



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (1)

Meeting Date:

Tuesday 14th November, 2017

Time:

6.30 pm

Venue:

Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

Councillors:

Richard Beddoe (Chairman)
David Boothroyd
Susie Burbridge
Tim Mitchell



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 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
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|---|--------------------------|
| 1. DEVELOPMENT SITE AT 19-35 BAKER STREET, 88-110 GEORGE STREET, 69-71 BLANDFORD STREET AND 30 GLOUCESTER PLACE, LONDON W1 | (Pages 5 - 98) |
| 2. PROPOSED DEVELOPMENT SITE AT 54-62, 66 AND 68 OXFORD STREET AND 51-58 RATHBONE PLACE, W1 | (Pages 99 - 138) |
| 3. ESCA HOUSE, 34 PALACE COURT, LONDON, W2 4HZ | (Pages 139 - 170) |
| 4. DEVELOPMENT SITE AT 3-5, 11-19, 25-27 ECCLESTON PLACE, 115A EBURY STREET AND 2 ELIZABETH STREET, LONDON SW1 | (Pages 171 - 198) |
| 5. 23-25 MORTIMER STREET, LONDON, W1T 3JE | (Pages 199 - 214) |
| 6. 25 VILLIERS STREET, LONDON, WC2N 6ND | (Pages 215 - 228) |

**Charlie Parker
Chief Executive
6 November 2017**

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Agenda Annex

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 14th November 2017
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 16/11376/FULL 16/11377/LBC Marylebone High Street	19-35 Baker Street, 88-110 George Street, 69-71 Blandford Street And 30 Gloucester Place London W1	Demolition of the existing buildings at 19-35 Baker Street, 88-110 George Street, 69-71 Blandford Street and redevelopment to create a mixed use scheme providing offices (Class B1), retail (Class A1 and flexible Class A1/A3 units) and up to 51 residential units (Class C3) within a new ground plus nine storey building (and an enclosed plant area) on Baker Street; a new stepped ground plus four to ground plus six storey building on George Street; refurbishment, extension and the change of use of the first floor from office to residential at 30 Gloucester Place; creation of a single storey basement level linking the Baker Street and George Street buildings to provide car and cycle parking, refuse and servicing; creation of a new central, publically accessible courtyard; removal of 5 trees and replacement trees across the site, a new publically accessible route at ground level connecting Baker Street and Gloucester Place; associated plant, landscaping, replacement pavements in part and other associated works. (Linked application 16/11377/LBC) (Revised scheme i. Stepping back at level 8 and above to Baker Street building. ii. Details of buidling line of Baker Street building. iii. Details of servicing arrangements. iv. Details of distribution of Class A1 and A3 uses within the scheme)	
<p>Recommendation</p> <p>1. Subject to referral to the Mayor of London, grant conditional permission subject to a S106 legal agreement to secure:</p> <ul style="list-style-type: none"> i) provision of 10 affordable housing units at 30 Gloucester Place,(including securing rent levels) to be made ready for occupation prior to the occupation of the market housing on George Street (building D) ii) a financial contribution of £ 5 million towards the City Council's affordable housing fund (index linked and payable on commencement of development) iii) costs relating to highways works around the site to facilitate the development iv) provision of unallocated residential parking v) lifetime car club membership (25 years) for each residential unit payable on first occupation vi) a lift management and maintenance plan vii) a financial contribution to the carbon offsetting fund carbon offsetting fund of £84,780 for the non-residential and £145,800 for the residential prior to commencement of development viii) the applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway. ix) Crossrail payment of £2,696,155 (index linked) to be paid on commencement of development x) a financial contribution towards the cost of off-street tree planting on George Street, Gloucester Place and Blandford Street. xi) monitoring costs <p>2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution then:</p> <ul style="list-style-type: none"> a. The Director of Planning shall consider whether the permission can be issued with additional conditions 				

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 14th November 2017
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</p> <p>b. The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>3. The Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of the highway required to enable the development to take place.</p> <p>4. Grant conditional listed building consent</p> <p>5. 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(s) : 17/05283/FULL 17/05284/LBC West End	Proposed Development Site At 54-62, 66 And 68 Oxford Street And 51-58 Rathbone Place, W1	Demolition of Nos 66 & 68 Oxford Street and redevelopment behind retained facades of Nos 54-62 Oxford Street and 51-58 Rathbone Place to provide a new building comprising four basement levels, ground and seven upper floor levels. Use of entire building either for retail (Class A1) or the use of part basements to first floor as retail (Class A1) and offices (Class B1) with a dual/alternative use of floors two to seven for either retail (Class A1) or office (Class B1) use; and associated works including plant at basement levels 3 and 4, the creation of terraces at sixth and seventh floors; external roof top plant at seventh floor level behind an acoustic attenuated louvred façade onto Perrys Place, and the installation of photovoltaic panels at roof level.	

Recommendation

1. Subject to referral of the Mayor of London, grant conditional permission, subject to a Section 106 legal agreement to secure the following:
- i) Provision of £1,186,937 towards the City Council's affordable housing fund (index linked and payable on first occupation of the second floor for office purposes);
 - ii) A crossrail payment (£435,200 for the all retail scheme or £747,932 for the mixed use scheme)
 - iii) An employment and training strategy
 - iv) A requirement for the applicant to enter into a S278 agreement to provide improved loading bay facilities on Oxford Street to accommodate the largest delivery vehicle they will need to use, only in the event that such vehicles continue to be allowed to service from Oxford Street
 - v) Monitoring costs
2. If the S106 legal agreement has not been completed within six weeks from the date of the Committee's resolution then:
- a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 14th November 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>4. Grant conditional listed building consent.</p> <p>5. 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
3.	<p>RN(s) : 17/06677/FULL</p> <p>Lancaster Gate</p>	<p>Esca House 34 Palace Court London W2 4HZ</p>	<p>Variation of Condition 1 of planning permission dated 19 January 2016 (RN: 15/05691/FULL) for the demolition of Esca House, 34 Palace Court and demolition behind the retained facade of 1-4 Chapel Side. Redevelopment and change of use from office to provide up to 24 residential units over floors of basement, ground, first, second, third and fourth floor levels, including the accommodation of 18 car parking spaces, 24 cycle spaces and plant at basement level. NAMELY, to vary drawings and other documents listed on this decision letter to reflect the proposed increase in the number of flats from 24 to 28 units, amendments to the arrangement of car parking spaces and detailed design changes.</p>	

Recommendation

1. Grant conditional permission, subject to the completion of a Deed of Variation to the original legal agreement for application reference 15/05691/FULL dated 19th January 2016, to ensure that all the previous planning benefits are secured with variations (**in bold**) :

- a) Provision of £750,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- b) A contribution of £10,000 (index linked and payable upon commencement of development) towards new tree planting in the vicinity of the site;
- c) Provision of lifetime car club membership (minimum 25 years) for all **28** units;
- d) All 18 off street residential parking spaces must be unallocated;
- e) Provision of maintenance and management plan for the **car stacking system** prior to occupation and maintained for life of development;
- f) A contribution of £28,000 per annum towards Environmental Monitoring for the demolition and construction phase of the development (index linked);
- g) The costs of monitoring the S106 agreement;
- h) Highways works to facilitate development including alteration to Chapel Side;
- i) Dedication of highway on Moscow Road prior to occupation.

2. If the Deed of Variation has not been completed within six weeks of the date of this resolution then:

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

(b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefit 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.

Item No	References	Site Address	Proposal	Resolution
4	17/06293/FULL	Development	Variation of conditions 1, 7 and 28 of planning	

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 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

		Site At 3-5, 11-19, 25-27 Eccleston Place, 115A Ebury Street And 2 Elizabeth Street London SW1	permission dated 16 August 2016 (RN 16/03582/FULL) for the use of the ground floor of 25 Eccleston Place for retail purposes (Class A1) and fitness centre (Class D2); use of ground floor of Chester House (11-19 Eccleston Pl) for retail purposes (Class A1), restaurant use (Class A3) and indoor flexible event space (Sui Generis); associated physical works at ground floor level and creation of shopfronts; relocation of substation; change of use of the courtyard 'giraffe sheds' to provide flexible retail / restaurant uses at ground and mezzanine levels (flexible Class A1 / A3) and associated physical works including shopfronts; change of use at 115A Ebury Street to provide retail use (Class A1) and associated physical works, shopfronts and provision of access to the inner courtyard via 115A Ebury Street, namely to vary drawings and other documents to include changes to fenestration, relocation of plant and extended gym opening hours.	
	Recommendation Grant conditional permission			
Item No	References	Site Address	Proposal	Resolution
5	RN(s) : 17/05705/FULL West End	23-25 Mortimer Street London W1T 3JE	Erection of a single storey extension at main roof level with associated alterations to the existing roof to create a new sixth floor with a terrace for use as a new residential flat (Class C3).	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
6	RN(s) : 17/04060/TCH St James's	25 Villiers Street London WC2N 6ND	Use of an area of the public highway measuring 3.3m x 0.67m for the placing of one table and two chairs in connection with the existing ground floor use.	
	Recommendation Grant conditional permission for a temporary period of one year.			

Agenda Item 1

Item No.

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CITY OF WESTMINSTER			
PLANNING SUB APPLICATIONS COMMITTEE	Date 14 November 2017	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	19-35 Baker Street, 88-110 George Street, 69-71 Blandford Street and 30, Gloucester Place, London		
Proposal	Demolition of the existing buildings at 19-35 Baker Street, 88-110 George Street, 69-71 Blandford Street and redevelopment to create a mixed use scheme providing offices (Class B1), retail (Class A1 and flexible Class A1/A3 units) and up to 51 residential units (Class C3) within a new ground plus nine storey building (and an enclosed plant area) on Baker Street; a new stepped ground plus four to ground plus six storey building on George Street; refurbishment, extension and the change of use of the first floor from office to residential at 30 Gloucester Place; creation of a single storey basement level linking the Baker Street and George Street buildings to provide car and cycle parking, refuse and servicing; creation of a new central, publically accessible courtyard; removal of 5 trees and replacement trees across the site, a new publically accessible route at ground level connecting Baker Street and Gloucester Place; associated plant, landscaping, replacement pavements in part and other associated works.		
Agent	Gerald Eve		
On behalf of	Portman Investments (Baker Street) Limited		
Registered Number	16/11376/FULL 16/11377/LBC	Date amended/ completed	1 December 2016
Date Application Received	29 November 2016		
Historic Building Grade	30 Gloucester Place - Grade II listed. Other Buildings Unlisted		
Conservation Area	30 Gloucester Place- Portman Estate Other Buildings not within a Conservation Area.		

1. RECOMMENDATION

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|---|
| <p>1. Subject to referral to the Mayor of London, grant conditional permission subject to a S106 legal agreement to secure:</p> <p>i) provision of 10 affordable housing units at 30 Gloucester Place,(including securing rent levels) to be made ready for occupation prior to the occupation of the market housing on</p> |
|---|

- George Street (building D)
- ii) a financial contribution of £ 5 million towards the City Council's affordable housing fund (index linked and payable on commencement of development)
 - iii) costs relating to highways works around the site to facilitate the development
 - iv) provision of unallocated residential parking
 - v) lifetime car club membership (25 years) for each residential unit payable on first occupation
 - vi) a lift management and maintenance plan
 - vii) a financial contribution to the carbon offsetting fund carbon offsetting fund of £84,780 for the non-residential and £145,800 for the residential prior to commencement of development
 - viii) the applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway.
 - ix) Crossrail payment of £2,696,155 (index linked) to be paid on commencement of development
 - x) a financial contribution towards the cost of off-street tree planting on George Street, Gloucester Place and Blandford Street.
 - xi) 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.
3. The Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of the highway required to enable the development to take place.
 4. Grant conditional listed building consent
 5. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter

2 SUMMARY

These applications were considered at the Planning Applications Sub Committee on 16 May 2017. The Committee resolved to defer the applications requesting that the applicant reconsider the following

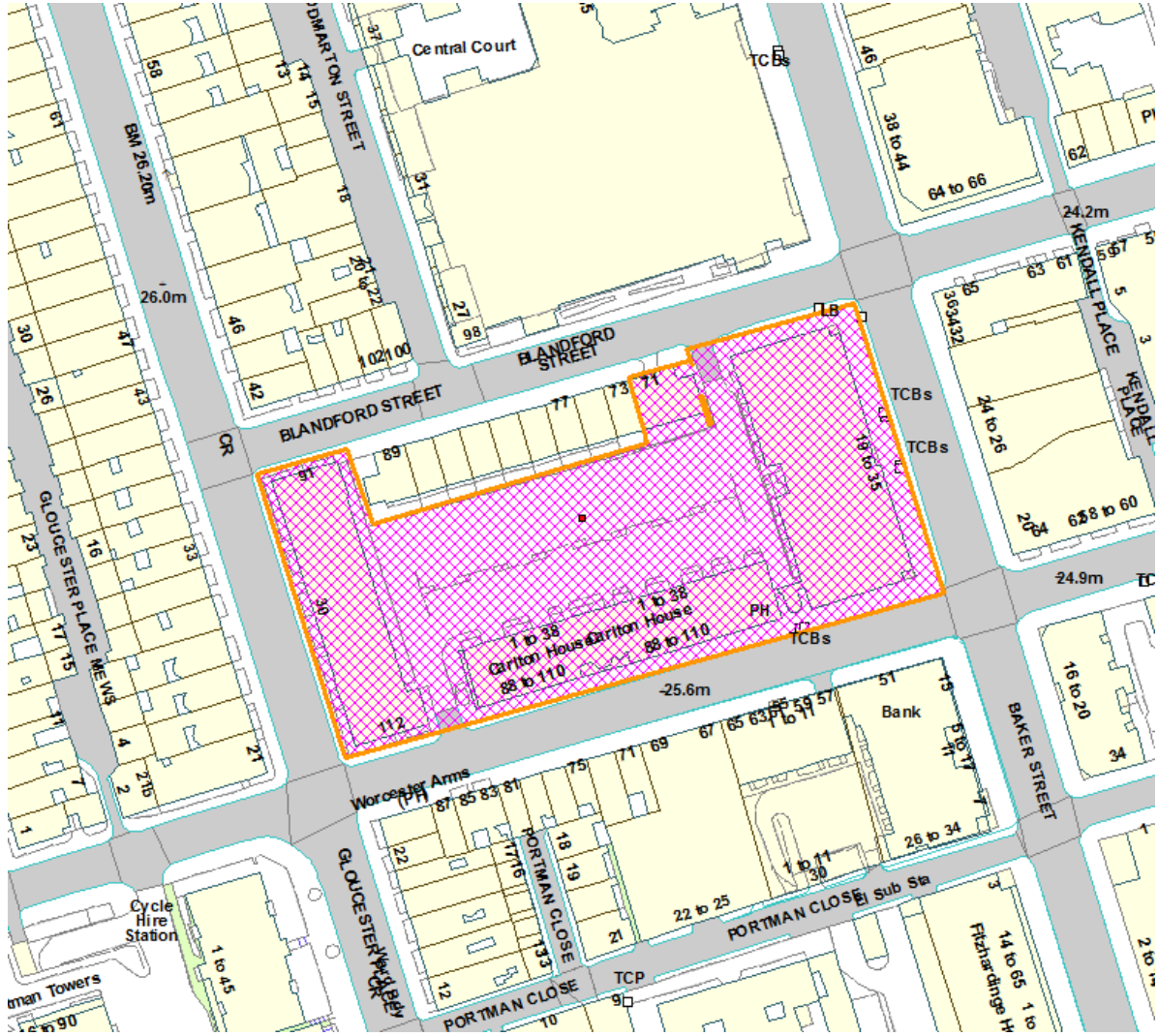
points :

- i) Reconsider the height of the Baker Street building, either by its redesign or reduction in height:
- ii) Reconsider encroachment of the building onto the pavement in Baker Street and George Street
- iii) Reconsider the servicing arrangements; and
- iv) Reconsider the distribution of A1 and A3 uses within the scheme.

The scheme has been revised, the amendments are discussed in detail in the main body of this report. Further to consultations additional objections have been received including an objection on behalf of residents of No's 73, 75,77,79,83 and 89 Blandford Street. This objection which is summarised in the consultation section of this report concludes that the amendments are wholly insufficient to overcome the concerns of the Committee and residents objections and more substantial revisions should be undertaken to the scheme.

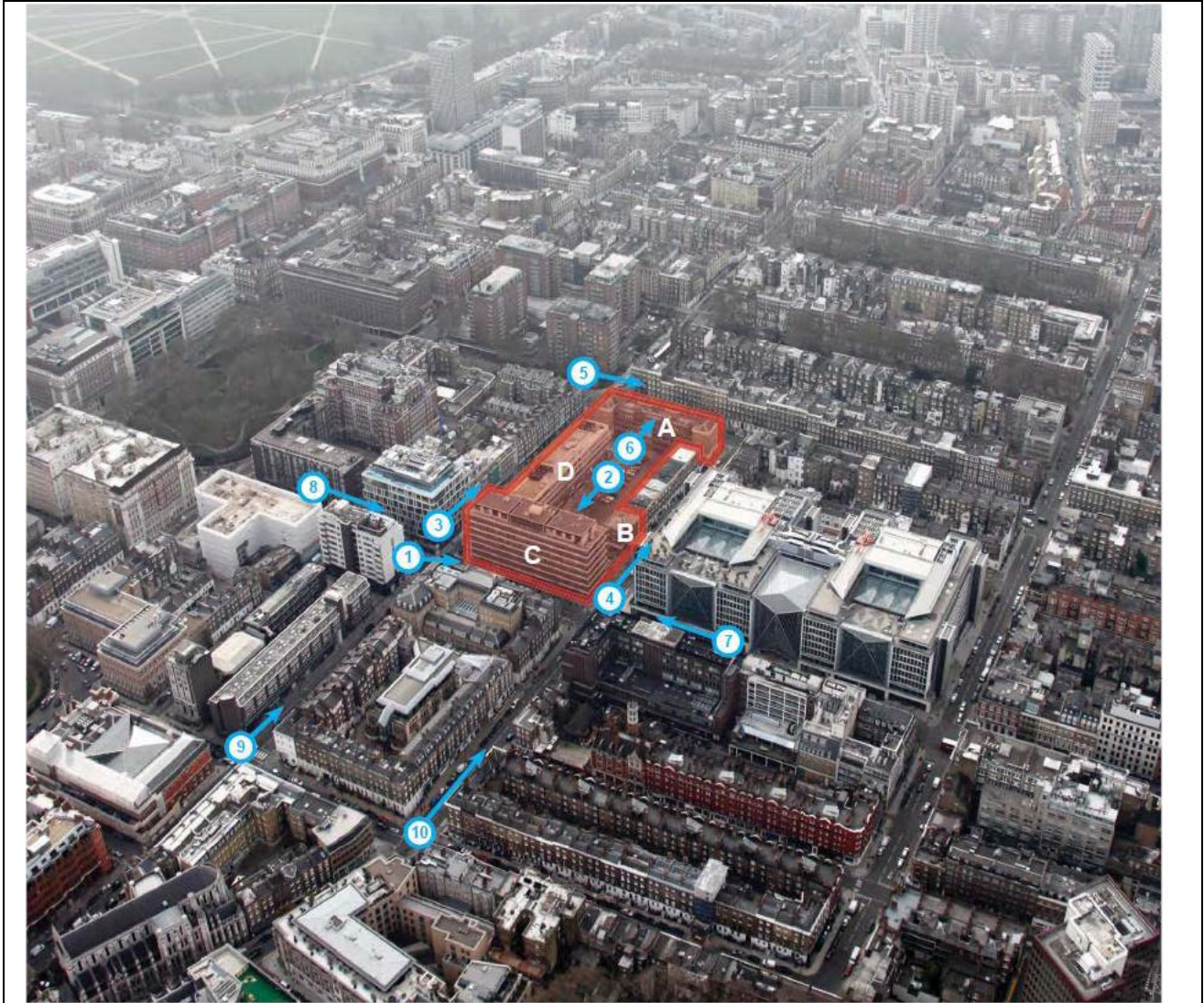
It is accepted that with respect to the four deferral points raised by Committee the amendments to the scheme are relatively minor. However for the reasons set out in the main body of this report the scheme is on balance considered to be acceptable. The application is therefore recommended for approval subject to referral back to the Greater London Authority and subject to completion of a legal agreement.

3 LOCATION PLAN

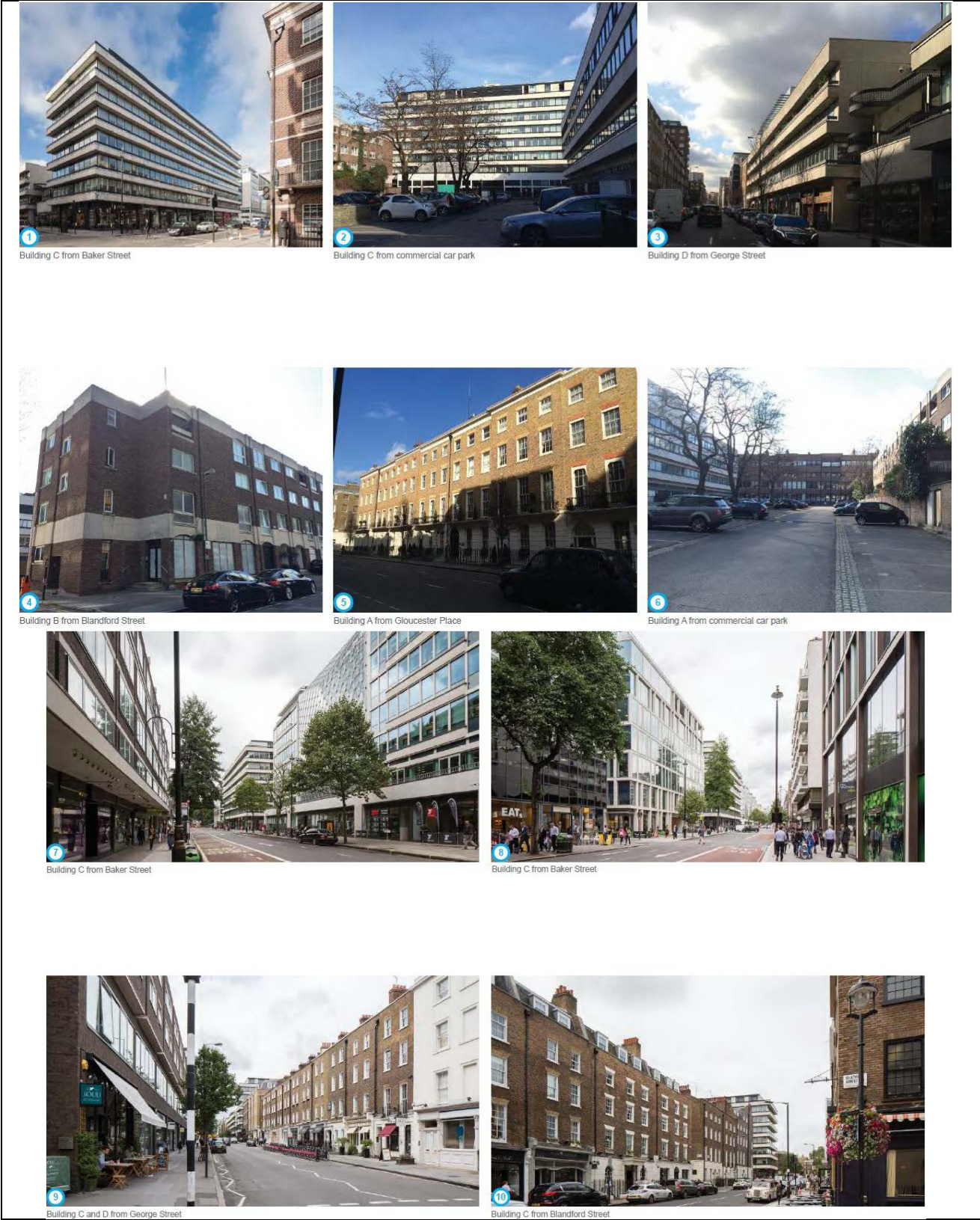


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4 PHOTOGRAPHS



Aerial photograph showing view locations of surrounding context



5 CONSULTATIONS

REPRESENTATIONS RECEIVED FOLLOWING THE PUBLICATION OF THE ORIGINAL COMMITTEE REPORT (VERBALLY REPORTED)

ADDITIONAL REPRESENTATIONS

No of objections 3 (including objections on behalf of residents and businesses within Haselbury House – 71-89 George Street, 12-22 Gloucester Place, and 13-17 Portman Close and an objection on behalf of a residents association of 35 George Street) raising some or all of the following issues:

Inadequate Consultation
Principle of Retail Use
Open Space
Impact on Neighbouring Amenity
Servicing
Impact on Conservation Area

LATE REPRESENTATIONS

Legal opinion that in the light of the conclusion in the Committee report that ‘the proposed new buildings fail to preserve and enhance the setting of the adjacent Portman Estate Conservation Area, harm the setting of adjacent listed buildings and harm local views’ that the heritage harm must be given considerable importance and weight in line with statutory duties and case law. There needs to be a detailed consideration of whether a more sympathetic scheme might achieve a similar level of benefits but without the harm. Without this it would be unlawful to grant permission.

Environmental Health:
No objection to Noise Impact Assessment report dated 11 May 2017.

Designing Out Crime Officer :
Objection; the security design is prescriptive and does not include details of security products to be fitted.

No of objections : 3 raising some or all of the following issues:
Change in access to 112 George Street is unacceptable,
Adverse impact on property values at 112 George Street/ 91 Blandford Street,
The number of licensed premises should be limited to prevent anti-social behaviour,
Licences should not extend beyond 11pm,
Proposed affordable housing should not be separated from market housing,
Height and width of the proposed new Baker Street and George Street buildings should be no greater than the existing.

ADDITIONAL REPRESENTATIONS RECEIVED FOLLOWING AMENDMENTS AND RECONSULTATION

HISTORIC ENGLAND

Objection, the proposed building will cause some harm to the character of the Portman Estate Conservation Area and the setting of a number of listed terrace houses within the conservation Area .

MARYLEBONE ASSOCIATION

Maintain that the potential impact of the scheme on neighbours amenity must be addressed both during construction and in occupation, detailed Construction Management Plans and Operational Management Plans are required.

Comment that Building C's height and massing is bordering on oversized in terms of height and depth.

Affordable Housing; Note that less than 20% affordable housing is being provided (none of which is social rented or Affordable Rented) against a requirement of 30 %.

HIGHWAYS PLANNING MANAGER

No objection subject to appropriate conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No Consulted 358

Total No of Replies 12

No of objections 12 (including an objection on behalf 7 individual residential properties) raising some or all of the following issues

The applicant has failed to materially respond to the four grounds for deferral, request that the application is not reported back to Committee in its current form.

Height

The applicant was advised to review the scope for a reduction in storeys (i.e height and mass). The applicant should provide an alternative design option with the height and massing reduced with linked formal commentary/ justification on the implications on scheme viability and the impact on the affordable housing offer.

Encroachment of building onto pavement in Baker Street/ George Street

Reduction in the pavement width is unacceptable and has not been justified.

Servicing

Servicing arrangements are fundamentally flawed and unworkable. Given the number of proposed vehicular movements servicing should be split between Blandford Street and George Street.

Distribution of Class A1 and Class A3 uses

Great concern to the principle of introduction retail (Class A1) and restaurant (Class A3) units in the centre of the site. The proposed split between Class A1 and Class A3 has not been justified

Other Issues

Request that previous objections are restated to Committee, relevant points of objection are:
Principle of Commercial floorspace;

Impact on Residential Amenity from – publically accessible space and
Amenity Impacts from A1/A3 floorspace
Outlook and Overlooking
Daylight and Sunlight
Housing Quality

Additional points of objection

Affordable Housing

The Affordable Housing Offer should be reviewed against the objectives of Westminster City Council 'Interim Statement of our new approach to Housing Delivery : Application of Adopted City Plan Policies (17 June 2017) together with regulation 18 consultation on the revised WCC Local Plan July 2017.

Mixed Use Policy

The development does not comply with mixed use policy S1. In the light of a policy objective to deliver more housing the mix of uses should be reviewed in its entirety.

Trees

Loss of trees is unacceptable contrary to London Plan and Westminster City Plan policies.

Designing Out Crime

Concerns have not been addressed and need to be to ensure the safety of local residents.

6 BACKGROUND INFORMATION

i) Height of the Baker Street building

The changes to the scheme following the committee decision relate primarily to the design of the upper parts of the office building, with some amendments to the facades. These changes can be summarised as follows:

- A reduction in the total height of the building by 1 metre (from 71.45 to 70.45).
- The lowering of the top of the street facade by 3.38 metres (from 62.30 m to 58.82 m).
- Changes to the base of the building, by joining the ground floor and first floor levels within a two storey frame (rather than the ground floor being framed on its own, and the first and second floors being framed together).
- A small change in section, with the top two floors coming slightly further towards the street facades.

The visual impact of these changes is that the height of the facades appears lower in views. The previous 'freestanding' upper part of the facades has been omitted. This is an improvement in streetscape terms. The base of the building has a more vertical appearance. The extensively glazed top floors above the facade are more visible. Overall the height and bulk of the office building have not changed significantly in street views.

It is considered that the scheme remains harmful to the setting of the Portman Estate Conservation Area and the settings of adjacent listed buildings. Whether a proposal causes substantial or less than substantial harm is a judgment for the planning authority, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. The Government's guidance states: 'It is the degree of harm to the heritage asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting'. In this case the harm to the settings of the heritage assets is certainly significant but it is not considered that it is not so great as to constitute substantial harm.

However, the (less than substantial) harm to heritage assets has to be weighed against the benefits of the scheme. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard (or weight) has to be given to the impact on heritage assets in the balancing exercise.

- ii) Encroachment of the building onto the pavement in Baker Street and George Street.

Committee asked the applicant to reconsider the encroachment of the building onto Baker Street and George Street.

UDP policy TRANS 3 states that 'The City Council, in considering development proposals, will aim to secure an improved environment for pedestrians, with particular regard to their safety, ease, convenience and directness of movement.'

Further to the deferral the applicant has not changed the design of the ground floor of the building to increase the footway widths on either Baker Street or George Street but has provided additional information in a revised Transport Assessment and Design and Access Statement to explain that the footways will be wide enough.

With regards to the existing Baker Street building the ground floor façade is set back behind overhanging balconies on the upper floors. The proposed building will be located on the line of the balconies. The building projects forward with distances varying from 0.6m at the southern end close to the junction with George Street to 1.1m at the northern end close to the junction with Blandford Street. This will leave a footpath on Baker Street varying between 5.2m and 5.6m.

On George Street the new office building (Building C) will in part bring the new building façade forward by 0.8m. The proposed residential building (Building D) will in part project forward 0.4m in comparison with the existing façade. This will leave a footway width on George Street of between 4.0m and 4.6m.

The applicant highlights the TfL Pedestrian Comfort Guidance for footway widths states that for low flows of people per hour the recommended minimum footway width is 2.9m. George Street falls within the low flow category.

Pedestrian movements are greater on Baker Street which falls within a high flow pedestrian movement category. As such the TfL Pedestrian Comfort Guidance recommends a minimum footpath width of 5.3m.

The scheme will result in footway widths along both Baker Street and George Street in excess of the TfL guidance. The one exception being a point the northern end on Baker Street a stone pier reduces the pavement width to 5.2m, which is 100mm less than the guidance.

The applicant argues that conditions for pedestrians will overall be improved, as the scheme involves removal of street clutter by removing phone boxes, bins and cycle stands on Baker Street. In addition, the proposal involves the removal of a private car park in the centre of the site where pedestrian access is prohibited and replacement with a courtyard with pedestrian routes between George Street and Blandford Street and Baker Street and Gloucester Place.

The objection on behalf of Blandford Street residents is made on the grounds that the applicants' justification is not sufficient to demonstrate that they have sought to resolve the concerns of the Committee. A consultant's report commissioned by Blandford Street residents comments that in the light of TfL's strategic proposals to transform Baker Street with a return to two-way operation for traffic and much better provision for cyclists and pedestrians, it is considerable irony that the proposals take away space rather than enhance it.

The Highways Planning Manager agrees that when viewed overall conditions for pedestrians are being improved and this is therefore compliant with UDP policy TRANS 3. In some areas the footways are widened and as stated the scheme creates new pedestrian walkways through the development, albeit ones that will not be public highway and will be closed overnight.

Consultants for the objectors argue that "Street frontage pedestrian space cannot simply be substituted by internalised and private pedestrian space, justified as a haven from the congested and busy street spaces that are made worse by the proposed redevelopment". However, the Highways Planning Manager disagrees and feels that the private space can be considered as contributing to improving the overall pedestrian environment because it will be available throughout the day, including at all the times when the Baker Street and George Street footways would be most well-used; and because it could and would be used by pedestrians making trips through the area as well as to and from the various units within the development

This aspect of the application is considered to be acceptable.

- iii) Servicing arrangements

The scheme will provide one loading bay for the whole development accessed from Blandford Street which will accommodate two 8m long vehicles and one 6m long vehicle simultaneously.

At the Committee meeting Members queried the feasibility of the proposed servicing arrangements with particular regard to how this would operate in conjunction with the Baker Street two-way project. Specifically if following the implementation of the Baker Street two –way scheme vehicles exiting the loading bay at the development site would be able to turn right.

At the time that the application was considered at the Planning Committee in May 2017 it was proposed that 8m vehicles would turn left only out of the service bay and travel along Blandford Street to Gloucester Place. Vehicles shorter than 8m (i.e vans) would turn left or right out of the servicing bay. Vehicles of 8m would have been constrained from turning right on exiting the servicing bay by the highway layout of the Baker Street two-way project. To enable a useable and safe turn for an 8m long vehicle from the servicing bay the following modifications to the Baker Street two way project would be required :

- Cutting back the kerb build out on the northern side of Blandford Street by approximately 4m
- Removing a bicycle parking stand on the northern side of Blandford Street and relocating it to the southern side
- Reducing the length of the cycle Advanced Stop Line (ASL) from 5m to 4m (which is the minimum size set out in the Traffic Signs Regulations and General Directions 2016.
- Moving the ASL approximately 2.7m closer to the junction.
- Moving the parking bays on the northern side of Blandford Street slightly to the west.

The applicant advises that it is proposed to undertake these modifications to the Baker Street Two –Way Project during the final phase of construction of the proposed new development at 19-35 Baker Street.

The objection on behalf of the Blandford Street residents which includes a report from a Transport Consultant is that the proposals in their revised form remain fundamentally flawed from a highways perspective and cannot physically work within the site constraints and design. Furthermore that it is highly inappropriate that the servicing has been located in a residential street (Blandford Street) as opposed to a commercial street (George Street). The two sets of transport consultants, on the applicant's side and the objector's side, disagree with each other but as was reported to the Committee in May, the Highways Planning Manager largely agrees with the applicant that the servicing proposals are sufficient to meet the needs of the development from a highways perspective.

The Highways Planning Manager advises that the proposed amendment to the Baker Street two-way scheme would give enough room for a large vehicle to turn right out of the servicing bay onto Blandford Street and proceed towards Baker Street. This will mean that vehicles will be able to avoid driving past the existing residential properties on Blandford Street which will be beneficial in amenity terms. The Highways Planning Manager advises that the proposed servicing arrangements are acceptable subject to the following:

- Restricting deliveries to the size of vehicle that can fit within the delivery bay
- Restricting the number of deliveries that are received from the street and maximising the number that are received from the delivery bay
- Managing arrivals to the delivery bay so that not too many arrive at the same time

It is recommended that these details/ stipulations are controlled by condition.

The strong concerns that servicing bay should not be solely be accessed from Blandford Street but should at least in part be accessed from George Street and away from the Blandford Street residential properties is understood. However on the basis that both the number and times of deliveries would be regulated as part of an approved servicing management plan it is considered that permission could reasonably be withheld on the basis that the servicing bay should be relocated to another part of the site remote from existing residential.

iv) Distribution of retail (Class A1) and restaurant (Class A3) uses

Committee queried the distribution of retail (Class A1) and restaurant (Class A3) uses within the scheme, specifically the quantum of Class A3. Essentially there has been no significant change to this aspect of the scheme. A single unit (unit 6) on the northern side of the courtyard will be used as retail (Class A1) only rather than flexible Class A1/ A3 use.

It is proposed that the units fronting onto Baker Street and George Street (units 1-5 and 7-10) could potentially be locations for Class A3. At this stage in the development process specific operators have not been identified, the applicant is seeking flexibility in order that the exact layout and quantum of Class A3 floorspace is finalised at a later stage.

It is proposed that a minimum quantum of retail and a maximum quantum of restaurant would be secured by condition. The applicant is now proposing a minimum of 1,168 m² retail (Class A1) and a maximum of 2,724 m² restaurant. This would equate to a maximum of approximately six of the nine flexible A1/ A3 units being used for Class A3.

At the time the application was initially reported to Committee the minimum amount of retail was 1,919 m² and the maximum restaurant floorspace was 1904 m². This would have resulted in an approximate 50:50 split between the respective uses. As revised the intention is that a maximum of 70% of all the Class A1/ Class A3 floorspace could be used for Class A3 purposes.

The objection on behalf of the Blandford Street residents is made on the grounds that the change is wholly against the Sub-Committee's intentions when the applicants were requested to review the matter. Their great concerns at the inclusion of retail and increased café' restaurant floorspace within the centre of the site, particularly in the light of historic anti-social behaviour and late night licensing issues are reiterated.

As previously reported to Committee it is noted that the scheme will result in the removal of a bar (Class A4) at 88-90 George Street which is licensed until 12 midnight. The proposed restaurants would result in the provision of service uses that are not considered to be out of context for the size of the site. Subject to appropriate conditions, including a condition which requires the approval of a retail strategy which would control the exact location of the respective uses this aspect of the application is again considered to be acceptable.

v) Other Issues/ points raised in objection

Affordable Housing

The objection on behalf of Blandford Street residents refers to the fact that since the Committee meeting in May 2017, the City Council has published an Interim Statement on the approach to Housing Delivery which sets out the Council's application of Adopted City Plan policies (June 2017). The objection states that the published Interim Statement is of key relevance to the current affordable housing offer as part of the development proposal as it clearly states that from the 13 June 2017 the Council will be implementing the Statement as a new approach.

In the light of this the objector has formally requested that the schemes affordable housing offer and financial viability assessment should be comprehensively reviewed by the City Council in accordance with the published statement in the context of securing a higher and more comprehensive affordable housing offer. This should be taken in tandem with a fair and transparent assessment on the implications of reducing the height and massing of the Baker Street building in the context of a linked affordable housing offer. There has been no change in the City Plan policy including affordable housing policy since the application was reported to Committee in May 2017. The interim statement provides clarification and guidance on how the Council will implement its affordable housing policy going forward. This sets out that the provision of on- site affordable housing is a priority and payments in lieu will be a last resort. With regards to adopted City Plan Policy S16 the advice states that 'there will be a presumption that developments will meet the full viable affordable requirements. Where a developer questions this and submits viability evidence to justify providing less we will commission our own independent advice and we will expect the quantity of affordable housing suggested by the Council's consultants as being viable.'

The affordable housing offer is discussed in the Committee report dated 16 May 2017 in section 8.1 (Land Use). This report is attached as a background paper to this addendum report.

The scheme would result in the provision of 835 m² (17%) of affordable housing in the form of 10 intermediate rented homes on the 1st floor of Gloucester Place (Building A) above offices.

As set out in the Committee report, a Financial Viability Appraisal (FVA) was submitted in support of the application. The FVA concludes that the proposed development would deliver the maximum financial contribution in lieu of the mixed use policy and that the proposed 10 on site affordable housing units are the maximum that could be provided without impacting on the viability of the scheme.

The viability report has been reviewed by consultants acting on behalf of the City Council. Their advice is that the scheme could not support the provision of further affordable housing units or an additional financial contribution towards the affordable housing fund whilst ensuring that the scheme remains viable. In the light of this advice the report to the Committee advised that the level of affordable housing proposed was the maximum that could be delivered and that this aspect of the application was acceptable.

There has been no material change in this position. The amendments do not result in a change to the affordable housing requirement. The applicants advise that there have been no material changes to or movements in any of the key inputs which would alter the conclusions in the FVA. The scheme would deliver on site units in accordance with the aim of the Interim Statement of the new approach to Housing Delivery (13 June 2017). The shortfall in the number of units that will be provided on site is justified by a Financial Viability Assessment agreed by independent consultants in accordance with advice in the Interim Housing Statement .

The GLA have suggested that permission would be subject to a post –permission viability review mechanism to establish whether changes in the market after permission is granted before implementation of the scheme have improved the viability of the scheme and if it could deliver more affordable housing.

The applicant considers that as a matter of principle a review mechanism should not be adopted on the basis that 'review mechanisms are aimed at London wide residential- led schemes and not CAZ commercial led schemes'. They argue that the imposition of a review mechanism will cause major uncertainty such that it could delay or prejudice the scheme from coming forward which would have a significant detrimental effect upon the delivery of Grade A office floorspace in the heart of the Central Activities Zone'.

The City Council's housing statement published on 13 June 2017 states that changes to future policy will look to adopt the approach to post-permission viability set out in the Mayor's Draft Affordable Housing and viability SPG, but again this is policy going forward. .

The objection on behalf of the Blandford Street residents states that in the light of this statement a review mechanism should be included as part of a Section 106 but a viability review mechanism is not current policy. As this application was considered by Committee in May 2017 and the affordable housing offer was considered to be acceptable and was not one of the four reasons for deferral, it is not considered appropriate to recommend the inclusion of a post permission viability review.

Mixed Use Policy Requirement

The objection refers to the fact that the statement issued on 13 June 2017 from the Leader of the Council and Cabinet Member for Planning and Public realm states that 'flexibilities introduced by the mixed use revision to the City Plan will be tightened up to result in the delivery of more housing.'

The objection refers to the fact that the development would result in a significant shortfall of 7,069 m² of residential in comparison with offices. Furthermore in assessing this 'The Officer's report stated that weight should be given to the fact that the proposals would deliver new modern office floorspace'. The objection is made on the grounds that this balancing act is flawed in the context of the City Council statement post- committee that the intention is for this policy approach to be tightened up to deliver more housing. The objection requests that the application is reviewed against the requirements of Policy S1 in its entirety. They argue that a revised proportioning of building footprints could achieve compliance with both this policy and in tandem a higher proportion of on- site affordable housing.

There has however been no change in policy. The published statement from the Council sets out the need to provide housing and is an indication of the likely direction of travel in a change to the adopted mixed use policy this can be given only little material weight in determining applications. Consideration of the housing offer therefore remains in the context of the Council's mixed use policy as is previously reported in section 8 of the Committee report dated 16 May 2017.

Trees

The objection on behalf of the Blandford Street residents reiterates earlier grounds for objecting that the loss of trees is contrary to London Plan policy 7.21 and City Plan policy CM28.1 which requires that basement developments do not impact on trees of townscape, ecological or amenity value.

This was discussed in the Committee report dated 16 May 2017 at section '8.7 Other UDP Policy Considerations'.

The acceptability of the tree planting strategy was unresolved however Officers advised that permission for this large scale redevelopment should not be withheld on this basis. It was however recommended that any permission is subject to detailed conditions which would ensure that the tree planting and landscaping is an improvement to the existing position and appropriate to the scale of the development, ensuring that a valuable amenity is provided. There is no change to this position.

Designing Out Crime

The objection on behalf of the Blandford Street residents expresses concerns that concerns raised by the Designing out Crime Officer were not uploaded onto the Council's website and were not in the public domain. The objection requests that the concerns expressed by the Designing out Crime Officer should be materially addressed as part of an updated scheme to ensure the safety of local residents.

It is recommended that permission is subject to a condition which requires details of security measures to be approved prior to any works commencing, and thereafter the approved details should be permanently retained.

Conclusion

Since the scheme was reported to the Planning Applications Sub-Committee on 16 May 2017 the applicant has made some revisions to the proposals. There has been a relatively modest reduction in height and bulk of the Baker Street building (Building C). The height and bulk of this building is considered to cause less than substantial harm to the adjacent heritage assets. This harm has to be weighed against the public benefits of the scheme as a whole. In accordance with planning law, special regard (or weight) has to be given to the impact on heritage assets in the balancing of harm and benefits.

The provision of a significant quantum of commercial offices accords with the City Council's strategic objectives and policies. An office led scheme is considered to be appropriate to the site and this part of the West End. The scheme will contribute to the Core CAZ/Named Streets being a competitive business location. The significant increase in employment and jobs (estimated to be between 1,800 and 2,345 on site, 90% of which would be office employment).

The scheme will deliver mixed tenure housing with 51 new homes. The combination of 10 on-site intermediate affordable housing units and a further £5 million financial payment in lieu will be a significant contribution to the delivery of affordable housing.

The scheme would result in the provision of a high quality development replacing outdated buildings with efficient, flexible, modern office floorspace. The redevelopment of an existing commercial car park and the creation of a new public space with a range of retail and restaurants would provide new service uses that would support the local community.

The mixed use development will contribute significantly towards the economy in accordance with policy objectives. These are substantial public benefits that are considered to outweigh the less than substantial harm to the heritage assets.

8 BACKGROUND PAPERS

1. Planning Applications Sub-Committee report and minutes dated 16 May 2017
2. Letter from J Butterworth Planning Ltd 71-75 Shelton Street dated 5 May 2017
3. Letter ON BEHALF OF Residents Association 35 George Street dated 5 May 2017
4. E mail from B and M Construction dated 10 May 2017
5. Email from Designing Out Crime Officer dated 20 January 2017
6. Letter from Gerald Eve (Planning Agents) dated 15 May 2017
7. Letter from Flat A 91 Blandford Street dated 15 May 2017
8. Letter from Flat D, E, and F 91 Blandford Street dated 15 May 2017
9. Noise Impact Assessment Report from KP Acoustics Ltd dated 11 May 2017
10. Email from Arup Transport Consultancy dated 10 May 2017
11. Email from Environmental Health dated 16 May 2017
12. Letter from Derwent London dated 11 May 2017
13. Email from Gerald Eve dated 16 May 2017
14. Letter from Memery Crystal dated 16 May 2017
15. Letter from Derwent London dated 16 May 2017
16. Letter from Mr Uzoma Onwere (no address) dated 15 May 2017
17. Agents Letter dated 4 August 2017

18. Letter from Historic England dated 31 August 2017
19. Letter from GL Hearn dated 19 October 2017
20. Letters (x 3) from 75 Blandford Street W1 dated 27 and 29 October 2017 and email dated 4 October 2017.
21. Letters(x 2) from 89 Blandford Street W1 dated 31 October 2017
22. Letter from Flat 15 No 81 George Street W1 dated 23 August 2017
23. Letters (x2) from 21 Portman Close W1 dated 5 September 2017
24. Letter from Flat A 102 Blandford Street dated 4 November 2017
25. Letter from Flat A 102 Blandford Street dated 4 November 2017
26. Email from Marylebone Association dated 31 August 2017
27. Highways Planning Manager email dated 5 October 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

9 KEY DRAWINGS





PLANNING SUBMISSION



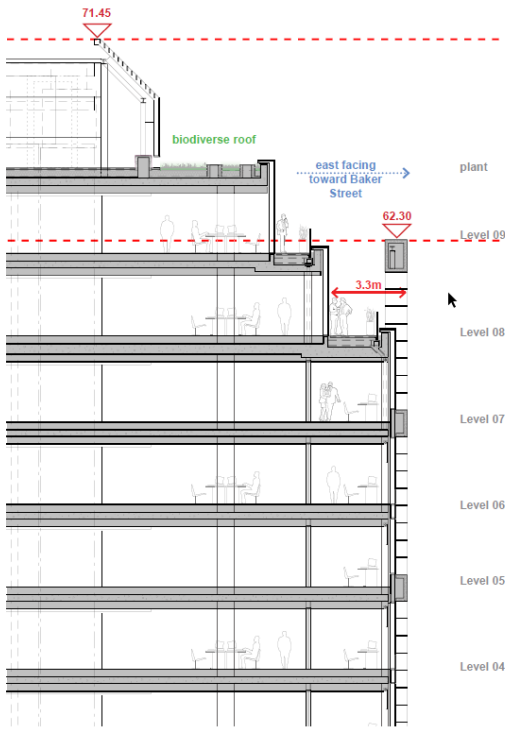
REVISED PLANNING SUBMISSION



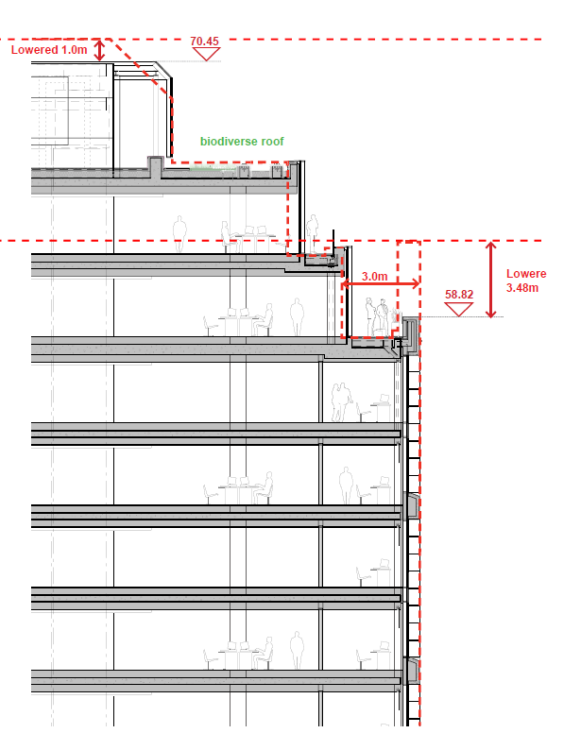
Plant enclosure footprint amended and height lowered by 1m

Loggia on level 08 removed and elevation lowered by 3.48m

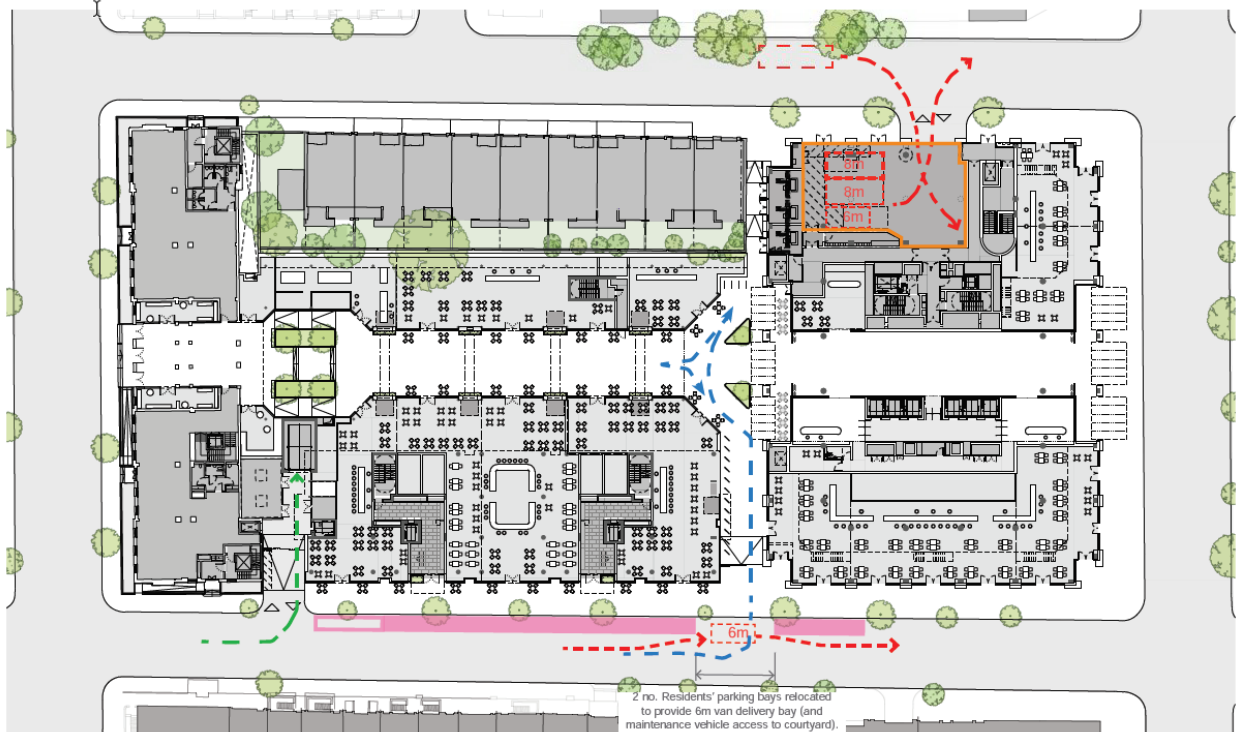
INITIAL PLANNING SUBMISSION



REVISED PLANNING SUBMISSION



SERVICING AND EXISTING STREET PARKING



- ← Occasional maintenance vehicles only
- ← Residents' Car Parking
- ← Deliveries
- ← Existing WCC Residents' Permit Bays
- Loading Bay
- Relocated WCC Residents' Permit Bays

Deliveries and Servicing Strategy - Vehicular Access

DRAFT DECISION LETTER

- Address:** Dev Site At 19-35 Baker Street, 88-110 George Street, 69-71 Blandford Street And 30, Gloucester Place, London, ,
- Proposal:** Demolition of the existing buildings at 19-35 Baker Street, 88-110 George Street, 69-71 Blandford Street and redevelopment to create a mixed use scheme providing offices (Class B1), retail (Class A1 and flexible Class A1/A3 units) and up to 51 residential units (Class C3) within a new ground plus nine storey building (and an enclosed plant area) on Baker Street; a new stepped ground plus four to ground plus six storey building on George Street; refurbishment, extension and the change of use of the first floor from office to residential at 30 Gloucester Place; creation of a single storey basement level linking the Baker Street and George Street buildings to provide car and cycle parking, refuse and servicing; creation of a new central, publically accessible courtyard; removal of 5 trees and replacement trees across the site, a new publically accessible route at ground level connecting Baker Street and Gloucester Place; associated plant, landscaping, replacement pavements in part and other associated works. (Linked application 16/11377/LBC) (Revised scheme i. Stepping back at level 8 and above to Baker Street building. ii. Details of buidling line of Baker Street building. iii. Details of servicing arrangements. iv. Details of distribution of Class A1 and A3 uses within the scheme)
- Reference:** 16/11376/FULL
- Plan Nos:** Proposed Site Plan - Basement Floor 2211 C, Proposed Site Plan - Lower Ground Floor 2212 F, Proposed Site Plan - Lower Ground Floor - Mezzanine Levels 2213 E, Proposed Site Plan - Ground Floor 2214 L, Proposed Site Plan - Mezzanine Floor 2215 G, Proposed Site Plan - First Floor 2216 J, Proposed Site Plan - Second Floor 2217 G, Proposed Site Plan - Third Floor 2218 G, Proposed Site Plan - Fourth Floor 2219 G, Proposed Site Plan - Fifth Floor 2220 G, Proposed Site Plan - Sixth Floor 2221 G, Proposed Site Plan - Seventh Floor 2222 G, Proposed Site Plan - Eighth Floor 2223 G, Proposed Site Plan - Ninth Floor 2224 F, Proposed Site Plan - Tenth Floor 2225 F, Proposed Site Plan - Roof 2226 F, Proposed Site Elevation - North (Along Blandford St) 2311 E, Proposed Site Elevation - South (Along George St) 2312 F, Proposed Site Elevation - East (Along Baker St) 2313 E, Proposed Site Elevation - West (Along Gloucester Pl) 2314 E, Proposed Elevation - Building C - West 2315 E, Proposed Elevation - Building D - North 2316 F, Proposed Elevation - Building D - East 2317 C, Proposed Elevation - Building D - West 2318 F, Proposed Elevation - Building A - East 2319 D, Proposed Site Section - Looking North 2411 F, Proposed Site Section - Looking West 2412 D, Proposed Section - Building C - Looking West 2413 E, Building C - Proposed Facade Bay Study 2571 D, Building D - Proposed Facade Bay Study 2591 A, ,

Case Officer: Mike Walton**Direct Tel. No.** 020 7641 2521

Item No.
1

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 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 3 You must apply to us for approval of detailed drawings of a scale of 1:25 the following parts of the development - , a. Baker Street - Building C - Typical details of all new facades and roof storeys, b. Georgian Street - Building D - Typical details of all new facades and roof storeys, c. Alterations to Gloucester Place façade, d. All shopfronts , , You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 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)

- 5 You must apply to us for approval of a design strategy for all shopfronts and signs, and for the treatment of the courtyard shopfronts to ensure these are active frontages with public entrances. , , 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 the strategy. (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 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 **Pre Commencement Condition.**, (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us., , (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST., , (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To avoid damage to any archaeological remains on site 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. (R32AC)

- 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 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 7 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 9 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of

external noise.

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

Reason:

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

- 12 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 10 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.

- 13 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 for all the restaurant Class A3 units in the event that these uses are 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)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (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 car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

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

16 You must provide each cycle parking space shown on the approved drawings prior to occupation of the building and a minimum of 480 spaces, 64 spaces for the market residential, 16 for the affordable housing, 328 for the offices and 40 for the Class A uses and 32 short stay spaces 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.

17 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)

18 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)

19 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)

- 20 Customers shall not be permitted within any of the 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)

- 21 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)

- 22 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)

- 23 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)

- 24 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., ground source heat pump water recycling system , 1447m2 of green roof, irrigation system , You must not remove any of these features.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 25 Prior to the occupation of the development electric vehicles charging points (active) for a minimum of 5 car parking spaces (20%) and electric vehicle charging points (passive) for a minimum of 5 vehicles (20%) shall be provided. These charging points shall permanently retained and maintained for the life of the development.

Reason:

In accordance with policy 6.13 of the London Plan 2015

- 26 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)

- 27 All servicing must take place between 0700 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)

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

Reason:

Item No.
1

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)

- 29 **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)

- 30 You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include: , , o identification of individual responsibilities and key personnel., o induction and personnel awareness of arboricultural matters., o supervision schedule, indicating frequency and methods of site visiting and record keeping, o procedures for dealing with variations and incidents., , 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 adhere to the approved supervision schedule., , You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To protect trees and the character and appearance of the site 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. (R31CC)

Reason:

To protect trees and the character and appearance of the site 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. (R31CC)

- 31 You must plant new trees to replace those within the application site boundary which are shown to be removed on drawing 5167_302 The replacement trees must be planted in the first planting season after you complete the development. You must apply to us for our approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of the same size and species to the one originally planted.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, 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. (R30AC)

- 32 Notwithstanding the submitted soil depths/ volumes, you must apply to us for our approval of details of the depth and area and overall volume of the of the new soils which you propose to use to create an adequate rooting environment for new tree planting and landscaping, including details of the drainage layer and other components, the soil specification and profile, and the way that the proposed areas of soil will be connected. You must not start work on the landscaping scheme until we have approved what you have sent to us. You must then carry out the work according to the approved details.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, 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. (R30AC)

- 33 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 year 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 1 year of planting them, you must replace them with trees of a similar size and species.
- 34 Prior to occupation of the development you shall submit and have approval in writing by the local planning authority of a detailed Servicing Management Plan (SMP). The plan should identify process, internal storage locations, scheduling of deliveries and staffing. In particular it should consider :-, o Restricting deliveries to the size of vehicle that can fit within the delivery bay, o Restricting the number of deliveries that are received from the street and maximising the number that are received from the delivery bay, o Managing arrivals to the delivery bay so that not too many arrive at the same time, , All servicing shall be undertaken in accordance with this 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)

- 35 A minimum of 1,168 m2 retail (Class A1) floorspace and a maximum of 2,724 m2 restaurant (Class A3) floorspace shall be provided as part of the development. Units numbered 6 and ,11 -17 shall be used for retail Class A1 purposes only. The use of the remaining retail Class A uses shall be agreed as part of an approved retail strategy prior to occupation of the development.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet City Plan Policy S21 (November 2016) and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 36 You must apply to us for approval of a management plan for the courtyard to show how you will prevent customers causing nuisance for people in the area, including people who live in nearby buildings. You must not start to use the courtyard 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 courtyard is in use.

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)

- 37 You must apply to us for approval of a management plan to show how the Class A retail units will be used. You must not occupy any of the retail Class A units 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 retail Class A units are in use.

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)

- 38 You must apply to us for approval of the following parts of the development - vertical louvres on floors 1-6 of the western facade of the Baker Street (building C). 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)

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 may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 4 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 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)
- 7 You will have to apply separately for a licence for any structure that overhangs the road or

pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)

- 8 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 9 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)
- 10 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>. Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 11 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply. The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk. It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 12 Under the Control of Substances Hazardous to Health Regulations 2002 (As Amended) Regulation 7 (1) states: 'Every employer shall ensure that the exposure of his employees to substances hazardous to health is either prevented or, where this is not reasonably practicable, adequately controlled.' This also applies to members of the public. The Regulations apply to bacteriological agents including legionella bacteria. By installing a wet cooling tower or

evaporative condenser there is the potential for legionella bacteria to grow, and if not adequately managed, for an outbreak of Legionnaires' Disease to occur. There have been significant numbers of fatalities associated with outbreaks of Legionnaires' Disease. Therefore, you are legally obliged to consider whether or not it is reasonably practicable to install a heat rejection system which minimizes this risk. (I45BB)

- 13 With reference to condition 21 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). These documents must be sent to environmentalsciences2@westminster.gov.uk. , , Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. , , You are urged to give this your early attention
- 14 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)
- 15 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.
- 16 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 17 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 18 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land,

unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to CIL@Westminster.gov.uk , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 19 Condition 10 and 11 requires the submission of sound insulation measures and Noise Assessment Report to predict internal noise levels with the proposed residential units. Your assessment should include a BS8223 façade calculation using the glazing and ventilation specification to demonstrate that the required internal noise levels are achievable. (I93AA)
- 20 You should include environmental sustainability features in your development. For more advice on this, please look at our supplementary planning guidance on 'Sustainable buildings'. This will make sure that the development causes as little damage as possible to the environment. However, if the features materially (significantly) affect the appearance of the outside of the building, this is likely to need planning permission. (I91AA)

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: Dev Site At 19-35 Baker Street, 88-110 George Street, 69-71 Blandford Street And 30, Gloucester Place, London, ,

Proposal: Alterations and extension to 30 Gloucester Place (including 91 Blandford Street and 112 George Street) including internal refurbishment of the lower ground, ground and first floors, extension of the lower ground floor; external works including part demolition of facades, ground floor and removal of ramp to create a new triple arched walkway through the building with canopy, railings, security gates, new steps and ramp to provide level access to the 30 Gloucester Place entrance, a rear elevation connection with the proposed single storey retail units within the courtyard, new ramp and railings to 112 George Street entrance; façade maintenance and refurbishment; painting and repair of the rear elevation; replacement or refurbishment of windows and doors at ground and first floor; replacement railings; installation of two CCTV cameras; removal of the existing roof plant and other associated works .

Reference: 16/11377/LBC

Plan Nos:	2001	D, 2051	C, 2052	C, 2053	C, 2056	C, 2057	C,
	2058	C, 2059	C, 2060	C, 2061	C, 2111	C, 2151	C,
	2152	C, 2158	C, 2159	C, 2160	C, 2161	C, 2251	D,
	2252	D, 2253	D, 2351	C, 2352	C, 2353	C, 2354	C,
	2451	C, 2153	C, 2156	C, 2157	C,		

Case Officer: Mike Walton

Direct Tel. No. 020 7641 2521

Recommended Condition(s) and Reason(s)

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

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

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

Reason:
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate 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 apply to us for approval of detailed drawings of the following parts of the development: , , a. Alterations to Gloucester Place façade, , You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate 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 special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

1 DEVELOPMENT SITE AT 19-35 BAKER STREET, 88-110 GEORGE STREET, 69-71 BLANDFORD STREET AND 30 GLOUCESTER PLACE, LONDON

Demolition of the existing buildings at 19-35 Baker Street, 88-110 George Street, 69-71 Blandford Street and redevelopment to create a mixed use scheme providing offices (Class B1), retail (Class A1 and flexible Class A1/A3 units) and up to 51 residential units (Class C3) within a new ground plus nine storey building (and an enclosed plant area) on Baker Street; a new stepped ground plus four to ground plus six storey building on George Street; refurbishment, extension and the change of use of the first floor from office to residential at 30 Gloucester Place; creation of a single storey basement level linking the Baker Street and George Street buildings to provide car and cycle parking, refuse and servicing; creation of a new central, publically accessible courtyard; removal of 5 trees and replacement trees across the site, a new publically accessible route at ground level connecting Baker Street and Gloucester Place; associated plant, landscaping, replacement pavements in part and other associated works.

The draft decision letter including conditions and informatives were included in the additional representations received.

Additional representations were also received from J Butterworth Planning Limited (05.05.2017), Meir Abutbul and Kerry Tomlinson on behalf of The Residents Association 35 George Street (05.05.2017) and Vasic (10.05.2017).

Late representations were received from Gerald Eve (15.05.2017 and 16.05.2017), Derwent London and The Portman Estate (11.05.2017 and 16.05.2017), Memery Crystal (16.11.2017), Saira Kabir Sheikh QC(16.11.2017), Uzoma Onwere (15.05.2017), the Metropolitan Police (20.01.2017), Emma Norden (15.05.2017), David Harouni on behalf of Ester Louise Harouni (15.05.2017), the Environmental Health Enforcement Officer (16.05.2017), KP Acoustics on behalf of the residents of 73-89 Blandford Street (11.05.2017), the Senior Transport Planner (10.05.2017) and the Highways Planning Manager (08.05.2017).

Councillor Iain Bott addressed the Committee in his capacity as a Ward Councillor to raise some concerns about the application.

Councillor Karen Scarborough addressed the Committee in her capacity as a Ward Councillor to raise some concerns about the application.

RESOLVED:

Application deferred to allow the applicant to reconsider the height of the Baker Street building, either by its redesign or reduction in height; reconsider encroachment of the building onto the pavement in Baker Street and George Street; reconsider the servicing arrangements; and to reconsider the distribution of A1 and A3 uses within the scheme.

CITY OF WESTMINSTER			
PLANNING SUB APPLICATIONS COMMITTEE	Date 16 May 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	19-35 Baker Street, 88-110 George Street, 69-71 Blandford Street and 30, Gloucester Place, London		
Proposal	Demolition of the existing buildings at 19-35 Baker Street, 88-110 George Street, 69-71 Blandford Street and redevelopment to create a mixed use scheme providing offices (Class B1), retail (Class A1 and flexible Class A1/A3 units) and up to 51 residential units (Class C3) within a new ground plus nine storey building (and an enclosed plant area) on Baker Street; a new stepped ground plus four to ground plus six storey building on George Street; refurbishment, extension and the change of use of the first floor from office to residential at 30 Gloucester Place; creation of a single storey basement level linking the Baker Street and George Street buildings to provide car and cycle parking, refuse and servicing; creation of a new central, publically accessible courtyard; removal of 5 trees and replacement trees across the site, a new publically accessible route at ground level connecting Baker Street and Gloucester Place; associated plant, landscaping, replacement pavements in part and other associated works.		
Agent	Gerald Eve		
On behalf of	Portman Investments (Baker Street) Limited		
Registered Number	16/11376/FULL 16/11377/LBC	Date amended/ completed	1 December 2016
Date Application Received	29 November 2016		
Historic Building Grade	30 Gloucester Place - Grade II listed. Other Buildings Unlisted		
Conservation Area	30 Gloucester Place- Portman Estate Other Buildings not within a Conservation Area.		

1. RECOMMENDATION

- | |
|---|
| <p>1. Subject to referral to the Mayor of London, grant conditional permission subject to a S106 legal agreement to secure:</p> <p>i) provision of 10 affordable housing units at 30 Gloucester Place,(including securing rent levels) to be made ready for occupation prior to the occupation of the market housing on</p> |
|---|

- George Street (building D)
- ii) a financial contribution of £ 5 million towards the City Council's affordable housing fund (index linked and payable on commencement of development)
 - iii) costs relating to highways works around the site to facilitate the development
 - iv) provision of unallocated residential parking
 - v) lifetime car club membership (25 years) for each residential unit payable on first occupation
 - vi) a lift management and maintenance plan
 - vii) a financial contribution to the carbon offsetting fund carbon offsetting fund of £84,780 for the non-residential and £145,800 for the residential prior to commencement of development
 - viii) the applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway.
 - ix) Crossrail payment of £2,696,155 (index linked) to be paid on commencement of development
 - x) a financial contribution towards the cost of off-street tree planting on George Street, Gloucester Place and Blandford Street.
 - xi) 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.
3. The Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of the highway required to enable the development to take place.
 4. Grant conditional listed building consent
 5. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter

2 SUMMARY

The site covers the majority of a large street block bounded by Baker Street to the east, Gloucester Place to the west, George Street to the south and Blandford Street to the north. The scheme involves a

comprehensive redevelopment of the majority of the site to provide an office led mixed-use development including publically accessible space and retail in the centre of site, replacing an existing commercial car park.

Although the scheme is an office led development it would result in the provision of 51 residential units comprising 41 market units along with 10 affordable housing units. The application also includes a financial contribution of £5m towards the City Council's Affordable Housing Fund.

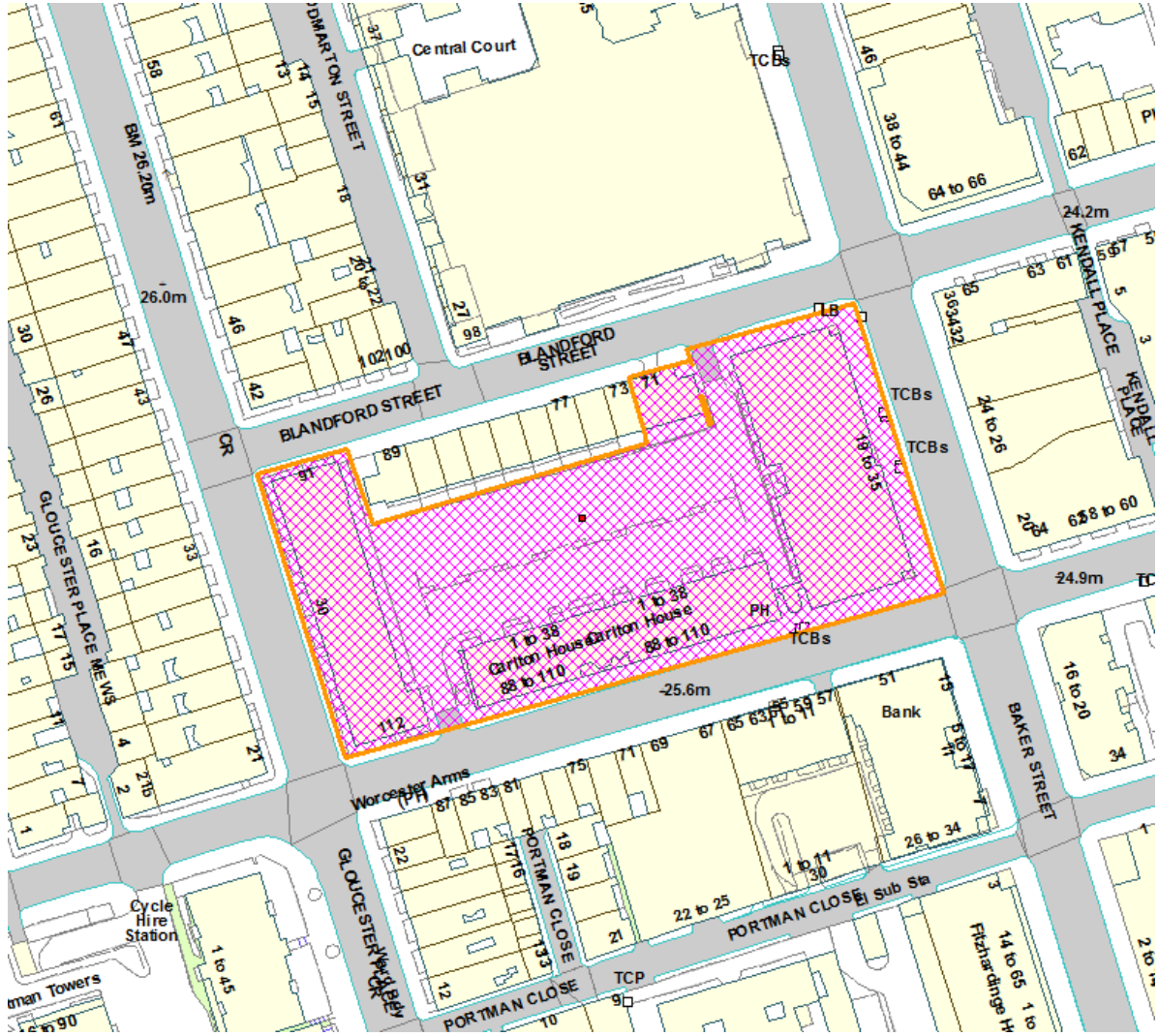
The existing buildings on Baker Street and George Street are both 1960s buildings. The Baker Street building is 7 storeys George Street is part 4 part 5 storeys. The redevelopment scheme would result in significantly larger new buildings. On Baker Street the new building is 10 storeys (11 if one includes the mezzanine) with recessed roof level plant. The new George Street building rises from 5 storeys to 7 storeys. Objections have been received from adjacent residents that the new buildings would result in an overdevelopment of the site, that the significant increase in height and bulk and mass would be result in substantial harm to the townscape and a loss of amenity. Objections are also made on a number of other grounds including that the scheme is contrary to the Council's land use policies and would adversely impact upon the highway.

The key issues for consideration are:

- The acceptability of the scheme in land use terms;
- The impact of the proposed buildings on the townscape, the setting of the Portman Estate Conservation Area and the settings of adjacent listed buildings;
- The impact on the amenity of adjacent residents particularly those residing on Blandford Street, located within the street block but are not part of the application site;
- Highway issues primarily proposed servicing arrangements.

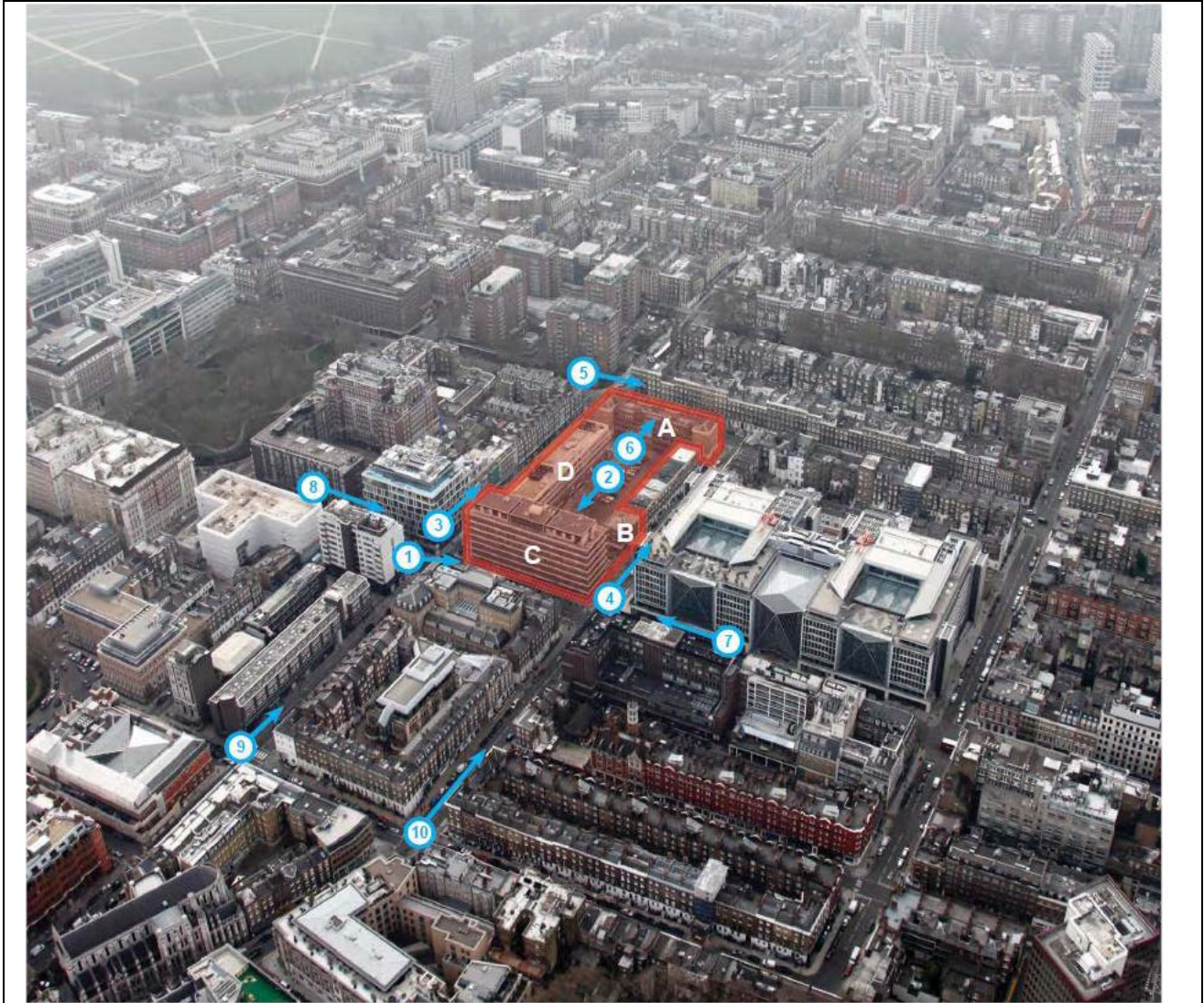
Redevelopment of the site is supported in principle. The significant increase in height and bulk of the buildings would result in some harm to the townscape in certain views including from the Portman Estate Conservation Area. This harm is considered to be less than substantial and the public benefits in providing a high quality design, which would optimise a commercial led development providing significant employment opportunities, are considered, on balance, to outweigh harm to the townscape and heritage assets. Subject to a number of safeguarding conditions the applications are considered acceptable in other respects. The application is recommended for approval subject to referral back to the Greater London Authority and subject to the completion of a legal agreement.

3 LOCATION PLAN

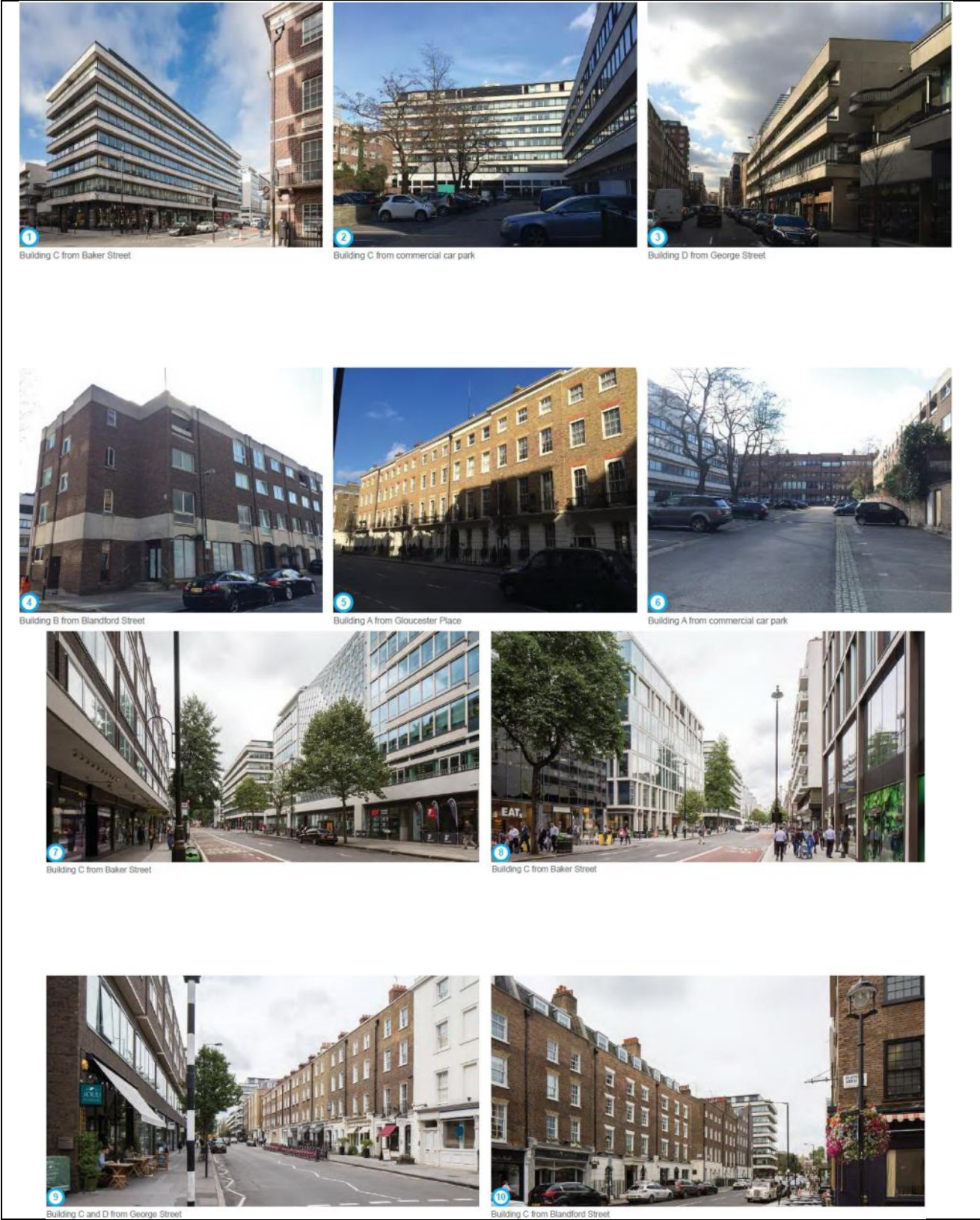


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4 PHOTOGRAPHS



Aerial photograph showing view locations of surrounding context



5 CONSULTATIONS

GREATER LONDON AUTHORITY:

Stage 1 response

Mixed use and employment: Subject to confirmation that the affordable housing provision and payment in lieu are acceptable through the viability assessment the residential provision is acceptable. Office uplift and increase in employment is strongly supported.

Retail: supported

Affordable housing: should be secured via S106 agreement

Urban Design: The height, layout, massing and architecture are supported, the residential quality is good

Historic Environment: No harm will be caused to the listed Gloucester Place building or to the Portman Estate Conservation Area

Trees: Meets the requirements of London Plan Policy 7.21

Inclusive design: Acceptable

Transport: Car parking should be reduced and short stay cycle parking increased. A financial contribution of £54k is requested through a S106 agreement to secure the extension of a Cycle Hire docking station. A travel plan, delivery and servicing plan and construction logistics plan (CLP) should all be secured by condition

Climate change: Shortfall in CO2 emissions for non- domestic buildings should be met off-site. Further detail should be provided on the applicant's overheating analysis for building D and the site heat network.

MARYLEBONE ASSOCIATION:

Creation of new public space and pedestrian links through the site is welcomed.

Comment that the entrance from Baker Street with glazed sliding doors flanked by office receptions may not appear open to the public.

Residential amenity should be protected; the Society recommend a robust Construction Management Plan, site Waste Management Plan, and Operational Management Plan (setting out mix of retail uses, hours of operation).

Number/ ratio of independent operators should be controlled

Baker Street building C is bordering on being oversized in terms of height and depth.

Building lines appear excessive beyond the adopted highway boundary and the existing building facades.

Deficiency in short term cycle parking (shortfall of 66 spaces)

Less than 20% affordable housing provided contrary to policy.

HISTORIC ENGLAND

Authorisation to determine listed building application

Concerns regarding the bulk, scale and design of the Baker Street building

The building is considerably taller and bulkier than most buildings within the local context which results in it being visible in many townscape views within the Portman Estate Conservation Area. The use of contrasting materials and large bay windows adds to the dominance. The building is harmful to the setting of the Portman Estate Conservation Area and the setting of a number of listed terrace houses with the conservation area. The height should be reduced.

TRANSPORT FOR LONDON

Car parking provision (25 spaces for 59 residential flats) is excessive, development should be car free.

Electric vehicle charging 20% active – 20% passive should be secured via a S106 agreement

Type of cycle parking (short stay/ long stay should be clarified)

A Cycle hire docking station could potentially be extended

Construction Logistics Plan is welcomed

Provision of a facilities management and draft delivery and servicing management plan is welcomed

Travel plan is welcomed

Crossrail payment should be secured as part of the S106 agreement

ENVIRONMENTAL HEALTH

No objection subject to conditions

AFFORDABLE HOUSING SUPPLY MANAGER

Welcomes the provision of on- site affordable housing, but is disappointed that the level of affordable homes proposed is 17 % of the net increase in residential which is less than Council policy. Comment that the Financial Viability Assessment (FVA) concludes that this is the maximum number of affordable homes that could be delivered and the provision of social housing would undermine the viability and lead to an overall reduction in the number of affordable homes proposed and a reduction in the payment provided.

The rent levels of the intermediate homes should be secured as part of the S106, and tenants should come from the City Council's intermediate housing waiting list

DESIGNING OUT CRIME

Any response to be reported verbally

ARBORICULTURAL OFFICER

Objection, to the removal of trees as the replacement trees are considered to be inadequate replacements:

Birch tree on Blandford Street is an attractive specimen that should be retained;

Pear Tree on Gloucester Place, a replacement tree is unlikely to have sufficient soil depth;

Further details of trees surrounding the site are required to ensure their retention;

Replacement trees within the site (2 x cherries and 4 x silver birches) are inadequate replacements, new trees should provide equal or greater canopy cover than existing;.

Further details of landscaping, including soil depth and irrigation is required;

HIGHWAYS PLANNING MANAGER:

No objection subject to appropriate conditions including a delivery and servicing management plan (SMP).

CLEANSING:

Objection, but could be overcome by conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 358

Total No. of replies: 12

No. in support: 1

Baker Street Quarter Partnership Improvement District (BID)

Regeneration of the site will provide more jobs and growth and commercial space within the wider Baker Street area consistent with the ambitions of the Central Activities Zone.

The provision of a new sustainable building with more greening and a publically accessible space will help improve air quality and contribute to the success of the Marylebone low emissions neighbourhood.

No. of objections: 11 (including an objection on behalf of 7 individual residential properties) raising some or all of the following issues

Land Use

Increase in Baker Street office building extends beyond designated CAZ frontage / Named Street

Increase in office floorspace is not justified

Retail use of central car park area outside Core CAZ is contrary to policy

Additional retail is not required

'Publically accessible space' is commercial floorspace and not meaningful 'open space'

Overconcentration of Class A3 units (potentially 10 in total)

Poor quality housing/single aspect north facing, lack of outdoor amenity space, play space shortfall in family sized residential units

Design

Overdevelopment

Scale of development on George Street is excessive

Proposed retail courtyard is alien to the existing established street pattern

The mass, height and footprint of the Baker Street building is unacceptable

Adverse impact on skyline

Alterations to the listed façade of 30 Gloucester Place are unnecessary

Amenity

Loss of daylight

Loss of sunlight

Increased sense of enclosure,

Loss of privacy/overlooking

Noise pollution

Use of courtyard for retail Class A1/A3 uses would result in late evening noise nuisance

Potential for further applications for external seating

Highways

Inappropriate servicing which is unworkable

Servicing should be located on the commercial George Street frontage

Loss of on street car parking

Adverse impact on car parking

Other

Lack of meaningful consultation and engagement with residents

Inaccurate information and misrepresentations within the application documents

Loss of trees, inadequate replacements

Inconvenience during construction and length of construction programme
Adverse impact on property values

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6 BACKGROUND INFORMATION

6.1 The Application Site

The site covers a large street block flanked by Baker Street to the east, Gloucester Place to the west, George Street to the south and Blandford Street to the north. The site comprises four buildings in office (Class B1) retail (Class A) and residential (Class C3) uses.

The eastern portion of the site is occupied by a seven storey building, with roof top plant (19-35 Baker Street building C). The southern side of the site contains a part four part five storey building (88-110 George Street building D). The length of the western boundary is occupied by a four storey building (30 Gloucester Place building A). The northern end of the site is partially occupied by a four storey building (69-71 Blandford Street building B). The northern part of the street block is also partially bounded by private residential properties (No's 73-89 Blandford Street) which are outside the application site. The centre of the site is open and in use as a surface level commercial car park.

The mixes of uses are as follows:

- i) 30 Gloucester Place (Building A) ground and 1st floors are office use (Class B1), 2nd and 3rd floors are residential (Class C3);
- ii) 69-71 Blandford Street (Building B) is a restaurant (Class A3) at basement, ground and first floor levels with two one-bedroom residential (Class C3) units above on second and third floor levels;
- iii) 19-35 Baker Street (Building C) comprises retail uses at ground floor level (Class A1) with offices (Class B1) above;
- iv) 88-110 George Street (Building D) comprises a mix of commercial uses at ground floor level with including a bar (Class A4) and estate agents (Class A2) with offices (Class B1) at 1st and 4th floors and 38 residential flats (Class C3) at 2nd and 3rd floor levels.

The central surface level car park provides 96 car parking spaces, bicycle parking, servicing and refuse storage. The car park is accessed from George Street and Blandford Street.

The eastern side of the site No 19-35 Baker Street (Building C) is on a Central Activities Zone (CAZ) frontage, the site as a whole lies outside the designated Core CAZ but is within the wider CAZ. No 30 Gloucester Place is Grade II listed and is within the Portman Estate Conservation Area. The remainder of the site is not within a Conservation Area. The wider context contains a variety of building styles, uses and heights.

6.2 Recent Relevant History

The original permissions for existing buildings B, C, and D are:

Planning permission (ref: TP/1779) was granted on 22 December 1959 for:

'The redevelopment of the site bounded by George Street, Baker Street, Blandford Street and Blandford Place, by the erection of a building of Basement, ground and seven floors for use as shops on the basement and ground floors, offices over Baker Street and flat over George Street with car-parking on the basement and ground floors and a public-house on the corner of George Street and Baker Street.'

Planning permission (ref: TP/1779) was also granted on 25 April 1969 for:

"Erection of thirteen four storey houses, a four storey block comprising shops and public house with storage beneath, offices and flats, and a multi-level underground carpark on the site bounded by George Street, Blandford Street, the rear of Nos. 19-35 Baker Street and the rear of Nos 24-40 Gloucester Place, W1."

The multi-level underground car park was never built.

Planning permission (ref: TP/1779) was granted on 18 September 1970 for:

"Alterations to the building in the course of erection on the southern section of the site bounded by George Street, Blandford Street, rear of 19- 35 Baker Street and rear of 24-40 Gloucester Place, involving the addition of a fourth floor for use as two self-contained flats."

A number of change of use and minor planning applications have also been granted for Buildings A, C and D including:

Building A – 30 Gloucester Place (including 91 Blandford Street and 112 George Street)

The building was listed, Grade II on 14 Jan 1970 (formerly listed as Nos 24 to 40 even), and sits within the Portman Estate Conservation Area.

The Grade II listing was then amended on 1 December 1987 to reflect that the listing now related to a 1972-73 facsimile rebuild of c.1790 Portman Estate terraced houses, which remained listed for group value only (with the wider Gloucester Place area).

There have been a number of subsequent minor planning and listed building consent applications.

Building C 19-35 Baker Street

On 29 October 1986 permission was granted for 'change of use ground floor and basement to office and restaurant accommodation with changes to elevations (ref: 86/03973/FULL)'.

On 14 November 1991 permission was granted for 'use of ground floor & part basement as offices" (ref: 91/02675/FULL).

On 25 August 1998 permission was granted for 'use of the basement of 19-33 Baker Street as offices (Class B1)" (ref: 98/00831/FULL)'.

On 6 May 2004 permission was granted for 'use of ground floors of Nos. 19-23, part 25 and 31-33 Baker Street for Class A1 retail purposes. Use of part ground floor of No. 25 and ground floor of No. 29 to provide enlarged office reception facilities for the Class B1 office accommodation in remainder of building. Associated external alterations" (ref: 03/08347/FULL).

On 10 June 2008 permission was granted for 'retention of ground floor as sandwich bar/ café (sui generis) use' (ref 08/03709/FULL).

Building D – 88-110 George Street

98-100 George Street; on 30 December 1993 permission was granted for 'change of use from retail shop to estate agents' (ref 93/05947/FULL).

98-100 George Street; on 27 July 1999 permission was granted for 'use of ground floor for Class A2 (Financial and Professional services) purposes (ref: 99/03989/FULL).

94-66 George Street on 28 May 2002 permission was granted for 'use of basement at No. 94 and ground floor at Nos. 94-96 for the hire of tools and equipment to members of the public and trade (sui generis) and installation of new shopfront (ref 02/01765/FULL).

92 George Street on 14 November 2005 permission was granted for 'change of use from car showroom (sui generis use) to retail (Class A1) at ground floor level for (ref 05/07660/FULL).

104 and 106 George Street on 8 September 2005 permission was granted on for 'use of basement and ground floor for retail purposes (Class A1)' (ref: 05/03714/FULL).

104 and 106 George Street on 3 June 2009 permission was granted on 3 June 2009 for "creation of two individual units at 104 and 106 George Street for the dual/alternative use of the ground floor for retail (Class A1) and/or financial and professional service purposes (Class A2) (ref: 09/02397/FULL).

94 George Street on 31 March 2009 a certificate of lawful development was granted for 'use of ground floor and basement as retail (Class A1)' ref: 09/00923/CLEUD).

96 George Street on 13 April 2009 permission was granted for 'use of the basement as retail I (Class A1)' ref 09/00552/FULL).

92 George Street on 20 March 2009 permission was granted for use of ground floor for retail purposes (Class A1)" (ref: 09/00618/FULL).

7 THE PROPOSAL

The application has been submitted as part of a joint venture between Derwent London and the Portman Estate. Planning permission is sought to demolish the northern (69-71 Blandford Street building B), eastern (19-35 Baker Street building C) and southern (88-110 George Street building D) parts of the site and redevelopment to provide two new buildings fronting onto Baker Street and George Street.

The scheme is an office led development which would provide circa 28,012 m2 offices GIA, but will include up to 51 residential dwellings with 41 market housing units on George Street and intermediate affordable housing on the 1st floor of 30 Gloucester Place. The scheme also includes restaurant and retail uses on the Baker Street and George Street frontages and a retail courtyard within the centre of the site. The retail courtyard be accessed via new pedestrian routes east west

from Baker Street to Gloucester Place and north south between Blandford Street and George Street.

The new buildings C and D are linked by a new basement with access from Blandford Street and George Street providing car and cycle parking, refuse, and delivery access to each building.

The new building on Baker Street (building C) is 11 storeys high. The 8th to 10th floors are set back. The building has four disengaged stone and precast elevations with large double height openings and recessed corners. The roof profile of the plant room is chamfered. The ground floor will provide retail (Class A) units with offices (Class B1) on the upper floors.

The new building on George Street (building D) steps up from 5 storeys at the west to 7 storeys to the east. The facades are brick with a regular pattern of windows. As with the Baker Street building the ground floor will be retail (Class A) units with up to 41 market housing units (Class C3) on the upper floors. The new retail (Class A) units will extend further into the existing car park to the rear at ground floor level than existing. Single storey retail (Class A1) units are proposed on the northern side of the site to create a new retail/ leisure courtyard. The retail units include perimeter planting, landscaping and an arbour crossing.

At 30 Gloucester Place (building A) new openings are proposed in the façade at ground floor level to provide a new route through the centre of the street block. Listed building consent is sought for these works and the internal alterations proposed in connection with the conversion the 1st floor from offices (Class B1) to 10 affordable housing units.

8 DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed land use figures are set out in the table below:

Land Use	Existing m2 GIA	Proposed m2 GIA	Change
Office (Class B1)	10674	28012	+17338
Residential (Class C3)	4182	8772	+4590
Retail (Class A1)	3042 Including 1567 m2 at ground floor level	1919 (minimum) Including 1649 m2 at ground floor level	-1123 (maximum) + 82m at ground floor level
Bar (Class A4)	302	0	-302
Estate Agents (Class A2)	80	0	-80
Restaurant (Class A3)	650	1904 (maximum)	+952 (maximum)
Total	18930	40607	+21677

Offices

The proposed development is office led proposal and the provision of significant new office accommodation is one of the applicant's key drivers for the scheme.

The site is located within the Greater London Authority's (GLA) Central Activities Zone (CAZ) and the eastern frontage of the site 19 -35 Baker Street is on CAZ frontage and is a named street within Marylebone. As such commercial development is encouraged.

City Plan policy S20 states:

'The council will work to exceed the target of additional B1 office floorspace capacity for at least 58,000 new jobs (774,000 sq. m B1 office floorspace) between 2016/17 and 2036/37, an average of 2,900 new jobs per annum. New office development will be directed to Paddington, Victoria and Tottenham Court Road Opportunity Areas, the Core Central Activities Zone, the Named Streets and the North Westminster Economic Development Area...' As stated Baker Street is a named street within the adopted City Plan.

The supporting text of Policy S20 states:

'Westminster contributes approximately 9 million sq. m of office floorspace to London and the UK's stock; the largest and most diverse office agglomeration in the country and one of the most significantly globally. However, there were losses of office floorspace since 2010/11, a trend that will take some time to reverse due to the significant number of office losses granted permission between 2010/11 and September 2015...After employment capacity has recovered in line with the employment targets and an appropriate balance of uses is re-established, commercial floorspace will still be the priority in the Core CAZ, Named Streets and Opportunity Areas ... We are working and will continue to work with partners to significantly increase office floorspace, from a position of annual net losses...New offices are encouraged within these locations to retain and enhance Westminster's strategic role in London's office sector, and support London's global competitiveness...'

The applicant has submitted an economic statement (by Volerra Parnters) in support of the application which sets out an economic case for the substantial increase in office floorspace on the site. This analysis indicates that there has been a 25 % reduction in office floorspace in the Baker Street area in the last 10 years. The applicant argues that the office led development which would result in the provision of 28012 m2 (GIA) of Grade A office floorspace will make a major contribution towards the identified need in the Core CAZ/Named Streets and the west end countering the historic losses in the Baker Street area. Furthermore that the economic benefits of the development are substantial with between 1,660 and 2,465 net additional full time equivalent jobs being created.

Objections on behalf of and from Blandford Street residents' are made on the grounds that the significant increase in offices is directly contrary to Westminster City Plan policies S20 and S18. Furthermore that the applicant's justification for the significant increase in office floorspace is fundamentally flawed as the figures they refer to regarding losses in office floorspace in the Baker Street area are inaccurate.

With regards to the principle of a substantial increase in offices, as set out in the preceding paragraphs, there is a clear economic reasoning why the substantial increase in offices is supported in land use terms.

Although the objector's acknowledge that the principle of new office accommodation on the Baker Street frontage is acceptable, their objection is to the substantial increase in the footprint of the replacement office building, which will extend back into the site along Blandford Street and George Street frontages which are outside the Core Caz and are not named streets. The

objector's contend that the proposal is therefore contrary to Westminster City Plan policies S20 and S18 which direct commercial office development to the Core CAZ and named streets.

The exiting CAZ frontage boundary covers the whole of existing commercial properties which form the frontage. As buildings which comprise this frontage are redeveloped the boundary will move geographically. This has happened at other sites along Baker Street where deeper footprints have been approved.

The objection also refers to the increase in offices being contrary to London Plan policy 2.12 which states that LPAs should identify, protect and enhance predominantly residential neighbourhoods within CAZ. The objector's consider that the policy is applicable because aside from the Baker Street frontage the primary use to the west is residential with a large proportion of family dwellings. Furthermore, that the positioning of such a large commercial development deeper into the site would have a very demonstrable negative impact on existing residents.

Although residential properties comprise a significant part of the street block, in addition to the commercial offices and retail units at 19-35 Baker Street (building C) there are a number of other commercial uses on the site. Namely retail units (Class A1 and A2) , a restaurant (Class A3) and bar (Class A4) on George Street, a restaurant (Class A3) on Blandford Street, commercial offices (Class B1) on the lower ground to 1st floors of 30 Gloucester Place and the central part of the site is a commercial car park (Sui Generis).The site therefore comprises a mix of uses.

Whether the site is described as being part of a predominantly residential neighbourhood, or mixed use in character is not germane to consideration of the scheme, as residential amenity is given the same degree of protection on sites both within and outside the Core Caz. The impact of the development on residential amenity is discussed in detail in section 8.3 of this report. The provision of a larger office block on Baker Street which extends deeper into the site is however considered acceptable in land use terms policy terms.

In their stage 1 response the GLA advise that the proposed office-led mixed use development would support the strategic functions of the CAZ and other London Plan policies and is supported.

The provision of a significant quantum of commercial offices accords with the City Council's strategic objectives and policies. An office led scheme is considered to be appropriate to the site and this part of the West End. The scheme will contribute to the Core CAZ/Named Streets being a competitive business location. The significant increase in employment and jobs as part of the scheme is in accordance with City Plan and London Plan policies would be a substantial benefit.

Mixed Use

Policy S1 (2) is applicable for development within the Core CAZ, the Named Street, and Opportunity Areas, which includes net additional B1 office floorspace. As the net additional floorspace (for all uses) is more than i) 50 % of the existing building and ii) more than 400 m2 residential floorspace, or an equivalent payment in lieu is required equivalent to the net additional B1 office floorspace, less 30% of the existing building floorspace.

The existing building is 18,930 m2 GIA. The net additional floorspace (of all uses) proposed is 21,677 m2 GIA. The residential required therefore is equivalent to the net additional office (Class B1) floorspace less 30 % of the existing building floorspace. The net additional office B1 floorspace is 17,338 m2 GIA, 30 % of the existing building foorspace is 5,679 m2 GIA. Therefore

the residential floorspace required to accord with City Plan policy S1 is 11,659 m2 GIA. The total increase in residential proposed by the scheme is 4,590 m2 GIA, there is therefore a residential shortfall of 7,069 m2. This equates to a policy compliant financial payment of £12,320,796. An objection has been received that the scheme would result in 'a massive shortfall in residential'.

City Plan policy S1 C) is applicable as the increase in floorspace (of all uses) is more than 50 % of the existing building. The policy requires the quantum of residential set out above to be provided in accordance with the following cascade.

- i) on site or in the immediate site vicinity of the site;
- ii) off site, including by mixed use credits on a site in the vicinity of the development site;
- iii) off site, including mixed use credits elsewhere within the Central Activities Zone;
- iv) or an appropriate payment in lieu to the Affordable Housing Fund, which in this case would be £12,320,796.

The policy requires applicants to satisfactorily demonstrate that it is not appropriate or practicable to provide floorspace (in whole or part) at each step of the policy cascade before moving to the next step.

With regards to point i) the applicant argues that the scheme delivers the maximum amount of residential that can reasonably and viably be delivered on site. A total of 41 residential market dwellings will be provided in the new building on George Street (building D) with 10 affordable homes on Gloucester Place (building A). The new commercial building on Baker Street (building C) reflects the commercial activity of the street. The proposed residential on the first floor of Gloucester Place (building A) and within the new building on George Street (building D) are considered to be the most appropriate locations for residential.

The applicant's argument that there are practical difficulties in providing more residential on site within all the buildings and the central courtyard comprising the site are accepted. Baker Street being a busier commercial street is not considered to be the optimum location for residential. The provision of residential would require the introduction of additional circulation cores, and would require design changes as the structural grid and floor to ceiling height requirements differ between commercial offices and residential.

The George Street new building could not be increased in height or depth to provide additional residential without harm to the townscape and/or residential amenity. The proposed building is 18m deep and any increase in depth would compromise the floorplans and would encroach on the proposed retail courtyard. The height of the building is influenced by the surrounding townscape and a requirement to not adversely impact upon daylight and sunlight levels to Blandford Street residential properties to the north.

With regards to points ii) and iii) above the applicant advises that Derwent London and the Portman Estate have no other sites within the vicinity of the site that would be available within the required timescales. The applicant advises that they cannot commit with certainty to provide residential off site in accordance with parts ii) or iii) of the policy.

The final part of the cascade requires a payment in lieu of the residential floorspace. A policy compliant payment would be £12,320,796. The applicants are offering a financial contribution of £5million. This is £7,320,796 less than required by the Council's mixed use policy. The applicant

has submitted a Financial Viability Assessment (FVA) that this is the maximum level of financial contribution that can be made in order to achieve a potentially viable scheme.

The FVA has been assessed by GVA acting as independent consultants for the Council. They advise that the scheme could not support a greater level of affordable housing contribution than that offered by the applicant. This is predominantly due to the high existing land use value of the site. They also advise that the viability is likely to be further compromised due to reduced floor area efficiency and impact on yield of a mixed use residential building. A policy compliant scheme in which there is no residential shortfall would also not be viable. In the light of this advice and the weight that should be given to the fact that the scheme will deliver new modern office floorspace the quantum of residential is considered acceptable. The quality of the proposed residential and affordable housing offer are discussed below.

Residential

Housing is a priority outside of the Core CAZ, Named Streets and Opportunity Areas. In the London Plan policy 3.3 sets an annual target of 1,068 homes a year to be provided within Westminster between 2015 and 2025. City Plan policy S14 states that residential use is the priority across Westminster except where specifically stated and that the number of residential units on development sites will be optimised.

There are currently 40 flats on site made up of 19 x studio flats and 21 x one-bedroom flats. The scheme proposes 8722 m2 (GIA) of residential comprising up to 51 new residential dwellings, with 41 market housing units along George Street and 10 intermediate affordable housing units on the 1st floor of 30 Gloucester Place. This represents an increase in the number of residential units on site of 11 and an increase in residential floorspace of 4,590m2. The provision of new residential is supported by policies H3 of the UDP and S14 of the City Plan.

Housing Mix

The mix of the proposed market housing is as set out in the table below:

Units	Number	Percentage %	Area range GIA m2
1	18	44	52-61
2	14	34	100-113
3	9	22	149-79
Total	41	100	

As stated City Plan policy S14 requires the number of residential units on development sites to be optimised. Policy S15 requires an appropriate mix of unit size and type to be provided. UDP policy H5 states that the City Council will normally require at least 33% of units to be family sized.

The objection from residents living on Blandford Street is made on the grounds that the quality of the proposed residential units has been significantly undermined as a result of the focus to overdevelop the site for commercial floorspace (particularly in the central courtyard).

Specific points of objection are as follows:

- i) The proposed mix of family housing is only 18 % which is below the policy requirement of 33%, in addition the scheme would result in a loss of amenity to existing family housing on Blandford Street thus having further impacts on protecting Westminster's family housing stock;

- ii) the scheme does not comply with standard 29 of the Housing SPG which states that single aspect north facing units should be avoided;
- iii) the vast majority of the proposed dwellings do not have any private amenity space;
- iv) all single aspect dwellings have no amenity space which will result in poor quality accommodation;
- v) no play space has been provided for the development in conflict with London Plan policy 3.6 and the site is in an area of 'Open Space Deficiency'.

These points are addressed in turn:

- i) *Residential mix:* As set out in the table the scheme will result in the provision of 9 x 3 bedroom (22 %) family sized units. The policy application advises that the requirement to provide 33% family sized units will be applied flexibly and that a lesser proportion of family sized units may be acceptable in busy areas. Whilst the area is mixed use in character and Baker Street is a busy location it is considered that the applicant has not fully justified the shortfall in family sized accommodation. This shortfall is considered to be disappointing but, given the overall quantum and quality of residential that will be provided and the current lack of any family-sized units on site, it is considered that permission should not be withheld due to a shortfall in the expected number of family sized units.
- ii) *and iv) Standard of housing and compliance with London Plan:* The London Plan states that care should be taken with creating single aspect north facing flats but that this is sometimes difficult to avoid in large floorplate developments. The scheme would result in the provision of 5 single aspect north facing units. These are all one-bedroom flats. The remaining 36 flats are proposed to be dual aspect. All the flats meet the Mayor's dwelling space standards as set out in London Plan Policy 3.5. They have been designed in accordance with Lifetime Homes Standards and 10% of the units have been designed to be easily adaptable to wheelchair accessibility standards.
- iii) *Amenity space:* Roof terraces are proposed at levels 5 -7. The terraces have timber decking and perimeter evergreen hedging. All (9) of the 3 x bedroom units have access to terraces.
- iv) *No play space and Open Space Deficiency:* London Plan policy 3.6 'Children and Young People's Play and Informal Recreation Facilities' seeks to ensure that development proposals include suitable provision for play and recreation. Further details are provided in the Mayor's 'Shaping Neighbourhoods : Play and Informal recreation SPG which sets out a benchmark of 10 m2 of useable child playspace to be provided per child with under 5's child playspace to be provided on-site as a minimum. The scheme results in a requirement to provide 51 m2 play space. Given the proposed mix of accommodation the child yield for the scheme is very low, with only three children under the age of 5 expected. It is regrettable that the scheme does not include open space with child play facilities, however the development is close to Paddington Street Park, Hyde Park and Regent's Park. In their stage 1 response the Mayor has confirmed that the lack of on- site play space is acceptable in this case.

Quality of Housing

All the proposed accommodation would receive good standards of daylight and are capable of natural ventilation. 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 office, retail and restaurant uses. The redevelopment will incorporate double glazed windows and sufficiently high specification building fabric necessary to meet modern performance standards. The design will ensure that satisfactory noise levels are achieved within the flats.

The scheme would result in a 4 star home quality Mark rating (which has replaced the Code of Sustainable Homes). Achieving this mark means that the home is designed to have very low running costs, with a positive impact on health and wellbeing, all with an extremely low impact upon the environment.

It is considered that the proposed residential units would provide a good quality of accommodation within an appropriately designed and sustainable building

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 1000m² 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 of 4590 m² GIA the scheme would be expected to deliver 1280 m² of affordable housing. This equates to 16 affordable housing units (based upon a unit size of 80 m²).

The scheme would result in the provision of 835 m² (17%) of affordable housing in the form of 10 intermediate rented homes on the 1st floor of Gloucester Place (Building A) above offices. The new affordable housing units will have their own separate access from the south elevation.

The affordable housing comprises a 50/50 split of 1 and 2 bed units, with 5 x 1 bed and 5 x 2 x bed units. The applicant's argument that it would be difficult to reconfigure the floor to provide 3 bedroom units is accepted.

The proposed mix of the 10 intermediate rented homes is as follows:

Dwelling size	No of Homes	Floor Area m ²
1 bed (2 person)	5	51-59
2 bed (3 person)	4	67-68
2 bed (4 person)	1	84

The objection on behalf of the Blandford Street residents is made on the grounds that the 17 % affordable housing provision is not policy compliant, being below the 30% policy requirement. Furthermore that Westminster Council's affordable housing policy and London Plan policy 3.11 require a 60:40 split for social and intermediate provision respectively. The proposal would breach this requirement as the scheme would deliver 100% intermediate housing.

The City Council's Housing Supply Manager welcomes provision of on-site affordable housing but comments that the level of affordable housing, 17 % (of the net increase in overall residential floorspace) is disappointing.

A Financial Viability Appraisal (FVA) has been submitted in support of the application. The FVA concludes that the proposed development would deliver the maximum financial contribution in lieu of the mixed use policy (as discussed above) and that the proposed 10 on site affordable housing units are the maximum that could be provided without impacting on the viability of the scheme.

As already stated the viability report has been reviewed by consultants acting on behalf of the City Council. Their advice is that the scheme could not support the provision of further affordable housing units or an additional financial contribution towards the affordable housing fund whilst ensuring that the scheme remains viable. In the light of this advice the level of affordable housing proposed is considered to be acceptable.

The applicant was asked to consider the introduction of a mixture of both social housing and intermediate housing into the scheme. However the applicant has advised that the introduction of social housing would undermine the viability of the scheme and lead to an overall reduction in the number of affordable homes proposed and a reduction in the proposed payment to the affordable housing fund.

With regards to the proposed housing tenure the Housing Supply Manager advises that in the absence of social housing provision, the intermediate rented homes proposed should have rents that are set at moderate levels so that the affordability of these units is a genuine alternative to social housing. Therefore, all 10 intermediate rented homes proposed will need to be made affordable to Westminster intermediate households whose incomes do not exceed the median Westminster intermediate household income. Which at the present time for a 1 x bed household is £33,560 per annum, equating to a rent of £180.71 per week and for 2 x beds is £38,575 per annum, equating to £201.71 per week (inclusive of service charges). The applicant has factored these rent levels into their viability assessment. The Housing Supply Manager also advises that allocation of the units should come from the City Council's intermediate housing waiting list.

It is recommended that the delivery of the 10 affordable housing units, rent levels and nomination rights will be secured as part of a S106 agreement.

Retail and Courtyard Development

The existing site includes 4074 m2 of Class A floorspace. This comprises primarily retail (Class A1) with retail units on Baker Street and George Street. As set out in the land use table the total retail (Class A1) floorspace is 3042 m2. In addition to the existing retail units (Class A1) the site includes two restaurants (Class A3), one on Blandford Street and one on George Street. There is also an Estate Agents (Class A2) and a bar (Class A4) on George street.

The scheme seeks to provide a mix of retail (Class A1) and restaurant (Class A3). The Class A units are to be located on Baker Street and George Street as existing. In addition to this the scheme also proposes to use the central courtyard as a new retail location.

The proposed retail units on Baker Street (building C) are double height spaces which could accommodate a mezzanine floor. The retail units on George Street are single storey and are

designed to be through units facing onto the courtyard. New retail on the northern side of the courtyard would also be single storey units. The new publically accessible routes through the courtyard will therefore be flanked by retail units. The applicants' supporting statement refers to the aim to provide a retail cluster which would provide an oasis in the courtyard away from the nearby busier streets of Oxford Street and Baker Street. The intention is to provide some tables and chairs. The applicant refers to this having a similar character and feel to Heddon Street and St Christopher's Place.

Strong objections have been received from Blandford Street residents that use of the existing car park for commercial floorspace (Class A1/A3) is in direct contravention to City Plan Policies S8 and S21. Furthermore, to locate such units within the 'courtyard area' would harm the amenity of existing and future residents by creating a thoroughfare directly through the middle of the development linking Baker Street and Gloucester Place under the banner of 'new high quality publically accessible space'.

City Plan policy S8 relates to developments in Marylebone and Fitzrovia. The policy states that the named streets including Baker Street are appropriate locations for residential and a range of commercial uses. Retail and other appropriate town centre uses will also be directed to Marylebone High Street and Local Shopping Centres. Outside these locations, new commercial uses will not generally be appropriate unless they provide services to support the local residential community in that part of the Central Activities Zone.

City Plan Policy S21 relates specifically to retail and states that new retail will be directed to designated shopping centres and 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.

The balance between retail (Class A1) and restaurant (Class A3) uses and the impact of development within the car park on residents' amenities are considered elsewhere in this report. Notwithstanding these issues, given that this part of the site is currently in use as a commercial car park which would be developed to provide commercial uses including some public seating and greening, the principle of development of this space (as part of a single comprehensive redevelopment of the majority of a street block) is considered acceptable as the proposal would result in service uses that would support the local community.

Retail (Class A1)

The ground floor retail space has the potential for 17 units. The applicant is seeking flexibility in the occupation of the units and has identified 7 units which would be used for retail Class A1 space only but a further 10 units that could be either retail (Class A1) or restaurant (Class A3). The proposed single storey pavilion units on the north side of the courtyard will be Class A1 use only. Flexibility is sought for the remaining 10 units fronting onto George Street and Baker Street.

In terms of the overall retail within the development there could potentially be a loss of 1123 m² of Class A1 floorspace. The loss of retail (Class A1) floorspace would be contrary to City Plan policy S21 referred to above. The applicant argues that the losses would be primarily storage space at basement level. The total existing retail floorspace is 3042 m² which comprises 1567 m² at ground floor level and 1475 m² at basement level. The scheme would result in the provision of a minimum of 1919 m² retail Class A1 floorspace which would include 1649 m² at ground floor level which is an increase of 82 m² in comparison with existing. As the ground floor trading area is increased it could be argued that the retail Class A1 provision would be improved.

Although the reduction in retail Class A1 floorspace is somewhat regrettable the fact that there would be no loss at ground floor level is considered to be a significant factor. In the circumstances it is considered that there would be no harm to the overall retail offer and this aspect of the application is considered to be acceptable

Restaurants (Class A3)

As stated at present the site includes a bar, and two restaurants comprising a total of 952 m². The Union Bar at 88-90 George Street is not a traditional pub and is not recognised as an Asset of Community Value. The loss of the bar is considered acceptable and would not be harmful to the character and function of the area.

The ground floor retail space (Class A) has the potential for 17 units. The applicant has identified 7 units, including all 5 units on the northern side of the site which would solely be used for retail (Class A1) purposes. These units are directly to the rear of the Blandford Street houses. The applicant is seeking flexibility with regards to how the remaining 10 units would be used, as either retail (Class A1) or restaurant (Class A3) uses. The restaurant floorspace would be restricted to a maximum of 1904 m² (GIA) which would equate to approximately 6 units. Not all 10 of the units would be used for restaurant purposes (Class A3). The proposal would however allow flexibility in the location of the restaurants and would result in a 50 % increase to the entertainment floorspace that currently exists on site.

To accommodate the restaurants across the site two extract ducts are proposed within the George Street building (D) and three extract ducts within the Baker Street building (C). The ducts will run through internal risers and terminate at roof level.

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses including restaurants. The TACE policies are on a sliding scale whereby developments where TACE 8 is applicable would be generally permissible and where TACE 10 (gross floorspace exceeds 500 m²) 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 concentrations of entertainment uses and the 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 proposal states that new large scale entertainment uses of over 500 m² floorspace 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 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.

The objection on behalf of the Blandford Street residents is made on the grounds that the increase in restaurant/ entertainment floorspace would result in high concentration of restaurants/cafés and the resultant increase in evening and night time activity would have a significant adverse impact on residential amenity. Noise and disturbance would potentially increase as a direct result of increased activity from customers and increased servicing. The activity would have a negative

impact on both the existing residential properties on Blandford Street and on the amenity of future occupants of the new residential on George Street (within building D).

The objection is makes the following points:

- i) that the vast majority of the flexible Class A1/ Class A3 uses would have access onto a central walkway fronting onto the rear of properties on Blandford Street;
- ii) the acoustic noise report makes no accurate assessment of noise outbreak associated with the location of commercial floorspace;
- iii) ductwork and ventilation associated with restaurant uses can cause noise with significant detriment to residents;
- iv) and the units are likely to be occupied by tenants who will more than likely to place tables and chairs in the public open space which would further exacerbate the noise levels for surrounding residents.

How the courtyard would be used by both the retail and restaurant uses can be controlled by an Operational Management Plan (OMP). This will include the extent and hours of use of the courtyard and maintenance and security/surveillance and opening hours of the retail units. The acoustic report submitted is considered to be robust and details noise limits for mechanical and electrical plant associated with the proposed development and the specification of new build to enable compliance with noise conditions. Ductwork and plant would be located at roof level of the George Street and Baker Street buildings in dedicated plant areas and not on the roof of the single storey retail units. In both instances this will be a substantial distance away from the existing residential properties. The roof level plant would include air handling units, generators, condensers, and fan units enclosed by acoustic louvre. Environmental Health raise no objection to this aspect of the development. With regards to the provision of tables and chairs in the public open space this would be controlled in the OMP.

Although the proposal would result in potentially a 50 % increase in restaurant floorsapce it would result in the removal of an existing bar (Class A4) at 88-90 George Street which is licenced until 12 midnight. The proposed restaurants would result in the provision of service uses that are not considered out of context for the size of the site. The proposed hours would be restricted to the normal core hours for licensed premises, with evening opening rather than night time use. Subject to appropriate conditions including a requirement for all the individual units to operate in accordance with an approved Operational Management Plan (OMP) the overall restaurant provision is considered to be acceptable.

Compliance with an OMP would safeguard amenity and to ensure the restaurants and retail units are properly run to minimise their environmental impact it is considered that the uses would be acceptable.

8.2 Townscape and Design

A. The site

The site comprises most of the street block defined by Baker Street, Blandford Street, George Street and Gloucester Place. It lies outside the Portman Estate Conservation Area, except for the buildings on Gloucester Place. The Portman Estate Conservation Area also lies immediately to the south and east of the site.

The existing buildings within the site are:

a. Gloucester Place (referred to as Building A in the planning application)

These is a grade 2 listed building, listed in 1970 but rebuilt as an office block in 1972-73, as a facsimile rebuild of c.1790 Portman Estate terraced houses. It is listed for 'group value' only. It forms an important part of the townscape of Gloucester Place, reflecting the appearance of the original Georgian house which dominate. Its interior is modern and not of special architectural and historic interest.

b. Blandford Street (Building B)

This forms the eastern end of the four storey terrace of post-war town houses. The majority of the houses (nos. 73-89) lie outside the site.

c. Baker Street (Building C)

This is a 1960's building with a strong horizontal emphasis, of limited architectural merit. It is the largest building on the site, comprising seven floors above street level, with a recessed plant room at roof level. The facade is approximately 26 metres above street level; the top of the roof plant is at 31 metres. On plan it is quite narrow, with a floor plate depth (above ground floor level) of around 18 metres.

d. George Street (Building D)

This is another post-war building, with a strong horizontal emphasis, but significantly lower than the Baker Street building. It is four storeys high, with a recessed top floor, which was added 10 years ago. The main parapet height is about 15 m above street level; the top of the building is about 20 m above street level.

B. Context – Building heights

The surrounding context is dominated by four to five storey buildings (mainly Georgian) towards the west end of the site, and taller buildings, up to seven and eight storeys, to the east on Baker Street. Further east, beyond Baker Street, the context is again four to five storey buildings. These domestic scale buildings typify the character and appearance of the Portman Estate Conservation Area.

To the west

There are listed Georgian terraced houses adjacent on the south side of George Street (nos. 71-87). These are four storeys high with mansard roofs. Gloucester Place is characterised by listed Georgian houses of four or five storeys. The south side of Blandford Street comprises four storey post-war town houses.

Baker Street and to the east

Looking north and south along Baker Street there appears to be a reasonably consistent parapet line, especially on the west side. North of the site (Building C) on Baker Street no.55 has facades seven storey high. Its height and bulk are similar to those of the existing Building C. No. 55 was refurbished and extended 10 years ago. The 1960's building opposite, Accurist House (no. 38-44), on the east side, has facades five storeys high, with a recessed floor above.

Directly opposite the site, on the east side of Baker Street, is a modern office development in a Georgian style (nos. 20-30). The street facades are 4 and 5 storeys high with a mansard roof. At the north end of this block are two late eighteenth century Georgian houses, listed grade 2.

South of the site the buildings are only slightly higher than those to the north. The building on the west side (no. 7-15) is recent, built in 2011. It is seven storeys high, with a recessed top floor. The massing of this new building was designed to relate closely to its neighbours, including Building C. Opposite this on the east side of the street is an undistinguished eight storey block (nos. 16-20) dating from the 1960's.

C. The proposals – urban design and conservation issues

a. Demolition

All the existing buildings are to be demolished, with the exception of the Gloucester Place listed building (Building A). The loss of the buildings is not contentious and in any case, since they are outside the Portman Estate Conservation Area, they can be demolished without planning permission.

b. Plan form

The new buildings broadly follow the historic building lines on the main streets. On Baker Street the new building is slightly forward of the existing building line at street level, but the upper floors are on the same line as the existing building. The projection at ground floor level raises highways issues, more than urban design issues, and is dealt with elsewhere in the report.

New routes are proposed through the block. These routes are not on any clear pedestrian desire lines, and without the proposed uses in the courtyard, the routes would be unlikely to be heavily used. The routes are required to access a new semi-public space in the centre of the block from the surrounding streets. The new space is intended to enhance the attractiveness of this part of Baker Street, creating a new semi-public place for people to use and enjoy. The proposed space is considered an enhancement, compared with the existing car park, and is considered uncontroversial in principle in urban design terms. The amenity impacts of the courtyard are dealt with elsewhere in this report.

The route east to west is lined with restaurants / shops, and, under the main office building, by office entrances on the south side. The route northwards is relatively narrow and not lined with active frontages. The route south is wider and has restaurants / shops on both sides.

The retail / restaurant units on George Street also front onto the courtyard. This means they have two frontages, which are often difficult to make work successfully in practice. Retailers usually only want one entrance, and use the rear of the shop for back of house activities. This is a point made by objectors. (If they are restaurants then having two entrances – front and rear – is likely to be less of a problem). To be successful, with active frontages on both George Street and the courtyard, some form of management agreement would be necessary.

c. Massing

On Baker Street the new office building is 11 storeys high, with the 10th, 11th and roof level plant set back progressively. The total height is approximately 46 m above street level. This is to be compared with the existing building height of 31 m, an increase of approximately 15 metres, the equivalent of about 4 office storeys. The proposed main parapet level is at 37 m above street level, compared to 26 m existing. The office building is significantly deeper on plan than existing; it is approximately 46 m compared to 18 m existing. The increase in the depth of the plan coupled with the additional height means that the new building is very significantly more bulky than the existing building, and others in the surrounding area.

On George Street the residential buildings step down from 7 to 6, to 5 storeys (approximately 25 m to 18 m) from east to west. These are significantly higher than the buildings on the south side of the street.

d. Design of the new buildings .

Baker Street – Building C

The buildings facades take the form of stone and precast framed structures, separated by recessed glazed bays. The 8th and 9th floors are set back with terraces in front of the facade, and the top floor is taken up with the plant, and is surrounded by a flat bio-diverse roof.

The facades have wide stone piers, spanned by large pre-cast concrete lintels. Within each opening are double height glazed bays, each measuring 6.5 m by 6.5 m. This allows 8 storeys to be articulated as four. The upper floors, at roof level, are fully glazed, with clear and opaque glazing.

The Courtyard buildings

These are single storey structures, with glazed shopfronts and bio-diverse roofs.

George Street – Building D

The building is divided into 5 sections, each 4 bays wide. The facades are of brick, with arched window openings, and metalwork balconettes. Each section is separated by a recessed glazed bay, breaking down the massing and giving the façade a regular rhythm. Although not designed on Georgian principles, the facades do make some reference to the historic terraces in the area through the use of brickwork and a regular fenestration pattern, albeit without the vertical hierarchy found in Georgian facades. It is considered that close adherence to Georgian design principles is not essential in this context.

It is considered that the new buildings (C and D) are of high intrinsic design quality, setting aside the issue of height and the architectural relationship to the surrounding area.

Gloucester Place – Building A

Three new openings are proposed in the Gloucester Place facade at ground floor level to provide a new route into the middle of the street block. A ramp would be installed behind the railings on the south side of the entrance. Such openings are alien to the Georgian buildings in Gloucester Place. However, if the concept of the east-west route and the semi-public space is accepted, then the facade alterations have been designed in a way which respects the Georgian architecture, although alien to the domestic character of Gloucester Place, with its painted timber doors and sash windows at ground floor level. There is no loss of historic fabric as this is a 'replica' rebuild.

e. Impact on views

The main impact of the proposed scheme is from the increase in height of the office building and how this is seen in views from surrounding streets.

Baker Street

In views from the south, from the south east corner of Portman Square northwards, the new building is clearly visible, and appears significantly taller than the existing buildings, breaking through the relatively consistent parapet line. These are shown in Views 1, 2 and 3 in the planning application document, 'Townscape, Heritage and Visual Assessment'. The document describes the impacts as being enhancements to the views.

The applicants argument that this site is the middle of Baker Street and so justifies a prominent, landmark building, is not accepted. When one walks along Baker Street it is not at all apparent that the site is in the middle of the street. In any case, it is only in the middle of the street if Baker Street is regarded as running from Oxford Street to the Marylebone Road, taking in Orchard Street and Portman Square. The latter do not read as being part of Baker Street, which appears to end at the north side of Portman Square.

George Street and Blandford Street

It is the views eastwards and westwards, along George Street and Blandford Street, where the development is seen in conjunction with the Georgian terraces (some of which are listed buildings), that the visual impact is very significant. In these views the new building C looms above the small scale terraces and harms their settings. For example, Views 7, 8 and 12 on Blandford Street and 5 and 16 on George Street.

The submitted report describes these impacts as enhancements to the townscape. This is not accepted. It is considered that this juxtaposition of the new building C with the domestic scale of the Georgian houses is uncharacteristic of this part of Marylebone and the Portman Estate Conservation Area. The impacts are clearly harmful in urban design and conservation terms.

The proposed new buildings fail to preserve or enhance the setting of the adjacent Portman Estate Conservation Area, harm the setting of adjacent listed buildings and harm local views. This is contrary to some of the City Council's urban design and conservation policies, notably S25 and S28 of the City Plan and DES 1, DES 9 and DES 10 of the Unitary Development Plan.

D. Consultation responses with respect to urban design and conservation matters

A full and detailed townscape and heritage assessment has been submitted on behalf of the objectors in Blandford Street. This is a comprehensive report and is highly critical of the proposal and the documents submitted by the applicants. The report focuses on five aspects of the proposals which have a significant impact on townscape and heritage of the area. These are:

1. The scale of development in George Street
2. The proposed retail courtyard
3. The mass height and foot print of the proposed office building on Baker Street
4. The proposed service arrangements
5. Alleged inaccuracies and misrepresentations in the submitted documents

Many of the points raised by the objectors' report are dealt with in the urban design and conservation section above. It is considered that their objections to the height and bulk of the Baker Street building are particularly sustainable.

Historic England share officers' concerns about the height and bulk of Building C and its impact on the surrounding historic environment. They consider that the height should be reduced. The Marylebone Association is also concerned, but not as strongly; they consider that Building C is bordering on the oversized.

E. Conclusion – Urban design and conservation issues

It is concluded that, setting aside the height and bulk of the Baker Street building (Building C), this is a high quality development. The proposals could be acceptable in urban design and conservation terms if the height and bulk of Building C was reduced, so that it related more closely to the existing buildings on Baker Street.

The height and bulk of the Baker Street building causes harm to the setting of the adjacent conservation area and listed buildings. This harm is considered less than substantial in terms of the NPPF. Planning permission should only be granted if that harm is outweighed by public benefits.

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.

The objection from Blandford Street residents (7 houses No's 73,75,77,79,83,87 and 89) is made on the grounds of loss of daylight and sunlight, overlooking and loss of privacy and noise nuisance from 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: 36 Baker Street, 32-34 Baker Street, 18 Baker Street, 55 George Street, 67-69 George Street, 71-87 George Street, 24 Gloucester Place, 30 Gloucester Place, 73-89 Blandford Street, and 98 Blandford Street.

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 distribution of daylight within individual rooms can also be assessed using the No-Sky Line (NSL) test, which analyses the daylight penetration within a room. The BRE guideline states that where a significant proportion of the working plane (which can receive direct skylight) lies beyond the NSL, the distribution of daylight within the room will seem poor and supplementary electric lighting will be required. The British Standard suggests that a significant area would be more than 20%. However, it is acknowledged that if an existing building contains single aspect rooms, which are particularly deep, then a greater movement of the NSL line may be unavoidable. In all cases, testing need only be undertaken in the case of habitable rooms.

This objection on behalf of the Blandford Street residents' is made from Delva Patman Redler Chartered Surveyors. Their objection does not dispute the figures in the applicants Daylight and Sunlight report (by Point 2 surveyors) but concludes that the scheme fails the daylight and sunlight standards as set out by the British Research Establishment and the standards that the City Council should require. Delva Patman Redler advise that the principle cause for the reduction in sky visibility is the height and proximity of the taller proposed building on George Street exacerbated by the height and proximity of the building proposed on Baker Street. They conclude that a reduction in the height of the George Street block would greatly improve daylight to the Blandford Street houses.

The following section provides a summary of the daylight and sunlight report and the impact of the respective properties. Although there are a significant number of breaches to BRE guidelines (discussed in further detail below) the impact on any of the surrounding properties tested is not considered to be great enough that any losses to daylight and sunlight would result in a material and substantial loss of amenity. Any loss of amenity is not considered to be significant enough to outweigh the wider benefits of the scheme.

The properties assessed are:

i) 36 Baker Street:

All windows tested comply with guidelines.

ii) 32-34 Baker Street:

11 windows have been tested which shows that in the case of 8 windows the losses in VSC levels are greater than 20% which breaches in BRE guidelines. However all these breaches are marginal, ranging between 21- 24 %. This is not considered to have a significant adverse effect upon daylight to the buildings.

With regards to sunlight 7 out of the 11 windows comply with the guidelines. Where there are breaches the rooms have more than one window. When sunlight to the rooms are considered rather than individual windows each room meets the APSH criteria and the building will continue to receive good levels of sunlight.

iii) 18 Baker Street:

The property is located to the south east of the site. The analysis shows that 11 out of 14 windows meet the VSC criteria. The three windows that do not are all overhung by balconies on the floor above which restricts light, as the balcony cuts out the top part of the sky. All rooms tested meet the No skyline criteria.

There would be no breach in Sunlight guidelines

iv) 55 George Street

The proposed development would have the greatest impact on this property. The analysis shows that all the windows which face the site will breach BRE criteria.. The majority of the losses range between 37-53 %. The typical existing VSC levels are around 27 % which would be reduced to around 15 %. This indicates that the windows currently receive a good level of daylight and the loss of daylight would certainly be noticeable, but the retained values are still reasonable and not uncommon for typical values found at other premises in the surrounding area. The windows retain VSC values of between 11-21%.

Of 13 habitable rooms included in the NSL assessment, there would be an improvement to two rooms seven comply with the guidance, three would experience a modest breach of the BRE criteria (22% -26 %) and 1 ground floor window will experience a noticeable change 54%.

No 55 George Street faces onto the southern flank elevation of the new office building at 19-35 Baker Street. There is significant increase in height which would have a noticeable impact to the daylighting levels at flats at 55 George Street. However, it is not considered that the impact would be so great that permission should be withheld because of the breaches.

The property along with remaining properties on George Street are north facing and sunlight does not need to be tested.

v) 67-69 George Street

The building is in use as offices on the ground and 1st floors with residential on the 2nd to 4th floors. 14 out of 17 windows tested breach BRE guidelines, with reductions in VSC levels ranging between 30-41%. Although these figures appear significant the existing VSC levels are high the highest being 30%. The retained values range between 15% -20% which are typical of the area. Although there would be a noticeable impact on this property it is considered that the impact would be so significant that permission should be withheld.

vi) 71-87 George Street

These buildings comprise retail uses on the basement and ground floors with residential on the 1st to 4th floors. 37 out of 75 windows will meet the VSC criteria. At No's 75-87 breaches in the guidelines range between 20%-24% which marginally exceeds the guidelines. At No's 71-73 (which faces onto the highest element of the proposed residential building on George Street) the VSC reductions range from 21% to 29%.

Analysis of the data shows that where there are larger percentage reductions in VSC values the retained values remain typical of residential in the area. The table below provides a breakdown of the retained VSC values for windows in 71-81 George Street that breach guidance.

		Retained VSC %			
	15-17.5 %	17.6-20%	20.1-22.5%	22.6-25%	25.1-27%
No of windows	8	10	8	8	4

Although the various heights of buildings means that there are significant differences in the VSC values of buildings across the Portman Estate a VSC value of 15 % is typical of the surrounding area.

vii) 24 Gloucester Place

All windows tested comply with guidelines

viii) 30 Gloucester Place

There are eight duplex flats at 2nd and 3rd floor levels of the building. 27 out of 34 windows tested meet the VSC criteria. Of the 7 windows which fail, 5 would experience losses of less than 30 % and the retained values are around 25 %. The two other windows are a kitchen window and a bedroom which would see reduction of 37 % and 50 %. In the case of the kitchen an existing VSC level of 14 % is reduced to 8 % which is a 37 % reduction but the actual loss is 5 %. With regards to the bedroom a VSC of 35 % would be reduced to 17 %. This retained level of daylight (VSC) to a bedroom is considered acceptable.

ix) Blandford Street properties

The houses at No's 73 -89 Blandford Street are the closest to the application site as they form part of the street block but lie outside the site. As stated, objections have been received on behalf of 7 of 9 houses (No's 73,75,77,79,83,87,89), that the scheme is a substantial overdevelopment of the site which would result in a material loss of amenity to residents.

The daylight and sunlight report submitted with the application shows that most of the windows in houses tested would comply with guidelines. As however is the case with a number of other surrounding properties there are some breaches to the guidelines. In all cases where there are breaches in BRE guidelines the objection from Delva Patman Redler on behalf of the 7 houses is that the breaches are unacceptable.

The applicant argues there are two important characteristics of the Blandford Street houses which present a situation which challenges the ability of the development to strictly adhere to the technical specification required by the BRE. These characteristics are:

some of the windows in the houses have recessed windows below overhanging projections or are set back beneath very deep inset balconies. The façade means that the overhang blocks out the top part of the sky. The design means that the windows have low existing VSC values. This is demonstrated by comparing existing VSC values for windows inset with windows at the same level on the face of the building. At first floor level inset windows typically have values of 8%-10% whereas windows at the same level which are not overhung have values of 30 % VSC. The design therefore creates a position in which very small absolute changes in light exceed the 20 % percentage reduction and technically breach BRE guidelines;

the Blandford Street houses overlook an open and underdeveloped car park which is unusual street pattern. It is therefore somewhat inevitable that any redevelopment will have an impact on the daylight and sunlight to the Blandford Street houses.

The impact on the each of the individual properties assessed are summarised as follows:

a) 89 Blandford Street

The applicants initial daylight/sunlight report referred to the ground floor as commercial offices which were excluded from the assessment. An objection was received from the owner/occupier of the premises which advised that although one of the ground floor rooms is used as study it is not in commercial office use. A subsequent site visit confirmed that the property is a residential

dwelling and the rear ground floor has a study and dining room window facing the site. The objection from Delva Patman Redler also refers to the fact that the premises is a single dwelling and that the ground floor habitable rooms should be assessed.

The daylight and sunlight report has subsequently been updated to include the rear ground floor windows of No 89. In response to further consultation the owner/ occupier of the premises strongly objects to the loss of light.

The revised assessment tests 11 windows that serve accommodation across ground-3rd floors. Nine of windows meet the VSC criteria. A ground floor dining room window is heavily recessed and has an existing VSC value of 3.09%. This is despite it looking over the undeveloped carpark which illustrates the effect the overhang is having on the ability of the window to receive direct skylight. The VSC to this window is reduced to 1.12%, i.e. an absolute change of 1.97%. In terms of NSL, there will be a 41% change which is beyond the BRE target.

The 1st floor is a dual aspect living room with windows facing over the site as well as Blandford Street. The 2nd and 3rd floors are used as bedrooms.

A 1st floor window serving a living room also does not meet the guidelines. The window is overhung as it is setback from the external façade of the building in order to provide an inset balcony. The window has an existing VSC value of 8.23% despite it looking over the undeveloped carpark element of the site. The adjacent window that also serves the living room but is located on the outer façade of the building has an existing VSC value of 28.19%. This shows the effect that the recessed balconies upon existing light levels. The window experiences a 28.68% reduction from the existing value which exceeds the BRE criteria. The loss is largely attributed to the fact the existing VSC is so low. In such circumstances, even modest absolute changes in VSC are disproportionately high when the actual quantum of light loss is not that significant. The No Skyline result for the living room shows that there will be a 9.7% change in the No Sky contour which is well within the 20% reduction permitted by the BRE guidelines.

With regards to sunlight, all of the windows meet the BRE guidance. The living/dining room, which has the highest requirement for sunlight retains a total APSH of 64% which is significantly above the BRE target of 25%.

b) 87 Blandford Street

Of 8 windows were tested, 7 meet the VSC criteria. The one failure is a 1st floor living room window which would experience a 38 % reduction in VSC. This can be attributed to the fact that the window is set within a deep recess. This results in a low existing VSC of 9.08% being reduced to 5.63 %. There is therefore a small absolute change in VSC but a disproportionately high percentage reduction.

The sunlight analysis shows a similar impact that 7 windows meet the APSH criteria. The one window that fails is the recessed living room window, however there is a second window which serves the 1st floor living room and the room will continue to receive good levels of sunlight.

c) 85 Blandford Street

There are 6 windows at the rear of the property. 3 windows tested meet the BRE criteria and 3 fail. One of these windows is a ground floor window in which an existing VSC level of 29.81 % would be reduced to 23.76 % a loss 20.30 %, just marginally over 20 % guideline. The other two windows which fail are at ground and first floors. Although the percentage reductions are 39.71 % and

49.25 % respectively, again this can be attributed to the fact that the windows are recessed and have very low existing VSC values of 8.99 % and 4.67 % (reduced to 5.42 % and 2.37 % respectively).

With regards to sunlight 5 of the 6 windows tested meet the criteria. The one window that fails serves a 1st floor living room. The room is supplied by a second window which would retain a total of 60% APSH. The sunlight to the room is acceptable.

d) 83 Blandford Street

The ground floor has a conservatory which extends close to the rear boundary wall. The 1st to 3rd floors are bedrooms. Of the 10 windows assessed at the property 6 meet the criteria. 2 windows within the ground floor conservatory breach the BRE criteria but these are small secondary windows. At first floor level there are 2 windows serving a bedroom that fail. They will experience losses of 21% - 23%. This is only marginally in excess of the guidelines, furthermore the retained values are 23 % which is considered to be a good level of daylight.

There would be no material breach to sunlight.

e) 81 Blandford Street

11 windows have been assessed of which 6 breach the technical criteria. At 1st floor level there are 2 living room windows where the losses in VSC values are 25 % and 26.5 % respectively. The retained values are however typically 22% which is considered acceptable. With regards to bedrooms at 2nd and 3rd floor levels the analysis shows that the windows will experience a 21%-23% reduction. Again this is only marginally above the criteria and the retained VSC values are between 24 % and 26 %.

There would be no material breach to sunlight.

f) 79 Blandford Street

The ground floor has a kitchen and dining area. The rest of the property follows the layout of the majority of the houses in the terrace with a large dual aspect living room at 1st floor and bedrooms on the 2nd and 3rd floors. The results of the report show that all windows will experience VSC losses in excess of the 20 % BRE guideline with losses ranging between 21% to 31%. The retained values are however good being between 20 % and 26 %. The ground floor windows that serve the kitchen and dining area retain VSC values between 16% and 17 %. The overall level of daylight to the property is considered acceptable.

There would be no material breach to sunlight.

g) 77 Blandford Street

There are 7 windows at the rear of the property serving habitable rooms. Again all the windows assessed would experience reductions in VSC levels in breach of guidelines. The windows on the face of the building retain VSC values of 18% to 24% which are comparable to the other properties in the area. The other windows in which there is both a significant percentage reductions in VSC values of between 36 % to 73 % and low retained VSC values are all attributed to the overhangs. In the circumstance the impact on the building is not considered to be excessive.

h) 75 Blandford Street

The ground floor windows are a study and toilet. The 1st floor has an open plan living/ dining room with bedrooms above. The assessment shows that in the case of all rooms at the rear there would be a breach to guidelines. Where windows are at the face of the building and are not obstructed by projections above, losses range between 36 % and 39 % with retained values ranging between 17 % and 21%. Recessed windows serving a living room at 1st floor level and a bedroom at 3rd floor level experience larger percentage reductions in VSC levels however this is a consequence of the overhang and existing low levels of VSC. There are three windows serving a study which are overhung by the floor above. Two of these windows have a VSC less than 1% the third window has a VSC of 8% which will be reduced to 4%. Although there would be an impact on the property it is not considered that this would be so severe to adversely impact on living conditions.

With regards to sunlight the living room would retain 56% APSH which is more than double the BRE requirement.

i) 73 Blandford Street

The ground floor is in use as a games room/ playroom the 1st floor is a single aspect living room. The floors above are bedrooms. The report shows that all windows in the rear of the property will breach BRE criteria. The windows on the face of the building will experience losses in VSC values ranging between 41% and 49 %. The existing VSC levels for these windows range between 26% to 30%. The retained values will be reduced to 13%-14.79%. The house is the closest to rear of the proposed new Baker Street building and directly opposite the highest part of the residential at George Street. The impact of the scheme would be noticeable at No 73 Blandford Street. However, as is the case with the other Blandford Street houses which abut the site the resulting VSC levels are not uncommon for residential properties in the area. Most of the windows affected are bedrooms. Furthermore all the rooms tested meet the NSL criteria. In the circumstances the losses to daylight are considered acceptable.

With regards to sunlight all habitable rooms retain 38% to 49 % APSH which is significantly above the BRE target of 25 %.

98 Blandford Street

All windows tested comply with guidelines.

Sense of enclosure

Given that the houses at No's 73-89 Blandford Street are part of the street block and abut the site. The scale of the proposed development would result in an increased sense of enclosure experienced in the rear aspect of these houses. This enclosure would be as a result of the increased height and depth of the commercial building (C) on Baker Street and the single storey ground floor retail units which will effectively abut the rear boundary wall of the houses. Any increased enclosure would be most noticeable at No 73 Blandford Street which is furthest east and closest to the new Baker Street building.

The roof profile of the ground floor units at the northern edge of the site has been amended since the initial submission to reduce the bulk on the boundary. This has been amended since the initial submission to reduce the bulk on the boundary. As revised the rear will effectively increase the boundary wall by 0.68m and pitch away from the wall a distance of 2.35m to a maximum height approximately 3m above the boundary wall.

As already stated objections have been received that the rear of the retail units would result in an enclosure that would be harmful living conditions. Further to revised consultation Blandford Street residents maintain their strong objections that the revision in no way overcomes the objections and the development would result in a substantial loss of amenity.

At present the houses overlook an open car park and development on the northern boundary and development close to the boundary wall would result in an enclosure to ground floor rooms of the existing houses. This increase in bulk and mass is not however considered to be so great that it would adversely impact on living conditions of the houses. Any loss to residential amenity due to increased sense of enclosure from all the new buildings is not considered to be substantial enough to warrant refusal of the application.

Overlooking / loss of privacy

City plan policy S29 seeks to protect the health and well-being of Westminster residents and UDP policy ENV13 states that developments should not result in a significant increase in overlooking.

The objection on behalf of Blandford Street residents is made on the grounds that 'the location of a large commercial building on a much larger office footprint adjacent to the existing residential units on Blandford Street with the rear building line being a matter of meters from the rear gardens and fenestration would result in overlooking and a loss of privacy. The objection states that the applicant has failed to demonstrate that the operation and function of the larger building would not be harmful to amenity with the lack of any detailed sight line analysis from window to window by floor level. Furthermore that direct overlooking from the rear windows of the new office building is intensified by the external terraces at 8th floor level looking back towards Gloucester Place.

Part of the western rear elevation of the commercial Baker Street building (building C) includes vertical louvres to be incorporated into the west façade of the building. The louvres will sit within the recessed glazing bays so as not to project beyond the face of the façade. The louvres will be located on floors 1 to 6, which will prevent any overlooking. It is recommended that details of the louvres are secured by condition. Levels 8 and 9 of the office building (Building C) are set back from the main façade and include terraces. Given the height of these terraces they would not result in any direct overlooking into residential properties.

The new residential on George Street (building D) is approximately 30m away from the existing residential properties in Blandford Street. This is a greater distance than the usual street width in the area. The rear aspect of the premises and terraces would not therefore result in overlooking and a loss of privacy. Given the distance separation between the terraces and the objector's properties it is considered that use of the terraces as outdoor amenity space would not result in undue noise nuisance.

8.4 Transportation/Parking

The application includes a Transport Assessment prepared by Arup. Residents of 73-79 Blandford Street instructed Transport Planning Associates (TPA) to review the transportation and highways aspects of the application. They consider that the application in its current form is fundamentally flawed from a highways perspective. The specific objections are:

- i) that the service yard is inadequate for both the size of vehicles and the volume of deliveries anticipated;

- ii) increased trip generation would adversely impact on highways safety;
- iii) the development has not adequately taken into account the Baker Street two-way scheme.

The Blandford Street residents also object to the location of the proposed service yard on the grounds that its use would result in noise nuisance and servicing should be located on George Street which has more commercial uses whilst Blandford Street is primarily residential. The impact of noise from use of the service yard is considered in section 8.7 (Noise) of this report.

Car Parking

The existing car park has 96 car parking spaces. These are all commercial spaces and the existing 40 flats have no car parking. The scheme will provide 25 car parking spaces at basement level for the 51 flats. Access to the basement car parking will be from George Street via a lift. There is space for a single car to wait off the highway should one arrive when the lift is in use, which is considered acceptable.

The Highways Planning Manager has confirmed that the loss of the existing commercial car parking is acceptable.

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. The proposed 51 residential units range in size, the proposed 25 car parking spaces does not exceed the maximum prescribed by the policy.

This proposal would result in a ratio of 0.4 parking spaces per dwelling, which in a central London location well served by public transport is considered to be an acceptable level.

The GLA consider that the development should be car-free. It is however 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 parking free development has not been pursued.

The applicant is offering unallocated parking. This should mean that 25 spaces are sufficient to serve the development without residents having to park on-street. If the parking was allocated this would effectively mean that 25 properties would be sold with parking and the remainder would not and residents who wanted to own cars would have to park on the street. The proposed parking provision for the residential part of the development is an improvement on existing where 40 units do not have any off street parking. The proposed electric vehicle charging points (EVCP's) are London Plan policy compliant.

Cycle Parking

The current development has no cycle parking and the proposal includes 480 cycle spaces, comprising 448 long stay cycle parking spaces and 32 short stay spaces.

The GLA advise that to comply with London Plan standards a minimum of 486 cycle spaces should be provided comprising 413 long stay and 73 short stay. The provision of 35 long stay cycle parking spaces in excess of the London Plan requirement is welcomed. There would

however be a shortfall of short stay spaces. The GLA suggest that the applicant enters into a section 106 agreement to provide the shortfall of short stay cycle parking in the surrounding area. The applicant has offered to fund further facilities in the vicinity of the development. In the light of the proposed Baker Street two-way scheme this may prove difficult. Given the existing position the cycle parking as proposed is considered acceptable.

Servicing

UDP policy TRANS 20 requires new developments to provide adequate off-street servicing. The development includes a servicing bay in off Blandford Street which would accommodate the majority of servicing. There would be limited on-street servicing on George Street. The service yard will include three bays which are large enough to accommodate 8m vehicles. Changes to on-street parking will be required to accommodate the entrance to the service yard.

Size of service yard

The Transport Assessment submitted in support of the application includes a swept path analysis for the service yard. TPA object on the grounds that 'the swept path analysis illustrates an 8m vehicle colliding with the yard wall opposite loading bays as part of a four point turn. Therefore the analysis provided by Arup illustrates that the yard is not fit for purpose'. TPA state that 'given that turning within the service yard is clearly not practical for 8m vehicles that service vehicles would seek to reverse into the yard from Blandford Street which would introduce considerable risks to the safety of highway users both in terms of pedestrians and vehicles'. They also state that the swept path analysis also fails to account for parking in the vicinity on Blandford Street.

They also object on the grounds that it is unrealistic to expect the development to be serviced by vehicles limited to 8m. They state that many retailers operate with vehicles larger than 8m. They reference Tesco Stores Ltd who operate an Express store on George Street within the application site being serviced by a vehicle 10m in length. They advise that the smallest vehicle in their fleet is 8.4m in length and 2.55m wide.

With regards to the size of the service yard, in response to the objection the applicant's transport consultants (ARUP) have reviewed the swept path analysis. A revised swept path has been submitted which demonstrates that an 8m vehicle would maintain a greater clearance to the walls and structural elements of the service yard. Furthermore that the development's Facilities Management (FM) team will be responsible for ensuring that vehicles do not reverse into or out of the site.

Having assessed the information provided the Highways Planning Manager advises that 8m vehicles would be able to enter and leave the site in forward gear and the service yard is workable.

With regards to the size of service vehicles the applicant states that food retail convenience stores are not part of their retail strategy. They aim to create a retail destination with a range of independent operators. The servicing strategy would be communicated to suppliers who would consequently be aware that only vehicles 8m in length can be accommodated on the site.

The Servicing Management Plan will stipulate that only vehicles 8m in length can be accommodated on site. A condition is recommended which would prevent any of the units being used as a food supermarket. Subject to this condition it is considered that the service yard is fit for purpose.

Service yard capacity

The Transport Assessment predicts that the development would generate 94 servicing trips over a day with 11 in the peak hour. The draft servicing management plan (SMP) assumes a turnaround time for 8m and 6m vehicles that would use the service yard of 20 minutes and 15 minutes, respectively. The objection from TPA is that on the suggested turnaround times the service yard could not cater for the volume of deliveries expected in the peak hour and there would be frequent on street deliveries during peak hours, with a number of vehicles waiting on Blandford Street for access to the yard. The objector refers to deliveries to Tesco Express store on site taking up to 40 minutes each.

The applicant has submitted servicing details of a mixed use development at 55 Baker Street as justification for the estimated dwell times at the development site. This sets out that the dwell times for 6m and 8m vans are 8 minutes and 10 minutes, respectively. They consider that the assumptions in their Transport Assessment are robust. The applicant's draft delivery and servicing management plan submitted in support of the application advises that it is not expected that vehicles would occupy the loading bays for the full 15 or 20 minutes in allocated slots.

The Highways Planning Manager has confirmed that a servicing management plan should, amongst other things, include a restriction on the size of delivery vehicles, a restriction on the number of deliveries that are received from the street and maximising the number that are received from the delivery bay, and management of arrivals to the delivery bay so that not too many vehicles arrive at the same time.

A condition is recommended requiring the development to operate in accordance with a Servicing Management Plan. On this basis the Highways Planning Manager advises that servicing arrangements are considered acceptable.

Highways Safety

TPA has raised that there have been ten pedestrian accidents in the vicinity of the development over the last five years and say that the development should address this, particularly given that the development is expected to draw more people, particularly pedestrians, into the area. However, officers feel it is difficult to make a connection between any of the accidents that have occurred and the existing and proposed developments on this site. Also, the design of the two-way scheme for Baker Street has sought to improve conditions for pedestrians.

Baker Street Two Way scheme

TPA note that the scheme includes the widening of the footway on the north side of Blandford Street near its junction with Baker Street and an advanced stop line for cyclists at this location too, which may not be compatible with the proposals to site the servicing access in this part of Blandford Street. The applicant advises that the scheme is compatible with the Baker Street Two way scheme, but their transport consultants (ARUP) have been asked to specifically address this issue. Their response will be verbally reported to the Sub-Committee, however the Highways Planning Manager has confirmed that there is a workable solution.

Stopping up

The proposed scheme would bring the ground floor building line forward and hence reduce the footway width, at several locations. The Highways Planning Manager has objected to this saying that UDP policy TRANS 3 states that developments should improve conditions for pedestrians. By reducing the width of the available footway, the Highways Planning Manager argues that the proposal does the opposite. He has therefore objected to this aspect of the proposals, particularly with regard to Baker Street which is clearly busy with pedestrians. The applicant has been asked to provide further justification for bringing the ground floor building line forward. This issue remains unresolved but is not considered to be fundamental to the principle of development and can be satisfactorily dealt with through the imposition of an appropriate condition.

8.5 Economic Considerations

The economic benefits of the scheme are substantial. Baker Street is a major commercial street within the West End. The Baker Street Quarter Partnership Business Improvement District (BID) who represent over 220 nearby businesses and enterprises support the application. They state that 'regeneration of the site will open up the underutilised location and provide more jobs, growth and commercial space for the wider Baker Street area. These will help offset some of the loss over the past decade of commercial space to residential use in the Baker Street area'.

An Economic Statement has been submitted in support of the application. This concludes that there would be significant economic benefits including an estimated provision of between 1,585 and 2,060 jobs directly on site, just under 90% (between 1,585 and 2,060) would be office based employment.

The economic benefits are a significant public benefit of the scheme.

8.6 Accessibility

Residential

There are three entrances to the market residential building on George Street and one to the affordable housing on Gloucester Place. All entrances have level doors and fire exits meet the requirements of part M of building regulations. 10% of the proposed residential accommodation are wheelchair adaptable in accordance with guidelines. The basement residential parking will be accessed via a car lift, three disabled car parking spaces are provided.

Offices

The new Baker Street office entrance comprises a large automatic sliding door entering into a large foyer entrances and exits are level in line with building regulations requirements. 30 Gloucester Place (Building A) is a listed building. The design has been targeted to be in compliant with the building regulations in terms of access. However due to the constraints of the listed building especially the width of the lightwells, the gradient of the ramp has taken precedent over the width. The design of the ramps is considered acceptable.

Generally across the site existing pavement levels rise from Baker Street to Gloucester Place with an approximate increase of 1m. The scheme does not propose to adjust the existing pavement levels at the perimeter of the site, although as part of the construction of the scheme and the Baker Street –Two Way scheme paving will be replaced where it interfaces with paved areas

within the proposed new public realm. This will ensure that new areas of paving are smooth, evenly laid and new dropped kerbs or crossing points are designed to meet standards.

Retail

Within the publically accessible courtyard all threshold levels will be flush. Changes in levels in and giving access to the courtyard will have building regulations compliant ramps.

UKPN Access

There are two existing UKPN sub stations on the site at 19-35 Baker Street (Building C), and a Low Voltage –only Substation at 88-110 George Street (Building D). One of the sub stations at Baker Street will be removed. The scheme will include the two new substations both of which have vehicle access for irregular maintenance.

8.7 Other UDP/Westminster Policy Considerations

Archaeology

An Archaeological Impact Assessment prepared by MOLA has been submitted with the application to assess the impact of the proposed development on existing archaeological remains.

The site is not within an Area of Special Archaeological Priority. The potential archaeological remains comprise buried footings and cellars of late 18th Century Portman Estate terraced houses, stabling, mews, yard surfaces, drains and rubbish cess pits. The site is considered to have a low potential for remains dating from the prehistoric to later medieval periods. Within the central car park area archaeological survival is expected to be high owing to the lack of development here. No archaeological survival is expected in the footprint of the existing buildings (60 % of the site) as they have single level basements which would have removed earlier remains.

A condition requiring a two-stage process of archaeological investigation and evaluation is recommended.

Trees

There are a number of trees surrounding the site and 4 trees within planters located in the car park at the centre of the site. The proposal includes the removal of 5 trees in total, comprising the 4 false acacias in the car park and 1 x Silver Birch on Blandford Street (all covered by TPOs). The 4 x trees within the site would be replaced with 6 trees comprising 4 x Silver Birch and 2 x Cherries. The proposal is also seeks to retain 13 street trees and provide 12 new trees (6 on-site and 6 off-site). The scheme also includes soft landscaping to residential and office terraces and the arbour crossing covered in evergreen climbing plants and seasonal flowers in the courtyard. An arboriculture report (by The Landscape Partnership) has been submitted as part of the application.

The objection on behalf of Blandford Street residents is that the loss of the trees (5 of which are covered by a TPO) is contrary to London Plan policy 7.21 which seeks to protect, maintain and enhance all trees, and City Plan policy CM 28.1 which requires that basement developments do not impact on trees of townscape, ecological or amenity value.

The Council's arboriculture officer objects to the application. In summary the objection is made on the following grounds;

- The proposed replacement trees within the site are inadequate replacements for the existing trees;
- Insufficient information has been provided with regards to the practical replacement of the pear tree on Gloucester Place;
- Risks to surrounding street trees and offsite trees (T21 and T22) in Blandford Street;
- Insufficient information about proposed soil volumes and sustainable irrigation for new trees and landscaping;
- Insufficient soil volume to support proposed planting for the 'arbour';
- Inappropriate/ impractical landscaping and tree species; and
- Street tree planting by applicant as a substitute for replacement planting on this site is not sustainable.

In response to the objection by the Council's arboriculture officer the applicant argues that the proposed scheme would result in the provision of a significant increase in greenery with a greater number of trees and increase overall canopy cover. In addition the Portman Estate (applicant) has made a significant contribution to street tree planting. This argument is acknowledged, however in the light of the objections it is considered that the acceptability of the proposed tree strategy remains unresolved. It is not however considered that permission for this large scale development scheme should be withheld on this basis. It is however recommended that any permission is subject to detailed conditions which would ensure that the tree planting and landscaping is an improvement to the existing position and appropriate to the scale of the development, ensuring that a valuable amenity is provided.

Sustainability

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture. Policy S39 of the City Plan states that major developments should be designed to link to and extend existing heat and energy networks in the vicinity except where the Council considers that it is not practical or viable to do so. Wherever possible, de-centralised energy generation through CHP systems should be supplemented by on site renewable energy generation.

Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints. The NPPF establishes a presumption in favour of sustainable development. London Plan Policy 5.3 also requires developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy. A Sustainability Appraisal (including a BREEAM) and an Energy Strategy have been submitted as part of the application.

Energy

The Energy Statement concludes that there would be an estimated 30% reduction in regulated carbon dioxide emissions from the non-domestic aspect of the development and an estimated 24% reduction from the proposed residential buildings. London Plan policy 5.2 requires 35 %

savings. For the domestic buildings the London Plan requirement for zero carbon homes has not been met, equivalent to 55 tonnes CO₂ per annum. The applicant advises that all possible measures have been explored to make the proposed scheme as energy efficient as possible. The GLA in their stage 1 response confirm that there is little further potential for carbon dioxide reductions on-site. They have requested that the shortfall is met through a financial contribution to the Council's carbon offsetting fund. It is recommended that an offset contribution of £84,780 for the non-residential and £145,800 for the residential is secured by S106 agreement.

Sustainability Performance

Some of the key proposed sustainability measures are:

- Provision of secure cycle storage
- A centralised heating plant located in the basement which would provide heating for the Baker Street building and cooling all buildings on site
- Grey water recycling system in Baker Street and George Street Buildings
- 1,447m² of biodiverse green roof including 688 m² for the Baker Street Building

The sustainability appraisal includes a BREEAM 2014 pre-assessment. This confirms that the scheme has targeted sufficient credits to achieve an 'excellent' rating (76.43%). All the credits that are mandatory for an 'excellent' rating have been targeted. It is recommended that a condition is imposed which requires the development to achieve BREEAM 'excellent' rating.

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.

The roof level plant area is understood to include air handling units, generators, condensers and fan units enclosed by an acoustic louvre. The applicant's acoustic consultant advises that any plant which is considered to be a source of noise impact can be mitigated at the source using acoustic attenuators. This will be refined during the design process.

The application is supported by an acoustic report by Arup dated 22 November 2016. This report refers to a noise survey which established a lowest daytime background noise level of 57 dB L_{A90} (15 min) and a lowest night-time background noise level of 47dB L_{A90} (15 min).

The development site has been assessed as being in an area in which existing ambient noise levels are above WHO Guideline Levels (L_{Aeq,16hrs} of 55dB daytime (07.00-23.00hrs) and L_{Aeq,8hrs} 45dB night time (23.00-07.00hrs). Where the ambient noise levels are above WHO guideline levels the plant is required to operate at least 10 dB below the lowest background.

An objection has been received on behalf of Blandford Street residents that the acoustic noise report is flawed because background noise levels have been taken from the four street facades and in the central car park however only the data from the street level facades have been provided. In addition, background noise readings have not been taken from the rear of Blandford Street properties.

In response to this objection a further noise survey was undertaken taking readings from the rear of the Blandford Street properties. An addendum report dated 20 April 2017 has been submitted. These measurements have been assessed by Environmental Health together with the previous long-term measurement data. The updated acoustic report states that the appropriate design levels are 40 dB L_{PA} during the daytime and 35 dB L_{PA} overnight at noise sensitive receptors to the rear of Blandford Street.

Environmental Health have confirmed that the measured background noise levels and proposed design levels are representative of the noise climate for this area. They have confirmed that they have no objection to the application on environmental noise or nuisance grounds and any noise can be satisfactorily controlled and/or mitigated by condition.

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 through compliance with the City Council's Code of Construction Practice.

Basement

Basement developments need to be assessed against City Plan Policy CM28.1

The site includes one storey basements under the existing buildings which will be deepened and extended to the whole site under the existing car park. The basement will mainly accommodate car parking and plant. 30 Gloucester Place (Building A) will be refurbished from basement to first floors and will be linked to the rest of the development at ground floor level. The existing residential properties at 73-89 Blandford Street to the north are not part of the site but would be subject to party wall agreements.

The extent of the basement complies with policy.

Structural issues

A Basement Impact Assessment and Structural Method Statement have been submitted as part of the application. This includes a structural engineer's report and supporting geotechnical survey 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 level of analysis and detail submitted with the application is substantial and has been prepared by a suitably qualified Structural Engineer. Whilst this satisfies the policy for the purposes of determining this planning application, detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control. Accordingly should permission be granted, the Construction Methodology will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

As such it is considered that the construction methodology and appendices have provided sufficient consideration of structural issues at this stage and this is as far as this matter can reasonably be taken as part of the consideration of the planning application.

The site is located outside the surface water flood risk hotspot.

Construction impact

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.

8.8 London Plan

The application is referable to the London Mayor. The Stage 1 response has been received. This response is summarised in section 5 (Consultations) section of this report. The GLA recommendation advises the City Council that the application does not yet comply with the London Plan, but that the possible remedies could address these deficiencies (ref consultation section for details).

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 1st May 2016.

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

- i) provision of 10 affordable housing units at 30 Gloucester Place, (including securing rent levels) to be made ready for occupation prior to the occupation of the market housing on George Street (building D)
- ii) a financial contribution of £ 5 million towards the City Council's affordable housing fund (index linked and payable on commencement of development)
- iii) costs relating to highways works around the site to facilitate the development
- iv) provision of unallocated residential parking
- v) lifetime car club membership (25 years) for each residential unit payable on first occupation
- vi) a lift management and maintenance plan
- vii) a financial contribution to the carbon offsetting fund carbon offsetting fund of £84,780 for the non-residential and £145,800 for the residential prior to commencement of development
- viii) the applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway.
- ix) Crossrail payment of £2,696,155 (index linked) to be paid on commencement of development
- x) a financial contribution towards the cost of off-street tree planting on George Street, Gloucester Place and Blandford Street.
- xi) monitoring costs

In addition, the estimated Mayoral CIL payment is £2,696,155 and the Westminster CIL payment is £4,408,348. These figures will be verified in due course.

8.11 Environmental Impact Assessment

The proposal has been assessed against Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 the development would not require an Environmental Impact Assessment (EIA).

8.12 Other Issues

Refuse /Recycling

The application proposes three waste stores at basement level. Two waste stores are dedicated for residential and one for the commercial waste. The Cleansing Manager advises that waste stores are large enough to accommodate waste generated on site. The residual waste is shown as having a greater capacity than the recycling. Also the location of the residential lift would impede access to a car lift. It is considered that both these issues could be satisfactorily resolved through minor amendments to the refuse provision which could be secured by condition.

Crime and security

It is recommended that the use of the courtyard is controlled by a courtyard management plan. The proposed courtyard will be gated overnight to provide a secure environment. The hours that the courtyard will be open will be controlled by a courtyard management plan. Subject to a robust management plan it is considered that the development would not increase the potential for crime or anti- social behaviour.

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.

Two public exhibitions were held during the pre-application process in April 2016 and September 2016. The statement of community involvement summarises that extensive consultation has been undertaken and the scheme has responded in accordance with the Localism Act 2011 and policies within the NPPF. Strong objections have been received on behalf of residents of Blandford Street that there has been a lack of effective consultation by the applicant. During the exhibitions crucial information including the height of the building on Baker Street was not disclosed and therefore no meaningful conversation could take place.

9 BACKGROUND PAPERS

1. Application form and letter from Gerald Eve dated 9 March 2017
2. Letter from Greater London Authority dated 30 January 2017 and Energy Memorandum dated 18 January 2017
3. Letters from Historic England dated 9 and 10 January 2017
4. Letter from Transport for London dated 13 January 2017
5. Email from Marylebone Association dated 16 March 2017
6. Memorandum from Cleansing dated 9 January 2017
7. Memorandum from Highways Planning Manager dated 5 April 2017
8. Memorandum from Housing Supply Manager dated 28 April 2017
9. Memorandum from Environmental Health dated 4 May 2017
10. Memorandum from Tree Section dated 2 May 2017
11. Letter from Baker Street Quarter Partnership, dated 22 March 2017
12. Letter from GL Hearn (on behalf of No's 73,75,77,79,83,87 and 89 Blandford Street including dated 27 February 2017
13. Letters from occupier of 87-89 Blandford Street, London, dated 20 February and 2nd April

2017

14. Letter from occupier of Flat 15, 81 George Street, London, dated 20 January 2017
15. 2 x Letters from occupier of Flat A, 102 Blandford Street, dated 22 January 2017
16. Letter from occupier of 61 Blandford Street, Marylebone, dated 13 February 2017
17. Letter from occupier of 87-89 Blandford Street, London, dated 20 February 2017
18. Letter from Transport for London dated 13 January 2017
19. Letters from occupier of 75 Blandford Street dated 24 April, 25 April, 2 May and 8 May 2017
20. Letter from occupier 9 St Andrews Mansions dated 22 April 2017
21. Letter from occupier 10 Wendover Court dated 28 April 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: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

10 KEY DRAWINGS





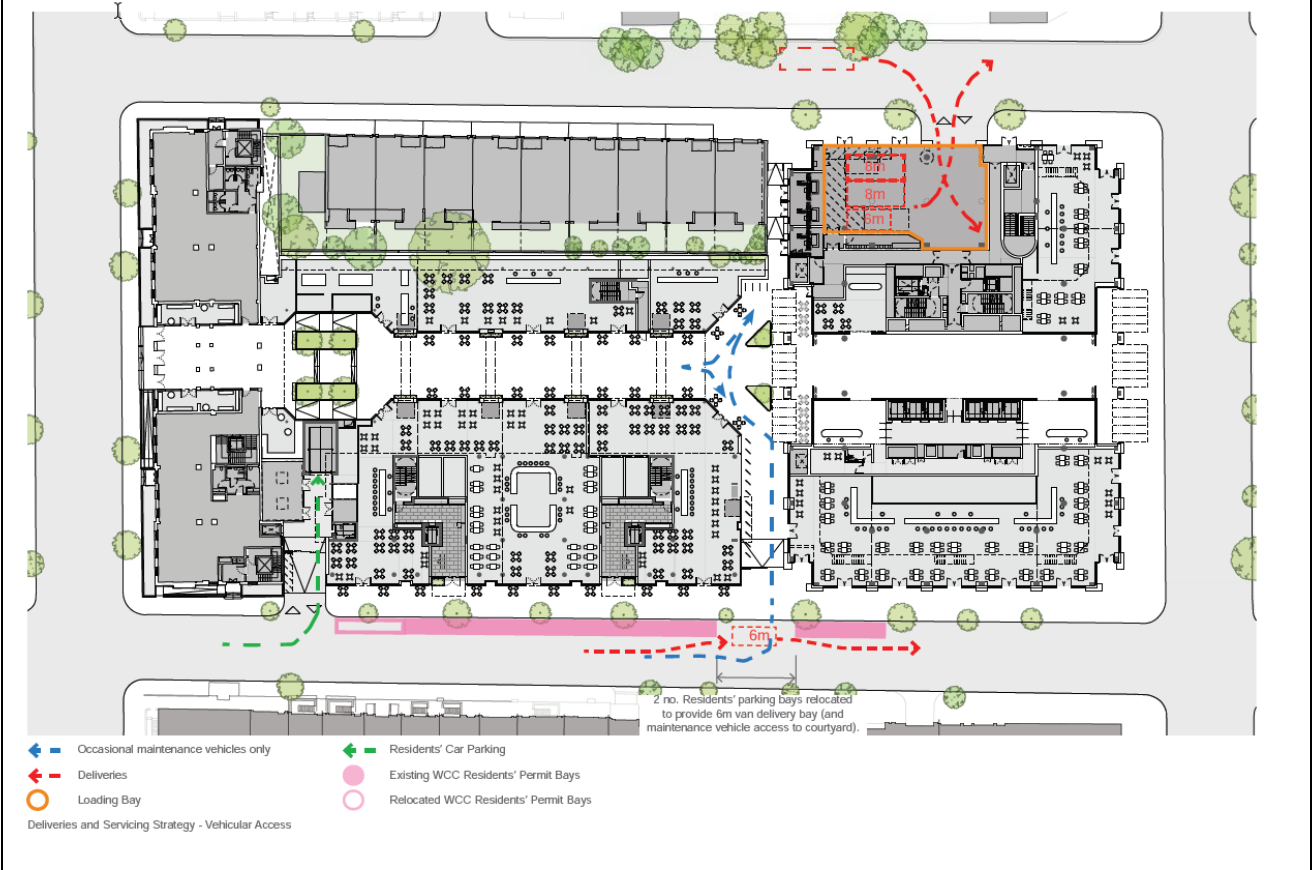








SERVICING AND EXISTING STREET PARKING



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Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 14th November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved	
Subject of Report	Proposed Development Site At 54-62, 66 And 68 Oxford Street And 51-58 Rathbone Place, W1		
Proposal	Demolition of Nos 66 & 68 Oxford Street and redevelopment behind retained facades of Nos 54-62 Oxford Street and 51-58 Rathbone Place to provide a new building comprising four basement levels, ground and seven upper floor levels. Use of entire building either for retail (Class A1) or the use of part basements to first floor as retail (Class A1) and offices (Class B1) with a dual/alternative use of floors two to seven for either retail (Class A1) or office (Class B1) use; and associated works including plant at basement levels 3 and 4, the creation of terraces at sixth and seventh floors; external roof top plant at seventh floor level behind an acoustic attenuated louvred façade onto Perry's Place, and the installation of photovoltaic panels at roof level.		
Agent	DP9		
On behalf of	Derwent Valley Property Developments Ltd		
Registered Number	17/05283/FULL 17/05284/LBC	Date amended/ completed	19 June 2017
Application Received	13 June 2017		
Historic Building Grade	Holden House is Grade II listed		
Conservation Area	Hanway Street		

1. RECOMMENDATION

<p>1. Subject to the views of the Mayor, grant conditional permission, subject to a Section 106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i. Provision of £1,186,937 towards the City Council's affordable housing fund (index linked and payable on first occupation of the second floor for office purposes); ii. A crossrail payment (£435,200 for the all retail scheme or £747,932 for the mixed use scheme) iii. An employment and training strategy for the construction phase and operational phases of the development; iv. A requirement for the applicant to enter into a S278 agreement to provide improved loading bay facilities on Oxford Street to accommodate the largest delivery vehicle they will need to use, only in the event that such vehicles continue to be allowed to service from Oxford Street; v. Monitoring costs <p>2. If the S106 legal agreement has not been completed within six weeks from the date of the</p>

Committee's resolution then:

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

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

4. Grant conditional listed building consent.

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

2. SUMMARY

The application lies on the north side of Oxford Street at its junction with Rathbone Place and comprises three buildings, Holden House at 54-62 Oxford Street, 53-58 Rathbone Place and 66-68 Oxford Street. Permission is sought for the demolition of 66 -68 Oxford Street, and the redevelopment behind the retained facades of Holden House and 53-58 Rathbone Place to provide a new 8-storey (plus four basement level) building for retail use of the lower floors of the building and flexible/alternative retail/office use of the upper floors.

The key issues in this case are:

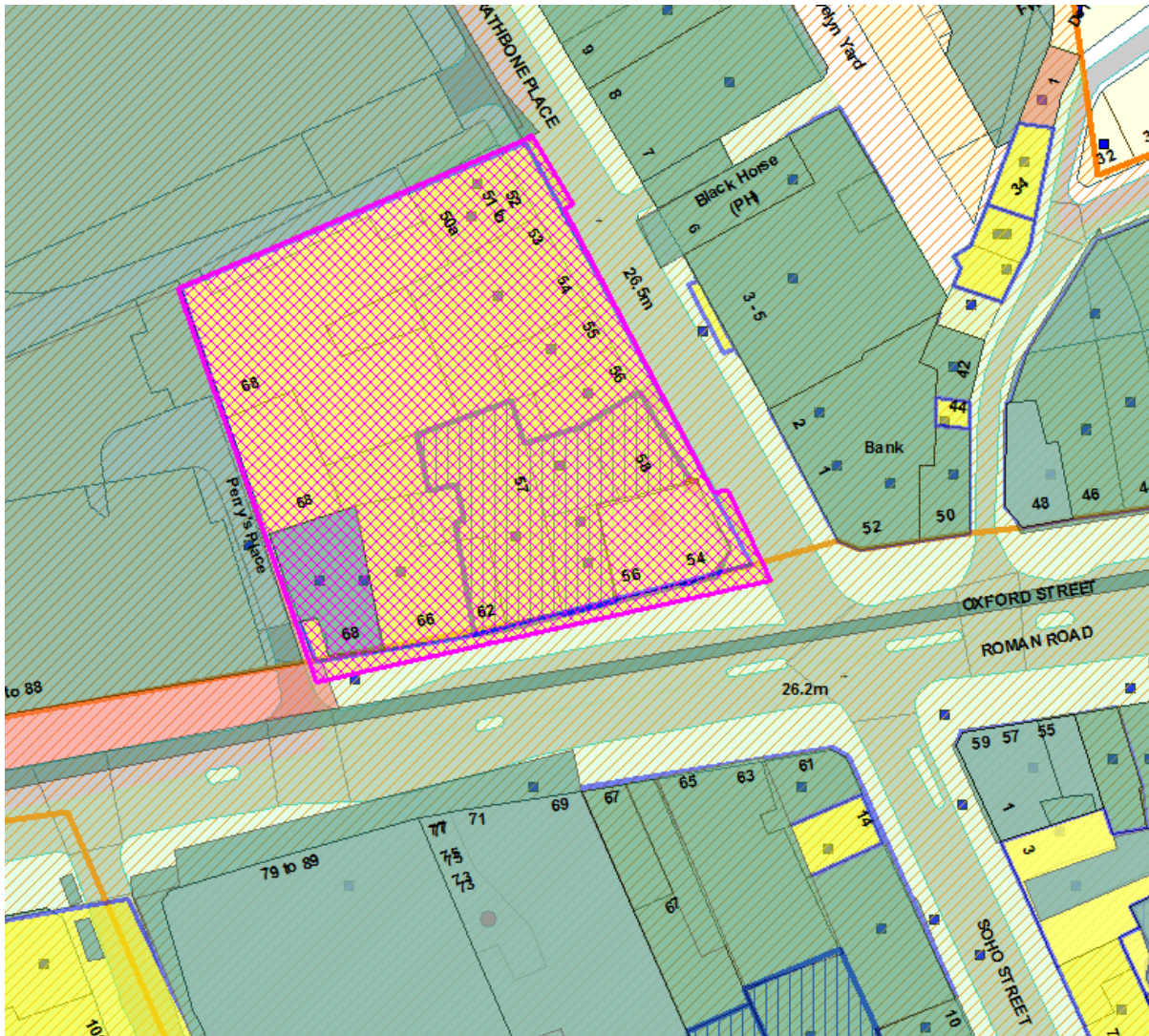
- * The principle of the demolition of 66 Oxford Street, an unlisted building of merit
- * The height, bulk and detailed design of the proposed building and the impact of the scheme on the character and appearance of the area
- * Servicing arrangements

The proposals do cause some harm to heritage assets, primarily through the loss of no. 66 and the bulk of the roof extensions to Holden House and objections have been received on these grounds. However, the proposals need to be considered in the context of the benefits of the on-going regeneration of the East end of Oxford Street. With this in mind, the proposed height, bulk and design are considered acceptable.

The Fitzrovia Neighbourhood Association also objects to the loss of small shops however, adopted policies direct large scale retail developments to the West End Special Retail Policy Area and the resultant uplift of retail floorspace in this location is supported. The alternative use of the upper floors for office purposes attracts the mixed use policy, and for the reasons set out in the main body of the report, it is considered a payment in lieu would in this instance be appropriate.

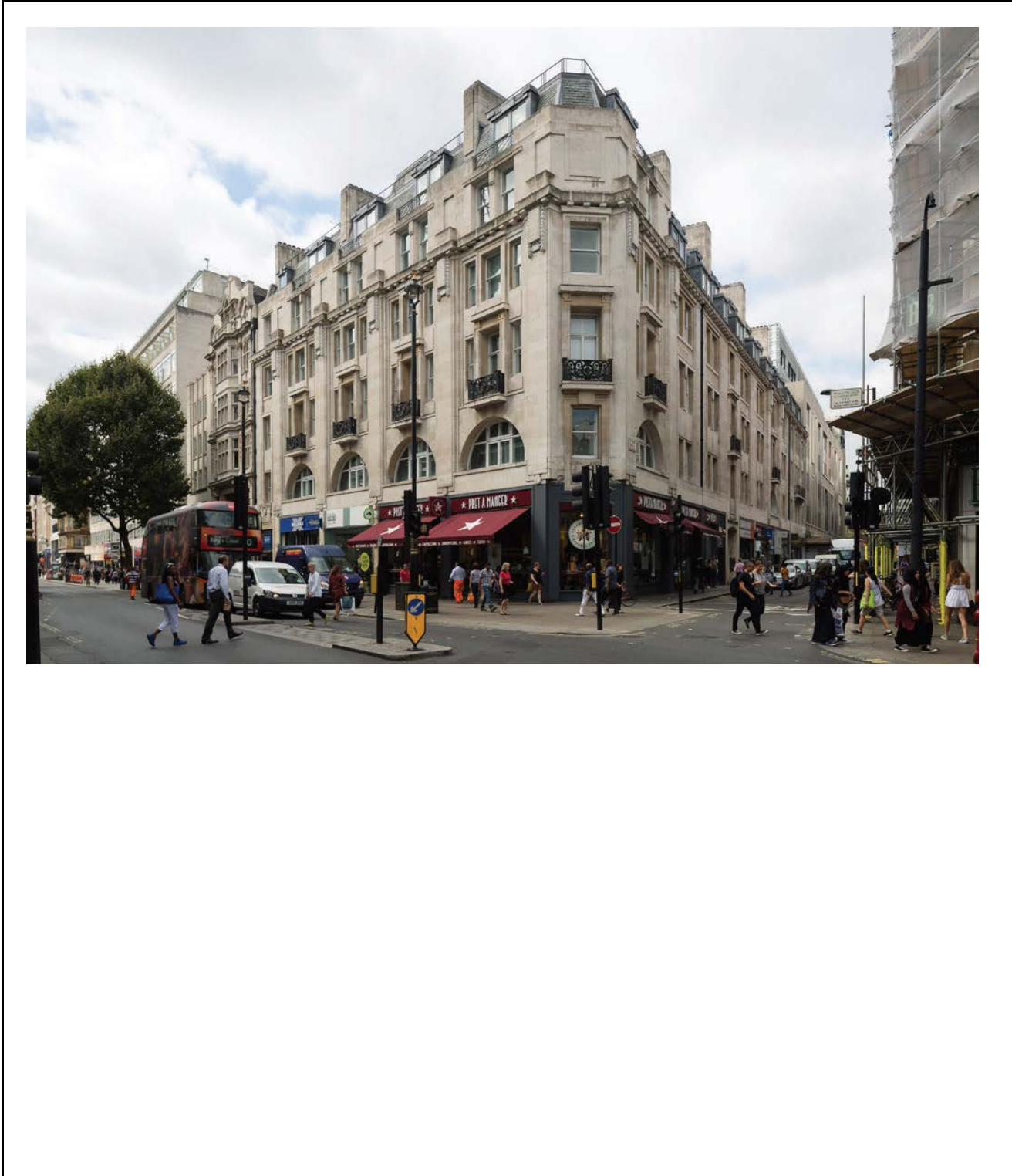
Off-site servicing is proposed, shared with the neighbouring site at 76-80 Oxford Street, but an element of on-street servicing for larger vehicles is likely to take place which will require increasing the on-street servicing bay on Oxford Street. This will be secured by S278 agreement. It is considered that in all other respects the scheme is considered to comply with adopted policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

GREATER LONDON AUTHORITY

Broadly supports the application in strategic planning terms but considers that the scheme does not comply with the London Cycle Design Standards, that further information is required on overheating and cooling, and that conditions should be secured relating to a travel plan, servicing plan, construction and logistics plan and S106 contributions towards public realm improvements and cycle hire docking station.

TRANSPORT FOR LONDON

Raise no objections but requests 5 additional cycle parking space, the removal of folding bike lockers and better access to the cycle store. Requests a financial contribution towards the operation/maintenance of Soho Square docking station and confirms that the Mayoral CIL is payable. Requests the submission of a servicing strategy, a Construction Management Plan, and a Travel Plan.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Issue authorisation to grant listed building consent but raise no objection to a substantial remodelling of the modern interiors of Evelyn House but consider that the current proposals for an intensive development harm its significance through increased height and mass. Consider that the roof extensions will appear in high level views from surrounding buildings, causing harm to the significance of the building. Object to the proposed demolition of No. 66 Oxford Street, which makes both a positive contribution to the special character of the conservation area and to the setting of Evelyn House and consider that its loss is significant and will affect the setting of the listed building.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objections subject to the submission of a written scheme of investigation.

LONDON UNDERGROUND LIMITED

No objections subject to conditions.

CROSS LONDON RAIL LTD (1 and 2)

Do not wish to offer comments

MET POLICE

No objections raised.

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Objects on the grounds that redevelopment behind the retained facade will result in the loss of the architectural integrity of the building; that the proposal is an overdevelopment of the site; that 66 Oxford Street as an unlisted building of merit should be retained; that the new building bears no relationship to the listed building in terms of overall height, floors heights, ceiling alignment or materials; and that the redevelopment will reduce the provision for small shops contrary to the Neighbourhood Plan and result in a large number of additional visitors and employees causing congestion. Requests the provision of a genuinely green roof.

SOHO SOCIETY

Supports the objections of the Fitzrovia Neighbourhood Association

HIGHWAYS PLANNING

No objections raised subject to the submission of a Servicing Management Plan to control vehicles arriving at and departing the site to avoid congestion on Newman Street.

ENVIRONMENTAL HEALTH

No objections raised.

ARBORICULTURAL MANAGER

No objections raised subject to conditions.

BUILDING CONTROL

Any comments to be reported verbally

CLEANSING

No objections raised

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 175; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

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

The application lies on the north side of Oxford Street towards its eastern end at its junction with Rathbone Place. The site comprises three buildings, Holden House at 54-62 Oxford Street, 53-58 Rathbone Place and 66-68 Oxford Street. The buildings are all currently in retail use on the lower floors and the upper floors are in office use accessed from Rathbone Place. The site is located within both the West End Special Retail Policy Area (WESRPA) and partly within the Tottenham Court Road Opportunity Area (TCROA) as defined in the City Plan.

Access to a parking/loading area (Newman's Yard) which is shared with the adjoining site at 76 Oxford Street is from Newman Street. There is also a narrow access to the immediate west of the site from Oxford Street, suitable only for cars and not large vehicles, which is known as Perry's Place. Perry's Place is one-way with no entry from Oxford Street, but given the difficulty of exiting onto Oxford Street it is generally gated shut and seldom used except for pedestrian access.

The site is partially located in the Hanway Street conservation area and lies within the Strategic Viewing Corridor - Parliament Hill to Palace of Westminster. Holden House is listed Grade II and 66 Oxford Street is identified as an unlisted building of merit in the Hanway Street Conservation Area Audit.

The surrounding buildings are mainly in commercial use. The site opposite on the south side of Oxford Street has recently being redeveloped for retail and office purposes and the site immediately at the rear, the former Royal Mail site in Newman Street/Rathbone Place, has also recently been developed with a new commercial building at the southern end of the site and a mixed commercial/residential building at the northern end of the site, now known as Rathbone Square. The closest residential properties to the site are on the opposite site of Rathbone Place at 1, 6 and 7-8 Rathbone Place and on the opposite side of Oxford Street at No. 61.

6.2 Recent Relevant History

Holden House

In November 1985 planning permission was granted for alterations and extensions at the rear of Holden House, 64-66 Oxford Street, for retail purposes at basement and ground floor level and as office suites at first to fifth floor levels.

In March 1998 planning permission was granted for the refurbishment, extension to internal lightwell at ground to fifth floor level and replacement of roof plant room.

In April 1999 planning permission was granted for alterations to 4th & 5th floor levels & increase in north roof plant area.

In May 1999 planning permission was refused for the removal of Condition 1 of the planning permission dated 13.11.1985 for alterations and use of first to fifth floors as offices, to allow use of first to fifth floors as unrestricted office space (Class B1). The application was considered contrary to Policy ECON 7 which protects small office suites.

In May 2000 planning permission was granted for the variation of condition 1 of the permission dated 13.11.1985 to allow the first to fifth floors to be used as office suites combined with part of 68 Oxford Street. (Application under Section 73 of the Act).

Dumbarton House, 66-68 Oxford Street

In April 1998 planning permission was granted for extension of rear wing at basement, ground & first floors to provide improved toilet accommodation.

In October 1998 permission was granted for the erection of a new flat roof enclosure at ground floor level to extend basement accommodation in lightwell area to for office use (Class B1).

In March 2003 permission was granted for alterations including new fourth floor to rear for additional offices, installation of screened plant at roof level, new shopfronts and extended use of basement, ground and front first floor for retail purposes.

In March 2005 permission was granted for the installation of screened plant at roof level; modification to roof finish; alterations to Oxford Street and Perry's Place frontages including new shopfront and gates; and change of use from office space to retail (Class A1) use at part ground floor level.

7. THE PROPOSAL

The application seeks permission for the demolition of 66 & 68 Oxford Street and demolition behind the retained facades of No's 54-62 Oxford Street and 51-58 Rathbone Place and the construction of a new eight storey building with four basement levels.

Two schemes have been put forward for the new building which would either be entirely occupied for retail (Class A1) purposes (Option 1) or for a mixed use scheme (Option 2) where retail would be retained at basement levels 1 and 2, ground and first floor levels with office use (Class B1) at part basement levels 1 and 2, part ground and part first floors and second to seventh floor levels. In either scenario, the entire frontage of the building onto Oxford Street would be for Class A1 retail purposes with a secondary retail frontage onto Rathbone Place. The retail space has been configured for two tenants, but could be adapted for single tenancy. In the event that the upper floors are used for office purposes, entrance to the office accommodation would be from Rathbone Place.

Cycle storage is proposed at basement level 3 with cycle changing facilities and showers at basement level 4. External plant is proposed at seventh floor level behind an attenuated louvred plant screen onto Perry's Place and the new roof would provide an area for photovoltaics together with a part green roof.

	Existing	Proposed Option 1 (retail scheme)	Proposed Option 2 (retail & office scheme)	+/-	
Retail	2,526	22,050	9,374	+19,524 (Option 1)	+6,848 (Option 2)
Office	8,644	0	12,676	+4,032	
Total	11,170	22,050	22,050	+10,880	

Figures all in GIA sqm

8. DETAILED CONSIDERATIONS

8.1 Land Use

Proposed retail floorspace

In the event that the applicant occupies the building entirely for retail use (Option1), the proposals would see a significant increase of Class A1 retail floorspace of 19,524sqm. If only the basements, ground and first floors were to be occupied for retail use (Option 2) there would still be an increase of retail provision at the site of 6,848sqm. This increase is supported under City Plan Policy S21 and UDP Policy SS4, both of which aim for more shopping provision anywhere within the Central Activities Zone (CAZ).

In addition to this general policy support, the increased retail provision would also achieve the objectives of shopping policies for the WESRPA and the TCROA as the site is located within both of these designations. The City Plan policy for WESRPA is S7 which states that the priority for this area is the promotion of retail growth including the provision of A1 shops at least at basement, ground and first floors in new developments. The proposals would achieve this aim by providing four floors of shopping where there are currently only two.

The TCROA is within the WESRPA and is an area identified as being particularly important for achieving shopping improvements in the West End, which is seen as the eastern gateway to Oxford Street where a strong retail presence is paramount. City Plan Policy S5 prioritises shopping uses in new commercial developments within the Opportunity Area at basement to first floor level, including the provision of large scale retail development on appropriate sites. The increased retail floorspace in the proposals would fulfil the objectives of this policy.

The Fitzrovia Neighbourhood Association object to the proposal on the grounds that the redevelopment will result in the loss of small shops and this objection is supported by the Soho Society. However, Policy S6 encourages retail floorspace throughout the Core CAZ and directs large scale retail developments to the WESRPA. The draft Fitzrovia Neighbourhood Plan only refers to protecting small or affordable retail units which do not have an Oxford Street frontage and as such there is no conflict with this emerging policy.

Proposed office use

In the event that the upper floors are used for office purposes the proposals would result in the uplift of 4,032 sqm of office floorspace. Policy S20 directs new office development to the Core CAZ and therefore the uplift in office floorspace is welcome. The Fitzrovia Association object to the proposal on the grounds that the application fails to provide accommodation for small businesses and argue that their Neighbourhood Plan will include policies to protect existing floorspace for small business users and to ensure it is replaced in redevelopment proposals. There are no specific policies either within the City Plan or UDP that protect small office accommodation, nevertheless, as the proposed office accommodation provides flexible floorplates it will be available to a range of business occupiers, including small businesses. As such it is not considered that there would be any conflict with the emerging Neighbourhood Plan.

Mixed use policy

City Plan Policy S1 aims to encourage mixed use developments within Central Westminster. In cases where the net increase of all uses is more than 50% of the existing building, part C of the policy requires the provision of residential floorspace equivalent to the net additional B1 floorspace less 30% of the existing building floorspace. The expectation is that the residential floorspace should be provided on-site or in the immediate vicinity of the site. Only when it has been demonstrated that it is not appropriate or practicable to provide the floorspace either on or within the immediate vicinity of the site, is it considered acceptable to provide the floorspace off-site elsewhere within the CAZ, and if that is not possible a payment in lieu to the Affordable Housing Fund may be made.

In this case, Policy S1 is only triggered in the event that the upper floors are used for office purposes. The applicants argue that their preference from the outset has been to provide a wholly retail development on this site. They believe that having a planning permission that encapsulates a wholly retail scheme is essential in attracting the right types of retail tenants. However, the applicants also recognise that occupiers who want to take up this amount of retail space cannot be guaranteed and so have sought permission for a dual/alternative use of the upper floors. In the event that the upper floors are used for office purposes, the relevant amount of residential floorspace required in this instance (within the existing building envelope) is 341 sqm. The applicant has submitted a theoretical scheme showing how this residential could be

accommodated, but this scheme provides single-aspect housing, with limited views over Newman's Yard, without amenity space, poor outlook and of an overall poor level of residential quality.

The applicants argue that whilst residential floorspace could theoretically be incorporated on site, it would be considered sub-standard in a high value area. Given the location of the building within the viewing corridor the applicant claims that there is no opportunity to increase the massing of the building and therefore the current scheme would have to be amended to reduce the office floorspace (a priority in the CAZ) to provide the residential units. They argue that this would not only limit office floorspace, but it would compromise the retail floorplate.

It is recognised that it is sometimes impractical or inappropriate to provide housing on-site in certain circumstances. In this case, given the constraints of the site, particularly its depth and width and lack of outlook at the rear, it is accepted that there would be difficulties in providing good quality, dual aspect residential on-site. It is also accepted that a residential core would interrupt the retail floorplate and compromise the retail offer conflicting with the strong policy that prioritises retail in the WESPRA and commercial development in the Core CAZ.

The applicants have also confirmed that they have no other available sites within the vicinity that are appropriate for residential development or a current alternative application that is being submitted at the same time which could be applicable for mixed use credits.

In these circumstances a payment in lieu is considered to be in accordance with Policy S1 and the applicant has agreed to make the relevant payment to the affordable housing fund should the maximum office scheme be implemented. In this case, the relevant payment would be £1,186,937 which would be payable on first occupation of the second floor of the building for office use.

8.2 Townscape and Design

The site includes four buildings. They are all in the Hanway Street Conservation Area, except for the north west corner of the site. The buildings are:

- a. Holden (or Evelyn) House which is a grade 2 listed building.
- b. 51-52 Rathbone Place and 66 Oxford Street which are attractive unlisted buildings which both make a positive contribution to the character and appearance of the Hanway Street Conservation Area.
- c. 68 Oxford Street which is an undistinguished building which makes a neutral contribution to the conservation area.

The site also lies within the strategic view corridor from Parliament Hill to the Palace of Westminster (London View Management Framework view 2B.1). The height of the development plane at the site is approximately 57m AOD.

The site lies at the East end of Oxford Street which has seen a large amount of redevelopment in recent years. At the far east end of the street is the new Tottenham Court Road Station which will have a large office block above it in due course. The

same applies to the Dean Street station site to the south west of the site. Opposite Holden House are two new buildings, comprising retail and with offices above.

The key urban design and conservation issues are:

- a. The demolition behind the retained facade of Holden House and the proposed extensions at roof level.
- b. The demolition of 66 Oxford Street.
- c. The design of the new building.

Holden House

This grade 2 listed building was designed by H Percy Adams and Charles Holden and built in 1909. It has four storey facades in Portland stone, with a two storey mansard roof above. The special interest of Holden House lies almost entirely in its street facades. The interior of the building has been much altered and extended over the years and is consequently of very limited interest. The proposal to demolish and rebuild behind retained facades would not harm the special interest of this listed building and is considered acceptable in principle.

The facades are retained, largely in their existing form, but alterations at first floor level are proposed to create a greater level of transparency to the shop units. This is contentious, as there is a presumption to retain the original Holden design. However, the use of a stone spandrel at the floor level, and the subdivision of the glazing with two mullions, is in the spirit of the Holden design. This is considered an acceptable compromise balancing the retailing requirements and the impact on the listed building.

At ground floor level only remnants of some of the original shopfronts survive; most are modern and of no interest. New shopfronts are proposed which are not copies of the originals but are in the spirit of Holden, making references to drawings by Holden. It is considered that the proposal is an enhancement overall.

The mansard roof and chimney stacks will be taken down as part of the demolition behind retained facade, and then rebuilt to match the original arrangement. Above this two floors are added. These have been the subject of much negotiation, because of their visual impact above the existing roofscape when seen in street views. The new roof storeys are particularly visible from the east along Oxford Street. Closer to the building, at the Soho Street junction, the roof storeys are largely not visible.

In negotiations officers have sought to increase the degree of set back of the additional floors, to increase the visual separation between the facades and the new roof storeys. The developer has not set these floors back further, but it is considered that the visual impact in street views is on balance acceptable.

The new roof storeys are at a similar height to the roof of the recently completed Rathbone Square, and just below the strategic view development plane. The view is unaffected.

Demolition of 66 Oxford Street

This is an attractive early twentieth century building (built 1906), with a richly modelled Portland stonework façade. In conservation area terms, there is a strong presumption

to keep this facade. The developer was advised to retain the facade and redevelop behind but they have declined to do this, arguing that the new floors behind the Holden House facades would not relate satisfactorily with the façade of no. 66.

The proposed building, which replaces 68 Oxford Street as well, is considerably taller than the existing buildings, but lower than the building immediately to the west, Oxford House. The new building makes a transition, in terms of height, between Holden House and Oxford House.

It is a striking modern design, using glass blocks, with curved corners. It is considered to be a high quality modern building, which in the context of the regenerated east end of Oxford Street, is appropriate and acceptable. The new building is separated from Holden House by a full height glazed bay, recessed from the facade. Whilst this is considered acceptable in principle the treatment of the recess at ground floor level needs to be carefully handled to avoid creating an area which may be subject to antisocial behaviour.

Consultation responses

Historic England

Historic England considers that the proposals harm the significance of the listed building through increased height and mass. They state that the roof extensions will appear in high level views from surrounding buildings and these are the views that allow best appreciation of the current roof form. This represents harm to the significance of the building. They are also concerned about the demolition of No. 66 Oxford Street, which makes both a positive contribution to the special character of the conservation area and to the setting of the listed building.

They are not convinced that the harm caused to the historic environment is necessary to provide public benefits, and they cannot support the proposals. However, they have issued authorisation so listed building consent can be granted if the City Council considers the proposals acceptable.

Fitzrovia West Neighbourhood Forum

The Forum considers that the applications should be refused. They consider that Holden House is an important early work by Adams and Holden and that the integrity of the listed building will be lost if redevelopment occurs. They also consider that the redevelopment of 66-68 Oxford Street represents overdevelopment in relation to the original, human scale of the Hanway Street Conservation Area, as well as harming the setting of the listed building. They object to the design of the new building and its failure to relate to the listed building, in terms of overall height, floor heights and window alignment or materials.

Design conclusion

The objections raised by the consultees are understood. The proposals do cause some harm to heritage assets, primarily through the loss of no. 66 and the bulk of the roof extensions to Holden House. However, the proposals need to be considered in the context of the benefits of the on-going regeneration of the East end of Oxford Street. With this in mind, the proposed height, bulk and design are considered acceptable.

The proposed scheme is of high quality, and, subject to conditions controlling details and materials, it is considered that it will enhance the emerging modern character of this part of Oxford Street. 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 6, DES 9 and DES 10.

8.3 Residential Amenity

Sunlight and Daylight

Policy ENV13 seeks to protect and improve residential amenity, including the sunlighting and daylighting to existing properties. Principally, the policy seeks to ensure good lighting levels for habitable rooms in existing premises. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. Policy S29 of the City Plan is similarly worded.

The closest residential properties to the site are on the opposite site of Rathbone Place at 1, 6 and 7-8 Rathbone Place and on the opposite side of Oxford Street at No. 61. The applicant has submitted a detailed daylight and sunlight report by Point 2 Surveyors which assesses the impact of the development on these surrounding properties. For daylight matters, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances. The 'No Sky Line' method has also been used, which measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky.

Daylight

The report demonstrates that there would be no material losses of daylight to 61 Oxford Street and no losses of over 20% in VSC to any of the flats in 1 Rathbone Place. There would however be material losses (shown in bold text below) to the flats at 6 and 7-8 Rathbone Place (from third floor at 7-8 Rathbone and from second floor at 6 Rathbone) as shown in the tables below:

7-8 Rathbone Place					
	Existing VSC	Proposed VSC	% Loss	Existing No Sky (sq ft)	% loss of existing
3rd floor flat					
Bedroom	20.65	15.92	22.91	111.6	22.9
Bedroom	20.76	15.99	22.98		
Living room/diner	19.91	15.45	22.40	252.3	32.3
Living room/diner	20.29	15.63	22.97		
4th floor flat					
Bedroom	25.42	19.21	24.43	111.6	38.3
Bedroom	25.59	19.31	24.54		

Living room/diner	24.42	18.68	23.51	252.3	32.7
Living room/diner	24.90	18.89	24.14		
5th floor flat					
Bedroom	31.09	24.56	21.00	216.4	45.5
Living room/diner	30.40	24.25	20.23	215.8	38
6th floor flat					
Living room/diner	29.76	25.20	15.32	309.4	0
Living room/diner	33.83	29.07	14.07		
6 Rathbone Place					
2nd floor flat					
Bedroom	16.98	13.64	19.67	205.1	21.8
Bedroom	17.07	13.88	18.69		
Living room/diner	17.23	14.11	18.11	261.1	19.3
Living room/diner	17.33	14.31	17.43		
3rd floor flat					
Bedroom	20.94	16.00	23.59	156.6	33.1
Bedroom	21.08	16.28	22.77		
Living room/diner	21.23	16.54	22.09	280.2	30.5
Living room/diner	21.38	16.83	21.28		

As the table shows, a number of windows within 6 and 7-8 Rathbone Place would experience losses of either more than 20% in VSC or more than 20% in the No Sky Line test. However, most of the losses are only marginally over the 20% threshold and the retained levels of VSC are good for this central London location, particularly at 4th and 5th floor levels, where VSC values of over 19% are retained. No objections have been received on the grounds of loss of light.

Two windows at third floor level within 1 Rathbone Place would also experience losses of more than 20% in terms of daylight distributions (the No Sky Line test) but both windows would still retain good values of VSC at 18.8% and 19.6%.

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

Sunlight

In terms of sunlight, the BRE guidelines state that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH, where total APSH is 1486 hours in London) including at least 5% during the winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% of the original sunlight hours either over the whole year or just during the winter months, and there is a reduction of more than 4 annual probable sunlight hours, 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 report shows that 5 windows within 7-8 Rathbone Place would experience annual sunlight losses of between 22.6% and 25%. Three of these windows are bedroom windows which the BRE guidance states as being less important than main living rooms. The two living rooms that would be adversely affected serve one living room at second floor level. Whilst the windows would experience 25.8% and 25% losses, they would still retain 23% and 24% APSH and as such would still retain very good levels of sunlight for this central London location.

None of the other residential properties tested would experience any adverse breaches in sunlight hours.

Sense of Enclosure

Part (F) of Policy ENV13 also states that developments should not involve an increased sense of enclosure.

The new 7-storey building would be two stories taller than the existing building, however, given that the closest residential, the flats on the opposite side of Rathbone Place, are a street widths distant from the extended building, it is not considered that the proposal would result in such harmful impacts on increased sense of enclosure to neighbouring properties to warrant refusal.

Privacy/Noise

Terraces are introduced at sixth and seventh floor levels however these are set back from the street frontage and are only some 1.9m in depth. Given their relationship to the closest flats on Rathbone Place it is not considered that the use of these terraces would result in increased noise, privacy or overlooking. A condition however is proposed to limit the hours that they may be used.

8.4 Transportation/Parking

A Transport Statement (TS) produced on behalf of the applicant identifies the site as being within a highly accessible location in terms of public transport. The TS shows that in either option there is likely to be a net increase in trips to the site, estimated at an additional 661 net additional staff trips for the all retail scheme and 297 net additional staff trips for the mixed use scheme. As the site is located on Oxford Street, the applicant submits that visitor trips to the retail use will be made by people already in the area, either for work purposes or visiting a range of neighbouring retail outlets. TfL have requested further information in relation to this however trip generation modelling 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.

Site servicing

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

likely to be servicing the development". The majority of servicing and deliveries will be undertaken within the shared servicing yard at Newman's Yard, with goods transport into the site at the northwest corner via a proposed goods lifts. Due to the size/weight constraints of Newman's Yard, the applicant argues that it is likely that an element of on-street servicing will also be required out of hours for the retail use. This will include use of articulated vehicles on-street and use of the footway-loading bay on Oxford Street. The applicant estimates that retailers within the proposed development would need to undertake up to two overnight deliveries with an articulated vehicle on-carriage way on Oxford Street, along with two overnight deliveries with a 10m rigid vehicle using the extended footway-loading on Oxford Street.

There is an existing footway loading bay in Oxford Street, but it is not long enough to accommodate the vehicles (either 10m rigid or articulated) that the applicant wishes to use overnight. The bay is at footway level and is open for use by servicing vehicles from midnight – 8.00am only. From 8.00am – midnight it is available for pedestrian use. The Highways Planning manager believes that it could be possible to extend this loading bay and has requested that this is secured by S278 agreement. However, in the event that Oxford Street becomes pedestrianised at some point in the future, then all servicing would have to take place off-street in Newman's Yard. The applicant has confirmed that it is possible for retailers to undertake deliveries using smaller vehicles, and has provided further details to demonstrate that it would be possible to serve both properties from the service yard if they were allowed to do so from 0700 - 2300.

The Highways Planning Manager initially raised concerns about the ability of the service yard to cater for all the servicing associated with both the application site and the adjoining development site at Oxford House, 76 Oxford Street, particularly as the previous unimplemented permission for Oxford House, which involved an office entrance into Newman's Yard, only allowed servicing between 0300 – 0800 and 1000 – 1200. These servicing hours were restricted to ensure there was no conflict with proposed office tenants and servicing vehicles. A new application has now been submitted for Oxford House which no longer involves an office entrance via Newman's Yard and so the hours of use of Newman's Yard has been revisited. In addition, in the intervening period, the new residential accommodation granted as part of the Rathbone Square development has now been completed, and the previously consented hours for Newman's Yard are considered to cause some disturbance to this new residential on Newman Street. The applicant has agreed to revise the hours of servicing to 07:00 to 23:00, a total of 16 hours each day and has provided a combined servicing and delivery analysis for both the consented 76 Oxford Street proposal and the application site. This has been assessed by the Highways Planning Manager who confirms that with these revised hours in place, the yard can accommodate the combined servicing of the two sites, based on no on-street servicing taking place, subject to the submission of a combined Delivery and Servicing Plan.

Cycle parking

163 cycle parking spaces for staff use are provided within the basement Level 2 accessed via Perry's Place from Oxford Street. 30 short stay cycle spaces are also required and the applicants propose that the short-stay spaces, in the form of 15 Sheffield stands, are placed on the highway. It is not clear where such spaces could be provided within the vicinity of the site without obstructing pedestrian movement and the

Highways Planning Manager is of the view that these spaces should be located somewhere within the site, and these are secured by condition.

The provision of shower and changing facilities is also welcomed and will encourage staff away from other less sustainable modes and encourage cycle usage. These will be secured by condition.

8.5 Economic Considerations

The economic benefits generated are welcomed.

8.6 Access

Step free access to the proposed retail and office entrances is proposed on both Oxford Street and Rathbone Place. Passenger lifts are provided for both the retail and office uses designed to meet Part M of the Building Regulations.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed at basement levels 3 and 4 and within a screened roof level enclosure facing Perry's Place. An acoustic report has been submitted to assess the potential noise and vibration impacts of the proposed plant. The nearest residential windows affected by the roof level plant are the flats opposite in Rathbone Place. Background noise levels have been provided to demonstrate that noise from the mechanical equipment will be compliant with the City Council requirements and this has been considered acceptable by Environmental Health. Conditions are proposed in relation to the noise and vibration levels from the plant.

Refuse /Recycling

Waste will be stored within the dedicated compounds at basement level 1 (B1) and ground floor. On site management, will transport all waste containers to ground floor via the goods lift at the northeast corner of the site. Waste will be collected directly from Newman Yard. This is considered acceptable.

Trees

The development site is in close proximity to a semi mature London plane growing in the pavement on Oxford Street. The tree is a prominent specimen in good condition, is readily visible in views from Oxford Street from both the east and west and makes a significant contribution to the character and appearance of both the adjacent property and this section of Oxford Street. The tree is to be retained but will require minor pruning to enable the proposals to proceed as set out in the applicant's submitted Arboricultural Report. The works have been assessed by the Council's Arboricultural officer who raises no objections subject to the submission of a tree protection statement and supervision schedule. These are secured by condition.

Archaeology

The site lies within the recently Archaeological Priority Area of the Great Estates. The applicants have submitted an archaeological desk-based assessment which archaeologists confirms there may be some evidence of prehistoric finds within the

gravels, but that there is a higher potential for surviving remains of London's mid-17th century Civil War defences which are projected to lie in the area of the site and truncated remains of former 17th, 18th and 19th century structures relating to previous buildings on the site. As the proposed development which includes three new basement levels and associated groundworks will cause harm to these remains, further information on their significance is required in order to confirm an appropriate mitigation strategy. 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.

Biodiversity

The roof above Level 7 is proposed as a green roof over a blue roof rainwater attenuation system. Photovoltaic panels will be mounted over a large extent of this. The inclusion of a green roof and areas of vertical planting will contribute towards an improvement of the ecology factor of the site as it currently stands. This is considered to address the concerns of the Fitzrovia Neighbourhood Association who request the provision of a genuinely green roof.

Sustainability

Policy 5.2 of the London Plan seeks to minimise carbon dioxide emissions in line with the Mayor's energy hierarchy. Policies S28 and S40 of Westminster's City Plan require major development to reduce energy use and emissions that contribute to climate change during the life-cycle of the development and to maximise onsite renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions.

An Energy and Sustainability Statement, prepared by Arup has been submitted in support of the proposed development. This demonstrates that the proposed development achieves the 35% reduction of CO2 emissions required by the London Plan, with a contribution from on-site renewables of 4% (heat pumps and photovoltaics).

The application is supported by a BREEAM Assessment which focuses on maximising the scheme's potential to reduce energy consumption and carbon emissions and demonstrates that it is possible to achieve BREEAM rating of Very Good for the retail element on the lower floors and Excellent for the mixed uses on the upper floors. Given the nature of the works and the listed fabric of the building, this is considered to satisfy the requirements of Policy S28.

To reduce surface water run-off, the scheme incorporates rainwater harvesting, attenuation storage tanks and a part green roof in accordance with London Plan Policy 5.13 'Sustainable drainage' and will be secured by condition.

Air Quality

The site is located within the designated Westminster Air Quality Management Area (AQMA). The measures proposed in the applicant submitted Air Quality assessment will ensure that the development will meet London Plan standards and be at least air quality neutral.

8.8 London Plan

The provision of commercial uses within the CAZ is strongly supported and in line with London Plan Policies 2.10 and 2.11. Both development options proposed by the applicant will result in a significant uplift in retail floorspace which is in accordance with London Plan policy.

The proposal to redevelop this site is referable to the Mayor under Category 1C of the Mayor of London Order 2008 because the building is over 30m high. The Mayor considers that the application is broadly acceptable in strategic planning terms, however, requests further information/clarification on the following points:

- An additional five cycle spaces are required and as the provision of folding bike lockers and the access arrangements for the cycle parking are contrary to the London Cycle Design Standards (LCDS) requests that these elements of the proposal are revised. (The applicant has confirmed that the basement store can accommodate the missing 5 cycle spaces along with conversion of the folding bike lockers to two-tier spaces and argues that the principles of the LCDS are satisfied by the cycle parking including the provision of complementary facilities).
- Further commitments and/or clarifications are required relating to overheating and cooling, BRUKL files, future proofing, communal networks and solar technology. (The applicant has submitted additional information to the Mayor to address these points)
- An operational contribution of £36,000 is requested towards the TfL cycle hire scheme. (The applicant has requested further data from TfL to demonstrate whether the proposed development will have an impact on the nearest cycle docking station at Soho Square. Subject to this, the applicant is agreeable to discuss the provision of a financial contribution to mitigate this.)
- A S106 contribution and/or S278 agreement should be entered into to secure improved pedestrian environment. (This will be secured by a CIL contribution in accordance with the CIL regulations).
- Conditions are requested for a servicing management plan (SMP), construction management plan (CMP) and a travel plan. A SMP and CoCP are secured by condition, however, given the immediate proximity of this site to the Tottenham Court Road tube and the new Crossrail station, the Council's Highways Planning Manager does not consider the requirement for a travel plan to be justified.

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. £1,186,937 contribution to the affordable housing fund

- ii. Crossrail payment (currently calculated at £979,200 for Option 1 (the all retail scheme) but reduced to £435,200 following offset against the Mayoral CIL as allowed by the SPG and £1,291,932 for Option 2 (the mixed use scheme) but reduced to £747,932 following offset against the Mayoral CIL
- iii. An Employment and Training Strategy
- iv. A requirement for the applicant to enter into a S278 agreement to provide improved loading bay facilities on Oxford Street to accommodate the largest delivery vehicle they will need to use, only in the event that such vehicles continue to be allowed to service from Oxford Street
- v. Monitoring costs

The estimated CIL payment is:

Mayoral CIL £544,000
Borough CIL £2,176,000

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Basement

Policy CM28.1 requires all applications for basement development to demonstrate that they have taken into account site-specific ground conditions, and to be accompanied by a detailed structural methodology statement. Developers will also be expected to comply with the Code of Construction Practice. The proposed development will excavate three additional basement levels to provide four levels of basement accommodation. The application is supported by a Structural Methodology Statement, prepared by Elliot Wood, which provides details regarding the site's ground conditions, constraints, and approach to the excavation of the additional basement and construction of the new building. Building Control has been consulted on the proposals and any response will be reported verbally.

Construction impact

The development will be required by condition to comply with the City Council's 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

Crime and security

The Met Police have reviewed the crime prevention and security measures which include blast resistant glazing, CCTV and entry control systems and conclude that the strategy is acceptable.

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.

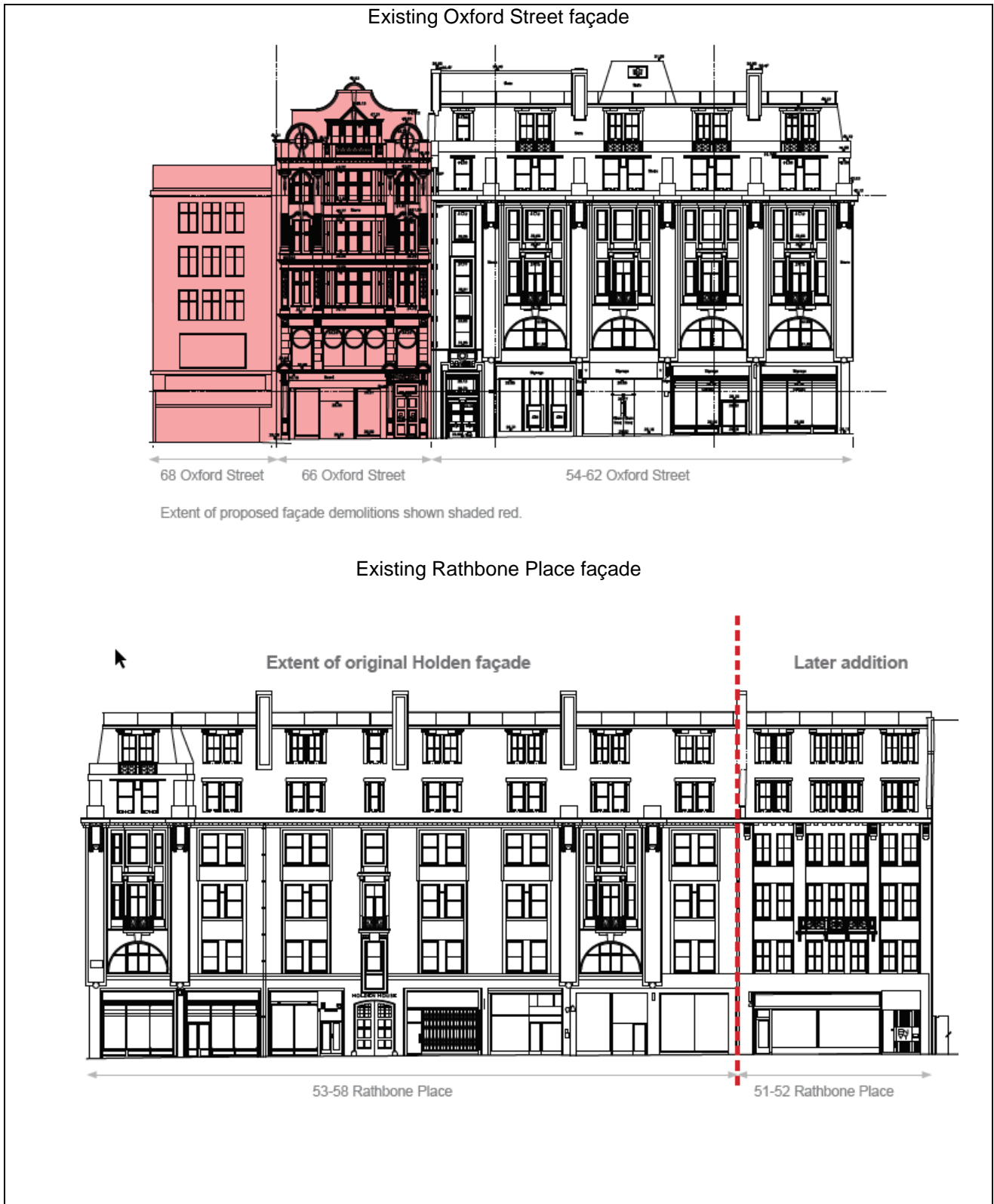
9. BACKGROUND PAPERS

1. Application form
2. Response from Greater London Authority 7 August 2017
3. Response from Transport for London dated 21 July 2017
4. Response from Historic England (Listed Builds/Con Areas), dated 6 July 2017
5. Response from Historic England (Archaeology), dated 21 July 2017
6. Response from Cross London Rail Links Ltd (1), dated 3 July 2017
7. Response from Crossrail (2) dated 27 October 2017
8. Response from London Underground Limited, dated 12 July 2017
9. Response from Fitzrovia Neighbourhood Association dated 5 July 2017
10. Letters from Soho Society dated 28 July 2017 and 10 August 2017
11. Response from Met Police dated 5 July 2017
12. Response from Highways Planning Manager dated
13. Response from Environmental Health, dated 24 July 2017
14. Response from Arboricultural Manager dated 8 August 2017
15. Response from Cleansing dated 18 July 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: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

10. KEY DRAWINGS



Proposed Oxford Street façade

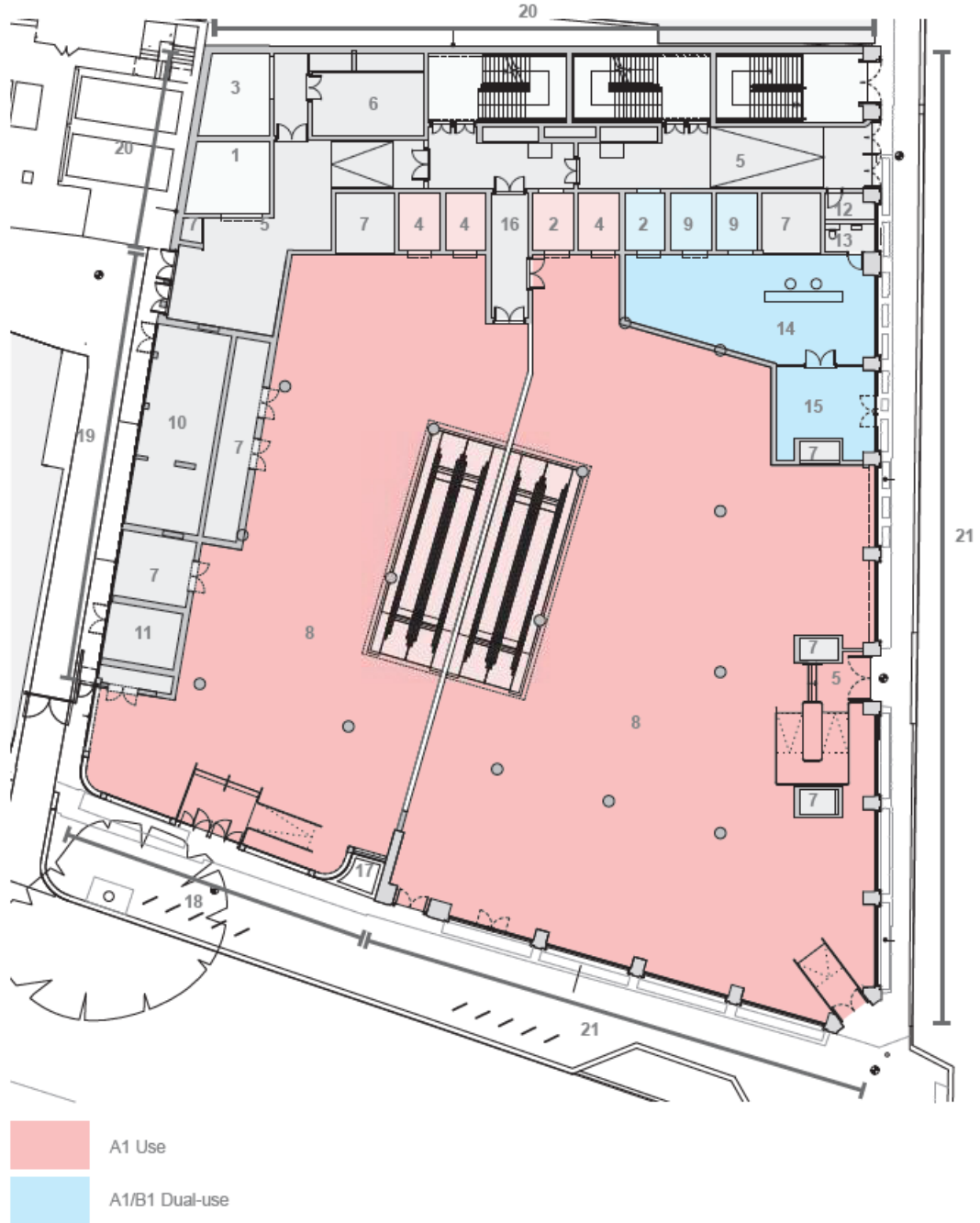


Proposed Rathbone Street façade



Ground floor plan

GROUND FLOOR PLAN



Typical A1/B1 dual use floor plan



DRAFT DECISION LETTER

Address: Proposed Development Site At 54-62, 66 And 68 Oxford Street And 51-58 Rathbone Place, W1

Proposal: Demolition of Nos 66 & 68 Oxford Street and redevelopment behind retained facades of Nos 54-62 Oxford Street and 51-58 Rathbone Place to provide a new building comprising four basement levels, ground and seven upper floor levels. Use of entire building either for retail (Class A1) or the use of part basements to first floor as retail (Class A1) and offices (Class B1) with a dual/alternative use of floors two to seven for either retail (Class A1) or office (Class B1) use; and associated works including plant at basement levels 3 and 4, the creation of terraces at sixth and seventh floors; external roof top plant at seventh floor level behind an acoustic attenuated louvred façade onto Perry's Place, and the installation of photovoltaic panels at roof level.

Reference: 17/05283/FULL

Plan Nos: 2150 Rev C, 2151 Rev C, 2152 Rev C, 2153 Rev C, 2154 Rev C, 2155 Rev C, 2156 Rev C, 2157 Rev C, 2160 Rev C, 2161 Rev C, 2162 Rev C, 2163 Rev C, 2170 Rev C, 2171 Rev C, 2172 Rev C, 2175 Rev C, 2200 Rev C, 2201 Rev C, 2202 Rev C, 2203 Rev C, 2204 Rev C, 2205 Rev C, 2206 Rev C, 2207 Rev C, 2208 Rev D, 2209 Rev C, 2210 Rev D, 2211 Rev C, 2212 Rev C, 2300 Rev C, 2301 Rev C, 2302 Rev C, 2304 Rev C, 2400 Rev D, 2401 Rev D, 2500 Rev C, 2502 Rev C, 2503 Rev C, 2504 Rev C, 2505 Rev C, 2506 Rev C, 2600 Rev C, 2601 Rev C, Structural Methodology Statement and Subterranean Method Statement dated June 2017 (INFORMATION ONLY)

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for 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 this part of the Hanway Street 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 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 Hanway Street 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 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 Hanway Street 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)

- 6 You must apply to us for approval of Detailed drawings at 1:10 of the following parts of the development:
1. Typical details of new building at all floor levels
 2. Roof storeys above Holden House
 3. New shopfronts
 4. Alterations to first floor windows (Holden House)
 5. Recessed area between Holden House and new building at ground floor level.

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

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

Reason:

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

- 7 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising 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. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

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 (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.

- 9 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 10 (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.

- 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 8 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 12 Notwithstanding the details shown on the approved plans, you must submit revised drawings showing an additional 5 long stay and 30 short stay cycle spaces. You must thereafter provide each cycle parking space, showers and lockers 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.

- 13 All servicing undertaken in Newman's Yard must only take place between 07:00 and 23:00. 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)

- 14 Prior to the occupation of the development, you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the development in conjunction with the joint use of Newman's Yard with the adjoining development site. 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)

- 15 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on the approved drawings. You must clearly mark them and make them available at all times to everyone using the building.

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)

- 16 You must not use the terraces except between the hours of 09.00 and 21.00 Monday to Saturday; and not at all on Sundays, bank holidays and public holidays. Outside of these hours you can only use the terraces to escape in an emergency.

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)

- 17 Notwithstanding the provisions of Class A1 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) the Class A1 retail accommodation hereby approved shall not be used as a food retail supermarket outlet or similar.

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)

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

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

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

Reason:

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

- 19 **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 protect trees and the character and appearance of the site 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. (R31CC)

- 20 You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:
- o identification of individual responsibilities and key personnel.
 - o induction and personnel awareness of arboricultural matters.
 - o supervision schedule, indicating frequency and methods of site visiting and record keeping
 - o procedures for dealing with variations and incidents.

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 adhere to the approved supervision schedule.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To protect trees and the character and appearance of the site 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. (R31CC)

- 21 You must provide the following bio-diversity and sustainability features before you start to use any part of the development, as set out in your application:

Green Roof,
Blue Roof,
Invertebrate boxes

You must not remove any of these features

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 and 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)

- 22 You must apply to us for approval of detailed drawings and a biodiversity management plan in relation to the Green roof and invertebrate boxes 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)

- 23 You must apply for us for approval of detailed drawings in relation to the Blue Roof to include construction method, maintenance regime and storage and usage of water. 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 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)

- 24 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 and any other temporary or permanent installations and for ground investigations have been submitted to and approved in writing by the Local Planning Authority which:-
- (i) Accommodate the proposed location of the Crossrail 2 structures including temporary works
 - (ii) Accommodate ground movement arising from the construction thereof,
 - (iii) Mitigate the effects of noise and vibration arising from the operation of Crossrail 2 within its tunnels and other structures.

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs 1(i), 1 (ii) and 1 (iii) of this condition on shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied. No alteration to these aspects of the development shall take place without the approval of the Local Planning Authority in consultation with Crossrail 2.

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)

- 25 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 & 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 avoid damage to any archaeological remains on site 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. (R32AC)

- 26 In the event that the upper floors are used for office use, the atrium areas as shown on the approved drawings hereby approved, shall be permanently maintained as such and shall not be sub-divided or infilled.

Reason:

To make sure that you achieve the variety of uses included in the scheme as set out in S1 of Westminster's City Plan (November 2016)

- 27 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)

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

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

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

Reason:

To maintain the character of the Hanway Street 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)

- 29 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 Hanway Street 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)

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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., , 24 Hour Noise Team, , Environmental Health Service, Westminster City Hall, , 64 Victoria Street, , London, , SW1E 6QP, , Phone: 020 7641 2000, , Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 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, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 5 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 7 Conditions 8&9 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)
- 8 With reference to condition 7 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk. , , Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. , , You are urged to give this your early attention

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:** Holden House, 54-62 Oxford Street And 51-58 Rathbone Place, W1,
- Proposal:** Demolition of Nos 66 & 68 Oxford Street and redevelopment behind retained facades of Nos 54-62 Oxford Street and 51-58 Rathbone Place to provide a new building comprising four basement levels, ground and seven upper floor levels. Use of entire building either for retail (Class A1) or the use of part basements to first floor as retail (Class A1) and offices (Class B1) with a dual/alternative use of floors two to seven for either retail (Class A1) or office (Class B1) use; and associated works including plant at basement levels 3 and 4, the creation of terraces at sixth and seventh floors; external roof top plant at seventh floor level behind an acoustic attenuated louvred façade onto Perrys Place, and the installation of photovoltaic panels at roof level.
- Reference:** 17/05284/LBC
- Plan Nos:** 2150 Rev C, 2151 Rev C, 2152 Rev C, 2153 Rev C, 2154 Rev C, 2155 Rev C, 2156 Rev C, 2157 Rev C, 2160 Rev C, 2161 Rev C, 2162 Rev C, 2163 Rev C, 2170 Rev C, 2171 Rev C, 2172 Rev C, 2175 Rev C, 2200 Rev C, 2201 Rev C, 2202 Rev C, 2203 Rev C, 2204 Rev C, 2205 Rev C, 2206 Rev C, 2207 Rev C, 2208 Rev C, 2209 Rev C, 2210 Rev C, 2211 Rev C, 2212 Rev C, 2300 Rev C, 2301 Rev C, 2302 Rev C, 2304 Rev C, 2400 Rev C, 2401 Rev C, 2500 Rev C, 2502 Rev C, 2503 Rev C, 2504 Rev C, 2505 Rev C, 2506 Rev C, 2600 Rev C, 2601 Rev C

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 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 Hanway Street 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 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 Hanway Street 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 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)

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

1. Roof storeys above Holden House,
2. New shopfronts,
3. Alterations to first floor windows (Holden House)

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

- 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 Hanway Street 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)

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 special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

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Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 14 November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Esca House, 32 Palace Court, London, W2 4HZ,		
Proposal	Variation of Condition 1 of planning permission dated 19 January 2016 (RN: 15/05691/FULL) for the demolition of Esca House, 34 Palace Court and demolition behind the retained facade of 1-4 Chapel Side. Redevelopment and change of use from office to provide up to 24 residential units over floors of basement, ground, first, second, third and fourth floor levels, including the accommodation of 18 car parking spaces, 24 cycle spaces and plant at basement level. NAMELY, to vary drawings and other documents listed on this decision letter to reflect the proposed increase in the number of flats from 24 to 28 units, amendments to the arrangement of car parking spaces and detailed design changes.		
Agent	Mr Magnus Menzefricke-Koitz		
On behalf of	Loxley Holdings Limited		
Registered Number	17/06677/FULL	Date amended/ completed	27 July 2017
Date Application Received	27 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

<p>1. Grant conditional permission, subject to the completion of a Deed of Variation to the original legal agreement for application reference 15/05691/FULL dated 19th January 2016, to ensure that all the previous planning benefits are secured with variations (in bold) :</p> <p>a) Provision of £750,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);</p> <p>b) A contribution of £10,000 (index linked and payable upon commencement of development) towards new tree planting in the vicinity of the site;</p> <p>c) Provision of lifetime car club membership (minimum 25 years) for all 28 units;</p> <p>d) All 18 off street residential parking spaces must be unallocated;</p> <p>e) Provision of maintenance and management plan for the car stacking system prior to occupation and maintained for life of development;</p> <p>f) A contribution of £28,000 per annum towards Environmental Monitoring for the demolition and construction phase of the development (index linked);</p> <p>g) The costs of monitoring the S106 agreement;</p> <p>h) Highways works to facilitate development including alteration to Chapel Side;</p>

i) Dedication of highway on Moscow Road prior to occupation.

2. If the Deed of Variation has not been completed within six weeks of the date of this resolution then:

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

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

2. SUMMARY

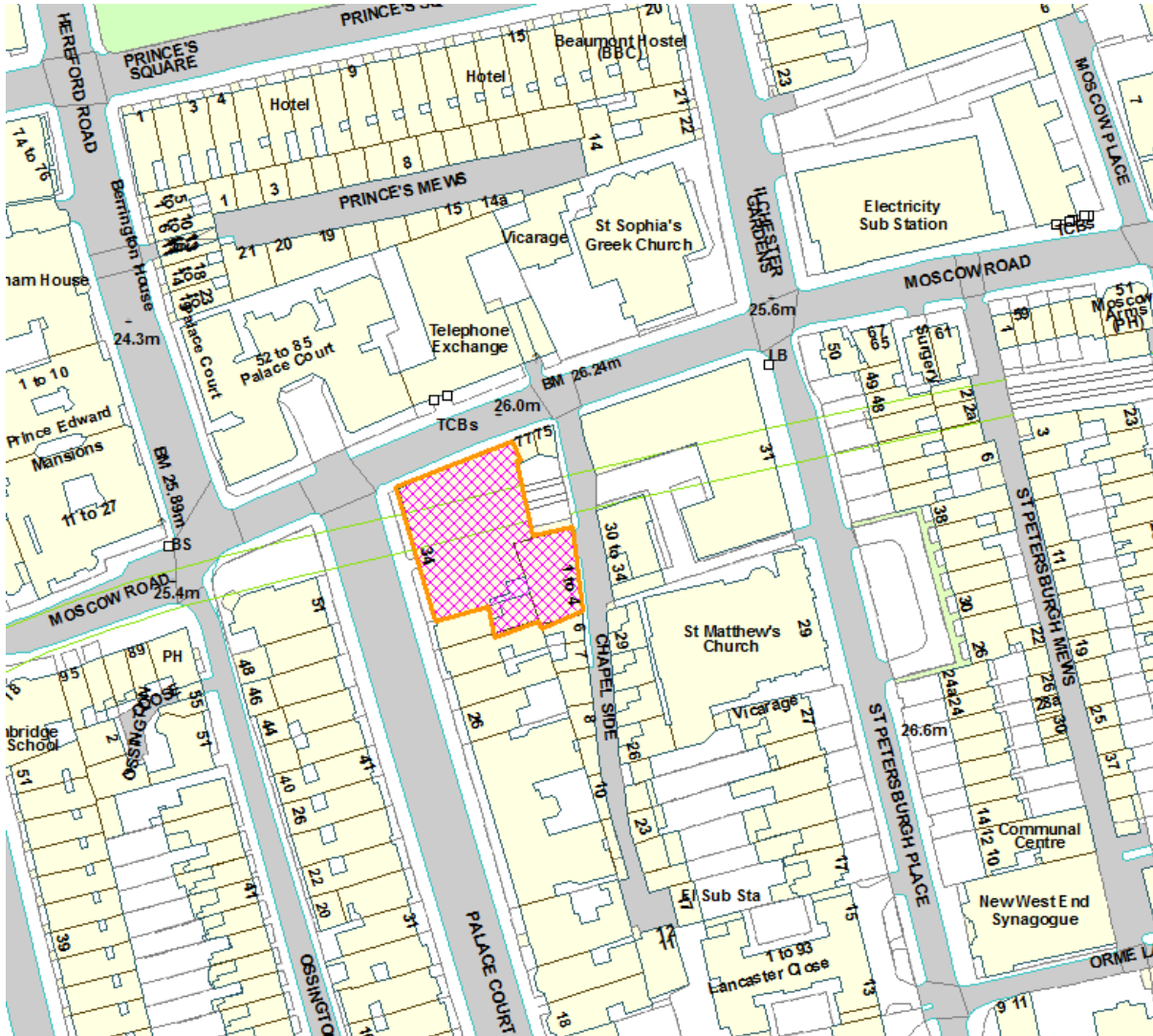
Planning permission was granted in January 2016 for a redevelopment scheme to provide 24 residential flats with associated central courtyard at ground level and car parking within a double basement.

Permission is now sought to vary the permission in order to increase the number of residential units from 24 to 28 and amend the mix of unit sizes. It is also proposed to revise the arrangement for on-site car parking, omitting the second basement and enclosing the central courtyard together with small extensions and design changes.

Whilst three objections have been raised by local residents, these are generally related to the principle of the proposed development and are not specific to the proposed revisions.

It is considered that the proposal is acceptable and in accordance with our Unitary Development Plan (UDP) and our City Plan on all key issues and is therefore recommended for conditional approval subject to the completion of a deed of variation of the original S106 legal agreement dated 19th January 2016, to ensure that the previous planning obligations are secured with revision under this permission.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

ORIGINAL CONSULTATION Dated 9th AUGUST 2017

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally

HISTORIC ENGLAND

Do not consider it necessary for this application to be notified to Historic England.

LONDON UNDERGROUND LIMITED

No objection to principle. Applicant should be aware of a number of potential constraints on the redevelopment of a site situated close to London Underground tunnels and infrastructure. Conditions requested

HIGHWAYS PLANNING MANAGER

No objection on transportation grounds subject to the same conditions and legal agreement being attached to any planning permission.

CLEANSING

No objection subject to condition securing waste/recycling storage provision.

ENVIRONMENTAL HEALTH

Object to the application on the grounds of inadequate means of escape in case of fire.

In relation to plant, no objections subject to standard noise conditions

BUILDING CONTROL

The proposed building will be supported on piled foundations, with a transfer slab bridging over existing tube line. The scheme has been justified structurally, sufficient details have been provided to show how the basement will not affect the adjoining buildings.

The basement development will not have any major adverse effects on ground or surface water and it will not increase the likelihood of flooding in the local area, the basement can be safely constructed without any significant adverse effects on the neighbouring properties.

ARBORICULTURAL MANAGER

Street tree in Palace Court unlikely to survive redevelopment but considers proposal acceptable subject to a legal agreement securing a contribution to street tree planting.

Welcomes extensive green roof. Regrettable landscaping and tree to courtyard shown in previous scheme no longer proposed but as has little impact on public amenity would not insist on this provision.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 472

Total No. of replies: 3

No. of objections: 3

No. in support: 0

In summary, the objections raised include the following issues:

Design

- * Not appropriate for Conservation Area
- * Existing building of historic value .
- * Increased bulk and scale inappropriate
- * Loss of street views to St Mathews Church

Amenity

- * Loss of daylight and sunlight
- * Loss of privacy.
- * Noise from car turntable and plant

Transport

- * Increased traffic confusion and congestion and associated pollution and noise.
- * Moscow Road already a rat run.

Other

- * Noise and disturbance and pollution during construction and excavation especially over such a period of time and considering on-going other developments in area.
- * Many unsold luxury properties in the area already.
- * Lack of consultation

ADVERTISEMENT / SITE NOTICE: Yes

RECONSULTATION ON 24th OCTOBER 2017 FOLLOWING AMENDMENTS

Including set back of Moscow Road amended detailed design of the exterior elevations, the removal of external balconies/terraces, converting one unit from a two bed to a three bed and the removal of windows and a roof terrace on the southern elevation.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 472

Total No. of replies: 1

No. of objections: 1

No. in support: 0

In summary, the objection raised include the following issues:

Amendments do not address concerns particularly location of car turntable and plant.

6. BACKGROUND INFORMATION

6.1 The Application Site

No.34 Palace Court and Nos.1-4 Chapel Side are unlisted buildings which positively contribute to the Bayswater Conservation Area which they form part of. These buildings along with the adjoining No.32 Palace Court (which is also owned by the applicants) are predominantly used as offices (Class B1(a), but with an element of residential in the form of four flats and parking within Nos.1-4 Chapel Side.

No.34 Palace Court is an unlisted two storey corner building which has a street frontage to both Palace Court and Moscow Road and adjoining neighbouring buildings Nos.75-77 Moscow Road, which is thought to be in use as a hostel. Nos. 1-4 Chapel Side which lie to the rear of Nos.32-34 Palace Court is an unlisted four storey building. All of the buildings are linked to one another.

Beneath part of the site running east/west is the London Underground Circle and District Line tunnel and an associated tunnel ventilation shaft. Further to the east lies the Grade II* listed Church of St Matthew on St Petersburg Place.

The applicants also own the adjoining No.32 Palace Court, an unlisted five storey plus basement building located on the east side of Palace Court currently in office use but with an extant planning permission for conversion into two dwellings.

The surrounding immediate area is predominantly residential in character within Palace Court and Chapel Side. Opposite the site on the northern side of Moscow Road are Palace Court Mansions and the BT Telephone Exchange.

6.2 Recent Relevant History

Demolition of Esca House, 34 Palace Court and demolition behind the retained facade of 1-4 Chapel Side. Redevelopment and change of use from office to provide up to 24 residential units over floors of basement, ground, first, second, third and fourth floor levels, including the accommodation of 18 car parking spaces, 24 cycle spaces and plant at basement level.

Application Permitted 19 January 2016

This was subject to a S106 legal agreement which secured the following:-

- a) Provision of £750,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- b) A contribution of £10,000 (index linked and payable upon commencement of development) towards new tree planting in the vicinity of the site;
- c) Provision of lifetime car club membership (minimum 25 years) for all 24 units;
- d) All 18 off street residential parking spaces must be unallocated;
- e) Provision of maintenance and management plan for the car lift prior to occupation and maintained for life of development;
- f) A contribution of £28,000 per annum towards Environmental Monitoring for the demolition and construction phase of the development (index linked);
- g) The costs of monitoring the S106 agreement;

- h) Highways works to facilitate development including alteration to Chapel Side;
- i) Dedication of highway on Moscow Road prior to occupation. 15/05691/FULL

7. THE PROPOSAL

Planning permission is sought to vary the 2016 permission set out above. The amendments are set out below:-

- 1) Omission of second basement
- 2) Enclosing of central courtyard to provide revised arrangement for car parking via dual stackers over ground and basement one level and two disabled car parking spaces at ground floor level.
- 3) Re-provision of central courtyard at first floor level.
- 4) Alterations to the internal layout of building to increase in number of proposed flats from 24 to 28 and change in mix from 6 x1 bedroom, 10x2bedroom, 7x3bedroom and 1x 4 bedroom units to 1 studio flat, 11x1 bedroom units, 9x2 bedroom units and 7x3 bedroom units.
- 5) Small extensions
- 6) Design revisions
- 7) Increase in cycle parking provision from 24 to 43 spaces.

8. DETAILED CONSIDERATIONS

8.1 Revised quantum of flats and mix of unit sizes.

The original permission granted 24 flats and through alterations to the internal arrangements it is proposed to increase this to 28 flats with associated revisions to the mix of unit sizes. The revisions are set out in the table below:-

	Consented Permission	Current Proposal	change
Studio	0	1	+1
1 bedroom	6	11	+5
2 bedroom	10	9	-1
3 bedroom	7	7	0
4 bedroom	1	0	-1
Total	24	28	+4

Policy H5 of our UDP and S15 of our City Plan requires an appropriate mix of unit sizes and that 33% are family sized units (3xbedroom or more). The original scheme achieved exactly 33%, however the proposed mix of unit sizes falls short of this at 25. However the UDP states that the policy will be applied with some flexibility. In this case 8 family sized units were proposed in the original permission and 7 are proposed within this revised proposal. In this particular case the optimization of the number of units on the site, which results in one less family sized unit and a revised mix of unit sizes when compared to the original scheme is considered acceptable.

In terms of the internal environment created for future occupiers of the residential units, the proposal creates units of adequate floorspace, ranging from 38m² for a studio unit (with shower) to 120m² for a three bedroom unit and of good quality in terms of natural light and ventilation. An assessment of internal light levels has been submitted by the applicant and has concluded that all rooms within the development meet BRE guidance with the exception of one which marginally fails. The one room that falls short of guidance is a large L shaped lounge/kitchen/dining room on the second floor. The BRE guidance accepts that on occasion this situation may exist in large multifunctional rooms and where this is inevitable the kitchen “should be directly linked to a well lit living room which it is in this case. On balance therefore the proposal therefore complies with Policy H10 of our UDP.

The proposal is therefore considered to provide a satisfactory residential environment for future occupiers, with sufficient natural light space and privacy. This complies with Policy ENV13 of our UDP and S29 of our City Plan as well as the Nationally prescribed space standards (March 2015).

8.1.1 Affordable housing

In considering the original scheme for 24 flats, it was found that the scheme could not afford to provide the required affordable housing provision required under Policy S16 of the City Plan., either on or off site or as a payment in lieu. This was verified by an independent consultant on behalf of the City Council. However notwithstanding this conclusion the applicant offered a payment in lieu of affordable housing of £750,000 and this was accepted and secured through a s106 legal agreement in granting the original permission.

Given, the increase in the number of flats now proposed from 24 to 28 units and the other proposed revisions to the original scheme, including the omission of basement two and building over the ground floor central, which has implications for construction costs. Together with the change in the floor space figures used for calculating affordable housing from GEA to GIA, it was considered appropriate to reconsider the viability of the revised scheme.

A policy compliant scheme in affordable housing terms would deliver eleven on-site affordable housing units in accordance with Policy H4 in the UDP and S16 in the City Plan. In the event that it is demonstrated that it is not viable to provide affordable housing on-site or off-site in the vicinity, a financial contribution to the Affordable Housing Fund that would be consistent with the formula set out in the Interim Guidance Note: Affordable Housing Policy (November 2013) would be £4,480,960.

The applicant has submitted a viability report which has been assessed by independent viability consultants on behalf of the City Council. They advise that the proposed scheme results in a deficit and therefore agree that the scheme is unable to provide affordable housing, whether it is on site, off site or a payment in lieu. Notwithstanding this conclusion, the applicant has offered to honour their commitment to pay £750,000 towards the City Council's Affordable Housing Fund as part of this application.

8.2 Townscape and Design revisions

The main design alterations proposed by the current application are as follows:

- Alterations to the main entrance and its internal layout;
- Removal of the ground floor courtyard and in its place a ground level parking level;
- Alterations to the Chapel Side façade to accommodate the changes to the car parking access arrangements;
- Internal layout changes and alterations to the courtyard-facing facades;
- Demolition of the flank wall to 1-4 Chapel Side;
- Introduction of more pronounced bays on the Moscow Road façade;
- The footprint of the rooftop terrace and plant enclosure is changed;
- An ornate railing design matching the existing historic railings is to be used around the perimeter.

With the exception of the more pronounced bays onto Moscow Road, the main facades of the new development onto Moscow Road and Palace Court remain almost entirely unaltered and utilise the same palette of materials as previously approved.

While the loss of the ground floor central courtyard does somewhat diminish the quality of the internal layout and the standard of residential amenity within the development itself, the impact upon the external appearance of the building and upon the character and appearance of the conservation area is minimal. The changes that will be apparent, namely the ground floor changes to the façade of 1-4 Chapel Side, the design of the perimeter railings, the changing footprint of the rooftop terrace and the plant enclosure will have a very minimal change when compared with the approved scheme and are not harmful, indeed the more embellished railing design is considered to be an improvement.

The external changes of greatest impact will be the more pronounced bays to the Moscow Road façade and the demolition of the flank wall to 1-4 Chapel Side. The bays are considered acceptable in design terms, as they will follow the rhythm of similar bays on the Palace Court façade, thus providing greater design cohesion, as well as providing improved relief to this façade.

The demolition of the flank wall to 1-4 Chapel Side is regrettable, although the need to do it, to enable the construction of the scheme and the provision of the ground floor car-parking is understood. The revision proposal which is to dismantle the wall and rebuild in facsimile using the same brickwork is considered to offer considerable mitigation and with the suggested conditions ought to be capable of being undertaken without an adverse impact on the appearance of the building or the conservation area.

Thus subject to the existing design conditions, plus the suggested additional condition to address the dismantlement and re-building of the flank wall to 1-4 Chapel Side, the proposals are considered acceptable in design terms and to accord with design policies DES 1, DES 4, DES 9 and DES 10 of our UDP; and S25 and S28 of our City Plan; as well as Chapter 12 of the NPPF.

8.3 Residential Amenity

The proposed development is surrounded on all sides by residential properties. It is therefore a sensitive site in terms of its potential impact on the amenities currently enjoyed

by the occupiers of surrounding residential properties. Objections have been received on the grounds of loss of daylight and sunlight, loss of privacy and noise resulting from the car turntable and plant.

With regard to amenity the relevant planning policies have broadly remained the same as when the original proposal was considered,

8.3.1 Sunlight and Daylight

The proposal under consideration fits entirely within the building envelope proposed by the original permission with the exception of an infill extension measuring approximately 2m² situated in the north west corner of the courtyard at first to third floor level and a proposed extension at ground to second floor to the south of the site adjacent to the rear courtyard of 32 Palace Court. The corner infill extension would have no amenity impact on the surrounding properties as it is located entirely within the development.

The only property which would be significantly impacted by the additional bulk created by the extension to the south of the site in terms of sunlight and daylight would be 32 Palace Court. This property is under the same ownership as the development site. Although it was granted permission in December 2014 for use as two residential maisonettes the property has remained in office use and this permission has not been implemented therefore it cannot be afforded the same protection in amenity terms as if it was a residential dwelling. For these reasons it is not considered that the objections relating to loss of sunlight and daylight are sustainable and it is considered that the proposal complies with policy ENV13 of our UDP and S29 of our City Plan.

8.3.2 Sense of Enclosure

As outlined above the proposal under consideration fits largely within the building envelope proposed by the original permission with the exception of a proposed infill extension at ground to second floor to the south of the site adjacent to the rear courtyard of 32 Palace Court. The only property which would be significantly impacted by this additional bulk in terms of sense of enclosure would be 32 Palace Court. This property is under the same ownership as the development site. Although it was granted permission in December 2014 for use as two residential maisonettes the property has remained in office use and this permission has not been implemented therefore it cannot be afforded the same protection in amenity terms as if it was a residential dwelling

For the reasons set out above, the proposal is not considered to raise concerns in terms of sense of enclosure. The objections raised by residents on this ground are therefore unable to be supported in this case and the proposal accords with policy S29 of the City Plan and ENV 13 of the UDP.

8.3.3 Privacy

The proposal has been amended during the course of consideration to remove a roof terrace and window at third floor level to the south of the site, balconies to the courtyard also at 3rd floor level and terraces at fourth floor level on the Moscow Road and Palace Court elevations. The removal of these features would make the proposal the same as the

approved scheme in terms of issues of overlooking to neighbouring properties. On this basis the objections on loss of privacy are not considered sustainable. For these reasons it is not considered that the objections in relation to overlooking are sustainable and the proposal accords with policy S29 of the City Plan and ENV13 of the UDP.

8.3.4 Noise

An objection has been received from a neighbour on the grounds that the plant room and car turntable located adjacent to their flat would result in noise disturbance. An acoustic report has been submitted with the application and assessed by a City Council Environmental Health Officer who has confirmed that the proposal is likely to be acceptable subject to standard noise conditions. With regard to the objection to noise generated by the car turntable, although this was a feature of the original scheme this is no longer proposed under this revised scheme.

Subject to conditions, the proposal would be consistent with policies ENV6 and ENV7 of the UDP and policy S29 of the City Plan.

8.4 Transportation/Parking

8.4.1 Revised Car and Cycle Parking arrangement

The original scheme provided 18 car parking spaces at basement and sub-basement level via a car lift from ground floor. This revised scheme seeks to enclose the central courtyard at ground floor level to accommodate the revised car parking arrangement at ground and basement level and consequently omits the previously proposed sub level basement. The revised scheme still provides for 18 car parking spaces, but within this revised arrangement utilising dual stackers over ground and basement level, with two standard disabled car parking spaces at ground floor level. As in the case of the original permission access to these spaces is via Chapel Side.

The Highways Planning Manager has confirmed that the revised arrangement will not result in any significant impact on other vehicle movements in Chapel Side and that the proposed stacker arrangement which means vehicles are not reliant on another vehicle being moved to gain access to the other within the stacker is welcomed.

8.4.2 Cycle Parking

The revised proposal makes provision for the parking of 43 bicycles, compared to 24 in the original scheme, which meet the requirements under Policy TRANS10 of our UDP and Policy 6.9 of the London Plan (FALP- March 2015).

8.5 Other UDP/Westminster Policy Considerations

Basement

Since the 2016 scheme was granted, in July 2016 the City Council has adopted its Basement Policy (CM28.1 of the City Plan).

In consideration of the policy tests set out in policy CM28.1, basements should leave a margin of undeveloped garden land around the site boundary, should not extend beneath more than 50% of the garden land, provide a minimum soil depth of 1.2 metres and not excavate more than one storey below the lowest floor level. As the existing site is fully developed the proposal would not be required to provide a minimum soil depth above the basement, or a margin of undeveloped land and would not extend beneath more than 50% of garden land. Although the original proposal involved more than 2 basements, the revised proposal only proposes a single basement.

Policy CM28.1 (1), and the adopted basement SPD, requires the submission of a construction method statement prepared by a suitably qualified engineer and consideration of flood risk. A revised Structural Method Statement reflecting the altered design has been submitted and assessed by Building Control. The proposed building will be supported on piled foundations, with a transfer slab bridging over existing tube line. The scheme has been justified structurally, sufficient details have been provided to show how the basement will not affect the adjoining buildings. The basement development will not have any major adverse effects on ground or surface water and it will not increase the likelihood of flooding in the local area, the basement can be safely constructed without any significant adverse effects on the neighbouring properties.

8.6 Planning Obligations

The original planning permission secured the following obligations through a Section 106 agreement.

- a) Provision of £750,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- b) A contribution of £10,000 (index linked and payable upon commencement of development) towards new tree planting in the vicinity of the site;
- c) Provision of lifetime car club membership (minimum 25 years) for all 24 units;
- d) All 18 off street residential parking spaces must be unallocated;
- e) Provision of maintenance and management plan for the car lift prior to occupation and maintained for life of development;
- f) A contribution of £28,000 per annum towards Environmental Monitoring for the demolition and construction phase of the development (index linked);
- g) The costs of monitoring the S106 agreement;
- h) Highways works to facilitate development including alteration to Chapel Side;
- i) Dedication of highway on Moscow Road prior to occupation

Given the proposed amendments a deed of variation will be required to make the following variations to the agreement.

- c) Provision of lifetime car club membership (minimum 25 years) for all **28** units;
- e) Provision of maintenance and management plan for the car **stacker system** prior to occupation and maintained for life of development;

The proposed development is also liable for a Mayoral CiL payment. This is estimated to be £128,164.57.

Since the 2016 Permission the City Council has introduced its own Community Infrastructure Levy. As the proposal is a Section 73 application and a deed of variation will be used to secure the same obligations (as varied by this permission) as the original permission no Westminster CIL will be payable on this application. There is a 99sqm increase in new floorspace proposed for the scheme under consideration which will be liable for the City Councils CIL. CIL is estimated to generate a payment of £41,207.38.

8.7 Environmental Impact Assessment

Sustainability

The proposal retains the sustainability credentials provided by the original permission

Biodiversity

The proposal retains the provision of a green roof which was proposed by the original proposal. In addition, the previously proposed ground floor central courtyard is proposed to be replaced with an enclosure to provide the revised car parking arrangement. As such the central courtyard is to be re-provided at first floor level. The Arboricultural Manager has raised some concerns regarding the reduction in the quality of landscaping and the loss of the proposed mature tree within the proposed rear courtyard when compared to the approved scheme. However given that this area would have little effect on public amenity, is considered acceptable.

8.8 Other Issues

8.12.1 Construction Management

Objections have been received to the proposal on the grounds of the disruption caused during the demolition, excavation and construction especially in terms of noise disturbance, pollution and increased traffic. As with the original permission it is considered that the impact of construction works can be adequately controlled by use of the City Council's standard hours of work condition, which includes additional controls to prevent excavation works at weekends and on bank holidays and a condition requiring the submission and approval of a detailed Construction Management Plan, as required by the previous permission, which demonstrates the measures that will be undertaken during construction works to minimise disruption to neighbouring occupiers and the operation of the public highway. The disruption created by the development of the site is likely to be reduced in the current proposal due to the reduction in excavation which would result from the deletion of the sub-basement.

9.0 Conclusion

For the reasons set out in this report, the proposed development is considered acceptable, subject to the recommended conditions and deed of variation and would accord with the relevant land use, design, amenity, transportation, and environment policies within the UDP and City Plan.

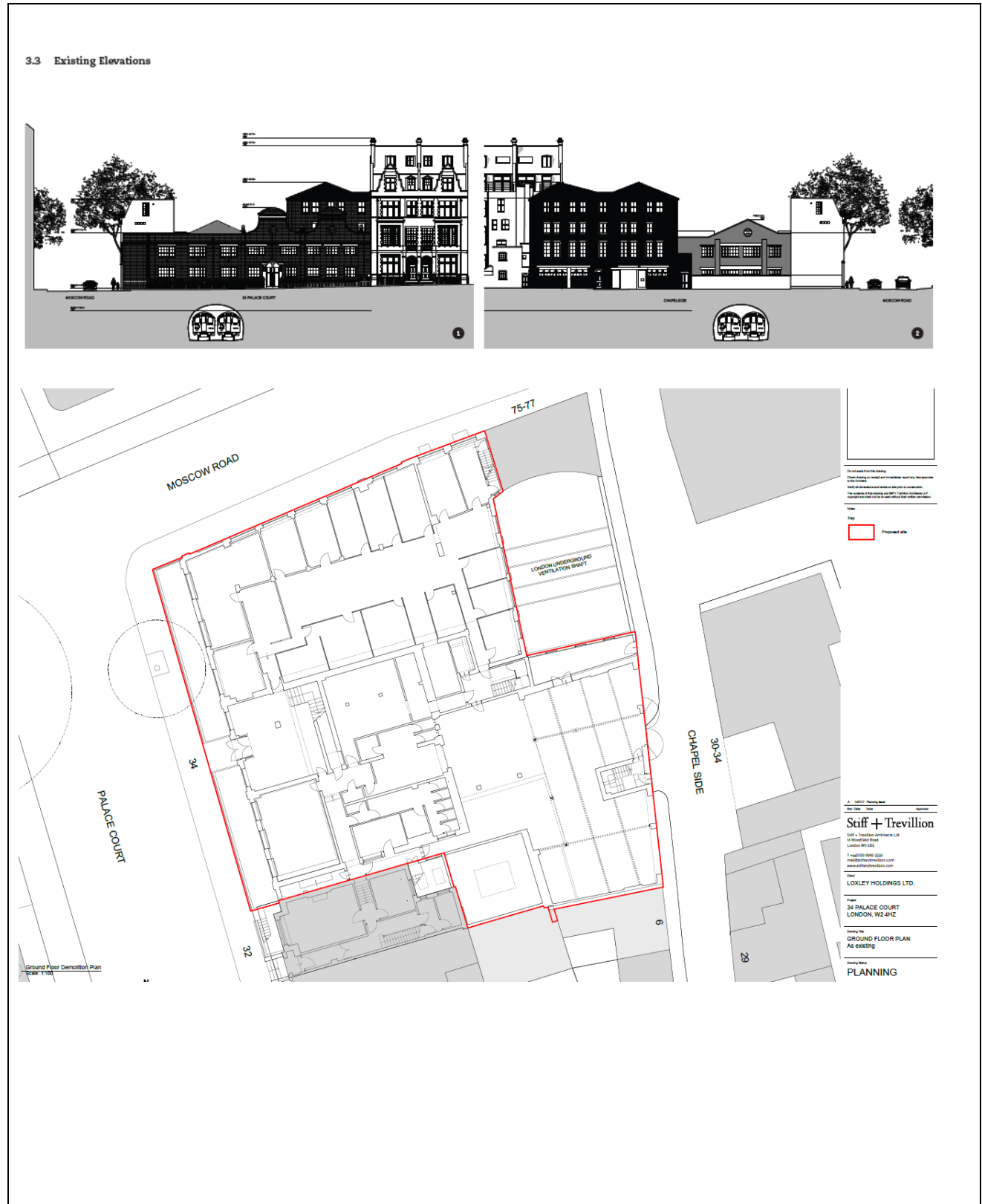
10.0 BACKGROUND PAPERS

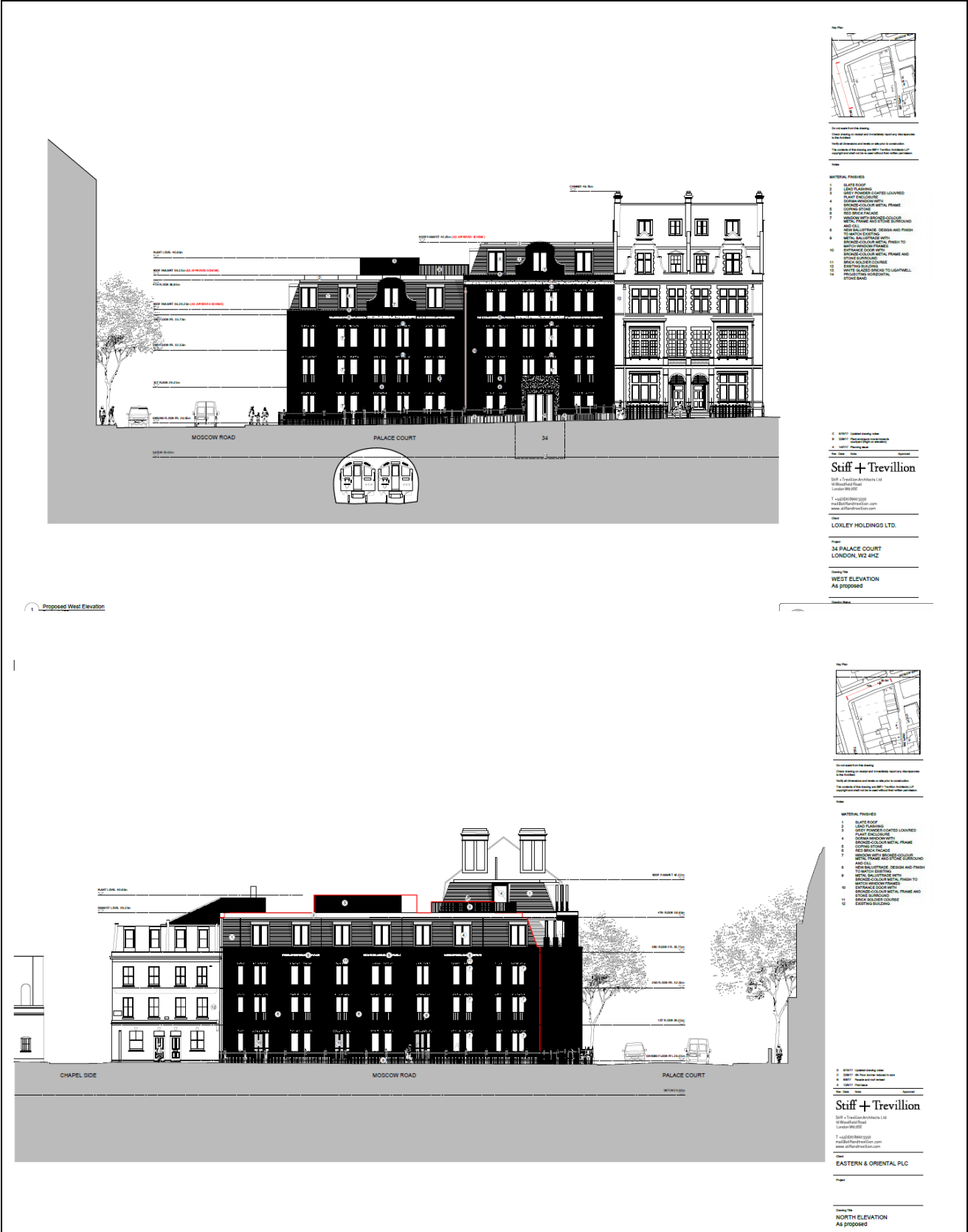
1. Application form
2. Response from Historic England (Listed Builds/Con Areas), dated 16 August 2017
3. Response from London Underground Limited, dated 24 August 2017
4. Response from Cleansing - Development Planning, dated 21 August 2017
5. Response from EH Consultation, dated 11 August 2017 and 13th September 2017
6. Response from Highways Planning - Development Planning, dated 12 September 2017
7. Response from Building Control dated 23 October 2017
8. Response from Arboricultural Officer dated 23 October 2017
9. Letter from occupier of 56a palace court, london, dated 16 August 2017
10. Letter from occupier of Flat G, 30 Palace Court, London, dated 25 August 2017
11. Letter from occupier of Flat 2, 28 Palace Court, dated 31 August 2017
12. Letter from occupier of Flat G, 30 Palace Court, dated 20 October 2017

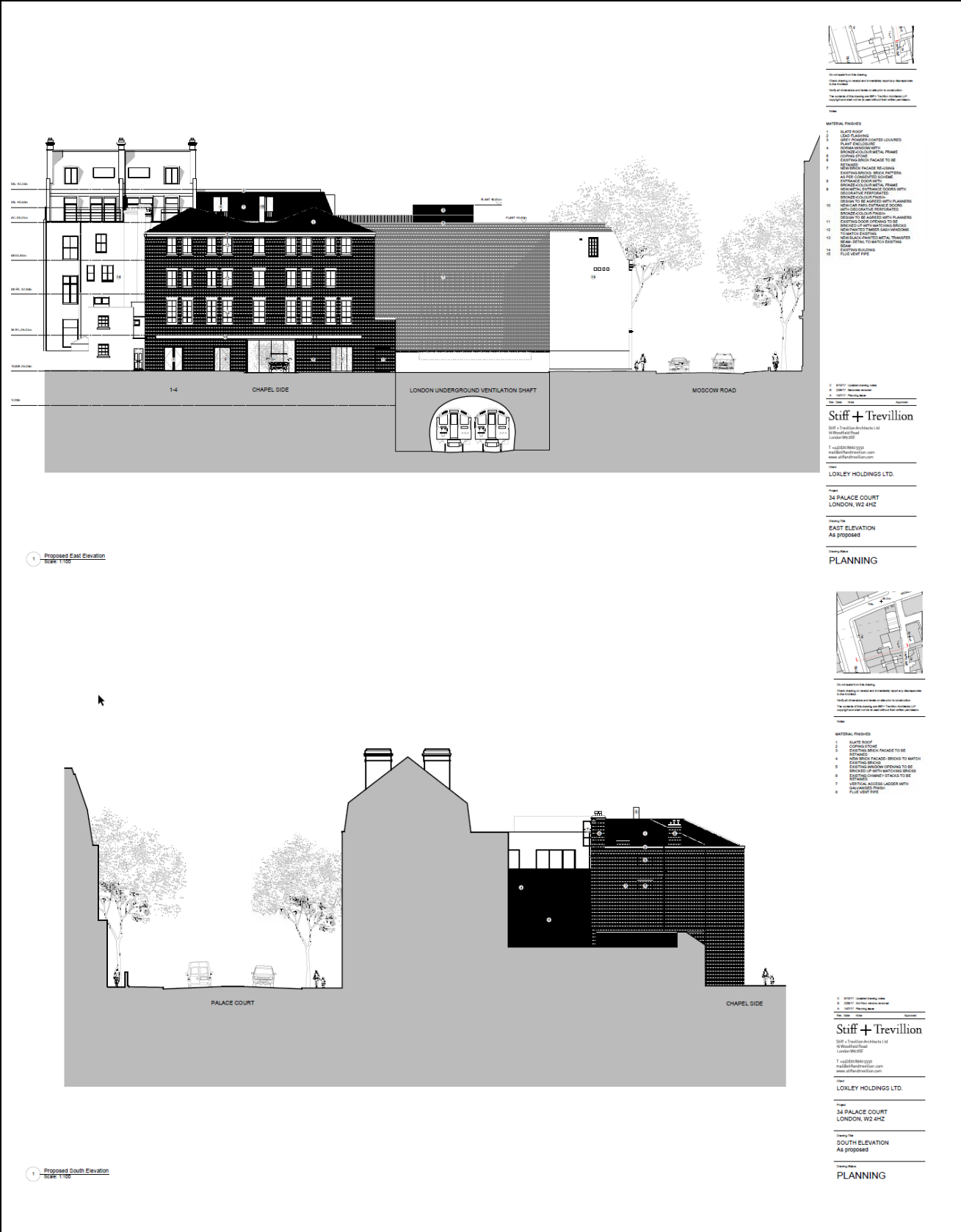
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **SARAH WHITNALL** BY EMAIL AT swhitnall@westminster.gov.uk

11.0 KEY DRAWINGS

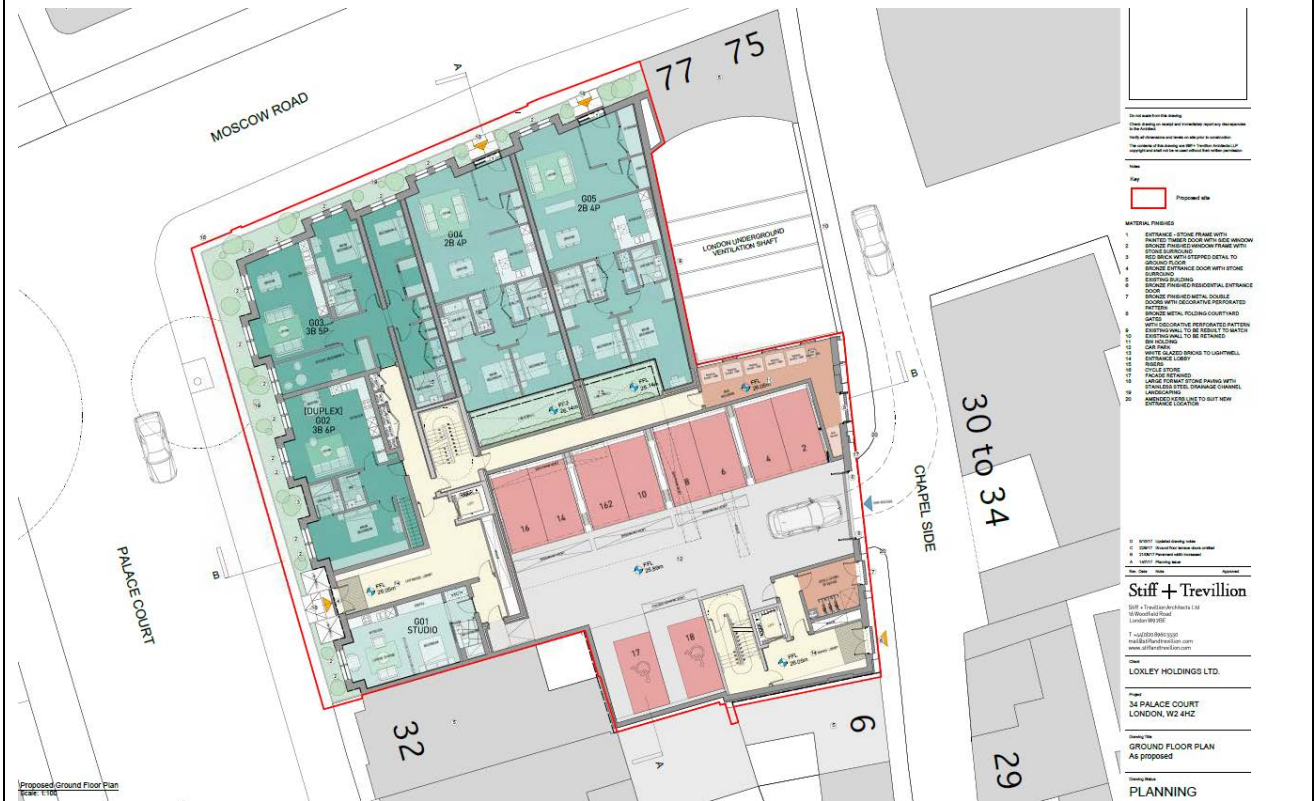
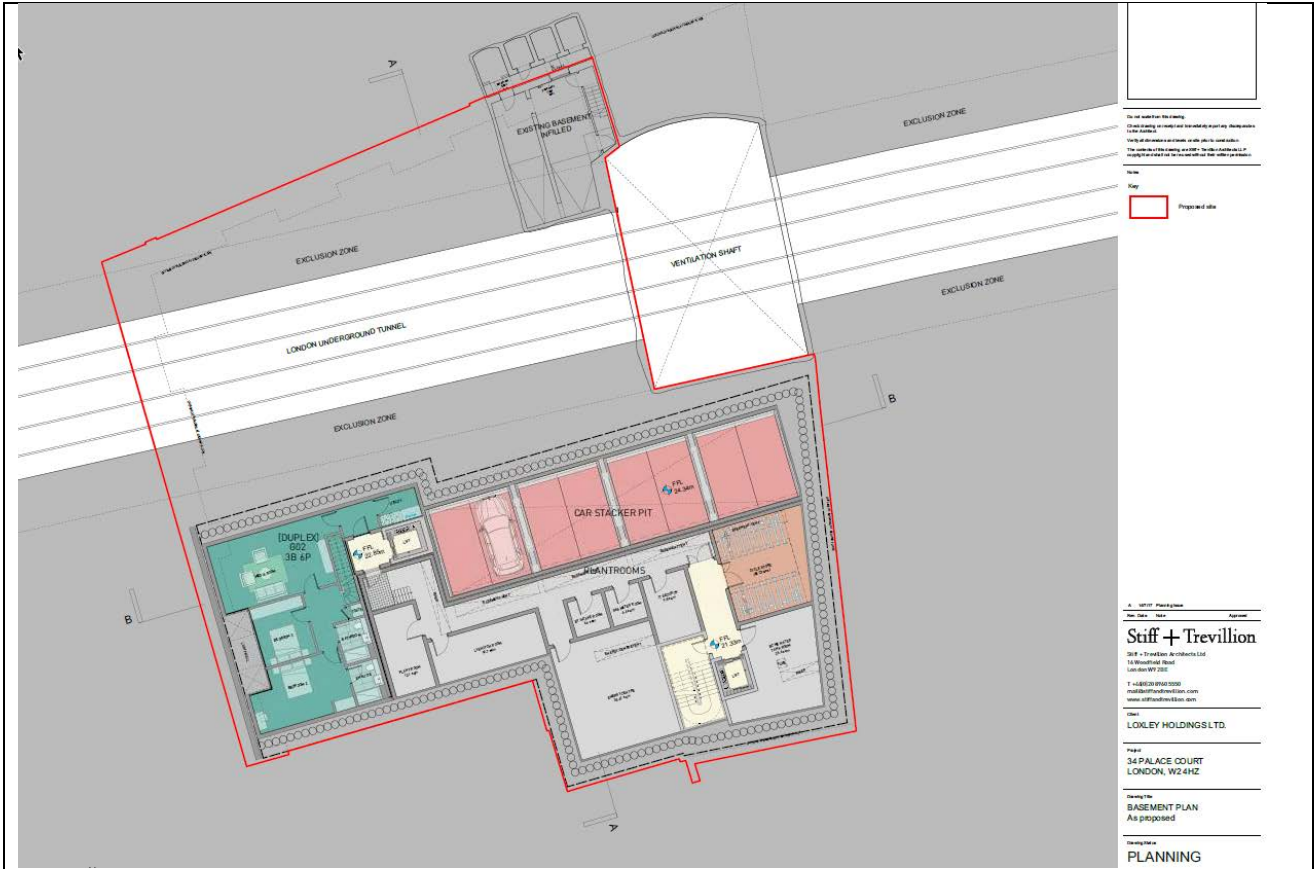






1 Proposed East Elevation
Scale: 1:100

1 Proposed South Elevation
Scale: 1:100





Check details in detail and coordinate necessary alterations.
 Note: All dimensions are given in millimetres unless otherwise stated.
 All dimensions are given in millimetres unless otherwise stated.

Site
 Proposed site

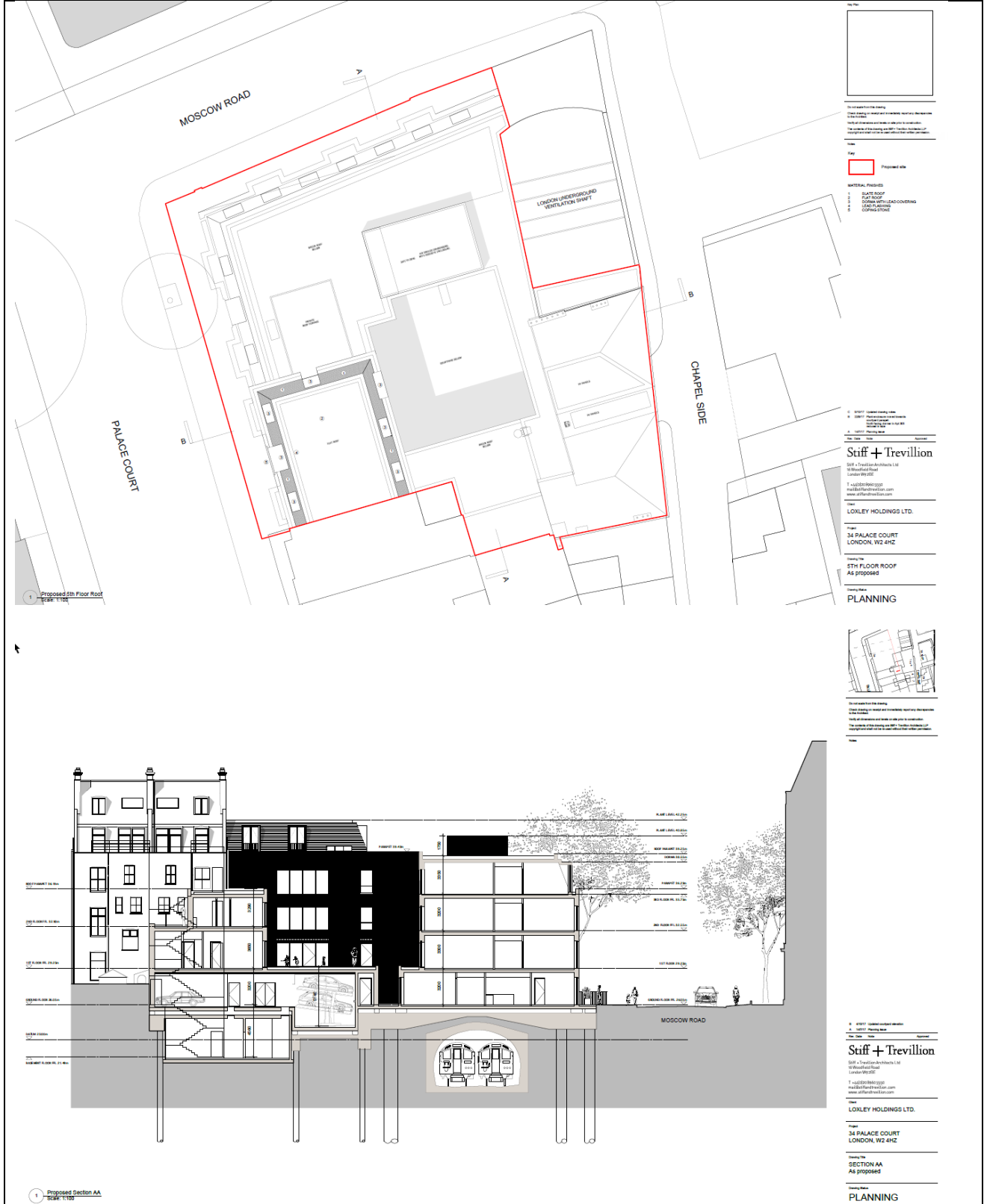
- MATERIALS FINISHES**
- 1. BRICK PAVED WINDOW FRAME WITH
 - 2. 100mm CONCRETE
 - 3. 100mm POLYSTYRENE INSULATION
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Stiff + Trevillion
 5th Floor, 100 Abchurch Lane, London EC4N 3DF
 T: +44 (0)20 7424 2000
 E: info@stiffandtrevillion.com
 www.stiffandtrevillion.com

LOXLEY HOLDINGS LTD.
 34 PALACE COURT
 LONDON, W2 4HZ

1:100
 1ST FLOOR PLAN
 As proposed
 PLANNING



DRAFT DECISION LETTER

Address: Esca House, 32 Palace Court, London, W2 4HZ,

Proposal: Variation of Condition 1 of planning permission dated 19 January 2016 (RN: 15/05691/FULL) for the demolition of Esca House, 34 Palace Court and demolition behind the retained facade of 1-4 Chapel Side. Redevelopment and change of use from office to provide up to 24 residential units over floors of basement, ground, first, second, third and fourth floor levels, including the accommodation of 18 car parking spaces, 24 cycle spaces and plant at basement level from RN 15/05691/Full. NAMELY, to vary drawings and other documents listed on this decision letter to reflect the proposed increase in the number of flats from 24 to 28 units, amendments to the arrangement of car parking spaces and detailed design changes.

Reference: 17/06677/FULL

Plan Nos: Original plans and documents:-
 1703(91)000; 1703(00)000; 1703(00)001; 1703(00)002; 1703(00)003;
 1703(00)004; 1703(00)005; 1703(00)006; 1703(00)100; 1703(00)101;
 1703(00)102; 1703(00)200; 1703(00)201; 1703(0)202; 1703(01)000; 1703(01)001;
 1703(01)002; 1703(01)003; 1703(01)004; 1703(01)005; 1703(01)006;
 1703(01)100; 1703(01)101; 1703(01)102; 1703(01)200; 1703(01)201;
 1703(02)000; 1703(02)021RevA; 1703(02)022RevA; 1703(02)023RevA;
 1703(02)024RevA; 1703(02)025RevA; 1703(02)026RevA; 1703(02)027;
 1703(02)028; 1703(02)120RevA; 1703(02)101RevB; 1703(02)102;
 1703(02)103RevB; 1703(02)104RevB; 1703(02)105; 1703(02)106RevB;
 1703(02)107RevA; 1703(02)200RevB; 1703(02)221; Statement of Community
 Involvement; Planning Application Report dated 22.06.2015 (partly amended by
 Planning Application Committee Meeting Response dated 09.11.15 and Letter from
 Point 2 Surveyors dated 2nd November 2015) including Heritage Report; Structural
 Methodology Statement (for information only); Ground movement Analysis (for
 information only) Impact Assessment Report (for information only) Energy and
 Sustainability Report; Acoustic Report; Daylight and Sunlight Report; Air Quality
 Assessment; Transport and Servicing Report; Construction Traffic Management
 Plan; Borehole Test Report (for information only); Planning Application Committee
 Meeting Response Report dated 9.11.15. Letter dated 9 November 2015; Letter from
 Point 2 Surveyors letter dated 2nd November 2015, Committee response from ttp
 Consulting

As part superseded by:-
 PA-G00-001Rev2A; PA-G00-002Rev2D; EX-G20-099Rev2A; EX-G20-100Rev2A;
 EX-G20-101Rev2A; EX-G20-102Rev2A; EX-G20-103Rev2A; EX-G20-104Rev2A;
 EX-G20-201Rev2A; EX-G20-202Rev2A; EX-G20-203Rev2A; EX-G20-204Rev2A;
 EX-G20-205Rev2A; DM-G20-099Rev2A; DM-G20-100Rev2A;
 DM-G20-101Rev2A; DM-G20-102Rev2A; DM-G20-103Rev2A; DM-G20-104Rev2A;
 DM-G20-201Rev2A; DM-G20-202Rev2A; DM-G20-203Rev2A; DM-G20-204Rev2A;
 DM-G20-205Rev2A; PA-G20-099Rev2A; PA-G20-100Rev2E; PA-G20-101Rev2E;
 PA-G20-102Rev2E; PA-G20-103Rev2D; PA-G20-104Rev2D; PA-G20-105Rev2D;
 PA-G20-201Rev2C; PA-G20-202Rev2D; PA-G20-203Rev2C; PA-G20-204Rev2C;
 PA-G20-205Rev2C; PA-G20-211Rev2C; PA-G20-212Rev2C; PA-G20-213Rev2C;

PA-G20-214Rev2C; PA-G20-301Rev2B; PA-G20-302Rev2B; Energy Strategy; Daylight and Sunlight Assessment; Design and Access Statement; Structural Method Statement (for information only); Energy Statement;

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (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 commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which: , - provide details on all structures, - accommodate the location of the existing London Underground structures and tunnels, - accommodate ground movement arising from the construction thereof, - and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels. , , The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure,

in accordance with London Plan 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 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 LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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.

- 6 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.

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

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)

- 8 You must apply to us for approval of details of 43 secure cycle spaces for the development. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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

- 9 You must provide the waste /recycling store shown on drawing PA-G20-100 Revision 2E before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.

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)

- 10 You must apply to us for approval of the following parts of the development:, - the location of 4 Electric

Vehicle Charging Points within the basement parking level., You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings.

Reason:

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

- 11 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)

- 12 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 year of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 13 You must apply to us for approval of technical details of the following parts of the development:, i) Photovoltaic Panel, ii) Green Roofs (including maintenance strategy), 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 works according to these approved drawings.

Reason:

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

- 14 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in

writing by the City Council as local planning authority. The plan shall provide the following details:, (i) a construction programme including a 24 hour emergency contact number; , (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);, (iii) locations for loading/unloading and storage of plant and materials used in constructing the development; , (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);, (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and, (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works. , You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 15 You must not use the roof of the building, including the flat roof at third floor level at the southern part of the site, for sitting out or for any other purpose except where specified as a private terrace on the approved drawings. You can however use the roof 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)

- 16 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application:, i) Combined Heat and Power capability; , ii) Green Roof at third and fourth floor level.; , iii) Photovoltaic panels as detailed in your Energy Statement, You must not remove any of these features.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan adopted November 2016.

- 17 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 Bayswater 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)

- 18 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 Bayswater 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)

- 19 You must apply to us for approval of full details of the following parts of the development: , i) typical new windows and external doors; , ii) all new metal railings and balustrades; , iii) brick detailing to introduce relief and decoration to the blank wall above London Underground shaft; , iv) plant screen enclosure including detail of finish; , v) location and size of movement joints; , vi) ventilation and other services terminations at facade and roof level. , v) restoration of railings on Palace Court frontage. , 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.

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 Bayswater 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)

- 20 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 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)

- 21 This permission must be commenced no later than 19th January 2019

Reason:

This permission authorises amendments to the original planning permission granted on 19th January 2016 (RN 15/05691/FULL) which must be commenced no later than the above date.

- 22 You must apply to us for approval of full details relating to the dismantlement and re-erection of the

flank wall (north-facing wall) of 1-4 Chapel Side. The details shall include the following items:, i)

Methodology and full details for dismantlement and storage of brickwork;, ii) Full details of re-building, including the construction of a sample panel to agree mortar and pointing finish., You must not start work on the relevant part of the development until we have approved what you have sent us, thus the details required in part (i) shall be submitted and approved prior to dismantlement of the wall; and the details required in part (ii) shall be submitted and approved prior to the re-erection of the wall. You must carry out the work 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 Bayswater 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)

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 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements required under Condition 3, in particular with regard to: demolition; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting.
- 3 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning, and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk., , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk., , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability, Discrimination Acts.

- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements.
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 7 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)
- 8 Environmental Health have assessed the submitted layout drawings and have commented that the proposed Means of Escape in the case of fire are inadequate as it appears the occupiers of the bedrooms are required to escape via the area of highest risk, namely the kitchen areas. They advise that the layout of the individual units should be revised so as to provide adequately protected escape routes.
- 9 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to CIL@Westminster.gov.uk , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 10 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to, a) Provision of £750,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);, b) A contribution of £10,000 (index linked and payable upon commencement of development) towards new tree planting in the vicinity of the site;; c) Provision of lifetime car club membership (minimum 25 years) for all 28 units; , d) All 18 off street residential parking spaces must be unallocated; , e) Provision of maintenance and management plan for the car stacking system prior to occupation and maintained for life of development; , f) A contribution of £28,000 per annum towards Environmental Monitoring for the demolition and construction phase of the development (index linked);, g) The costs of monitoring the S106 agreement;; h) Highways works to facilitate development including alteration to Chapel Side;; i) Dedication of highway on Moscow Road prior to occupation.

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 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 14 November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	Development Site At 3-5, 11-19, 25-27 Eccleston Place, 115A Ebury Street And 2, Elizabeth Street, SW1		
Proposal	Variation of Conditions 1, 7 and 28 of planning permission dated 16 August 2016 (RN 16/03582/FULL) for the use of the ground floor of 25 Eccleston Place for retail purposes (Class A1) and fitness centre (Class D2); use of ground floor of Chester House (11-19 Eccleston PI) for retail purposes (Class A1), restaurant use (Class A3) and indoor flexible event space (Sui Generis); associated physical works at ground floor level and creation of shopfronts; relocation of substation; change of use of the courtyard 'giraffe sheds' to provide flexible retail / restaurant uses at ground and mezzanine levels (flexible Class A1 / A3) and associated physical works including shopfronts; change of use at 115A Ebury Street to provide retail use (Class A1) and associated physical works, shopfronts and provision of access to the inner courtyard via 115A Ebury Street, namely to vary drawings and other documents to include changes to fenestration, relocation of plant and extended gym opening hours.		
Agent	Gerald Eve		
On behalf of	Grosvenor Estate Belgravia		
Registered Number	17/06293/FULL	Date amended/ completed	17 July 2017
Date Application Received	14 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

Grant Planning Permission

2. SUMMARY

The site comprises a group of buildings and commercial parking area bounded by Eccleston Place, Victoria Coach Station and the rear boundary of properties on Ebury Street.

Permission has previously been granted for the use of this site for a variety of uses including Class A1 and A3 retail uses, a gym and indoor flexible event space together with external works.

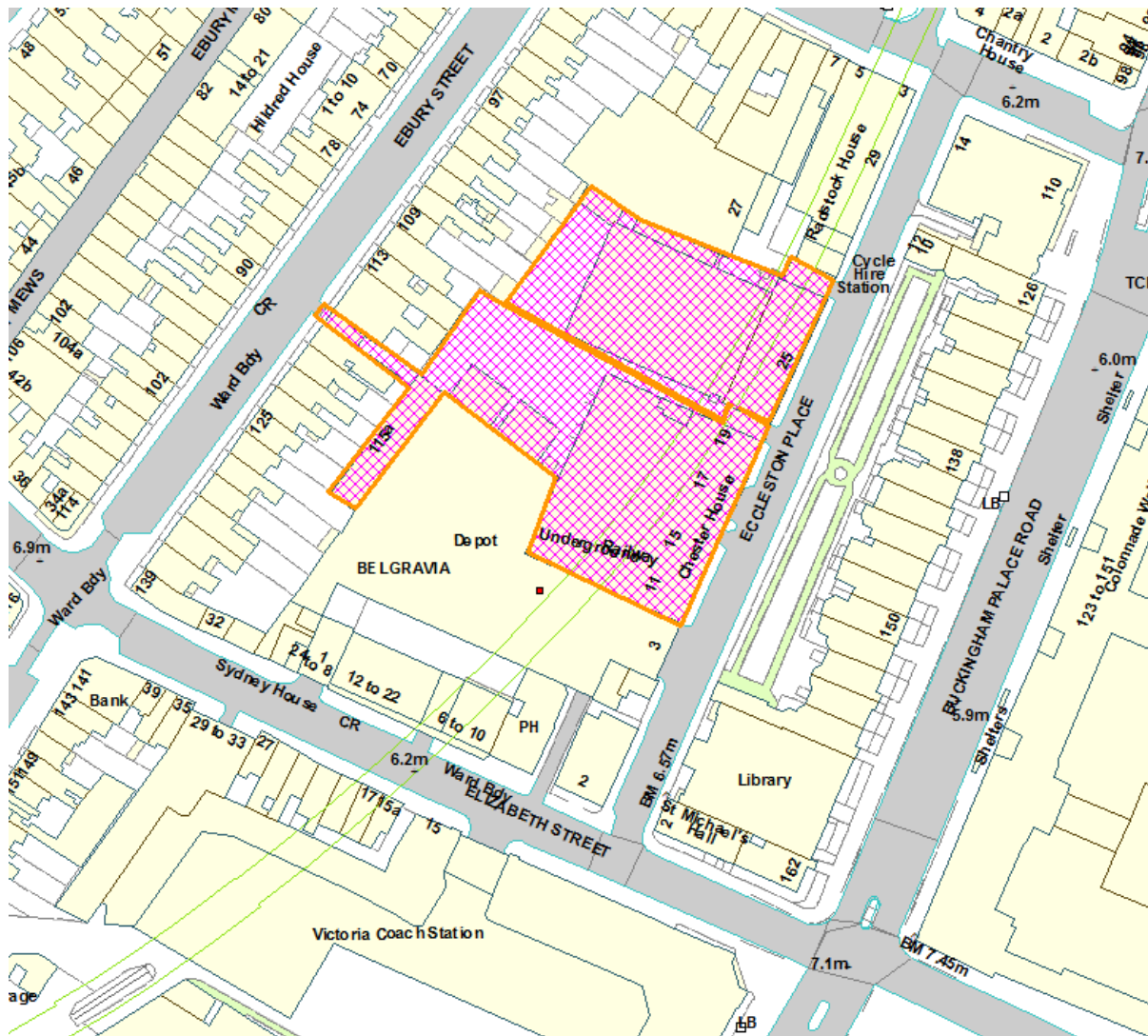
This application seeks to make a number of design changes to the approved scheme through the variation of condition 1, to change the operating hours of the approved gym and to revise condition 28 which requires the development to be completed in full within 18 months of works commencing on site. As originally submitted the proposal also sought to vary the opening hours for the Class A3 restaurant uses but this element has been withdrawn from the application.

The key issues in this case are:

- * The impact of the proposals upon the character and appearance of the Belgravia Conservation Area and;
- * The impact of the proposals upon the amenity of neighbouring residents.

The application has attracted objections principally to the extended opening hours to the restaurant (now withdrawn) and the gym on noise and disturbance grounds. For the reasons set out in the main report the application is substantially similar to the approved scheme and is considered acceptable in amenity terms. The application is also considered acceptable in conservation and design terms subject to the recommended conditions.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION:

Any response received to be reported verbally.

BELGRAVIA NEIGHBOURHOOD FORUM:

Any response received to be reported verbally.

THE BELGRAVIA SOCIETY:

Any response received to be reported verbally.

ENVIRONMENTAL HEALTH:

No objections subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 229

Total No. of replies: 4

No. of objections: 4

No. in support: 0

The letters of objection raise concerns about the amenity impact of the extended restaurant and gym opening times and about how the pedestrian entrance to the site from Ebury Street will be used in practice.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises a group of buildings in the ownership of the Grosvenor Estate, with their main frontage to Eccleston Place and includes a car park/courtyard which abuts the rear gardens of several properties on Ebury Street. The site is within the Belgravia Conservation Area and comprises the following buildings:

25 Eccleston Place – to the northern boundary of the site, an attractive red brick Victorian building built in 1980 for the Westminster Electric Supply Company. It comprises 3 storeys of offices. It has a later 20th century extension to the rear.

Chester House – an early 20th Century building over 4 storeys comprising office and commercial car parking at ground/lower ground levels with part residential/part office at first floor and residential at second and third floors. Chester House was originally built to accommodate workers from the Westminster Electricity Supply Company. It also contains a substation.

Courtyard – a backland area of hardstanding currently used as commercial car parking which also contains several semi-open structures known as ‘Giraffe Sheds’ to the site’s

southern boundary with Victoria Coach station. These sheds are not in any use at present. This area is currently accessed from Eccleston Place between Chester House and No. 25.

115A Ebury Street – a single storey building sitting to the rear of residential properties on Ebury Street, accessed via a passageway beneath 117 Ebury Street. Its last known use was a printing workshop (Class B1c) but is currently being used as a site office by the applicant in connection with works on another site.

Victoria Coach Station is immediately to the south of the site, and the surrounding area is very mixed in character, with predominately commercial uses at ground floor with either offices or residential on upper floors. To the rear of the site lies Ebury Street, which is largely residential in use. With the exception of 115A Ebury Street, the rest of the site lies within the Victoria Opportunity Area and Core Central Activities Zone as defined by the City Plan.

Construction works have started on site in relation to planning permission dated 16 August 2016.

6.2 Recent Relevant History

17/06189/FULL

Use of 11-19 Eccleston Place as a sui generis use comprising retail, cafe, restaurant, coffee production, training, events and office functions; internal and external physical alterations to existing building, alterations to existing substation, plus installation of plant. Application Pending

16/03582/FULL

Use of the ground floor of 25 Eccleston Place for retail purposes (Class A1) and fitness centre (Class D2); use of ground floor of Chester House (11-19 Eccleston Pl) for retail purposes (Class A1), restaurant use (Class A3) and indoor flexible event space (Sui Generis); associated physical works at ground floor level and creation of shopfronts; relocation of substation; change of use of the courtyard 'giraffe sheds' to provide flexible retail / restaurant uses at ground and mezzanine levels (flexible Class A1 / A3) and associated physical works including shopfronts; change of use at 115A Ebury Street to provide retail use (Class A1) and associated physical works, shopfronts and provision of access to the inner courtyard via 115A Ebury Street. Conditional permission granted on 16 August 2016

16/10656/NMA

Amendments to the above planning permission dated 16 August 2016 (RN: 16/03582), namely amendment of wording of condition 15 to read as follows: "You must hang all doors or gates on Eccleston Place so that they do not open over or across the road or pavement; except for the entrance doors at the proposed new substation on Eccleston Place". Amendments granted on 30 November 2016

7. THE PROPOSAL

This application seeks to make a number of design changes to the approved scheme through the variation of condition 1, to change the operating hours of the approved gym

(condition 7) and to vary the wording of condition 28 which requires the development to be completed in full within 18 months of works commencing on site. As originally submitted the proposal also sought to vary the opening hours for the Class A3 restaurant uses but this element has been withdrawn from the application.

The design changes to each of the three buildings that form part of the site are as follows:

Chester House:

- Alterations to internal layouts;
- Changes to signage zones to be installed;
- Retention of existing gate to courtyard instead of a replacement;
- Retention of some existing windows and doors instead of replacements;
- Alterations to proposed bin stores;
- Alterations to proposed doors and glazing at ground floor level;
- Addition of man-safe systems at roof level;

25 Eccleston Place

- Addition of man-safe systems at roof level;
- Revised mechanical plant at roof level;
- Alterations to proposed internal layouts;
- Retention of external staircase rather than removal and installation of shopfront;
- Retention rather than replacement of some of the existing wall at south elevation;

115A Ebury Street and the Giraffe Sheds

- Addition of shopfronts at west elevation of Giraffe Sheds;
- New mezzanine and staircase to each unit;
- Relocation of waste and services;
- Amendment to location of approved green wall
- Additional external lighting above the green wall and;
- Retention of existing concrete plinths across Giraffe Sheds front (north) elevations

Condition 7 states:

Customers shall not be permitted within the Class D2 gym premises before 0600 or after 2200 hours each day.

The application seeks to revise condition 7 to allow the gym to open at 05:45 and to close at 22:15 each day.

Condition 28 states:

You must complete the development in full within 18 months of works commencing on site. You must notify us of the start date of building works within four weeks of their commencement.

The reason given for the imposition of this condition was to make sure the applicant carried out the development in full and that its appearance is satisfactory in design terms. However the applicant has now submitted a separate application for revisions to the indoor flexible event space at Chester House, 11-19 Eccleston Place (see history) for its use as a sui generis retail, cafe, restaurant, coffee production, training and events space and the wording of the condition needs to reflect this.

The revised wording sought for condition 28 is:

Other than the approved indoor flexible event space at Chester House, 11-19 Eccleston Place, you must complete the development in full within 18 months of works commencing on site.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The principle of the use of the buildings that form part of this site for a variety of uses including Class A1 and A3 retail uses, a gym and indoor flexible event space has already been established by the extant permission. This proposal does not change the mix of uses already approved and given that there has been no significant change in policy since August 2016, the proposal is again considered acceptable in policy terms.

The revision sought to the wording of condition 28 is considered acceptable. The applicant has advised that works commenced in February 2017 and will be complete within the 18 month timeframe permitted by the condition. However it is considered appropriate to exempt the indoor flexible event space within Chester House at 11-19 Eccleston Place from this condition as revised proposals for this part of the site have been submitted under a separate application under 17/06189/FULL (see Section 6.2). If permission is granted for the revised indoor flexible event space then the recommendation will include the same condition requiring the scheme to be implemented in full and within an appropriate timescale.

8.2 Townscape and Design

None of the buildings within the site are listed and whilst they are identified as unlisted buildings of merit within the draft Belgravia Conservation Area Audit, the internal elevations that face the courtyard are less distinctive and have less architectural merit.

Overall the revisions to the scheme detailed in Section 7 of this report are minor and mostly affect the rear courtyard elevations. Many of the changes are internal or retain existing elements which were to be replaced in the original permission.

More specifically the fenestration changes are considered acceptable and the revised shopfronts on the west elevation of the Giraffe Sheds would be in keeping with the ethos of the original style of the development approved. Additional external lighting above the approved green wall on the boundary with 111-115 Ebury Street would only be directly visible from the courtyard and is acceptable in design terms. The proposed roof edge protection system on the rear of Chester House and the front of 25 Eccleston Place will add additional roof clutter but is required for health and safety purposes. It will not have a significant impact on townscape views from Eccleston Place.

Overall it is considered that the proposed design changes would be considered acceptable and would not detract from the character and appearance of the Belgravia Conservation Area. As such, the proposal would be in compliance with DES1 and DES 9 of the Unitary Development Plan and Westminster City Plan policies S25 and S28.

8.3 Residential Amenity

The key amenity implication with this revised scheme revision is the change to the opening hours of the gym. An objection has been received from a local resident in Ebury Street to the revised opening hours. The entrance to the gym unit is at the back of 25 Eccleston Place from within the internal courtyard. The applicant has advised that the gym operator would run a 'bootcamp' style gym class which would offer classes within a specific time slot. In order for these classes to start at 06:00 and finish at 22:00 an additional 15mins is proposed before the class start time and another 15mins at the end of the last class in the evening to allow customers to use the changing facilities.

It is acknowledged that a start time of 05.45 is early however the first class of the day is unlikely to generate large numbers of customers. There is a condition on the decision notice that requires the submission of a detailed Operational Site Management Plan and the expectation is that this will contain measures that will help protect the residential amenity of neighbours, particularly those that back onto the site in Ebury Street. The revised start time is substantially similar to the already approved opening time of 06.00 and is considered acceptable. In terms of closing, given that there are other activities on the site that will open beyond 22.15, the revised closing time is also considered acceptable.

The proposal does not propose any other changes that would affect the residential amenity of neighbouring residential occupiers. A number of residents in Ebury Street are concerned that the access arrangements to the courtyard from Ebury Street are changing under this application. To clarify, there would be no change to the arrangements under this application and there will be no vehicle access from Ebury Street. This is controlled by condition 19 on the draft decision notice. The servicing arrangements to the site will need to be approved by the council through a detailed servicing management plan and the expectation is that this will be from Eccleston Place.

8.4 Transportation/Parking

There are no changes to the approved scheme.

8.5 Economic Considerations

There are no economic considerations from the proposed amendments under this application.

8.6 Access

There are no access considerations from the proposed amendments under this application.

8.7 Other UDP/Westminster Policy 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.

Mechanical Plant

There is no change to the location of approved mechanical plant on the roof of both 25 Eccleston Place and Chester House, however, the specification of the mechanical plant

on the roof of 25 Eccleston Place has changed. The applicant has provided an updated acoustic report and Environmental Health has raised no objections subject to the imposition of our standard conditions.

Refuse /Recycling

The general layout of the refuse would remain similar to the details already approved, however, the proposed plans now show an additional residential refuse store in Chester House.

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

An Environmental Impact Assessment is not required for this proposal.

8.12 Other Issues

There are no other issues.

9. BACKGROUND PAPERS

1. Application form
2. Memorandum from Environmental Health, dated 6 September 2017
3. E-mail from occupier of 8 Kings Road, Richmond, dated 19 August 2017
4. E-mail from occupier of 115 Ebury Street, London, dated 21 August 2017
5. E-mail from occupier of Flat 5, 115 Ebury Street, London, dated 20 August 2017
6. E-mail from occupier of 115 Ebury Street, London, dated 21 August 2017

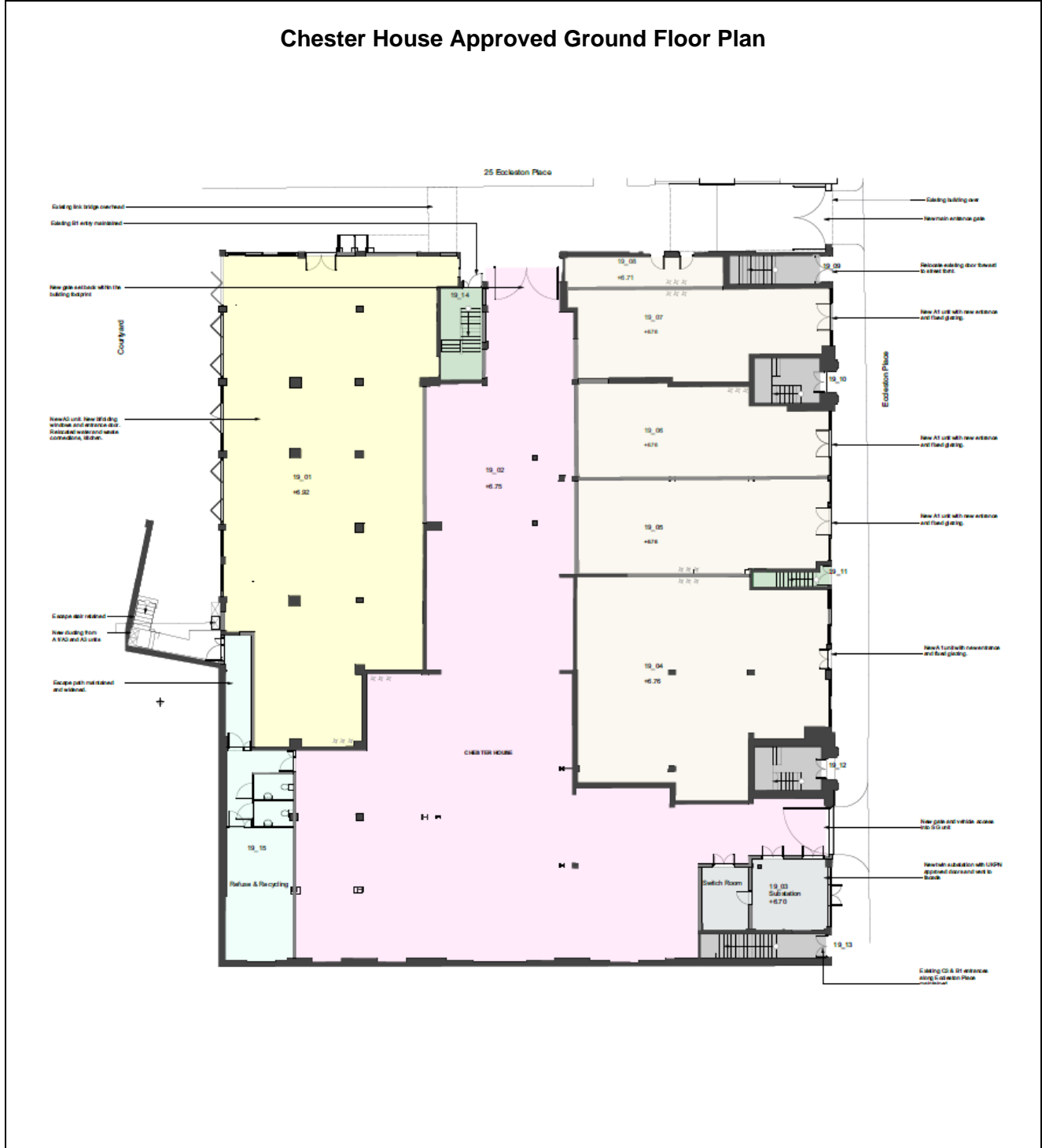
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AMANDA JACKSON BY EMAIL AT amandajackson@westminster.gov.uk

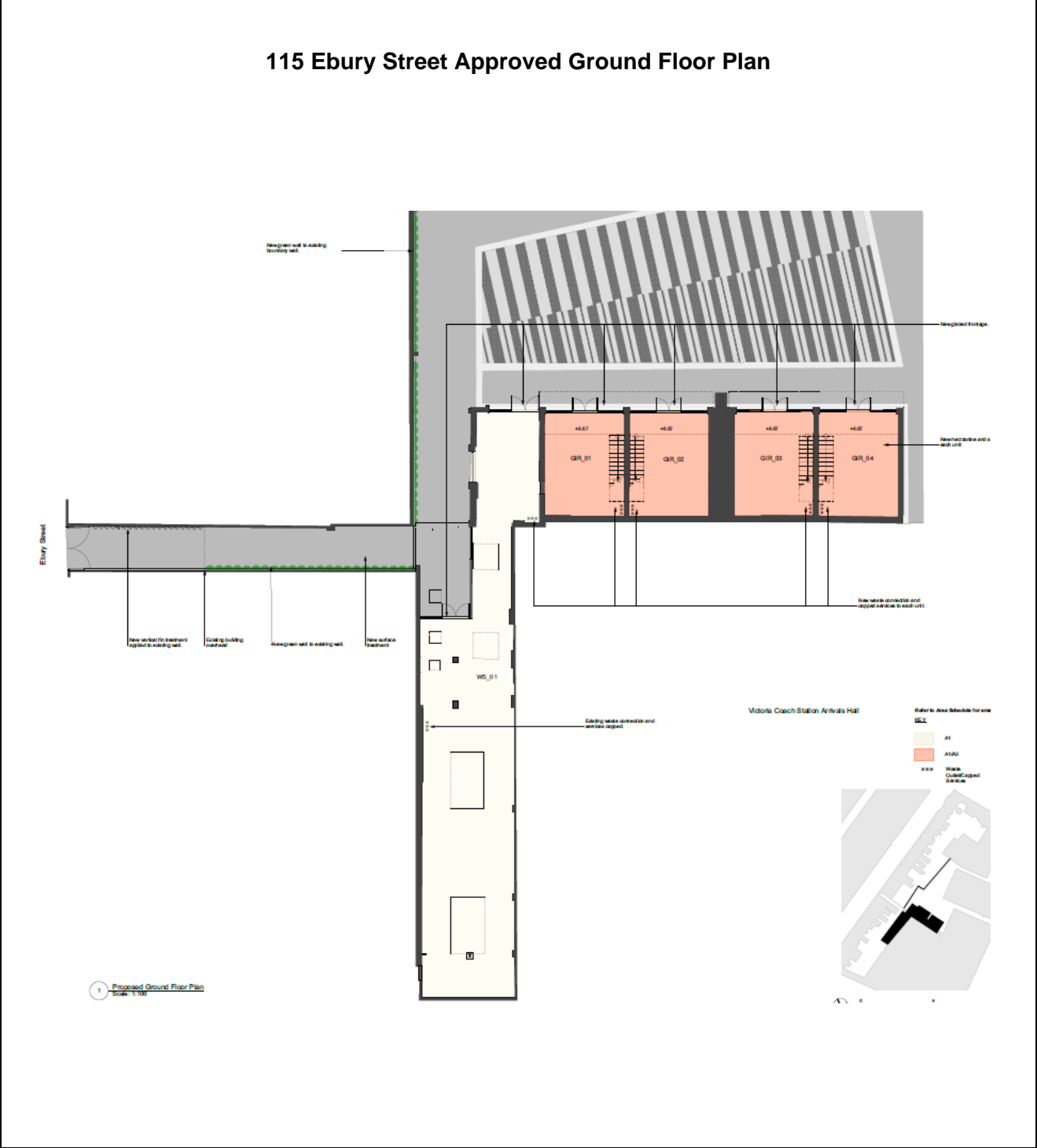
9 KEY DRAWINGS



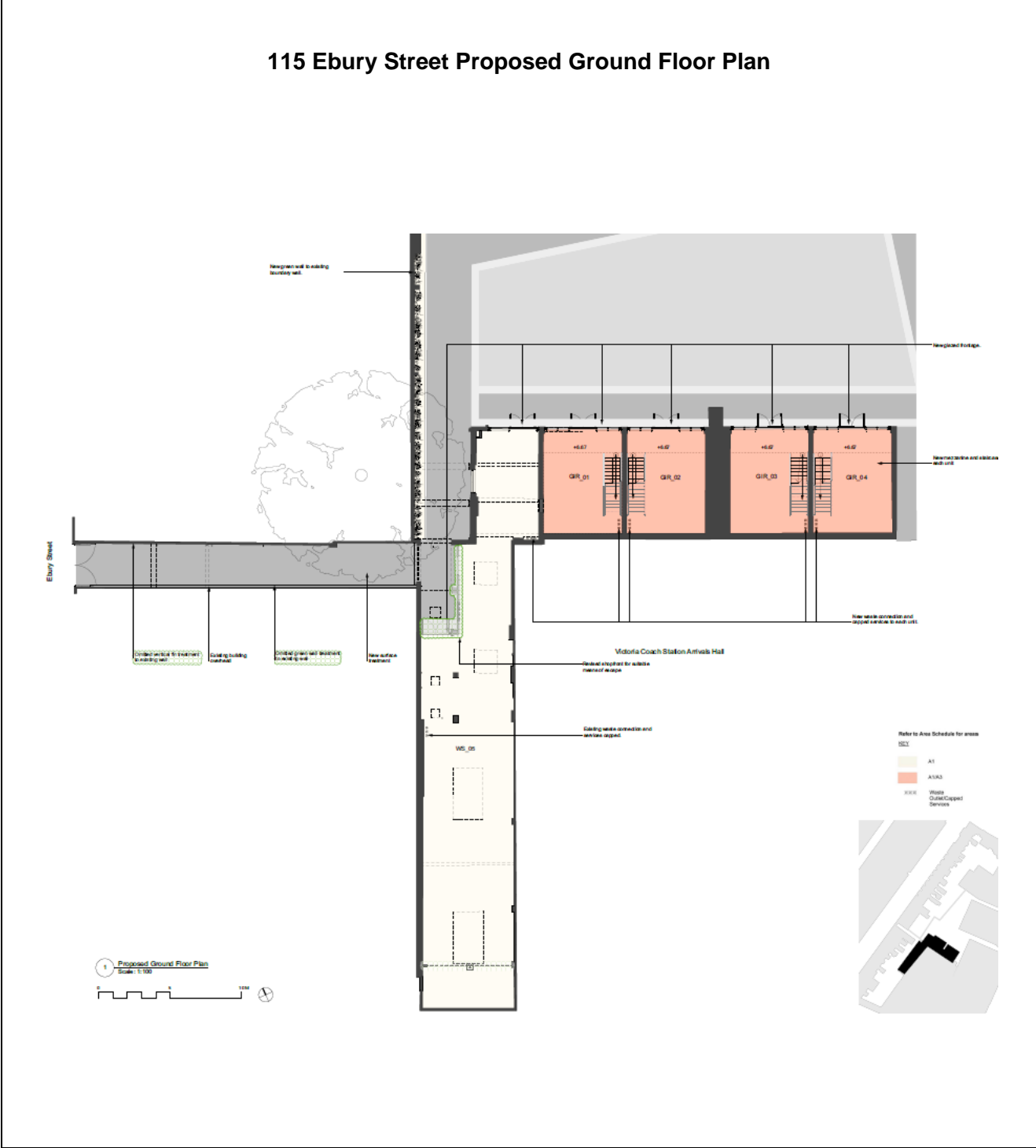
Chester House Approved Ground Floor Plan



115 Ebury Street Approved Ground Floor Plan



115 Ebury Street Proposed Ground Floor Plan



DRAFT DECISION LETTER

Address: Development Site At 3-5, 11-19, 25-27 Eccleston Place, 115A Ebury Street And 2, Elizabeth Street, London, ,

Proposal: Variation of Conditions 1, 7 and 28 of planning permission dated 16 August 2016 (RN 16/03582/FULL) for the use of the ground floor of 25 Eccleston Place for retail purposes (Class A1) and fitness centre (Class D2); use of ground floor of Chester House (11-19 Eccleston Pl) for retail purposes (Class A1), restaurant use (Class A3) and indoor flexible event space (Sui Generis); associated physical works at ground floor level and creation of shopfronts; relocation of substation; change of use of the courtyard 'giraffe sheds' to provide flexible retail / restaurant uses at ground and mezzanine levels (flexible Class A1 / A3) and associated physical works including shopfronts; change of use at 115A Ebury Street to provide retail use (Class A1) and associated physical works, shopfronts and provision of access to the inner courtyard via 115A Ebury Street, namely to vary drawings and other documents to include changes to fenestration, relocation of plant and extended gym opening hours.

Reference: 17/06293/FULL

Plan Nos: 16/03582/FULL, 961_LP_01A, 961_GIR_EE_01A, 961_GIR_EE_02A, 961_GIR_EE_03A, 961_GIR_EE_04A, 961_GIR_EX_GFA, 961_GIR_EX_RFA, 961_GIR_EX_WLA, 961_GIR_DE_E_01A, 961_GIR_DE_E_02A, 961_GIR_DE_E_03A, 961_GIR_DE_E_04A, 961_GIR_GA_RFA, 961_GIR_GA_WLA, 961_GIR_ED_01A, 961_25_EE_01A, 961_25_EE_02A, 961_25_EE_03A, 961_25_EE_04A, 961_25_EX_GFA, 961_25_EX_RFA, 961_25_DE_E_01A, 961_25_GE_01A, 961_25_GE_02A, 961_25_GE_05A, 961_25_GE_06A, 961_19_EE_01A, 961_19_EX_01A, 961_19_EX_GFA, 961_19_EX_RFA, 961_19_DE_E_01A, 961_19_GE_01A, 961_19_GE_04A, 961_19_ED_01A and 961_19_ED_02A Acoustic Report (EEC April 2016); Vent Extraction Statement (Edward Pearce, April 2016). Supporting documents - Transport Statement and Delivery and Servicing Plan (JMP, April 2016); Design and Access Statement (Buckley Gray Yeoman, April 2016); Energy Statement (Sturgis Carbon Profiling, April 2016); Operational Management Plan, Statement of Community Involvement.,
As varied by , Location Plan 961_LP_01 rev: A, 961_GIR_DE_P_P_GF Rev P1, 961_GIR_GA_P_GF Rev P1, 961_GIR_GA_P_01 Rev P1, 961_GIR_GA_P_02 Rev P1, 961_GIR_GA_P_03 Rev P1, 961_25_DE_E_P_02 Rev P1, 961_25_DE_E_P_03 Rev P1, 961_25_DE_E_P_04 Rev P1, 961_25_DE_P_P_GF Rev P1, 961_25_ED_P_01 Rev P1, 961_25_ED_P_02 Rev P1, 961_25_GA_P_GF Rev P1, 961_25_GA_P_RF Rev P1, 961_25_GE_P_02 Rev P, 961_25_GE_P_03 Rev P1, 961_25_GE_P_04 Rev P1, 961_19_DE_E_P_02 Rev P1, 961_19_DE_E_P_03 Rev P1, 961_19_DE_P_P_01 Rev P1, 961_19_DE_P_P_GF Rev P1, 961_19_GA_P_01 Rev P1, 961_19_GA_P_GF Rev P1, 961_19_GA_P_RF Rev P1, 961_19_GA_P_02 Rev P1 and 961_19_GA_P_03. Rev P1 Plant Noise Impact Assessment SDV/EC14611-024 dated 13 July 2017.,

Case Officer: Nosheen Javed **Direct Tel. No.** 020 7641

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 This permission must be commenced no later than 16 August 2019

Reason:

This permission authorises amendments to the original planning permission granted on 31 August 2016 (RN 16/03582/FULL) which must be commenced no later than the above date.

- 3 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)

- 4 You must carry out the development in accordance with the samples of facing materials approved by the City Council under RN 17/02608/ADFULL dated 10/04/17.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (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 carry out the development in accordance with the detailed drawings for windows and gates/doors approved by the City Council under RN 17/02608/ADFULL dated 10/04/17.

Reason:

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

- 6 You must carry out the development in accordance with the hard and soft landscape details approved by the City Council under RN 17/05792/ADFULL approved on 08/09/17. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within three years of planting them, you must replace them with trees of a similar size and species.

Reason:

To ensure that the approved landscape scheme improves 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)

- 7 You must only use the part of the property (rear ground floor of 25 Eccleston Place as labelled on drawing 961_25_GA_P_GF Rev P1) we have approved as a gym for that purpose. You must not use it for any other purposes, 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).

Reason:

We cannot grant planning permission for unrestricted use within Class D2 because it would not meet SOC1 and ENV6 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 8 Customers shall not be permitted within the Class D2 gym premises before 0545 or after 2215 hours each day.

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)

- 9 Customers shall not be permitted within the Class A3 restaurant uses or the event space (sui generis) , before 0900 or after 23.30 Monday to Wednesday, before 0900 or after midnight Thursday to Saturday., before 1000 or after 2230 Sundays and public holidays.

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 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 10 The Class A3 restaurants shown on the approved drawings at ground level shall only be used as sit-down restaurants with waiter service. You must not use any part of these as a separate bar, or for any other purposes, including any within Class A3 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).

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 TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 11 Prior to the occupation of any parts of the development, you shall submit and have approved in writing by the local planning authority, a detailed Operational Site Management Plan and you must then carry out the measures included in your Plan at all times unless as otherwise agreed in writing by the City Council as local planning authority., , The plan shall include arrangements for external tables and chairs, maintenance, cleansing and public access to the public realm area, measures to reduce impact on local residents, smoking, taxis and security arrangements.

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 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 The Ebury Street entrance shall be closed by 2300 hours and the Eccleston Place entrance closed by midnight each day.

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 TACE10 of our Unitary Development Plan that we adopted in January 2007.

- 13 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) the retail accommodation hereby approved shall not be used as a food retail supermarket.

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)

- 14 You must apply to us for approval of a detailed servicing management plan. The plan shall identify process, storage locations, scheduling of deliveries and staffing., , You must not occupy any part of the buildings until we have approved what you have sent us., , The servicing management plan shall be maintained for the life of the development unless a revised strategy is agreed in writing by us.

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)

- 15 With the exception of the entrance doors to the substation, you must hang all doors or gates on Ecclestone Place 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)

- 16 All servicing from the courtyard must take place between 0700 to 1000 on Monday to Saturday and 0800 to 1000 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 17 You must provide the cycle parking shown on drawing 961_GIR_GE_P_02 Rev P1 prior to the use of any part of the development hereby approved. Thereafter the cycle parking shall be maintained in accordance with the approved plans.

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.

- 18 You must provide the commercial refuse and recycling facility shown on drawing 961_19_GA_P_GF Rev P1 prior to the use of any part of the development hereby approved. Thereafter the commercial refuse and recycling facility shall be maintained in accordance with the approved plans.

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)

- 19 There shall be no vehicular access to the courtyard from Ebury Street.

Reason:

To protect the environment of people in neighbouring properties, 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. (R13BC)

- 20 All vehicles must 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)

- 21 (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.

- 22 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.

- 23 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.

- 24 You must carry out the development in accordance with the tree protection measures for the tree to the rear of 115 Ebury Street approved by the City Council under RN 16/1012/ADFULL on 19/12/2016 and thereafter shall be maintained in accordance with the approved details for the duration of the construction works.

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)

- 25 Any external tables and chairs provided in the courtyard for patrons of the retail, restaurant, events space or gym shall only be in place between the hours of 0800 to 2300.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 26 The shopfront to the Class A3 restaurant unit to the rear of Chester House shall be fixed shut after 2300 each day, and customers shall use the entrance from the passageway to enter and leave the restaurant after this time.

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)

- 27 At least two of the four units contained in the 'giraffe sheds' must be in A1 retail use at any one time.

Reason:

To ensure a suitable mix of uses is maintained across the site in line with the aims of S1, S4 and S6 of Westminster's City Plan (July 2016) and to prevent an over-concentration of entertainment uses which would be contrary to S24 of Westminster's City Plan (July 2016) and TACE10 of our Unitary Development Plan (January 2007).

- 28 You must not use the roof of Chester House and 25 Eccleston Place for sitting out or for any other purpose. You can however use the roof for maintenance purposes as well as to escape in an emergency. (C21BA)

Reason:

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

- 29 Other than the approved indoor flexible event space at Chester House, 11-19 Eccleston Place, you must complete the development in full within 18 months of works commencing on site.

Reason:

To make sure that you carry out the development in full and to make sure that we are satisfied with the appearance of the development, according to DES 1 (A) of our Unitary Development Plan that we

adopted in January 2007. (R02DB)

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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 3 Conditions on the decision notice 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)
- 4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 5 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)

Item No.
4

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.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 14 th November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	23-25 Mortimer Street, London, W1T 3JE		
Proposal	Erection of a single storey extension at main roof level with associated alterations to the existing roof to create a new sixth floor with a terrace for use as a new residential flat (Class C3).		
Agent	Milan Babic Architects		
On behalf of	Mortimer London LTD		
Registered Number	17/05705/FULL	Date amended/ completed	6 July 2017
Date Application Received	28 June 2017		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY

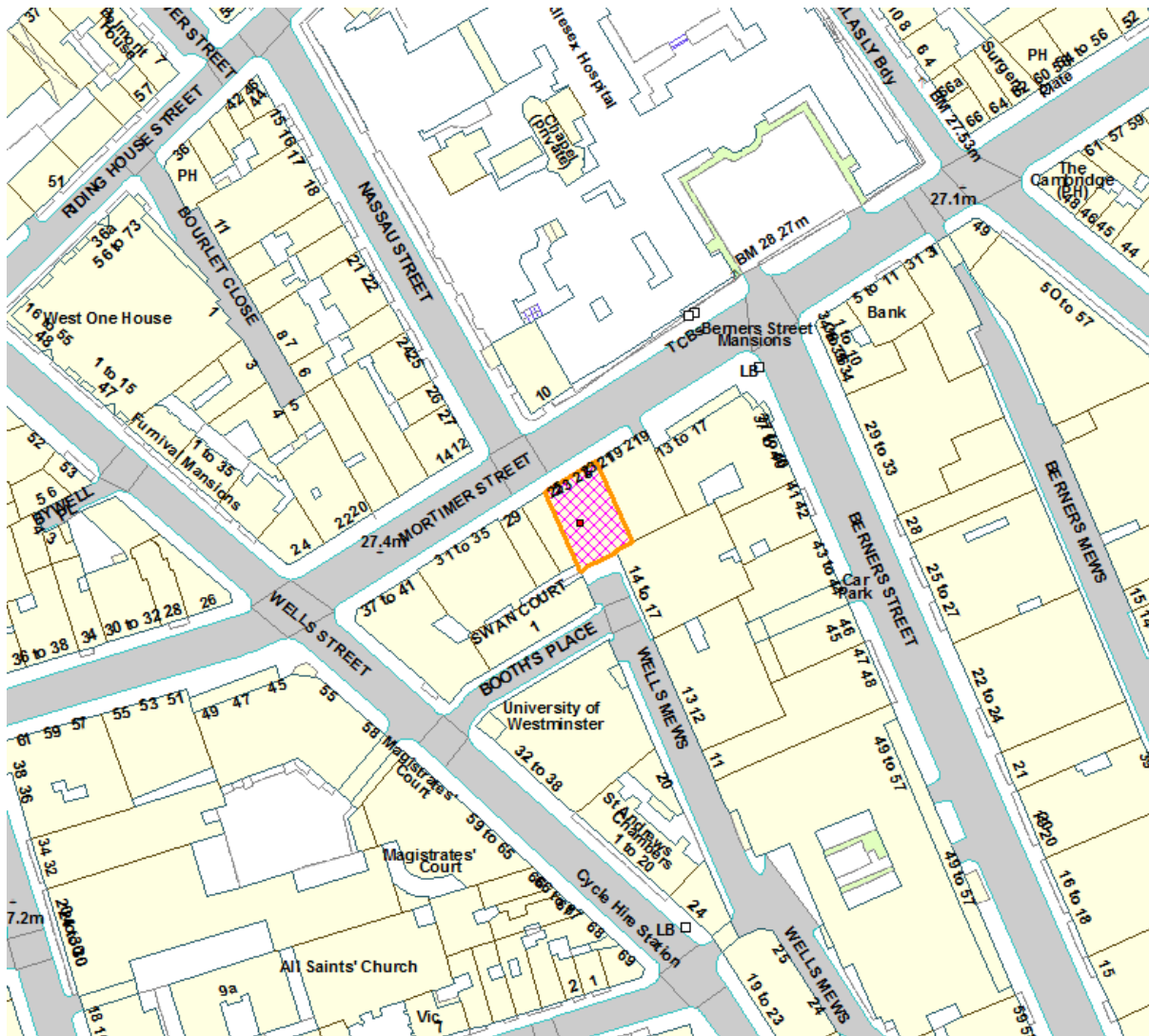
23-25 Mortimer Street is an unlisted building located just outside the boundary of the East Marylebone Conservation Area. The property comprises retail accommodation at basement and ground floor levels with ten residential flats at first to fifth floor levels. Planning permission is sought for the erection of a new sixth floor level for use as a residential unit with a terrace area at the rear. The creation of the new sixth floor flat also involves alterations to the fifth floor flat as the existing sloping roof to the penthouse unit is proposed to be reconfigured.

The key issues for consideration are:

- The impact of the single storey roof extension in design terms and the impact on the appearance of the building.
- The impact of the development on the residential amenity of nearby occupiers.

Subject to conditions, the proposal is considered acceptable on land use, design and highways grounds and in terms of its impact upon the amenities of neighbouring occupiers. The application is considered to comply with the relevant City Plan and Unitary Development Plan (UDP) policies and is therefore recommended for approval.

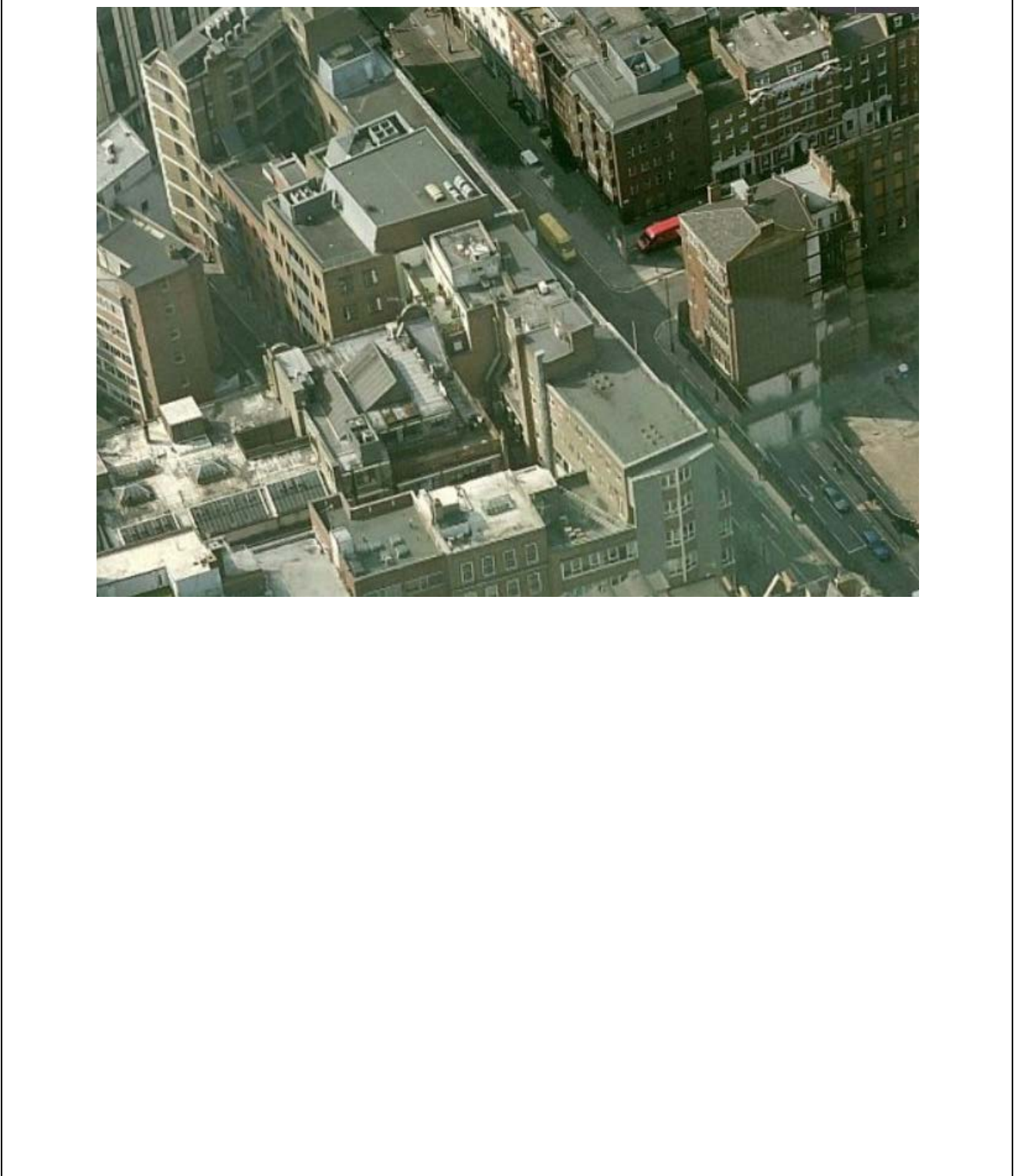
3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

HIGHWAYS PLANNING

No objection subject to conditions.

CLEANSING

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 32; Total No. of replies: 8

8 letters of objections on the following grounds:

Amenity

*Overlooking from the proposed sixth floor rear terrace of the existing fifth floor terrace serving the unit at this level.

*The proposed new unit would not be an acceptable standard.

*Noise and disturbance during the construction process.

*Loss of daylight / sunlight to 12-14 Mortimer Street and residential flats on the upper floors of the building itself.

Design

*Proposed design is considered unacceptable and would have a negative impact on the appearance of the building and wider street scene.

*Exterior parts of the building are in need of refurbishment.

Other issues

*Detrimental impact upon the human rights of the occupiers of the fifth floor flat with regard the right to a private family life and home.

*Requirement for structural alterations to Flat 10 (fifth floor level) to enable the construction of the proposed sixth floor.

*Notice was not correctly served on the relevant parties with regard the previous planning consent and the current application.

*Fire escapes routes have not been indicated on the drawings with regard escape over the roof of the property.

*Inaccurate information has been provided in the application with regard the waste / recycling storage.

*Extension to the lift shaft will require works to the lift which will inconvenience other residents of the building.

*Proposed development cannot be built without the consent of other interested parties.

*Impact on parking levels within the vicinity

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The property is unlisted and located outside of any designated conservation area on the southern side of Mortimer Street. The building comprises of a retail unit at ground floor level with ten residential flats on the first to fifth floor levels of the property. The fifth floor is currently used as a single residential flat with terrace areas to the front and rear of the unit. As set out below, there have been a number of recent planning decisions relating to the property, including a permission granted on 5th April 2017 for an identical scheme. This planning permission is currently the subject of a Judicial Review relating to whether the Ownership Certificate on the application had been correctly completed and notice served on the relevant parties.

6.2 Recent Relevant History

5th April 2017 – Planning permission granted for the ‘erection of a single storey extension at the front of the property at sixth floor level with an associated terrace for use as a new residential flat (Class C3).’ This permission has not been implemented and is currently subject to an on-going Judicial Review.

8th July 2016 – Planning permission granted for the ‘erection of a single storey extension at the front of the property at sixth floor level with an associated terrace for use as residential accommodation (Class C3) in connection with Flat 10.’ This permission has not been implemented.

23rd May 2016 – Planning permission granted for the ‘erection of a single storey extension at rear fifth floor level in place of existing terrace.’ This permission has not been implemented.

7. THE PROPOSAL

Permission is sought for the erection of a single storey extension at main roof level to provide a new residential unit with a small terrace area provided to the rear of the new sixth floor level. The existing communal staircase and lift serving the block would be extended to the proposed new sixth floor. There is an existing sloping roof to the top floor flat which would be reconfigured as part of the proposal. This would also require internal alterations to the top floor flat.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed increase in residential floor space is compliant with policies H3 of the UDP and S14 of the City Plan, both of which seek to increase the number of residential units in Westminster. The new residential unit measures 44.5m² which complies with the minimum size requirements for studio flats as detailed in the London Plan. An objection has been received stating that the proposed flat will require alterations to the existing flat at fifth floor level (for which consent would not be given). The objector believes this may result in a flat

being built which is sub-standard. However, if a smaller flat is constructed it would subsequently not have been built in accordance with any approved drawings.

The proposal involves changes to the roof of the fifth floor flat which would reduce the height of this property by approximately 1 metre. It is not considered that the loss of this part of the building, particularly as the majority of the retained front elevation of this property is fully glazed, would result in a sub-standard form of residential accommodation. As detailed elsewhere in the report, the fifth floor flat appears to be held on a long lease and the leaseholder has objected to any alterations to their flat. The proposed changes to the front elevation of the flat are acceptable in planning terms according with relevant policies of the City Council, and any issue relating to the right to carry out the works is a private matter between the relevant parties.

8.2 Townscape and Design

The existing building stands on the south side of the street and is not in a conservation area. The Mortimer Street façade is set back from the building line, is of stucco with grey-green window frames, and has projecting balconies. It stands between a handsome Edwardian building of red brick with stone detailing and a streamlined stucco building of art-deco appearance. The East Marylebone Conservation Area adjoins the site to the west and its boundary continues along the centre of the street opposite the site. Also opposite the site is the grade II listed No. 10 Mortimer Street which stands on the corner of Nassau Street and is part of the recently redeveloped Middlesex Hospital site. There are also listed buildings at No. 26, No. 23, and No. 20 Nassau Street. The site is clearly visible in views along Nassau Street and Mortimer Street. It is also visible from Wells Mews, at the rear where, some way to the south, can be found the grade II listed 'St Margaret's House', and the grade II-star listed 'Sanderson Hotel'.

The proposed extension at roof level wraps around the existing plant and lift motor rooms and has a largely glazed façade to Mortimer Street. The rear façade is mostly solid with the exception of doors leading to a terrace area on the southeast corner of the building. The Design & Access Statement notes at para. 4.01 that the rear façade of the extension will be "*rendered with glazing to match the existing façade*", and the front will "*...consist of a curtain wall with some partially openable glazed panels to ensure proper ventilation of the building.*"

As before, the extension's design is intended to harmonise with the floor to the current top storey. Glazing bars are visually carried through from the floor below and the height of the penultimate storey is equal to the ridge height of the adjacent building to the west.

The 2016 approval is understood to have allowed for a combination of glazing and metal panels to the Mortimer Street elevation, to provide privacy for the dressing room (although this is not immediately obvious from the drawings). The new arrangement is for a fully glazed facade, which is consistent with the street façade of the floor below. The extent of the setback remains the same as both the 2017 and 2016 approvals which will help to minimise the appearance of the new storey in views along Mortimer Street, and will reduce the appearance of its bulk in the key view from Nassau Street.

There have been strong objections to the scheme on various grounds, including design and heritage matters. The objections raise legitimate matters of concern. Nevertheless,

the building is suitable, in principle, for a roof extension and the proposed alterations at roof level have been designed to suit the appearance of the building in terms of its detailed design and materials of construction. This accords with UDP policy DES 6. Furthermore, the height and bulk of the extension has been designed to ensure it respects the neighbouring building to the west, which is in the East Marylebone Conservation Area, which accords with UDP policy DES 9. The development would not harm any designated heritage assets or their settings. The set-back of the extension and its detailed design will ensure that it is not a dominant feature in longer views from Nassau Street, thereby preserving the setting of the East Marylebone Conservation Area and the setting of nearby listed buildings, as required by UDP policies DES 9 and DES 10. Likewise, when seen from the upper floors of surrounding buildings and from the rear in Wells Mews, the alterations are acceptable in design and heritage asset terms.

8.3 Residential Amenity

Sunlight and Daylight

An objection has been received to the proposal from 12-14 Mortimer Street, being a property on the opposite side of Mortimer Street approximately 22m to the west of the application site. Council records indicate this property is in use as office accommodation. As ENV13 seeks only to protect residential and other sensitive uses it is not considered that a reason for refusal could be sustained on the grounds of loss of light to existing office windows.

An objection has also been received concerned about losses of daylight / sunlight to existing residential flats within the building. However, it is not considered the upward extension of the building at sixth floor level would have any material impact on daylight / sunlight to the properties immediately beneath, and it is not considered that the application could be refused on these grounds.

Privacy

The proposal includes the creation of a small terrace (16m²) at the rear of the new sixth floor. There are existing terraces serving the fifth floor flat to the front and rear of the property at this level and the occupier of the fifth floor flat has objected to the creation of the sixth floor terrace on the grounds that this would result in overlooking both of the fifth floor terrace and fifth floor flat itself. It is not considered that overlooking would arise to the living accommodation beneath but it is recognised that the provision of the proposed terrace could result in some overlooking of the terrace beneath at the rear. Policy ENV13 of the UDP states that development should not result in a 'significant increase in the sense of enclosure or overlooking' whilst S29 of the City Plan is similarly worded. However, given the limited size of the proposed terrace and given that the existing plant room prevents direct overlooking of part of the terrace, it is not considered that the degree of overlooking would be so harmful to warrant refusal.

8.4 Transportation/Parking

Overall parking pressures in this area remain below the stress level as defined in Policy TRANS23 of the UDP. The introduction of increased levels of residential accommodation in this area without off-street parking or on-street parking restraint could result in an increased demand for parking and an objection has been received on this issue. On the basis of the Council's data and car ownership levels, any increased parking demand

resulting from the additional residential unit can be absorbed into the surrounding street network without exceeding the stress levels and therefore the development is consistent with TRANS23.

The Highways Planning Manager has asked for the provision of cycle parking for the residential unit, however, as the flat will be built above an existing retail use there is no space of the cycle parking to be accommodated at ground floor level. On this basis it is not considered reasonable to request ground floor cycle parking to be accommodated in this building.

8.5 Economic Considerations

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

8.6 Access

The existing lift is to be extended to provide access to the new unit.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The proposal does not indicate where waste and recycling will be stored within the property and a condition is therefore applied requiring the submission of amended drawings to show waste and recycling storage within the flat. A number of objectors have remarked on comments in the application submission about communal waste / recycling storage in the basement of the property which they claim is inaccurate. Whilst this may be an error in the submission, to address the concerns, a condition is imposed requiring further information on the waste / recycling storage. The Cleansing Manager has raised no objection to the application with this condition in place.

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. The estimated CIL payment relating to the creation of an additional residential unit is £3,793 for the mayoral CIL and £24,974 for the Westminster CIL.

8.11 Other Issues

Construction Impact

An objection has been received on behalf of Flat 10 stating that the proposed construction would require major structural alterations to their flat at fifth floor level. They state they

would not consent to these works being carried out and they would not permit any required changes to the relevant lease. Similar objections have been received from other residential occupiers within the building in relation to the extension to the communal staircase and the lift for which they consider the consent of the management company will be required. These are private issues between the relevant parties and it is not necessary in determining a planning application to determine whether the applicant (being the freeholder) currently has the right to construct the proposal. The application could not be legitimately refused on these grounds. Objections have been received in relation to the proposed extension of the communal lift to sixth floor level and inconvenience to other flat occupiers while the lift is extended. This is not a matter on which planning permission could be refused.

A number of objectors have commented on noise disruption during construction. A condition is proposed to restrict the hours of noisy building works to ensure they do not take place at times detrimental to residential amenity.

Ownership Certificate

It would appear that the required notice was not correctly served on relevant interested parties in relation to the planning application submitted by the freeholder earlier this year and that planning application is currently subject to Judicial Review relating to this matter. This issue has been raised by a number of the objectors explaining why they did not object to the previous application. The objectors argue that had objections been received that the previous permission would not have been granted. This is noted, but each application is determined on its own merits.

It is noted that two objectors have commented that they have not had notice served on them in relation to the current application, however, the applicant confirms that notices were served on all registered leasehold owners of all flats within the block, including directly to solicitors and/or offshore companies where they are the registered leasehold owner. The applicant advises the list of registered owners was provided by the previous management company of the block. Notice has now been served on 19 addresses whilst there are 10 units in the block and all flats within the building have also been sent a letter by the City Council, in addition to the site notice displayed outside the property and the press notice. Taking this into account it is considered all residents will be aware of the current application and the applicant has taken the necessary steps to notify all legal leasehold owners of the flats in the building.

Fire Escape

Comments have been received with regard a potential fire escape over the roof of the building and what the proposed fire escape arrangements will be with the new proposal. This would be a matter considered under separate building regulation legislation. An Informative has been proposed to inform the applicant of this issue.

Maintenance/Structural matters

An objector has commented on the general maintenance of the exterior of the building which they consider inadequate but this is not considered relevant to the determination of the application. Another objector refers to the lack of a structural report, however this is a matter for the Building Regulations.

Human Rights Act

One objection refers to the interference with their right to property, and to a private and family life, respectively guaranteed by Article 1 Protocol 1 and Article 8 of the European Convention on Human Rights. For the reasons given above in relation to residential amenity, any interference with those rights resulting from the proposed development would be limited. Both are qualified rights and any interference with them would be outweighed by the public interest in increasing the residential floorspace in Westminster and proportionate.

9. BACKGROUND PAPERS

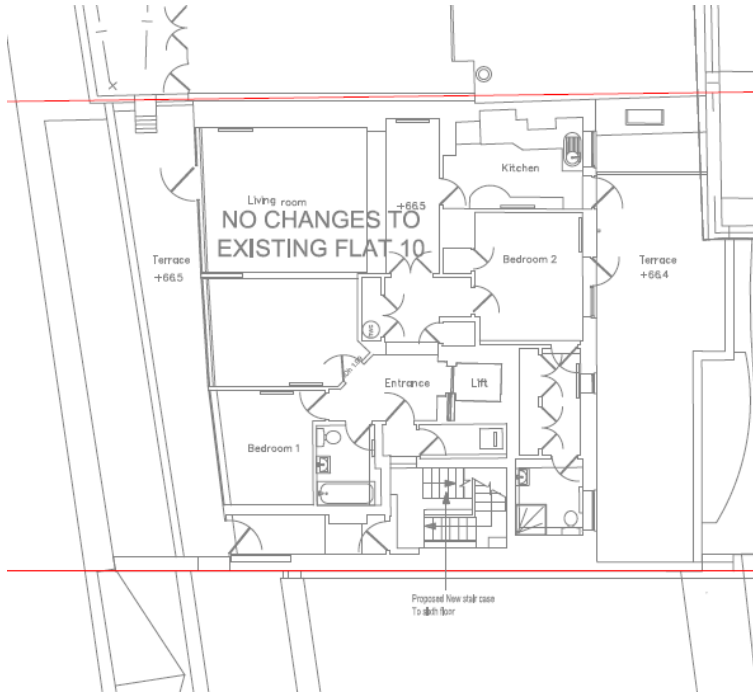
1. Application form
2. Response from the Cleansing Manager dated 20 July 2017
3. Response from the Highways Planning Manager dated 21 July 2017.
4. Letter from occupier of 16 Cedar Avenue West, Chelmsford, dated 14 July 2017
5. Letter from occupier of 12-14 Mortimer Street, London, dated 14 July 2017
6. Letter from occupier of Flat 1, 23-25 Mortimer Street, dated 24 July 2017
7. Letter from occupier of Flat 2 23-25 Mortimer Street, London, dated 27 July 2017
8. Letter from occupier of Flat 9, 23-25 Mortimer St, dated 28 July 2017
9. Letter from occupier of Flat 5, 23-25 Mortimer Street, dated 28 July 2017
10. Letter from occupier of Flat 6, 23-25 Mortimer Street, dated 30 July 2017
11. Letter from occupier of Flat 4, 23-25 Mortimer Street, dated 30 July 2017
12. Letter from Russell-Cooke Solicitors, 2 Putney Hill, London, dated 31 July 2017
(representing Flat 10, 23-25 Mortimer Street)

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

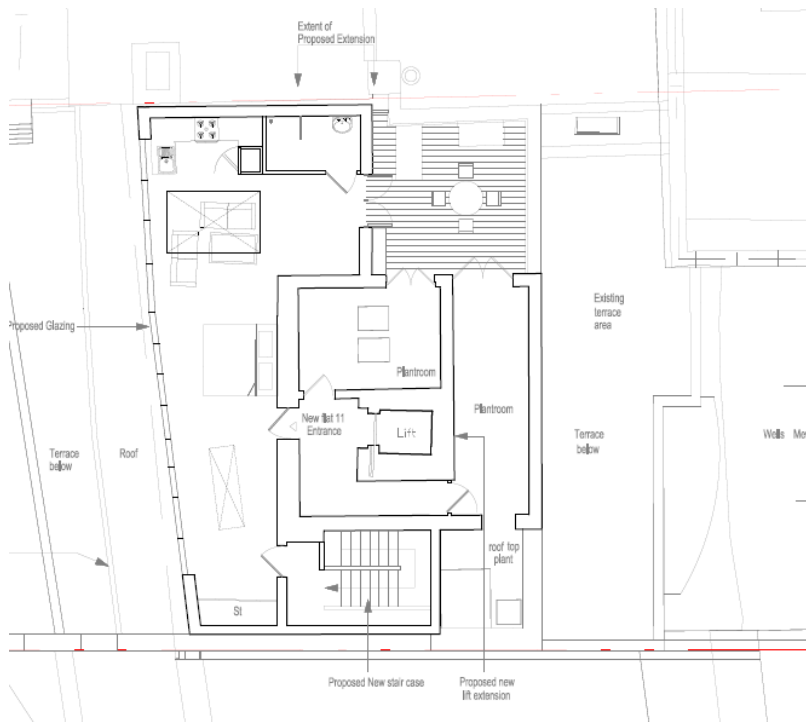
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

10. KEY DRAWINGS

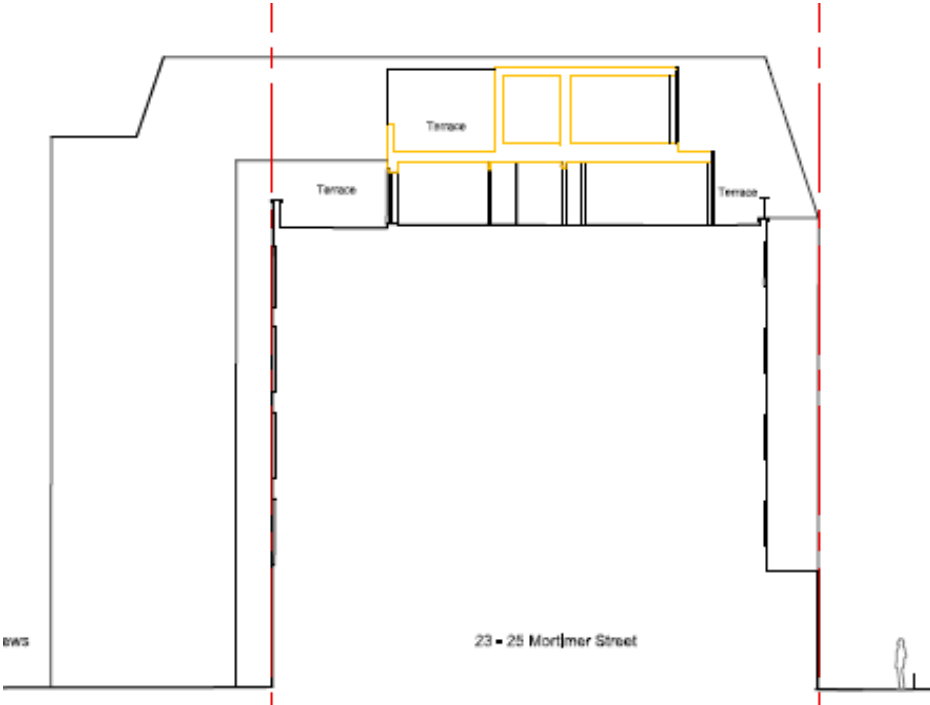
Proposed Fifth Floor –



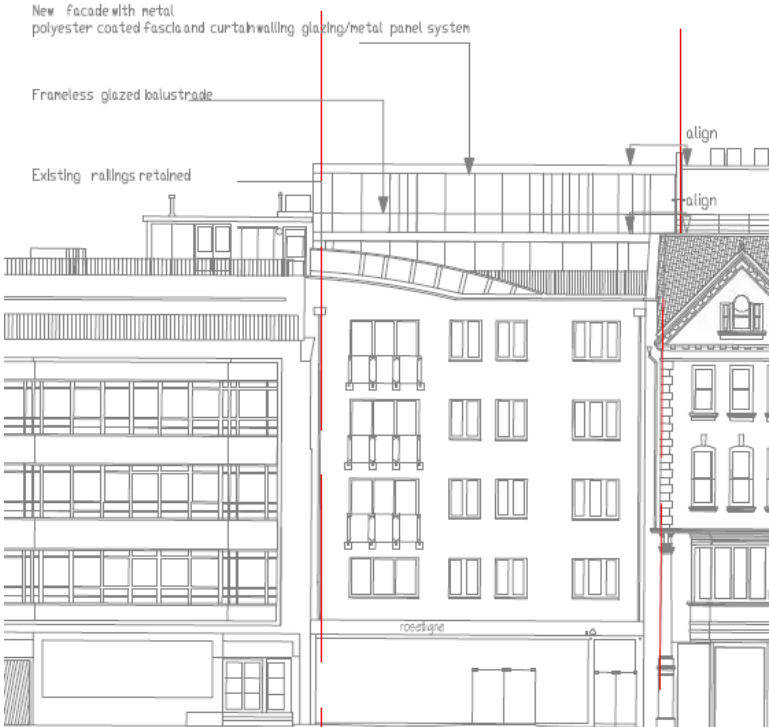
Proposed Sixth Floor –



Proposed Section –



Proposed Front Elevation –



NO CHANGES TO FRONT ELEVATION

DRAFT DECISION LETTER

Address: 23-25 Mortimer Street, London, W1T 3JE,

Proposal: Erection of a single storey extension at main roof level with associated alterations to the existing roof to create a new sixth floor with a terrace for use as a new residential flat (Class C3).

Reference: 17/05705/FULL

Plan Nos: Drawings: PA-169-205 Rev02, PA-169-206 Rev02, PA-162-109 Rev02, PA-162-112 Rev02, PA-162-114 Rev02.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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: 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 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 residential unit. (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.

- 5 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.

- 6 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.

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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land,

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

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 3 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met: 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]. 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>. Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 5 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:, , Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, www.westminster.gov.uk, Email: res@westminster.gov.uk, Tel: 020 7641 3003 Fax: 020 7641 8504.
- 6 You are advised to address the impact of your proposal on the means of escape in relation to existing residents. You are advised of the need to maintain any established means of fire escape from adjacent flats. Please contact our Head of District Surveyors' Services and/or The London Fire Authority regarding this aspect of your proposal.

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 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 14 November 2017	Classification For General Release	
Report of Director of Planning	Ward(s) involved St James's		
Subject of Report	25 Villiers Street, London, WC2N 6ND		
Proposal	Use of an area of the public highway measuring 3.3m x 0.67m for the placing of one table and two chairs in connection with the existing ground floor use.		
Agent	Mr Tom Davies		
On behalf of	Pret A Manger		
Registered Number	17/04060/TCH	Date amended/ completed	10 May 2017
Date Application Received	10 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	Adelphi		

1. RECOMMENDATION

Grant conditional permission for a temporary period of one year.

2. SUMMARY

25 Villiers Street is a five storey building including basement. The basement and ground floor levels are occupied as a sandwich shop by Pret a Manger. The upper floors, known as 23A Villiers Street, are in use as residential flats.

The building is not listed but is within the Adelphi Conservation Area. Villiers Street is an extremely busy thoroughfare linking the Strand and Embankment and is characterised by a mix of commercial uses at ground floor level and residential on upper floors. It is also located adjacent to Charing Cross station.

The application as originally submitted sought permission for two tables and four chairs in an area of the public highway measuring 3.3m x 0.67m. The application has been revised and permission is now sought for one table and two chairs in an area of the public highway measuring 3.3m x 0.67m.

Objections have been received from the residents of the flats on the upper floors on the grounds that the tables and chairs obstruct the entrance to their flats and cause litter to accumulate at the front of

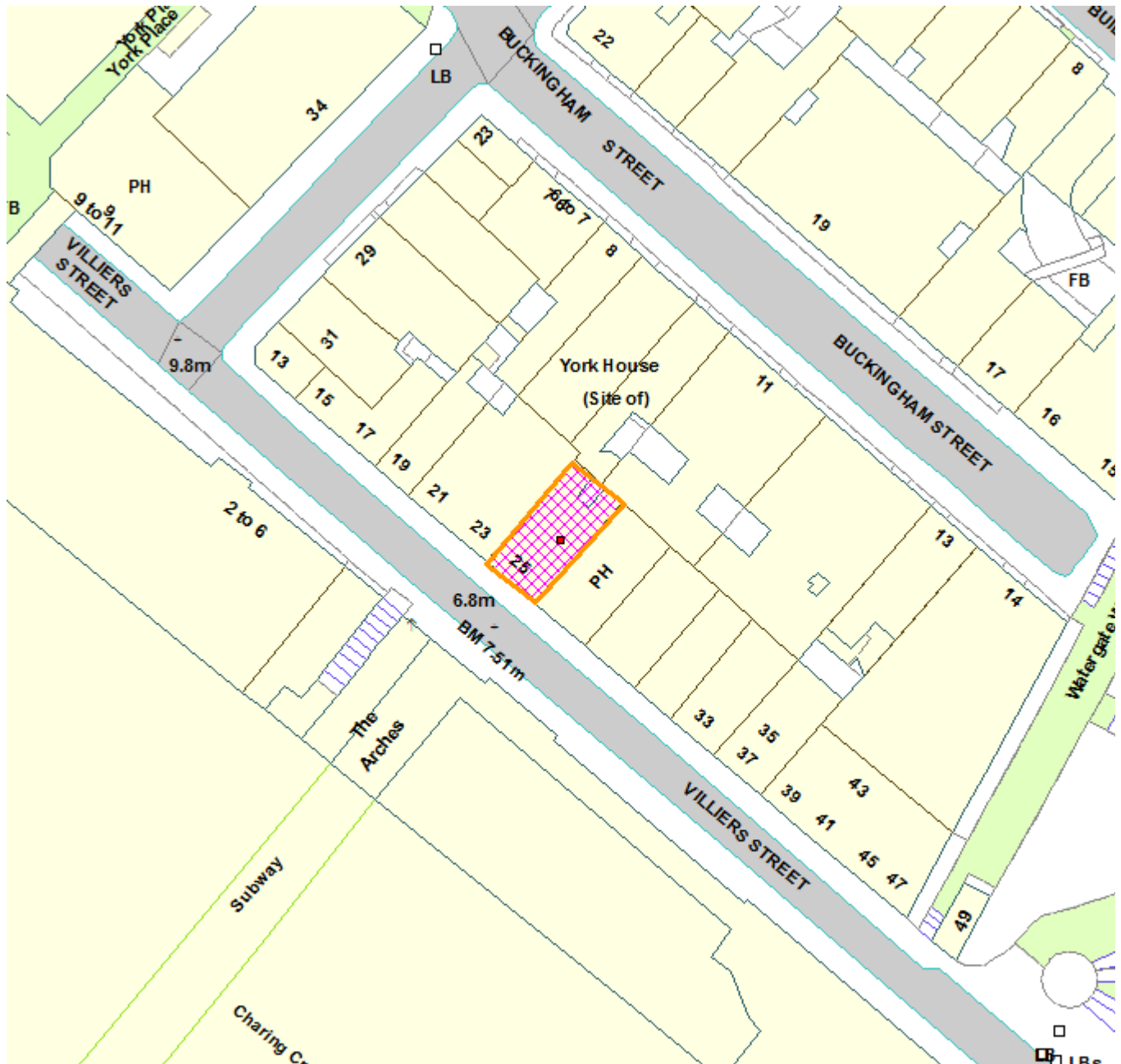
the building.

The key issues in this case are:

* The impact of the proposals upon the amenity of neighbouring residents.

The proposals are considered to comply with the Council's policies in relation to amenity, design and highways as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) and the applications are recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

ORIGINAL APPLICATION FOR TWO TABLES AND FOUR CHAIRS

WESTMINSTER SOCIETY:

No objection.

CLEANSING:

No objection.

HIGHWAYS PLANNING:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 17

Total No. of replies: 14

No. of objections: 14.

No. in support: 0

AMENITY

- Customers, bikes, pushchairs, etc encroach across residential entrance.
- Tables are often left uncleared with food packaging littering the street.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

REVISED SUBMISSION FOR ONE TABLE AND TWO CHAIRS

WESTMINSTER SOCIETY:

No objection.

HIGHWAYS PLANNING:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 15.

Total No. of replies: 4

No. of objections: 4.

No. in support: 0

AMENITY

- Reduced number of tables and chairs would continue to cause obstruction.
- Street is too busy to have chairs outside.
- Pigeon ledge above shop with droppings covering wall and floor in front of Pret a Manger.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application property comprises basement, ground and four upper floors. The basement and ground floor are occupied as a sandwich shop by Pret A Manger. The upper floors, known as 23A Villiers Street, are in residential use. Villiers Street is a busy thoroughfare linking the Strand and Embankment and is characterised by a mix of commercial and residential uses and is located opposite Charing Cross Station. The application property is not listed but is within the Adelphi Conservation Area.

6.2 Recent Relevant History

14/03619/TCH

Use of an area of the public highway measuring 0.7m x 3.2m for the placing of two tables and four chairs in connection with the existing sandwich shop.

Application Permitted 11 June 2014

16/03929/TCH

Use of an area of the public highway measuring for the placing of two tables and four chairs in connection with the existing sandwich shop.

Application Permitted 20 July 2016

Planning permission was granted by the Planning Applications Committee on 5 July 2016 for a temporary one year permission (expiring on 31 July 2017) with, in response to objections from residents on the upper floors of the application building, an informative (No. 4 on the decision notice) advising the applicant that if the Council received complaints regarding the entrance being blocked, future applications may only be granted for one table and two chairs.

7. THE PROPOSAL

The application, as originally submitted, sought permission for two tables and four chairs in an area of public highway measuring 3.3m x 0.67m. Following the receipt of objections from the residents on the upper floors of the building, the application has been revised to reduce the proposed furniture to one table and two chairs

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed placing of the tables and chairs is in connection with the existing ground floor sandwich shop (Class A1) use of the premises. Given the number of tables and chairs proposed this does not result in a material change of use.

8.2 Townscape and Design

The proposed tables and chairs are considered acceptable in design terms and do not have an adverse impact on the street scene and surrounding conservation area. A condition is recommended to ensure no other items of street furniture except for the table and chairs are placed on the pavement area.

8.3 Highways

The depth of area of footway from the building line to the bollards is 2.5m. The proposed tables and chairs will occupy an area with a depth of 0.67m. This would therefore leave a clear passage of approximately 1.9m for pedestrians. The Council's SPG entitled 'The Westminster Way' which was adopted in 2011, normally requires 2 metres of clearance; however, paragraph 245 of the SPG states that there are a number of instances where the principle of maintaining a 2m clear space is compromised by historic permissions. This is one of those instances with tables and chairs first granted permission outside these premises in 2011. Consequently, the demised area is not considered to compromise pedestrian movement to an unacceptable level and the 1.9m width of clear footway is acceptable in this instance.

The 2016 permission for tables and chairs was subject to a condition requiring the submission of a drawing clearly showing the demarcated area for the tables and chairs. This was formally discharged in 2016 (16/07117/ADFULL). This drawing forms part of the current application and shows the previously approved demised area and is considered acceptable.

8.4 Residential Amenity

The upper floors of the application site are in residential use. There is a separate residential entrance which serves the upper floors of the building, known as 23A Villiers Street.

The application site has previously had permission for the placing of two tables and four chairs on the public highway since 2011. However following the receipt of objections from the residents of the upper floors, the current application has been revised to reduce the furniture to one table and two chairs.

Notwithstanding the reduced amount of furniture, residents are still concerned and have raised objections on the grounds that their residential entrance will be obstructed by customers who move the furniture and place other items such as suitcases, prams etc in front of the residential entrance. In addition, they strongly object to the food and packaging which is left on the tables and not cleared by Pret a Manger staff which in turn litters the street in front of their building.

Pret a Manger have submitted a generic management plan with the application which states that they will 'manage and monitor the seating area and ensure that litter does not accumulate and food is not left on the tables'. Given the particular concerns raised by the residents of 23A Villiers Street it is considered appropriate in this case to attach a condition requiring the submission and approval of a site specific management plan which mitigates against the particular problems identified by residents and in particular the need for Pret a Manger staff to regularly monitor the outdoor seating to ensure that the customers do not move the furniture or place other items in front of the residential

entrance and to ensure that the tables are cleared for food and litter. Subject to this condition and a condition restricting the hours of use to between 07.00 to 19.00 Monday to Friday, 09.00 to 18.00 Saturday and 09.00 to 18.00 Sunday it is recommended that permission is granted for a further temporary one year period only, so that the situation can be closely monitored.

8.5 Economic Considerations

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

8.6 London Plan

This application raises no strategic issues.

8.7 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.

8.8 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.9 Environmental Impact Assessment

Not applicable.

9. BACKGROUND PAPERS

1. Application form.
2. Email from Westminster Society received on the 25 May 2017 and 14 September 2017.
3. Memorandum from Cleansing Manager dated 24 May 2017.
4. Memorandum from Highways Planning Manager dated 2 June 2017 and 12 September 2017.
5. Email from the residential occupier of Flat 1, 23A Villiers Street received 30 May 2017 and 19 September 2017.
6. Email from the residential occupier of Flat 1, 23A Villiers Street received 30 May 2017.
7. Email from the residential occupier of Flat 3, 23A Villiers Street received 23 May 2017, 30 May 2017, 1 June 2017 and 12 September 2017.
8. Email from the residential occupier of Flat 5, 23A Villiers Street received 7 June 2017.
9. Email from the residential occupier of Flat 6, 23A Villiers Street received 3 June 2017 and 24 September 2017.
10. Email from the residential occupier of Flat 8, 23A Villiers Street received 1 June 2017 and 13 September 2017.
11. Email from the residential occupier of Flat 9, 23A Villiers Street received 30 May 2017.
12. Email from the residential occupier of Flat 10, 23A Villiers Street received 1 June 2017.
13. Email from the residential occupier of Flat 11, 23A Villiers Street received 3 June

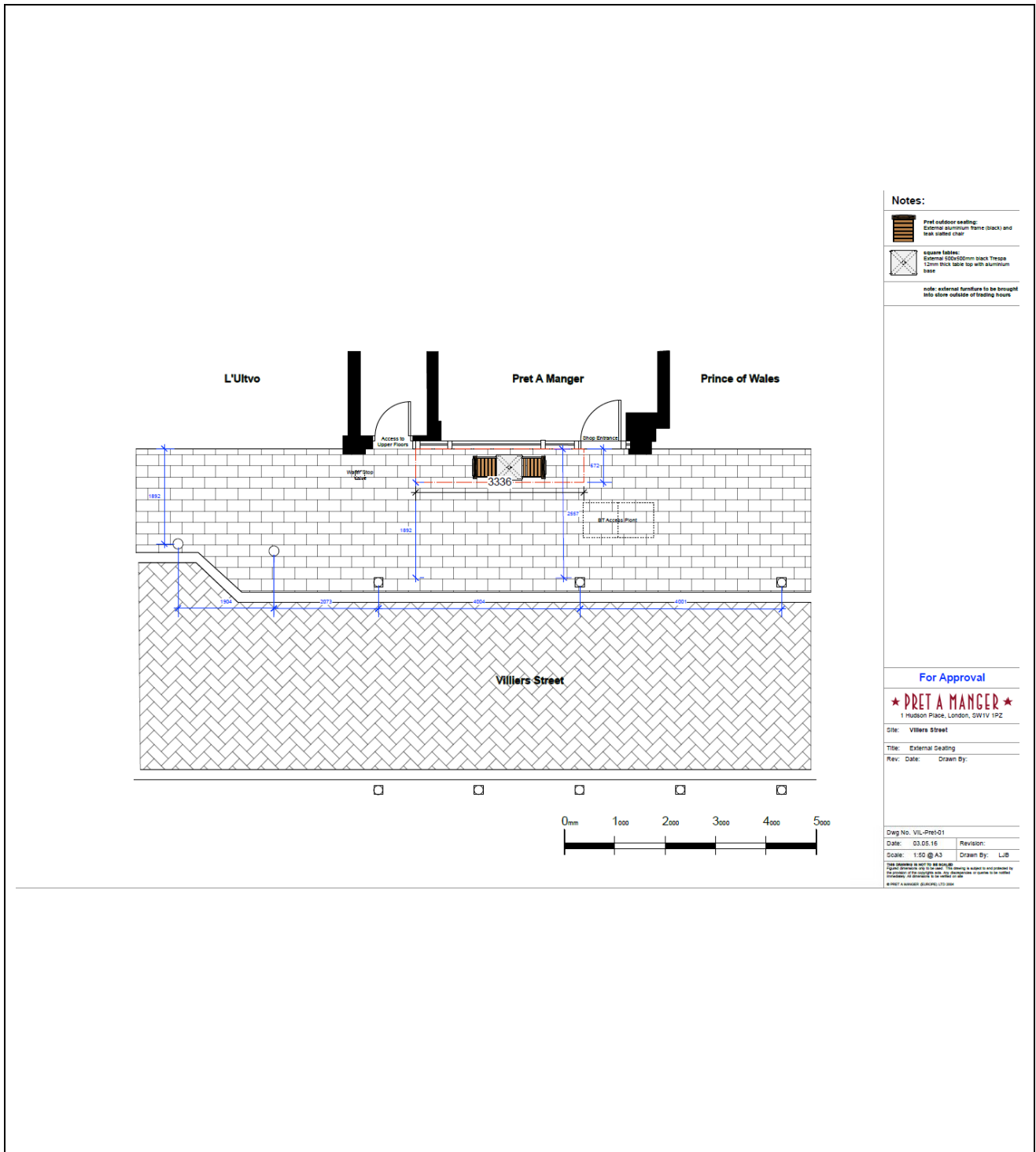
2017.

14. Email from the residential occupier of 23A Villiers Street received 30 May 2017.
15. Email from the residential occupier of 23A Villiers Street received 30 May 2017.
16. Email from the residential occupier of 23A Villiers Street received 14 June 2017.
17. Email from the residential occupier of Premier House, Borehamwood received 5 June 2017.
18. Extract from Planning Applications Committee minute dated 5 July 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: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk.

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 25 Villiers Street, London, WC2N 6ND

Proposal: Use of an area of the public highway measuring 3.3m x 0.67m for the placing of 2 tables and 4 chairs in connection with the existing ground floor use.

Reference: 17/04060/FULL

Plan Nos: Site location plan, VIL-Pret-01, ALCR/M - Pret a Manger Pret Aluminium Chairs dated 22 March 2016, MHPL6SGY - Pret a Manger Pret Tilting HPL Tables dated 22 March 2016 and Management plan for outdoor seating areas dated April 2017.

For information only: Impact Statement and Design and Access Statement dated April 2017.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

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:

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

- 2 You must not put the tables and chairs in any other position than that shown on drawing VIL-Pret-01. (C25AA)

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 TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables and chairs on the pavement between 07.00 to 19.00 Monday to Friday, 09.00 to 18.00 Saturday and 09.00 to 18.00 Sunday.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 4 The tables and chairs must only be used by customers of the sandwich shop at 25 Villiers Street, WC2N 6ND. (C25CA)

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 TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 5 This use of the pavement may continue until 30 November 2018. You must then remove the tables and chairs. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 6 You can only put out on the pavement the tables and chairs shown on drawing VIL-Pret-01. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

7. You must apply to us for approval of a management plan to show how you will prevent customers who are using the table and chairs from obstructing the residential entrance to the upper floor flats of 23A Villiers Street and how Pret a Manger staff will ensure that the area is kept clear of litter and food waste. You must not use the table and chairs 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 table and chairs are in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 11 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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 cannot put tables and chairs in the area unless you have a street trading licence.

If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter.

Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)

3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA).

4. You are advised that the current application for the placing of tables and chairs submitted under application reference 17/04060/FULL has given rise to objections from residents of 23A Villiers Street with regards to how the tables and chairs are being used by customers. This includes customers blocking the entrance to flats on the upper floors of the application site by pushing the chairs across the entrance, and placing other items such as suitcases, pushchairs etc. in front of the residential entrance; because of this, you are advised that permission is granted for a temporary one year period only. In the event that further complaints are received, it is unlikely that the Council will grant permission for any further applications for tables and chairs outside these premises.

5. In relation to Condition 7 the management plan required by this condition must demonstrate how you will ensure that the chairs and other customer items do not cause an obstruction to the residential entrance and how Pret a Manger staff will ensure that the area is kept clear of litter and food waste.

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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