



City of Westminster

# Committee Agenda

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

Meeting Date: **Tuesday 14th February, 2017**

Time: **6.30 pm**

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

Members: **Councillors:**  
Richard Beddoe  
David Boothroyd  
Susie Burbridge  
Christabel Flight

**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, Tristan Fieldsend, Committee and Governance Officer.**

**Tel: 020 7641 2341; Email: [tfieldsend@westminster.gov.uk](mailto:tfieldsend@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/ELECTION OF CHAIRMAN**

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. OLD WAR OFFICE, WHITEHALL, LONDON, SW1A 2EU</b>   | <b>(Pages 9 - 48)</b>    |
| <b>2. 22 HANOVER SQUARE, LONDON, W1S 1JA</b>  | <b>(Pages 49 - 114)</b>  |
| <b>3. APPLICATION 1: MACINTOSH HOUSE, 54 BEAUMONT STREET, LONDON, W1G 6DW APPLICATION 2: 7 PARK CRESCENT, LONDON, W1B 1PQ</b> | <b>(Pages 115 - 140)</b> |
| <b>4. 61 CURZON STREET, LONDON, W1J 8PD</b>   | <b>(Pages 141 - 164)</b> |
| <b>5. MARBLE ARCH AT MARBLE ARCH, LONDON, W1H 7DX</b>   | <b>(Pages 165 - 182)</b> |
| <b>6. NORFOLK HOUSE, 31 ST JAMES'S SQUARE, LONDON, SW1Y 4JR</b>   | <b>(Pages 183 - 218)</b> |
| <b>7. WILLIAM COURT, 6 HALL ROAD, LONDON, NW8 9PA</b>   | <b>(Pages 219 - 266)</b> |

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|-----|--|-------------------|
| 8.  | 27A QUEEN'S TERRACE, LONDON, NW8 6EA                           | (Pages 267 - 282) |
| 9.  | 10 ACACIA ROAD, LONDON, NW8 6AB                                | (Pages 283 - 300) |
| 10. | 18 PINDOCK MEWS, LONDON, W9 2PY                                | (Pages 301 - 314) |
| 11. | 100-101 ST MARTIN'S LANE, LONDON, WC2N 4AZ                     | (Pages 315 - 336) |
| 12. | 12 ST JAMES'S STREET, LONDON, SW1A 1EF                         | (Pages 337 - 352) |
| 13. | BASEMENT AND GROUND FLOOR, 173 WARDOUR STREET, LONDON, W1F 8WT | (Pages 353 - 370) |
| 14. | 87 - 88 MOUNT STREET, LONDON, W1K 3NE                          | (Pages 371 - 384) |

**Charlie Parker**  
**Chief Executive**  
**6 February 2017**

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 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	<b>RN NO(s) :</b> 16/09548/FULL 16/09549/LBC  St James's	Old War Office Whitehall London SW1A 2EU	Alterations to the existing building including the creation of new pedestrian and vehicular entrances; alterations to bottle balustrades and parapets; extensions to create three additional storeys at fifth, sixth and seventh floors; extension of the existing basement to create two additional basement storeys; partial demolition and reconstruction of the central wing; demolition, relocation and reconstruction of the facades comprising the Triangular Courtyard incorporating extensions to the existing building at ground to fourth floors; external alterations to the facades comprising the Quadrangle including the creation of new pedestrian entrances; landscaping works to the Quadrangle and Triangular Courtyard; creation of external terraces at fourth, fifth, sixth and seventh floor levels; addition of entrance canopies; alterations to security walls and bollards and the removal and replacement of street trees; all in connection with the change of use of the building from offices (Class B1) to a hotel (Class C1) comprising up to 125 hotel bedrooms/suites with flexible hotel/retail/restaurant/bar use at part ground floor (Class C1/A1/A3/A4), flexible hotel/restaurant use at part lower ground, part ground and part second floors (Class C1/A3); flexible hotel/bar use at part fifth and part sixth floors (Class C1/A4); flexible retail, leisure, restaurant or bar use at part ground floor (Class A1/D2/C1/A3/A4), leisure/spa facilities within the basement levels and part of the lower ground floor (Class D2/C1) ancillary ballroom, event space and meeting rooms, food and beverage facilities, back of house facilities and associated car and cycle parking and servicing facilities; together with the creation of up to 88 residential dwellings (Class C3) with ancillary communal amenities, associated car and cycle parking and servicing facilities, and other associated works.	
<p><b>Recommendation</b></p> <p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <p>i) a financial contribution of £10m towards the City Council's affordable housing fund (index linked and payable on commencement of development) in lieu of on-site affordable housing</p> <p>ii) the hotel and commercial floorspace to be provided as part of the development is not to be occupied until the residential accommodation to be provided as part of the development has been made ready for occupation</p> <p>iii) Operational Management Plan for the hotel, restaurants, bars, ballroom and spa facility</p> <p>iv) Public Access Strategy for the Hotel Suites of Principal Historic Significance</p> <p>v) an employment and training opportunities strategy</p> <p>vi) payment for all necessary highway works including the following to be carried out prior to the occupation of the hotel:</p> <ul style="list-style-type: none"> <li>• changes to parking bays to accommodate the new vehicular entrances to the building and to re-provide</li> </ul>				

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	<p>lost parking places elsewhere if possible</p> <ul style="list-style-type: none"> <li>• move the coach stop on Horse Guards Avenue</li> <li>• provide a facility for taxis on Horse Guards Avenue</li> <li>• move the bus shelter on Whitehall</li> <li>• remove the security walls and bollards from Whitehall and make other changes to accommodate vehicular access to the building whilst still providing a secure scheme.</li> <li>• re-paving of the footways around the site</li> <li>• removal and replacement of street trees</li> </ul> <p>vii) Car Parking Management Plan - to include provision of residential car parking on an unallocated basis and to ensure that residents and hotel guests are only using their agreed provision of car parking spaces</p> <p>viii) a financial contribution of £302,400 towards the City Council's carbon off-set fund in the first instance and the developer to use best endeavours to connect the development to Whitehall District Heating Scheme (WDHS) within 5 years of occupation with a further carbon offset payment of £352,800 if this has not been achieved</p> <p>ix) costs of monitoring</p> <p>2. If the S106 legal agreement has not been completed within eight weeks of the date of this resolution then:</p> <p>a) The Director of Planning shall consider whether it will be possible or 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 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> <p>3. Grant conditional listed building consent</p> <p>4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter</p>
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Item No	References	Site Address	Proposal	Resolution
2.	RN NO(s) : 16/07404/FULL  West End	22 Hanover Square London W1S 1JA	Demolition and redevelopment to provide a new building on three basement levels, lower ground, ground and first to ninth/eleventh floors to provide a hotel with ancillary bars / restaurants / leisure facilities and private dining / meeting rooms (Class C1), up to 81 residential units (Class C3), flexible / alternative restaurant (Class A3) / hotel restaurant (Class C1) / retail (Class A1) use on part ground and part lower ground floors, basement car and cycle parking, plant at basement and roof levels, alterations to existing access on Brook Street and associated works.	
<p><b>Recommendation</b> For Committees' views</p> <p>1. Does the Committee consider, in view of the previous scheme which provided 41 flats and delivered £12m of S106 contributions for affordable housing and public realm improvements, that the applicant's total proposed contribution of £12m for affordable housing, public realm improvements and CIL (£2,476,452) is acceptable?</p> <p>2. If so, does the Committee still consider that, as previously, £2m should be directed to public realm improvements, or should the entire sum remaining after the CIL payment is deducted (i.e. £9,523,548) be directed to the City Council's affordable housing fund?</p>				

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3. Subject to 1 and 2 above and referral to the Mayor of London, grant conditional permission subject to a S106 legal agreement to secure:

i) a contribution of either: (a) £9.523,548 towards the City Council's affordable housing fund (index linked and payable upon commencement of development) OR (b) a contribution of £7,523,548 towards the City Council's affordable housing fund (index linked and payable upon commencement of development) and £2m towards public realm improvements in Hanover Square.

ii) costs relating to highways works around the site to facilitate the development (including creation of a relocated crossover)

iii) provision of unallocated residential parking

iv) lifetime car club membership (minimum 25 years) for each residential unit payable on first occupation

v) an employment and training opportunities strategy

vi) monitoring costs

4. 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.

Item No	References	Site Address	Proposal	Resolution
3.	<p><b>RN NO(s) :</b>  <b>Application 1:</b>                      16/09208/FULL</p> <p><b>Application 2:</b>                      16/09212/FULL                      16/09213/LBC</p> <p>Marylebone High Street</p>	<p><b>Application 1:</b>                      Macintosh House                      54 Beaumont Street                      London                      W1G 6DW</p> <p><b>Application 2:</b>                      7 Park Crescent,                      London                      W1B 1PQ</p>	<p><b>Application 1:</b> Demolition of existing building and erection of a new building comprising 2 x basements, ground and part four and part five upper floors for with plant at roof level for use medical purposes (Class D1).</p> <p><b>Application 2:</b> Alterations including the provision of secondary glazing to the front elevation at lower ground, ground and first floors, and replacement windows to the rear elevation at ground, first and mezzanine levels, insertion of roof lights and courtyards to lower ground floor level and internal alterations in connection with the use as 7 residential flats (C3)</p>	

**Recommendation**  
**Site 1:**

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1. Grant conditional permission, subject to a S106 legal agreement to secure the following:
- i) the provision of 7 residential flats (ready for occupation) at 7 Park Crescent on or before the date of occupation of Macintosh House 54 Beaumont Street for medical purposes (Class D1).
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.

**Site 2**

- 1) Grant conditional permission, subject to a S106 legal agreement to secure the following:
- i) not to occupy 7 Park Crescent for residential purposes (Class C3) prior to the commencement of development at Macintosh House 54 Beaumont Street in connection with the provision of the medical floorspace approved under application 16/09208/FULL.
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) Grant conditional listed building consent
- 3) Agree reason for granting listed building consent as set out in Informative 1 of the draft decision letter.

<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
<b>4.</b>	<b>RN NO(s) :</b> 16/09518/FULL  West End	61 Curzon Street London W1J 8PD	Demolition of existing building and erection of a new building of lower ground, ground plus eight upper storeys to comprise offices (Use Class B1), a retail unit (Use Class A1) on part of the ground and lower ground floor level and mechanical plant and solar photovoltaic panels at roof level and associated highway works.	
<p><b>Recommendation</b>  Subject to referral to the Mayor of London, grant conditional permission, including Grampian condition to secure the on-street changes to move the taxi bay on Curzon Street and provide room for servicing vehicles.</p>				

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Item No	References	Site Address	Proposal	Resolution
5.	RN NO(s) : 16/11546/FULL  Knightsbridge And Belgravia	Marble Arch At Marble Arch London W1H 7DX	Use of part of Marble Arch Island as theatre event space for a temporary period from 7th April 2017 to 6th December 2017, including installation of enclosed temporary theatrical production structure (with approximately 650 audience seats) associated structures and associated works.	
	<b>Recommendation</b> Grant conditional permission for a temporary period until 6 December 2017			
Item No	References	Site Address	Proposal	Resolution
6.	RN NO(s) : 16/09591/FULL  St James's	Norfolk House 31 St James's Square London SW1Y 4JR	Demolition of existing building and reconstruction of 31 St James Square and 30 Charles II Street facades to provide an office building over single basement, ground and first to seventh floors, a lightwell and railings to the front of 31 St James Square, basement car and cycle parking, plant at basement and roof levels, alterations to existing access on Charles II Street and associated works.	
	<b>Recommendation</b> 1. Grant conditional permission subject to a S106 legal agreement to secure the following:  i) The cost of the works to the footway to close the redundant crossover, construct the new crossover and revise the Traffic Management Orders on Charles II Street and for the cost of works to the footway to St James's Square (subject to agreement by the council as Highway Authority)  ii) Carbon offset payment of £58,320 (index linked) to be paid on commencement of development.  iii) Crossrail payment of £119,280 (index linked) to be paid on commencement of development.  iv) S106 monitoring costs to be paid on commencement of development.  2. If the 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 the 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.			
Item No	References	Site Address	Proposal	Resolution
7.	RN NO(s) : 16/08855/FULL  Abbey Road	William Court 6 Hall Road London NW8 9PA	Construction of 3 dwelling houses with associated amenity space in the grounds of William Court, 6 Hall Road to the rear, associated landscaping improvements, creation of additional cycle parking.	
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
8.	RN NO(s) :	27A Queen's	Variation of condition 10 of planning permission	

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	15/09871/FULL  Abbey Road	Terrace London NW8 6EA	dated 01 July 2014 (RN: 14/02259) for the use as a fitness studio (Class D2). Namely to remove the requirement to install a sound insulating suspended ceiling below the roof timbers and install a sound limiter instead.	
<b>Recommendation</b> Grant conditional permission.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
9.	<b>RN NO(s) :</b> 16/10875/FULL  Abbey Road	10 Acacia Road London NW8 6AB	Excavation of basement; erection of rear extension at rear lower ground floor level; erection of three storey side extension at upper ground, first and second floor levels; extension of front ground floor porch; alteration and replacement of windows and doors; alterations to landscaping including demolition of existing garage; alterations to roof.	
<b>Recommendation</b> Refuse permission - design.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
10.	<b>RN NO(s) :</b> 16/10526/FULL  Little Venice	18 Pindock Mews London W9 2PY	Excavation to create basement floor under existing building footprint to enlarge existing offices.	
<b>Recommendation</b> Grant conditional permission.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
11.	<b>RN NO(s) :</b> 16/10998/FULL  St James's	100-101 St Martin's Lane London WC2N 4AZ	Installation of trellis and "faux buxus" screening, associated refurbishment and restricted use of existing flat roof areas at third, fourth and fifth floor levels and part of the lower ground courtyard as amenity spaces in connection with the existing office use. Installation of new door and external staircase from ground to courtyard level.	
<b>Recommendation</b> Refuse permission – residential amenity				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
12.	<b>RN NO(s) :</b> 16/11515/FULL  St James's	12 St James's Street London SW1A 1EF	Use of the basement, ground and mezzanine of 12 St James's Street as a fitness club (Class D2) personal to Equinox St James Limited together with the installation of plant at roof level and to the rear lightwell and associated alterations.	
<b>Recommendation</b> Grant conditional permission.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
13.	<b>RN NO(s) :</b> 16/06424/FULL	Basement And Ground Floor 173 Wardour	Use of basement and ground floor as retail, café and hot food takeaway purposes (Sui Generis).	

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	West End	Street London W1F 8WT		
<b>Recommendation</b> Grant conditional permission.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
14.	RN NO(s) : 16/11321/FULL  West End	87 - 88 Mount Street London W1K 3NE	Replacement of shopfronts on Mount Street and South Audley Street with fixed stallriser and openable windows.	
<b>Recommendation</b> 1. Grant conditional permission 2. Grant conditional listed building consent 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.				

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# Agenda Item 1

Item No.
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<b>1</b>
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Old War Office, 57 Whitehall, London, SW1A 2EU,</b>		
<b>Proposal</b>	<p>Alterations to the existing building including the creation of new pedestrian and vehicular entrances; alterations to bottle balustrades and parapets; extensions to create three additional storeys at fifth, sixth and seventh floors; extension of the existing basement to create two additional basement storeys; partial demolition and reconstruction of the central wing; demolition, relocation and reconstruction of the facades comprising the Triangular Courtyard incorporating extensions to the existing building at ground to fourth floors; external alterations to the facades comprising the Quadrangle including the creation of new pedestrian entrances; landscaping works to the Quadrangle and Triangular Courtyard; creation of external terraces at fourth, fifth, sixth and seventh floor levels; addition of entrance canopies; alterations to security walls and bollards and the removal and replacement of street trees; all in connection with the change of use of the building from offices (Class B1) to a hotel (Class C1) comprising up to 125 hotel bedrooms/suites with flexible hotel/retail/restaurant/bar use at part ground floor (Class C1/A1/A3/A4), flexible hotel/restaurant use at part lower ground, part ground and part second floors (Class C1/A3); flexible hotel/bar use at part fifth and part sixth floors (Class C1/A4); flexible retail, leisure, restaurant or bar use at part ground floor (Class A1/D2/C1/A3/A4), leisure/spa facilities within the basement levels and part of the lower ground floor (Class D2/C1) ancillary ballroom, event space and meeting rooms, food and beverage facilities, back of house facilities and associated car and cycle parking and servicing facilities; together with the creation of up to 88 residential dwellings (Class C3) with ancillary communal amenities, associated car and cycle parking and servicing facilities, and other associated works.</p>		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	57 Whitehall SARL		
<b>Registered Number</b>	16/09548/FULL 16/09549/LBC	<b>Date amended/ completed</b>	10 January 2017
<b>Date Application Received</b>	4 October 2016		
<b>Historic Building Grade</b>	Grade II*		
<b>Conservation Area</b>	Whitehall		

## 1. RECOMMENDATION

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

i) a financial contribution of £10m towards the City Council's affordable housing fund (index linked and payable on commencement of development) in lieu of on-site affordable housing

ii) the hotel and commercial floorspace to be provided as part of the development is not to be occupied until the residential accommodation to be provided as part of the development has been made ready for occupation

iii) Operational Management Plan for the hotel, restaurants, bars, ballroom and spa facility

iv) Public Access Strategy for the Hotel Suites of Principal Historic Significance

v) an employment and training opportunities strategy

vi) payment for all necessary highway works including the following to be carried out prior to the occupation of the hotel:

- changes to parking bays to accommodate the new vehicular entrances to the building and to re-provide lost parking places elsewhere if possible
- move the coach stop on Horse Guards Avenue
- provide a facility for taxis on Horse Guards Avenue
- move the bus shelter on Whitehall
- remove the security walls and bollards from Whitehall and make other changes to accommodate vehicular access to the building whilst still providing a secure scheme.
- re-paving of the footways around the site
- removal and replacement of street trees

vii) Car Parking Management Plan - to include provision of residential car parking on an unallocated basis and to ensure that residents and hotel guests are only using their agreed provision of car parking spaces

viii) a financial contribution of £302,400 towards the City Council's carbon off-set fund in the first instance and the developer to use best endeavours to connect the development to Whitehall District Heating Scheme (WDHS) within 5 years of occupation with a further carbon offset payment of £352,800 if this has not been achieved

ix) costs of monitoring

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

a) The Director of Planning shall consider whether it will be possible or 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 benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Grant conditional listed building consent

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

## 2. SUMMARY

The Old War Office is a Grade II\* listed building which occupies a prominent position within the Whitehall Conservation Area. Originally built as offices in 1899-1906, the building is now vacant following the Government's decision to dispose of the building in 2014. The new owners, who acquired the site in March 2016 are proposing to convert the building into a high quality luxury hotel with associated retail, restaurant, bar and leisure/spa facilities (operated either as part of the hotel or independently) and residential apartments.

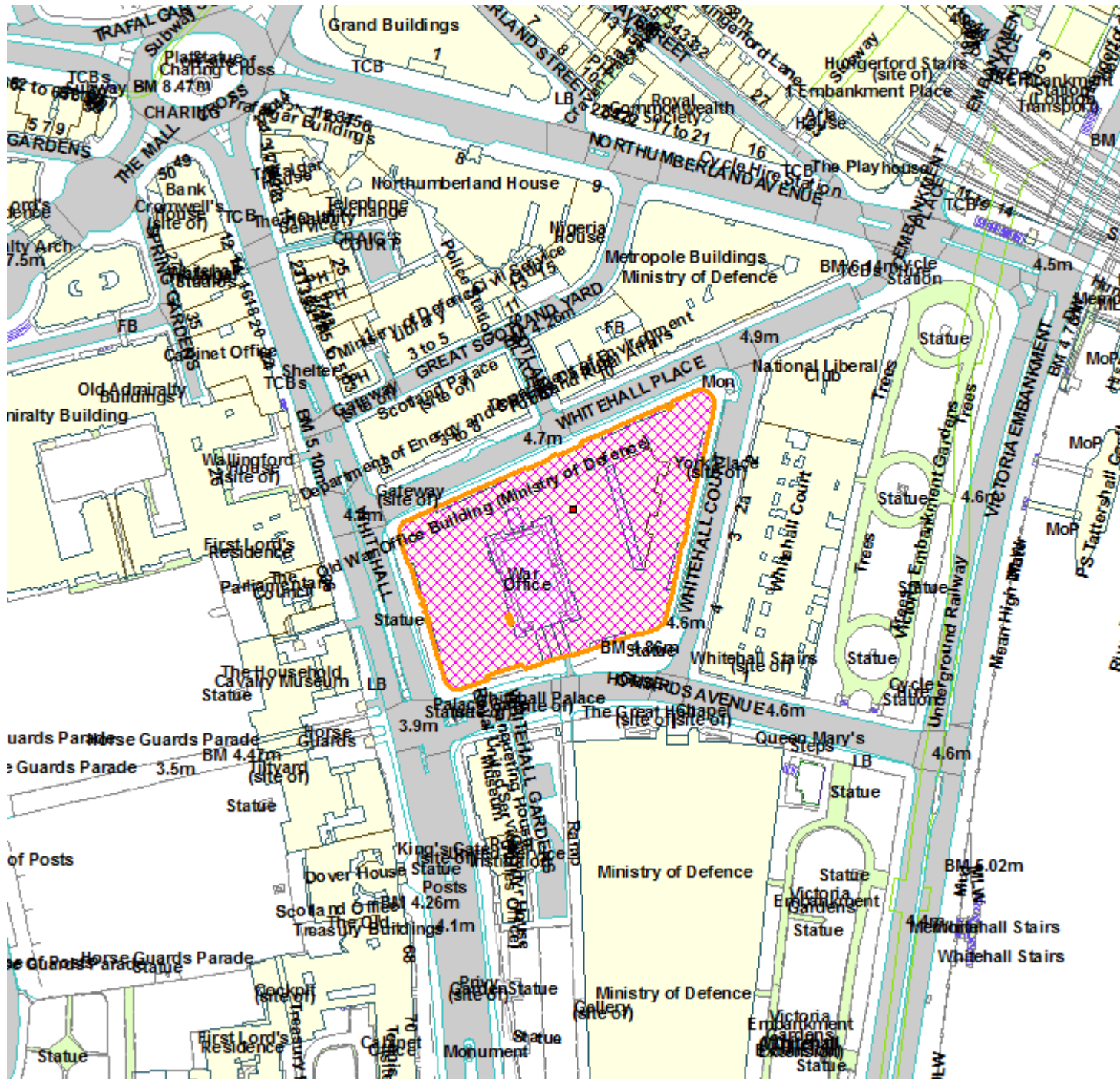
The proposed hotel is considered to be appropriate, making an important contribution to the local economy and allowing public access to this historically important building for the first time. The new residential apartments which include a high proportion of family sized dwellings plus the £10m contribution towards the Council's Affordable Housing Fund will help meet housing targets within Westminster.

The scheme does involve substantial alterations to the listed building some of which for example the roof extensions and the removal of bottle balustrades have given rise to concern and objections from Historic England and the Victorian Society. Objections have also been received from adjacent residents and hoteliers; specifically relating to the impact on amenity of the positioning of the servicing bay and car park entrance as well as general concerns about the impact on traffic in the local area. Accordingly the key issues to consider are:

- design and historic building implications of the major alterations to the listed building;
- the impact on the amenity of adjacent residential and hotel premises in Whitehall Place and Whitehall Court
- highway issues particularly servicing and deliveries, car parking and the impact on other road users in the immediate vicinity of the site.

For the reasons set out in the report, the proposals are considered to be acceptable and in accordance with relevant policies, subject to appropriate conditions and a S106 legal agreement.

### 3. LOCATION PLAN





4. PHOTOGRAPHS



Aerial view of the Old War Office, 57 Whitehall

## 5. CONSULTATIONS

### Original Application

#### HISTORIC ENGLAND

Roof extensions – the modern design of the seventh floor residential roof extension would benefit from further refinement; further information/design refinement is required on the visibility of the ‘Panoramic Bar’ and adjacent plant and also the single storey hotel extension from ground floor level of the Quadrangle

Removal of fourth floor bottle balustrades – insufficient justification to support the removal of these from the western end of the Whitehall Place elevation; recommend further consideration of this

Quadrangle – the ‘al fresco’ fixed seating and awning frames will change the character of this space; recommend a simpler approach

Internal alterations – further consideration/justification is required of the following:- the removal of plain balustrades and replacement with decorative ones; the replacement of the existing bank of lifts shows demolition of original corridor walls which is not justified; the extent of the removal of Second World War strengthening and removal of original messenger room screens;

For public benefits associated with the reuse of this currently inaccessible redundant public building to be maximised it is essential that front of house areas are presented to retain maximum historic value and that there is public access by arrangement to the principal historic suites. Request that this is secured by condition/legal obligations as appropriate as well as a recording strategy to fully record historic fabric to be lost or discovered during the course of works.

#### HISTORIC ENGLAND (ARCHAEOLOGY)

The applicant’s archaeological desk-based assessment confirms there is the potential for paleoenvironmental, prehistoric, Saxon and medieval waterfront remains across the site. The site is also located on the northern part of the Tudor royal palace of Whitehall.

From the evidence of previous archaeological work in the area, it is possible that the remains which survive, particularly those associated with Whitehall Palace and earlier riverfront activity, to be of higher significance than stated in the applicant’s report. A condition requiring a two-stage process of archaeological investigation and evaluation followed by full investigation is therefore recommended. Also recommend that a written scheme of historic building investigation/recording is secured by condition.

#### THE VICTORIAN SOCIETY

Object. Accept the principle of converting the building to a mix of hotel and residential, but are not convinced that other uses such as offices could not viably or sympathetically

be incorporated in to the building nor that the amount of additional accommodation (roof extensions) which has an unduly harmful impact on the significance of the building can be justified.

The most harmful elements of the scheme are the roof extensions and the impact these have on views of the building and also the loss of numerous chimneys which are a significant feature of the building's roofscape and intrinsic to its character and appearance. The removal of sections of parapet and balustrade would be harmful to the building's strongly defined Classical character; object to the glazing-in of the historic loading bay and the fixed seating and awnings should be removed from the main courtyard; suggest that all internally facing elements of the building (courtyards) should be clad in the mix of glazed bricks and faience that currently defines these areas of the building; object to the replacement of the plain balusters and rails on the upper parts of the stairs and to the installation of a lift opening directly onto the main stair case.

Consider that a more sensitive conversion should be achievable and recommend that consent is refused.

#### ANCIENT MONUMENT SOCIETY

Any response received to be reported verbally.

#### THE GEORGIAN GROUP

Any response received to be reported verbally.

#### TWENTIETH CENTURY SOCIETY

Any response received to be reported verbally.

#### COUNCIL FOR BRITISH ARCHAEOLOGY

Any response received to be reported verbally.

#### SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS

Any response received to be reported verbally.

#### ENVIRONMENT AGENCY

No objection. Although the site is within Flood Zone 3 it is protected to a very high standard by the Thames Tidal flood defences. However if there was a breach in the defences or they were overtopped there would be a risk of flooding. In the event of flooding it is noted that there would be safe refuge to higher floors within the development. To improve flood resilience, recommend that where feasible finished floor levels are set above the 2100 breach level of 5.66 mAOD.

#### TRANSPORT FOR LONDON (TfL)

Object to the proposed changes to the highway layout. Shortening of the bus cage on Whitehall would provide insufficient capacity for the number and frequency of buses and would have a negative impact on passengers; a formal taxi rank is considered essential for a hotel of this nature otherwise taxis will wait at other locations around the site causing problems for buses, removal of the coach bay on Horse Guards Avenue would not be acceptable unless a suitable replacement could be found; would encourage a car free development.

Conditions are requested to secure electric vehicle charging points and disabled car parking; a Car Park Management Plan; a Construction Logistics Plan and keen to work with the developer to increase Cycle Hire Docking Station capacity in the area around the site.

#### WESTMINSTER SOCIETY

The proposed mix of uses is considered suitable given the location. The Society supports the scheme which makes good use of an historic building in a prime location.

#### HEAD OF AFFORDABLE & PRIVATE SECTOR HOUSING

Comments received on the revised submission (see below).

#### HIGHWAYS PLANNING

Comments received on the revised submission (see below).

#### CLEANSING

The waste storage capacity proposed is large enough to accommodate waste generated on site however revised plans and waste management strategy are required to resolve the following issues; there are too many bins for residential waste storage; the area proposed to accommodate the glass crusher and cardboard bailer is very small, this needs to be large enough to also store the glass bins and pallets used to store the baled cardboard; the applicant needs to explore ways of ensuring that commercial waste collection takes place on-site and does not impede traffic in the area.

#### ENVIRONMENTAL HEALTH

Comments received on the revised submission (see below).

#### ARBORICULTURAL MANAGER

No objections but recommend conditions to protect the four semi-mature Dawn Redwood (street) trees which are to be retained and to secure the details and sustainability (irrigation) requirements of the soft landscaping to the courtyards. The cost of removal and replacement of the three young Maidenhair (street) trees will need to be secured by S106 legal agreement.

#### BUILDING CONTROL



The structural method statement is considered to be acceptable. The likelihood of local flooding or adverse effects on the water table has been found to be negligible.

#### ENERGY STRATEGY OFFICER

The Energy Strategy for the scheme should be re-submitted and should follow GLA guidance by considering the impact CHP would have had (had CHP been acceptable) in order to inform the setting of any carbon off-set payment; the development should link into or be capable of linking into the Whitehall District Heating Scheme (WDHS).

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

No. Consulted: 283 No. of replies: 34

No. of objections: 34 on the following grounds:

#### DESIGN/HISTORIC BUILDING ISSUES

- The proposed roof extensions will have detrimental impact on the historic building, on the building's existing roofscape features and on important views of the building i.e. from the bridge in St James's Park
- Removal of bottle balustrades will have a detrimental impact on the historic building
- Inappropriate design and use of materials for the roof extensions
- New opening to create car park entrance and the associate traffic control measures will have a detrimental impact on the historic building
- Design and location of the servicing bay entrance will have a detrimental impact on the historic building and views of the building along Whitehall Place

#### LAND USE

- New public uses such as museums, event space, restaurants would be more suitable uses

#### HIGHWAYS

- Loss of existing on-street parking (due to creation of new car park entrance) and additional pressure on on-street parking
- Inappropriate location of car park entrance on Whitehall Court
- Increased traffic congestion particularly on Whitehall Court
- All servicing/deliveries/refuse collection should take place onsite and behind closed doors
- Insufficient information about traffic, parking and access management
- Impact on street trees

#### AMENITY

- Loss of views
- Loss of privacy
- Loss of daylight and sunlight
- Noise nuisance and overlooking from roof terraces – use of which should be restricted by condition

- Noise nuisance and pollution from car park entrance, queuing traffic and deliveries
- Noise and disruption caused by position of servicing bay on Whitehall Place
- Late night noise nuisance from bars, restaurants and large numbers of people leaving the ballroom
- Increase in activity and number of people/events in the area

#### OTHER

- Noise, dust and disruption during construction work
- Construction traffic routes/lorry parking zones
- Noisy construction work should be restricted to 9am-5pm Monday to Friday
- Extent of basement excavation works
- Existing security wall/blast barrier on Whitehall Court should be removed
- Opportunity to create district community heating scheme, community waste water scheme and energy scheme for new and existing residents
- Insufficient detail re: exterior lighting scheme
- Developers lack of consultation with neighbours prior to submission of the application

PRESS ADVERTISEMENT / SITE NOTICE: Yes

#### **Revised Submission**

#### HISTORIC ENGLAND

The proposed roof extensions have been designed to minimise impact on key views but will still be visible from some viewpoints. Would like further discussion and to approve details/materials of the i) set-back sixth floor residential elevation and the top of the fifth floor hotel extension visible from the Quadrangle ii) the seventh floor residential roof and iii) the sixth 'Panoramic Bar' and adjacent plant enclosure to ensure the impact on aesthetic value is minimised.

Removal of the bottle balustrades from the western end of the Whitehall Place elevation will impact on the symmetry of this corner and cause some harm to the aesthetic and communal value of the view from Whitehall. Therefore recommend that the City Council give careful consideration to whether this detrimental impact is justified.

The new openings to the external elevations will alter the strength of the original design but these are appropriately designed and will have minimal impact on the significance of the building.

The new removal of the modern bollards and stone-clad walls from the Whitehall pavement is supported.

Welcome the omission of the fixed seating and awnings from the Quadrangle. The proposed glazing to the historic open loading bay will have some visual impact but if simply detailed and carefully lit will have minimal impact.

Pleased to note that the stairs and hand rails to the new roof extensions have been amended and that additional messenger room screens are to be retained.

Request conditions to control design and detailing of new elements, a programme to fully record any historic elements which will be lost or discovered during the course of work and public access to principal historic suites to be secured by legal obligation.

#### HISTORIC ENGLAND (ARCHAEOLOGY)

Any further comments received to be reported verbally.

#### THE VICTORIAN SOCIETY

Any further comments received to be reported verbally.

#### ANCIENT MONUMENT SOCIETY

Any comments received to be reported verbally.

#### THE GEORGIAN GROUP

Any comments received to be reported verbally.

#### TWENTIETH CENTURY SOCIETY

Any comments received to be reported verbally.

#### COUNCIL FOR BRITISH ARCHAEOLOGY

Any comments received to be reported verbally.

#### SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS

Any comments received to be reported verbally.

#### ENVIRONMENT AGENCY

No objection. Amendments do not alter previous comments.

#### TRANSPORT FOR LONDON (TfL)

The relocation of Bus Stop P has been agreed in principle; request that a taxi rank is provided on street and that the detail of this is the subject of further dialogue; would encourage a car free development but notwithstanding this request a Car Management Plan and conditions to secure disabled parking and electric vehicle charging points: request a Servicing and Delivery Plan and a Construction Logistics Plan outlining how the impact on buses will be minimised; keen to work with the developer to increase Cycle Hire Docking Station capacity in the area around the site.

Generally supportive of the scheme subject to the City Council considering a reduction in the level of car parking provision and securing the provision of a taxi rank.

#### WESTMINSTER SOCIETY

No objection.

#### HEAD OF AFFORDABLE & PRIVATE SECTOR HOUSING

The affordable housing payment should be made directly to the Council's Affordable Housing Fund and Housing should make the investment decision of where these funds should be spent to deliver affordable housing in the City. (Initial verbal comment; any further comments received will be reported verbally to Committee)

#### HIGHWAYS PLANNING

The number of residential car parking spaces (54) proposed should be sufficient for the 88 residential flats subject to these being provided on an unallocated basis; no objection to some car parking being provided for hotel guests provided the hotel do not use any residential car parking spaces when there is high demand for parking during an event in the ballroom.

The servicing bay has been enlarged so that all commercial servicing and all waste collection for the entire development will take place off-street. The servicing arrangements are acceptable subject to a Servicing Management Plan and conditions to ensure that deliveries are spread over a manageable time period.

The applicants have been encouraged to make provision for taxis on Horse Guards Avenue away from the busy bus route on Whitehall and away from residential on Whitehall Court and Whitehall Place.

No objection to the repositioning of the existing coach on Horse Guards Avenue. This and other highway works would need to be secured by S106 legal agreement.

#### CLEANSING

No objection to the revised proposed storage arrangements for waste and recyclable materials.

#### ENVIRONMENTAL HEALTH

No objection provided conditions are attached to control the following aspects of the development: plant noise; car lift noise; to protect existing and new residential from any noise nuisance generated by the various commercial activities within the development; a Noise Management Plan detailing measures to control the hours of use and noise from external hotel bar and alfresco dining areas; restricting servicing and deliveries to between 07.00 to 19.00 hours and to ensure that the gates to the servicing area are covered with solid screening and closed during servicing; the development must also comply with the City Council's latest Code of Construction Practice (CoCP) and conditions.

## ARBORICULTURAL MANAGER

Although the applicant's tree report has been updated to include a tree protection plan it would be premature to agree a Tree Protection Methodology without construction and logistical details. Conditions requiring the submission of details of tree protection measures and sustainable soft landscaping to the internal courtyards are still recommended plus a legal obligation to ensure that the applicant pays for the cost of removing and replacing the three (Maidenhair) street trees.

## BUILDING CONTROL

Any further comments received to be reported verbally.

## ENERGY STRATEGY OFFICER

A revised Energy Strategy has been submitted but this still does not follow GLA guidance and advice given by officers. Request a condition requiring a revised Energy Strategy which omits the CHP and includes a connection to the WDHS and a legal obligation requiring the developer to use best endeavours to connect the development to WDHS or pay a further carbon off-set payment.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 283 No. of replies: 1

Letter from Whitehall Court Management Committee on behalf of residents and commercial tenants of 3-4 Whitehall Court – generally in support of the application but request that further consideration is given to the following aspects of the scheme: the impact on daylight; impact on traffic flow and parking (could be improved by removal of existing security wall on Whitehall Court); external design (lighting, signage and roof terraces) and tree protection measures.

Also request that Committee members carry out a site visit prior to making a decision on the applications.

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The Old War Office fronts the eastern side of Whitehall, with the rear bound by Whitehall Court, the south by Horse Guards Avenue and the north by Whitehall Place.

The building is currently vacant but was originally built (c1899-1906) as offices (Class B1) for the Ministry of Defence. The existing building comprises basement, lower ground, ground and four upper floors, with the western portion of the building fronting Whitehall arranged around a formal Quadrangle and the rear, eastern portion of the building arranged around a triangular courtyard. The main pedestrian entrance to the existing building is from Whitehall. The arched carriage entrance to the Quadrangle from Horse Guards Avenue was the former principal entrance to the building. There is also a

staff pedestrian entrance on Whitehall Place and the old 'spies' entrance to Whitehall Court.

The building is Grade II\* listed and is located within the Whitehall Conservation Area and within the Ludenwic and Thorney Island Archaeological Priority Area. The site is also located within the Core Central Activities Zone.

## 6.2 Recent Relevant History

The Old War Office was occupied as offices by the Government from c1906 when the building was completed until 2014 when the decision was taken to dispose of the building. The new owners/the applicant acquired the building in March 2016.

There is no significant relevant planning history.

## 7. THE PROPOSAL

Planning and listed building consent applications were submitted in October 2016 for alterations and extensions to the existing building to provide a hotel of up to 125 bedrooms/suites with flexible retail, restaurant, bar, leisure/spa facilities, ballroom, event space and meeting rooms in the western part of the building fronting Whitehall and up to 88 residential apartments in the rear, eastern portion of the building with associated car parking and off-street servicing. The key aspects of the current proposals include the following:

- the creation of new pedestrian and vehicular entrances;
- alterations to bottle balustrades and parapets;
- extensions to create three additional storeys at fifth, sixth and seventh floors;
- extension of the existing basement to create two additional basement storeys;
- partial demolition and reconstruction of the central wing;
- demolition, relocation and reconstruction of the facades comprising the Triangular Courtyard incorporating extensions to the existing building at ground to fourth floors;
- landscaping works to the Quadrangle and Triangular Courtyard;
- alterations to security walls and bollards

Proposed amendments to the scheme received in January 2017 include the following:

- basement levels 2 and 3 enlarged to accommodate plant and back of house facilities
- proposed taxi lay-by on Whitehall omitted
- security wall and bollards on Whitehall to be removed
- off-street servicing area off Whitehall enlarged
- a setback incorporated to the northern end of the seventh floor extension above the central wing
- fixed al fresco dining pavilions omitted from the Quadrangle
- various internal alterations including the retention of additional messenger room screens and plain balusters to upper parts of stairs etc

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The proposed scheme is for a luxury hotel comprising up to 125 suites/bedrooms with associated retail, restaurant, bar and spa facilities within the main (Whitehall frontage) part of the building, with up to 88 residential flats in the rear part, fronting onto Whitehall Court. The applicant has identified a preferred high-end, luxury brand hotel operator who cannot be named at this time for reasons of commercial confidentiality.

It is also unknown at this stage whether the associated retail, restaurant, bar and spa facilities will be operated directly by the appointed hotelier thus considered ancillary to the principal Class C1 use, or whether the spaces will be operated independently by independent operators. Therefore flexible uses are sought in a number of locations within the proposed hotel principally the spa at lower ground/basement levels; the retail and restaurant spaces at ground floor level and the bar at fifth and sixth floor levels which includes external terraces.

#### Summary table of existing and proposed land use areas (GEA sqm):

	Existing	Proposed	Change
Offices	60,080	0	-60,080
Hotel (Class C1)	0	28,430	+28,430
Residential	0	31,389	+31,389
Flexible spa/leisure use either independent or part of hotel (Class D2 or C1)	0	2,892	+2,892
Flexible shop, restaurant, bar use either independent or part of hotel (Class A1/A3/A4 or C1)	0	757	+757
Flexible restaurant use either independent or part of hotel (Class A3 or C1)	0	1,646	+1,646
Flexible bar use either independent or part of hotel (Class A4 or C1)	0	466	+466
Flexible shop, restaurant, bar or leisure either independent or part of hotel (Class A1/A3/A4 or C1)	0	598	+598
<b>TOTAL</b>	<b>60,080</b>	<b>66,178</b>	<b>+6,098</b>

#### Loss of Offices

The application site currently comprises a single office use building of 60,080sqm, and is located within the Core Central Activities Zone where office uses are protected under

City Plan Policy S20 unless replaced by another commercial, employment-generating use. A number of the proposed uses for the site would be commercial, accounting for the majority of the total floorspace in the new development (34,789sqm out of 66,178sqm), mostly as a hotel. The provision of these uses would be in accordance with the policy.

The remainder of the floorspace in the new development (31,389sqm) would be for residential purposes which, being a non-commercial use would not normally be acceptable under Policy S20 unless the benefits of the proposal in terms of helping meet Westminster's housing needs outweigh the contribution made by the office floorspace to meeting Westminster's business and employment needs. The policy also notes that in some circumstances conservation and heritage issues are sufficient to outweigh the desire to retain offices.

The applicant has put forward the argument, accepted by officers, that the cellular plan form of the existing office accommodation does not suit modern office requirements which favours large open-plan accommodation as opposed to small, individual rooms; and the outdated nature of the building in this respect makes it unlikely to meet current office needs without extensive alterations which would be considered harmful to the significance of the Grade II\* listed building. Furthermore the use of the building for mixed hotel and residential purposes will deliver significant economic benefits in terms of hotel visitors and jobs and will also help meet Westminster's housing needs; 46% of the residential flats are family-sized units and the applicants have offered £10million to the City Council's affordable housing fund in lieu of on-site affordable housing. For these reasons the proposed development is considered to satisfy Policy S20.

### **Proposed Hotel**

UDP Policy TACE2 states that within the CAZ, in streets which do not have a predominantly residential character, planning permission will be granted for new hotels and extensions to existing hotels where no adverse environmental and traffic effects would be generated, and adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for setting down and picking up of visitors by coaches and for taxis serving the hotel.

Policy S23 of the City Plan also states that new hotels will be directed to specific areas, including the Core Central Activities Zone, to those streets that do not have a predominantly residential character and that proposals to improve the quality and range of hotels will be encouraged

Although there is a significant amount of residential accommodation around the site, Corinthia Apartments at 10 Whitehall Place and 2-2a, 3 and 4 Whitehall Court, the area is not predominantly residential. The proposed development has been designed so that the residential element, on the rear, eastern part of the site, would face the neighbouring residential properties in Whitehall Court and Whitehall Place. The hotel part of the development would front onto Whitehall (which is characterised by government buildings and offices), Whitehall Place (where there is a government building directly opposite at 3 Whitehall Place) and Horse Guards Avenue (facing the Banqueting Hall and the MOD



building). In such a location the principle of a hotel use is therefore considered to be acceptable in policy terms.

It is nonetheless acknowledged that given that the hotel would include a ballroom at basement level with capacity for up to 750 guests and other associated restaurant, bar and spa facilities, neighbouring residential amenity will need to be safeguarded. The main pedestrian hotel and ballroom entrance would be on Whitehall, with vehicular drop-offs and pick-ups from the Quadrangle but only until 10pm for the ballroom in order to protect the amenity of residents within the development. There would be two restaurant entrances on Whitehall Place, one of which would also be the secondary pedestrian entrance/exit for the hotel/ballroom in the event of street closures on Whitehall and Horse Guards Avenue during state processions.

It is proposed that the operation and management of the hotel, ballroom and the various associated restaurant, bar and spa facilities are controlled via an agreed Operational Management Plan (OMP) to ensure that the amenity of neighbouring residents and businesses and the quality of the surrounding environment is adequately safeguarded especially when visitors leave the premises at the end of an event. The applicants have submitted a draft OMP at this stage; it is recommended that a final version is secured by S106 legal agreement.

### **Retail, Restaurant and Leisure Facilities**

The proposal development includes dedicated areas for retail, restaurant, bar and leisure use at lower ground and ground floor level, a basement spa (including a swimming pool) and a 'panoramic' bar split between fifth and sixth floor levels. At present the applicant has not decided if all or any of these elements will be ancillary to the hotel or operated independently, and is therefore seeking maximum flexibility in terms of use class (C1, A1, A3, A4 and D2).

Four of these dedicated areas could potentially be used as entertainment units containing a restaurant or bar – these being units of 1,646sqm, 757sqm, 598 sqm and 466sqm. In reality it is highly unlikely that all these would be operated independently of the hotel and it is most probable that at least some would be ancillary to the hotel. Similarly the areas designated for potential leisure purposes (such as a spa) - two locations of 2,892sqm and 598sqm - could be open to the general public as well as to hotel guests, and again maximum flexibility is sought by the applicant to enable these to be ancillary to the hotel or operated independently.

City Council policies encourage the provision of retail use (UDP policy SS4, City Plan Policy S6) and the retail proposals are therefore welcome. Policies SOC1 of the UDP and S34 of the City Plan support the introduction of new social and community uses, whether they are public or private, including leisure uses.

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses (including the restaurants, bar and in this case spa/leisure use). The TACE policies are on a sliding scale whereby developments where TACE 8 is applicable would be generally permissible and where TACE10 (gross floorspace exceeds 500sqm) is applicable, only in exceptional circumstances. City Plan Policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of type and

size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. The policy states that new large-scale late-night entertainment uses of over 500 sqm will not generally be appropriate within Westminster.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

Entertainment uses are a characteristic activity of major hotels and are usually open to the general public. This applies whether they are fully ancillary to the hotel or run alongside the hotel by another operator. The current proposals would provide the opportunity to open up an important building to the wider public, offer a mix of uses to enliven the street frontages (with the exception of Whitehall Court) and provide facilities that both the local community and visitors would be able to enjoy. Whilst the potential amount of entertainment floorspace is considerable, it would not be out of context for a hotel of this size and many other comparable hotels would expect to provide complementary facilities similar in size and type. The opportunity to bring the building into wider beneficial use for the general public is considered to constitute sufficient exceptional circumstances to justify the provision of the large entertainment uses as proposed. It is currently proposed that the restaurants would open from 11.30 to 01.00 daily with the al fresco dining in the Quadrangle restricted to 11.30 to 20.00 and the 'panoramic' bar would be open from 08.00 to 02.00 daily with the external terraces restricted to 08.00 to 21.00. Environmental Health have requested a Noise Management Plan detailing measures to control noise from the external bar and al fresco dining areas is secured by condition. Subject to appropriate opening hours conditions to safeguard the amenity of local residents and management plans to ensure the various uses are properly run to minimise their environmental impact, it is considered that the entertainment uses would be acceptable.

However, it is considered to be equally important to ensure that the retail, restaurant and bar uses are maintained as publically accessible and to ensure that the benefits of the scheme promoted by the applicant are permanently maintained. As the applicant is seeking flexible use of these areas as hotel use (Class C1) there is a potential risk that they might become part of the hotel (additional bedrooms, function rooms or back of house space) and therefore a condition will require that these units on ground, part second and fifth/sixth floors are permanently maintained as being accessible to the general public who are not staying at the hotel.

### **Proposed Residential**

City Plan Policy S14 and UDP Policy H3 seek to maximise housing provision within Westminster and therefore the conversion of part of the building to provide up to 88 residential flats is supported, given the justification for the loss of existing offices referred to earlier in this report.

UDP policy H4 and City Plan policy S16 require the provision of on-site affordable

housing which, according to S16, should amount to 30% of the total residential. The applicant is providing no on-site affordable housing in this instance stating that such provision would not be practical or viable. This assertion is supported by the applicant's submitted viability study which has been reviewed by an independent expert appointed by the City Council who agrees that on site affordable housing provision would not be economically feasible. In such circumstances the alternative provision of off-site affordable housing may be considered instead or, failing that, a payment in lieu which would go towards the City Council's affordable housing fund. The policy compliant payment generated by the scheme is £39.6m (based on 7870.75sqm shortfall in affordable housing). The applicant has offered a £10m contribution to the affordable housing fund, which is agreed by the City Council's viability consultant as 'generous and unviable.' In these circumstances the affordable housing proposal is considered satisfactory.

UDP Policy H5 requires a range of unit sizes to be provided in new housing developments with at least 33% family-sized (i.e. 3+ bedrooms). The proposed scheme would provide 46% family-sized dwellings which would comply with the policy.

To a significant degree the size, layout and orientation of the proposed dwellings is dictated by the need to retain the integrity of the listed building, minimise intervention in the historic fabric and retain the plan form including the existing room arrangement. Despite these constraints all the proposed flats would exceed the minimum standards in the Mayor of London's adopted Housing SPG. However, these constraints do not allow for all the proposed units to be dual aspect, and 30 flats (34% of the total) would be single-aspect.

UDP Policy H10 states that as part of new housing developments the City Council will normally expect the provision of private residential amenity space. It is not possible to insert balconies into the external fabric of the existing building due to its listed status, but the new extended parts of the building will be provided with terraces so that some of the fifth, sixth and seventh floor flats will benefit from private amenity space. In addition, all residents will have access to the communal open space in the newly landscaped Triangular Courtyard and to the on-site internal private amenity spaces within the building e.g. cinema, children's room and gym.

## **8.2 Townscape and Design**

The Old War Office is listed grade II star and is located in a prominent position within the Whitehall Conservation Area. It was built 1899-1906 and designed by the architect William Young. The building is designed in a powerful neo-classical Baroque style which expresses perfectly the power of the British Empire at that time and the future role that the building was to play as the centre of the military power of the nation. Despite the huge scale of the building and the resultant long street facades, the building's architecture manages to avoid monotony or blandness. There is a complexity to the elevations that belies its size and architectural detail is employed to break down the overall scale and mass of the building facades. It is powerful architecture, but not over-bearing or intimidating.

The building also has significant historic importance by virtue of its role in military planning and secret intelligence throughout the C20, including the two World Wars.

Decisions taken within this building have had tremendous significance for the country and the world at large and the cast of those who worked within its walls includes some of the most famous figures in C20 British history. The building has been in its original use from construction through to the recent vacating of the building and much of the original fabric, furnishings and fittings remain, particularly in the more grand “state” rooms.

The building also occupies an extremely prominent position in the Whitehall Conservation Area on the major processional route to Parliament and Westminster Abbey. It is designated as a landmark building in the Conservation Area Audit and there are significant views of the building from the surrounding area.

In summary, the building has exceptional architectural and historic interest and it is important that any proposals for re-use of the building do not cause undue harm to this significance. The Victorian Society have rightly pointed out that “almost any conversion of this building would be likely to cause a degree of harm to its significance.” The guidance in the National Planning Policy Framework (NPPF) is that where less than substantial harm is caused to a designated heritage asset that harm should be weighed against the public benefits of the scheme, while allowing for the significant weight that needs to be given to the protection of heritage assets.

### **The Proposed Use**

The proposal is to convert the front (Whitehall) part to hotel use with the rear part being converted to residential use. Given the size of the building, it is unlikely that any one use would be likely to occupy the entire building. There are significant benefits in the proposed hotel use as the most important architectural and historic spaces are in this part of the building and the hotel use has been designed to allow for these spaces to be enjoyed by hotel guests, visitors and the general public. It will be the first time that these spaces have been accessible in this manner and this is considered a significant public benefit.

The residential use is not such a comfortable fit but this part of the building could be considered to be of lesser significance and the large number of cellular spaces and long corridors make any alternative use difficult to achieve without causing some significant degree of harm to both fabric and internal spatial character.

The Victorian Society have questioned why an office use cannot be accommodated within the building as this is the building’s optimum viable use (ie what it was designed for). However, the layout and size of the building means that it would be extremely difficult to see a modern office use being accommodated without also needing significant alteration to fabric and internal spatial character. An office use would also preclude public access to the most important architectural and historic spaces that a hotel use can allow for. While there would be no in principle objection to an office use continuing within the building, it is considered that this would not be without harm itself and there are some powerful and convincing benefits of public access that can be provided as part of a hotel use.

### **Roof Extensions**

The current roofscape is marred by unsightly plant rooms and equipment cabins. While these can be seen from the upper floors of adjacent buildings, they are not visible in ground level views due to the high parapet and have no impact on views of the building. The applicant's original submission to the building owners proposed the removal of these plant rooms and the erection of an additional floor behind the retained parapet.

The current proposal is for a single storey roof extension on the front "Whitehall" part of the building, a two storey extension to the rear part of the building with a third storey extension to the central block and the central part of the Whitehall Court elevation. These roof extensions have been designed to minimize impact on key views, but will still be visible from some viewpoints. The neo-classical architecture of the building is designed for the parapet to be seen against the skyline creating a clean silhouette to the top of the building. These proposals have some negative impact on this architectural approach.

A comprehensive views analysis has been undertaken to help assess the impact of the changes on key views. Probably the single most important viewpoint is from Horse Guards Parade (view 3) where there is a complex skyline of cupolas, domes, pyramid roofs and chimneys seen above the parapet to the Whitehall façade. The proposal would introduce a new higher Portland stone "band" which would reduce some of the prominence to the chimneys and obscure some of the complex roofscape of Whitehall Court beyond. The additional three floors of residential development in the centre of the site would not be visible in this view. The impact on this view can be considered to be negative but causing less than substantial harm within the terms of the NPPF. The same view can be seen from sites within St James Park but due to the much greater distance the impact is considered to be negligible (views 2 and 11).

The extensions will also be visible in views from the south west and north west (views 14 and 15) though the impact is relatively minor. There will also be visibility of the roof from the south end of the Ministry of Defence (views 16 and 16A). These views are oblique and transitory but nevertheless there is some minor negative impact on these viewpoints.

The Quadrangle is a space of major significance within the centre of the site. It will become a semi-public space in the new proposal as the main entrance to the hotel and residential apartments. At present, there is a consistent and generally uninterrupted parapet line around the four walls of the Quadrangle. The new roof extensions will be visible to views from within the Quadrangle and will significantly affect the character of that space (views 20, 25 and 26). These new extensions are designed to be seen as subordinate elements, set back from the parapet edge, but still have a considerable presence within the Quadrangle. These are considered to cause less than substantial harm and Members will need to be convinced that the public benefits of the scheme outweigh that harm.

The roof extensions would also remove and envelop many of the chimneys on the roof but those most visible in public views would be retained.

The Victorian Society consider the roof top alterations, the "most harmful elements" of the scheme and question why they are needed. Many individual objectors from neighbouring buildings also object to this aspect of the scheme, citing loss of views and

the unsightly and inappropriate nature of the roof extensions from the higher levels of adjacent buildings. However, these private views are not protected within planning policy and the current view of plant rooms on the existing roof is also considered to be unsightly and probably more harmful in terms of visual appearance.

On balance the roof extensions are considered to cause less than substantial harm to the heritage asset and its setting. The most significant impact is considered to be on the view from Horse Guards Parade and the internal Quadrangle. Members will need to be convinced that the public benefits of the scheme outweigh this harm.

### **Changes to External Elevations**

There are a number of changes proposed to the external elevations - parapets, balustrades and the creation of new openings for access. The parapets around the building are important as the defining classical architectural device for terminating an elevation and they also help to screen any development on the roof from views. The bottle balustrades are an important part of the original architecture and help to diminish the scale of the attic storey and improve the proportions of the overall façade composition. Both the parapets and balustrades have some negative impact on the internal environment of both the residential units and hotel rooms. As such, the applicants have been keen to remove as much of these elements as they feel they can justify without causing significant harm to the building architecture. The most prominent and important facades to Whitehall and Horse Guards Avenue are untouched by changes to parapets and balustrades.

To Whitehall Court it is proposed to lower the roof parapet and remove the bottle balustrade from the attic storey. These alterations are considered harmful, but the harm is less than substantial, due to the narrow nature of this street and the oblique views which reduce visibility of these elements compared to the other more prominent facades.

On Whitehall Place, the proposal is to remove the bottle balustrades throughout, to lower the parapet to the east (residential) end and to raise the parapet to the central pavilion (to screen a plant area behind). At the east end of Whitehall Place the lowering of the parapet and removal of balustrade is intended to improve the internal residential environment of the apartments at this level. This will result in greater visibility of the new roof extensions and in a loss of original fabric and harm to proportions (view 14). This is considered to cause less than substantial harm that could be considered against the public benefits of the proposal. There is also some justification in terms of creating an acceptable residential environment.

The raising of the parapet to the central pavilion is harmful to the overall composition and does not seem essential to screen an area of plant. Further information is required to consider further options for this area of the scheme and it is suggested this area be conditioned for further review.

The removal of the balustrade from the western part of the Whitehall Place elevation is considered more harmful. This part of the building forms an important part of the composition as viewed from Whitehall (view 13) and the unifying element of the balustrade running from the Whitehall elevation around to Whitehall Place is lost to the detriment of the overall composition. There is also considered to be less justification for

their removal as the impact on hotel rooms is not considered as significant as on permanent residential occupiers and the balustrades are proposed to be retained on the south and west façades of the hotel. Members are asked whether they consider that it would be appropriate to attach an amending condition to any approval preventing the removal of this part of the balustrade.

Both the Victorian Society and Historic England have raised concern over the impact on balustrades and parapets. Historic England have raised particular concern over the raising of the parapet to the central pavilion and loss of balustrade to the west end of the Whitehall Place elevation.

Various new openings are proposed to the external elevations for service access and car park access as well as for pedestrian access. These are essential to allow the proposed uses to proceed and have been designed to have minimal intervention and are detailed to reflect the architectural language of the building.

The proposal also includes the removal of bollards and stone clad walls from the Whitehall pavement. These are not historic and their removal will help the heritage asset to be better appreciated from Whitehall.

### **The Quadrangle**

The Quadrangle is a significant space in its own right and will become a main focal point for the development with both hotel and residential entrances coming off this space. The granite setts are the original paving material and are currently laid in a simple pattern. These will be lifted in order to create the new ballroom below but will be re-used in the redesigned courtyard which will incorporate a raised level to provide DDA access to the adjacent buildings. New entrances, ramps, canopies etc are proposed to be located within this space and details of these are reserved by condition.

The impact of the roof extensions on this space have already been discussed above.

It is proposed to glaze the historic open loading bay to create new internal rooms within this space. Subject to detailed design, this is likely to be acceptable, though the Victorian Society object to this element of the scheme.

### **Triangular Courtyard**

The Triangular Courtyard at the eastern residential part of the building is considered to be of secondary importance. It has been much modified over the years and has lost much of its original character. The proposal would see significant demolition and remodelling of the facades around this courtyard. These would enable a more sensitive conversion of the building to residential use, retaining more of the internal character than would otherwise be possible. Substantial demolition of the western part of the central range is removing largely later fabric and enables the creation of larger residential units than would otherwise be possible within the historic plan form.

These alterations will cause some harm but of a modest scale and capable of being outweighed by the public benefits of the scheme.

## Interior

The works to the interior are extensive and complex as one would expect. Generally the works respect the most significant elements with historic finishes being retained and conserved in the principal areas. Secondary glazing is proposed for the majority of windows but proposals for double glazing to the important “state” rooms is not acceptable due to the loss of original historic fabric and the inappropriate nature of double glazing within a historic interior. This is consistent with the Council’s policy and practice on listed buildings. Most fireplaces are retained in situ and where removal is necessary, they are being relocated to appropriate spaces. The alterations to stairs and insertion of lifts are considered acceptable, subject to detailed design.

The hotel use has the potential for the most important ground and second floor spaces and the grand staircase to be accessible by the general public. The applicant’s original submission to the owners made it clear that public access to the most important spaces would be one of the public benefits of the scheme and it is considered that the degree of public access need to be one of the key public benefits to be weighed against the harm caused by the proposal.

The important “state” rooms at second floor level all have significant historic and architectural importance. These rooms are proposed to become function rooms, with the exception of the Levee Rooms which is proposed to be made into a private suite of rooms. The precise requirements and agreements for public access to these rooms will be secured by Section 106 legal agreement. However, the current offer of 3 days public access in a year is considered unacceptable. It does not reflect the applicant’s stated desire to encourage public access to these important spaces and it provides a very limited public benefit to outweigh the less than substantial harm that the proposed works would cause. It is suggested that 12 days a year may be a more reasonable requirement, but Members will have their own views on this aspect of the proposal.

## Summary

The change of use and the extensive works that are proposed to accommodate the new uses causes substantial change to the fabric and appearance of this important listed building. Much of this change is positive or neutral but there are also significant elements which cause harm to the building, in particular the roof top extensions, the alterations to parapets and loss of balustrades. This harm is considered to be less than substantial within the terms of the NPPF.

Nevertheless, the guidance in the NPPF is that permission should be refused unless the public benefits of the scheme are considered to outweigh the harm. The public benefits are considered to be the conversion of the building to new uses that will bring long term viable uses to a currently redundant public building and the potential for public access to areas of the building that have never been viewed by the public.

Officers consider that further consideration should be given to the acceptability of the raised parapet to the central pavilion on Whitehall Place and this is covered by condition. They also suggest Members may wish to consider the acceptability of the loss of balustrades to the west end of the Whitehall Place façade. It is also suggested that a greater degree of public access is required than the 3 days a year currently proposed.



Given the above, Officers consider that the public benefits from the proposal would be sufficient to outweigh the less than substantial harm that the proposal causes.

### 8.3 Residential Amenity

City Plan Policy S29 seeks to safeguard the amenity of existing residents. Policy ENV13 of the UDP seeks to protect and improve the residential environment and resist proposals which would result in a material loss of daylight and sunlight and/or a significant increase in sense of enclosure or overlooking.

Residents of Whitehall Court have raised objections and concerns on the grounds of loss of daylight and sunlight, overlooking and loss of privacy and possible noise nuisance from the external residential terraces.

#### Daylight and Sunlight

Recommended standards for daylight and sunlight in residential accommodation are set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (2011). The applicant has undertaken a daylight and sunlight assessment in accordance with the BRE guidelines. The properties tested are: Corinthia Apartments, 10 Whitehall Place and 3-4 Whitehall Court.

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.

In terms of sunlight, the BRE guidelines state that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH) 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 applicant's daylight and sunlight assessment demonstrates that there will be no material impact on daylight or sunlight to the windows of Corinthia Apartments, 10 Whitehall Place.

With regard to Whitehall Court, an assessment of the impact on daylight to windows in the elevation facing the Old War Office has been carried out using both the Vertical Sky Component (VSC) and No Sky Line (NSL) daylight methodology. The NSL daylight

analysis considers the distribution of light within each room and would normally require access to the affected rooms for a proper assessment to be made. The applicant has relied on floorplans provided by the Whitehall Court Management committee.

The windows in Whitehall Court are arranged as a pair or series of primary, large panes of glass above which sit a set of much smaller clerestory panes of glass. The VSC daylight analysis undertaken has assessed the impact on daylight to each pane of glass making up a window. The analysis demonstrates that all the larger panes of glass fully meet the BRE VSC daylight guidance and that 94% of the small clerestory panes satisfy the VSC daylight guidance.

With regard to the NSL daylight methodology, which analyses the extent of daylight penetration into the room itself, there are four rooms which experience a loss of daylight in excess of the 20% BRE NSL recommendation, however all these rooms are served by windows which meet the recommended VSC daylight standard and the retained NSL values are still good which mean that these rooms will still continue to have a good standard of daylight.

The applicant's sunlight assessment demonstrates that the proposed development will not have a material impact on sunlight to windows in Whitehall Court.

### **Privacy and noise nuisance from roof terraces**

The proposed development includes external roof terraces for the new residential flats at new fifth, sixth and seventh floor levels of the building. At fifth and sixth floor levels these are relatively modest and largely concealed behind the existing, albeit modified, parapets and behind the corner towers and cupolas. At seventh floor level the area of proposed roof terrace is extensive with some areas for use by the seventh penthouse flat and other areas for use by flats on the sixth floor below. Given the concerns expressed by residents of Whitehall Court, it is considered appropriate to recommend in addition to our normal condition prohibiting the installation of pergolas, privacy screens, furniture etc, conditions restricting the use of the roof terraces to no later than 23.00 hours and to prohibit any form of outdoor cooking and amplified music.

### **Light pollution**

Resident's comments regarding the lack of any information about external lighting proposals for the building are noted and a condition requiring the submission and approval of the external lighting scheme is therefore recommended.

### **Noise and air quality**

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

Objections have been received from adjoining occupiers raising concern about potential noise nuisance associated with the car park entrance on Whitehall Court, the servicing bay on Whitehall Place and late night noise nuisance as people leave the ballroom, restaurants and bar.

All mechanical plant is contained within the building at basement and lower ground floor levels. Environmental Health are satisfied that the mechanical plant, the car lift and any break out of noise from internal entertainment activities can be satisfactorily controlled and/or mitigated by condition. However Environmental Health have expressed concern regarding potential noise nuisance from the external bar and al fresco dining terrace areas and recommend a condition requiring a Noise Management Plan to deal with this and also other sources of potential noise nuisance i.e. servicing and deliveries.

With regard to servicing and deliveries, Environmental Health also recommend that any potential noise nuisance associated with this is further mitigated by restricting delivery and servicing hours to between 07.00 to 19.00 and that the gates to the servicing bay are covered with solid screening and closed when servicing and deliveries are taking place. It is therefore recommended that these measures are incorporated into the Noise Management Plan referred to above.

The Air Quality assessment submitted with the application considers the impact of potential dust generation during the construction period, the suitability of the site for the proposed uses and the potential impact of traffic and energy-related emissions associated with the proposed development once operational. The Air Quality assessment concludes that the development is air quality neutral in terms of its on-going operational impact. The mitigation of dust etc during demolition and construction will be managed as part of the Site Environmental Management Plan (SEMP) and compliance with the City Council's Code of Construction Practice.

## **8.4 Transportation/Parking**

### **Car Parking**

UDP policy TRANS 23 sets out the maximum parking provision to be achieved in residential developments, which is between 1 and 1.5 spaces per dwelling depending on the sizes of the units involved. This scheme would provide 88 residential units in a range of sizes and 54 car parking spaces, the number of which does not exceed the maximum prescribed by the policy. This would be a ratio of 0.6 parking spaces per dwelling, which in a central London location well served by public transport is considered to be an acceptable level. In their consultation response, Transport for London (TfL) consider that the development should be car-free, but it is likely that a significant number of the residents would still be car owners even if no on-site parking was offered, which would place unacceptable stress on on-street parking in and around the site which would worsen the surrounding living environment and local highway conditions. For this reason a car free development has not been pursued in this instance.

UDP policy TRANS 22 concerns non-residential parking and states that car parking facilities will not normally be permitted for hotels. The use of 'normally' in the wording of the policy suggests that there may be occasions where some parking may be acceptable. In this case the applicant has argued that the hotel will be aimed at the very high end of the

luxury market, and these types of hotels, even in a central London location, require a minimal amount of car parking to justify their high-end status. The application therefore includes 10 parking spaces allocated for hotel use, which is not a significant amount given the size of the hotel and equates to 0.08 parking spaces per hotel room. This is unlikely to result in any material harm to environmental or highway concerns and it is therefore considered that withholding permission for these reasons would not be justified.

Should permission be granted, the use of the car parking spaces would be controlled so that no more than 10 spaces could be used by the hotel, and the residential parking would be provided on an unallocated basis so that all residents would have the opportunity to use the available spaces.

The entrance to the basement car parking areas would be located on Whitehall Court and two car lifts would be used for vehicles to access this parking. The lifts would be recessed well within the building with ample space for waiting vehicles to be accommodated within the site and without idling on the public highway where they could be a nuisance. The lifts would be managed by a traffic light system, contained within the building, which is considered appropriate. Some objections have been received regarding the positioning of the car park entrance opposite the flats at Whitehall Court, concerned that this would create a disturbance, particularly if it causes vehicles to queue outside on the street. However, given that there is sufficient space within the building for two cars to be waiting for a lift to become available, it is considered unlikely that there would be many occasions when waiting vehicles would be queuing back into the street.

The provision of the car park entrance requires the removal of three on-street public parking bays, but overall there would be a net loss of only two bays from around the site due to the rearrangement of kerbside parking on all four frontages. Given that the net reduction in on-street parking around the site would be only from 85 to 83 spaces, this is not considered to be a significant change. Should suitable locations within the vicinity of the site be identified where replacement parking spaces could be provided, the developer has committed to pay for the cost of carrying out this highway work.

### **Cycle Parking**

The application proposes 250 cycle parking spaces, the majority of which would be contained within the site, but 12 would be on-street. This is sufficient number to comply with London Plan standards. The normal preference would be for all the spaces to be provided on site but in this part of Whitehall there are currently relatively few on-street cycle parking facilities and the area overall would benefit from some street stands as proposed as part of the application.

### **Servicing**

UDP policy TRANS 20 requires new development to accommodate servicing arrangements off-street. In this case a dedicated servicing bay is proposed within the building with closable doors enabling servicing vehicles to park within the bay shut off from the street. The bay has been increased in size so that it would be sufficiently large to accommodate four modest-sized vehicles, which could enter and leave in forward gear. Although the positioning of the bay would be directly opposite Corinthia

Apartments in Whitehall Place, from where there have been objections, its internal arrangement and closable doors mean that no external noise would occur once vehicles are enclosed within it. This, together with a servicing management plan to prevent vehicles arriving at unsocial hours or idling outside the bay, and the noise management plan requested by Environmental Health, would minimise any potential impact on residential amenity or on the highway.

Based on an analysis of similar developments in similar central locations, the applicant's submitted Transport Assessment forecasts that the hotel would generate 29 visits by servicing vehicles per day, the peak hour being 08.00-09.00 when 4 visits would occur. This is not considered to be sufficient number to result in a materially harmful impact on amenity or highway issues, especially since most of these vehicles would be of a limited size so that they can be accommodated within the servicing bay and not on street. The predominant use of servicing vehicles that can fit into the servicing bay will be part of the agreed servicing management plan.

### **Trip Generation**

The submitted Transport Assessment uses established modelling techniques to estimate the trip generation of the existing office building - when occupied to its full 1,000-employee capacity. This analysis estimates 1,700 in and out traffic movements per day, most of which would be accounted for in the morning and afternoon peak hours (850 in and out movements each peak hour).

The majority of these would be by public transport mode (77.7%) and another 11.6% by cycling and walking. The remaining 10.7% would be by car, motorcycle or taxi, amounting to 182 in and out movements per day by these modes.

The Transport Assessment has also modelled the likely trip generation of the proposed residential and commercial (hotel and other) uses. It is estimated that car, motorcycle and taxi movements associated with the residential part of the development would be 40 per day, which is considered modest and insufficient to lead to highway or amenity problems.

Car, motorcycle and taxi movements associated with the commercial uses would amount to 344 per day, which is significant but not unusual for a development of this type, and most would be accommodated on streets where residential impact would be minimised (see paragraphs on taxis below).

The Transport Assessment also includes a 'sensitivity test' to take account of the times when the hotel ballroom is used for large-scale events, given that it has the capacity for up to 750 guests. When used at full capacity it is estimated that the use of the ballroom would add 615 evening/night trips. The response from TfL remarks on this in their overall assessment of trip generation but does not state that this would have a harmful impact on the highway network.

As the Transport Assessment shows that a substantial amount of traffic associated with the development would be by taxi mode, the location of a taxi rank is therefore a prime consideration. Whilst other locations for the rank have been put forward by the applicant, from both a highways and amenity viewpoint the most suitable location is

considered to Horse Guards Avenue which is less busy than Whitehall and also contains no existing residential properties. Therefore the main local traffic flows on Whitehall would not be disrupted by taxi activity in this street, and noise and disturbance from those using the taxi rank would be kept away from local residents in other streets.

The exact position of the taxi rank on Horse Guards Avenue has yet to be agreed, but its provision through the S106 Agreement is supported by TfL.

UDP policies TRANS6 and TRANS22 require hotels to provide for coach arrivals and departures. There is an existing coach parking bay on Horse Guards Avenue and it is proposed to retain coach parking in this street, although not necessarily in the same location as at present. The exact position of the coach parking will be agreed as part of the highway works secured by the 106 Agreement.

## **8.5 Economic Considerations**

The economic benefits associated with the conversion and re-use of this redundant government office building to provide new hotel and residential accommodation are welcomed.

## **8.6 Accessibility**

Given the Grade II\* listed status of the building, level access to and within the site cannot be as comprehensive as in a completely new development, but improvements will be achieved compared to the existing situation.

The main hotel and residential entrances off the Quadrangle will be accessible via ramps designed into the hard landscaping. The residential entrance off Whitehall Court and the staff entrance off Whitehall Place will be staffed 24 hours and portable ramps provided. A sesame lift and 24 hour staff presence will be provided at the Whitehall ballroom/hotel entrance. The newly formed entrances to the restaurants will have steps within the entrance lobbies and a platform lift to one side. There is lift access to all floors and corridor widths are generous. 5% of the hotel bedrooms will be accessible rooms and the ensuite facilities to these rooms will be accessible by a person in a wheelchair. There is level access to all resident's facilities and all residential flats are designed to London Plan standards.

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

### **Archaeology**

The site is located within the Ludenwic and Thorney Island Area of Special Archaeological Priority. The applicants have submitted an archaeological desk-based assessment which confirms there is the potential for paleo-environmental, prehistoric, Saxon and medieval waterfront remains as well as remains of the northern part of the Tudor royal palace of Whitehall. A condition requiring a two-stage process of archaeological investigation and evaluation followed by full investigation in accordance with Historic England (Archaeology) advice is therefore recommended.

### **Flood risk**

The site lies within the Flood Risk Zone 3 area and a flood risk assessment has been submitted with the application to assess the proposals and suggest appropriate mitigation measures. The site is protected to a very high standard by the Thames Tidal defences but there would be a risk of flooding should these ever be breached or overtopped. In the event of fluvial flooding, the Flood Evacuation Plan provides a safe route to higher ground within the development for those residential units located at ground floor level.

The structural methodology statement submitted with the application for information purposes includes an investigation of the underlying geology, the existence of ground water including underground rivers and the likelihood of local flooding or adverse effects on the water table have been found to be negligible. Notwithstanding this, the applicant has also put in place appropriate measures (a permeation grouting system and secant wall) to prevent the ingress of groundwater into the basement.

### **Trees**

There are seven existing street trees around the building; four semi-mature Dawn Redwood trees on Whitehall Court and three young Maidenhair trees on Whitehall Place.

The four Dawn Redwood trees are to be retained and will need to be protected during the demolition and construction works. Although the applicants have produced a tree protection methodology, the Tree Officer considers it would be premature to approve this without construction management and logistical details which are not available at this stage. A condition requiring the submission and approval of appropriate tree protection measures is therefore recommended.

The removal and replacement of the three Maidenhair trees one of which affects sight lines into the serving bay is considered acceptable. These are young trees and could be easily transplanted into their new positions along Whitehall Place. However the developer will be required to enter into a S106 legal agreement to cover the cost of removal and replacement of these street trees.

It is recommended that sustainable landscaping details to the Quadrangle and Triangular Courtyard are secured by condition.

### **Sustainability**

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.

In this case there are acknowledged constraints to providing sustainability measures as much of the historic building fabric at the site is to be retained and the Grade II\* listed building safeguarded intact. This significantly limits the opportunities for appropriate systems for renewable energy, for instance, as it would not be satisfactory to provide roof level photovoltaic panels for heritage reasons.

The applicant has submitted a revised Energy Strategy following discussions with officers regarding the proposed heating strategy and carbon performance for the development.

The revised Energy Strategy still proposes two on-site energy centres, a larger one for the hotel and a smaller one for the residential, each using a mix of boilers and Combined Heat and Power (CHP) systems even though the site is adjacent to a large existing heat network, the Whitehall District Heating Service (WDHS) and was previously connected to that scheme. Both Westminster City Plan policies and London Plan policies favour developments connecting to existing networks to obtain a heat supply. However, it is acknowledged that it is currently difficult for the applicant to link into the WDHS because the owners are considering options for upgrading the system.

The revised Energy Strategy also now provides a detailed analysis of the carbon performance of the development. Although the calculations are based on an unacceptable strategy, they are sufficiently detailed to allow a quantification of the carbon performance with and without a connection to WDHS and with and without local CHP. Even in the 'best case' i.e. connection to WDHS there would be a shortfall in carbon performance of 168tCO<sub>2</sub>pa. Policy 5.2 of the London Plan allows for this shortfall to be made up through a carbon off-set payment to secure delivery of carbon dioxide savings elsewhere in Westminster. It is therefore recommended that this carbon off-set contribution of £302,400 is secured by S106 legal obligation. It is also recommended that a condition is attached requiring the submission and approval of a revised Energy Strategy that omits the CHP currently proposed and includes a connection to the WDHS and that a further legal obligation requires the developer to use best endeavours to connect to the WHDS and that if this has not be achieved within 5 years of occupation, the developer will be required to pay a further carbon off-set payment of £352,800.

## **8.8 London Plan**

New hotels and additional housing are supported by London Plan policies.

## **8.9 National Policy/Guidance Considerations**

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

## **8.10 Planning Obligations**

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for



granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (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 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 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 adopted its own Community Infrastructure Levy on the 1<sup>st</sup> May 2016.

The applicant has offered to enter into a S106 legal agreement to secure the following:

- i) a financial contribution of £10m towards the City Council's affordable housing fund (index linked and payable on commencement of development) in lieu of on-site affordable housing
- ii) the hotel and commercial floorspace to be provided as part of the development is not to be occupied until the residential accommodation to be provided as part of the development has been made ready for occupation
- iii) Operational Management Plan for the hotel, restaurants, bars, ballroom and spa facility
- iv) Public Access Strategy for the Hotel Suites of Principal Historic Significance
- v) an employment and training opportunities strategy
- vi) payment for all necessary highway works including the following to be carried out prior to the occupation of the hotel:

- changes to parking bays to accommodate the new vehicular entrances to the building and to re-provide lost parking places elsewhere if possible
- move the coach stop on Horse Guards Avenue
- provide a facility for taxis on Horse Guards Avenue
- move the bus shelter on Whitehall
- remove the security walls and bollards from Whitehall and make other changes to accommodate vehicular access to the building whilst still providing a secure scheme.
- re-paving of the footways around the site
- removal and replacement of street trees

vii) Car Parking Management Plan - to include provision of residential car parking on an unallocated basis and to ensure that residents and hotel guests are only using their agreed provision of car parking spaces

viii) a financial contribution of £302,400 towards the City Council's carbon off-set fund in the first instance and the developer to use best endeavours to connect the development to Whitehall District Heating Scheme (WDHS) within 5 years of occupation with a further carbon offset payment of £352,800 if this has not been achieved

ix) costs of monitoring

In addition, the estimated Mayoral CIL payment is £0.59m and the Westminster CIL payment is £3.67m. These figures will be verified in due course.

### **8.11 Environmental Impact Assessment**

The City Council issued a screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 on 1 November 2016 confirming that a development of this nature would not require an Environmental Impact Assessment (EIA).

### **8.12 Other Issues**

#### **Construction Management**

Objections have been received from/on behalf of the Corinthia Hotel and Corinthia Apartments and from Whitehall Court residents expressing concern about the noise, dust and disruption which will be caused during the demolition, excavation and construction work.

The applicants have submitted a draft Site Environmental Management Plan (SEMP) indicating how the environmental impact of the demolition and construction of the development will be managed and how potential noise and nuisance to surrounding residents and businesses will be mitigated. The draft SEMP also indicates the likely routes for construction traffic and lorry parking zones, which has given rise to further objections from neighbours.

The development will be required by condition to comply with the City Council's new Code of Construction Practice (CoCP) which requires the submission of and approval by the Environmental Sciences Team of a detailed (SEMP) prior to the commencement of works and payment of all costs arising from site inspections and monitoring by the Code of Construction Practice Team. The CoCP also requires the developer to undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel, and to ensure that contractors and sub-contractors also comply with the code requirements

### **Statement of Community Involvement**

The applicant has submitted a Statement of Community Involvement which summarises the consultation process they have carried out with stakeholders and neighbours prior to submitting the application.

Following the submission of the application, the applicant has held a series of meetings with representatives of the Corinthia Hotel/Corinthia Apartments in response to the latter's objections regarding i) the potential adverse amenity impact of servicing and deliveries and ii) construction routes along Whitehall Place. The applicant has also attended meetings with the residents of Whitehall Court and will continue to meet with the Whitehall Court Management Committee throughout the development process to respond to questions and concerns.

## **9. BACKGROUND PAPERS**

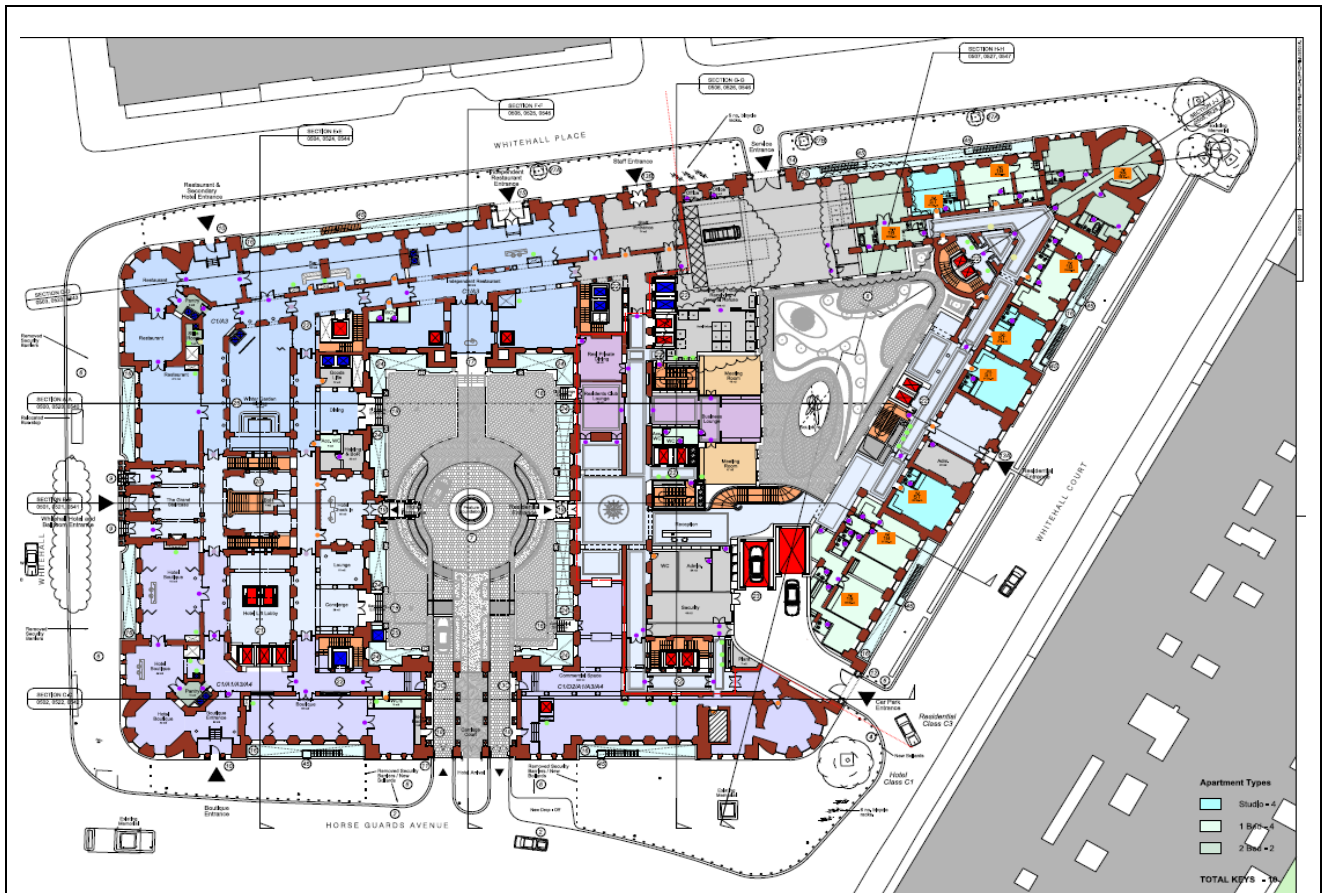
1. Application forms and Gerald Eve letters dated 4 October 2016 and 10 January 2017
2. Historic England letters dated 7 December 2016 and 23 January 2017
3. Historic England (Archaeology) letter dated 4 November 2016
4. The Victorian Society letter dated 14 December 2016
5. Environment Agency letters dated 31 October 2016 and 20 January 2017
6. Transport for London (TfL) emails dated 11 November 2016 and 27 January 2017
7. Westminster Society online comments dated 25 October 2016 and 17 January 2017
8. Highways Planning Manager memorandum dated 31 January 2017
9. Cleansing memoranda dated 24 October 2016 and 20 January 2017
10. Environmental Heath memorandum dated 6 December 2016 received 27 January 2017
11. Arboricultural Manager memoranda dated 10 November 2016 and 18 January 2017
12. Building Control email dated 27 October 2016
13. Energy Strategy officer memoranda dated 6 December 2016 and 23 January 2017
14. The Farmers Club, 3 Whitehall Court online comments dated 7 November 2016
15. Flat 74a, 3 Whitehall Court online comments dated 26 October 2016 and letter dated 4 November 2016
16. Flat 75, 3 Whitehall Court online comments dated 1 November 2016
17. Flat 77, 3 Whitehall Court online comments dated 6 November 2016
18. Flat 77a, 3 Whitehall Court online comments dated 6 November 2016
19. Flat 79, 3 Whitehall Court online comments dated 31 October 2016
20. Flat 85, 3 Whitehall Court online comments dated 7 November 2016
21. Flat 86, 3 Whitehall Court online comments dated 7 November 2016
22. Flat 88, 3 Whitehall Court online comments dated 7 November 2016
23. Flat 89, 3 Whitehall Court online comments dated 6 November 2016
24. Flat 94, 3 Whitehall Court online comments dated 22 October 2016

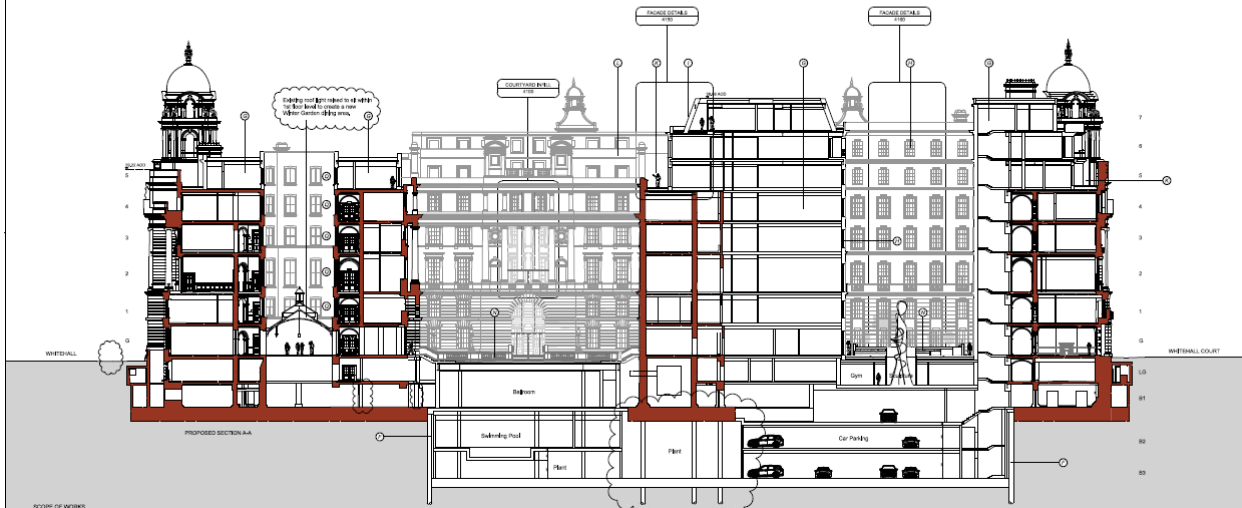
25. Flat 96b, 3 Whitehall Court letter dated 5 November 2016
26. Flat 109, 3 Whitehall Court online comments dated 7 November 2016
27. Flat 122, 3 Whitehall Court online comments dated 6 November 2016
28. Tower, 3 Whitehall Court online comments dated 29 October 2016
29. 4 Whitehall Court online comments dated 7 November 2016
30. Flat 121, 4 Whitehall Court online comments dated 7 November 2016
31. Flat 130, 4 Whitehall Court online comments dated 3 November 2016
32. Flat 149, 4 Whitehall Court letter dated 4 November 2016
33. 90 Whitehall Court online comments dated 5 November 2016
34. 110 Whitehall Court online comments dated 7 November 2016
35. 114 Whitehall Court online comments dated 2 November 2016
36. 121 Whitehall Court online comments dated 31 October 2016
37. 137 Whitehall Court online comments dated 3 November 2016 and 5 November 2016
38. 148A Whitehall Court online comments dated 31 October 2016
39. Chantry House, Daglingworth online comments dated 3 November 2016
40. The Homestead, Coombe Hill Road, Kingston online comments dated 1 November 2016
41. Michael Rossman online comments dated November 2016
42. Unidentifiable address Whitehall Court letter dated 5 November 2016
43. Whitehall Court Management Committee letter dated 31 January 2017
44. Corinthia Hotel, Whitehall Place letter dated 7 November 2016
45. Oliver Goodwin online comments on behalf of 3 Corinthia Residences, 10 Whitehall Place dated 26 October 2016 and WATG report dated 6 January received by email on 19 January 2017
46. 5 Corinthia Residences, 10 Whitehall Place letter dated 25 November 2016
47. Withers letter on behalf of 9 Corinthia Residences, 10 Whitehall dated 7 November 2016
48. 10 Whitehall Place Limited letter dated 1 November 2016

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

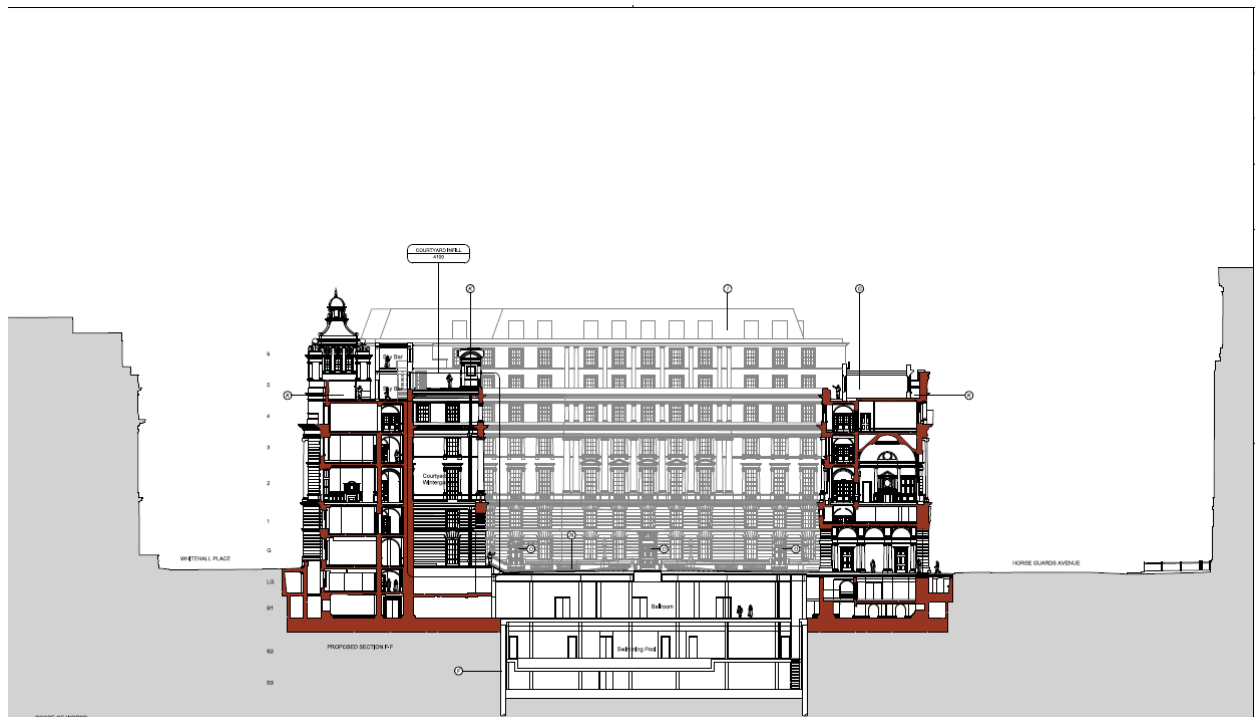
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AMANDA JACKSON BY EMAIL AT [ajackson@westminster.gov.uk](mailto:ajackson@westminster.gov.uk)

10. KEY DRAWINGS

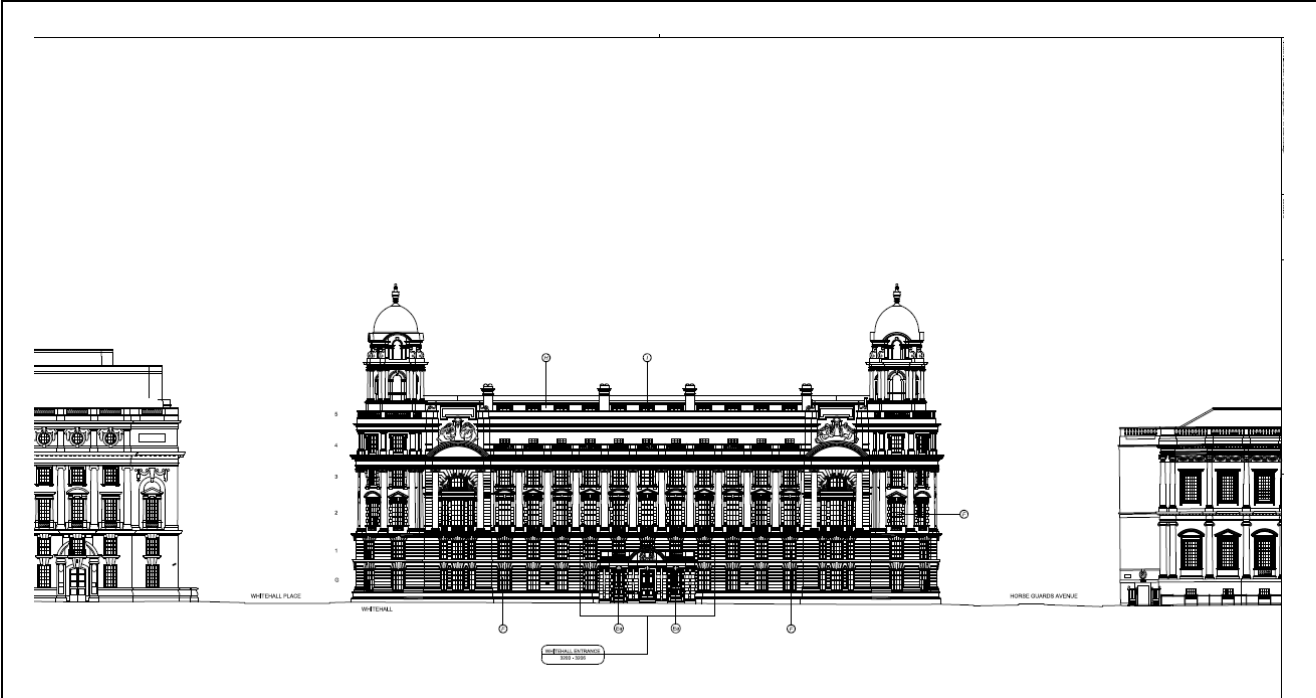




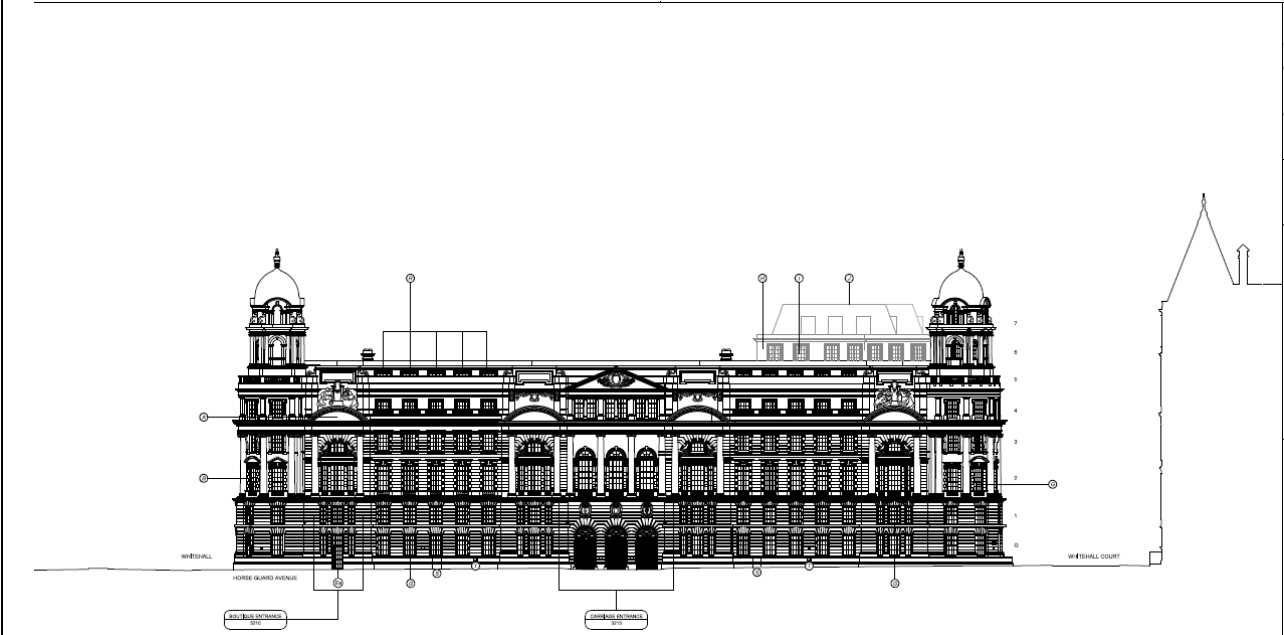
Proposed West-East section



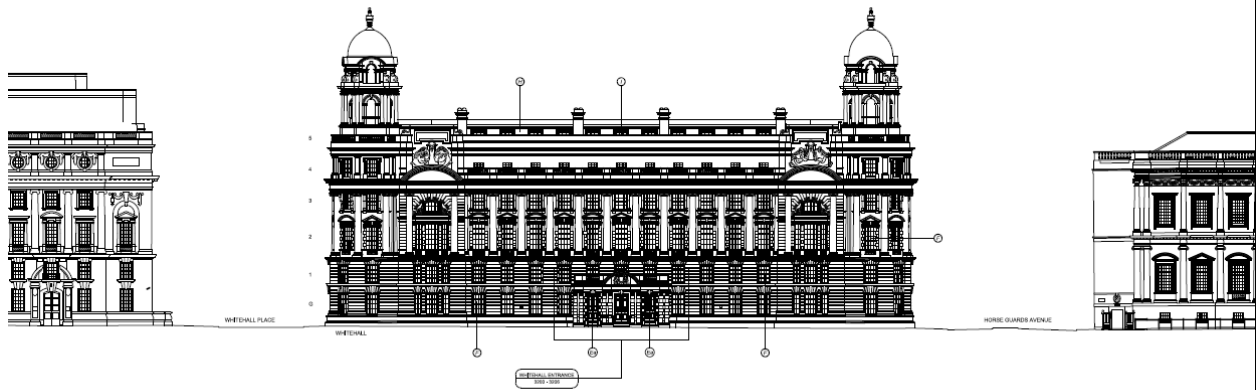
Proposed North-South section



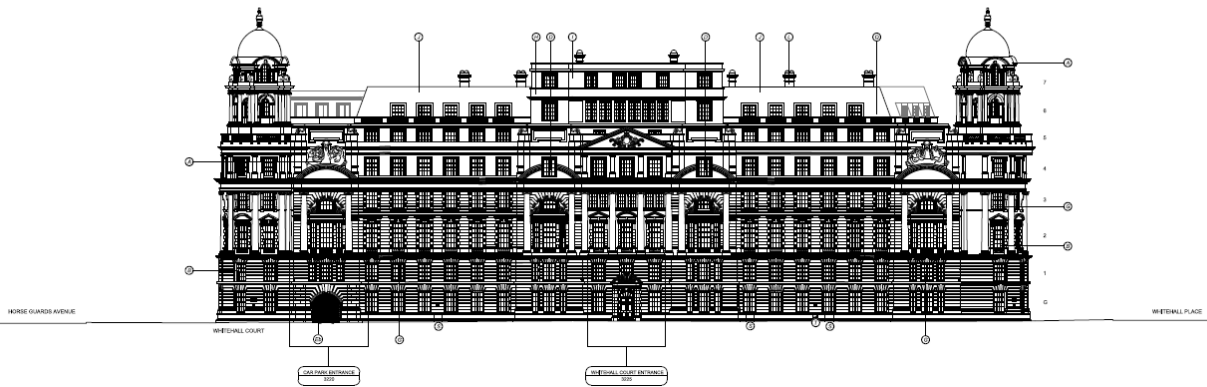
Proposed Whitehall (front) elevation



Proposed Horse Guards Avenue elevation



Proposed Whitehall Place elevation



Proposed Whitehall Court elevation



# Agenda Item 2

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>22 -23 Hanover Square, London, W1S 1JA,</b>		
<b>Proposal</b>	Demolition and redevelopment to provide a new building on three basement levels, lower ground, ground and first to ninth/eleventh floors to provide a hotel with ancillary bars / restaurants / leisure facilities and private dining / meeting rooms (Class C1), up to 81 residential units (Class C3), flexible / alternative restaurant (Class A3) / hotel restaurant (Class C1) / retail (Class A1) use on part ground and part lower ground floors, basement car and cycle parking, plant at basement and roof levels, alterations to existing access on Brook Street and associated works.		
<b>Agent</b>	DP9		
<b>On behalf of</b>	Eros Limited		
<b>Registered Number</b>	16/07404/FULL	<b>Date amended/ completed</b>	1 September 2016
<b>Date Application Received</b>	3 August 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

For Committees' views

1. Does the Committee consider, in view of the previous scheme which provided 41 flats and delivered £12m of S106 contributions for affordable housing and public realm improvements, that the applicant's total proposed contribution of £12m for affordable housing, public realm improvements and CIL (£2,476,452) is acceptable?

2. If so, does the Committee still consider that, as previously, £2m should be directed to public realm improvements, or should the entire sum remaining after the CIL payment is deducted (i.e. £9,523,548) be directed to the City Council's affordable housing fund?

3. Subject to 1 and 2 above and referral to the Mayor of London, grant conditional permission subject to a S106 legal agreement to secure:

i) a contribution of either: (a) £9,523,548 towards the City Council's affordable housing fund (index

linked and payable upon commencement of development) or (b) a contribution of £7,523,548 towards the City Council's affordable housing fund (index linked and payable upon commencement of development) and £2m towards public realm improvements in Hanover Square.

ii) costs relating to highways works around the site to facilitate the development (including creation of a relocated crossover)

iii) provision of unallocated residential parking

iv) lifetime car club membership (minimum 25 years) for each residential unit payable on first occupation

v) A lift management and maintenance plan

vi) an employment and training opportunities strategy

vii) monitoring costs

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

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

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

## 2. SUMMARY

The existing, unlisted, office building dates from the 1920s and occupies a prominent site on the south-west corner of Hanover Square, within the Mayfair Conservation Area. Permission was granted on 29 April 2016 for the redevelopment of the site to provide a new building, comprising a single block, on three basements, lower ground, ground and first to ninth floors, to provide a hotel with ancillary drinking/dining and leisure facilities, a flexible restaurant (Class A3)/retail shop (Class A1) or ancillary hotel dining space (Class C1) on part lower ground/part ground floors, up to 41 market flats and residents' parking (41 spaces) and ancillary hotel accommodation in the basements. Permission is now sought for a revised scheme in the form of two, linked, blocks above ground level rising to eleventh floor level at the rear. Proposals for the hotel and flexible Class A3/A1/C1 space are similar to those approved. However, the development would provide 81 flats and basement parking for 40 cars.

The key issues for consideration in this case are:

\* The impact of the proposed building on the townscape and the character and appearance of the Mayfair Conservation Area.

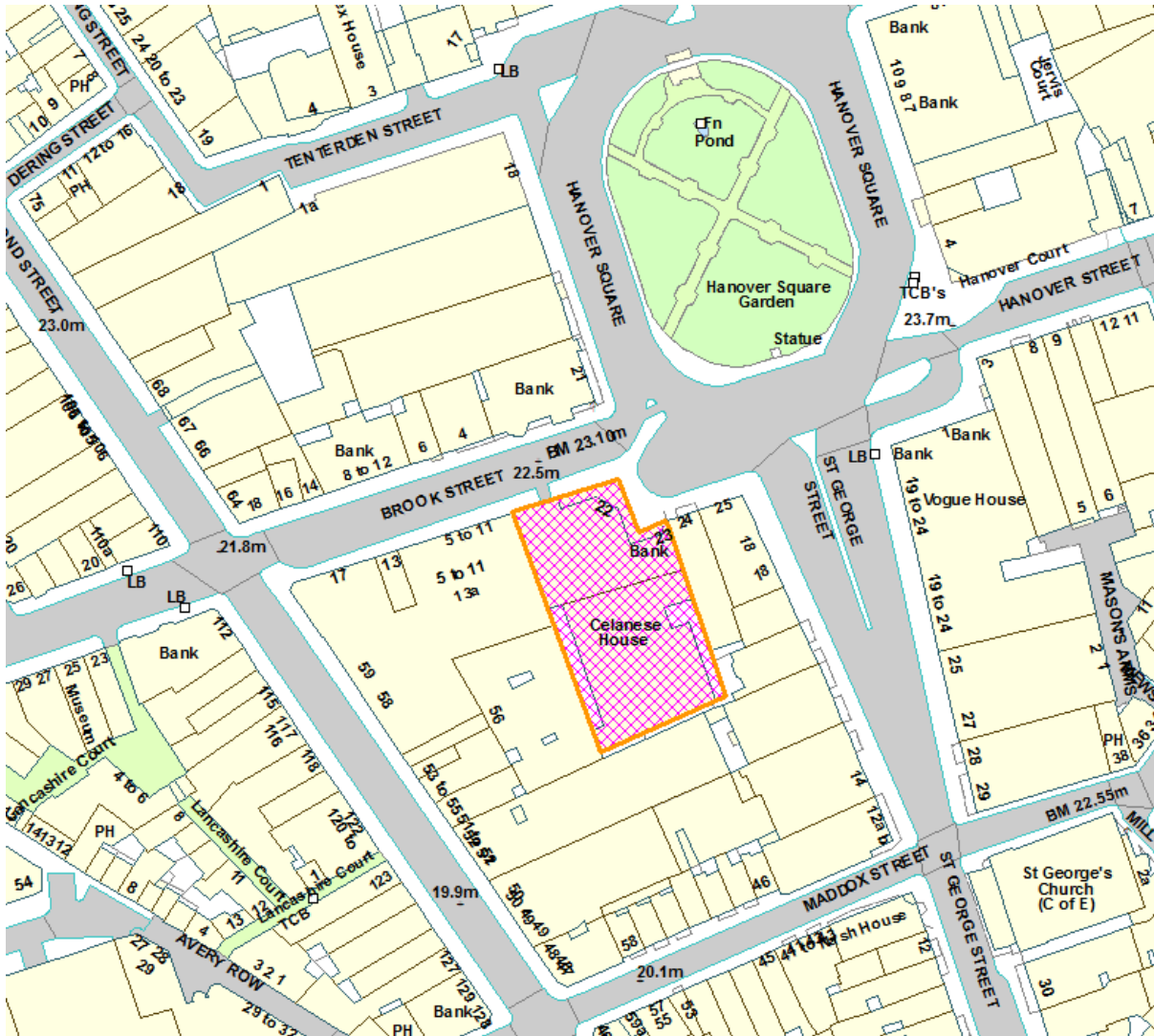
\* The acceptability of the scheme in land use terms.

Whilst the existing building contributes to the character and appearance of the conservation area, the replacement building, which is similar in term of its detailed appearance to the approved development, is considered to be an innovative design and improves the site's relationship with neighbouring listed buildings. These benefits are considered to outweigh concerns about the increased building height at the rear of the site. The proposed mix of uses is considered appropriate to the Core Central Activities Zone and, subject to conditions, the proposals are considered acceptable in amenity and highways terms.

The development is generally considered acceptable in land use terms. The applicants have submitted a viability report which concludes that the development could not support the provision of any on-site affordable housing, which is accepted, nor any financial contribution to the City Council's affordable housing fund in lieu of on-site provision. Based upon the increase in residential floorspace the policy compliant affordable housing contribution would be £15,673,000. The applicant has now offered an affordable housing contribution of £7,523,548 (which is the £10M secured under the previous permission less the Westminster CIL) plus, as secured under the approved scheme, £2M towards public realm improvements in Hanover Square. However, as previously, officers consider that this public realm contribution is not necessary to make the scheme acceptable in planning terms and, therefore, does not meet the tests relating to planning obligations. In addition, there is no policy which enables affordable housing contributions to be diverted to finance public realm improvements. Consequently, it is considered that the proposed public realm contribution should be added to the affordable housing fund (total £9,523,548). Notwithstanding this, the City Council's viability consultant considers that the scheme could support a £12M affordable housing contribution in addition to the Westminster CIL (total £14,476,452).

Given that the approved scheme is similar to the approved development, but provides a significant number of additional flats, and in view of the package of s106 planning obligations secured under the extant permission, the Committee's views are sought as to the acceptability of the applicant's proposed offer and to the principle of diverting £2m towards public realm improvements.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY

Development considered acceptable in principle, subject to conditions. The maximum affordable housing contribution should be secured. See TfL comments in relation to parking and highways issues.

### CROSSRAIL

No objection subject to safeguarding conditions

### LONDON UNDERGROUND LIMITED

Any response to be reported verbally

### TRANSPORT FOR LONDON

The level of car parking provision is excessive (based on 44 spaces), a car-free scheme should be considered; each wheelchair accessible home should be provided with a blue badge space and electric vehicle charging points. Cycle parking provision should accord with London Plan standards and staff cycle facilities (including showers) should be provided. Delivery and Service and Construction Logistics Plans should be secured. Council should consider further enhancements to the Hanover Square public realm scheme as part of the s106 agreement.

### THAMES WATER

Request conditions and informatives regarding safeguarding of the subsurface sewerage infrastructure and drainage.

### HISTORIC ENGLAND subject to conditions

Council to determine as it thinks fit

### HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to conditions

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

Any response to be reported verbally

### CLEANSING

Objection – refuse storage arrangements indicated on plans are inadequate, revised details required. Bins should be marked for general waste, food waste and recycling in accordance with adopted protocols.

### HIGHWAYS PLANNING

Level of parking provision acceptable subject to appropriate mitigation measures; cycle parking provision acceptable. Provision of a single car lift could lead to vehicles queuing on highway. A Servicing Management Plan is required to demonstrate that development can be serviced without detriment to the operation of the highway.

### ENVIRONMENTAL HEALTH

No objections subject to conditions, including those requiring the submission of additional information relating to plant noise and noise transmission through the building structure;

and operational controls on the hotel and entertainment uses and compliance with the Code of Construction Practice.

#### AFFORDABLE HOUSING SUPPLY MANAGER

The scheme should deliver the maximum viable affordable housing contribution

#### METROPOLITAN POLICE (DESIGNING OUT CRIME)

General advice regarding security measures

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

No. Consulted: 223

Total No. of replies: 2

No. of objections: 1

No. in support: 0

Light to art viewing gallery in neighbouring offices must be protected

Noise disturbance and loss of privacy to local residents during the course of construction; impact of construction traffic on noise, local highway network and access to the area; area has already been affected by construction works associated with the Crossrail development.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site, known as Celanese House, is an unlisted building located on the south-west corner of Hanover Square at its junction with St George Street and Brook Street. The building is located within the Mayfair Conservation Area and the Core Central Activities Zone. The site adjoins a listed building at 24 Hanover Square, is at the rear of listed buildings at 14, 15, 16 and 17 St. George Street and opposite those at 20 and 21 Hanover Square. With the exception of nos. 15 St. George Street and 20 Hanover Square (Grade II\*), all these neighbouring buildings are Grade II listed.

The building was purpose-built as offices in the 1920s. It has Portland stone facades to the front and glazed brick to the rear. The building was extended at the rear in the 1930s and a seventh floor added in the 1950s. The accommodation comprises basement, ground and seven upper floors, with a roof level plant room. The building steps back on fifth, sixth and seventh floors, providing a series of terraces. A ground floor parking/servicing area is accessed from Brook Street, and provides 10 parking spaces. A secondary means of escape, from offices in the neighbouring Fenwicks store, runs across the site.

The building is currently sub-let to a serviced office provider whose lease expires in March 2017.

Hanover Square is characterised by commercial uses - principally large office buildings with retail and restaurant uses at street level and some residential flats on the upper floors. The Fenwick department store and neighbouring commercial buildings are located immediately to the west of the site on Brook Street/New Bond Street. The buildings to the east and south are in office/commercial use, with the exception of a national embassy at 16 St George Street.

Oxford Circus and Bond Street underground stations are in close proximity. The new Bond Street West Crossrail station entrance, with over- station development, is under construction on the opposite side of Brook Street. A number of other sites on the square are also under development or have been recently completed, including those at 5 Hanover Square, 7-10 Hanover Square/Princes Street and 18-20 Hanover Square (Crossrail), all of which include new flats.

Records indicate that the nearest residential properties are the two flats on the top floors of 21 Hanover Square, flats on the upper floors of each of the buildings at 46-58 Maddox Street (which are separated from the application site by offices comprising the rear part of office developments on New Bond Street and St George Street), and five flats on the upper floors of 25-27 St George Street.

## 6.2 Relevant History

29 April 2016: Permission granted for demolition of the existing building and the erection of a new building on three basement levels, lower ground, ground and first to ninth floors to provide a hotel (51 rooms) with ancillary bar/lounge/restaurant/gym/ swimming pool and private dining rooms/meeting rooms (Class C1), up to 41 self- contained flats with terraces at sixth and eighth floor levels; a flexible/alternative restaurant (Class A3)/hotel restaurant (Class C1)/retail (Class A1) use on part ground and part lower ground floors; basement car parking (41spaces) and cycle parking, plant at basement and roof levels; creation of living roof and installation of photovoltaic panels, alterations to existing access on Brook Street and associated highway works. This permission was subject to a s106 legal agreement to secure:

- i) a contribution of £10M towards the City Council's affordable housing fund (index linked and payable upon commencement of development)
- ii) a contribution of £2M towards public realm improvements in Hanover Square
- iii) compliance with the City Council's Code of Construction Practice and submission of a SEMP (Site Environmental Management Plan) with an annual cap of £32,000.
- iv) costs relating to highways works around the site to facilitate the development (including creation of a relocated crossover).
- v) provision of unallocated presidential parking
- vi) monitoring costs

This permission has not been implemented.



## 7. The Proposal

Permission is, now sought for the demolition of the existing buildings and for the redevelopment of the site to provide a 5\* boutique hotel, incorporating restaurant/bar/lounge areas, with a flexible hotel/retail/restaurant use on part ground/part lower ground floor, 50 hotel bedrooms and up to 81 flats.

The approved scheme provided accommodation in a single block, rising up to ninth floor level. From first floor level, the proposed building would comprise two separate blocks, linked by a central lift /stair core, rising to ninth floor level at the front of the site and up to eleventh floor level at the rear. Additional plant enclosures would be sited on the rear roof, surrounded by an area of green roof. A new communal (residential) roof terrace would be provided on the front block, also enclosed by an area of green roof.

The proposed building layouts are similar to those under the approved scheme. Three new basements would be excavated providing residential parking (40 cars on levels B2 and B3 accessed via a single car lift on the Brook Street frontage), 152 cycle spaces, plant rooms, refuse stores and back of house accommodation for the hotel. A hotel gym/spa and pool and additional back of house hotel accommodation, would be located at first basement level (B1)

The lower ground floor (existing basement level) would provide the hotel reception, bars and dining areas, adjacent to an internal courtyard. Additional back of house facilities, refuse stores, private dining rooms/meeting rooms and the lower level of the proposed flexible (Class A1, A3, C1) unit would also be located on this floor.

The hotel entrance is located adjacent to 24 Hanover Square and takes the form of a gated, covered, public walkway. A "front of house" area would lead to separate hotel and residential lobbies/cores, and provides access to the access to a double height, hotel courtyard below, with stairs and a lift provide access to the public bars and dining areas. The main access would be gated at night, providing secure access for residents and hotel guests only.

The ground floor frontage would be occupied by the upper floor of the "flexible" unit which would operate as either as a hotel restaurant, an independent restaurant (Class A3), or as retail shop. The residential car lift and hotel servicing/goods access are located on the westernmost part of the Brook Street frontage. The servicing access would also serve as the reconfigured escape route from the adjacent Fenwicks store.

All hotel bar, dining and spa facilities would be open to the general public and would also be available to occupants of the new flats.

Hotel bedrooms would be provided at rear ground to fifth floors. Flats would be provided in the front block and on the sixth to eleventh floors at the rear. Some flats would benefit from private terraces and new a communal terrace for residents is now proposed on the front roof.

As previously, the application is referable to the Mayor as the new building would be more than 30m tall.

The current application has been revised to:

- delete alternative proposals for the use of the fifth floor rear as either a hotel bedrooms or flats.
- omit one of two car lifts to provide a single car lift with a consequent reduction in the width of the pavement crossover. The car lift has also been set further back from the site boundary. The second car lift is replaced with a goods lift. This arrangement increases the length of the active building frontage on Brook Street and has resulted in the reconfiguration of the parking layouts, reducing the number of spaces from 44 to 40.
- increase the provision of “back of house” hotel accommodation on all lower floors.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The existing, approved and proposed floorspace figures are set out in the tables below:

GEA	Existing m2	Approved m2	Proposed m2
Offices (B1)	11601	0	0
Residential (C3)	0	9948	9265
Hotel (C1)	0	6184	7429
Flexible A1/A3/C1	0	598	559
Parking/servicing, plant, refuse etc	692	2324	1756
Total	12,293	19054	19009

GIA	Existing m2	Proposed m2
Offices (B1)	11321	0
Residential (C3)	0	9766
Hotel (C1)	0	7002
Flexible A1/A3/C1	0	567
Parking		874
Total	11321	17335 16461 excl parking

#### 8.1.1 Loss of offices

The proposal would result in the loss of 11,601 m2 (GEA) of office floorspace.

All applications submitted after 1 September 2015 which involved the replacement of offices with new residential floorspace, were determined in accordance with a 'presumption in favour of sustainable development', as required by national policy. This meant that within the Core CAZ (and in other specified locations) housing was no longer considered acceptable in principle where it resulted in the loss of office floorspace. The conversion of offices to alternative commercial floorspace remained acceptable. However, as the previous application was submitted prior to 1 September 2015, it was considered in the context of adopted UDP and City Plan policies. Consequently, there was no land use objection to the loss of office floorspace.

These emerging policies now form part of the revised City Plan (November 2016). Under policy S20, on sites within the Core CAZ, the replacement of office floorspace with residential floorspace will only be acceptable where the Council considers that the benefits of the proposals outweigh the contribution of the office floorspace, including the degree to which employment and housing targets are being achieved, the extent to which the office floorspace contributes to meeting Westminster's business and employment needs and the extent to which the mix of type, tenure and size of housing exceeds Westminster's needs. Where this is not met, due to site constraints/and or viability, the floorspace will be retained as B1 office floorspace. Other relevant considerations may relate to the significant benefit to the value of heritage assets and/or significant townscape improvements but these and any other benefits will be considered in the context of the priority to retain office floorspace.

As previously, the current application includes an assessment of the contribution of the existing building to the office market and the impact of the loss of office floorspace. It concludes that:

- there is limited demand for a large headquarters office building in Mayfair due to considerable occupier costs. The previous tenant vacated the premises and sub-let the building to a serviced office provider on a short lease
- typical demand is currently being for premises of between 3,000 and 5,000 sq ft. the building provides inefficient and inconsistent accommodation, which does not readily lend itself to a multi-let arrangement.
- significant new office development scheduled in the immediate area, means that the loss of existing offices will not undermine the Mayfair office market
- the proposed hotel use will support a minimum of 101 full-time-equivalent jobs, many providing local employment opportunities, with a potential greater number of jobs created as a result of longer opening hours, shift patterns and part-time employment. The submitted draft Operational Management Plan states that hotel management will actively encourage the use of local services – florists, newsagents etc. Additionally, significant employment opportunities will be created during the course of construction.

Where appropriate, City Plan policy S19 requires new development to contribute towards initiatives that provide employment, training and skills development for local residents and ensure that local people and communities benefit from opportunities which

are generated from development. The GLA has requested that a condition be imposed requiring further information in relation to job and training opportunities for local residents. The applicants have indicated their willingness to accept such a condition in relation to construction jobs only. As this is a Level 1 development, the applicants will be required to submit an Employment and Training Skills Plan as part of the COCP, in relation to construction jobs. This would require the applicants to liaise with the Council's Economic Development Team and to ensure that a minimum of 10% of employees/contractors are drawn locally. The Plan would also require the construction to support a number of apprenticeships and start-up positions. It requires the developer to submit employment/training reports to the Economic Development Team on a quarterly and year-end basis.

An employment and training opportunities strategy for the completed commercial development would be secured as part of the s106 legal agreement.

The revised scheme will include a slightly higher proportion of replacement commercial floorspace (42%) than the approved development (36%). The development will provide 81 new flats (rather than the 41 flats previously approved) and will also deliver some benefits in townscape/heritage terms. In these circumstances, notwithstanding the change in policy, it is considered that it would be difficult to resist the loss of the existing offices. However, in accordance with the Council's normal procedures, it is recommended that the life of any new permission be limited to the expiry of the extant permission. Subject to such a condition, which is acceptable to the applicants, is considered that a departure from policy S20 can be justified and that the loss of the existing offices is acceptable.

### **8.1.2 Mixed use policy**

Policy S1 is concerned with the control of the balance and mix of uses within the CAZ, which contribute towards the unique character of Westminster. To achieve this, the policy seeks to accommodate the economic functions that contribute to London's world class city status whilst building sustainable residential communities at the same time.

Given the nature of the existing building, the fact that the site is being redeveloped and that the amount of additional residential floorspace proposed, policies S1 4(B) and (C) are relevant. Where the net additional floorspace (GIA) is increased by between 0% and 50% of the existing building floorspace, policy S1 4(B) requires the net additional residential floorspace to be accompanied by an appropriate amount of commercial and/or social and community floorspace. However, where the net additional floorspace is increased by more than 50% of the existing building floorspace, policy S1 4(C) requires the net additional residential floorspace to be accompanied by an equivalent amount of commercial floorspace and/or social and community floorspace. In both of these scenarios, the commercial and/or social and community floorspace can be provided on-site, off-site, by mixed use credits (Policy CM47.2) or by an appropriate payment in lieu to the City Council's Civic Enterprise Fund. However, these options will not apply where an active frontage is required at ground floor level, which must be provided on-site.

UDP policies are based on gross external floorspace and the UDP glossary contains advice on floorspace measurement and the areas to be included/excluded. City Plan policies are based on the gross internal floorspace (GIA). The City Plan does not contain

comparable advice relating to the floorspace measurement (GIA), however, this advice is contained within guidance relating to the measurement of floorspace for the purposes of calculating the Westminster CIL. In these circumstances, officers consider it reasonable to require the floorspace (GIA) to be calculated in accordance with this published advice.

Using a proposed floorspace figure of 17335 m<sup>2</sup>, the net additional floorspace would represent a 53% increase over the existing building floorspace requiring the equivalent provision of residential and commercial floorspace within the development. However, the revised scheme provides 9766 m<sup>2</sup> of residential floorspace (including 874 m<sup>2</sup> of residential parking), and 7569 m<sup>2</sup> of commercial floorspace. The applicants consider that the proposed floorspace figure should exclude the parking area (giving a proposed floorspace figure of 16461 m<sup>2</sup>). This would provide a net increase in overall floorspace of 5140 m<sup>2</sup> (45%), meaning that an “appropriate”, rather than an equivalent, amount of commercial floorspace would be required.

The applicants acknowledge that floorspace measuring guidance in relation to the Westminster CIL includes parking areas within the assessment of GIA. Nevertheless, they consider that this area should be discounted from the total as the UDP definition of GEA, excludes car parking (on the basis that this space could not be occupied for any other purpose) and because the City Plan does not include floorspace measurement guidance. However, for the reasons set out above, officers consider that the parking areas should be included and that policy S1 4(C) is applicable in this case.

The applicants have provided a statement to address the requirements of Policy S1 consider that the proposal is acceptable for the following reasons:

- The proposed building represents a 45% increase on the existing floorspace and policy S1 4B applies. The scheme provides an appropriate amount (44%) of commercial floorspace, only slightly less than the equivalent figure .
- Should the Council consider that an appropriate amount of commercial floorspace is not being provided, or that an equivalent amount of commercial floorspace should be provided under S1 4C, the applicant does not own any other sites in Westminster that could accommodate the balance of the commercial floorspace could be provided and does not have any registered mixed use credits. A “without prejudice” offer of financial contributions towards affordable housing provision and public realm improvements has been made, which is the maximum level of contributions that the scheme can support.
- The proposals includes 325m<sup>2</sup> (GIA) more commercial floorspace than was previously approved.
- There is a significant increase in the number of new flats (from 41 to 81) which meets policy objectives on housing delivery.
- Any new permission would be would be implemented within the timescales previously envisaged, with no longer term impact on the supply of commercial floorspace within the CAZ.

- The development will provide economic benefits to this part of Mayfair and will generate a significant number of jobs and training, contributing to economic growth in London.
- Given the significant new office development in the area, replacing office floorspace with an hotel and flats will contribute to a balance of uses within this part of the CAZ. The hotel and restaurant uses will complement the residential use and support surrounding business and retail uses.
- The slightly higher proportion of residential floorspace within the scheme would provide an appropriate balance in the context of surrounding commercial uses, and would not upset the balance of uses within this part of Mayfair.
- The scheme would meet the objective of Policy S1, which was adopted after the previous consent was approved and when the design of the current scheme had been substantially developed. and is appropriate in the context of the extant permission.

Setting aside the issues of viability and planning obligations, which are explored below, as it is acknowledged that the scheme would provide more commercial floorspace, and significantly more flats than previously approved and would provide only slightly less than the equivalent floorspace requirement under policy S1 4C. Consequently, subject to a condition restricting the life of the permission to that of the existing approval, it is not considered that the application could justifiably be recommended for refusal on the grounds that the balance of residential and commercial uses would be unacceptable in the context of policy S1.

### 8.1.2 Residential use

The number, size and layouts of the approved flats was largely informed by the building form and available lighting. Significant areas towards the centre of the residential floorplates received relatively poor level of natural light. The design of the current scheme, allows better light penetration into the centre of the site, enabling the re-planning of the accommodation and includes more, smaller, flats.

The amended scheme would provide up to 9265 m2 (GEA) of new residential floorspace which is supported by policies H3 of the UDP and S14 of the City Plan..

#### 6.1.2. i Number of units, residential mix and standard of accommodation

A comparison of the approved and proposed residential units is set out below

Units	Number		Percentage -%		Area GIA m2	
	Approved	Proposed	Approved	Proposed	Approved	Proposed
<b>Studio</b>	0	<b>8</b>		<b>10</b>		<b>37-38</b>
<b>1 bed</b>	3	<b>31</b>	7	<b>38</b>	102	<b>58-63</b>
<b>2 bed</b>	22	<b>28</b>	54	<b>35</b>	115-176	<b>79-121*</b>
<b>3 bed</b>	14	<b>8</b>	34	<b>10</b>	233-257	<b>110-156**</b>
<b>4 bed</b>	2	<b>6</b>	5	<b>7</b>	392	<b>180-291***</b>

<b>Total</b>	41	<b>81</b>				
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- \*21 units at 91 sqm or below
- \*\* 7 units at 117 sqm or below
- \*\*\* 4 units at 180 sqm

City Plan Policy S14 and S15 require the number of residential units on development sites to be optimised and an appropriate mix of unit size and type to be provided. UDP policy H5 normally requires at least 33% units to be family-sized. In this case 14 (17%) of the 81 units include 3 or more bedrooms. Of the 41 flats in the approved scheme, 16 (39%) were family-sized.

Although the proportion of family sized units has been reduced, a similar number of family sized units would be provided. Policy H5 states that a lesser proportion of family sized units may be acceptable in busy areas. This is a central location which will become significantly busier once Crossrail is operational, and the number of flats being provided has doubled, optimising the number of units on the site. In these circumstances, the range, mix and number of units is considered acceptable.

The London Plan states that care should be taken with creating single-aspect north-facing flats, but this is sometimes difficult to avoid in large-floorplate developments. Of the 41 approved flats, 11 (27%) are single aspect, including five north-facing flats. A slightly greater proportion (33%) of the proposed units (27 flats) are single aspect, but none of these are north-facing.

The new flats meet the Mayor’s dwelling space standards set out in London Plan Policy 3.5. They are designed in accordance with Lifetime Homes Standards and 10% of the units have been designed to be easily adaptable to wheelchair accessibility standards. All units have level access from the lift lobbies. The final flat layouts will be determined at a later stage. The applicants propose that a condition be attached to any planning permission requiring the submission of final layouts for approval.

Background noise levels in this area of the City are high. UDP policy ENV6 requires new residential developments to provide adequate protection from existing background noise as well as from noise within the development itself - in this case, the hotel and commercial uses. The redevelopment will incorporate double glazed windows and sufficiently high specification building fabric necessary to meet modern performance standards. All residential windows are openable. However, a system of mechanical ventilation is proposed should residents choose to keep their windows shut.

The Environmental Health Officer has reviewed the submitted noise report and has requested that conditions are imposed to ensure that satisfactory noise levels are achieved within the new flats, in relation to potential noise and vibration nuisance from external and internal noise sources. Further information is also required with regard to noise/vibration transmission between the commercial and residential/hotel bedroom uses and from internal mechanical equipment i.e. the lifts and CHP plant.

It is considered that the new flats, due to the extent of glazing and their location on the site and relationship with neighbouring buildings, would benefit from good levels of natural

light and overall the quantity of the new residential accommodation is considered acceptable.

Some, private and communal amenity space is provided in the form of roof terraces. The EHO has expressed some concern regarding poor air quality and potential noise disturbance to future residents using these spaces. Although these concerns are noted, the choice as to whether to use the terraces, which are situated high above street level, lies with future occupants of the flats, who may also choose to keep their windows open. As previously, it is not considered that these concerns could reasonably justify withholding planning permission.

### **8.1.2 ii Affordable Housing**

Policy H4 of the UDP and S16 of Westminster's City Plan and Interim Guidance Note Implementation of Affordable Housing are relevant to consideration of the application. In new housing developments of either 10 or more additional units, or where over 1000m<sup>2</sup> of new residential floorspace is created, a proportion of that floorspace is expected to be provided as affordable housing.

Given the increase in new residential floorspace (9265 m<sup>2</sup> GEA) the scheme would be expected to deliver 2316.25 m<sup>2</sup> of affordable housing, (equating to 28.95 units). Where on-site provision is accepted as being impractical or unviable, the housing may be provided on a donor site and, if this is not feasible, the affordable housing requirement can be met through a financial contribution to the City Council's affordable housing fund. On the basis of the proposed residential floorspace, this sum would equate to a contribution of £15, 673,000 (rounded down).

#### **8.1.2.i. a Viability assessment**

The Council previously accepted that, as the sole building frontage has to accommodate the hotel and restaurant entrances, car lift and servicing access, that it would not be possible to introduce a separate entrance and access core to the serve affordable housing without materially affecting the scheme's viability and compromising the building frontage. The applicants have advised that they do not own a donor site, either in the vicinity or elsewhere in the borough, where the affordable housing requirement could be provided. On this basis, as previously, it is accepted that the best means of addressing the Council's affordable housing policy is via a contribution to the Council's affordable housing fund.

(The viability appraisal submitted in support of the previous application concluded that that scheme could not support any contribution to the Council's affordable housing fund. However, the applicants proposed to make contributions to the affordable housing fund and towards public realm improvements in Hanover Square. As the scheme did not trigger a public realm contribution under the SPG on Planning Obligations, and as the wider public realm works were not considered necessary to make the development acceptable, officers considered that the proposed public realm contribution should be used for affordable housing. The Council's viability consultant advised that the scheme could support an affordable housing contribution of £14,250,000. Prior to the committee meeting, the applicants increased their offer, proposing a £10M contribution for affordable



housing and £2M for public realm improvements and the Committee resolved approve the scheme subject to this increased offer).

The viability report prepared in respect of the current scheme also concludes that the provision of on-site affordable housing is unviable and impractical, and also that the scheme is unable to support any affordable housing contribution. However, the applicants now propose to make a £7,523,548 contribution towards the affordable housing fund (which reflects the £10M secured under the previous scheme, less the Westminster CIL of £2,476,452). In addition, as previously, they propose to contribute £2M towards public realm improvements in Hanover Square. The appropriateness of the proposed public realm contribution is explored in section 8.9.

The viability report has been reviewed by consultants acting on behalf of the City Council. Whilst they concur that the affordable housing could not practically/viably be provided on site, they consider that the sales values for the proposed flats have been underestimated and on the basis of the information supplied by the applicants, consider that the scheme could support a £12M contribution to the City Council's affordable housing fund (a figure considered to fall within acceptable tolerances of professional disagreement in viability assessments), in addition to the Westminster CIL. The Council's Housing Supply Manager considers the development should deliver the maximum, viable, affordable housing contribution based on the advice of the Council's viability consultant. The Committee's views are therefore sought on the following matters:

Firstly, given that the approved scheme, which provided only 41 flats, delivered £12M of s106 contributions for affordable housing and public realm improvements, whether the applicant's proposed total contribution of £9,523,548 (for affordable housing and public realm improvements) for a similar scheme which provides significantly more flats, is acceptable in the light of the advice given by the Council's viability consultant

Secondly, if this level of contribution is considered acceptable, whether the Committee still considers that £2M should be directed to public realm improvements in Hanover Square or now considers that the total sum should be directed to the affordable housing fund.

### **8.1.3 Hotel/entertainment uses**

#### **8.1.3.1 Hotel use**

The scheme would result in the introduction of a 50 bedroom hotel incorporating ancillary facilities. Depending on the future use of the flexible use unit on part lower ground/part ground floors, the hotel would measure either 7429 m<sup>2</sup> or 7988 m<sup>2</sup>(GEA). As previously, all hotel entertainment and leisure facilities would be open to the general public and to occupants of the new flats.

Even taking into account recent permissions for new developments incorporating new residential floorspace, Hanover Square (including the surrounding streets) is still predominantly commercial in character. In these circumstances, as previously, the introduction of a new hotel on this site is considered acceptable in principle in land use terms under UDP policy TACE 2 and City Plan policy S23.

### 8.1.3.2 Entertainment/spa uses

The hotel would provide bars, restaurants and leisure facilities. In this case the hotel would provide 936sqm entertainment floorspace (10 sqm more than previously) as follows:

Hotel restaurant/bars – capacity 225

Hotel lobby/lounge – capacity 10

Private dining/meeting rooms – capacity 60.

Spa/gym – capacity 50

(In addition the flexible floorspace could potentially provide a second hotel restaurant, or independent restaurant (Class A3) of 559m<sup>2</sup>, with a customer capacity of 140):

This total dining/drinking capacity (465 customers) with a potential additional 140 customers in the flexible A3/hotel dining space, is the same as that under the approved scheme and would be controlled by condition. Again, it is intended that these facilities will be open to the general public between 07.00 and 24.00 each day. Only hotel residents and their guests would be permitted to use the private dining/meeting rooms and the lobby bar after this time - between 24.00 and 02.00. Residents of the flats in the development would enjoy the same access to hotel facilities as hotel guests.

The approved scheme included a flexible use unit (598 m<sup>2</sup> GEA) which could potentially provide a large, independent restaurant (Class A3). This unit is now slightly smaller at 559 m<sup>2</sup>. Although UDP policy TACE 10 states that large entertainment uses will only be approved in exceptional circumstances, and City Plan policy S24 confirms that large scale entertainment uses will not generally be appropriate within Westminster, it was previously considered that, given the character of the area, subject to appropriate operational controls, that the proposed hotel and/or independent entertainment uses would, not have an adverse impact upon the character or function of the area.

This remains a speculative proposal. The application is ,again, supported by a draft Operational Management Strategy which includes measures designed to ameliorate the impact of the hotel and entertainment uses on residents' amenities and local environment quality. These measures are discussed in section 8.3 below. The impact of the proposals on traffic and parking is set out in section 8.4.

### 8.1.4 Retail use

.Although policy S21 directs new retail floorspace to the shopping centres, the supporting text acknowledges that retail development may also be appropriate in other parts of the Core CAZ, where it can be introduced sensitively. Although not in a designated shopping centre, the site is directly adjacent to the Fenwick store and is located close to the boundary with the West End Retail Special Policy Area. The retail unit would create an active ground floor frontage, which is welcomed. Again, it is considered that such a use could be introduced without detriment to the character of the area.

The current scheme, again, includes fully opening frontages to the ground floor unit. Should the retail use be implemented, this is likely to involve alterations to the shopfront design.

## **8.2 Design/townscape**

### **8.2.1 Existing building**

No. 22-23 Hanover Square is an imposing building faced with Portland stone. It was built in 1928 and stands at the south-west corner of the square, in the Mayfair Conservation Area, and it is next to No. 24 and opposite No. 21 which are grade II listed buildings. They are both part of the first phase of development in Hanover Square and are substantially smaller than No. 22, as are the unlisted buildings in Brook Street which also adjoin the site.

While No. 22 is an imposing building, this is mainly because of its size. Any architectural merit that it possesses is modest and its contribution to the square and conservation area is greatly diminished because of its somewhat elephantine scale, which is most unfortunate and detracts from neighbouring and nearby listed buildings. Furthermore, it has been extended at roof level and it is of no merit at the back or internally. Redevelopment of the site therefore offers the opportunity to create a better building and one which improves the setting of designated heritage assets.

### **8.2.2 Proposed building**

Permission was recently granted for redevelopment of the site, and approval is now sought for a revised proposal. As before, the scale of excavation is substantial. An outline submission has been prepared setting out the likely impact of the excavation on neighbouring buildings and a proposed monitoring strategy. Full details requiring details of the protection of party walls could be secured by condition.

The new building will be a substantial improvement on the existing. The key benefits offered by the building in townscape terms are derived from its reduced bulk and mass next to the grade II listed No. 24 and the neighbouring unlisted buildings in Brook Street. The reduced height of the building next to No. 24 will greatly improve its setting when seen from Hanover Square, and the careful balancing of horizontal and vertical lines on the new facades recalls the historic architecture of the square, which further enhances the setting of No. 24 and No. 21.

The detailed design and palette of materials creates facades of appropriate scale and detail, with the set-back upper floors of the main block further reducing the apparent size of the building when compared to the existing monolithic structure.

The facades are designed to ensure that their materials and detailed design enhance the conservation area and the setting of neighbouring listed buildings by reintroducing a more appropriate palette of materials particularly as regards their colour and use on the facades. Facing Hanover Square the main structural framework of the building is subtly expressed and formed in dark grey concrete. Infill panels are of elongated dark red brickwork from first to sixth floor levels and of horizontal dark grey, long, bricks on the seventh and eighth floors. The sides and rear of the building are the same from first floor

level. All windows are fitted with interstitial blinds. The top floors are fully glazed, formed from clear glazing panels fitted with interstitial blinds and opaque glass with white horizontal fritting.

The ground floor is fully glazed and all the openings have reveals lined with white powder-coated aluminium panels. Balcony fronts are of white-finished steel slats with glazing behind.

In comparison to the previous scheme, the most significant alteration is the increased height of the building towards the rear of the site, which means it will be clearly visible above the roofline of listed buildings on the west side of St George Street, thus altering their setting in street level views. However, the surrounding context is mixed and noting the extremely prominent corner tower of No. 25 Hanover Square, which dominates the view of the listed buildings in St George Street, and the careful efforts made to lessen the visual impact of the new development, this aspect of the scheme is acceptable particularly given the improvements to the settings of other buildings in Hanover Square and as the design is considered to fully meet UDP policies DES 1, DES 9 and DES 10, as well as City Plan policies S25 and S28 and supplementary planning guidance 'Development and Demolition in Conservation Areas'

A condition is recommended requiring the submission of details of measures to support and protect the party walls to safeguard the adjacent listed building at 24 Hanover Square.

### **8.2.3 Archaeology**

The site lies in an area of archaeological interest. As before, the scale of excavation is substantial. The application is supported by an archaeological desk-based assessment which has been reviewed by officers at Historic England (Archaeology). They have concluded that the archaeological potential of the site is low, and that the excavation of the existing basement will already have compromised archaeological survival across the site. Subject to a condition requiring the submission of a Written Scheme of Investigation, the implementation of a scheme of archaeological investigation undertaken in accordance with this document and the publication of a post-investigation assessment, they have raised no objection to the proposal.

### **8.2.4 Public Art**

UDP policy ENV7 encourages the provision of public art as part of redevelopment proposals and requires the artwork to be spatially related to the development in question, and where fixed to a building, integral to the design of that building.

### **8.2.5 Public realm improvements**

The City Council is developing proposals for public realm improvements in Hanover Square. The enhancement of Hanover Square and its surrounding streets is a key priority of the West End Partnership's 'Public Realm Board', which is tasked with improving the environment of the West End ahead of Crossrail Line 1's opening in December 2018. The scheme includes consideration of traffic flows up to and around the square, the location of taxi, cycle and motorbike facilities and the need to create safe and

hard-wearing spaces for the many visitors that will be arriving into the West End through the new station entrance at the north western corner of Hanover Square.

The applicants have been involved in discussions with Council officers regarding these public realm proposals to consider how their plans for the application site might sit within the wider public realm scheme. The operational requirements of the properties around Hanover square will be incorporated within the design proposals. The applicants have sought to “adapt and guide” the work undertaken and, in relation to the proposed development, anticipate that these might incorporate access to the basement parking areas, on-street servicing and a guest/customer/ resident drop off/pick up point on the south-west corner of Hanover Square.

As previously, it is considered that only highways works associated with the creation of a crossover on Brook Street are necessary to make the scheme acceptable in planning terms. Other works, detailed above, do not form part of the current application and would require separate approvals.

The acceptability of the proposed public realm contribution is discussed in section 8.9 below.

### **8.3 Amenity**

#### **8.3.1 Impact of hotel/entertainment use**

The proposed hotel dining/drinking and entertainment use have the potential to impact on the amenity of existing and future residents particularly as a result of increase late night activity, noise and vibration from plant, potential smell nuisance and increased parking and traffic generation.

UDP Policy ENV 6 requires new developments to incorporate design features and operational measures to minimise and contain noise in order to protect neighbouring noise sensitive properties. Activities associated with the proposed hotel use, and particularly non-resident guests arriving at and leaving the restaurants and bars throughout the evening, are likely to have a significantly greater impact on this part of Hanover Square than would the existing office use.

Although the area is largely commercial in character, there is a flat on the top floor of 21 Hanover Square, immediately opposite the proposed hotel entrance and ground floor restaurant, where it is proposed to incorporate fully opening elements to the restaurant frontages. There is an extant permission for an extension to the building to provide another flat at fourth floor level. There are flats in the wider area, including on the east side of St George Street and 81 flats are proposed within the development, some located directly above the hotel entrance and restaurant..

As previously, significant hotel drinking and dining facilities are proposed and there is potential for the introduction of an independent restaurant. The use of these areas would be subject to appropriate management and operational controls. No hotel/restaurant operator has yet been identified. However, the applicants recognise the potential impact of the hotel/entertainment uses upon neighbours’ amenity and have submitted a draft

Operational Management Plan, which includes all previous commitments relating to the management and operation of the proposed hotel/restaurant including details of:

- opening hours of “public” facilities (generally 07.00 to 24.00 although hotel residents would be permitted to use the private dining/meeting room and lobby areas from 07.00 until 02.00 the following day);
- controls over the capacity of drinking/dining areas
- site security/management of the hotel entrance
- the provision of a 24 hour complaints hotline for residents and businesses and a commitment to arrange quarterly liaison meetings with local residents’ and business associations
- the closure of the opening elements of the ground floor restaurant facade at 22.00 each day
- control of site servicing and the management of deliveries (from Brook Street between 06.00 and 22.00. Although it is recommended that the finalised OMS include a schedule detailing a maximum number of essential deliveries which would take place between 06.00 and 07.00).
- details of the management of refuse and recycling collections (including glass) to ensure that disruption and noise disturbance is minimised.
- the management of taxis, which would wait only in authorised ranks, unless arrangements change as a result of public realm improvements in Hanover Square.
- an undertaking for the hotel to explore the potential provision of off-site visitor parking through local car park operators
- arrangements with a private car hire company to ensure that departing guests leave with a minimum of disturbance.

It is, again, considered that with such controls in place, the impact on residential amenity would be limited, and acceptable. All details will be subject to the approval of a finalised OMS or separate conditions. Should the flexible use unit be operated as an independent restaurant, a separate Operational Management Strategy will be required in association with that use.

### **8.3 Amenity**

UDP Policy ENV13 seeks to protect existing premises, particularly those in residential use, from the impact of new development and to ensure that neighbouring properties do not experience and material loss of daylight or sunlight, increased sense of enclosure to windows or a loss of privacy, Similarly, policy S29 states that the Council will resist development proposals which result in a material loss of amenity to existing residents.

Up to, and including, fourth floor level, the relationship of the proposed building to its neighbours would be similar to that of the existing building, albeit slightly closer to offices on the rear site boundary. However, accommodation has now been omitted at the centre of the site, which would be re-provided on the rear block.

As previously, additional floorspace is created in place of the existing fifth and sixth floor terraces, which currently step back from the boundary with St George Street, and at seventh floor level, which would be extended over the terrace infills below. In the approved scheme, the two topmost floors are set back from the front building line on three sides, enabling the creation of a “wrap around” terrace to the eighth floor flat. It is now proposed that of the two additional storeys (on what is now the front block), the eighth floor would follow the line of the building below and the upper (ninth) floor would incorporate significant set backs on the northern and eastern frontages to create a terrace.. The roof of this flat would house a communal roof terrace, enclosed by a green/living roof.

Again, the new building is set away from the boundary with 24 Hanover Square, from sixth floor level, creating a gap between the application site and the neighbouring listed building, where none currently exists. Private terrace/balconies would be created at fifth and sixth floor levels.

At the rear of the site, new eighth and ninth floors would replicate the footprint of the building beneath, on what is now the rear block. The most significant change to the approved scheme comes with the addition of two further floors), with the tenth floor following the line of the accommodation below and the eleventh floor set back from the eastern and southern frontages to create a further private terrace. The roof of the eleventh floor flat would accommodate plant for the development and an additional green/living roof.

### **8.3.1 Daylight and Sunlight**

The application is supported by a daylight/sunlight report, based on guidance published by the Building Research Establishment, which assesses the impact of the development on levels of light received to neighbouring residential properties. In this case, the nearest residential building which has the potential to be affected by the proposals is at 21 Hanover Square.

#### **8.3.1.i Daylight**

In assessing daylight measuring the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances.

Records indicate that the only residential property in the vicinity of the site with the potential to be affected by the proposal is on the third floor of 21 Hanover Square. There is

also an extant permission for the erection of a mansard roof extension to create a new fourth floor flat, which includes the reconfiguration of the existing third floor flat.

Third floor windows to the existing flat ( overlooking Brook Street) serve bathrooms, a lobby area with access to a small terrace and a dual aspect bedroom, with windows overlooking eastwards towards Hanover Square. The approved plans show that the third floor windows to Brook Street would light a kitchen and a dual aspect living room (also served by the door access to the roof terrace). All windows would continue to receive good levels of daylight, with a maximum loss of 5%. Levels of annual and winter sun would remain unchanged or, where there are losses, windows would exceed the targets for annual and winter sun.

Under the approved scheme, the new fourth floor windows would serve a separate flat. Windows facing Brook Street would light a bathroom, bedroom and a living room, which is served by three other windows overlooking the Square. The report shows that these windows would continue to receive minimum VSC values of 26.5%. All windows would continue to exceed to maximum targets for annual and winter sunlight.

Any reduction in VSC to windows overlooking Hanover Square would be below 1%.

Comments have been received from occupants of the first floor at 24 Hanover Square who have recently occupied the third floor offices as a private art dealership and fitted out the rear room as a private viewing gallery. They consider it vital that light received to this viewing gallery maintained. Given the relationship of rear windows to the proposed development, it is not considered that the level of light received to the neighbouring property would be materially affected.

### **8.3.1 ii Sunlight**

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

Most existing third floor windows at 21 Hanover Square, would experience no loss in annual or winter sun, with improvements to some windows. Any losses are well below 20% and the rooms will continue to receive good sunlight levels.

All windows to the approved fourth floor flat would continue to receive annual and winter sunlight values exceeding the BRE targets.

Given the distance between the application site and other residential premises, and the orientation of other residential windows, it is not considered that any additional properties require testing. In view of the above, it is not considered that the proposals would have an adverse impact on the levels of daylight and sunlight received to neighbouring properties.

### **8.3.2 Overlooking/sense of enclosure/use of terraces**

#### **8.3.2.1 Impact on neighbouring properties**



Windows on the lower floors of the development are in a similar location to those within the existing building. New windows on the eastern boundary, at fifth floor level and above, replicate the position of those on the floors below, but are largely at a height above windows at the rear of buildings in St George Street.

Properties to south of the site are in office use. The new upper floors overlook the roof of Fenwicks and other commercial properties in New Bond Street, to the west.

Given the width of Brook Street and St George Street, given the relationship of new windows and terraces with neighbouring properties and the use of these buildings, it is not considered that the occupation of the flats or the use of new terraces would result in a material increase in the degree of overlooking to neighbouring sites.

The Environmental Health Officer has expressed concern that the use of the terrace would result in potential noise disturbance to neighbouring residents. However, given the use of neighbouring buildings and the distance between the terraces and existing flats on neighbouring streets, it is not considered that their use would result in significant disturbance to neighbouring residents.

The additional bulk and massing on the site would not, due to its relationship with adjoining properties, result in any material increase in the sense of enclosure to neighbouring residential windows.

#### **8.3.2.2 Overlooking between the proposed flats and hotel and overlooking/noise disturbance from terraces**

There is potential for overlooking between flats in the front and rear blocks and between flats in the front block and hotel rooms at the rear, as well as from the proposed private and communal terraces. The GLA has expressed concern about overlooking between the blocks, particularly as they are separated by a distance of only 5m. However, they consider that the issue of mutual overlooking would be adequately addressed by the incorporation of interstitial blinds within window units, and through careful planning of the flat layouts, details of which would be reserved by condition.

Given the relatively small size of the fifth floor terrace (rear side) it is not considered that its use would have a significant impact on the amenities of residents of the rear block. Direct views from the rear side of the sixth floor terrace to windows in the rear block would be obstructed by the line and proximity of the neighbouring accommodation. Opportunities for overlooking on the large private terraces on the front and rear blocks could be ameliorated through the incorporation of planters, balustrades, or similar devices, (rather than high screening) to prevent access to the roof edges. Views from the communal terrace to flats at the rear would largely be obstructed by stair/lift core. However, views from the unobstructed area of roof on the westernmost side could also be minimised by the inclusion of appropriate mitigation/screening measures. Subject to conditions requiring the installation and retention of the interstitial blinds, the submission of finalised flat layouts and, details of measures to address the potential for overlooking from the larger terraces, it is considered that the scheme would provide an acceptable standard of privacy for future residential occupants.

There is also potential for noise disturbance for future residents of the development as a result, particularly, of the use of the larger private and communal terraces. The City Council does not normally seek to use its planning powers to control to use of domestic roof terraces. Any significant noise disturbance would be subject to control under other legislation. However, it is likely that the use of the communal residential terrace would be controlled by future residents and the building management.

## **8.4 Highways**

A Transport Assessment produced on behalf of the applicant identifies the site as being within a highly accessible location in terms of public transport indeed it is adjacent to the Bond Street underground and Crossrail station. Trip generation modelling, which is considered to be robust, concludes that the majority of trips associated with the site will be via public transport or other sustainable modes (e.g. walking, cycling) and indicates that the proposal will not have a significantly adverse effect on the safety or operation of the highway network.

The GLA considers that the applicants should be required to submitted a detailed Travel Plan which assesses the combined impact of these uses upon transport capacity, but given the immediate proximity of this site to a major public transport interchange, the Council's Highways Planning Manager does not consider this requirement to be justified.

### **8.4.1 Parking**

#### **8.4.1.1 Car parking**

UDP policy TRANS 23 requires residential parking to be provided at a maximum of 1 space per dwelling, on the basis of one space for each unit comprising two bedrooms or fewer and 1.5 spaces for each dwelling containing three or more bedrooms. On this basis, the development would require the provision of 88 parking spaces for the new flats. The policy also normally requires 1 accessible parking space to be provided for each wheelchair -accessible dwelling. As 10% of all new flats would be designed to be wheelchair accessible, 8 accessible parking spaces would be required.

Parking is provided (40 spaces) for the 81 flats over two basement levels with single spaces and double/triple stackers. Two of the parking bays would be wheelchair accessible. Use of the parking spaces will be managed by on-site valets (who will transfer vehicles parked in one of the standard size bays into the stacker system, and the reverse, as necessary).

If all parking spaces are taken into account, parking would be provided on the basis of 0.49 spaces per unit. However, only 17 of these parking spaces (0.21) can be accessed independently. Access to the reminder is dependent upon another vehicle being moved. Whilst the applicants have advised that car parking will be manged by valets, this arrangement is based on long-term management of the car park rather than a permanent design solution.

Based on car ownership levels, the 81 new dwellings would be expected to generate 23 vehicles. If 17 of the spaces cannot be accessed independently, this means that,

potentially, six vehicles would park on the street. UDP policy TRANS 23 considers a level of on-street car parking occupancy rate of 80% or more to constitute a level of serious deficiency where the addition of parking for one residential unit is likely to have a significant adverse impact on parking levels in the area. The Council's most recent night time parking survey (2015) indicates that the occupancy of Respark bays within a 200m radius of the site is 27%. With the inclusion of all legal parking spaces, including single yellow lines, metered bays and P & D spaces, this figure drops to 12%. However, the daytime parking survey indicates that the occupancy levels within the same site radius is at 81%. Given concerns about the potential for vehicles to be parked on-street, it is vital that parking within the development is provided on an unallocated basis. In addition, in view of the parking shortfall, (40 spaces for 81 flats), it is considered that the applicants should be required to provide lifetime (minimum 25 years) car club membership in association with each of the new flats. These mitigation measures would be secured as part of a legal agreement

Based upon the original proposal (up to 88 flats/44 parking spaces/2 accessible parking spaces - which equates to 0.51 spaces per unit) the GLA, although welcoming the provision of two Blue Badge spaces, considers the level of parking provision to be excessive, given the excellent public transport links in the area. Notwithstanding the fact that they accept that this level of parking provision complies with London Plan standards, they have requested that the level of residential parking be reduced, save for parking provision for disabled residents. (TfL concur with these views but have also requested that each wheelchair- accessible home be provided with a Blue Badge space and an electric vehicle charging point).

The reduced number of spaces now proposed is consistent with London Plan parking standard and, subject to the mitigation measures outlined above, the scheme is considered acceptable on parking grounds. Given that parking will be assisted by valets, the provision of two Blue Badge space, although not compliant with UDP policy, is considered acceptable.

The GLA has requested that all future residents should be prevented from applying for on street parking permits. However, the City Council does not operate such a system, and there is no policy basis for doing so in this case.

#### **8.4.1.2 Car park access**

As previously, the parking would be accessed via a single car lift on Brook Street (The scheme has been revised to omit the second car lift originally proposed). As the car lift would be located slightly to the west of the existing garage access, a new crossover would be required. The single car lift has been set back 5m from the building line which, the applicant contends, would allow a vehicle to wait off the highway. However, should a vehicle be exiting the car lift, this space could not be accessed by waiting vehicles. In addition, the visibility display for an exiting vehicle is limited. Based upon the submitted information regarding car lift cycle times, it is likely that if two vehicles arrived at the same time, or if the car lift was already in use, a queuing vehicle would need to wait on Brook Street for approximately three minutes. In these circumstances, the development would be required to incorporate a traffic light system to advise approaching vehicles of the status of the car lift. This is the approved arrangement and could be secured by condition.

The Highways Planning Manager considers that two car lifts should ideally be provided for 40 cars. However, as previously, it is recognised that the introduction of a second car lift would compromise the appearance of the building and adversely affect the pedestrian environment due to the increased crossover width required. As the approved scheme provided 1 car lift to serve 41 spaces, the provision of one lift to serve 40 spaces is considered satisfactory. Subject to suitable controls in a legal agreement to secure continuing management and maintenance of the car lift, to ensure that any lift breakdowns are speedily repaired, the parking access arrangements are considered acceptable.

No car parking is proposed for any of the other uses on the site.

Electric vehicle charging points are proposed for at least 20% of the parking spaces, with a further 20% provision of “passive” spaces for the future expansion of this programme. This would be secured by condition.

No dedicated coach parking or taxi parking is proposed for the development. The previous scheme was considered acceptable on the basis that the Operational Management Plan for the hotel includes an obligation to prevent the hotel taking bookings from guests arriving by coach. The applicants have confirmed that this obligation will form part of the finalised OMP, submitted for approval.

Provision for taxi parking in the area forms part of the design of the wider public realm scheme for Hanover Square.

#### **8.4.1.3 Cycle parking**

Cycle parking for the development will be provided in a single area on B2 with a total of 152 spaces - 133 for the flats (including 4 accessible spaces), 11 for the hotel and 8 for the retail unit.

The London Plan requires residential cycle storage to be provided on the basis of 1 cycle space per 1 bed unit and 2 spaces for units with 2 or more bedrooms. On this basis 123 residential cycle spaces would be required, with 3 spaces for the hotel and 4 spaces for the retail unit - making a total requirement of 130 spaces.

While the quantum of cycle parking spaces proposed is considered acceptable. The commercial and residential cycle storage is mixed, which would normally raise concerns about potential access and security issues. However, given that the parking area is to be fully managed, this is considered acceptable in this instance.

The GLA is concerned about the over-provision of cycle parking for the hotel, and about a shortfall of 9 spaces for the flexible commercial use (based on an A1 use) and of 3 spaces for the residential use. Given the proximity of TFI's cycle hire scheme, they consider that funding for cycle hire membership for residents and staff, for a minimum period of 5 years, should be secured as part of the s106. The applicants do not consider that such provision is necessary given the level of cycle parking provision in the area and officers concur with this view.

All cycle parking would be secured by condition. The hotel and shop/restaurant staff shower and changing facilities would be secured under a separate condition.

#### 8.4.2 Site servicing

UDP Policy TRANS 20 and City Plan Policy S42 normally require redevelopment schemes to incorporate adequate off-street servicing facilities. Despite this being a redevelopment, no provide off-street servicing is provided.

The existing offices and the adjacent Fenwicks store are currently serviced from single yellow lines to the west of the existing vehicular access on Brook Street. The development would continue to be serviced from the street, using the service entrance adjacent to the proposed car lift. Although the applicant maintains that on-street servicing could take place under the existing loading restrictions, these arrangements could change as part of the wider public realm proposals for Hanover Square, which are being developed.

As part of the consideration of the previous application it was acknowledged that the creation of an off-street servicing facility, in addition to the car lift entrance, would compromise both the appearance of the building and its important setting. It is considered it important that the street level quality of the Hanover Square frontage is maintained. For this reason, the principle of off-street servicing was agreed under the previous permission.

The development is expected to generate up to 25 servicing trips per day (including waste collections) To accommodate this, the applicants previously proposed to create an additional section of single yellow line (to the east of the site access, closer to Hanover Square) to ease the pressure on the existing kerbside servicing. However, they are now proposing that new double yellow lines be painted along the site frontage and westwards on Brook Street. These proposed changes will need to be considered in the context of the wider public realm proposals for Hanover Square. However the extent of these proposed restrictions appears excessive in the context of the proposals.

There is further concern regarding the very limited space allocated at ground floor level to accommodate servicing activity within the building, with no clear holding area shown, which is not also part of a walkway route. The revised floor plan provides very limited space for goods to be stored temporarily. Consequently, there is the potential that goods would be left on the highway before or after collection to the detriment of highway users and the public realm, which could conflict with refuse collections and access to the car lift. Similarly, the plans provide limited space for waste bins to be stored whilst awaiting collection, which is likely to mean that refuse bins will be stored on the highway with an adverse impact on the public realm, site servicing and parking access. However, it is noted that the Project Officer (Waste) has recommended a condition requiring the submission of amended plans showing refuse/recycling storage arrangements.

In order for the operator to demonstrate that the site will be closely managed it is recommended that a Servicing Management Plan (identifying process, storage locations, scheduling of deliveries and staffing arrangements, the management of vehicle delivery

sizes and measures to ensure that delivery vehicles spend the minimum amount of time on the highway). This SMP would be secured by condition

#### **8.4.3 Other highways issues**

Some of the submitted drawings indicate wider changes to the public realm in addition to those considered necessary to make the scheme acceptable. These, necessary, works are limited to the creation of the crossover to accommodate the car lift. There is much wider and more strategic work being undertaken to support the development of the new Crossrail station in the north-west corner of Hanover Square, with potential changes in Brook Street to support this. Whilst those designs are to be finalised, the proposed development will need to accommodate these wider proposals to ensure that unfettered pedestrian movement is maintained.

#### **8.5 Economic Considerations**

It is acknowledged that the commercial element of the development will provide significant employment and training opportunities, with particular opportunities for local employment, once completed. During the estimated two and a half year building period, considerable employment would also be generated within the construction industry, which would also be expected to filter down into the supply chain. In addition, available data shows that tourism's impact is amplified throughout the economy, an impact which is much wider than direct spending associated with a hotel stay. The submitted Operational Management Strategy includes a commitment for hotel managers to, where possible, draw staff from the local community and to employ the services of local businesses – florists, newsagents, dry cleaners etc. The benefits for the local and wider West End economy are welcomed.

The GLA has requested condition requiring details of job and training opportunities for local residents arising from the development. This would be secured as part of the COCP as outlined in section 8.1 above. An employment and training opportunities strategy in relation to the completed development could be secured as part of any future legal agreement.

#### **8.6 Access**

The proposed building has been designed to meet the relevant access requirements of the Building Regulations and incorporates the principles of inclusive design.

Ten per cent of the new dwellings will be designed for wheelchair users and the remainder will be easily adaptable to suit the individual needs of future occupants. Blue badge parking will be provided in association with the flats. Ten per cent of all hotel rooms will be accessible, with at least two rooms with an interconnecting door to an adjacent standard room.

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

Accessible parking bays, cycle parking and mobility scooter storage will also be provided. Although the level of disabled parking provision is not policy compliant, this is the most that can be achieved with the proposed layouts. As all parking will be managed by valets, this is considered acceptable.

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

### **8.7.1 Plant noise/kitchen extract systems**

The scheme includes the provision of plant for the development within the basements and at main roof level. The application is supported by an acoustic report which has been assessed by the Environmental Health Officer. The site is in an area with ambient noise levels above WHO guidelines. The report does not contain full details of all the proposed plant as the detailed requirements of the future occupiers of the building are not known at this stage. The Environmental Health Officer has considered this aspect of the scheme and has raised no objection subject to standard conditions relating to plant noise and vibration and subject to the submission of a supplementary noise report to demonstrate that the selected equipment will operate in accordance with these conditions.

In addition, full details of all proposed kitchen extract systems, which should discharge above main roof level and incorporate suitable noise and odour attenuation measures, will be required to ensure that the development does not result in any smell nuisance. These details will be required in relation to the hotel and any independent restaurant use and will be secured by condition.

### **8.7.2 Air Quality**

The development is located in an area of poor air quality. City Plan policy S31 requires developments to minimise emissions of air pollution from both static and traffic-generated sources, and requires developments that are more vulnerable to air pollution to minimise the impact of poor air quality on future occupants through the building design and use of appropriate technology.

The submitted air quality assessment acknowledges that mitigation measures will be required to address the impact of construction works and the performance of the completed development. The Environmental Health Officer has assessed the submitted report and has requested that the proposed mitigation measures, in respect of mechanical ventilation systems, be secured by condition. In addition, drawings showing the location and height of the CHP flues and full specifications detailing the level of emissions from the CHP equipment are required, and would be secured by condition. Measures to control dust pollution generated during construction works would be covered under the COCP. Subject to these controls, this aspect of the scheme is considered acceptable.

### **8.7.3 Refuse/recycling**

The submitted plans show that storage areas for waste and recycling will be provided within the basements. Waste will be transferred, by on-site management to the ground level collection point

The Project Officer (Waste) has advised that inadequate (7-day waste storage) is proposed for the flats, for both general waste and recycling. In addition, each residential kitchen should be provided with under-counter waste/recycling storage facilities. Throughout the development, all bins should be of an acceptable size and designated (on the plans) for general waste, food waste, waste cooking oil and recycling in accordance with adopted protocols.

Given the size of the development there is adequate space to accommodate the required waste/recycling storage for the uses proposed and a condition is recommended requiring the submission of revised details.

#### **8.7.4 Impact of construction works**

##### **8.7.4.1 Basement excavation**

The application involves the excavation of three additional basements below the existing basement level. The site does not adjoin any residential properties

City Plan policy CM28.1, requires all applications for basement development to demonstrate that they have taken into account the site-specific ground conditions, drainage and water environment(s) in the area of the development. Applications must be accompanied by a detailed structural methodology statement and separate flood risk, as appropriate. Where the development will have significant impacts on matters covered by the policy, or where work will affect a particularly significant and/or sensitive heritage asset, these reports will be independently assessed. The applicants will be required to confirm that they will comply with the relevant parts of the Council's Code of Construction Practice. In addition, the structural stability of the existing building (where appropriate), nearby buildings and other including the highway and railway lines/tunnels must be safeguarded. The development must not increase the flood risk on the site, or beyond, and must be designed and constructed so as to minimise the impact, on construction and occupation, on neighbouring uses; the amenity of those living or working in the area, on users of the highway and on traffic and the operation of the highway. Significant archaeological deposits must also be safeguarded.

The application is supported by a structural report and a report detailing local ground conditions. Although these reports do not include details of a finalised basement design, they consider local geology and hydrology issues and include suggestions regarding the likely construction method, which are considered acceptable. The application has been reviewed by the Building Control Officer who has confirmed that he has no objection to the outline structural proposals.

##### **8.7.4.2 Construction Management**

An objection has been received from one local resident on the grounds that this major development will result in significant noise disturbance and inconvenience from disruption to the road network, and will exacerbate these problems which are already being experienced as a consequence of other major developments in the area. Whilst these



concerns are noted, permission could not reasonably be withheld on these grounds. However, in order to safeguard the amenities of local residents, it is recommended that standard conditions be imposed to limit the hours of construction and excavation works. The applicants have confirmed their willingness to sign up to the Council's Code of Construction Practice, which covers areas such as public access and the highways network, noise and vibration, dust and air quality, waste management and liaison with neighbouring occupiers. This would be secured by condition.

The GLA/Tfl have requested a condition requiring the submission of a Construction and Logistics Plan assessing the impact of construction traffic on the local road network, including cyclists' safety. Again, these measures would be considered as part of the CoCP.

It is considered that these combined measures would adequately address objections relating to construction noise and the impact of construction traffic.

## **8.7.5 Sustainability and Biodiversity Issues**

### **8.7.5.1 Sustainability**

The applicants have submitted a detailed Sustainability and Energy Strategy in support of the proposals.

Policies 5.1 to 5.9 of the London Plan focus on measures to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments and this scheme which equates to 35% reduction in carbon dioxide emissions when compared with part L of the Building Regulations (2013). Policy 5.6 in the London Plan requires development proposals to evaluate the feasibility of Combined Heat and Power (CHP) systems.

Policy S39 of the City Plan seeks to encourage decentralised energy and to ensure that major developments make provision for site wide decentralised energy generation and where possible connectivity. Policy S40 seeks at least a 20% reduction of carbon dioxide emissions unless it is not appropriate or possible.

A range of passive design features and energy efficient measures is proposed in the development. These include the incorporation of the optimal glazing to balance heat loss:heat gain and daylight requirements; fabric insulation and fabric air permeability levels beyond the requirements of the Building Regulations; energy efficient heating, lighting and hot water systems; the use of mechanical ventilation with heat recovery; design measures to stabilise internal temperature variations and reduce the risk of overheating; variable speed pumping and low energy fans. The applicants anticipate that this would achieve a 1.5% reduction in CO<sub>2</sub> emissions when compared with part L of the Building Regulations (2013).(Be Lean)

A gas fired CHP system is proposed, which would deliver a further 23.5% reduction in CO<sub>2</sub> emissions beyond the requirements of the Building Regulations (Be Clean).

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

The report concludes that the development would achieve a BREAAAM 'Very Good' rating with an aspiration for an 'Excellent' rating for the hotel/retail area

The approved scheme included the installation of photovoltaic panels at roof level. However, The Energy Assessment calculates the level of CO<sub>2</sub> savings which would be achieved by installing photovoltaic panels on the remaining space and calculates that this would contribute only 0.2% carbon savings. In these circumstances, and as the current proposal prioritises the use of the roof to accommodate plant for the development, to provide areas of living roof and to provide a, new, communal amenity space for use in association with the new flats, this is considered acceptable.

The applicants acknowledge that the overall CO<sub>2</sub> saving of 25% is below the London Plan Policy target, but consider that this level of saving represents the maximum viable carbon saving for a mixed use development. This level of savings was considered acceptable under the original scheme. Shortfalls in the level of CO<sub>2</sub> savings can be offset through a financial contribution to the Council's carbon offset fund. However, as the scheme does not deliver a policy compliant affordable housing contribution, this carbon-offset would be achieved at the expense of affordable housing. As the Council's priority is to maximise the level of contribution towards affordable housing fund, as previously, it is not considered appropriate to seek a carbon offset. Subject to conditions to secure the sustainability measures proposed, this aspect of the scheme is considered acceptable.

The Sustainability Strategy also includes an assessment of SuDS (Sustainable Urban Drainage Systems). Developers are required to incorporate SuDS into their schemes which include attenuation for surface water run-off (as well as habitat, water quality and amenity benefits).

As the site is already fully developed, incorporating a full basement level, the report concludes that neither the volume nor the rate of surface water run-off will increase as a result of the proposal.

#### **8.7.5.3 Biodiversity**

City Plan policy S38 requires new developments to maximise opportunities to create new wildlife habitats. The submitted drawings indicate proposals to install a living roof at the on the front and rear blocks incorporating deadwood piles, bee banks and over 20 planted species, as well as appropriate planting between paving slabs on the proposed terraces. This contribution to the biodiversity of the area is welcomed and details would be secured by condition. It is also likely that the private and communal residential terrace will incorporate some planting.

### **8.8 London Plan**

The proposal to redevelop the site is preferable to the Mayor given that the building exceeds 30m in height. The Stage 1 response, and subsequent correspondence, has been received from the Mayor who has made the following comments:

- The principle of the scheme is supported in strategic terms.
- There is no objection to loss of offices given the significant office development in the area, the employment opportunities offered by the scheme and the principle established by the extant permission.
- New housing is welcomed in principle and the range of unit sizes is considered acceptable. The majority of units exceed minimum internal space standards and the accommodation is of a good quality.
- The maximum affordable housing contribution should be secured (which they consider to be at least £14M based on the Council's assessment of the previous scheme).
- Given the site location and good transport links, the residential density is considered acceptable.
- Child yield for the development is limited. Given the site's proximity to Hanover Square, the absence of play space is considered acceptable
- Further information is required to demonstrate how many jobs will be created in association with the development and how local residents will benefit from jobs and training. The applicants have confirmed that they are willing to accept such a condition but this commitment relates only to construction jobs.
- The provision of the new hotel and flexible retail space is supported.
- The height bulk and massing of the building and use of materials responds well to the site context and is a high-quality design. The building makes efficient use of the site and the residential and hotel elements are well planned. The proposed development would not have any negative impact on neighbouring listed building, the Mayfair conservation area or non-designated heritage assets and is expected to have some positive impacts in townscape terms.
- The distance between the two blocks, at 5m, is considerably less than the recommended minimum between living spaces (18-21 m) but privacy will be maintained through interstitial blinds and flat layouts
- The development achieves London Plan standards with regard to accessibility.
- Valet parking and the creation of two parking bays for disabled drivers is welcomed.
- Further design measures to reduce unwanted solar gains should be investigated. The applicants have since provided additional information together with an explanation of the rationale behind the façade design (including deep window reveals, which will provide a degree of shading, added thermal mass and the use of internal blinds). Based on this information, GLA considers that the risk of

overheating has been minimised as far as possible, and has confirmed that no additional information is required.

- Full calculations should be provided to support savings in CO2 emissions claimed. (This information has since been provided).
- The applicants should investigate the potential for the development to be connected to any district heating network and should confirm that the residential and commercial uses will be connected to the site heat network, (providing a plan showing the route. (This information has since been provided. Council officers have confirmed that, at present, there are no networks in the area that the development can be connected to. On this basis, given the scale of the development, the GLA concurs that is not considered feasible to export heat to neighbouring developments and has confirmed that no further information is required in this regard).
- Full calculations should be provided to support the level of CO2 savings claimed from the CHP system. (This information has since been provided).
- Sustainable drainage measures, including the provision of green roofs, should be secured by condition. The applicants have confirmed that they are willing to accept such a condition
- The proposals are unlikely to have an adverse impact on the public transport system or the road network
- The level of parking provision is considered excessive (based on the original 44 spaces proposed). Given the good public transport accessibility of the site and, while complying with London Plan standard, should be reduced.
- GLA/TfL would encourage the creation of a car free development (with the exception of disabled provision), to allow the provision of more cycle parking or an alternative use. Residents should be prevented from applying for car parking permits as part of the s106.
- There is an over- provision of cycle parking for the hotel but a shortfall of 9 spaces for the flexible commercial use (based on an A1 use) and of 3 spaces for the residential use. Given the proximity of TfL's cycle hire scheme, funding for cycle hire membership for residents and staff, for a minimum period of 5 years, should be secured as part of the s106
- The provision of cycle facilities – showers, lockers etc – is welcomed and should be secured by condition. (This would be secured by condition)
- The development should fund further enhancements to its Hanover Square public realm scheme which should be secured under the s106 agreement. This could include enhanced Legible London signage to help pedestrians and cyclists identify areas of interest. (The current proposals for Hanover Square already include locations for Legible London signage).

- On street servicing is acceptable. The GLA/Tfl require the submission of a Delivery and Service Plan is required. (As previously, a Servicing Management Plan could be secured by condition)
- The GLA/Tfl require the submission of a Construction Logistics Plan should be secured by condition to manage the impact of the development on the local road network, including cyclists' safety. The applicants have indicated that they would be willing to accept such a condition (These matters would be considered as part of the Code of Construction Practice, and the applicants adherence to the COCP would be secured by condition).
- It is understood that the development will be served by taxi provision included in the Hanover Square public realm scheme. This reinforces the appropriateness of s106 contributions being secured from the developer for this scheme.
- A Travel Plan for each element of the scheme should be secured as part of the s106 agreement. As previously, the submission of a Travel Plan is not considered necessary.
- The development is liable to the Mayoral CIL

The applicants have confirmed their willingness to accept several of the recommended conditions, as detailed above. However, as the number of residential parking spaces is consistent with London Plan parking standards, (and is considered acceptable by the Highways Planning Manager subject to lifetime car club membership in association with each flat), the applicants consider that a reduction on the level of parking provision is unnecessary. The City Council does not support measures to prevent residents applying for parking permits.

As the proposed development follows the existing building line, there is no opportunity to address the shortfall in short-stay visitor cycle parking, which needs to be immediately and easily accessible, at surface level. As the level of cycle trip generation for the proposed development is less than that for the existing office use, there is no need for any site-specific mitigation in respect of cycle parking. There is also general on-street cycle parking which could be enhanced as part of the Hanover Square public realm proposals. On this basis, the applicants do not consider that it would be necessary for the development to fund membership of TfL's cycle hire scheme and officers concur with this view.

It is noted that the GLA also refers to a shortfall in the level of residential parking provision.

As detailed in section 8.4 above, the Highways Planning Manager considers that the level of car and cycle parking is acceptable, subject to appropriate mitigation measures.

## **8.9 Planning Obligations**

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force. These 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.

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) imposed 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 the 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 Regulations also prevent “double dipping” where contributions for infrastructure works financed by CIL (which would previously have been financed using pooled public realm contributions) cannot also be financed through s106 contributions.

The City Council introduced the Westminster CIL on 1 May 2016. The Council’s approach to CIL and s106 planning obligations is set out in the Council’s Draft Supplementary Planning Document :The Use of Planning Obligations and Other Planning Mechanisms” (August 2015). This confirms that Section 106 agreements will still be required for infrastructure required to address site specific mitigation – typically for things within or on the boundary of a development which, if they went unaddressed, would mean the development was unacceptable in planning terms and would have to be refused (author’s underlining). CIL, on the other hand, will be used to fund delivery of infrastructure requiring an area-based approach and/or more resources than it is reasonable to expect to be able to secure from a single development. Local authorities were not permitted to pool S106 contributions and from this date, the funding of projects previously financed by pooled s106 contributions was financed through CIL.

The Draft SPD confirms that the Regulations prevent planning obligations from being taken into account if they provide for the funding or provision of “relevant infrastructure” where a CIL has been adopted. “Relevant infrastructure” means any infrastructure at all, unless a charging authority has published a list of infrastructure types or projects that it intends will be, or may be, wholly or partly funded by CIL.

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.

In March 2015, prior to the introduction of these Regulations, the planning committee resolved to approve a scheme for the over station development at 18-19 Hanover Square and adjacent sites, (14/12787/FULL). In that case, it was considered acceptable to direct a public realm contribution towards the emerging public realm scheme in Hanover Square on the basis that this was an identified scheme, rather than a “pooled” contribution, and could therefore be considered to comply with the CIL Regulations. However, there was a difference between that approved scheme and the previous application for 22-23 Hanover Square (which was considered by the Planning Committee on 20 October 2015) as, while the scheme for the over-station development triggered a public realm contribution under the adopted Supplementary Planning Guidance On Planning Obligations (2008), the scheme for 22-23 Hanover Square did not.

For this reason, the previous committee report recommended that the applicant’s proposed contribution towards public realm improvements should go towards the provision of affordable housing. However, the Committee resolved to approve the application, subject to contributions of £10M towards affordable housing and £2M towards public realm improvements in Hanover Square, with the money to be index linked and paid upon the commencement of development.

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

a) A contribution to the City Council’s affordable housing fund of either £12M, £9,523,548 or £7,523,000. This contribution should be index linked and payable upon the commencement of development)

The applicants have submitted a statement to support their view that their proposed £2M public realm contribution should be considered acceptable for the following reasons:

- CIL is intended to provide infrastructure to support the development of an area, rather than making individual planning applications acceptable in planning terms. As a result, some site-specific impact mitigation may still be necessary in order for a development to be approved. Some of these needs may be provided for through CIL but others may not, particularly if they are very local in their impact. Therefore, there is still a legitimate role for development-specific planning obligations to enable the specific consequences of a particular development to be mitigated.
- No more than five pooled obligations since April 2010 may be collected in respect of a specific infrastructure project through section 106 agreements, if it is a type of infrastructure that is capable of being funded by CIL. Public realm improvements are infrastructure (set out in the Council's Regulation 123 List), which may be funded by CIL. No more than five pooled s106 financial contributions have been secured by the Council for the delivery of the Hanover Square Masterplan since April 2010.
- The proposed uses necessitates a change to the public realm in the vicinity of the site to accommodate the increased number of visitors to the building, their means of arrival throughout the day and the 24 hour/7 day nature of the use. These considerations should form part of the Hanover Square Masterplan proposals.

- Public realm improvements which are necessary for the development to function successfully in conjunction with the overall function of Hanover Square would be, by their nature, directly related to the development.
- A financial contribution of £2m out of a cost of approximately £250m (0.8%) to deliver the development is considered to be related in scale and kind to the development.

It is acknowledged that no more than five pooled contributions will have been collected to finance public realm improvements in Hanover Square since April 2010. It is also accepted That the proposed public realm contribution is relatively modest in relation to the cost of the development, and could be considered to be appropriate in terms of its scale. However, the CIL Regulations require a s106 planning obligation to meet all three tests set out above, including the requirement that the obligation is necessary to make a development acceptable in planning terms. Other than the creation of the crossover to accommodate the proposed car lift, no changes are considered necessary to the public realm to make the scheme acceptable . The Hanover Square improvements are largely necessitated as a result of the Crossrail development and, in the absence of the Crossrail development or the Hanover Square scheme, the proposed development would still be considered acceptable in this location.

The proposed contribution to the affordable housing fund of £7,523,548 is significantly less than the £12M that the Council's viability consultant considers that the scheme can support. As adopted policies do not permit affordable housing payments to be diverted to fund other initiatives, it is again considered that the offer of £2M towards public realm improvements should be redirected to the affordable housing fund.

In view of the total package of contributions (for affordable housing and public realm improvements) that was accepted in support of the approved scheme, and as the current development, is similar in many other respects, but provides twice as many new flats, the Committee is asked to consider

- i) whether the that the applicant's total proposed contribution of £12m for affordable housing, public realm improvements and CIL (£2,476,452) is acceptable and, if so
  - ii) whether the £2m currently proposed for public realm improvements is acceptable or whether the entire sum remaining after the CIL payment is deducted (i.e. £9,523,548) should be directed to the City Council's affordable housing fund.
- b) Costs of highways works around the site to facilitate the development (including the creation of a new crossover).
  - c) A Lift Management and Maintenance Plan
  - d) Unallocated residential parking
  - e) Life time car club membership (minimum 25 years) in association with the 81 flats
  - f) an employment and training opportunities strategy



g) Monitoring costs

### **8.10 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.

### **8.11 Environmental Impact Assessment**

Environmental impact issues are covered elsewhere in this report

### **8.12 Other issues**

#### **8.12.1 Crime prevention**

The applicants have met with the Crime Prevention Officer who, whilst having no major concerns about the scheme, provided some advice about the security of the external lobby space at ground floor level, the protection of lift and stair cores and measures associated with deliveries, the use of the fire escape route and staff access. None of these issues raised require amendments to the scheme.

### **8.13 Conclusion**

The site is in an important location on Hanover Square. The proposal will result in a comprehensive redevelopment of the site to provide a mixed use scheme that will contribute to the character and function of this part of the Mayfair Conservation Area.

The new building is considered to be of a high quality design that will be appropriate for the site and will enhance the townscape and the setting of adjacent listed buildings.

Subject to appropriate controls, the scheme is considered acceptable in terms of the amenities of neighbouring occupiers and future residents.

The scheme is generally considered acceptable in land use terms subject to consideration of the proposed package of s106 contributions

## **9. BACKGROUND PAPERS**

1. Application form
2. GLA Stage 1 report dated 24 October 2016 and e-mails dated 11 November and 15 December 2016
3. Email from Transport for London dated 20 September 2016
4. Email from Crossrail dated 16 September 2016
5. E-mail from Thames Water dated 21 September 2016
6. Response from Historic England (Listed Builds/Con Areas), dated 12 September 2016
7. Response from Historic England (Archaeology) dated 14 September 2016
8. Memorandum from Building Control dated 10 January 2017

9. Memoranda from Highways Planning dated 7 October 2016 and 12 January 2017
10. Memorandum from Environmental Health dated 13 December 2016
11. Memorandum from Projects Officer (Waste) dated 19 September 2016
12. Email from Housing Supply Manger dated 2 February 2017
13. Memorandum from Metropolitan Police dated 22 September 2016
14. Letter from occupier of 24 Hanover Square, London, dated 23 September 2016
15. Letter from occupier of Flat 5, 27 St George Street, dated 14 September 2016
16. Email from Housing Supply Manager dated 2 February 2017

### **Selected relevant drawings**

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT [mwalton@westminster.gov.uk](mailto:mwalton@westminster.gov.uk)

Item No.
<b>2</b>

**10. KEY DRAWINGS**









FOR PLANNING APPLICATION

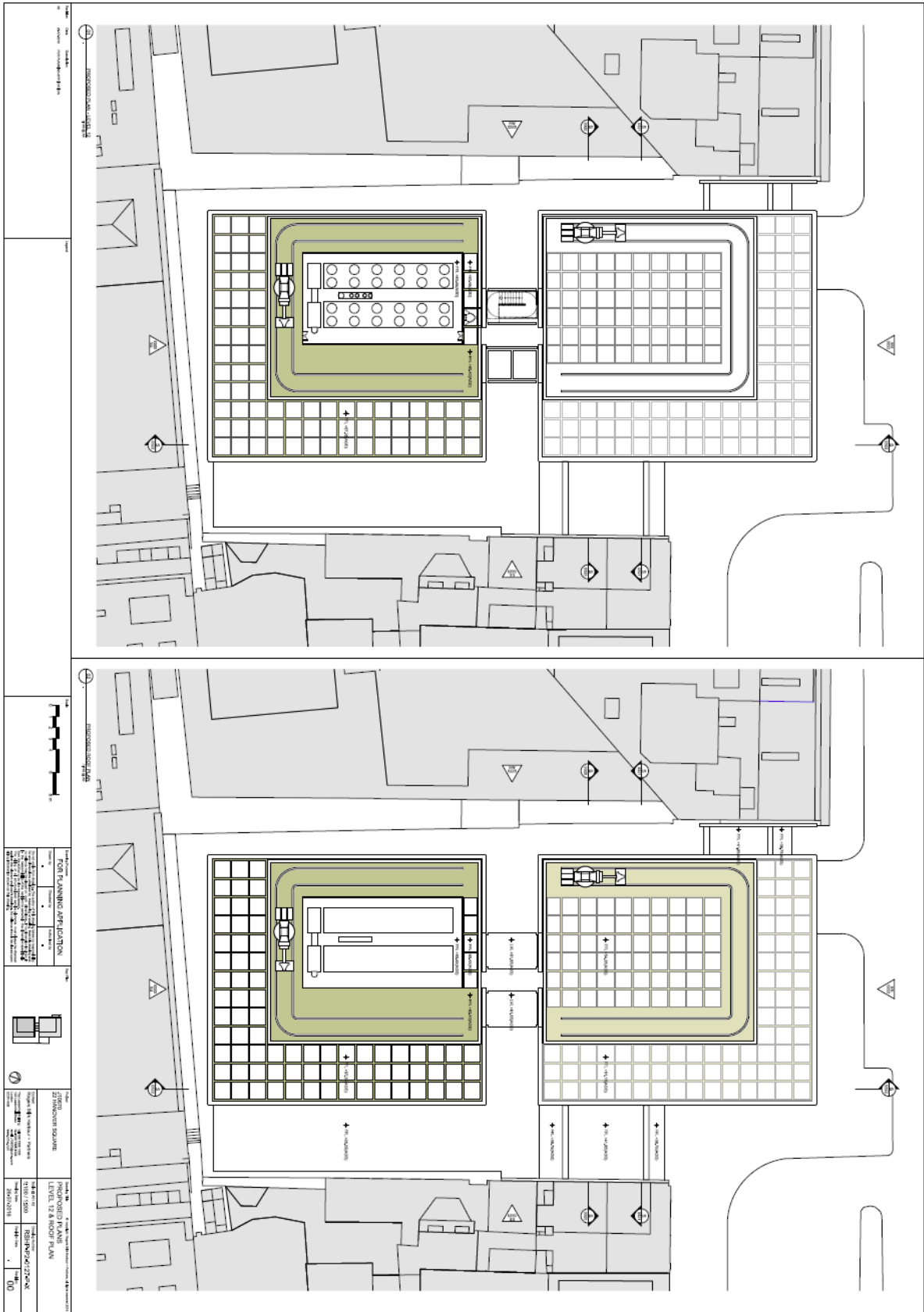
2/FLOOR SQUARE

PROPOSED PLANS LEVEL 09 & LEVEL 08

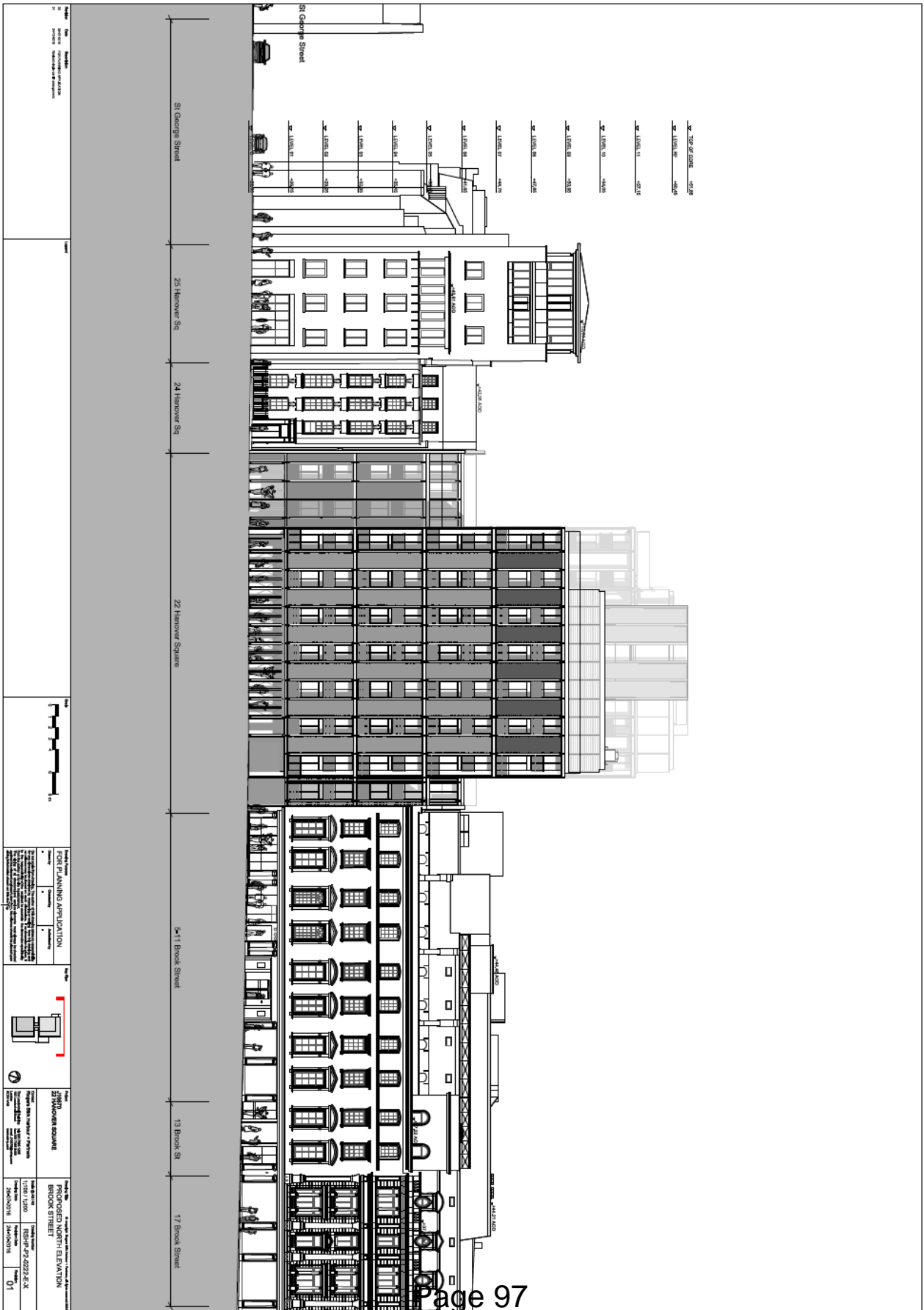
DATE: 10/10/2019

PROJECT: 100-100-100-100

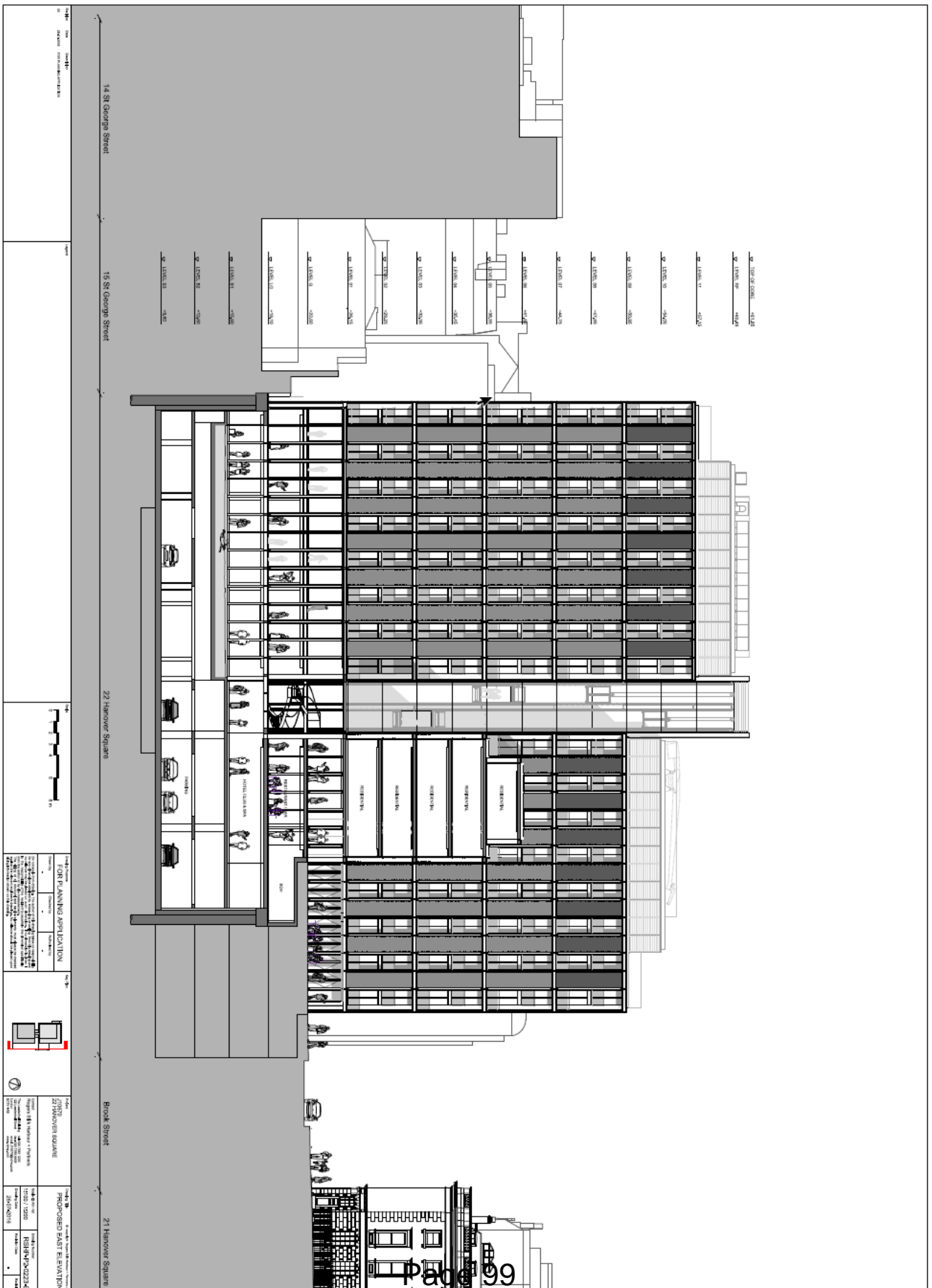
REVISION: 00











**DRAFT DECISION LETTER**

**Address:** 22 Hanover Square, London, W1S 1JA,

**Proposal:** Demolition and redevelopment to provide a new building on three basement levels, lower ground, ground and first to part ninth/part eleventh floors to provide a hotel with ancillary bars / restaurants / leisure facilities and private dining / meeting rooms (Class C1), up to 81 residential units (Class C3), a flexible / alternative restaurant (Class A3) / hotel restaurant (Class C1) / retail (Class A1) use on part lower ground/part ground floors, basement car and cycle parking, plant at basement and roof levels, alterations to existing access on Brook Street and associated works.

**Reference:** 16/07404/FULL

**Plan Nos:** Plan Nos: RSHP-P2-/0120-P-X Rev 01, 0121-P-X Rev 01, 0122-P-X Rev 01, 0123-P-X, 0124-P-X Rev 01, 0125-P-X, 0126-P-X, 0127-P-X, RSHP-P2-/0220-E-X Rev 01, RSHP-P2-/0221-E-X,,RSHP-P2-/0222-E-X Rev 01, RSHP-P2-/0223-E-X,RSHP-P2-/0224-E-X,RSHP-P2-/0225-E-X RSHP-P2-/0320-S-X,RSHP-P2-/0321-S-X,RSHP-P2-/0322-S-X, RSHP-P2-/0500-D-X, RSHP-P2-/0500-D-X, RSHP-P2-/0500-D-X, RSHP-P2-/0500-D-X, RSHP-P2-/0511-D-X, RSHP-P2-/0520-D-X Rev 1, RSHP-P2-/0521-D-X, RSHP-P2-/0522-D-X, RSHP-P2-/0523-D-X, RSHP-P2-/0524-D-X,

Air Quality Assessment (Peter Brett Associates July 2016)

**Case Officer:** Sara Spurrier

**Direct Tel. No.** 020 7641 3934

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

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

**Reason:**

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

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

**Reason:**

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

10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

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

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

Reason:

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

- 5 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme -, - the introduction of a scheme of public art in the form of decorative gates to the arcade entrance.

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

Reason:

To secure the offer of public art 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. (R26GC)

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

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

- 7 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings showing how you will support and protect the party walls. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C28BB)

Reason:

To protect the party walls around the site and the structure, fabric and special interest of the grade II listed building at No. 24 Hanover Square

- 8 No demolition or development shall take place until a written scheme of investigation (WSI.) has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include a statement of significance and research objectives and
- A The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- B The programme for post-investigation assessment and subsequent analysis, public and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 9 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of 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 structures including tunnels, shafts and temporary works, (ii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail railway within the tunnels and other structures, (iii) Mitigate the effects on Crossrail of ground movement arising from the development,

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

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

- 10 None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing by, the local planning authority to include arrangement to secure that, during any period when concurrent construction is taking place of both the permitted development and of

the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of Crossrail structures and tunnels is not impeded.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

- 11 None of the development hereby permitted shall be commenced until you have submit until a detailed assessment of the impact of the permitted development has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the revised loads transmitted and strains imposed on Crossrail tunnels during the execution of i) scheduled demolition ii) basement excavation iii) construction of the basement iv) construction of the shell and core and v) in the long term do not exceed the design envelope or performance requirements of these structures

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

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

front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing 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 (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 13 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 11 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 (November 2016), by contributing to reducing excessive ambient noise levels.

- 14 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.

- 15 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.



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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 17 You must 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 15 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:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 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 (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 19 The development shall incorporate air quality mitigation measures as set out in the submitted air quality assessment (PBA July 2016)

Reason:

To protect the living conditions of people who may use the property in future as set out in S31 of Westminster's City Plan: Strategic Policies adopted November 2013 January 2007. (R13DC)

- 20 You must apply to us for approval of detailed drawings and full particulars, including details of sound and odour attenuation measures, of the design, construction and insulation of the system for the extraction of cooking smells, , i) for the hotel, , ii) for the Class A3 unit on part lower ground/part ground floors, in the event that this use is implemented.,, 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 and must not change it without our permission.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 21 You must apply to us for approval of details of the CHP flues, including details of how they will be built and how they will look. You must not begin the uses 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. (C14BB)

Reason:

To protect the living conditions of neighbouring occupiers and people who may use the property in future as set out in S31 of Westminster's City Plan: Strategic Policies adopted November 2013 January 2007. (R13DC)

- 22 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 (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 23 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)

- 24 You must provide each cycle parking space shown on the approved drawings prior to occupation of the building and a minimum of 123 cycle parking spaces for the flats, a minimum of 3 cycle parking spaces for

hotel staff and a minimum of 4 cycle parking spaces for the Class A use shall be retained and the space used for no other purpose.

Reason:

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

- 25 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. 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 stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the building. (C14EC)

Reason:

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

- 26 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 (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 27 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 occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 28 Non-resident hotel guests shall not be permitted to access, or to remain within, any part of the hotel except between 0700 and 2400 each day.

Reason:

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

- 29 Customers shall not be permitted within the Class A3 restaurant hereby approved before 07.00 or after 24.00 each day. (C12AD)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 30 You must not allow more than 395 customers in the hotel restaurants and bars, 10 customers in the hotel lobby/lounge bars and 60 customers in the hotel private dining rooms.

Reason:

In accordance with the submitted application and to ensure that the use will not cause nuisance to people in the area. This is as set out in S21, S23, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 2, TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 31 You must not allow more than 140 customers into the Class A3 restaurant hereby approved at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and ENV 6 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 32 All opening windows/doors to the ground floor frontage of the Class A3 restaurant/hotel restaurant (Class C1)/ shop (Class A1) hereby approved shall be closed between 22.00 and 07.00 the following day.

Reason:

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

- 33 You must apply to us for approval of a management plan including full details of the hotel operation including measures to prevent customers who are leaving the hotel restaurant and bars (Class C1) causing nuisance for people in the area, including people who live nearby and including future residents of the proposed development. You must not start the hotel use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the hotel is in use. (C05JB)

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 (November 2016) and TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 34 You must apply to us for approval of a management plan including full details of measures to prevent customers who are leaving the restaurant (Class A3) causing nuisance for people in the area, including people who live nearby and future residents of the proposed development. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use. (C05JB)

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 (November 2016) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 35 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

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

- 36 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the proposed living 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 protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

(R43CB)

- 37 Prior to the occupation of the development details of a vehicle signalling system for the proposed car lift shall be submitted to and approved in writing. The approved vehicle signalling system shall be installed, permanently retained and operated in accordance with the approved details.

Reason:

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

- 38 You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 39 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application: CHP system. 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 (November 2016). (R44AC)

- 40 Prior to the occupation of the development electric vehicles charging points (active) for a minimum of 8 car parking spaces (20%) and electric vehicle charging points (passive) for a minimum of 8 vehicles (20%) shall be provided. These charging points shall permanently retain and maintained for the life of the development.

Reason:

In accordance with policy 6.13 of the London Plan 2015

- 41 All vehicles shall enter and exit the site in forward gear

Reason:

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

2007. (R24AC)

- 42 “No development should occur between the footway and a depth of 900mm.

Reason:

To ensure that services and essential street furniture can be provided as set down in policy TRANS 19 of the City of Westminster Unitary Development Plan adopted January 2007

- 43 All servicing must take place between 0600 and 2200 each day. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

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

- 44 At least two of the residential parking spaces hereby approved shall be accessible to wheelchair users.

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)

- 45 Prior to occupation you shall submit and have approved in writing by the local planning authority a detailed servicing management strategy. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

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 (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 46 You must apply to us for approval of detailed drawings and full particulars of measures to prevent overlooking from , i) the private terraces at ninth and eleventh floor levels and, ii) the communal terrace at tenth floor level , , to residential windows within the development., , 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 drawings. (C26DB)

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 (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

- 47 You must apply to us for approval of a management plan including full details of hotel and shop/restaurant staff cyclist showering/changing/storage facilities. You must not start the hotel or shop/restaurant uses until we have approved what you have sent us. You must then provide the facilities detailed in the management plan at all times that the hotel and shop/restaurant are in use. (C05JB)

Reason:

In accordance with policy 6.9 of the London Plan (March 2016)

- 48 You must apply to us for approval of a management plan to demonstrate that no hotel booking will be taken from guests arriving by coach as confirmed in the email from DP9 dated 26 January 2017. You must not start the hotel use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the hotel is in use. (C05JB)

Reason:

To make sure, in the absence of coach parking facilities, that the use will comply with TACE 2 6 of our Unitary Development Plan that we adopted in January 2007.

- 49 You must not use the areas of flat roof at first floor level for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance 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 (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

- 50 You must apply to us for approval of , i) plans showing the layouts of the flats hereby approved and, ii) key plans and detailed drawings showing the location and design of the proposed interstitial blinds., , 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. (C26DB)

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 (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

- 51 No 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 approved piling method statement,



**Reason:**

The proposed works will be in close proximity to underground sewerage utility infrastructure.

- 52 Any structure (including canopies/awnings) projecting over the footway (highway) must maintain a minimum 2.6m vertical clearance from the footway surface at all times and must maintain a minimum clearance of 1m from the kerb edge.

**Reason:**

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

- 53 You must apply to us for approval of details of the CHP system to demonstrate that it will operate in accordance with the standards set down in the GLA's SPG on Sustainable Design and Construction. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

**Reason:**

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

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.

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# Agenda Item 3

Item No.

3

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>Site 1 Macintosh House , 54 Beaumont Street, London, W1G 6DW</b>  <b>Site 2 7-8 Park Crescent W1</b>		
<b>Proposal</b>	<p>1) Demolition of existing building and erection of a new building comprising 2 x basements, ground and part four and part five upper floors for with plant at roof level for use medical purposes (Class D1).</p> <p>2) Alterations including the provision of secondary glazing to the front elevation at lower ground, ground and first floors, and replacement windows to the rear elevation at ground, first and mezzanine levels, insertion of roof lights and courtyards to lower ground floor level and internal alterations in connection with the use as 7 residential flats (C3)</p>		
<b>Agent</b>	Montagu Evans		
<b>On behalf of</b>	Howard De Walden Estate Limited		
<b>Registered Number</b>	Site 1 16/09208/FULL Site 2 16/09212/FULL 16/09213/LBC	<b>Date amended/ completed</b>	6 October 2016
<b>Date Application Received</b>	26 September 2016		
<b>Historic Building Grade</b>	1)Unlisted 2) Grade 1 listed		
<b>Conservation Area</b>	Sites 1 + 2 - Harley Street		

## 1. RECOMMENDATION

Site 1:

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

i) the provision of 7 residential flats (ready for occupation) at 7 Park Crescent on or before the date of

occupation of Macintosh House 54 Beaumont Street for medical purposes (Class D1).

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.

Site 2

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

- i) not to occupy 7-8 Park Crescent for residential purposes (Class C3) prior to the commencement of development at Macintosh House 54 Beaumont Street in connection with the provision of the medical floorspace approved under application 16/09208/FULL.
- ii) Lifetime car club membership ( minimum 25 years ) for each residential unit payable on first occupation

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) Grant conditional listed building consent

3) Agree reason for granting listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

These applications relate to two separate sites within the Howard De Walden Estate and the Harley Street Conservation area, outside the Core Central Activities Zone (CAZ) within the wider CAZ. At site 1) Macintosh House Beaumont Street permission is sought for the redevelopment of a 1960's building which the lawful use is a HMO, to provide a new building for specialist medical diagnostic and consulting facilities (Class D1). In order to offset the loss of the lawful residential HMO at Macintosh House, it is proposed to link the development to a scheme at 7-8 Park Crescent (site 2). Permission and listed building consent is sought for alterations in connection with the conversion of the lower ground, ground and first floors from medical (Class D1 ) to seven residential flats ( Class C3).

The key issues for consideration are :

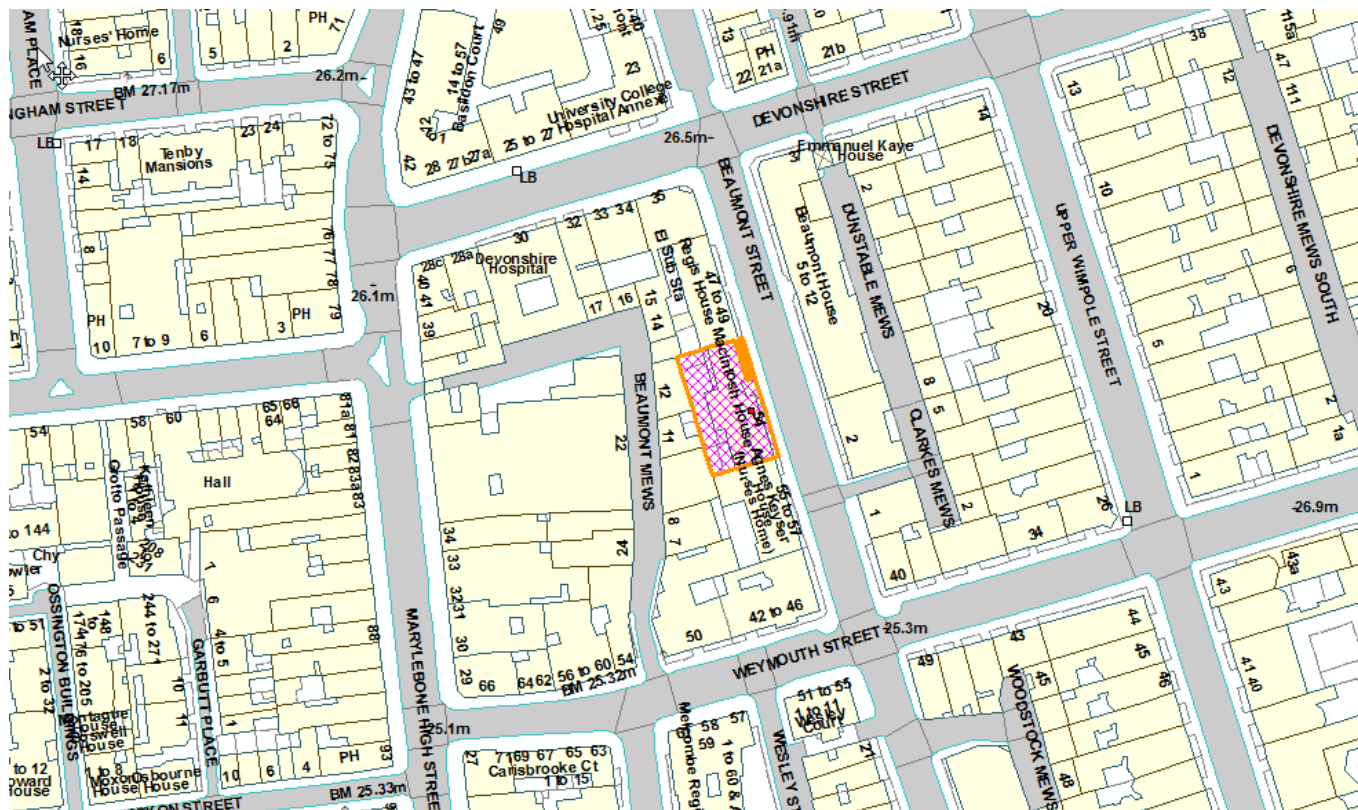
- The land use implications across both sites; and
- The impact of the new building at Macintosh House ( site 1) on the townscape and character and appearance of the Harley Street Conservation Area.

Across both sites the schemes would result in the provision of 1,876 m<sup>2</sup> of medical floorspace ( Class D1), and 985m<sup>2</sup> residential ( Class C3) and the loss of 1,572 m<sup>2</sup> of HMO. The provision of new residential and medical accommodation would maintain a mix and balance of uses that is appropriate to the area and are acceptable in land use terms.

Macintosh House is a 1960's building of a modern but undistinguished design. It does not make a positive contribution to the Conservation Area. In 2010 permission was granted for a redevelopment scheme (unimplemented). The principle of demolition has been established. The proposal would result in the provision of a new building which is taller than its neighbours and the design references a modern art deco style. This is welcomed and would enhance the character and appearance of the Harley Street Conservation Area. At site (2) No's 7-8 Park Crescent the works are of a much more modest nature, the main works involve the provision of rear lower ground floor lightwells. The alterations are again considered acceptable in design terms and would not adversely impact on the Grade 1 listed buildings.

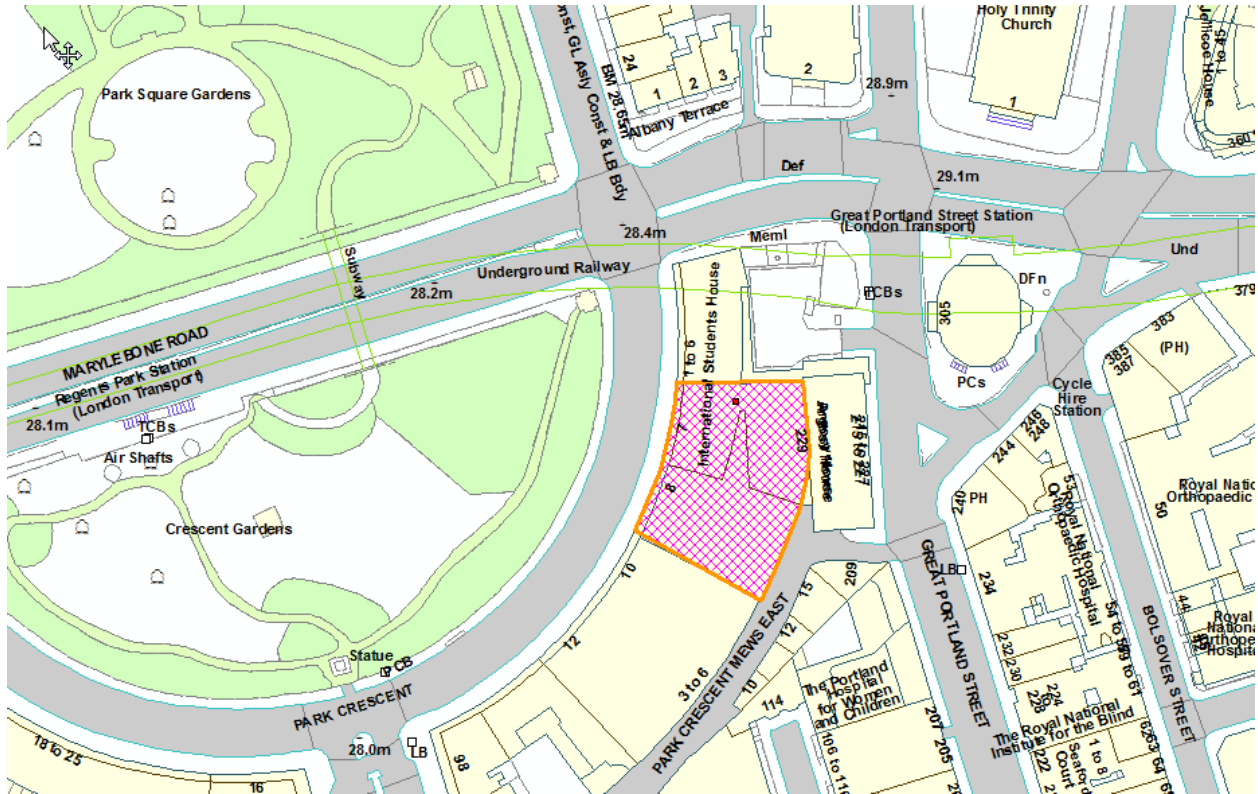
In other respects the schemes at both sites are considered acceptable, subject to appropriate conditions, in accordance with adopted UDP and City Plan Policies. The applications are therefore considered acceptable and are recommended for approval.

### 3. LOCATION PLAN



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**Site 1 Macintosh House , 54 Beaumont Street, London, W1**



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## Site 2 7-8 Park Crescent W1

4. PHOTOGRAPHS

3 Feb 2017 09:37:11



Site 1 Macintosh House , 54 Beaumont Street W1,



3 Feb 2017 08:50:36



Site 2 7-8 Park Crescent W1

## 5. CONSULTATIONS

### Site 1

Marylebone Association

Any response to be reported verbally.

Highways Planning - Development Planning

No objection, subject to a conditions requiring a servicing management plan and cycle parking.

Cleansing - Development Planning

Objection, advise that the waste stores provided are too small to cope with the amount of waste expected, further details of waste provision should be secured by condition.

Thames Water Utilities Ltd

Request that permission is subject to approval of a drainage strategy

Building Control

Comment that the applicant should be advised that appropriate approvals should be obtained from relevant statutory authorities prior to the commencement of works

Environmental Health

No objection, subject to noise conditions

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 191

Total No. of replies: 2

No. of objections: 2

2 objections received on the following grounds:

Design

The new building would dwarf the existing structure and would be considerably higher than buildings either side. It would have a detrimental effect on the street and set an unwelcome precedent.

Noise and disturbance during construction work

PRESS ADVERTISEMENT / SITE NOTICE: Yes

### Site 2

Marylebone Association

Any response to be reported verbally.

Environmental Health

No objection subject to noise conditions.

Cleansing

Request that further details of refuse is secured by condition.

Highways Planning Manager

No objection subject to the provision of cycle parking and securing lifetime car club membership.

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

No. Consulted: 32

Total No. of replies: 4

No. of objections: 4

4 letters of objection on some or all of the following grounds:

The existing clinic provides a valuable service and its loss favour of residential would be harmful to the character and function of the Central Activities Zone.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Sites

#### Site 1 Macintosh House Beaumont Street

The application site lies on the western side of Beaumont Street and comprises a four storey building (plus basement) known as Macintosh House. The building which was built in the 1960's was used until 2010 by the City Council to provide accommodation for the elderly in the form of 28 non self-contained flats (HMO). The building is currently in temporary use as a Public Library on the lower ground to first floor. The upper floors are vacant.

Macintosh House is the central of three blocks which make up most of street the frontage. The buildings on each side are both an additional storey higher across their full extent and also each have a further set back storey on top of this. The building to the north is known as Regis House and accommodates 20 residential flats; whilst the building to the south is a nurses' hostel known as Agnes Keyser House.

To the rear of the site is Beaumont Mews, which is accessed from Marylebone High Street and Weymouth Street. The nearest residential accommodation are dwellinghouses at Nos 11 and 12-13 Beaumont Mews.

The area is characterised by a mixture of medical and residential uses and to a lesser extent office accommodation. The site lies outside the Core Central Activities Zone and is also just outside the Harley Street Special Policy Area (SPA). The eastern side of Beaumont Street is within the SPA. The King Edward VII Hospital occupies much of the eastern side of the street whilst the Weymouth Street Hospital occupies the junction of Beaumont Street and Devonshire Street to the south of the application site.

The site lies within the Harley Street Conservation Area and is identified in the Harley Street Conservation Area Audit as making a negative contribution to the conservation area.

### **Site 2 7-8 Park Crescent**

The site comprises two terraced properties within the eastern section of Park Crescent. The building comprises, lower ground, ground and three upper floors, including a mezzanine between first and second floors. These are mixed use buildings comprising residential accommodation on the top two floors and medical accommodation on the lower ground, ground and first floors ( Class D1). The lower ground floor occupies the full extent of the site to the rear. Access to the residential on the second and third floors is via No.8. No.7 provides access to the ground and first floors across both buildings and part of the lower ground floor.

The application relates to the lower ground, ground and first floors only. The second and third floors of the building are not part of the application site.

The building is Grade I listed located within the Regent's Park Conservation Area. It is also located within the Marylebone and Fitzrovia sub-area of the Central Activities Zone. It was completely reconstructed as a facsimile in 1959. Behind the front façade is a modern concrete framed building which is unremarkable in architectural terms. As a result there is nothing of architectural interest beyond the facade.

To the rear of the site is a building comprising student accommodation which physically abuts the site.

## **6.2 Recent Relevant History**

### **Site 1**

11 May 1961: Planning permission granted for the redevelopment of the site for a five storey building including basement for use as 21 single and seven double flats for the elderly, warden's basement flat and a communal room.

On 31 January 1964 permission was granted for:

"The revised front and rear elevations of the building at present under construction, for use as 21 single and 28 double flats for old people, a warden's flat and communal room, at 50-54 Beaumont Street, St Marylebone."

Planning Permission and Conservation Area Consent was subsequently granted on 9 December 2010 ref 10/07973/FULL and 10/07974/CAC, for:

"Demolition of existing building and erection of five and part six storey building with basement and sub-basement to accommodate medical use (Class D1) at basement and ground floor level, 24 non self-contained residential units with communal bathrooms and common room (sui generis use) on the first to fifth floors and plant room at sub-basement level."

Since this time, the building has been put to use over the lower ground, ground and first floors as a library. Planning permission was granted on 26 February 2013, under reference 12/12466/COFUL for:

“Temporary use of basement, ground, and first floors as a public library (Class D1) until 30 September 2015.”

Condition 2 of that permission states:

“On cessation of this temporary use, these floors must return to their previous condition and use as part of a house in multiple occupation (Sui Generis).”

## Site 2

None directly relevant to the current application

## 7. THE PROPOSAL

### Site 1

Permission is sought on behalf of the Howard De Walden Estate for the redevelopment of Macintosh House, Beaumont Street to provide a new building for specialist medical diagnostic and consulting facilities (Class D1). The new building will comprise 2 x basements, ground and four upper floors with a setback 5<sup>th</sup> floor and plant above. The buildings form and function have been designed having regard to the King Edward VII hospitals requirements who occupy the site on the eastern side of Beaumont Street opposite and Agnes Keyser House directly to the south. The aspiration is that the new medical space will be occupied by King Edward VII hospital and discussions are on-going with the Howard De Walden Estate regarding the hospitals occupation.

### Site 2

To offset the loss of residential at Macintosh House it is proposed to link the development to applications at 7-8 Park Crescent, a Grade 1 listed building. The lawful use of 7-8 Park Crersent is medical (Class D1). Planning and listed building consent are sought for internal and external alterations in connection with the conversion into 7 residential flats (Class C3).

The residential comprises 1 x 4 bedroom flat over first and mezzanine floors, with the living accommodation facing Park Crescent and the bedrooms facing to the rear. 1 x 3 bedroom flat over ground and lower ground floors fronting Park Crescent, 4 x 1 bedroom flats at lower ground floor level and 1 x 2 bedroom flat at ground floor level.

The three bedroom flat is accessed solely and directly from the entrance at 7 Park Crescent, while the remaining flats will be accessed from the residential entrance at 8 Park Crescent. All the flats would have access to the communal gardens opposite the site. The two bed flat has a private rear terrace, while the one bed apartments will have courtyard spaces, which are created by removing part of the roof of the lower ground floor level, which extends out beyond the rear façade of the building.

New windows are provided for the apartments to the rear elevation to match those on the top two floor. Secondary glazing is proposed to the front facing flats. The vaults underneath the pavement are utilised for bin storage, cycle storage and plant.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The proposed floorspace figures are set out in the table below:

	Existing Area	Proposed Area	+/-
Medical D1	1,087	2,963	+1876
HMO	1,572.8	0	-1,572.8
Residential (C3)	0	985	+985
Total	2,659.8	3,948	+1,288.2

#### Land USE

##### Site 1

##### Loss of HMO

Macintosh House is currently in use as a temporary library on the lower ground, ground and first floors, the upper floors are vacant and were previously in use as an HMO, non self-contained residential accommodation, providing housing for the elderly.

The HMO comprised 28 non self-contained residential units in the form of 21 single bedrooms and 7 double bedrooms each with its own attached toilet and small kitchen but with shared bathroom facilities and a communal lounge. This accommodation which was ran by the City Council was substandard and did not comply with Housing legislation. Permission was granted for a redevelopment scheme in 2010 which would have provided medical facilities at sub-basement, basement and ground floor levels and 24 non self-contained flats on the upper floors. This permission was not implemented and has subsequently lapsed.

Under UDP policy H7 HMOs are protected where they provide satisfactory accommodation under Housing and Environmental Health legislation. In 2010, studies conducted by the Director of Housing found Macintosh House to be substandard, particularly due to the small size of the units and that the accommodation couldn't reasonably be brought up to standard. The building was considered surplus to requirements. The 2010 permission was not implemented and the site has not been used as an HMO since 2010. The lease is due to be surrendered in 2017.

Consequently policies regarding HMO accommodation need to be balanced against the poor condition of the housing, the long term vacancy and the fact that the accommodation is surplus to housing requirements. Furthermore the accommodation is not a form of affordable housing as there were no conditions or Section 106 obligations limiting the rent that could be charged. It was essentially private residential accommodation where occupants shared a bathroom. In the circumstances the loss of the HMO accommodation is considered acceptable.

##### Public Library

The lower floors are in temporary use as the Marylebone library which will be initially relocated to 9-11 New Cavendish Street. The intention is that in the long term this will be relocated to part of the Seymour Leisure Centre which will be the subject of a separate application.

##### Medical.

The new building will provide medical consulting rooms, diagnostic facilities with associated supporting facilities. Discussions are on-going between the applicant and the King Edward VII Hospital and the building has been designed to meet their requirements. As a whole this would provide 2,963 m<sup>2</sup> of medical floorspace across the basement, lower ground ground and four upper floors plus plant room.

The King Edward Hospital is located on the eastern side of Beaumont Street immediately opposite the site. Agnes Keyser House which is also part of the hospital is located directly to the south of Macintosh House. The King Edward VII hospital need to expand and site constraints prevent this on its own site. Macintosh House is one of the few sites capable of delivering the new medical facilities to meet its needs given the location directly opposite and adjacent to the hospital. The aspiration is for the new medical floorspace to meet the needs of the King Edward VII. The scheme has been designed with this in mind and discussions are on-going between the Howard De Walden Estate and the King Edward VII hospital.

The site lies outside the Core CAZ in the Marylebone Sub- Area of the CAZ. Medical uses serve both the local and wider communities. City Plan Policy S34 is applicable which states that new social and community facilities will be encouraged throughout Westminster. Policy SOC 5 relates to private medical facilities. The policy states that outside the Harley Street Special Policy Area proposals for private medical facilities will be assessed in relation to the demand for them, the scale and location of the facility and its impact on the area in environmental terms.

Although the site on the western side of Beaumont Street is just outside the Harley Street SPA ( the eastern side lies within the SPA) the street has a strong medical character. The provision of medical facilities at Macintosh House is considered acceptable and would not be harmful to the character of the area.

#### Site 2

Policy S34 seeks to protect medical floorspace, consequently there is a presumption in retaining the medical floorspace (Class D1) at 7-8 Park Crescent. However the loss of medical is acceptable as this will be re provided at Macintosh House and across both sites there would be an addition of 1,876 m<sup>2</sup> of medical floorspace. The re-provision of a greater quantum of improved medical floorspace with Marylebone Area of CAZ is considered acceptable.

#### Residential at 7-8 Park Crescent

City Plan policy S14 states that residential use is a priority across Westminster except where specifically sated and the Council will seek to achieve and exceed its borough housing target as set out in the London plan. The policy seeks to optimise the number of residential units. The scheme will provide 7 new units. The proposed mix is 4 x 1 bed, 1x 2bed, 1x 3 bed and 1x 4 bed.

The new flats would meet the Mayor's dwelling space standards set out in London Plan Policy 3,5. Overall the level of accommodation is considered acceptable.

The scheme across both sites would maintain the balance of uses in this part of the Central Activities Zone. The medical use at Park Crescent will be relocated to Macintosh House and the provision of residential at Park Crescent would offset the loss of the sub-standard long term vacant HMO at Macintosh House as a land use package this is considered acceptable. The respective uses will be secured via Section 106 agreements to ensure the delivery of both the medical and residential uses.

## 8.2 Townscape and Design

#### Site 1

The building dates from the latter half of the last century and is of modern but undistinguished design. It does not make a positive contribution to the character and appearance of the Harley

Street Conservation Area and its demolition is uncontentious in principle. The urban design issue to be considered are the merits of the proposed building and its impact on the street and the conservation area.

The proposed building is taller than the existing building, and taller than its neighbours to the north and south. It is five storeys above street level, with two basement levels. There is a substantial plant room on the roof, set back from the street frontage. Although the building is taller than the adjoining buildings it is not as tall as the hospital buildings on the east side of the street.

The top floor and plant are visible in street views, and the rear of the building is visible from the mews to the west. It is apparent in these views that the proposed building is taller than its neighbours. However, given its location in the middle of the terrace, and its architectural relationship to the tall hospital buildings opposite, on the east side of the street, it is considered that this massing is not harmful to the streetscape in this part of Beaumont Street.

The design of the Beaumont Street facade takes the form of three curved projecting bays with a horizontal emphasis. The facade is to be clad in natural Portland stone (base bed). The windows will be framed in white metal with curved glass on the corners. The ground floor facade is faced in Whitbed Portland ashlar stone with a rusticated, textured finish. This will create a subtle contrast to the smooth finish of the Portland (base bed) on the upper floors. The windows and doors at this level will be finished in bronze. The entrance will feature a metal gate, to be designed as a work of public art. Modern black railings will enclose the front areas.

The rear façade is faced in a buff brick. The design is simpler than the front façade, appropriate to its location. The roof level plant is enclosed by a grey solid metal screen.

The proposed design makes reference to earlier, twentieth century buildings in a 'Moderne' / Art Deco style, examples of which can be found in the Harley Street Conservation Area, such as the RIBA Headquarters on Portland Place. It is considered that this is an acceptable and appropriate design approach for this part of Beaumont Street which is not of particularly high townscape quality. The proposed building is of high design quality, and it will enhance the character of the street and the character and appearance of the Harley Street Conservation Area.

An objection from a resident that the proposed new building would be harmful to the townscape and set an unwelcome precedent is not considered to be sustainable. The scheme complies with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4 and DES 9.

## **Site 2**

The buildings comprising Park Crescent, including No's 7-8 Park Crescent, were rebuilt in their entirety in the late 1950s and early 1960s following wartime damage and post-war neglect. No 7-8 Park Crescent is, behind the historically accurate façade to Park Crescent, completely and entirely modern in character and appearance. As a modern building internally the fabric itself has no historic significance, nor any intrinsic modern architectural design quality. The key elements of the heritage significance of 7-8 Park Crescent as a Grade I listed building and indeed that of the other listed buildings of Park Crescent is its external appearance to Portland Place and Park Crescent and its historical importance as part of the grand Nash project for the West End.

The scheme involves primarily internal alterations and works to the rear to create internal lower ground floor courtyards and rear terraces. These works are considered acceptable in design



terms and would not be harmful to the listed buildings. The works accord with the relevant tests set out in the listed buildings and conservation areas act and policies of the NPPF City Plan and UDP.

Proposals include double glazing to the front and rear which at the rear is acceptable due to the entirely modern façade and appearance. It is considered the front elevation windows should be single glazed as the front façade is a faithful historic reproduction. An amending condition is recommended requiring the deletion of proposed secondary glazing.

### **8.3 Residential Amenity**

#### **Site 1**

#### **Daylight and Sunlight overview**

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used and it is a requirement of the City Council that most major planning applications are accompanied by a sunlight and daylight report using accepted BRE methodology.

For daylighting matters, the most commonly used BRE method for calculating values is the 'vertical sky component' (VSC) method which measures the amount of light reaching the outside face of a window. This method is most widely used as it does not need to rely on internal calculations, which means that it is not necessary to gain access to all affected properties to assess, and compare, potential light loss across all properties. However, it is still important to know what an affected room is used for, since the BRE guidelines principally seek to protect living rooms, dining rooms, kitchens and, to a lesser extent, bedrooms. Under this method, if an affected window is already not well lit (considered to be below a nominal value of 27%) and the daylight received at the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly depending on the given circumstances.

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited, and would be reduced by more than 20% as a result of a development, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested, and living rooms and conservatories are considered to be the most important rooms to be protected in terms of sunlighting – with kitchens and bedrooms less so.

A daylight and sunlight report has been submitted in support of the application which assesses the impact of the development on 11 Beaumont Mews, 23-24 Beaumont Mews, 50 Weymouth Street, 1 Beaumont Street, Regis House 54 Weymouth Street and 35 Marylebone High Street (consented scheme) including 4 x mews houses.

With regards to daylight the study shows that the vast majority of windows will meet the BRE requirements. There are 8 windows in the 35 Marylebone High Street development currently under construction in which the VSC losses exceed the recommended 20%. Four of these windows serve hallways and are non-habitable rooms. Four living rooms tested would also

breach the BRE guidelines however this is only by 2% and the VSC figures are not uncommon for central London.

With regards to sunlight again the vast majority of windows tested would meet the BRE guidelines. The exception being 2 windows in Regis's House 54 Weymouth Street in which losses are greater than the 20 % guidelines. However it is not considered that permission should be withheld on this basis. The surrounding properties would maintain good levels of daylight and sunlight.

#### Privacy

##### Site 1

The building has been purposely designed with its core and services along the rear façade. Consequently the vast majority of windows are obscured. On the northern and southern part of the western elevation the windows are clear glazed but this reflects the existing relationship of the existing Macintosh House which has clear windows in its rear corridors. Consequently, there will be no material increased overlooking to the residential premises to the rear.

##### Site 2

At 7-8 Park Crescent there are no extensions and the scheme would not impact upon daylight or sunlighting to surrounding properties. Rear terraces are proposed which will provide valuable amenity space to the proposed flats. Subject to these terraces being adequately screened the creation of terraces would not result in overlooking. It is recommended that details of the screening will be secured by condition.

## 8.4 Transportation/Parking

### Site 1

#### Car parking

No car parking is to be provided for the proposed use. The Highways Planning Manager raises no objection to this aspect of the scheme.

#### Servicing

A Transport Statement submitted in support of the application includes an assessment of the servicing strategy for the proposed Medical Space. The statement estimates that given the size of the proposed medical facility there would be typically 5 – 6 deliveries per day by small vans and 1 clinical waste collection.

The Highway Planning Manager raises no objection to this aspect of the application but advises that a condition should be imposed requiring the use to be carried out in accordance with an agreed servicing management plan (SMP). It is therefore recommended that an appropriate SMP is secured by condition.

To accommodate deliveries and patient taxi movements, the applicants transport statement refers to the removal of one parking bay on the west side of Beaumont Street and extend the existing single yellow line. The intention being that a replacement bay would be provided adjacent to 22 Devonshire Street. This is not however part of the application and these changes would require separate consent from the City Council as Highway and Traffic authority. The Highways Planning Manager advises that the changes would not necessarily be agreed.

## Cycle Parking

The scheme includes the provision of 20 cycle spaces for staff with none for visitors. The London Plan requires 1 space per 5 staff which equates to 20 spaces. The proposal is therefore policy compliant. Given the location of the spaces a cycle gutter should be provided within the front lightwell staircase. This will be secure by condition.

## Site 2

### *Car Parking*

The scheme would result in the provision of 7 new residential flats with no off street car parking. UDP policy TRANS 3 requires residential parking to be at a maximum of 1 space per dwelling. The policy states that for any new residential development the City Council may take into account the likelihood of additional demand for on-street parking arising from the development. The City Council 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 (i.e. parking bays) or at night (i.e. parking bays and single yellow lines) in the vicinity of the development. In these circumstances, the City Council will normally seek to resist development unless the potential impact of additional cars being parked on-street in the vicinity is mitigated

The most recent night time parking survey in 2015 indicates that night time parking occupancy of res park bays within a 200 metre radius of the site is 83% with additional yellow line availability this reduces to 56%. The daytime survey information indicates that parking occupancy is 75%.

In order to mitigate for this potential increase in parking, the applicant is proposing to offer 25 year car club membership to the occupants of the flats, which could be secured as part of the Section 106 legal agreement.

### Cycle parking

Ten cycle parking spaces are provided in accordance with the adopted London Plan standards, of 1 space per 1 bedroom flat and 2 spaces per 2 and 3 bedroom flats. It is recommended that the cycle parking spaces are secured by condition.

## **8.5 Economic Considerations**

The provision of an additional 1,876 m<sup>2</sup> of medical floorspace and seven residential flats will make a welcome contribution to the local economy.

## **8.6 Access**

Both schemes include inclusive design and access in accordance with policy.

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

### **Impact of construction works**

#### **Basement excavation**

The application involves the excavation of two basements.

City Plan policy CM28.1, requires all applications for basement development to demonstrate that they have taken into account the site-specific ground conditions, drainage and water

environment(s) in the area of the development. Applications must be accompanied by a detailed structural methodology statement and separate flood risk, as appropriate. Where the development will have significant impacts on matters covered by the policy, or where work will affect a particularly significant and/or sensitive heritage asset, these reports will be independently assessed. The applicants will be required to confirm that they will comply with the relevant parts of the Council's Code of Construction Practice. In addition, the structural stability of the existing building (where appropriate), nearby buildings and other including the highway and railway lines/tunnels must be safeguarded. The development must not increase the flood risk on the site, or beyond, and must be designed and constructed so as to minimise the impact, on construction and occupation, on neighbouring uses; the amenity of those living or working in the area, on users of the highway and on traffic and the operation of the highway. Significant archaeological deposits must also be safeguarded.

The application is supported by a structural report and a report detailing local ground conditions. Although these reports do not include details of a finalised basement design, they consider local geology and hydrology issues and include suggestions regarding the likely construction method, which are considered acceptable. The application has been reviewed by the Building Control Officer raises no objection but comments that the demolition works appear close to underground tunnels and the applicant is reminded of the need to comply with statutory legislation and obtain all necessary approvals prior to commencing works.

### **Construction Management**

An objection has been received from a resident that the development would result in significant noise disturbance and inconvenience. The concerns are noted, however permission could not reasonably be withheld on these grounds. In order to safeguard the amenities of local residents, it is recommended that standard conditions be imposed to limit the hours of construction and excavation works. A condition is also recommended which would require the applicant to sign up to the Council's Code of Construction Practice, which covers areas such as public access and the highways network, noise and vibration, dust and air quality, waste management and liaison with neighbouring occupiers.

### **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, and seek to protect occupants of adjoining noise sensitive properties. The policies require the potential for any disturbance to be ameliorated through operational controls and/or attenuation measures. Policy S32 of the City Plan requires disturbance from noise and vibration to be contained.

At site 1 plant is proposed in a dedicated plant enclosure at roof level. An acoustic report has been submitted in support of the application which identifies the nearest noise sensitive premises as being the 4<sup>th</sup> floor windows of Agnes Keysner House and Regis House. Environmental Health Services have assessed the application and raise no objection subject to the imposition of standard conditions restricting noise levels and vibration.

At site 2 condensing and air handling units are to be located in the vaults underneath the pavement to the front of the property. An acoustic report was submitted as part of the application. Environmental Health have confirmed they have no objection subject to the normal noise conditions which are recommended.

## Refuse

In the case of both applications at sites 1 and 2 dedicated waste and recycling storage areas have been provided. In both cases the cleansing manager has advised that further details of refuse provision should be provided to ensure that the facilities are adequate in compliance with standards.

## Energy

### Site 1

Section 10 of the NPPF contains the Government's policy on climate change.

Paragraph 96 states that: "in determining planning applications, local planning authorities should expect new development to: Comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the application, having regard to the type of development involved and its design, that this is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption".

The Mayor seeks to achieve an overall reduction in London's carbon dioxide emissions of 60% (below 1990 levels) by 2025 (Policy 5.1 Climate Change Mitigation). All Boroughs are to develop policies to promote the reduction of carbon dioxide emissions and to help achieve the Mayor's strategic carbon dioxide emissions target.

Policy 5.2 of the London Plan (Minimising Carbon Dioxide Emissions) states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be Lean: use less energy – This involves the use of passive and energy efficiency design measures to reduce the energy requirement and subsequent carbon footprint of the site. These provide a footprint which delivers compliance with Building Regulations Part L (2010) and the Baseline Energy and Carbon emission figures for the development.
- Be Clean: supply energy efficiently – The use of a central energy centre has been considered to serve the development, to provide the primary heating and cooling requirements for the development.
- Be Green: use renewable energy – The use of renewable energy has been investigated in the context of the site and the overall usage pattern of energy throughout the development.

City Plan Policy S40 refers to 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 Application is accompanied by an Energy Statement prepared by GDM Partnership. As set out in the Energy Statement the proposals reduce the Carbon Emissions at the Be Lean stage by 24%. A further 0.6% reduction is achieved through the incorporation of Photo Voltaic's at roof level. CHP has been discounted due to the low background heating demand and the low hot water demand.

## Sustainability

London Plan Policy 5.3 (Sustainable Design and Construction) states that development proposals should demonstrate that sustainable design standards are integral. This should include:

- Minimising carbon dioxide emissions across the site, including the building and services (such as heating and cooling systems)
- Avoiding internal overheating and contributing to the urban heat island effect.
- Promoting and protecting biodiversity and green infrastructure.

The Energy Strategy submitted in supported of the Application that the aspiration is to achieve a BREEAM 'Very Good' rating for the building.

### 8.8 London Plan

The proposals across both sites do not raise any 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

Policy S33 of the City Plan details the Council's aim to secure planning obligations and related benefits to mitigate the impact of all types of development. Formulas for the calculation of contributions towards related public realm improvements etc. are detailed in the Council's Supplementary Planning Guidance on Planning Obligations. On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which makes it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, if the obligation does not meet all of the following three tests:

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

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 adopted its own Community Infrastructure Levy on the 1<sup>st</sup> May 2016.

However the charging schedule does not apply to private medical facilities and a CIL payment is not required for the development at site 1.

At site 2 the total floor area is being reduced from 1059 m<sup>2</sup> to 906 m<sup>2</sup>. This loss is mainly through the reduction in the mezzanine floor. As the premises has been occupied for 6 months out of the last 3 years a discount is applied for the existing floorspace and as such a CIL payment is not required.

To ensure that the schemes across both sites would maintain the balance of uses appropriate to this part of the Central Activities Zone it is recommended that permission at Macintosh House is subject to a planning obligation requiring the provision of 7 residential flats (ready for occupation) at 7 Park Crescent on or before the date of occupation of Macintosh House 54 Beaumont Street for medical purposes (Class D1). A planning obligation would also prevent 7- 8 Park Crescent being occupied for residential purposes (Class C3) prior to the commencement of development at Macintosh House 54 Beaumont Street.

### 8.11 Environmental Impact Assessment

The proposals are not of sufficient scale to require an Environmental Impact Assessment.

## 9. BACKGROUND PAPERS

### Site 1

1. Application form
2. Response from Plant And Equipment, dated 31 October 2016
3. Response from Building Control - Development Planning, dated 24 October 2016
4. Letter from occupier of 32-33 Marylebone High street, London, dated 27 October 2016
5. Letter from occupier of 1 Beaumont Street, London, dated 6 November 2016

### Site 2

1. Application form
2. Response from Plant And Equipment, dated 23 November 2016
3. Letter from occupier of 7 Park Crescent, The Hale Clinic, dated 20 October 2016
4. Letter from occupier of 39 Falconwood Avenue, Kent, dated 24 October 2016
5. Letter from occupier of 39 Falconwood Avenue, Welling, dated 14 October 2016
6. Letter from occupier of 54a Wrentham Avenue, London, dated 13 October 2016
7. Letter from occupier of Westminster City Hall, 64 Victoria Street, dated 23 November 2016

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MICHAEL WALTON BY EMAIL AT [mwalton@westminster.gov.uk](mailto:mwalton@westminster.gov.uk).

10. KEY DRAWINGS

SITE 1

Existing Elevation – Beaumont Street



01 EXISTING BUILDING  
PK 300 Context Elevation (Beaumont Street West)

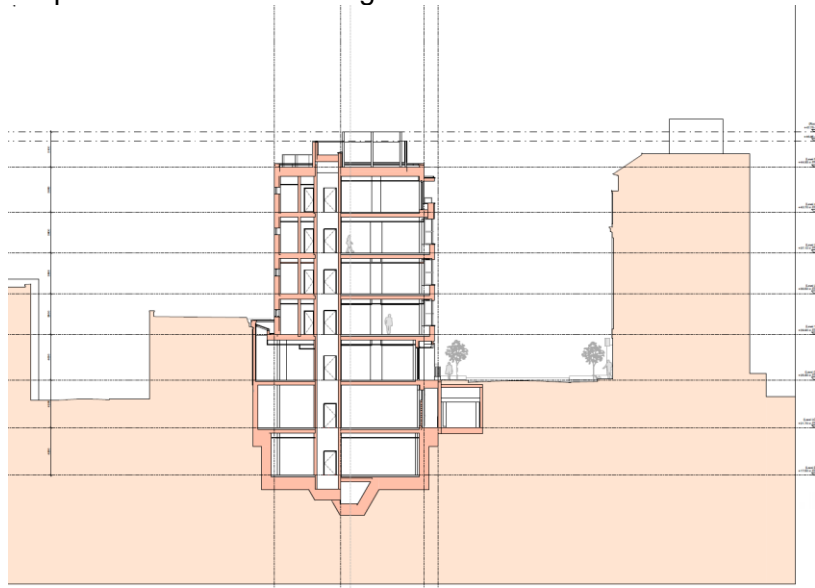
Proposed Elevation – Beaumont Street



02 PROPOSED SCHEME  
PK 300 Context Elevation (Beaumont Street West)

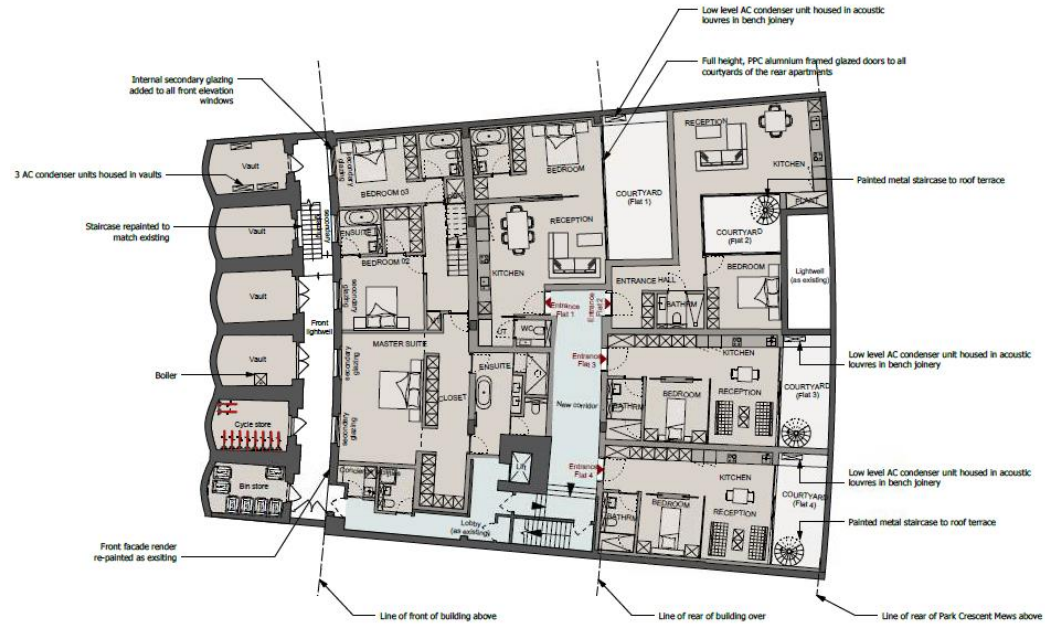


Proposed Section – Looking North

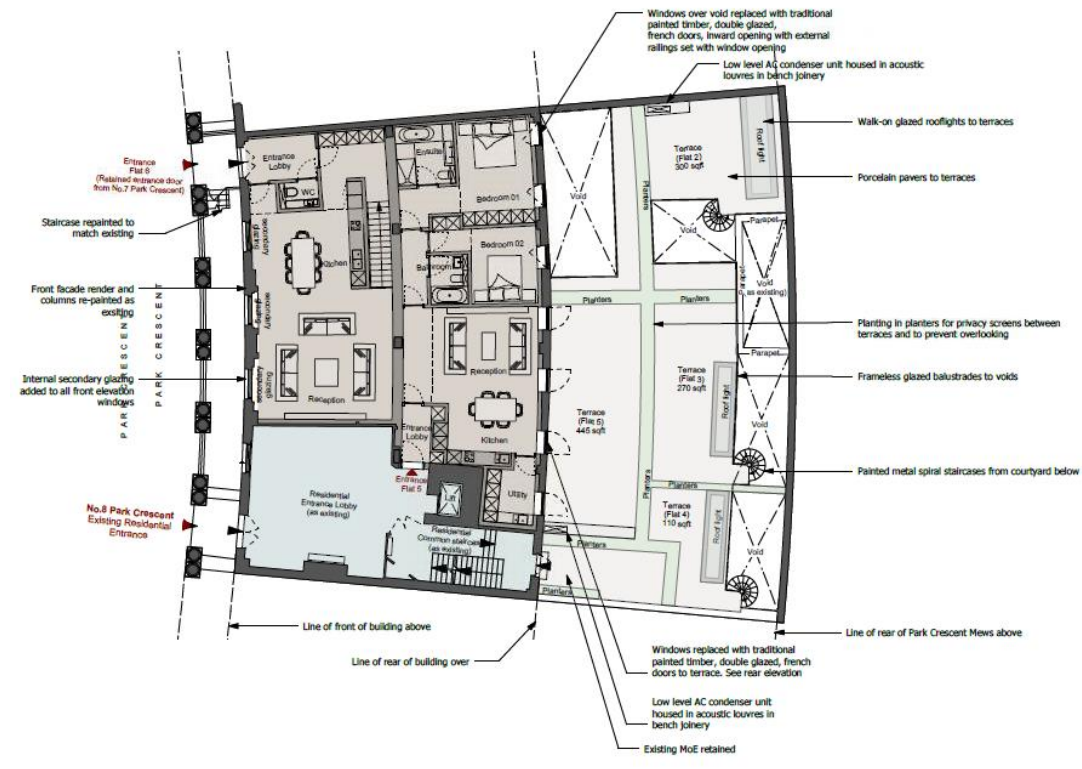


SITE 2

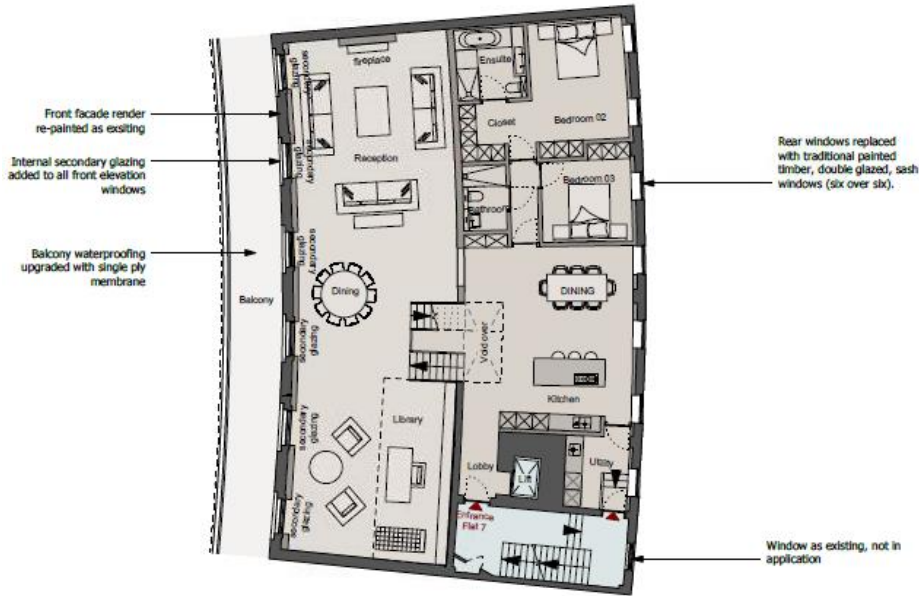
Proposed Lower Groundfloor Plan



Proposed Groundfloor Plan



Proposed First Floor Plan



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# Agenda Item 4

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	61 Curzon Street, London, W1J 8PD		
<b>Proposal</b>	Demolition of existing building and erection of a new building of lower ground, ground plus eight upper storeys to comprise offices (Use Class B1), a retail unit (Use Class A1) on part of the ground and lower ground floor level and mechanical plant and solar photovoltaic panels at roof level and associated highway works.		
<b>Agent</b>	CBRE Ltd		
<b>On behalf of</b>	Greencap IV Ltd		
<b>Registered Number</b>	16/09518/FULL	<b>Date amended/ completed</b>	4 October 2016
<b>Date Application Received</b>	4 October 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Subject to referral to the Mayor of London, grant conditional permission, including Grampian condition to secure the on-street changes to move the taxi bay on Curzon Street and provide room for servicing vehicles.

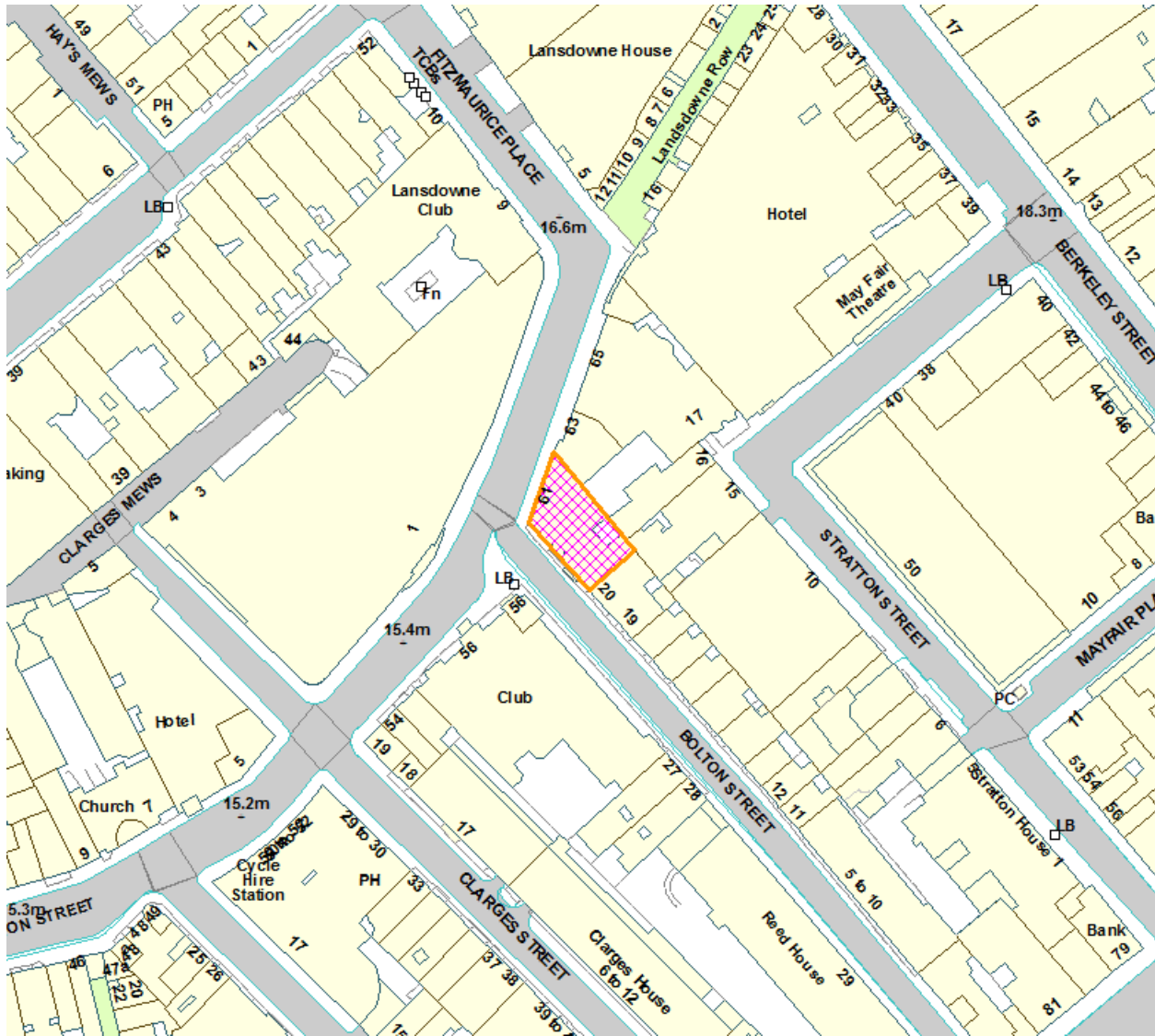
## 2. SUMMARY

The existing building, dating from the 1930s, occupies a prominent position on the corner of Curzon Street and Bolton Street. The lawful use is for office purposes but it has been vacant for approximately 15 years.

The current proposals will provide modern office accommodation and the introduction of a small retail unit is also welcome, helping enliven the street frontage. The key issue is considered to be design, with land use, amenity and highways matters considered to be acceptable.

Subject to a number of safeguarding conditions, the application is recommended for approval subject to referral back to the Greater London Authority.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY

The Mayor considers that the application complies with the London Plan and provided that conditions/obligations concerning inclusive design, energy efficiency and transportation are attached to the planning permission, the Mayor does not need to be consulted again and the Council may proceed to determine the application without further reference to the Mayor.

### TRANSFERT FOR LONDON

Generally consider the scheme to be acceptable but would like to see provision made for 3 short stay cycle spaces, and provision of a Delivery and Service Management Plan and a travel plan.

### HISTORIC ENGLAND

Do not wish to comment on the application

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

Any response to be reported verbally

### HIGHWAYS PLANNING MANAGER

No objection

### CLEANSING

Initial objection about inadequate waste storage subsequently overcome by revisions.

### ENVIRONMENTAL HEALTH

No objection

### BUILDING CONTROL

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 140; No. of replies: 1 – raising objections to noise and disruption from demolition and construction.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

61 Curzon Street, occupies the corner of Curzon Street and Bolton Street and comprises an existing lower ground, ground and seven upper floors with roof top plant above. The building dates from the late 1930s and was originally constructed as residential flats but was comprehensively refurbished and extended in the 1980s for office use. It is now vacant and has been for fifteen years, with the internal fabric of the building being in a poor state of repair.



The building has a principal frontage onto both Curzon Street and Bolton Street. The façade is faced in red brick with stone detailing and stone clad ground and first floor elevations in a neo-Georgian style typical of the surrounding area. The elevations are capped with a lead clad mansard roof which is single storey, apart from where the building adjoins 20 Bolton Street, where the mansard roof comprises the top three storeys. An existing off-street servicing bay is located on the Curzon Street elevation. The rear of the building faces onto a lightwell formed by buildings in Curzon Street, Bolton Street and Stratton Street, and adjoins 15 Stratton Street.

The building is within the Mayfair Conservation Area but is not statutory listed. There are a number of heritage designations within the vicinity of the site, including the row of Grade II listed Georgian town houses along Bolton Street (including Nos. 19-20, immediately adjacent to the site). The site is also within the Core Central Activities Zone (CAZ).

The existing building is generally in line with the prevailing height of the surrounding area, particularly along Curzon Street, but it is noticeably taller than the listed town houses along Bolton Street (are five storeys in height). The recently consented scheme at 56 Curzon Street proposes a nine storey building which is taller than the one it replaces.

The surrounding buildings are predominantly in commercial use but there are several residential premises close by, with some retail uses (Use Classes A1 to A4) at ground floor level.

## 6.2 Recent Relevant History

There were a number of decisions for various schemes in the 1980s, none of which were implemented. The last relevant permission was granted in September 1998, for use of basement and ground floors as a restaurant (Use Class A3), use of upper floors as 14 flats, external alterations including rear extension, full height extract duct and air conditioning unit to main roof. Again, this permission was not implemented and the building appears to have been left vacant for most of the time since then.

A number of applications have recently been consented for properties in the immediate neighbourhood, including:

Nightingale House, 65 Curzon Street – Planning permission granted on 29 April 2016 for demolition and redevelopment for a ground plus eight storey building (3 basement levels) to comprise 32 residential units, a ground floor arcade link between Stratton Street and Curzon Street for use as retail or restaurant uses and 21 car parking spaces. This development has not been implemented.

Clarges House, 6-12 Clarges Street – Planning permission granted 15 November 2013 for redevelopment to provide four new blocks comprising a mix of residential, office and retail. This development is under construction.

56 Curzon Street (including the former Mirabelle restaurant) – Planning permission granted on 18 October 2013 for demolition and redevelopment of an eight storey building (4 basement levels) to comprise 31 residential units and a restaurant. Demolition on this site has recently commenced.

63 Curzon Street – Permission granted on 28 March 2013 for use of basement and ground floor as retail and first to sixth floors as residential (4 x 2 bed apartments and 1 x 3 bed apartment). This has been implemented.

## 7. THE PROPOSAL

The proposed redevelopment seeks to demolish and replace the existing building with a new eight storey building for office-led use, along with a new retail frontage. In floorspace terms:

- The total existing B1 office floorspace is 2,699.5 sqm (GEA), which excludes 81 sqm for the refuse area and loading bay (total 2,780.5 sqm);
- The new building will provide 2,848 sqm (GEA) of B1 office, excluding cycle storage of 36.5 sqm and refuse store of 19 sqm.
- The retail unit is 67 sqm (GEA).

The existing neo-Georgian style building will be demolished and replaced with a new building of lower ground, ground plus eight storeys. High quality new office floorspace will be created and a small retail unit will be introduced on the ground floor (with ancillary space on the lower ground floor) creating an active frontage to Curzon Street. The plant equipment that is to be located on the eighth floor will be clad in zinc and will be set back to ensure it is not as prominent in long views from Bolton Street and Curzon Street.

Along Bolton Street the existing light well will be opened up in order to provide natural daylight to the lower ground floor. The entrance to the existing building is currently on Bolton Street; however the proposed entrance for the new building is to be on the corner of Curzon Street and Bolton Street, in a more prominent location. The entrance, which will be recessed into the façade, will open up into a large ground floor reception space, where the upper and lower floors can be accessed from the internal lift core and main staircase.

The existing off-street servicing bay is to be removed and replaced by the retail unit. However, a secondary entrance is to be located on Curzon Street which will act as both the service and delivery access for the offices. A corridor here will provide access to the lifts, staircase and office reception. In order to allow for the location of on-street servicing here, the relocation of two taxi bays along Curzon Street is required, but the overall level of taxi parking will not change.

Refuse storage for the office and retail unit is to be located at the lower ground floor level. Secure cycle parking for 25 cycles using Josta two storey racks is proposed at the lower ground floor level, along with separate changing areas and showers for the proposed office occupiers to use. Access to the cycle storage area is via the secondary access point on Curzon Street using either the main staircase or a cycle hoist that will operate between the ground floor and the lower ground floor. As the existing building was car free, this has also been adopted here and no on-site car parking is proposed.

The public art is proposed to be incorporated at the main entrance to the building and to the balustrading of the Juliette balconies.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Replacement office use

The redevelopment of the office building to provide new modern accommodation is welcome in principle in this location within the Core CAZ. The increase in office floorspace is 148.5 sqm (GEA). This increase is similarly acceptable in principle in this location.

Policy S1 of the City Plan promotes a mix of uses within the Core CAZ. For development within Core CAZ, the Named Streets, and Opportunity Areas, which includes net additional B1 office floorspace:

- A) Where the net additional floorspace (of all uses) is;
- less than 30% of the existing building floorspace, or
  - less than 400sqm; (whichever is the greater),

or where the net additional B1 office floorspace is less than 30% of the existing building floorspace (of all uses), no residential floorspace will be required.

Office and retail increase = 215.5 sqm, or 7.98% of the existing office accommodation. Accordingly the proposals do not trigger the requirement for residential floorspace under part 3B of policy S1.

#### Introduction of retail unit

The introduction of the small A1 retail unit will help enliven this stretch of the Curzon Street frontage and is considered to comply with policy SS 4 of the Unitary Development Plan and policy S6 of the City Plan.

### 8.2 Townscape and Design

The existing building is an early twentieth century neo-Georgian office building. It makes a neutral / positive contribution to the character and appearance of this part of the Mayfair Conservation Area. The buildings to the south in Bolton Street are grade 2 listed Georgian houses. The existing building relates to these in terms of it being Georgian in style, but its height and bulk do not create an harmonious relationship. It is not considered that the existing building makes such a positive contribution that there is a strong presumption to retain it. Demolition and redevelopment could be acceptable, subject to the replacement building making an equal or greater contribution to the conservation area.

The proposed building has been the subject of extensive pre-application negotiation. In terms of its height and bulk, the proposed is slightly higher than the existing, but the proposal is significantly more bulky on Curzon Street. However, this bulk is considered acceptable in the context of the buildings to the east and the new building currently being built on the west side of Bolton Street (56 Curzon Street). On Bolton Street the new building is modelled to reduce its bulk in views from the south, to improve the architectural relationship with the much lower listed buildings. This is considered acceptable.

The new building has been designed to have a base, middle section and roof level. The facades have a regular pattern of vertically proportioned windows, responding to those of the Georgian houses in Bolton Street. The facades are clad in a dark brick, with thin natural Portland stone lines, vertically and horizontally, to introduce visual interest. Initial draft designs used a variety of brick tones, resulting in a 'patchwork' appearance, which although fashionable, is not appropriate to this location in the Mayfair Conservation Area. The two storey base of the building has wider openings at ground floor level and is clad in natural Portland stone. Decorative metal balcony railings are used in the window openings at second and fifth floor levels. Decoration ('public art') is also used at the ground floor level entrance.

The roof storey features wider and taller windows. This floor is clad in zinc. Above is a roof level plant enclosure. This should be clad in zinc also.

It is concluded that this is a high quality building which is an acceptable replacement for the existing building, and it will contribute positively to the character and appearance of the Mayfair Conservation Area. The scheme complies with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4, DES 9 and DES 10.

### **8.3 Residential Amenity**

The nearest residential accommodation is located within 16 Stratton Street where there are six residential units and 63 Curzon Street (five flats). These buildings share an internal lightwell with the application site and all these buildings have windows that overlook the lightwell. Permission has also been granted to develop 65 Curzon Street into residential accommodation though this has not been implemented.

Opposite the site, on the corner of Curzon Street and Bolton Street, 56 Curzon Street is in the process of being redeveloped into a replacement A3 restaurant and 32 residential apartments.

All of those buildings have therefore been tested on the assumption that they are or could be converted to residential use.

#### **Daylight and Sunlight overview**

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used and it is a requirement of the City Council that most major planning applications are accompanied by a sunlight and daylight report using accepted BRE methodology.

For daylighting matters, the most commonly used BRE method for calculating values is the 'vertical sky component' (VSC) method which measures the amount of light reaching the outside face of a window. This method is most widely used as it does not need to rely on internal calculations, which means that it is not necessary to gain access to all affected properties to assess, and compare, potential light loss across all properties. However, it is

still important to know what an affected room is used for, since the BRE guidelines principally seek to protect living rooms, dining rooms, kitchens and, to a lesser extent, bedrooms. Under this method, if an affected window is already not well lit (considered to be below a nominal value of 27%) and the daylight received at the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly depending on the given circumstances.

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited, and would be reduced by more than 20% as a result of a development, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested, and living rooms and conservatories are considered to be the most important rooms to be protected in terms of sunlighting – with kitchens and bedrooms less so.

A daylight and sunlight report has been submitted with the planning application which includes an assessment of the development under the BRE guidelines. Those results show that the proposed development will largely satisfy the BRE recommendations.

The VSC results for 16 Stratton Street show that six windows will experience a loss of VSC in excess of 20% of their existing values. However, these percentage losses are disproportionately high because the actual numerical results for the windows serving 16 Stratton Street in the lightwell receive virtually no natural daylight at all. The existing VSC values range from just 0.81% to 7.80% with the majority of windows with existing VSC values well into low single figures. As such, even relatively small changes in VSC values will therefore appear as disproportionately high percentage losses. The greatest percentage loss is 39.25%, to a ground floor window in the lightwell, where the existing VSC drops from 1.07 to 0.65. The key figures to examine in the VSC table are the actual loss in VSC where it will be seen that the absolute loss of VSC is less than 1% in all but two cases, and even with those two cases, the actual loss of VSC is 1.57% and 2.72% in absolute terms. These changes in VSC values are considered to be so small that they will be imperceptible.

There is no information about the internal layout of the flats in 16 Stratton Street and therefore the uses of the affected rooms are not known. However, there have been no objections from the occupiers.

For Nightingale House, 65 Curzon Street, the one shortfall in VSC is to the second window of an approved (but not yet built) bedroom at first floor level. That window will experience a percentage loss of VSC of 21.86%. The primary second primary window to the bedroom satisfies the BRE Guidelines. The impact on this room is therefore minimal.

The losses to 63 Curzon Street (which has windows to bedrooms and the communal staircase) are well within acceptable levels. Similarly the losses of daylight to the new residential accommodation being built opposite the site at 56 Curzon Street are well within the recommended 20%: the relevant rooms are bedrooms, bathrooms or dual aspect living/dining/kitchens.

The BRE sunlight criteria only applies to windows that face within 90 degrees of due south. The only building that could fall within the BRE sunlight criteria is 63 Curzon Street and its rear windows within the lightwell. The windows in question are windows within the shared lightwell where sunlight is restricted due to the enclosed nature of the lightwell itself. Although the results of the sunlight analysis show that there will be some very minor losses of sunlight, none of those losses are material, especially as the windows in question are within an enclosed lightwell. Furthermore, these windows serve bedrooms and a communal staircase.

None of the other windows of neighbouring residential properties, including 16 Stratton Street face, within 90 degrees of due south and therefore do not need to be tested.

### **Sense of Enclosure**

The proposed building will not extend beyond the existing footprint, but will in part be approximately one storey taller – this is where the large plant room that occupies part of the roof at eighth floor level is replaced with a full storey. It is not considered the proposed building will have an adverse effect on the nearest residential windows within any of the neighbouring properties.

### **Privacy**

There are existing office windows within the lightwell shared with the nearest residential at 16 Stratton Street and there is mutual overlooking between these two properties. The existing office windows clad the whole façade but they are set away from No.16 due to an existing escape stair. The proposal will introduce a more traditional fenestration pattern but they will be built closer to the existing residential windows, therefore reducing the distance window to window. This may lead to greater mutual overlooking, but it is not considered that this is so significant to justify the refusal of the planning application.

The new building does incorporate some terraces at rear fourth and front fifth and seventh floor levels. The terraces are relatively small but given the proximity of residential accommodation it is considered appropriate to restrict their use to between 8.00 and 21.00 hours.

### **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, and seek to protect occupants of adjoining noise sensitive properties. The policies require the potential for any disturbance to be ameliorated through operational controls and/or attenuation measures. Policy S32 of the City Plan requires disturbance from noise and vibration to be contained.

Plant is proposed within the basement and at roof level. The roof top plan will be enclosed by a screen. The proposals have been assessed by the Council's Environmental Services who have no concerns, and recommended the imposition of standard conditions restricting noise levels and vibration.

#### **8.4 Transportation/Parking**

The site has the highest possible Public Transport Accessibility Level rating of 6B, being located approximately 230 metres from Green Park Underground Station and within close proximity to a number of bus routes.

The lack of car parking is welcomed, as is the provision of cycle parking to London Plan standards. Transport for London (TfL) has asked for further provision of short-stay parking on-street, but there is a slight overprovision of cycle parking overall and there are already on-street facilities directly opposite, so the proposals are considered to be acceptable as they are.

Ideally the building would have replacement off-street servicing in line with Trans 20, but the Highways Planning Manager acknowledges that this takes up space on the ground floor, and the retail unit in the approximate location of the existing service bay is considered to be preferable. Furthermore, vehicles would have to enter and leave in a forward gear, and reversing in or out so close to the zebra crossing would be far from ideal. TfL has agreed in principle to the proposed changes to taxi bays to accommodate the short term parking on the highway for servicing. The applicant should be required to pay for the necessary changes.

The Highways Planning Manager considers it to be unfortunate that a 2.0m footway cannot be provided on Bolton Street (this is where the lightwell is being opened up). However, the building does have this 2m footway at the junction with Curzon Street where the actual entrance to the building has been set back, which gives a little more space for pedestrians at the zebra crossing and it does not encroach onto existing highway at all. Therefore these arrangements are considered to be acceptable.

#### **8.5 Economic Considerations**

The provision of modern office accommodation in place of the existing outdated offices will make a welcome contribution to the local economy.

#### **8.6 Access**

The proposal incorporates inclusive design and access, including the building entrances and circulation spaces. Level entrances will be provided from street level and throughout the building. The GLA has advised that the Council should secure the submission and implementation of a full inclusive access strategy, which should include the internal arrangements of the office space such as the location of accessible toilets and the accessibility of cycle stores, shower facilities and kitchen facilities. A condition has been added securing this.

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

##### **Refuse /Recycling**

Following revisions, including the provision of a temporary waste holding area at ground floor level, the refuse and recycling provisions are now acceptable.

## Sustainability

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. Policy S39 seeks to ensure that all new development links to an existing district heating network or where this is not possible provides a site wide decentralised energy generation network. 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 has submitted an energy assessment in support of the application – this demonstrates that the proposals will achieve an overall carbon saving of 35% above a 2013 Building Regulations' compliant development. In summary, the strategy comprises:

- Be lean: The proposed building has been designed to provide 31% improvement on CO2 emissions over 2013 Building Regulations.
- Be clean: The London Heat Map shows that no heat networks currently operate in the area of the development. The feasibility of incorporating Combined Heat and Power (CHP) system into the development was investigated. However, due to the buildings small size a CHP system is not a viable option. A single plant room will be provided at the lower ground floor level to allow for future connection to a district heating network should one be proposed in the area.
- Be green: Air Source Heat Pump system to be installed to provide heating and cooling along with 13.5 sq.m of Solar Photovoltaics on the roof.

A Sustainability Statement has been prepared to demonstrate that sustainable design standards will be achieved by the proposed development. It confirms that the proposals could achieve a BREEAM 'Excellent' rating in principle.

There are no biodiversity features proposed in the development and but this is considered to be justified given the small size of the site.

### 8.8 London Plan

The application is referable to the Greater London Authority because the new building is more than 30m high. The Mayor considers that the application complies with the London Plan and subject to several matters being secured with regard to design, energy efficiency and transportation, the case does not need to be referred back to the GLA.

### 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

Policy S33 of the City Plan details the Council's aim to secure planning obligations and related benefits to mitigate the impact of all types of development. Formulas for the calculation of contributions towards related public realm improvements etc. are detailed in the Council's Supplementary Planning Guidance on Planning Obligations. On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which makes it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, if the obligation does not meet all of the following three tests:

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

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 adopted its own Community Infrastructure Levy on the 1<sup>st</sup> May 2016.

In this case the only measures to be secured are the on-street changes to move the taxi bay on Curzon Street and provide room for servicing vehicles, all costs to be funded by the applicant. It is considered that this matter can be adequately dealt with by a Grampian condition.

The applicant advises that the Mayoral Community Infrastructure Level (CIL) charge would be £131,275 and the Council's CIL £525,100. These figures will need to be verified in due course.

## 8.11 Environmental Impact Assessment

The proposals are not of a sufficient scale to require an Environmental Impact Assessment.

## 8.12 Other Issues

### Construction impact

There has been an objection from the Lansdowne Club in Fitzgerald Place to disruption from the demolition and construction works. Although this is not a valid planning matter,

the scheme will be conditional on it signing up to the Council's Code of Construction Practice.

The proposals do not provide any additional basements other than the one basement that already exists.

## 9. BACKGROUND PAPERS

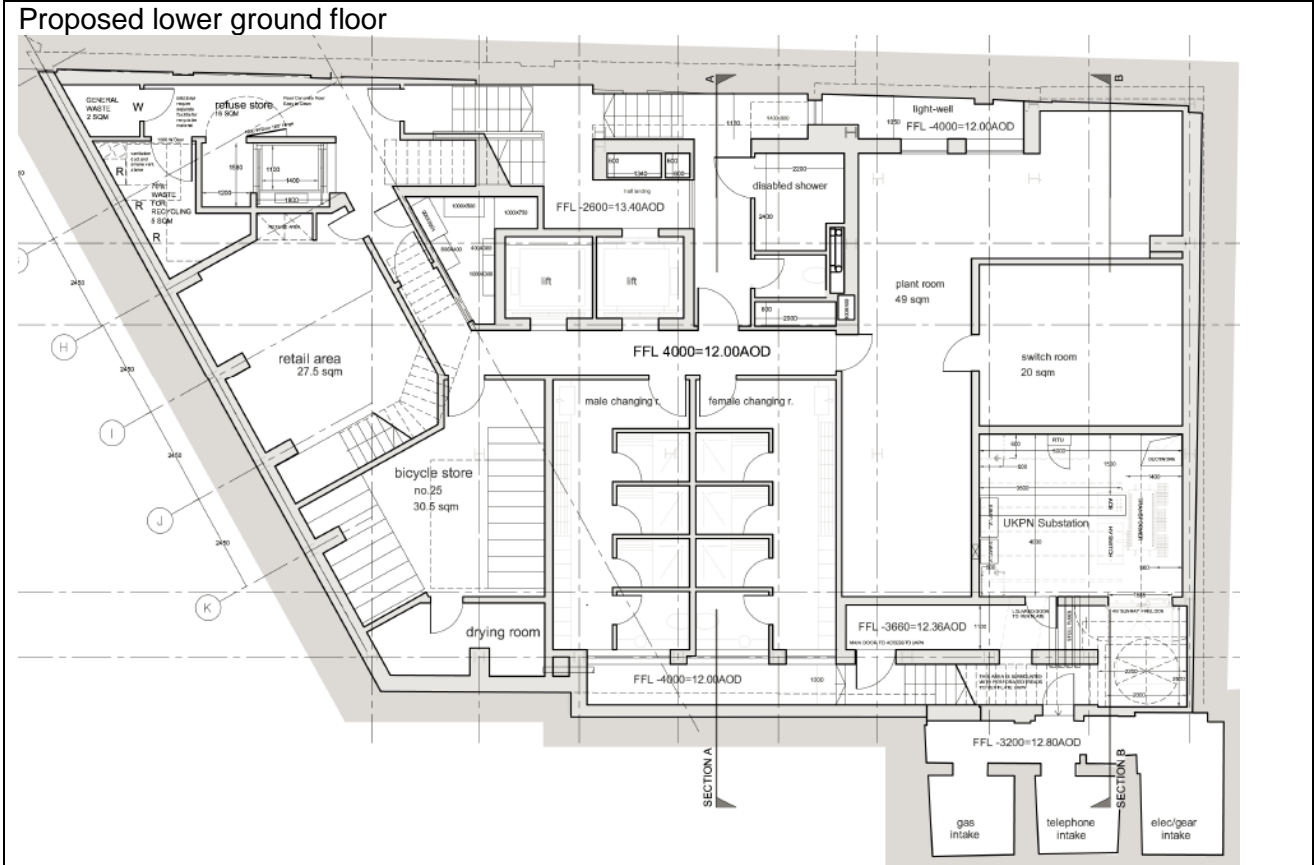
1. Application form
2. Response from Greater London Authority, dated 19 December 2016
3. Letter from Transport for London dated 10 November 2016
4. Letter from Historic England dated 24 October 2016
5. Memorandum from the Highways Planning Manager dated 7 December 2016
6. Memorandum dated 31 October 2016 and email dated 30 November 2016 from the Projects Officer (Waste)
7. Response from Environmental Services Team dated 1 November 2016
8. Memorandum from Building Control dated 31 October 2016
9. Letter from occupier of 9 Fitzmaurice Place, Mayfair, dated 25 October 2016

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

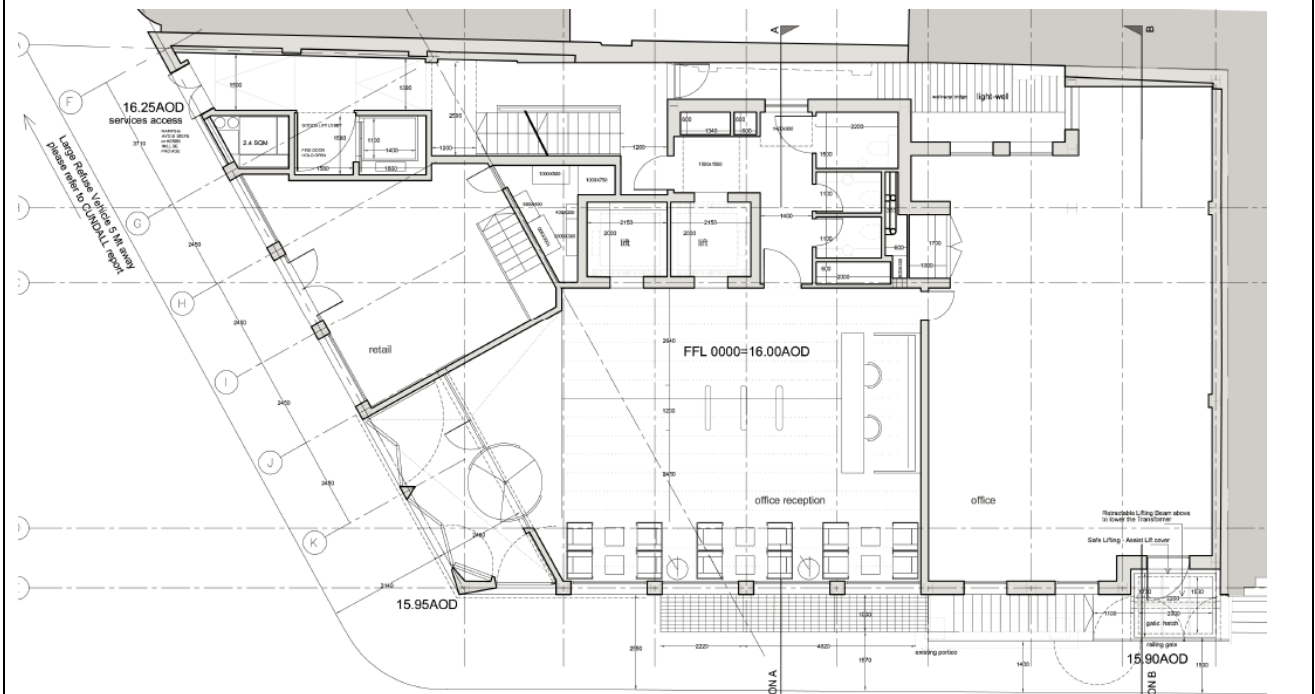
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MICHAEL WALTON BY EMAIL AT [mwalton@westminster.goc.uk](mailto:mwalton@westminster.goc.uk)

10. KEY DRAWINGS

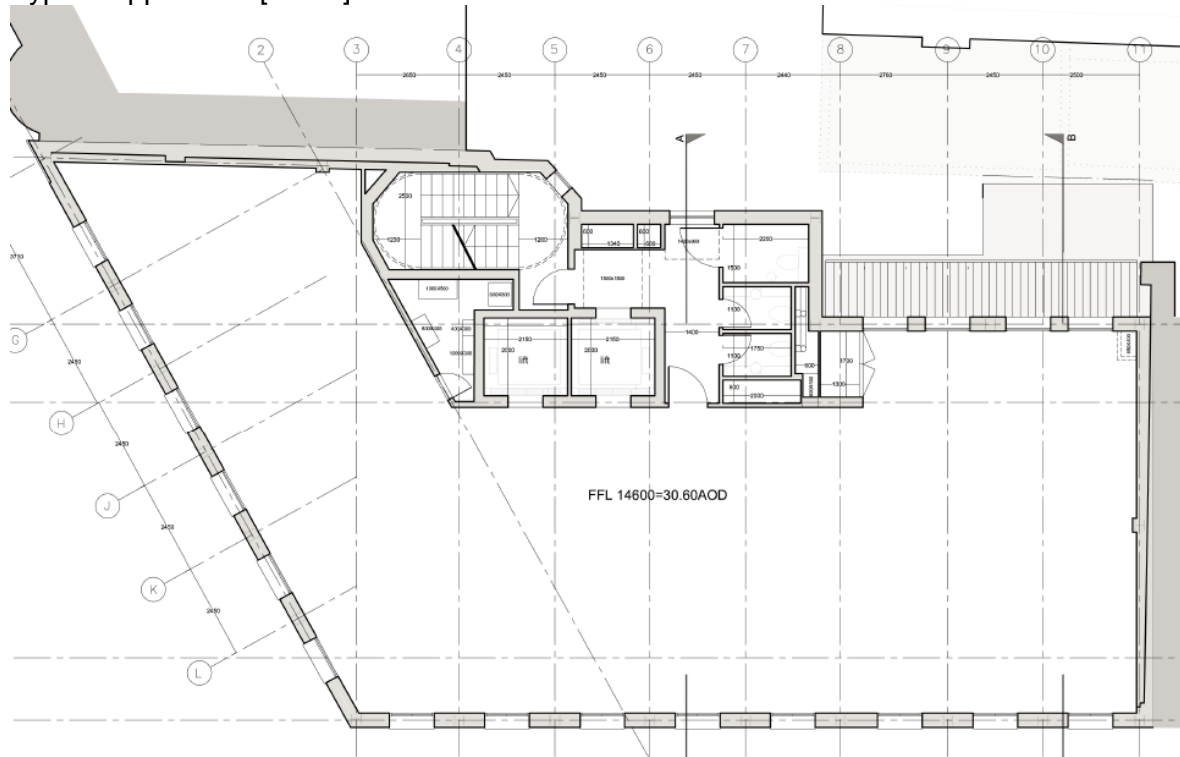
Proposed lower ground floor



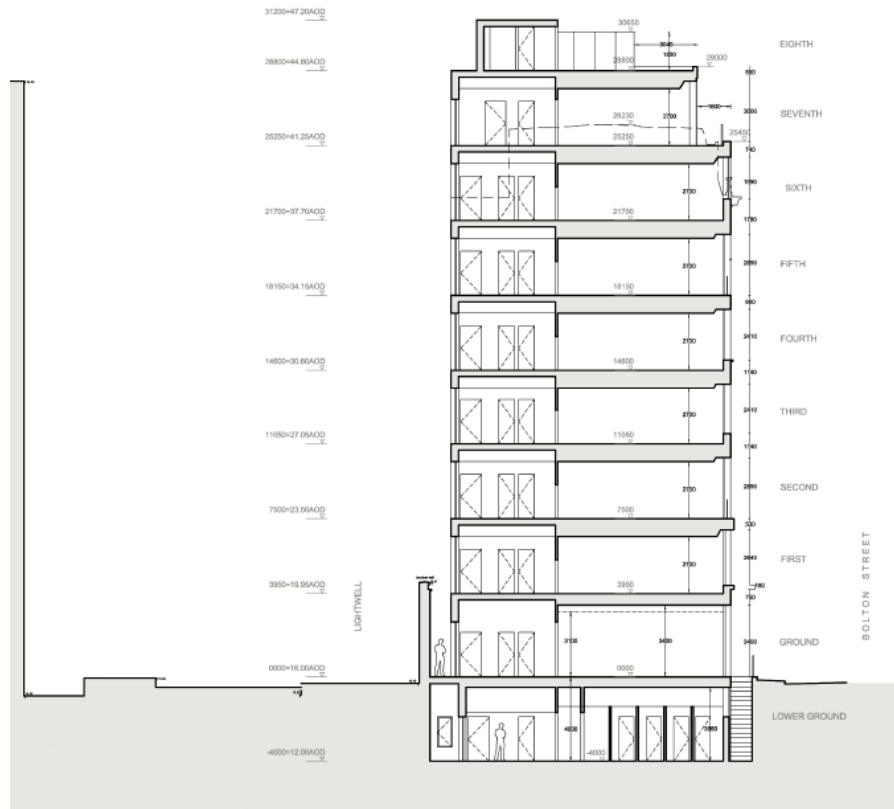
Proposed ground floor



Typical upper floor [fourth]



Section A



Curzon Street elevation



Bolton Street elevation



**DRAFT DECISION LETTER**

**Address:** 61 Curzon Street, London, W1J 8PD

**Proposal:** Demolition of existing building and erection of a new building of lower ground, ground plus eight upper storeys to comprise offices (Use Class B1), a retail unit (Use Class A1) on part of the ground and lower ground floor level and mechanical plant and solar photovoltaic panels at roof level and associated highway works.

**Reference:** 16/09518/FULL

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

**Reason:**

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

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

**Reason:**

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

- 4 All stonework in the street facades shall be Natural Portland stone.

## Reason:

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

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

## Reason:

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

- 6 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

## Reason:

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

- 7 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

## Reason:

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

- 8 The terraces shall only be used between 08.00 and 21.00 hours, except when used to escape in an emergency.

## 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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 9 (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 (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 10 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

**Reason:**

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 11 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 9 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 (November 2016), by contributing to reducing excessive ambient noise levels.

- 12 You must provide the waste stores shown on drawings P(0)0001D, 5562-JMA-XX-LG-DR-A-00-0004 and 5562-JMA-XX-OO-DR-A-00-0004 before anyone moves into the property. You must clearly mark them and make them available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste stores 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 (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 13 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 (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 14 You must apply to us for approval of a revised layout of the cycle parking, annotated to show the provision of short stay cycle parking in publically accessible areas. you must occupy the building until we have approved what you have sent us. You must then provide each cycle parking space shown on the approved drawings, and the proposed cyclist changing and locker facilities, prior to occupation. Thereafter the cycle spaces and cyclist changing and locker facilities 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 and associated facilities for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015, and as requested by the Greater London Authority.

- 15 Before you begin to use the new buildings, you must apply to us for approval of a Workplace Travel Plan. The Travel Plan must include a comprehensive assessment of the measures outlined in section 6 of the Cundall Transport Statement dated 28.9.16. You must then only occupy the offices in accordance with the approved Travel Plan.

## Reason:

In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2, TRANS 3 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007. (R45AB)

- 16 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 dated October 2016 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 (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 17 You must apply to us for approval of a full inclusive access strategy, including the internal arrangements of the office space such as the location of accessible toilets and the accessibility of cycle stores, shower facilities and kitchen facilities. You must not occupy the office accommodation until we have approved what you have sent us. You must then carry out the work according to the approved strategy.

**Reason:**

To make sure that there is reasonable access for people with disabilities as set out in S28 of Westminster's City Plan (November 2016) and as requested by the Greater London Authority.

- 18 The development shall only be occupied in accordance with the Cundall Delivery and Service Management Plan dated 28.9.16

**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 (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 You must provide the environmental sustainability features (environmentally friendly features) set out in the CBRE Energy Strategy Report dated August 2016 before you start to use any part of the development. This includes the provision of the plant room in the basement to allow for future connection to a district heating network should one be proposed for the area. 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 (November 2016). (R44AC)

- 20 You must not use any part of the development until we have approved appropriate arrangements to secure the on-street changes to move the taxi bay on Curzon Street and provide room for servicing vehicles, all costs to be funded by the applicant. You must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

**Reason:**

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 20 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

**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

(November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 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. (I54AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 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)

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.

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# Agenda Item 5

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>Marble Arch At, Marble Arch, London, W1H 7DX,</b>		
<b>Proposal</b>	Use of part of Marble Arch Island as theatre event space for a temporary period from 7th April 2017 to 6th December 2017, including installation of enclosed temporary theatrical production structure (with approximately 650 audience seats) associated structures and associated works.		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Marble Arch Temporary Theatre		
<b>Registered Number</b>	16/11546/FULL	<b>Date amended/ completed</b>	6 December 2016
<b>Date Application Received</b>	6 December 2016		
<b>Historic Building Grade</b>			
<b>Conservation Area</b>	Royal Parks		

## 1. RECOMMENDATION

Grant conditional permission
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## 2. SUMMARY

Permission is sought for the erection of a pop up theatre on the Marble Arch traffic island for a temporary period of 8 months from April 2017. The temporary theatre will be located in an open landscaped area to the west of the Grade 1 listed Marble Arch. The theatre will be operated by Underbelly who have an established record of delivering theatrical productions in pop up theatres.

The key issues for consideration are:

- The acceptability of using part of Marble Arch Island as an entertainment venue in land use terms
- The impact of the tented structure on the townscape, the character and appearance of the Royal Parks Conservation Area and the setting of the Grade 1 listed Marble Arch.

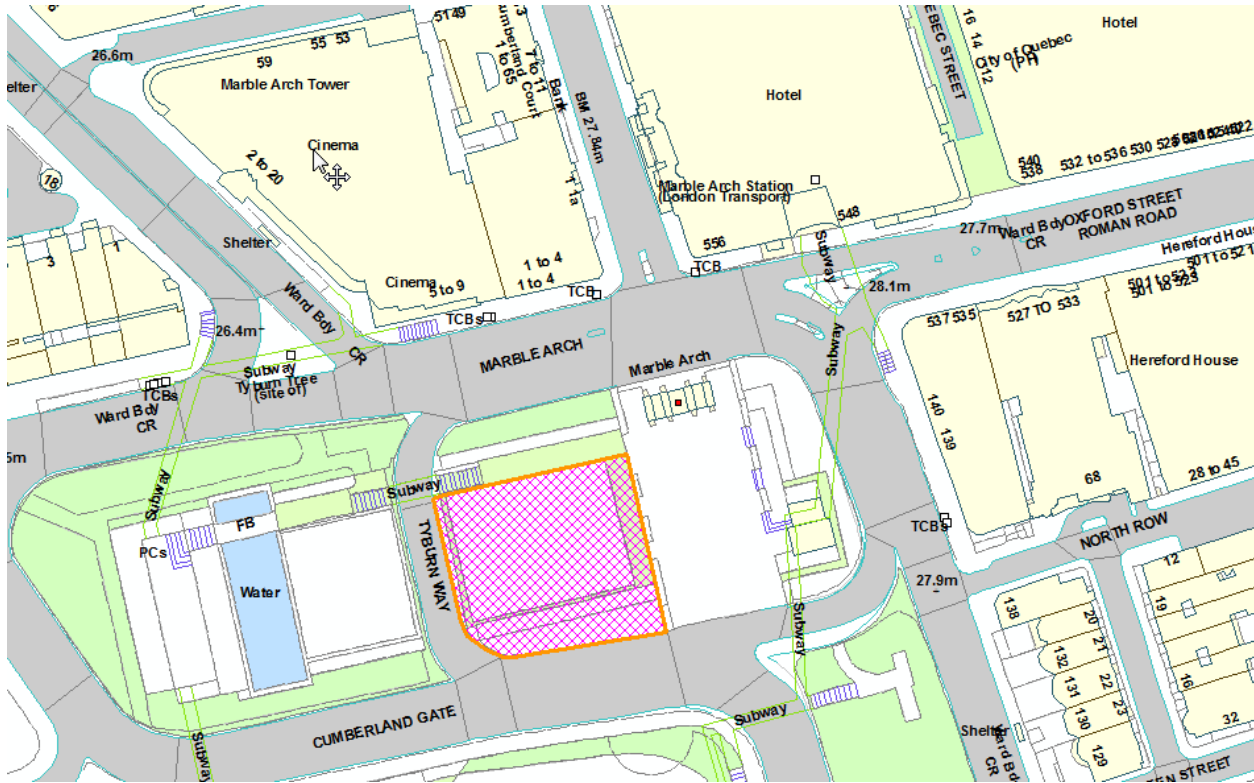
The location of the theatre is sensitive due to its setting adjacent to the Grade 1 Listed Marble Area and location on Metropolitan Open Land (MOL). Development on MOL will only be permitted in exceptional

circumstances. The proposed theatre tent structure is considered harmful to the setting of the grade I listed building. However this harm is identified as less than substantial.

The temporary theatre would provide a cultural venue which would be beneficial to the area. The public benefits of the scheme are considered to outweigh the harm to the townscape and the setting of the adjacent Grade 1 listed Marble Arch.

Subject to appropriate conditions including requiring the theatre to be operated in accordance with an appropriate Operational Management Plan (OMP) and securing site restoration the temporary scheme is considered acceptable.

## 3. LOCATION PLAN



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4. PHOTOGRAPHS





## 5. CONSULTATIONS

### COUNCILLOR FLORU

No objection provided that; a hoarding does not obstruct views of the Arch, there is no disruption of car traffic flow around the Arch, and organisers take care with regular cleaning and security of the entire area.

### GREATER LONDON AUTHORITY

No objection, the proposed temporary theatre is supported in this location within the CAZ. The less than substantial harm to the setting of Marble Arch would be outweighed by the public benefits to the scheme. A site restoration scheme, a pedestrian management plan should be secured by condition or a S106 agreement as appropriate. The scheme does not need to be referred back to the Mayor.

### TRANSPORT FOR LONDON

Any response to be reported verbally

### DESIGNING OUT CRIME

Any response to be reported verbally

### METROPOLITAN POLICE

Any response to be reported verbally

### THE ROYAL PARKS

No objection, advise as follows:

during the agreed Hyde Park concert dates (8 dates) that the theatre finishing times should not clash with the concert egress times for public safety reasons;

concerns raised around impact on egress ( both standard and emergency);

the theatre event should be responsible for providing stewards to assist road crossings before and after their event;

the licensed db levels at monitored points will be adhered to, however the theatre programme may not be compatible with a concert taking place in Hyde Park in terms of possible sound impact at the same time;

request assurances that the event organiser would work with Winter Wonderland regarding crowd management operations.

### MARYLEBONE ASSOCIATION

Objection to the impact on traffic and pedestrian circulation,

Inappropriate setting for a theatre and the use of public open space,

9 months is a relatively long period for a temporary use.

### RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S

Any response to be reported verbally

### HYDE PARK ASSOCIATION

Any response to be reported verbally

### SOUTH EAST BAYSWATER ASSOCIATION

Any response to be reported verbally

**BAYSWATER ASSOCIATION**

Any response to be reported verbally

**KNIGHTSBRIDGE ASSOCIATION**

Any response to be reported verbally

**HISTORIC ENGLAND**

Do not wish to comment

**HIGHWAYS PLANNING MANAGER**

No objection, subject to a condition requiring a crowd management strategy and no goods to be left on the highway.

**ENVIRONMENTAL HEALTH**

Any response to be reported verbally

**CLEANSING**

No objection, subject to a condition requiring details of bin storage required

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

No. Consulted: 498

Total No. of replies: 5

No. of objections: 1

1 objection raising the following issues:

Open spaces are rare in London and should be protected;  
the site location in the middle of a busy roundabout will create problems for construction;  
traffic and also users of the facility unless using public transport;  
toilet facilities in the area are poor, the site is extremely busy when both summer concerts  
and winter wonderland are taking place use of the site as a theatre when both events are  
taking place will result in logistical problems.

2 neutral comment raising no objection to the theatre on the basis that  
the site is kept clean and well maintained;  
stewarding and the operation does not impede pedestrian and cyclist movement across  
the paved piazza directly in front of Marble Arch.

2 letters of support raising the following issues:  
Enhancement to the leisure and cultural offer locally;  
Reduction in anti- social; behaviour;  
Increased attractiveness of Marble Arch and identity.

**PRESS ADVERTISEMENT / SITE NOTICE: Yes**

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The site comprises an area of open space made up of hard and soft landscaping around Marble Arch. This is an island area to the north east of Hyde Park. The site is enclosed by roads at Marble Arch to the north, Tyburn Way to the west, Cumberland Gate to the south and Park Lane to the west. All the roads bordering the traffic island are busy multi-lane routes. The site lies immediately west of the grade I listed Marble Arch and north of the north east corner of the grade I listed Hyde Park.

The site is also located on the fringes of the Royal Parks Conservation Area, and adjacent to the boundaries of the Portman Estate, Mayfair and Bayswater Conservation Areas. A number of grade II listed buildings are also sited to the east of the site, on the eastern side of Park Lane and to the north west of the site on Bayswater Road.

The site is designated Metropolitan Open Land and is within the Central Activities Zone outside the Core CAZ.

### **6.2 Recent Relevant History**

The eastern traffic island has been the subject of a number of temporary uses including public art installations, Olympic sports installations during the games in 2012, and use as an ice rink between November and January 2002-2008.

In 2011 permission was refused for a much larger development straddling Tyburn Way to provide a temporary event facility to promote the 2014 Sochi Winter Olympics. The application was refused due to concerns over scale, design, traffic generation, security and loss of trees.

## **7. THE PROPOSAL**

Permission is sought for the installation of a temporary pop up theatre tent for a period of eight months from 7 April 2017 to 6 December 2017. The intention is that the construction of the theatre will commence on 7 April 2017 with the build-up of the theatre and technical rehearsals, the overall installation will take three weeks. The theatre will then be open to the public from 1 May 2017 to 26 November 2017. The process of deconstruction will then commence on 27 November 2017 and will be completed by 6 December 2017.

The theatre will be operated by Underbelly and will host a new production 'Five Guys Named Moe'. There would be a maximum of 8 ticketed performances per week lasting 2 – 2.5 hours. The proposed start times for each performance are as follows: Monday- Tuesday 19.30, Wednesday 14.20 and 19.30, Thursday– Friday 19.30, Saturday 14.30 and 19.30 with no performances on Sundays. Fixed seating will be provided within the structure with a maximum capacity of 650.

The form of the tent would be based on travelling entertainment Spiegeltents from Belgium and Germany. The proposed structure primarily comprises a 26 metre diameter tent for the main arena, with smaller tents for bar, toilet, dressing rooms and foyer space. The proposed structure consists of a steel frame, with wood panel cladding, and a PVC roof canopy. The main structure is five metres in height, with a taller nine metre high element at its centre. The external walls of the

structure are punctured by coloured glass windows which, when lit, give the effect of stained glass windows. In order to accommodate the development an area of existing landscaping and grass mounds would need to be removed as well as existing railings and benches.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The site is designated as Metropolitan Open Land (MOL). London Plan policy states that MOL should be afforded the same protection as Green Belt, which is protected at a national level, with inappropriate development only permitted in very special circumstances. The proposal is considered to be inappropriate development. As such very special circumstances are required to justify the proposal.

City Plan Policy S22 states that 'The Royal Parks, their settings, views and tranquillity will be protected from inappropriate development and activity. Developments will only be allowed where they are essential and ancillary to maintaining or enhancing the value of the park as open space and that do not harm the park's

- a) Open landscape character;
- b) Heritage value;
- c) Nature conservation value;
- d) Tranquillity; or
- e) Value as a public open space.

UDP policy ENV 14 V (A) states that proposals should protect and enhance MOL. UDP policy ENV15 states that development on public open space is prohibited unless essential and ancillary to maintaining or enhancing that land as valuable open space.

The fact that the site is located on an island separated from the main Hyde Park, there is extensive history for temporary uses over the past 14 years and that the scheme would result in the provision of a cultural attraction for a temporary period are considered to be extenuating circumstances to justify an exception to the strong policy presumption not to develop on MOL. On the basis that any permission is subject to a condition which requires the site to be restored to its present position there would be no permanent impact on the openness of the MOL in accordance with London Plan, Westminster City Plan and UDP policies.

In response to consultations there have been both letters support, neutral comments which refer to operational details and letters of objection. The objections from the Marylebone Association and a resident on Park Lane are made on the grounds that the island location is inappropriate for a theatre as the use would adversely impact on traffic and pedestrian movements for a relatively long period of 8 months. Letters from Councillor Floru, The Royal Parks, The Marble Arch Business Improvement District, London Cycling Campaign and a resident, whilst not objecting in principle all comment that any activity associated with the theatre should not hinder pedestrian or cycling flows across the Marble Arch Island. They further stress the importance that the theatre is well run in particular to ensure that there is no conflict with activities resulting from summer concerts and Winter Wonderland in Hyde Park.

The use will be carried out in accordance with an operational management plan (OMP which will cover;

Calendar and operational times; management structure roles and responsibilities, security, pedestrian and vehicular access, health and safety, evacuation procedure, and refuse waste management. The headlines in the suggested OMP appear to be comprehensive. A condition is recommended which requires the use to operate in accordance with an approved OMP. On this basis it is considered that the use would operate without detriment to the locality.

## 8.2 Townscape and Design

### Background

The Marble Arch was designed by John Nash in 1828, originally as the ceremonial gateway to the forecourt of Buckingham Palace in commemoration of the Napoleonic wars. When the Palace was remodelled and extended in 1851, the arch was relocated to its current position as the north east entrance gateway to Hyde Park. In 1908, the arch was severed from the royal park by the introduction of a new road, designed to accommodate improved traffic movement through to Park Lane. This resulted in the arch becoming divorced from the park on a traffic island. In 1961-2 the traffic island was enlarged and split into two halves to allow for a gyratory (Tyburn Way) to link Cumberland Gate with the western extension of Oxford Street to the north of the traffic island, as evident in its current form. The Marble Arch was first listed at grade I in February 1970.

### Impact on the setting of Marble Arch

The proposed site is a sensitive location in heritage asset terms. Policy DES10 of the UDP states that planning permission will not be granted where it would adversely affect the setting of a listed building or an important view of a listed building.

The National Planning Policy Framework (NPPF) requires planning authorities to assess the significance of any heritage assets affected by a proposal, including any contribution made by their setting. The most important aspect of special interest in this instance is the setting of the grade I listed Marble Arch.

The significance of the Marble Arch is partly derived from its setting, adjacent to the north east corner of the royal park with open landscaped space to the south of it. This setting is demonstrative of its historic role as a ceremonial entrance gateway to Hyde Park. As already stated the physical and visual relationship between Marble Arch and Hyde Park is longstanding and historic. The setting of the listed building was seriously harmed by the creation of the traffic island and the gyratory, which physically severed the arch from the park with a busy, multi-lane road. However, the relationship between the two heritage assets remains evident to the extent that there is a visual connection between the two. The land to the south of the arch is designed to be open, ensuring the visual prominence of the arch is maintained and allowing for long views of the arch from the south and the west. Views of the arch from the east and north are less prominent, albeit still visible. The prominent setting of the arch, and its historic association with the nearby Royal Park, therefore makes a contribution to the significance of the listed building.

The proposed tent structure would result in some harm to the setting of the Marble Arch. The proposed tent structure would impact on views of the arch from a number of vantage points, including from the north east corner of the park looking north eastwards towards the arch. The tent would have a significant visual presence in the views from the Marble Arch to the royal park, and vice versa. Views of the arch from the west would also be almost entirely obscured by the proposed structure.

The prominence of the Marble Arch will be compromised to some extent by the introduction of a large tented structure, obscuring views and competing for visibility. There is however a history of temporary events taking place in this location. For the reasons stated it is considered that the proposal will cause some harm to the setting and significance of the Marble Arch. However, the impact of the proposed development is not so serious that it would constitute substantial harm. Thus, when taking into consideration the quality of the existing setting and the reversible, temporary nature of the proposals, the proposed development will constitute less than substantial harm.

Paragraph 134 of the NPPF requires local planning authorities to consider the public benefits of a development proposal and the optimum viable use of the heritage asset, when it will lead to less than substantial harm to the significance of the designated.

The public benefits of the proposal must therefore be taken into account. The quality of the Marble Arch's existing setting is poor and uninviting, isolated in the middle of a traffic island with poor access arrangements and surrounded by busy, multi-lane roads to all sides. As a result, the heritage asset is divorced from the otherwise busy pedestrian routes nearby. Although the installation of a large structure will not improve the quality of that setting, it would allow for a greater number of people to visit the traffic island. In this respect, the proposed development will enhance the ability to experience the heritage asset. The proposed theatre structure will also provide economic and cultural gains and these other considerations must be taken into account. The public benefit of a new cultural institution to this otherwise underused piece of land is considered to outweigh the less than substantial harm caused to the setting of the Marble Arch.

### **8.3 Residential Amenity ( Daylight Sunlight and Sense of Enclosure)**

The proposed structure would not result in a material loss of amenity to the occupants of any of properties surrounding the island block.

### **8.4 Transportation/Parking**

City Plan policy S14 prioritises pedestrian movement. The proposed use is likely to generate an increase in trips to the site. However given the accessibility to public transport facilities in the area it is considered that the increase is unlikely to have any significant adverse impact on the public highway.

The Highways Planning Manager raises no objection commenting that to ensure the entry and egress of patrons is managed safely and its impact minimised a crowd management strategy including staffing arrangements should be submitted. Pedestrian's queueing immediately outside the main entrance can do so within the confines of the site itself and clear of pedestrian routes. As stated a pedestrian management plan will form part of the OMP

#### Servicing

The application includes details how the site will be serviced. All vehicles will enter the site through the Cumberland Gate entrance on the Southern side of the roundabout. The level of servicing on a daily basis during the operational period is not expected to be high. The level of deliveries during the construction period is higher. The applicant advises that all deliveries to the site during the build up and take down stages will be scheduled and managed by Underbelly Limited. Delivery slots will be staggered and no more than two lorries will be on the site at one time. Full servicing arrangements will be included in the servicing management plan which would

be secured by condition. It is considered that vehicular activity associated with the development will not adversely impact on the highway

### **8.5 Economic Considerations**

The economic benefits associated with the provision of a theatre are welcomed

### **8.6 Access**

The scheme would maintain public access to the traffic island at all times. The structure would not obstruct the entrance to Marble Arch underground or the paved piazza in front of the Marble Arch monument. Access to the theatre/foyer would be through ticket agents sold in advance, through the official website and through the on- site box office. The theatre will be wheelchair accessible and DDA compliant.

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

#### **Noise**

An acoustic report has been submitted in support of the application assessing the background noise levels measured at the nearest noise sensitive receptor the Marriott Hotel situated on Park Lane. The report assesses noise from the front of house area and plant. The applicant states that the noise report indicates that the theatre would operate at level in accordance with City Plan Policies S22 and S29 and UDP policy ENV 6. Subject to the normal noise conditions this aspect of the application is considered to be acceptable.

#### **Refuse**

Waste will be stored in dedicated bin storage and will be collected from Cumberland Gate. The Cleansing manager advises that the waste detail submitted does not comply with the Council's waste and storage requirements. Revised details are required which separate residual waste bins, food bins and recycling. It is recommended that this is secured by condition. Further details will be provided in the delivery and servicing plan.

### **8.8 London Plan**

The application is referable to the Greater London Authority because the development would involve the construction of a building of more than 1000 m<sup>2</sup> on Metropolitan Open Land (MOL). The Mayor considers that the application complies with the London plan. The less than substantial harm to the setting of Marble Arch would be clearly outweighed by the public benefits of the scheme. On the basis that a site restoration scheme, a pedestrian management plan and a delivery and servicing plan are secured by condition, the case does not need to be referred back to the GLA.

### **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 applicable

### **8.11 Environmental Impact Assessment**

The proposals are not of sufficient scale to require an Environmental Impact Assessment

### **8.12 Other Issues**

In order to enable the theatre structure to be constructed, an area of existing landscaping comprising a grassed area would need to be removed. This landscaping area will be re-instated at the end of the temporary period and the site restored to its existing condition once the theatre has been deconstructed.

Part of the existing railings which run along the northern and eastern boundaries of the site will be removed, stored off site and reinstated. In addition benches located on the eastern side of the grassed area will be temporarily relocated elsewhere on the Marble Arch Island while the theatre is in operation and will then be reinstated. A condition is recommended to secure the site restoration.

## **9 BACKGROUND PAPERS**

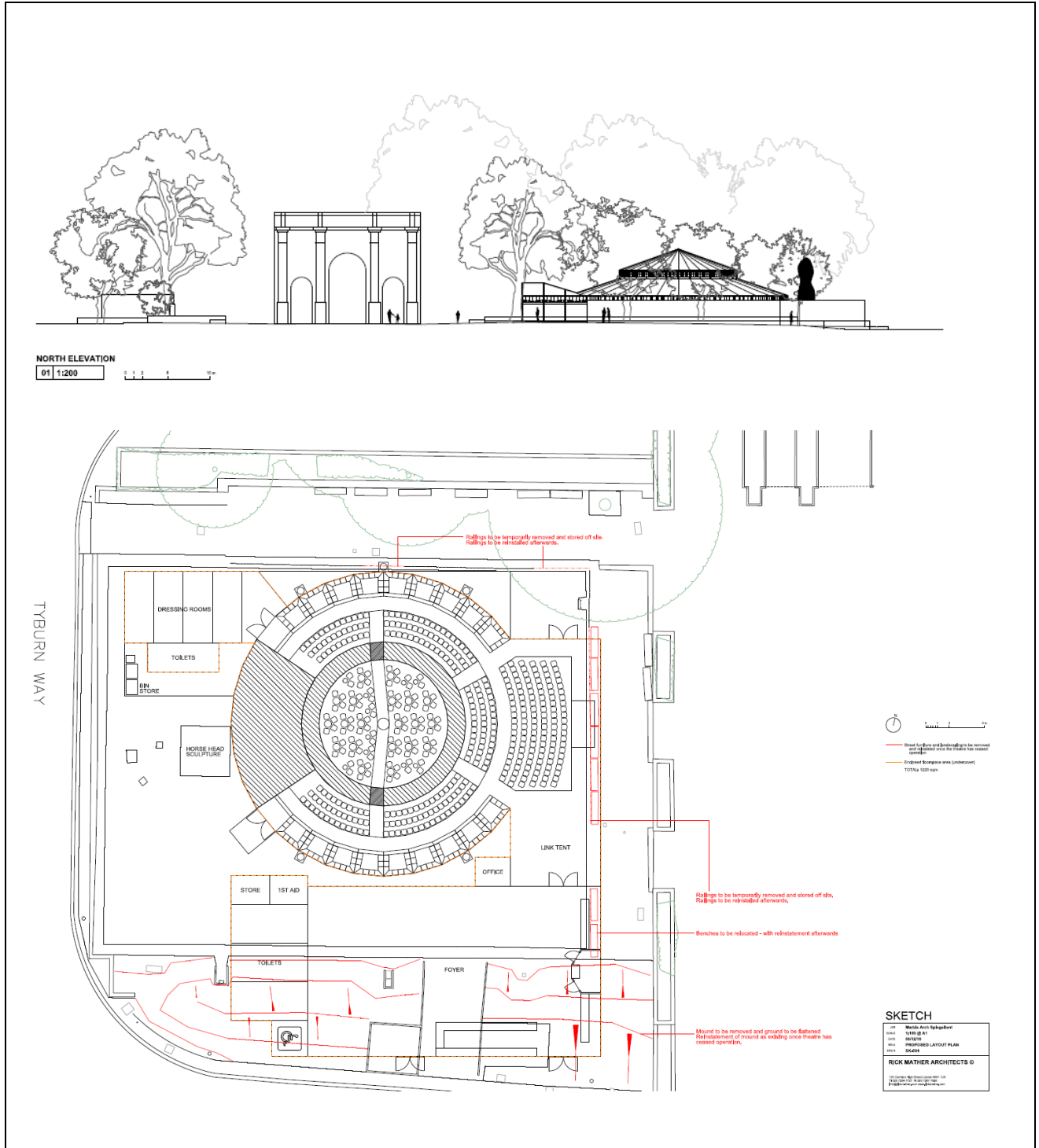
1. Application form
2. Letter from Councillor Floru dated 13 December 2016
3. Response from Historic England (Listed Builds/Con Areas), dated 14 December 2016
4. Response from Cleansing dated 6 January 2017
5. Response from Marylebone Association, dated 3 January 2017
6. Letter from occupier of Flat 12, Lampard House, dated 13 January 2017
7. Letter from occupier of The Old Police House, Hyde Park, dated 30 December 2016
8. Letter from occupier of flat 32, 129 Park St, dated 28 December 2016
9. Letter from occupier of 25 Nutford Place, London, dated 30 December 2016
10. Letter from occupier of York House, 45 Seymour Street, dated 5 January 2017
11. Letter from occupier of Flat 229, Dibdin House, Maida Vale, dated 13 January 2017
12. Memorandum from Highways Planning Manager dated 10 January 2017
13. Letter from Greater London Authority dated 16 January 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MICHAEL WALTON BY EMAIL AT [mwalton@westminster.gov.uk](mailto:mwalton@westminster.gov.uk).



10 KEY DRAWINGS



**DRAFT DECISION LETTER**

**Address:** Marble Arch At, Marble Arch, London, W1H 7DX,

**Proposal:** Use of part of Marble Arch Island as a temporary theatre event space for a temporary period from 7th April 2017 to 6th December 2017, including installation of enclosed temporary theatrical production structure (with approximately 650 audience seats) associated structures and associated works.

**Reference:** 16/11546/FULL

**Plan Nos:** SK -003, SK-004, SK-005, SK-006, SK-008, SK-009, SK-010

**Case Officer:** Mike Walton

**Direct Tel. No.** 020 7641 2521

**Recommended Conditions and Reasons**

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 3 The development hereby permitted shall not be begun before 7th April 2017 and can continue until 6th December 2017. After that the use must end and you must remove the building. You must then return the land to its previous condition and use.

## Reason:

The building shall not remain for a longer period because it would be contrary to policy S22 of Westminster's City Plan (November 2016) and ENV14 and ENV15 of our Unitary Development Plan that we adopted in January 2007.

- 4 Customers shall not be permitted within the premises before 13.30 or after 23.00 hours on Wednesdays, and Saturdays, and between 18.30 and 23.00 hours on Mondays, Tuesdays and Thursdays and not at all on Sundays.

## Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 5 The use as a theatre hereby approved shall not commence until an Operational Management Plan has been submitted to and approved by the City Council as local planning authority. The plan must include a pedestrian management plan. The use must then carry out the use in accordance with the approved details.

## Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Royal Parks Conservation Area. This is in line with S25 of Westminster's City Plan (November 2016) and DES 9 of our Unitary Development Plan that we adopted in January 2007.

- 6 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 dated 6 December 2016 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 (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

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

a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application;; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 8 The use as a theatre hereby approved shall not commence until a servicing management plan has been submitted to and approved by the City Council as local planning authority. The use must then carry out the use 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 (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 9 You must apply to us for approval of details of how waste is going to be stored on the site. The use hereby approved shall not commence 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 theatre. 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 (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

Item No.
<b>5</b>

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.

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# Agenda Item 6

Item No.

6

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Norfolk House, 31 St James's Square, London, SW1Y 4JR,</b>		
<b>Proposal</b>	Demolition of existing building and reconstruction of 31 St James Square and 30 Charles II Street facades to provide an office building over single basement, ground and first to seventh floors, a lightwell and railings to the front of 31 St James Square, basement car and cycle parking, plant at basement and roof levels, alterations to existing access on Charles II Street and associated works.		
<b>Agent</b>	DP9		
<b>On behalf of</b>	Sateria Investments Limited		
<b>Registered Number</b>	16/09591/FULL	<b>Date amended/ completed</b>	10 January 2017
<b>Date Application Received</b>	6 October 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St James's		

## 1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <p>i) The cost of the works to the footway to close the redundant crossover, construct the new crossover and revise the Traffic Management Orders on Charles II Street and for the cost of works to the footway to St James's Square (all subject to agreement by the council as Highway Authority)</p> <p>ii) Carbon offset payment of £58,320 (index linked) to be paid on commencement of development.</p> <p>iii) Crossrail payment of £119,280 (index linked) to be paid on commencement of development.</p> <p>iv) S106 monitoring costs to be paid on commencement of development.</p> <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</p>
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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 the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

The application site comprises Norfolk House, located at 31 St James's Square and 30 Charles II Street. It is a landlocked L-shaped site that is bound to the east by Waterloo Place, to the west by St James's Square, to the north by Charles II Street and to the south by Pall Mall.

The site measures approximately 0.26 hectares and is currently occupied by multi-let seven-storey office accommodation. The main entrance to the building is on St James's Square with a secondary access on Charles II Street.

The building dates from 1939 and has neo-Georgian classical style facades to the street that conceal a large L shaped building behind. The building is not listed but does lie within the St James's Conservation Area and the Core Central Activities Zone. The site is located within the setting of St James's Square, which is a Registered Park and Garden accessible to the public.

Permission is sought to demolish the existing building and construct a modern office building with reconstructed facades on St James's Square and Charles II Street.

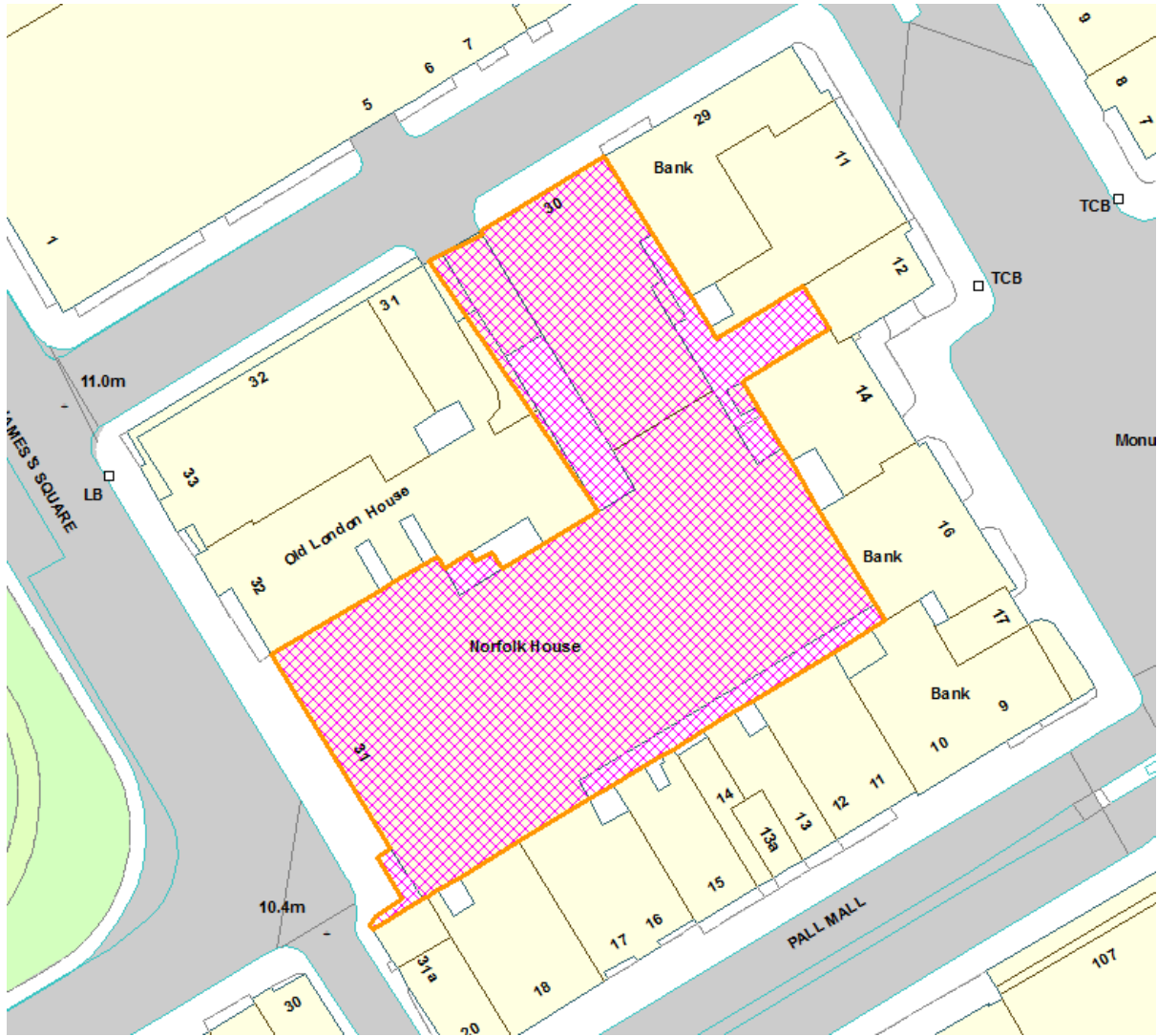
The key issues to consider with this application are:

- \* The impact of the development on the character and appearance of the St James's Conservation Area
- \* The impact of the development on the setting of adjoining listed buildings.
- \* The impact of the proposal on the amenity of neighbouring properties.

The proposal is considered acceptable in land use, design and amenity terms and considered to be in general compliance with policies set out in Westminster's City Plan (November 2016) and the adopted UDP. Letters of objection have been received from residential occupiers in Pall Mall that back onto the site who are concerned about the impact on residential amenity. However for the reasons set out in the main report the proposal is considered to comply with our policies that seek to protect residential amenity.



### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Norfolk House – elevation onto St James's Square



Norfolk House – elevation onto Charles II Street

## 5. CONSULTATIONS

St. James's Conservation Trust  
Any response to be reported verbally.

Highways Planning Manager  
Supports the reduction in car parking spaces and the provision of cycle parking in accordance with London Plan policy. The proposed relocation of the vehicle crossover on Charles II Street causes concern as this may result in loss of on street parking bays. The highway works on St James's Square need detailed assessment. A concern raised about the lack of visibility splays for the car lift. No details of electric car charging points have been provided. A robust servicing management plan and lift maintenance plan are required.

Cleansing  
No objection. As requested the applicant has revised the Refuse and Recycling Storage and Collection (section 4.15) within the transport statement.

Environmental Health  
No objection subject to condition to require adherence to Council's Code of Construction Practice.

Historic England  
Our specialist staff has considered the information received and we do not wish to offer any comments on this occasion.

### ORIGINAL SCHEME - ADJOINING OWNERS/OCCUPIERS

No. Consulted: 305  
Total No. of replies: 10  
No. of objections: 9  
No. in support: 0  
No. neutral: 1

Amenity  
\*A reduction in the separation distance between Crusader House and the new office building from 10m to 5m which will result in a loss of daylight and sunlight to individual flats.  
\*Loss of privacy

Other  
\*The attempts by the developer to address concerns through its consultation with residents and leaseholders and in its planning application are considered wholly inadequate and unacceptable. Specifically, the applicant rejected representations by residents and leaseholders of Crusader House to:  
(i) Maintain the existing distances between the two buildings at each floor level (as a minimum requirement), without increasing the height and/or bulk of the new building;  
and,



(ii) Amend the design to eliminate the open balconies and roof terrace overlooking Crusader House.

\*Noise and disruption from demolition and construction works.

\*Could do with more solar photovoltaics.

## REVISED SCHEME - ADJOINING OWNERS/OCCUPIERS

Two responses received:

-reiterates concerns about loss of amenity to residential windows from increased sense of enclosure, loss privacy and noise from terraces. regarding

- concern about the building works but notes that until a contractor in place it will be difficult to assess what the impact will be in practice. Assumes WCC will put necessary conditions on the contractor.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises Norfolk House, located at 31 St James's Square and 30 Charles II Street. It is a landlocked L-shape site that is bound to the east by Waterloo Place, to the west by St James's Square, to the north by Charles II Street and to the south by Pall Mall. The nearest residential properties are located to the south at Crusader House, 14 Pall Mall and at 16-17 Pall Mall.

The site measures approximately 0.26 hectares and is currently occupied by multi-let seven-storey office accommodation. The main entrance to the building is on St James's Square with a secondary access on Charles II Street.

The building dates from 1939 and has neo-Georgian classical style facades to the street that conceal a large L shaped building behind. The building is not listed but does lie within the St James's Conservation Area and the Core Central Activities Zone. The site is located within the setting of St James's Square, which is a Registered Park and Garden accessible to the public

### 6.2 Recent Relevant History

The property was constructed in 1939 and underwent comprehensive refurbishment during the 1980's. There is no recent planning history that is relevant.

## 7. THE PROPOSAL

Permission is sought to demolish the existing buildings and construct a modern office building with reconstructed facades on St James's Square and Charles II Street. The main entrance to the office building will remain on St James's Square. There will be a pedestrian entrance on Charles II Street together with a retained vehicular entrance but in a different location to existing.

The scheme proposes to rebuild the facades to meet the newly adjusted floor levels using new bricks and mortar but reusing the stone. The two roof level storeys to the St James's Square frontage are reconstructed in a slightly different form and finished in grey zinc panels rather than the clay pantiles of the existing. The building behind the facades will be rebuilt in a more contemporary glazed style with a slightly reduced overall height.

The replacement building would comprise eight storeys plus basement on the St James's Square frontage and seven storeys plus basement on the Charles II frontage. The number of office floors remains as existing with the principal elevations no taller than the existing building. The existing basement will be further excavated in order to accommodate additional office accommodation, car and cycle parking, changing rooms and showers and plant.

The building is designed as two buildings with shared basement facilities, utilising the split addresses.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system “does everything it can to support sustainable economic growth”. It also states that “Planning should operate to encourage and not act as an impediment to sustainable growth”.

Policy S20 of the Westminster City Plan (2016) encourages office growth within the Core CAZ to meet Westminster's business and employment needs.

The existing building is in B1(a) office use. The offices have been retrofitted and adapted over the last 80 years resulting in an inefficient layout and compromised office space with low floor to ceiling heights that the applicant advises fail to meet contemporary standards. The proposal seeks to redevelop the existing building to provide modern office floorplates to include higher floor-to-ceiling levels (2.8m), large open-plan floorplates, views towards the square and street and upper-level amenity space. Overall the proposal will provide high quality replacement office floorspace within the CAZ which is welcome and complies with adopted policy.

The existing building provides 14,665m<sup>2</sup> GIA of office floorspace. The proposed office building will provide 15,517m<sup>2</sup> GIA of office floorspace which represents 852m<sup>2</sup> additional floorspace. The proposals increase the existing office floorspace by 5.8% which is under the 30% threshold set by mixed use City Plan Policy S1. As such no residential floorspace is required as part of the proposals.

### **8.2 Townscape and Design**

The building has two different and distinct facades to St James's Square and Charles II Street, while the main body of the building which is landlocked behind surrounding buildings has a different architectural style altogether. The two facades were built in the 1930's in the neo-Georgian style, though they are subtly different with that to St James's

Square being in the Queen Anne tradition and that to Charles II in a more understated Georgian style. Neither façade is indicated in the St James's Conservation Area Audit as being an unlisted building of merit, but further analysis as part of this application has confirmed that these buildings should be considered as positive buildings within the conservation area though their contribution could be considered to be modest. The internal facades have no particular architectural merit. The statutory test is for developments in the conservation area to preserve or enhance the character and appearance of the conservation area. Guidance in the National Planning Policy Framework states that if the development causes some less than substantial harm to the conservation area then it should be refused unless the public benefits generated by the scheme outweigh the harm.

The proposal is to demolish the building in its entirety and to rebuild two new facades both similar in design and style to those being demolished. Portland stone dressings are to be stored for re-use where possible, but otherwise the facades will be new construction in new materials. The building behind the facades will be rebuilt in a more contemporary style which is acceptable and will have no impact on the wider conservation area setting. The floor levels of the new building are altered to allow for modern floor to ceiling heights which means that the proportions and alignment of the fenestration change. Otherwise the building style is largely replicated with a Queen Anne style to St James's Square and a more classic Georgian style to Charles II Street. The height and mass of the buildings remain the same.

The two roof level storeys to the St James's Square facade are reconstructed in a slightly different form and finished in grey zinc panels rather than the clay pantiles of the existing. This does provide a different appearance to the top of the building but reflects to a certain extent the traditional roofs around St James's Square which tend to be dark grey slate or lead roofs. The ground floor treatment differs also with the inclusion of a lightwell and railings and a larger entrance. The windows are a different pattern, but the steel, margin light design proposed is one that was prevalent during the 1930's and used in this type of building.

The façade to Charles II Street is largely replicated but with a different size and alignment of windows. The ungainly sloping roof with plant room above is replaced with a more considered design of setback roof storey and sloping mansard style roof plant screen. Neither of these roofs can be seen from street level but will be visible from upper floors in nearby buildings. The window design is changed to margin lights as for the St James's Square façade and the ground floor arrangement is tidied up with a central office entrance and symmetrical arrangements for car access and fire escape to either side. Metal screens to the ground floor help to present a uniform façade treatment to the street level façade.

In summary, it is considered that the replacement facades will contribute positively to the conservation area character and appearance in the same, modest manner that the existing buildings do. There is a balance of positive and negative elements to the design but overall the design is considered to be a sufficient replacement for the existing facades. There is no harm to the conservation area and the proposal preserves or enhances the character and appearance of the St James's Conservation Area.

### 8.3 Residential Amenity

Policy ENV 13 of the UDP aims to maintain and where possible improve the quality of life for residents, workers and visitors to Westminster. Part (E) of this policy states 'The City Council will normally resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. In cases where the resulting level is unacceptable, permission will be refused.' Part (F) of this policy adds that 'Developments should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.'

The neo-Georgian facades and surrounding buildings conceal a large 1930s landlocked building that is not visible from the street. The geometry of the landlocked building is unusual as it has been designed with a series of steps and terraces. The majority of buildings that face onto the landlocked building are in commercial use. However there are residential flats within Crusader House, 14 Pall Mall and within 16-17 Pall Mall that face the south elevation of the existing building. Objections have been received from residents within these properties on the grounds of loss of amenity. A particular concern is the reduction in separation distance between the south elevation of the new building and windows in the residential flats which occupiers consider will result in increased sense of enclosure, loss of daylight and sunlight and loss of privacy.

#### **Sense of Enclosure**

The separation distance between the existing building and the residential flats on Pall Mall is approximately 10.5m at first to third floor levels. This distance increases higher up due to the terraces and steps on the existing building. As originally submitted the new building reduced the separation distance to between 5.1-6.5m with Crusader House and 7.7m to 16-17 Pall Mall. Following concerns expressed by residents, the scheme has been amended and whilst the south elevation of the building will still project forward at lower levels (by approximately 3m compared to existing) the separation distance will be 7.2-7.5m to Crusader House and 9.0m to 16-17 Pall Mall. The separation distance then increases to 10.1m at fourth floor level.

The concerns of residents about the reduced separation distance between their flats and the existing building are noted. However the proposed new building offers a number of benefits that need to be taken into account when assessing the proposal against Policy ENV 13. Firstly the privacy of residents would be improved in comparison to the existing situation by the inclusion of a patterned frit 1.8m high into the new glazing (see Privacy section below). Secondly the new building would enhance the visual amenity and outlook for residents compared to the existing situation. Thirdly the removal and relocation of existing mechanical plant and louvres from the south elevation will result in improved noise conditions for residents. A final consideration is that the scheme will deliver high quality office accommodation in the Core CAZ which is strongly supported by City Plan Policy S20.

The most affected residents in Crusader House and 16-17 Pall Mall are at first and second floor levels. The flats in Crusader House are single aspect with bedrooms and living rooms overlooking the site whereas the flats in 16-17 Pall Mall are dual aspect. Above second floor level the flats are less affected as the proposed building is set further



back. Although the development will increase the sense of enclosure to flats at the lower levels, it is considered that the benefits set out above mitigate that harm.

The scheme revisions to the south elevation mean that the massing to the east elevation behind Waterloo Place was also modified. These modifications, which include relocating vents from the south elevation will not have a significant impact on the offices on Waterloo Place.

### **Daylight and Sunlight**

In terms of daylight, the application has provided a daylight and sunlight report in accordance with the BRE Site Layout Planning for Daylight and Sunlight 2011. The report concludes that all properties on Pall Mall will meet or exceed BRE guidelines for all daylight and sunlight analysis in terms of percentage reduction. The proposal is therefore considered to comply with policy ENV 13 (E). The applicant has also assessed the impact of the proposal on 33 St James's Square which has a consented but yet to be implemented permission for residential use. Whilst some of the windows within this development will experience reductions beyond those recommended by the BRE guidelines, given that the permission is unimplemented it is not considered sustainable to refuse on this basis. In addition the daylight report indicates that the scheme at 33 St James's Square was approved with relatively poor levels of daylight and therefore even a modest development at 31 St James's Square would be likely to breach the BRE guidelines.

### **Privacy**

There is direct overlooking between the current office windows in the south elevation and the residential flats on Pall Mall. The current scheme proposes to reduce the loss of privacy to the residential flats by installing a number of opaque glazed panels in the southern elevation. In particularly sensitive areas privacy panels are proposed to a height of 1.8m. This will obscure views of residential windows from within the office building and is a welcome improvement from the current situation. It is recommended that full details of the privacy measures are reserved by condition including a sample of the privacy frit proposed as this is considered one of the key benefits of the scheme.

### **Terraces**

Small recessed terraces are proposed in the southern elevation at third to sixth floor level. At third and fourth floor levels the terraces are provided as fully enclosed winter gardens with a privacy frit. At fifth and sixth floor levels the terraces are fully open however at this point the separation distance with the residential flats on Pall Mall increases to 15.2m at fifth floor level. At sixth floor level the views from the terrace would be above neighbouring buildings.

At ground floor level it was originally proposed to have a winter garden on the south elevation as an amenity space. The design of this space has been modified and will now be fully enclosed office accommodation.

## **8.4 Transportation/Parking**

The scheme proposes to reduce the amount of car parking within the basement of the building from 10 spaces at present to 4 spaces (including 2 disabled bays). This is acceptable in terms of Policy TRANS 21 and TRANS 22 of the UDP. The basement will

also provide 202 cycle parking spaces with 190 spaces allocated for office staff and 12 spaces allocated for visitors. Separate male and female changing and showering facilities and will also be provided in the basement of the building. The number of cycle parking spaces complies with London Plan policy and the provision of support facilities is welcomes.

The car parking spaces will be accessed from a car lift from Charles II Street. Whereas the existing vehicle ramp is on the west side of the building, it is proposed to relocate the vehicular entrance to the east side. The Highways Planning Manager considers this element of the scheme to be contentious as relocating the vehicle crossover may result in the loss of on street parking in an area of high demand. The Highways Planning Manager adds that changes to on-street parking restrictions would not be progressed where there is a loss of on-street car parking. The applicant is aware of these concerns and confirms that it is their intention to relocate parking bays on Charles II Street rather than to lose them altogether. In order to overcome the concerns of the Highways Planning Manager a Grampian condition is recommended to ensure that no development takes place, including demolition, until the traffic management orders for the relocation of parking bays have been agreed with the council.

The existing footway levels in front of the St James's Square elevation of the building are raised with a double height kerb. The applicant advises that this is due to the existing basement structure and to allow step free access to the existing building. As the redevelopment of the site involves lowering of the ground floor and basement ceiling a revised footway construction is sought by the applicant. There are no objections in principle to this modification to the highway however the Highways Planning Manager advises that the detailed design and technical drawings will need to be approved by the council as highway authority.

Provision is made in the S106 legal agreement for the cost of the works to the footway to close the redundant crossover, construct the new crossover and revise the Traffic Management Orders on Charles II Street and for the cost of works to the footway to St James's Square (subject to agreement by the council as Highway Authority).

The Highways Planning Manager has raised concerns about the absence of visibility splays (chamfered edges) at the exit from the car lift. The applicant has responded to these concerns by stating that the proposed car lift exit is 3.9m wide compared to the existing 3.1m wide single-vehicle width ramp and that the proposed basement will only be serving 4 car parking spaces. It is considered that the argument put forward by the applicant for not having chamfered edges, which would also have an impact on the design of the building, is acceptable.

The existing on-street servicing arrangements at the site are to be maintained in the proposed scheme. Given the small increase in commercial floorspace proposed this is considered acceptable. It is recommended that a servicing management plan is secured by condition.

It is recommended that details of electric vehicle charging points are secured by condition.

## 8.5 Economic Considerations

The provision of improved office accommodation will help sustain employment activities at this site and contribute to meeting Westminster's business and employment needs.

The applicant advises that with improved efficiencies and job densities the proposal will support a building population in the region of 1,200 people (an increase of approximately 300 jobs).

## 8.6 Access

The primary entrance from St James's Square provides level access to street level. There is a change in level between Charles II Street and St James's Square – because of this, a platform lift is provided in the Charles II Street office entrance. It is proposed that each entrance has an automatic pass door for wheelchair access.

Each of the entrances has its own reception. Lifts accessed from the receptions take office users to the upper floors. Toilets adjacent to reception include disabled and ambulant disabled facilities.

## 8.7 Other UDP/Westminster Policy Considerations

### Plant

Mechanical plant is currently located at roof level. The proposals include the relocation of some mechanical plant to the basement level which is welcome. A small area of roof top plant is proposed adjacent to the St James's Square frontage. The acoustic assessment submitted in support of this application has been assessed by Environmental Health officers who conclude that the mechanical plant is likely to comply with Policy ENV 7 of the UDP. It is recommended that the standard noise conditions are attached to the draft decision notice.

### Refuse /Recycling

The application drawings indicate that a waste and recycling store is to be provided at basement level which is capable of accommodating waste that will be generated from the proposed development. The bins are also labelled as required and waste servicing will take place on Charles II Street. The applicant has amended their waste strategy document to state that waste will be transferred directly from the waste store to the waiting refuse vehicle at street level and the bins will be returned immediately to the waste store after being emptied.

### Sustainability

The scheme proposes the following sustainability features: thermal insulation, high performance glazing, mixed mode ventilation, efficient cooling, heat recovery, greywater recycling system, rainwater harvesting system and electric car charging points.

A pre-assessment has been carried out to evaluate the proposed development's possible score under BREEAM New Construction UK 2014 for the building. The pre-assessment shows that the design is capable of achieving a BREEAM 'Excellent' rating. It is recommended that a condition is used to ensure a minimum score of excellent with

details of the final score achieved to be provided within 3 months of final completion of the development.

### **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**

The draft 'Heads' of agreement are proposed to cover the following issues:

- i) The cost of the works to the footway to close the redundant crossover, construct the new crossover and revise the Traffic Management Orders on Charles II Street and for the cost of works to the footway to St James's Square (subject to agreement by the council as Highway Authority)
- ii) Carbon offset payment of £58,320 (index linked) to be paid on commencement of development.
- iii) Crossrail payment of £119,280 (index linked) to be paid on commencement of development.
- iv) S106 monitoring costs to be paid on commencement of development.

The estimated Westminster CIL payment is £170,400. This figure is provisional and may be subject to any relief or exceptions which may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

### **8.11 Environmental Impact Assessment**

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

- (i) Be lean: use less energy
- (ii) Be clean: supply energy efficiently
- (iii) Be green: use renewable energy

For 2013-2016 the policy advises that major developments should meet a carbon emission reduction target of 35% against Part L. For 2016-2019 the target is as per building regulations requirements. As the current planning application was submitted in October 2016 it is considered reasonable to apply the 35% target.

The proposed development is currently predicting a site-wide 21.1% carbon dioxide emissions reduction over Part L 2013 through the following measures: energy efficiency (a 17.2% improvement), a CHP unit (a further 3.4% saving) and photovoltaic panels (delivering 0.4% savings). The shortfall in carbon dioxide emissions is to be made up with a carbon off-set payment of £58,320. This is considered acceptable in policy terms.

## 8.12 Other Issues

### Construction impact

A condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which will require the developer to provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition and construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works.

The key issues to address in the COCP are; liaison with the public; general requirements; SEMPs; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues. A Construction and Logistics Plan and Delivery and Servicing Plan are requested by Transport for London and these plans would need to be secured through condition.

Letters of objection have been received from residents relating to construction matters. The applicant will be required to address these concerns through the COCP. One resident has raised the issue of the impact of construction work on their health. Whilst officers are sympathetic to this concern it is not possible to go beyond the requirements imposed on the developer through the COCP and SEMPs. However an informative is recommended requesting that the applicant liaise with residents to address specific concerns.

### Community Liaison

A Statement of Community Involvement (SCI) has been submitted with this application. The applicant advises that as part of the consultation process meetings were held with a local resident from 16-17 Pall Mall, with local residents from Crusader House and a public exhibition was held over two days with 1,300 invitations sent.

It is noted that some objectors consider the applicant's consultation with residents and leaseholders to be wholly inadequate and unacceptable. However in terms of the validation requirements for this type of application, the applicant has submitted a detailed SCI which is considered acceptable. The applicant advises that in response to some comments made by local residents during the consultation process amendments were made to the south elevation of the scheme.

## 9. BACKGROUND PAPERS

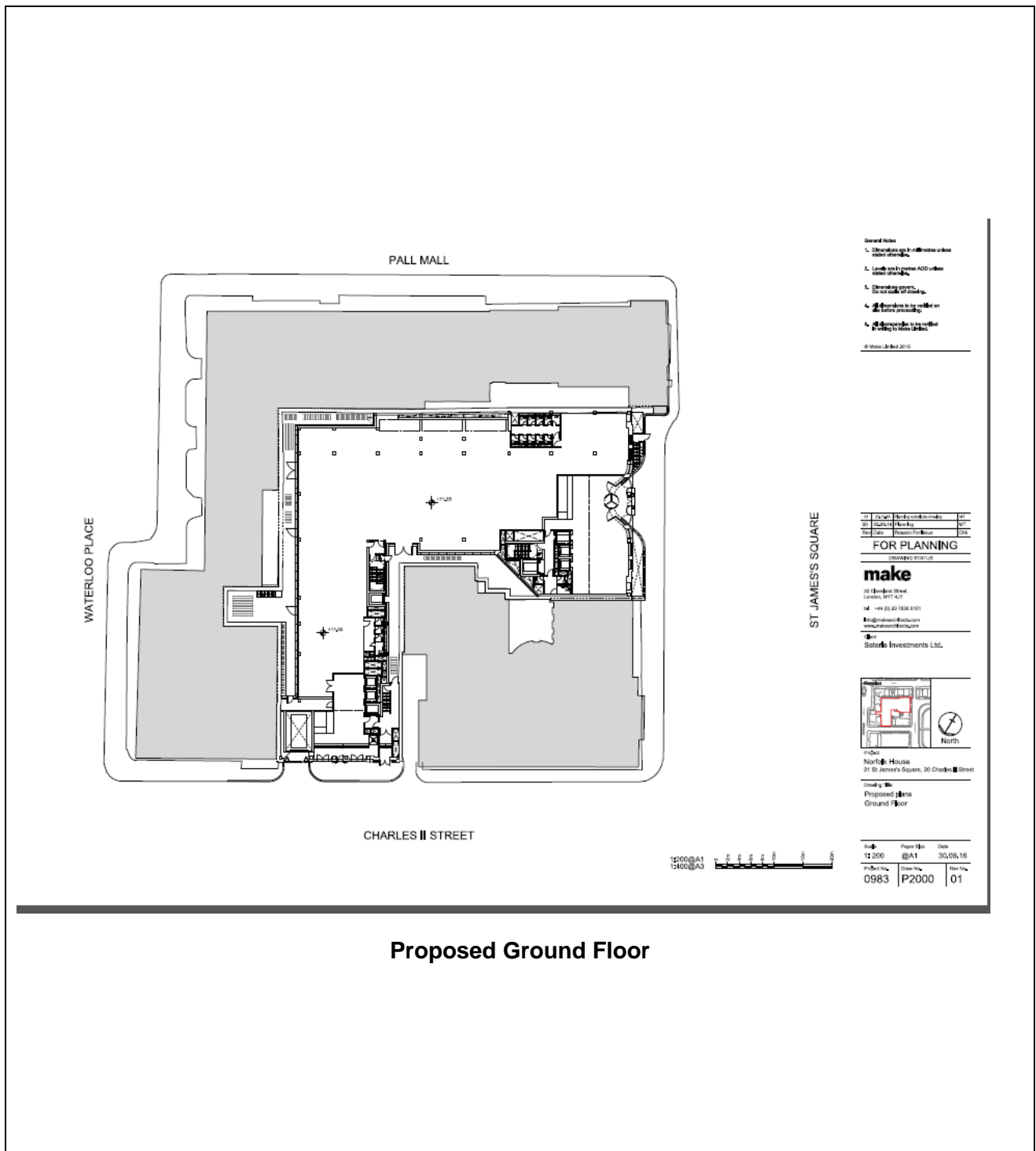
1. Application form
2. Response from Environmental Health dated 7 November 2016.
3. Response from Cleansing Manager dated 21 October 2016.
4. Response from Highways Planning Manager dated 25 January 2016.
5. Letters from occupier of 16 - 17 Pall Mall, London, dated 26 January 2017 and 1 November 2016.
6. Letter from occupier of 19 Crusader House, 13/15 Pall Mall, dated 1 November 2016.

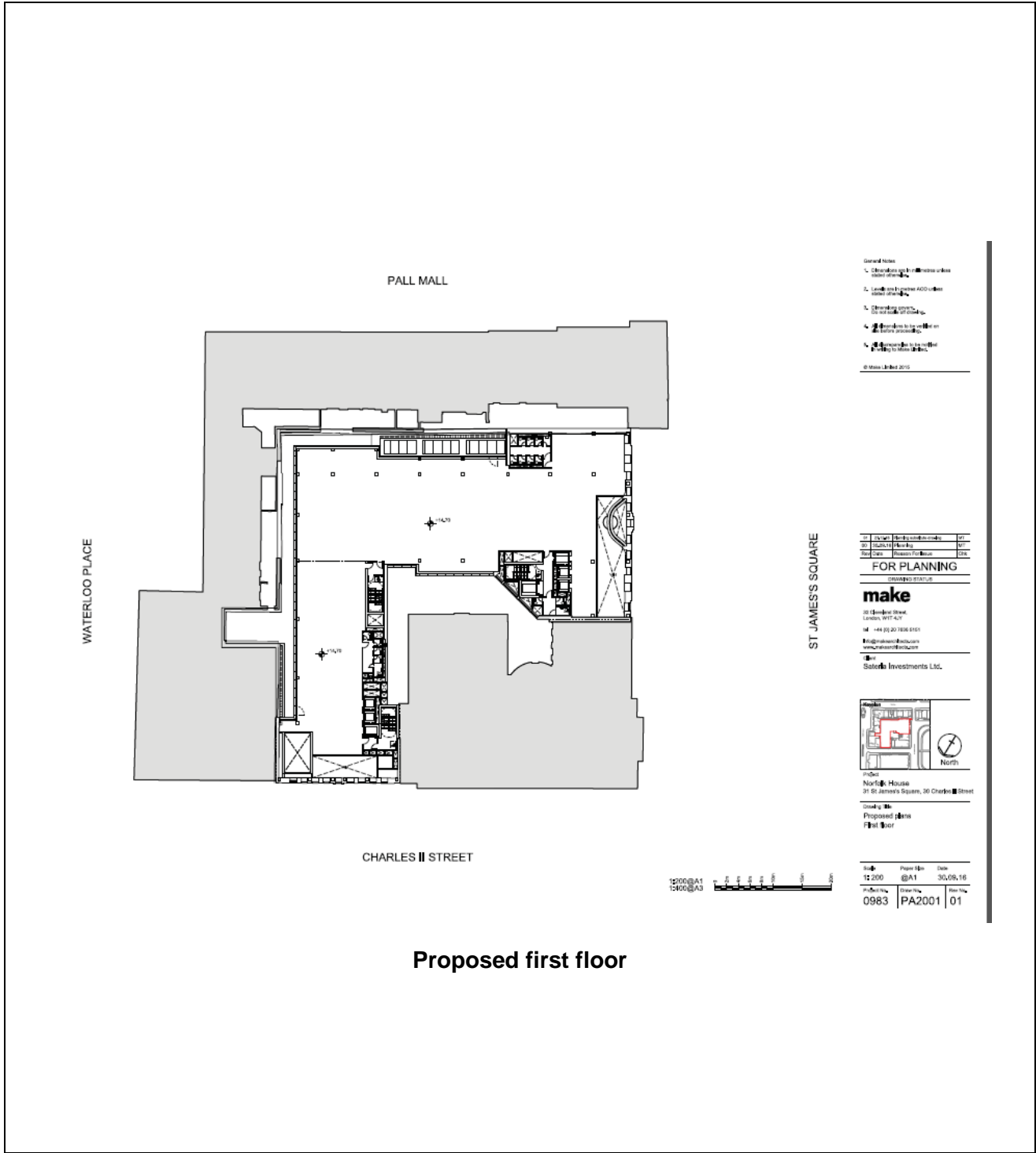
7. Letter from occupier of Flat 12A Crusader House, 14 Pall Mall, dated 31 October 2016.
8. Letter from occupier of 55 Garden Road, Hong Kong, dated 1 November 2016.
9. Letter from occupier of 20 Crusader House, 14 Pall Mall, dated 2 November 2016.
10. Letter from occupier of Flat 3, Crusader House, dated 17 October 2016.
11. Letter from occupier of 31/F Edinburgh Tower, Hong Kong, dated 1 November 2016.
12. Letter from occupier of 17 Crusader House, 14 Pall Mall, dated 23 November 2016.
13. Letter from occupier of Flat 7, Crusader House, 14 Pall Mall, dated 2 November 2016.
14. Letter from occupier of Flat 11, Crusader House, 13-15 Pall Mall, dated 2 November 2016.
15. Letter from occupier of Flat 12, Lampard House, 8 Maida Avenue, dated 24 October 2016.
16. Letter from occupier of 13a Crusader House dated 29 January 2017.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT [lfrancis@westminster.gov.uk](mailto:lfrancis@westminster.gov.uk)

10. KEY DRAWINGS





- General notes
1. Dimensions are in metres unless stated otherwise.
  2. Levels are to top of floor AGO unless stated otherwise.
  3. Shading indicates the extent of the proposed work.
  4. Dimensions to top of floor are shown in red.
  5. Dimensions to be offset from existing walls are shown in red.
- © 2018, 2019

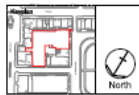
NO.	DESCRIPTION	DATE
01	Issue for Planning	01/09/18
02	Issue for Construction	01/09/18

**FOR PLANNING**

DRAWING STATUS

**make**  
 20 Abchurch Lane  
 London, EC4N 3JF  
 Tel: +44 (0) 20 7636 6151  
 Email: info@make.co.uk  
 www.make.co.uk

Safarid Investments Ltd.



Plot: 10/10 House  
 21 St James's Square, 20 Charles II Street

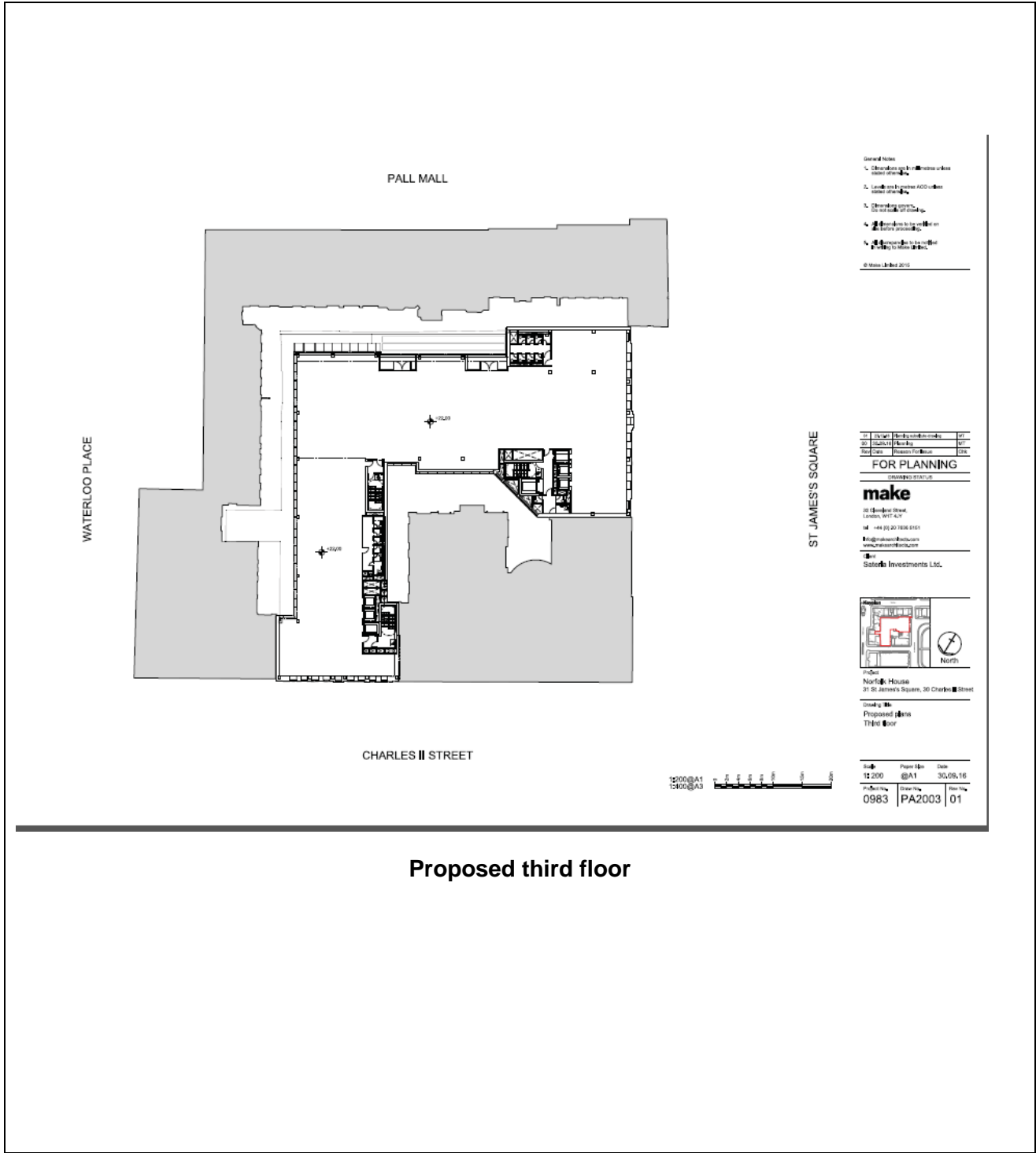
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 Proposed by: [Signature]  
 Checked by: [Signature]



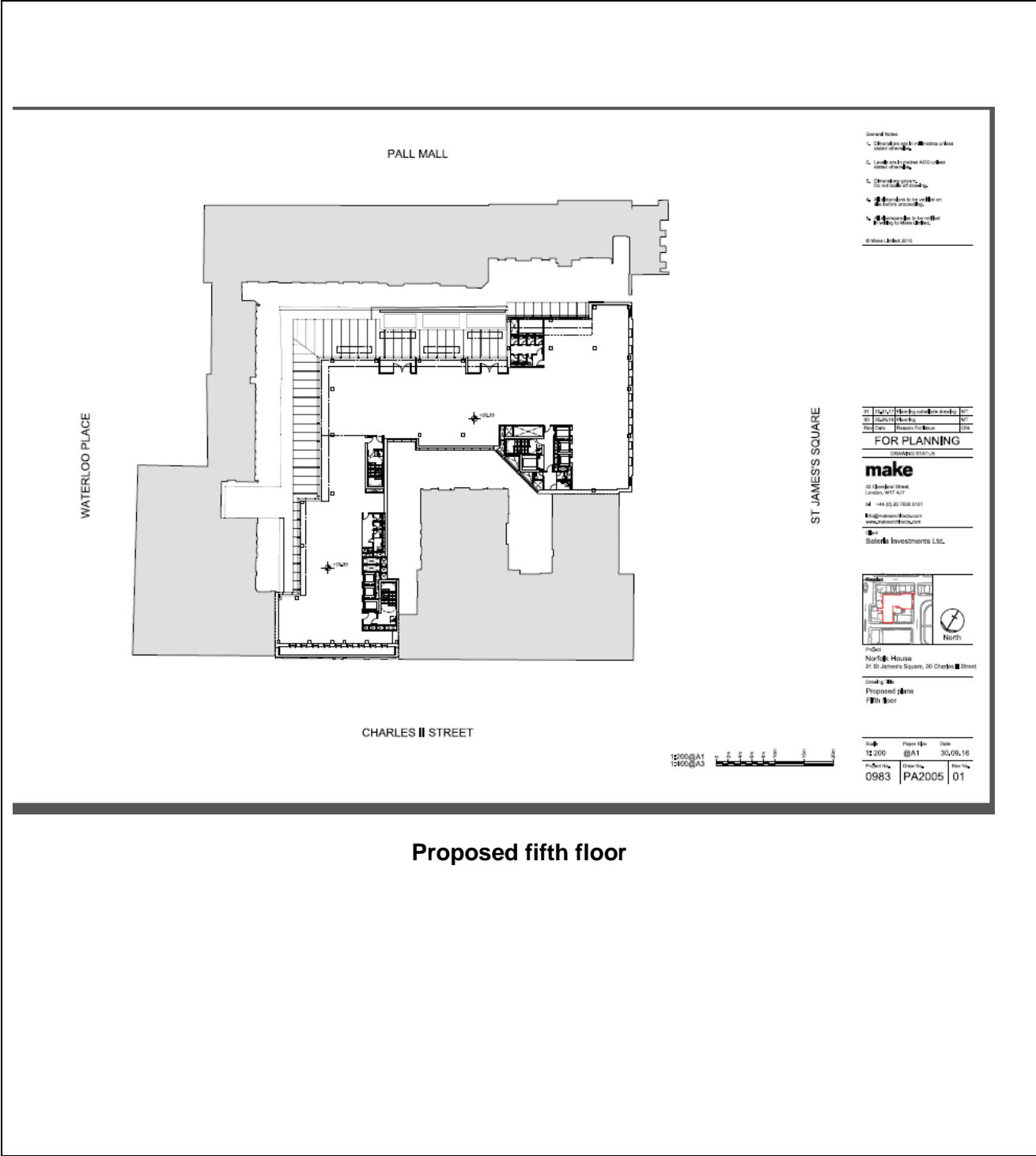
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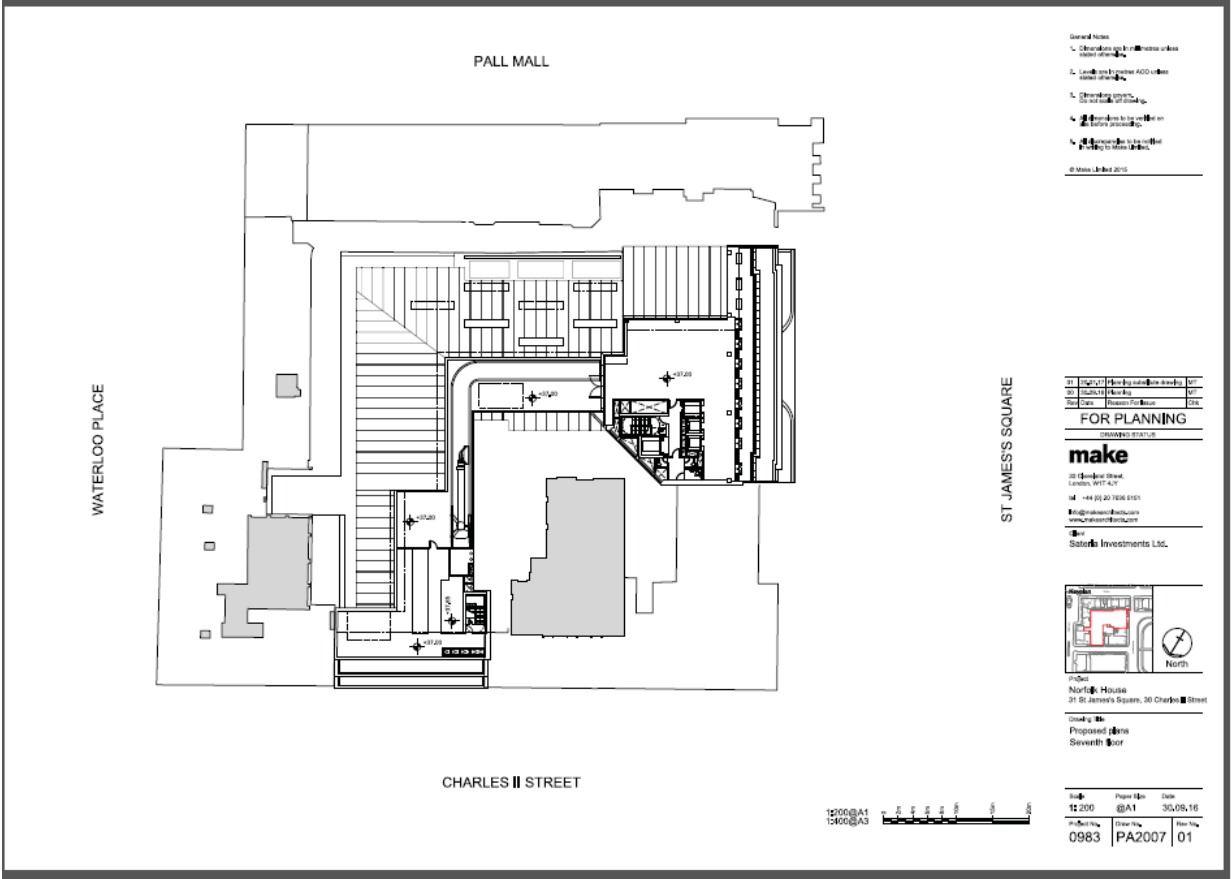
Proposed first floor





Proposed third floor





**Proposed roof plan**



**Existing elevation on to St James's Square**



**Proposed elevation onto St James's Square**

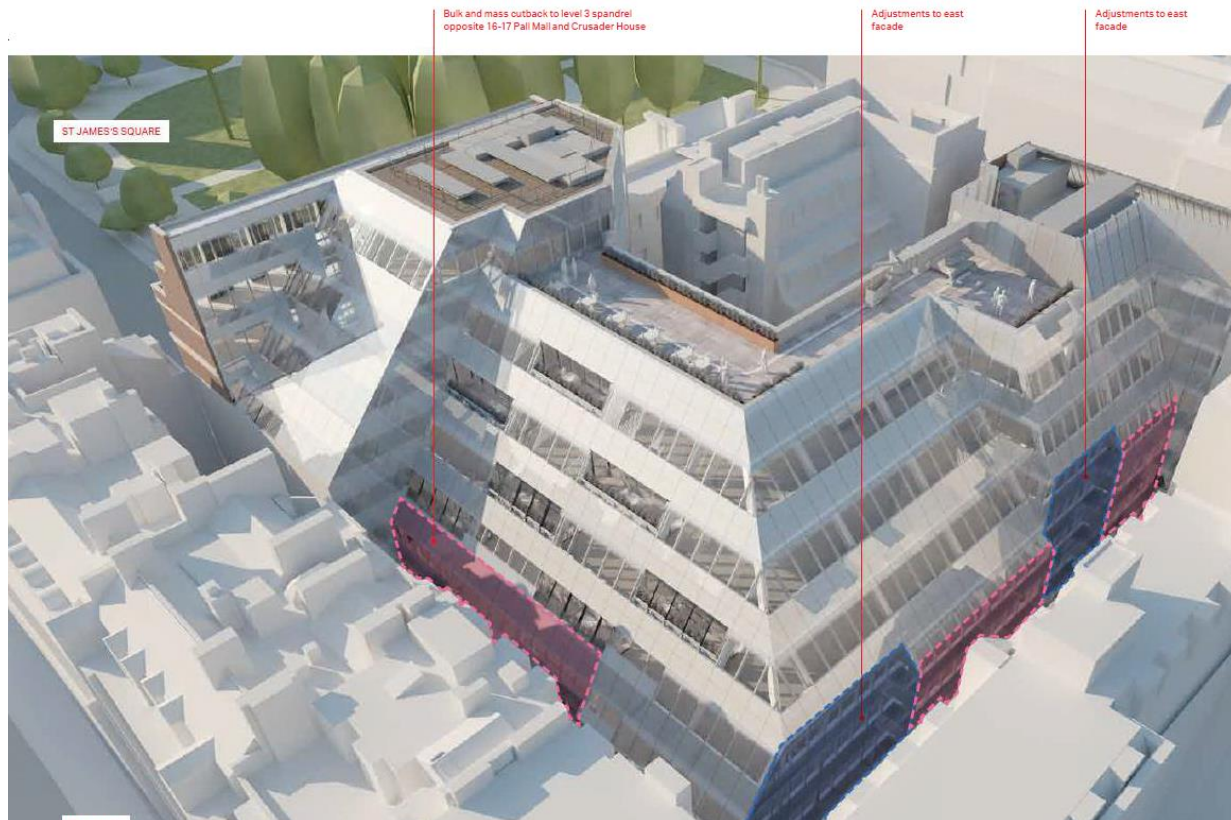




**Proposed elevation onto Charles II Street**



**Proposed elevation on to Charles II Street**



**Aerial view of new building showing relationship with neighbouring properties**



**Reference:** 16/09591/FULL

### DRAFT DECISION LETTER

**Address:** Norfolk House, 31 St James's Square, London, SW1Y 4JR,

**Proposal:** Demolition of existing building and reconstruction of 31 St James Square and 30 Charles II Street facades to provide an office building over single basement, ground and first to seventh floors, a lightwell and railings to the front of 31 St James Square, basement car and cycle parking, plant at basement and roof levels, alterations to existing access on Charles II Street and associated works.

**Reference:** 16/09591/FULL

**Plan Nos:** Site plan - PA 0200, , Demolition plans - PA 0608, PA 0701, PA 0704, PA 0705, PA 0800, , Existing plans - PA 0999, PA 1000, PA 1001, PA 1002, PA 1003, PA 1004, PA 1005, PA 1006, PA 1007, PA 1008, PA 1200, PA 1201, PA 1204, PA 1205, PA 1250, , Proposed plans - PA 1999, PA 2000 01, PA 2001 01, PA 2002 01, PA 2003 01, PA 2004 01, PA 2005 01, PA 2006 01, PA 2007 01, PA 2008 01, PA 2201, PA 2203, PA 2204 01, PA 2205 01, PA 2251 01, PA 2252 01, PA 2253 01, PA 2254 01, PA 2255 01, PA 2256 01, PA 2901, PA 2902, PA 2905 01, PA 2906, PA 2907, PA 2908, PA 2921, PA 2922, PA 2925, PA 2926, PA 2927.  
 , Documents - Acoustic Assessment Rev 01, Air Quality Assessment Rev 01, Archaeological Desk Based Assessment Rev 01, Daylight and Sunlight Study Rev 01, Design and Access Statement PA9750-01 (as part revised by Addendum Design Statement Rear Facade Amendments Rev C), Energy Statement Rev 01, Flood Risk Assessment Rev 01, Heritage, Townscape and Visual Impact Assessment Rev 01, Transport Statement Rev 01., , For information purposes only - Construction Management Plan Rev 01, Structural Report and Outline Construction Methodology Rev 01, PA 3100.

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

#### Recommended Condition(s) and Reason(s)

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

**Reason:**

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

- 2 You must apply to us for approval of the following facing materials you will use:, i) brick, ii) any new replacement stone, 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 these details.

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 St James Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St James Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 4 The stone dressings shall be carefully dismantled, stored and then re-used in the new facade.

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 St James Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development:, i) new gates and railings at a scale of 1:10, ii) new external doors at a scale of 1:10, You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the works according to these approved details.

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 St James Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 6 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:  
- 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 piling, excavation and demolition 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 unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 7 **Pre Commencement Condition.** Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

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

- 8 **Pre Commencement Condition.** No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works,
- B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 9 (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 (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 10 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on the approved plans. You must clearly mark them and make them available at all times to everyone using the offices. (C14FB)

Reason:

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

- 12 Prior to occupation of the offices you must provide at least 20% active provision of electric vehicle charging points and 20% provision of passive electric vehicle charging points for the basement car parking. Thereafter the active and passive electric vehicle charging points must be retained and maintained in good working order for the life of the development.

Reason:

To comply with Policy 6.13 of the London Plan 2016.

- 13 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following.

- replacement on-street car parking on Charles II Street displaced by the relocation of the car park vehicle crossover.

In the case of each of the above requirement, you must include in the arrangements details of when you will provide the replacement on-street car parking, and how you will guarantee this

timing. You must only carry out the development according to the approved arrangements.

Reason:

To make sure that the development provides replacement on-street car parking as set out in S33 of Westminster's City Plan (November 2016) and in STRA 25, TRANS 21 and TRANS 26 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 14 You must apply to us for approval of a Servicing Management Plan. You must not occupy any part of the development until we have approved what you have sent us. You must then manage the development in accordance with the approved plan. (C26BC)

Reason:

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

- 15 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose.

Reason:

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

- 16 You must apply to us for approval of a Management and Maintenance Plan for the car lift including details of a signalling system. You must not occupy any part of the development until we have approved what you have sent us. You must then manage the development in accordance with the approved plan. (C26BC)

Reason:

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

- 17 **Pre Commencement Condition.** You must apply to us for approval of full details of a Privacy Scheme to include a sample of privacy frit glazing for the south elevation of the building which overlooks residential properties on Pall Mall. You must not start any work until we have approved what you have sent us. You must then carry out the work according to these details and approved sample and thereafter retain and maintain the privacy measures for the life of the development.

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 (November 2016) and ENV 6 and ENV 13 of our

Unitary Development Plan that we adopted in January 2007. (R21BC)

- 18 The winter gardens on the south elevation must be fully enclosed and the glass installed must be fixed permanently shut.

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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 19 You must carry out the development in accordance with the measures set out in the approved Energy Statement.

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 (November 2016). (R44AC)

- 20 The development hereby permitted shall be carried out so as to have a minimum rating of 'Excellent' under the BREEAM New Construction 2014 Scheme. Within 6 months of practical completion or upon certification by the Building Research Establishment (whichever is soonest) you must apply to us for approval of details of the final BREEAM New Construction 2014 rating awarded for the development.

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 (November 2016). (R44AC)

- 21 The open roof terraces at fifth and sixth floor levels on the south elevation can only be used between the hours of 08.30 hrs to 21.00 hrs Monday to Friday and not at all on Saturdays, Sundays, bank holidays or public holidays.

Reason:

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

- 22 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 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 (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 23 The four car parking spaces in the basement shall only be used for the parking of vehicles of people working in the building or calling there for business purposes. (C22AA)

Reason:

To ensure the car parking spaces are used in connection with the office building. This is as set out in STRA 25 and TRANS 22 of our Unitary Development Plan that we adopted in January 2007.

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

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Concerns have been raised by residents of Crusader House, 13-15 Pall Mall and 16-17 Pall Mall about noise, disturbance and environmental pollution from construction works. As part of the CoCP secured in condition 7 you are require to liaise with neighbouring occupiers however you are encouraged to do this prior to the formation of the CoCP in order to address their concerns as much as possible.
- 3 Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited, archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).



- 5 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:, , i) The cost of the works to the footway to close the redundant crossover, construct the new crossover and revise the Traffic Management Orders on Charles II Street and for the cost of works to the footway to St James's Square (subject to agreement by the council as Highway Authority), ii) Carbon offset payment of £58,320 (index linked) to be paid on commencement of development., iii) Crossrail payment of £119,280 (index linked) to be paid on commencement of development., iv) S106 monitoring costs to be paid on commencement of development.
- 6 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil), , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk), , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 7 Conditions 9 and 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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.

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# Agenda Item 7

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	William Court , 6 Hall Road, London, NW8 9PA		
<b>Proposal</b>	Construction of 3 dwelling houses with associated amenity space in the grounds of William Court, 6 Hall Road to the rear, associated landscaping improvements, creation of additional cycle parking.		
<b>Agent</b>	Matt Richards		
<b>On behalf of</b>	Mansley Limited		
<b>Registered Number</b>	16/08855/FULL	<b>Date amended/ completed</b>	14 September 2016
<b>Date Application Received</b>	14 September 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	No		

## 1. RECOMMENDATION

Grant conditional permission.
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## 2. SUMMARY

This application site comprises a seven storey mansion block, arranged over lower ground to fifth floor levels. Part of the lower ground floor is in use as a Class B8 storage facility, operated by Fort Box Self Storage. The application relates to the rear of the site which consists of a redundant boiler room and the ground floor podium deck. The application site is not listed and does not lie within a conservation area, but is adjacent to the St John's Wood Conservation Area.

Planning permission is sought for the construction of 3 dwelling houses to the rear of the grounds of William Court, 6 Hall Road. The dwellings comprises 1 x 5 bed (House 1), 1 x 4bed (House 2) and 1 x 3bed (House 3). Each house is proposed to have an outside amenity area. House 1 is proposed to have its entrance from Hamilton Gardens to the north, accessed from a new opening in the rear boundary wall. Works are also proposed to landscape existing communal areas.

A significant number of objections and letters of support have been received to the application primarily on the grounds of land use, townscape and design and amenity concerns.

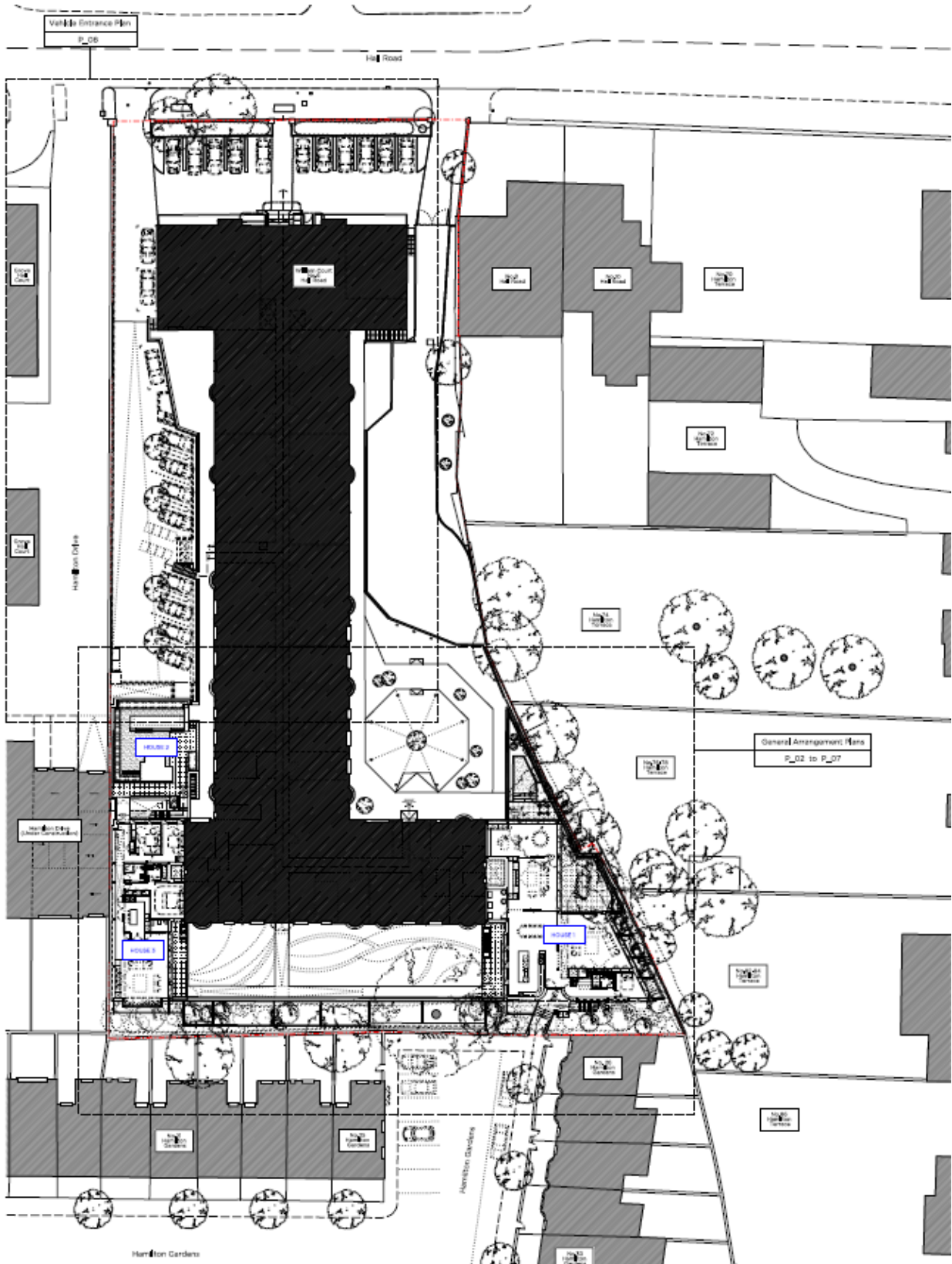
The key issues in the consideration of this application are:

- The impact of the proposals in land use terms;

- The impact of the proposals upon the character and appearance of the area and the adjacent conservation area;
- The impact of the proposals upon the amenity of neighbouring residents.

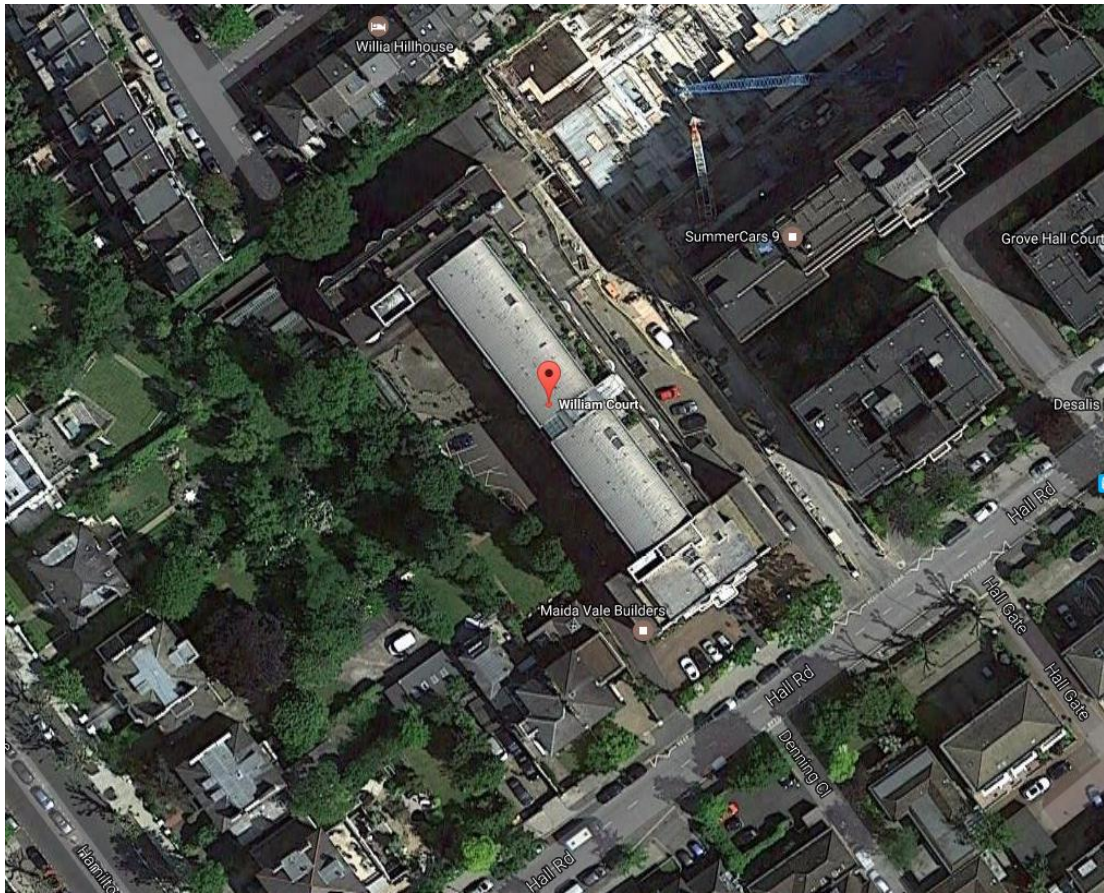
The proposals are considered to be acceptable and accord with policies set out in the City Plan (adopted November 2016) and the UDP (adopted January 2007) and are therefore recommended for approval.

### 3. LOCATION PLAN





4. PHOTOGRAPHS



Top Photo – Aerial View  
Bottom left – front of building, Bottom right – eastern elevation/ communal driveway

## 5. CONSULTATIONS

### KAREN BUCK MP

Forwarded an objection on behalf of resident at top floor flat, 25 Hamilton Gardens.

### COUNCILLOR HUG:

Supports letters of objection received by residents.

### ST JOHN'S WOOD SOCIETY:

Objection on the grounds that the proposals represent an overdevelopment of the site; the proposals harm the space around William Court which a mansion block deserves; House 1 is not aesthetically pleasing in this part of St John's Wood; the houses, but notably House 1 (due to its bulk and height) will have a harmful impact on neighbouring amenity in terms of loss of light, sense of enclosure and overlooking; noise from proposed plant in the houses

### HIGHWAYS PLANNING MANAGER:

Objection on the grounds of lack of car parking.

### ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

### ARBORICULTURAL OFFICER:

Objection on the grounds as to whether it is possible to retain T10, a protected tree, because of the inconsistencies in the tree location in relation to the structural proposals and the juxtaposition of T10, T1-T7 and House 1 will lead to increased pressure for pruning. If the case officer is minded to approve the application, conditions regarding tree protection and details of a landscaping scheme would be required.

### CLEANSING MANAGER:

No objection subject to conditions.

### BUILDING CONTROL

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 398

Total No. of objections: 95

Total No. in support: 29

Ninety five objections have been received on the following grounds:

#### Land Use:

- overdevelopment of the site
- the area does not need any more housing;
- the proposals will not offer 'affordable housing';
- the housing is excessive in size;

**Design:**

- the modern design of the properties, notably House 1 are not in keeping with William Court or the surrounding properties;
- the proposed houses are harmful to the character and appearance of the adjacent St John's Wood Conservation Area;
- the proposals will harm the listed buildings of Hamilton Gardens;
- the proposals should be considered as part of the conservation area, despite the applicants assertion in the submission;
- the proposals impact upon the 'breathable' space around the mansion block;
- the infilling of 'gaps' is contrary to planning policy;
- harm in design terms from future roof top features associated with terraces;

**Amenity:**

- impact of proposals upon sunlight and daylight on the ground floor flats of William Court;
- the submitted sunlight and daylight assessment fails to assess the proposed terrace screening upon the sunlight and daylight on the ground floor flats of William Court;
- sense of enclosure to the ground floor flats of William Court from the proposed houses and the fencing for the proposed amenity spaces;
- lack of details of the fencing and how this will affect amenity;
- overlooking and loss of privacy to properties in William Court, Hamilton Gardens and Hamilton Terrace as a result of the proposed houses;
- creation of noise from communal amenity areas;
- impact of fire escape entrance to Hamilton Gardens upon the residents of William Court;
- noise from plant;
- objection is raised to the proposed communal terraces only being accessible by the ground floor flats of William Court rather than the other flats as well;

**Highways:**

- lack of carparking and therefore increase in demand on on-street parking especially in Hamilton Gardens as a result of the new entrance to William Court;
- increase in traffic in surrounding area;
- impact of House 1 entrance upon Hamilton Gardens;
- impact of fire escape entrance on Hamilton Gardens;
- increased refuse collection implications upon Hamilton Gardens, as a result of the new House 1 entrance;

**Trees:**

- impact upon trees in the rear of Hamilton Gardens properties;
- inadequate landscaping details.

**Ecology:**

- impact upon bats and natural wildlife;

**Other:**

- lack of consultation by the applicant;



- falsified statements in the applicants submission regarding level of consultation;
- falsified statements in the applicants submission regarding the level of support given to the proposals;
- many letters of support appear to be false and submitted on behalf of the applicant or from people who don't live in close proximity to the application site;
- dishonest behaviour from the applicant, including the rehoming of a William Court employee to a flat at ground floor level which will be the most affected property as a result of Houses 1 & 2;
- the application was submitted during the summer months to avoid time to respond;
- noise and disruption during the course of construction;
- impact of proposals upon property values;
- comments made on why such a contentious proposal has made it to a planning application;
- security.

29 letters of support have been received on the grounds that the proposal will:

- provide much needed houses; and
- that the development will sit well within the townscape, resulting in a modern and innovative scheme.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

### **REVISED APPLICATION**

ST JOHN'S WOOD SOCIETY:

Although the revisions are welcomed, the original objections to the scheme are maintained.

HIGHWAYS PLANNING MANAGER

Objection on the grounds of lack of car parking.

ENVIRONMENTAL HEALTH:

No objection.

ARBORICULTURAL OFFICER:

Whilst some of the revised details have addressed initial concerns there are still objections on the following grounds:

- The juxtaposition of T10, T1-T7 and House 1 will lead to increased requests for pruning due to anxiety and shading.
- The impact of House 1 on Tree numbers T1-T3 & T7 is not mentioned in the Arboricultural Report and T3 is to be removed.
- The landscaping has not been designed to be sustainable and what is proposed are two dimensional roof coverings with little visual amenity.

However, should the case officer be minded to approve the application, conditions are suggested.

CLEANSING MANAGER:

No objection.

**BUILDING CONTROL**

No objection.

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

No. Consulted: 395

Total No. of objections: 67

Total No. of support: 1

Sixty seven letters of objection have been received stating that whilst some of the amendments such as the removal of the Hamilton Garden emergency exit is welcomed, the principle of the development is still unacceptable and the original objections are maintained.

One letter of support has been received on the grounds that the revisions overcame the residents' concerns.

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

This application site is a seven storey mansion block, arranged over lower ground to fifth floor levels. Part of the lower ground floor is in use as a Class B8 storage facility, operated by Fort Box Self Storage. The application relates to the rear of the site which consists of a redundant boiler room and the ground floor concrete slab.

The application site is not listed and it does not lie within a conservation area. The site does however abut to the west and the north, the St John's Wood Conservation Area.

**6.2 Recent Relevant History**

On 3<sup>rd</sup> December 2004, permission was granted for the change of use of former boiler house to use as one bedroom flat with associated alterations to front elevation. (04/07502/FULL). This permission has not been implemented.

Permission was granted on appeal following the refusal of 23 July 2008 (08/02659/FULL) for the use as self storage centre (Class B8), associated external alterations to the building and ancillary parking (hours of operation sought Monday to Friday 09.00 - 18.00 hours and Saturdays 10.00 - 14.00 hours).

As a point to note, planning permission was granted at the land to rear of Grove Hall Court (Hamilton Gardens) for the demolition of existing garages and associated structures and redevelopment to provide 11 residential units (10x4 bed terrace houses and 1x4 bed detached house) with basement car parking for 32 vehicles together with associated landscaping including all necessary enabling works in October 2013 (13/01972/FULL).

## 7. THE PROPOSAL

Planning permission is sought for the construction of 3 dwelling houses with associated amenity space in the grounds of William Court, 6 Hall Road to the rear, associated landscaping improvements, creation of additional cycle parking. The dwellings comprises 1 x 5 bed (House 1), 1 x 4bed (House 2) and 1 x 3bed (House 3). House 1 to the northwest of the site incorporates a single storey wing to ground floor level with the main body of the building rising three floor levels. The building is a curved structure and the key focus of the elevations is the prominent brick bands with a lighter stone to the base of each band. House 2 and 3 are located to the north east of the site. House 2 is located to ground and lower ground floor level and sits in the location of a redundant structure. This property has lightwells to both the front and rear. This house is designed with a dark grey brick face. House 3 is single storey and to be built upon the podium deck. This house will have brickwork to follow that on the main William Court building.

The proposals were revised during the course of the application. The amendments consisted of fairly minor design alterations rather than significant alterations to the nature of the scheme.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Residential Use

Policy S14 of Westminster's City Plan and H3 of the UDP seek to maximise the amount of land or buildings in residential use. Policy H3 states that outside of the Central Activities Zone (CAZ), the City Council will seek to maximise the amount of land into housing. Policy H5 of the UDP seeks to ensure an appropriate mix of unit sizes is achieved in all housing developments, with 33% of units to be family sized.

The introduction of residential houses to the rear of the site is acceptable in principle. The mix of units comprising 1 x 5 bed (House 1), 1 x 4bed (House 2) and 1 x 3bed (House 3) will comply with policies S15 and H5 of the UDP and the City Plan. The size of each unit (ranging between 145m<sup>2</sup> and 344m<sup>2</sup> – GIA) and all bedrooms proposed will comply with the Technical Housing Standards (2015). Objections have been received on the grounds that the units would be too large nor would they be affordable and this would be the only public benefit to allow such a development. As three units are proposed and the floor area of these does not exceed 1000m, it is not a policy requirement for affordable housing to be provided and therefore the application has to be assessed on its merits. There is an argument that the size of the units are large and therefore do not 'optimise' the use of the land. Given the make up of St John's Wood, with large semi detached/detached houses, it is not considered that the three units are unacceptable in this context, and refusal on these grounds could not be justified.

All of the houses have been designed to meet the Lifetimes Homes Standards as required by policy H8 of the UDP. The units will offer a good standard of accommodation and will provide external amenity space. This is welcomed and compliant with policy H10 of the UDP.

Objections have been received on the grounds that House 1 could in the future be turned into flats given its size. Should an application be submitted to the Council in the future this would be assessed on its merits, however as a point to note family dwellings in this location are protected by UDP policy.

The proposals are therefore considered acceptable in land use terms.

## 8.2 Townscape and Design

William Court is not included within a conservation area, though the St John's Wood Conservation Area flanks the site to the west and north sides. It was constructed in the mid 20<sup>th</sup> century replacing one of a series of villa buildings set in extremely large garden grounds which formerly lined this section of Hall Road.

The key issues are the implications for the setting of the mansion block and the surrounding townscape and St John's Wood Conservation Area from the proposed creation of three new houses to the site, and also the architectural quality of the three new houses. Objections to the proposals have been received on all of these grounds.

In terms of the implications for William Court and the surrounding area, policies DES 1 (A) (2), (4) and (5) in the UDP provide relevant advice, stating that new development should improve the quality of adjacent spaces around or between buildings, and should maintain the character, urban grain, scale and hierarchy of existing buildings and the spaces between them.

The main residential block of William Court sets in from all sides of its long principally N-S orientated site. To some extent this can be considered as a freestanding building to its plot, and it is recognised that freestanding buildings are a characteristic feature of St John's Wood. Notwithstanding that, the impression is lessened both by the sheer scale of the block, and crucially also that to the northern end of the site where the new houses are proposed the building is not principally surrounded by attractive landscaping but instead by a series of utilitarian structures (apparently original to its construction) which wrap around the building at lower ground floor level and present a grey asphalt roof cluttered by railings and rooflights which do little to provide a sense of an attractive setting for the main building. In addition, the building is seen against an area of more dense terraced housing to the north on Hamilton Gardens and Alma Square, and with a new terrace of houses having been recently completed to the rear of the adjacent site behind Grove Hall Court.

The principal public view of the new developments will be from looking south from Alma Square and Hamilton Gardens towards House 1 which will be readily visible but with its main upper floors set clearly apart from William Court and seen more as a continuation of the strong building line to the west side of Hamilton Gardens. A glimpsed view may also be possible between several buildings on Hamilton Terrace to the west, though the significant rear garden vegetation in place would limit any view further. An objection has specifically been made that the proposals will infill the 'gap' between properties when viewed from Hamilton Terrace that, in principle is contrary to policy. The view between properties from Hamilton Terrace does not constitute a 'gap' as referred to in policy. UDP policy DES 9 (F) reflects the importance of protecting the setting of adjacent

conservation areas, and it is not considered that the new buildings would harm that setting.

Overall, it is recognised that the three houses proposed will create a more dense development to the north side of the William Court site, however it is considered that they would sit comfortably in the setting of the main building and surrounding area, and the principle of siting three houses to the locations proposed is considered in line with the policies quoted above and acceptable in principle.

### **Architectural Approach**

House 1 (north-west side):

This building incorporates a single storey wing to ground floor level with the main body of the building rising three floor levels. The main body draws some influence from architecture of the 1930's period from which William Court dates and adopts a form with curved corners and a footprint which tapers to the south end which helps visually integrate the building into William Court where prominent curved bay extensions are a distinctive feature of the side and rear elevation. The key focus of the elevations is the prominent brick bands dividing each floor level with the emphasis of these further made distinct by the use of a lighter stone to the base of each band. This use of brickwork as a main facing material with limited architectural elements picked out in a lighter colour will help to integrate House 1 with the townscape to Hamilton Gardens which are characterised by brick facing and limited use of render for key elements of their composition. This building sits down below the height of the adjacent houses on Hamilton Gardens helping give it a visually recessive appearance seen against this adjacent terrace. The window openings are recessed notably back from the main elevation line giving an impression of depth and modelling to the facades, and with the angled window reveals giving a good sense of rhythm and visual interest to the composition. The larger windows to the curved corner on the south elevation provides a principal focus to the composition on this distinctive corner and details of its design will be sought through condition. To its north-west corner and around on the north elevation the staircase rises internally, and is expressed externally by a distinctive 'hit and miss' arrangement of brickwork which will add some distinctive texture to the elevations without presenting large windows dominating the view north to Hamilton Gardens.

The smaller single storey wing partly abuts an architecturally undistinguished part of William Court the enclosure of which is not considered contentious in design terms. House 1 only marginally rises above the height of the existing northern boundary wall to Hamilton Gardens ensuring that there is a clear townscape gap between the main body of the new building and William Court. This single storey element is designed principally with a consistent rhythm of angled reveals to the window openings, with this rhythm carried up through the parapet and giving it some architectural interest to this part of the building visible in views from Hamilton Gardens.

Overall, though representing a prominent new building visible from the public realm, this building is considered a distinctive and attractive addition to this section of the St John's Wood townscape, and one which in terms of its height, form and architectural approach is considered in sympathy with both William Court and the adjacent terrace to Hamilton Gardens.

Houses 2 and 3 (eastern side):

The new building proposed as Houses 2 and 3 are designed in a similar architectural style to each other, though the materials do differ to reflect their differing relationships with William Court.

House 2 is located to lower ground floor level and sits in the location of a redundant structure, believed to have been a boiler store and which will be demolished to facilitate this part of the proposed development. This new house rises higher than the ground floor level external walkway adjacent, though only rises to the height of the balustrading flanking the railings and will not therefore appear a bulky new structure in this context. This house is designed with a darker grey brick facing which is considered appropriate for this low level location surrounded largely by the existing William Court building and the eastern side boundary wall.

House 3 is a single storey building. The height of this structure will rise only just higher than ground floor level to William Court, and seen in context with this large mansion block and the higher modern terrace to the east the scale of the development is considered relatively modest. Though immediately abutting William Court the element enclosed is architecturally undistinguished with only a window relieving the otherwise blank brickwork. This house will have brickwork to follow that on the main William Court building.

Both buildings incorporate a regular rhythm of window openings where glazing is set into angled reveals (the angles set to direct views away from William Court) similar to that found on the ground floor of House 1 and which again gives a good sense of depth and modelling to the elevations. Though the windows are slightly higher than those found to the main elevations of William Court the scale is generally comparable, and overall these two new houses will present a good sense of visual solidity. One window concern is the particularly large example proposed to the rear elevation of House 3 which would be highly prominent from buildings on Hamilton Gardens, though an amending condition seeks to secure a reduction in its scale.

Front window and lightwell railings have a distinctive and attractive balustrading adding some visual interest to the building, and the buildings will incorporate green roofs above, which along with the landscaping works proposed around the north side of the site will provide a greater sense of a landscaped setting for William Court than is currently presented by the asphalt roofs around these areas.

These two new buildings proposed are set into a relatively discreet part of the site, would not be readily visible from the public realm, and overall are a well-considered response to the site.

**Conclusion:**

Given the above, officers consider that given the character of this site and its surroundings, the installation of three new buildings around the north side of the building to the relatively modest scale proposed is considered acceptable, and also that the buildings represent an appropriate architectural quality for the site, with the more prominent building of House 1 in particular being styled to integrated more overtly with the architecture of William Court and with its townscape context generally. The development proposed is considered a high quality intervention into the site, and in line with policies DES 1, DES 4

and DES 9 in the UDP and S25 and S28 in the City Plan. The proposals are also considered to comply with the aims of the National Planning Policy Framework.

### 8.3 Residential Amenity

Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Objections have been received in relation to loss of light, increased sense of enclosure and loss of privacy from residents within William Court (notably those that live in Flats 13-16 on the ground floor), to the east in Grove Hall Court, to the north in Hamilton Gardens and Alma Square and to those in the west in Hamilton Terrace.

#### Sunlight and Daylight

The applicant has carried out a daylight and sunlight assessment in line with Building Research Establishment (BRE) guidelines, analysing 483 windows (for daylight) and 244 windows (for sunlight) of the affected residential properties in William Court; 19, 21, 23, 25 and 26 Hamilton Gardens, Grove Hall Court and two new units in the development site to the rear of Grove Hall Court. It should be noted that this assessment was recently updated to include an assessment of 26 Hamilton Gardens and to take into consideration the revisions made to the scheme during the course of the application.

In terms of daylight, the assessment states that of all the windows tested, three windows to William Court fall short of BRE targets for daylight. Two of these windows serve bathrooms (to flats 13 and 16 at ground floor level), and are not considered habitable rooms and have been discounted. The third window serves a kitchen area of an open plan kitchen dining room to Flat 16 (at ground floor level), which benefits from dual aspect, further served by a large bay window. The assessment concluded that the rooms will continue to receive good overall daylight levels.

In terms of sunlight to William Court, all but 2 windows will continue to meet the target values as set out by BRE guidelines. One of these windows serves a bathroom (again to Flat 16 at ground floor level), which is not a habitable room, whilst the other serves a kitchen area within the open plan kitchen dining room which benefits from dual aspect windows, also to Flat 16 at ground floor level. The assessment confirms that BRE guidance allows for a lesser requirement for sunlight, as such the shortfall is not considered to be so harmful as to warrant refusal.

A specific objection has been received from the owners of Flat 6a, which is at lower ground floor level on the eastern side of William Court. Given this property is at lower ground floor level, with high retaining walls in front of the windows and a significant distance from House 2 & 3, it is not considered that this property would be affected in terms of sunlight and daylight.

The revised daylight and sunlight assessment confirms the windows of neighbouring properties on Hamilton Gardens, and units 1 and 2 to the rear of Grove Hall Court comply with BRE guidelines for daylight and sunlight levels.

### **Sunlight and Daylight to Proposed Residential Units**

In terms of the new residential units themselves, it is considered that the main principal habitable rooms will be sufficiently daylit and sunlit. The majority of bedrooms will also achieve good levels of daylight and sunlight and therefore, the analysis shows that the proposed development is broadly compliant with the BRE guide. The proposed amenity spaces will receive reasonable levels of sunlight on March 21, especially considering the nature of this dense, urban, infill site.

### **Sense of Enclosure**

House 1:

Whilst the ground floor element of House 1 occupies the majority of the 'podium' space at this location, a large proportion of this bulk will be sited adjacent to the flank wall of Flat 16 William Court. A lightwell however is proposed to allow for natural light and ventilation to the bathroom and kitchen windows of this flat. Whilst the outlook from these windows will be compromised, given the rooms they serve, the harm is considered acceptable in this instance. The rear 'built brick' part of House 1 is set back from the corner edge of William Court by approximately 4m. However this leaves a strip of amenity space/ cycle storage area, to be used in association with House, measuring 9m x 2.5m. In order to protect against overlooking, this amenity space is enclosed with 1.8m high timber fencing. The exact details of this fencing are not yet confirmed. The timber screening will be positioned 1m away from the curved bedroom window of Flat 16. Whilst this is close, given the outlook this flat experiences across the concrete podium to the north, subject to conditions to secure the details/ colour of the fencing, this is not considered to unduly harm the outlook of this flat, or the other flats at this level; No's 13, 14 and 15.

House 2 & 3:

House 2 is to be constructed within the boundary walls of the existing boiler room. The proposals are similar in nature in terms of bulk, to those previously approved in 2004. The ground floor of this unit, will project marginally above the podium level. A narrow projecting rectangular roof skylight is proposed to the front of the property. The structure and roof light are not considered to result in any sense of enclosure to the neighbouring properties in William Court, or the adjacent new unit in the development to the north of Grove Hall Court.

House 3 is a single storey structure. The front elevation of this house does not project any further than the projecting side return of William Court, and therefore there is no issue of enclosure to the residents of William Court facing this part of the scheme. There are entrance railings to this house which will sit forward of the building line, however these are proposed to be simple black metal vertical railings and are acceptable. To the rear, House 3 projects some 9m beyond the rear building line of William Court. This is set back from the elevation by 3.2m of the nearest window which is a bedroom window of Flat 16 although this set back allows for a private amenity space which is enclosed by 1.8m fencing (details of which are to be conditioned) which will be directly on the building line. Whilst this additional bulk and massing of the building and fencing will be noticeable to flats 13, 14, 15 and 16 William Court, given its height of 4m and the outlook already



experienced across the podium deck, the proposals are considered to be acceptable in terms of enclosure.

Terrace enclosures:

It was originally proposed to create private amenity spaces on the podium level to serve flats 13-16 William Court and a communal terrace area for the remaining flats in William Court. In order to protect the privacy of the occupiers of flats 13-16 it was proposed to also install 1.8m high fencing along the full width of the podium, some 1m directly outside of their windows. This caused significant concern for the residents of these flats in terms of the creation of sense of enclosure and has since been removed from the proposals.

### **Privacy**

Terraces/ Amenity Space:

The podium level is now to be landscaped only to improve the visual amenity for residents in William Court, rather than as formal amenity spaces. The annotations on the plans state that this is not accessible to residents, however objections to this element of the scheme have continued to be raised, as whilst the proposals do not include formal seating areas etc, it is argued that as the existing railings are being removed, this landscaped area will attract residents to use this area by virtue of it being improved and accessible. It is considered that the use of the podium by residents would result in overlooking to the residents of the ground floor flats and therefore a condition to prohibit its use is recommended. A resident's amenity garden is proposed above House 2. According to the applicant, prior to the work beginning on the development to the north of Grove Hall Court, this podium area was used as a communal terrace area with tables and chairs. As the proposals seek to reinstate this area and it will be significantly improved with landscaping, this is considered to be acceptable.

Amenity spaces/ terraces are proposed to House 1 (to the south and east elevations at ground floor and at roof level) and to House 3 (to the west elevation at ground floor level). The amenity spaces at ground floor level are all to be enclosed with 1.8m high fencing and screened from existing trees within the gardens of Hamilton Terrace and therefore there are no concerns with regards to overlooking. The roof terrace atop House 1 is some 12m away from nearest windows of William Court. There will be very oblique views into the rear bedroom windows of the northern corner flats, and to the western elevation of William Court the windows only appear to serve bathrooms and dual aspect kitchen/dining areas, again with very oblique views. To the north of the site is 26 Hamilton Gardens, which has two windows in the southern elevation (facing the application site) at second and third floor level. These windows are fairly small, appear to be obscured glazed and are more than 5m away. To the west of the terrace are the properties of Hamilton Terrace. These properties have extremely long gardens of over 40m and therefore there will be no detrimental overlooking to any of the windows within these properties. Whilst some of the residents in these properties have argued that overlooking to the garden areas could occur, gardens in this context are not considered to be private and residents of adjacent properties can already look into neighbouring gardens. It is therefore considered that the proposed amenity spaces would not result in any detrimental overlooking to neighbouring properties.

Overlooking from proposed windows of residential units:

The windows in House 1 at ground floor level will not result in any direct overlooking to neighbouring properties, given their siting behind the terrace enclosures and adjacent

trees. At first and second floor level, the windows have been designed to be angled within the window frame. There are also a number of 'blind windows' proposed in both the east and west elevations. Given their distance of 12m from the windows of William Court, over 5m to the nearest windows in Hamilton Gardens and over 40m away from the rear elevation windows of Hamilton Terrace properties, the proposals will not directly result in any overlooking to neighbouring properties.

House 2 is primarily set within the boundary walls of the old boiler room. All the windows of this property look out over the lightwells associated with this house and the communal drive way to the eastern side of William Court. There are therefore no concerns with regards to overlooking.

House 3 is a single storey structure with windows in the south elevation and the west/north elevation associated with the two bedrooms proposed. The southern windows are sited some 5m away from the nearest window in William Court (a living room window of Flat 11a). The windows proposed are at an oblique angle from the windows in William Court and given that they serve bedrooms as opposed to a more heavily used living area, will not result in any harmful overlooking. To the rear part of this house is the living area. The windows in the west elevation are obscured from view from the nearest flat in William Court, Flat 13 with the proposed 1.8m high screening and so offers no views into this property. As shown on the drawings, a large 'picture' window is proposed in the rear elevation. It is not considered that this window would result in overlooking to properties to the rear in Hamilton Gardens, notably No20, given the ground floor of the single storey structure will be set lower than the ground floor/garden level of this property, and at a distance of over 7m between the rear elevation of the application proposal and the rear elevation of 20 Hamilton Gardens which is separated by the existing grass verge and 1.8m boundary treatment. As discussed above, in townscape terms however, it is proposed that this window is amended to a smaller scale, which may alleviate concerns of residents in terms of overlooking.

#### **Noise from proposed units/ terraces**

There are a number of communal terraces in existence on the site. Whilst some of the amenity spaces are for private use, it is not considered that the use of these areas would result in significant levels of noise over and above what currently exists so as to warrant refusal.

The use of the podium deck as a communal terrace would result in noise concerns to the residents in William Court and to the properties to the rear in Hamilton Gardens, and therefore a condition is recommended to prohibit its use as a terrace/seating area.

House 3 is to be accessed from a new entrance created in the boundary wall of the site adjacent 26 Hamilton Gardens. It was originally proposed to also create an emergency exit from William Court adjacent 25 William Court, however this attracted objections from residents in Hamilton Gardens, Alma Square and from flats on the ground floor of William Court on the grounds of increased comings and goings and noise as residents within William Court would use this as a main entrance if approaching/ exiting their homes northwards. This element of the scheme has been removed however objections still remain to the new entrance proposed for House 3 on noise grounds and increased comings and goings. It is not considered that the residents of one house (albeit a 5

bedroom house) would create such a disturbance in terms of noise, deliveries etc so as to impact upon the amenity of neighbouring properties.

#### **Odours from proposed refuse storage**

Objections have been received on the grounds that the proposed houses have external refuse storage areas which may result in unacceptable odours. All the waste and refuse for William Court is ultimately stored outside and this does not appear to cause any issues. Waste is collected twice weekly and this is considered acceptable.

### **8.4 Transportation/Parking**

#### **Car parking**

Policy TRANS23: Off-Street Parking: Residential Development 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. Policy TRANS23 includes all legal parking spaces. During the daytime period within the area, the legal on-street spaces for permit holders are Residents' Bays and Shared Use Bays.

The evidence of the Council's most recent daytime parking survey in 2015 indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 200 metre radius of the development site is 87.8% (consisting of 241 Residents' and 46 Shared Use Bays, 207 and 45 of which were occupied respectively). Therefore, the Highways Planning Manager considers that the introduction of increased levels of residential in this area without off-street parking or on-street parking restraint is likely to increase the stress levels.

Overnight the pressure on Residents' and Shared Use Bays increases still further, to 93.4%, although residents can also park free of charge on metered parking bays or single yellow line in the area. Even with these extra bays included the stress level is still 86.9% (306 bays in total occupied out of 352).

There are no new parking spaces to be created as part of the development. At lower ground floor level of the building on the western side of the building is a garage owned by the applicant. Officers are advised that this garage is not currently used by anyone for the parking of vehicles and it is proposed that House 1 could lease this garage if they wish, which will provide two carparking spaces. This would be welcomed and would comply with policy TRANS 23.

To the eastern side of the building are a number of parking spaces, and from the officers site visit, it appears that these are allocated to certain flats as a result of being leased by the occupiers. The applicant advises that two of these spaces could be leased to the future occupiers of Houses 2 and 3 if they so wished. Whilst again this would be welcomed, this potentially could result in the displacement of two cars which would have to be accommodated on the surrounding highway network.

Whether there is a shortfall of two spaces (associated with Houses 2 and 3 only) or four spaces (should House 1 not take a lease on the garage space), it is not considered that the creation of three residential properties would have such a harmful impact upon the demand for on-street parking so as to warrant refusal.

**Cycle Parking**

Two cycle parking spaces are shown for each house contained within secure storage facilities within the private garden areas of each house or internally within the building. FALP requires 1 space per residential unit of 1 bedroom or fewer and 2 spaces per unit of 2 bedrooms or more, so this is acceptable and their provision will be secured by condition.

**New Entrance**

As described above, the entrance to House 3 is proposed from Hamilton Gardens, adjacent No. 26 Hamilton Gardens. Objections to this element of the scheme have been received from Hamilton Gardens and Alma Square. The Highways Planning Manager has raised no concern with this element of the scheme. Although this means that any servicing/ deliveries to this property will be via Hamilton Gardens rather than from within the application site, it is not considered that these would be so significant so as to be harmful to the surrounding highway network.

**8.5 Economic Considerations**

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

**8.6 Access**

House 2 is fully accessible from the communal driveway. Houses 1 and 3 require entrance via stepped access from Hamilton Gardens and within the application site. Whilst it is regrettable that the house are not fully accessible, it is not considered that the application could be refused on this basis.

**8.7 Other UDP/Westminster Policy Considerations****Plant**

Plant is proposed within all three houses to provide comfort cooling/heating. This is to be externally vented. Environmental Health officers have assessed the acoustic report submitted with the application and consider that the proposals are unlikely to result in any harm to the amenity of neighbours in terms of noise and the proposals are therefore considered to comply with S31 of the City Plan and ENV7 of the UDP.

**Refuse /Recycling**

Site wide waste and recycling facilities are in existence at William Court. Refuse is transported to the ground floor from flats within the mansion block through refuse chutes locates adjacent the central stair core where they are then moved outside into a bin lift positioned in the eastern driveway/ parking area. This is collected twice weekly. It is proposed to formalise this area and 'smarten' this area up a dedicated enclosure (and associated landscaping discussed later) and this is welcomed.

It is proposed that each house has integrated waste/recycling facilities within the building. Further to that, House 1 will have its own dedicated external facility outside the house entrance. It will then be the residents responsibility to ensure that this is collected from Hamilton Gardens (which will be the main entrance to this property) in the general waste collection. House 2 and 3 will share the storage provision with the remaining flats in William Court.

The waste arrangements are considered acceptable.

### **Trees**

During the course of the application, additional details were requested of the applicant in relation to trees to the rear of the site, on the boundary with Hamilton Gardens and the impact to trees in the rear gardens of Hamilton Terrace, to the west. Whilst some of the revised details have addressed initial concerns there are still objections raised by the arboricultural officer.

Within the rear of the site is a mature Tree of Heaven (T10). The arboricultural officer originally had concerns that the proposed steel framework required to construct the development showed this to be going through the trunk of that tree. The applicant has provided additional information in the tree report and structural method statement which now shows that the steel framework will not go through this trunk. Whilst the arboricultural officer is not fully happy in that the written statements apparently do not tally with the submitted structural drawings, it is recommended that a condition to secure protection methods of this tree are recommended, as this is not a reason for withholding permission.

The proposals will potentially impact on seven trees located in the rear gardens of properties 76-82 Hamilton Gardens. A Tree of Heaven (T3) is proposed to be removed and the others are proposed to be pruned to allow for scaffolding to be erected. As the trees are located within a conservation area they are protected. Westminster tree officers have not objected to the loss of the trees or the pruning of the trees. Should the trees be required to be removed/ pruned as a result of the development, the applicant will need to come to an arrangement with their respective owners and the relevant application made to the City Council for their approval.

Concerns are also raised that once House 1 is built, the shading provided from the Tree of Heaven to the rear of the site and the trees within Hamilton Terrace will be unacceptable to the occupiers of House 1 and there will be an increased demand for additional pruning of these trees. It is not considered reasonable to refuse the application on this basis and to predict the future, so again it is advised that should any of the trees be required to be pruned in the future, the applicant will need to come to an arrangement with their respective owners and the relevant application made to the City Council for their approval.

An ash tree in the rear of the site (T9) is proposed to be removed and there are no objections to the loss of this tree.

### **Landscaping**

Landscaping is proposed to the flat roof of House 2, the podium deck to the rear of William Court and to the communal driveway to the eastern side of William Court. This is all welcomed. In response to concerns raised by the City Council's arboricultural officer regarding soil depth for landscaping, the applicant's consultant has confirmed that for the species selected a 500mm soil layer is sufficient. The Council's arboricultural officer considers that the landscaping proposed offers little visual amenity for the neighbours. However, when compared to the appearance of the existing driveway and podium deck to the rear and west of William Court the landscaping is considered a significant improvement.

With regards to the proposed landscaping to the communal driveway, further details of this are to be secured by condition. The plans/ visuals indicate trees are proposed, so details of these species is considered necessary. It is recommended that a condition to secure the landscapes areas/ green roofs are provided is attached, as details of species/ shrubs have already been considered acceptable.

### **Biodiversity**

An objection has been received on the grounds of potential impact to bats. Whilst a bat survey has not been submitted and therefore it is unclear if there are any bats in the area, the proposals do not require the removal of any significant trees or habitat. The proposals are therefore considered acceptable in this regard. An informative is however proposed should bats be found on the site.

## **8.8 London Plan**

The application does not raise any significant strategic issues and is not referable to the Mayor due to the size and height of the development. Where relevant, considerations involving London Plan (2015) policies are dealt with in other sections of this report.

## **8.9 National Policy/Guidance Considerations**

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

## **8.10 Planning Obligations**

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

The total estimated is £483,039.54 of which £48,055.70 corresponds to Mayoral CIL and £434,983.84 corresponds to Westminster CIL. This is to be clarified by the applicant with the Council's CIL officers should permission be granted.

## **8.11 Environmental Impact Assessment**

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

## **8.12 Other Issues**

### **Consultation Procedure and falsified information**

Significant objections have been received on the grounds that little or no consultation was carried out with neighbours, yet the application documents suggested that this was well done but received a poor turn out at the consultation event.

Further to these complaints, the applicant carried out a second round of consultation which ultimately resulted in some of the revisions to the scheme. Whilst applicants are always advised to carry out consultation on contentious development proposals with local amenity societies, ward councillors and affected neighbours and the NPPF talks about its

importance, this is not a statutory requirement and whilst it is unfortunate that this application process got off to a bad start, is not a reason to withhold planning permission.

### **Time of Application Submission**

A large number of objections have been received on the grounds that the application was submitted during the summer months when affected neighbours were likely to be on holiday and that the revisions to the scheme were submitted shortly before Christmas, when again residents were likely to be away and therefore comments could not be made within the timeframe given. The City Council cannot withhold permission on this basis.

### **Underhanded behaviour from the applicant**

Many objectors claim that an employee of William Court Management was relocated from a lower ground floor flat (Flat 6a) to Flat 13 on the ground floor, adjacent the proposed House 3, which would be one of the most affected flats, so as to not raise an objection to the proposal. It is unclear whether this is true or not, however it should be noted that the owner of Flat 13 has objected to the proposals, and would not affect the assessment of the application. Again, this is not a reason to withhold planning permission.

### **Construction Impact**

Concerns have been expressed by neighbours in William Court, Hamilton Terrace, Hamilton Gardens, Alma Square and within the surrounding area regarding the impact of construction works in terms of noise and general disturbance, including obstruction to traffic on Hall Road. A number of objections have been received on the grounds that the construction management plan submitted with the application is unrealistic and does not go far enough to limit the implications of the development upon the neighbours, notably those in William Court and Grove Hall Court.

Given the proposals are for three residential units a construction management was not required to be submitted. It is therefore not considered to be within the remit of planning legislation to require the development to be constructed in accordance with this construction management plan. The plan that has been submitted, is to demonstrate in principle that the development can be carried out with as minimal impact as possible. In this instance the applicant is not at liberty to enter into or comply with a Code of Practice adopted by the Council in July 2016. Planning permission cannot reasonably be withheld on grounds of construction impact and the conditions recommended in the following paragraph would adequately mitigate the impact of the proposed development on the amenity of neighbouring residents in terms of noise and disruption from construction works.

To seek to minimise disruption to neighbouring residents it is recommended that a condition is imposed to restrict the hours of building works to Monday to Friday 08.00-18.00 and Saturdays 08.00-13.00. No works are allowed on Saturday afternoon, Sundays or Bank Holidays.

### **Security**

Concerns regarding security to existing William Court residents from the proposed residents of the new houses have been raised. It is considered that there are no additional implications upon security from residents of three new houses, who each have their own access rather than having to use the existing William Court access, over say a new

resident within one of the existing flats. Ultimately, this would be a management issue should any issues arise.

### **Safety**

Originally proposed was a gas intake outside of Flat 6a at lower ground floor on the eastern side. This was objected to by the owners of this property, and this has now been relocated to outside of House 2. Some concerns are still raised with regards to the safety aspect of this gas intake. The positioning of a gas intake would be subject to stringent regulations from the appropriate gas provider and is therefore not a material planning consideration.

### **False letters of support submitted**

Claims are made that the applicant has falsified letters of support to the proposals and uploaded these to the website. Some even claim that these 'letters of support' were done straight after an objection to the proposals were being made which required the progress of the application to be constantly monitored. Many claims have also been made that these are false and the 'supported' lives nowhere near the development site.

The City Council cannot reasonably be expected to corroborate each letter of support or objection and the application has to be considered on its merits and against City Council policy.

### **Loss of property values**

Objections have been received on the grounds that their property values would be diminished as a result of the construction works and should the development get built and its impact upon William Court. Property values are not a material planning consideration in the determination of this application.

### **Loss of views**

Objections have been received on the grounds that the view of the open space surrounding William Court will be lost. Whilst the issue of visual amenity is an important one, and addressed above, 'views' cannot be protected and this is not a reason for refusal.

### **Overdevelopment**

The matter of 'too much development' again is not a reason for refusal. Each application is to be assessed on its own merits and against local and national policy.

### **Setting a Precedent**

Whilst a significant concern to many, the matter of a development setting a precedent is not a material planning consideration and each application has to be assessed on its own merits.

### **Profit from Development**

The City Council cannot refuse to assess an application on behalf of a developer or refuse an application because a developer may receive a profit on the proposals. Each application has to be assessed on its merits.



**9. BACKGROUND PAPERS***Original Application:*

1. Application form
2. Letter from Karen Buck MP on behalf of occupier of Top Floor Flat, 25 Hamilton Gardens dated 11 October 2016.
3. Email from Councillor Hug dated 16 October 2016.
4. Response from St John's Wood Society dated 25 October 2016.
5. Response from Building Control dated 27 September 2016.
6. Response from Environmental Health dated 19 October 2016.
7. Response from Highways Planning Manager dated 14 November 2016.
8. Response from Arboricultural Officer dated 17 November 2016
9. Response from Waste Manager dated 21 December 2016.

**Letters of objection:**

10. Letter from occupiers of 14 Hamilton Gardens dated 26 September 2016
11. Letter from occupier of 31 Alma Square dated 26 September 2016.
12. Letter from occupier of 35 Alma Square dated 26 September 2016.
13. Letter from occupier of 42 Alma Square dated 29 September 2016.
14. Letter from occupier of unnumbered flat 6 Hall Road dated 30 September 2016.
15. Letter from occupier of 82 William Court, 6 Hall Road dated 30 September 2016.
16. Letter from occupier of 36 Alma Square dated 1 October 2016.
17. Letter from occupier of 62 William Court, 6 Hall Road dated 1 October 2016.
18. Letters from occupier of Flat 5, 46 Hamilton Gardens dated 1 October 2016 and 9 October 2016.
19. Letter from occupier of Penthouse Flat, 36 Alma Square dated 1 October 2016.
20. Letter from occupier of 23 Hamilton Gardens dated 2 October 2016.
21. Letter from occupier of 2 William Court, 6 Hall Road dated 4 October 2016.
22. Letter from owners of 22 Hamilton Gardens dated 5 October 2016
23. Letter from occupier of 50 William Court, 6 Hall Road dated 7 October 2016.
24. Letters from occupier of Top Floor Flat, 25 Hamilton Gardens dated 7 October 2016.
25. Letters from occupier of 14 William Court, 6 Hall Road dated 7 October 2016, 17 October 2016, 3 November 2016, 5 November 2016, 11 November 2016 and 21 November 2016.
26. Letter from occupier of 74 William Court, 6 Hall Road dated 7 October 2016.
27. Letter from occupier of 75 William Court, 6 Hall Road dated 8 October 2016.
28. Letter from occupier of 60 Grove Hall Court dated 8 October 2016.
29. Letter from occupier of 41 William Court, 6 Hall Road dated 9 October 2016.
30. Letter from occupier of 23 Hamilton Gardens dated 10 October 2016.
31. Letter from occupier of 17 Hamilton Gardens dated 10 October 2016 and 12 November 2016.
32. Letters from occupier of 5 William Court, 6 Hall Road dated 10 October 2016.
33. Letter from occupier of 78 Hamilton Terrace dated 10 October 2016.
34. Letter from occupier of 32 Hamilton Gardens dated 10 October 2016.
35. Letters from occupier of 28 Hamilton Gardens dated 10 October 2016 and 16 October 2016.
36. Letters from owner of 16 William Court, 6 Hall Road dated 10 October 2016 and 12 December 2016.
37. Letter from owner of 26 Hamilton Gardens dated 11 October 2016.
38. Letter from occupier of 42 Hamilton Gardens dated 11 October 2016.
39. Letter from occupier of 157 Grove Hall Court dated 11 October 2016.
40. Letter from occupier of 27 Hamilton Gardens dated 12 October 2016.

41. Letter from owners/occupiers of 20 Hamilton Gardens dated 13 October 2016, 16 October 2016, 9 November 2016 and 11 November 2016.
42. Letter from occupier of 147 Grove Hall Court dated 13 October 2016.
43. Letter from occupier of 15 William Court, 6 Hall Road dated 13 October 2016.
44. Letter from occupier of 52 William Court, 6 Hall Road dated 14 October 2016.
45. Letter from owner of ground floor flat William Court, 6 Hall Road dated 14 October 2016.
46. Letter from occupier of 27 Hamilton Gardens dated 14 October 2016.
47. Letters from occupier of 21 Hamilton Gardens dated 14 October 2016.
48. Letters from occupier of 197 Grove Hall Court dated 15 October 2016.
49. Letter from occupier of 7 William Court, 6 Hall Road dated 16 October 2016.
50. Letter from occupier of 193 Grove Hall Court dated 16 October 2016.
51. Letter from owner of 19 Hamilton Gardens dated 16 October 2016.
52. Letters from occupier of 82 Hamilton Terrace dated 16 October 2016.
53. Letters from occupier of 80 Hamilton Terrace dated 16 October 2016.
54. Letters from occupier of 84 Hamilton Terrace dated 16 October 2016.
55. Letter from occupier of Flat 2, 77 Hamilton Terrace dated 16 October 2016.
56. Letter from occupier of a flat in Grove Hall Court dated 17 October 2016.
57. Letter from occupier of 37 Alma Square dated 17 October 2016.
58. Letter from occupier of Garden Flat, 37 Alma Square dated 17 October 2016.
59. Letter from owner of 10 William Court, 6 Hall Road dated 17 October 2016.
60. Letter from owner of 6a William Court, 6 Hall Road dated 17 October 2016.
61. Letter from occupier of 20a Alma Square dated 18 October 2016.
62. Letter from occupier of 13 Hall Gate dated 18 October 2016.
63. Letter from occupier of 105 William Court, 6 Hall Road dated 18 October 2016.
64. Letter from occupier of 10 Hall Road dated 25 October 2016.
65. Letter from occupier of 11 William Court, 6 Hall Road dated 27 October 2016.
66. Letters from occupier of 10 Bark Place dated 3 November 2016.
67. Letter from occupier of 105 William Court, 6 Hall Road dated 4 November 2016.
68. Letters from occupier 48 Avenue Close dated 6 November 2016.
69. Letter from occupier of 188 Grove Hall Court dated 6 November 2016.
70. Letters from the occupier of Flat 1, 190 Randolph Avenue dated 6 November 2016 and 7 November 2016.
71. Letter from occupier of 188 Grove Hall Court dated 6 November 2016
72. Letters from occupier of 77 Hamilton Terrace dated 7 November 2016.
73. Letter from occupier of 28 Finchley Road dated 7 November 2016.
74. Letter from occupier of 75 Hamilton Terrace dated 7 November 2016.
75. Letters from occupier of 58 Avenue Close dated 7 November 2016.
76. Letters from occupier of 62 Loudoun Road dated 7 November 2016.
77. Letters from occupier of Flat 1, 189 Sutherland Avenue dated 7 November 2016.
78. Letter from occupier of 20 Langford Place dated 7 November 2016.
79. Letter from occupier of 110 Grove Hall Court dated 8 November 2016.
80. Letters from occupiers of 7 Dunrobin Court, 389 Finchley Road dated 8 November 2016.
81. Letter from occupier of 20 Oakington Road dated 8 November 2016.
82. Letters from occupier of Flat 8 Circus Lodge, Circus Road dated 9 November 2016.
83. Letter from occupier of 13 William Court, 6 Hall Road dated 9 November 2016.
84. Letter from family relative of William Court, 6 Hall Road resident dated 9 November 2016.
85. Letters from occupier of 46 Eyre Court, Finchley Road dated 10 November 2016.
86. Letter from occupier of 136 Osier Crescent dated 11 November 2016.
87. Letter from occupier of Flat 8, 45 Marlborough Place dated 11 November 2016.
88. Letters from occupier of 9 Clive Court, 75 Maida Vale dated 11 November 2016.

89. Letter from anonymous person in William Court, 6 Hall Road dated 29 November 2016.  
90. Letter from occupier of 34 William Court, 6 Hall Road dated 6 December 2016.

**Letters of Support**

91. Letter from unknown address dated 6 October 2016.  
92. Letter from unknown address dated 7 October 2016.  
93. Letter from occupier 9 Alma Square dated 7 October 2016.  
94. Letter from unknown address dated 7 October 2016.  
95. Letter from occupier of 32 William Court, 6 Hall Road dated 9 October 2016.  
96. Letter from occupier of 54 Springfield Road dated 2 November 2016.  
97. Letter from care of 67 George Street dated 2 November 2016.  
98. Letter from occupier of 84 Century Court dated 2 November 2016.  
99. Letter from occupier of 7 The Lane, Marlborough Place dated 3 November 2016.  
100. Letter from occupier of 9 Cavendish Avenue dated 3 November 2016.  
101. Letter from occupier of 61 Avenue Road dated 3 November 2016.  
102. Letter from occupier of 66 Elsworthy Road date 3 November 2016.  
103. Letter from occupier of 5 Templar Court, 43 St John's Wood Road dated 3 November 2016.  
104. Letter from occupier of 70 Elsworthy Road dated 3 November 2016.  
105. Letter from occupier of 11 Elm Tree Road dated 4 November 2016.  
106. Letter from occupier of 49 Hamilton Terrace dated 4 November 2016.  
107. Letter from occupier of 72 Grove End Road dated 6 November 2016.  
108. Letter from occupier of 5 Evesham House, Abbey Road dated 7 November 2016.  
109. Letter from occupier of 71a Brondesbury Road dated 7 November 2016.  
110. Letter from occupier of 54 Carlton Hill dated 8 November 2016.  
111. Letter from occupier of Flat 26, 17 Hall Road dated 10 November 2016.  
112. Letter from occupier of Flat 53 Wellington Court dated 11 November 2016.  
113. Letter from occupier of 98 Hamilton Terrace dated 14 November 2016.  
114. Letter form occupier of 96 Hamilton Terrace dated 14 November 2016.  
115. Letter from occupier of 7 Denning Close dated 21 November 2016.  
116. Letter from occupier of 4b Abercorn Place dated 23 November 2016.  
117. Letter from occupier of 18 Cavendish Avenue dated 24 November 2016.  
118. Letter from occupier of 35 Blomfield Road dated 25 November 2016.  
119. Letter from occupier of 27 Grove Hall Court dated 28 November 2016.

*Revised Application:*

120. Letter from St John's Wood Society dated 18 January 2016.  
121. Response from Building Control dated 21 December 2016.  
122. Response from Arboricultural Officer dated 2 February 2016.  
123. Response from Environmental Health dated 12 January 2016.  
124. Email response from Highways Planning Manager dated 30 January 2016.

**Letters of Objection:**

125. Letter from occupier of 14 Hamilton Gardens dated 20 December 2016.  
126. Letters from occupier of Top Floor Flat, 25 Hamilton Gardens dated 24 December 2016 and 27 December 2016..  
127. Letter from occupier of 36 Alma Square dated 26 December 2016.  
128. Letters from occupier of 25 Hamilton Gardens dated 27 December 2016.  
129. Letters from owner of 16 William Court, 6 Hall Road dated 28 December 2016 and 3 January 2017.  
130. Letter from occupier of 34 Hamilton Gardens dated 3 January 2017.  
131. Letter from owner of 22 Hamilton Gardens dated 3 January 2017.

132. Letters from occupier of 28 Hamilton Gardens dated 3 January 2017.
133. Letter from occupier of 41 William Court, 6 Hall Road dated 4 January 2017.
134. Letters from owner of 8 Hall Road dated 4 January 2017.
135. Letter from occupier of 15 William Court, 6 Hall Road dated 4 January 2017.
136. Letter from owners of 26 Hamilton Gardens dated 4 January 2017.
137. Letter from occupier of 17 Hamilton Gardens dated 5 January 2017.
138. Letter from 105 William Court, 6 Hall Road dated 6 January 2017.
139. Letter from occupier of 74 William Court, 6 Hall Road dated 8 January 2017.
140. Letter from occupier of 16 Hamilton Gardens dated 9 January 2017.
141. Letters from occupier of Flat 8, 45 Marlborough Place dated 9 January 2017.
142. Letter from occupier of 50 William Court, 6 Hall Road dated 9 January 2017.
143. Letters from occupier of 58 Avenue Close dated 9 January 2017.
144. Letter from occupier of ground floor flat, William Court, 6 Hall Road dated 10 January 2017.
145. Letters from occupier of 188 Grove Hall Court dated 10 January 2017.
146. Letter from occupier of 28 Finchley Road dated 10 January 2017.
147. Letter from occupier of 110 Grove Hall Court dated 10 January 2017.
148. Letters from occupier of Flat 1, 189 Sutherland Avenue dated 10 January 2017.
149. Letters from occupier of 62 Loudoun Road dated 10 January 2017.
150. Letters from Flat 1, 190 Randolph Avenue dated 10 January and 12 January 2017.
151. Letter from occupier of 14 William Court, 6 Hall Road dated 11 January and 13 January 2017.
152. Letter from occupier of Flat 5, 46 Hamilton Gardens dated 12 January 2017.
153. Letter from occupier of 23 Hamilton Gardens dated 12 January 2017.
154. Letter from occupier of 11 William Court, 6 Hall Road dated 12 January 2017.
155. Letter from occupier of 34 William Court, 6 Hall Road dated 12 January 2017.
156. Letter from occupier of 20 Langford Place dated 12 January 2017.
157. Letters from occupier of 48 Avenue Close dated 12 January 2017.
158. Letter from owner of 55 William Court, 6 Hall Road dated 12 January 2017.
159. Letters from occupier Flat 8 Circus Lodge, Circus Road dated 13 January 2017.
160. Letters from occupier of Flat 46 Eyre Court, Finchley Road dated 13 January 2017.
161. Letters from occupier of 82 Hamilton Terrace dated 13 January 2017.
162. Letter from owner of 19 Hamilton Gardens dated 13 January 2017.
163. Letter from occupier of 75 William Court, 6 Hall Road dated 13 January 2017.
164. Letter from occupier of 33 William Court, 6 Hall Road dated 13 January 2017.
165. Letter from occupier of 78 Hamilton Terrace dated 13 January 2017.
166. Letter from occupier of 13 William Court, 6 Hall Road dated 13 January 2017.
167. Letters from occupier of 20 Hamilton Gardens dated 13 January 2017 and 26 January 2017.
168. Letter from occupier of 24 Hamilton Gardens dated 14 January 2017.
169. Letters from occupier of 21 Hamilton Gardens dated 23 January 2017.
170. Letters from occupier of 84 Hamilton Terrace dated 24 January 2017.
- Letter of Support:**
171. Letter from occupier of 46 Hamilton House dated 3 January 2017.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER:  
KIMBERLEY DAVIES BY EMAIL AT [kdavies1@westminster.gov.uk](mailto:kdavies1@westminster.gov.uk)

10. KEY DRAWINGS

Visuals of Houses 1-3 in context of William Court



As Proposed Axonometric View 1 - REVISED SCHEME

Visuals of House 1 from podium deck of William Court and Hamilton Garden



House 1  
Proposed William Court Podium View



House 1  
Proposed View from Hamilton Gardens



**Visuals of Houses 2 & 3**

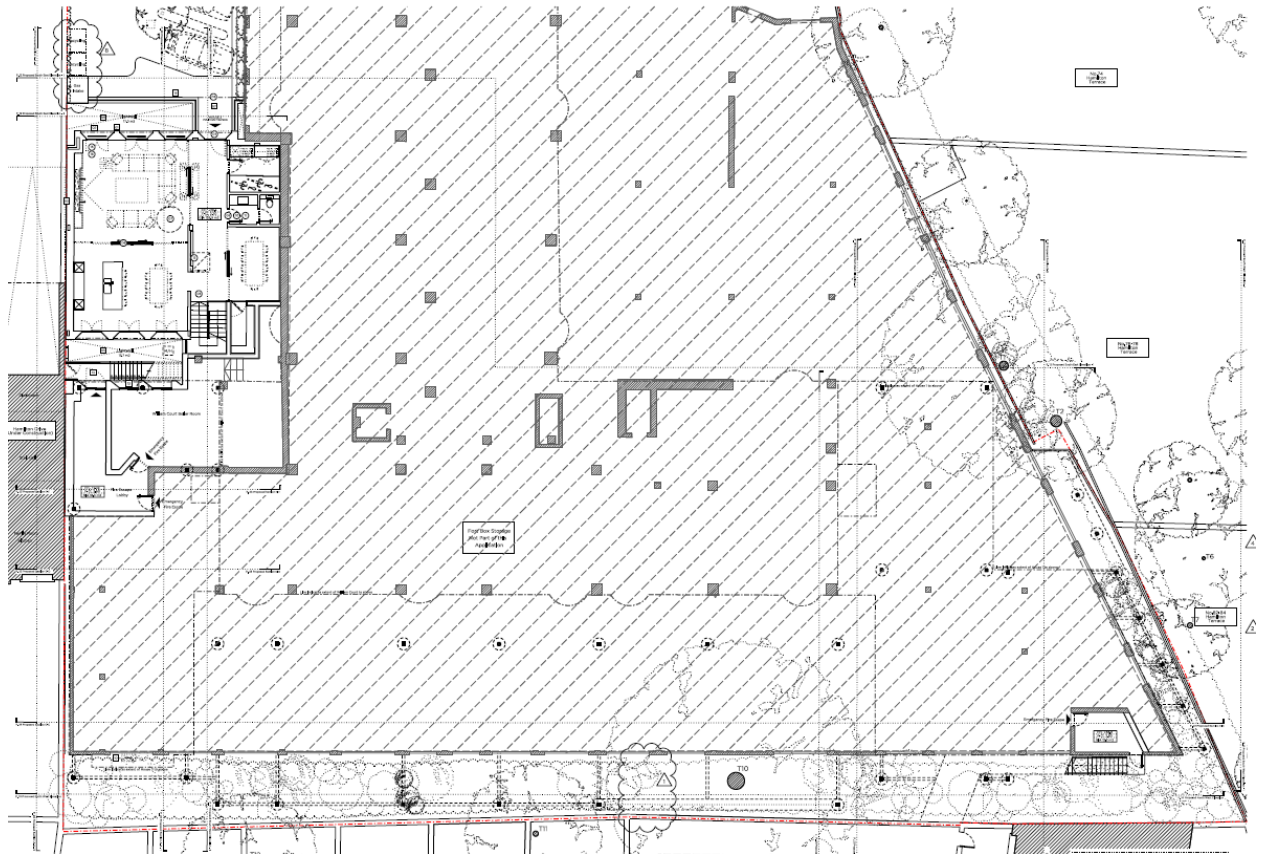


1 Houses 2&3  
Proposed View from Vehicle Approach



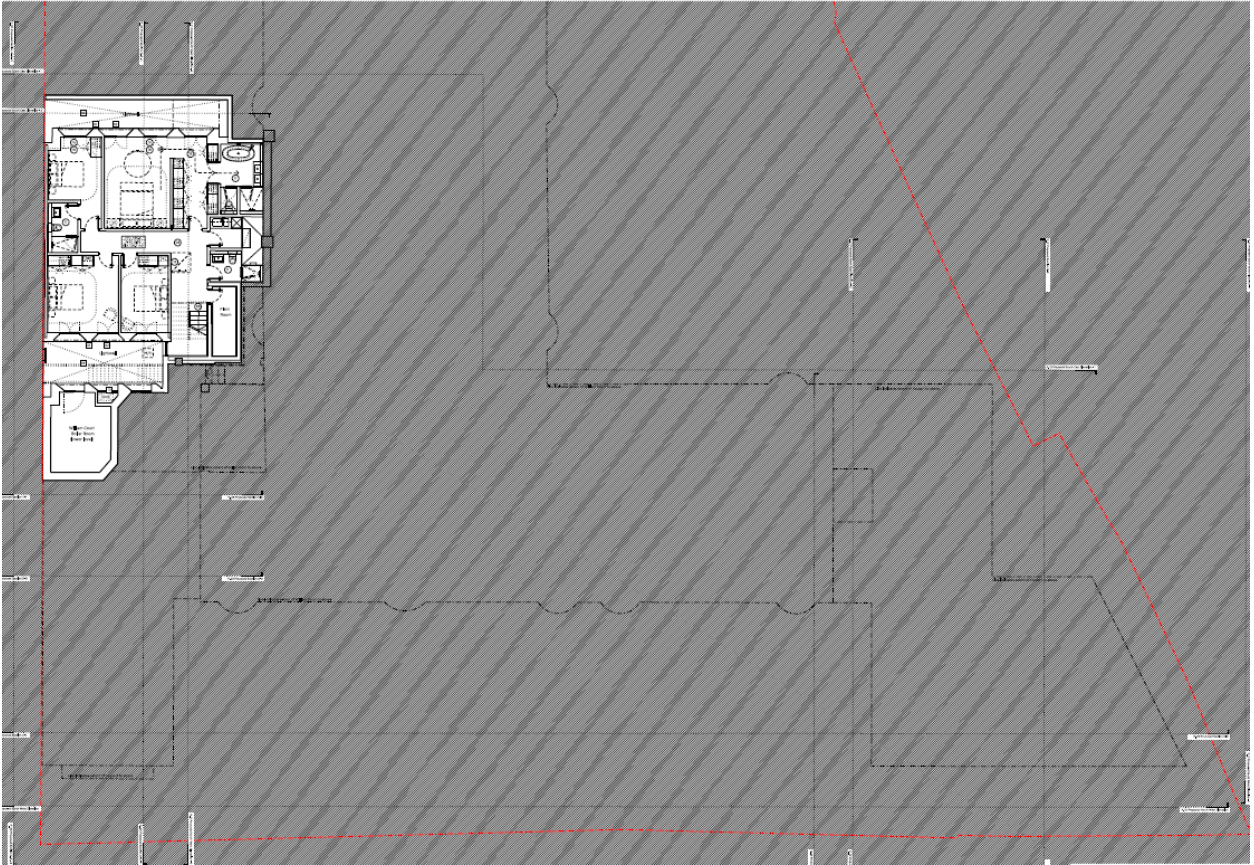
2 Houses 2&3  
Proposed Sectional Axonometric View

Drawing to show ground floor of House 2 to the eastern side of William Court

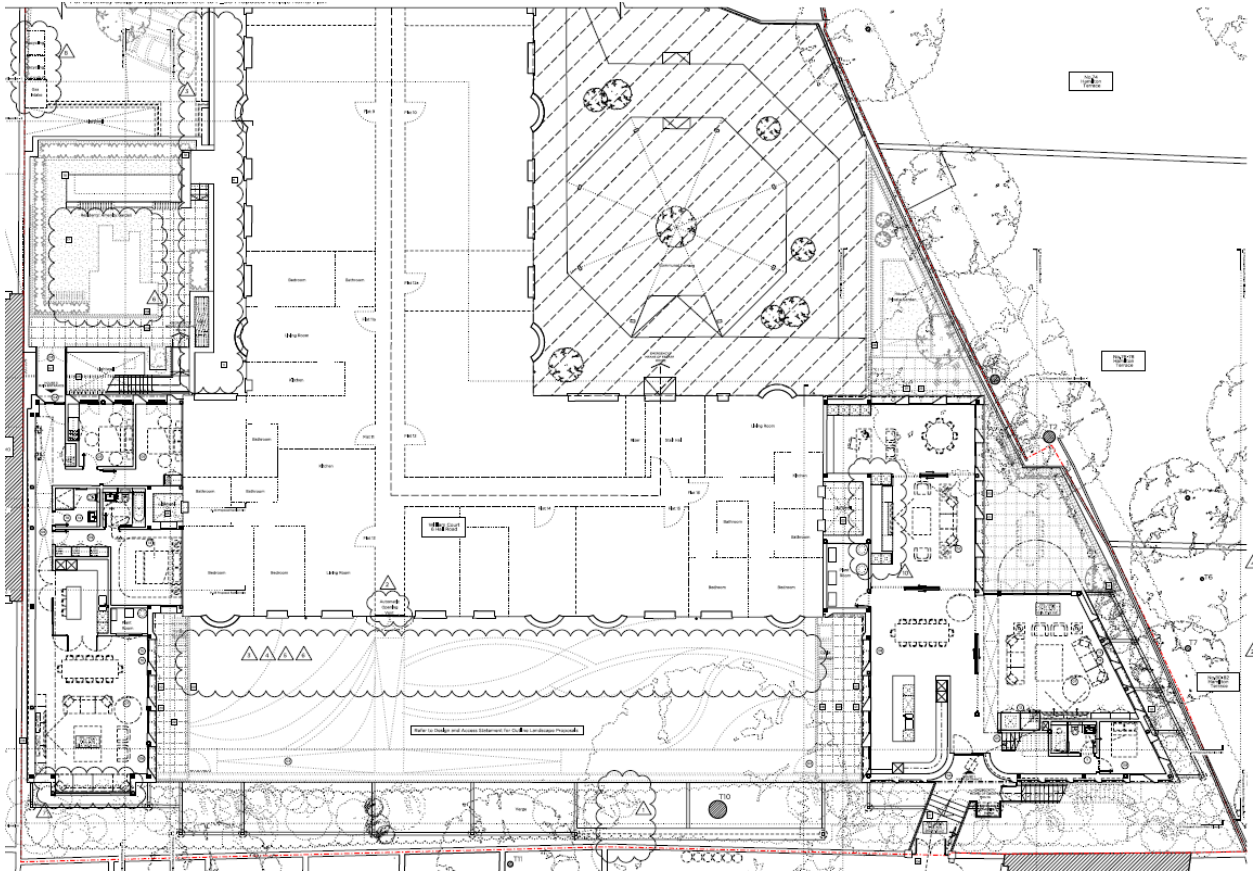




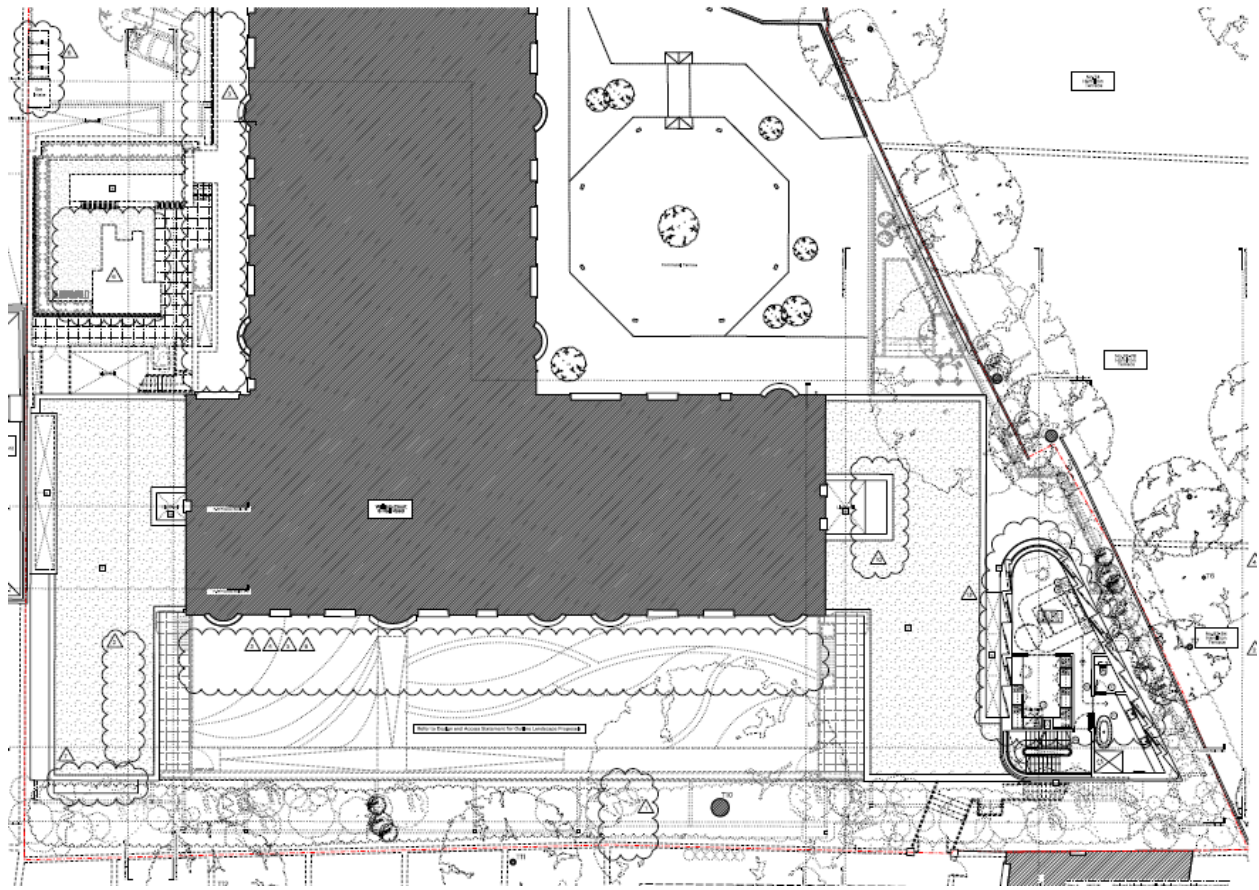
Drawing to show lower ground floor of House 2 to the eastern side of William Court



**Drawing to show podium deck level –Ground Floor of House 1, Ground Floor of House 3 7  
Roof of House 2 and landscaping proposals to rear of William Court**

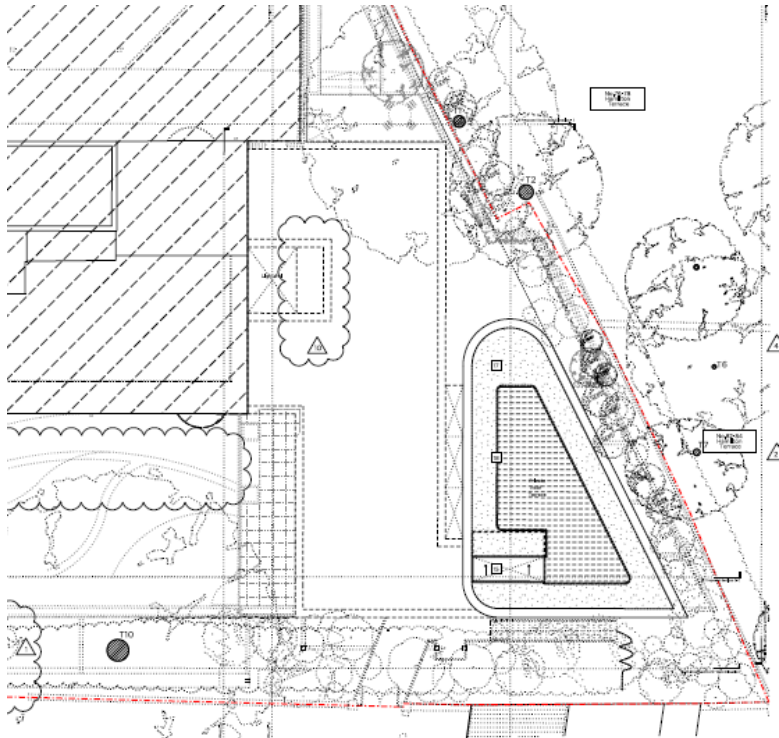
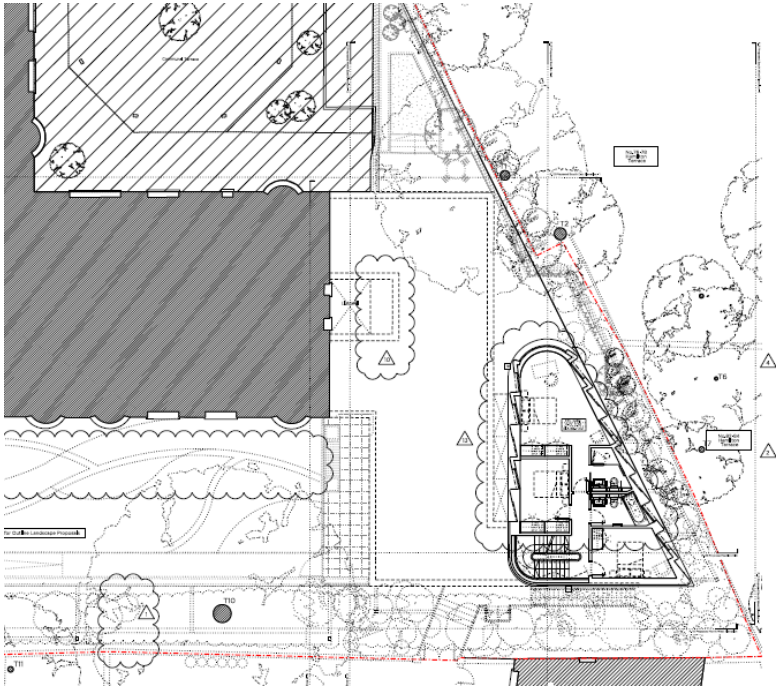


Drawing to show First floor plan of House 1 and roof of House 3





**Extract Drawing to show Second floor and roof plan of House 1**



**Section (east-west) through Houses 1 & 3 in relation to William Court (centre), Hamilton Terraces (to the right) and new development at rear of Grove Hall Court (left)**



**Section through Houses 2 & 3 showing William Court in the rear and Hamilton Garden properties to the right**



Elevations drawing of House 1 (Top left – west elevation, Top Right-east elevation, Bottom Left- South Elevation, Bottom Right – North elevation)



**DRAFT DECISION LETTER**

**Address:** William Court , 6 Hall Road, London, NW8 9PA

**Proposal:** Construction of 3 dwelling houses with associated amenity space in the grounds of William Court, 6 Hall Road to the rear, associated landscaping improvements, creation of additional cycle parking.

**Plan Nos:** P00; D\_02A; D\_03A; D\_04A; D\_08A; D\_10A; D\_11A; D\_12A; D\_13; D\_20A; D\_21A; D\_22A; P\_01A; P\_02A; P\_03A; P\_04A; P\_05A; P\_06A; P\_07A; P\_08A; P\_10A; P\_11A; P\_12A; P\_13A; P\_20A; P\_21A; P\_22A; P\_30; Design and Access Statement dated December 2016; Planning Statement; Daylight and Sunlight Assessment amended 30 January 2017; Arboricultural Impact Assessment dated 13 December 2016; Landscaping information dated 14 December 2016; Sustainability Statement dated 10 August 2016; Noise Impact Assessment dated 8 August 2016; For information only: Construction Management Plan dated December 2016; Structural Engineer's Study dated December 2016.

**Case Officer:** Kimberley Davies

**Direct Tel. No.** 020 7641 5939

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

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

**Reason:**

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

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

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

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

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

**Reason:**

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing and framing to glazing and including the 'Bolou boarding', 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 5 You must apply to us for approval of a sample panel of brickwork to be erected on site for each type of new brick proposed to be used, and submit a photograph of each erected panel, and which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. The brickwork shall not be painted, rendered or otherwise overclad. (C27DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 6 You must provide the green roofs to main roof level on houses 1, 2 and 3 (in the locations shown on drawings P-07A, P-02A and P-05A) and to the podium deck before you start to use any part of the development, as set out in your application. You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)



- 7 The external brick facings to each of the three new buildings shall be formed in complete bricks and not brick slips

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

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

The window to the north-west elevation of house 3 subdivided into two window openings separated by a brick pier and together of reduced size as compared to the opening shown on P-10A

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 9 You must apply to us for approval of a detailed elevation drawing, and also a detailed plan/section drawing (as appropriate) for each of the following areas:-

- 1) Curved corner to the southern end of first and second floor levels on House 1
- 2) Example bay (showing all detailing) of the east and the west elevation at ground to second floor levels of House 1
- 3) Example bay (showing all detailing) of the south elevation of House 2
- 4) Example bay (showing all detailing) of the south elevation of House 3

The drawings must also be annotated detailing the use of facing materials. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 10 You must not erect any extensions or alter the appearance of the building, including the installation of new windows and doors, without our permission. This is despite the provisions of Classes A, B, C and D of Part 1 of Schedule 2 to the Town and Country Planning General

Permitted Development Order 1995 (or any order that may replace it). (C21HA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 11 You must apply to us for approval of an elevation drawing showing the louvred doors to the boiler/plant room at ground floor level of House 1, including annotation of materials and colour of finish. 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 this drawing. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 13 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 14 The new external railings, and the deck to the new entrance bridge from Hamilton Gardens, shall be formed in black painted metal

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 15 You must apply to us for approval of a detailed elevation of the balustrade to main roof level of House 1, including confirmation of its materials. 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 this drawing. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 16 You must apply to us for approval of an existing and a proposed elevation drawing showing the area of boundary wall to Hamilton Gardens where the new entrance to House 1 is proposed. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 17 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number P\_02A, P\_03A, P\_04A, P\_08A. You must clearly mark them and make them available at all times to everyone using the \*\*\*\*. (C14FB)

Reason:

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

- 18 You must apply to us for approval of detailed drawings and specifications (including colour) of the following parts of the development - privacy screening/fencing to Houses 1 and 3. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 19 You must not use the roof of the building of House 3 and the podium deck for sitting out or for any other purpose. You can however use the roof and podium deck 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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 20 You must install the privacy screen/fencing associated with House 1 and 3 prior to the use of the approved amenity areas.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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

Reason:

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

- 22 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 (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 23 (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 (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

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

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

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 25 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.

- 26 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.

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

If you remove any trees or find that they are dying, severely damaged or diseased within 2 years of planting them, you must replace them with trees of a similar size and species. (C30BB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 28 **Pre Commencement Condition.** You must apply to us 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 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 (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 29 The lightwells to House 1 and 3 must remain open and be retained as lightwells at all times.

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

**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 (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
  
- 2 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
  
- 3 Condition 28 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
  - \* the order of work on the site, including demolition, site clearance and building work;
  - \* who will be responsible for protecting the trees on the site;
  - \* plans for inspecting and supervising the tree protection, and how you will report and solve problems;
  - \* how you will deal with accidents and emergencies involving trees;
  - \* planned tree surgery;
  - \* how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
  - \* how you will remove existing surfacing, and how any soil stripping will be carried out;
  - \* how any temporary surfaces will be laid and removed;
  - \* the surfacing of any temporary access for construction traffic;
  - \* the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
  - \* site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
  - \* how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
  - \* the place for any bonfires (if necessary);



- \* any planned raising or lowering of existing ground levels; and
- \* how any roots cut during the work will be treated.

- 4 The tree removal and tree pruning work recommended in the tree report is not always necessary to carry out the construction work although some are close to the building and pile locations. Therefore, it is not approved as part of this planning consent and if you wish to prune or remove any trees you must submit a Section 211 notification for works to trees within a conservation area (as described in the tree report) or obtain consent to work on a protected tree (if included in a Tree Preservation Order).
- 5 The trees within the rear gardens of Hamilton Terraces are within a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922.
- 6 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 7 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).
- 8 The construction manager should keep residents and others informed about unavoidable

disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

- 9 Our Environmental Health officers advise that, although it is not possible to be certain from your submitted plans, the scheme may not provide sufficient natural light into and a reasonable view from the main habitable rooms. You are recommended to refer to the Housing Health and Safety Rating System - Housing Act 2004 guidance to obtain full details about the requirement for natural lighting and reasonable view. The dwelling may therefore be considered for action under the Housing Act 2004 by our Residential Environmental Health team. In those circumstances, that team would have the power to require works to improve natural light and the view to the affected rooms (which may require planning permission) or alternatively, where this is not practicable, to prohibit the use of those rooms. For further advice, please contact:

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

- 10 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)

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.

# Agenda Item 8

Item No.
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<b>8</b>
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	27A Queen's Terrace, London, NW8 6EA,		
<b>Proposal</b>	Variation of Condition 10 of planning permission dated 01 July 2014 (RN: 14/02259) for the use as a fitness studio (Class D2). Namely to remove the requirement to install a sound insulating suspended ceiling below the roof timbers and install a sound limiter instead.		
<b>Agent</b>	Mr Nigel Young		
<b>On behalf of</b>	Ms Jess Schuring		
<b>Registered Number</b>	15/09871/FULL	<b>Date amended/ completed</b>	22 November 2016
<b>Date Application Received</b>	22 October 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>			

## 1. RECOMMENDATION

Grant conditional planning permission.
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## 2. SUMMARY

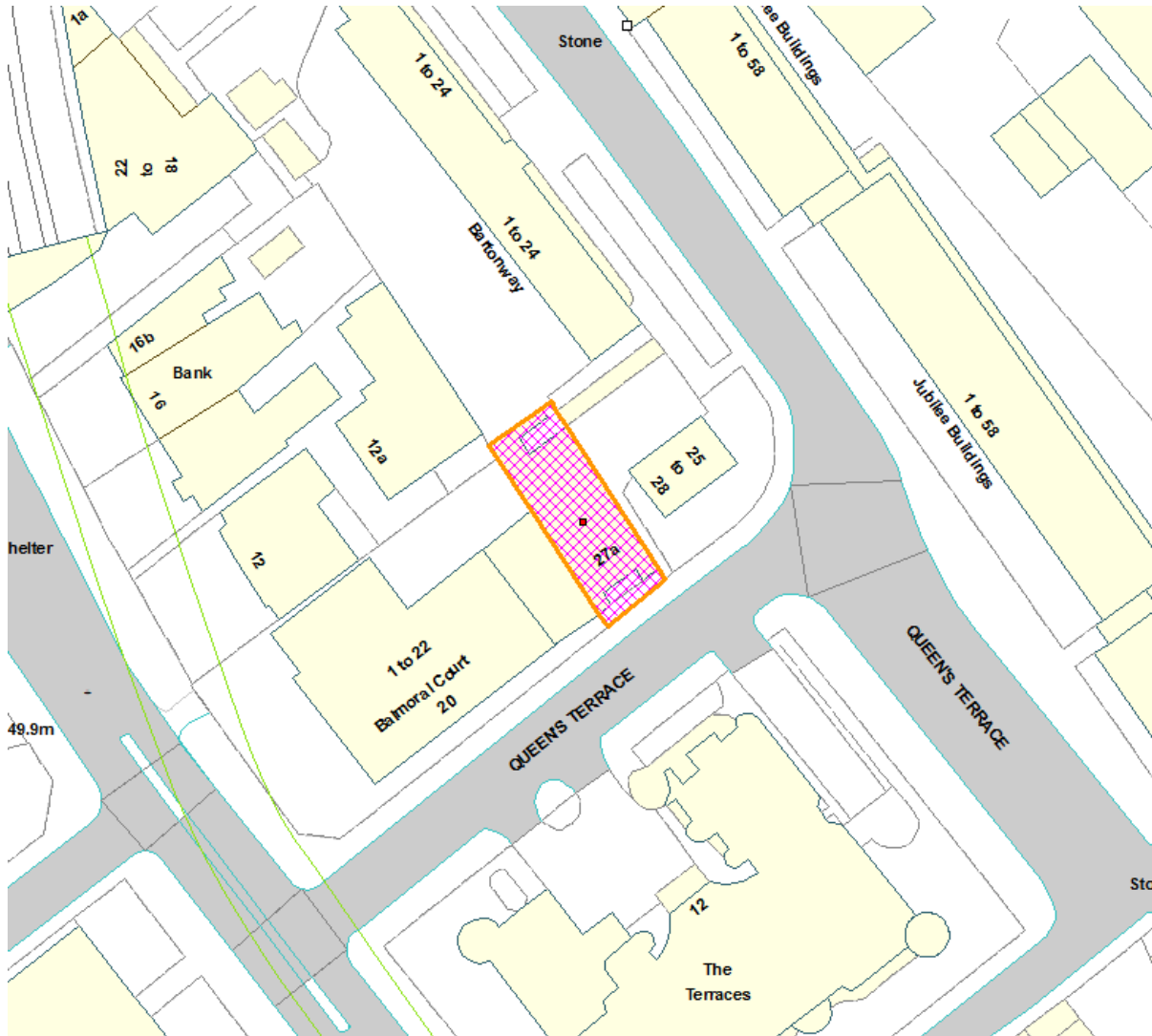
Permission is sought to vary the originally specified sound insulation strategy for the consented fitness Studio Use (Class D2), by way of replacing the originally specified suspended ceiling with a sound limiting device attached to equipment. Condition 10 of the original application required approval of the various sound mitigation measures in order to safeguard the amenity of adjoining occupiers from noise disturbance. This application has supplied these details and introduced the sound limiting device in lieu of the suspended roof, with accompanying pre and post installation sound testing analysis.

Objections from neighbours have been received expressing concern that the sound limiting device may not be as effective as the suspended ceiling.

Additional acoustic analysis confirms that with the benefit of insulation measures and a sound limiting device secured by way of condition, the measures would be sufficient to prevent any music noise breakout and meet the conditions and criteria of the planning permission. These details have been reviewed by the City Councils Environmental Health Officers who have no objections to the

proposals on environmental noise or nuisance grounds. As such approval of the amended noise mitigation strategy is recommended.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Site frontage and first floor



## 5. CONSULTATIONS

### ENVIRONMENTAL HEALTH

Soundweb limiter system in lieu of suspended ceiling, in addition to other noise mitigation measures specified in acoustic report submitted with this application, are sufficient to control amplified noise so that noise stays 10db below established background noise levels as recorded in original Noise Assessment dated 10 March 2015.

### ADJOINING OWNERS/OCCUPIERS

No. Consulted: 112  
Total No. of replies: 3  
No. of objections: 2  
No. Of neutral: 1

Two objection received on the following grounds:

\* Concerned that variation of condition will compromise effectiveness of sound insulation causing disturbance at 16 Balmoral Court.

\* Ensure amended details are equivalent to that imposed originally.

One comment stating:

\*Request that sound limiter is as efficient as sound insulated suspended ceiling originally specified and music is maintained at level to avoid nuisance to neighbours, in particular occupier within 20 Queens Terrace.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

### **Additional consultation; 20 December 2016**

*“Supplementary noise report dated 24 May 2016 prepared in relation to use in operation taking into account improvements to building fabric already undertaken as per recommendations of condition 10 (not including suspended ceiling).”*

### ST JOHNS WOOD SOCIETY

Any response reported verbally.

### ENVIRONMENTAL HEALTH

No objection to this application on environmental noise or nuisance grounds. The applicant has provided a Sound Limiter setting certificate dated November 2016 on the basis of the findings of acoustic report by Shaun Murkett Dated 24th May 2016 and as requested by the Council.

I have considered these documents and on the basis of these I have no objection to the application subject to an appropriate condition to retain the Sound Limiter use in future.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 112  
Total No. of replies: 0

### 6. BACKGROUND INFORMATION

#### 6.1 The Application Site

This application site comprises a two storey former ecclesiastical building on the north side of Queen's Terrace. Planning permission was granted 1 July 2014 for use of the building as a fitness studio (Class D2). This use is presently in operation at the site.

#### 6.2 Recent Relevant History

14/02259/FULL  
Use as a fitness studio (Class D2).  
Application Permitted 1 July 2014

Condition 10 of this permission required the submission to the City Council for approval of noise mitigation measures as specified in the submitted Noise Assessment (ref: 14/0055/R01-1), prior to the commencement of the D2 fitness use.

15/08066/ADFULL  
Details of waste / recycling storage pursuant to Condition 2 of planning permission dated 1 July 2014 (RN: 14/02259).  
Application Permitted 21 September 2015

15/08099/ADFULL  
Detailed drawings showing the provision of a minimum of 3 cycle parking spaces on the site pursuant to Condition 8 of planning permission dated 1 July 2014 (RN: 14/02259).  
Application Permitted 8 October 2015

### 7. THE PROPOSAL

This application has been submitted to obtain approval from the City Council of an amendment to the sound mitigation strategy for the consented fitness studio (Class D2), namely the inclusion of a sound limiting device in lieu of the originally specified suspended ceiling, details of which were required to be submitted to the City Council for approval pursuant to condition 10 of the original permission dated 1 July 2014 RN: 14/02259/FULL.

This condition reads as follows;

*"Before you begin to use the fitness studio hereby approved you must install the following noise mitigation measures as specified in the submitted Noise Assessment (ref: 14/0055/R01-1):*



- (a) Installation of a sound insulating suspended ceiling below the roof timbers (as specified in 6.3.2 of the Noise Assessment).*
- (b) Installation of secondary glazing to windows in the eastern elevation with a minimum spacing of 50mm between the existing windows and the secondary glazing.*
- (c) Infill of ventilation holes within the eastern facade at basement level.*
- (d) All existing external windows checked to ensure that they have no gaps and seals are working effectively (where they are not they must be appropriately repaired).*
- (e) Installation of a lobbied doorway at the main entrance to the premises that achieve a minimum sound reduction value of  $R_w$  35dB.*

*You must keep the noise mitigation measures in place for as long as the fitness studio remains in use.”*

This condition was imposed to ensure amplified music and noise would be limited to a level so as to comply with standard noise conditions (5 and 6) of permission 14/02259/FULL that relate to noise and vibration to adjoining residential properties.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Residential Amenity**

The appointed acoustic engineers for the applicant have undertaken sound testing and provided details of sound insulation pursuant to the requirements of condition 10 in this current application. The submitted acoustic report prepared by Shaun Murkett dated 28 August 2015, provides details of sound testing undertaken at the property prior to any mitigation measures being installed. The report explains that the ‘Heartcore’ Moorgate City branch was visited to observe typical noise levels to inform the testing at the application site. The report concludes that, following improvements as recommended in the appendices including; installation of a sound insulating suspended ceiling below the roof timbers, installation of secondary glazing, infilling of ventilation holes, checks to existing windows for air tightness, and installation of a lobbied doorway at the main entrance, pursuant to parts (a) – (e) of the condition 10 respectively, the D2 fitness use would be capable of operating without causing disturbance to neighbouring residents.

However, page 16 of that report identified that an acoustic ceiling would only be necessary if high music levels are required in the first floor/mezzanine area. It goes on to state that if reduced music sound levels are used, which upon further consideration is better suited to the yoga and other quieter intended uses on the upper floor, then a sound limiter, in conjunction with other measures pursuant to parts (b) – (e) of condition 10, would be sufficient to prevent any music noise breakout and meet the conditions and criteria of the planning permission. Officers were therefore asked to consider both options.

As part of this application, further acoustic testing was carried out after undertaking works to the fabric of the building pursuant to parts (b) – (e) of condition 10 but prior to the use commencing. The acoustic consultant also provided details of the sound limiter in lieu of the suspended ceiling pursuant to part (a) of condition 10. The findings are summarised in the updated acoustic report dated 24 May 2015. It concluded that; with the music set at an acceptable level controlled by internal sound limiters and with the

benefit of all other noise mitigation installed, there was no music noise breakout at the neighbouring properties.

These results were reviewed by the City Councils Environmental Health Officers who were satisfied that the use by Heartcore Studios would not have an observable effect on residents. However it was raised that there needed to be suitable mechanisms for controlling the sound limiter in perpetuity, and assurance needed to be given that noise from amplified voices could also be limited through the system. Planning Officers also raised concerns regarding sound from un amplified voices and the ability of the building, in the absence of the suspended ceiling, to provide suitable sound insulation.

In November last year, the agent provided the City Council with a calibration certificate following the installation and setup of an approved sound limiter, with all sources routed through the sound limiter, including any vocal microphones and music sources. This sound limiter is located in a rack in a locked room away from the fitness studio rooms, and has been set and calibrated to the sound levels undertaken in the sound test and detailed in the report dated 24th May 2016. Officers undertook further consultation with residents and statutory consults including Environmental Health to advise of this additional information. No further representations were received. Environmental Health have commented and have no objections on noise and nuisance grounds subject to conditions to secure the restrictions to the sound limiter.

As such on the basis of a revised condition (10) to secure the details as submitted as part of this variation application in lieu of an approval of details application, and the additional condition as recommended by Environmental Health, the proposals are considered acceptable.

## **8.2 London Plan**

This application raises no strategic issues.

## **8.3 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.

## **8.4 Planning Obligations**

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

## **8.5 Other Issues**

In order to secure the sound mitigation measures as set out in the application documents, which condition 10 of the original permission required details of under the approval of details regime, it is recommended that this varied permission provide a reworded condition (10) that secures the details as submitted in this application. A separate approval of details application has been lodged however this is not considered necessary in order to deal with revised details as discussed. This has been withdrawn following the advice of Officers.

**9. BACKGROUND PAPERS**

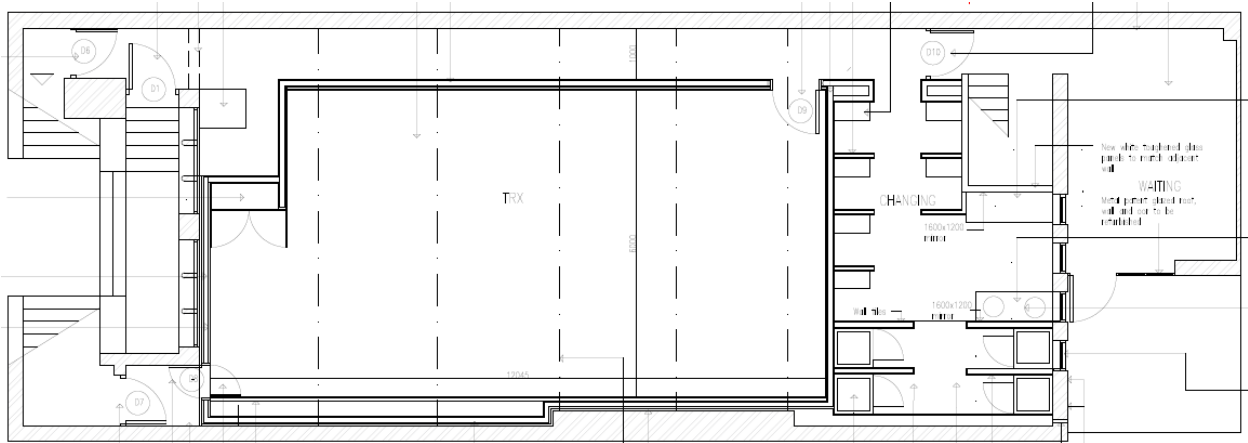
1. Application form
2. Acoustic report dated 24 May 2016.
3. Response from Plant And Equipment, 28 June 2016, 31 August 2016 and 13 December 2016.
4. Letter from occupier of Chairman, , 20 Queens Terrace, 15 Balmoral Court, dated 11 December 2015
5. Letter from occupier of 16, Balmoral Court, 20 Queen's Terrace, dated 13 December 2015
6. Letter from occupier of 2, Balmoral Court, 20 Queens Terrace, dated 13 December 2015

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

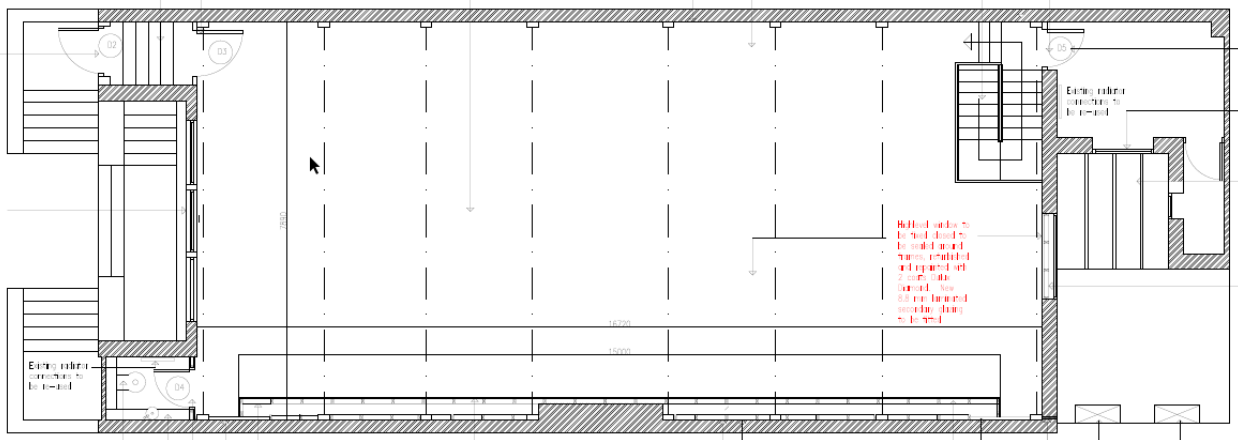
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT [kdavies1@wesminster.gov.uk](mailto:kdavies1@wesminster.gov.uk)

### 10. KEY DRAWINGS

#### Ground floor plan



#### First Floor/ Mezzanine



**DRAFT DECISION LETTER**

**Address:** 27A Queen's Terrace, London, NW8 6EA,

**Proposal:** Variation of Condition 10 of planning permission dated 01 July 2014 (RN: 14/02259) namely remove the requirement to install a sound insulating suspended ceiling below the roof timbers and install a sound limiter instead (as specified in 6.3.2 of the Noise Assessment.),

**Reference:** 15/09871/FULL

**Plan Nos:** Site location plan, 55/113A, 55/123A, Cover letter dated 22 October 2015, Acoustic report and appendices prepared by Shaun Murkett dated 28 August 2015, Acoustic report and appendices prepared by Shaun Murkett dated 24 May 2016, Sound limiter statement dated 30 November 2015, Soundweb London BLU-100 sound limiter specification, Calibration Certificate dated 22 November 2016

**Case Officer:** Samuel Gerstein

**Direct Tel. No.** 020 7641 4273

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

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

Reason:

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

- 2 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately, unless you implement waste and recycling storage in accordance with details approved 21 September 2015 under reference 15/08066/ADFULL. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the fitness studio.,

Reason:

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

- 3 You must not open the fitness studio premises to customers, and you must not allow customers

on the premises, outside the following times: between 07.00 and 21.45 hours on Monday to Friday (not bank holidays and public holidays), between 08.30 and 17.45 on Saturdays and between 09.30 and 17.45 on Sundays, bank holidays and public holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in CS28 and CS31 of our Core Strategy that we adopted in January 2011 and ENV 6, ENV 7 and SOC1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 4 The windows to the fitness studio hereby approved shall be kept closed whenever fitness classes are taking place or music is being played.

Reason:

To protect the environment of people in neighbouring properties as set out in CS23, CS28 and CS31 of our Core Strategy that we adopted in January 2011 and ENV 6, ENV 7 of our Unitary Development Plan that we adopted in January 2007

- 5 (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 5 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 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., , (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:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) 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 (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 6 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 7 You must use the fitness studio hereby approved only for that purpose. You must not use it for any other purpose, including any within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05AB)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet ENV6, ENV7, TRANS22 and SOC1 of our Unitary Development Plan that we adopted in January 2007 and S29, S32 and S34 in Westminster's City Plan: Strategic Policies that we adopted in November 2013. (R05AB)

- 8 You must apply to us for approval of detailed drawings showing the provision of a minimum of 3 cycle parking spaces on the site, unless you implement cycle parking in accordance with

details approved 8 October 2015 under reference 15/08099/ADFULL. Thereafter you must install the cycle parking in accordance with the details we approve and permanently maintain them for the life of the development.

Reason:

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

- 9 Only a maximum of two simultaneous classes may operate within the approved fitness studio hereby approved and each class shall contain no more than 15 persons (excluding the instructor(s)).

Reason:

To protect the noise environment of people in nearby noise sensitive properties and limit demand for on-street parking in the vicinity of the site as set out in ENV 6, ENV 7 and TRANS22 of our Unitary Development Plan that we adopted in January 2007 (UDP) and S29, S32 and S41 in Westminster's City Plan: Strategic Policies that we adopted in November 2013.

- 10 You must maintain at all times the mitigation measures as specified in the submitted Acoustic report and appendices prepared by Shaun Murkett dated 24 May 2016 comprising; , (a) Sound limiting device in accordance with calibration certificate dated 22 November 2016. , (b) Installation of secondary glazing to windows in the eastern elevation with a minimum spacing of 50mm between the existing windows and the secondary glazing., (c) Infill of ventilation holes within the eastern facade at basement level., (d) All existing external windows checked to ensure that they have no gaps and seals are working effectively (where they are not they must be appropriately repaired)., (e) Installation of a lobbied doorway at the main entrance to the premises that achieve a minimum sound reduction value of Rw 35dB. , , You must keep the noise mitigation measures in place for as long as the fitness studio remains in use.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the use hereby permitted does not cause noise and vibration nuisance as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 11 The sound limiter fitted to the musical amplification system (including tutor microphones) shall be operated at all times in accordance with the Calibration Certificate signed by Shaun Murkett Acoustic Consultants Ltd dated 22 November 2016. The limiter shall be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the premises operator. The limiter shall not be altered unless agreed in writing by the Council. No additional sound generating equipment shall be used on



the premises without being routed through the sound limiter device. A sound limiter device which meets the aforementioned requirements shall be installed and maintained for any future use of the building where music is intended to be played for the purposes of fitness classes.

**Reason:**

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the use hereby permitted does not cause noise and vibration nuisance as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

**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 (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at [www.hse.gov.uk/pubns/indg244.pdf](http://www.hse.gov.uk/pubns/indg244.pdf). (I80DB)
- 3 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:,\* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;,\* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;,\* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;,\* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;,\* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 4 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public., Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992.  
[www.opsi.gov.uk/SI/si1992/Uksi\\_19923004\\_en\\_1.htm](http://www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm), , The following are available from the British Standards Institute - see , [www.bsi-global.com/Building/Utilities;](http://www.bsi-global.com/Building/Utilities;), , o BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances , o BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances.
- 5 You are reminded that this decision does not grant permission for any external mechanical plant. If such equipment is required in connection with the proposed use to ventilate the fitness studios, you will need to make a further planning application for such equipment before it is installed.
- 6 You are reminded that Condition 4 attached to this permission requires the windows of the premises to be kept shut whenever fitness classes are taking place or music is being played.,

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.

# Agenda Item 9

Item No.
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9
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	<b>10 Acacia Road, London, NW8 6AB</b>		
<b>Proposal</b>	Excavation of basement; erection of rear extension at rear lower ground floor level; erection of three storey side extension at upper ground, first and second floor levels; extension of front ground floor porch; alteration and replacement of windows and doors; alterations to landscaping including demolition of existing garage; alterations to roof.		
<b>Agent</b>	Mr Richard Abbott		
<b>On behalf of</b>	C/O MD LEGAL SERVICES		
<b>Registered Number</b>	16/10875/FULL	<b>Date amended/ completed</b>	16 December 2016
<b>Date Application Received</b>	15 November 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

Refuse permission – design
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## 2. SUMMARY

This application relates to an unlisted single family dwelling house located within the St John's Wood Conservation Area. Permission was granted for works including the excavation of a basement and erection of rear single storey extension at lower ground floor level in 2016. This application includes all of these works previously approved along with the erection of a three storey side extension at upper ground, first and second floor level.

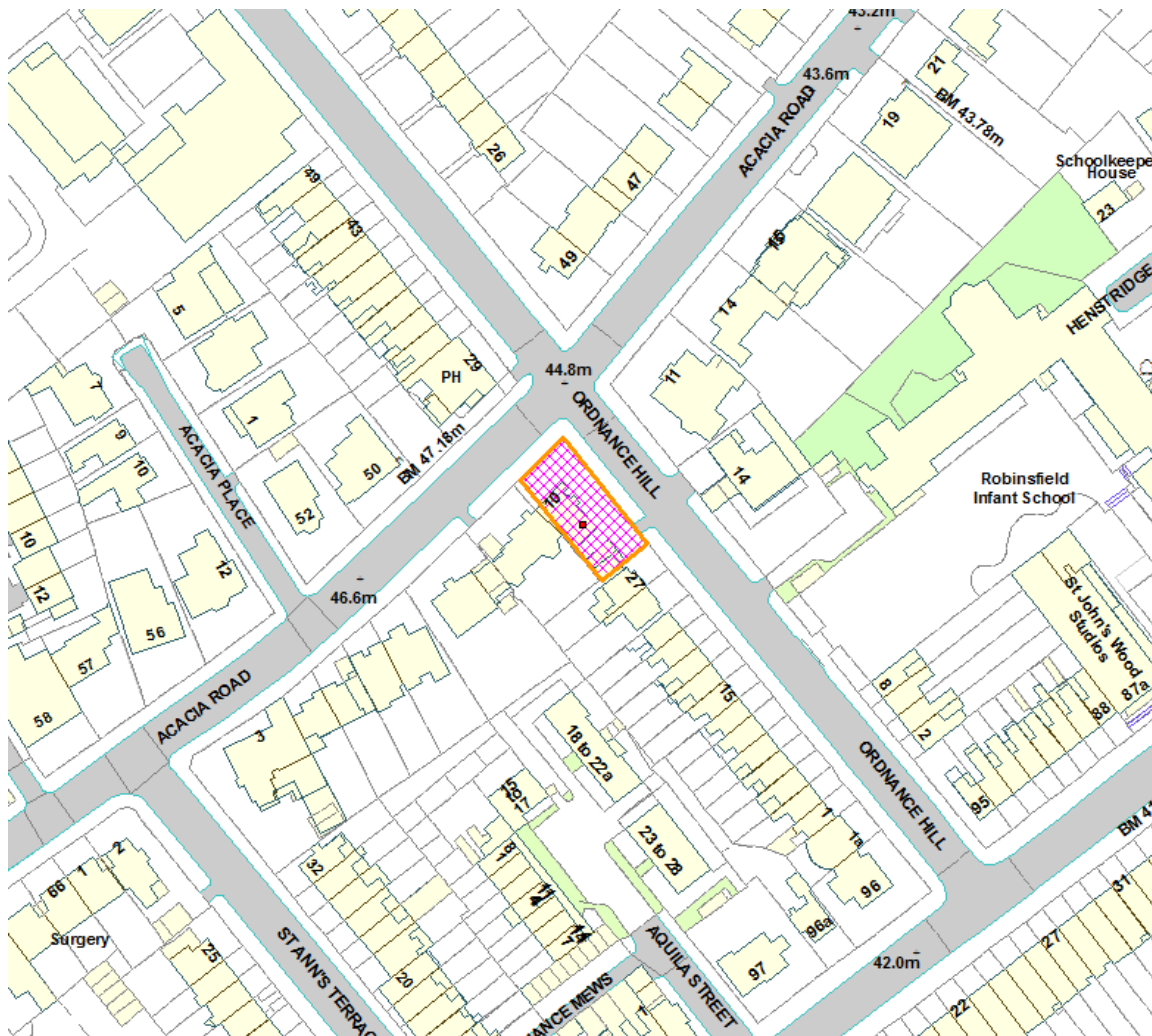
The key issues which relate to this case:

- \* The impact of the development on the character and appearance of the conservation area.
- \* The impact of the development on the amenity of nearby residents.
- \* The impact of the development on trees.
- \* The impact of the development on the highways network.

The application is considered to be contrary with policies in Westminster's City Plan (City Plan) and the

Unitary Development Plan (UDP) and is unacceptable in design and conservation terms and therefore is recommended for refusal.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Acacia Road Frontage



Ordnance Hill rear/side frontage

## 5. CONSULTATIONS

### ST JOHNS WOOD SOCIETY:

Raise objection on the grounds of overdevelopment. Proposals do not respect the building line of the properties on Ordnance Hill. Fenestration on The Acacia Road elevation has a very poor solid to void ratio.

### ARBORICULTURAL OFFICER:

Any response to be reported verbally.

### BUILDING CONTROL:

Comment that although the structural method statement does describe the way in which a basement may be excavated, there is little or no detail of the sequencing of the underpinning or when and where temporary supports will be provided.

### HIGHWAYS PLANNING MANAGER:

No objection raised.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 10

Total No. of replies: 0

Any response to be reported verbally

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is a semi-detached building located on the corner of Acacia Road and Ordnance Hill. The building is not listed but is located within the St John's Wood Conservation Area. The building is a typical example of a St John's Wood Villa which are characterised by their simple classical detailing, shallow pitched roofs with broad overhanging eaves and stuccoed exterior.

The semi-detached buildings, such as the application site, were designed to resemble a single large property, with entrances recessed to create the feeling of one grand house. Typically they are set in large plots, with generous gardens to the front and rear and wide gaps between properties.

### 6.2 Recent Relevant History

Permission was approved on 12 September 2016 for the excavation of basement; erection of rear extension at rear lower ground floor level; extension of front ground floor porch; alteration and replacement of windows and doors; alterations to landscaping

including demolition of existing garage; alterations to roof. This permission has not been implemented.

## **7. THE PROPOSAL**

This application again seeks permission for all the same works as approved in 2016 (summarised in section 6.2), along with the addition of a three storey side extension at ground, first and second floor levels and includes the extension of the pitched roof over the new side extension.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The proposed alterations and extensions to the single family dwelling are considered acceptable in land use terms.

### **8.2 Townscape and Design**

In September 2016 planning permission was granted for the excavation of a basement, erection of a rear extension at lower ground floor level, the extension of the front ground floor porch and for the replacement of windows. This application includes all the elements previously approved, but with the addition of a three storey side extension at ground, first and second floor levels. Given the acceptability of the works proposed in the 2016 application have already been established, the design and townscape discussion within this report will principally relate to the proposed additional side extension.

As proposed the side extension will be 3.6metres wide and span from the rear elevation of the historic core to the front elevation of the approved lower ground floor level. It will be rendered to match the existing building and have 3no windows on each elevation, with articulated surrounds. The hipped gable roof will tie into the existing roof form, with the eaves line being continued; the ridge is lower than the host building.

Policy DES 5 of the UDP seeks to ensure the highest standards of design in alterations and extensions, specifically noting that permission will be granted where an alteration or extension is confined to the rear of the building, does not visually dominate the existing building and is of a scale and detailed design that reflects the host building. It also states that permission may be refused where an extension rises above the penultimate storey of the existing building and results in the loss of significant gaps.

Paragraph I.10 of Westminster's SPG 'Development and Demolition in Conservation Areas' states that the early 19<sup>th</sup> century semi-detached vials are common in St Johns Wood and make a valuable contribution to the character and appearance of the conservation area. The full height side extension will have a negative impact on the appearance and interpretation of the host building as a typical St John's Wood villa through altering its scale and proportions, particularly in relation to the front elevation, as well as its relationship with the attached property. The local amenity society has raised an objection to the scheme citing the proposals to be an ambitious overdevelopment of the site. They state the proposals do not respect the building line of the properties on



Ordnance Hill and the side extension dominates the original building. As identified the building was consciously designed, with its scale and proportions characteristic of development in the area at this time. The property was designed to be read as part of one building and its scale reflects this; to introduce a full height side extension would be to erode this interpretation due to the resultant building being out of proportion with those in the immediate setting which are of a comparable architectural style and therefore not understood as a villa building. This would be contrary to DES 5 as the extension is not in scale with the host building and will result in a dominant building for the setting.

It is noted that the adjoining property has undergone a series of alterations and extensions historically, resulting in a built form which has departed from the original design principles. There is no planning history relating to this side extension. Westminster's SPG 'Development and Demolition in Conservation Areas' identifies that many works carried out historically have not been sensitive to the architectural integrity of buildings and therefore should not be regarded as setting a precedent for future changes. Therefore further additions and extensions to the building should be considered on their own merits and not in the context of historic unsympathetic development.

As a result of the extension the principal entrance will be located centrally on the front elevation, which is not characteristic of buildings of this architectural style. Typically, in order to reinforce the appearance of the two semi-detached properties being one building, the principal entrances were positioned on the side elevations, leaving the main body of the building central. By adding a full height side extension the principal entrance will be read as being centrally positioned on the front elevation of the property further eroding the original design intention of the building. This is considered to harm the appearance of the building and consequently fails to preserve or enhance the character and appearance of the conservation area.

As previously identified, the setting of the building within a generous plot is also characteristic of villas and buildings in the conservation area; the side extension will result in the built form being set closer to the Ordnance Hill boundary which will result in the loss of a streetscape gap. The application site is more constrained than other buildings in the road in terms of its side elevation due to the buildings positioning on the corner of a crossroads. There is not only a strong built line along Acacia Road, but also along Ordnance Hill, which the building is appreciated in. Presently the side elevation aligns with the front built line of the villas and terrace to the south and therefore a side extension would erode this uniformity and result in a building which is highly dominant in the street scene when viewed from the south. This arrangement will fail to accord with DES 5 and is considered to harm the character and appearance of the conservation area.

Notwithstanding the impact on built line to Ordnance Hill, the gap between villas is also an important characteristic of the conservation area. Extensions at the side of these villas, partly or wholly infilling the gap between them will often have an adverse impact upon the architectural integrity of the villa and the character and appearance of the conservation area. Such extensions will be unacceptable in many cases. Therefore due to its location and scale the side extension is considered to be contrary to DES 5 and will harm the character and appearance of the conservation area.

The local amenity society has also noted that the fenestration on the Acacia Road elevation of the extension has a very poor solid to void relationship. It is noted that the



location and scale of the fenestration and their articulation has sought to reflect those present on the host building and this approach would have been welcome in principle. Should the application as a whole been considered to be acceptable a condition would have been recommended requiring the submission of further details.

Due to its location, scale and design the erection of a full height side extension is considered to harm the character and appearance of the building and its setting, including the St John's Wood Conservation Area. The proposals fail to comply with City Plan policies S25 and S28 as well as UDP policies DES 1, DES 5 and DES 9. Furthermore the application is not in accordance with Westminster's adopted SPG's and the St John's Wood Conservation Area Audit.

The identified harm to the St John's Wood Conservation Area is considered to be less than substantial. Paragraph 134 of the National Planning Policy Framework states that, where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. It is noted that the building has been vacant for a number of years, however it is understood to have been this way intentionally and the owner has not sought to find a tenant, therefore it cannot be argued that the development is required to secure the buildings long term use. The provision of additional accommodation to an existing dwelling is not considered to be a sufficient public benefit to outweigh the harm that would be caused to the heritage asset, the conservation area.

### **8.3 Residential Amenity**

Alike the approved scheme the proposals include the replacement of the single storey rear extension. The replacement extension has the same footprint as the existing structure, but will rise 40cm above the height of the existing party wall. It is not considered that that this small increase in height will have a significant negative impact on the amenity of neighbours.

While the proposed extension on the Ordnance Hill frontage of the building will result in significant additional bulk, given the location of the extension, away from neighbouring windows, it is not considered that it will have any significant negative impact on the amenity of neighbouring residents.

The proposals indicate a plant room at basement level, however this is for boilers and water cylinders only and therefore will not have noise implications.

### **8.4 Transportation/Parking**

The proposals include the re-provision of a garage within the new extension. This allows the remainder of the garden to be re-landscaped, which is welcomed. The Highways Planning Manager has not raised objection to the proposals.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

Access to the site is to remain as existing.

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

#### **Trees:**

The arboricultural officer has not commented on this application however did respond to the 2016 application, which was identical in terms of the amount of excavation proposed and therefore remains relevant.

They previously raised no objection subject to clarification in relation to a label on one of the drawings which states that the "existing trees to be protected and retained where possible or replaced with similar size species", which is not considered to be acceptable as it means that protection or removal of trees is optional. They also query if the garden levels are changing as no existing long section is provided. In relation to the first point, while this issue is noted, it is considered that this could be covered by condition for the submission of details in relation to hard and soft landscaping and tree protection. In relation to the level changes the existing and proposed side elevations show them correctly which is considered acceptable.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

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

### **8.11 Environmental Impact Assessment**

The application is of insufficient scale to require the submission of an EIA.

### **8.12 Other Issues**

#### **Basement**

The basement is the same to the one approved in 2016. There have been no significant changes to adopted policy since the determination of this application. The proposed basement is considered acceptable and in accordance with supplementary planning guidance and Policy CM28.1 (C) of the City Plan namely:

1a) The basement does not take up more than 50% of the garden land, with the majority of the basement sitting beneath the footprint of the main house.

1b) The basement extends less than 4m towards the boundary.

1c) The basement has been pulled in from the site boundary (where no under the host building).

2) For the small areas of the basement to the front and rear which do not sit under the main house, 1.2m of soil depth are required above, however these areas are taken up by rooflights to provide light down to the basement. As these areas are covered by rooflights, which are considered acceptable in design terms, it would not be possible to provide 1.2m of soil depth, which in this instance, is considered acceptable. Should the basement have projected further out under the garden, then the 1.2m of soil depth would have been required.

3) The basement is only 1 storey deep.

*Construction:*

With regard to the construction of the basement 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.

This report has been considered by our Building Control officers who have advised that there is little or no detail of the sequencing of the underpinning or when and where temporary supports will be provided. While these comments are noted, the same information has been submitted as the previously approved application, which was considered acceptable in building control terms, it is therefore not considered that withholding permission on these grounds could be sustained, given that this permission is still extant. It should also be noted that we are not approving the submitted information or conditioning that the works shall necessarily be carried out in accordance with this information, which shall be included on the decision letter for information only. The proposed works will be subject to a separate application for building regulations approval, should the applicant wish to proceed with the proposals.

*Construction impact*

With regard to the impact of the proposals in terms of noise and disruption during construction, the City Council's standard condition to control hours of building work is recommended which includes specific restrictions for basement excavation work which can only be carried out between 08.00 and 18.00 Monday to Friday and not at all on Saturdays, Sundays and bank holidays. Should the proposals have been considered acceptable in other terms, a condition would have been recommended to comply with the requirements of the City Councils Code of Construction Practice.

## 9. BACKGROUND PAPERS

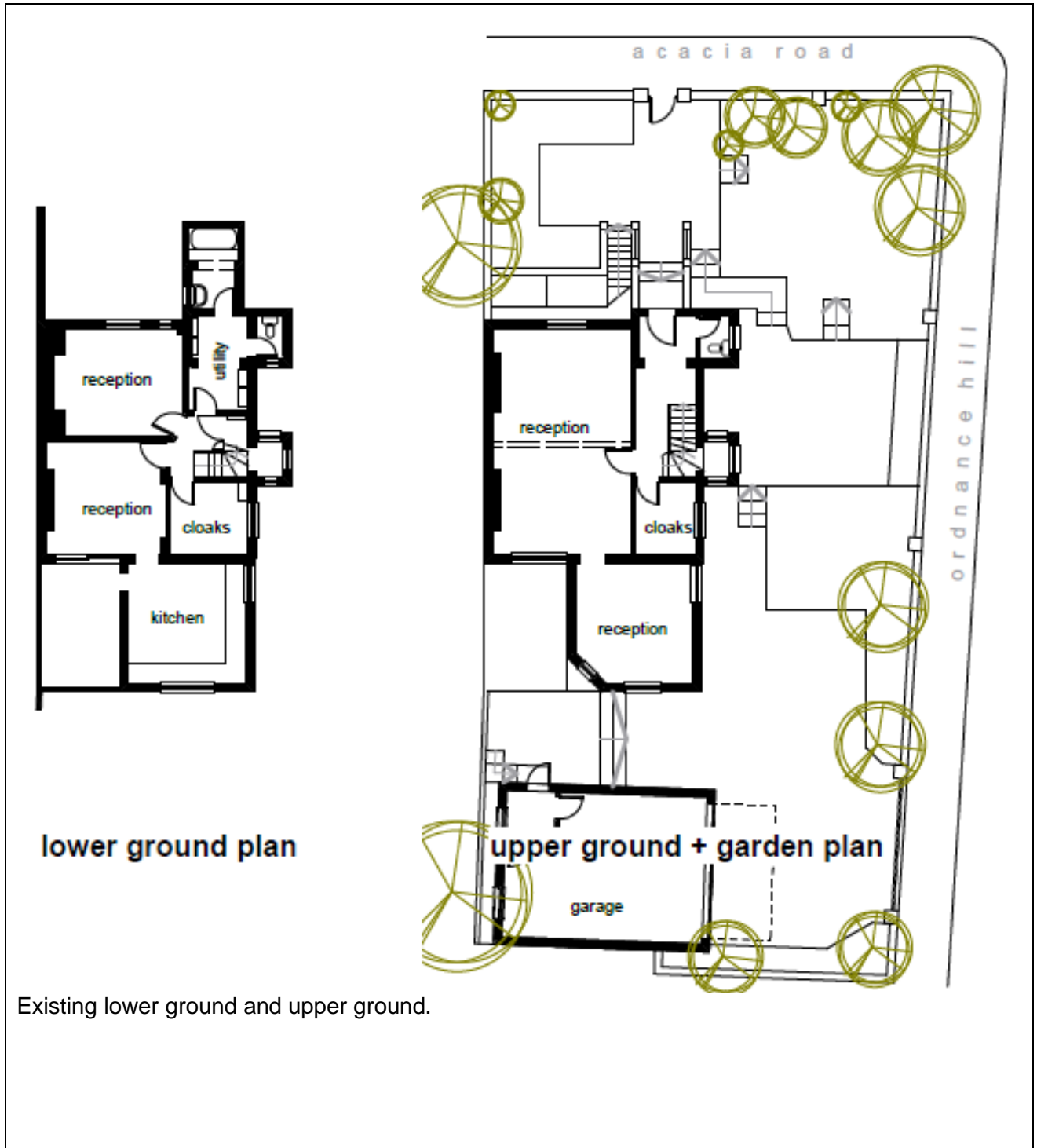
1. Application form
2. Response from St John's Wood Society, dated 16 January 2017
3. Response from Building Control, dated 4 January 2017

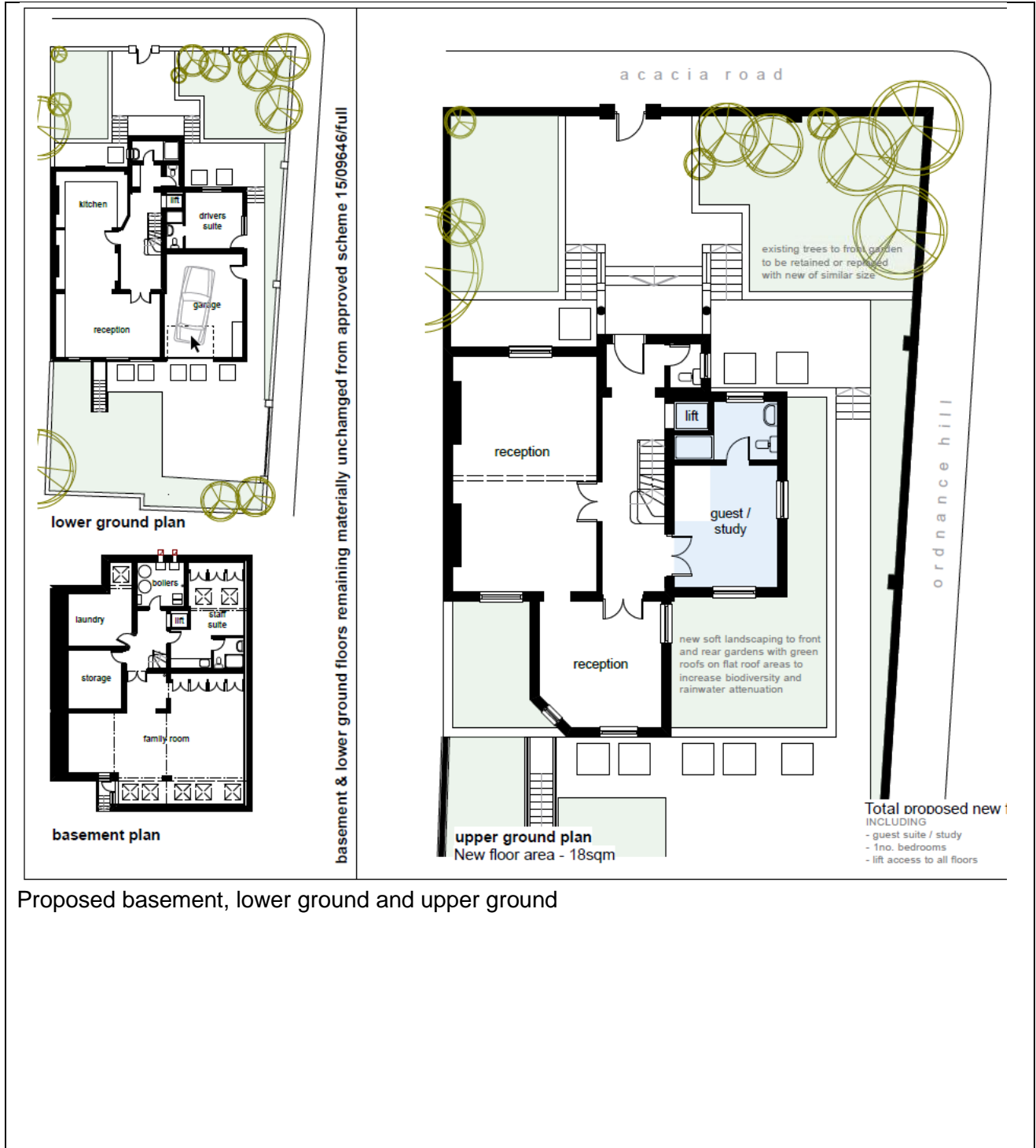
4. Memorandum from Highways Planning, dated 11 January 2017

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

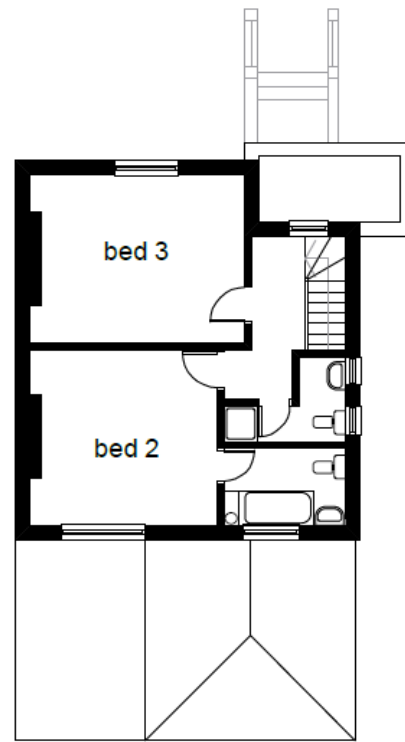
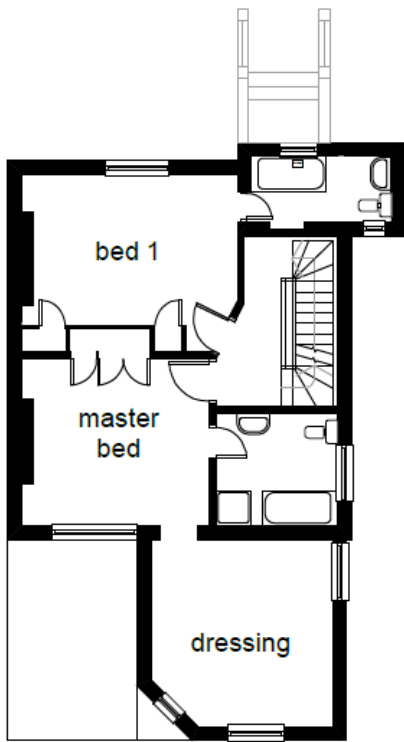
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT [kdavies1@westminster.gov.uk](mailto:kdavies1@westminster.gov.uk).

10. KEY DRAWINGS

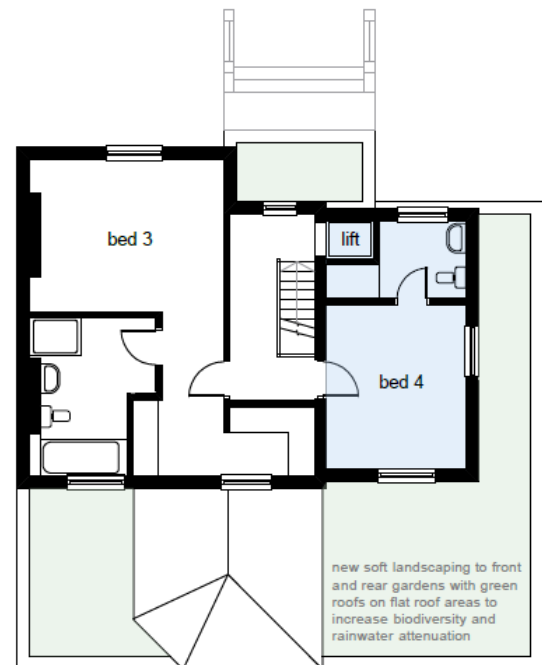
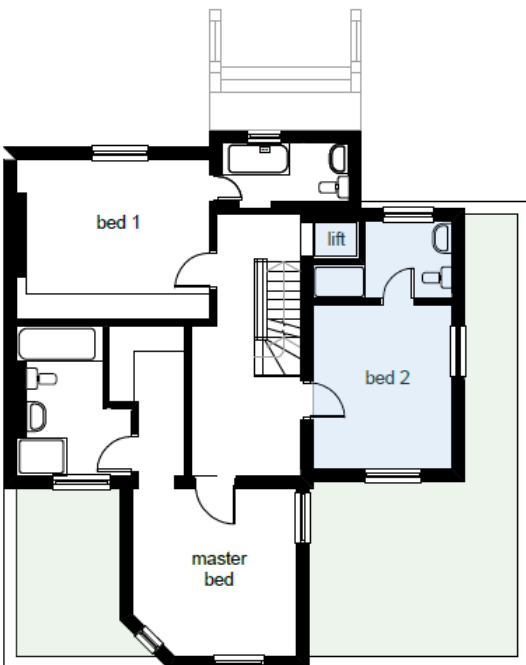




Proposed basement, lower ground and upper ground



Existing First and second floor plans



Proposed first and second floor plans

new soft landscaping to front and rear gardens with green roofs on flat roof areas to increase biodiversity and rainwater attenuation



Existing Acacia Road Frontage

side extension defined with break in wall and roof line. extending no more than 3.6m beyond the face of the main house and remaining 3.6m minimum from back of pavement.

new window proportions and details to match existing, including surrounds and cills.

No change to approved lower ground floor elevations or boundary walls



Proposed Acacia Road Frontage





Existing Ordnance Hill Elevation



Proposed Ordnance Hill Elevation

**DRAFT DECISION LETTER**

**Address:** 10 Acacia Road, London, NW8 6AB

**Proposal:** Excavation of basement; erection of rear extension at rear lower ground floor level; erection of three storey side extension at upper ground, first and second floor levels; extension of front ground floor porch; alteration and replacement of windows and doors; alterations to landscaping including demolition of existing garage; alterations to roof.

**Reference:** 16/10875/FULL

**Plan Nos:** Site location plan; Tree Survey & Arboricultural Impact Assessment dated July 2016; Design & Access Statement dated November 2016; Document titled 'Commentary on impact of proposed extension' by The Stephen Gray Consultancy; 1608/AA/0200 Rev 1; 1608/AA/0201 Rev 1; 1608/AA/0202 Rev 1; 1608/AA0203 Rev 1; 1608/AA/0204 Rev 1; 1608/AA0205 Rev 1; 1608/AA/0206 Rev 1.

For information only: Construction Method Statement by Concept Consultancy, dated January 2016; Basement Impact Assessment by H Fraser Consulting dated 04/02/2016; 01 A; 0804 A.

**Case Officer:** Rupert Handley

**Direct Tel. No.** 020 7641 2497

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

**Reason:**

Because of its location, scale and design the full height side extension would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 5 and DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007 and the St John's Wood Conservation Area Audit.

**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 (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Item No.
<b>9</b>

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.

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Item No.
<b>10</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 <sup>th</sup> February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Little Venice	
<b>Subject of Report</b>	<b>18 Pindock Mews, London, W9 2PY,</b>		
<b>Proposal</b>	Excavation to create basement floor under existing building footprint to enlarge existing offices.		
<b>Agent</b>	Mr David Kavanagh		
<b>On behalf of</b>	Mr J Fogarty		
<b>Registered Number</b>	16/10526/FULL	<b>Date amended/ completed</b>	11 November 2016
<b>Date Application Received</b>	3 November 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Maida Vale		

**1. RECOMMENDATION**

Grant conditional permission

**2. SUMMARY**

18 Pindock Mews is a two storey property with a loft conversion which is not listed and lies within the Maida Vale Conservation area. The property is currently in use as offices.

Permission is sought for the excavation of a basement below the existing footprint of the building.

Seven objections have been received from neighbouring properties predominantly on construction impact grounds but also on the need for additional B1 floorspace within the mews and potential impact on a communal drain.

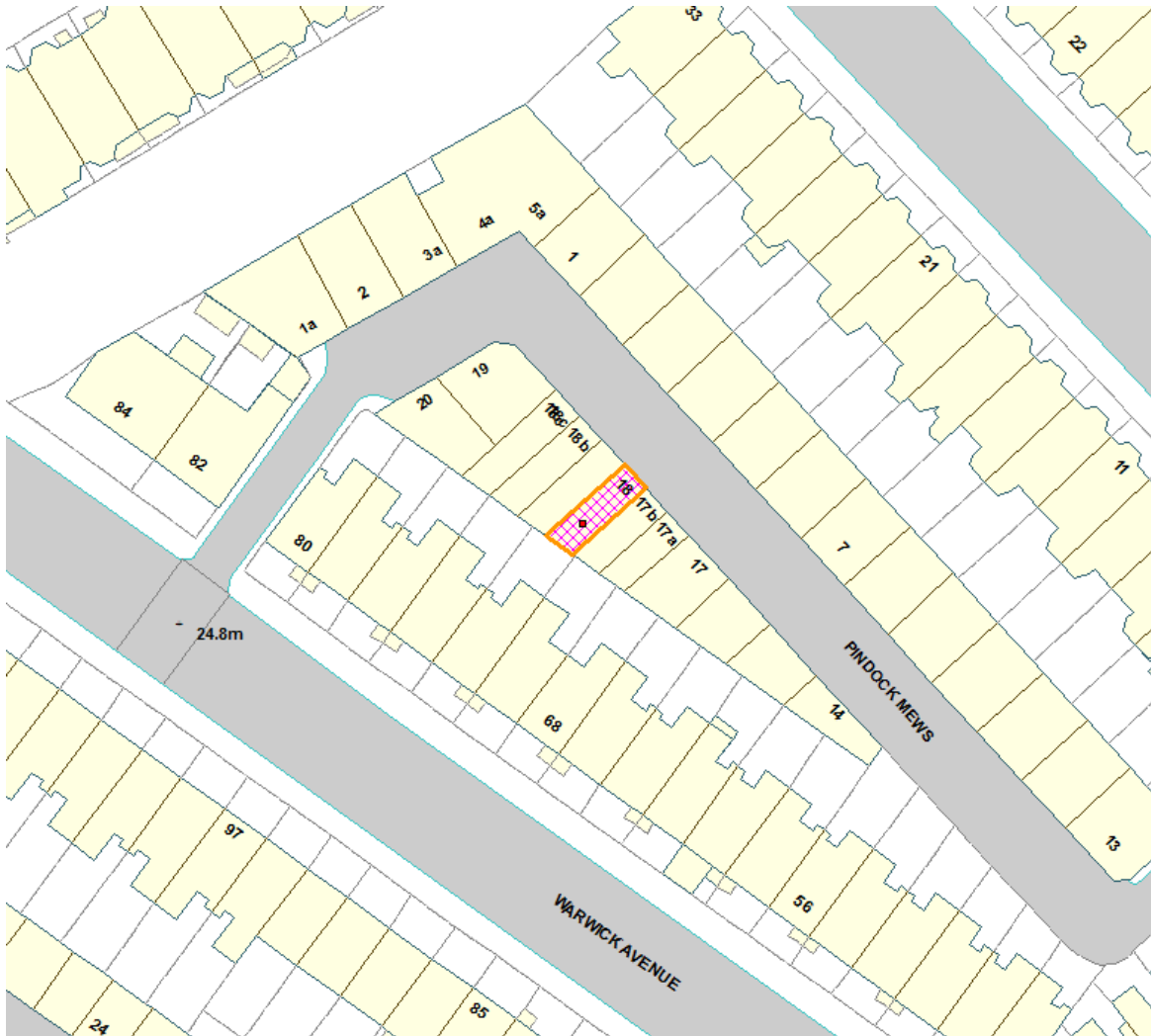
The key issues in this case are:

- The principle of basement excavation.
- Principle of additional office floorspace in this location.

Given the site has been in use as an office for a period of over 20 years; that the small increase in floorspace is to be used as an archive and stationary/filing store and that the existing office has not caused any harm to the neighbouring properties, it is considered that although the proposals are contrary to land use policies, as the additional floorspace would not increase the number of

employees, visitors or deliveries to the site and would therefore cause no material increase in harm to the neighbouring properties, in these exceptional circumstances the additional floor space is considered acceptable.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation

## 5. CONSULTATIONS

### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

The application appears to comply with the council's basement policy. The construction of a basement in the mews will undoubtedly cause significant disruption to residents, we would expect that a full construction management plan be required as a condition of any consent.

### BUILDING CONTROL:

Means of escape require further work. No adverse comments towards structural method statement. Works to the drain are dealt with by Thames Water, however from a Building Regulations perspective, the works will have to comply with Requirement H4 of the Building Regulations (parts 1.3-1.12).

### HIGHWAYS PLANNING MANAGER:

No objection.

### THAMES WATER:

Any response to be reported verbally.

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

No. Consulted: 21

Total No. of replies: 8

No. of objections: 8

Objections received on all or some of the following grounds:

#### **Principle:**

- Residential mews of this nature are not suitable for basement development

#### **Land use:**

- B1 office has no need for additional floorspace.

#### **Construction:**

- No. 8 Pindock Mews is already undergoing works – work at both properties would be too much disturbance within the mews
- Disturbance from continued works
- Noise pollution from works
- Heavy goods vehicles mounting the pavement to access the mews block the street
- Limited emergency vehicles access
- Congestion

#### **Environmental:**

- Potential impact on foul sewer drain

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes



## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

This application site is a mid-terraced, two storey property with a loft conversion and is currently in lawful use as B1 office. The site lies in the Maida Vale Conservation area and is unlisted. Pindock Mews is a characteristic example of a traditional mews accessed from Warwick Avenue to the west and Castellain Road to the east. The mews is predominantly in residential use with some offices.

### **6.2 Recent Relevant History**

16/06291/P3JPA

Change of use from office (Class B1) to residential (Class C3).

Prior Approval Approved

8 September 2016

## **7. THE PROPOSAL**

Permission is sought for the excavation of a single basement beneath the existing footprint of the building to enlarge the amount of useable floorspace within the property.

A prior approval application for a change of use from B1 to C3 was considered acceptable on the 8<sup>th</sup> September 2016, however the building remains in B1 use.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The site is currently in use as B1 offices for Minder Music, a UK based Music Publishing Company and has been for over 20 years. The additional 28m<sup>2</sup> of office floorspace is proposed to be used as an archive and stationary/filing store and is modest in size.

Policy S20 directs new office development to the Opportunity Areas, the Core Central Activities Zone, North West Economic Development Area and the Named Streets. However given the longstanding B1 use in this location, the modest increase in proposed floorspace and the absence of identified harm from the additional floorspace, this is considered an exceptional circumstance in which to depart from policy and the additional floorspace is considered acceptable.

### **8.2 Townscape and Design**

The works are contained entirely below the existing building with no external manifestations. As such the exterior of the building will not be altered from the existing and it is not considered the works would cause harm to the character of the building, mews or conservation area.

Therefore the works are considered to be acceptable and in accordance with policies DES1, DES 5 and DES 9 of the UDP and S25 and S28 of the City Plan

### **8.3 Residential Amenity**

The works are contained entirely below the existing building with no external manifestations. The additional floorspace is for archive and storage purposes only. This would not lead to an increase in employees, visitors or delivery's to the site. There would therefore be no increased comings and goings associated with the additional floorspace. It is not considered that the development, once completed, will have a negative impact on the amenity of neighbours and the proposals are in accordance with ENV 13 of the UDP and S29 of the City Plan and are therefore acceptable on amenity grounds.

#### **Construction impact**

Objections have been raised regarding the impact the works would have on other properties within Pindock Mews. Objectors have highlighted issues caused by a development at No. 8 and raised concerns that the works at No. 18 would result in the same issues and a continued period of disturbance for residents. These objections are addressed under 8.7 of the report.

### **8.4 Transportation/Parking**

It is considered that in terms of people and services arriving and departing the site, the levels would be similar to the existing use and therefore no significant change will occur. The site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the change of use on on-street parking levels will be minimal. The increase in floor space is below the threshold for cycle parking to be provided.

The Highways Planning Manager has raised no objection to the proposals. The works are in accordance with TRANS 20 and TRANS23 of the UDP and S42 of the City Plan.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

Access to the site will remain the same as the current situation.

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

#### **CM28.1 BASEMENT DEVELOPMENT**

##### **Part A**

The applicant has submitted detailed evidence demonstrating that site specific ground conditions, drainage and water environments in the area have been investigated and taken into account when compiling the structural method statement.

The structural methodology submitted in relation to the basement excavation proposed has been assessed by Building Control who have advised that they see no cause for concern and have raised no objection to the method of excavation for the ground conditions found in this location. Accordingly, the requirements of CM28.1 in respect of the structural impact of this part of the development have been met.

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: particularly in regards to congestion, noise, emergency vehicle access and safety of large reversing vehicles throughout the lifetime of the proposed works.

The objections also refer to issues that arose during the works at No. 8 Pindock Mews which they do not wish to be subjected to again, and the accumulative harm of two basement developments within the Mews in quick succession. The harm to residents amenity caused by

Proforma Appendix A has been submitted, demonstrating the applicant will comply with all relevant parts of the Code of Construction Practice (CoCP). This is now compulsory for all basement applications in Westminster following the council's adoption of the (CoCP) at the end of July 2016. The objections received on the grounds of congestion, noise, emergency vehicle access and safety throughout the lifetime of the works can be monitored and controlled through the CoCP. The agreement to the CoCP addresses the objections raised and the objections are therefore not considered a reason for refusal.

#### Part B

The works are solely beneath the existing property which has no any garden space, as such no details of landscaping are required. There are no trees within the boundary of the site or of the immediate neighbouring properties therefore no arboriculture report is required. There is a large Portuguese Laurel shrub to the rear of the property opposite on Warwick Avenue, however the City Council Arboricultural Officer has verbally confirmed that the proposed works would not harm the Laurel shrub.

The basement is considered discreet and would not harm the character of the mews or conservation area, as there are no external manifestations. An informative is recommended to advise the applicant that they will need to ensure that suitable drainage is provided.

#### Part C

The basement is single storey with a floor to ceiling height of less than 2.7 meters. The excavation is below the building only and therefore the remainder of Part C does not apply.

#### Part D

The basement does not extend under the highway, therefore this part of the policy does not apply.

The works are in accordance with CM28.1 of the City Plan and are therefore considered acceptable

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

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

### **8.11 Environmental Impact Assessment**

This development does not require an Environmental Impact Assessment.

### **8.12 Other Issues**

Building control have suggested that the staircase between the basement and ground floor Staircase should be enclosed leading from basement directly to exit door without having to pass through the office space. This is not a planning matter however the applicant is to be made aware of this by way of a informative.

Comment has been received regarding the access to a shared drain which runs below the main slab of No 18 Pindock Mews. Access to the drain and how the drain is operated is not a planning issue. Works to the drain are dealt with by Thames Water, however from a Building Regulations perspective, the works will have to comply with Requirement H4 of the Building Regulations (parts 1.3-1.12).

## **9. BACKGROUND PAPERS**

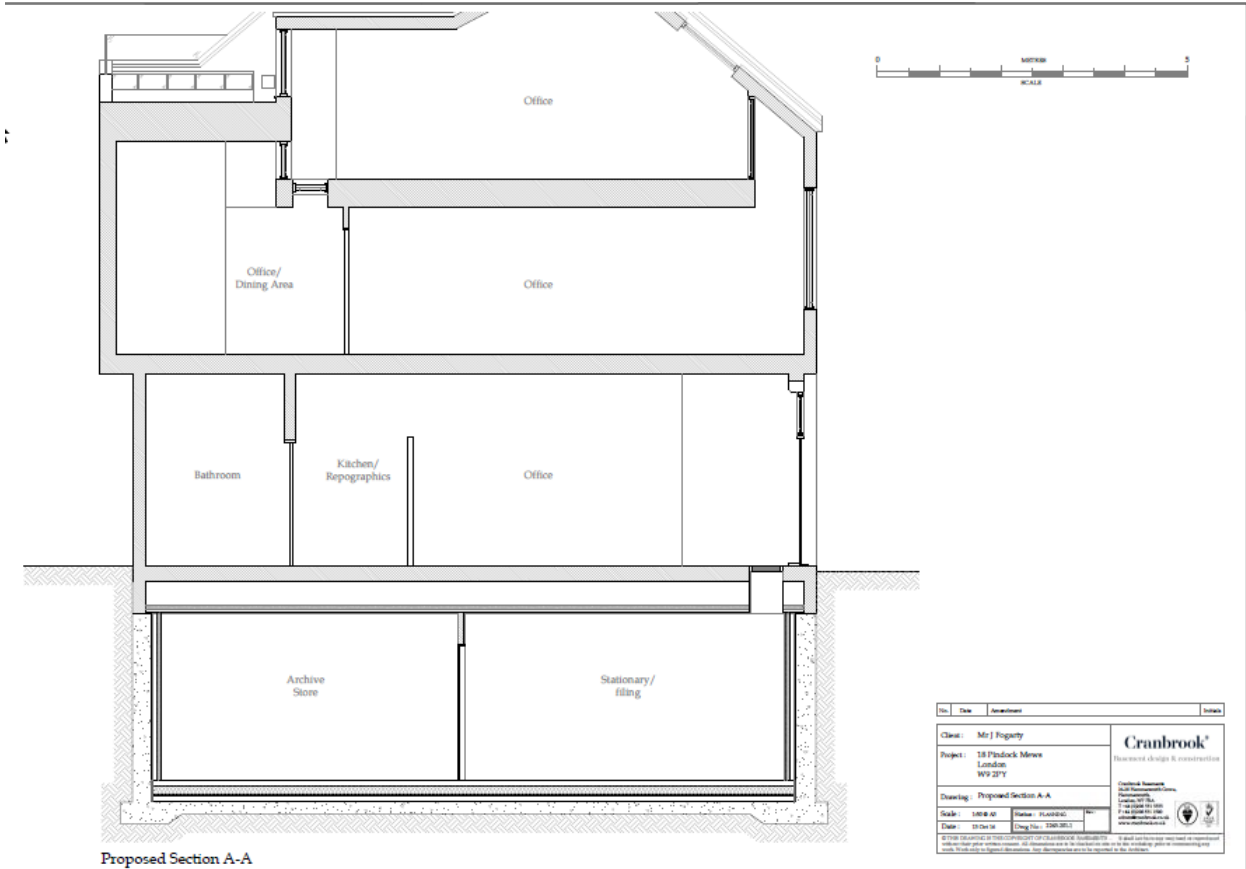
1. Application form
2. Response from Paddington Waterways & Maida Vale Society, dated 20 December 2016
3. Response from Highways Planning, dated 1 December 2016
4. Response from Building Control, dated 4 December 2016 and 1 February 2017
5. Letter from occupier of 17A Pindock Mews, London, dated 25 November 2016
6. Letter from occupier of 1 Pindock Mews, London, dated 4 December 2016
7. Letter from occupier of 15 Pindock Mews, London, dated 5 December 2016
8. Letter from occupier of The Cottage, 19 Pindock Mews, dated 5 December 2016
9. Letter from occupier of 14 Pindock Mews, London, dated 6 December 2016
10. Letter from occupier of 13, Pindock mews, dated 7 December 2016
11. Letter from occupier of 31, Hamilton Terrace, dated 12 December 2016
12. Letter from an anonymous person dated 5 December 2016

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

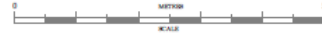
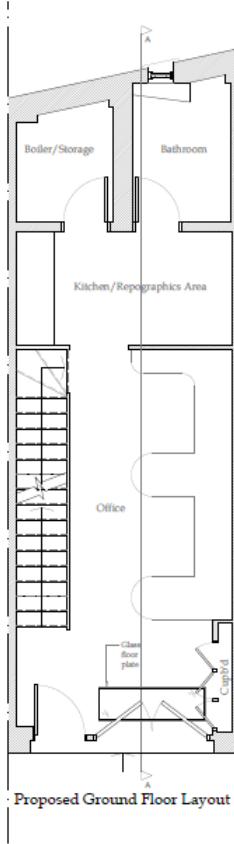
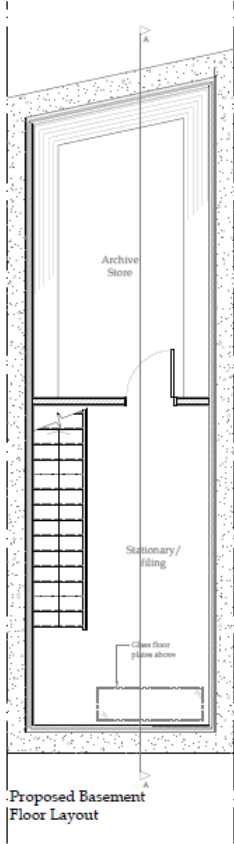
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT <a href="mailto:kdavies1@westminster.gov.uk">kdavies1@westminster.gov.uk</a>
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10. KEY DRAWINGS

Proposed Section AA



### Proposed Floor Plans



No.	Date	Amendment	Initials

<b>Client:</b> Mr J Fogarty	<b>Cranbrook</b> Residential Design & Construction
<b>Project:</b> 18 Finslock Mews London W8J 2DZ	
<b>Drawing:</b> Proposed Basement & Ground Floor Layouts	<b>Client's Name:</b> 18 Finslock Mews London, W8J 2DZ Tel: 020 7461 0100 www.cranbrook.co.uk
<b>Date:</b> 15/06/10	<b>Scale:</b> 1:50 (A0)
<b>Drawn by:</b> [Name]	<b>Checked by:</b> [Name]

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**DRAFT DECISION LETTER**

**Address:** 18 Pindock Mews, London, W9 2PY,

**Proposal:** Excavation to create basement floor under existing building footprint to enlarge existing offices.

**Reference:** 16/10526/FULL

**Plan Nos:** 2263-100, 2263-101, 2260-102, 2263-200.1, 2263-201.1, 2263-500, 2263-501; Design and Access Statement dated 13 October 2016; For Information only: Construction Management Plan; Basement Construction Method Statement.

**Case Officer:** Max Jones

**Direct Tel. No.** 020 7641 1861

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

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

Reason:

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

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

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

- o between 08.00 and 18.00 Monday to Friday; and , onot at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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



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

Reason:

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

4

Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

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

5

You must use the basement of the property for office or ancillary storage only. You must not use it for any other purpose, including a recording studio.

Reason

To make sure that the development is completed and used as agreed, and to make sure that it meets ENV13 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

**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 (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further

guidance was offered to the applicant at the validation stage.

2

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

With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.

5

You are advised to incorporate 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

6

You are advised to consult with neighbouring occupiers at an early stage as part of your Code of Construction Practice, with particular reference to the representations received as part of this application.

7

You are reminded that building control have commented that the means of escape does not appear to comply. Ideally, there should and be enclosed staircase leading from the basement directly to the exit door without having to pass through the office space on the ground floor.

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.
<b>11</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	100-101 St Martin's Lane, London, WC2N 4AZ,		
<b>Proposal</b>	Installation of trellis and "faux buxus" screening, associated refurbishment and restricted use of existing flat roof areas at third, fourth and fifth floor levels and part of the lower ground courtyard as amenity spaces in connection with the existing office use. Installation of new door and external staircase from ground to courtyard level.		
<b>Agent</b>	Mr Nick Delaney, GVA		
<b>On behalf of</b>	Bishopsgate Long Term Property Fund Nominees No.1 Limited		
<b>Registered Number</b>	16/10998/FULL	<b>Date amended/ completed</b>	17 November 2016
<b>Date Application Received</b>	17 November 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Trafalgar Square		

**1. RECOMMENDATION**

Refuse permission - residential amenity.

**2. SUMMARY**

The application site is 100-101 St Martin's Lane, which is an unlisted six storey building located in the Trafalgar Square Conservation Area. The building is in office use and is currently undergoing refurbishment.

Permission is sought for the installation of trellis and "faux buxus" (artificial hedge) screening, and the restricted use of existing flat roof areas at third, fourth and fifth floor levels and part of the lower ground courtyard as amenity spaces, and the installation of a new door and external staircase from ground to courtyard level.

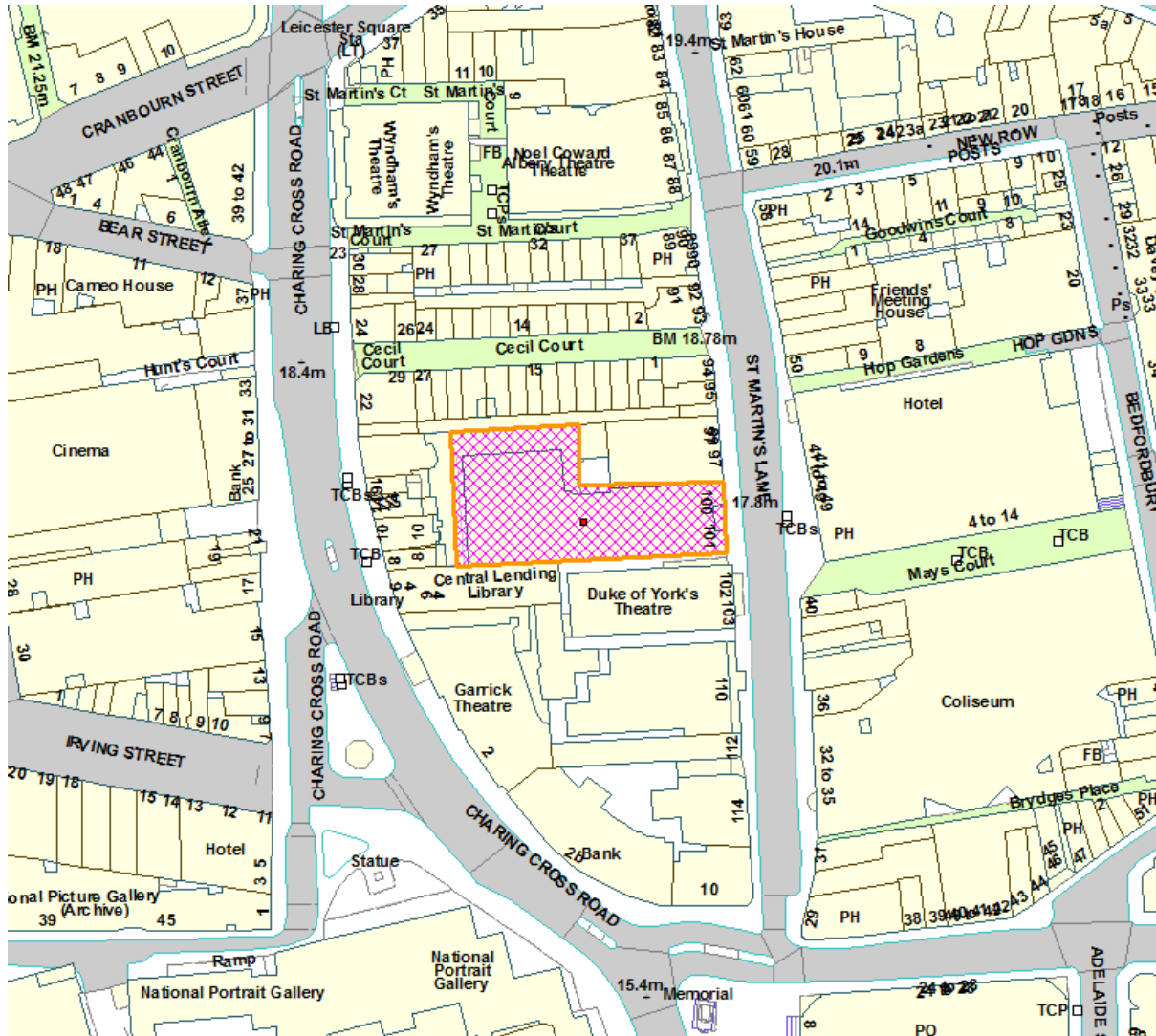
The key issues in the determination of this application are:

- Impact of the proposed alterations on the character and appearance of the building and the Trafalgar Square Conservation Area;

- Impact of the proposed alterations and use on the amenity of existing residents.

Objections have been received from neighbouring residents and the primary concern raised is the harm to residential amenity; including from increased noise disturbance, loss of light, increased sense of enclosure and loss of privacy. The proposals are considered to be unacceptable with regards to an increase in noise disturbance for people in neighbouring residential properties and this would be contrary Policies S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

### 3. LOCATION PLAN



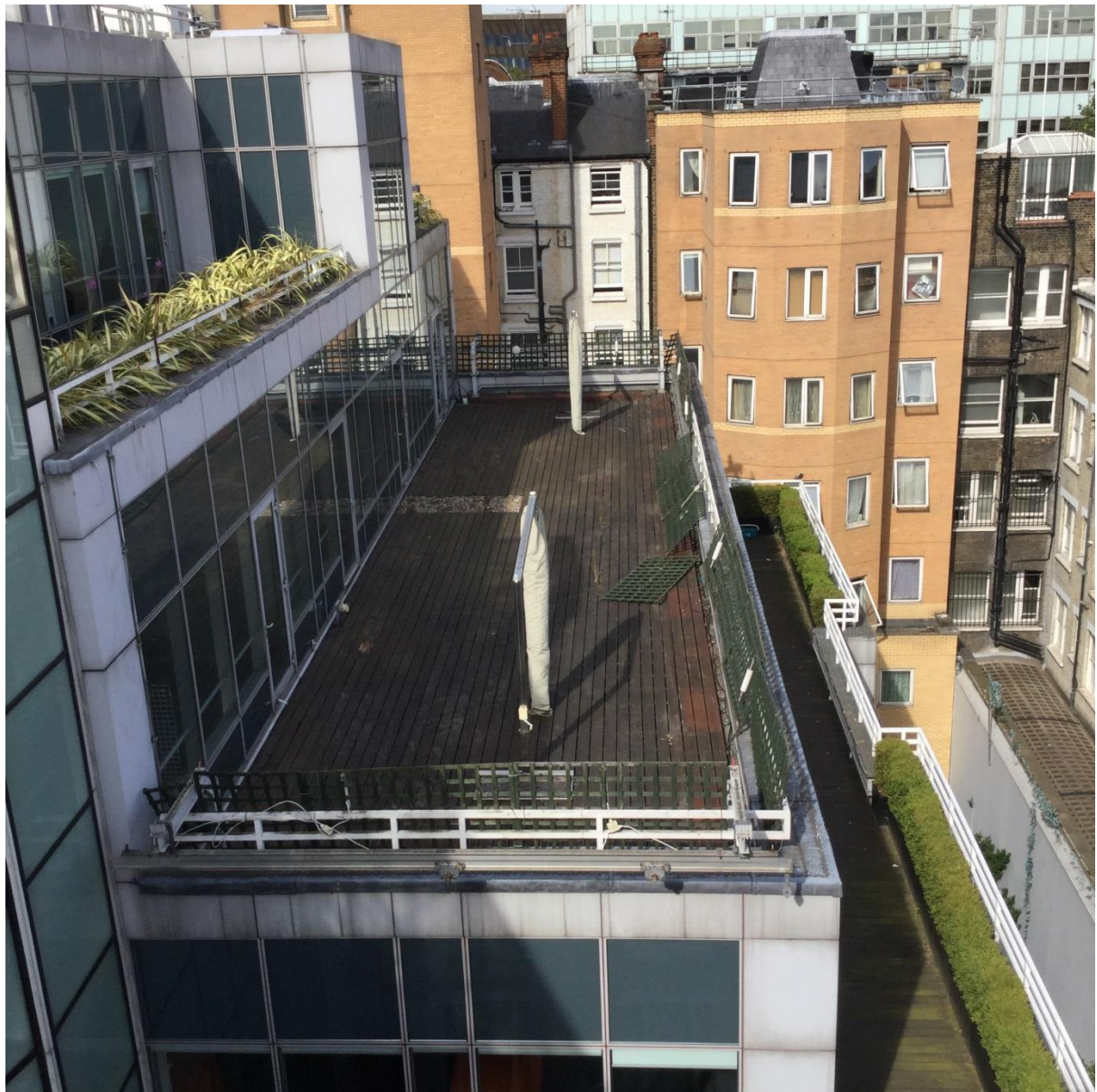
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4. PHOTOGRAPHS



View of third, fourth and fifth floor terraces from Cecil Court





**View from 97-99 St Martin's Lane (from Talbot House, looking west towards Charing Cross Rd)**



**Courtyard area (rear of Cecil Court to the left of the picture)**



## 5. CONSULTATIONS

### COVENT GARDEN AREA TRUST

Any response to be reported verbally.

### COVENT GARDEN COMMUNITY ASSOCIATION

Objection: harm to neighbouring residential amenity, including noise disturbance and loss of privacy/overlooking. The mitigation measures and management plan are not considered sufficient to control the harm

### ENVIRONMENTAL HEALTH:

No objection.

### ADJOINING OWNERS / OCCUPIERS:

No.of original consultees: 161

No.of replies: 23; (Objections: 22; Neutral: 1)

N.B. figures include three residents who have each commented twice.

Objections from neighbouring residents on the following summarised grounds:

#### Residential Amenity:

- Noise disturbance generated as a result of increased social activity;
- Increased sense of enclosure as a result of the screening;
- Loss of light as a result of the screening;
- Loss of privacy (the screening would not be sufficient to prevent overlooking);

#### Design/ Townscape:

- Visual harm to the character and appearance of the building and area;

#### Other:

- Noise and disturbance generated from building work;
- Vermin could be attracted to litter generated from the use;
- Smoking could harm the health of neighbouring residents;
- The security of Faraday House could be comprised by office workers using a fire escape through the building as a short cut to Charing Cross Road;
- The benefits of the scheme to the applicant, and to the officer workers who will use the outdoors areas, do not outweigh the harm to the amenity enjoyed by existing residential neighbours. Other existing public outside spaces are located nearby and could be used instead;
- The permission for the application building prevented the use of the roofs as amenity spaces in order to protect the amenity of neighbours, and this is still required today;
- The supporting documents submitted by the applicant are inaccurate, misrepresentative and/ or deceptive;
- The outdoor areas have been used in breach of planning control in the past and this may/ is likely/ is more likely to continue to occur as a result of the proposals;
- Work on parts of the proposal have commenced without the benefit of planning permission;
- The applicant's consultation process with neighbours was unsatisfactory. One objector has set out pathways to move forward with the applicant in order to protect the

amenity of residents and improve the application building, including suggestions on what form alternative proposals may take.

One comment has been received from a neighbour stating neither objection nor support, but has raised concern regarding works to the building and the impact on light.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site is 100-101 St Martin's Lane, which is an unlisted six storey building located in the Trafalgar Square Conservation Area. The building is located in the Core Central Activities Zone. The building is in office use and is currently undergoing refurbishment.

The relevant part of the application site is bounded by 8-16 Charing Cross Road (including Faraday House and Garrick Mansions) to the west, properties along Cecil Court (including Burleigh Mansions) to the north and 97-99 St. Martins Lane (includes Talbot House) to the east. The rear of these buildings look toward the relevant part of the application site. The upper floors of these properties are in residential use.

### **6.2 Recent Relevant History**

Planning permission dated 30 March 1988 granted consent for the redevelopment of the site to provide the office building. Condition 3 of this permission prohibits the roofs of the building being used as amenity spaces.

Planning permission dated 30 March 1993 allowed for the variation of this condition for a temporary period to allow the use of the fourth floor flat roof as a terrace by Carlton Television between 0800 to 2200.

A planning application for the restricted use of part of the roofs and part of courtyard as amenity spaces, and associated screening and other alterations, was withdrawn 28 July 2016.

A planning enforcement investigation is under way regarding work to roof decking and the courtyard.

## **7. THE PROPOSAL**

Permission is sought for the installation of trellis and faux buxus screening, associated refurbishment and restricted use of existing flat roof areas at third, fourth and fifth floor levels and part of the lower ground courtyard as amenity spaces, and the installation of new door and external staircase from ground to courtyard level.

The applicants propose various restrictions on the terraces and a management plan to include the following measures:

- Use only between 0800 to 1800 Monday to Friday (no use at all at the weekend).
- Cumulative capacity limited to 28 people.
- No smoking
- No music or events.
- Out of hours phone number for residents should problems arise.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The outdoor amenity spaces and associated alterations are proposed in connection with the existing office use. This would have no land use implications.

### **8.2 Townscape and Design**

The relevant part of the application building is set around a courtyard, is highly glazed, and it rises up to six stories in a staggered form creating flat roof areas at third, fourth and fifth floor levels.

Objectors have raised concern on the grounds that the proposed alterations to the building would harm its appearance and the appearance of the Trafalgar Square Conversation Area.

Policies DES 1, DES 5, DES 6 and DES 9 of the Unitary Development Plan (UDP) and S25 and S28 of the City Plan seek to ensure high design standards across the city and that the character and appearance (visual amenity) of the city's conservation areas are maintained and enhanced.

The proposed boundary treatments/ screening at the third, fourth and fifth floors to form the roof terrace enclosures would not be visible from locations in the public realm and would be set in from the edge to reduce their visibility from surrounding properties. Although the edge treatments are more traditional in design (more in keeping with the surrounding buildings than the host building, which is quite modern), on balance it is considered that the proposals would result in a neutral impact on the appearance of the host building and the conservation area and therefore are not opposed.

The proposed external doors and staircases at lower ground floor level are also considered acceptable in design terms.

### **8.3 Residential Amenity**

The relevant part of the application site is bounded by 8-16 Charing Cross Road, Cecil Court and 97-99 St. Martins Lane. The application building and these largely residential neighbouring buildings are in close proximity. The application building has been designed to step away from the properties along Cecil Court. When the building was granted consent in 1988 it was considered necessary to prevent, by condition, the use of these roofs as amenity spaces in order to protect neighbouring residents from harm.

*Noise:*

Objectors have raised concern on the grounds that noise disturbance generated from the use of the outdoor amenity spaces would harm residential amenity.

Policy ENV13 of the UDP and S29 of the City Plan seek to protect and improve residential amenity within the City. Policy ENV 6 of the UDP and Policy S32 of the City Plan relate to noise specifically, and require design and operational measures minimise and contain noise from developments.

The applicant proposes to use part of the flat roofs at third, fourth and fifth floors, and part of the lower ground courtyard, for use as outdoor amenity spaces. It would amount to 206sqm. The applicant stated in their original submission that there would be a restriction of 50 people (total) imposed for these areas, but has reduced this to 28 people during the course of the planning application. The proximity of these proposed amenity spaces to residential windows vary between approx. 8 to 18 metres. Within the submitted acoustic report, the applicant has identified these areas as those within the site with the least potential to harm to neighbouring residents in terms of noise. This report measures the existing background noise level and predicts noise levels if the proposals are implemented.

The report notes measurements of the existing background noise levels recorded at various locations on the site. These are high, at 53 - 55 dB LAeq,10h, which suggests the existing background noise level is either at or slightly below the World Health Organisation Guideline's limit (55 dB - daytime).

In seeking to prevent harm in terms of additional noise disturbance, the applicant has proposed mitigation measures. These are included in an operational management plan which sets hours of use (08:00hrs to 18:00hrs), restricts music and smoking, limits users to new tenants and limits the capacity. During the course of the planning application additional measures have been proposed to the operational management plan, and include the applicant licensing the right to use the amenity spaces to tenants (rather than allowing their use through leases) which would allow the applicant to revoke the right to use the spaces without evicting tenants from the building; would install an access door control lock system to limit access to the spaces to the hours proposed; and the installation of CCTV monitoring of the terraces by an on-site management team. The applicant also notes the screening would lessen the negative acoustic implications of the proposals.

The acoustic report notes there are no set methodologies to predict noise levels from amenity spaces, and therefore have made assumptions in an effort to predict noise levels. The report concludes that as a result of the proposed design features and operational controls the proposal would lead to either no noticeable effect or at most, the lowest noticeable effect level, whereby there may be a 'slight effect on the acoustic character of an area'. The applicant has also provided an addendum to the acoustic report to take into account the limit of 28 people. It states the reduced limit will led to a corresponding reduction in the level of noise disturbance.

Officers note the difficulty in predicting noise from social activity. Nevertheless, the areas proposed as outdoor amenity spaces in this instance are both large and numerous, so would allow relatively large groups of office workers to socialise on them - and this would be controlled to be a maximum of 6 people each on the lower ground, third and fifth floor

areas and 10 at fourth floor. The current acoustic environment is one in which the background noise level is high. The enclosed nature of the site and close of proximity of neighbours results in a susceptibility to harm in terms of noise for residents who live here. Whilst officers note the operational management plan could prevent some harmful instances of noise disturbance (such as late in the evening for example) it is not considered that these measures would be sufficient to prevent a noise nuisance to neighbours.

The implication of the applicant's acoustic report is that it would be possible for several groups of people to congregate on roofs, and at courtyard level, at distances between approx. 8 and 18 metres from habitable rooms of residential neighbours without being noticeable, or only slightly noticeable, in terms of the noise they would create. This is considered implausible, particularly given the anecdotal evidence in the many objections received. The proposal would allow for social activity during the day which would be perceptible to neighbours, and would be harmful to the enjoyment/ peace of neighbouring residential properties. Objectors have noted that some of these properties solely face the application building, and others impacted also suffer the noise generated on the busy commercial streets of Charing Cross Road, Cecil Court or St Martin's Lane.

As noted in paragraph 6.2, the original 1988 planning permission contained a condition prohibiting the use of the flat roofs as terraces due to the potential amenity impact on nearby residents. The residential properties surrounding the site generally pre date the office building. In this respect, the situation has not changed and it is not considered that there is any justification for introducing terraces in close proximity to residential windows, many of which serve single aspect flats.

The worsening in terms of noise that would occur is considered contrary to policy ENV 6 and ENV 13 of the UDP and S29 and S32 of the City Plan, and the application is recommended for refusal on this basis.

*Privacy, Sense of Enclosure and Light:*

Objectors have raised concern on the grounds of loss of privacy, increased sense of enclosure and loss of light.

Policy ENV 13 and of the UDP and S29 of the City Plan seek to protect and improve residential amenity within the City including preventing harmful overlooking, increased sense of enclosure and loss of light.

The roof terraces would be enclosed by screening that would prevent overlooking. Whilst the trellising would not be solid, it would be a dense weave and of a height such that it would obscure views.

The applicant has submitted a daylight and sunlight assessment (in accordance with BRE guidelines) which demonstrates the proposal would not result in a noticeable loss of daylight or sunlight to any window.

Given the screening would be modest in scale, would be set back from the perimeter of the roofs and would be viewed in the context of the rest of the building, it is not considered that the proposal would result in a undue sense of enclosure.

**8.4 Transportation/Parking**

No transportation or parking considerations are applicable for this development.

**8.5 Economic Considerations**

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

**8.6 Access**

No access considerations are applicable for this development.

**8.7 Other UDP/Westminster Policy Considerations**

No other policy considerations are applicable for this development.

**8.8 London Plan**

This application raises no strategic issues.

**8.9 National Policy/Guidance Considerations**

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

**8.10 Planning Obligations**

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

**8.11 Environmental Impact Assessment**

Environmental Impact issues are not relevant to this development.

**8.12 Other Issues**

Objectors have raised other concerns not so far addressed. The noise and disturbance during construction is an unwelcome and well understood consequence of allowing new development; had the proposal be acceptable a condition would ensure work is not carried out at anti-social times. Maintenance, including keeping the property clean, would be the responsibility of the building's operator. The applicant proposes to restrict smoking. The application does not propose to alter fire escapes and this would be a building regulation issue.

The benefits of the scheme identified by the applicant are not disputed. These are not, however, considered to outweigh the harm identified to the amenity of surrounding residents

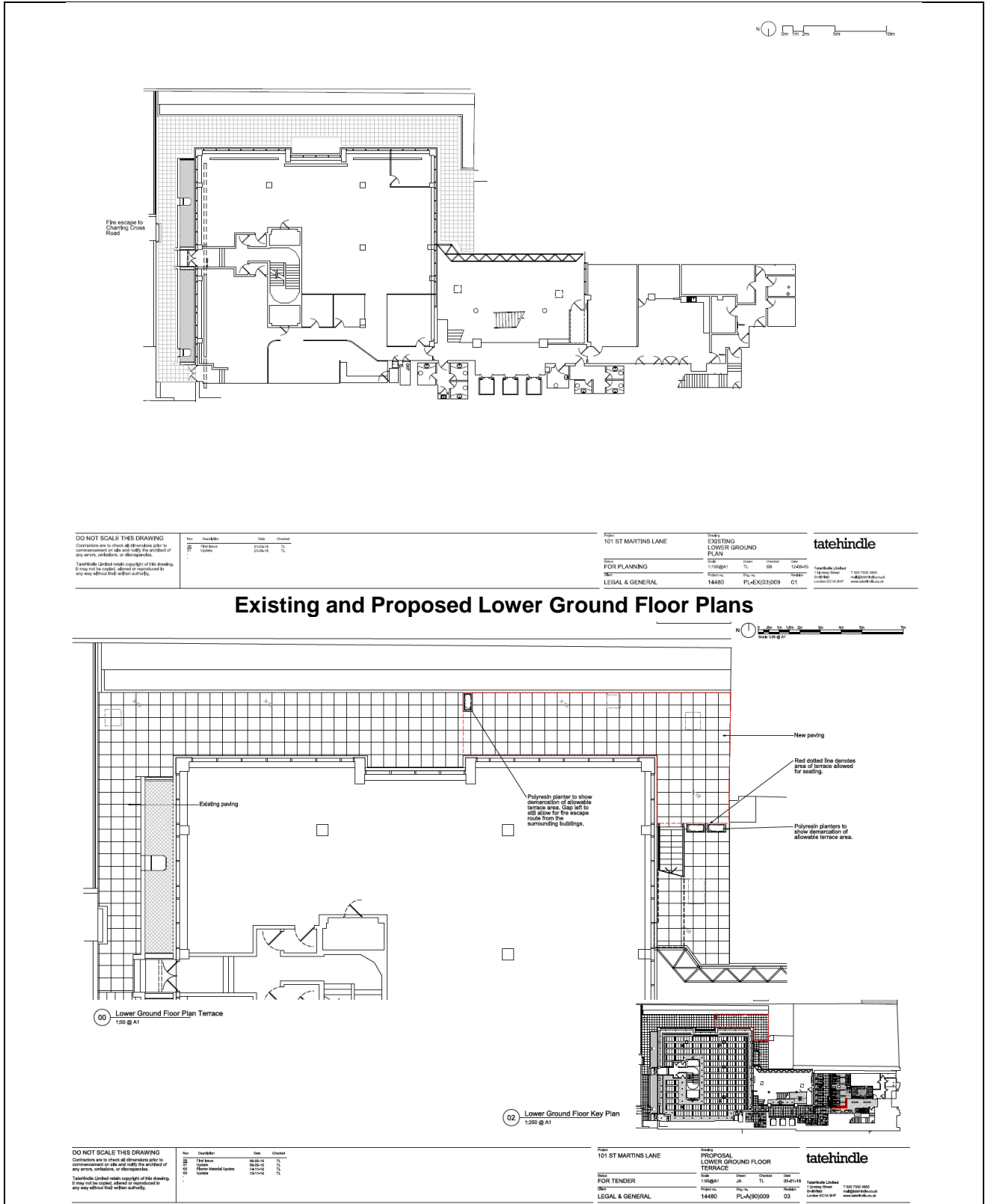
## 9. BACKGROUND PAPERS

1. Application form
2. Memorandum from Environmental Health, dated 28 November 2016
3. Response from Covent Garden Community Association, dated 9 December 2016
4. Objection from occupier of Flat 19, Faraday House, 18 Charing Cross Road, dated 29 November 2016
5. Objection from occupier of Flat 18, Faraday House, 18 Charing Cross Road, dated 29 November 2016
6. Objection from chairperson of Burleigh Mansions Residents' Association and occupier of Flat 42, Burleigh Mansions, 20 Charing Cross Road, dated 29 November 2016
7. Objections (x2) from occupier of Flat 5, Burleigh Mansions, 20 Charing Cross Road, dated 30 November 2016 and 21 December 2016
8. Objections (x2) from occupier of Flat 9, Burleigh Mansions, 20 Charing Cross Road, both dated 30 November 2016
9. Objection from occupier of Flat 45, Burleigh Mansions, 20 Charing Cross Road, dated 30 November 2016
10. Objection from occupier of Flat 38, Burleigh Mansions, 20 Charing Cross Road, dated 30 November 2016
11. Neutral comment from occupier of Flat 21, Faraday House, 18 Charing Cross Road, dated 4 December 2016
12. Objection from occupier of Flat 47, Burleigh Mansions, 20 Charing Cross Road, dated 8 December 2016
13. Objection from occupier of Flat 7, Talbot House, 98 St Martin's Lane, dated 10 December 2016
14. Objection from occupier of Flat 15, Burleigh Mansions, 20 Charing Cross Road, dated 13 December 2016
15. Objection from occupier of Flat 48, Burleigh Mansions, 20 Charing Cross Road, dated 13 December 2016
16. Objection from occupier of Flat 29, Burleigh Mansions, 20 Charing Cross Road, dated 16 December 2016
17. Objections (x2) from occupier of Flat 9, Faraday House, 18 Charing Cross Road, both dated 21 December 2016
18. Objection from occupier of Suite A & B, Talbot House, 98 St Martin's Lane, dated 21 December 2016
19. Objection from occupier of Flat 3, Talbot House, 98 St Martin's Lane, dated 22 December 2016
20. Objection from occupier of unspecified flat, Burleigh Mansions, 20 Charing Cross Road, dated 23 December 2016
21. Objection from occupier of Flat 6, Garrick Mansions, 12-16 Charing Cross Road, dated 23 December 2016
22. Objection from Peabody Asset Management (Freeholder of Faraday House), 45 Westminster Bridge Road, dated 18 January 2017

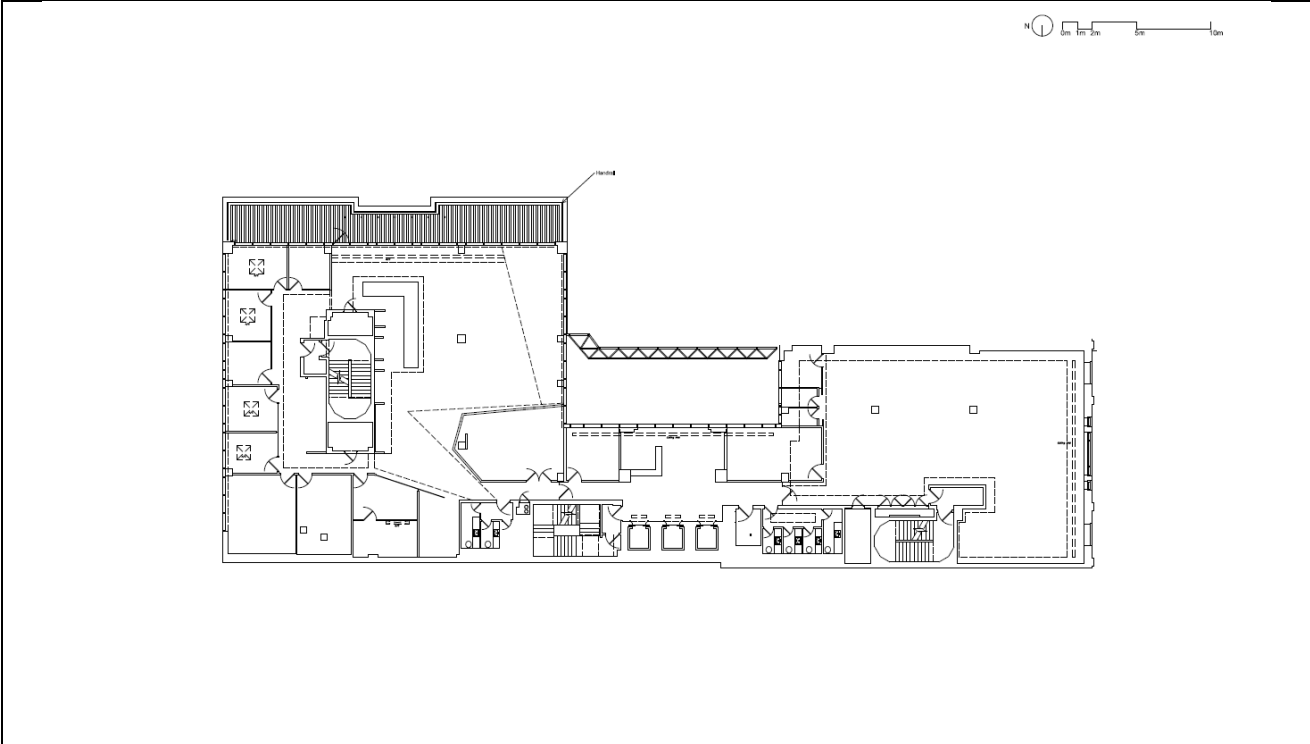
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT [lfrancis@westminster.gov.uk](mailto:lfrancis@westminster.gov.uk)

10. KEY DRAWINGS







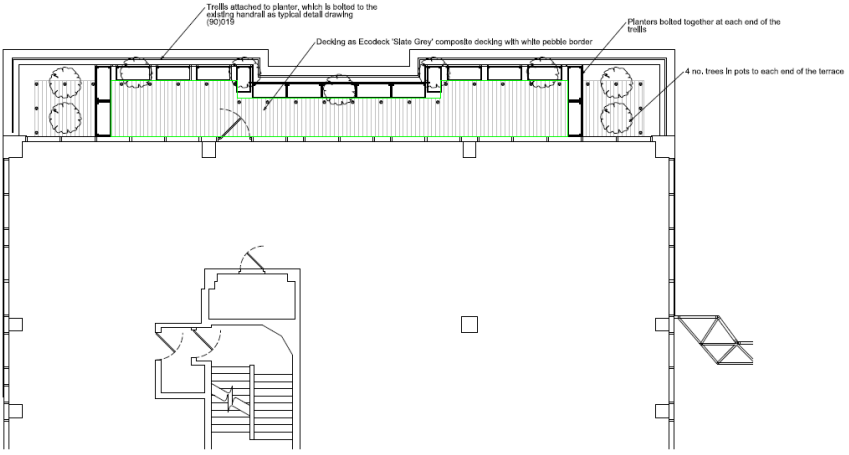
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02	Revised	24/04/15	
03	Revised	24/04/15	
04	Revised	24/04/15	

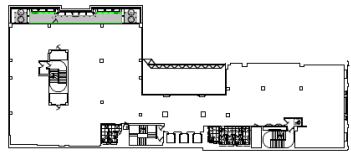
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**Existing and Proposed Third Floor Plan**



01 Terrace Plan  
1:50 @ A1



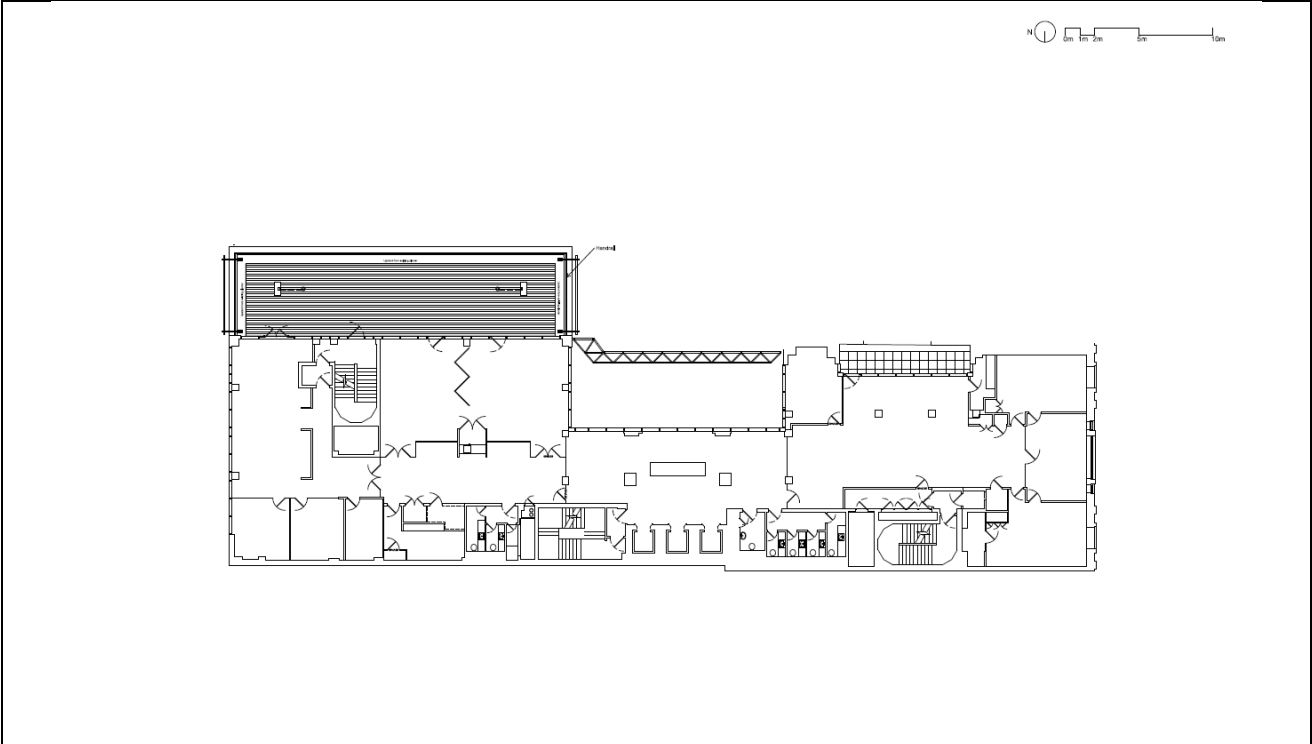
02 Third Floor Key Plan  
1:250 @ A1

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01	Final Issue	24/04/15	
02	Revised	24/04/15	
03	Revised	24/04/15	
04	Revised	24/04/15	
05	Revised	24/04/15	
06	Revised	24/04/15	

Project	101 ST MARTINS LANE	Drawn	JA	Checked	TL	Date	09.07.15
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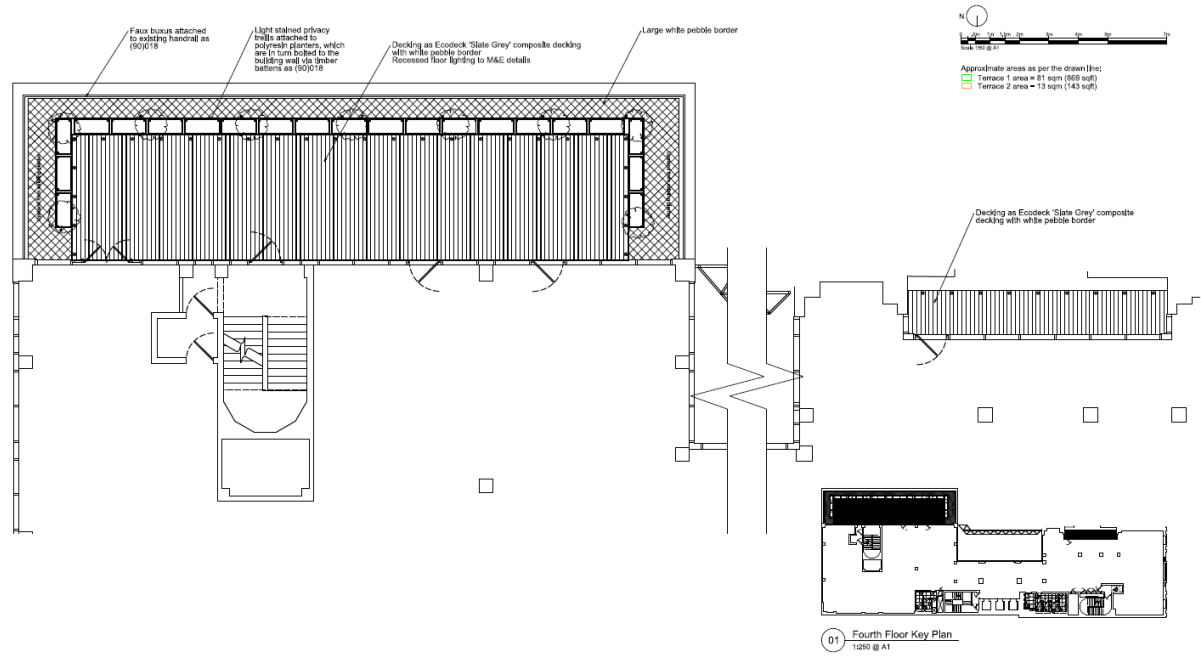


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01	For Issue	24/02/18	TL
02	Update	14/03/18	TL
03	Update	20/03/18	TL

101 ST MARTINS LANE		EXISTING FOURTH FLOOR PLAN		tatehindle	
FOR PLANNING	101/00/A1	Issue	08	24/02/18	
LEGAL & GENERAL	14480	Project No.	PL/EX/03/014	02	

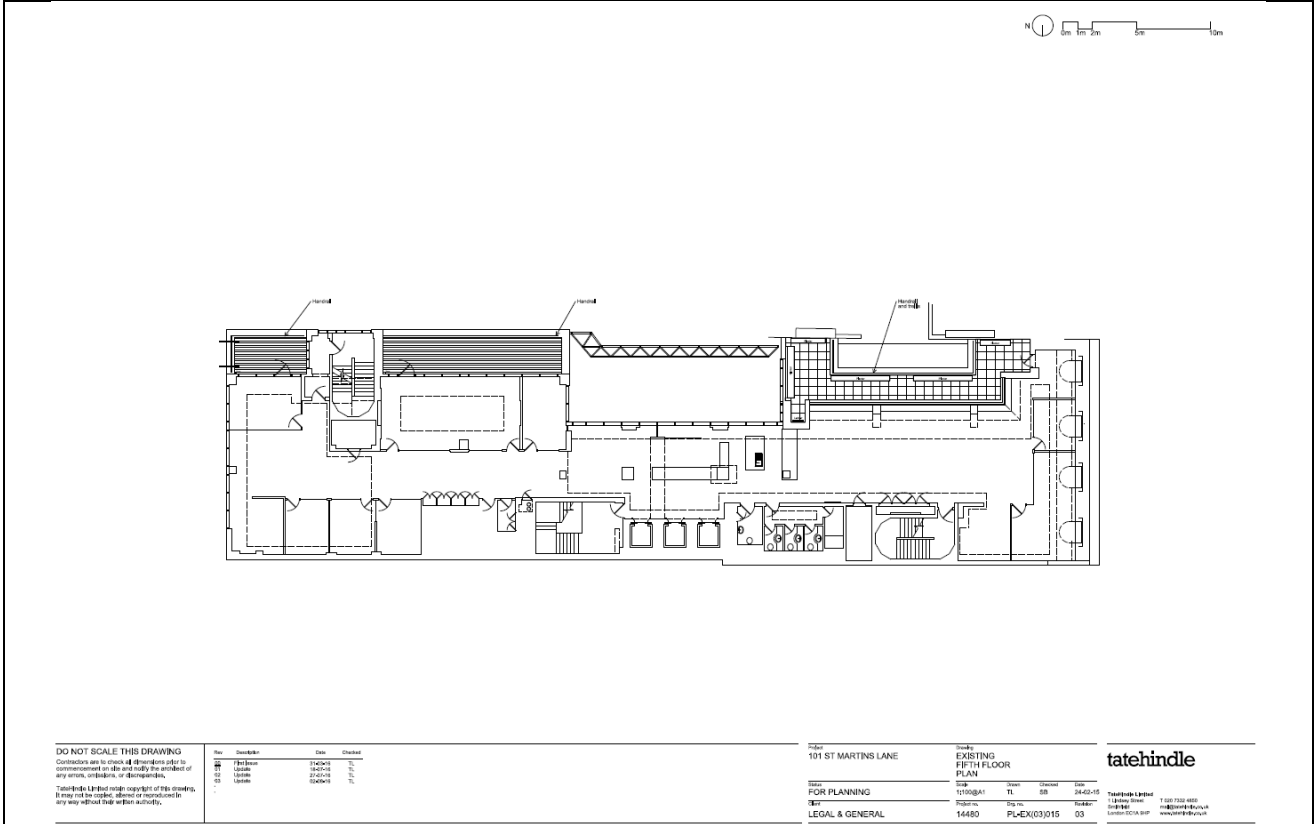
**Existing and Proposed Fourth Floor Plan**



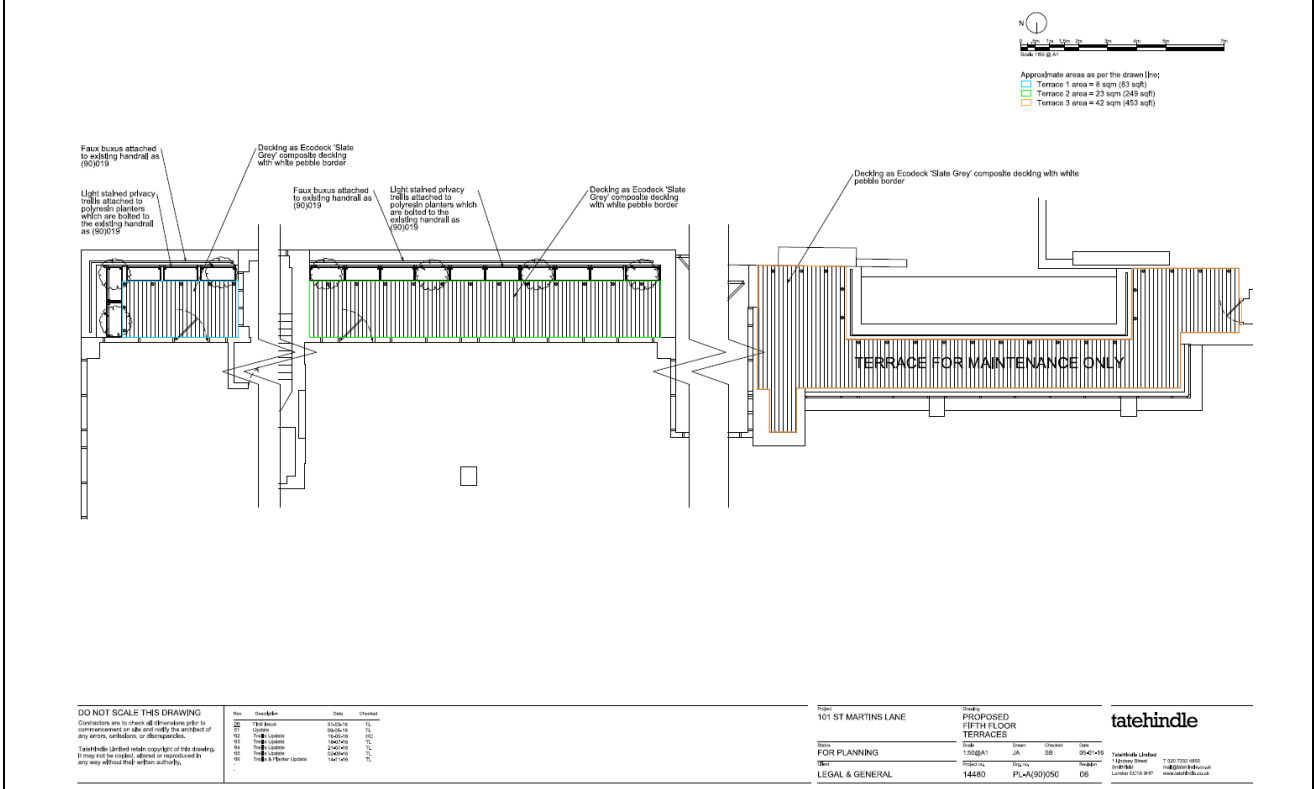
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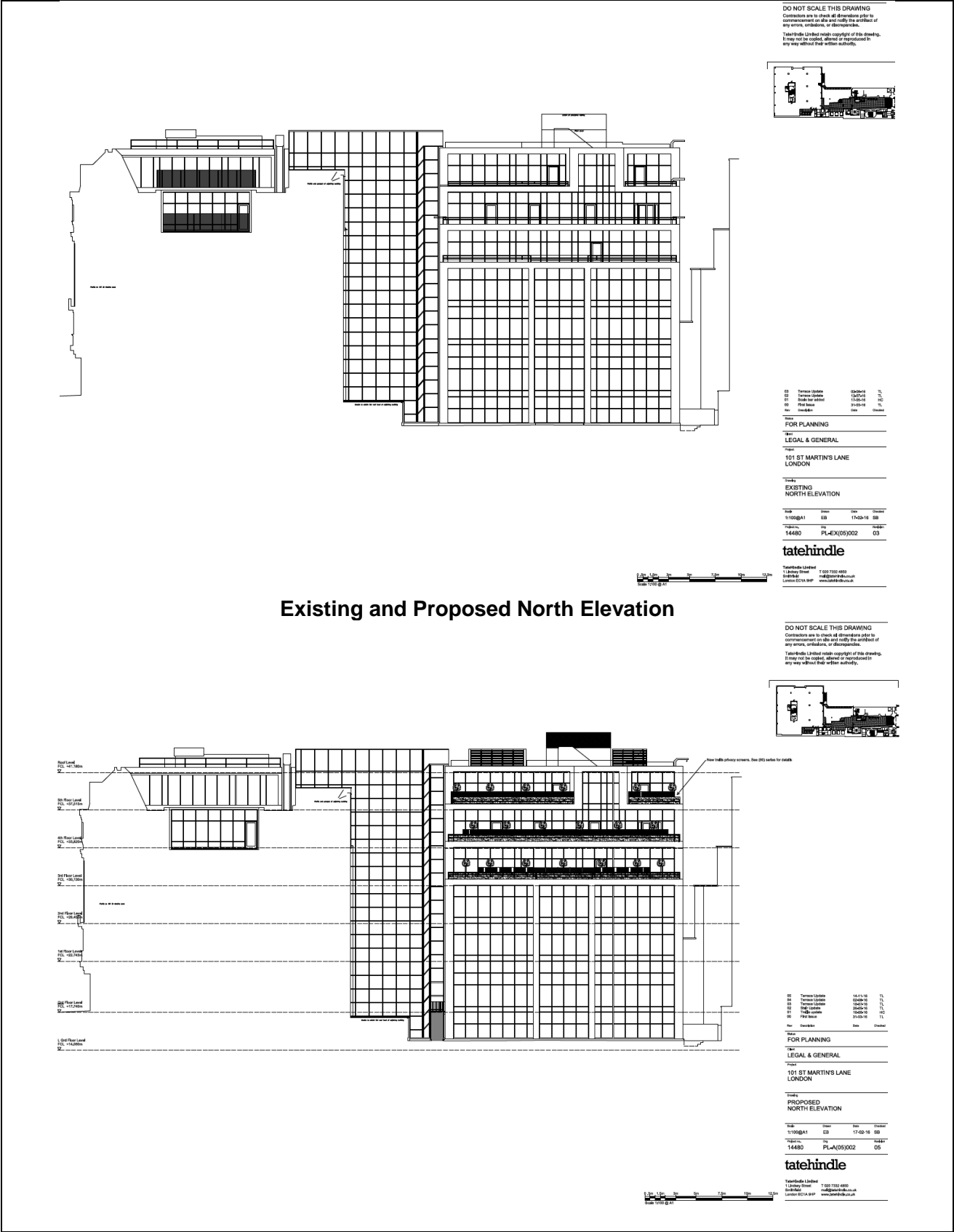
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03	Update	14/03/18	TL
04	Update	14/03/18	TL
05	Update	14/03/18	TL
06	Update	14/03/18	TL

101 ST MARTINS LANE		PROPOSAL FOURTH FLOOR TERRACE		tatehindle	
FOR PLANNING	101/00/A1	Issue	08	24/02/18	
LEGAL & GENERAL	14480	Project No.	PL/A/00/040	06	



**Existing and Proposed Fourth Floor Plan**





**Existing and Proposed North Elevation**

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01	Technical Update	05/04/16	PL
02	Technical Update	02/07/16	PL
03	Architectural	15/02/17	PL
04	Final Issue	21/05/18	PL
Rev	Description	Date	Checked

**FOR PLANNING**  
**LEGAL & GENERAL**  
 101 ST MARTIN'S LANE  
 LONDON  
**EXISTING**  
**NORTH ELEVATION**

Scale	Drawn	Date	Checked
1:1000@A1	EB	17/02/18	SB
Project No.	14480	PL-EX/05/002	03

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04	Technical Update	04/02/16	PL
05	Final Issue	15/02/17	PL
Rev	Description	Date	Checked

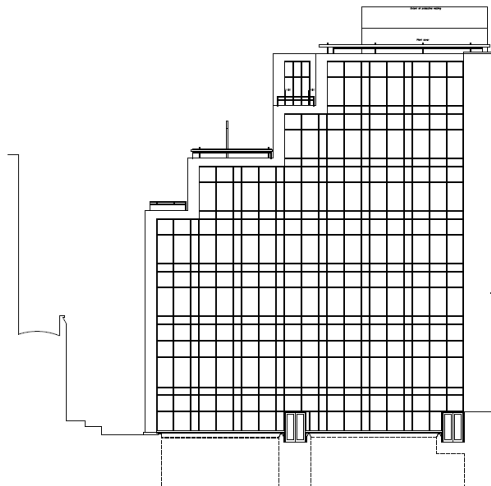
**FOR PLANNING**  
**LEGAL & GENERAL**  
 101 ST MARTIN'S LANE  
 LONDON  
**PROPOSED**  
**NORTH ELEVATION**

Scale	Drawn	Date	Checked
1:1000@A1	EB	17/02/18	SB
Project No.	14480	PL-PR/05/002	05

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01	Project Update	02/08/16	TL
02	Project Update	12/08/16	TL
03	Update for window	17/08/16	AD
04	Final Issue	20/08/16	TL
Rev	Description	Date	Drawn

FOR PLANNING

LEGAL & GENERAL

101 ST MARTIN'S LANE  
LONDON

EXISTING  
WEST ELEVATION

Scale	Issue	Date	Created
1:100@A1	03	17/08/16	SB

14480 PL-A(05)003 03

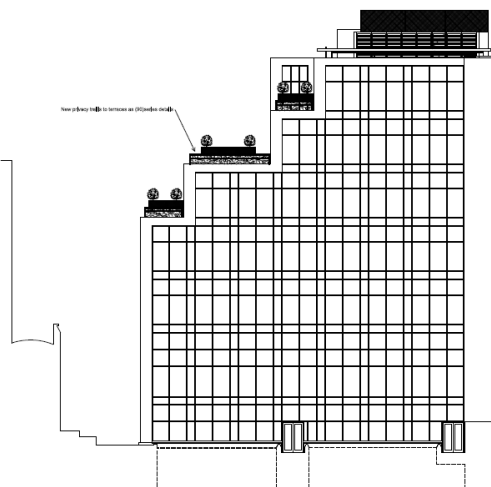
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Existing and Proposed West Elevation

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01	Task Update	14/07/16	TL
02	Task Update	02/08/16	TL
03	Task Update	16/07/16	TL
04	Task Update	16/08/16	SB
05	Task Update	16/08/16	TL
06	Final Issue	18/08/16	TL
Rev	Description	Date	Drawn

FOR PLANNING

LEGAL & GENERAL

101 ST MARTIN'S LANE  
LONDON

PROPOSED  
WEST ELEVATION

Scale	Issue	Date	Created
1:100@A1	03	17/08/16	SB

14480 PL-A(05)003 05

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**DRAFT DECISION LETTER**

**Address:** 100-101 St Martin's Lane, London, WC2N 4AZ,

**Proposal:** Installation of trellis and “faux buxus” screening, associated refurbishment and restricted use of existing flat roof areas at third, fourth and fifth floor levels and part of the lower ground courtyard as amenity spaces in connection with existing office use. Installation of new door and external staircase from ground to courtyard level.

**Reference:** 16/10998/FULL

**Plan Nos:** Location Plan; Site Plan; PL-EX(03)008; PL-EX(03)116 rev 01; PL-EX(05)001; PL-EX(03)015 rev 03; PL-EX(03)011; PL-EX(03)014 rev 02; PL-EX(03)010; PL-EX(03)009 rev 01; PL-EX(05)002 rev 03; PL-EX(03)016 rev 02; PL-EX(03)012; PL-EX(04)010 rev 01; PL-EX(04)020 rev 01; PL-EX(05)004 rev 03; PL-EX(03)013 rev 03; PL-EX(05)003 rev 03; PL-A(03)008; PL-A(05)001 rev 01; PL-A(03)015 rev 03; PL-A(90)050 rev 06; PL-A(03)011; PL-A(03)014 rev 03; PL-A(90)018 rev 03; PL\_A(90)040 rev 06; PL-A(03)010; PL-A(90)011 rev 03; PL-A(03)009 rev 01; PL-A(90)009 rev 03; PL-A(05)002 rev 05; PL-A(03)016 rev 02; PL-A(03)012; PL-A(04)010 rev 01; PL-A(04)020 rev 01; PL-A(05)004 rev 04; PL-A(03)013 rev 03; PL-A(90)030 rev 06; PL-A(90)019 rev 03; PL-A(05)003 rev 05; Design and Access Statement; Management Plan; Daylight and Sunlight Report; Noise Impact Assessment and Addendum; Cover Letter; Statement of Community Involvement.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

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

The use of part of the flat roofs and courtyard as outdoor amenity spaces would lead to an unacceptable increased in noise disturbance for people in neighbouring residential properties. This would not meet S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Item No.
<b>11</b>

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.

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Item No.
<b>12</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	12 St James's Street, London, SW1A 1EF,		
<b>Proposal</b>	Use of the basement, ground and mezzanine of 12 St James's Street as a fitness club (Class D2) personal to Equinox St James Limited together with the installation of plant at roof level and to the rear lightwell and associated alterations.		
<b>Agent</b>	Miss Hannah Murray, Gerald Eve		
<b>On behalf of</b>	Equinox St James Limited and Legal & General Assurance Society Ltd		
<b>Registered Number</b>	16/11515/FULL	<b>Date amended/ completed</b>	5 December 2016
<b>Date Application Received</b>	5 December 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St James's		

**1. RECOMMENDATION**

Grant conditional permission.

**2. SUMMARY**

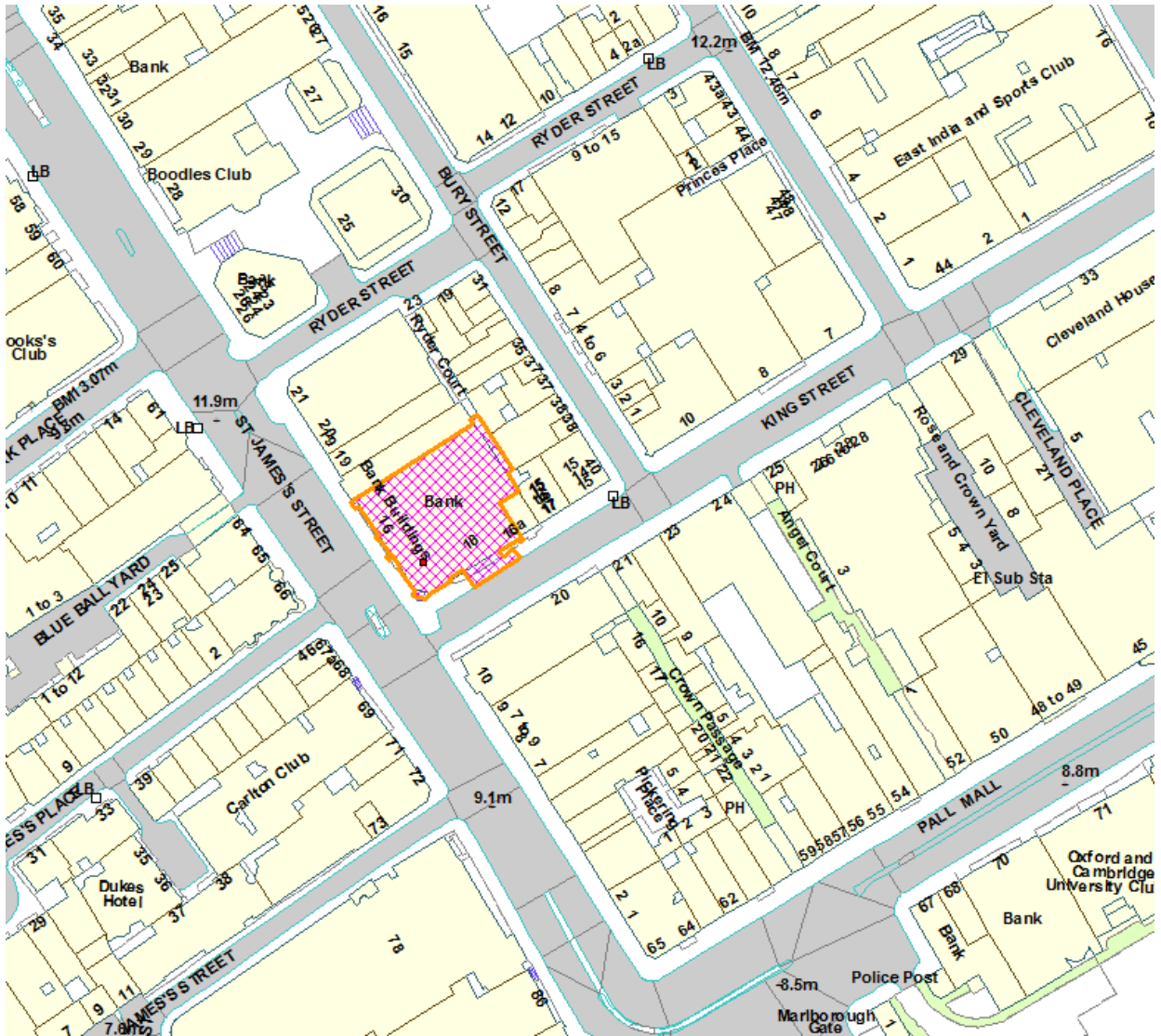
The application site comprises the basement, ground and mezzanine floors of an imposing early 20C building within the St James's Conservation Area. The site was previously a restaurant/bar, but has been vacant for several years. The application seeks permission for a gym use (Class D2), personal to Equinox (a 'premium' gym operator) along with the installation of plant at roof level and to the rear basement lightwell.

The main considerations are as follows:

- Impact of the use upon the amenity of nearby residents.
- The acceptability of the use in terms of our land use policies.

Given the nature of the surrounding area, the application is acceptable in land use terms. The impact of the proposed gym on nearby residents is considered acceptable subject to the conditions as set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



12 St James's Street

## 5. CONSULTATIONS

### WESTMINSTER SOCIETY

No objection.

### ST JAMES'S CONSERVATION TRUST

Any response to be reported verbally.

### CLEANSING

No objection subject to condition.

### HIGHWAYS PLANNING MANAGER

No objection subject to a condition regarding cycle storage.

### ENVIRONMENTAL HEALTH

No objection subject to conditions regarding plant, hours of plant operation and noise levels within the gym.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 72

Total No. of replies: 1

No. of objections: 0

No. in support: 1

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The site is within the St James's Conservation Area, Core CAZ and the St James's Special Policy Area. The building is a handsome early 20C bank building in a prominent corner position and is designated as an 'unlisted building of merit' by the St James's Conservation Area Audit.

The basement, ground and mezzanine floors have been vacant since 2010, but there has been a series of permissions allowing the basement to be used as a bar, with a restaurant at ground and mezzanine levels. The most recent, in 2012, allowed the operating hours of the bar and restaurant to extend until 0200 Thursday to Saturday, with an overall capacity of 570 customers, though this has never been implemented. There are offices at first to fifth floors, with residential units at sixth floor.

### 6.2 Recent Relevant History

Permission was originally granted on 21 April 1994 for the redevelopment behind retained facades (St James's Street and King Street elevations), incorporating retained ground floor banking hall, to provide offices on basement, ground and five upper floor, six self-contained flats on sixth floor level, and roof top plant. Permission was subsequently renewed on 9 March 1999.

An alternative scheme, which included a restaurant and wine bar at ground and basement level was refused on 26 June 1998. The application was then granted at appeal on 12 February 1999. This permission was implemented and included conditions relating to the operation of the restaurant.

24 February 2012 - permission granted for "variation of Conditions 4 and 5 of planning permission granted on appeal on 12 February 1999 (97/0B239/FULL) for redevelopment behind retained facades including restaurant at ground & mezzanine levels, wine bar in basement, offices to 5 upper floors and 6 self-contained flats at sixth floor level, plant & ductwork at 16 St James's Street; namely, to allow the ground floor and mezzanine to operate with no more than 320 covers and to amend the opening hours."

## 7. THE PROPOSAL

The application is for the use of the basement, ground and mezzanine floors as a gym (Class D2) with associated alterations including the installation of plant at roof level, within the rear basement lightwell and new ventilation louvres to some existing openings at basement level. In terms of the proposed layout, changing rooms, a small spa area and staff facilities are at basement, with the main gym, cafe and retail area at ground floor, with studio space at an extended mezzanine level. The proposed operating hours are 0530 to 2300 Monday to Friday and 0800 to 2100 Saturday, Sunday and bank holidays. It is anticipated that the club would have an approximate maximum capacity of 250 visitors with between 30-50 employees. The activity profile provided by the applicants states that the peak hours are 0700-0900, 12.30-13.30 and 1700 to 1900 during the week.

The applicant/proposed operator is Equinox Ltd, a 'premium' gym operator with one other premises in London (Kensington) and several other operations internationally.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The most relevant land use policies are S18 which supports commercial development within Core CAZ, and S21 which seeks to protect existing non A1 retail units from changing to units that do not serve visiting members of the public and do not have active shopfronts.

Given that the existing building does not have an 'active' shop front, it is not in an identified retail frontage, and that policy S18 supports commercial development within Core CAZ, it is not considered that the loss of the restaurant in this case would be contentious. The proposed use would be providing a service for the local working and residential population and in principle is considered acceptable.

### 8.2 Townscape and Design

Few external alterations are proposed and the main design issue is therefore the impact of the proposed louvres and plant on visual amenity and the conservation area. The air conditioning units are concealed from public vantage points and are acceptable in design terms. The proposed louvres are discreetly located within existing openings at basement

level and are acceptable subject to a condition requiring them to be finished to match adjacent materials.

### **8.3 Residential Amenity**

The main issue in policy terms is considered to be the impact upon the amenity of nearby residents in terms of comings and goings to the building early and late in the day. The hours and capacity allowed by the 2012 planning permission are a material consideration. The nearest residential properties are located on the 6th floor of the application site, with 5 floors of offices between the proposed gym and the flats.

The proposed gym will have a significantly lower capacity than that allowed for in the restaurant/bar permission, along with an earlier closing time (23.00 compared with potentially 0200). Whilst the gym intends to open at 0530 (to allow for classes starting at 0600), this will not be peak time and the comings and goings are likely to be fairly restricted. The peak hours of operation set out above are not considered to be times where residents would expect quiet time. In terms of comings and goings, the gym has a different profile to the existing lawful restaurant/bar use, and it is likely to be less intensively used in the evening, particularly after 21.00. On this basis, it is not considered that the comings and goings associated with the proposed gym would be harmful to the amenity of nearby residents.

In terms of limiting the noise transfer from the activities within the gym itself, the proposals include insulation and a 'floating box' construction to the exercise studio to reduce vibration and noise transference to the occupiers above. Following receipt of further acoustic information, Environmental Health officers are generally satisfied that the gym can operate within reasonable limits, subject to conditions regarding maximum noise levels and the use of a sound limiter for music/amplified sound.

Environmental Health officers are satisfied the proposed plant is capable of being operated in compliance with the standard noise condition, provided the plants hours of operation are also restricted by condition.

### **8.4 Transportation/Parking**

Servicing will continue to take place on street. It is considered that the gym will require less intensive servicing than an entertainment use, particularly given that there is a laundry service on site. Deliveries will generally be associated with the cafe, office and maintenance supplies. It is unlikely that the servicing associated with the gym would have any detrimental impact upon the local highway network.

Refuse and cycle storage is provided at basement level and is acceptable in terms of layout and capacity. It will be secured by condition.

### **8.5 Economic Considerations**

Any economic benefits generated by the proposed development are welcomed.

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

None relevant.

### **8.7 London Plan**

This application raises no strategic issues.

### 8.8 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.

### 8.9 Planning Obligations

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

The estimated Westminster CIL payment is £17,570. The application is also subject to Mayoral CIL, which is estimated at £7,100.

### 8.10 Environmental Impact Assessment

A development of this scale does not prompt a requirement for an Environmental Impact Assessment under the EIA Regulations 2011.

### 8.11 Other Issues

#### Personal permission

Given the other uses falling within the D2 use class (for example cinemas/concert halls) and potential impact of those uses on the local area, any permission granted will be restricted by condition to a gym within Class D2. The applicants have, however, specifically applied for a personal permission for Equinox reverting to an A3/A4 restaurant and bar upon vacation of the site by Equinox. Planning permission runs with the land and National Planning Guidance (NPG) states that it is rarely appropriate for personal planning permissions to be granted but that there may be circumstances justified on planning grounds because of who could benefit from the permission. The Crown Estate is the freeholder of the building and will not agree to a permanent unrestricted D2 use in this location. They do, however, support this particular operator given the niche type of business proposed.

This area of St James's is characterised by niche retail, restaurants and supporting services. The unusual nature of the building with its cavernous interior is not suited to a wide range of potential occupiers and has been vacant for some time. The applicants argue that personal permission would be the only way of ensuring the building is brought back into beneficial use in the short to medium term and the personal nature of the permission would have regard to the fact that this company is currently the only operator acceptable to the Crown Estate. Whilst it is not the norm to entertain a personal use it is considered in this instance that a personal use is acceptable, especially since it is likely to secure the beneficial use of this unused part of the building in the medium term.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society, dated 13 December 2016
3. Response from Cleansing, dated 19 December 2016.
4. Letter from the occupier, 40-41 Pall Mall dated 27 January 2017.
5. Memorandum from Environmental Health dated 16 January 2017 and 6 February 2017.
6. Memorandum from the Highways Planning Manager dated 1 February 2017.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT <a href="mailto:lfrancis@westminster.gov.uk">lfrancis@westminster.gov.uk</a>
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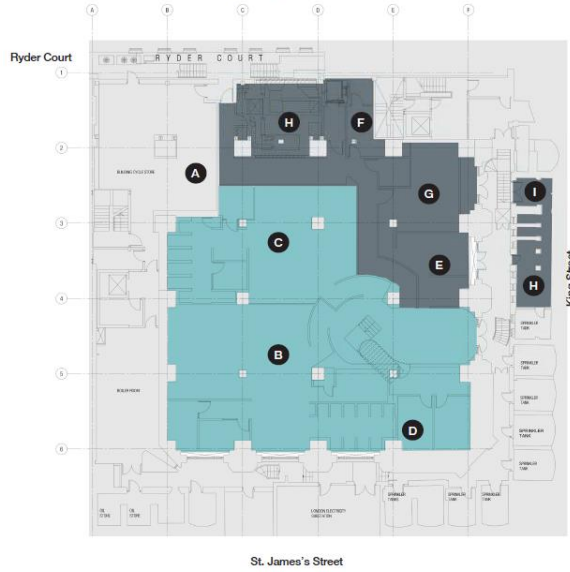
10. KEY DRAWINGS

Proposed basement and ground floor

Proposed Floor Plans

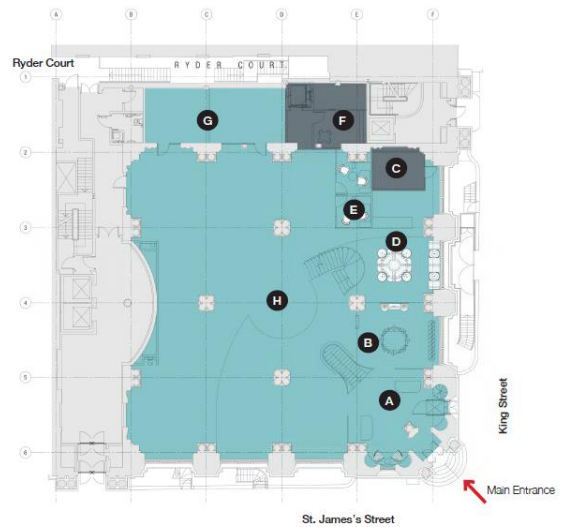
Basement Level

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>Landlord Area / Existing Structure</li> <li>Front of House</li> <li>Back of House</li> </ul> | <ul style="list-style-type: none"> <li>A Buildings bike store available to Equinox</li> <li>B Male changing</li> <li>C Female changing</li> <li>D Spa</li> <li>E Coat Check</li> <li>F Storage</li> <li>G Laundry</li> <li>H Plant</li> <li>I Existing refuse store</li> </ul> |
|---|--|



Ground Floor

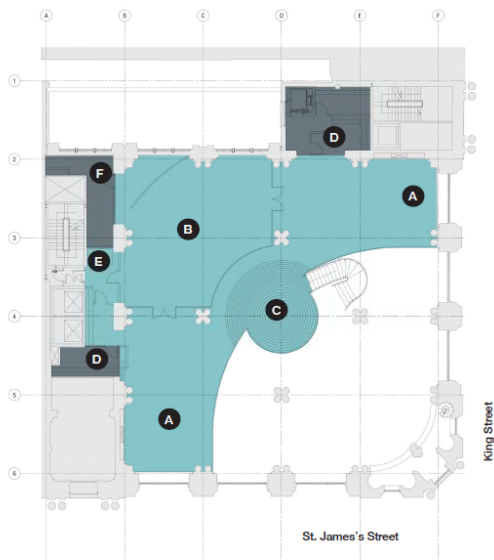
- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>Landlord Area / Existing Structure</li> <li>Front of House</li> <li>Back of House</li> </ul> | <ul style="list-style-type: none"> <li>A Reception</li> <li>B Retail</li> <li>C Cafe</li> <li>D Cafe Seating</li> <li>E Office</li> <li>F Break Area</li> <li>G Fitness Studio</li> <li>H Fitness Area</li> </ul> |
|---|---|



Proposed mezzanine and roof level

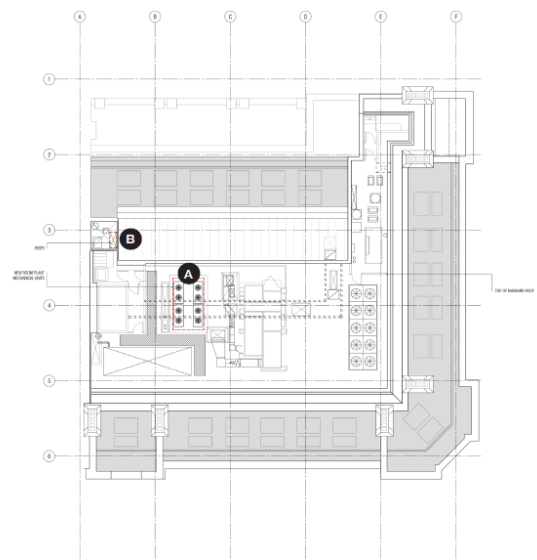
Mezzanine Floor

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>Landlord Area / Existing Structure</li> <li>Front of House</li> <li>Back of House</li> </ul> | <ul style="list-style-type: none"> <li>A Fitness Area</li> <li>B Fitness Studio</li> <li>C Lounge</li> <li>D Office</li> <li>E Wheelchair Refuge</li> <li>F Store</li> </ul> |
|---|--|

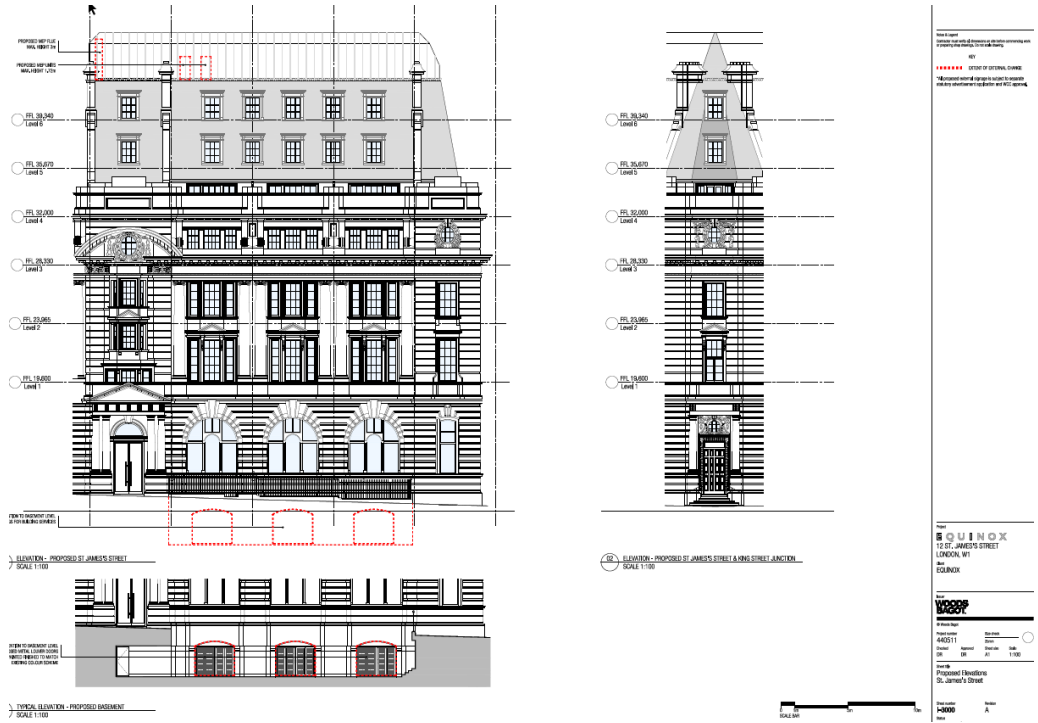


Roof

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>Roof</li> <li>Existing Roof Plant</li> <li>Proposed Plant Intervention</li> </ul> | <ul style="list-style-type: none"> <li>A - Roof plant</li> <li>B - Replacement of existing flues</li> </ul> |
|--|---|



### Proposed St James's Street elevation



### Proposed King Street elevation



**DRAFT DECISION LETTER**

- Address:** 12 St James's Street, London, SW1A 1EF,
- Proposal:** Use of the basement, ground and mezzanine of 12 St James's Street as a fitness club (Class D2) personal to Equinox St James Limited, together with the installation of plant at roof level and to the rear lightwell and associated alterations.
- Reference:** 16/11515/FULL
- Plan Nos:** L16963-M-B00-101; L16963-M-R00-101; I1001-C; I2000-C; I2001-C; I2002-C; I2200-C; I2201-C; I2202-C; I2203-C; I3000-A; I3000-C; I3001-A; I3001-C; I3002-A; I3003-C; I3002-A; I3002-C., , Design and Access Statement (Woods Bagot Architects); Statement of Community Involvement (Four Communications); Transport Assessment (Equinox); Operational Management Plan (Equinox); Ventilation/Extraction Statement (Medland Metropolis); Noise/ Vibration Impact Assessment (Sandy Brown) and additional assessment dated 24 January (ref M001-D); Planning Statement (Gerald Eve).

**Case Officer:** Louise Francis

**Direct Tel. No.** 020 7641 2488

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

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- 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 piling, excavation and demolition work only: , o

- 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 unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

Reason:

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

- 4 (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 (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 5 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:

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 (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 6 The plant/machinery hereby permitted shall not be operated except between 0530 hours and 2300 hours daily.

Reason:

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

- 7 You must provide the waste store shown on drawing I2200rev C before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the gym. 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 (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

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

Reason:

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

- 9 Customers shall not be permitted within the gym premises before 0530 or after 2300 on Monday to Saturday (not including bank holidays and public holidays) and before 0800 or after 2100 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 10 i) Only Equinox St James Ltd can carry out the Class D2 Gymnasium use. No one else may benefit from this permission.  
ii) In the event that Equinox St James Ltd no longer operates the use hereby approved and permanently vacates the site then the site shall not be used except as a restaurant/bar (Class A3/A4) as allowed by the planning permission granted 12 February 1999 (97/0B239/FULL).

Reason:

As requested by the applicant and in order to secure a beneficial use of this vacant site.

## 11 (i) Ambient Noise Levels

Noise generated by the proposed new development (including noise from general operations, gym equipment, amplified sound, music etc.) in terms of LAeq,5mins shall be a minimum of 10 dB below the existing background noise level measured in terms of LA90,5mins inside the existing residential dwellings. The background noise level used in the assessment should be representative of the most sensitive times (quietest) at which the new development is in operation (and generating noise).

## (ii) Maximum noise levels

Maximum noise levels generated by the proposed new development in terms of LAFmax shall not exceed the NR 15 curve inside the existing residential dwellings. This includes noise from all sources (including amplified sound, music, impact noise from gym activities).

## (iii) Music noise

For music noise, the design of the separating structures shall be such that the received music noise level in the residential habitable spaces, with music playing, is a minimum of 10 dB below the existing ambient and maximum noise levels in the residential habitable spaces when music is not playing, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq and LFmax in the octave bands 63 Hz and 125 Hz. The overall music noise level in terms of LAeq,5mins should be at least 10 dB below the existing background noise level in terms of dB LA90,5mins.

## Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 12 A Sound Limiter shall be installed and set by a competent acoustic engineer so that it maintains compliance with the criteria set out in Condition 11. All amplification equipment within the development including music generating equipment and fitness instructor's announcement equipment shall be routed and controlled through the sound limiter. The operational panel of the noise limiter shall be secured by key or password so that only persons with management responsibility have access. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

## Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

**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 (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
  
- 2 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).

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.
<b>13</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 20 December 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	173 Wardour Street, London, W1F 8WT,		
<b>Proposal</b>	Use of basement and ground floor as retail, café and hot food takeaway purposes (Sui Generis).		
<b>Agent</b>	Miss Danielle St Pierre		
<b>On behalf of</b>	Wasabi		
<b>Registered Number</b>	16/06424/FULL	<b>Date amended/ completed</b>	18 August 2016
<b>Date Application Received</b>	7 July 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		

**1. RECOMMENDATION**

Grant conditional permission

**2. SUMMARY**

The application site comprises the basement and ground floors of an unlisted building located within the Soho Conservation Area, the core Central Activities Zone and the West End Stress Area. The lawful use of the premises is a retail shop (Class A1).

Permission is sought for the use of the basement and ground floor premises for a mixture of retail, café and hot food takeaway (Sui generis). This use commenced in July 2012.

The key issues for consideration are:

1. The impact on the character and function of the area
2. The impact on residential amenity.

The scheme is considered acceptable in land use terms and, subject to conditions, it is not considered that the use would adversely affect the amenities of neighbouring residents and local environmental quality. The scheme complies with relevant policies set out in the Unitary Development Plan (UDP) and City Plan and is therefore recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS





## 5. CONSULTATIONS

### SOHO SOCIETY:

No objection

### ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

### HIGHWAYS PLANNING MANAGER:

No objection, subject to conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 106 Total No. of replies: 0

ADVERTISEMED/ SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises the ground and lower ground floors of this unlisted building located at the junction of Wardour Street and D'Arblay Street. The site is within the Core Central Activities Zone, West End Stress Area and the Soho Conservation Area.

The unit is currently occupied by Wasabi for retail, café and hot food takeaway purposes.

Soho is a vibrant area characterised by retail, a variety of entertainment uses, commercial offices and residential. The nearest residential properties to the site are located at No's 5, 6 and 32 D'Arblay Street.

### 6.2 Recent Relevant History

30 April 2010: Certificate of Lawful Use (Existing) was refused for the use of the ground and basement floors for restaurant and retail purposes (Sui generis 10/01971/CLEUD)

## 7. THE PROPOSAL

This retrospective application seeks permission for the use of the basement (49 sqm) and ground floor (89 sqm) for retail, café and hot food takeaway purposes ( Sui generis). The unit is occupied by Wasabi.

No external extract or ventilation equipment is proposed. There are currently unauthorised, ground level ventilation grilles on the D'Arblay street frontage. The application involves retaining these vents, two of which will become fresh air vents for the lower ground and ground floors and one will become a bleed duct for filtered, clean odourless air discharge which will be linked up to the internal re-circulation system when it is introduced.



The application was submitted in response to a complaint from the owner/operator of a neighbouring restaurant, regarding an unauthorised change of use. To date, there have been no objections to the planning application.

The plans show seating for 23 customers at ground floor front but the applicant have since confirmed that seating will be provided for only 16 customers. A large cabinet displaying hot and cold food for sale occupies the rear of the unit. This is a “self-service” operation. No cutlery is provided on the tables, putting an emphasis on take away sales. There are no customer WC’s. There is no customer access to the basement, which provides food preparation and staff accommodation.

The premises would operate between 11.00 and 21.00 hours Monday to Saturday and 11:00 to 20.00 hours on Sundays) selling hot and cold food to customers for lunch and dinner. No primary cooking is proposed. Food is prepared off-site and then reheated in microwaves on-site. Self-contained rice cookers are used, and rice is then rolled and used for sushi preparation.

The applicants have submitted an annual sales report for 2015 which shows that 80% of sales are for “takeaway” and that 20% of food purchased is eaten at the premises. The majority of food sales (72%) are for cold food and drinks, with 28% of the sales for hot food.

## **8. DETAILED CONSIDERATIONSSs**

### **8.1 Land Use**

#### **8.1.1 Loss of retail**

The lawful use of the premises is considered to be as a retail shop (Class A1) and the proposals would result in the loss of 138 sqm of retail floorspace.

City Plan policy S21 states that existing A1 retail will be protected throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long term vacancy despite reasonable attempts to let.

Policy SS5 states that within the CAZ, outside of the primary shopping frontages, A1 uses on basement, ground and first floors will be protected. Permission for the introduction of a non-A1 town centre use on these levels will only be granted where the proposal would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality. Furthermore, proposals must not lead to, or add to, a concentration of three or more consecutive non A1 uses or cause or intensify an existing over-concentration of A3 and entertainment uses in a street or area.

This corner property is located next to solicitors (Class A2) and a restaurant (Class A3) on the Wardour Street frontage and the proposal would result in the concentration of three non-A1 units. The remainder of this frontage comprises a mixture of restaurants (Class A3), residential (Class C3), retail units (Class A1) and office use (Class B1).

The proposed unit retains some element of retail use, with a display cabinet which is visible from the street displaying the sale of cold drinks and cold food to take away.

The use has been in operation for over four years. There have been no objections to the application to regularise the use. The proposed use generates street level activity and retains a retail function on the site. The majority of business is from “takeaway” sales (80%) and most sales (72%) are of cold food and drink.

Whilst it is acknowledged that the proposal will lead to the concentration of three or more consecutive non A1- uses, given the high percentage of takeaway/cold food sales it is not considered that the impact of the use (which operates during shop rather than restaurant hours) would be significantly different from that of a sandwich shop (Class A1).

Consequently, subject to a conditions to restrict the layout of the premises to that shown on the submitted plans, to restrict the number of customer seats to 16 (as confirmed by the applicants in an e-mail dated 8 November 2016) rather than to the 23 seats shown on the submitted drawings, it is considered that the loss of the existing Class A1 floorspace would not adversely impact on the character and function of this part of the Soho conservation area nor to the vitality or viability of the shopping frontage or locality.

### 8.1.2 Proposed use

The site is located within the Core CAZ and the West End Stress Area. Given the size of premises (138sqm), and the nature of the use, UDP policies TACE 8 and TACE 9 are applicable.

Policy TACE 8 relates to cafe/restaurant uses and states that permission will generally be granted where the City Council is satisfied that the proposed development has 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 noise, vibration, smells, increased late night activity or increased parking and traffic and no adverse impact on the character and function of the area.

Policy TACE 9 relates to larger café/restaurant uses, and to other forms of entertainment use, including hot-food takeaways where permission will only be granted where the City Council is satisfied that the proposal satisfies the tests set in TACE 8 (above). In both cases, where appropriate, conditions will be imposed to ameliorate the potential impact of the use.

Under City Plan policy S6, within the West End Stress Area, new entertainment uses will only be allowed where they are small-scale, low impact and do not result in a concentration of late night uses. Policy S24 also requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, relationship to concentrations of entertainment uses and any cumulative impact and that they do not adversely impact on residential amenity, local environmental quality and the character and function of the area.

Given the size of the premises, the type and low-key nature of the use and the proposed opening hours, it is not considered that the proposals would not have a significant impact on the character or function of the area.

Given the nature of the use and the proposed hours of use, it is not considered that activity generated would have any greater impact on neighbours' amenities than the lawful retail

use. Other than the original complaint about the unauthorised change of use, no other complaints have been received in relation to this application.

The existing ventilation system discharges via ground level grilles on the D'Arblay Street frontage, which is considered unacceptable. Following discussions, the applicant has agreed to install a re-circulation system where, no external fumes are extracted from the premises. The submission of details of this system, and timescales for its installation, would be the subject of conditions.

Subject to conditions controlling the hours of operation, the premises layout, the amount of customer seating, and the installation of a replacement extract system, it is not considered that the proposal would have an adverse impact on the amenities of neighbouring occupiers.

## **8.2 Townscape and Design**

The shopfront has been in situ for more than four years and is therefore immune from enforcement action. The applicant has submitted plans detailing the D'Arblay Street elevation retaining three ventilation grilles (two as fresh air vents and one as a bleed duct) which allows the internal recirculation system to operate efficiently. This is considered acceptable.

## **8.3 Residential Amenity ( Daylight/ Sunlight and Sense of enclosure)**

Not Applicable

## **8.4 Transportation/Parking**

The Highways Planning Manager considers that the proposal will have limited impact on parking demand in the area but has recommended that a condition is imposed to prevent the operation of any delivery service from the premises.

No off-street servicing is indicated within the application site. The site is located within a Controlled Parking Zone, which means that locations single and double yellow lines allow loading and unloading to occur.

Given the small size of the unit, it is not considered reasonable to attach a condition requiring cycle parking provision.

## **8.5 Economic Considerations**

Any economic benefits generated by the proposed are welcomed.

## **8.6 Access**

No changes are proposed to the building access.

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



### **8.7.1 Ventilation plant**

The City Council's Environmental Health Officer has confirmed that, whilst a café use would ordinarily be expected to be served by a full height kitchen extract duct, given the nature of the use, and as all food is heated in electrical appliances, a re-circulation system would be acceptable as an alternative, in this instance. This is an internal system which does not rely upon untreated air discharging through external vents.

Conditions are recommended requiring the submission of details of the re-circulation system within 3 months of the date any planning approval and its installation within 2 months of the approval of these details.

### **8.7.2 Refuse /Recycling:**

The submitted drawings do not show details of arrangements for the storage of refuse or recyclable materials. Conditions are recommended requiring the submission of details showing how waste and recyclable material will be stored on site and to ensure that no waste is left or stored on the public highway.

### **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 applicable

### **8.11 Environmental Impact Assessment**

The scheme is of insufficient scale to require an Environmental Impact Assessment.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from Soho Society, dated 6 September 2016
3. Response from Environmental Health dated 17 November and 12 December
4. Response from Highways Planning Manager dated 5 September 2016
5. E-mail from application confirming seating arrangement, dated 8 November 2016
6. Land use survey

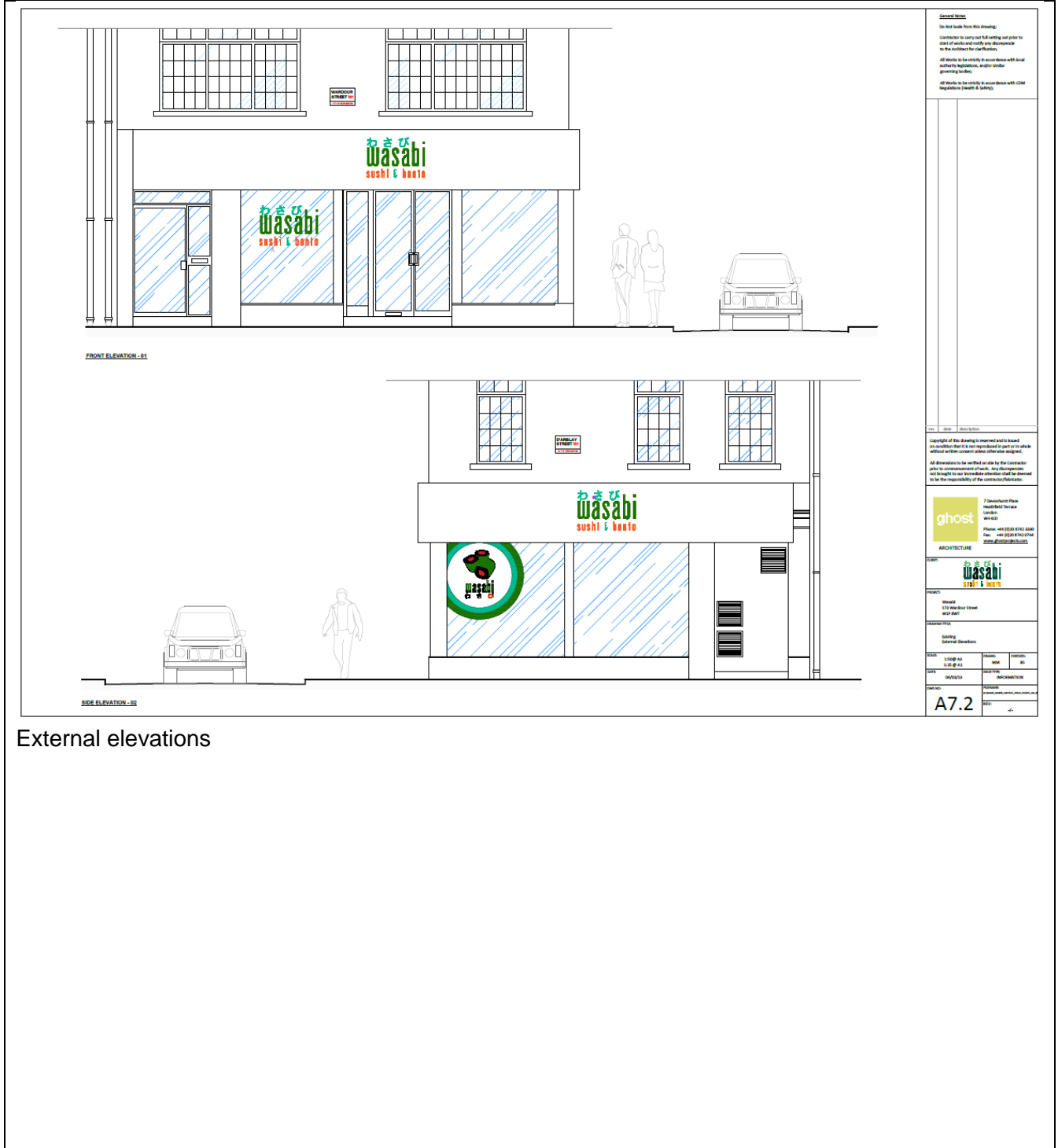
### **Selected relevant drawings**

(Please note: All the application drawings and other relevant documents and Background Papers

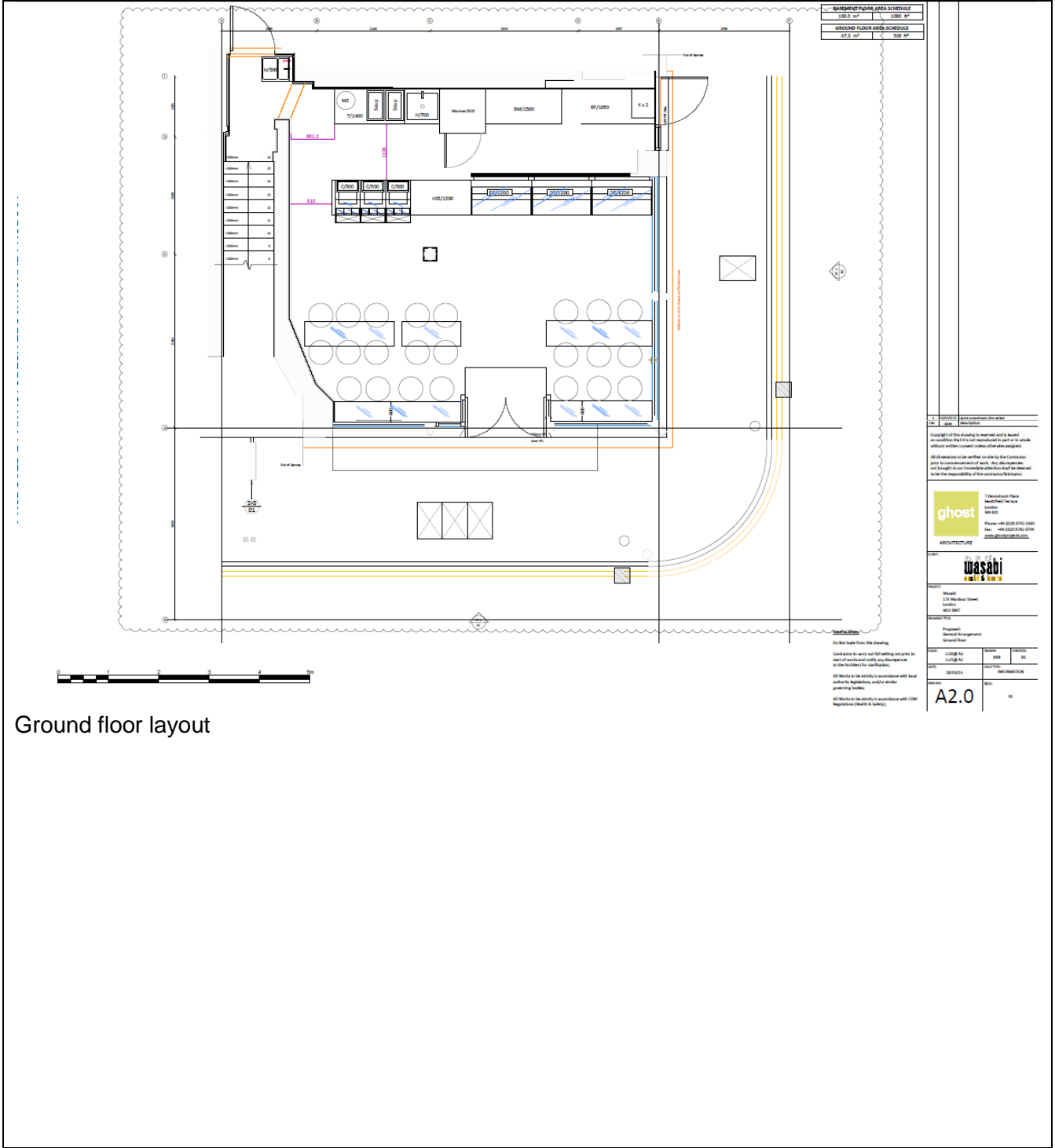
are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT <a href="mailto:mwalton@westminster.gov.uk">mwalton@westminster.gov.uk</a>
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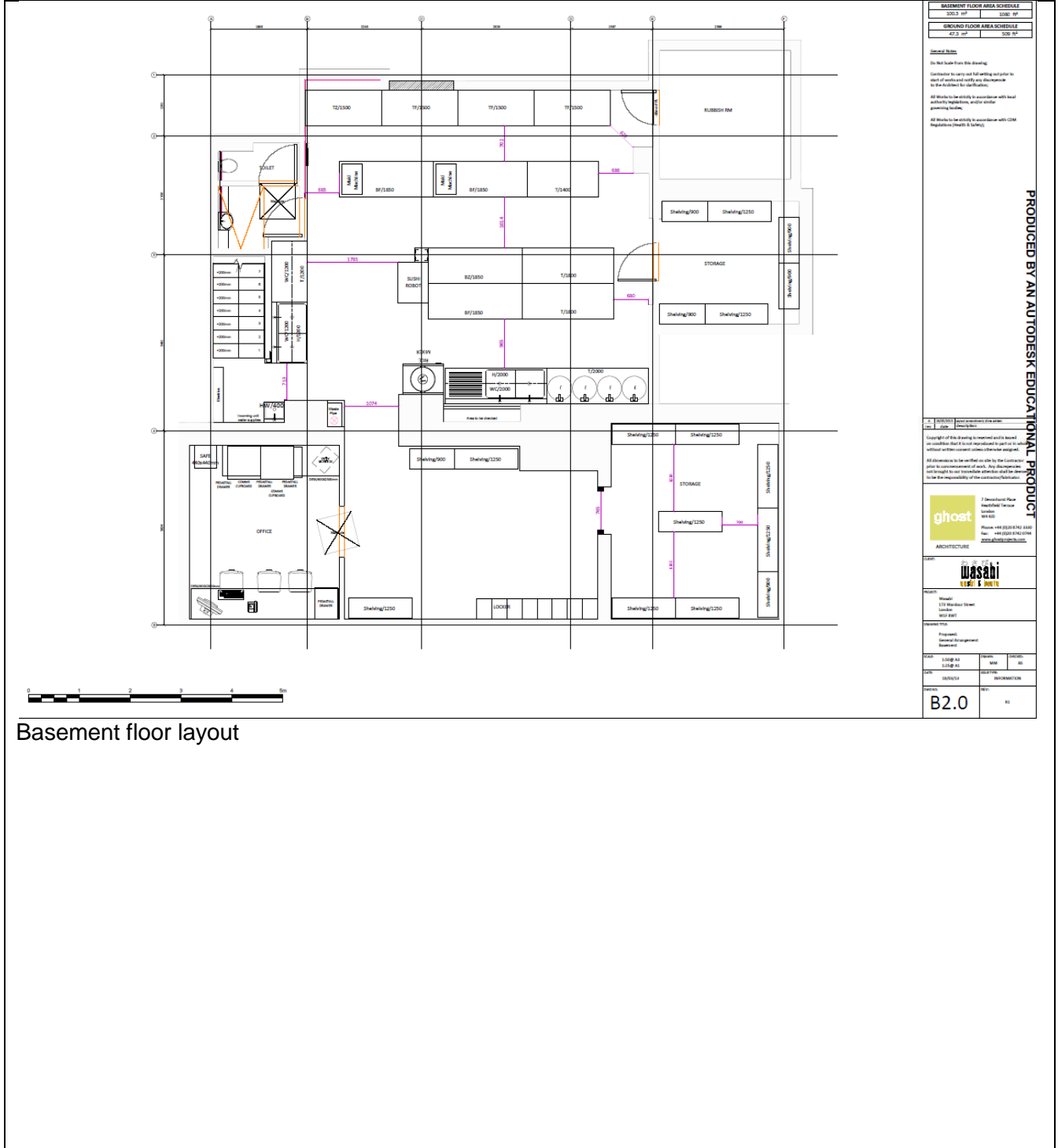
**10. KEY DRAWINGS**



External elevations



Ground floor layout



Basement floor layout

<b>BASEMENT FLOOR AREA SCHEDULE</b>	
505.3 m <sup>2</sup>	505.3 m <sup>2</sup>
<b>GROUND FLOOR AREA SCHEDULE</b>	
412.3 m <sup>2</sup>	505.3 m <sup>2</sup>

**General Note**  
Do Not Scale From this drawing.  
Contractor to verify all setting out prior to start of work and notify any discrepancies to the Architect for clarification.  
All Works to be strictly in accordance with local authority regulations, codes and standards governing building.  
All Works to be strictly in accordance with CDM Regulations (Health & Safety).

**PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT**

Copyright of this drawing is reserved and is based on information that is not guaranteed to be true or valid without further consent unless otherwise agreed.  
All dimensions to be verified on site by the Contractor prior to commencement of work. Any discrepancies will be the responsibility of the contractor/subcontractor.

**ghost**  
7 Devonshire Place  
London  
E8 5LJ  
Phone: +44 (0)20 7462 4400  
Fax: +44 (0)20 7462 4404  
www.ghostarchitecture.com

**wasabi**  
LIFE & HOPE

**Project:**  
115 Waterloo Street  
London  
W6 7BT

**Project Title:**  
Proposed  
General Arrangement  
Report

DATE:	03/08/14	REV:	01
DATE:	12/08/14	REV:	02

**B2.0**

**DRAFT DECISION LETTER**

**Address:** Basement And Ground Floor, 173 Wardour Street, London, W1F 8WT,

**Proposal:** Use of basement and ground floor as retail, café and hot food takeaway sales (Sui Generis), infill of existing vents on D'Arblay Street elevation.

**Reference:** 16/06424/FULL

**Plan Nos:** A2.0 REV R1 (as amended by email from Danielle St Pierre dated 8 November 2016), B2.0 REV R1, A7.2

**Case Officer:** Shaun Retzback **Direct Tel. No.** 020 7641 6027

**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 Customers shall not be permitted within the premises before 11:00 or after 21:00 hours Monday to Saturday and between 11:00 or after 20:00 hours Sundays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 3 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. 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 stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the basement and ground floor at 173 Wardour Street. (C14EC)

Reason:

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

adopted in January 2007. (R14BD)

- 4 Within 3 months of the date of this permission, you must apply to us for the approval of detail of how internal air re-circulation system shall be installed and details confirming no external discharge of any kitchen fumes from the premises.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 5 Any internal air re-circulation system approved under condition 4, must be installed within 2 months of the date of this approval or the use shall cease.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 6 With the exception of boiled rice you must not cook raw or fresh food on the premises. (C05DA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 7 You must not operate a delivery service from the premises even as an ancillary part of the use.

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 8 All equipment for the production of hot food shall be heated using electricity only (ie no gas or solid fuels such as coal, wood etc).

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 9 The internal seating area shall be set out as detailed on plan number A2.0 REV R1.

Notwithstanding, the internal seating area shall be limited to 4 tables and 16 chairs as set out in an e-mail to City Council dated 8 November 2016.

Reason:

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply. The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk). If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk) It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 3 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. (I54AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 The term 'clearly mark' in condition 3 means marked by a permanent wall notice or floor markings, or both. (I88AA)



- 6 Any material change to the approved layouts and the nature of the operations including to the size of the seating area is likely to require further planning permission.

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.

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Item No.
<b>14</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 15 February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>87 - 88 Mount Street, London, W1K 3NE,</b>		
<b>Proposal</b>	Replacement of shopfronts on Mount Street and South Audley Street with fixed stallriser and openable windows.		
<b>Agent</b>	Miss Jennifer Carroll		
<b>On behalf of</b>	See Company Name		
<b>Registered Number</b>	16/11321/FULL & 16/11322/LBC	<b>Date amended/ completed</b>	1 December 2016
<b>Date Application Received</b>	29 November 2016		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Mayfair		

**1. RECOMMENDATION**

- |   |
|---|
| <ul style="list-style-type: none"> <li>i. Grant conditional permission.</li> <li>ii. Grant conditional listed building consent.</li> <li>iii. Agree the reasons for granting listed building consent as set out in informative 1 of the draft decision letter.</li> </ul> |
|---|

**2. SUMMARY**

<p>The building is a grade II listed building, located on the southern side of Mount Street at the junction with South Audley Street, in the Mayfair Conservation Area. The application premises is a private members club ( primarily dining ). The club has outdoor dining with tables located on a private forecourt, on both its Mount Street and South Audley Street frontages. The upper floors are residential flats.</p> <p>Permission and listed building consent is sought for the installation of partially openable shopfronts on both Mount Street and South Audley Street .</p> <p>The key issues for consideration are :</p>
---

The impact on the appearance of the building and the Mayfair Conservation Area,

The impact on residential amenity

The proposed replacement shop front will be constructed in timber with a fixed stall riser and fixed arched transoms and transom lights above a central glazed area. The central glazing area will have open able elements, although a fixed area of glazing will be retained in each bay, resulting in over a third of the glazing to each bay being fixed. The introduction of a fixed stall riser and glazed transom lights ensures the new shop fronts retain a traditional appearance and avoid any visual voids in the facade. The detailed design of the shop front takes reference from adjoining shop fronts in the listed terrace. The removal of the existing timber transom lights and replacement with an arched transom and glazed lights improves the overall appearance of the shop front ensuring a consistent frontage to the terrace as a whole. The works are considered to be acceptable in design terms.

With regards to residential amenity openable shopfronts are generally discouraged on the basis that internal noise can escape and cause nuisance for nearby residents as set out in Policy ENV 7 of the UDP (2007).

There has in the past been a noise issue with regards to the operation of the private members club. In December 2015 a Section 80 Noise Abatement Notice was issued following a performance of live music. An acoustic report has been submitted in support of the application. This states that any noise break-out from the ground floor bar and dining areas would be unlikely to be noticeable as it would be below existing noise levels dominated by road traffic. The report predicts that the comparison between the noise levels at the face of the building when the windows are open and shut would be insignificant.

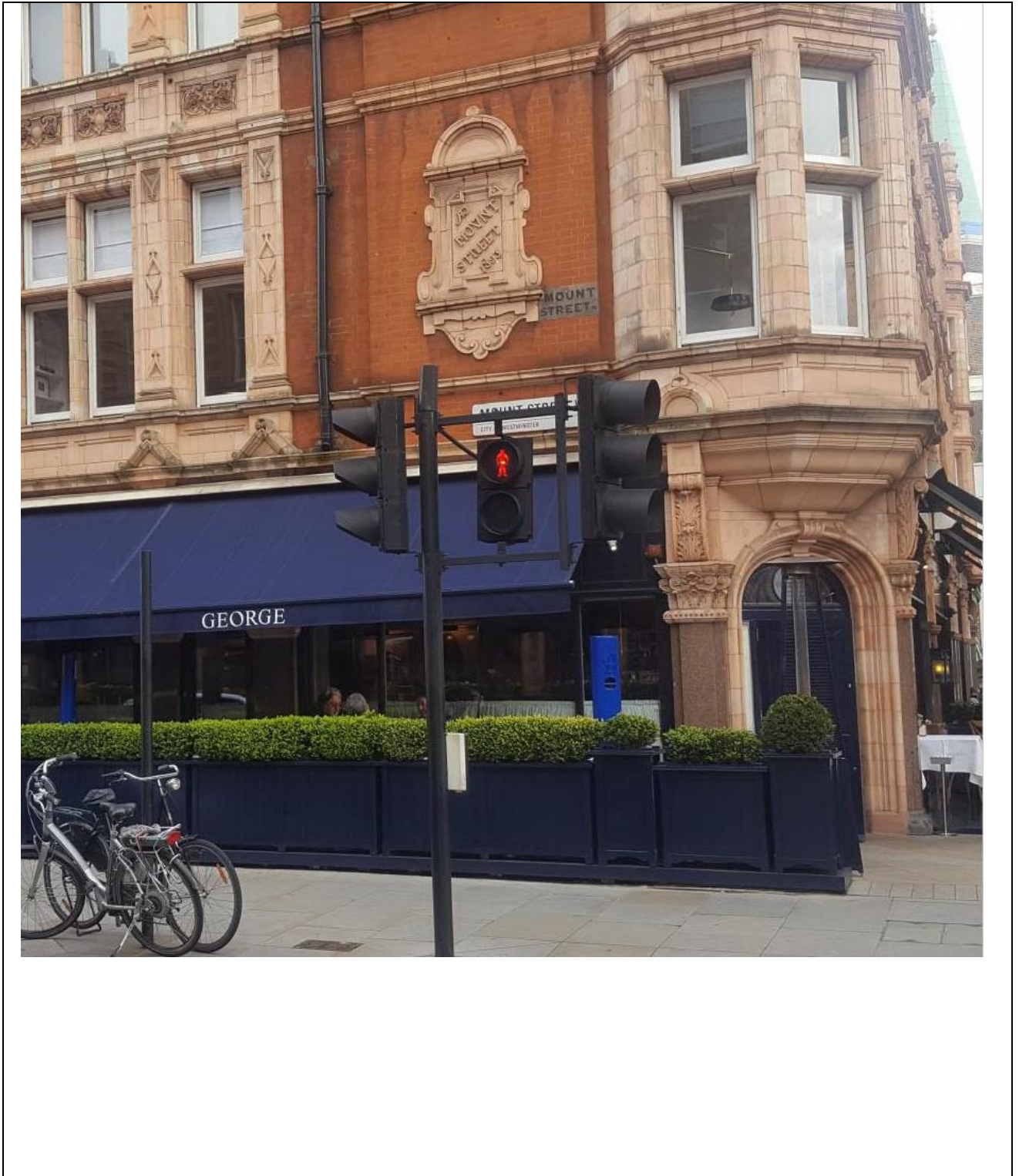
No objections have been received to the applications in response to neighbour consultations. Environmental Health have however expressed concern that the premises licence allows the playing of recorded music which could potentially result in noise nuisance if windows are open. They requested that any permission is subject to a condition which requires windows to be kept closed during the playing of live or recorded music. The applicant has confirmed that the shopfront windows would be kept shut after 22.00 hours.

Subject to these conditions it is considered that the installation of partially openable shopfronts as proposed would be unlikely to result in noise nuisance to neighbouring residents. However to ensure that this is the position it is recommended that permission is granted for a temporary period of 1 year in the first instance to enable the position to be monitored.

### 3. LOCATION PLAN



4. PHOTOGRAPHS



**5. CONSULTATIONS**

## ENVIRONMENTAL HEALTH

No objection, subject to conditions

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

No response received to date.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 37

Total No. of replies: 0

No. of objections: 0

No. in support: 0

## PRESS ADVERTISEMENT / SITE NOTICE:

Yes

**6. BACKGROUND PAPERS**

1. Application form
2. Response from Environmental Health Consultation, dated 4 January 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT MWALTON@WESTMINSTER.GOV.UK.

## 7. KEY DRAWINGS

The drawing set includes a color-coded section of a building showing internal structure, a black and white elevation drawing of the building's exterior, and a legend with a scale bar.

**NOTES:**  
 1. UNFINISHED FLOOR  
 2. FINISHED FLOOR  
 3. FINISHED CEILING

**MONIAL STREET ELEVATION 1:30**

**PLANNING 1237/E**

**LEGEND:**

- GLASS CURTAIN WALL SYSTEM
- ALUMINUM CURTAIN WALL SYSTEM
- ALUMINUM CURTAIN WALL SYSTEM WITH GLASS
- ALUMINUM CURTAIN WALL SYSTEM WITH GLASS AND SOLID PANELS

**SCALE:**  
 1" = 3'-0" (1:30)  
 0 10 20



**DRAFT DECISION LETTER**

**Address:** 87 - 88 Mount Street, London, W1K 3NE,

**Proposal:** Replacement of shopfronts on Mount Street and South Audley Street with fixed stallriser and openable windows.

**Reference:** 16/11321/FULL

**Plan Nos:** PL201 and 202

**Case Officer:** Susanna Miller

**Direct Tel. No.** 020 7641 2459

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

- 1 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the private members' club, 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 private members' club, 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 (November

2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 2 You must keep the external doors and windows closed whenever there is music entertainment taking place at the premises. You can use them in an emergency or for maintenance only.

Reason:

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

- 3 The opening of the windows in the shopfront allowed by this permission can continue until 31 January 2018. After that the windows shall be closed and fixed shut. You can use them in an emergency or for maintenance only

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 4 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme - Removal of fall arrest bar - South Audley Street elevation. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5); of the following parts of the development - New shopfront including openable and non-openable sections showing junctions with existing original fabric. 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 documents (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 7 All windows to be clear glazed with no opaque sections.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 8 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.

- 9 You must close the windows within the shopfronts hereby approved between 22:00 each day and 07.00 the following morning.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

**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 (November 2016), Unitary Development Plan, Supplementary Planning documents, planning

briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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

**DRAFT DECISION LETTER**

**Address:** 87 - 88 Mount Street, London, W1K 3NE,

**Proposal:** Replacement of shopfronts on Mount Street and South Audley Street with fixed stallriser and openable windows.

**Reference:** 16/11322/LBC

**Plan Nos:** PL201 and 202

**Case Officer:** Susanna Miller

**Direct Tel. No.** 020 7641 2459

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

- 1 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

**Reason:**

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

- 2 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5); of the following parts of the development - New shopfront including openable and non-openable sections showing junctions with existing original fabric. 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 documents (C26DB)

**Reason:**

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

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

**Reason:**

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

- 4 The works approved are only those shown on the drawings listed on this decision letter. (C27NA)

**Reason:**

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

- 5 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme - Removal of fall arrest bar - South Audley Street elevation. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)
- 6 All windows to be clear glazed with no opaque sections.

**Reason:**

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

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision

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

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes: , \* any extra work which is necessary after further assessments of the building's condition; , \* stripping out or structural investigations; and, \* any work needed to meet the building regulations or other forms of statutory control. , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.

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