-6 ST EDMUND'S TERRACE, NW8**

## 2. SUMMARY

Permission is sought for the redevelopment of the site to provide a new building comprising two basement floors, a lower ground floor, ground floor and five upper storeys to provide nine residential units with off-street car parking at basement level.

The key issues in this case are:

- \* The acceptability of the proposed residential accommodation.
- \* The impact of the proposed building on the character and appearance of this part of the City.
- \* The impact on the amenity of neighbouring residents.
- \* The impact of the proposal in transportation terms.

The proposed development would have an adverse impact on the street tree in St. Edmund's Terrace, would provide inadequate landscaping to the rear at lower ground floor level and provide insufficient soil depth over the basement floors, and would have an adverse impact on the amenity of neighbouring residents in Wells Rise and Danes Court in terms of overlooking and increased sense of enclosure. As such, in these regards the redevelopment scheme would fail to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) and as such, it is recommended for refusal for the reasons set out in the draft decision letter appended to this report.

## 3. CONSULTATIONS

### WARD COUNCILLORS - REGENT'S PARK WARD

Any response to be reported verbally.

### ST JOHN'S WOOD SOCIETY

Objection. Proposal is overdevelopment, object to double level basement, loss of light to Danes Court and no tree report submitted.

### HIGHWAYS PLANNING MANAGER

No objection, subject to S106 legal agreement to secure the following: (a) maintenance and management plan for the car lift and stackers; (b) highway works immediately surrounding the site required for the development to occur, consisting of reinstatement of pavement in place of redundant vehicle crossovers; and (c) provision of car parking spaces on an unallocated basis.

### ARBORICULTURAL MANAGER

Regrets the removal of the unprotected Cotoneaster tree in the rear garden of No.4 St Edmund's Terrace, the loss of garden and soil for replacement planting, and objects to the adverse impact the development would have on the roots and canopy of the Lime street tree in St. Edmund's Terrace.

### BUILDING CONTROL

No objection.

### ENVIRONMENTAL HEALTH

Means of escape appears to be inadequate. Recommends conditions including in respect of mechanical plant.

### LONDON BOROUGH OF CAMDEN

Any response to be reported verbally.



**ROYAL PARKS**

Any response to be reported verbally.

**THAMES WATER**

Any response to be reported verbally.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. of Consulted: 82; Total No of Replies: 24

Twenty four respondents raising objection on all or some of the following grounds:

**Land Use**

- No affordable housing proposed.

**Design**

- Scale of development is too large in relation to existing building and neighbouring buildings.

**Amenity**

- Basement units experience sense of enclosure and daylight/sunlight deficiencies.
- Loss of daylight/sunlight to neighbouring properties.
- Sense of enclosure to Wells Rise and Danes Court properties.
- No cut away to the massing where it meets neighbouring Wells Terrace as is present across the road.
- Loss of tree in the rear garden of 4 St Edmund's Terrace which provides greening and privacy for occupiers of Wells Rise.
- Impact of rear roof terraces upon the privacy of neighbouring properties in particular in Danes Court and Wells Rise, in terms of overlooking and potential noise disturbances.

**Transportation/Parking**

- Even though development has underground parking, development will lead to congestion and pressure on parking in vicinity.
- Streets are already congested and development will add to that.

**Construction Impact**

- Recently completed development across the road in Camden caused a disturbance to residents and unfair to subject residents to disturbances again, in terms of noise, dust and traffic.
- Ground assessment identifies toxins in ground that would be detrimental to health if inhaled.
- Transport statement does not take into account additional vehicular traffic generated by 50 St Edmund's Terrace.
- Weight pressure from construction vehicles is likely to cause damage to street.
- Basement excavation could disturb underground water table.

**ADVERTISEMENT/SITE NOTICE**

Yes.

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

The application site comprises three, four storey mid 20<sup>th</sup> century dwellinghouses located at Nos.4-6 St. Edmund's Terrace. The site is located on the south eastern corner of the junction between St. Edmund's Terrace and Wells Rise. These buildings are not listed and are not located within a conservation area.

## 4.2 Relevant History

22 May 2012 - Two planning applications for the erection of roof extensions to Nos.4 and 5 St. Edmund's Terrace were withdrawn following officer advice regarding concerns that they would result in a loss of light and privacy for the occupiers of flats in Danes Court (12/02167/FULL and 12/02186/FULL).

## 5. THE PROPOSAL

Planning permission is sought for the demolition of the existing buildings at Nos.4-6 St Edmund's Terrace and redevelopment of the site to provide a new building comprising two basement floors, a lower ground floor, ground floor and five upper storeys to provide nine residential units, with associated car and cycle parking, refuse and recycling storage, mechanical plant, roof level photovoltaic panels and brown roofs.

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

Policy S14 of the City Plan and Policy H3 of the UDP seek to encourage the provision of more residential floorspace, including the creation of new residential units. Accordingly, the proposed uplift in residential floorspace and the number of units on the site is supported in land use terms.

The density of the proposed development (calculated using habitable rooms per hectare – hr/ha) would exceed the upper limit for this part of the City. The density rating for this location is low (PTAL 1B) due to the distance from London Underground stations and limited bus routes in the immediate vicinity. The London Plan (2015) uses PTAL ratings to define density ranges. As a consequence the density range in the London Plan for this site is between 150 and 250hr/ha. In the UDP Policy H11 sets out that in density Zone 4, in which the site is located along with most of St. John's Wood, the target density range is 120-350hr/ha.

If the open plan kitchen, dining room and living rooms are considered as one habitable room the density of the proposed development would be 878hr/ha. If these large open plan living spaces are considered as two habitable rooms (i.e. separate living rooms and kitchen/dining rooms), the density of the proposed development would be 1059hr/ha. This is well above the low density levels set out in Policy 3.4 of the London Plan and Policy H11 in the UDP. However, it is important to note that both the London Plan and UDP policies identify that the housing density figures they provide are only a starting point and should not be applied rigidly. The density figures are not a definitive measure of whether development amounts to overdevelopment of a site. Policy H11 in the UDP explains that:

*'Proposals for new housing developments that are above the density ranges shown on the Proposals Map may be granted permission if they are close to public transport facilities and open space and meet complementary policies, particularly: (1) townscape and design policies; (2) residential amenity, including daylighting and sunlighting controls, for existing residents and new residents in the proposed housing, (3) off street parking spaces, the mix of housing units, including family housing and affordable housing and garden space; and (4) the desirability of maintaining any special feature of the urban fabric in any area.'*

In this context it is not considered that the density of the development in terms of the number of units/habitable rooms per hectare is unacceptable, given that the development is in an area of townscape of varying scale and density, which is typically much higher in density than more

suburban parts of St. John's Wood to the north west that are also within the same density zone. As set out in Policy H11 of the UDP, the impact of the bulk and form of the building that delivers this density of residential floorspace must be assessed in terms of its design, amenity and other material planning impacts. These impacts of the development are assessed later in this report.

The existing three single family houses would be replaced with nine residential units comprising of 1 x 2 bed units, 7 x 3 bed units and 1 x 4 bed units. The mix of unit sizes comprising predominantly family sized units accords with Policy H5 of the UDP and S15 of our City Plan.

The proposed flats exceed the space requirements set out in the Government's new technical housing standards dated March 2015, are dual or triple aspect, will receive adequate daylight and sunlight and amenity space is provided to all but one of the units with associated car and cycle storage and refuse and recycling storage within the basement. Overall, the quality of residential accommodation proposed is acceptable and accords with Policy ENV13 and H10 of the UDP and S29 of the City Plan. Objections raised to the quality of accommodation proposed including levels of daylight are therefore not supported.

As initially submitted there was uncertainty as to whether the development would generate a requirement for affordable housing provision. The applicant has clarified the Gross External Floorspace (GEA) of the existing and proposed buildings during the course of the application and officers are now satisfied that these updated figures are correct and have been calculated in accordance with the definition of 'Gross Floorspace' in the UDP. The existing buildings on the site have a floorspace of 939.7m<sup>2</sup> GEA floorspace and the proposed development contains 1848.8m<sup>2</sup> of GEA floorspace. The uplift in residential GEA floorspace would therefore be 909.1m<sup>2</sup>. The scheme includes nine residential units and there are already three units on the site, as such the uplift in residential units would be limited to six units. Whilst these are large in size, they are not considered to be excessively large and are consistent with the prevailing size of properties in this part of the City. Therefore, given that the scheme would generate an uplift in residential floorspace of less than 1,000m<sup>2</sup> and less than 10 new residential units, the development does not trigger a requirement to provide affordable housing under Policy H4 in the UDP, Policy S16 in the City Plan and the guidance set out in the Interim Guidance Note on Affordable Housing Policy (November 2013).

## **6.2 Townscape and Design**

The existing buildings are not of notable townscape value and are located outside of the St. John's Wood Conservation Area. Accordingly, their demolition and replacement is considered to be acceptable, subject to the quality of the proposed replacement building.

In terms of overall height, bulk and massing, the character of this part of St. John's Wood is comprised largely of blocks of flats with the exception of the site and the three storey dwellings on Wells Rise. Danes Court to the east is a nine storey block of flats, the newly completed development opposite, No.50 St. Edmund's Terrace is sixstoreys high and Nos.7-8 St. Edmund's Terrace is a five to six storey block of flats.

The proposal is for a new building, comprising double basement, lower ground floor and ground floor, with three to five upper storeys. A perimeter approach is taken to the massing, concentrating the fourth and fifth storey elements on the corner of St. Edmund's Terrace and Wells Rise, broadly within the plots of Nos.5 and 6 St Edmund's Terrace, with the remainder of the building being three storeys. In design terms, this approach to the massing negotiates the difference in scale between St. Edmund's Terrace and Wells Rise reasonably well, concentrating the taller elements away from the more sensitive boundaries adjoining Danes Court and 10 Wells Rise.

The front elevation of the proposed building would sit forward of the existing building line, however, the building line along St. Edmund's Terrace is variable and not entirely consistent and therefore the building line proposed, which would align with the front building line of Nos.7-8 St. Edmund's Terrace, is considered to be acceptable.

The building envelope and site coverage, particularly at basement level, are extensive in comparison to the existing buildings. Whilst this is largely handled successfully in design terms, as set out in the preceding paragraphs, the impact this has on the appearance of the site to the rear at lower ground floor level is not acceptable.

In design terms the principle of provision of a double basement below the site is not considered contentious, subject to its external manifestations. In this case the front lightwell proposed would not be untypical of a residential block of this scale and the true depth of the lightwell would not be appreciable given the grille proposed within the lightwell below lower ground floor level.

To the rear, the existing buildings on the application site have gardens, which are typical of the private garden areas found to the rear of the properties in Wells Rise and St. Edmund's Terrace and generally across St. John's Wood. As referenced in the preceding paragraph, the proposed development includes a double basement below the whole site and the lower ground floor level would extend out across almost the whole of the site to the rear leaving no garden area that would appear free from development at either lower ground or ground floor level. The absence of a garden area to the rear and the lack of a suitable soil depth over the basement to support mature soft landscaping and planting is considered to harm the appearance of the site and would fail to maintain the appearance of the site or this part of the City. This would be contrary to Policies DES1, ENV4, ENV15 and ENV16 in the UDP and would also fail to accord with the guidance set out in our Supplementary Planning Document 'Basement Development in Westminster' (2014), which sets out that 1.0m of top soil, plus a 200mm drainage layer should be provided over basements to ensure adequate landscaping can be provided in future.

In terms of the architectural treatment and facing materials proposed, the proposed building would be a predominantly brick-faced building and this is considered appropriate and responsive to the prevailing townscape context. In terms of the distribution of window openings, there is no objection to the offset/staggered arrangement proposed, with window openings framed with Portland stone window surrounds. Following advice from officers during the course of the application, the number of balconies on the front elevation has been reduced to reduce the level of clutter on the street faces. The metalwork proposed to balconies would be bronze in colour and this is considered to complement the other predominant facing materials. Had the application been recommended favourably, samples of facing materials would have been secured by condition.

In summary, whilst the proposed development is largely acceptable in design terms and in accordance with Policy DES1 in the UDP and Policy S28 in the City Plan, the excessive footprint of the building to the rear and the lack of a landscaped garden area are not considered to be acceptable for the reasons set out earlier in this section.

### **6.3 Amenity**

#### **6.3.1 Daylight and Sunlight**

The application is supported by a Daylight and Sunlight Report that analyses the impact of the development on the amount of natural light available to neighbouring buildings (Danes Court,

10 Wells Rise, 1 and 3 Wells Rise and 7 St. Edmund's Terrace). The study has been undertaken in accordance with the BRE Daylight and Sunlight Guidelines (2011). The submitted report has been rigorously assessed and officers are satisfied that the report's findings, that the scheme would not result in a material loss of daylight or sunlight, are correct. In this context, despite the additional height and bulk proposed at the north west corner of the site, it would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan in terms of daylight and sunlight loss.

### **6.3.2 Sense of Enclosure**

In sense of enclosure terms the additional bulk and height proposed is of concern. Whilst the additional bulk and height does not result in a material loss of daylight or sunlight, given its proximity to neighbouring windows, particularly to the rear of the site, it would lead to a materially increased sense of enclosure to the rear windows and garden area of No.10 Wells Rise and the windows to the southern half of the west facing side elevation of Danes Court, principally between ground and fourth floor levels.

The additional bulk and height proposed, coupled with the projecting balconies on the rear elevation would mean that the proposed building would 'loom' over the much smaller form of No.10 Wells Rise to a much greater extent than is the case with the existing smaller buildings on this site. The effect would be oppressive in views from the rear windows and the rear garden, despite the retained outlook to the east beyond Danes Court.

The windows in Danes Court in the southern half of the west facing elevation currently enjoy views across the rear of the site, albeit with the existing buildings on the site visible to the north and the low terrace of properties along the east side of Wells Rise to the south west, with a break between the two groups between No.10 Wells Rise and the application site. The consequence of the proposed development would be to enclose the outlook from these windows to the north west to a significant and material degree due to the increased height of the development at the corner of Wells Rise and St. Edmund's Terrace and the provision of a three storey 'link' block in the existing gap between the buildings on the site and the northern elevation of No.10 Wells Rise.

In summary, the effect of the development on these neighbouring properties in sense of enclosure terms would be material and would fail to accord with Policy ENV13 in the UDP and Policy S29 in the City Plan. Despite the objections raised, other neighbouring residential windows in Wells Rise and St. Edmund's Terrace are either already enclosed to a similar degree as is proposed (west facing windows at the northern end of the west facing elevation of Danes Court) or are sufficiently distant and/or orientated such that they would not suffer a materially increased sense of enclosure.

### **6.3.3 Loss of Privacy/Overlooking**

With regard to overlooking and privacy, objections from occupiers of properties in Wells Rise have been received on grounds that the balconies will infringe upon their privacy. It is acknowledged that there are already several balconies on the rear facades of Nos. 4, 5 and 6 St Edmund's Terrace, on the first, second and third floors. These are, however, relatively small, by comparison to those proposed as part of the development that are much larger and closer to affected properties. In this context the concerns of neighbours in Wells Rise are considered to be well founded as, whilst the terraces proposed to the rear would be set back from the boundary of the site with the rear garden of No.10 Wells Rise, given their number and size, they would give rise to a significant increase in overlooking to the rear windows and rear garden of No.10 Wells Rise and to a lesser extent the rear gardens beyond. The

applicant has not proposed to screen the terraces/balconies on their southern elevations and the simple introduction of screens would raise concerns in design terms, hence this issue cannot be overcome by condition.

Concerns regarding overlooking have also been received from occupiers of Danes Court. However, views from the proposed balconies towards the windows in the west elevation of Danes Court would be screened at all levels by timber privacy screens on the eastern end elevations of all of the balconies and terraces. As such, the balconies and terraces would not overlook neighbouring windows in Danes Court.

Other balconies on the front elevation would be significantly separated from neighbouring windows and would not result in a significant increase in overlooking. Windows are not proposed on the east facing flank elevation at the boundary with Danes Court or at ground and first floor level adjacent to the front elevation of No.10 Wells Rise so as to prevent overlooking occurring from windows to these neighbouring residential properties.

In summary, the proposed development would result in a significant loss of privacy for the occupiers of No.10 Wells Rise as a result of the overlooking that would occur to the rear windows and garden of this property from the proposed balconies and terraces to the rear of the proposed development. This effect on the amenity of this neighbouring occupier would be contrary to Policy ENV13 in the UDP and Policy S29 in the City Plan.

#### **6.3.4 Mechanical Plant**

A dedicated area is proposed in the basement for plant with a grille to the front lightwell. Environmental Health are content that the existing background noise level has been correctly assessed, but note that the mechanical plant to be installed has yet to be specified. As such, noise and vibration conditions, as well as a condition to secure full details of the mechanical plant and a supplementary acoustic report showing compliance with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan would have been recommended had the application been recommended favourably.

#### **6.4 Transportation/Parking**

The proposed scheme includes a single car lift from Wells Rise to access 10 car parking spaces in the two basement levels. This off street provision adheres with Policy TRANS23 in the UDP in terms of the number of spaces proposed, although had the application been recommended favourably a condition would have been recommended to secure appropriate arrangements to ensure that the car parking spaces are provided on an unallocated basis to maximise their use by occupiers of the development, thereby reducing pressure on local on-street parking. Necessary alterations to the public highway to remove existing vehicular crossovers in St. Edmund's Terrace and to modify the access to the car lift from Wells Rise would also have been secured via a similar condition had the scheme been recommended for approval.

With regard to the operation of the lift and underground parking, the Highways Planning Manager has commented that the spaces are accessible and adequate vehicle visibility splays are provided for a vehicle leaving the site. It has also been pointed out that the car lift arrangement may lead to extra vehicle movements or waiting in Wells Rise, as vehicles wait for a car lift. The applicant indicated that two vehicles can wait off the carriageway, however, this is partly across the footway which could obstruct pedestrian movement. Whilst this arrangement is not an ideal design, given the low trip rates for the proposed development and the constraints of the site, the Highways Planning Manager does not object to the car lift design or its location in this instance. A management and maintenance plan for the car lift would have been secured had the application been recommended favourably.

Waste and recycling storage and cycle storage is proposed within the upper basement floor. The waste and recycling storage accords with the guidance set out in the 'Westminster Recycling and Waste Storage Requirements' guidance booklet. The cycle storage proposed is consistent with the requirements of the London Plan (2015).

#### **6.5 Equalities and Diversities**

The proposed development would provide level access to all floors from the residential entrance located on Wells Rise. Only one unit accessed separately from St. Edmund's Terrace would have stepped access owing to the level changes across the site. All units within the development have been designed to be Lifetime Homes compliant. As such, the accessibility of the development is considered to be acceptable and consistent with Policy DES1 in the UDP.

#### **6.6 Economic Considerations**

Not applicable.

#### **6.7 Other UDP/ Westminster City Plan/ Policy Considerations**

None relevant.

#### **6.8 London Plan**

The proposed development does not raise strategic issues. Where relevant, London Plan (2015) policies are referred to in other sections of this report.

#### **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. 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.

Parts of the NPPF that are of particular relevance to the determination of this application are referenced in Section 6.2 of this report.

#### **6.10 Planning Obligations**

As set out in Section 6.1 of this report, the scheme does not deliver an uplift in residential floorspace or units sufficient to require affordable housing provision as it is below the

thresholds set out in Policy H4 in the UDP, Policy S16 in the City Plan and the guidance set out in the Interim Guidance Note on Affordable Housing Policy (November 2013).

As set out in the Highways section of this report, had the application been recommended favourably, appropriate arrangements to secure the following planning obligations would have been sought by Grampian condition:

- a) A maintenance and management plan for the car lift.
- b) Highway works immediately surrounding the site required for the development to occur, including reinstatement of pavement in place of redundant vehicle crossovers.
- c) Provision of car parking on an unallocated basis.

The development does not trigger requirements for any other planning obligations, but is liable to pay the Mayor's CIL.

### **6.11 Environmental Assessment including Sustainability and Biodiversity Issues**

The Arboricultural Manager objects to the removal of the Cotoneaster tree to the rear of the site (within the rear curtilage of No.4 St Edmund's Terrace), the loss of garden and soil depth over the new basement for replacement planting, and the impact upon the roots and canopy of the Lime street tree in St. Edmund's Terrace.

Given the location of the site outside of a conservation area and absence of a Tree Preservation Order (TPO), the Cotoneaster in the rear garden of No.4 St. Edmund's Terrace cannot be afforded protection. However, as identified in Section 6.1 of this report, the lack of soil depth over the basement and the provision of decked terraces and a service zone to the rear at lower ground floor removes all opportunity for soft landscaping, including planting of a replacement tree, to the rear of the site. Given the full site coverage of the proposed basement and lack of topsoil over any part of it, no part of the site would be capable of being landscaped in future. The provision of brown roofs, although welcome in their own right in sustainability terms, does not overcome this fundamental shortfall of the proposal. As set out earlier in the report, this aspect of the scheme fails to accord with Policies DES1, ENV4, ENV15 and ENV16 in the UDP and would also fail to accord with the guidance set out in our Supplementary Planning Document 'Basement Development in Westminster' (2014).

With regard to the impact of the proposed development upon the Lime street tree, the Arboricultural Manager identifies that there is significant risk of damage occurring to its roots which could lead to the loss of this tree which makes a significant contribution to the visual amenity given its prominent junction location. The impact of the proposed basement on the roots of this Lime tree is therefore considered to be unacceptable and contrary to Policy DES 1(A), ENV 16 and ENV 17 in the UDP and Policy S38 in the City Plan.

In terms of the impact on the canopy of the Lime street tree, the impact that would be caused is not considered to be so significant as to warrant withholding permission. It is clear from on-site inspection that the tree is already regularly pruned and the proposed building, although higher at the north west corner of the site, would not be significantly closer to the existing crown of the tree.

In terms of environmental performance and sustainability, Policy S28 in the City Plan seeks to maximise sustainable construction and design that reduces energy use and emissions and reduces waste. The submitted sustainability and energy report demonstrates that the proposed building would be resource efficient through a combination of 'lean and green'



measures, consisting of a highly efficient building envelope and provision of photovoltaic panels to provide some on site renewable energy provision. The proposed building would achieve a 19.36% improvement on current Building Regulations. Given the development falls below the size threshold for major development, the energy performance and sustainability of the scheme, which equates to Code Level 4 of the now withdrawn Code for Sustainable Homes, is considered to be acceptable.

The provision of brown roofs is welcomed in biodiversity terms and had the scheme been recommended favourably, the provision of the brown roofs and the aforementioned photovoltaic panels would have been secured by condition.

## **6.12 Other Issues**

### **6.12.1 Basement Excavation**

Objections have been raised from adjoining occupiers at Wells Rise who are concerned about the potential impact of the development and particularly the proposed double basement upon the structural integrity of their properties.

This issue is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Generally residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings/structures and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

In terms of the progression of our policy towards basements, the City Council adopted its Supplementary Planning Document (SPD) 'Basement Development in Westminster' in October 2014 and this application has been assessed having regard to this SPD, which provides detailed advice on how current policy in relation to basement development is implemented. It does not introduce any additional restrictions on basement development above and beyond the precautionary approach that the City Council had already adopted in response to such development.

The Draft Basements Revision to the City Plan ('the Draft Basements Policy') has been the subject of consultation between 16 July and 9 September 2015. Following this pre-submission consultation exercise, the Draft Basements Policy, which has now reached an advanced stage, is likely to be submitted to the Secretary of State for public examination by an independent Inspector following minor modification. In view of its advanced stage of adoption and the limited number of unresolved objections, the Cabinet Member Statement dated 23 October 2015 sets out that the Draft Basements Policy will be applied, where there are no unresolved objections, to all new planning applications received from 1 November 2015 onwards. However, given this application was submitted well in advance of that date, in accordance with the Cabinet Member Statement, it has not been assessed against the Draft Basements Policy.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

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

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

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

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

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

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

Building Control have assessed the reports provided and consider that, notwithstanding concerns raised by neighbouring occupiers in respect of alleged inappropriate methods of construction and the lack of faith they have in the inaccurate surveys submitted by the applicant, the proposed construction methodology appears satisfactory. Should permission be granted, these statements will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with them. The purpose of the reports is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations cited above. To go further would be to act beyond the bounds of planning control.

#### **6.12.2 Construction Management**

Concerns have been raised by neighbours regarding the potential disruption during demolition and construction works. Residents are concerned having already experienced disruptions during the construction of the development at No.50 St Edmund's Terrace opposite the application site, which is located within the London Borough of Camden.

A Construction Management Plan (CMP) has been submitted with the application. This is a comprehensive document detailing vehicular arrangements during construction, including suspended bays on St. Edmund's Terrace for loading/unloading; routing of vehicles consisting of arrivals from Prince Albert Road and departures through Ormonde Road; scheduling of deliveries in designated slots; provision of a two year construction programme; installation of a 2.4m high hoarding around the site; provision of a 24 hour emergency contact telephone number; and provision of dust suppression measures. The CMP also sets out that an

application for the closure of the footpath will be made to cover the period for demolition and the substructure construction phase.

The submitted CMP is considered to sufficiently demonstrate that measures have been considered to minimise the impact of construction works on neighbouring residents and on the local highway network and therefore, had the application been recommended favourably, a condition would have been recommended requiring compliance with the submitted CMP.

## 7. CONCLUSION

The proposed development would have an adverse impact on the street tree in St. Edmund's Terrace, would provide inadequate landscaping to the rear at lower ground floor level and provide insufficient soil depth over the basement floors, and would have an adverse impact on the amenity of neighbouring residents in Wells Rise and Danes Court in terms of overlooking and increased sense of enclosure. As such, in these regards, the redevelopment scheme would fail to accord with the relevant policies in the UDP and the City Plan and as such, it is recommended for refusal for the reasons set out in the draft decision letter appended to this report.

## BACKGROUND PAPERS

1. Application form.
2. Email from the St. John's Wood Society dated 3 July 2015.
3. Memos from Environmental Health dated 11 June 2015 and 23 June 2015
4. Memos from Highways Planning Manager dated 23 June 2015 and 20 July 2015
5. Memo from the Arboricultural Manager dated 3 August 2015.
6. Memo from Building Control dated 18 August 2015.
7. Email from 1st occupier of Flat 16, Danes Court, 1-3 St Edmunds Terrace dated 4 June 2015.
8. Email from 2nd occupier of Flat 16, Danes Court, 1-3 St Edmunds Terrace dated 5 June 2015 and 7 October 2015.
9. Letter from occupier of Flat 27, Danes Court, 1-3 St Edmunds Terrace dated 9 June 2015.
10. Email from occupier of Flat 14, Danes Court, 1-3 St Edmunds Terrace dated 9 June 2015.
11. Emails (x3) from occupier of 3 Wells Rise dated 9 June 2015, 23 July 2015 and 30 July 2015.
12. Email from occupier of Flat 11, Danes Court, 1-3 St Edmunds Terrace dated 9 June 2015.
13. Letter from occupier of Flat 19/20, Danes Court, 1-3 St Edmunds Terrace dated 10 June 2015.
14. Letter from occupier of Flat 15, Danes Court, 1-3 St Edmunds Terrace dated 16 June 2015.
15. Letter from Coyne & Co Chartered Surveyors on behalf of occupier of Flat 2, Danes Court, 1-3 St Edmunds Terrace dated 15 June 2015.
16. Emails (x3) from 1st occupier of Flat 2, 7-8 St Edmunds Terrace dated 17 June 2015, 24 June 2015 and 29 July 2015.
17. Letter from occupier of Flat 17, Danes Court, 1-3 St Edmunds Terrace dated 17 June 2015.
18. Emails (x3) from occupier of 10 Wells Rise dated 19 June 2015, 22 June 2015 and 22 August 2015.
19. Emails (x3) from occupier of 1 Wells Rise dated 22 June 2015, 17 July 2015 and 24 July 2015.
20. Emails (x2) from occupier of 1 Ormonde Court dated 23 June 2015 and 19 July 2015.
21. Email from occupier of 6 Wells Rise dated 24 June 2015.
22. Email from occupier of Flat 11, 7-8 St Edmunds Terrace dated 24 June 2015.
23. Email from occupier of Flat 10, Oak Hill Lodge, Oak Hill Park, London, NW3 dated 25 June 2015.
24. Email from occupier of 2 Ormonde Court dated 25 June 2015.

- 25 Letter from occupier of Flat 5, Danes Court, 1-3 St Edmunds Terrace dated 25 June 2015.  
Email from occupier of Flat 6, 7-8 St Edmunds Terrace dated 22 July 2015.
25. Letter from Radcliffes LeBrasseur on behalf of owners of 1, 4, 6, 8, 10 Wells Rise dated 3 August 2015.
26. Email and letter from 2nd occupier of Flat 2, 7-8 St Edmunds Terrace dated 6 August 2015.
27. Email from occupier of Flat 82, 33 Prince Albert Court dated 10 August 2015.
28. Email from occupier of 8 Wells Rise dated 18 August 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY E-MAIL – [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk)

**DRAFT DECISION LETTER****Address:** 4-6 St Edmund's Terrace, London, NW8 7QP**Proposal:** Demolition of the existing buildings at Nos.4-6 St Edmund's Terrace and redevelopment of the site to provide a new building comprising two basement floors, a lower ground floor, ground floor and 5 upper storeys to provide 9 residential units, with associated car and cycle parking, refuse and recycling storage, plant, roof level photovoltaic panels and brown roofs.**Plan Nos:** 250\_001 P1, 250\_010 P1, 250\_020 P1, 250\_011 P1, 250\_012 P1, 250\_301 P1, 250\_302 P1, 250\_303 P1, 250\_100 P1, 250\_107 P1, 250\_108 P1, 250\_109 P1, 250\_110 P2, 250\_111 P2, 250\_112 P2, 250\_113 P2, 250\_114 P2, 250\_115 P2, 250\_116 P2, 250\_210 P2, 250\_211 P1, 250\_212 P2, 250\_213 P1, 250\_309 P2, 250\_310 P2, 250\_311 P2, 250\_312 P1, 250\_313 P2, email dated 5 October 2015 and attached Gross Floorspace Schedule (supersedes floorspace figures in other documents), Design & Access Statement dated October 2015 (250\_Doc 002\_rev P2), Planning Statement dated May 2015, Transport Statement by ttp consulting dated May 2015, Daylight and Sunlight Report by ed7 dated 13 May 2015, Sustainability and Energy Report dated 15 May 2015, Trees and Construction Report (ref: 15017/A2\_AIA) dated July 2015, Environmental Noise Survey External Building Fabric and Plant Noise Assessment Report (21092/ENS1) dated 4 March 2015, Construction Management Plan for 4-6 St. Edmunds Terrace NW8 7QP prepared by BH, Desk Study and Ground Investigation Report dated April 2015 (for information only) and Structural Statement Report by Fluid Structures dated May 2015 (for information only).**Case Officer:** Samuel Gerstein**Direct Tel. No.** 020 7641 4273**Recommended Reason(s) for Refusal:**

- Reason:**
- 1 The proposed development would result in harm to the Lime tree located in public highway that is likely to lead to its loss. This would harm the character and appearance of this part of the City. As such, the development would fail to accord with Policy S38 in Westminster's City Plan: Strategic Policies adopted November 2013 and Policies DES 1 (A), ENV 16 and ENV 17 in our Unitary Development Plan that we adopted in January 2007.
- Reason:**
- 2 Because of its excessive footprint, bulk and detailed design at lower ground floor level to the rear elevation and lack of top soil and drainage layer over the basement floors, the proposed development would fail to provide a suitable landscaped setting to the rear that maintains the appearance of the site and this part of the City. This would be contrary to Policies DES1, ENV4, ENV15 and ENV16 in the Unitary Development Plan that we adopted in 2007. It would also fail to accord with the guidance set out in our Supplementary Planning Document 'Basement Development in Westminster' (2014).
- Reason:**
- 3 The roof terraces and balconies to the rear elevations at ground, first, second and third floor levels would lead to an unacceptable loss of privacy (in terms of overlooking of windows and gardens) for people in neighbouring properties in Wells Rise. 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)

**Reason:**

- 4 The proposed development would make the people living in 10 Wells Rise and flats in Danes Court between ground and third floor levels with windows facing the application site feel too shut in. This is because of its bulk and height and how close it is to windows in those 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. (X14BB)

**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, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant at pre application stage to identify amendments to address those elements of the scheme considered unacceptable. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

**Required amendments:**

- (i) Reduction in the extent of the basement to the north west corner of the site to reduce the impact of the development on the roots of the Lime street tree.
- (ii) Omit the single storey extension element to the rear at lower ground floor level and provide top soil and a drainage layer over the basement to the rear of the site Modification of the lower ground floor and ground floor external space to omit decked terraces and service area and introduce planted gardens at lower ground floor level.
- (iii) Remove/ alter the design of terraces to the rear to prevent increased overlooking to neighbouring windows and gardens in Wells Rise.
- (iv) Modify and reduce the bulk of the development to the rear/ facing Wells Rise to address the reason for refusal relating to increased sense of enclosure.

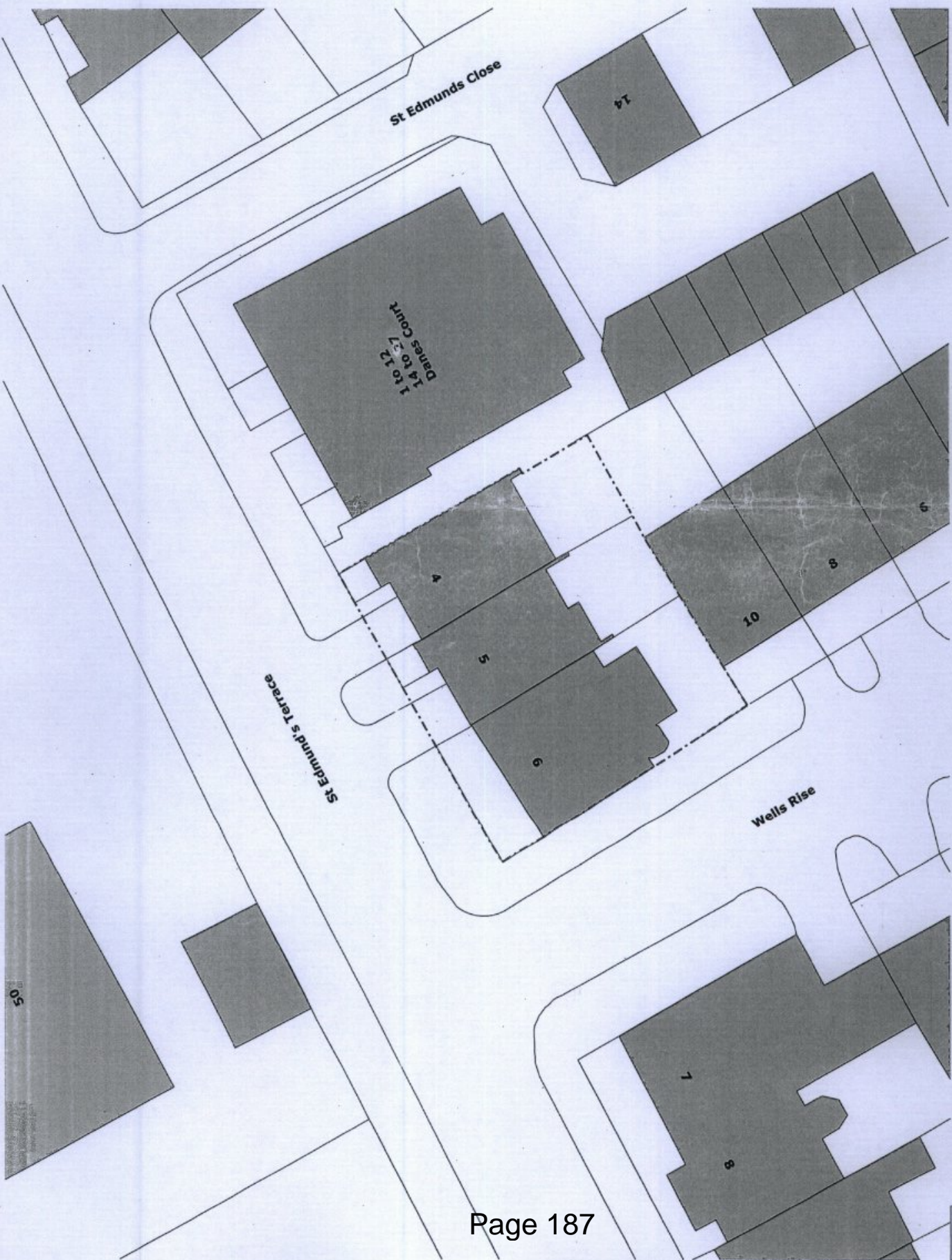
All drawings to be read in conjunction with structural engineers and services engineer's information

**A3**

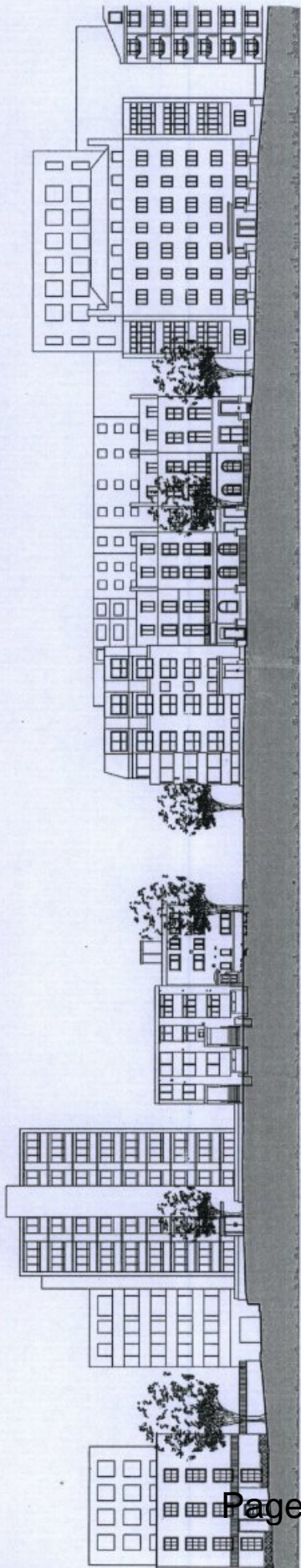
Site Boundary Line

PI	08.05.15	Issued for planning
Rev		Notes
Client	Linton Property Developments Ltd	
Project title	St Edmund's Terrace	
Drawing title	Existing Site Plan	
Scale	1:250	
Project No.	010	Revision
Drawing No.	010	P1
Scheme	Planning	Date of Issue
		08.05.15

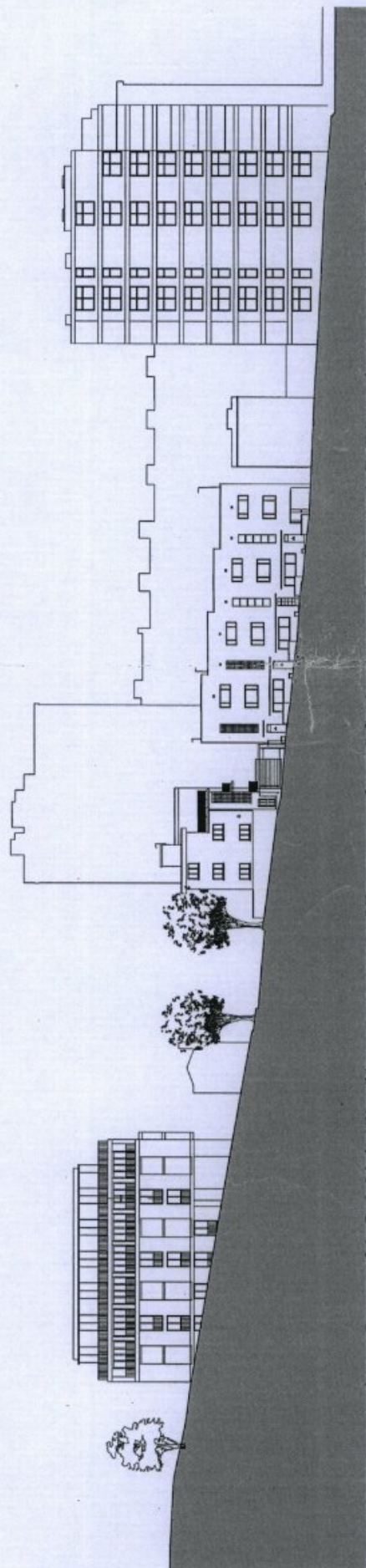
**Clive Sall Architecture Ltd.**  
 100 The Quadrant  
 100 The Quadrant  
 100 The Quadrant  
 100 The Quadrant



All drawings to be read in conjunction with structural drawings for service engineer's information.



St Edmund's Terrace Existing Elevation  
Scale 1:500 @ A3

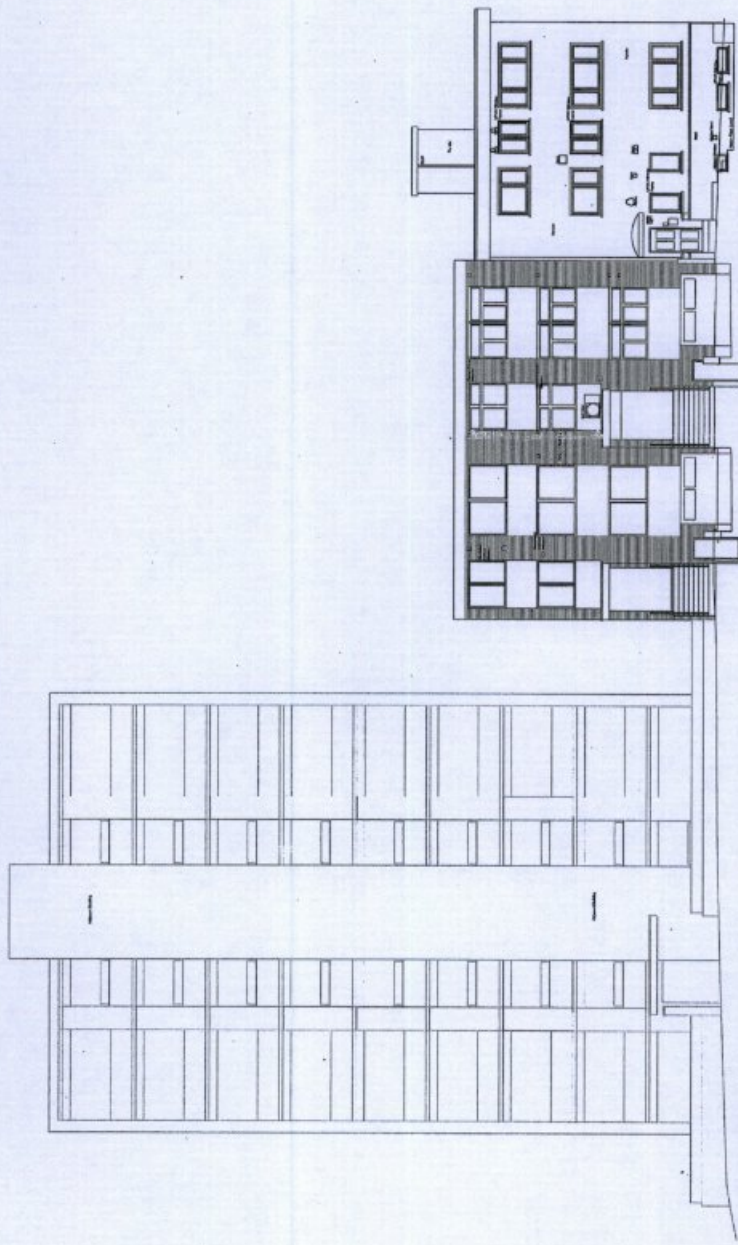


Wells Rise Existing Elevation  
Scale 1:500 @ A3

Project No.	250_300	Drawing no.	300	Revision	P1
Client	Union Property Developments Ltd				
Project Title	St Edmund's Terrace 4-8 St Edmund's Terrace				
Drawing Title	Existing Street Elevations				
Scale	1:500 Scale @ A3				
Sheet	Planning				
Date of Issue	08/05/15				

Clive Sall Architecture Ltd.  
 1 Production Yard  
 100-102, Clive Sall  
 100-102, Clive Sall  
 100-102, Clive Sall  
 100-102, Clive Sall  
 100-102, Clive Sall



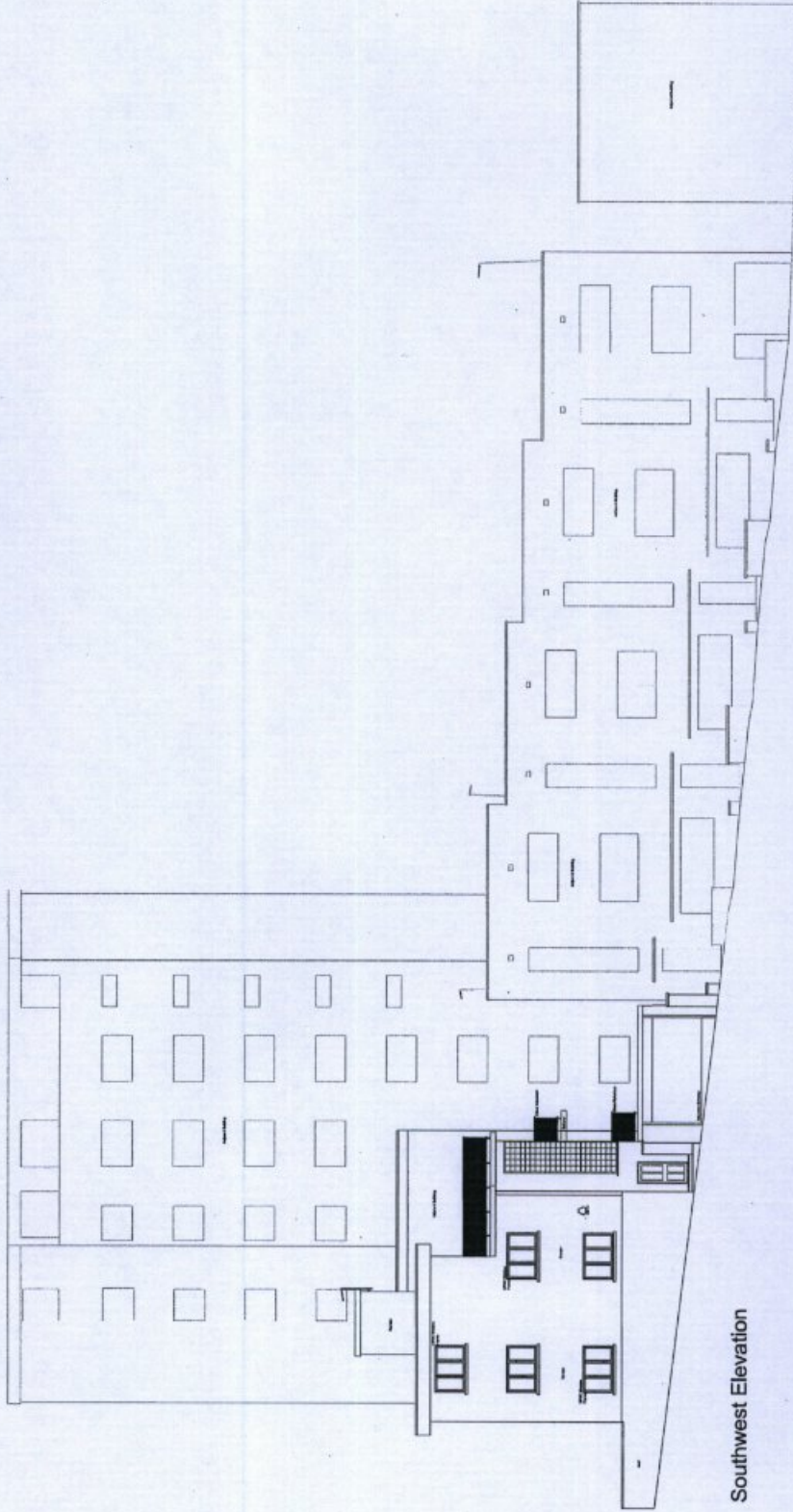


Northwest Elevation

PL	08.05.15	Issued for planning
Rev		Notes
Client	Linton Property Developments Ltd	
Project title	<b>St Edmund's Terrace</b> 4-6 St Edmund's Terrace	
Drawing title	<b>Existing Site Elevation - North West</b>	
Scale	1:200 @ A3	Revision
Project No.	250	Drawing no.
Sheet	301	Revision
Stage	Planning	Date of Issue
		08.05.15



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 clive@csa-architects.co.uk  
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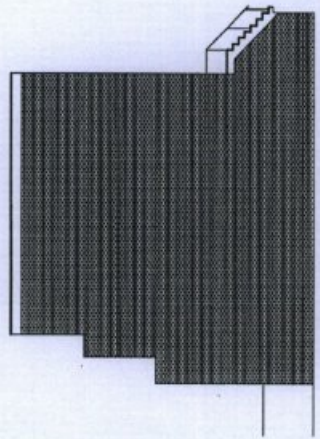
Southwest Elevation



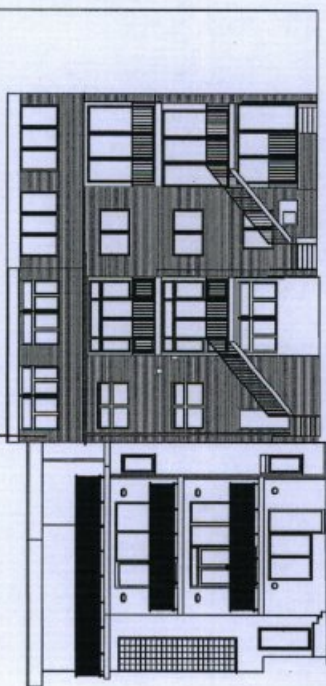
P1	08.05.15	Issued for planning
Rev	Date	Note
Client Linton Property Developments Ltd		
Project title <b>St Edmund's Terrace</b>		
Drawing Title <b>Existing Site Elevation - South West</b>		
Scale @ A3	1:200 @ A3	Revision
Project No.	302	P1
Status	Planning	Date of Issue
		08.05.15



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**Existing North East Elevation**



**Existing South East Elevation**

PL	08.05.15	Issued for planning
Rev		Date
Client: Linton Property Developments Ltd		
Project title: <b>St Edmund's Terrace</b>		
Drawings Title: <b>Existing Site Elevations - South East &amp; North East</b>		
Scale @ A3: 1:200 @ A3		
Project No.	250	Revision
Drawing no.	303	P1
Sheet	Date of Issue	
<b>Planning</b>		<b>08.05.15</b>



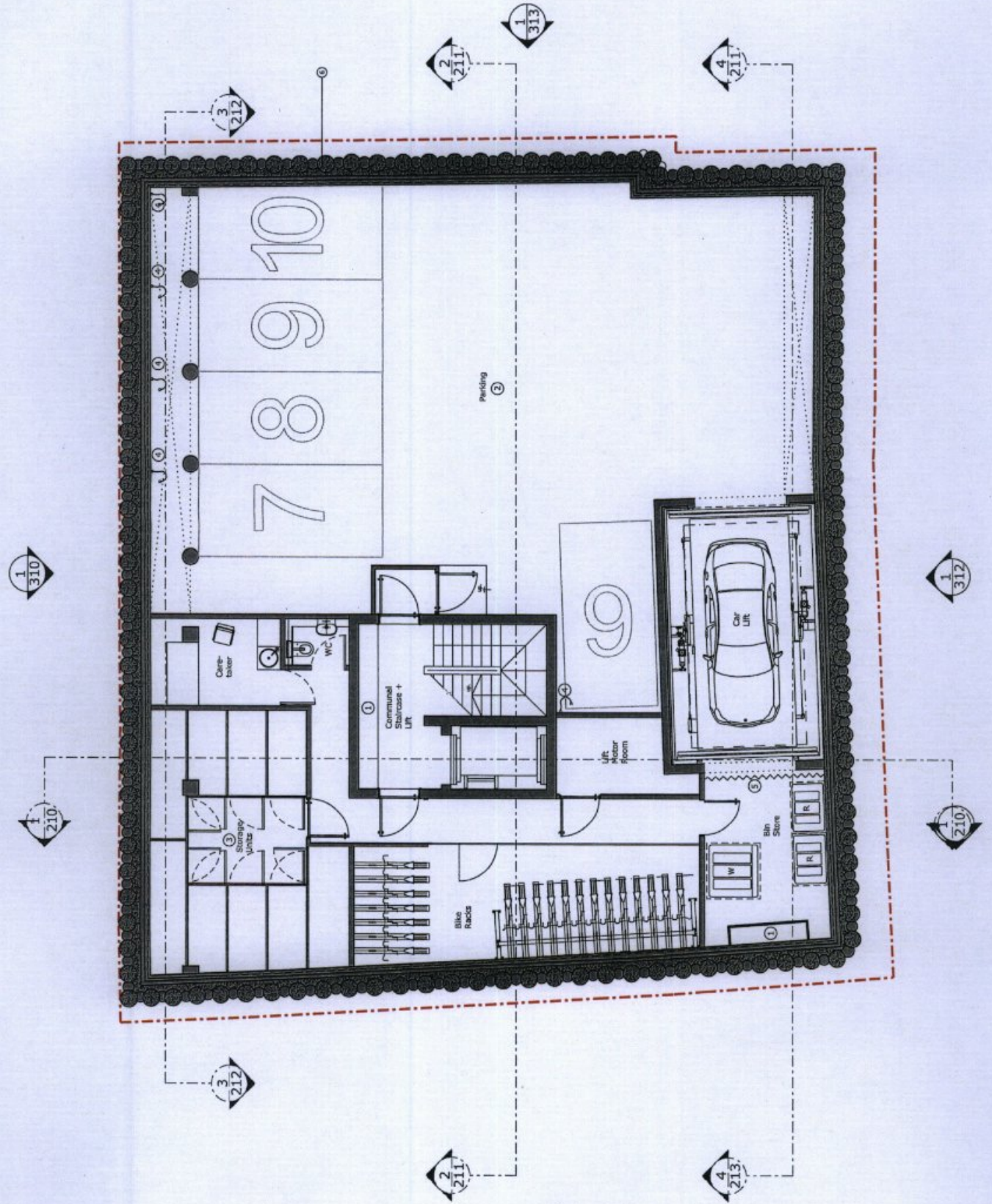
**Clive Sall Architecture Ltd.**  
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 Lincs LN41 7JG  
 01507 75000  
 www.clivesall.co.uk  
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- Site Number: 101**
- ① Services Riser
  - ② 5 No Parking Spaces (10 total)
  - ③ 9 No Storage Spaces
  - ④ Electric Car Chargers
  - ⑤ Fire Curtain
  - ⑥ Secant Piles

Rev	08.05.15	Issued for planning
Client	Linton Property Developments Ltd	
Project Name	St Edmund's Terrace 4-2 St Edmund Terrace	
Drawing Title	Proposed Basement 2	
Scale @ A3	1:100 @ A3	Revision
Project No.	250	P1
Drawing No.	107	
Status	Planning	Date of Issue
		08.05.15

**CSA**

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 25 Broad Street  
 London E14 3JL  
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 0203 6391 6444



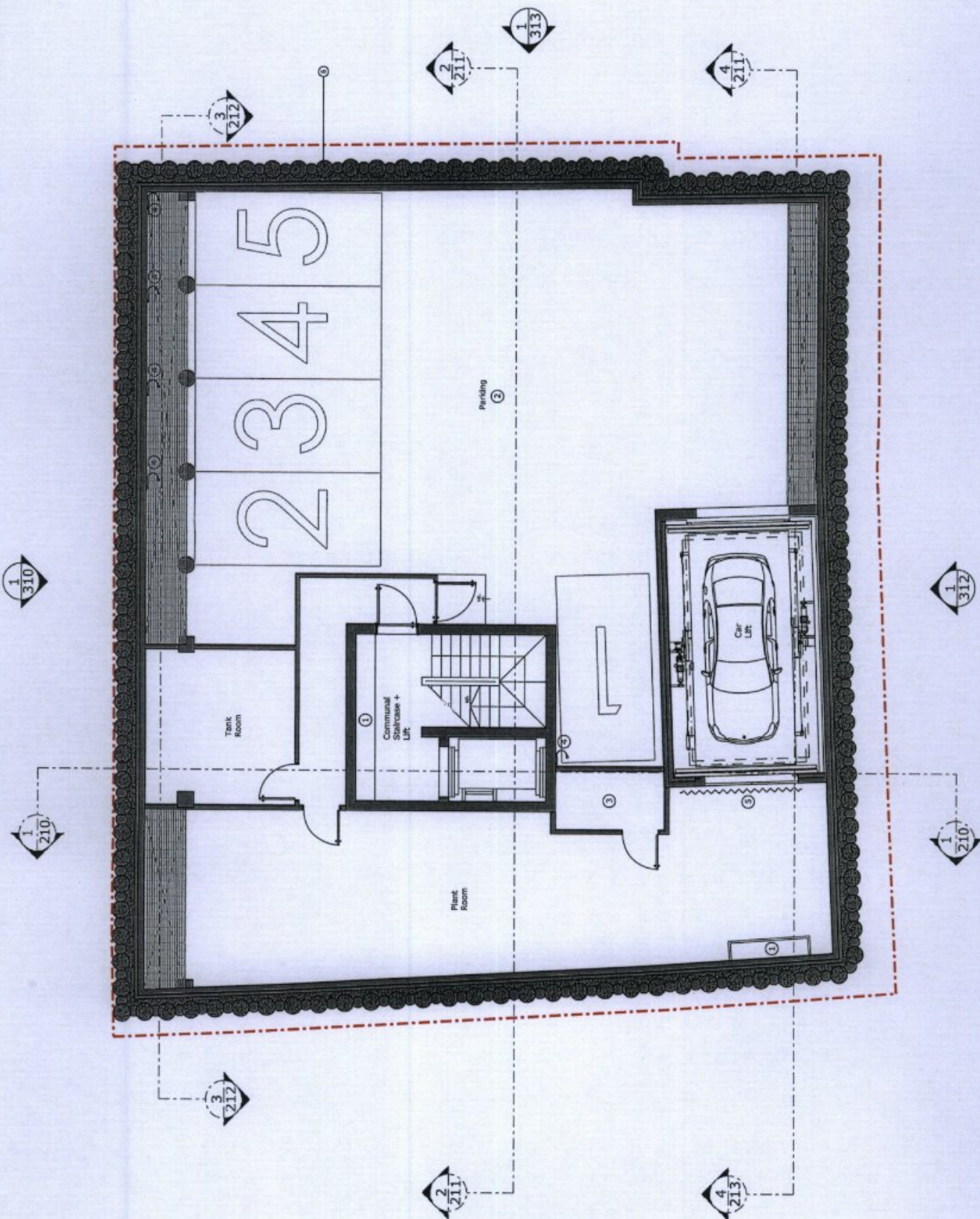
Proposed Boundary Line

- ① Services Riser
- ② 5 two Parking Spaces (10 total)
- ③ Comms. Room
- ④ Electric Car Chargers
- ⑤ Fire Curtain
- ⑥ Fire Curtain

PI No.	SCALE	Issued for planning
Client	Issue	Notes
Lithion Property Developments Ltd		
Project title		
<b>St Edmund's Terrace</b>		
4-6 St Edmund's Terrace		
Drawing Title		
<b>Proposed Basement 1</b>		
Scale @ A3 1:100 @ A3		
Project No.	Drawing no.	Revision
250	108	P1
Station	Date of Issue	
Planning	08.05.15	



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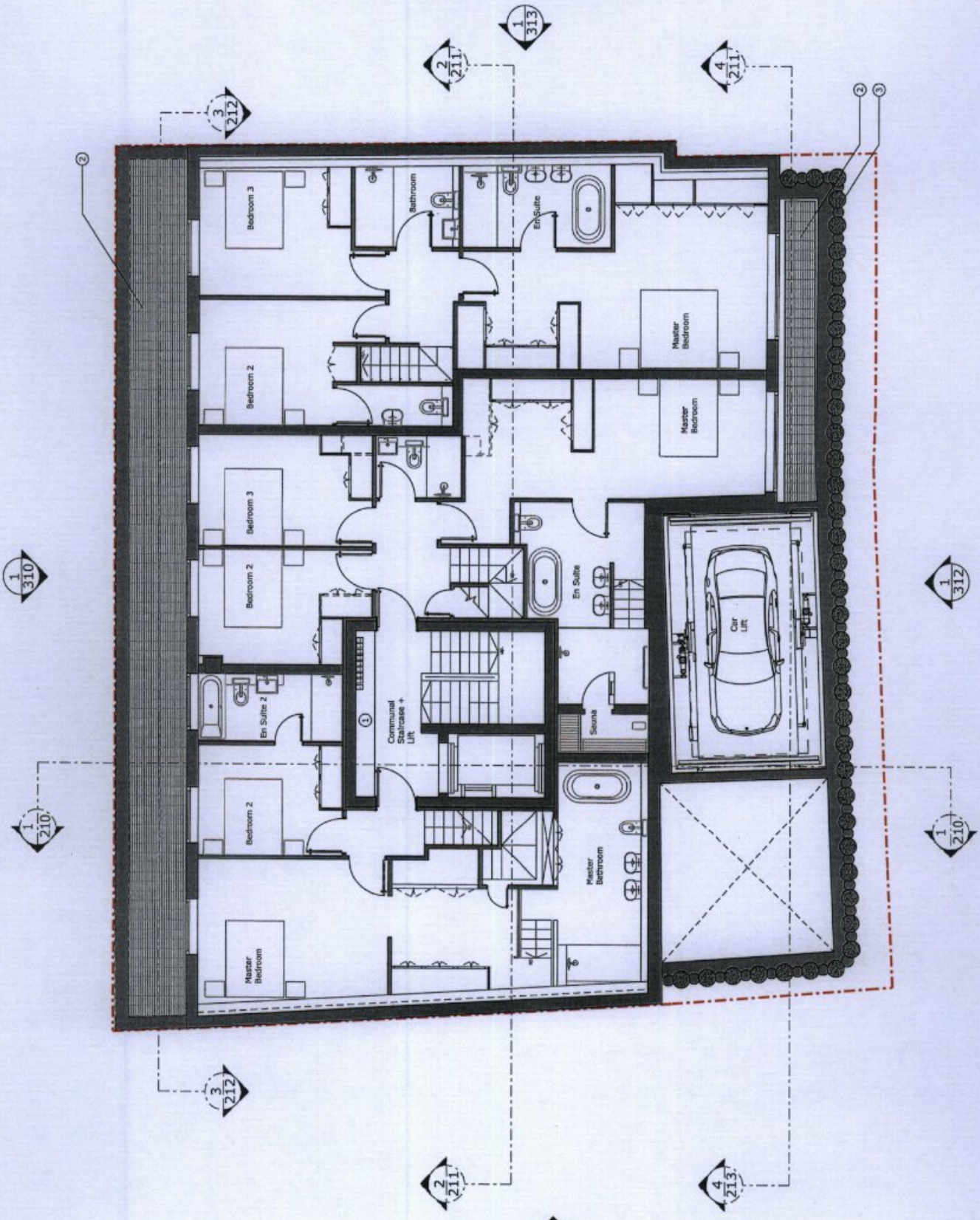


- Site Boundary Line
- ① Services Rise
  - ② Metal Grill
  - ③ Secant Piles

PI	08.05.15	Issued for planning
Client	Jinton Property Developments Ltd	
Project title	St Edmund's Terrace	
Drawing Title	Proposed Lower Ground Floor	
Scale @ A3	1:100 @ A3	Revision
Project No.	250	109
Revision	P1	
DATE OF ISSUE	08.05.15	
STATUS	Planning	

**CSA**

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 02031 61611



- 1 Services Riser
- 2 Balustrade
- 3 Maintenance Area
- 4 Vertical Planting
- 5 Planter + Balustrade
- 6 Terrace Decking

Scale @ A3 1:100 @ A3

Project No. 250

Drawing No. 110

Revision P2

Status Planning

Date of Issue 02.10.15

Client Linton Property Development Ltd

Project Title St Edmund's Terrace

Drawing Title Proposed Ground Floor

Scale @ A3 1:100 @ A3

Project No. 250

Drawing No. 110

Revision P2

Status Planning

Date of Issue 02.10.15

Client Linton Property Development Ltd

Project Title St Edmund's Terrace

Drawing Title Proposed Ground Floor

Scale @ A3 1:100 @ A3

Project No. 250

Drawing No. 110

Revision P2

Status Planning

Date of Issue 02.10.15

Client Linton Property Development Ltd

Project Title St Edmund's Terrace

Drawing Title Proposed Ground Floor

Scale @ A3 1:100 @ A3

Project No. 250

Drawing No. 110

Revision P2

Status Planning

Date of Issue 02.10.15

Client Linton Property Development Ltd

Project Title St Edmund's Terrace

Drawing Title Proposed Ground Floor

Scale @ A3 1:100 @ A3

Project No. 250

Drawing No. 110

Revision P2

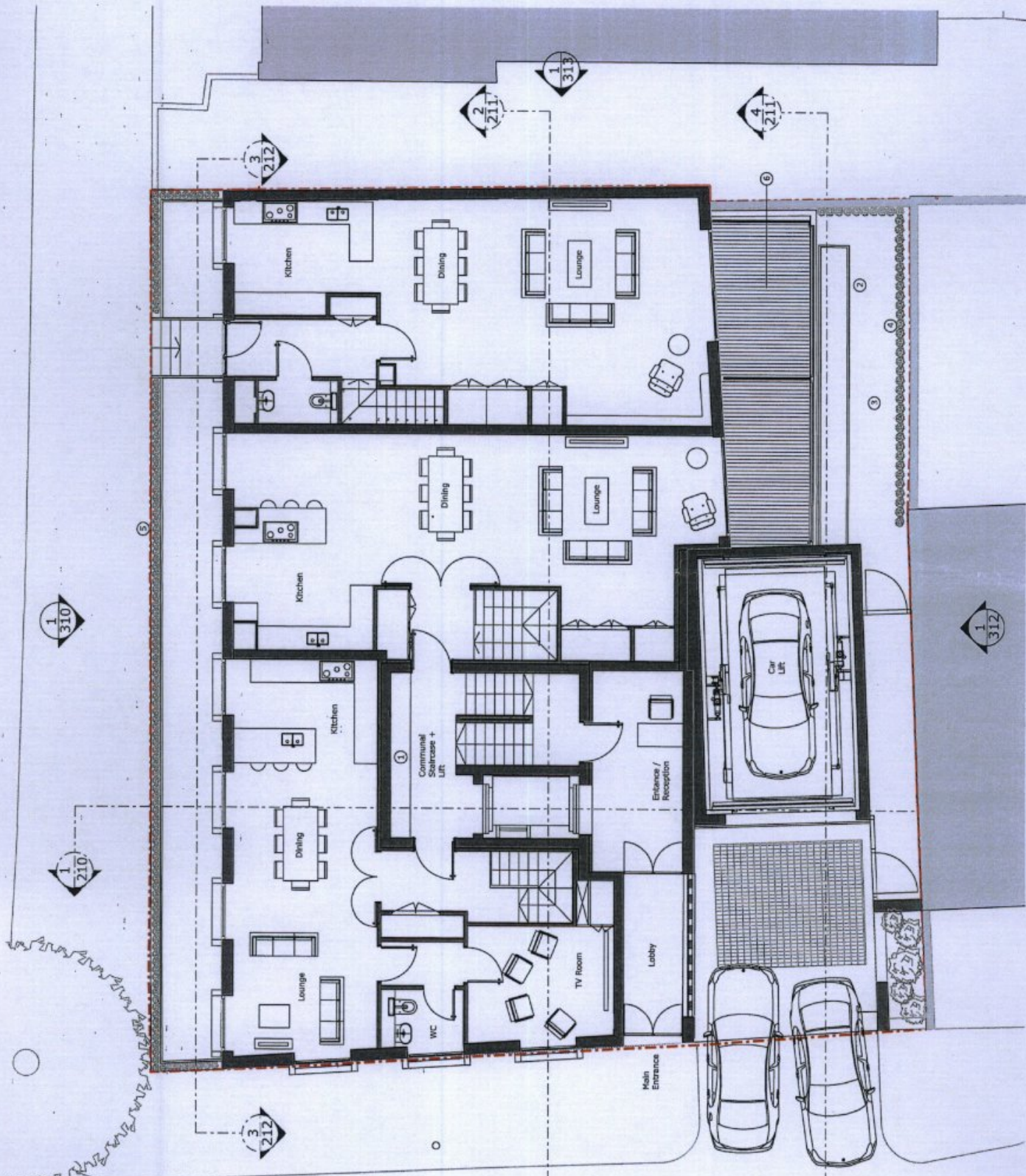
Status Planning

Date of Issue 02.10.15

Client Linton Property Development Ltd



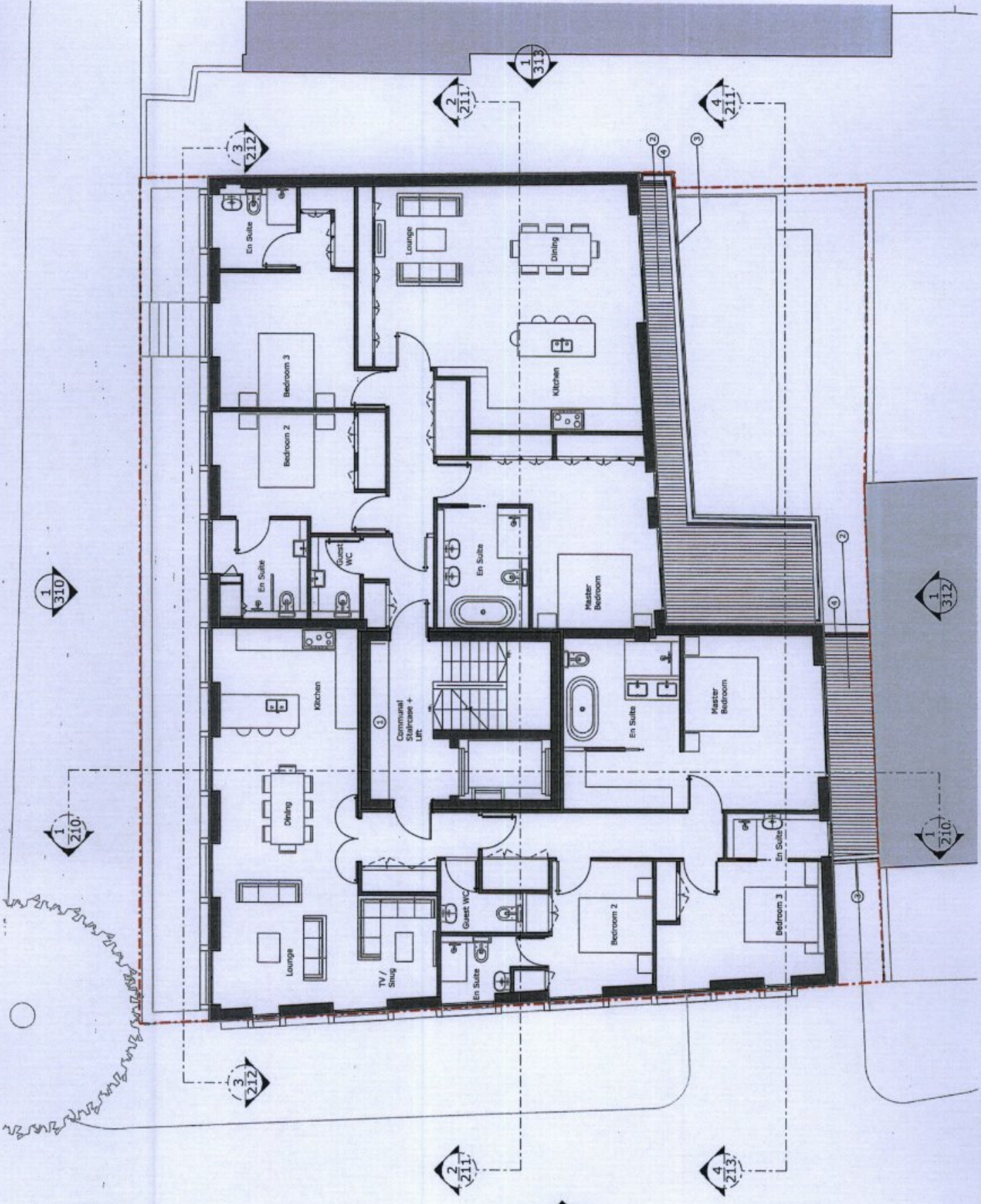
Clive Sall Architecture Ltd.  
 2 Providence Yard  
 100 St Edmund's Terrace  
 LONDON E1 3JL  
 020 7550 4400  
 WWW.CLIVESALLARCHITECTURE.CO.UK  
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- 1 Services Riser
- 2 Roof Deck
- 3 Balustrade
- 4 Privacy Screen

Project No. 11100 @ A3  
 Drawing no. 111 P2  
 Scale @ A3 1:100 @ A3  
 Date 02.10.15  
 Project Title  
 Client Linton Property Development Ltd  
 Project Site  
 St Edmund's Terrace  
 Planning 02.10.15

Clive Sall Architecture Ltd.  
 11100 @ A3  
 111 P2  
 02.10.15  
  
 Clive Sall Architecture Ltd.  
 11100 @ A3  
 111 P2  
 02.10.15  
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 01223 70377 2000  
 01223 70377 2001  
 01223 70377 2002





- 1 Services Riser
- 2 Roof Deck
- 3 Balustrade
- 4 Privacy Screen
- 5 Balcony

P2 28.09.15 Material specified including necessary floor planing and tiling  
 P1 06.05.15 Issue  
 Date

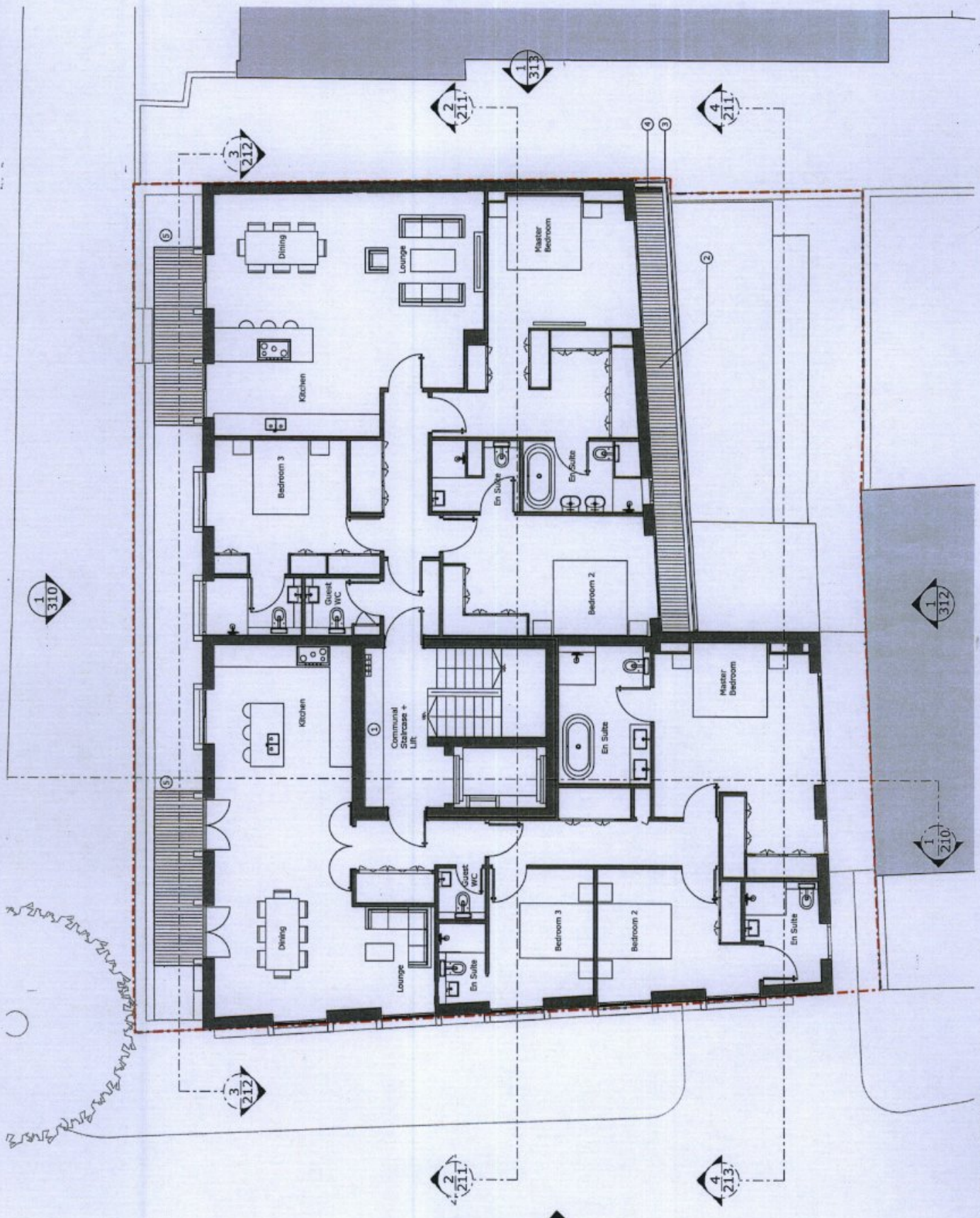
Client  
 Linton Property Development Ltd  
 Project Title  
**St Edmund's Terrace**  
 Drawing Title  
**Proposed Second Floor**

Scale @ A3 1:100 @ A3

Project No. 250  
 Drawing No. 112  
 Revision. P2  
 Status Planning  
 Date of Issue 25.09.15



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 Lutterworth LE17 7JG  
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 0203 612 612



- 1 Services Riser
- 2 Balustrade
- 3 Roof Deck
- 4 Privacy Screen
- 5 Brown Roof
- 6 Photovoltaic Panels
- 7 Balcony

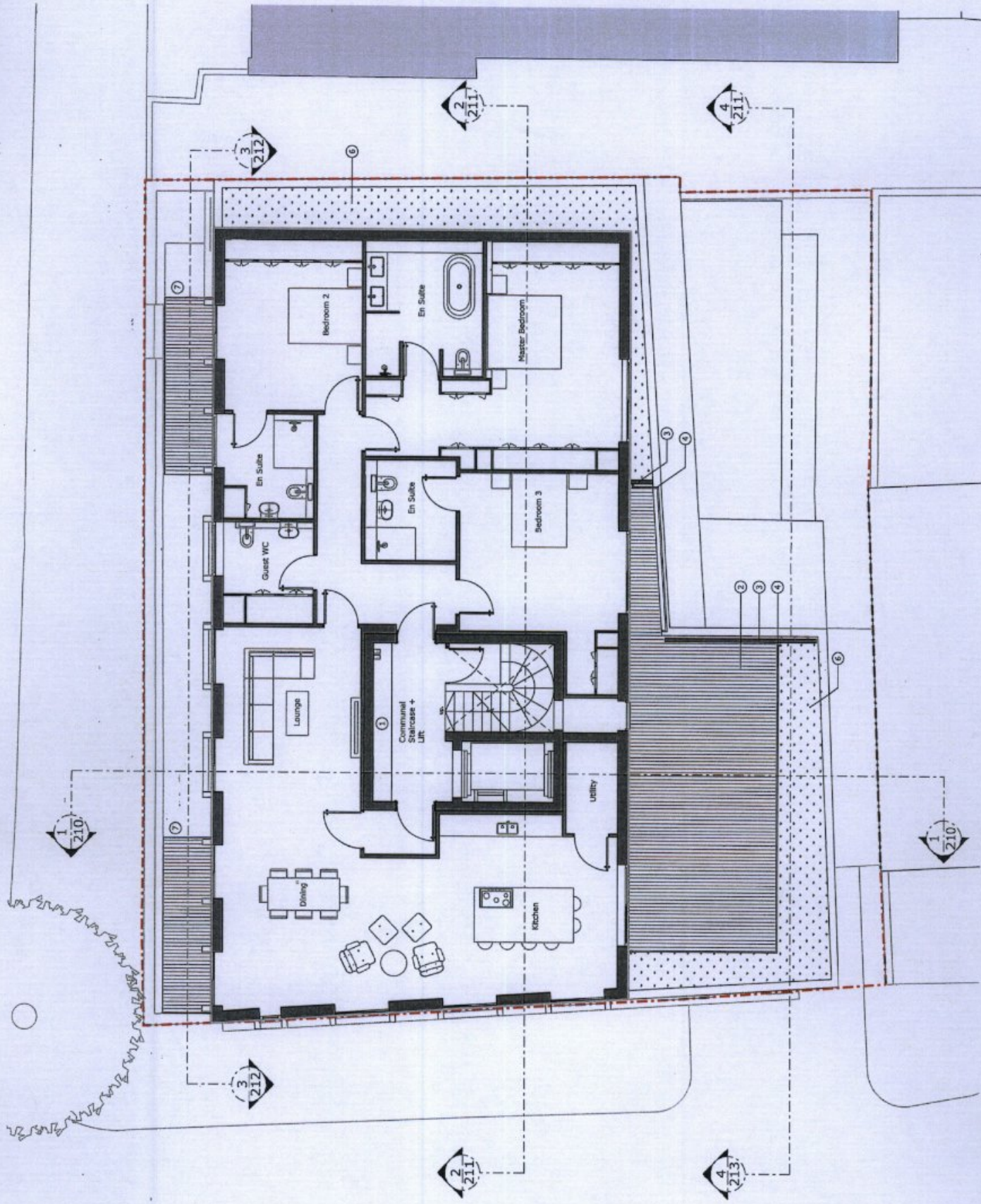
Project Title  
 Linton Property Development Ltd  
**St Edmund's Terrace**  
 4-8 St. Edmund's Terrace  
 Drawing Title  
**Proposed Third Floor**

Client  
 Linton Property Development Ltd  
 Project Title  
**St Edmund's Terrace**  
 4-8 St. Edmund's Terrace  
 Drawing Title  
**Proposed Third Floor**

Scale @ A3 1:100 @ A3  
 Project No. **250**  
 Drawing No. **113**  
 Revision **P2**  
 Sheet **Planning**  
 Date of Issue **02.10.15**

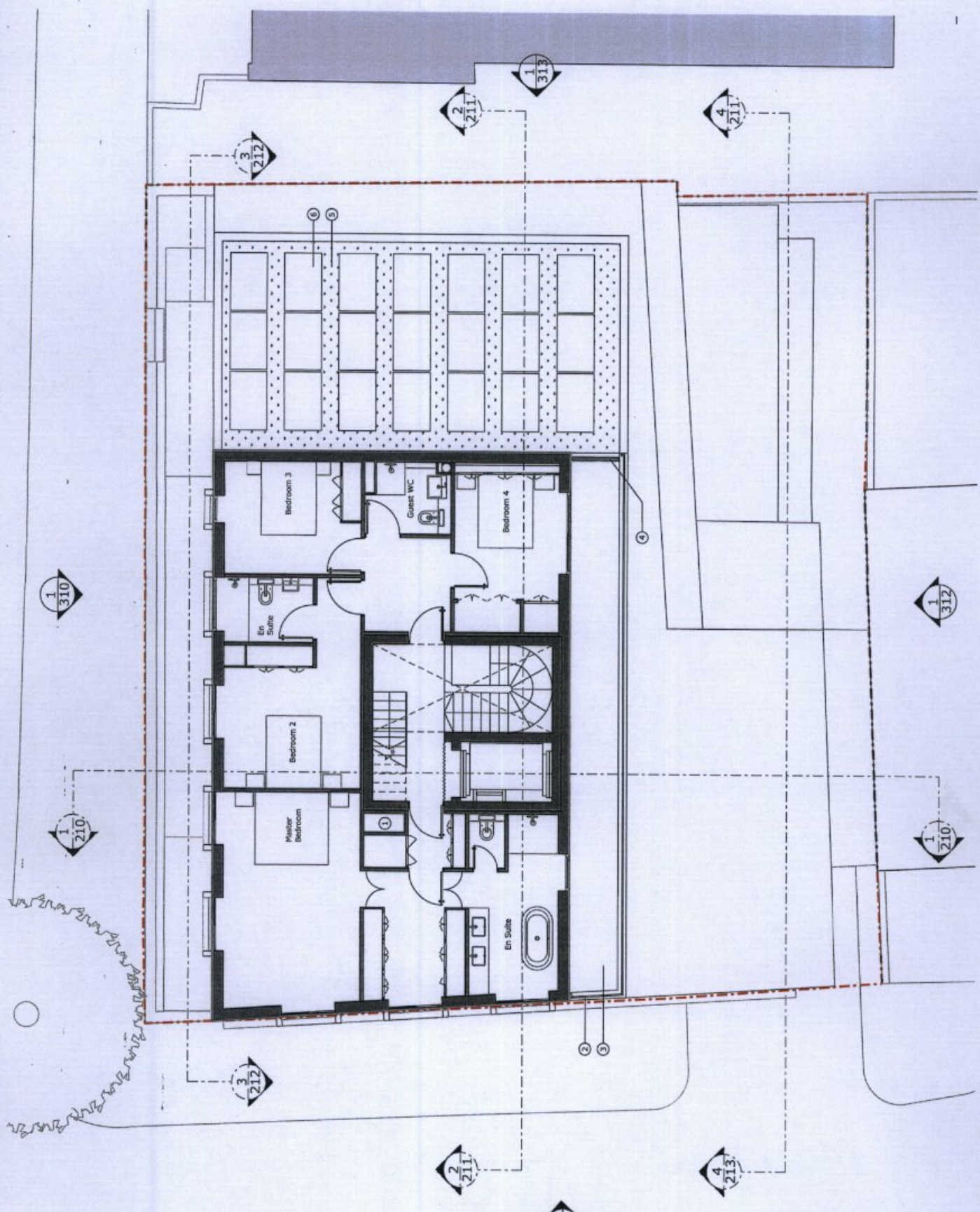


**Clive Sall Architecture Ltd.**  
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 Mill Lane  
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 M20 1JH  
 0161 275 1555  
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 0161 275 1598  
 0161 275 1599  
 0161 275 1600



- 1 Services Rise
- 2 Balustrade
- 3 Roof Deck
- 4 Privacy Screen
- 5 Brown Roof
- 6 Photovoltaic Panels

Project No.	250	Revision	P2
Drawing No.	114	Date	02.10.15
Scale	1:100 @ A3		
Project Name	St Edmund's Terrace		
Client	Linton Property Development Ltd		
Address	4-6 St. Edmund's Terrace		
Architect	Clive Sall Architecture Ltd		
Project Title	Proposed Fourth Floor		
Scale	1:100 @ A3		
Project No.	250	Revision	P2
Drawing No.	114	Date	02.10.15
Scale	1:100 @ A3		



- 1 Services Riser
- 2 Photovoltaic Panel
- 3 Brown Roof
- 4 Privacy Screen
- 5 Roof Deck
- 6 Balustrade
- 7 Walk on Glass floor

14 02.10.15  
 15 04.05.15  
 16  
 17  
 18  
 19  
 20

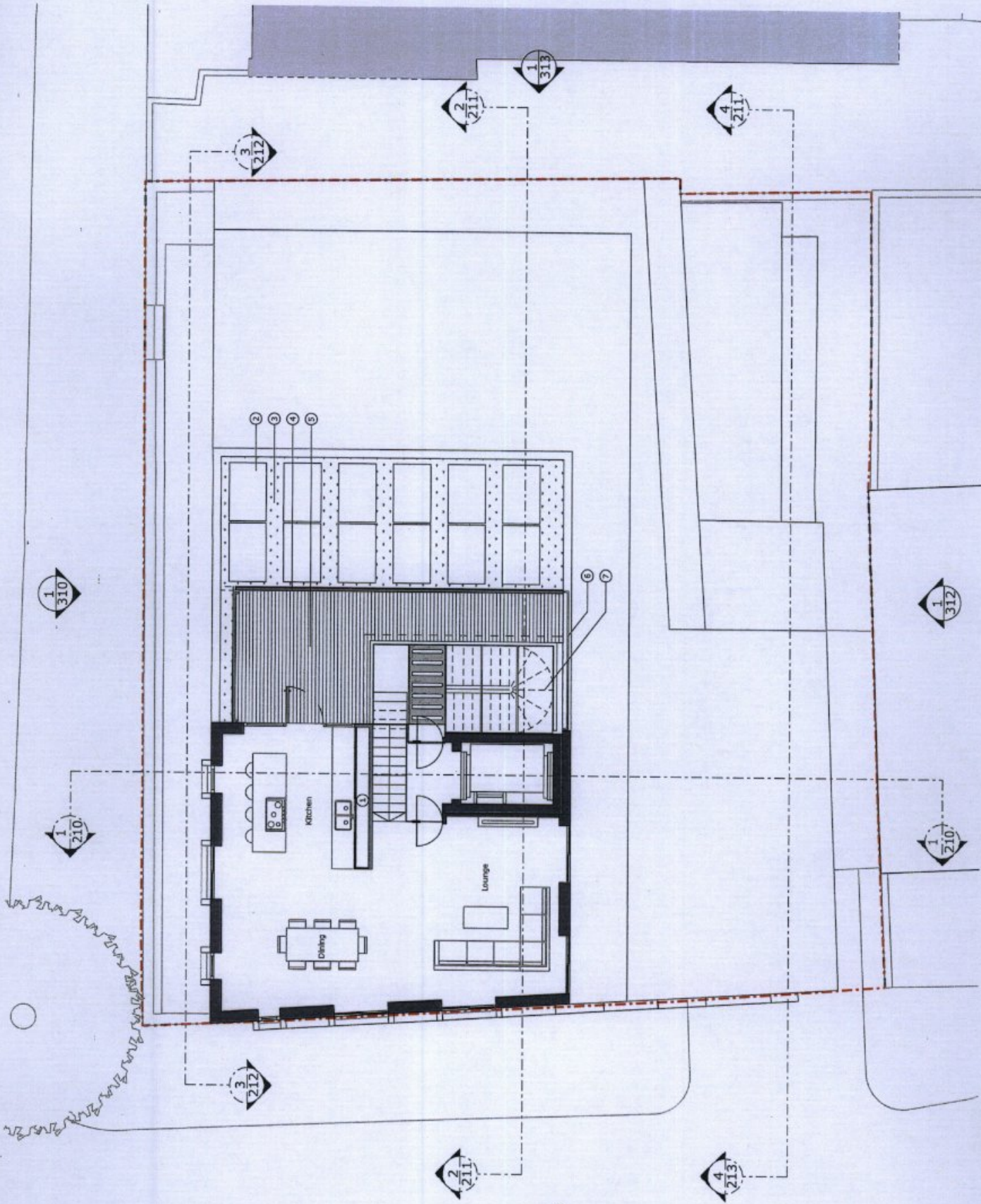
Client: Linton Property Development Ltd  
 Project title: St Edmund's Terrace  
 Drawing title: Proposed Fifth Floor

Scale @ A3 1:100 @ A3  
 Project No. 250  
 Drawing No. 115  
 Revision P2  
 Date of Issue 02.10.15

Clive Sall Architecture Ltd.  
 2 Woodhouse Yard  
 65a Street  
 Old Street, London EC1A 3RU  
 020 7533 1930  
 020 7533 1931  
 020 7533 1932  
 020 7533 1933  
 020 7533 1934  
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 020 7533 1960



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 65a Street  
 Old Street, London EC1A 3RU  
 020 7533 1930  
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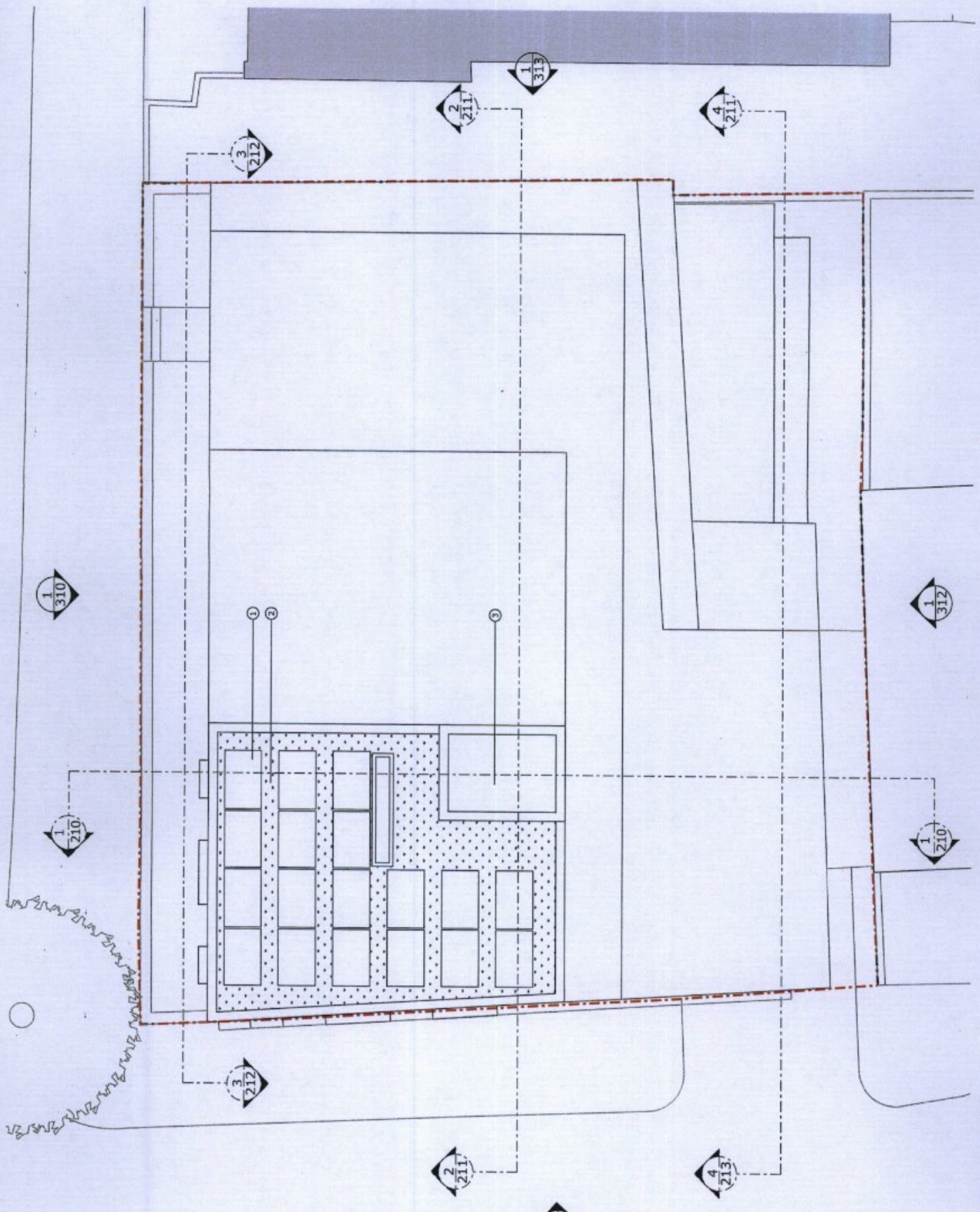
- ① Photovoltaic Panel
- ② Brown Roof
- ③ Lift Overrun

PR	02.10.15	Issued for planning
PL	06.02.15	Issued for planning
Rev		Revised Issue
		Date

Client Linton Property Development Ltd	
Project title <b>St Edmund's Terrace</b>	
Drawing title <b>Proposed Roof Plan</b>	
Scale @ A3	1:100 @ A3
Project No.	250
Drawing no.	116
Revision	P2
Date of Issue	02.10.15

**CSA**

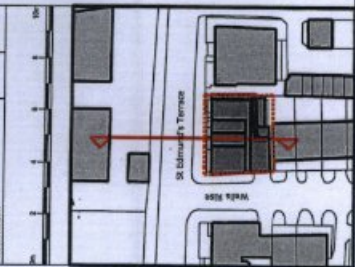
Clive Sall Architecture Ltd.  
 100, The Quadrant, York  
 YO1 1QJ  
 Tel: 01904 703770  
 Fax: 01904 703771  
 Email: info@csa-arch.co.uk  
 www.csa-arch.co.uk



1 Proposed Roof Plan  
 Scale 1:100 @ A3

All drawings to be read in conjunction with structural engineer's and service engineer's information

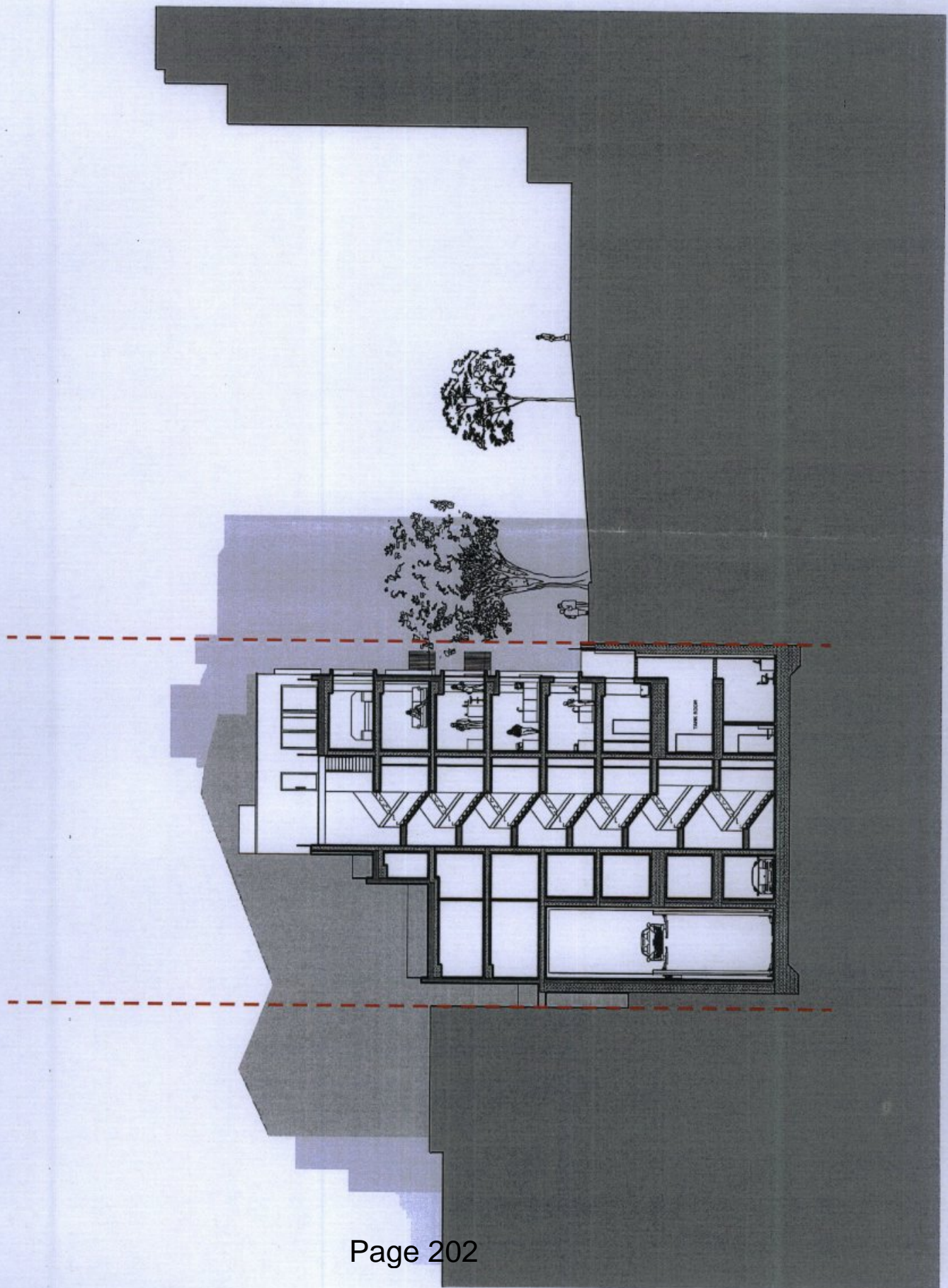
A3



PS	02.10.15	Initial Structural Drawing
PS	02.10.15	Structural Engineer's Approval
Rev	Date	Revising Note
		Note
<b>Client</b> Linton Property Development Ltd		
<b>Project Title</b> St Edmund's Terrace		
<b>Drawing Title</b> Proposed Section AA		
<b>Scale</b> 1:200		
<b>Project No.</b>	<b>Drawing no.</b>	<b>Revision</b>
250	210	P2
<b>Sheet</b> Planning		<b>Date of Issue</b> 02.10.15

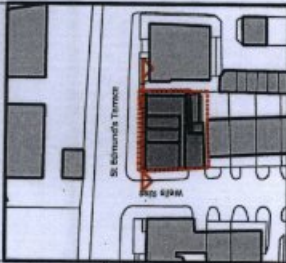


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 01904 731373  
 01904 731374  
 01904 731375

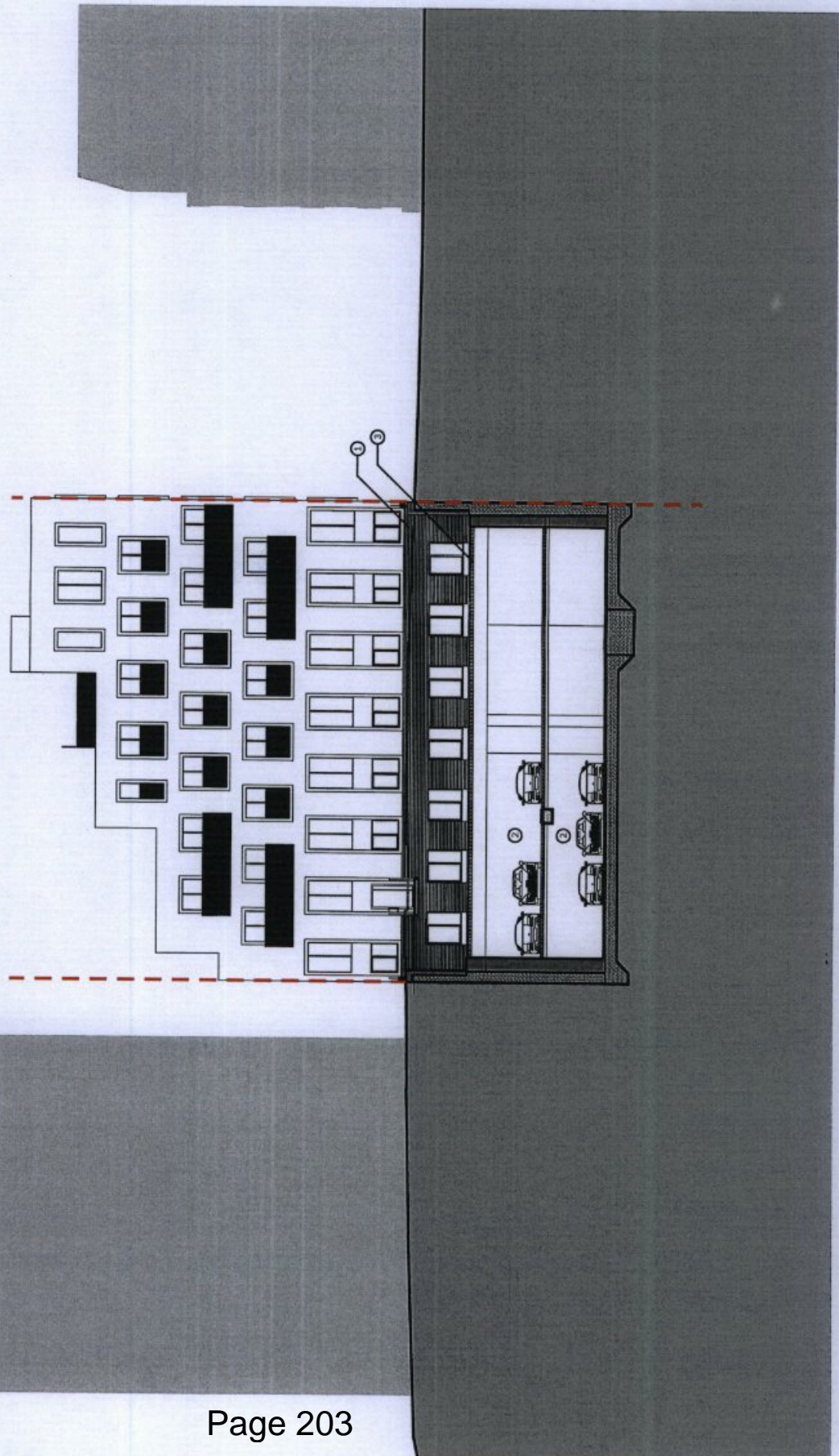


All drawings to be read in conjunction with structural engineer's and service engineer's information

A3



- ① Hebesen Kolumba Brick Facade (center color below ground floor level)
- ② Car parking
- ③ Stainless steel grill to hide car park levels

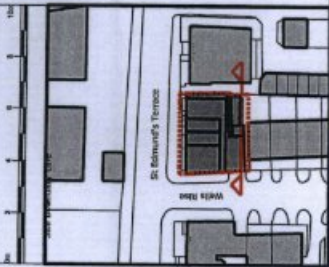


P1 01.10.13 Hebesen Kolumba Brick Facade  
 P2 04.05.15 Car parking  
 Rev No. Date  
 Client Linton Property Development Ltd  
 Project No. 250  
 Drawing Title St Edmund's Terrace  
 Scale 1:200  
 Drawing No. 212  
 Revision P2  
 Date of Issue 02.10.15

**Proposed Section CC**  
 Scale 1:200  
 Drawing No. 250  
 Drawing No. 212  
 Revision P2  
 Date of Issue 02.10.15  
  
 Clive Sail Architecture Ltd.  
 100, The Quadrant, London, W1 8AA  
 Tel: +44 (0)20 7462 2200  
 www.clivesailarchitecture.co.uk  
 020 7462 2200  
 020 7462 2200

All drawings to be read in conjunction with structural engineer's and service engineer's specifications

A3



PI 08.05.15 Date  
PI 08.05.15 Date  
PI 08.05.15 Date

Client  
Linton Property Developments Ltd

Project title  
St Edmund's Terrace  
4-6 St Edmund's Terrace

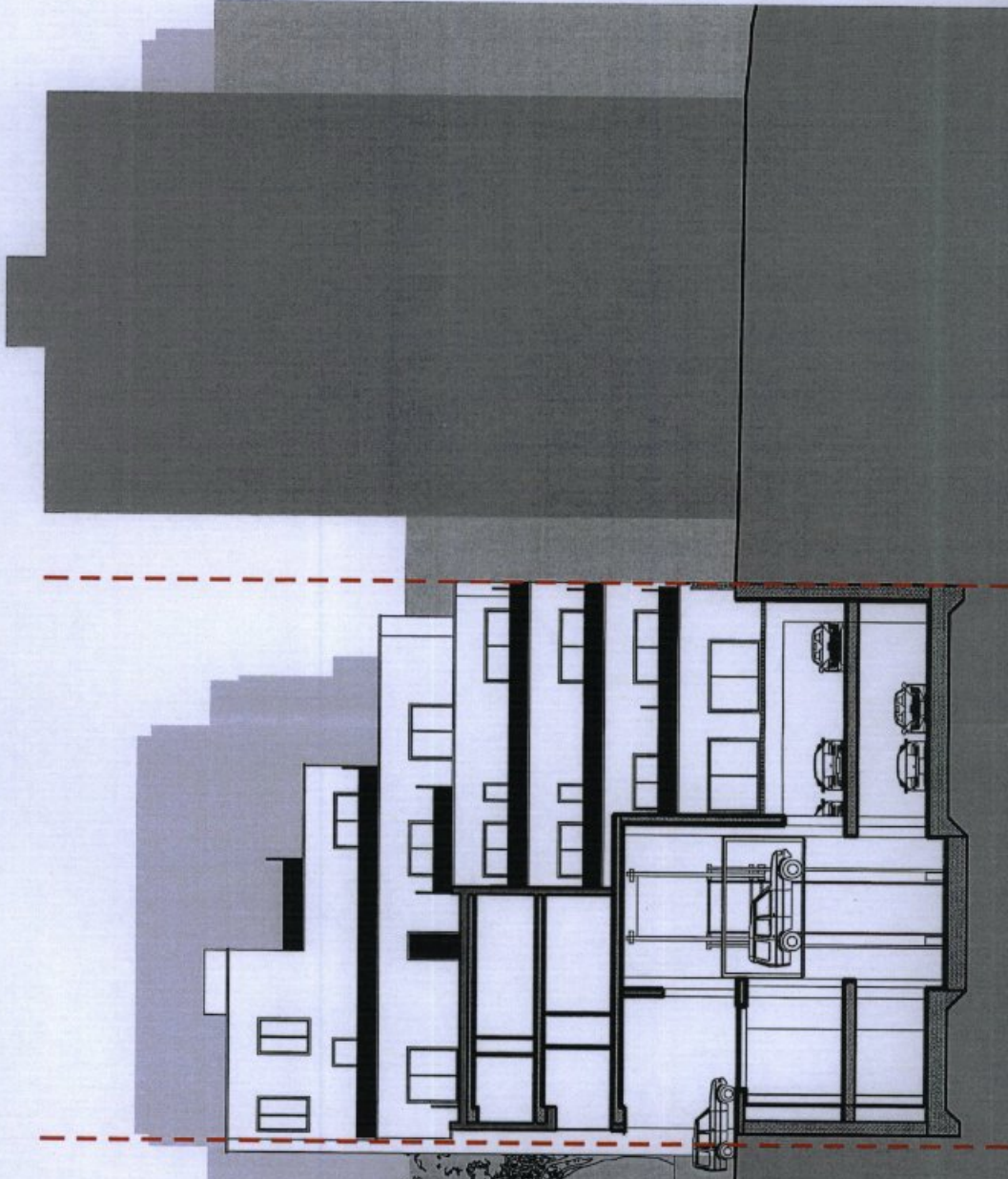
Drawing title  
Proposed Section DD

Scale  
1:200  
Scale @ A3

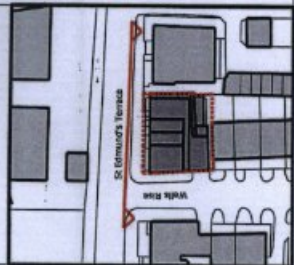
Project No.  
250  
Drawing no.  
213  
Revision  
P1

Status  
Planning  
Date of Issue  
08.05.15

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1, The Square  
Barnsley, South Yorkshire  
S10 2JX  
0114 2011111  
CSA@CLIVESALLARCHITECTURE.LTD







**KEY**

1. Redwood Columbia brick facade
2. Portland stone balconies
3. Portland stone window surrounds
4. Stone grey powder coated aluminium glazed doors
5. Painted metal balustrade
6. 1.1m high timber screen

PG	02.10.15	Indicate structural building elements from existing activity
PL	08.08.13	Planning Issue
Rev		Rev

Client: Linton Property Development Ltd  
 Project Site: St Edmund's Terrace  
 Drawing Title: NORTH WEST ELEVATION  
 Scale: @ A3

Project No.	250	Drawing no.	310	Revision	P2
STATUS			DATE of Issue		
Planning			02.10.15		

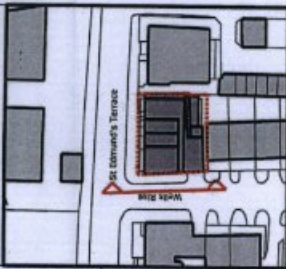


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 01904 7032 7037

All drawings to be read in conjunction with structural engineer's and services engineer's information



A3



**KEY**

1. Peterson Kolumbe Brick facade
2. Portland stone balconies
3. Portland stone window surrounds
4. Slate grey powder coated metal cladding on sliding glass doors
5. Painted metal balustrade
6. 1.8m high timber screen
7. Perforated metal panels

PR 25.09.15  
 PL 03.03.15  
 Rev Date

Working under planning permission  
 Approved under planning permission  
 Planning Issue  
 Issue

Client  
 Linton Property Development Ltd

Project title  
**St Edmund's Terrace**  
 1-5 St Edmund's Terrace

**SOUTH WEST ELEVATION**

Scale @ A3  
 1:200

Project no.	250	Revision	P2
Drawing no.	311		

Status	Planning	Date of Issue	25.09.15
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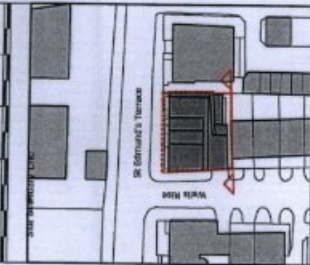


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All drawings to be used in conjunction with structural engineer's and service engineer's information

A3



KEY

1. Patterned Columbia Brick Facade
2. Portland stone balconies
3. Portland stone window surrounds
4. Stone grey powder coated aluminium along glazed doors
5. Painted metal balustrade
6. 1.8m high timber screen
7. Back boxes

P1 08.05.15 Issued for planning

Date Note

Client: Linton Property Developments Ltd

Project title: St Edmund's Terrace

Drawing title: SOUTH EAST ELEVATION

Scale: 1:200

Sheet: 03 A3

Project No.	250	Drawing no.	312	Revision	P1
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Status	Planning	Date of Issue	08.05.15
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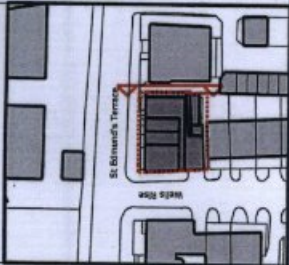
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All drawings to be read in conjunction with the engineer's and services engineer's information



A3



**KEY**

1. Peaseon Kolumbia brick facade
2. Portland stone balconies
3. Portland stone window surrounds
4. Slate grey powder coated aluminium sliding glazed doors
5. Painted metal balustrade
6. 1.8m high timber screen

P2	25.09.15	Revisions included following comments from planning authority
P1	08.05.15	Planning Issue
Rev	Date	Notes

Client: Linton Property Development Ltd

Project Title: St Edmund's Terrace  
4-6 St. Edmund's Terrace

Drawing Title: NORTH EAST ELEVATION  
Scale: @ A3

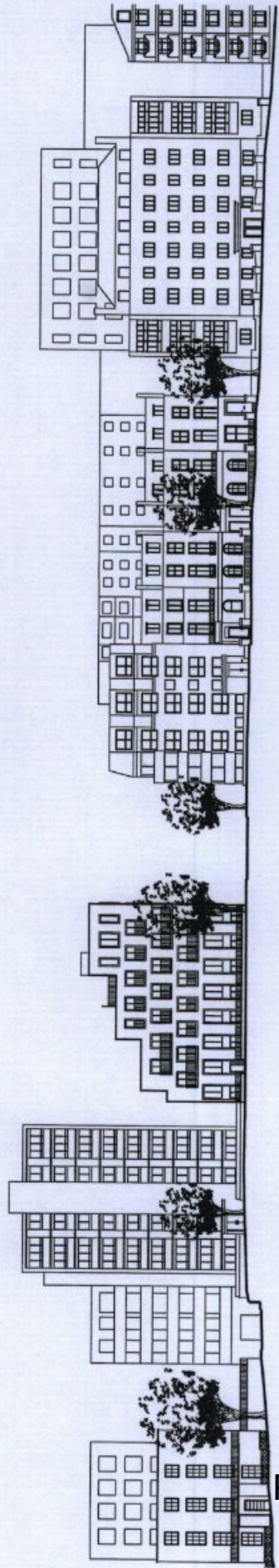
Project No.	250	313	Revision	P2
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Client: Linton Property Development Ltd  
Date of Issue: 25.09.15

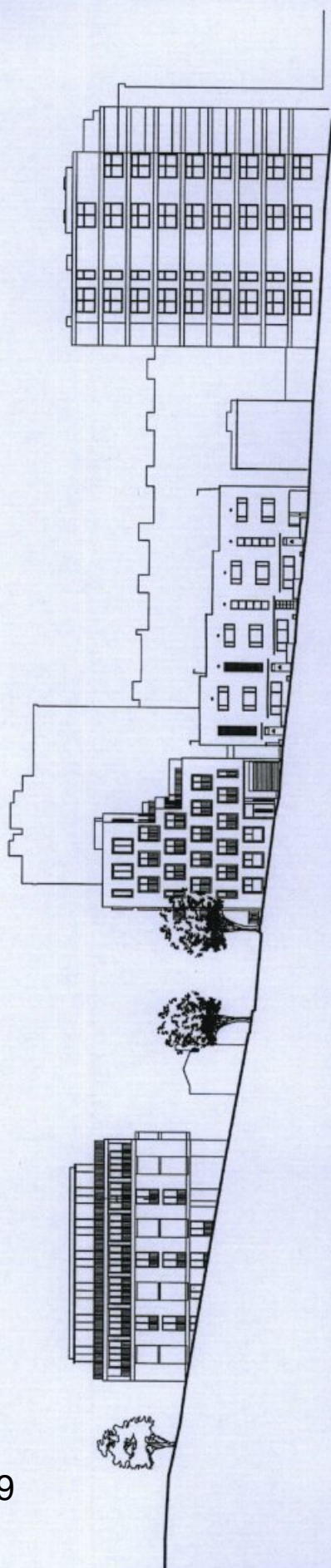


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St Edmund's Terrace Elevation  
Scale 1:500 @ A3



2 Wells Rise Elevation  
Scale 1:500 @ A3

Project No. 250\_309  
Revision P2  
Date 02.10.15  
Drawing Title Proposed Street Elevations  
Scale 1:500  
Sheet A3

Client: Uinton Property Development Ltd  
Project Title: St Edmund's Terrace  
4-4 St. Edmund's Terrace

Project No. 250\_309  
Revision P2  
Date 02.10.15

Project Title: Proposed Street Elevations  
Scale 1:500  
Sheet A3

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# Agenda Item 7

Item No.
7

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 17 November 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> Bayswater	
<b>Subject of Report</b>	<b>46 Sutherland Place, London, W2 5BY</b>		
<b>Proposal</b>	Excavation of basement underneath footprint of house and rear garden with associated walk-on rooflights and access grille to rear.		
<b>Agent</b>	Stiff and Trevillion		
<b>On behalf of</b>	Mrs Kasia Robinski		
<b>Registered Number</b>	15/04266/FULL	<b>TP / PP No</b>	TP/23650
<b>Date of Application</b>	14.05.2015	<b>Date amended/ completed</b>	14.05.2015
<b>Category of Application</b>	Other		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Westbourne		
<b>Development Plan Context</b> - 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		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

Grant conditional permission.





4 Jun 2015 09:55:13



46 SUTHERLAND PLACE, W2

## 2. SUMMARY

The application site comprises an unlisted mid-terrace property, which is in use as a single family dwellinghouse and is located on the west side of Sutherland Place in the Westbourne Conservation Area. Permission is sought for the excavation of a basement underneath the footprint of the house and rear garden with associated walk-on rooflights and access grille to the rear elevation.

The key issues in this case are:

- The impact on the appearance of the building and the character and appearance of the Westbourne Conservation Area.
- The impact on the amenity of neighbouring residents.
- The impact on trees.

The proposed development is considered to be acceptable in design, amenity and environment terms and would accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

## 3. CONSULTATIONS

### KAREN BUCK MP

Supports objector and asks that comments of the constituent are taken into account in the determination of the application.

### NOTTING HILL EAST NEIGHBOURHOOD FORUM

Objections raised in relation to a basement extension under the front and back gardens, the lacklustre design to the rear and the lack of greening. Potential overlooking, the lack of SUDS, the brick detailing and relationship to neighbours are queried. Concerns are also raised with regard to the impact of the construction works on neighbours and the impact on the long term viability of the community. The 'massive amount of irrelevant documentation' is also alleged to be designed to obfuscate.

### ARBORICULTURAL MANAGER

Following amendments to the scheme, including a reduction in size of the basement to increase the separation from the Lime tree in the front garden and the omission of alterations to the front garden as well as clarification of the tree protection methodology, no objections are raised.

### BUILDING CONTROL

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using RC underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

### ENVIRONMENTAL HEALTH

The layout is unacceptable in terms of fire safety and sufficient natural light and ventilation.

**HIGHWAYS PLANNING MANAGER**

Conditions should be attached to the permission to secure cycle parking and refuse/recycling storage.

**ENVIRONMENT AGENCY**

No comments are made in respect of this application.

**THAMES WATER**

No objections raised. Informatives provided.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 34; Total No. of Replies: 27

Twenty seven emails/letters and a petition containing 87 signatures raising objection on all or some of the following grounds:

**Design:**

- The basement covers the whole plot of land which contravenes the 50% surface of the garden that can be excavated.
- Gardens are crucial to the character of the area and contribute to quality of life and a thin layer of topsoil does not constitute a garden that can adequately support future planting.
- Overdevelopment of the site.
- This is a conservation area and the proposal is completely out of character with a Victorian terrace. No other house in the street has had this level of development in the last 20 years or has additional floors below ground.
- The aesthetic value of the property sitting among listed buildings is of consequence not only when viewed from the street but also from all the adjacent buildings.
- The house has already had its basement lowered, a mansard roof installed along with a roof terrace with fencing (it will be the only house in the street with six levels).
- A double basement with no natural light should not be allowed.
- The concept of synthetic turf is obscene.
- Permission for this development will set a precedent for further basement extensions on Sutherland Place.
- These mid-Victorian buildings were not built for mega basements - otherwise they would have built them themselves.

**Amenity:**

- Noise of continuous pumping owing to the presence of the perched water table, which will be undercut by the 5m deep excavation (the idea that silent pumps can be installed is false).

**Trees:**

- Digging of trenches for services to the basement may disturb existing tree roots and damage trees that are of some modest streetscene contribution.
- Tree protection fencing to protect the tree roots during excavation would look unsightly.

**Flooding:**

- Problems with flooding.
- Interference with drainage of surface water.
- The area is known for wells and the excavation might affect groundwater.

- The City Council should require that instead of re-concreting the rear garden, it should be altered so that it helps reduce the amount of water run-off from hard surfaces and reduces flood risk.

#### Sustainability:

- Loss of garden with real soil with the possibility of rainwater absorption is unecological.
- The proposal contravenes the European Directive to London for active reduction in carbon and fossil fuel emissions and 'greening', which must include preservation of existing gardens and soils.

#### Structural Issues:

- Impact on structural integrity and stability of adjoining historic buildings with alleged bulges, cracks, deformed windows and roof cornices and the loss of the original Roman cement stucco to the facade.
- Instability of ground has previously been demonstrated following the removal of trees and smaller scale basement extensions.
- Damage has previously been caused to adjoining building by other works at the application site and the terrace is unable to withstand further works.
- Inappropriate methods of construction.
- Close proximity to party walls.
- New foundations are likely to be deeper than those of neighbouring properties.
- Threats can be minimised if the work is completed to a high standard, however, this is not always the case.
- The underlying soil regime will be altered in perpetuity.
- The property is built on London Clay which cannot accommodate such works.
- This type of development will shorten the life expectancy of the terrace and cause irreparable damage to historic features and fabric.
- Destructive subterranean works pose an unacceptable risk of instability to the historic façade from shrink, swell and/or slippage of clay soil, which can continue for up to 30 years.
- The surveying and engineering reports do not inspire confidence and include discrepancies.
- The proposal contravenes the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, which requires Local Authorities and Officers to refuse destructive works which are 'likely to cause damage' to a historic building of special interest or in any way shorten its life span.
- It is an offence and abuse of position for officers to ignore their own widely published advice and to contravene, not only the Town and Country Planning Act with respect of historic buildings, gardens and trees as part of the overall plan for conservation areas and listed buildings, but the very principles of the Unitary Development Plan and social sense.
- The use of heavy plant and powered tools generates heavy vibration, which damages surrounding structures.
- These matters should not be left to be addressed through the Part Wall Act.

#### Construction Works:

- The noise, vibration, dirt, dust and general disruption to neighbours will be excessive and is unacceptable to residents in the street.
- Residents in Northumberland Place have had to put up with two years of constant drilling and heavy vehicular activity.
- The plans will infringe neighbouring residents rights to freedom from injury to property, to amenity, clean air, to privacy, health and wellbeing for unacceptable periods.
- The noise will cause stress, anxiety, depression and ill health including coronary disease and stroke.

- Harmful levels of pollution from powered tools causes a rise in asthma and other respiratory problems.
- Hundreds of lorry movements over an extended period of time.
- Applicants should have to apply for a temporary change of use as sites undergoing basement excavations are not residences for two or three years. They are noisy open heavy industrial building sites.
- Disruption to services (gas, electricity, water etc) and neighbouring infrastructure during works.
- The heavy vehicles used in this kind of activity are unacceptable in an urban environment.

#### Other Issues:

- The applicant has had little respect for the planning system in the past and this will result in a failure to build the current scheme in accordance with approved plans.
- The Council should not have approved previous applications for development on this site.
- Reference is made to a court case regarding party wall matters and the impact of a basement extension on the structural integrity and stability of the neighbouring properties.
- Legal action may be taken against the City Council in respect of alleged negligence and scams which will attract press coverage.
- Planning permission does not give the applicant the right to carry out the works as party wall agreements are required.
- The City Council permitting basement extensions in general is unlawful and an infringement upon human rights.
- Neighbouring occupiers resent basement excavations particularly when done to increase the value of a property before selling and include unnecessary additions such as gyms, pools, cinemas and wine stores.
- With the exception of the front façade, the original house was completely rebuilt in 2003 and therefore there can be no structural reason for further development.
- The ownership certificate had not been fully completed.
- There is a separate application for a parking space in the front garden.

#### Reconsultation following revision to reduce basement extent:

Further consultation was carried out in August 2015 following a reduction in the size of the basement to increase the separation from the Lime tree in the front garden as well as the omission of alterations to the front garden and lightwell. Reconsultation letters were sent to those who were originally consulted and subsequently to all those neighbours who objected to the original proposal. A number of representations were received which notwithstanding the revisions, reiterate the aforementioned concerns. It has also been confirmed by the organisers of the petition that their original objections remained.

#### ADVERTISEMENT/SITE NOTICE: Yes.

(Several neighbours state that the site notice was removed prior to the 21 day period, however, the City Council has photographic evidence that this is not the case. The City Council's consultation on this application has exceeded the minimum statutory requirements and has been in accordance with the City Council's Statement of Community Involvement).

## 4. BACKGROUND INFORMATION

### 4.1 The Application Site

The application site comprises an unlisted mid-terrace property, which is in use as a single family dwellinghouse and is located on the west side of Sutherland Place, within the Westbourne Conservation Area.

## 4.2 Relevant History

19 September 2012 – Planning permission refused in respect of erection of single storey lower ground floor rear glazed extension (RN: 12/07109/FULL).

Reasons for refusal related to the size and design of the extension and the loss of the garden area.

30 October 2011 – Planning permission refused and appeal subsequently dismissed in respect of erection of mansard roof extension and terrace, erection of three storey rear brick and glazed extension, rear steps to garden, felling of Lime tree to front, replacement of front wall with railings/gate and excavation of front garden to provide room (RN: 01/06720/FULL).

Reasons for refusal related to the design of the boundary railings, the design of the rear extensions, the design of the mansard roof extension, a loss of privacy caused by the rear steps and the impact the removal of the tree would have on the conservation area.

20 April 2012 – Planning permission refused in respect of erection of single storey rear extension to dwellinghouse (RN: 12/01019/FULL).

Reasons for refusal related to the size and design of the extension and the loss of the garden area.

29 January 2003 – Planning permission and conservation area consent granted in respect of demolition behind retained facade, redevelopment to provide a new building on basement to third floors for use as a single house (RN: 02/09108/FULL and 02/09109/CAC).

29 April 2002 – Planning permission granted in respect of erection of mansard roof extension, replacement of rear brick extension, erection of a two storey glazed extension with stairs to rear garden, replacement of front basement steps and front garden wall with solid wall and excavation of basement (RN: 02/01553/FULL).

2 April 2002 – Appeal against non-determination dismissed in respect of replacement of existing boundary wall with metal gates and modifications to the front garden to enable use as a car parking bay, including the provision of a grate cantilevered over the existing front basement lightwell (RN: 02/00026/FULL).

Reasons for refusal related to the design of the railings, the loss of the open lightwell and the impact on the protected Lime tree.

19 March 2002 – Planning permission refused and appeal subsequently dismissed in respect of erection of mansard roof extension, erection of a rear three storey brick and glazed extension with stairs to rear garden, replacement of front basement steps and front garden wall with solid wall and excavation of basement.

Reasons for refusal related to design of the rear extensions and the detailed design of the rear fenestration and steps.

19 March 2002 – Planning permission refused and appeal subsequently dismissed in respect of erection of mansard roof extension, replacement of rear brick extension, erection of two storey rear glazed extension with stairs to rear garden, replacement of front basement steps and front garden wall with solid wall and excavation of basement (RN: 01/10069/FULL).

Reasons for refusal related to the design of the rear extensions and the detailed design of the rear fenestration and steps.

## 5. THE PROPOSAL

Permission is sought for the excavation of a basement underneath the footprint of the dwellinghouse and rear garden with associated walk-on rooflights to rear elevation.

Following concerns initially raised by the Arboricultural Manager, the basement has been reduced in size to increase the separation from the protected Lime tree within the front garden. Initially proposed alterations to the front garden, including the enlargement of the front lightwell and new landscaping have also been omitted from the scheme.

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

The proposal accords with Policy H3 of the UDP, which states that extensions to residential properties are acceptable in principle. Concerns have been raised by neighbouring occupiers in respect of the requirement for a basement, however, given the policy presumption in favour of provision of additional residential floorspace, permission could not reasonably be withheld on the basis that third parties do not consider the additional residential floorspace to be necessary.

In respect of Environmental Health's concerns regarding the failure to comply with the Housing Acts, this is not a material planning consideration. Nevertheless, it can be drawn to the applicant's attention by way of an Informative. Equally, the objections raised by a neighbouring occupier in respect of a basement with no natural light cannot form grounds to refuse the application given that overall the large dwellinghouse will have a significant number of habitable rooms at lower ground floor level and above that are well daylit.

### 6.2 Townscape and Design

Whilst the proposed basement would be extensive, the external manifestations would be limited to walk-on rooflights and an access hatch to the rear of the property. It is considered that given their relatively modest scale and their siting to the rear of the property, they would preserve the appearance of the building and the character and appearance of the Westbourne Conservation Area. The proposal would therefore comply with Policy DES5 in the UDP and Policy S28 in the City Plan. Furthermore, given that there would be no external manifestations at the front of the building, the proposal would not affect the setting of the listed buildings on the opposite side of Sutherland Place, in accordance with Policies DES9 and DES10 in the UDP.

Objections are raised on the grounds of the basement 'contravening the 50% surface of the garden that can be excavated'. It is noted that this restriction is included in the emerging draft basement policy, however, it is only possible to attach weight to this policy for applications received after 1 November 2015. As this application was received well in advance of 1 November 2015, the application cannot reasonably be refused on these grounds.

Neighbouring occupiers have raised concerns about the insufficient soil depth above the basement, however, the 1.2 metres proposed is fully compliant with the City Council's SPD 'Basement Development in Westminster' (2014). Therefore, in this respect the proposed basement is considered to be appropriately designed and would accommodate future mature

planting. As such, there would be no loss of useable garden space in the conservation area as a result of the development. It is recommended that details of a suitable landscaping scheme to the rear garden are sought by condition.

With regard to the neighbour's assertions that the proposal would be out of character with the area, it is considered that in the absence of any external manifestations at the front of the building and only modest manifestations to the rear, the proposed development would cause no material harm. The proposed development would not set a precedent for further basement extensions as each would be assessed on its own merits. Furthermore, any application for a basement extension submitted after 1 November 2015 would have to comply with the emerging basement policy.

### **6.3 Amenity**

Given its limited external manifestations, the proposed basement extension, once built, will have no impact on the amenities of neighbouring properties in terms of loss of daylight, outlook or sense of enclosure, and would therefore comply with Policy ENV13 in the UDP and Policy S29 in the City Plan.

Neighbours have alleged that there will be noise from continuous pumping owing to the presence of the perched water table, which will be undercut by the 5m deep excavation and that the idea that silent pumps can be installed is false. However, it is considered that any noise associated with these internally located pumps could not conceivably create such a high level of noise that would affect the amenities of neighbouring occupiers. Accordingly, the scheme is considered to accord with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan.

Concerns raised with regard to the noise, disturbance and pollution during an extensive construction period are noted and whilst this can be mitigated to some extent by conditions, it cannot constitute a reason for withholding planning permission.

### **6.4 Highways/Parking Issues**

The proposal does not represent an increase in residential units or a loss of parking. As such, the proposal is not contrary to TRANS23. Equally, as the proposal does not comprise an increase to the number of residential units on the site, it would not be reasonable to attach conditions requiring details of cycle parking and refuse storage.

### **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 City Plan Policy Considerations**

Since the submission of this application, weight has been afforded to certain parts of the City Council's new basement policy. However, this relates solely to applications submitted after the 1 November 2015 and as such, this policy which among other things seeks to prevent more than 50% of the surface of the garden being excavated, is not relevant to the determination of this application.



## **6.8 London Plan**

The proposals do 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**

Concerns were raised by the Arboricultural Manager in respect of the impact the proposed basement would have on the protected Lime tree in the front garden. The proposal has since been amended by reducing the size of the basement to increase the separation between the basement and the Lime tree. Alterations to the front garden have also been omitted. The proposal is now considered to be acceptable with regards to Policy ENV16 in the UDP and the Arboricultural Manager no longer objects to the application.

Objection has been raised by a neighbouring occupier to the use of synthetic turf and the loss of soil within the rear garden, which has the possibility to provide rainwater absorption. However, 1.2 metres of topsoil is proposed over the basement extension in accordance with the 'Basement Development in Westminster' SPD (2014) and replacement landscaping is sought by condition. It is noted that the application property already has a synthetic lawn to the rear and a replacement synthetic lawn may therefore be difficult to resist. However, as a significant soil depth is to be provided below this lawn and over the basement, the potential for future planting/a natural lawn within the rear garden will be safeguarded. In this context, the objections raised on these grounds cannot be supported in this case.

One neighbour suggests that the tree protection fencing would be unsightly, however, this would be a temporary measure that would protect the tree in the long-run and is therefore appropriate.

## **6.12 Other Issues**

### **6.12.1 Basement Excavation**

The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding. Such concerns have been raised by many neighbouring occupiers. The numerous letters of objection received refer specifically to the impact on the structural integrity and stability of adjoining buildings which will shorten the lifespan of the terrace and the damage to the underlying soil regime. They also refer to potential problems with flooding, the interference with the drainage of surface water and the impact on groundwater.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

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

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

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The provision of this information is a validation requirement and as such, the objections raised by the Notting Hill East Neighbourhood Forum in respect of the applicant's intention to 'obfuscate' cannot be supported.

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

Building Control have assessed the reports provided and consider that, notwithstanding concerns raised by neighbouring occupiers in respect of alleged inappropriate methods of construction and the lack of faith they have in the inaccurate surveys submitted by the applicant, the proposed construction methodology appears satisfactory. Should permission be granted, these statements will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with them. The purpose of the reports is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations cited above. To go further would be to act beyond the bounds of planning control.

The City Council has been preparing guidance and policies to address the need to take into consideration land instability, flood risk and other considerations when dealing with basement applications. Last year the City Council adopted the Supplementary Planning Document 'Basement Development in Westminster' (October 2014), which was produced to provide further advice on how current policy can be implemented in relation to basement development - until the formal policy can be adopted. Consultation on a revised formal policy, 'Draft Basements Policy', is currently underway, and will form part of the local plan (replacing the UDP) once adopted.

The basement guidelines and basements policy documents have different status in the planning process. The SPD having now been adopted can be given considerable weight (known as material weight or a material consideration). Weight will be afforded to parts of this policy for applications submitted after 1 November 2015, however, as this application was submitted before that date it cannot be assessed against this emerging policy.

Objections have been raised on the basis of the damage caused by previous extensions at the application site. However, the current application should be assessed on its own merits and therefore this cannot be grounds for refusal.

#### **6.12.2 Construction Management**

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement, the timescale for the proposed construction phase and general disturbance associated with construction activity. Specific reference is made to the impact construction works have on the health of nearby residents.

Whilst planning permission cannot be withheld on the basis of these objections, a Construction Management Plan (CMP) is required at validation stage and has therefore been submitted with the application. The submitted CMP was sufficient to validate the application, but is insufficiently detailed so as to adequately safeguard the amenity of neighbours and prevent obstruction of the local highway network during construction. Therefore, it is recommended that a condition is imposed to secure a more fully detailed CMP prior to the commencement of development. A further condition is recommended to control the hours of construction works, particularly noisy works of excavation, which whilst it is inevitable that all construction works will have some impact on neighbours, should go some way to addressing the concerns of neighbouring residents.

#### **6.12.3 Certificate of Ownership**

An objection has been received on grounds that the certificate of ownership submitted with the application had been incorrectly signed because notice had not been served on the owners of

Item No.
7

adjoining buildings despite the scheme involving works to, and underneath, shared boundary/party walls.

This certificate of ownership was amended during the course of the application and notice under Certificate B has now been served by the applicant on all the adjoining occupiers. No prejudice is considered to have been caused to any party by the initial oversight by the applicant. There is, however, nothing to prevent any person applying for planning permission in respect of a property that they do not own. Any ownership issues and any consents other than planning permission, for instance under the Party Wall Act or Landlords Consent, would be a private matter and could not be considered under this application.

#### **6.12.4 Other Neighbour Objections**

Neighbouring occupiers have alleged that the applicant has had little respect for the planning system in the past and that this will result in a failure to build the current scheme in accordance with any approved plans. However, planning permission cannot be refused on this basis and any failure to build the current scheme in accordance with the approved plans would be subject to future planning enforcement action. It is also alleged that the Council should not have approved previous applications for development on this site, however this is not relevant to the assessment of the current application.

Reference is made to a court case regarding party wall matters and the impact of a basement extension at a different property on the structural integrity and stability of its neighbouring properties. However, this judgement is not relevant to the determination of this application, which must be considered on its own planning merits.

Further comments are made regarding party wall matters, however, this is not relevant to the determination of this application. Officers agree that whilst the City Council can give planning permission for the proposed development, it cannot permit the owners to actually carry out the works which affect the foundations of neighbouring properties. The carrying out of works is subject to Building Regulations and party wall agreements would be required where the land in question is not solely within the applicant's ownership.

Reference is made to the City Council permitting basement extensions in general with allegations that it is unlawful and an infringement upon human rights. These concerns can only be taken into consideration insofar as they relate specifically to the current application, which in this instance is a valid planning application that has been found to be consistent with the City Council's adopted policies for such development. Furthermore, the conditions recommended earlier in this report to secure a detailed CMP and restrict hours of construction works would mitigate the impact of the development on the amenity of neighbouring residents during construction works.

Reference is made to a separate application for a parking space in the front garden, however, the City Council does not have any record of such a planning application.

#### **6.13 Conclusion**

In conclusion, despite the objections raised, the proposed development is considered to be acceptable in design, amenity and environment terms and, subject to the recommended conditions, it would accord with the relevant policies in the UDP and City Plan.

### **BACKGROUND PAPERS**

1. Application form.

2. Letter from Karen Buck MP enclosing email from constituent dated 22 July 2015 and response from the Director of Planning dated 31 July 2015.
3. Email dated 27 July 2015 and petition dated 18 July 2015 containing 87 signatures.
4. Emails from the Notting Hill East Neighbourhood Forum dated 18 June 2015 and 9 September 2015.
5. Emails from Thames Water dated 29 May 2015 and 1 September 2015.
6. Memos from Environmental Health dated 1 June 2015 and 3 September 2015.
7. Memo from the Highways Planning Manager dated 15 June 2015.
8. Email from Building Control dated 21 July 2015.
9. Memos from the Arboricultural Manager dated 24 July 2015, 1 September 2015 and 14 September 2015.
10. Email from Environment Agency dated 1 September 2015.
11. Letter from the occupier of 30 Sutherland Place dated 4 June 2015.
12. Emails from the occupier of The Old Schoolhouse, Moorhouse Road dated 19 June 2015, 8 August 2015 (x2), 15 September 2015 and 18 October 2015.
13. Email from the occupier of 2 Moorhouse Road dated 19 June 2015.
14. Email from the occupier of 37 Sutherland Place dated 29 June 2015.
15. Emails from the occupier of 26b Sutherland Place dated 9 July 2015 and 13 September 2015.
16. Emails and letters from the occupier of 22 Sutherland Place dated 9 July 2015 (x2) and 16 September 2015.
17. Emails and letters from the occupier of 22 Sutherland Place dated 1 July 2015, 9 July 2015, 13 July 2015 (x2), 20 July 2015, 27 July 2015 and 28 July 2015.
18. Email from the occupier of 22A Sutherland Place dated 13 July 2015.
19. Email from the occupier of 42 Sutherland Place dated 24 July 2015.
20. Email from the occupier of 39 Sutherland Place dated 27 July 2015.
21. Email from the occupier of 47 Sutherland Place dated 5 August 2015.
22. Emails from the occupier of 43 Sutherland Place dated 7 September 2015 and 16 October 2015.
23. Email from the occupier of 43A Sutherland Place dated 7 September 2015.
24. Email from the occupier of 44 Sutherland Place dated 10 September 2015.
25. Email from the occupier of 45 Sutherland Place dated 12 September 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY E-MAIL – [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 46 Sutherland Place, London, W2 5BY

**Proposal:** Excavation of basement underneath footprint of house and rear garden with associated walk-on rooflights and access grille to rear.

**Plan Nos:** Site Location Plan, P01A, P02A, P03A, P04, P05, P06, P101A, P102A, P103A, P104A, P105B, P106A, SK03 P3, SK04 P3, Elevation on Boundary Wall, Arboricultural Report (3rd September 2015) and Outline Construction Management Plan (April 2015) (for information only - see Condition 5). Structural Documents (all for information only - see Informative 2): CGL Basement Impact Assessment dated May 2015, Symmetrys Limited Basement Impact Assessment (Structural Methodology Statement) dated May 2015, Structural Calculations dated January 2015, Drainage Report (14 April 2015) and structural drawings 00 and SK05/P2.

**Case Officer:** Claire Berry

**Direct Tel. No.** 020 7641 4203

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

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne 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 (a) You must arrange for an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered, to supervise the development. You must apply to us for our approval of the details of such supervision including:
- identification of individual responsibilities and key personnel.
  - induction and personnel awareness of arboricultural matters.
  - supervision schedule, indicating frequency and methods of site visiting and record keeping
  - procedures for dealing with variations and incidents.

You must not start any work until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

(b) You must produce written site supervision reports as detailed in part (a) after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

**Reason:**

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

- 5 **Pre Commencement Condition.** Notwithstanding the Construction Management Plan submitted at application stage, no development shall take place, including any works of demolition, until a detailed 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.

- 6 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species.  
(C30CB)

Reason:

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

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



Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

**Reason:**

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

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

**Reason:**

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

**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 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.
- 3 Any external plant or equipment to be installed in connection with the basement may require separate planning permission.
- 4 The Council considers that the amount of daylight that is likely to reach the basement would not be enough for the use of these rooms as living areas. The proposals have been accepted because the dwelling as a whole has enough main rooms with adequate daylight and as ancillary accommodation by one household. If any occupier in the future was to consider using the basement in a different way, for example as bedrooms or staff accommodation, the basement area is likely to be considered for action under the Housing Act 2004 by our Residential Environmental Health Team. In those circumstances, officers would have the power to require works to improve daylight to the affected rooms or prohibit their use.
- 5 Thames Water have offered the following advice:

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a

public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

**GENERAL NOTES:**  
 1. See notes on other drawings.  
 2. Check drawings on site for any discrepancy.  
 3. All dimensions are in meters unless otherwise stated.  
 4. All dimensions are to the centerline of walls unless otherwise stated.  
 5. All dimensions are to the centerline of columns unless otherwise stated.  
 6. All dimensions are to the centerline of doors unless otherwise stated.  
 7. All dimensions are to the centerline of windows unless otherwise stated.  
 8. All dimensions are to the centerline of stairs unless otherwise stated.  
 9. All dimensions are to the centerline of ramps unless otherwise stated.  
 10. All dimensions are to the centerline of lifts unless otherwise stated.

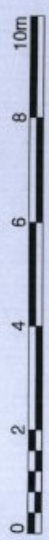
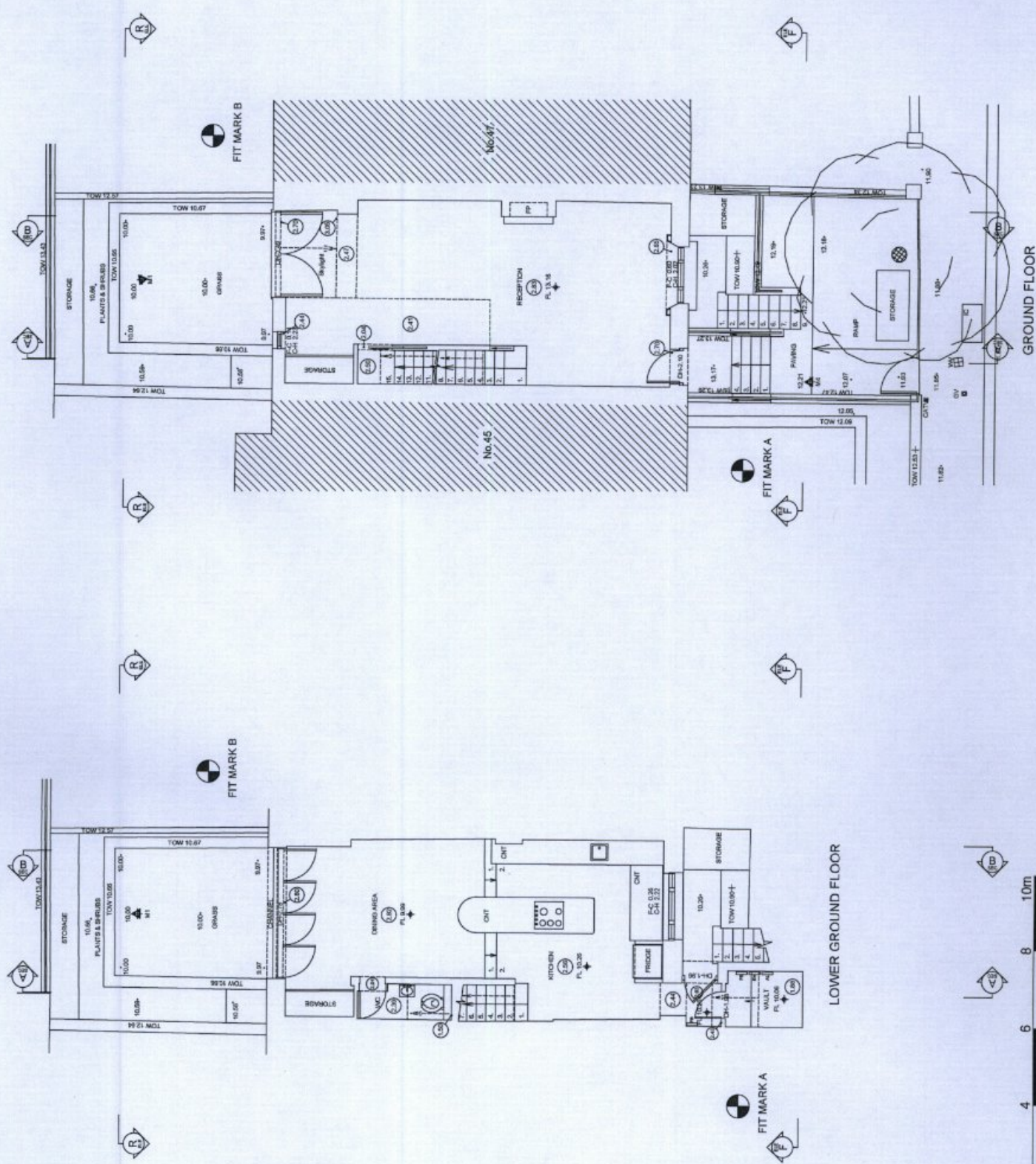
No. Date Revision Notes  
 A 08/05 SECTION B REFERENCE LINES INCLUDED

**PLANNING**

**Stiff + Trevillion**  
 14 HAVINGHAM ROAD  
 LONDON W9 2DE

1-442222 0103 2025  
 F-442222 0103 2025  
 www.stiffandtrevillion.com

Project	44 SUTHERLAND PLACE
Location	LONDON W2
Drawing No.	3724
Revision No.	P01
Revision Description	LOWER GROUND & GROUND FLOOR PLANS AS EXISTING
Scale	1:200
Date	14/06/2014
Author	A



**GENERAL NOTES**  
 1. All notes are to be read in conjunction with the drawings.  
 2. The drawings are to be read in conjunction with the contract documents.  
 3. The drawings are to be read in conjunction with the contract documents.  
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No.	Date	Revision Notes
A	20/05/15	SECTION 11 REFERENCE LINES INCLUDED

**PLANNING**

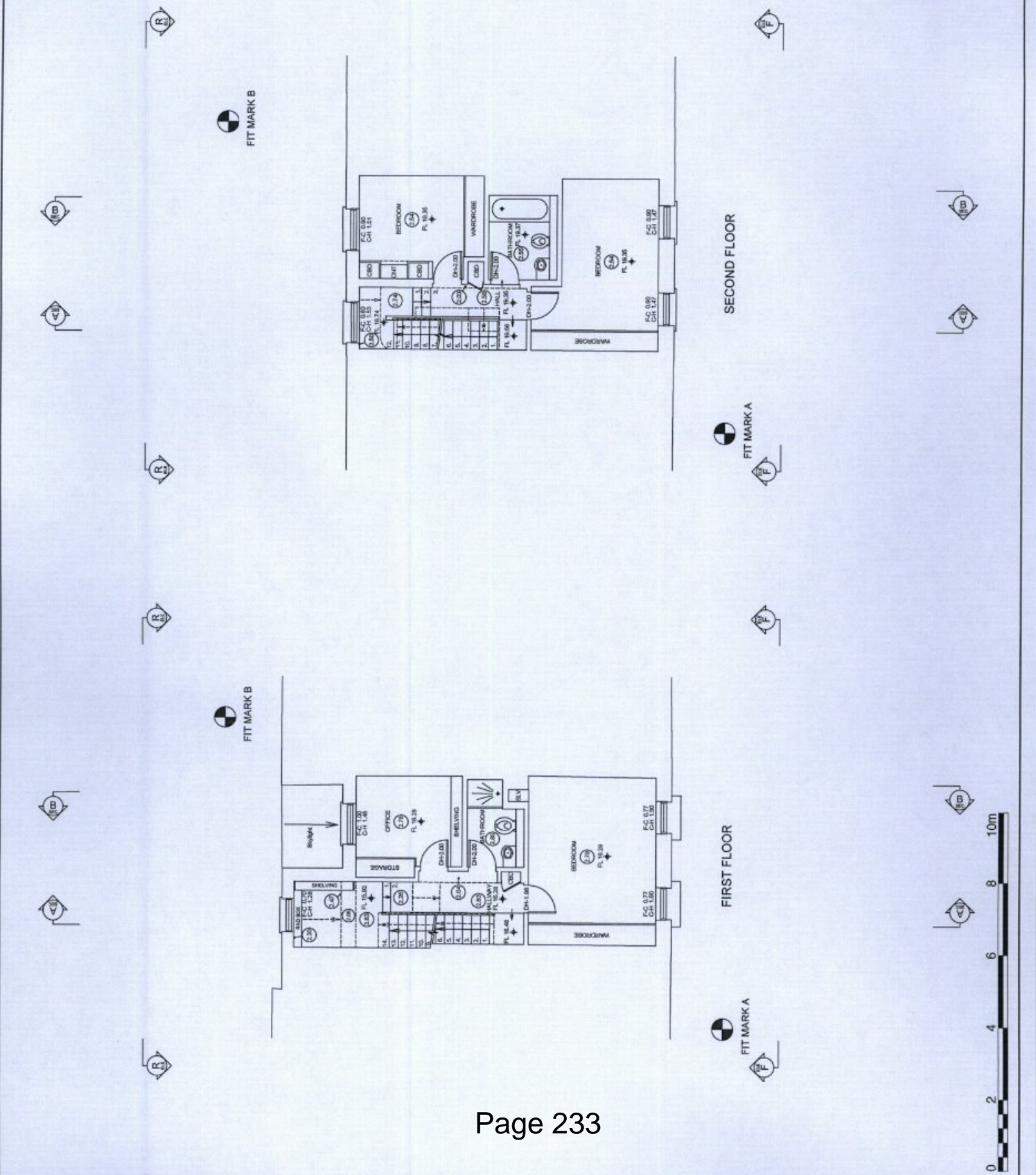
**Stiff + Trevillion**  
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 London W1P 0LP

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 Fax: +44 (0) 20 7638 1001  
 www.stiffandtrevillion.com  
 www.stiffandtrevillion.co.uk

Project: **46 SUTHERLAND PLACE  
 LONDON W2**

Drawings: **FIRST & SECOND  
 FLOOR PLANS AS EXISTING**

Drawings No.	Revision
3724	P02



**GENERAL NOTES**  
 1. All work shall be in accordance with the Building Regulations 2010 and any amendments thereto.  
 2. The contractor shall be responsible for obtaining all necessary planning and building control approvals.  
 3. The contractor shall be responsible for obtaining all necessary party wall and neighbour consent approvals.  
 4. The contractor shall be responsible for obtaining all necessary fire safety approvals.  
 5. The contractor shall be responsible for obtaining all necessary health and safety approvals.  
 6. The contractor shall be responsible for obtaining all necessary environmental approvals.  
 7. The contractor shall be responsible for obtaining all necessary traffic management approvals.  
 8. The contractor shall be responsible for obtaining all necessary utility approvals.  
 9. The contractor shall be responsible for obtaining all necessary parking approvals.  
 10. The contractor shall be responsible for obtaining all necessary other approvals.

**REV**    **DATE**    **DESCRIPTION**  
 A    20/05/16    SECTION 11 REFERENCED LINES INCLUDED

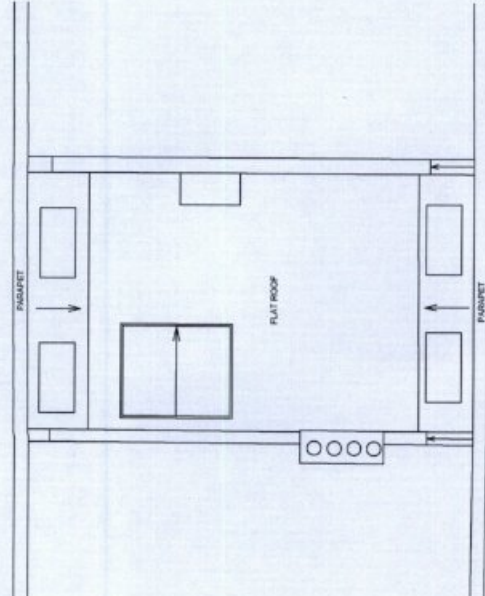
**PLANNING**

**Stiff + Trevillion**  
 800 + Trevillion Architects Ltd  
 100 Abchurch Lane  
 London EC4N 3DF

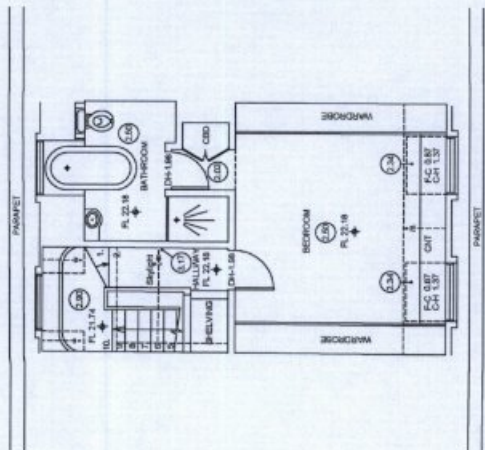
T: +44 (0)20 464 6000  
 F: +44 (0)20 464 6001  
 info@stiffandtrevillion.com  
 www.stiffandtrevillion.com

**46 SUTHERLAND PLACE  
 LONDON W2  
 THIRD FLOOR & ROOF  
 PLANS AS EXISTING**

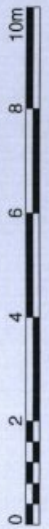
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Date	11/05/16	Date	11/05/16
Drawn	P03	Checked	A



**ROOF PLAN**



**THIRD FLOOR**



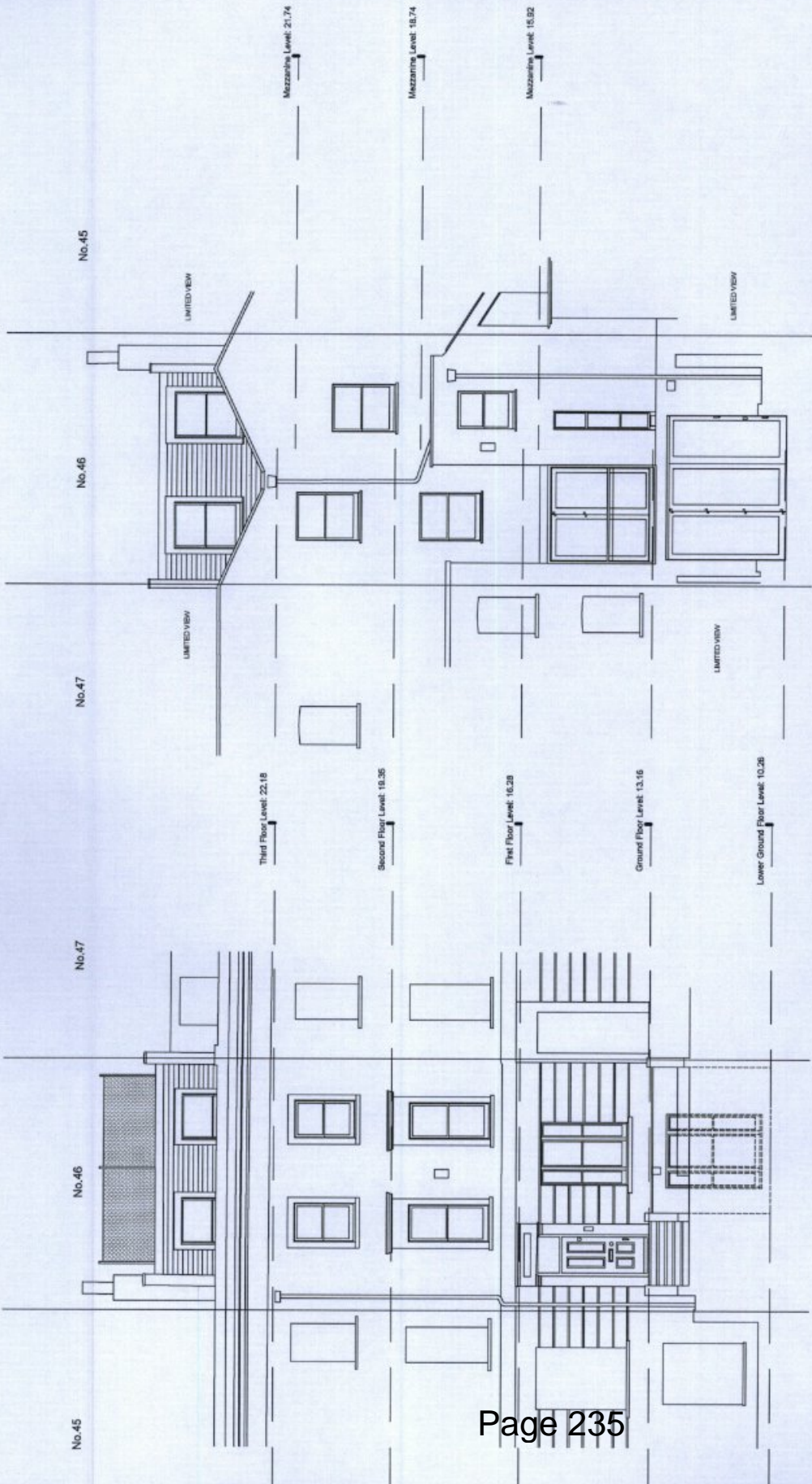
**GENERAL NOTES**  
 1. All work shall be in accordance with the Building Regulations and all other relevant codes of practice.  
 2. The architect shall be responsible for the design and construction of the building.  
 3. All work shall be in accordance with the Building Regulations and all other relevant codes of practice.

No.	Date	Revision/Notes

**PLANNING**

**Stiff + Trevillion**  
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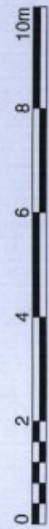
Project	44 SUTHERLAND PLACE LONDON W2
Client	FRONT & REAR ELEVATIONS AS EXISTING
Project No.	3724
Revision	P04
Date	13.08.2015
Drawn	A/MS, J/MS
Checked	



REAR ELEVATION



FRONT ELEVATION



GENERAL NOTES:

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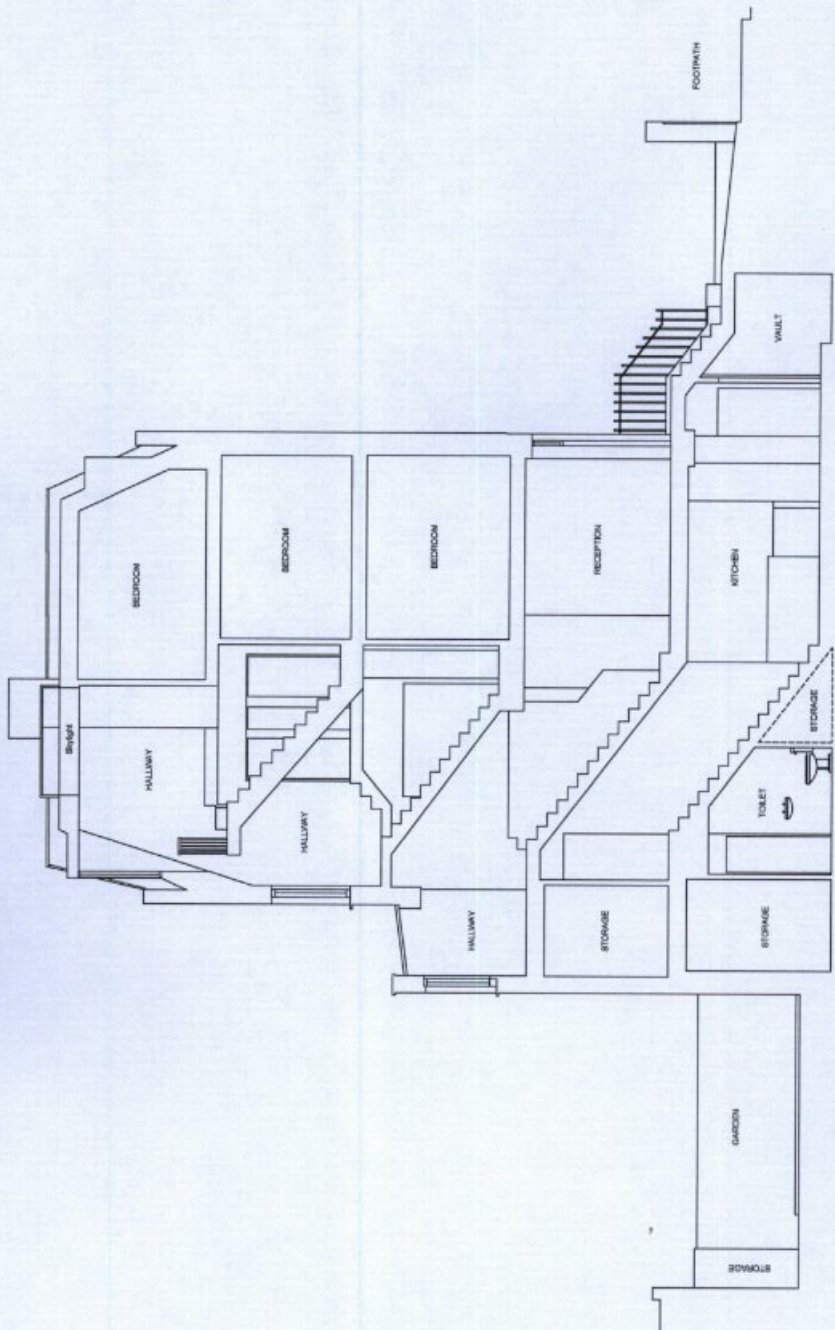
No. Date Revision/Notes

PLANNING

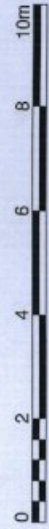
Stiff + Trevillion  
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info@stiffandtrevillion.com  
www.stiffandtrevillion.com

Project: 44 SUTHERLAND PLACE  
LONDON W2  
Section: SECTION A  
AS EXISTING

Reference: 3724  
Drawing No: P05  
Date: 09/05/15  
Scale: 1:100



SECTION A





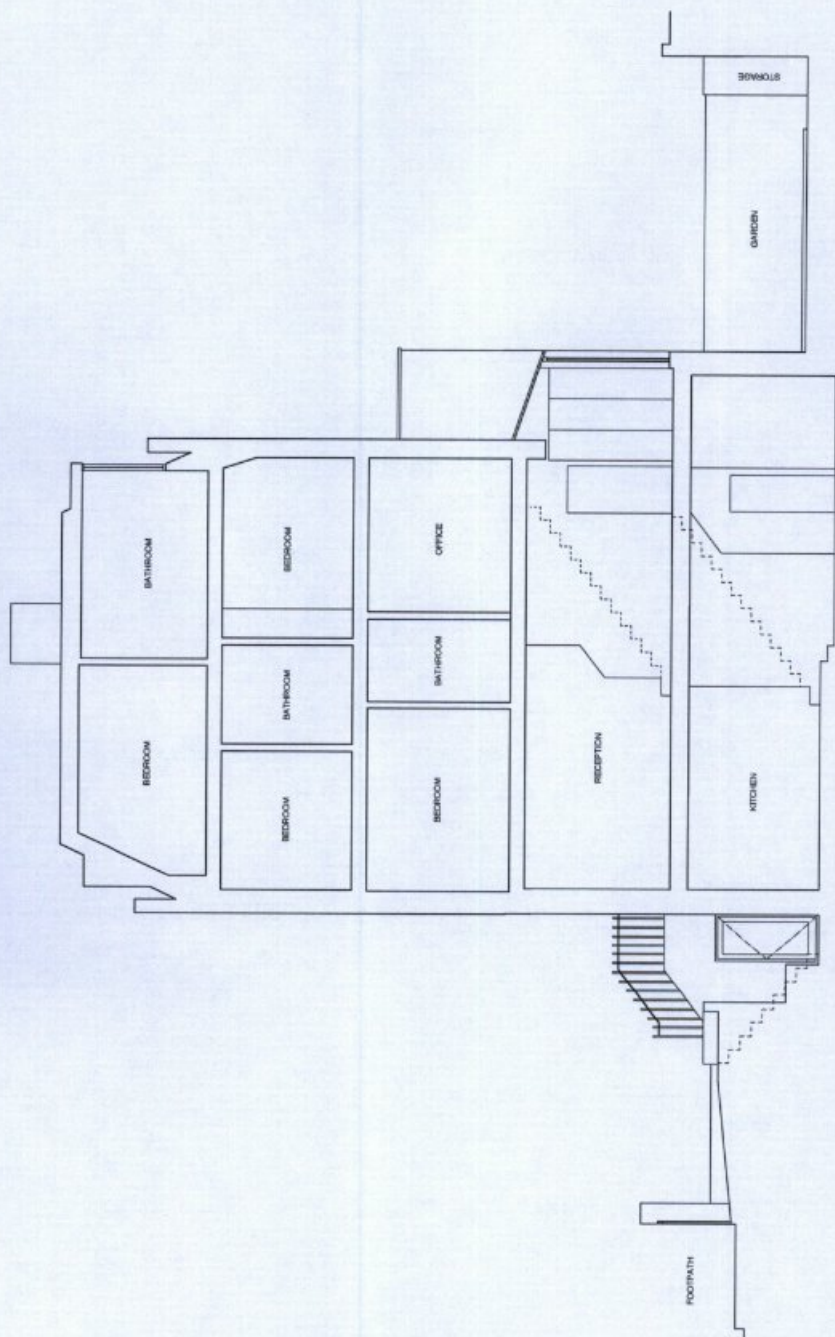
**GENERAL NOTES**  
 1. Do not take from this drawing.  
 2. This drawing is the property of the architect and is to be used only for the project for which it is prepared.  
 3. No part of this drawing is to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the architect.

No.	Date	Revisions/Notes

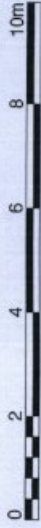
**PLANNING**

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 11 Woodland Road  
 London W12 7JZ  
 T +44(0)20 8199 5159  
 www.stiffandtrevillion.com  
 www.stiffandtrevillion.com

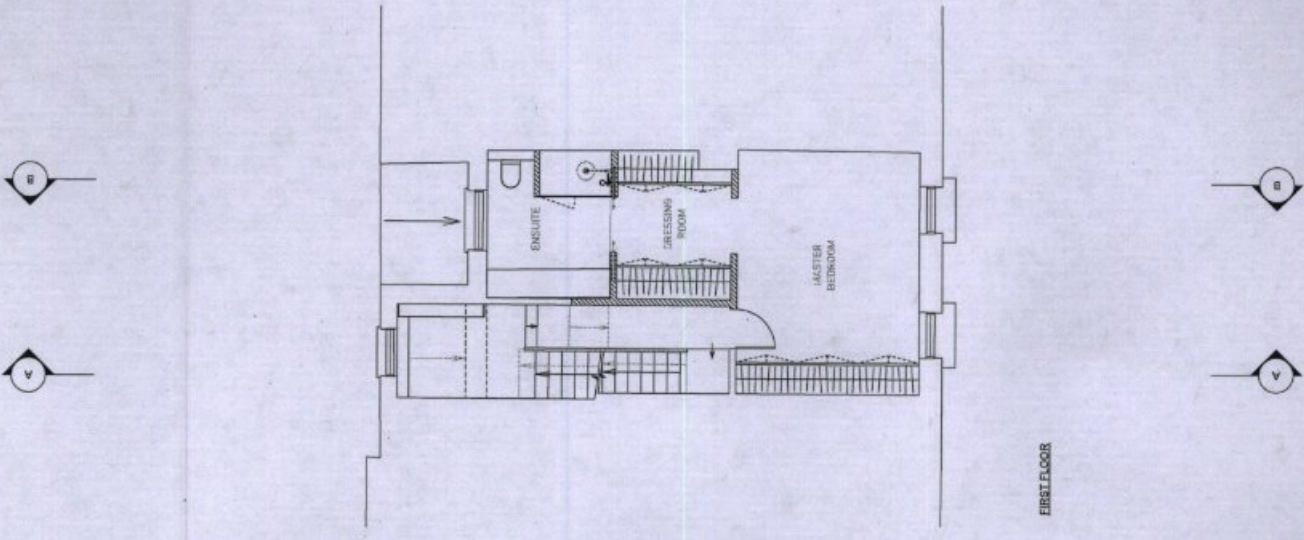
Project	66 SUTHERLAND PLACE LONDON W2
Client	SECTION B AS EXISTING
Project No.	3724
Drawn by	
Checked by	P06
Date	10/02/2014
Scale	1:100
Sheet	



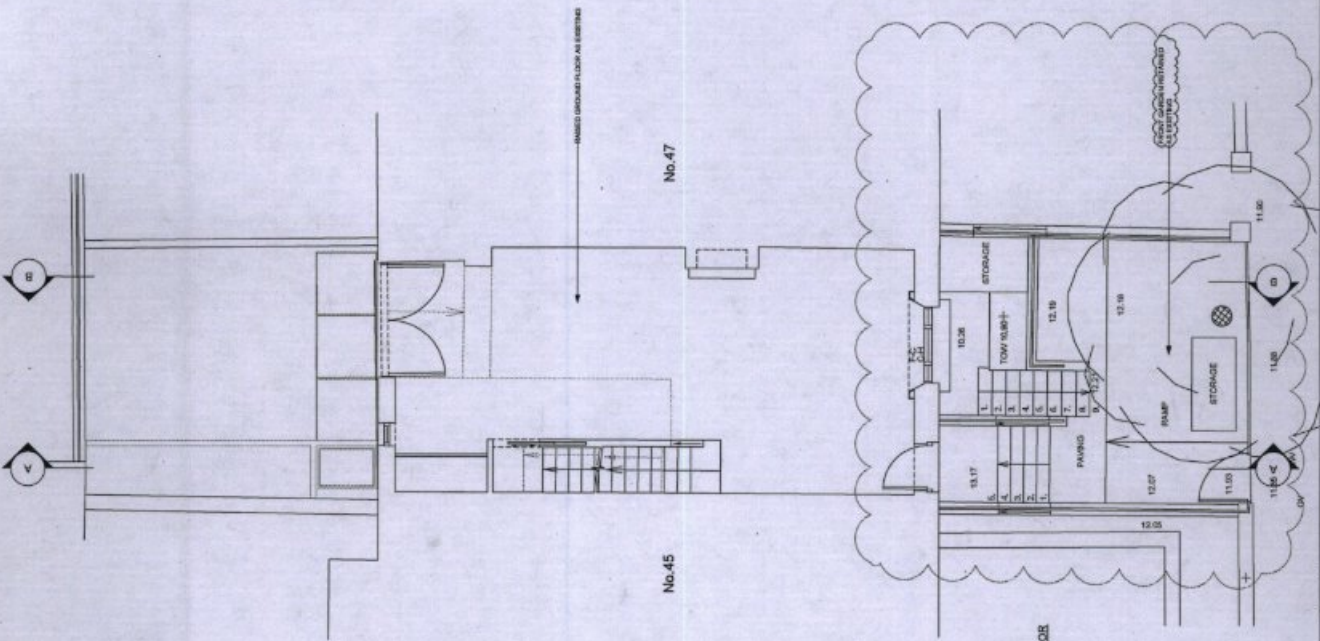
SECTION B







FIRST FLOOR

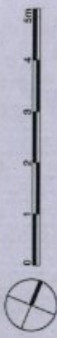


RAISED GROUND FLOOR

Project	46 SUTHERLAND PLACE LONDON W2
Drawn by	BAISED GROUND & FIRST FLOOR PLANS AS PROPOSED
Project No.	3724
Date	11.05.13
Scale	1:100
Author	SAJ
Checked	A

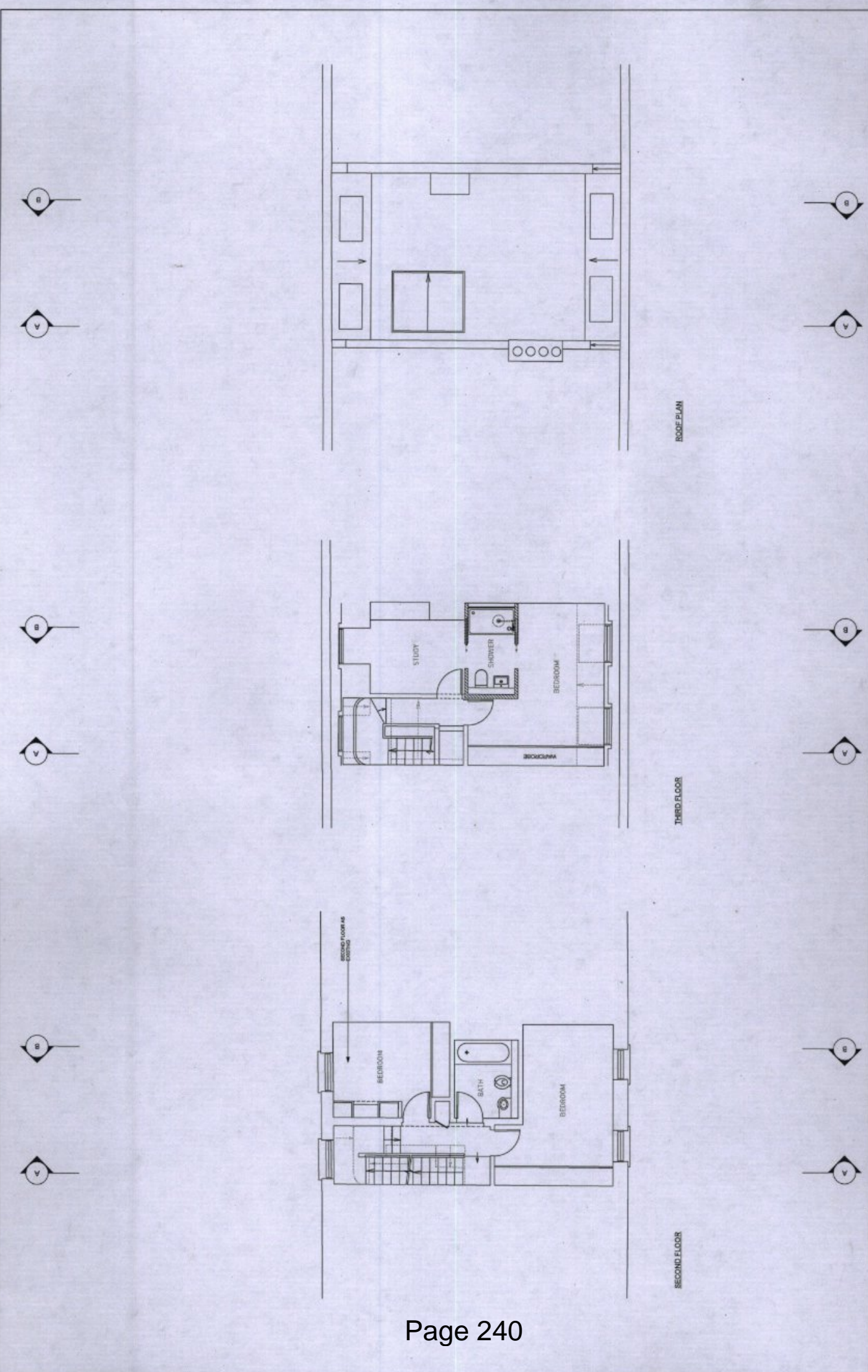
**Stiff + Trevillion**  
 56-58 Tottenham Court Road  
 London W1P 2EE  
 T +44 (0) 20 7324 3000  
 F +44 (0) 20 7324 3001  
 www.stiffandtrevillion.co.uk

**PLANNING**



No. 014  
 Date 11/05/13  
 Revision No. 1  
 Description: FRONT GARDEN/REARWELL RETAINED AS ORIGINAL. SECTION A-A REFERENCED LINES INDICATED

**GENERAL NOTES:**  
 1. All work shall be in accordance with the Building Regulations and all other relevant legislation.  
 2. The drawings shall be read in conjunction with the Bill of Materials and Specifications.  
 3. The drawings shall be read in conjunction with the Bill of Materials and Specifications.  
 4. The drawings shall be read in conjunction with the Bill of Materials and Specifications.



<p><b>GENERAL NOTES</b></p> <p>1. See notes on page 240.</p> <p>2. Check drawings for omissions and corrections.</p> <p>3. Verify all dimensions and levels.</p> <p>4. Show work on site.</p> <p>5. See notes on page 240.</p> <p>6. See notes on page 240.</p> <p>7. See notes on page 240.</p> <p>8. See notes on page 240.</p> <p>9. See notes on page 240.</p> <p>10. See notes on page 240.</p>	<p>No. A</p> <p>Date 2007/11</p> <p>Revision Notes</p> <p>SECTION B REFERENCE LINES INCLUDED</p>	<p>0 1 2 3 4 5m</p>	<p>PLANNING</p>	<p><b>Stiff + Trevillion</b></p> <p>Stiff + Trevillion Architects Ltd</p> <p>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</p>	<p>Project 46 SUTHERLAND PLACE</p> <p>Location LONDON W2</p> <p>Drawn SECOND, THIRD &amp; ROOF</p> <p>FLOOR PLANS AS PROPOSED</p> <p>Page No. 3724</p> <p>Drawn P103</p> <p>Date 11/08/07</p> <p>Sheet A</p>
	<p>11/08/07</p>				<p>11/08/07</p>

GENERAL NOTES:  
 1. FOR EXACT COST ESTIMATING,  
 CONSULT WITH THE ARCHITECTURE  
 CONSULTANT FOR MATERIALS AND  
 FINISHES TO BE USED IN THE WORK.  
 2. ALL WORK SHALL BE IN ACCORDANCE  
 WITH THE BUILDING REGULATIONS.  
 3. THE CONSTRUCTION SHALL BE IN  
 ACCORDANCE WITH THE DRAWINGS AND  
 SPECIFICATIONS.  
 4. ALL WORK SHALL BE IN ACCORDANCE  
 WITH THE BUILDING REGULATIONS.

No.	Date	Description/Notes
1	10/10/24	RIGHT HAND SIDE LEVELS RETAINED AS SHOWN

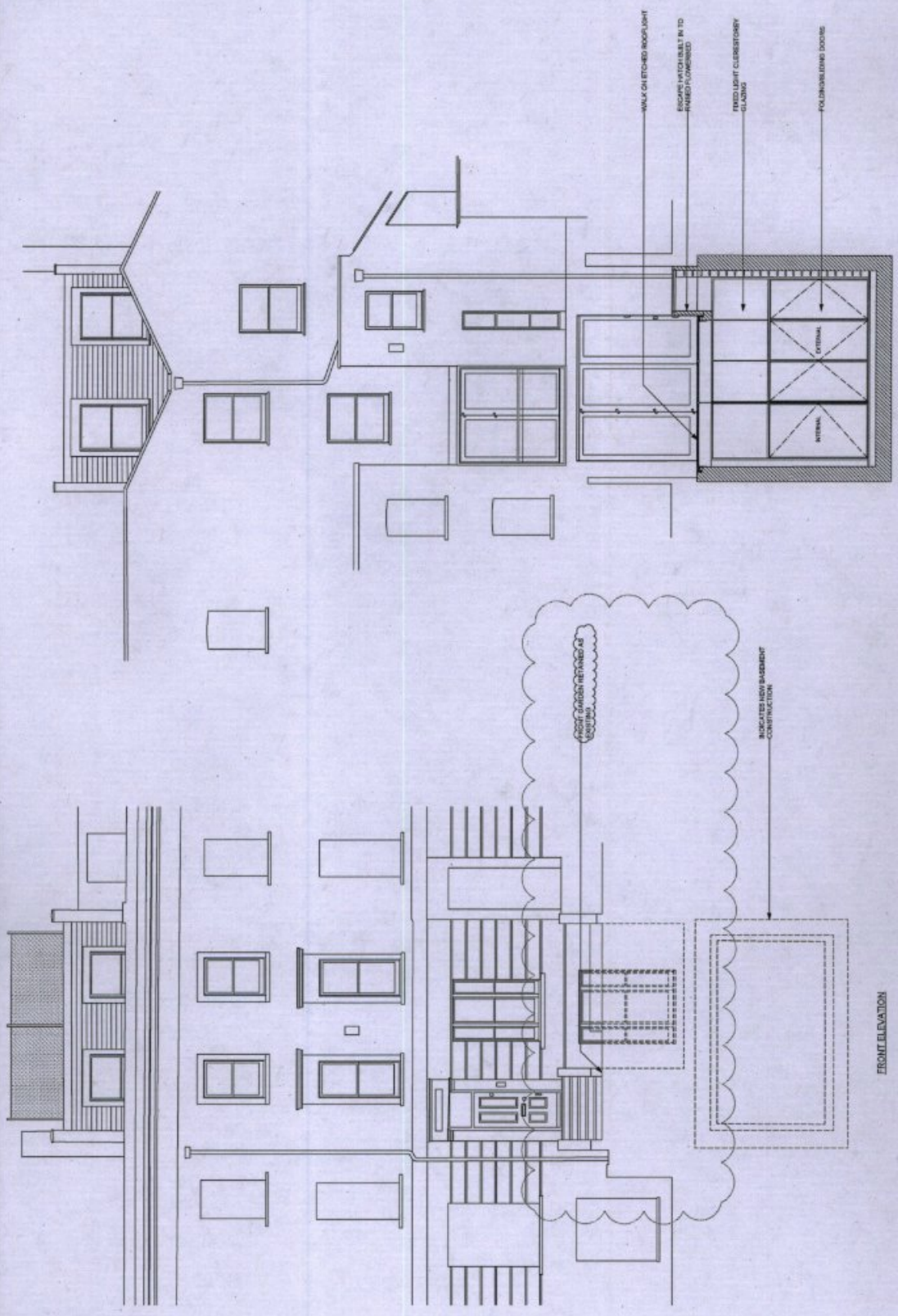
**PLANNING**

**Stiff + Trevillion**  
 11-13 BRISTOL ROAD  
 LONDON W2 2LW

46 SUTHERLAND PLACE  
 LONDON W2

FRONT & REAR ELEVATIONS  
 AS PROPOSED

Project No: 3724  
 Drawing No: P104  
 Date: 10/10/24  
 Scale: 1:50

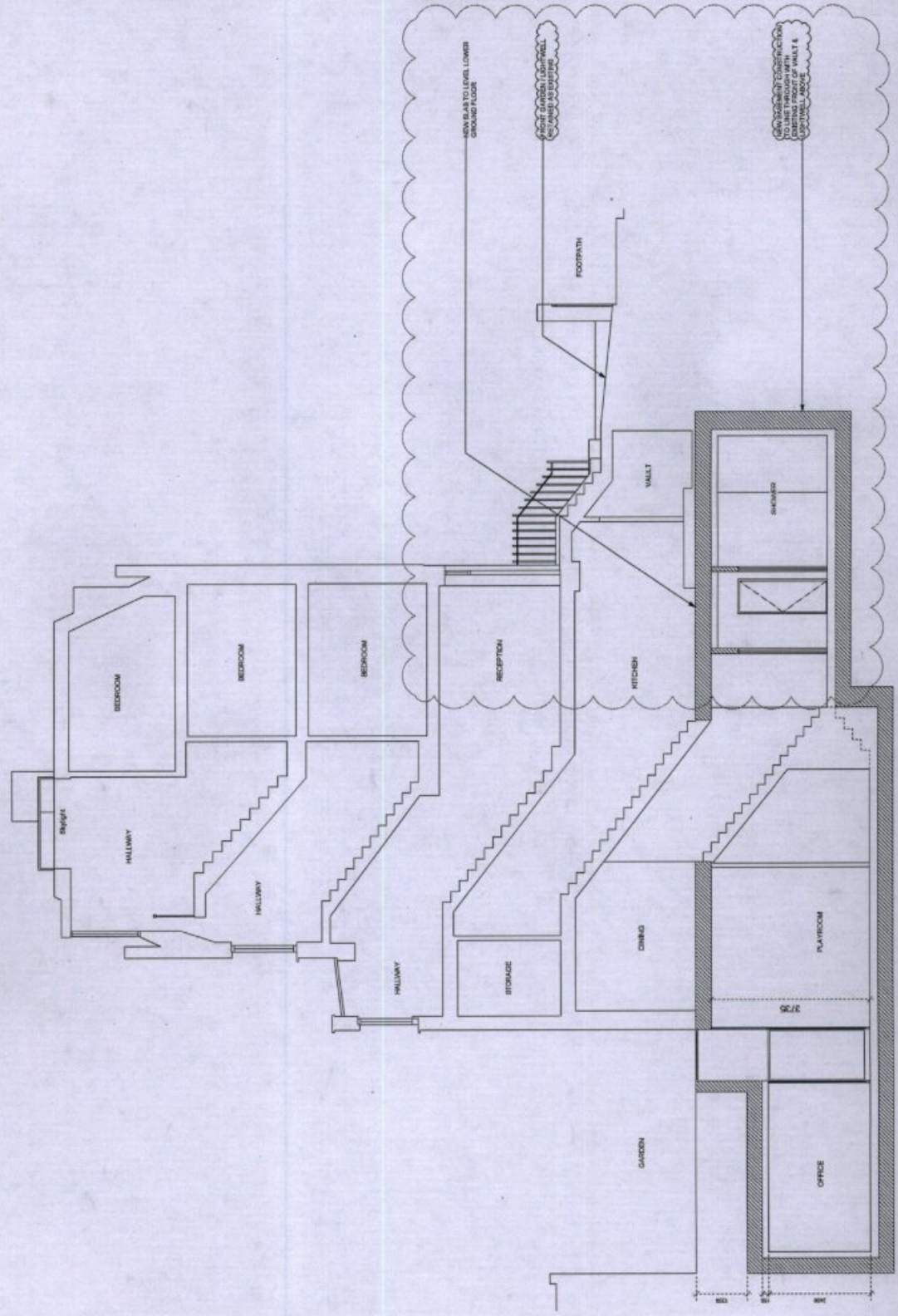


**GENERAL NOTES**  
 1. Check all dimensions and levels.  
 2. Check all dimensions and levels.  
 3. Check all dimensions and levels.  
 4. Check all dimensions and levels.  
 5. Check all dimensions and levels.  
 6. Check all dimensions and levels.  
 7. Check all dimensions and levels.  
 8. Check all dimensions and levels.  
 9. Check all dimensions and levels.  
 10. Check all dimensions and levels.

No. Date Description Issues

**PLANNING**  
**Stiff + Trevillion**  
 20th Floor, 100 Broad Street, London W1J 7EJ  
 T: +44 (0)20 7460 1000  
 F: +44 (0)20 7460 1001  
 www.stiffandtrevillion.com

Project	46 SUTHERLAND PLACE LONDON W2
Client	SECTION A
Proposal	A5 PROPOSED
Drawn No.	P105
Scale	1:100
Date	04/05/2016
Revision	A



**GENERAL NOTE:**  
 Do not use this drawing for any other purpose without the written consent of the architect. The architect is not responsible for any errors or omissions in this drawing. The architect is not responsible for any errors or omissions in this drawing. The architect is not responsible for any errors or omissions in this drawing.

No. 2347  
 Revision to

**PLANNING**

**Stiff + Trevillion**  
 100 Abchurch Lane  
 London EC4A 3DF

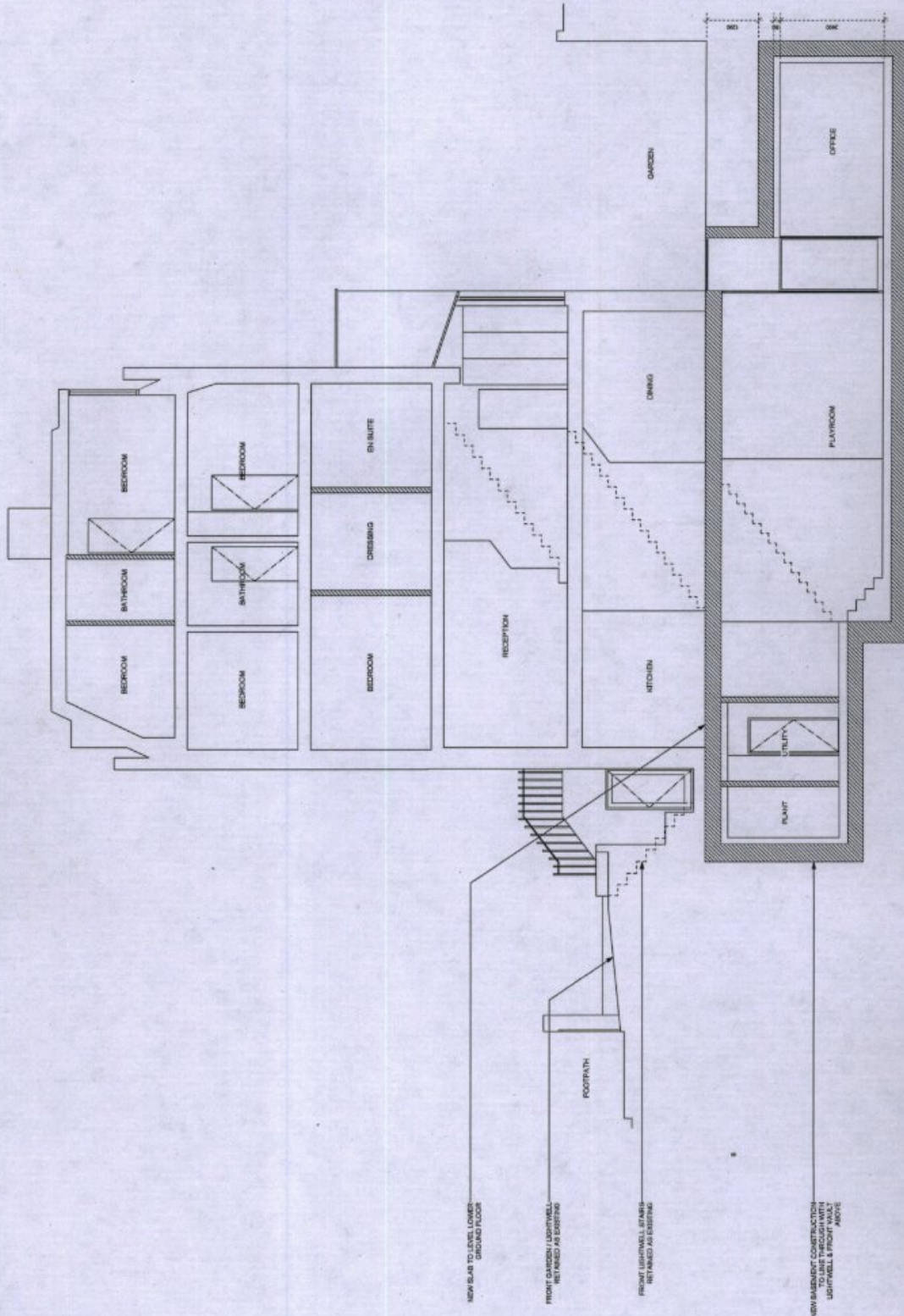
Tel: +44 (0)20 7424 4500  
 Fax: +44 (0)20 7424 4501  
 www.stiffandtrevillion.com

Project: 44 SUTHERLAND PLACE  
 LONDON W2

Section: SECTION B  
 AS PROPOSED

Drawn: 3724  
 Date: 10.08.11

Checked: P106  
 Date: 08.08.11



NEW SLAB TO LEVEL LOWER  
 GROUND FLOOR

FRONT GARDEN LIGHTWELL  
 RETAINED AS EXISTING

FRONT LIGHTWELL STAIRS  
 RETAINED AS EXISTING

NEW BARONIC CONSTRUCTION  
 LIGHTWELL & FRONT VAULT  
 ABOVE

SECTION B



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# Agenda Item 8

Item No.
8

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 17 November 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning	<b>Wards involved</b> Regent's Park		
<b>Subject of Report</b>	12 Melina Place, London, NW8 9SA		
<b>Proposal</b>	Details of Construction Management Plan pursuant to Condition 3 of planning permission dated 12 December 2012 (RN: 12/03803).		
<b>Agent</b>	Pegasus Group		
<b>On behalf of</b>	Mr & Mrs Lewis		
<b>Registered Number</b>	15/05040/ADFULL	<b>TP / PP No</b>	TP/14056
<b>Date of Application</b>	05.06.2015	<b>Date amended/ completed</b>	06.10.2015
<b>Category of Application</b>	Non DCLG		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		
<b>Development Plan Context</b> - 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		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

Approve details.





12 MELINA PLACE, NW8

## 2. SUMMARY

The application seeks approval of a detailed Construction Management Plan (CMP) pursuant to Condition 3 of planning permission for demolition of the existing front and rear extensions and garage and erection of new part one, part two storey extensions, alterations to the front boundary, excavation of a basement floor with lightwells, alterations to the side boundaries with Nos. 15 and 17 Grove End Road and Melina Court, associated external alterations and landscaping and removal of four trees and replacement tree planting, which was granted permission by the Planning Applications Committee on 12 December 2012 (RN: 12/03803).

The key issue in this case is the compliance of the CMP that has been submitted with the requirements of Condition 3 (a full copy of the submitted CMP is provided in the background papers). Condition 3 states that:

'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 must include the following details (where appropriate):

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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.'

The applicant has provided a detailed construction programme, with commencement of development planned for early December 2015, with completion occurring in February 2017. The programme provides a breakdown of the phases of development and identifies the type of work and deliveries which can be expected with each phase. Phase 1 comprises strip out between December 2015 and February 2016, Phase 2 between February and April 2016 comprises piling and beam formation for the new basement, Phase 3 between April 2016 and September 2016 comprises excavation works and construction of new extensions, and Phase 4 between October 2016 and February 2017 comprises fit out works and landscaping. Given the scale of the development and the permitted hours of work (under Condition 2 of the planning permission dated 12 December 2012), the construction programme is considered to be reasonable and is not unduly long. The noisiest works would be confined to the period between December 2015 and October 2016, after which fit out and landscaping works should not cause such significant disturbance to neighbouring residents. The CMP provides full contact details for the project manager who will be responsible for the management of the development and the applicant has undertaken to provide 24 hour contact details for the main contractor, the basement contractor, the site safety advisor and the contracts manager on a sign outside the site. The CMP sets out that the site manager will communicate regularly with neighbours via a newsletter so they are aware of construction progress. Accordingly part (i) of Condition 3 has been satisfied.

The submitted CMP confirms that the site will not provide parking for site operatives and contractors will be required to park in local pay and display parking spaces or in local car parks. Accordingly, site operatives and visitors would not adversely impact on the operation of the highway in Melina Place during construction works and the CMP therefore addresses the requirements of part (ii) of the condition.

Due to the limited width of Melina Place and because it is a cul-de-sac, the locations for loading and unloading of construction vehicles has been particularly contentious and has been the main aspect of the CMP that has attracted objection from neighbouring residents in Melina Place. The first two iterations of the CMP proposed the carrying out of loading and unloading of construction vehicles on the highway in Melina Place. However, in light of the significant weight of objection this arrangement received (see summarised concerns in Section 3 of this report), the applicant has revised the CMP so that all loading and unloading of construction vehicles will occur on-site. This is to be facilitated by the phased construction of the basement below the site, with the front section of the basement excavated below a pre-formed ground floor slab. Construction vehicles will still be required to reverse into Melina Place with the assistance of two banksmen, but the overall disruption to residents in Melina Place will be much reduced relative to the on-street loading and unloading arrangements set out in the earlier iterations of the CMP and the footpath along the north west side of Melina Place would not be obstructed during construction. The revised arrangements would not necessitate the removal of any existing street furniture in Melina Place.

In addition to the amended loading and unloading arrangements, in the latest iteration of the CMP the applicant proposes to limit construction vehicles visiting the site to between 09.00 and 16.30 hours to avoid obstruction to neighbours during busier periods of the day in the morning and late afternoon. For deliveries outside of these hours neighbours are to be given four weeks notice.

The applicant has undertaken to coordinate deliveries with the construction works ongoing at No.5 Melina Place to prevent congestion within Melina Place.

All plant and materials will be stored on site and not on the public highway. Due to the limited size of the undeveloped areas of the site, materials are to be organised to be delivered 'just in time' so as to minimise materials stored on site at any one time. This approach to storage is acceptable. Following the amendments that have been made to the CMP, it is now in accordance with part (iii) of the condition.

The CMP proposes the installation of a 2.4 metre high security hoarding with vehicular gates to the street frontage of the site. Following amendment of the CMP the hoarding would not extend on to the highway and the proposed hoarding is considered to be appropriate for a development site of this scale. A decorative display and public viewing facilities are not required for a residential development of this scale. As such, the requirements of part (iv) of the condition have been met.

Whilst wheel washing is not proposed (the vehicles will not be driven significantly on to the site), the CMP does provide an undertaking to sweep and wash down the highway outside the site in Melina Place on a daily basis to prevent an excessive build up of dust and dirt on the public highway.

The CMP provides a comprehensive set of measures for dealing with dust and dirt during construction works including use of monoflex sheeting, prompt removal of waste and materials from the site following their use, minimisation of drop heights, damping down, good maintenance of construction plant, covering of skips and dust extractors/dust suppression

equipment on powered tools and equipment. The CMP notes that an Environmental Advisor will brief site operatives on the measures to be taken on the site to manage the suppression of dust and dirt. These measures are considered to be sufficient to comply with part (v) of the condition.

A licensed waste carrier will be appointed to handle all waste from the site, with waste segregated on site to increase recycling, minimise waste going to landfill, with the aim of zero waste to landfill, and to ensure that hazardous waste is disposed of in the appropriate way. The measures for waste disposal proposed are considered to be acceptable and reflect good practice for construction site management. As such, it is considered that part (vi) of the condition has been met.

Objections have been raised in respect of the principle of basement development. However, the current application relates only to the specific construction management matters set out in Condition 3 of the 12 December 2012 permission and does not revisit the principle of a basement below the redevelopment of this site, which was agreed when the Planning Applications Committee previously resolved to grant permission in December 2012. As such, the objections raised on these grounds cannot be supported.

Concerns have been raised in relation to the potential for noise disturbance from construction works. However, noise disturbance is not a particular requirement of Condition 3, as this is controlled by Environmental Health legislation (The Control of Pollution Act 1974) and the hours of work condition (Condition 2), which prevents construction works that can be heard at the boundary of the site occurring outside of 08.00 to 18.00 Monday to Friday; 08.00 to 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays. Furthermore, all basement excavation work is prevented outside of the hours of 08.00 and 18.00 Monday to Friday.

### 3. CONSULTATIONS

#### REPRESENTATIONS RECEIVED IN RESPONSE TO CONSULTATION ON INITIALLY SUBMITTED SCHEME (JUNE 2015)

##### COUNCILLOR RIGBY

Advises that he has been contacted by a resident regarding this application and considers that the CMP is not sufficiently robust for what is a confined and challenging site.

##### HIGHWAYS PLANNING MANAGER

No objection. The hoarding and skip details will need to be approved by Highways Licensing and all necessary highways licenses should be secured (e.g. skip or scaffolding licenses).

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 103; Total No. of Replies: 6.

Six emails received raising objection on all or some of the following grounds:

- Noise and disturbance from building works, including pile driving.
- Works at No.12 should not commence until the current works at No.5 Melina Place have finished in mid 2016.
- Residents in Melina Place have had to endure successive periods of disruption following construction works at a number of the properties in the cul-de-sac.
- Loss of residents parking bays.
- Traffic chaos and congestion will be caused in Melina Place.
- Driveway to Ascot Court has been blocked by previous similar development in Melina Place.

- Noise from engines of construction vehicles.
- Danger to pedestrians as a result of vehicles driving on the pavements.
- Applications for basements should be frozen pending the introduction of Parliamentary legislation to ban basement development.
- Compensation should be paid to those who are disturbed.
- Concern regarding extent of public consultation.
- Concern regarding the cumulative impact of a number of basement developments occurring in Melina Place concurrently.
- Concern that emergency vehicles will not be able to access neighbouring properties in an emergency due to construction vehicles on the highway.
- The undertaking to prevent construction contractor's vehicles and construction traffic from parking in Melina Place should be secured by condition.
- Provision of 'just in time' deliveries runs contrary to Traffic Management Plan proposal to keep traffic volumes as even as possible.
- Frequency and size of vehicles required for first 20 weeks of construction will cause disruption to the highway.
- Restriction of deliveries to 'non-peak hours' should be defined in the CMP.
- Melina Place is an unsuitable road down which to reverse more than 400 lorries.
- Arrangement of deliveries/vehicle movements should be agreed with all residents in Melina Place and not just those referenced in the CMP.
- Concern about the accuracy of the CMP as parking bays outside Nos.1 and 2 Melina Place do not exist.
- Not clear from the CMP submitted for No. 12 where muck and concrete lorries will park and if it is going to be on the street then up to four residents parking bays would need to be suspended.
- Works at No.5 Melina Place have breached hours of works in terms of deliveries occurring before and after the specified hours and no banksmen have been deployed.
- City Council should undertake more intensive monitoring of these construction sites to ensure compliance with the approved CMP.
- Basement development should not be permitted as a matter of principle.
- Previous similar development in Melina Place has obstructed the entrance to Ascot Court.
- The Council's SPD on basement development will have little impact and all planning applications involving basements should be frozen pending introduction of Parliamentary legislation to ban such development, as is proposed by Karen Buck MP.
- Compensation should be paid to those disturbed by construction activity.

**REPRESENTATIONS RECEIVED IN RESPONSE TO CONSULTATION ON 1ST REVISED CONSTRUCTION MANAGEMENT PLAN (CMP) (AUGUST 2015)**

**WARD COUNCILLORS (REGENT'S PARK WARD)**

Any response to be reported verbally.

**HIGHWAYS PLANNING MANAGER**

Any response to be reported verbally.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 107; Total No. of Replies: 8.

Eight emails received from six respondents raising objection on all or some of the following grounds:

- Concern that basement development will be being carried out concurrently at Nos.5 and 12 Melina Place. Consider that the developments should not be carried out concurrently.
- All delivery vehicles should reverse into Melina Place to ease their exit from the street. No turning should be permitted in Melina Place.

- Concern that the CMP, if agreed, will not be appropriately monitored to ensure compliance.
- Note that similar (now completed) development at No.1 Melina Place had a lesser impact on neighbours as construction vehicles were loaded/unloaded on site.
- Consider that loading and unloading of construction vehicles should occur on-site.
- Parking on the street outside the site is likely to block this cul-de-sac street.
- The CMP suggests that the construction vehicles parked on the street for loading and unloading will block access to the garage of No.11 Melina Place and this could be for considerable periods of time.
- Would potentially need to remove part of footpath, lamp columns and pillars to allow cars to pass construction vehicles parked on-street.
- Hoarding should not be extended over pavement until after major basement works have been complete as they will force pedestrians into the street.
- Obstruction of emergency vehicles.
- Ask for site meeting with case officer (this was undertaken on 24 September 2015).
- CMP should specify vehicle movements for construction traffic should be limited to between 09.00 and 16.30.
- Construction vehicles should not be allowed to 'lay up' in close proximity to the site prior to making deliveries to the site.
- Unclear what will happen to lamp posts and fixed posts outside No.12 Melina Place (shown in location of on-site servicing are in CMP).
- Damage to carriageway caused by heavy construction vehicles and query who is responsible for repair works.
- No construction works should be permitted at weekends.
- Proposed Construction Management Plan would be ineffective in terms of noise control.
- Noise from previous works at No.1 Melina Place breached the hours of works condition and noisy works occurred at weekends and into the evenings.
- All applications for basement development should be frozen pending new planning policies to curb them (notes RBKC policy).
- Note that Melina Place was blocked for 20 minutes by a construction vehicle on 24 September 2015.

#### REPRESENTATIONS RECEIVED IN RESPONSE TO CONSULTATION ON 2ND REVISED CMP (OCTOBER 2015)

##### COUNCILLOR RIGBY

Any response to be reported verbally.

##### HIGHWAYS PLANNING MANAGER

No objection. The hoarding and skip details will need to be approved by Highways Licensing and all necessary highways licenses should be secured (e.g. skip or scaffolding licenses).

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

No. Consulted: 107; Total No. of Replies: 3.

Three responses received. One email withdrawing earlier objections and two emails raising concerns/objections on all or some of the following grounds:

- Occupiers of No.6 withdraw their previous objections on basis of the Revision B Construction Management Plan as construction vehicles are to be accommodated on site and construction vehicles visiting the site are to be limited to between 09.00 and 16.30.
- Not convinced that in practice coordination with the works already underway at No.5 Melina Place will be successful.



- Wonder whether the post in the highway opposite No.12 should be removed to aid access to the application site during construction and to avoid it being damaged.
- Objection to the principle of basement development. All applications involving basement development should be frozen pending the continued passage through Parliament of the Basement Excavation (Restriction of Permitted Development) Bill 2015-16 which is being promoted by Karen Buck MP and had its first reading on 16 September 2015. Second reading is scheduled for 29 January 2016.

## **BACKGROUND PAPERS**

1. Application form.

### **REPRESENTATIONS RECEIVED IN RESPONSE TO CONSULTATION ON INITIALLY SUBMITTED SCHEME (JUNE 2015)**

2. Emails from Councillor Rigby dated 10 July 2015 and 7 August 2015.
3. Memo from the Highways Planning Manager dated 7 July 2015.
4. Email from the occupiers of 6 Melina Place dated 30 June 2015.
5. Email from the occupiers of 11 Melina Place dated 1 July 2015.
6. Email from the occupier of 7 Melina Place dated 3 July 2015.
7. Email from the owners of 2 and 3A Melina Place dated 6 July 2015.
8. Email from the occupier of 4 Melina Place dated 7 July 2015.
9. Email from the occupier of 14 Ascot Court, Grove End Road dated 16 July 2015.

### **REPRESENTATIONS RECEIVED IN RESPONSE TO CONSULTATION ON FIRST REVISED CMP (AUGUST 2015)**

10. Email from the occupier of 7 Melina Place dated 26 August 2015.
11. Email from the occupiers of 6 Melina Place dated 27 August 2015, 24 September 2015 and 28 September 2015 (with attached photograph and response from case officer dated 5 October 2015).
12. Email from the owners of 3B and 8a Melina Place dated 28 August 2015.
13. Email from the owners of 2 and 3A Melina Place dated 30 August 2015.
14. Email from the occupier of 14 Ascot Court, Grove End Road dated 1 September 2015.
15. Email from the occupier of 11 Melina Place dated 24 September 2015.

### **REPRESENTATIONS RECEIVED IN RESPONSE TO CONSULTATION ON SECOND REVISED CMP (OCTOBER 2015)**

16. Memo from the Highways Planning Manager dated 27 October 2015.
17. Email from the owners of 2 and 3A Melina Place dated 10 October 2015 and response from case officer dated 15 October 2015.
18. Email from the occupiers of 6 Melina Place dated 16 October 2015.
19. Email from the occupier of 14 Ascot Court, Grove End Road dated 26 October 2015.
20. Copy of Revision B Construction Management Plan dated 5 October 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY E-MAIL – [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 12 Melina Place, London, NW8 9SA

**Proposal:** Details of construction management plan pursuant to Condition 3 of planning permission dated 12 December 2012 (RN: 12/03803).

**Plan Nos:** Construction Management Plan dated 5 October 2015 (Revision B).

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

Unconditional or if an Advert Application only the standard advert conditions

**Informative(s):**

- 1 This permission fully meets condition 3 of the planning permission dated 3 December 2012. (I11AA)

**DRAFT**



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# Agenda Item 9

Item No.
9

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 17 November 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> St James's	
<b>Subject of Report</b>	<b>Open Space At Leicester Square, London, WC2H 7LE</b>		
<b>Proposal</b>	Display of tree uplighting scheme for a temporary period from 19 October 2015 to 27 March 2016 between the hours of 15.00 to 07.00 hours daily.		
<b>Agent</b>	James Glancy Design Ltd		
<b>On behalf of</b>	Heart of London Business Alliance		
<b>Registered Number</b>	15/07033/ADV	<b>TP / PP No</b>	CA/8737/6073
<b>Date of Application</b>	16.07.2015	<b>Date amended/ completed</b>	18.08.2015
<b>Category of Application</b>	Other		
<b>Historic Building Grade</b>	William Shakespeare statue and fountain at centre of Square Grade II Listed		
<b>Conservation Area</b>	Leicester Square		
<b>Development Plan Context</b> - 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		
<b>Stress Area</b>	Within Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

Grant conditional advertisement consent.





OPEN SPACE AT LEICESTER SQUARE, WC2

## 2. SUMMARY

This proposal relates to Leicester Square Gardens which is the central focus of the Leicester Square Conservation Area. The Square is protected by the London Squares Preservation Act 1931. In 2010, permission was granted for the gardens to be comprehensively remodelled to provide a more contemporary and open outdoor environment. Among other measures, this scheme included the provision of uplighters underneath the trees in the Square. This scheme has now been implemented.

This application submitted by the Heart of London Business Alliance is to provide additional lighting to the gardens in the form of festoon lighting in the canopy of the trees and additional uplighters fixed around the trunk of the trees just below the canopy. The uplighters are fixed to a steel lighting "ring" which is attached around the trunk of the tree with rubber-lined feet and hang from catenary lines from the branches above. The festoon lighting is wound through the tree branches. The power source is taken from the adjacent ticket office booth and trails at high level from tree to tree. All the lights will be a minimum of 3m above ground. The proposal is to provide the additional lights through the winter months until 27 March 2016 when they will be removed and the site returned to its previous appearance. The hours of illumination are proposed as 15.00 to 07.00 daily.

The applicant has explained that the current building works to two sides of the Square have resulted in a lack of life and vitality due to the dark nature of these sites at night, hence the proposal to add additional illumination to the Square for a limited period of time. It is not their intention to have a permanent installation along these lines. The existing scheme was only recently approved and was designed to provide an appropriate level of subtle illumination to the garden square. However, that was designed when there were additional lights emanating from what are now the dark building sites. Therefore, it is considered that the provision of additional lights for the winter period, while these sites are dark, would be considered to be an appropriate level of illumination. However, it is not considered that this level of lighting is likely to be appropriate on a long term basis going forward into future years. It is also considered that the details of the installation and lights themselves are not well integrated with the rest of the garden design and, while this may be acceptable for a limited time period, it would not be appropriate as a permanent solution. Therefore, it is considered that the granting of advertisement consent for a limited period until March 2016 could be supported, but it is unlikely that the Council would look favourably on this as a permanent solution.

There are no objections to the proposal from any of the consultees. The applicant will have to make the necessary agreements with the Parks Department as landowner before implementing the scheme and an Informative is added to this effect.

## 3. CONSULTATIONS

### WESTMINSTER SOCIETY

Any response received to be reported verbally.

### LEICESTER SQUARE ASSOCIATION

Any response received to be reported verbally.

### ARBORICULTURAL MANAGER

No objection.

### PARKS AND GARDENS

No objection.

### HIGHWAYS PLANNING MANAGER

No objection.



ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS  
No. Consulted: 0; Total No. of Replies: 0.

ADVERTISEMENT/SITE NOTICE: No

### BACKGROUND PAPERS

1. Application form and email from James Glancy Design dated 20/10/15
2. Memorandum from Highways Planning Manager dated 29/09/15
3. Memorandum from Arboricultural Manager dated 05/10/15
4. Memoranda from Park Manager dated 19/10/15

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE  
BACKGROUND PAPERS PLEASE CONTACT JULIA ASGHAR ON 020 7641 2518 OR BY E-  
MAIL – [jasghar@westminster.gov.uk](mailto:jasghar@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** Open Space At, Leicester Square, London, WC2H 7LE

**Proposal:** Display of tree uplighting scheme for a temporary period from 19 October 2015 to 27 March 2016 between the hours of 15.00 to 07.00 hours daily.

**Plan Nos:** A3 brochure "Leicester Square Gardens", A3 brochure "Festoon" and A3 brochure "Leicester Square Installation 2105 Nightly Schedule."

**Case Officer:** David Clegg

**Direct Tel. No.** 020 7641 3014

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

- 1 The proposed lighting and associated works must be removed from the site by 27 March 2016. After that, you must return the land/trees to their previous condition.

**Reason:**

The lighting and associated works should not remain for a longer period because they are only considered acceptable to remedy a short term lighting deficiency during the winter months.

- 2 The lights shall only be operational between the hours of 15.00 and 07.00 daily.

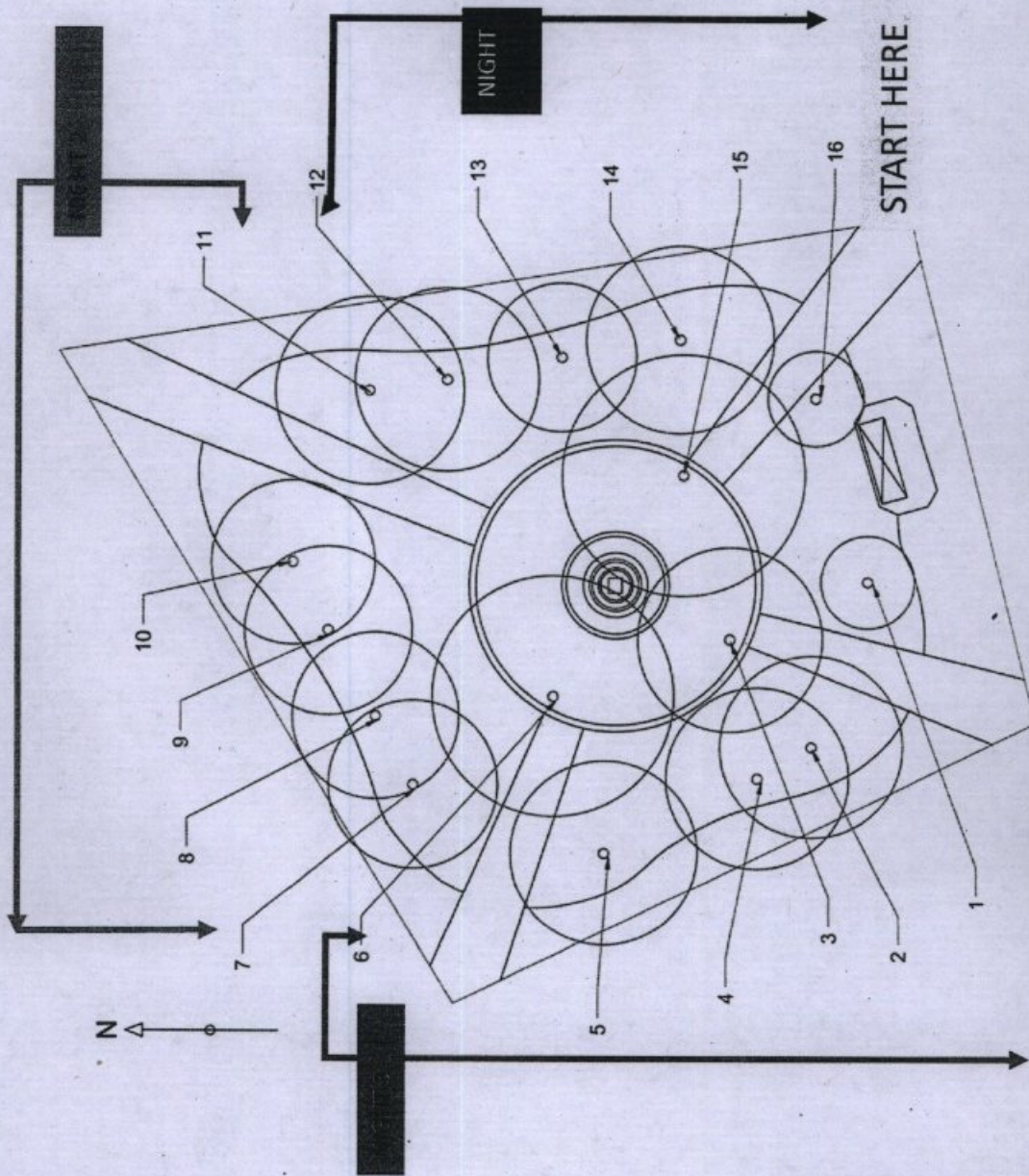
**Reason:**

To protect the appearance of the area. (R36AA)

**Informative(s):**

- 1 You must liaise with our Parks Department as representatives of the landowner to ensure that matters of liability, health and safety, etc are resolved before any works are carried out. You should contact John Twedde ([jtweedle@westminster.gov.uk](mailto:jtweedle@westminster.gov.uk), 0207 6416307) at least 1 week before the date of installation to ensure that all necessary consents have been granted.

**NIGHT 1- ONCE**  
**WORK STATION EST.**  
**RIGG TREE 16-12**  
**FESTOON TREE 14**  
**AND 7 UMBRELLA**  
**SCULPTURES**  
**NIGHT 2- RIGG TREE**  
**11-7**  
**3 FESTOON TREE -**  
**11/10/7**  
**UMBRELLA**  
**SCULPTURE X 8**  
**NIGHT 3-**  
**TRUSS 6-1**  
**FESTOON TREES 5/2**  
**UMBRELLA**  
**SCULPTURES X4 TBC**



All trees will have 3 x Uplights

There are 6 trees with Festoon lights

1. Uplights
2. Festoon and Uplights
3. Uplights
4. Uplights
5. Festoon and Uplights
6. Uplights
7. Festoon and Uplights
8. Uplights
9. Uplights
10. Festoon and Uplights
11. Festoon and Uplights
12. Uplights
13. Uplights
14. Festoon and Uplights
15. Uplights
16. Uplights

James Glancy Design LTD

16 - 28 Fenarth Street  
London SE15 1TX  
0007 252 8844

Andy

10/08/15

1:20 @ A3

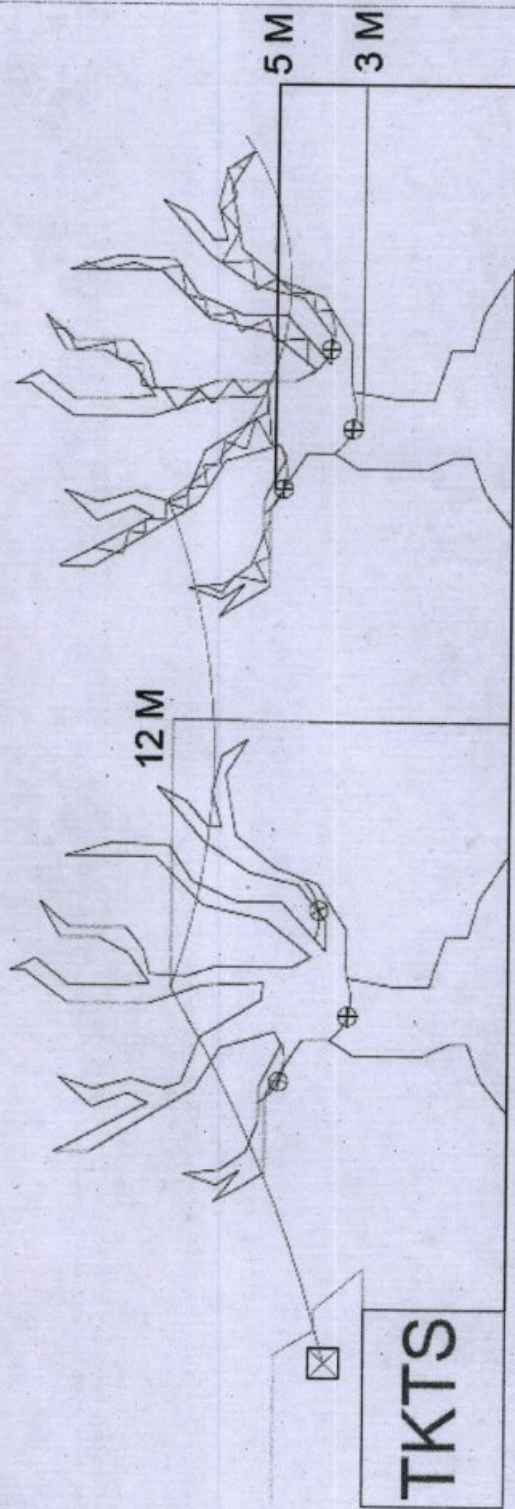
JGD\_Leicester Sq





Leicester SQ Plan

Leicester Square

**NIGHT 4-  
SNAGGING AND  
PROGRAMMING**

# Lighting Hanging Plan

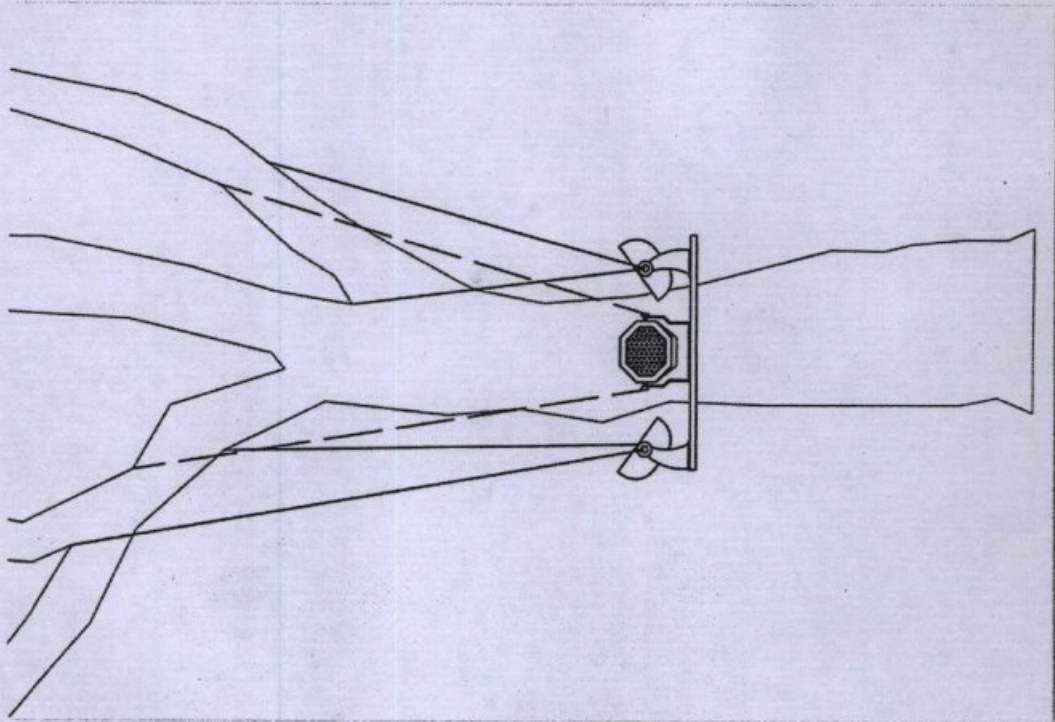
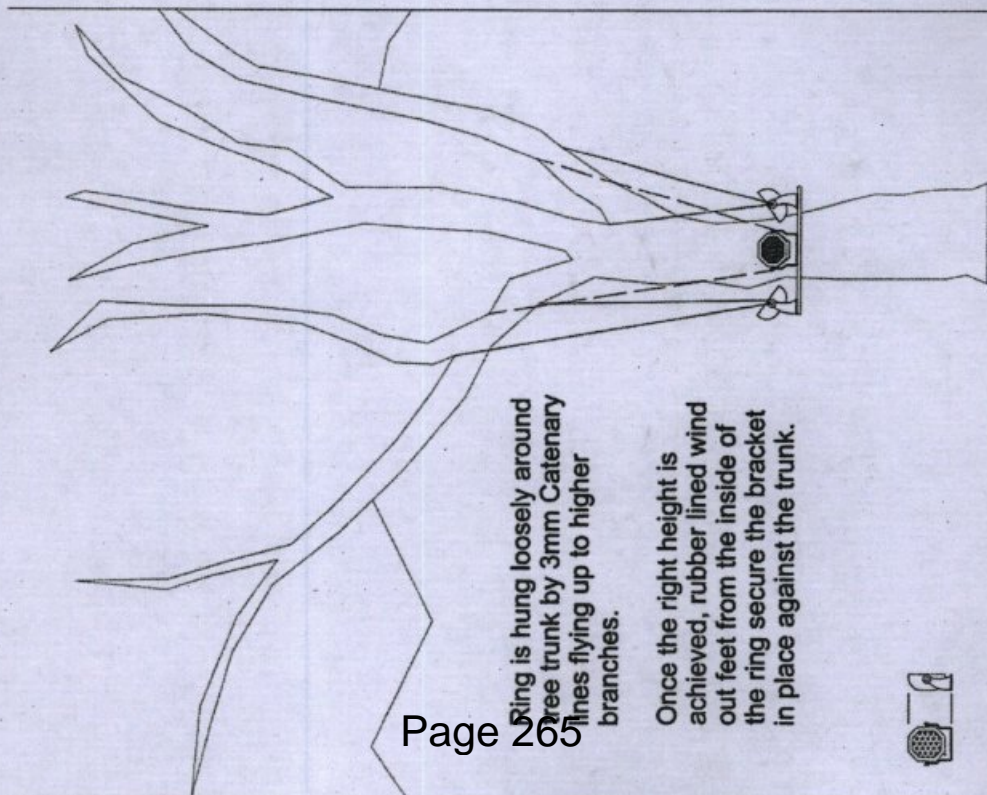
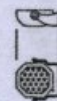


-  Spotlight Up lighters
-  Power Source
-  Festoon Lights
-  Catenary Wire with cable

James Glancy Design LTD 16-28 Penarth Street London SE15 1TX 0207 232 8144	Andy 08/07/15	NTS JGD_Leicester Sq	Leicester SQ Stage Elevation Leicester Square
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Ring is hung loosely around tree trunk by 3mm Catenary lines flying up to higher branches.

Once the right height is achieved, rubber lined wind out feet from the inside of the ring secure the bracket in place against the trunk.



James Glancy Design LTD  
14, 18 Rowan Street  
Glasgow G3 7JH  
01753 351844

Andy  
LEK2015  
Landscape & Weight Energy Ltd  
RTB

10/06/2015  
A00\_CODE Drawing Rev

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# Agenda Item 10

Item No.
10

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 17 November 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	30 South Eaton Place, London, SW1W 9JJ		
<b>Proposal</b>	Extensions at lower ground, first and second floor levels.		
<b>Agent</b>	Quantum Link Associates		
<b>On behalf of</b>	Mr Pietro Maria Tantalo		
<b>Registered Number</b>	15/04221/FULL	<b>TP / PP No</b>	TP/8444
<b>Date of Application</b>	13.05.2015	<b>Date amended/ completed</b>	13.05.2015
<b>Category of Application</b>	Other		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Belgravia		
<b>Development Plan Context</b> - 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		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

Grant conditional permission.







30 SOUTH EATON PLACE, SW1

## 2. SUMMARY

30 South Eaton Place is in use as a single family dwelling. Planning permission is sought for the erection of a conservatory at rear lower ground floor level and extensions to the rear closet wing at first and second floor level.

The key issues for consideration are:

- The impact of the proposals on the character of the Belgravia Conservation Area.
- The amenity impact of the extensions.

The proposals are considered acceptable and comply with policies within Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP) and approval is recommended.

## 3. CONSULTATIONS

### BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 13; Total No. of Replies: 5.

Five (from/on behalf of four properties)

Four neighbouring residents have raised objections on the following grounds:

#### Design

- The proposed extensions are an eyesore, and the massing and bulk are not in keeping with the conservation area.
- The extension at second floor level projects beyond the neighbouring extension.

#### Amenity

- Light and privacy to surrounding residential properties.
- Question the accuracy/methods used in the sunlight and daylight report.

ADVERTISEMENT/SITE NOTICE: Yes

REVISED APPLICATION (amendments to second floor extension and submission of revised sunlight and daylight report)

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 4; Total No. of Replies: 0.

Any response to be reported verbally.

## 4. BACKGROUND INFORMATION

### 4.1 The Application Site

30 South Eaton Place is an unlisted single family dwellinghouse comprising basement, ground, and two upper floors and falls within the Belgravia Conservation Area. The property is located close to the junction with Chester Row and a number of properties within Chester Row back onto the rear garden of the application property.

#### **4.2 Relevant History**

Planning permission was granted on 16 June 1987 for alteration and extensions.

Planning permission was granted on 14 December 2000 for the erection of a rear conservatory at lower ground level, extension at rear first floor level and rear balcony at ground level to provide additional residential accommodation to the single dwellinghouse.

#### **5. THE PROPOSAL**

Planning permission is sought for the erection of a conservatory at rear lower ground floor level and extensions to the rear closet wing at first and second floor level.

The application has been revised during the course of the application to reduce the depth of the proposed second floor extension.

#### **6. DETAILED CONSIDERATIONS**

##### **6.1 Land Use**

The proposal to extend this single family dwelling is considered acceptable in principle and is in line with Policy H3 of the UDP and S14 of the City Plan.

##### **6.2 Townscape and Design**

Objections have been received to the application on design and conservation grounds. A similar conservatory and first floor extension were approved in December 2000. Whilst this was some time ago the situation and design policies are not considered to have changed sufficiently to suggest the works are no longer acceptable. The proposed conservatory is located at low level and is of traditional lightweight design. The extension at first floor level would be constructed of brick to match the existing and given the enclosed nature of the site, the extension is not considered to harm the character or appearance of the conservation area.

The proposed extension at second floor level would normally be considered contentious and contrary to Policy DES5 of the UDP. However, given the clad extension at No. 32 and when considered in the context of other extensions to the rear of this terrace, an extension at this level is considered acceptable. The application has been revised during the course of consideration to match that at No. 32 in terms of its depth. The proposed size of the extension is therefore considered to be sufficiently subordinate to the host building.

The proposed extensions are therefore considered acceptable in townscape grounds in accordance with Policies DES1, DES5, DES9, S25 and S28.

##### **6.3 Amenity**

Policies S29 of the City Plan and ENV13 of the UDP seek to protect the amenity of existing residents from the effects of new development. Three neighbouring residents have raised objections to the proposal on the grounds of loss of light and privacy.

The proposed extensions do not include windows in the flank elevation and it is not therefore considered that the proposals raise privacy issues. A condition is recommended to prevent the use of the roof of the extensions as a terrace. The conservatory at basement level is within

the lightwell area, largely contained below the boundary wall and will not impact on neighbouring properties.

The proposed extensions at first and second floor level will be of a similar height and bulk to that at the neighbouring property at No. 32 South Eaton Place. These extensions will be prominent when viewed from the rear of Nos. 31 and 33 Chester Row, which run at 90 degrees to properties on South Eaton Place and whose gardens back onto the application site. Whilst the extensions will result in some increased sense of enclosure to these properties, particularly to the lower floors, they will be set within the context of the neighbouring extensions at No.32, and given these properties are in use as single family dwellinghouses, it is not considered so significant to justify a refusal.

The applicant has submitted a sunlight and daylight report in support of their application (which has been revised during the course of the application). The recommendation in the BRE guide is that reductions of over 20% of existing daylight levels are likely to be noticeable. The BRE guidelines acknowledge that existing windows with balconies above them typically receive less daylight, and that even a modest obstruction opposite may result in a large relative impact on the VSC. In respect of sunlight, the BRE guidelines suggest that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours, including 5% of annual probable sunlight hours during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is reduced to less than four-fifths of its previous level over the whole year or during the winter months, the reduction would be noticed by the occupiers.

The daylight report demonstrates that the French doors at lower ground floor level within 31 Chester Row would see more than a 20% reduction in daylight Vertical Sky Component (VSC) level. However, the doors are located below a small projecting balcony and metal stair and already receive a low level of daylight, so the actual loss in VSC to the doors is relatively minor (1.7% and 2% loss). With regards to sunlight, there will be approximately 30% reduction in annual sunlight hours compared to the existing situation although winter sunlight will be unaffected. The doors serve a bedroom and it is not therefore considered that the impact on light levels to one room in this single family dwellinghouse is so significant to justify a refusal.

Four windows within 32 South Eaton Place will also see more than a 20% reduction in daylight Vertical Sky Component (VSC) levels compared to the existing situation. Two of the windows (serving a guest/bedroom and study) are within the flank elevation of the closet wing extension and are served by a further larger window in the rear elevation which are not affected by the proposals. The effected window at first floor level serves a bathroom.

The rear ground floor window serves a living room. This window already has a limited level of daylight due to the existing closet wings to both properties, and will see a loss of 3.9% VSC (8.2% VSC level retained). This room will also experience a reduction in annual sunlight hours exceeding 20%, although it will retain 12% total annual sunlight hours and winter sunlight will remain unaffected by the proposal. The affected room is open plan with a further window to the front of the property. The proposed extensions also follow the bulk of extensions already present on this property. It is not therefore considered that the application can reasonably be refused on amenity grounds.

**6.4 Transportation/Parking**

The proposal does not raise any highway issues.

**6.5 Economic Considerations**

The economic benefits generated are welcome.

**6.6 Other UDP/Westminster Policy 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.

**6.7 London Plan**

The proposal does not raise strategic issues.

**6.8 Planning Obligations**

The proposal does not trigger any requirement for Planning Obligations.

**6.9 Environmental Assessment including Sustainability and Biodiversity Issues**

No environmental assessment was required.

**6.10 Other Issues**

The proposal does not raise other issues.

**6.11 Conclusion**

The proposal is considered acceptable in design and amenity terms subject to the conditions set out in the draft decision letter.

**BACKGROUND PAPERS**

1. Application form.
2. Email from agent of occupier of 32 South Eaton Place dated 24 June 2015.
3. Email from occupier of 25 Edge Street dated 20 July 2015.
4. Email from occupier of 33 Chester Row dated 11 August 2015.
5. Email from occupier of 31 Chester Row dated 11 August 2015.
6. Letter from consultant of occupier of 32 South Eaton Place dated 2 October 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT JULIA ASGHAR ON 020 7641 2518 OR BY E-MAIL – [jasghar@westminster.gov.uk](mailto:jasghar@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 30 South Eaton Place, London, SW1W 9JJ

**Proposal:** Extensions at lower ground, first and second floor levels.

**Plan Nos:** 2813/OS; 2813/A1X1 rev A; 2813/A1X2; 2813/A2X3 rev A; 2813/A101 rev A; 2813/A102 rev A; 2813/A103 rev A; 2813/A203 rev A; Daylight and sunlight study dated 18 August 2015; Design and access statement.

**Case Officer:** Aurore Manceau

**Direct Tel. No.** 020 7641 7013

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

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

**Reason:**

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

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

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

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

**Reason:**

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

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

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia 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 not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

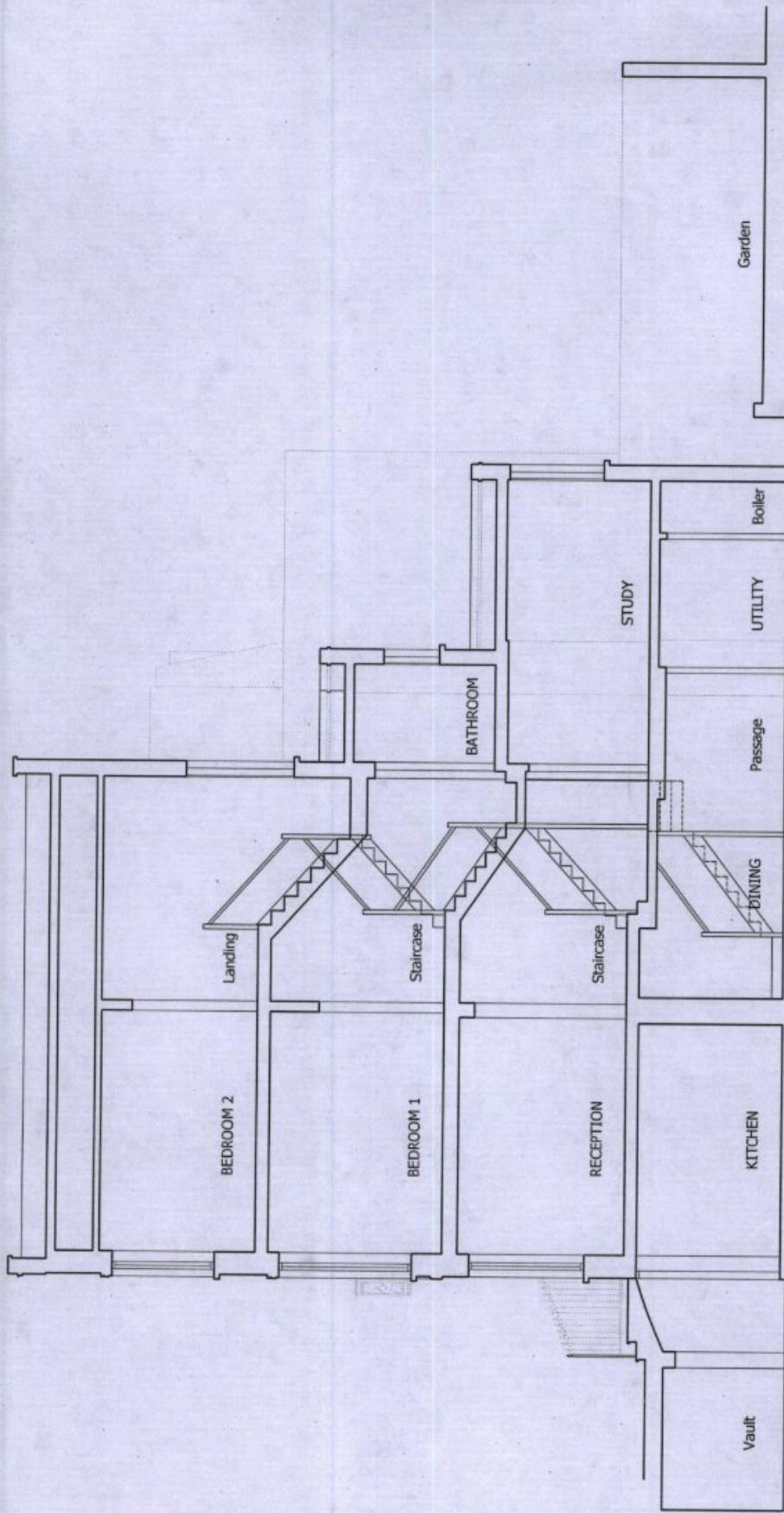
**Reason:**

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 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.



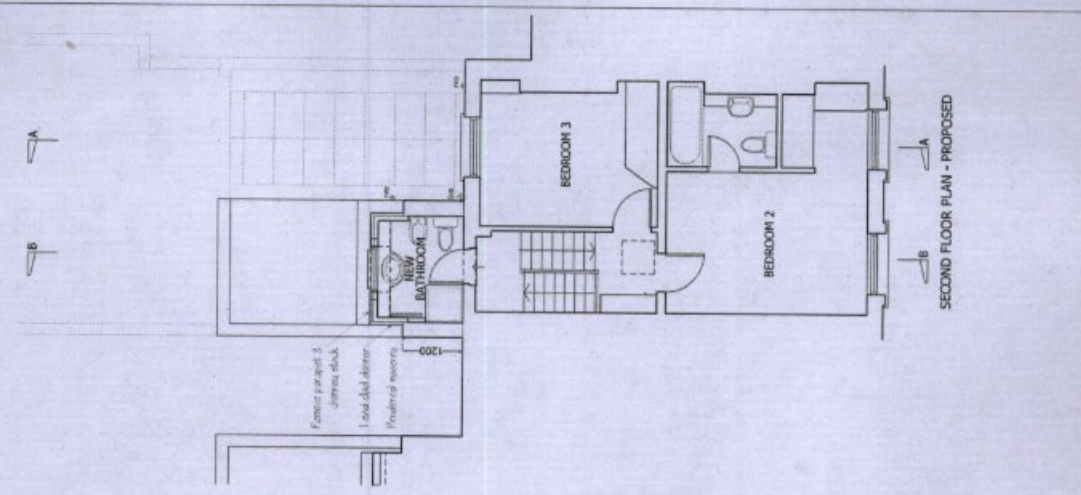
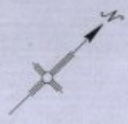




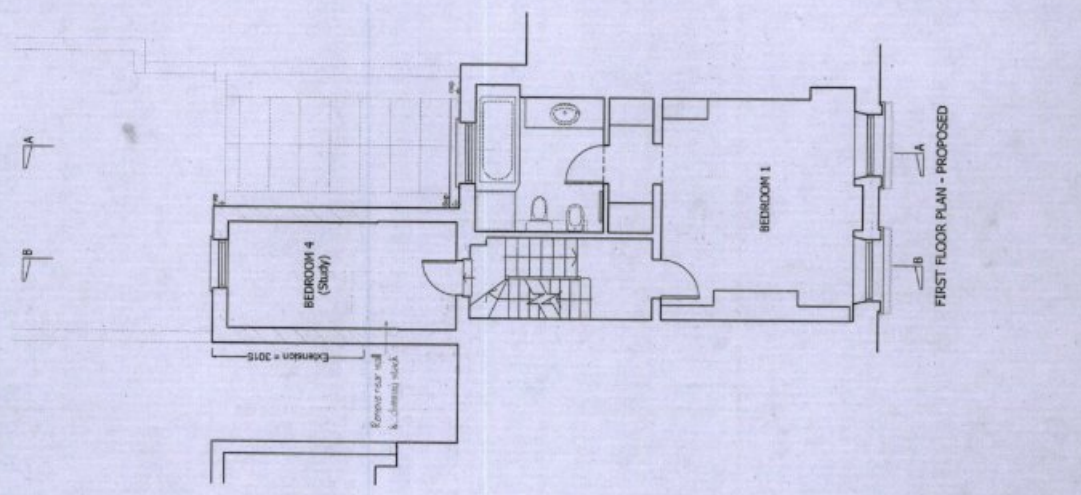
SECTION B-B - EXISTING

REVISION A (10.08.15) - PROFILE OF 2nd FLOOR OF No. 32 INDICATED

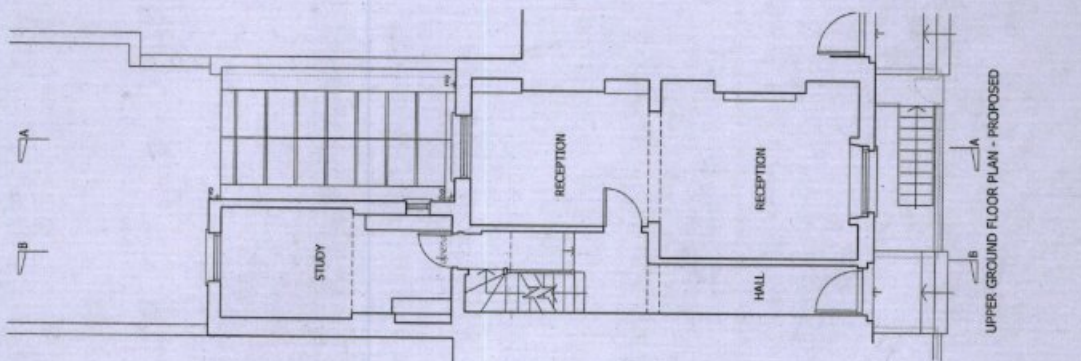
<b>QIA</b> Quantum Link Associates CHARTERED BUILDING SURVEYORS ARCHITECTURAL CONSULTANTS, DESIGNERS PROJECT: 30 SOUTH EATON PLACE LONDON SW1W 9JJ		'WOODLANDS' WATERSIDE ROAD NEW MILLS, HIGH PEAK SK22 3AS TEl: 01665 746 700 / 07402 791 683 DATE: APRIL 2015 DRAWN BY: [REDACTED] CHECKED BY: [REDACTED]	
30 SOUTH EATON PLACE, LONDON SW1W 9JJ		EXISTING SECTIONS 1:50 2813 / A2X3 A	



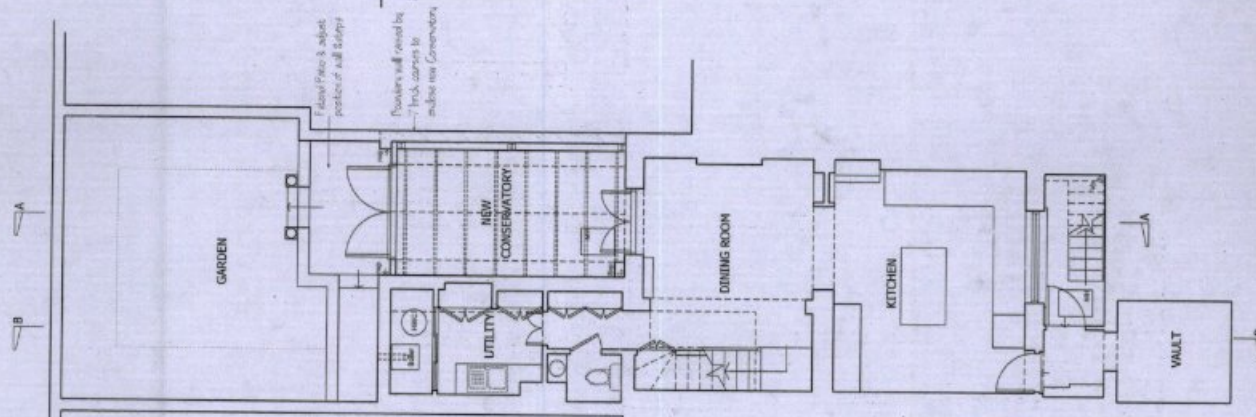
SECOND FLOOR PLAN - PROPOSED



FIRST FLOOR PLAN - PROPOSED



UPPER GROUND FLOOR PLAN - PROPOSED



LOWER GROUND FLOOR PLAN - PROPOSED

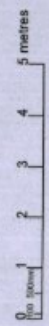
REVISION A 119 08 153 - DESIGN OF 2nd FLOOR BATHROOM ADJACENT TO MATCH SIMILAR ON ADJACENT PROPERTY

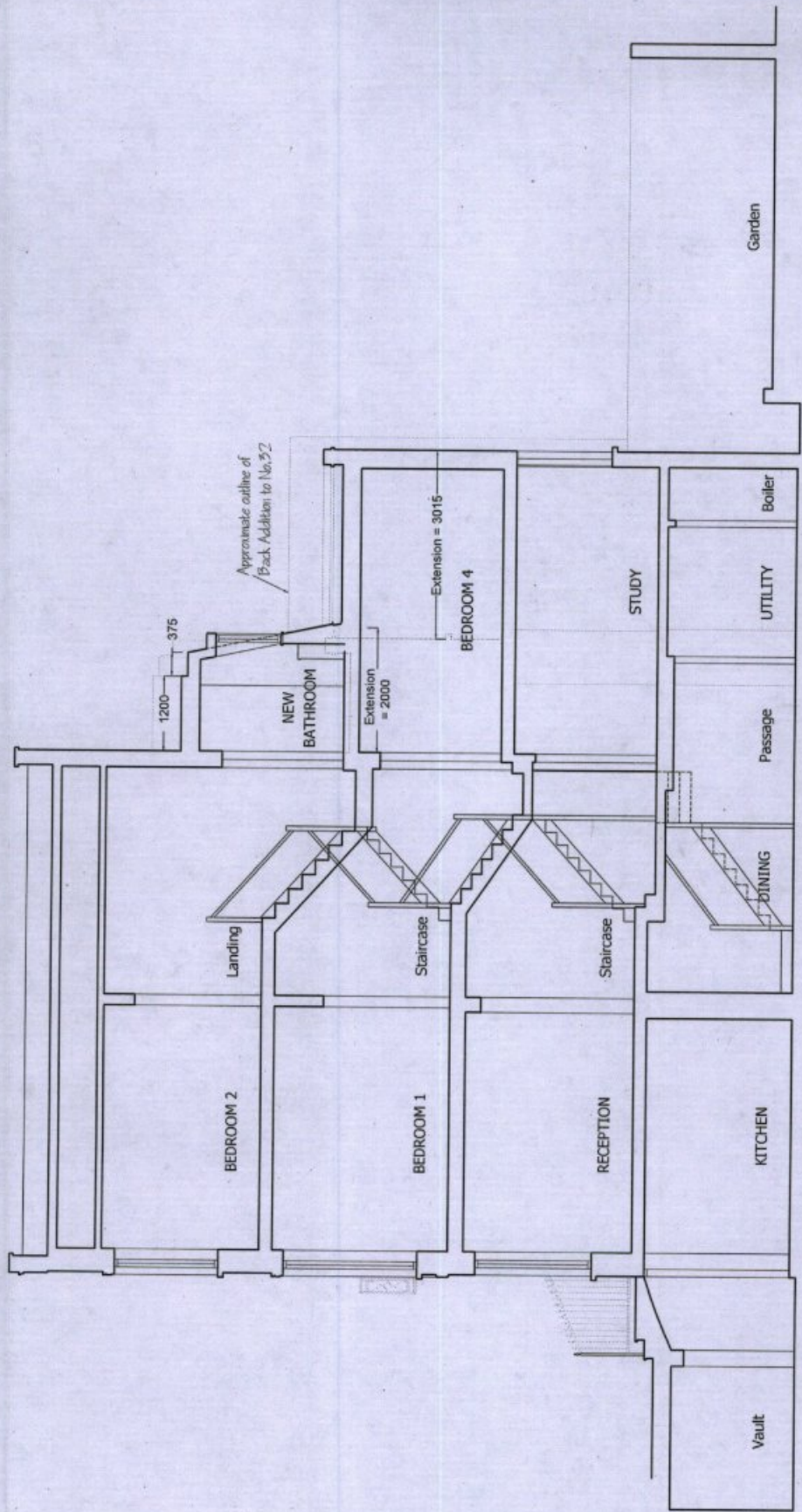
**OJA** CONSULTANTS ASSOCIATES  
ARCHITECTURAL, CIVIL, MECHANICAL, ELECTRICAL  
18 SOUTH EATON PLACE  
LONDON, SW1W 9JJ

WOODLAND, WATERLOO ROAD  
NEW BURY  
MIDLESEX, MIDDLESEX  
Tel: 01892 740 700 / 01892 971 883  
Fax: 01892 740 701  
APRIL 2015

2015 / A101 A

30 SOUTH EATON PLACE, LONDON SW1W 9JJ



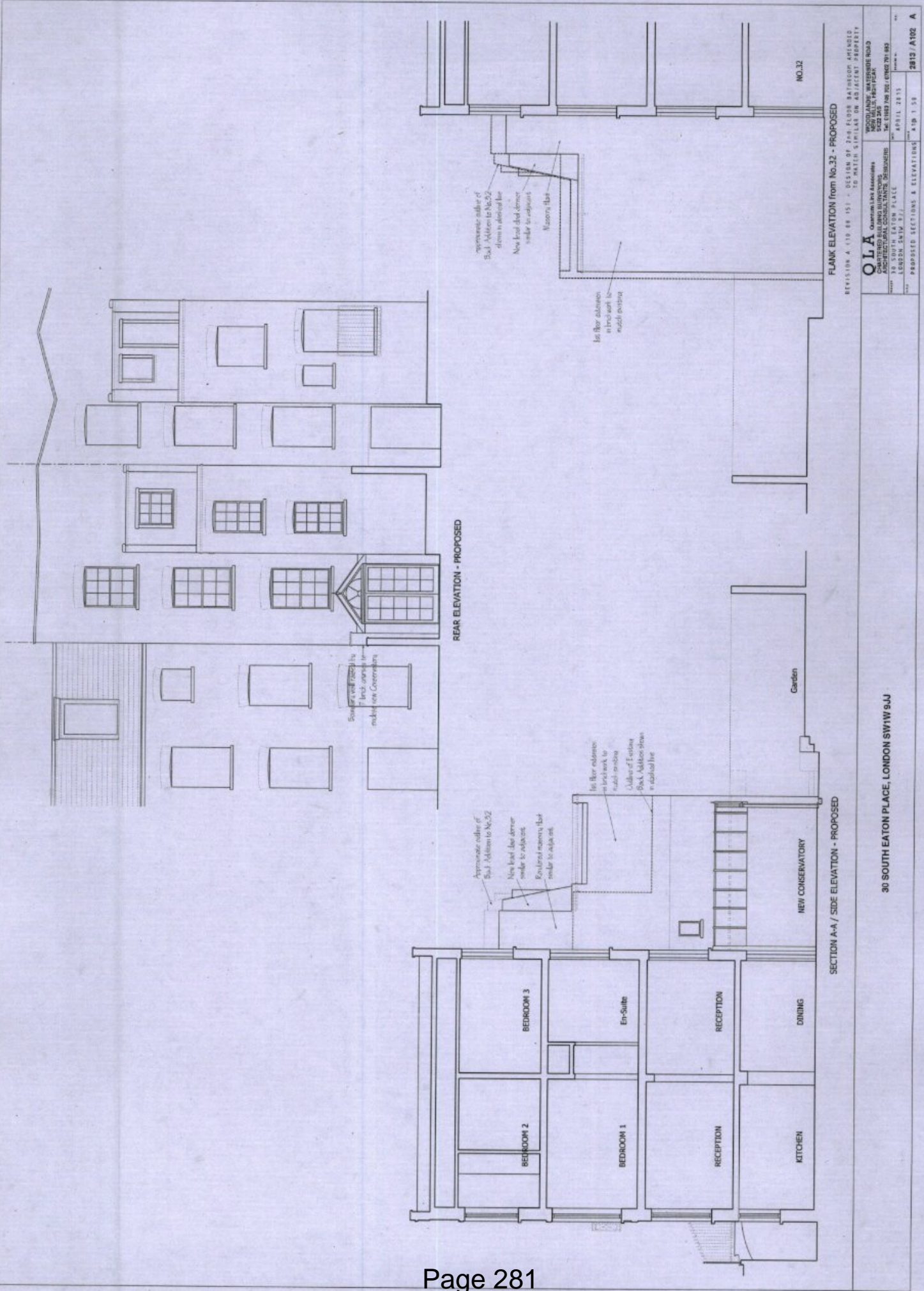


SECTION B-B - PROPOSED

REVISION A (10.08.15) - DESIGN OF 2nd FLOOR BATHROOM AMENDED TO MATCH SIMILAR ON ADJACENT PROPERTY

<p><b>OLA</b> Quantum Link Associates          CHARTERED BUILDING SURVEYORS          ARCHITECTURAL CONSULTANTS, DESIGNERS          30 SOUTH EATON PLACE          LONDON SW1W 9JJ</p>		<p>WOODLANDS, WATERSIDE ROAD          NEW MILLS, HIGH PEAK          SK22 3AS          Tel: 01663 746 700 / 07802 781 683</p>	
		<p>DATE: APRIL 2015</p>	<p>REF: 2813 / A203 A</p>
<p>PROPOSED SECTIONS</p>			

30 SOUTH EATON PLACE, LONDON SW1W 9JJ



REAR ELEVATION - PROPOSED

SECTION A-A / SIDE ELEVATION - PROPOSED

NO.32

FLANK ELEVATION from No.32 - PROPOSED

REVISION A (10 08 15) - SECTION OF THE FLANK ELEVATION ADJOINING 30 SOUTH EATON PLACE TO MATCH SIMILAR ON ADJACENT PROPERTY

OLA

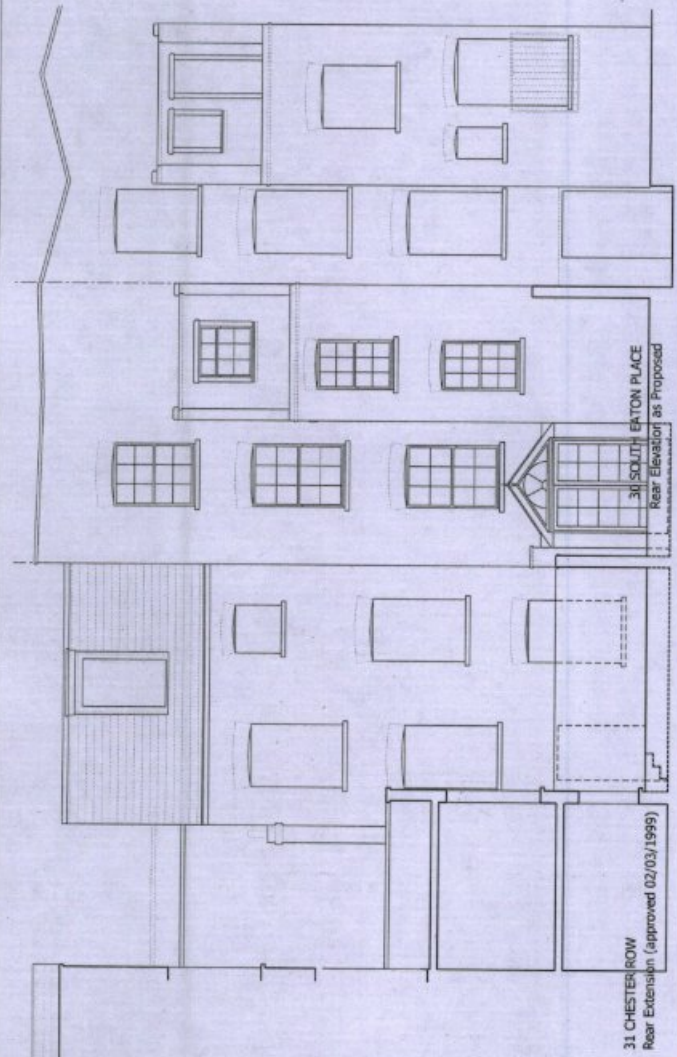
Queens Lane Associates  
ARCHITECTURAL CONSULTANTS & DESIGNERS

WOODLAND, WINDSOR ROAD  
NEW HALLS, WIMBORNE  
DORSET BH20 7JL  
TEL: 01845 706 705 / 01845 701 683  
WWW.OLA.CO.UK  
APRIL 2015

30 SOUTH EATON PLACE, LONDON SW1W 9JL

PROPOSED SECTIONS & ELEVATIONS

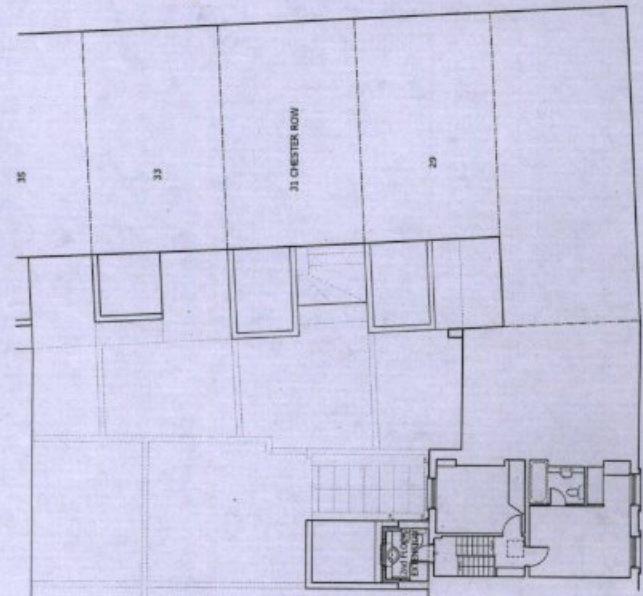
2813 / A192 A



No. 31  
 31 CHESTER ROW  
 Rear Extension (Approved 02/03/1999)

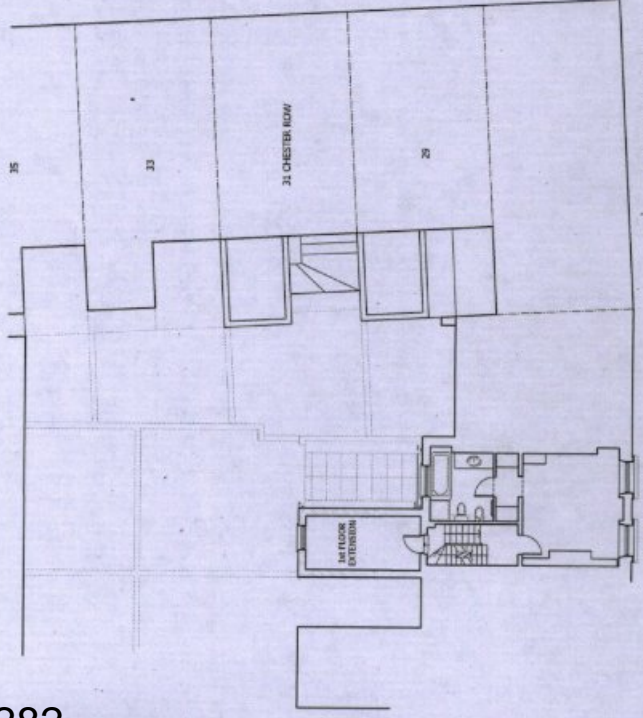
30 SOUTH EATON PLACE  
 Rear Elevation as Proposed

SECTION THROUGH 31 CHESTER ROW / REAR OF 30 SOUTH EATON PLACE



30 SOUTH EATON PLACE  
 SECOND FLOOR PLAN - PROPOSED

PLAN AT SECOND FLOOR LEVEL



30 SOUTH EATON PLACE  
 FIRST FLOOR PLAN - PROPOSED

PLAN AT FIRST FLOOR LEVEL

**O.L.A.** Olan Mills Associates  
 ARCHITECTURAL CONSULTANTS INCORPORATED  
 10025 S.W. 7th Street, Suite 200  
 Miami, Florida 33156  
 TEL: 305-271-1111  
 FAX: 305-271-1112  
 WWW: www.olamills.com

PROJECT: 30 SOUTH EATON PLACE  
 DATE: AUGUST 2011  
 DRAWING: PROPOSED SECTIONS & PLANS  
 SHEET: A100-A

Item No.
11

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 17 November 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning	<b>Ward(s) involved</b> Bayswater		
<b>Subject of Report</b>	<b>2 Westbourne Park Villas, London, W2 5EA</b>		
<b>Proposal</b>	Temporary use for two years of the lower ground floor flat for Class B1(a ) office use for the Westbourne Baptist Church and external alterations including new steps in front lightwell, new windows and door.		
<b>Agent</b>	Savills		
<b>On behalf of</b>	Westbourne Baptist Church and Dolphin Square Charitable Foundation		
<b>Registered Number</b>	15/08808/FULL	<b>Date completed</b>	18 September 2015
<b>Date Application Received</b>	18 September 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Westbourne		

## 1. RECOMMENDATION

Grant conditional permission.
-------------------------------

## 2. SUMMARY

This application seeks approval for the change of use of a lower ground floor flat to Class B1 office use for the Pastor of the Westbourne Park Baptist Church during the redevelopment of the Church and the children's library for a limited two year period. The Church is moving to the Stowe Centre on the Harrow Road, but it is not possible to relocate the Church's ancillary office floorspace. Other works include the creation of a new entrance by creating steps down into the front lightwell, and alterations to the existing windows, doors and a new rear window.

The loss of a residential flat is normally contrary to policy, however, it is considered that there are exceptional circumstances in this case to allow an exception for a limited two year period. It is not considered that the proposed change of use for a limited period will harm the amenities of adjoining neighbours and there are no objections in design terms to the physical alterations in connection with the change of use. The formal views of the Arboricultural Manager regarding the impact of the new step in the front lightwell on the roots of the mature Lime tree in the front garden will be reported verbally to Committee.

3. LOCATION PLAN





4. PHOTOGRAPHS



Item No.
11

**5. CONSULTATIONS**

South East Bayswater Residents Association – supports application.  
Notting Hill East Neighbourhood Forum – supports application if 'greened' with some planting.  
Highways Planning Manager – any response to be reported verbally.  
Arboricultural Manager – any response to be reported verbally.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 25; Total No. of Replies: 0  
No. of objections: 0; No. in support: 0

ADVERTISEMENT / SITE NOTICE: Yes

**6. BACKGROUND INFORMATION**

**6.1 The Application Site**

This application relates to a lower ground floor one bedroom flat at No 2 Westbourne Park Villas. The upper floors are in residential use by the Pastor for the adjacent Baptist Church. This is an unlisted building located on the south side of the street within the Westbourne Conservation Area. There is a mature Lime tree in the front garden.

**6.2 Recent Relevant History**

None relevant in respect of No 2 Westbourne Park Villas.

Of relevance to the determination of this proposal is the permission for the redevelopment of the Westbourne Baptist Church to provide 32 affordable housing flats, replacement Church and children's library.

**7. THE PROPOSAL**

This application is for a temporary change of use to the lower ground floor flat to provide offices (52m<sup>2</sup>) for the Pastor of the Church for a two year period. During redevelopment, the Church and its congregation are moving to the Stowe Centre on the Harrow Road, but there is not enough space to relocate the church's ancillary office space.

Given that No. 2 is in the ownership of the Church it is proposed to convert the existing lower ground floor flat.

A number of external alterations are being proposed, a thin planter bed in the front garden will be removed to create a new path with new steps leading down into the existing front lightwell to a new entrance door. The existing upvc windows on the eastern side elevation are to be replaced with smaller windows and brick up the existing door. The existing bathroom window will be bricked up and a new obscure glazed window inserted in the rear elevation.

No objections have been received to date from neighbours, and the proposal is supported by the local amenity societies.

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11

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

In land use terms, Policy S14 in the City Plan, all residential uses, floorspace and land is protected, and proposals that would result in a reduction in the number of units will not be acceptable. This proposal to convert to an office does not meet the exceptions set out by Policy S14. Policy H1 in the UDP prevents the loss of housing.

Whilst it is recognised that this proposal is in breach of housing policy, this application needs also to be assessed in the light of the Council's social and community Policies S34 in the City Plan and S0C 1 in the UDP. This proposal will allow the existing church (an important social and community use) to operate its administrative headquarters whilst works are taking place to redevelop their site. The office will be used by the Pastor and up to a maximum of six other people.

The proposed change of use is only temporary, and it is not considered to harm the housing stock of the borough, and the redevelopment of the church site will create 32 affordable flats.

Therefore, it is considered that there are grounds to allow a relaxation of the adopted housing policies given the special circumstances of the case and for a limited two year period. A condition will ensure that the use reverts back to residential.

### **8.2 Townscape and Design**

There are no townscape objections to the physical changes which are considered to be fairly minor and will preserve the character and appearance of this part of the Westbourne Conservation Area.

### **8.3 Residential Amenity**

The temporary office use will mainly operate normal office hours, albeit there may be some evening use, but given its small size and location, it is not considered that the use will harm the amenities of neighbours. It is recommended to condition hours of use from 07.00 to 23.00 hours.

### **8.4 Transportation/Parking**

It is not considered that the proposal will have any adverse impact on parking in the area. The formal views of the Highways Planning Manager are awaited and will be reported verbally to Committee.

### **8.5 Economic Considerations**

Not relevant in the determination of this application.

## **8.6 Access**

There is no level access into the proposed office, but given it is for a limited period, it is not considered necessary to accommodate a ramp, which has major implications on the existing tree and the conservation area

## **8.7 Other UDP/Westminster Policy Considerations**

### **Tree**

There is a large mature Lime tree in the front garden. The applicant's arboricultural report advises that the works to form steps in the front lightwell will have a very low impact on the root protection area of this tree. The formal views of the Arboricultural Manager are awaited and will be reported verbally to Committee. The Notting Hill East Neighbourhood Forum request more greening, but given this is a temporary change of use, such a request is not considered reasonable.

## **8.8 London Plan**

This application raises no strategic issues.

## **8.9 National Policy/Guidance Considerations**

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

## **8.10 Planning Obligations**

Not relevant in the determination of this application.

## **8.11 Environmental Impact Assessment**

Not relevant in the determination of this application

## **8.12 Conclusions**

It is considered that the public benefits to allow the Church to keep its ancillary offices in the area whilst its main site is being redeveloped, is considered to be an exceptional circumstance to allow the temporary loss of this one bedroom flat. It is understood that works are due to start at the main site in January 2016 and therefore it is recommended to limit the permission until 30 January 2018 after which the residential use will be reinstated.

## 9. BACKGROUND PAPERS

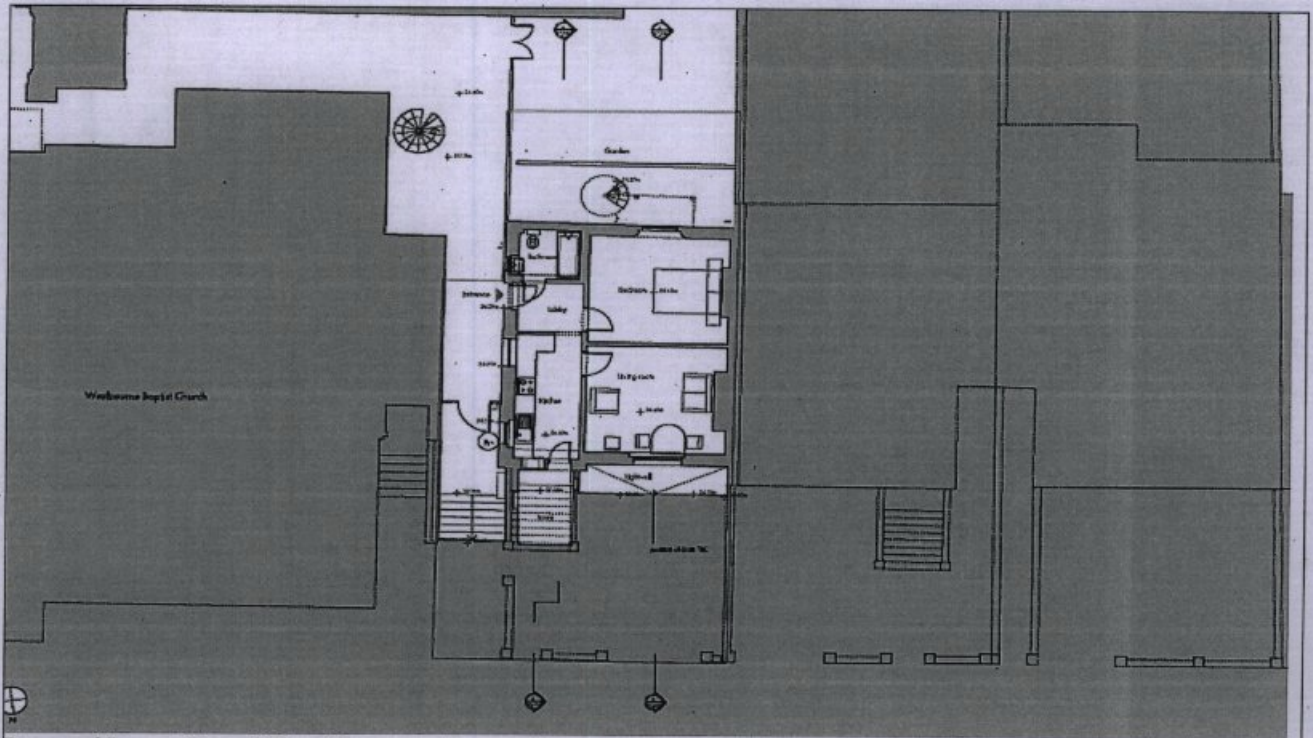
1. Application form
2. Response from Notting Hill East Neighbourhood Forum dated 29 October 2015
3. Response from South East Bayswater Residents Association dated 5 October 2015

### Selected relevant drawings

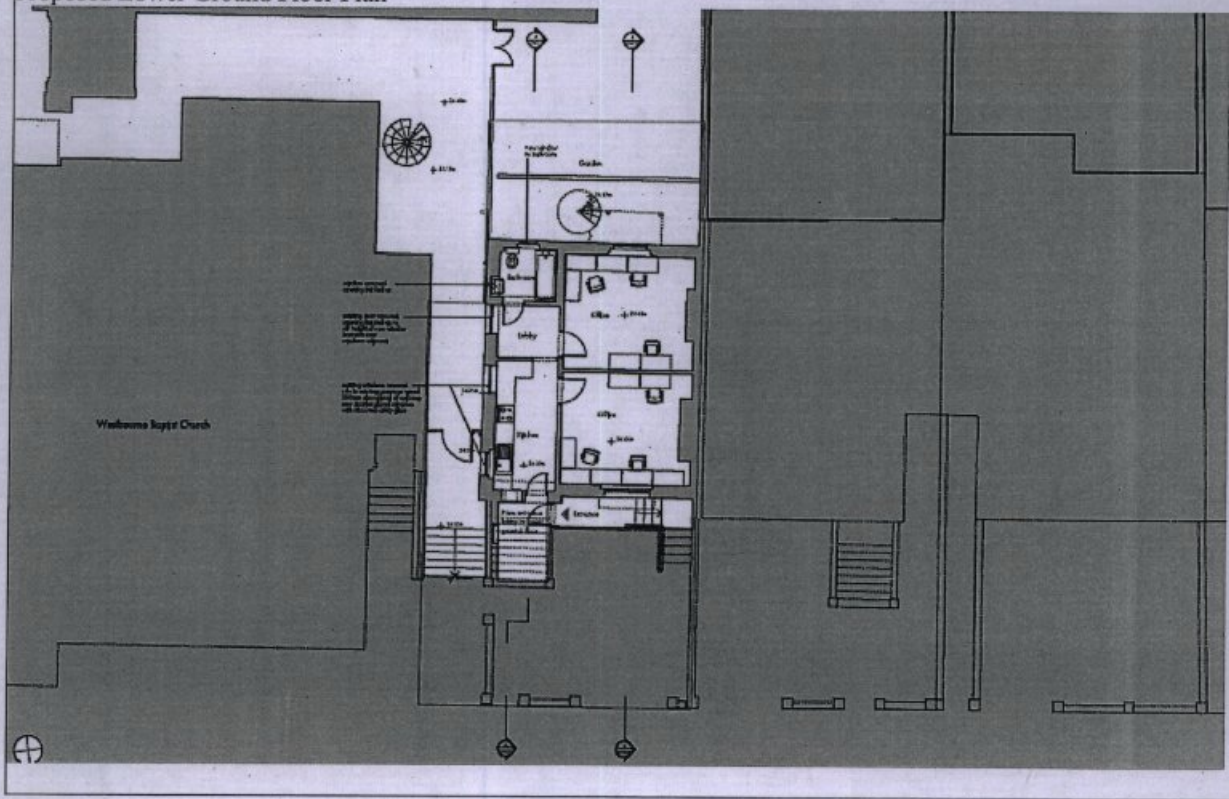
(Please note: All the application drawings and other relevant documents are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY E-MAIL – [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk)

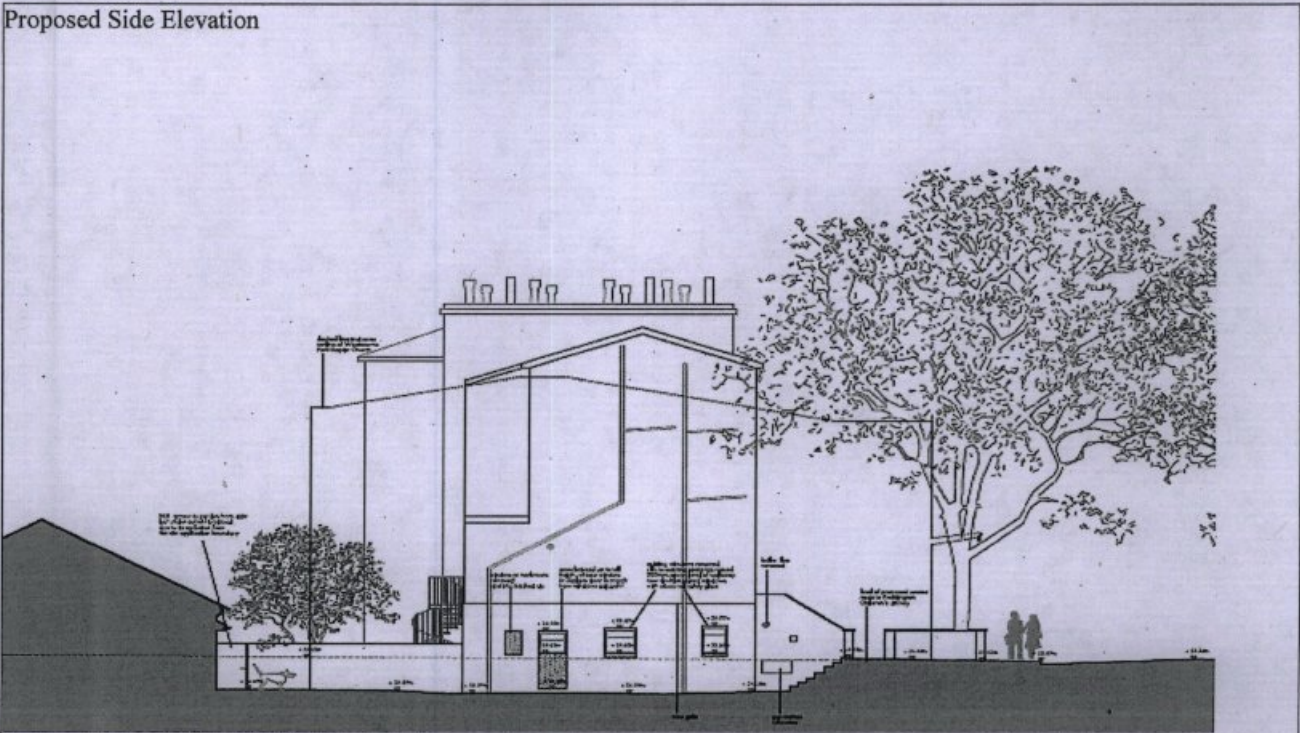
10 KEY DRAWINGS



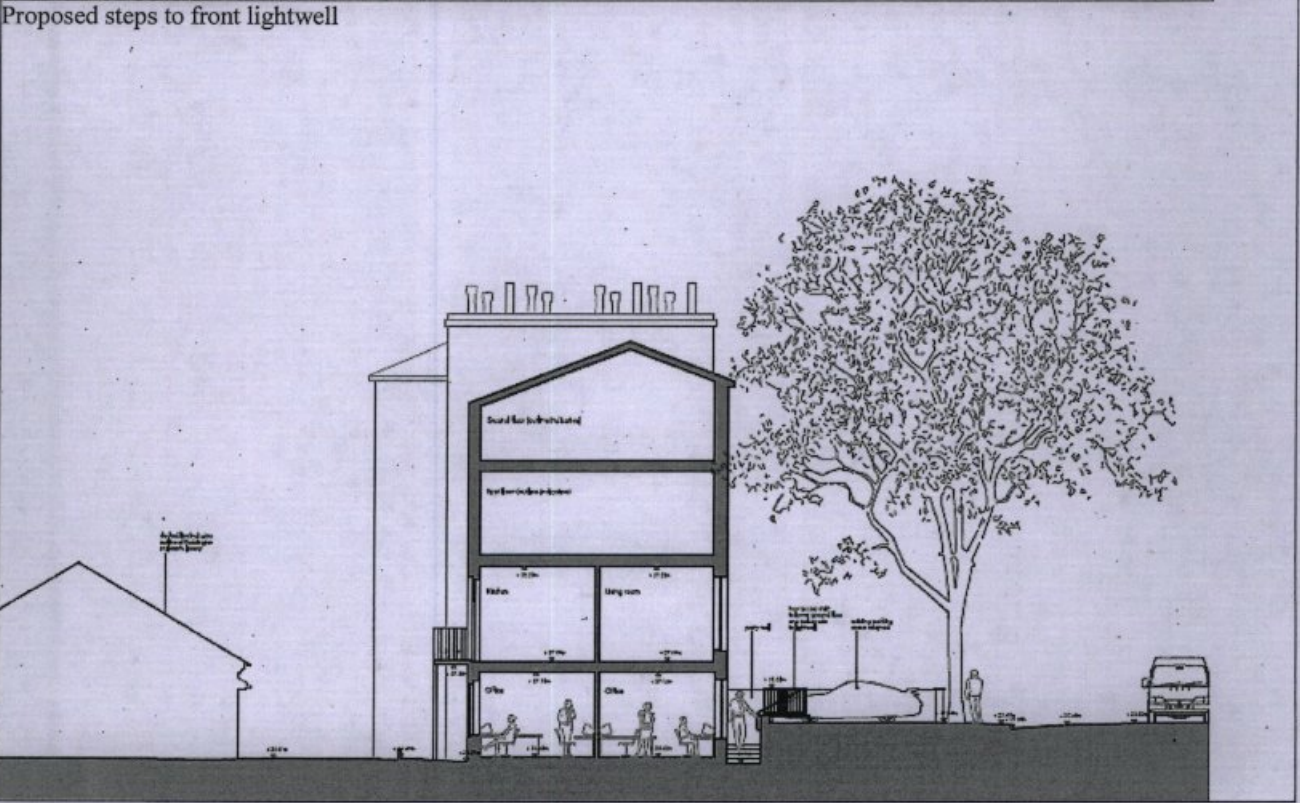
Proposed Lower Ground Floor Plan



Proposed Side Elevation



Proposed steps to front lightwell



Item No.
11

**DRAFT DECISION LETTER**

**Plan Nos:**

Covering letter dated 18 September 2015, Design and Access Statement, Arboricultural Impact Assessment Report, 858\_01\_07\_001 Rev P1 ; 010 Rev P1; 011 Rev P1; 020 Rev P1; 021 Rev P1; 030 Rev P1; 031 Rev P1; 032 Rev P1; 110 Rev P1; 111 Rev P1; 100 Rev P1; 101 Rev P1; 220 Rev P1; 221 Rev P1; 330 Rev P1; 331 Rev P1; 332 Rev P1.

**Case Officer:** Amanda Coulson

**Direct Tel. No.** 020 7641 2875

**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.
- 2 The Class B1 (a) office use allowed by this permission can continue until 30 January 2018. After that the part of the building we have approved for offices for the pastor of the Westbourne Baptist Church must return to its previous use. (C03BA)
- 3 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)
- 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)
- 5 The tree protection measures set out in the Arboricultural Report to the Lime tree in the front garden shall be in place prior to any works starting on site and shall be maintained during the construction works.,
- 6 You must provide the waste store shown on drawing 858\_01\_07\_111 Rev P1 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the office. 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)
- 7 You must apply to us for approval of detailed drawings at a scale of 1:50 of the following parts



of the development - new entrance door. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

#### 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 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)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 4 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.**

1 Application forms., 2 Response from the Notting Hill East Neighbourhood Forum. , 3 Response from South East Bayswater Residents Association .

Item No.
11

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

Item No.
12

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 17 November 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning	<b>Ward(s) involved</b> Lancaster Gate		
<b>Subject of Report</b>	150 Queensway, London, W2 6LY		
<b>Proposal</b>	Use of the ground floor as a children's library (Class D1) for a temporary period of two years.		
<b>Agent</b>	Savills		
<b>On behalf of</b>	Westbourne Park Baptist Church and Dolphin Square Foundation		
<b>Registered Number</b>	15/08937/FULL	<b>Date completed</b>	29 September 2015
<b>Date Application Received</b>	23 September 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Queensway		

## 1. RECOMMENDATION

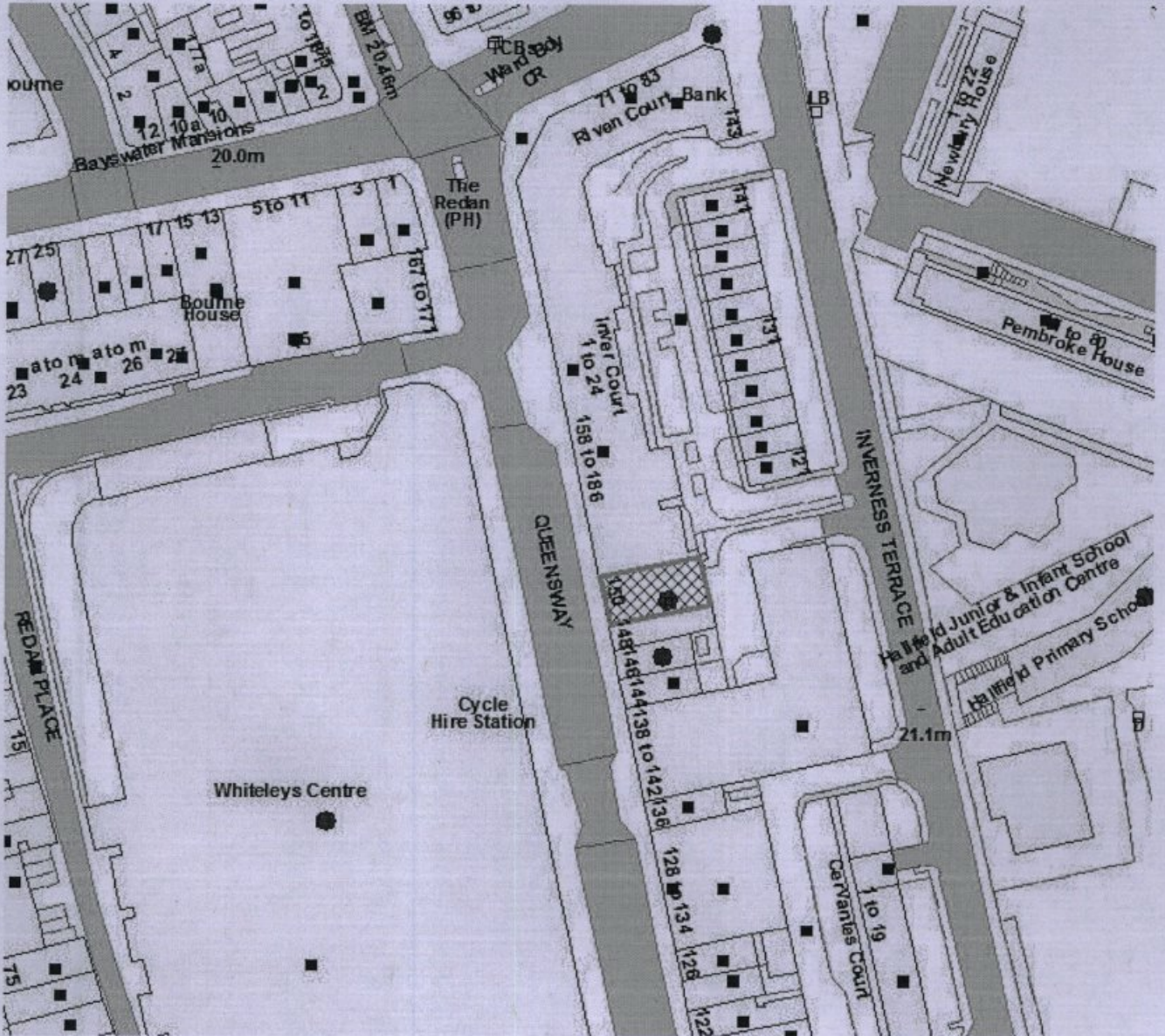
Grant conditional permission.

## 2. SUMMARY

This proposal is for the change of use of this vacant Class A1 shop (143m<sup>2</sup>) to a children's library (Class D1) for a temporary two year period, as an alternative decant site needs to be found for the library during the redevelopment of the Westbourne Baptist Church in Porchester Road. The application site is located within the Core Frontage of the Queensway/Westbourne Grove District Shopping Centre and under the terms of Policy SS6 in the UDP, the loss of retail shops is normally resisted. No objections have been received to date and the proposal is supported by the two local amenity societies.

In this case, it is considered that the planning benefits associated with the relocation of the children's library (for a limited period), an important social and community use in this part of the City, outweighs the loss of a retail shop. It is not considered that the proposed library will harm the retail character and function of this part of the shopping centre or harm the amenities of the flats above. Given that works are due to start to redevelop the Baptist Church in January 2016, it is recommended to grant a temporary permission until 30 January 2018.

3. LOCATION PLAN



#### 4. PHOTOGRAPHS



#### 5. CONSULTATIONS

CHILDREN'S SERVICES: No observations to make.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION: No objections to the library relocating from Porchester Road to Queensway for a period of two years. Fascia sign needs to be simple and smart and not illuminated, want an active and not a dead frontage, albeit appreciate that some privacy required as a children's library. Request that signage be covered by condition.

BAYSWATER RESIDENTS ASSOCIATION: Support application.

CRIME PREVENTION OFFICER: To be reported verbally.

CLEANSING: Request condition to secure refuse storage.

HIGHWAYS PLANNING MANAGER: Undesirable in transportation terms but could be made acceptable.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 55; Total No. of Replies: 0; No. of objections: 0; No. in support: 0.

ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

This is a vacant ground floor retail shop (Class A1) located on the east side of Queensway. The unit is approximately 143m<sup>2</sup> (GIA) in area and is within the Queensway Conservation Area. The shop has been vacant for approximately nine months and was last occupied as a home/kitchenware shop. The unit forms part of the Core Frontage of the Queensway/Westbourne Grove District Shopping Centre and is located within the Queensway Stress Area.

### **6.2 Recent Relevant History**

There have been a number of planning applications relating to new shopfronts and signage at 150 Queensway.

Of relevance to this planning application for the change of use from Class A1 to a children's library use ( Class D1) for a temporary two year period, is the permission granted for the redevelopment of the Westbourne Baptist Church. This requires the provision of a decant site for the children's library which will be displaced during the redevelopment. Under the terms of the legal agreement, the applicant (Westbourne Baptist Church and the Dolphin Square Foundation) need to provide a temporary location for the children's library and pay the fit out costs to a Category B finish before any works start on site to demolish the existing building. The legal agreement also requires that the library is relocated within the new development at a peppercorn rent and fitted out to a Category B finish.

## **7. THE PROPOSAL**

This application is for a temporary change of use to a children's library (Class D1) use for a two year period. No external alterations are being proposed.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

In land use terms, the shop is located within the Core Frontage of the District Centre and under Policies S21 in the City Plan and SS6 in the UDP, such losses of retail shops are normally resisted.

Policy SS6 states that at ground floor level, proposals for A2 and A3 or other non-A1 town centre uses will only be permitted where the proposal would not harm the vitality or viability, or character or function of the parade and in addition the total length of the Core Frontage in non-A1 use at ground level must not exceed 25% in the Queensway /Westbourne Grove District Centre.

This figure has already been breached and this proposal will increase the amount of frontage in non-A1 use for a limited period, but the proposal will not lead to a concentration of non-A1 uses in this frontage or result in more than two non-A1 units

located consecutively in the frontage. The previous use was not a local convenience shop, and it is not considered that the temporary use of this unit to accommodate a valued social and community use will reduce the attractiveness of the centre for local shoppers.

Whilst it is recognised that the proposal will breach part of Policy SS6 in respect of exceeding the percentage of the frontage in non-A1 use, this application needs also to be assessed in the light of the Council's social and community Policies S34 in the City Plan and S0C 1 in the UDP.

In this instance, it is considered that the public benefits of providing a temporary decant site for the children's library outweighs the loss of this shop. The shop is a similar size to the existing library and the library needs to be located in the area. The proposed temporary site for the children's library is approximately 0.3 miles away from the existing site.

Therefore, it is considered that there are grounds to allow a relaxation of the shopping policies given the special circumstances of the case, albeit for a limited period.

## **8.2 Townscape and Design**

It is not considered that the proposed temporary change of use will affect the character and appearance of this part of the Queensway Conservation Area. The South East Bayswater Residents Association has raised concerns regarding signage and to ensure that the library maintains an active frontage. Signage will be the subject of a separate advertisement application. It is recommended that a condition be imposed to secure a shopfront display.

## **8.3 Residential Amenity**

The temporary library will operate the same hours as the existing children's library Monday to Saturday 09.30 to 17.30 and closed on Sunday and therefore will not adversely affect the amenities of residents in the flats above.

## **8.4 Transportation/Parking**

The Highways Planning Manager advises that given the nature and size of the proposal, it is unlikely to generate a significant increase in the number of private vehicle trips, but may increase the number of trips compared to the existing A1 use, but given public transport links in the area, any potential increase in trips is unlikely to cause a highway safety concern.

The Highways Planning Manager advises that no cycle parking is being provided and one space would be required and this will need to be reserved by condition. There is a staff room being provided and given this is a temporary use and there is on street cycle racks in the vicinity of the site, it is not considered necessary to impose such a cycle parking condition.

### **8.5 Economic Considerations**

Given the proposal is for a limited two year period, the proposal will not have an adverse impact on the viability of the centre.

### **8.6 Access**

There is level access to the unit and an internal disabled ramp.

### **8.7 Other UDP/Westminster Policy Considerations**

#### **Refuse/Recycling**

A condition is recommended to reserve refuse storage.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

Not relevant in the determination of this application.

### **8.11 Environmental Impact Assessment**

Not relevant in the determination of this application.

### **8.12 Other Issues**

The South East Bayswater Residents Association query the ground floor layout as there appears to be only one toilet. The applicant confirmed on site that two toilets will be provided, and has altered the position of the staff desk and pram store, and has submitted an amended plan to show these changes.

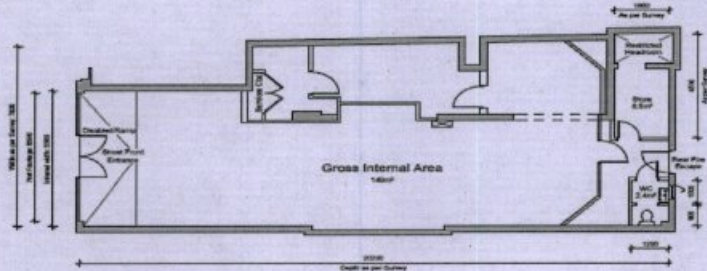
## **9. BACKGROUND PAPERS**

1. Application form
2. Memorandum from Highways Planning Manager dated 13 October 2015.
3. Memorandum from Cleansing dated 29 October 2015.
4. Response from the Bayswater Residents Association dated 13 October 2015
5. Response from the South East Bayswater Residents Association dated 12 October 2015.
6. Email from Children's Services dated 2 October 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY E-MAIL – [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk)



10. KEY DRAWINGS



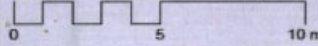
Gross Internal Area  
1480sq

Do not scale from this drawing

**NOTES:**  
Brookes Architects plans are drawn from information provided in Flouman Craven Surveyors Area Plan drawing.

Issue Date: October 2013  
Drawing Number: 2013-022-155-AG  
Revision: A

All areas are approximate

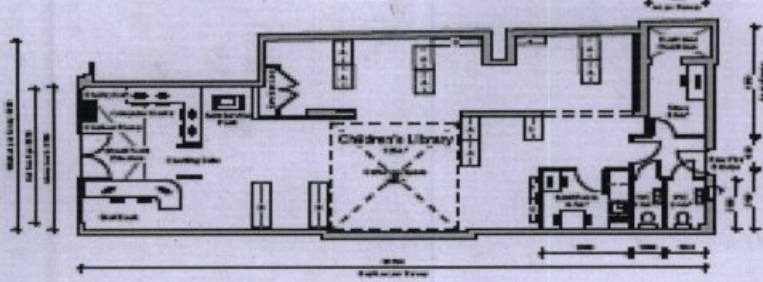


## PLANNING

Rev	Description	Date	By	Chk
1	For Planning Application	11.08.13	TL	TL

Client	Dolphin Square Foundation
Project	Paddington Children's Library 150 Queensway, London, W2
Scale	1:100 @ A3
Discipline	Arch/Int/13
Discipline	Arch/PG
Discipline	Arch/TL
Discipline	Arch/TL

Issue No: 4718 | 3 | 11 | 1



Children's Library  
1480sq

**NOTES:**  
Brookes Architects plans are drawn from information provided in Flouman Craven Surveyors Area Plan drawing.

Issue Date: October 2013  
Drawing Number: 2013-022-155-AG  
Revision: A

**FURNITURE SCHEDULE:**  
Drawing units to be placed over existing floor

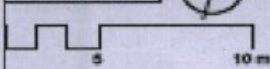
A	1 nos	300w x 240d x 1000h
B	3 nos	180w x 90d x 1000h
C	1 nos	300w x 240d x 1000h
D	1 nos	180w x 90d x 1000h
E	1 nos	300w x 300d x 1000h

Site working units

F	1 nos	300w x 240d x 1000h
G	1 nos	300w x 240d x 1000h

(N) dimensions in mm

All areas are approximate



## PLANNING

Rev	Description	Date	By	Chk
1	For Planning Application	11.08.13	TL	TL

Client	Dolphin Square Foundation
Project	Paddington Children's Library 150 Queensway, London, W2
Scale	1:100 @ A3
Discipline	Arch/Int/13
Discipline	Arch/PG
Discipline	Arch/TL
Discipline	Arch/TL

Issue No: 4718 | 3 | 12 | 3

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

**DRAFT DECISION LETTER**

**Plan Nos:** Covering letter dated 23 September 2015 , 4718 3 10 Rev 02; 4718 3 11 Rev 1 , 4718 3 12 Rev 3, photo schedule -150 Queensway.

**Case Officer:** Amanda Coulson

**Direct Tel. No.** 020 7641 2875

**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.
- 2 The library use allowed by this permission can continue until 31 November 2017. After that the part of the building we have approved for library must return to its previous use. (C03BA)
- 3 You must not occupy the premises for use until a detailed scheme for the shop windows of the unit has been submitted to and approved in writing by the local planning authority. The scheme shall include the area immediately behind the windows, shall not include any obscured glass and shall define any display panels within the windows. The development shall thereafter be carried out in accordance with the approved scheme and no further modifications shall be made.
- 4 The library shall be open to customers from 09.00 to 18.00 Monday to Saturday and closed on Sundays/Bank Holidays.
- 5 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the library. You must not use the waste store for any other purpose. (C14CD)