



City of Westminster

# Committee Agenda

Title:

**Planning (Major Applications) Sub-Committee**

Meeting Date:

**Tuesday 12th June, 2018**

Time:

**6.30 pm**

Venue:

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

Members:

**Councillors:**

Gotz Mohindra (Chairman)  
Ruth Bush  
Peter Freeman  
Murad Gassanly

Angela Harvey  
Elizabeth Hitchcock  
Pancho Lewis



**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. 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: Senior Committee and Governance Officer.**

**Tel: 020 7641 2341; Email: [tfieldsend@westminster.gov.uk](mailto:tfieldsend@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

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

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note any changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

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

#### **3. MINUTES**

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

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

- |  |                          |
|--|--------------------------|
| <b>1. ALEXANDRA BUILDINGS, PALACE STREET, LONDON, SW1E 5HW</b>                                     | <b>(Pages 5 - 38)</b>    |
| <b>2. WIDLEY ROAD GARAGE, WIDLEY ROAD, LONDON, W9 2LD</b>  | <b>(Pages 39 - 106)</b>  |
| <b>3. 41 KINGSWAY, LONDON, WC2B 6TP</b>  | <b>(Pages 107 - 140)</b> |
| <b>4. 50-57 NEWMAN STREET, LONDON, W1T 3DZ</b>   | <b>(Pages 141 - 164)</b> |
| <b>5. PROPOSED DEVELOPMENT SITE AT 54-62, 66 AND 68 OXFORD STREET AND 51-58 RATHBONE PLACE, W1</b> | <b>(Pages 165 - 256)</b> |

6. 56 RUTLAND GATE, LONDON, SW7 1PL

(Pages 257 -  
302)

Stuart Love  
Chief Executive  
4 June 2018

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# Agenda Annex

CITY OF WESTMINSTER  
MAJOR PLANNING APPLICATIONS SUB COMMITTEE – 12th June 2018  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolved
1.	<b>RN(s) :</b> 18/01971/FULL  St James's	Alexandra Buildings Palace Street London SW1E 5HW	Alterations and extensions to the North, South, Alexandra and Mews Buildings (Castle Lane/Palace Street) for use as affordable housing (Class C3) comprising 86 units; including creation of balconies; construction of a cycle/bin store, lift and staircase to the rear of North Building; soft and hard landscaping including children's play area; cycle parking and other associated works (amendments to planning permission 12/02189/FULL) (site also known as 2-4 Castle Lane)	
<p><b>Recommendation</b></p> <p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <p>a) The provision of affordable housing including affordability levels for each tenure type</p> <p>b) Free lifetime (25 years) car club membership for residents of the development</p> <p>c) A fund for covering the Council's costs of providing White Badge disabled parking bays for residents of the development</p> <p>d) A fund to be used by the registered provider and residents of the development for the hiring of a community facility and details of how this fund will be administered</p> <p>e) Monitoring costs</p> <p>2. If the S106 legal agreement has not been completed within eight weeks of the date of this resolution then:</p> <p>a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>3. The new affordable housing floorspace of 4,948 sqm (GIA) shall be considered as affordable housing credit to be drawn down by either Landsec or a third party developer instead of on-site provision on other development sites (subject to committee approval) within an agreed list of wards in Westminster for a period of up to ten years in accordance with a memorandum of understanding with the City Council.</p>				
Item No	References	Site Address	Proposal	Resolved
2.	<b>RN(s) :</b> 17/04106/FULL  Maida Vale	Widley Road Garage Widley Road London W9 2LD	Demolition of existing building; excavation to create additional basement storey; erection of a residential (Class C3) building arranged over basement, lower ground, ground and five upper storeys to provide up to 23no. residential dwellings; provision of external amenity space, associated on-site car parking and cycle parking facilities, landscaping works and other associated works.	
<p><b>Recommendation</b></p> <p>1. Grant conditional permission subject to the satisfactory completion of a legal agreement to secure the following:</p> <p>a) Provision of affordable housing in the form of 6 units (intermediate housing units);</p> <p>b) Not to occupy the private market housing until the affordable housing units are available for occupation.</p>				

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**SCHEDULE OF APPLICATIONS TO BE CONSIDERED**

c) Highways works to facilitate the proposed development and including vehicular crossovers and the provision of 3 additional on street car parking spaces, reinstatement of redundant crossovers and paving.  
d) Car park strategy including all car parking spaces provided for the development itself and on an unallocated basis.  
e) Lifetime Car club membership for all units in the development.  
f) Monitoring costs.

2. If the legal agreement has not been completed within six weeks from of 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

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

Item No	References	Site Address	Proposal	Resolved
3.	RN(s) : 18/02441/FULL  St James's	41 Kingsway London WC2B 6TP	Use of first to seventh floors as a hotel (Class C1) and as a restaurant (Class A3) at ground floor and basement level, extension in the rear light well at first to seventh floors, extension and new dormer windows at seventh floor level, installation of new shopfronts and signage at ground floor level, installation of mechanical plant and an extract duct at podium and roof level.	
<b>Recommendation</b> Grant conditional permission.				

Item No	References	Site Address	Proposal	Resolved
4.	RN(s) : 17/11106/FULL  West End	50-57 Newman Street London W1T 3DZ	Demolition and redevelopment to provide a building of three basement levels, ground and part five, part six upper floors for use as a hotel ( Class C1) with ancillary restaurant, bar and wellness facilities, including terraces at 4th and 6th floors; plant equipment at 6th floor and roof level and associated works.	

**Recommendation**

1. Grant conditional permission, subject to a Section 106 agreement to secure the following:

- i) A Crossrail payment of 153,598 (subject to indexation)
- ii) An employment and training strategy for the construction phase and operational phases of the development;
- iii) Monitoring Costs

2. If the legal agreement has not been completed within six weeks from of 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

CITY OF WESTMINSTER  
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 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

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 Undertaking within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers

Item No	References	Site Address	Proposal	Resolved
5.	RN(s) : 17/05283/FULL 17/05284/LBC	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. 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) (maximum figures);
  - 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
  
- 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
  
  - 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

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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.				
Item No	References	Site Address	Proposal	Resolved
6.	RN(s) : 17/09793/FULL  Knightsbridge And Belgravia	56 Rutland Gate London SW7 1PL	Erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above. (Addendum report).	
<b>Recommendation</b> Grant conditional permission.				

**56 RUTLAND GATE, LONDON, SW7 1PL**



# Agenda Item 1

Item No.
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<b>1</b>
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<b>CITY OF WESTMINSTER</b>			
<b>MAJOR PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 12 June 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Alexandra Buildings, Palace Street, London, SW1E 5HW,</b>		
<b>Proposal</b>	Alterations and extensions to the North, South, Alexandra and Mews Buildings (Castle Lane/Palace Street) for use as affordable housing (Class C3) comprising 86 units; including creation of balconies; construction of a cycle/bin store, lift and staircase to the rear of North Building; soft and hard landscaping including children's play area; cycle parking and other associated works (amendments to planning permission 12/02189/FULL) (site also known as 2-4 Castle Lane)		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	LS Victoria Properties Ltd		
<b>Registered Number</b>	18/01971/FULL	<b>Date amended/ completed</b>	9 March 2018
<b>Date Application Received</b>	9 March 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Birdcage Walk		

## 1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> <li>a) The provision of affordable housing including affordability levels for each tenure type</li> <li>b) Free lifetime (25 years) car club membership for residents of the development</li> <li>c) A fund for covering the Council's costs of providing White Badge disabled parking bays for residents of the development</li> <li>d) A fund to be used by the registered provider and residents of the development for the hiring of a community facility and details of how this fund will be administered</li> <li>e) Monitoring costs</li> </ul> <p>2. If the S106 legal agreement has not been completed within eight weeks of the date of this resolution then:</p> <ul style="list-style-type: none"> <li>a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</li> </ul>
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b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. The new affordable housing floorspace of 4,948 sqm (GIA) shall be considered as affordable housing credit to be drawn down by either Landsec or a third party developer instead of on-site provision (subject to committee approval) on other development sites in wards on an agreed list of wards in Westminster for a period of up to ten years in accordance with a memorandum of understanding with the City Council.

## 2. SUMMARY

The current application relates to four buildings; Castle Buildings North and South either side of Castle Lane, Alexandra Building on Palace Street and the Mews Building at the rear of the South Building. All four buildings are currently vacant but were last occupied as hostel accommodation by the Look Ahead Housing Association.

Planning permission was granted in March 2013 for alterations and extensions to the buildings in connection with their use as 63 affordable homes. A certificate of lawfulness was issued in April 2016 to confirm that the 2013 permission had been lawfully implemented which means that the 2013 approved scheme can be built out at any point in the future.

Amendments are now proposed to the 2013 lawfully implemented scheme which principally consist of alterations to the internal layout of the buildings to accommodate a larger number of smaller units – 86 units instead of 63 and a revision to the tenure mix – 100% intermediate housing instead of 60:40 social rented/intermediate split previously approved. Externally there are alterations to balconies, lift/stair cores and chimney stacks.

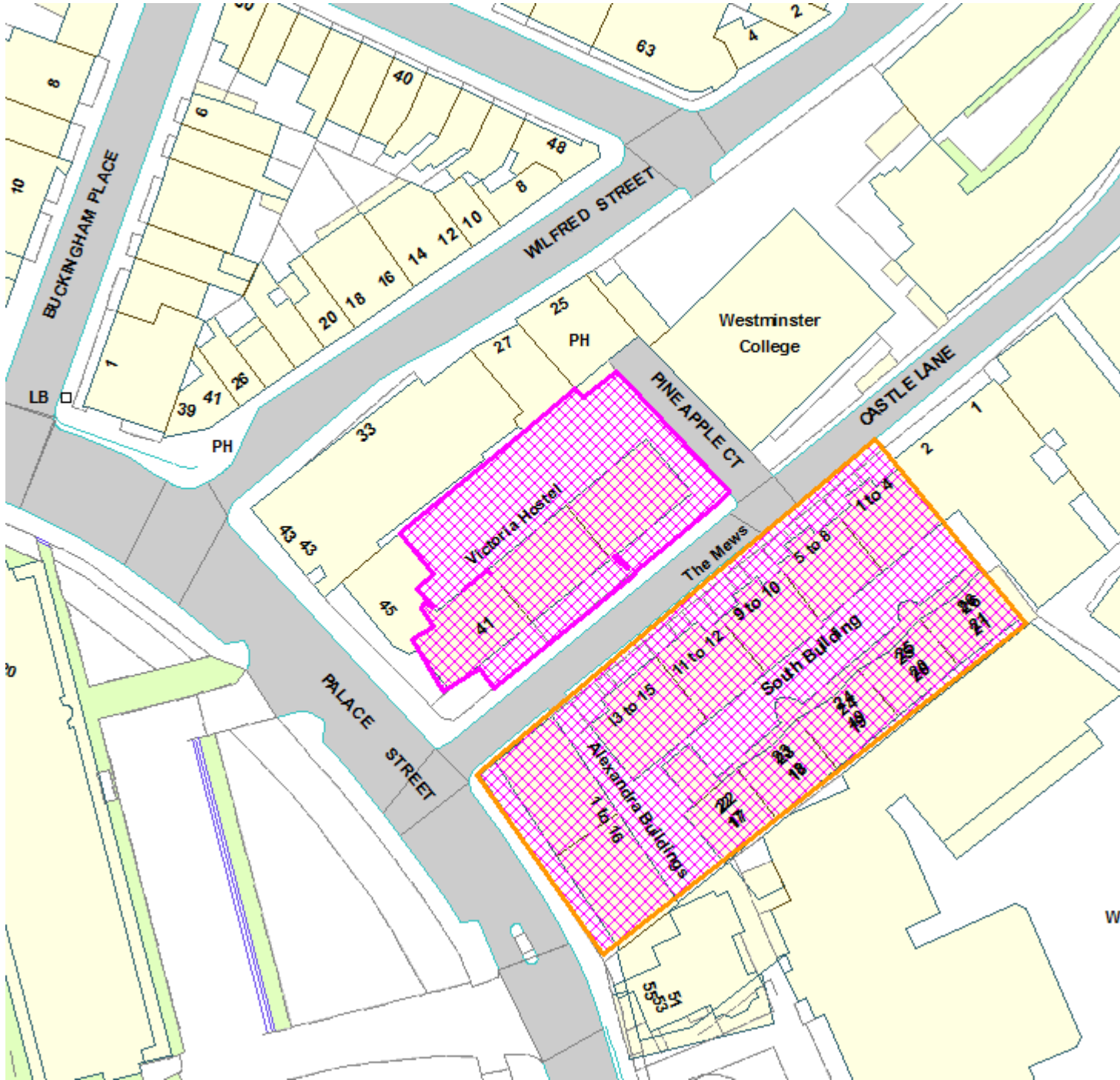
When permission was granted for the 63 affordable homes scheme in 2013, Committee agreed that the units and floorspace could be treated as off-site affordable for a residential scheme coming forward on Portland House or, if Portland House was unsuccessful or delayed, it could be similarly applied to another residential scheme by the same applicant (Landsec) in the Victoria area.

Due to changes in the residential market and economic conditions, Landsec are now unlikely to bring forward a scheme for Portland House or any other major residential development in Westminster. This means that Landsec do not have any development schemes, which would generate affordable housing obligations that could be met at Castle Lane and to build the affordable housing as a 'stand-alone' scheme would result in a substantial loss for them. Consequently, Landsec are seeking the flexibility for the affordable housing to be used by third parties to meet their affordable housing requirements on other schemes which in turn would facilitate the earlier delivery of affordable housing on the Castle Lane site. A 'memorandum of understanding' (attached in the background papers to this report) sets out how this process would work.

Whilst there have been letters of support in principle for the scheme, concerns have been expressed about the potential additional pressure on-street parking due to the increase in the number of residential units (a further 23 units) again with no off-street parking. As before, it is considered that the free lifetime car club membership and a fund to pay for White Badge disabled parking spaces is sufficient to mitigate the demand for on-street parking.

For the reasons set out in the report, the proposals are considered acceptable and in accordance with relevant policies, subject to appropriate conditions and a S106 legal agreement to secure the affordable housing, free lifetime car club membership, fund for White Badge disabled parking and other benefits offered by the applicant.

3. LOCATION PLAN



4. PHOTOGRAPHS



## 5. CONSULTATIONS

### HISTORIC ENGLAND

Do not wish to comment in detail but consider that the proposed amendments to the approved roof profile would further detract from the historic roofscape and orderly proportions and fenestration arrangement below. The Council should be satisfied that these changes are necessary and appropriately balanced by the delivery of public benefits in accordance with the NPPF.

### ENVIRONMENT AGENCY

No objection. The site is protected to a very high standard by the Thames Tidal flood defences. However if these were breached or overtopped there is a risk of flooding. To improve flood resilience, recommend that finished floor levels are set above the 2100 breach level of 4.13mAOD.

### THAMES WATER

Proper provision should be made for surface water drainage; storm flows should be attenuated/regulated through on or off-site storage before discharging into the public sewerage system. Groundwater resulting from construction must not be discharged into the public sewer. A piling method statement is required to prevent/minimise the potential for damage to subsurface sewerage infrastructure.

Recommend informatives be attached regarding water pressure and presence of water main.

### WESTMINSTER SOCIETY

Support the increase in number of affordable housing units.

### VICTORIA BID

Any response received to be reported verbally to committee by officers

### VICTORIA NEIGHBOURHOOD FORUM

Support the provision of affordable homes subject to appropriate conditions to safeguard the neighbourhood from excessive traffic and on-street parking generated by the development. Request that residents of the development should not qualify for resident parking permits.

### HEAD OF AFFORDABLE HOUSING AND STRATEGY

Welcome the provision of a 100% affordable housing on the former hostel site. Whilst there is a significant increase in the number of affordable homes proposed, 86 compared to the previously approved 63, there is a significant reduction in the number of 2 bed and

family sized (3+ bed) homes compared to the 2013 approved scheme. The proposed scheme will also be 100% intermediate housing; intermediate (sub market) rented homes and shared ownership, whereas previously the approved scheme included a mix of social, intermediate rent and shared ownership homes. Nominations to these intermediate and shared ownership properties will be provided from the City Council's intermediate housing waiting list. Recommend that affordability levels are secured by S106 agreement as previously.

#### ENVIRONMENTAL HEALTH

No objection subject to conditions controlling noise emission levels from mechanical plant.

#### CLEANSING

No objection.

#### HIGHWAYS PLANNING MANAGER

Objection on the grounds of lack of off-street parking for 86 residential units and the loss of three/four existing residents on-street parking bays through the creation of three Blue Badge disabled parking bays. If planning permission is granted, free lifetime car club membership for residents of the development and a fund for White Badge disabled parking bays for use by specific residents of the development should be secured by S106 as previously. Cycle parking provision should be increased from 91 spaces (as shown) to 105 spaces in line with London Plan standards.

#### ARBORICULTURAL OFFICER

No objection subject to conditions to secure the retention of tree G17 (an usual species of oak *Quercus phillyraeoides*), details of hard and soft landscaping, tree protection and the protection of areas designated for soft landscaping and structural planting.

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

No. Consulted: 476; Total No. of replies: three letters of support in principle for the scheme but two of the letters raise the following issues:

- On-street parking pressure; residents of the development should not be allowed to apply for ResPark permits
- Removal of the front stairwell access to the upper floors of the North Block will have a detrimental impact on the character of the building and the quality of the residential units provided; residents using the rear lift/stair access will add to the congestion and noise in Pineapple Court where the Colonies PH has outside tables and chairs.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application relates to four buildings; Castle Buildings North and South either side of Castle Lane, Alexandra Buildings on Palace Street and the Mews Building to the rear of the South Building. All four buildings are currently vacant but were last occupied (North, South and Alexandra Buildings until 2011 and the Mews Building until 2013) by Look Ahead Housing Association as hostel accommodation.

The three main buildings on Castle Lane and Palace Street are late Victorian buildings, each comprise lower and upper ground floors with two upper floors. The Mews Building is two storeys high and was built in the early 1990s. None of the buildings are statutorily listed but the site is located within the Birdcage Walk Conservation Area and the North, South and Alexandra Buildings are identified as 'unlisted buildings of merit' in the Birdcage Walk Conservation Area Audit.

The site is also located within the Core Central Activities Zone close to Victoria Station, St James's Park underground station and a variety of shops, cafés, restaurants and offices along nearby Victoria Street to the south. The area immediately to the north of the site is predominantly residential in character.

### 6.2 Recent Relevant History

01.03.2013: planning permission was granted for alterations and extensions to the North, South, Alexandra and Mews Buildings (Castle Lane/Palace Street) for use as affordable housing (Class C3) comprising 63 units; including creation of balconies; construction of a cycle/bin store, lift and staircase to the rear of North Building; soft and hard landscaping including children's play area; cycle parking and other associated works (12/02189/FULL).

This permission is subject to a S106 legal agreement, which secures the following:

- a) the provision of affordable housing;
- b) a fund (£46,000) to be used by Sanctuary Housing and residents of the development for the hiring of local venues/community facility and details of how this will be administered (to be paid within 5 working days of first occupation);
- c) a financial contribution of £315,510 towards education support and/or facilities within Westminster (to be paid prior to commencement of development);
- d) free lifetime car club membership for residents of the scheme;
- e) a fund for covering the Council's costs of providing White Badge disabled parking bays for residents of the scheme;
- f) a financial contribution of £63,000 to monitor changes in on-street parking demand;
- g) monitoring costs.

In addition, the Planning and City Development Committee (on 11 September 2012) agreed that the particular benefits of the proposal were such that the scheme was capable of being considered as new affordable housing and noted that the strength of this as a material consideration would diminish over time. As such, it was agreed:



- i) subject to consideration of any application for Portland House, that the units and floorspace are treated as off-site affordable housing for Portland House in the event that off-site provision in whole or in part is considered acceptable by the City Council; and
- ii) if for any reason Portland House is unsuccessful or delayed, the same units and floorspace may be similarly applied to any other residential proposal brought forward by the same applicant in the Victoria area where the off-site provision in whole or in part is considered acceptable by the City Council.

The 2013 permission was also subject to two pre-commencement conditions; Condition 20 requiring that tree protection measures be approved before demolition and Condition 21 requiring that a surface water drainage scheme be approved before development take place. Both conditions have been satisfied – Condition 20 (15/08492/ADFULL) on 12.11.2015 and Condition 21 (15/08495/ADFULL) on 02.11.2015.

15.04.2016: a certificate of lawfulness (CLEUD) was issued to confirm that planning permission (12/02189/FULL) dated 1 March 2013 for Alterations and extensions to the North, South, Alexandra and Mews Buildings (Castle Lane/Palace Street) for use as affordable housing (Class C3) comprising 63 units; including creation of balconies; construction of a cycle/bin store, lift and staircase to the rear of North Building; soft and hard landscaping including children's play area; cycle parking and other associated works has been implemented by way of demolition of three tank room enclosures, dismantling and removal of tanks, dismantling and removal of a stair enclosure all located on the existing roof of the North Building and demolition of a single storey plant room and refuse store including the removal of all plant and equipment located to the rear of the North Building of the property.

Accordingly, implementation of the 2013 permission i.e. the commencement of development should have triggered the payment of the £315,510 education contribution. However, this payment is still outstanding. Landsec initially offered to enter into a new S106 obligation to pay the education contribution as part of the current application but have subsequently confirmed that they will pay the money as required under the terms of the existing 2013 S106 agreement.

### **Other relevant planning history**

#### North, South and Alexandra Buildings

23.01.75: outline planning permission granted for the conversion of 1-16 Alexandra Buildings and 41-63 Castle Buildings to provide hostel accommodation for 145 residents and 13 staff and conversion of 1-40 Castle Buildings to provide flats to accommodate up to 82 residents including the provision of 1000ft<sup>2</sup> (93m<sup>2</sup>) of office space within 41-63 Castle Buildings and provision of ancillary facilities, car parking and landscaping. This permission was personal to Look Ahead (Beacon Hostels) (Condition 1).

20.12.76: detailed scheme (for the above granted planning permission.

#### Mews Building

31.03.88: planning permission granted for the erection of a two storey building comprising 13 self-contained and shared housing units to be used for hostel purposes in association with Beacon House North and South and Alexandra Buildings. This permission was personal to Look Ahead (Beacon Hostels) Housing Association Ltd (Condition 1).

29.09.88: permission granted for variation of Condition 1 of planning permission dated 31.03.88 – so that the permission was personal to Look Ahead (Beacon Hostels) Housing Association Ltd *or any other registered housing association.*

## 7. THE PROPOSAL

The current application proposes amendments to the lawfully implemented 2013 approved scheme (12/02189/FULL). As previously, the buildings are to be refurbished and repaired with single storey set back extensions to the North, South and Alexandra Buildings. The internal layout of the buildings has been revised to accommodate a larger number of smaller units and a change of proposed tenure type to help meet local need and facilitate the early delivery of affordable housing on this site.

The proposed changes can be summarised as follows:

- An increase in the number of proposed residential units from 63 to 86 (+23 units)
- Revision to the unit size mix – with an increase in 1 and 2 bed units and reduction in family size (3+ bed) units
- Revision to the tenure mix – 100% intermediate housing instead of the previously approved 60:40 social rented/intermediate split
- North Building – internal staircases removed and outline of roof extension amended accordingly, lift/stair core at the rear extended to serve the roof extension, two chimneys removed, access deck extended to the east at first floor level and balconies added to the east elevation.
- Cycle storage – covered store to rear of North Building extended to accommodate 28 cycles, 24 cycle spaces added to the east of the North Building, Mews Building cycle store – rearranged to provide 34 covered cycle spaces.
- South Building – chimneys removed from south elevation, outline of roof extension set back and balconies re-arranged to reflect new internal layout
- Alexandra Building – outline of roof extension amended and balconies re-arranged to reflect new internal layout

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

Following the approval and implementation of the 2013 planning permission (12/02189/FULL), residential (Class C3) use is now the lawful use of the site.

#### **Residential unit size mix and quality standard**

The revised scheme aims to deliver high quality affordable housing in the form of mainly smaller unit types suitable for young professional and key worker households. The revised internal layout proposed as part of the current application involves an increase in the number of new affordable homes provided; 86 instead of the 63 previously approved and an increase in the number of 1 and 2 bed units.

The revised unit mix is as follows:

Unit Type	Approved No. of Units	Proposed No. of Units	Difference
1B1P	0	20	+20
1B2P	13	45	+32
2B3P	8	17	+9
2B4P	21	2	-19
3+ Bed	21	2	-19
<b>Total</b>	<b>63</b>	<b>86</b>	<b>+23</b>

By individual building, the unit mix is as follows:

North Building Unit Type	Approved	Proposed	Difference
1B	2	16	+14
2B	3	5	+2
3B	9	2	-7
4B	1	0	-1
<b>Total</b>	<b>15</b>	<b>23</b>	<b>+8</b>

South Building Unit Type	Approved	Proposed	Difference
1B	4	25	+21
2B	17	8	-9
3B	2	0	-2
4B	2	0	-2
<b>Total</b>	<b>25</b>	<b>33</b>	<b>+8</b>

Alexandra Building Unit Type	Approved	Proposed	Difference
1B	3	15	+12
2B	5	4	-1
3B	6	0	-6
<b>Total</b>	<b>14</b>	<b>19</b>	<b>+5</b>

Mews Building Unit Type	Approved	Proposed	Difference
1B	4	9	+5
2B	4	2	-2

Item No.
<b>1</b>

3B	1	0	-1
<b>Total</b>	<b>9</b>	<b>11</b>	<b>+2</b>

All of the residential units either meet or exceed London Plan space standards with the exception of the two-3B units in the North Building, which are slightly under by 2sqm and four of the 1B2P units at third floor level in the South Building, which are also slightly under by 1 or 2sqm.

Access to two of the lower ground floor units and three of the upper ground floor units in the North Building will be via the existing entrances and external stairs on Castle Lane, which are to be retained but the internal staircases removed. Access to the other 18 units will be via the rear (via Pineapple Court) where the previously approved lift/stair shaft is to be extended upwards to provide access to the units in the roof extension. The comments from the resident at 27 Wilfred Street are noted but the rear access is as previously approved and all the flats in this building always had access from the rear, as this is where the lift is. Similarly, in both the approved and proposed layouts, there are some flats with bedrooms at the front and some flats with bedrooms at the rear.

Access to the units in the South Building will be via the five entrance points on Castle Lane (as previously) with internal stairwells providing access to the upper floors. Access to the units in the Alexandra Building will be via the two entrance points on Palace Street (as previously) with internal stairwells providing access to the upper floors. Access to the ground floor units in the Mews building is directly from the courtyard, whilst the first floor units will be accessed via a staircase leading from the courtyard on to a decked access way.

Most of the units (65 of the 86 flats) have some form of private amenity space with the remainder having access to either deck space or Juliette balconies. All the units have access to communal amenity space; the communal landscaped courtyard between the South and Mews Buildings, the garden on the roof of the Mews Building (for residents of this building) and the communal amenity space at lower ground floor level at the rear of the North Building.

All the flats have been designed to Lifetime Homes standard as far as possible given the constraints of the existing buildings. Nine flats (10%) will be fully wheelchair accessible. In addition, a new lift at the rear of the North Building will provide step-free access to the 23 units, including two family size units, on lower ground, upper ground, first, second and new third floors of this building.

**Affordable Housing – tenure type and split**

The proposed scheme will provide 100% intermediate housing; comprised of both intermediate rented homes (sub market rent) and shared ownership whereas the 2013 approved scheme included a mixture of social, intermediate rent and shared ownership homes. The scheme is supported by the Council’s Head of Affordable Housing who has discussed the accommodation mix, tenure type and affordability levels with Landsec (the applicant) and their advisors.

The table below summarises the differences between the 2013 scheme and the current proposed scheme in terms of number of homes, dwelling mix and affordable tenure types:

Dwelling mix	2013 Scheme				Proposed Scheme			
	Total Units	Social	Intermediate rent	Shared ownership	Total Units	Social	Intermediate rent	Shared Ownership
1bed 1 person	0	0	0	0	20	0	3	17
1 bed 2 person	13	0	10	3	45	0	36	9
2 bed 3 person	8	4	2	2	17	0	17	0
2 bed 4 person	21	13	0	8	2	0	2	0
3 bed 4 person	4	4	0	0	0	0	0	0
3 bed 5 person	5	5	0	0	2	0	2	0
3 bed 6 person	9	9	0	0	0	0	0	0
4 bed 5 person	2	2	0	0	0	0	0	0
4 bed 6 person	1	1	0	0	0	0	0	0
<b>Total</b>	<b>63</b>	<b>38</b>	<b>12</b>	<b>13</b>	<b>86</b>	<b>0</b>	<b>60</b>	<b>26</b>

The split of rented and shared ownership units across the four buildings will be as follows:

North Building - 23 rented units

South Building – 10 x rented and 23 x shared ownership units

Alexandra Building -16 x rented 3 x shared ownership units

Mews Building -11 x rented units

The advice from the Council's Head of Affordable Housing is that generally, the costs of intermediate housing to qualifying households should not exceed 40% of net income. GLA modelling indicates that net household income is approximate to 70% of gross household income.

Landsec are proposing that 26 of the proposed 60 intermediate rented homes made up of 3 x 1B1P, 18 x 1B2P and 5 x 2B3P homes and will be made affordable to households with incomes between £27,000 and £30,000.

On this basis, the Head of Affordable Housing recommends that the weekly rents for these 26 units should range from £145 to £162 per week at first letting with an annual rental increase thereafter of no more than consumer price index (CPI) +1%.

The remaining 34 intermediate rented homes, made up of 18 x 1B2P, 12 x 2B3P, 2 x 2B4P and 2 x 3B5P homes, are proposed to be made affordable to households with incomes between £45,000 and £52,000.

On this basis, the Head of Affordable Housing recommends that the weekly rents for these 34 units should range from £242 to £280 per week at first letting with an annual rental increase thereafter of no more than CPI+1%.

The remaining 26 units, made up of 17 x 1B1P and 9 x 1B2P units are proposed to be provided on a shared ownership basis and made available to households with incomes up to a maximum of £90,000 with the rent paid on any unsold equity capped at 2.5%.

On this basis, the Head of Affordable Housing recommends that all qualifying applicants should be able to purchase a minimum equity stake of 25% at initial purchase of the value of the shared ownership property and pay a rent on the remaining unsold share. In addition, if necessary the rent levels on the unsold equity should be reduced to below 2.5% to ensure that households with incomes up to £90,000 can purchase a minimum 25% share where these households can secure a mortgage with just a 10% deposit from savings towards the purchase of the share in the property they are buying.

As previously, the affordability levels are to be secured by S106 legal agreement. All successful nominations to the intermediate rent and shared ownership homes will be from the City Council's intermediate housing waiting list, with priority given to those who live and/or work in Westminster.

#### **Affordable Housing – offset/credit**

When planning permission was granted for the 63 affordable housing units scheme in March 2013 (12/02189/FULL), Committee agreed that the units and floorspace would be treated as off-site affordable housing for proposals coming forward at Portland House in the event that off-site provision in whole or in part was considered acceptable by the City Council. Committee also agreed that if Portland House was unsuccessful or delayed, the same units and floorspace may be similarly applied to any other residential proposal brought forward by the same applicant in the Victoria area where off-site provision in whole or in part was considered acceptable by the City Council.

Since this time, the Portland House residential conversion scheme has been delayed and Landsec has brought no other residential proposal forward. Consequently, the affordable housing on the Castle Lane site has not been delivered although it has been lawfully implemented (as confirmed by the certificate of lawfulness issued on 15 April 2016) which means that it can be built out at any point in the future.

Due to changes in the residential market and economic conditions, Landsec are now unlikely to bring forward a residential scheme for Portland House nor is it likely that they will bring forward any other major residential development in Westminster. This means that they do not have any committed development schemes, which would generate affordable housing obligations, which could be met at Castle Lane. To deliver the affordable housing at Castle Lane on a 'stand-alone' basis would generate a substantial loss for Landsec. Consequently, they are now seeking flexibility for the affordable

housing to be used not only by themselves on future schemes but also by third parties to meet their affordable housing requirements on other schemes. Such an approach could facilitate the earlier delivery of affordable housing on this site.

The intention is that the affordable housing requirements generated by other schemes within an agreed geographical area, would equate to an equivalent level of floorspace offset at the Castle Lane site and that these credits could be drawn down for a period of up to ten years. How this process will work is set out in a 'memorandum of understanding', which includes site eligibility criteria, the mechanism for establishing a planning linkage with an eligible site, timescales for establishing a linkage and how the drawing down of affordable housing floorspace will be monitored.

Committee are accordingly asked if they agree that the affordable housing on the Castle Lane site can be used by third parties to meet their affordable housing requirements on other development sites within Westminster and also to agree the 'memorandum of understanding' which will be appended to S106 agreements on permissions for any eligible linked sites that come forward.

## **8.2 Townscape and Design**

The approved scheme allows for an additional storey on the existing flat roof of each of the three Victorian buildings (North, South and Alexandra). These extensions are set back from the building facades by varying distances and are formed of vertical bronze anodised aluminium panels with bronze coloured glazing to the windows.

Balconies were approved on the upper floors of the rear facades of the South and Alexandra Buildings and an external lift shaft and open staircase on the rear façade of the North Building, which serve continuous balconies providing access to flats at the upper floor levels. The lift shaft is clad in bronze anodised aluminium panels to match those on the roof extensions and the staircase design reflects that of the balcony balustrades.

The proposed external alterations to the approved scheme primarily consist of the extension and relocation of balconies; the removal and extension of lift/stair cores and the removal and cutting back of chimneystacks.

The additional balconies proposed on the rear elevations of the South Building, Alexandra Building and northeast elevation of the North Building reflect the amendments to the internal layouts and increased number of flats now proposed. The removal of the existing internal staircases at upper levels within the North Building will facilitate the creation of additional flats within this building. The approved lift shaft is to be extended up to third floor level and the balconies extended to provide access to the additional flats. The extended lift shaft and balconies on the north elevation and additional balconies on the northeast elevation of the North Building will be visible from Palace Street and Castle Lane respectively but as previously, the design of these structures is considered of high architectural quality and acceptable.

Three chimneys are to be removed at rear roof level (south elevation) of the South Building and two chimneystacks cut back on the north elevation of the North Building to allow access to and roof terrace space for the additional flats. On the Alexandra

Building, the line of the approved roof extension is to be brought forward slightly on the Palace Street elevation. None of these alterations is considered harmful to the character and integrity of the buildings or to the character and appearance of the conservation area.

### **8.3 Highways and Parking**

The 2013 approved scheme provides for 63 residential units with no off-street car parking due to the constraints of the site. Committee agreed that the Landsec offer of free lifetime car club membership for residents of the development and a fund to pay for White Badge disabled parking bays (should they be needed by residents of the development) secured by S106 legal agreement was sufficient to mitigate the demand for car parking generated by the development.

The proposed scheme is for 86 residential flats (an additional 23 units) again with no off-street car parking. The Highways Manager has again objected on the grounds that the additional cars generated are likely to push the daytime on-street parking pressure above the 80% threshold resulting in on-street parking stress. The Victoria Neighbourhood Forum and a local resident have also expressed concern about the impact of the development on on-street parking and have suggested that the residents of the development should not be allowed to apply for Respark permits.

As before, Landsec have agreed to pay for free lifetime car club membership for residents of the development and a fund to pay for White Badge disabled parking bays secured by S106 (White Badge spaces can only be used by a specific resident of the development rather than by any Blue Badge holder). Given the site's close proximity to Victoria and St James's Park stations (mainline rail, underground and bus services), the relatively low car ownership in St James's Ward and even lower car ownership for affordable housing, these measures are considered sufficient to mitigate the demand for on-street parking.

The 91 cycle parking spaces proposed comply with Westminster cycle parking standards of one space per unit but do not meet London Plan standards, which would require 105 spaces. Landsec have sought to maximise the level of cycle parking provided – 28 spaces in a covered store to the north of the North Building; 24 spaces to the east of the North Building; 34 covered spaces in the area between the South, Alexandra and Mews Buildings and 5 spaces under the stairs of the North and South Buildings. In addition, they point out that there are four cycle docking stations within a short walk of the site (Cardinal Place, Ashley Place, Howick Place and Rochester Row). Given the constraints of the site, the cycle parking proposed is considered sufficient.

As before, storage for waste and recyclable material is provided in a covered store between the rear of the North Building and the Colonies PH. This store will also provide waste storage for the pub. A further covered refuse store is provided at ground level of the Mews Building. The Cleansing Manager is satisfied with these arrangements.

### **8.4 Economic Considerations**

The economic benefits associated with the refurbishment of these buildings to provide 86 affordable homes is welcomed.



## 8.5 Other UDP/Westminster Policy Considerations

### Trees and Landscaping

The proposed landscaping scheme between the buildings and to the roof of the Mews Building is as previously approved. The landscaping scheme for Castle Lane itself includes new and replacement trees and shrubs and in addition, Landsec have now agreed to retain the *Quercus phillyraeoides*, an unusual species of oak tree, at the north eastern end of the North Building. This is to be secured by condition, as are full details of the hard and soft landscaping, tree protection measures and the protection of areas designated for soft landscaping and structural planting.

### Daylight and Sunlight

A supplementary daylight and sunlight assessment confirms that the increased height of the lift shaft at the rear of the North Building will not have a material impact on daylight and sunlight to the windows of adjacent properties. There have been no objections received to the current application on these grounds.

## 8.6 London Plan

The London Plan strongly emphasises the need to maximise affordable housing and the strategic target is for 50% of all new homes to be affordable.

## 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

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.

The planning obligations offered by Landsec are considered to meet all three tests of the CIL Regulations 2010. The principal heads of terms of the legal agreement are proposed to cover the following issues:

- The provision of affordable housing including affordability levels for each tenure type
- Free lifetime car club membership for residents of the development

- A fund for covering the Council's costs of providing White Badge disabled parking bays for residents of the development
- A fund for the provision of social and community facility for residents of the development
- Monitoring costs

Landsec have confirmed that they will pay the education financial contribution (£315,510) secured by the 2013 S106 agreement and for this reason it is not proposed to secure the education payment as an obligation under the new S106.

The proposal does not generate an additional Mayoral or Westminster CIL payment.

### **8.9 Environmental Assessment including Sustainability and Biodiversity**

As before, the scheme incorporates a range of sustainability and energy efficiency measures; centralised boilers, provision for future connection to a district heating network and PV panels on the roofs. The soft landscaping will provide amenity space for residents; reduce surface water run-off and create native biodiversity to support local wildlife.

(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 [southplanningteam@westminster.gov.uk](mailto:southplanningteam@westminster.gov.uk)

9. KEY DRAWINGS



Proposed Lower Ground floor

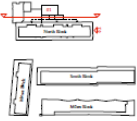




01 - North Block North-West Elevation



02 - North Block North-East Elevation



North Building proposed north-west and north-east elevations



01 - South Block North-West Elevation



02 - South Block South-East Elevation

South Building proposed front and rear elevations

**DRAFT DECISION LETTER**

- Address:** Alexandra Buildings, Palace Street, London, SW1E 5HW,
- Proposal:** Alterations and extensions to the North, South, Alexandra and Mews Buildings (Castle Lane/Palace Street) for use as affordable housing (Class C3) comprising 86 units; including creation of balconies; construction of a cycle/bin store, lift and staircase to the rear of North Building; soft and hard landscaping including children's play area; cycle parking and other associated works (amendments to planning permission 12/02189/FULL)
- Reference:** 18/01971/FULL
- Plan Nos:** Gerald Eve letter dated 9 March 2018 and Planning Statement dated March 2018; HHbR Design and Access Statement dated March 2018; Montagu Evans Heritage, Townscape and Visual Impact: Addendum dated March 2018; Waterman Infrastructure and Environment Transport Statement dated March 2018; Arboricultural Report dated March 2018; Flood Risk Assessment dated March 2018; Hann Tucker Associates Environmental Noise Survey and Acoustic Design Statement report dated February 2018; AECOM Energy Statement and Sustainability Statement dated February 2018; Point2 Daylight and Sunlight Assessment dated March 2018; David Bonnett Associates Access Statement addendum April 2018; Quod Affordable Housing delivery statement dated March 2018;  
Plans 9\_1701\_P\_001, 002, 003, 110B, 111, 112, 113, 114, 115, 120, 121, 122, 123, 124, 130, 131, 132, 140, 141, 142  
For information purposes: 9\_1701\_P\_050, 051, 052, 053, 054, 060, 061, 062, 063, 064

**Case Officer:** Amanda Jackson

**Direct Tel. No.** 020 7641 2934

**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 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment. 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. You must not change it without our permission. (C13BB)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

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

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

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

(a) A schedule of all plant and equipment that formed part of this application;

(b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;



- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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 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 4 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.

7 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.

8 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 7 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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

9 You must provide the waste stores shown on drawing 110B before anyone moves into the property. You must clearly mark them and make them available at all times to everyone using the residential flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must retain the waste stores and not use them for any other purpose. (C14DC)

Reason:

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

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

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS10 of our Unitary Development Plan that we adopted in January 2007.

11 You must hang all doors or gates including the gates to the bin store at the rear of the North Block 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)

12 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 Birdcage Walk 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)

13 You must apply to us for approval of detailed drawings of the following parts of the development

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Birdcage Walk 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 You must apply to us for approval of full particulars of the following parts of the development

- i) facade and metalwork repairs ii) photovoltaic panels. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

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

15 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 Birdcage Walk 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)

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Birdcage Walk 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 Notwithstanding the details in your Design and Access Statement dated March 2018, you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within three years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

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

19 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme for the amenity space at the rear of the North Block which includes the number, size, species and position of plants and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing). If you remove any plants or find that they are dying, severely damaged or diseased you must replace them with plants of a similar size and species and maintain the planting to the satisfaction of the City Council for as long as the area at the rear of the North Block is used as an amenity space.

Reason:

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

**20 Pre Commencement Condition.** Notwithstanding the details in your Arboricultural Survey Report and Impact Assessment and Tree Protection Plan dated March 2018 (ref WIE14185-100-R-1-3-2-ASR&IA), and Design and Access Statement dated March 2018, you must retain and protect tree group G17 in addition to T2 and T8. You must submit details of the ways in which you will protect these trees and any other areas proposed for soft landscaping during development. 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)

**21 Pre Commencement Condition.** No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include: i) details of how the scheme shall be maintained and managed after completion ii) details of the pipe network & flow limiting device(s); iii) calculations to demonstrate the adequacy of the design and iv) details of the storm water storage features.

Reason:

To minimise the risk of flooding, both on and off site.

22 Only the residents of the North Block shall use the amenity space at the rear of the building and only between the hours of 0900 and 2000 daily between 1 April and 31 October and between 0900 and 1700 daily between 1 November and 31 March each year.

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)

23 You must not use the roofs of the plant room and waste store at the rear of the North Block for sitting out or for any other purpose. You can however use the roofs 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)

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

the green roofs on top of the plant room and waste store at the rear of the North Block  
You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

**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 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to i) the provision of affordable housing including affordability levels for each tenure type, ii) Free lifetime (25 years) car club membership for residents of the development, iii) a fund for covering the Council's costs of providing White Badge disabled parking bays for residents of the development, iv) a fund to be used by the registered provider and residents of the development for the hiring of a community facility and details of how this fund will be administered and v) monitoring costs

3 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)

4 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

5 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

6 To meet condition 20 the minimum protection we normally expect is plywood boarding at least 1.2 metres high. The boarding should go around the tree at a distance from the trunk which will keep machinery away from the branches. If this is not possible there should be at least two metres between the trunk of the tree and the boarding. (I33AA)

7 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).

8 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

24 Hour Noise Team  
Environmental Health Service  
18/01971/FULL  
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)

9 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

10 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.

11 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.

- \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.

- \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.

- \* Lighting - ensure luminaires can be safely accessed for replacement.

- \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

12 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

- \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

- \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

13 Thames Water advise the following:

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.

There is a Thames Water main crossing the development site which may/need to be diverted at the developer's cost, or necessitate amendments to the proposed development design so that the main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on 0800 009 3921 for further information.



14 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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

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# Agenda Item 2

Item No.

2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 12 June 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Maida Vale	
<b>Subject of Report</b>	<b>Widley Road Garage , Widley Road, London, W9 2LD</b>		
<b>Proposal</b>	Demolition of existing building; excavation to create additional basement storey; erection of a residential (Class C3) building arranged over basement, lower ground, ground and five upper storeys to provide up to 23no. residential dwellings; provision of external amenity space, associated on-site car parking and cycle parking facilities, landscaping works and other associated works.		
<b>Agent</b>	Mr James Kinnersly		
<b>On behalf of</b>	Widley Ltd		
<b>Registered Number</b>	17/04106/FULL	<b>Date amended/ completed</b>	5 April 2018
<b>Date Application Received</b>	11 May 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Maida Vale		

## 1. RECOMMENDATION

1. Grant conditional permission subject to the satisfactory completion of a legal agreement to secure the following:

- a) Provision of affordable housing in the form of 6 units (intermediate housing units);
- b) Not to occupy the private market housing until the affordable housing units are available for occupation.
- c) Highways works to facilitate the proposed development and including removal of redundant vehicular crossovers and the provision of 3 additional on street car parking spaces..
- d) Car park strategy including all car parking spaces provided for the development itself and on an unallocated basis.
- e) Lifetime Car club membership for all units in the development.
- f) Maintenance/ management Strategy of Car Lift
- g) Monitoring costs.

2. If the legal agreement has not been completed within six weeks from of 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

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

## 2. SUMMARY

Planning permission is sought for the redevelopment of this 1930's garage and erection of a residential (Class C3) building arranged over an excavated basement, lower ground, ground and five upper storeys to provide up to 23no. residential dwellings; provision of external amenity space, associated on-site car parking and cycle parking facilities, landscaping works and other associated works. Six of the units will be affordable intermediate flats for sale.

The proposals have been revised during the course of the application to take into consideration (primarily) the provision of affordable housing, design concerns and tree matters. The reiterations of the scheme have been consulted on.

204 objections from surrounding residents have been received and four responses from Ward Councillors have also been received objecting to the application on the grounds of the provision of more housing, construction, parking, on street parking stress levels, impact on amenity and impact upon design and the Maida Vale Conservation Area. .

The key issues in the determination of the application are:

- \* The acceptability of the proposals in land use terms;
- \* Whether the provision of six affordable housing units is acceptable in light of the viability argument put forward by the applicant.
- \* The impact of the new buildings on the character and appearance of the Maida Vale conservation area and the setting of the nearby listed buildings;
- \* The impact of the proposals on the amenities of adjacent occupiers;
- \* The impact of the development on the highway network;
- \* The impact of the development upon trees on the surrounding streets.

The application is recommended for approval as it is considered that, subject to conditions, the proposed development complies with policies in our Unitary Development Plan (UDP) and City Plan.



4. PHOTOGRAPHS



## 5. CONSULTATIONS

### ORIGINAL APPLICATION:

#### WARD COUNCILLORS:

Councillor Crockett objects to the development on the grounds of bulk and scale; increased harm to amenity of neighbouring property and that the density of the scheme is too significant resulting in a knock on impact to carparking in the area.

Councillor Begum objects to the development on the grounds that the development doesn't provide enough affordable housing; the development is too dense and results in harm to amenity of neighbouring properties; the design is harmful to the Maida Vale Conservation Area and will have a harmful impact on parking in the area.

Councillor Prendergast forwarded photographs from an objector's property to show the relationship with the application site.

#### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

Whilst the principle of development of acceptable, the scheme is considered poor in terms of design (the detailing of the roof and the rooflights and the gable end are incongruous); has a larger footprint than the neighbouring mansion blocks which is both unacceptable in design terms and amenity terms; the parking proposed is insufficient and there are concerns with regards to the trees surrounding the site.

#### ARBORICULTURAL OFFICER:

Objection to the removal of the Lime trees; further information is required regarding the impact to the Birch tree in the street and that the landscaping proposed is poor.

#### ENVIRONMENTAL HEALTH:

Objection on the grounds of no air quality assessment being submitted with the application. Air Quality Assessment received and sent to the environmental health officer who made no further comments. No other objections raised.

#### DESIGNING OUT CRIME ADVISOR:

No response

#### THAMES WATER UTILITIES LTD:

No objection:

#### ENVIRONMENT AGENCY:

No response.

#### AFFORDABLE HOUSING SUPPLY MANAGER:

No response received.

#### BUILDING CONTROL:

No objection to the structural method statement.

**CLEANSING MANAGER**

Objection, the applicant has not demonstrated that waste and recyclable materials will be managed in line with the Westminster City Council Recycling and Waste Storage Requirements.

**HIGHWAYS PLANNING MANAGER**

Objection to the scheme on lack of car parking and inadequate detailing regarding the car lift.

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

No. Consulted: 491

Total No. of replies:84

No. of objections: 84

Eighty four objections received to the proposals on some or all of the following grounds:

**Land Use:**

- Whilst the principle of residential development is acceptable, this scheme is too dense for this area;
- There are too many unoccupied residential properties in London;
- The garage should not be lost for this residential development;
- The scheme does little to provide affordable family homes;
- The scheme doesn't include enough affordable housing.

**Design:**

- The modern development does not preserve the Maida Vale Conservation Area;
- The development doesn't take into consideration the history of the Conservation Area;
- The development doesn't fit in with the mansion blocks of Widley Road;
- Concern raised as to the requirement for existing properties in the area to be appropriate to the conservation area, yet the Council are entertaining this modern development with modern materials;
- The development doesn't take into consideration the setting of the Grade II listed Essendine School;
- Why should the basement be approved when it has been resisted elsewhere in Essendine Road;
- The balustrade detailing doesn't comply with the Council's guidelines.

**Amenity:**

- The building is too high and result in loss of daylight and sunlight;
- The daylight assessors have not visited the residents in Cleveland Mansions
- Sense of enclosure;
- Loss of privacy from all the windows proposed (some of which are full height)
- Loss of privacy from terraces;
- Noise from openable windows and terraces;
- Loss of view of Trellick Tower;
- The disruption to piece and quiet as a result of the new homes, will also harm the peace and tranquillity of the Conservation Area.



**Highways:**

- Not enough parking for the development;
- If the development were to go ahead no resident parking permits should be issued to new residents;
- Increased demand on street parking;
- Why can't the development proposed additional on-street parking in front of the development;
- Impact on car traffic in the area should the development be approved;
- The construction of the development may impact accessibility to the off-street parking at 9 Essendine Road.

**Trees:**

- The loss of the two lime trees in 7 Essendine Road is unacceptable;
- A Californian lilac plant in the rear of a property in Shirland Road has not been included in the arboricultural report.

**Other:**

- Impact of noise and disruption during the course of works;
- Impact upon refuse collection;
- Subsidence to neighbouring properties;
- The developer should pay for independent surveyors to act on behalf of the residents;
- Reduction in property values;
- Those wishing to move out whilst works are taking place won't be able to get suitable tenants to rent their properties;
- Basement development would set a precedent for other properties;
- Cumulative impact of nearby development (notably Beechcroft House);
- Lack of consultation by the City Council;
- Poor neighbours engagement by the applicant;
- Impact upon school vacancies;
- Rights of light should be assessed under this application;
- The development will increase the amount of dog fouling in the area;
- A trellis has been damaged at 9 Essendine Road and likely to be at the fault of the developer;
- The developer make require access to Essendine Road gardens to install scaffolding etc;
- The construction works would increase pollution, harmful to the school children of Essendine School;
- The development would set a precedent for other large developments.

PRESS ADVERTISEMENT / SITE NOTICE: Yes (multiple site notices on Widley Road, Essendine Road and Shirland Road)

**AMENDED APPLICATION (1<sup>ST</sup> RECONSULTATION) 9 October 2017:****Revisions included:**

- Lowering of the proposed basement slab by an additional 1m;
- Design amendments including changes to detailing and materials;

- Retention of 2 trees to rear of Essendine Road properties;
- Setting back of the western elevation (to the rear of Essendine Road properties);
- Reduction in size of terraces to first floor level (facing Cleveland Mansions and the rear of Essendine Road properties);
- Removal of windows on the western elevation (to the rear of Essendine Road properties);
- Increase in off-street parking spaces from 11 to 12 spaces;
- Removal of terraces to fifth floor front elevation (fronting Widley Road);
- Construction of a bin store to front forecourt;
- Increase in number of family sized units to 7;
- Changes to mix of unit sizes.

**WARD COUNCILLORS:**

No further responses.

**PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:**

No response.

**HIGHWAYS PLANNING:**

Objection still raised on lack of carparking.

**CLEANSING:**

The relocation of the waste store to the ground floor in the revised scheme is welcomed. However, applicant has not provided storage for recyclable materials. The waste proposal is contrary to the council recycling and waste storage requirements requiring 60% of the refuse storage to be allocated for Recycling.

**ARBORICULTURAL OFFICERS:**

Whilst the retention of the trees is welcomed, the details submitted to support their retention appear inaccurate and incomplete. Further detail still required as to the impact of the development upon the root protection area of the Birch Tree. Landscaping details still poor.

**AFFRODABLE HOUSING SUPPLY MANAGER:**

No response.

**BUILDING CONTROL:**

No response.

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

No. Consulted: 491  
Total No. of replies:47  
No. of objections: 47

Fourty seven objections have been received to the revised plans. The objections received only reiterate the previous objections received and state that the revisions have not overcome their concerns. The only new issues to be raised are:

Amenity:

- The daylight/sunlight assessment doesn't take into consideration how dark the properties in Shirland Road become when the London Plane Trees are in leaf;
- No one from the Daylight/ Sunlight Assessors visited the properties in Shirland Road.

**Biodiversity:**

- Has consideration been given to bats in the area.

**Other:**

- The additional increase in depth of basement will result in further noise and disturbance;
- Two residents commented that the revised description of development was incorrect when it referred to the removal of the side elevation windows, when it in fact only referred to the removal of the 8 flank elevation windows.

**AMENDED APPLICATION (2<sup>ND</sup> RECONSULTATION) 5 April 2018:**

**Revisions included:**

- Increase in 1 affordable housing residential unit, now 6 affordable housing residential units are proposed in total;
- Reduction in extent of basement excavation adjacent boundary with properties in Essendine Road;
- Set back of ground floor car lift side elevation from front elevation and from adjacent boundary with properties in Essendine Road;
- As a result of the extent of basement excavation, reduction in 1 car parking space, now 12 spaces proposed in total;
- Revised arboricultural impact assessment.

**WARD COUNCILLORS:**

Councillor Crocket considers the plans to not have adequately addressed residents' concerns, particularly in respect of the mass of the proposed building, overlooking, parking and the adverse effect the proposed building would have on the Maida Vale Conservation Area

Councillor Begum primarily objects on the grounds of lack of affordable housing and the extent of basement. She also comments that she is aware of the extensive objections received by local residents.

**PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:**

No response.

**ARBORICULTURAL OFFICER:**

Concern still raised to impact to Lime and Birch Trees and that the landscaping details are poor.

**HOUSING SUPPLY MANAGER:**

No objection subject to conditions secured by the legal agreement regarding capped premium amounts by the affordable housing provider and that rents reflect Westminster median intermediate household incomes.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 491  
Total No. of replies:72  
No. of objections: 72

Seventy two objections have been received to the revised plan. The objections received only reiterate the previous objections received and state that the revisions have not overcome their concerns. No new objections raised. The residents however have commented that its been tedious to comment on the amendments to the scheme given they've been so minor and do nothing to alleviate their earlier comments.

### **AMENDED APPLICATION TO RECTIFY ARCHITECT ERRORS**

A number of objections received from the end of May 2018 have been received on the grounds that a series of amendments were uploaded to the City Council website on 23 May and that no further re-consultation has been considered out. This has raised questions of transparency of the City Council.

Given that the amendments shown in the drawings uploaded of 23 May were what were consulted on, on the 5 April and were minor, in that they resulted in a reduction in development at ground, lower ground and basement floors to pull back part of the side elevation and basement from the neighbouring boundaries with the properties on Essendine Road; the re-consultation of these drawings was not considered necessary in this instance.

#### **ARBORICULTURAL OFFICER:**

No objection to the development on the impact to the Lime and Birch Trees. She still considers that the landscaping is poor.

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site is located at the north west end of Widley Road, near the junction with Essendine Road. The site is currently occupied by a garage dating from the 1930s. The garage is not listed but the site is located within the Maida Vale Conservation Area. The site lies outside of the Central Activities Zone

Widley Road is characterised by the continuous line of mansion blocks which occupy both sides of the road. Within the immediate vicinity of the site, situated to the north west of the site opposite the junction to Widley Road is the Grade II listed Essendine School, with the associated School Keepers House and Handicraft block to the rear

### **6.2 Recent Relevant History**

None.

## **7. THE PROPOSAL**

Planning permission is sought for the demolition of the existing garage and redevelopment of the site to provide a residential building arranged over an excavated

basement, lower ground, ground and five upper storeys. Twenty-three units are proposed with six of these being affordable housing. Twelve carparking spaces are proposed at basement level accessed by a car lift from street level. As a result of highways works, three additional on street car parking spaces are to be created. Cycle parking is proposed at basement level and landscaping is proposed to the front and rear of the site.

As noted in the summary, there have been two sets of revisions to the application and these have been consulted on. A further set of revised drawings were submitted in May 2018 as the drawings contained an error and hadn't been revised to take into consideration the latest comments made by the arboricultural officer. It was not considered necessary to re-consult neighbours on these revisions.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### 8.1.1 Residential Use

There are no City Council policies which protect the existing (redundant) garage at the site, which was last used for many years as a garage for the storage of private motor vehicles and therefore the principle of redeveloping the site with a new building to provide residential accommodation is acceptable in principle and is supported by policies H3 of the UDP and S14 of the City Plan which encourages the provision of housing within the City.

#### 8.1.2 Housing Mix:

The optimisation of housing delivery is a key strategic objective for the Council. Westminster City Plan Policy S15 and UDP Policy H5 require the provision of an appropriate mix of units in terms of size in new housing schemes. 23 residential units are proposed and the mix comprises:

##### Overall Scheme

No of Bedrooms	No of Units/ Floorspace
Studio	2 (9%)
1 bed	5 (22%)
2 bed	8 (35%)
3 bed	7 (30%)
4 bed	1 (4%)
	<b>Total: 23</b>

##### Private Market Units

No of Bedrooms	No of Units
1 bed	4
2 bed	6
3bed +	7
	<b>Total: 17</b>

##### Affordable Housing Units

No of Bedrooms	No of Units
Studio	2
1 bed	1
2 bed	2

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<b>2</b>

3 bed+	1
	<b>Total: 6</b>

Policy H5 requires at least 33% family-sized (i.e. 3+ bedrooms) of which at least 5% should have five or more habitable rooms but does allow for some flexibility with regard to the overall mix. Paragraph 3.74 of the UDP acknowledges that a lower level of family accommodation may be acceptable in some circumstances. The proposals meet the requirements of policy H5 with 34% of the development being family sized accommodation.

**8.1.3 Housing Density:**

Policy H11 within the UDP relates to housing density and recommends 250-500 habitable rooms per hectare in this location. The London Plan is also a relevant consideration and includes a recommendation for housing density in Suburban, Urban and Central locations. It is considered that this is an ‘urban’ location, identified as areas with predominantly dense development such as terraced housing, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four stories. Again, for such areas a density of between 200-700 habitable rooms per hectare is recommended. The proposed density for this scheme is 307 habitable rooms per hectare which is in accordance with policy and therefore the objections raised on the density of the scheme cannot be supported.

**8.1.4 Standard of Accommodation:**

All of the units proposed meet the minimum floorspace requirements as set out in the Technical housing standards – nationally described space standard with the units measuring between 37m<sup>2</sup> for the studio flat and 170m<sup>2</sup> for the largest 4 bedroom flat. A number of three bed units, whilst large cannot be reconfigured to provide 4 bed units as a result of the flat layout/ configurations. This is not objectionable.

The basements of the three duplex units will be serviced by garden lightwells. The 3 units proposed at lower ground floor (to the front of the site) whilst single aspect have been designed sensitively and have outlooks over internal and external courtyards. The 2no. ground floor three bed units are dual aspect. The units at first and second floor are primarily single aspect and have been designed in this way so as to negate the need for windows in the side elevation, which could result in amenity concerns to neighbouring properties. The units at third floor level are dual aspect. The units at fourth floor level are all single aspect but as these are larger units, they experience adequate levels of lighting and outlook from the many windows/ doors that serve them. The fifth floor penthouse is dual aspect.

The applicant has undertaken a daylight and sunlight assessment to demonstrate that the internal lighting for the proposed residential units are in line with BRE Guideline. All habitable rooms exceed the recommendations in the guide and in most cases, by some considerable margin.

The development proposes that at least 10% of the units proposed are fully compliant wheelchair accessible homes and this is welcomed and complies with policy.

**8.1.5 Outside Amenity Space:**

Policy H10 within the UDP expects housing developments to include the provision of amenity space. There will be a communal garden provided at the rear, at lower ground floor level which will be accessible for all the units proposed. At lower ground, two of the units (affordable housing units) have access to courtyards. At ground floor level, two of the units have access to a terrace area. At first floor level two of the units have access to a small terrace area accessed from the bedroom accommodation. Terraces were originally proposed at fifth floor level to serve the penthouse. These were on the front elevation and considered to clutter the roof profile and thus removed from the scheme. Whilst the scheme doesn't provide every unit with private outside amenity space, all residents (including the affordable housing units) have access to the communal garden space to the rear and given the sites close proximity to Paddington recreation Ground, the proposals are on balance considered

#### **8.1.6 Affordable Housing:**

Twenty three units are proposed over a floor area of 2995m<sup>2</sup> (GIA). This triggers the requirement for affordable housing as set out in policy S16 of the City Plan and the Interim Guidance Note: Affordable Housing Policy and a policy compliant scheme would require for 640m<sup>2</sup> of affordable housing floorspace, or 8 units.

The application as originally submitted only provided for 3 units to be delivered on site and the application was accompanied by a viability assessment demonstrating that this was the maximum amount of affordable housing the developer could afford on this site and no financial shortfall was offered.

The City Council appointed an independent viability consultant to assess the findings and they concluded that the scheme could viably provide more than 3 units on site.

Further to extensive discussions between the applicant and the City Council's independent assessors the applicant now proposes 6 'intermediate housing' units on site (a total floorarea of 385m<sup>2</sup>). Whilst this is not policy compliant, the City Council's assessors confirm that this is the maximum that the scheme is viably able to provide and 6 intermediate housing units on site. This is to be secured by legal agreement and will also be subject to requirements regarding the rent levels to be achieved and a cap on the premiums attached to the scheme that the affordable housing provider will have to achieve.

## **8.2 Townscape and Design**

As noted above, Widley Road is characterised by the continuous line of mansion blocks which occupy both sides of the road. The mansion blocks are uniform in terms of their footprint, scale, form and detailed design. The front façade is constructed of red brick which architectural detailing created by the use of stone surrounds and banding. Each block is defined, in part, by the tall chimney stacks and party wall upstands which puncture the skyline at regular intervals. The rear elevations are less formal and are primarily constructed in stock brick; the roofs are covered in natural slate. Furthermore there is a strong front boundary wall line, punctuated only by pedestrian opening, demarked by piers, which are located centrally on each block.

Within the immediate vicinity of the site, situated to the north west of the site opposite the junction to Widley Road is the Grade II listed Essendine School, with the associated School Keepers House and Handicraft block to the rear.

Thus in terms of heritage issues which arise from the current proposal, these include the impact on the character or appearance of the Maida Vale Conservation Area; and the impact on the setting of the listed buildings identified.

### **Legislation and Policy**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicated that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

Section 72 of the same Act indicates that “In the exercise, with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

In terms of the NPPF the key considerations are addressed in Chapter 12 with paragraphs 133 and 134 specifically addressing the issues of harm to designated heritage assets, which in the case of this application, the designated heritage assets would comprise of the Maida Vale Conservation Area and the Grade II listed Essendine School.

UDP Policy DES 1 establishes principles of urban design and conservation, ensuring the highest quality of new development. With regards to architectural quality it states that development should be of the highest standards, use high quality materials appropriate to its setting and maintain the character, scale and hierarchy of existing buildings.

UDP Policy DES 4 seeks to ensure the highest quality of new development in order to preserve or enhance Westminster’s townscape. The policy sets out considerations whereby new infill development must have regard to the prevailing character and quality of the surrounding townscape specifically noting that the development conforms or reflects established boundary lines and local scale, storey heights and massing of adjacent buildings, characteristic frontage plot widths, roof profiles including silhouettes of adjoining buildings, distinctive forms of prevalent architectural detailing and type of characteristic materials. Part (H) also notes that where there is the existence of a set piece or unified architectural composition or significant building groups new development should conform or reflect the design characteristics.

Furthermore, with regards to Conservation Areas, UDP policy DES 9(B) states that development proposal involving the demolition of an unlisted building may be permitted if the design quality of the proposed development is considered to result in an enhancement of the Conservation Area’s overall character or appearance.

Policy DES 10 of the UDP seeks to ensure that planning permission is not granted for proposals which have an adverse impact on the setting of listed buildings.

### **Maida Vale Conservation Area and the Significance of Affected Heritage Assets**



The current application proposes the demolition of the car garage on Widley Road. A detailed heritage appraisal has been submitted with the application and this has assisted with the assessment of the contribution that the application site makes to the conservation area.

The Maida Vale Conservation Area was designated in 1986 and was most recently extended in 1996. Whilst the conservation area is residential in character the designated area can be divided into identifiable areas including the Regents Canal side and Little Venice. The area in which the application site is located has a very distinctive character following the Church Commissioners granting building agreements between 1898-1901 for mansion blocks to be built in the area. The mansion blocks which occupy Widley Road are typical of housing built in this area and generate a unified aesthetic as a result of their shared architectural form and design.

The application site did not form part of the mansion block development scheme, with historic maps showing the area being occupied in part by a church and part vacant in 1913. By 1930 the footprint of the existing garage is shown, occupying the whole of the site save for a forecourt to the front of the building. Archived plans dating from this time show an Art Deco car garage with a stepped glazed first floor level and garage doors along the ground floor level. The building has been substantially altered, most notably post-war with the reconfiguration of the first floor and roof level, however the building has remained in constant use as a car garage.

Presently the building on site is of two storeys plus a lower ground floor level. Due to the change in ground level the front forecourt is sloped towards the building, with the building line being consistent with the adjacent mansion block. The first floor level is perceived as occupying the roof structure with the metal double pitched roof visible above a continual band. The elevations are rendered white and contain limited fenestration.

Essendine School and the associated buildings are one of only two identified examples of a Baroque Revival style London Board School, which was designed by TJ Bailey. The building dates from 1899-1904 and has a symmetrical composition which is heavily decorated in the Baroque Revival style. The building is of 3no storeys plus attic and is constructed of rusticated red brick with both slate and tiled roofs.

The applicant's heritage statement has concluded that the car garage '*does not contribute positively to the character or appearance of the Maida Vale Conservation Area*'. The site is considered to have some historic interest deriving from its relationship with the wider development of the area and its continued use as a car garage. Whilst the building does retain some original architectural features to make it identifiable as an Art Deco building, due to the amount of historic alterations which have occurred the buildings contribution to the character and appearance of the conservation area is limited.

### **The Proposed Development**

The proposed replacement building comprises of a 6 storey building with lower ground and basement levels; the roof level contains residential accommodation. In terms of height, the building is in keeping with the height of the adjacent mansion block to the south east save for a centrally located plant screen at roof level. The buildings to the north west, fronting Essendine Road are 3no storeys plus lower ground floor level and roof and are separated from the application site by their rear gardens. The footprint and

massing of the replacement building repeats the layout and proportions of the neighbouring mansion blocks, both maintaining the front building line and the rhythm of bays on the rear elevation.

The front elevation of the replacement building is predominantly red brick with stone and terracotta detailing, reflecting of the principal elevations to the mansion blocks. Reflective of the characteristic arrangement of the area the side and rear elevations are less formal and so will be constructed in brown brick with the roof being clad in slate.

With regards to detailed design the front elevation has sought to reflect the mansion block arrangement, instead inverting the front bays which are projecting. The hierarchical arrangement of the windows reflects the proportionality and arrangement of those on the neighbouring building and maintains the traditional arrangement of fenestration diminishing in scale on the upper levels. The detailed design of the fenestration themselves is contemporary in nature and includes decorative balustrading which has taken reference from the forms found in the immediate setting.

During the course of the application the treatment of the flank wall has been revised in order to create a formal ending to the block at roof level. At fifth floor level the flank wall has been pitched and will be brick clad, with the sixth floor level also being pitched and clad in slate towards the front section of the roof. To the rear of the side elevation the built line has been recessed and will appear as a flush elevation with a slate roof at sixth floor level.

### **Assessment**

The loss of the existing building occupying the site and the scale and design of the replacement building are cited by objectors as causing harm to the conservation area and grounds to refuse the application. Whether harm is caused to a heritage asset and what the degree of harm is, is a subjective judgement, informed on the basis of considering the significance the existing site, the significance of the part of the conservation area it is located within, the surrounding designated heritage assets and the impacts the proposals will have. It is considered that the proposal will not result in harm to the heritage assets identified as the proposed replacement building in terms of its location, scale, form and detailed design has the potential to enhance this part of the conservation area through replicating the traditional mansion block arrangement, in an architectural style which is reflective of the prevailing character of the area, whilst being identifiable as a later addition to the setting.

In terms of the impact on the setting of the listed Essendine School, the NPPF defines setting as the surroundings in which a heritage asset is experienced. Whilst the new development will be within the setting of the designated heritage asset the proposed replacement building is not considered to have an adverse impact on its setting, as the school will remain identifiable as a standalone building within the residential setting, with the replacement building continuing the characteristic streetscape of the road opposite.

In conclusion, having had regard to the duties imposed by sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the proposals are considered to be acceptable in design and heritage terms and would have no adverse impact on the character and appearance of the Maida Vale Conservation Area or on the setting of the Grade II listed Essendine School. The proposal is considered to comply with UDP policies DES 1, DES 4, DES 9 and DES 10 as well as S25 and S28 of the City Plan and Chapter 12 of the NPPF.

### 8.3 Residential Amenity

Policy S29 of the City Plan and ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Substantial objections have been received from residents within Cleveland Mansions (adjacent the site); 1-9 Essendine Road (west of the site); Southwold Mansions (opposite the site) and Shirland Road (to the rear of the site) on the grounds of loss of daylight and sunlight; sense of enclosure and loss of outlook; loss or privacy and overlooking and noise (from both outdoor spaces and plant equipment).

#### 8.3.1 Daylight and Sunlight

The applicant has submitted a Daylight and Sunlight Assessment. As a result of earlier objections the consultants who compiled the assessment visited the Cleveland Mansion properties to establish room layouts as an assumption had been made that the flats in Cleveland Mansions had the same layouts at all levels, which was incorrect. Given their initial result it was not considered necessary for them to visit properties on Essendine Road or Shirland Road. The properties which have been assessed are:

Cleveland Mansions – directly adjacent the site eastwards;  
1-9 Essendine Road – adjacent the site to the west;  
Southwold Mansions – opposite the site;  
11 Essendine Road – north of the site;  
151-157 Shirland Road – directly to the rear of the site.

#### Vertical Sky Component (VSC)

For daylight matters, 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. This method does not rely on internal calculations, which means that it is not necessary to gain access to affected properties. If the VSC is 27% or more, the Building Research Establishment (BRE) advises 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 should be interpreted flexibly depending on the circumstances. This is because expectations may be different in rural or suburban situations compared to a more densely developed urban context. The guidance acknowledges that although these values should be aimed for, it may be appropriate in some locations such as in urban areas to use more realistic values.

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

The guidance further goes on to state though that living room and kitchens need more light than say bedrooms, so flexibility should be given.

### **No Sky Line (NSL)**

The NSL method measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky. BRE guidance states that if the no-sky line is reduced by 20% this will be noticeable to its occupants. Accurate assessment of the NSL method is dependent upon knowing the actual room layouts or a reasonable understanding of the likely layouts. The applicant's daylight assessment has had regard to the layouts of the building, having records of the floor layouts of the building.

### **Annual Probable Sunlight Hours**

In terms of sunlight, the assessment measures the impact of overshadowing to all windows which face the application site within 90 degrees of due south. The BRE guidance advises that a room will appear reasonably sunlit if it received at least a quarter (25%) of annual probable sunlight hours including at least 5% of annual probable sunlight hours during the winter. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

### **Assessment**

#### **Cleveland Mansions**

##### **Daylight:**

The results of the VSC analysis show that six of the 17 windows relevant for assessment experience no noticeable change in VSC levels. The remaining 11 windows, all contained within the side elevation of the rear projection show retained VSC levels of between 0.2 and 0.7 times their former values. These windows serve:

No. 52 – Lower ground floor level – Living room/ kitchen/ diner – this is a dual aspect room served also by a window in the rear elevation.

No. 54 – Ground floor level – A bedroom and a living room/ kitchen/ diner, which is a dual aspect room served also by a window in the rear elevation.

No. 56 – First floor level – A bedroom and a living room/ kitchen/ diner, which is a single aspect room.

No. 58 – Second Floor – A bedroom and a living room/ kitchen/ diner, which is a single aspect room.

No. 60 – Third Floor - A bedroom and a living room/ kitchen/ diner which is a dual aspect room served also by a window in the rear elevation.

##### **Sunlight**

In line with the BRE criteria, all windows that face the proposal and are within 90 degrees of due south are fully compliant with the APSH targets as set out in the BRE guide.

#### **1-9 Essendine Road**

##### **Daylight:**

The results of the VSC assessment have shown that all of the 73 windows relevant for assessment retain levels of daylight in excess of the criteria given within the BRE guide. In addition, the results of the NSL analysis have shown that 58 of the 59 rooms assessed retain NSL levels in line with the BRE targets and the room which experiences a deviation from the BRE guidelines still experiences an alteration to NSL levels to within 0.7 times its existing level which is considered acceptable.

**Sunlight:**

In line with the BRE criteria, all windows that face the proposal and are within 90 degrees of due south are fully compliant with the APSH targets as set out in the BRE guide.

**Southwold Mansions****Daylight:**

The results of the VSC and NSL assessments have shown that all of the windows and rooms within this block retain levels of daylight in excess of the criteria given within the BRE guide.

**Sunlight:**

In line with the BRE criteria, all windows that face the proposal and are within 90 degrees of due south are fully compliant with the APSH targets as set out in the BRE guide.

**153-157 Shirland Road****Daylight**

The results of the VSC and NSL assessments have shown that all of the windows and rooms within these properties retain levels of daylight in excess of the criteria given within the BRE guide.

**Sunlight**

In line with the BRE criteria, all windows in these building face north and therefore their sunlight will not be impacted.

As a point to note one of the objectors residing in Shirland Road has questioned why their rooms to the front of the property, overlooking Shirland Road have not been assessed as these rooms, in the summer are dark, being significantly affected by the London Plane Trees. This then means that either they would have endure all rooms in their flats being dark, or move to the less darker rooms. The BRE Guide can only suggest that rooms likely to be affected by the development be assessed and as can be seen above, the proposals do not have a detrimental impact to the Shirland Road properties.

**11 Essendine Road:****Daylight:**

The results of the VSC and NSL assessments have shown that all of the windows and rooms within this property retain levels of daylight in excess of the criteria given within the BRE guide.

**Sunlight:**

In line with the BRE criteria, all windows that face the proposal and are within 90 degrees of due south are fully compliant with the APSH targets as set out in the BRE guide.

### **Conclusion**

There are a number of windows in Cleveland Mansions, which would be noticeably and negatively affected in terms of loss of daylight.

It is not considered that significant weight can be given to the loss of daylight to the 4 bedroom windows to Flats 54, 56, 58 and 60 and the BRE Guide does state bedrooms do not need as much daylight say compared to living room and kitchens.

Losses are proposed to dual aspect living room/ kitchen/ diner at Flats 54 and 60. Given that the windows in the main rear elevation of these rooms experience no losses it is considered that whilst the loss of daylight might be noticeable, that the room would still be sufficiently lit. Losses are also proposed to the living rooms/kitchen/ diners of Flats 56 and 58. These are single aspect flats served only by windows which are sited within the side elevation of the rear projection and overlooking the application site. Whilst the losses to these rooms are regrettable, it is on balance not considered reasonable to refuse the application based on the impact of the development to two rooms.

Whilst the losses of daylight described above would normally fail to accord with Policy S28 in the City Plan and ENV 13 within the UDP, these losses must then be considered in relation to the particular nature of this site and the merits of the proposed development.

As noted above, the BRE guidelines are intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location, expectations of natural light levels cannot be as great as development in rural and suburban locations. Many sites throughout central London have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation.

The scheme will provide much need housing in this part of the City, including six affordable housing units. In light of this, and in accordance with paragraph 14 of the NPPF, it is therefore clear that any daylight/sunlight impacts and height of the development will not “significantly or demonstrably” outweigh the social, environmental and economic benefits of the development and the proposals are considered to be acceptable and in accordance with policies ENV13 of the UDP and S29 of the UDP.

As a final point to note the BRE Guide suggests that in situations where affected properties are very close to the boundary with application site and where windows are largely dependent upon light received from across the development site, that alternative target values are used for daylight and sunlight, which can be calculated using Appendix F of the guide. Such alternative targets are set by using a ‘mirror image’ of the neighbouring property as the baseline value, which is then compared with the impact of the proposed development. The applicant has therefore carried out a further analysis of the proposed development which found that ten of the 17 windows will retain at least 0.8 times their former value and experience immaterial changes in daylight levels beyond that of the mirrored building.

An objection to this method has been received from the Rights to Light Consulting firm representing the residents of the surrounding area. Whilst officers have assessed the application via the normal methods, as discussed above and consider that on balance the proposals are acceptable in daylighting terms, the applicant has asked that the results be reported. The NSL assessment shows that 11 of the 15 rooms will experience immaterial changes. Of the 7 windows that fall below BRE targets, 5 of the windows serve living/kitchen/ diners that are dual aspect, lit by at least one other additional window and these still achieve either 0.6 or 0.7 times its former values. The remaining two windows serve living room/ kitchen/ diner windows at first floor (No. 56) and second floor (No.58) and these retain 0.7 times its former values. These losses show only a minor deviation from the guidance and would not justify a refusal of the application.

### **Sense of Enclosure**

The bulk and massing of the proposed building is very similar to the bulk and massing of the adjacent mansion blocks in Widley Road in that the building comprises a main building with rear projections. The adjacent mansion blocks incorporate a pattern and rhythm of recessed areas creating lightwells whereas the proposed building has a rear projection, which whilst measuring the same depth as the adjacent mansion blocks, is only set in from the boundary and flank elevations i.e. there is no central recess.

The main/ front part of the building abuts Cleveland Mansions adjacent and is some 13.5m away from the rear elevations of No. 5 & 7 Essendine Road. This whole side elevation of the building is recessed off the boundary with No's 5 & 7 Essendine Road as there are two TPO lime trees in the rear of 7 Essendine Road, which require protection and this has been amended during the course of the application. At basement, lower ground and ground floor level the rear projection of the site is full width, reaching up to the boundary with Cleveland Mansions and the properties on Essendine Road. From first floor to fifth floor level the rear projection which measures 7.95m in depth (the same as the adjacent mansion blocks) is set back from the boundary with Cleveland Mansions by 1m and from the side elevation of the rear projection of Cleveland Mansions by 2.5m and from the rear elevations of No's 3 and 5 Essendine Road properties of 14.5m- 15m. At roof level, a mansard is proposed with sloping roofs, recessed behind the parapet wall. The front part of the proposed roof is the same height as the roof heights of the adjacent mansions block. The mansard roof then extends over the rear projection, unlike the adjacent mansions blocks.

The rear elevation of the building is some 19m away from the rear elevations of the properties to the rear in Shirland Road.

No's 52, 54 and 56 Cleveland Mansions are sited at lower ground, ground and first floor and currently overlook the existing garage building which is two storey's plus roof level. It is therefore considered that whilst the new building will of course be noticeable and it will be slightly closer than the existing garage building, that the impact upon enclosure and outlook is not considered harmful. The most affected neighbours will be those residing in the 58 and 60 Cleveland Mansions, which are at second floor and top floor. These residents currently experience a very open outlook across the roof of the existing garage and this will be lost. The relationship of the application site building to these properties is considered to result in the same relationship of other flats eastwards in

Cleveland Mansions, which is deemed acceptable, and therefore the proposals are considered, on balance, acceptable in terms of enclosure and outlook.

1-7 Essendine Road is primarily made up of lower ground, ground, first and second floor flats. In terms of the impact to the lower ground and ground floor flats of these properties, it is not considered that, given the height of the existing garage that the proposed replacement building would substantially alter the outlook over what currently exists. In terms of the relationship to the first and second floor flats, whilst again the outlook would be significantly different to what the residents currently enjoy, given the distances between these properties and the proposed residential building, with its set backs, the proposals are not considered to result in a substantial feeling of sense of enclosure, to warrant refusal.

The relationship of the proposed building to the most affected neighbours in Shirland Road (No's 151-157) is the same relationship that No's 127-149 currently experience facing Cleveland Mansion in Widley Road. The Shirland Road properties currently look toward the rear of the garage site which is two storey plus roof level, built right up to the boundary. Whilst the proposed building will be some three storey's taller than the existing garage, given the depth of the proposed building, less than the existing garage building, it is not considered that these residents would experience such a sense of enclosure or loss of outlook to warrant refusal.

The proposed new building is some 26m opposite Southwold Mansions, north of the site. Whilst the new building would be substantially noticeable from those flats with windows to the front elevation, because of the distances involved, it is not considered to result in a material increase in enclosure.

### **Privacy**

The most affected properties through the insertion of windows in the new residential development are those facing the application site in Cleveland Mansions and those within the flats in Essendine Road. It is not considered that the windows proposed to the front and rear of the application site building, whilst a significant number, would result in such harmful overlooking to the properties in Southwold Mansions or Shirland Road to warrant refusal. It must be remembered that this new relationship would only seek to replicate that of the existing Cleveland Mansions to Southwold Mansions and Shirland Road properties.

The new windows in the side elevation of the rear projection facing Cleveland Mansions serve kitchens (at first, second, fourth and fifth floor and an ensuite at third floor). Given their close proximity to the windows in Cleveland Mansions at just over 3m (which as noted above serve a variety of rooms ranging from bedrooms in the rear elevation and bathrooms and kitchen/ dining areas in the side elevation, depending on what flat you're in), it is considered necessary to condition that these windows are obscure glazed so as to prevent any overlooking.

The scheme has been amended since it was originally submitted and the windows in the western flank elevation (facing Essendine Road) have now been omitted from the scheme and replaced with blind windows, so as to add some visual interest to this façade. There are windows facing the Essendine Road properties in the side elevation of the rear projection serving kitchens (at first, second and fourth floor), an ensuite at



third floor and a living area at fifth floor level. The kitchen windows at first, second and fourth floor level are secondary windows to kitchen/living and dining areas, with the main windows in the rear elevation. In order to restrict any overlooking to Essendine Road, it is considered that these windows should be obscure glazed and this is to be secured by condition. It is not considered that obscuring these windows would be detrimental to the standard of living accommodation in the new development. The ensuite at third floor level is likely to be an obscured window by its very nature, however this again is to be secured by condition. The living room at fifth floor level is not considered to be result in any detrimental overlooking to residents in Essendine Road as it is higher than those properties and any views afforded into these properties would be so oblique so as to not be harmful.

Terraces and courtyards are proposed at basement (to the front of the building) , lower ground floor and ground floor level (to the rear of the building. The courtyards to the front elevation are set substantially below pavement level and will not result in any overlooking. Given the rear terraces and courtyards will be enclosed by the boundary walls, these are not considered to result in any detrimental overlooking to the residents of Shirland Road or Essendine Road.

Two terraces are proposed at first floor level to the flank sides of the rear projections. These are relatively small and are to be accessed from bedrooms. The drawings show a screen to be sited around these terraces to reduce the impact of overlooking and subject to conditions securing the finer details of the screens, these terraces are considered acceptable in amenity terms.

#### **Noise from full height windows, terraces and courtyards**

It is not considered that noise created from full height openable windows, whilst not the typical fenestration pattern on Widley Road would be so substantial or harmful given the residential nature of the development. It is also not considered that a number of residents using the terraces/ courtyards would be detrimental to the amenity of neighbouring properties, over and above say of a 'normal' garden useage.

#### **Noise from Plant and Machinery**

The development requires a number of pieces of plant/ machinery equipment including the car lift, an internal passenger lift and basement plant equipment. The basement car lift equipment and basement plant equipment are to be ventilated to the front of the property within the forecourts and to the rear of the site at lower ground floor level. Environmental Health officers have assessed the acoustic report submitted with the application and have no objections to the proposals on noise nuisance grounds, subject to conditions. The proposals are therefore not considered to harm the amenity of neighbouring properties.

#### **Impact of Proposed Residential Accommodation**

It is not considered that the redevelopment of the site for residential purposes would result in any harmful amenity considerations to neighbours in terms of noise from future residents coming and going. The site is within an established residential street and the introduction of twenty three residential units is unlikely to further increase this harm.

The proposals are considered to accord with S29 of the City Plan and ENV13 of the UDP.

## 8.4 Transportation/Parking

The proposals have been revised during the course of the application. The final scheme now seeks to provide 12 car parking spaces (originally proposed at 10 spaces) at basement level accessed via a car lift off street level; cycle parking at basement level and highways alterations to remove the redundant crossovers associated with the garage to provide 3 additional on street car parking spaces.

### 8.4.1 Car Parking

Twelve off street car parking spaces in the newly excavated basement are proposed for the 23 residential units.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The addition of even one additional residential unit is likely to have a significantly adverse impact on parking levels in the area and this may lead to a reduction in road safety and operation.

The evidence of the Council's most recent night time parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 91%. TRANS23 includes all legal parking spaces (eg Single Yellow Line, Metered Bays, P&D, Shared Use). With the addition of Single Yellow Line availability, the stress level reduces to 90%.

The evidence of the Council's most recent daytime parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 70%. TRANS23 includes all legal parking spaces. During the daytime within the area, the only legal on-street spaces for permit holders are Residential Bays and Shared Use Bays. While currently below the stress threshold, the Highways Planning Manager advises that 7 additional vehicles would increase the stress level over the 80% stress threshold during the daytime period.

It is acknowledged that the site has a high level of public transport accessibility, however it is important to note that households within the Maida Vale Ward with 1 or more cars is 44% (2011 Census figures). This indicates that residents in the area do own cars, along with the fact that during the day Residential Bays have a high level of occupancy.

The worst-case scenario would be 11 residential units without access to a car parking space, if each unit were limited to 1 car parking space each. 11 residential units would be expected to generate a maximum of 5 vehicles according to the Highways Planning Manager. Therefore, 5 extra vehicles on-street would further add to the existing night time stress levels (which are already above the 80% threshold).

For these reasons the Highways Planning Manager considers that the shortfall in parking of 11 spaces is not consistent with TRANS23 and will add to existing on-street parking stress overall.

In order to address these concerns, the applicant has proposed that the creation of three additional on-street car parking along the frontage of the site as a result of highways

works to remove the redundant crossovers that were associated with the garage. The highways planning manager considers that while this is welcomed to alleviate on street stress levels, it should not be used to off-set increased on-street parking stress created by new residential units.

The applicant has also offered lifetime car club membership for each residential unit as further mitigation, however again the Highways Planning Manager does not considered this sufficient enough to remove the overall objection to the scheme.

Whilst the concerns of the Highways Planning Manager and the objections rased by residents on parking grounds are noted, officers consider that the provision of 12 on site carparking spaces; an additional 3 on street car parking spaces and lifetime car club membership for all flats is a reasonable offer. To provide additional car parking spaces for the scheme proposed, further excavation would be required which would not only impact neighbours in terms of prolonged construction periods but could also impact upon the viability of the scheme which then could have a knock on impact to the provision of affordable housing on site.

The provision of the parking, car club membership and highways alterations to facilitate the creation of 3 on street parking spaces are to be secured by condition and legal agreement. A number of objections have requested that any future residents of the development are not entitles to apply for resident permits. This is considered unreasonable and not something generally that the City Council entertains.

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

The London Plan requires at least 20% active provision of EV points and 20% provision of passive EV points. Whilst no EV points are indicated on the submitted drawings, it is recommended that these be secured by condition.

#### **8.4.3 Cycle Parking**

The London Plan Policy 6.9 requires 1 space per 1 bedroom unit and 2 spaces for all other dwellings. The proposal would therefore require 39 (7 1 bed units and 16 2-plus units) cycle parking spaces. 39 cycle parking spaces are indicated within the basement. This provision is welcomed and to be secured by condition.

#### **8.4.4 Car Park – Access, Lifts and Layout**

The basement car parking is accessed via a car lift. While the lift is set back significantly back from the highway (one car space) the Highways Planning Manager considers that there is not enough off-street waiting space for a vehicle, if the car lift is already in use when a second vehicle arrives.

Given the size of the development, and even if the carparking facility was used to full capacity, it is unlikely that the carpark and lift would be required to be used by more than one car at one time. Widley Road is a wide road and should a car be required to wait on the street for say a period of 2 minutes (although they should be able to wait in the car entrance driveway whilst the lift was in use) it is not considered that this arrangement would be so harmful to warrant refusal.

Details of the management and maintenance of the car lift are to be secured by legal agreement.

## 8.5 Economic Considerations

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

## 8.6 Access

All the residential units are accessible from street level and internally within the building. Two of the car parking spaces are disabled spaces

## 8.7 Other UDP/Westminster Policy Considerations

### 8.7.1 Refuse /Recycling:

Objections have been received on the grounds of the impact that an additional 23 residential units will have upon refuse collection in the area. The application originally proposed refuse areas at basement level which would then be brought up to street level on refuse collection days, and it is unclear as to whether objectors had seen this on the submitted plans. This in any event was considered unacceptable and the refuse areas are now proposed to the front courtyard of the application site in the form of Eurobins, enclosed behind a timber screen, and again will be collected by City Council refuse collectors twice a week, as per the existing arrangements. Whilst the principle of these enclosures are acceptable, an objection is raised from the cleansing manager as these are not marked or allocated for 'refuse' and 'recycling'. This is therefore to be conditioned.

### 8.7.2 Trees:

The matter of trees has been discussed at length with the applicant during the course of the applications and the amendments made to the proposals have been to take into consideration the implications of the basement excavation and the proposed side elevation building line on the lime trees at 7a Essendine Road and the street trees, a Birch Tree to the front elevation.

Two objections have been received on the grounds that a Californian Lilac in the rear of a Shirland Road and two holly bushes in the garden flat of an Essendine Road have not been specifically referred to in the arboricultural report submitted with this application. These plants are not considered to be trees and are therefore not protected as such. It would be considered unreasonable of the applicant to have to address the impact of the development upon these plants and this is considered to be a private matter.

### Lime trees at 7a Essendine Road

The trees are mature specimens which are protected by a Tree Preservation Order P5 made in 1957. They appear to be in good health and have long life expectancies and are clearly visible from Widley Road and from surrounding gardens. They form a valuable screen.

Subject to adequate tree protection and construction and operational measures, it should be possible, with care, to protect these trees without significant detriment to their health or amenity value. Conditions are therefore suggested requiring the applicant to address how the boundary wall adjacent to the trees will be supported and retained for

the duration of the development, and how excavation will take place in order construct the proposed basement wall.

### **Birch tree (street tree)**

One root of the Birch Tree, 50mm in diameter is reported as exploiting the current garage forecourt which it is intended to sever to accommodate the piling line on the front boundary. The tree is currently healthy and vigorous, and the arboricultural officers considers that it will tolerate a degree of root severance, and will be able to adapt to a changed rooting environment better than more mature trees are able.

The canopy of the birch tree will need to be cut back where it overhangs the site which will be harmful to its appearance, but not to a degree where the arboricultural officer would consider its severity so harmful to warrant refusal.

### **Landscaping**

The arboricultural officers considers that the landscaping to the front elevation is primarily excavated to create lower ground floor courtyards will appear stark and uncompromisingly hard, despite the applicants attempts to 'soften' this area. Given the front elevations of the mansion blocks on Widley Road are primarily hard landscaped with some soft landscaping (albeit not excavated to basement level), it is not considered that the proposed landscaping measures are so harmful to warrant refusal.

The proposed landscaping will be a significant improvement over the forecourt of the existing garage. The arboricultural officer also considers that the landscaping proposed at the rear is also unacceptable with the space for soft landscaping is limited and divided, and because of the large amount of hard surface and raised planters and vents, it will appear hard and built up. Again, there is currently no landscaping to the rear to the rear of the building with the existing garage building occupying the whole of the site, and therefore the proposals are considered by officers to be an improvement and welcomed and will be secured by condition.

### **8.7.3 Biodiversity**

An objection has been received on the grounds that the development will affect bats in the area.

City Plan policy S37 'Biodiversity and Green Infrastructure' states that biodiversity and green infrastructure will be protected and enhanced throughout Westminster and opportunities to extend and create new wildlife habitat as part of development will be maximised. Proposals within Areas of Wildlife Deficiency should include features to enhance biodiversity, particularly for priority species and habitat. Where developments would impact on species or habitat, the potential harm should firstly be avoided, secondly be mitigated, or finally appropriate compensation will be sought. Where harm cannot be prevented, sufficiently mitigated against or adequately compensated for, permission will be refused.

UDP Policy ENV17(a) 'Nature Conservation and Biodiversity' seeks to protect habitats of protected species and sites of nature conservation, and encourages measures to conserve and enhance areas of wildlife value. ENV17(d) 'nature conservation and biodiversity' requires that developers demonstrate that their proposals either preserve or enhance protected habitats and species.

The application site is not far from the Local Site of Nature Conservation Importance (SNCI) covering Paddington Recreation Ground, where 3 species of bat have been recorded.

The applicant has not submitted an ecological assessment with the application given the nature of the development; that the site does not contain any trees where bats would reside and its distance from the recreation grounds and this is accepted. Bats are protected by law and should permission be granted for the development the developer will have to abide

### **8.8 London Plan**

This application raises no strategic issues and is not referable to the London Mayor.

### **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 makes it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, if the obligation does not meet all of the following three tests:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

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

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

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

- a) Provision of affordable housing in the form of 6 units (intermediate housing units);
- b) Not to occupy the private market housing until the affordable housing units are available for occupation.

- c) Highways works to facilitate the proposed development and including vehicular crossovers and the provision of 3 additional on street car parking spaces, reinstatement of redundant crossovers and paving.
- d) Car park strategy including all car parking spaces provided for the development itself and on an unallocated basis.
- e) Lifetime Car club membership for all units in the development.
- f) Maintenance/ management Strategy of Car Lift
- g) Monitoring costs.

### **Community Infrastructure Levy**

The application s CIL liable. Revisions to the floor areas have recently been received which have impacted the calculations. The total estimated CIL payable will be reported at a later date. Please note that these figures are subject to Affordable Housing relief which needs to be applied and it is not given automatically.

## **8.11 Environmental Impact Assessment**

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

## **8.12 Other Issues**

### **8.12.1 Basement Excavation**

Policy CM28.1 relates to all basement development in the City.

Objections have been received to the scheme on the grounds of potential subsidence to Cleveland Mansions and Essendine Road properties as a result of the development and the basement works and that the developer should be forced to employ an independent chartered surveyor to assess their properties. The applicant has submitted a detailed structural methodology statement which has been assessed by the City Council's District Surveyors who consider this to be acceptable. Further matters of structural stability/ subsidence etc are a matter to be dealt with at a later date through Building Regulations. It is not considered reasonable to request the developer to pay for an independent assessor and this is a private matter between the residents and the developer. The applicant has also submitted the required draft signed proforma Appendix A which demonstrates that the applicant will comply with the relevant parts of the council's Code of Construction Practice in order to minimise the impact of any development upon the amenity of neighbouring properties. An objection has been received on the grounds that the construction works would increase pollution, harmful to the school children of Essendine School. This would be assessed under the Code of Construction Practice.

The site lies within a flooding 'hotspot' and the flooding details submitted to show mitigation of this have been reviewed by the District Surveyors who raise no objections. Thames Water and the Environment Agency were consulted on the proposals and Thames Water had no objections to the proposals and the Environment Agency made no comments. The proposals are considered to comply with Part A of the policy.

The proposals as discussed are unlikely to impact upon the Lime and Birch Trees. Drainage and SUDS information has been provided with the application and the District

Surveyor has raised no adverse comments to this. As discussed in the design section of this report, the proposed basement works incorporates lightwells to the front and rear. a rooflight to the front forecourt. These are considered to be well designed and appropriate to the conservation area. The proposals are therefore considered to comply with Part B of the policy.

Regarding Part C of the policy and as set out in the drawings, the proposed basement is primarily single storey however does, as a result of the existing site levels pose an area toward the front of the building that could be considered as the depth of two storeys given its height, although it only has a useable space of one storey. It is not considered that this minor deviation from policy, in the context of the overall basement excavation proposed is refusible.

With respect to soil depths above basements the proposal is does not meet the aims of the policy which requires no less than 1.2 m of build up to accommodate no less than 1m of soil above basements to support an adequate landscaped setting. Given the site has no landscaping at present and is currently covered by the existing garage footprint and that a condition to secure appropriate landscaping has already been recommended, it is not considered that the application could be reasonably be refused on this basis.

Part D of the policy is not relevant.

#### **8.12.2 Construction Impact**

Objections have been received from neighbouring properties regarding the impact of construction, including dust, noise

Planning permission cannot reasonably be withheld on grounds of construction impact and the conditions recommended in the following paragraph would adequately mitigate the impact of the proposed development on the amenity of neighbouring residents in terms of noise and disruption from construction works. As noted above the applicant has agreed to enter in a Code of Construction Practice which seeks to ensure that any works are carried out with as minimal impact as possible.

To seek to minimise disruption to neighbouring residents it is recommended that a condition is imposed to restrict the hours of building works to Monday to Friday 08.00-18.00 and Saturdays 08.00-13.00. No works are allowed on Saturday afternoon, Sundays or Bank Holidays.

#### **8.12.3 Other**

The issues raised by the objectors have been largely addressed above. The following is also noted:

##### **Lack of Consultation by the City Council**

Objections have been received on the grounds of lack of consultation of the development by the City Council. As can be seen in the 'consultation' section of this report, significant consultation has been undertaken, including letters to all affected residents and multiple site notices. The City Council has undertaken its statutory duties in this regard.

##### **Lack of Consultation by the Applicant**



Objections have been received on the grounds of poor consultation by the applicant. Apparently there were two rounds of consultation in the form of 'open sessions', however it appears that not all affected neighbours were invited. Whilst the City Council actively encourages community engagement, this is not a reason to withhold permission.

#### **Loss of property values**

Objections have been received on the grounds that their property values would be diminished as a result of the construction works and should the development get built and its impact upon William Court. Property values are not a material planning consideration in the determination of this application.

#### **Loss of views**

An objections has been received on the grounds that the view of the Trellick Tower would be lost. Whilst the issue of visual amenity is an important one, and addressed above, 'views' cannot be protected and this is not a reason for refusal.

#### **Overdevelopment**

The matter of 'too much development' again is not a reason for refusal. Each application is to be assessed on its own merits and against local and national policy.

#### **Setting a Precedent**

Whilst a significant concern to many (particularly in regards to the basement works), the matter of a development setting a precedent is not a material planning consideration and each application has to be assessed on its own merits.

#### **Profit from Development**

The City Council cannot refuse to assess an application on behalf of a developer or refuse an application because a developer may receive a profit on the proposals. Each application has to be assessed on its merits.

#### **Rights of Light**

An objection has been received on the grounds that 'rights have light' should be tested at application site. Rights of Light are different to the impact upon daylight and sunlight, which can be taken into consideration at application site, and the assessment of rights to light is a private matter.

#### **Cumulative Impact of Development Works**

Whilst officers can sympathise with residents when multiple developments are occurring at the same time, it is not considered reasonable to refuse permission on this basis.

#### **Impact upon local services**

Objections have been received on the grounds that more residential properties impact upon school placements, and in this instance at Essendine School. This is a matter for the Education Department and not reason to refuse an application.

#### **Dog Fouling**

An objection has been received on the grounds that more residential development, equals more people with dogs and therefore an increase in dog fouling which is already an issue in the area. This is not a material planning consideration.

**Access**

A number of objections have been raised, mainly from residents in Essendine Road on the grounds that access may be needed from their property and scaffolding erected in their gardens whilst works take place. This would be a private matter between the applicant and the relevant neighbours.

**Property Damage**

An objection has been received on the grounds that a trellis has been damaged at 9 Essendine Road and likely to be at the fault of the developer. This is a private matter between this resident and the application.

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

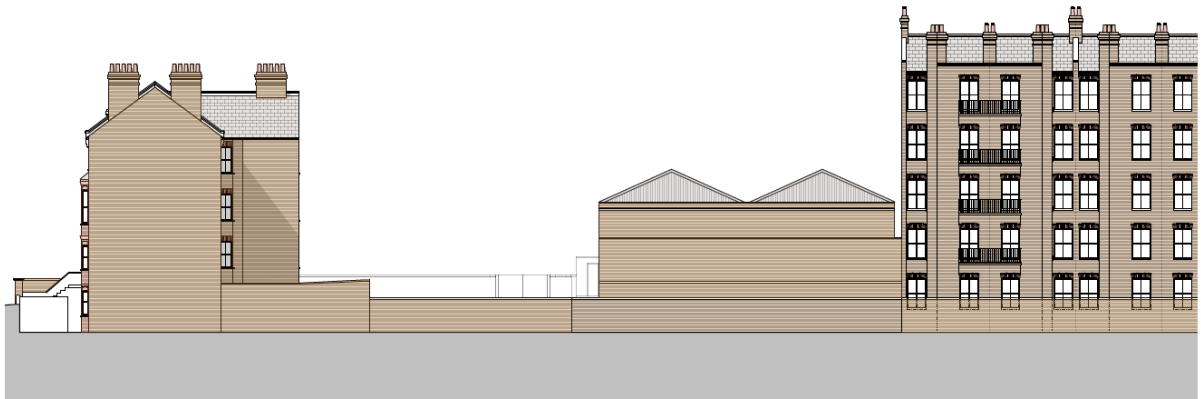
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT [kdavies1@westminster.gov.uk](mailto:kdavies1@westminster.gov.uk)

9. KEY DRAWINGS

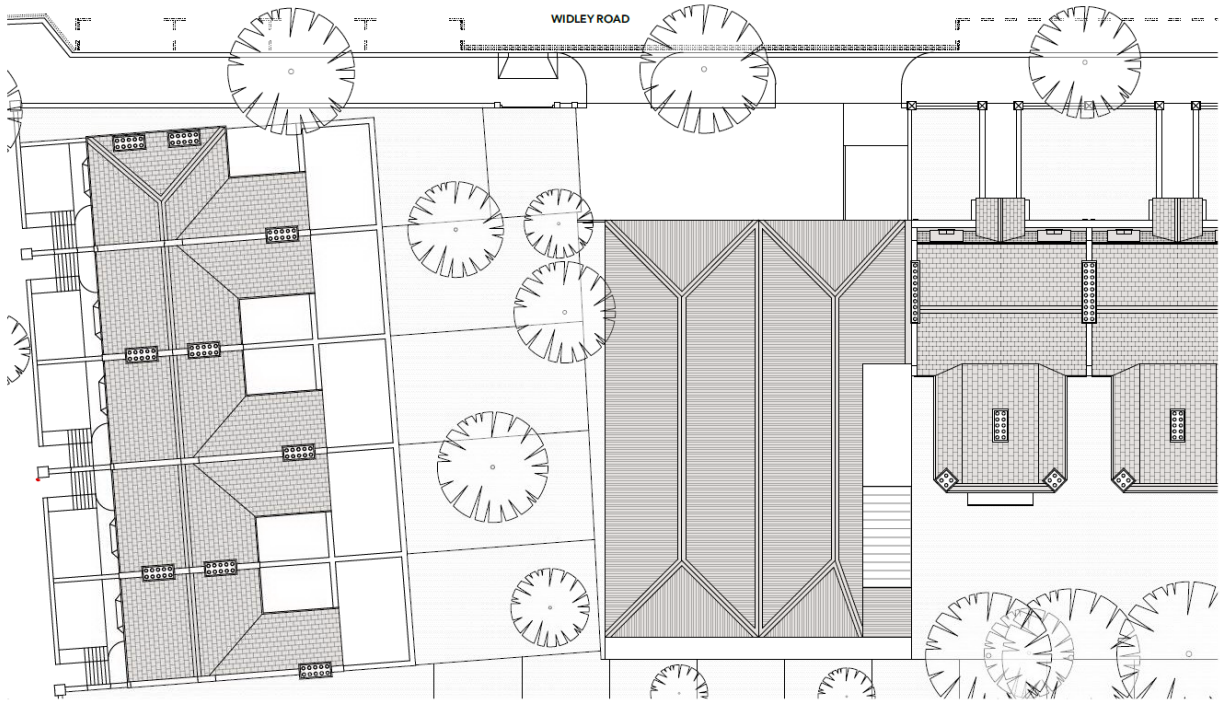
Existing Front Elevation



Existing Rear Elevation

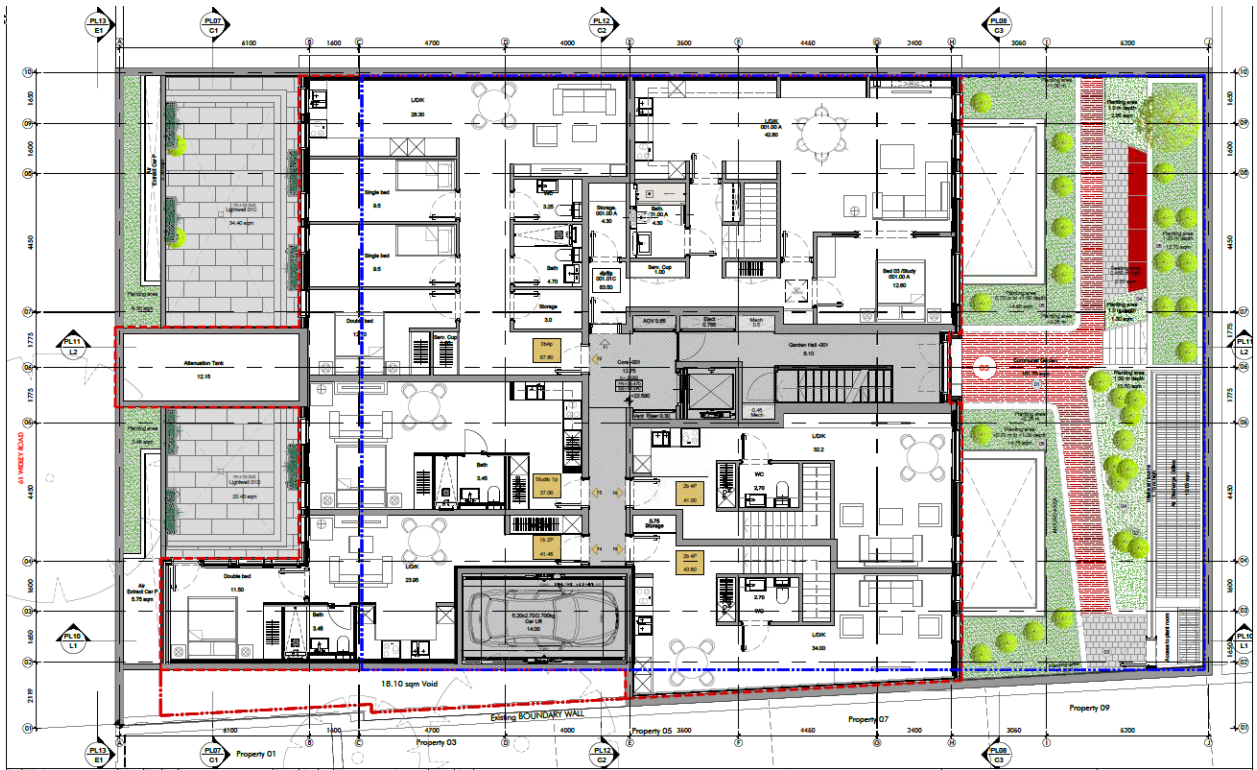


Existing Site and Context Plan

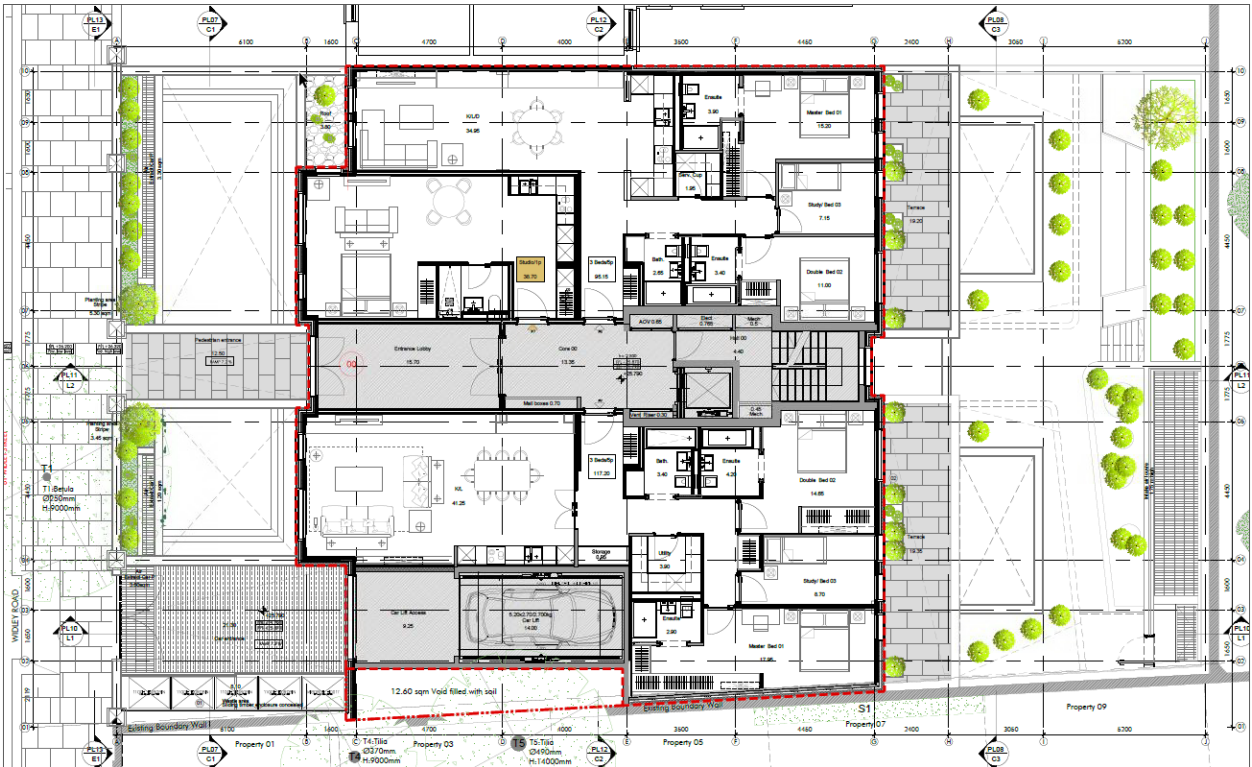




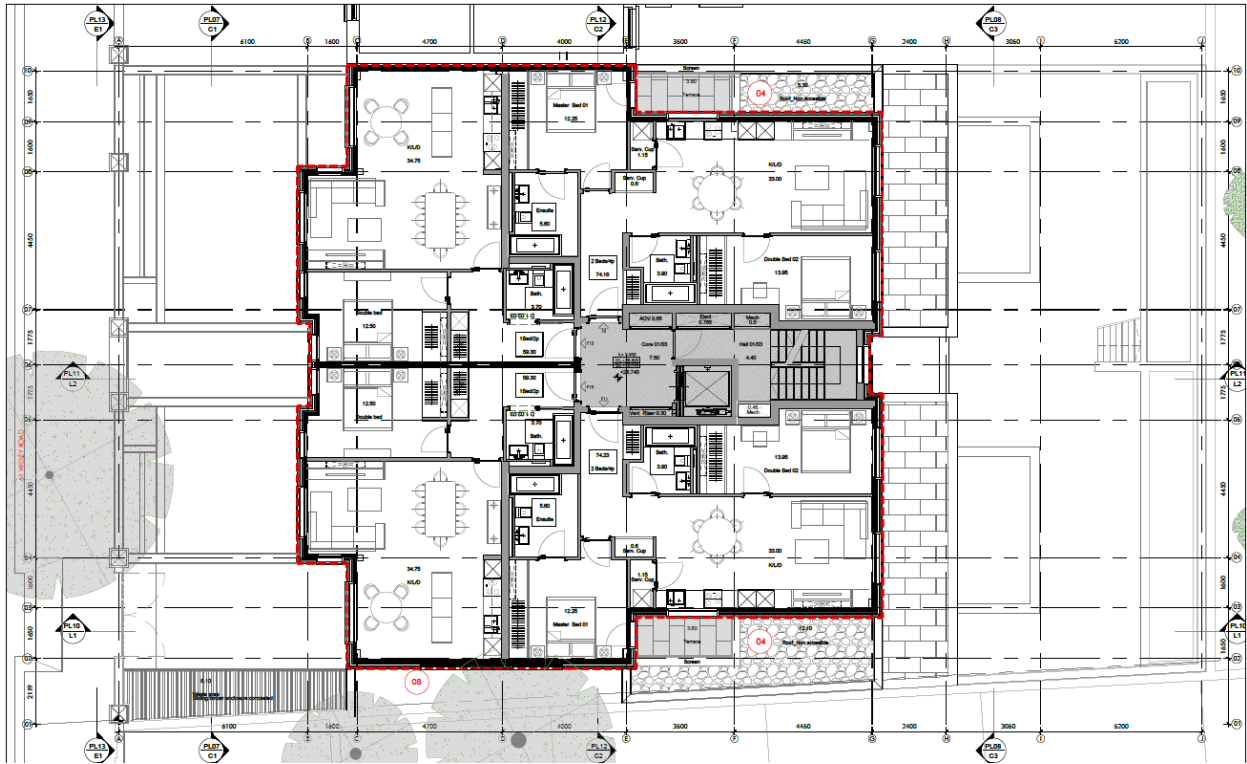
### Proposed Lower Ground Floor Plan



### Proposed Ground Floor Plan

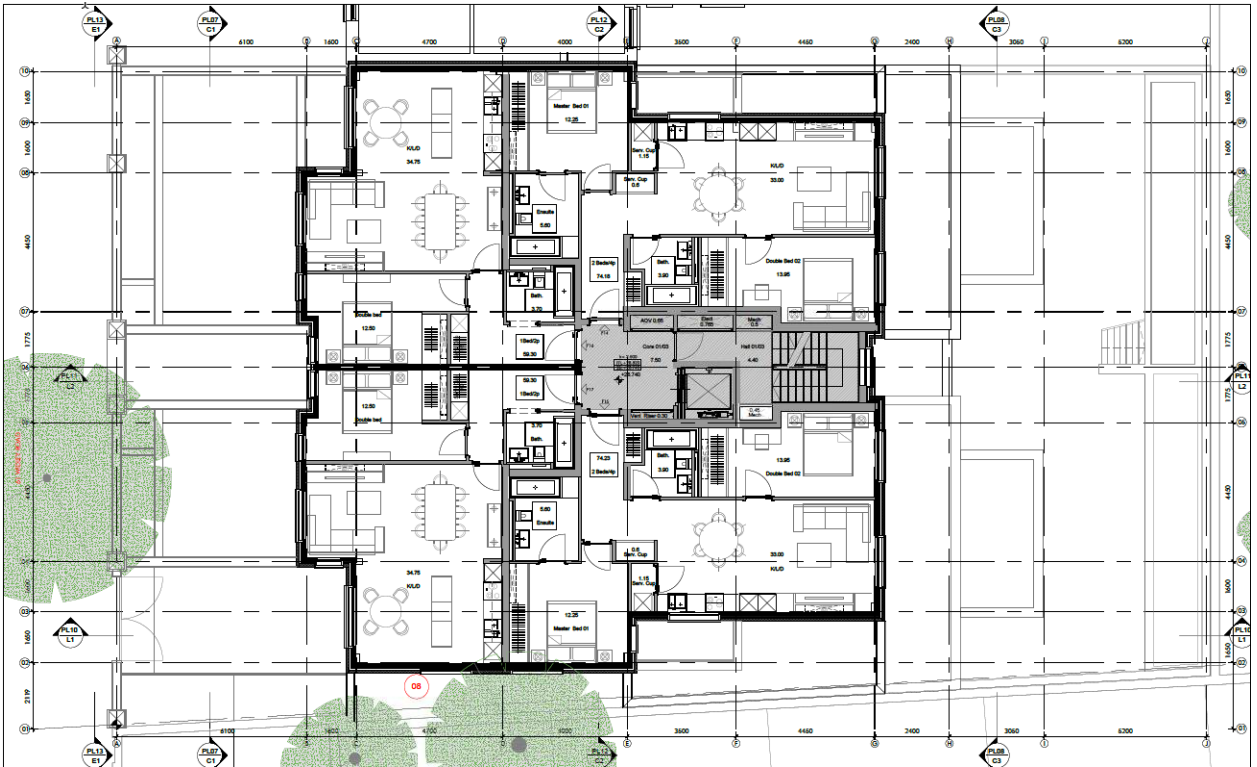


### Proposed First Floor Plan

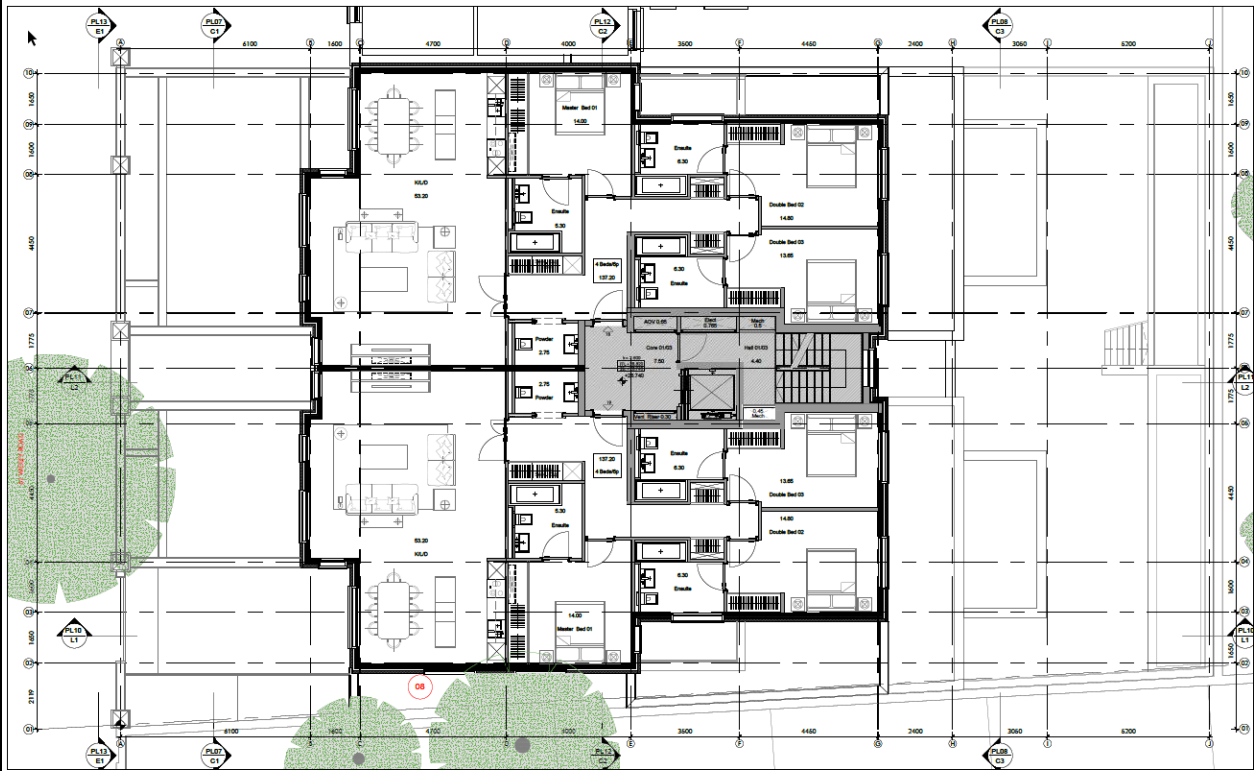




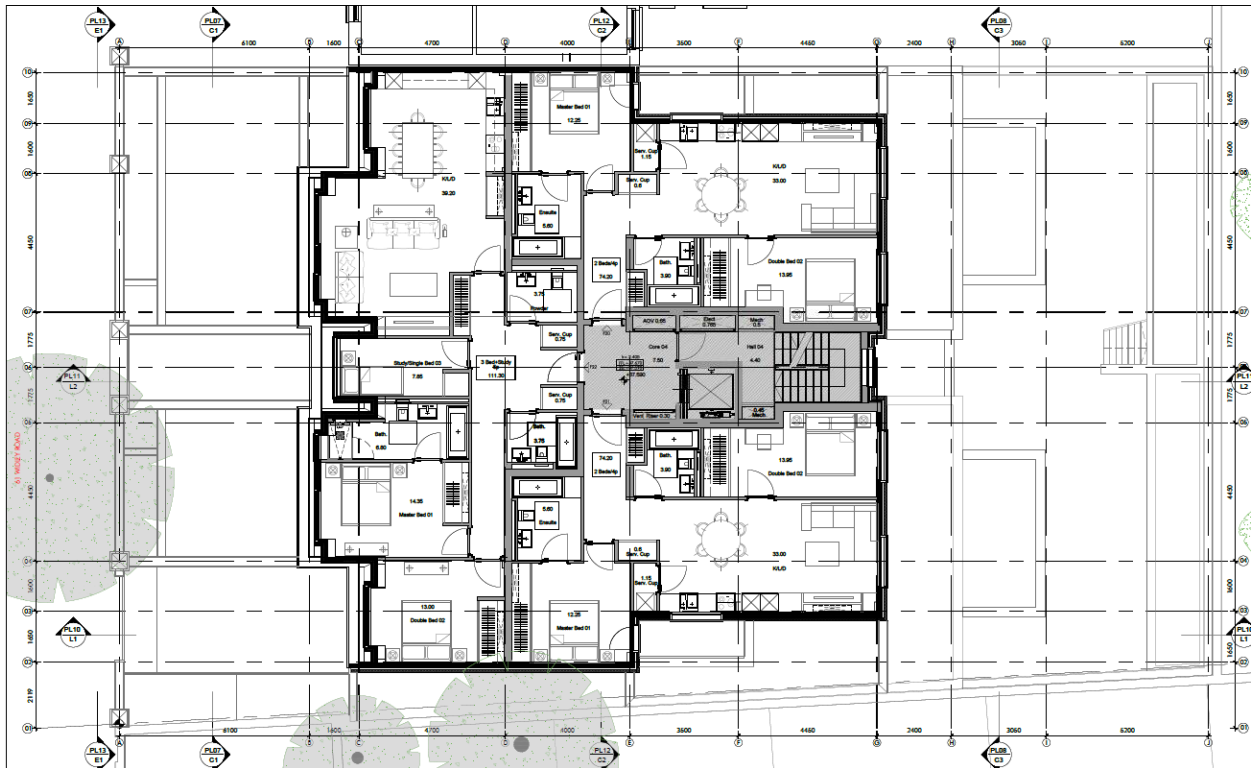
### Proposed Second Floor Plan



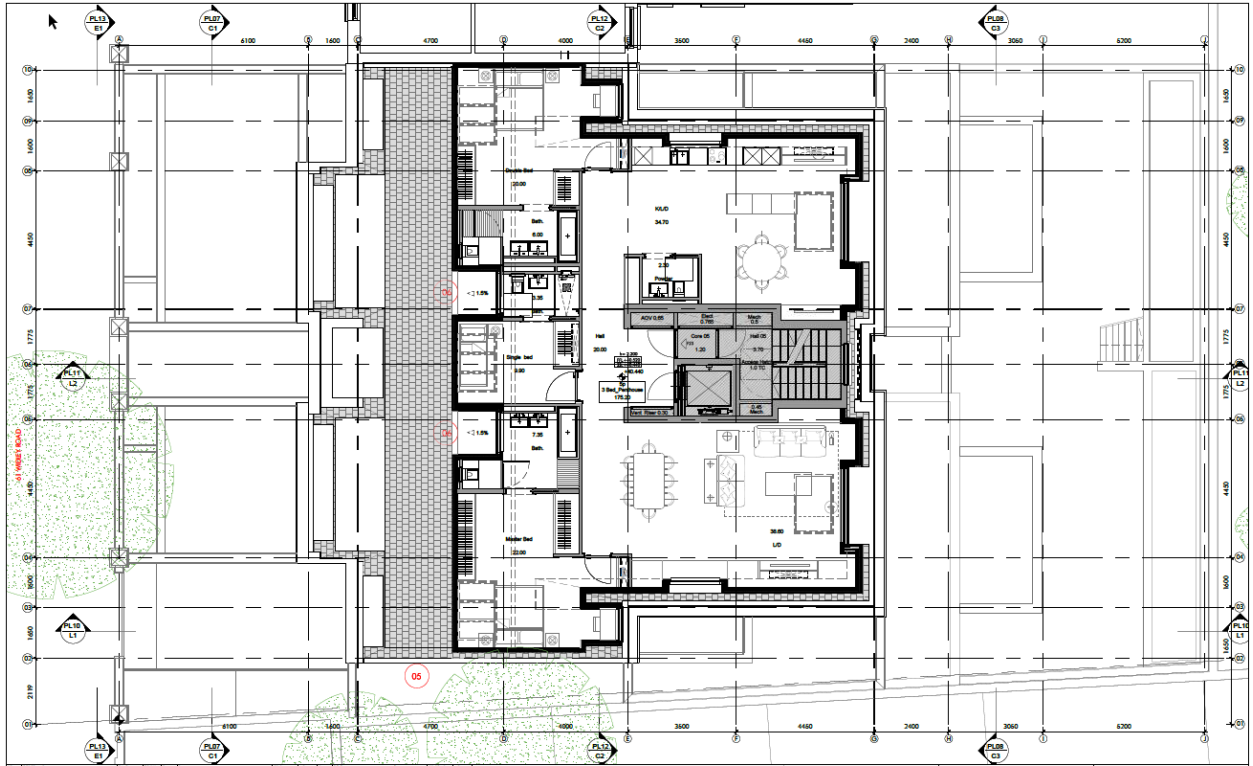
**Proposed Third Floor Plan**



### Proposed Fourth Floor Plan



### Proposed Fifth Floor Plan



### Proposed Front Elevation



**Proposed Front Elevation in Context**



### Proposed Rear Elevation

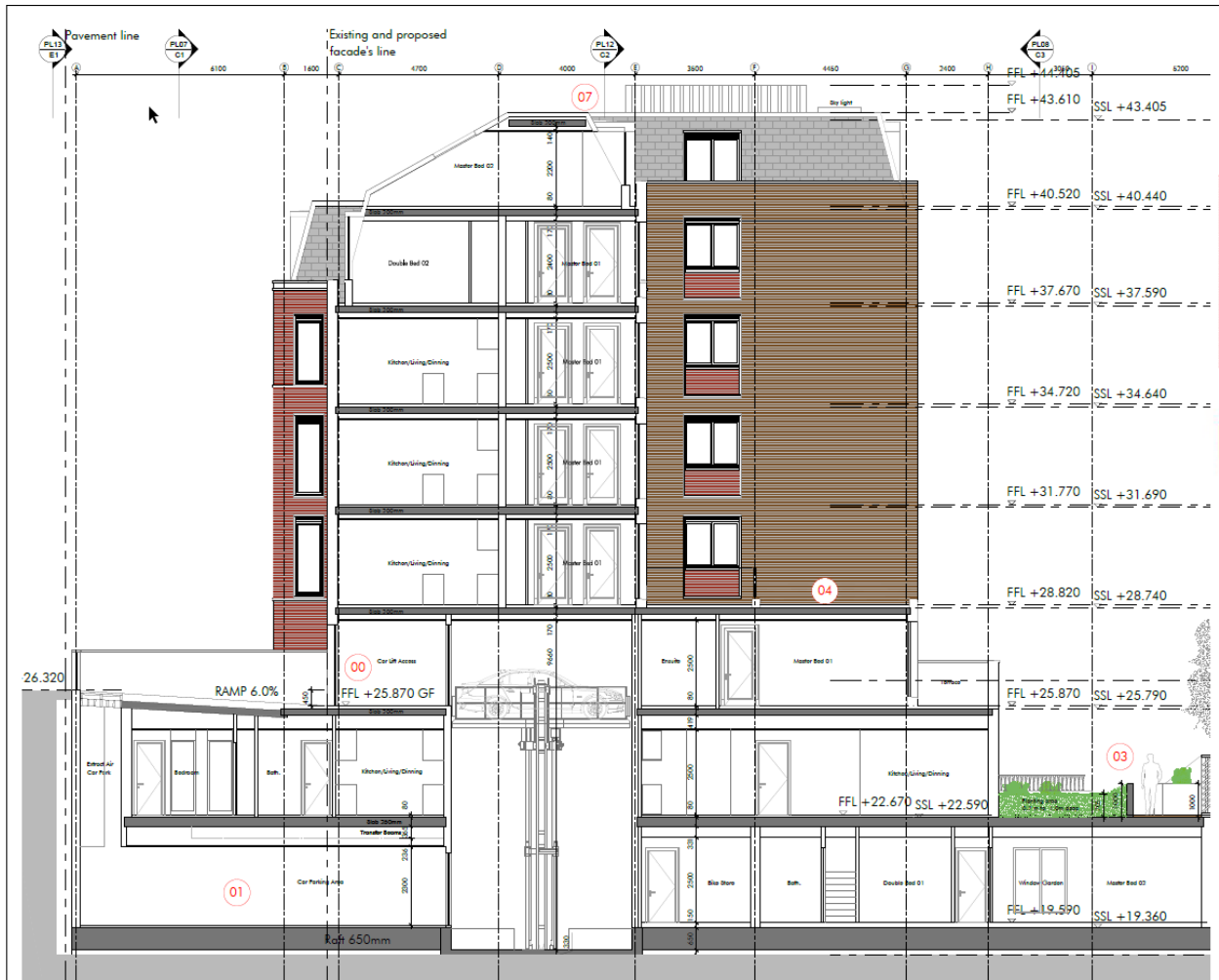


**Proposed Rear Elevation showing courtyards and in context with Cleveland Mansions**





### Proposed Section





**Proposed Front Elevation Visual**



**Proposed Rear Elevation Visual**



**DRAFT DECISION LETTER**

**Address:** Widley Road Garage , Widley Road, London, W9 2LD

**Proposal:** Demolition of existing building; excavation to create additional basement storey; erection of a residential (Class C3) building arranged over basement, lower ground, ground and five upper storeys to provide up to 23no. residential dwellings; provision of external amenity space, associated on-site car parking and cycle parking facilities, landscaping works and other associated works.

**Plan Nos:** Existing Drawings: PL01.01; PL01.02; PL01.03; PL01.04; PL01.09; PL01.10; PL01.11; Proposed Drawings: PL002 K; PL-001 K; PL00 K; PL01 L; PL02 L; PL03 L ;PL04 K; PL05 K; PL06 K; PL07 L; PL07A L; PL08 L; PL08A L; PL09 M; PL09A M; PL10 K; PL11 L; PL12 L; PL13 K; PL13A K; Design and Access Statement dated August 2017; Design and Access Statement Addendum dated February 2018; Heriatge Statement Addendum dated August 2017; Air Quality Neutral Report dated 7 September 2017; Daylight and Sunlight Assessment dated 18 September 2017; Desktop Contamination Assessment; Energy Statement dated 29 August 2017; Flood Risk Assessment dated August 2017 Rev B; Noise Report dated 4 September 2017; Transport Statement V2 dated 24 August 2017; Arboricultural Impact Assessment dated 17 May 2018 including drawings: EX01 TS D; EX03TS D; EX05 TS F; EX06 TS E; For Information Only: Strucutral Methodology Statement Rev B; Draft Construction Management Plan dated 24 April 2017.

**Case Officer:** Kimberley Davies

**Direct Tel. No.** 020 7641 5939

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

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

Reason:

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

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

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

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

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

## Reason:

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

- 3 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)

- 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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

## Reason:

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

- 6 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 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)

- 7 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the terrace except those shown on the approved drawings. (C26NA)

## Reason:

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

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

## Reason:

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

- 9 The terraces at first floor level must only extend as far as shown on drawings PL01 L. You can however use the remainder of the roof to escape in an emergency. (C21AA)

## 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)

- 10 You must apply to us for details of the approved privacy screens to the first floor terraces. You must not use the terraces until we have approved what you have sent and you have installed the screens.

## 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)

- 11 The windows in the side elevations of the rear projection, at all levels shall be obscure glazed and be retained in that condition thereafter.

## 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)

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

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

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

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out

in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 13 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.

- 14 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.

- 15 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.

- 16 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 using the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)



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

Reason:

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

- 18 Prior to the occupation of the development, a minimum of 10% of the car parking spaces shall have electric vehicle charging points for use within the basement car park and thereafter maintained in working order.

Reason:

To provide electric vehicles charging for people using the development as set out in Policy 6.13 of the London Plan.

- 19 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 flats. (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)

- 20 All vehicles must enter and exit the site in forward gear (except refuse and recycling vehicles).

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)

- 21 **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)

- 22 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 6 months of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species.  
(C30CB)

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)

- 23 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 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)

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

- PV panels

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 25 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)

- 26 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

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

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

**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](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

3 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold

levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 5 You 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)
- 6 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 7 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)
- 8 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).

- 9 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)

- 10 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk).
- 11 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 12 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to [environmentalsciences2@westminster.gov.uk](mailto: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

- 13 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)

- 14 Condition 26 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.

Contaminated Land Officer  
Environmental Health Consultation Team  
Westminster City Council  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

Phone: 020 7641 3153  
(I73AB)

- 15 Conditions 12 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 16 Please read the following.

- \* British Standard BS: 5837 (2005) and later revisions - Recommendations for trees in relation to construction
- \* National Joint Utilities Group guide NJUG 10 - Guidelines for the planning, installation and maintenance of utility services in proximity to trees (1995)
- \* Arboricultural Practice Note APN 1 - Driveways close to trees (1996), and the products available to provide hard surfaces close to trees. (I92AA)

- 17 Please let our arboricultural team (020 7641 2922) know when you are going to start work on the site. It would be useful if you could give us at least five working days' notice of this date. This will allow us to inspect your tree-protection measures during the work. (I92BA)
- 18 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)
- 19 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 20 When you apply to us for approval under the terms of (C31CC) you will need to ensure that your tree protection methodology takes into account construction and operational requirements and likewise construction techniques and site operation details will need to be demonstrate they have been designed to ensure that adjacent trees can be safely retained without harm.
- 21 You will need to speak to our Tree section about proposals to prune the birch tree in the street outside the site. We cannot agree this as part of the planning permission as the tree is off site. You will have to pay for pruning the including all administration and supervision costs. We will not prune the street tree until such time as you have satisfied all pre-commencement conditions and you are in a position to commence the development.
- 22 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:
- Thames Water Utilities Ltd  
Development Planning  
Maple Lodge STW  
Denham Way  
Rickmansworth  
Hertfordshire  
WD3 9SQ  
Tel: 01923 898072  
Email: Devcon.Team@thameswater.co.uk
- 23 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City



Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

**BACKGROUND PAPERS - Widley Road Garage , Widley Road, London, W9 2LD  
17/04106/FULL**

1. Application form

**Original Application**

2. Letter from Councillor Crockett dated 10 July 2017
3. Letter from Councillor Begum dated 1 August 2017
4. Email from Councillor Prendergast dated 11 July 2017
5. Memorandum from Cleansing Manager dated 30 May 2017
6. Email from Thames Water dated 30 May 2017
7. Memorandum from Environmental Health dated 13 June 2017
8. Response from Paddington Waterways & Maida Vale Society, dated 15 June 2017
9. Memorandum from Highways Planning Manager dated 27 June 2017.
10. Memorandum from Building Control dated 11 July 2017
11. Responses from occupiers of 141a Shirland Road dated 20 May 2017
12. Response from occupier of Flat 3, 5 Essendine Road dated 21 May 2017
13. Response from occupier of 34 Cleveland Mansions dated 21 May 2017
14. Response from occupier of 21 Essendine Road dated 22 May 2017
15. Responses from occupiers of 1<sup>st</sup> floor flat, 5 Essendine Road dated 22 and 23 May 2017
16. Responses from occupiers of Flat 1, 29 Essendine Road dated 23 May 2017
17. Response from occupier of 51 Southwold Mansions dated 24 May 2017
18. Response from occupier of 10 Southwold Mansions dated 24 May 2017
19. Responses from occupiers 51 Cleveland Mansion dated 25 May 2017
20. Response from occupier of 84 Southwold Mansions dated 25 May 2017
21. Response from occupier of 57 Cleveland Mansions dated 25 May 2017
22. Response from 59, The Drive (E18) dated 26 May 2017
23. Response from occupier of 20 Westside Court dated 26 May 2017
24. Response from owner of 56 Cleveland Mansions dated 26 May 2017
25. Response from occupier of 52 Cleveland Mansions dated 27 May 2017
26. Response from occupier of 159a Shirland Road dated 29, 30 May and 5 June 2017
27. Response from occupier of 50 Southwold Mansions dated 29 May 2017
28. Response from occupier of D, 159 Shirland Road dated 30 May 2017
29. Response from occupier of 14 Essendine Road dated 30 May 2017
30. Response from occupier of 3 Essendine road dated 1 June 2017
31. Responses from occupier of Upper Flat, 149 Shirland Road dates 2 June 2017
32. Responses from occupier/ family of 149a Shirland Road dated 2 and 8 June 2017
33. Response from 83 Quainton Street dated 2 June 2017
34. Response from occupier of 7 Essendine Road dated 2 June 2017
35. Response from occupier of 165 Wymering Mansions dated 2 June 2017
36. Response from occupier of Basement Flat, 3 Essendine Road dated 2 June 2017
37. Response from occupier of 58 Southwold Mansions dated 2 June 2017
38. Response from occupier of 16 Cleveland Mansions dated 4 June 2017
39. Responses from occupiers of Basement flat, 3 Essendine Road dated 5, 7 and 8 June 2017
40. Response from occupier of 56 Essendine Road dated 5 June 2017
41. Response from occupier of 79 Southwold Mansions dated 5 June 2017
42. Response from Right of Light Consulting on behalf of Cleveland Mansions residents dated 6 June 2017
43. Response from occupier of 53 Warrington Road dated 6 June 2017
44. Response from occupier of 80 Southwold Mansions dated 6 June 2017

45. Response from occupier of 39 Southwold Mansions dated 6 June 2017
46. Response from occupier of Basement Flat, 9a Essendine Road dated 6 June 2017
47. Responses from occupier of 16 Cleveland Mansions dated 6 June 2017
48. Response from occupier of 1a Essendine Road dated 6 June 2017
49. Response from occupier of 58 Cleveland Mansions dated 7 June 2017
50. Response from occupier of 47 Cleveland Mansions dated 7 June 2017
51. Response from occupier of Ground floor flat, 5 Essendine Road dated 7 June 2017
52. Response from occupier of 1c Essendine Road dated 7 June 2017
53. Response from occupier of 66 Southwold Mansions dated 7 June 2017
54. Response from occupier of 1 Essendine Road dated 7 June 2017
55. Response from occupier of 5a Essendine Road dated 7 June 2017
56. Response from occupier of 27 Cleveland Mansions dated 7 June 2017
57. Response from occupier of First Floor Flat, 3 Essendine Road dated 7 June 2017
58. Response from occupier of a flat in Southwold Mansions dated 7 June 2017
59. Response from occupier of 71 Southwold Mansions dated 7 June 2017
60. Response from occupier of 88 Southwold Mansions dated 7 June 2017
61. Response from occupier of 3 Cleveland Mansions dated 7 June 2017
62. Response from occupier of 42 Essendine Mansions dated 7 June 2017
63. Response from occupier of 147 Shirland Road dated 8 June 2017
64. Response from occupier of 51 Cleveland Mansions dated 8 June 2017
65. Response from occupier First Floor Flat, 7 Essendine Road dated 8 June 2017
66. Response from occupier of 33 Cleveland Mansions dated 8 June 2017
67. Response from occupier of Top Floor Flat, 7 Essendine Road dated 8 June 2017
68. Response from occupier of 62b Castellain Road dated 8 June 2017
69. Response from occupier of 38 Essendine Road dated 8 June 2017
70. Response from occupier of Top Floor Flat, 9 Essendine Road dated 8 June 2017
71. Response from occupier of 39 Southwold Mansions dated 8 June 2017
72. Response from occupier of 34 Southwold Mansions dated 8 June 2017
73. Response from occupier of 10 Southwold Mansions dated 8 June 2017
74. Responses from occupier of 159 Shirland road dated 8 June 2017
75. Response from occupier of Basement Flat, 7 Essendine Road dated 8 June 2017
76. Response from occupier of 34 Southwold Mansions dated 8 June 2017
77. Response from occupier of 76 Southwold Mansions dated 8 June 2017
78. Response from occupier of 23 Cleveland Mansions dated 8 June 2017
79. Response from occupier of 5a Essendine Road dated 8 June 2017
80. Response from occupier of Ground Floor Flat, 9 Essendine Road dated 8 June 2017
81. Response from occupier of 16 Cleveland Mansions dated 8 June 2017
82. Response from occupier of 9 Essendine Road dated 8 June 2017
83. Responses from occupiers of 60 Cleveland Mansions dated 8 June 2017
84. Response from occupier of 92 Essendine Mansions dated 14 June 2017
85. Response from Quadrant Planning on behalf of numerous residents in Cleveland Mansions, Essendine Road and Shirland Road dated 16 June 2017
86. Response from occupier of 110 Sutherland Avenue dated 5 July 2017
- 87. Revised Application (9<sup>th</sup> October 2017)**
88. Letter from Councillor Begum dated 28 March 2018
89. Memorandum from Cleansing Manager dated 24 October 2017
90. Memorandum from Highways Planning Manager dated 2 November 2017
91. Memorandum from Arboricultural officer dated 28 November 2017
92. Response from occupier of 10 Southwold Mansions dated 12 October 2017
93. Response from occupier of 53 Warrington Crescent dated 14 October 2017

94. Response from occupier of 52 Cleveland Mansions dated 15 October 2017
95. Response from occupier of 141a Shirland Road dated 16 October 2017
96. Response from occupier of 141b Shirland Road dated 16 October 2017
97. Response from occupier of 165 Wymering Mansions dated 17 October 2017
98. Response from owner of unknown addresses in Widley Road dated 20 October 2017
99. Response from occupier of 58 Southwold Mansions dated 21 October 2017
100. Response from occupier of 58 Cleveland Mansions dated 22 October 2017
101. Response from occupier of 34 Cleveland Mansions dated 23 October 2017
102. Response from Right of Light Consulting on behalf of Cleveland Mansions residents dated 24 October 2017
103. Response from occupier of 13 Essendine Road dated 25 October 2017
104. Response from occupier of 56 Cleveland Mansions dated 25 October 2017
105. Response from occupier of 151 Shirland Road dated 26 October 2017
106. Response from occupier of a flat in Wymering Mansions dated 26 October 2017
107. Responses from occupier/ family of 149 Shirland Road dated 26 October and 14 November 2017
108. Response from occupier of 86 Southwold Mansions dated 26 October 2017
109. Email from occupier of 5 Essendine Road dated 26 October 2017
110. Response from occupier of 5 Essendine Road dated 27 October 2017
111. Response from occupier of 81 Southwold Mansions dated 27 October 2017
112. Response from occupier of Ground Floor Flat, 5 Essendine Road dated 27 October 2017
113. Response from occupier of 5 Essendine Road dated 28 October 2017
114. Responses from occupiers of Garden Flat, 3 Essendine road dated 29 and 30 October 2017
115. Response from occupier of Flat 3, 5 Essendine Road dated 29 October 2017
116. Response from occupier Cleveland Mansions dated 30 October 2017
117. Response from occupier of 3 Essendine Road dated 30 October 2017
118. Response from occupiers of 147 & 149 Shirland Road dated 30 October 2017
119. Response from occupier of 1a Essendine Road dated 30 October 2017
120. Response from occupier of 71 Southwold Mansions dated 30 October 2017
121. Response from occupier 38 Essendine Mansions dated 30 October 2017
122. Response from occupier 5a Essendine Road dated 30 October 2017
123. Response from occupier of 42 Essendine Mansions dated 30 October 2017
124. Response on behalf of Cleveland and Southwold Mansions dated 30 October 2017
125. Response from occupier of Ground Floor Flat, 149 Shirland Road dated 30 October 2017
126. Response from occupier of Basement Flat, 7 Essendine Road dated 31 October 2017
127. Response from occupier of 9 Essendine Road dated 31 October 2017
128. Response from occupier of Top Floor Flat dated 31 October 2017
129. Response from occupier of Basement Flat, 9 Essendine Road dated 31 October 2017
130. Response from occupier of 3 Essendine Road dated 31 October 2017
131. Response from occupier of 5a Essendine Road dated 31 October 2017
132. Response from Quadrant Planning on behalf of numerous residents in Cleveland Mansions, Essendine Road and Shirland Road dated 1 November 2017
133. Response from occupier of 9 Essendine Road dated 1 November 2017
134. Response from occupier of Ground Floor Flat, 3 Essendine Road dated 5

November 2017

135. Response from occupier of First Floor Flat, 1 Essendine Road dated 8 November

2017

136. Response from occupier of 159a Shirland Road dated 10 November 2017

137. Response from occupier of 157a Shirland Road dated 16 November 2017

138. Response from occupier of 24 Essendine Road dated 1 December 2017

**139. Revised Application ( 8 April 2018)**

140. Email from Councillor Crockett dated 27 April 2018

141. Memorandum from Arboricultural Officer dated 29 May 2018

142. Memorandum from Housing Supply Manager dated 4 June 2018

143. Response from occupier of Basement Flat, 9 Essendine Road dated 11 April

2018

144. Response from occupier of 59c Warwick Avenue dated 11 April 2018

145. Response from occupier of 51 Cleveland Mansions dated 16 April 2018

146. Response from occupier of 52 Cleveland Mansions dated 16 April 2018

147. Response from occupier of 51 Cleveland Mansions dated 17 April 2018

148. Response from occupier of 10 Southwold Mansions dated 17 April 2018

149. Response from occupier of 159a Shirland Road dated 18 April 2018

150. Response from occupier of 141a Shirland Road dated 18 April 2018

151. Response from occupier of 141b Shirland Road dated 18 April 2018

152. Response from occupier of 80 Southwold Mansions dated 19 April 2018

153. Response from occupier of 44 Cleveland Mansions dated 19 April 2018

154. Response from occupier of 165 Wymering Mansions dated 19 April 2018

155. Response from occupier of 165 Wymering Mansions dated 19 April 2018

156. Responses from occupiers of 5 Essendine Road dated 19 and 20 April 2018

157. Response from occupier of 58 Southwold Mansions 20 April 2018

158. Response from occupier of Flat 3, 5 Essendine Road dated 20 April 2018

159. Response from occupier of 39 Southwold Mansions dated 20 April 2018

160. Response from occupier of 10 Southwold Mansions dated 20 April 2018

161. Response from owner of 56 Cleveland Mansions dated 20 April 2018

162. Response from occupier of 54 Cleveland Mansions dated 20 April 2018

163. Response from occupier of 90 Southwold Mansions dated 20 April 2018

164. Response from occupier of 66 Southwold Mansions dated 20 April 2018

165. Response from occupier of 61 Southwold Mansions dated 21 April 2018

166. Response from occupier of 59 The Drive (E18) dated 21 April 2018

167. Response from occupier of 71 Southwold Mansions dated 22 April 2018

168. Response from occupier of 34 Cleveland Mansions dated 22 April 2018

169. Response from occupier of 29 Southwold Mansions dated 22 April 2018

170. Response from occupier of 3 Cleveland Mansions dated 22 April 2018

171. Response from occupier of 58 Cleveland Mansions dated 23 April 2018

172. Response from occupier of 53 Warrington Crescent dated 23 April 2018

173. Response from occupier of 123F Elgin Avenue dated 23 April 2018

174. Response on behalf of Cleveland and Southwold Mansions dated 23 April 2018

175. Response from occupier of 22 Essendine Mansions dated 24 April 2018

176. Response from occupier of 38 Essendine Mansions dated 24 April 2018

177. Response from occupier of 27 Essendine Road dated 24 April 2018

178. Response from occupier of 169c Shirland Road dated 24 April 2018

179. Response from occupier of Flat 5, 70 Sutherland Avenue dated 24 April 2018

180. Response from Upper Floor Flat, 149 Shirland Road dated 25 April 2018

181. Response from occupier of 24 Cleveland Mansions dated 25 April 2018

182. Response from occupier of Ground Floor Flat, 149 Shirland Road dated 25 April  
2018
183. Response from occupier of 22 Essendine Road dated 25 April 2018
184. Response from occupier of 81 Southwold Mansions dated 25 April 2018
185. Response from occupier of 5a Essendine Mansions dated 25 April 2018
186. Response from occupier of 88 Southwold Mansions dated 25 April 2018
187. Response from occupier of 1a Essendine Road dated 25 April 2018
188. Response from occupier of 139a Shirland Road dated 25 April 2018
189. Response from occupier of 149a Shirland Road dated 25 April 2018
190. Responses from occupiers of 147a Shirland Road dated 25 April 2018
191. Responses from occupiers of Garden Flat, 3 Essendine Road dated 25 and 26  
April 2018 (x3)
192. Response from occupier/ family of Upper flat 149 Shirland Road dated 25 April  
2018
193. Response from occupier of 163a Shirland road dated 25 April 2018
194. Response from occupier of 149 Shirland road dated 25 April 2018
195. Response from occupier of basement Flat, 7 Essendine Road dated 25 April  
2018
196. Response from occupier of 39 Southwold Mansions dated 26 April 2018
197. Responses from occupiers of 16 Cleveland Mansions dated 26 April 2018
198. Response from occupier of 58 Cleveland Mansions dated 26 April 2018
199. Responses from occupiers of 5a Essendine Road dated 26 and 27 April 2018
200. Responses from occupiers of 7a Essendine Road dated 26 April 2018 (x4)
201. Response from occupier of 51 Southwold Mansions dated 26 April 2018
202. Response from occupier of 65 Wymering Mansions dated 27 April 2018
203. Response from occupier of 72 Southwold Mansions dated 27 April 2018
204. Response from occupier of 4 Mildrose Court dated 5 May 2018
205. Response from occupier of 11 Southwold Mansions dated 13 May 2018
206. Response from occupier of 52 Cleveland Mansions dated 3 June 2018
207. Response from occupier of Southwold Mansions dated 3 June 2018
208. Response from occupier of Essendine Road dated 3 June 2018
209. Response from occupier of Cleveland Mansions dated 3 June 2018
210. Response from occupier of 5 Essendine Road dated 3 June 2018
211. Response from occupier of Garden Flat 1 at Essendine Road dated 3 June

# Agenda Item 3

Item No.
<b>3</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 12 June 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	41 Kingsway, London, WC2B 6TP		
<b>Proposal</b>	Use of first to seventh floors as a hotel (Class C1) and as a restaurant (Class A3) at ground floor and basement level, extension in the rear light well at first to seventh floors, extension and new dormer windows at seventh floor level, installation of new shopfronts and signage at ground floor level, installation of mechanical plant and an extract duct at podium and roof level.		
<b>Agent</b>	JLL		
<b>On behalf of</b>	Elleric UK Ltd		
<b>Registered Number</b>	18/02441/FULL	<b>Date amended/ completed</b>	26 March 2018
<b>Date Application Received</b>	26 March 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Strand		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

41 Kingsway is located on the junction between Kemble Street and Kingsway and within the Strand Conservation Area and the Central Activities Zone. (CAZ). The building is not listed but is noted as an 'unlisted building of merit'.

The existing building comprises of basement, ground and seven upper floors. The lower ground and ground floors are occupied by a building society (Class A2) with the remainder of the upper floors in office use (Class B1).

Planning permission is sought to provide a 66-bedroom hotel on the upper floors and a restaurant (Class A3) on part ground and basement floors. The application includes an extension in the rear light well at first to seventh floors, an extension and new dormer windows at seventh floor level,

installation of new shopfronts at ground floor level, and new mechanical plant and an extract duct at roof level.

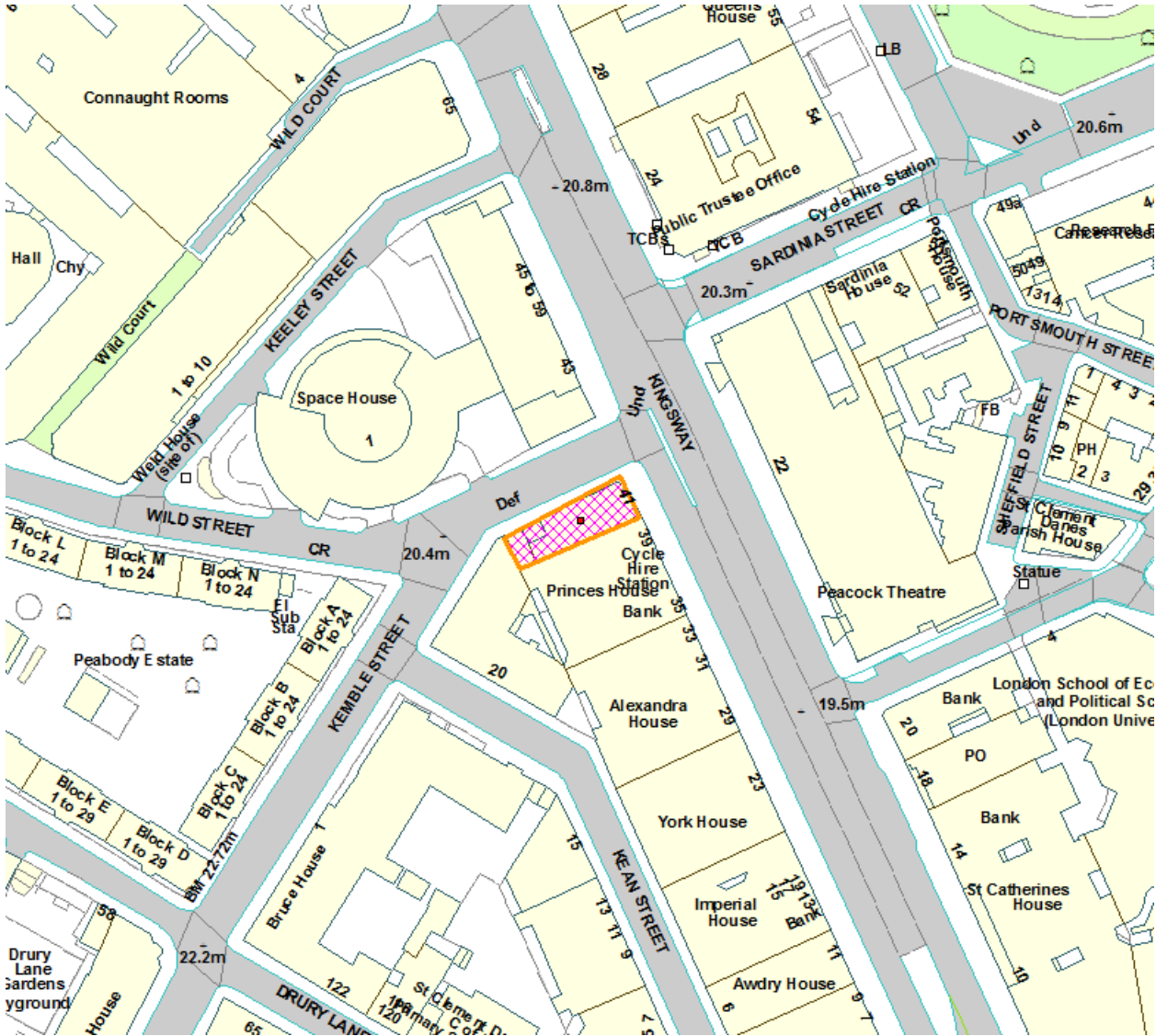
The key issues for consideration are:

- The impact of the proposed works on the character and appearance of the existing building and surrounding area.
- The land use implications of the proposal;
- The impact of the proposal on the amenity of surrounding residents; and
- The impact of the proposal on the surrounding highway network.

The proposed hotel and restaurant use is considered acceptable in design, conservation, land use, amenity and highway terms in accordance with the Core Strategy and Unitary Development Plan (UDP) policies.



### 3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Kingsway



View from Kemble Street

## 5. CONSULTATIONS

### COVENT GARDEN COMMUNITY ASSOCIATION:

Concerns relate primarily to the impact on local residents in Kemble and Kean Street from noise and disturbance caused by customers of the restaurant and hotel, as well as increased volume of servicing and deliveries. Recommend conditions are imposed to protect residential amenity if minded to grant permission.

### COVENT GARDEN AREA TRUST:

No response to date.

### HIGHWAYS PLANNING MANAGER:

Servicing would take place from the street which is not in line with UDP policy Trans 20, but is no different to the existing situation and it is not expected that the numbers of vehicles involved would be significantly different. A Servicing Management Plan should be secured by condition. Kingsway has a number of coach parking bays so a hotel in this location would be well served in this respect. Cycle Parking is below London Plan standards. 6 spaces are proposed for long-stay, which is welcome, but none for short-stay.

### TRANSPORT FOR LONDON:

- Kingsway forms part of the Strategic Road Network (SRN);
- The enjoys an excellent public transport level of PTAL 6b;
- Cycle parking should be provided to meet London Plan standards;
- A staff and customer travel plan, coach management plan, delivery and servicing management plan, Construction Management Plan, and Construction Logistics Plan should be secured by condition.

### ENVIRONMENTAL HEALTH:

No objection subject to conditions to control noise from plant.

### CLEANSING MANAGER:

No objection subject to conditions. The storage arrangements for waste and recycling are in line with the Council's requirements.

### DESIGNING OUT CRIME:

Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 79; No. of Replies: 0

### ADVERTISEMENT/SITE NOTICE:

Yes.

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

41 Kingsway is located on the junction between Kemble Street and Kingsway and within the Strand Conservation Area and the Central Activities Zone. (CAZ). The building is not listed but is noted as an 'unlisted building of merit'.

The existing building comprises of basement, ground and seven upper floors. The lower ground and ground floors are occupied by a building society (Class A2) with the remainder of the upper floors in office use (Class B1).

### **6.2 Recent Relevant History**

16/12156/FULL

Permission granted 5 April 2017 for: Use of part basement and part ground floor as a restaurant (Class A3) and use of part ground and first to seventh floors to provide 14 residential flats (Class C3). External alterations including altered ground facade, rear extension within rear lightwell between second and seventh floor levels, extension and new dormer windows at roof level, installation of mechanical plant at seventh floor level, and installation of an extract duct to the rear elevation.

15/03597/FULL

Permission granted 4 August 2015 for: Use of part basement and part ground floor as a restaurant (Class A3) and use of part ground and first to seventh floors to provide 14 residential flats (Class C3). External alterations including extension and new dormer windows at roof level; installation of mechanical plant within the rear lightwell and at seventh floor level; and installation of an extract duct to the rear elevation.

Both planning permissions (16/12156/FULL and 15/03597/FULL) established that the loss of office (Class B1) on the upper floors and the provision of an A3 restaurant use on the ground floor of the property was acceptable.

In addition, both planning permissions (16/12156/FULL and 15/03597/FULL) established that works to install mechanical plant and an extract duct at roof level, extensions in the rear lightwell, an extension at seventh floor level, and alterations to the façade were all accepted in principle.

Planning permissions 16/12156/FULL and 15/03597/FULL have however not been implemented. Therefore, the upper floors of the building remain in lawful use for office (B1) and the ground floor and basement, still in lawful use as a building society (A2).

## **7. THE PROPOSAL**

The proposal seeks the change of use of the upper seventh floors of the existing building from office use (Class B1) to a hotel (Class C1). At part ground floor and basement level, the proposal is to change the use from a building society (Use Class A2) to a restaurant (Use Class A3).

Works are proposed to accommodate the new uses with extensions into the rear lightwell and at seventh floor providing an additional 140sqm (GIA). A new entrance will be introduced off Kemble Street that will become the new main entrance to the hotel.

The application proposes:

- A restaurant (Use Class A3) at part ground floor and part basement;
- Hotel (Use Class C1) at part ground floor and basement and first to seventh floors;
- An extension to floors one to seven into the rear lightwell and a seventh floor extension, cumulatively providing an additional 140sqm (GIA);
- A new entrance for the hotel into the reception area will be created on the Kemble Street elevation;
- External works to the building façade including replacement windows and stonework restoration;
- A new ground floor shopfront to be installed on Kemble Street and Kingsway elevations;
- A new set of doors to the service bay;
- A waste and bike storage area (ancillary) on the ground floor.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (B1)	1,113	0	-1,113
Building Society (A2)	836	0	-836
Hotel (C1)	0	1,614	1,614
Restaurant (A3)	0	363	363
Other (plant/ service areas)	31	143	112
<b>Total</b>	<b>1,980</b>	<b>2,120</b>	<b>140</b>

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Loss of office use

The site lies within the core CAZ. The proposal will result in the loss of 1,113sqm of office floorspace. Policy S20 of Westminster's City Plan (November 2016) relates to offices and seeks to restrict the loss of office space to housing, however, the loss of offices to other commercial uses is acceptable. The proposal is therefore in accordance with this policy.

#### Increase in commercial floorspace

Policy S1 of the City Plan relates to mixed uses in the CAZ. It encourages development, which promotes Westminster's World City functions, manages its heritage and environment and supports its living, working and visiting population. Within the CAZ, a mix of uses consistent with supporting its vitality, function and character will be promoted. The policy requires an element of residential floorspace to be provided on

developments where additional B1 office floorspace of a certain scale is proposed. There is no policy requirement for residential floorspace to be provided where increases in hotel floorspace are proposed.

**Hotel use**

Policy S23 of the City Plan and TACE 2 of the UDP relate to new hotels. Policy S23 states that new hotels will be directed to the Victoria Opportunity Area and Core CAZ. Policy TACE 2 states that within the CAZ, in streets that do not have a predominantly residential character, planning permission will be granted for new hotels where no environmental and traffic effects would be generated and adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and taxis serving the hotel.

The hotel will provide 66 en-suite bedrooms, predominantly doubles. The typical size of the proposed hotel rooms is between 13-20sqm per room. The rooms are considered to be sufficient in size and layout with each served by a window.

The hotel entrance will be on Kemble Street. The reception area will be open 24 hours and have a designated individual responsible to assist hotel guests with enquiries and services. A lift core would provide disability access to all floors, and the staircase and lift mean guests can access their rooms from the ground floor reception area. A dedicated luggage store will be provided in the ground floor but will only be accessible to hotel staff who can safely secure guests belongings. An office for the hotel staff and a linen store will be also be provided at basement level accessible for staff via the stair well and lift shaft. A dedicated service lift will be provided at ground floor with access to basement level, to transport laundry (to be outsourced) and deliveries.

A separate restaurant (Class A3) is proposed at part ground and basement floor levels, which is considered below. No other facilities such as a spa/gym, meeting rooms or conference facilities are proposed.

A hotel of the scale proposed is considered appropriate in this central area of Westminster, close to many of London's top tourist attractions and with excellent access to public transport. The primary function of the hotels operation will be to ensure that guests benefit from a quiet environment during night-time hours. Therefore, it is in the hotels interests to ensure that noise disturbance from hotel guests is kept to a minimum. The applicant has provided an 'Operational Management Plan' and a 'Delivery and Servicing Plan', which are considered acceptable and conditions are attached requiring the hotel to operate in accordance with these details. This will ensure that the proposed hotel will not have a significant effect on residential amenity or local environmental quality.

It is considered that this location within the Core CAZ would be appropriate for a new hotel use.

**Restaurant use**

Policy S24 relates to Entertainment Uses and sets out that new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any

cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

Policy SS5 seeks an appropriate balance of town centre uses within the CAZ. SS5(C) sets out that non-A1 uses must not cause or intensify an existing over-concentration of A3 and entertainment uses in a street or area.

Policy TACE 9 relates to entertainment uses which may be permissible. TACE9 (B) sets out that permission will only be granted for proposals where the City Council is satisfied that the proposed development has no adverse effect upon residential amenity or local environmental quality as a result of noise; vibration; smells; increased late night activity; increased parking and traffic and no adverse effect on the character or function of its area.

The proposal involves the change of use of the existing commercial unit at ground and basement levels, currently occupied as a building society (Class A2), to a restaurant (Class A3).

Both planning permissions (16/12156/FULL and 15/03597/FULL) established that the provision of an A3 restaurant use on the basement and ground floors of the site was acceptable.

The proposed restaurant measures 363sqm (GIA) and provides 81 covers with a bar (for restaurant customers only). The restaurant would be for use by hotel guests and visiting members of the public. Access to the restaurant for hotel guests will be available through reception, whilst members of the public will be able to access the restaurant from the existing corner entrance off Kingsway and Kemble Street. Members of the public will be unable to access the hotel area from the restaurant.

A condition is recommended to ensure that the bar area is limited to a small part of the business (15%) and the bar could be used only by diners before and after meals. A condition is also recommended to control opening hours from between 7am to 12 midnight. This is in line with the extant permission.

In environmental terms, the plans provide for appropriate extraction to serve the restaurant. There will be sufficient provision for storage of waste and recyclable material and there is no reason to presume that, with suitable management procedures in place, the new use would result in littering or pollution of the public realm.

#### **Impact of hotel and restaurant use on neighbours**

The Covent Garden Association raise concerns with the proposed hotel and restaurant use relating to the impact on local residents in Kemble and Kean Street from noise and disturbance caused by customers of the restaurant and hotel, as well as increased volume of servicing and deliveries.

The nearest residential occupiers are located on Kemble Street approximately 40 – 50m from the site. The applicant argues that as the building is located on the edge of Covent Garden, facing towards Holborn station, guests arriving and departing with their luggage are more likely to travel along Kingsway, a more clearer and prominent route, when compared with the less legible streets within Covent Garden, thereby avoiding residential



properties. The site is considered to be in a strong position to allow guests and customers to disperse quickly and in many directions.

The applicant has provided an Operation Management Strategy, which provides further detail on how the hotel will be managed to safeguard amenity. This sets out that the hotel is to be staffed 24 hours a day and staff will take active and courteous steps to ensure that both restaurant and hotel guests exit the premises in an orderly and quiet manner.

The restaurant will be under the same management as the hotel and will be governed by the same operational standards. Given the location of hotel bedrooms directly above, it will be in the interests of the hotel to ensure that the restaurant is properly managed. On this basis and given the central location, the size of the hotel and restaurant proposed is considered acceptable in this instance.

The servicing and highways implications of the development are detailed in section 8.4 of this report.

## **8.2 Townscape and Design**

41 Kingsway is located within the Strand conservation area. The building is not listed but is noted as an 'unlisted building of merit' within the Strand Conservation Area.

The proposed works are largely identical to those approved under planning permission 16/12156/FULL.

A large proportion of the proposed works involve internal alterations. These works have a limited impact on the external appearance of the building.

The external works consist of:

### Rear extension within the light well from first to seventh floor levels

The extension is within the rear internal 'courtyard' and is of minimal dimensions. It would not be visible from outside the site. The extension does not project past the rear building line and is to be constructed of materials to match the existing and as such, it is not considered to harm the character of the building or conservation area. Strictly speaking, the works would be contrary to policy DES5, which restricts rear extensions from rising above the penultimate storey. However, the additional volume, given the confined space is not considered to harm the character of the building or conservation area and therefore in this case is deemed acceptable.

### Roof remodelling/ Extension and dormer windows at seventh floor level

The ridge height is to remain the same as existing. The pitched roof return is to be in filled to meet the party wall of the building behind. This creates additional accommodation without harming the appearance of the building. The existing plant at roof level is to be removed and the roof extended to the west. The existing plant at roof level is currently visible from ground level and its removal and replacement with a traditional roof form is considered an improvement to the area and the building.

The new dormer windows are, in general to be aligned with those below. Double storey roof levels are features of some buildings within Westminster and when used correctly do not cause harm to the overall composition. Given the scale of Kingsway, this approach is considered acceptable in this instance. Furthermore, the existing roof is vast and the additional accommodation does not mean an increase in the ridge height. This is a considerable advantage and lessens the impact of the dormers on the overall design, whilst maximizing the buildings potential.

### Façade Alterations

The works consist of the replacement of existing entrance on the Kemble Street elevation, plus the addition of a new entrance and renovation of existing windows and doors. The new entrance is designed to match the existing, the works create a simple and elegant ground floor façade that is appropriate to the building and as such enhances the character of the building and conservation area.

All of the windows are to be replaced on the upper floors with 'like for like' replacements. Details of the new doors/ windows are required by condition.

The drawing annotation indicates that the external stonework is to be cleaned and restored. A detailed method statement for the cleaning of the building is secured by condition.

### Mechanical Plant

The plant within the basement has no external impact on the appearance of the building. The drawings are annotated to indicate that plant is to be placed on the new flat roof in the light well at seventh floor level. This position is relatively discrete and is unlikely to harm the character and/ or appearance of the conservation area. Details of the plant and associated enclosure are secured by condition.

In summary, the works are generally considered acceptable in design terms, subject to conditions. The works are also largely identical to those approved under planning permission 16/12156/FULL, which established that works to install mechanical plant and an extract duct at roof level, extensions in the rear lightwell, an extension at seventh floor level, and alterations to the façade were all accepted in principle.

## **8.3 Residential Amenity**

Policy S29 of the City Plan and ENV 13 of the UDP aim to protect the amenity of residents from the effects of development. Policy ENV13 states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing.

### **Daylight/Sunlight/ Sense of Enclosure**

The new rear extension within the internal courtyard between second and seventh floor levels does not project past the rear building line. It is not considered is not considered

that this extension would have an adverse impact on neighbouring windows particularly those to the rear in Princes House, 37 Kingsway, which face onto the courtyard.

At roof level, the existing plant at roof level is to be removed and the roof extended to the west. It is proposed to remodel and extend at roof level though the ridge height is to remain the same as existing. The pitched roof return is to be in filled to meet the party wall of the building behind - Kemble House, Kemble Street. This building is in office use and is lower in height than the application site. There are no adjacent windows in Kemble House, which would be adversely affected by the works. The nearest residents are approximately 40 - 50 metres from the application site in Kemble Street and Wild Street. Given the distance and orientation of these buildings, they will not be adversely affected in terms of loss of light or sense of enclosure.

### **Mechanical Plant**

The proposals include an extract duct for the new restaurant, which will discharge at roof level, and other new plant equipment, which would be located at basement level and on a flat roof within the rear light well at seventh floor level.

As the proposed duct will discharge at roof level, it is not considered that it will have a detrimental impact on odours in the area. An acoustic report has been submitted and Environmental Health has no objection to the proposal, subject to the City Council's standard noise conditions.

The application is therefore considered acceptable in amenity terms in accordance with policies S29, S32, of the City Plan and ENV13, ENV6 and ENV7 of the UDP.

## **8.4 Transportation/Parking**

The site is well served by public transport, with a Public Transport Accessibility Level (PTAL) of 6b indicating its excellent location. The site is close to Holborn LUL, high frequency bus routes, and coach parking bays on Kingsway.

### **Servicing**

Policy S42 of the City Plan and TRANS20 of the UDP require adequate off-street servicing.

The applicant has submitted a Servicing Management Plan, which indicates that the development would generate 10 delivery trips per day (6 for the restaurant and 4 for the hotel). While servicing is proposed to take place from the street, which is not in line with policy, that is no different to the existing situation. The Highways Planning Manager does not expect the numbers of vehicles involved to be significantly different to the existing situation, so considers the proposal is acceptable in servicing terms.

### **Trip generation**

The Highways Planning Manager has no concerns regarding the number of customers that might use the premises. Kingsway has a number of coach parking bays so a hotel in this location would be well served in this respect.

### **Cycle Parking**

Six spaces are proposed for long-stay, which is welcome, but none for short-stay. The Highways Planning Manager advises that it would be desirable to have short-stay cycle spaces but agrees with the applicant that few customers are likely to attend the restaurant by bike. The applicant advises that they would be able to make the spare space in the staff storage available for customer bike parking upon request.

### **8.5 Economic Considerations**

The economic benefits of the development are welcomed.

### **8.6 Access**

All public entrances into the building for the hotel and restaurant uses will have level access with lift access provided to all floor levels. All doors are to have level thresholds, which will be of sufficient width to facilitate wheelchair access. Three DDA accessible rooms are provided on levels 2, 3 and 4. The London Plan requires that 10% of hotel bedrooms should be wheelchair accessible. A condition is recommended requiring that 10% of the hotel rooms to be wheelchair accessible in accordance with the London Plan's requirements.

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

#### **Refuse /Recycling**

The waste store is located at basement level. The Cleansing Manager is satisfied with the refuse and recycling storage arrangements proposed.

#### **Sustainability**

The applicant has submitted an Energy Strategy and Pre BREEAM assessment in support of their application. The building will achieve a 40% improvement in carbon emissions based on the current Building Regulations (2013) through the use of energy efficiency 'be lean' measures. A BREEAM excellent rating is targeted.

### **8.8 London Plan**

This application raises no strategic issues.

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

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

### **8.10 Planning Obligations**

The scheme does not generate any requirements for planning obligations.

### **8.11 Environmental Impact Assessment**

The scheme is of insufficient scale to require the submission of an Environmental Statement.

Item No.
<b>3</b>

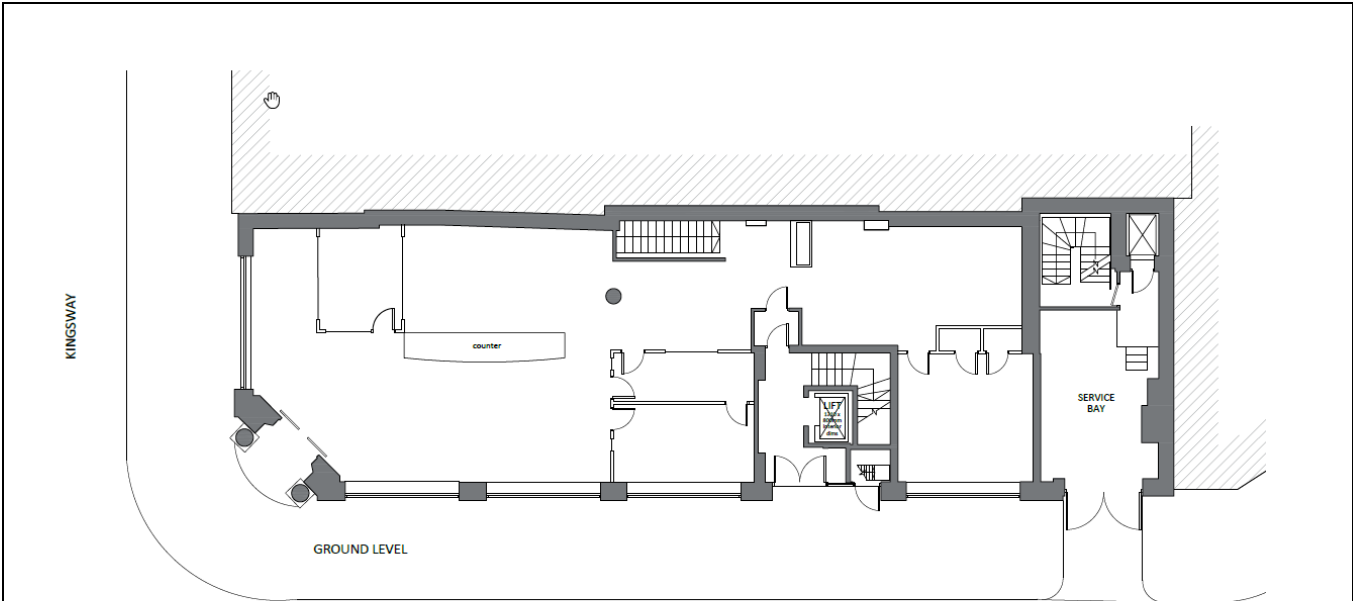
### **8.12 Other Issues**

Transport for London has requested additional condition be attached requiring a Staff and Customer Travel Plan, a Construction Management Plan, and a Construction Logistics Plan. The scheme however is of insufficient scale to require the submission of these details.

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

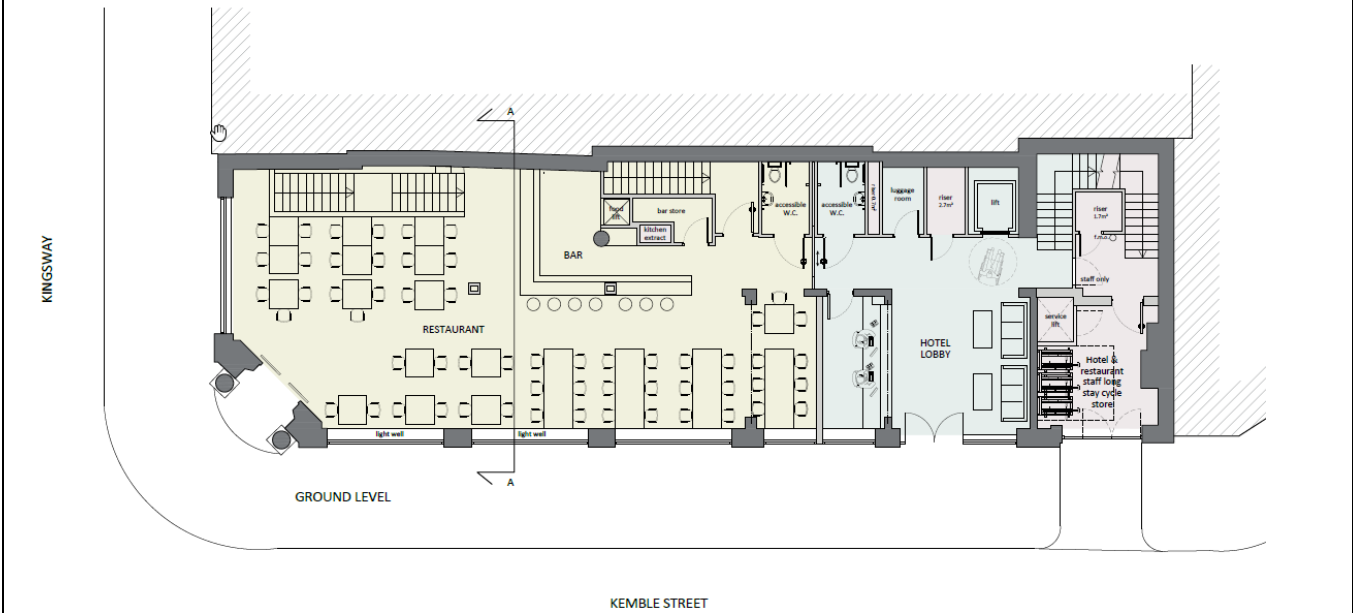
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT <a href="mailto:ddorward@westminster.gov.uk">ddorward@westminster.gov.uk</a>
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**9. KEY DRAWINGS**



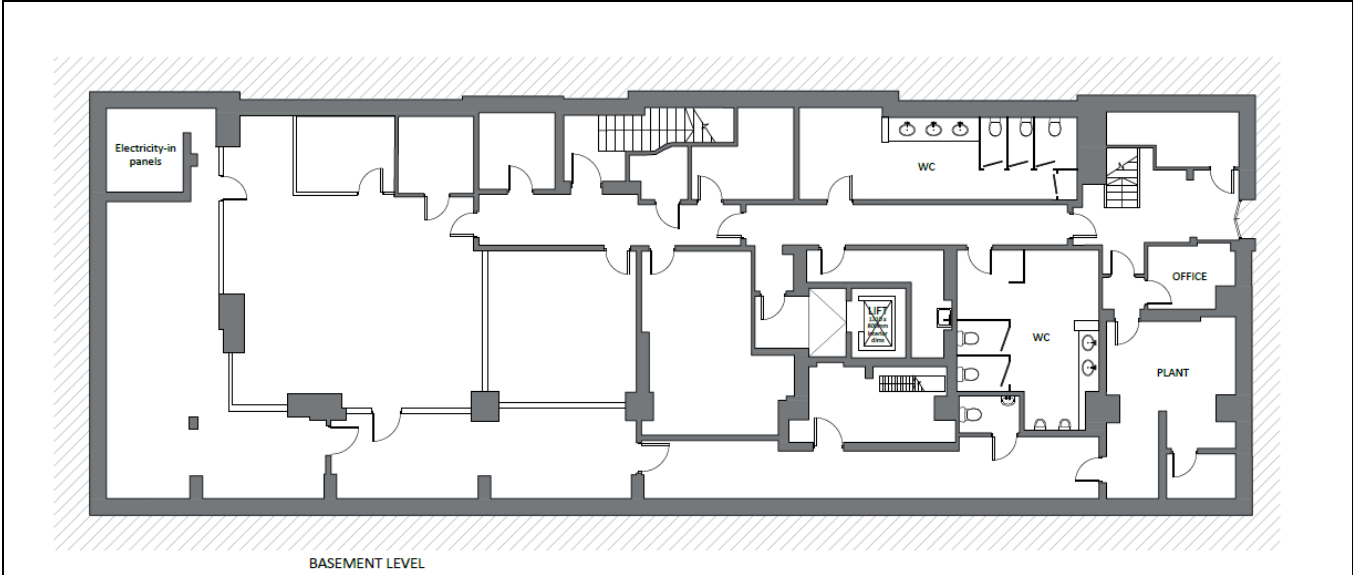
KEMBLE STREET

**Existing ground level**

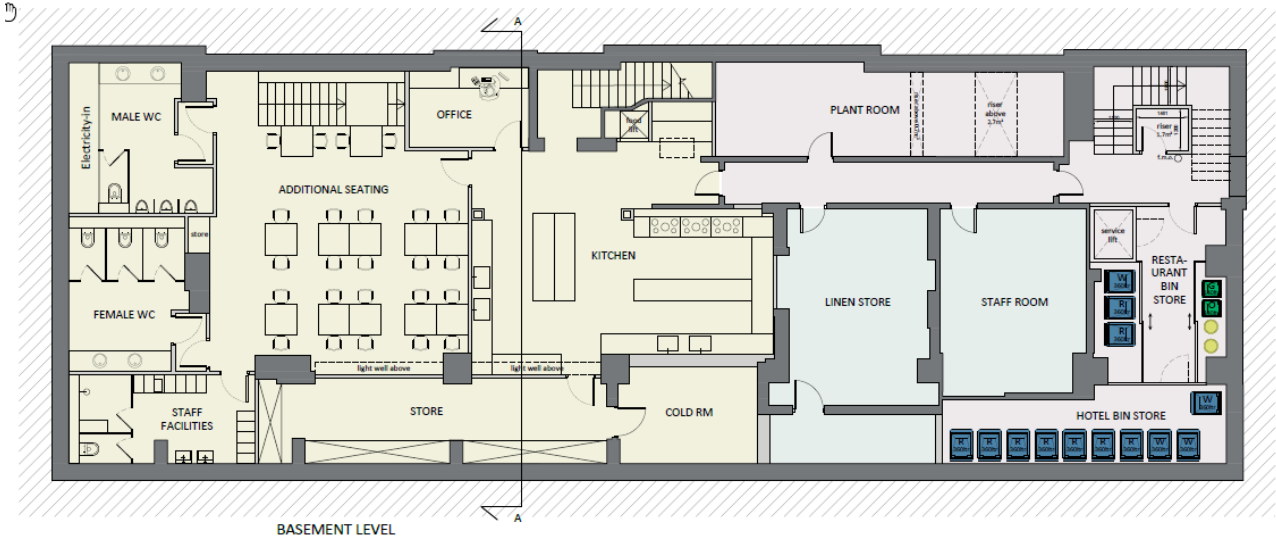


KEMBLE STREET

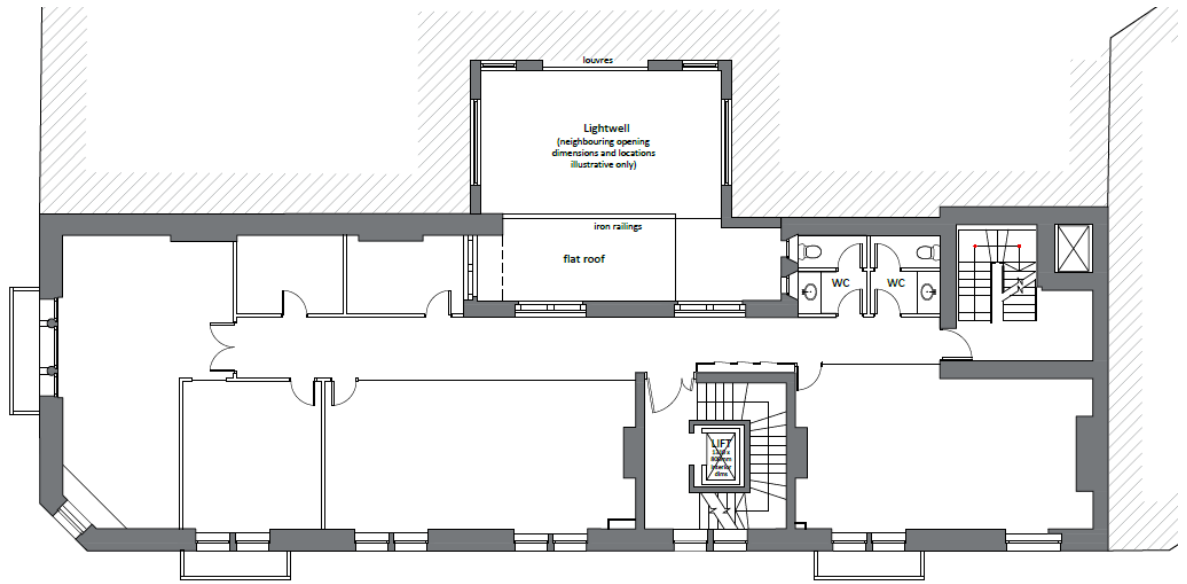
**Proposed ground level**



Existing basement level

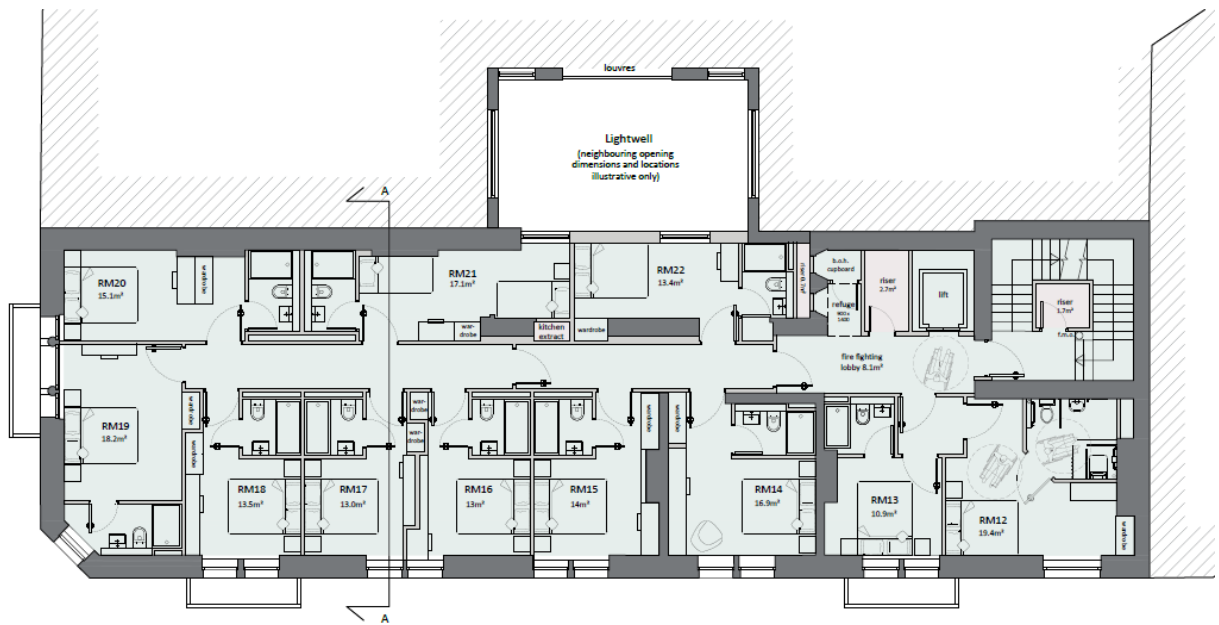


Proposed basement level



LEVEL 2

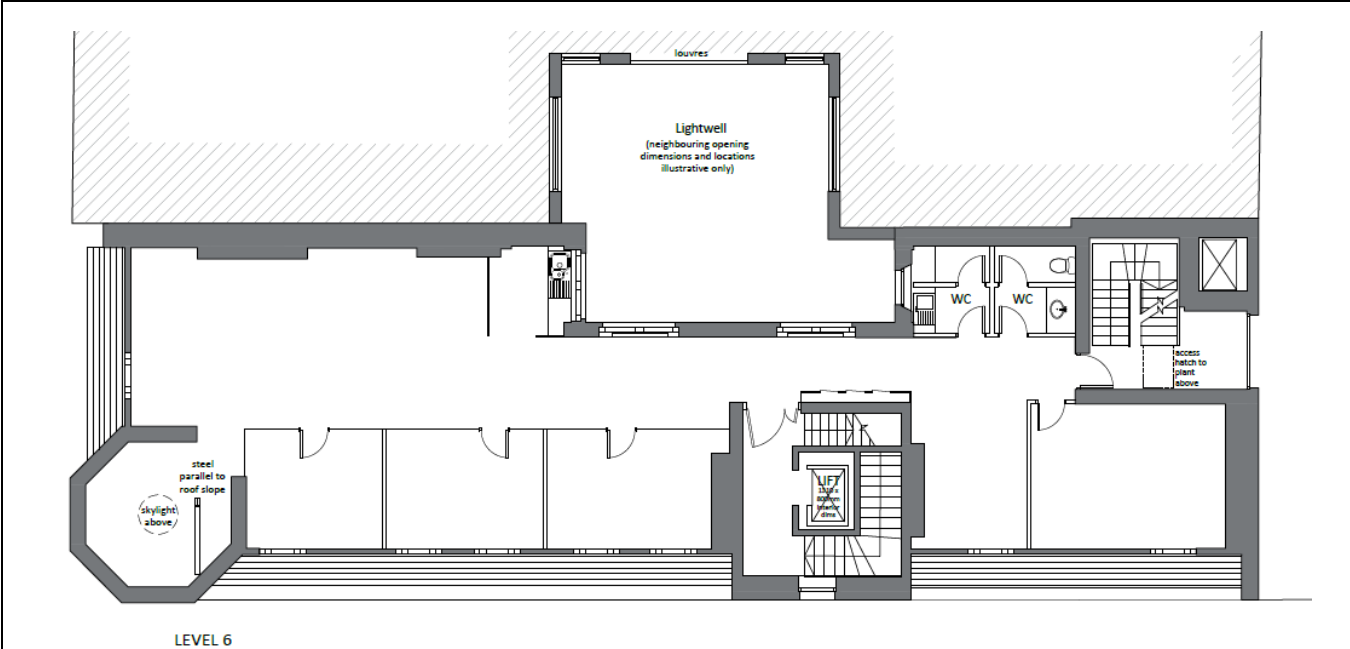
Existing second level



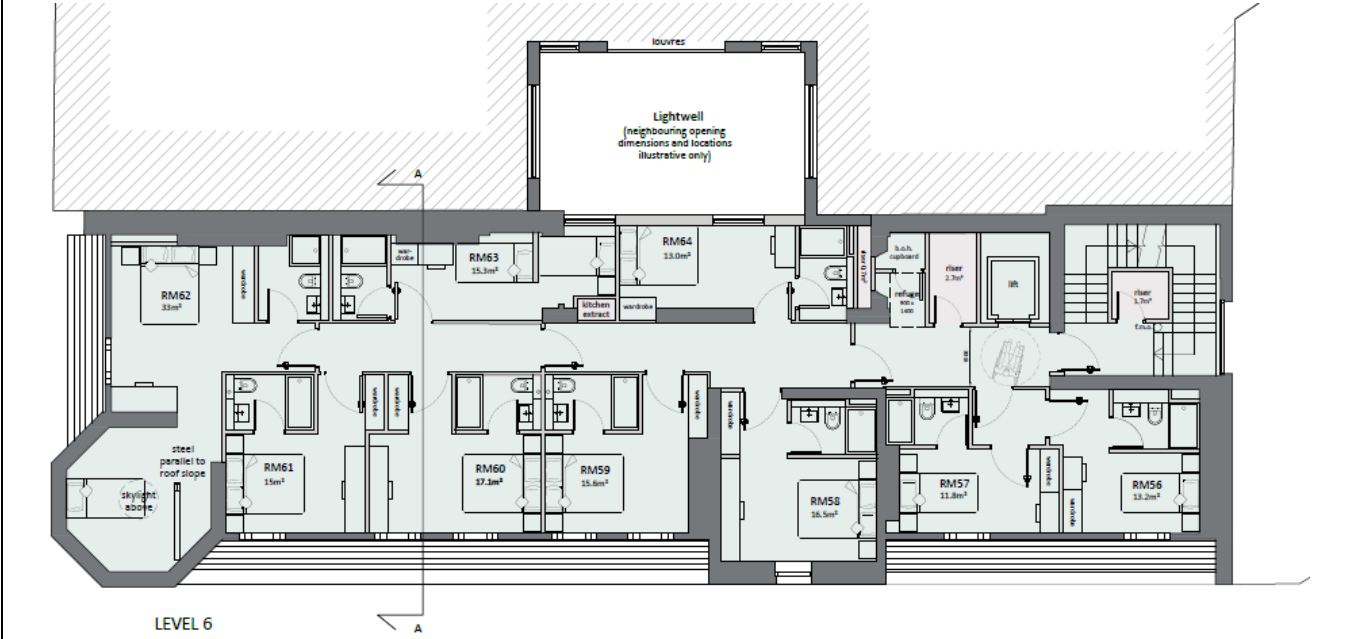
LEVEL 2

Proposed second level

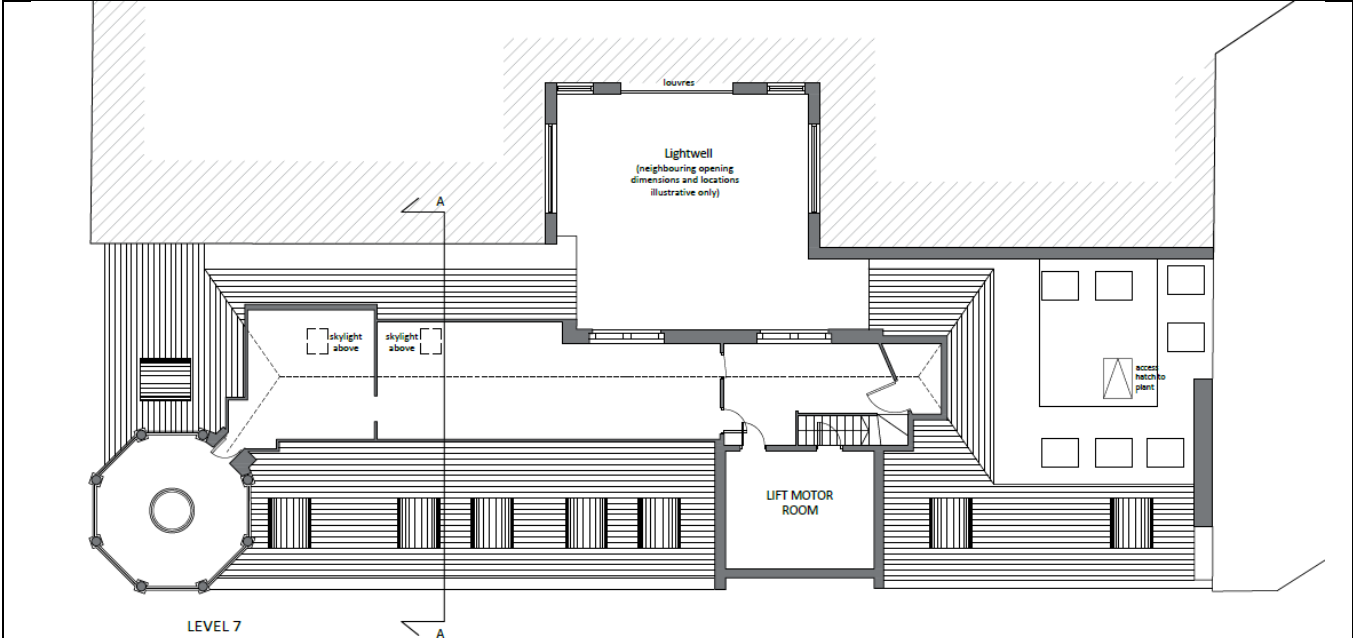




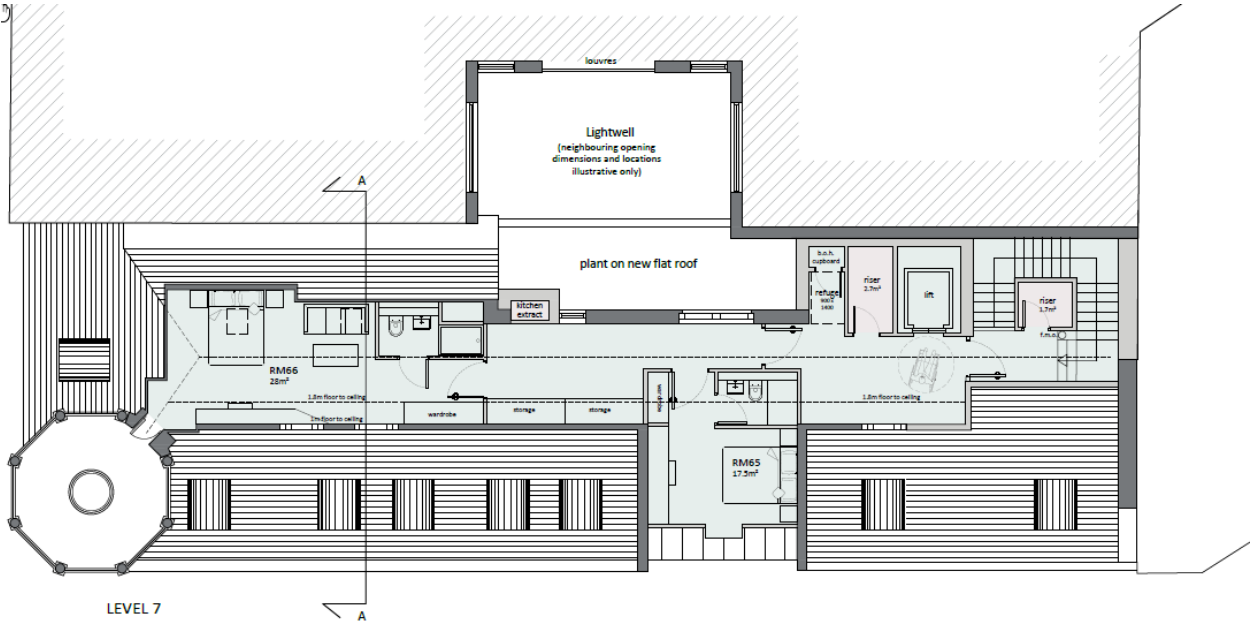
Existing sixth level



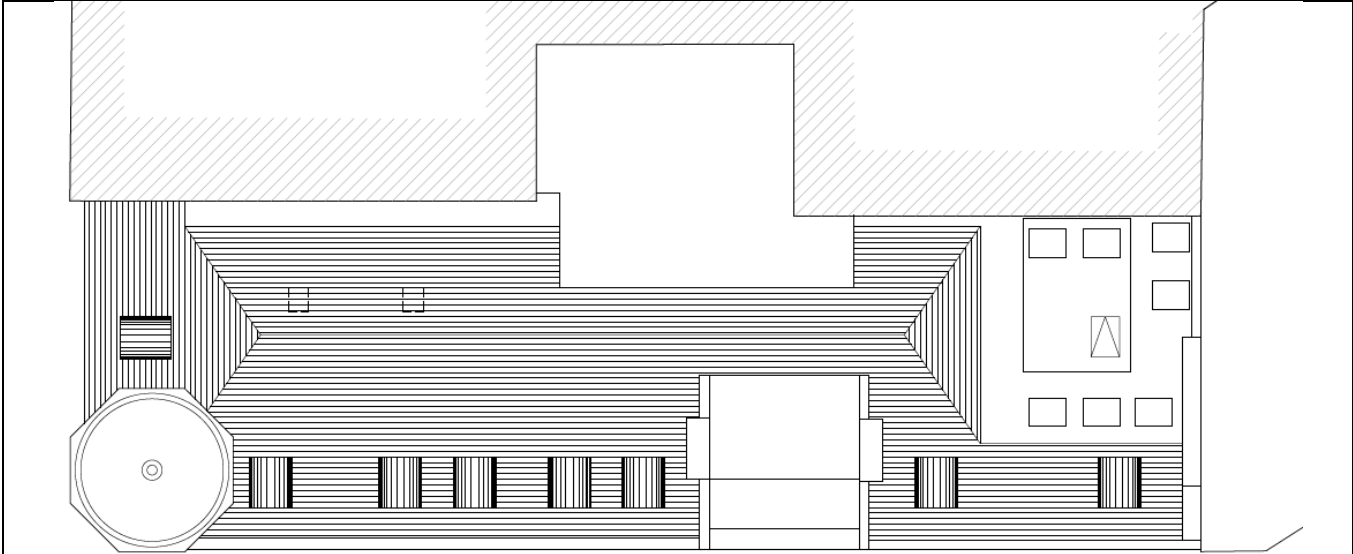
Proposed sixth level



Existing seventh level

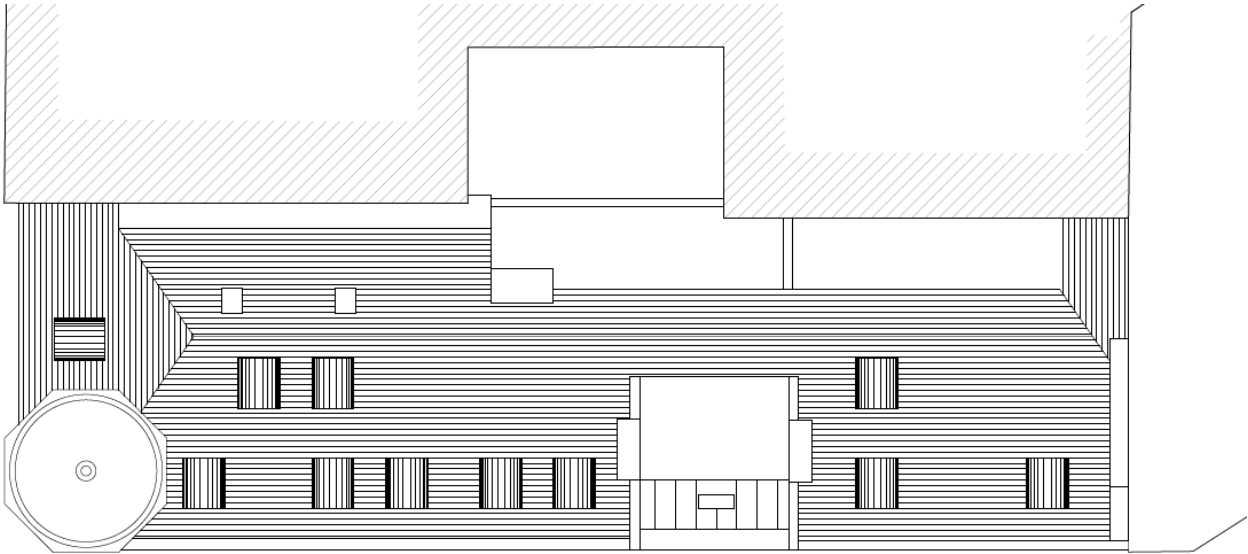


Proposed seventh level



ROOF PLAN

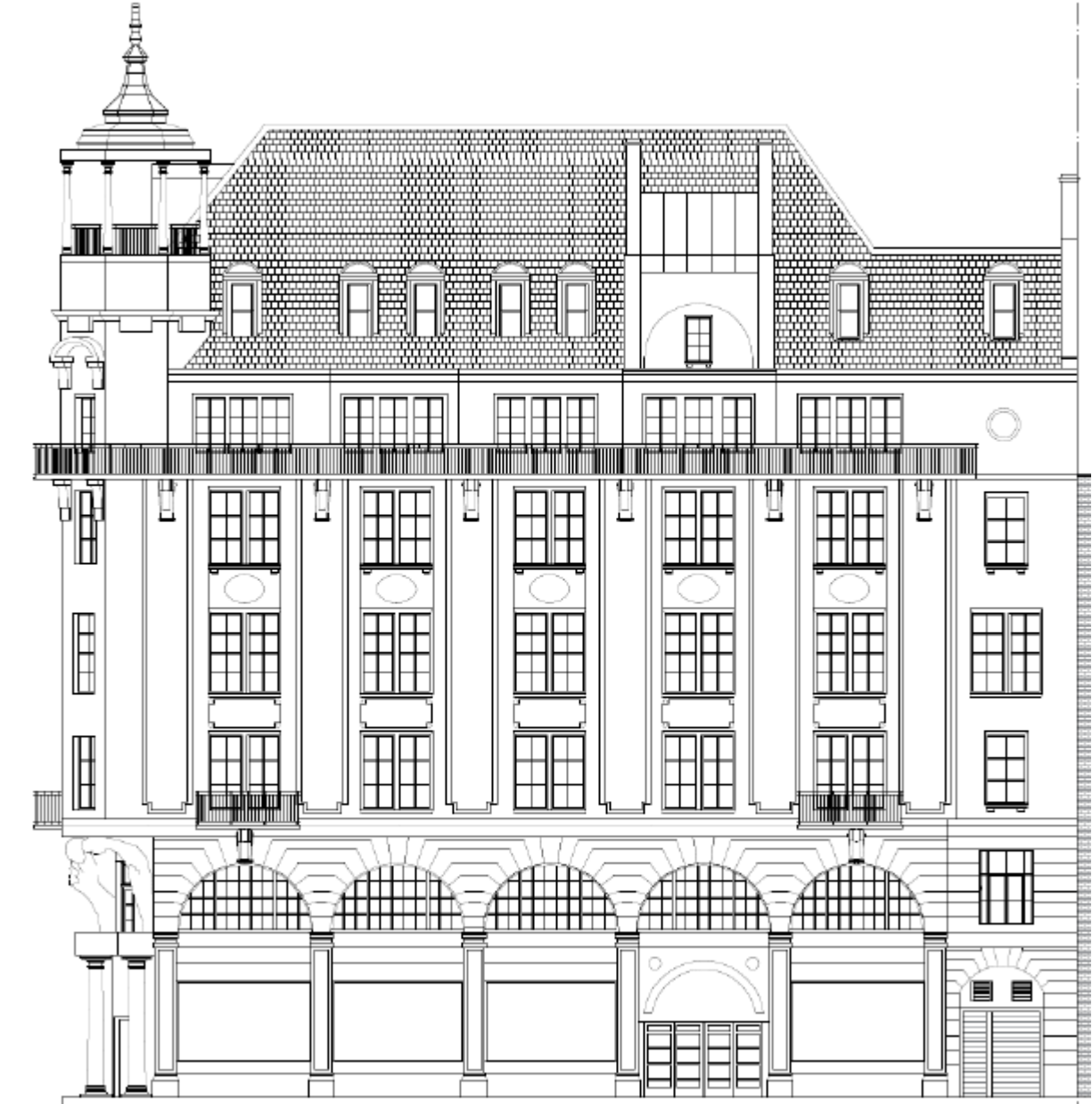
Existing roof level



ROOF PLAN

Proposed roof level

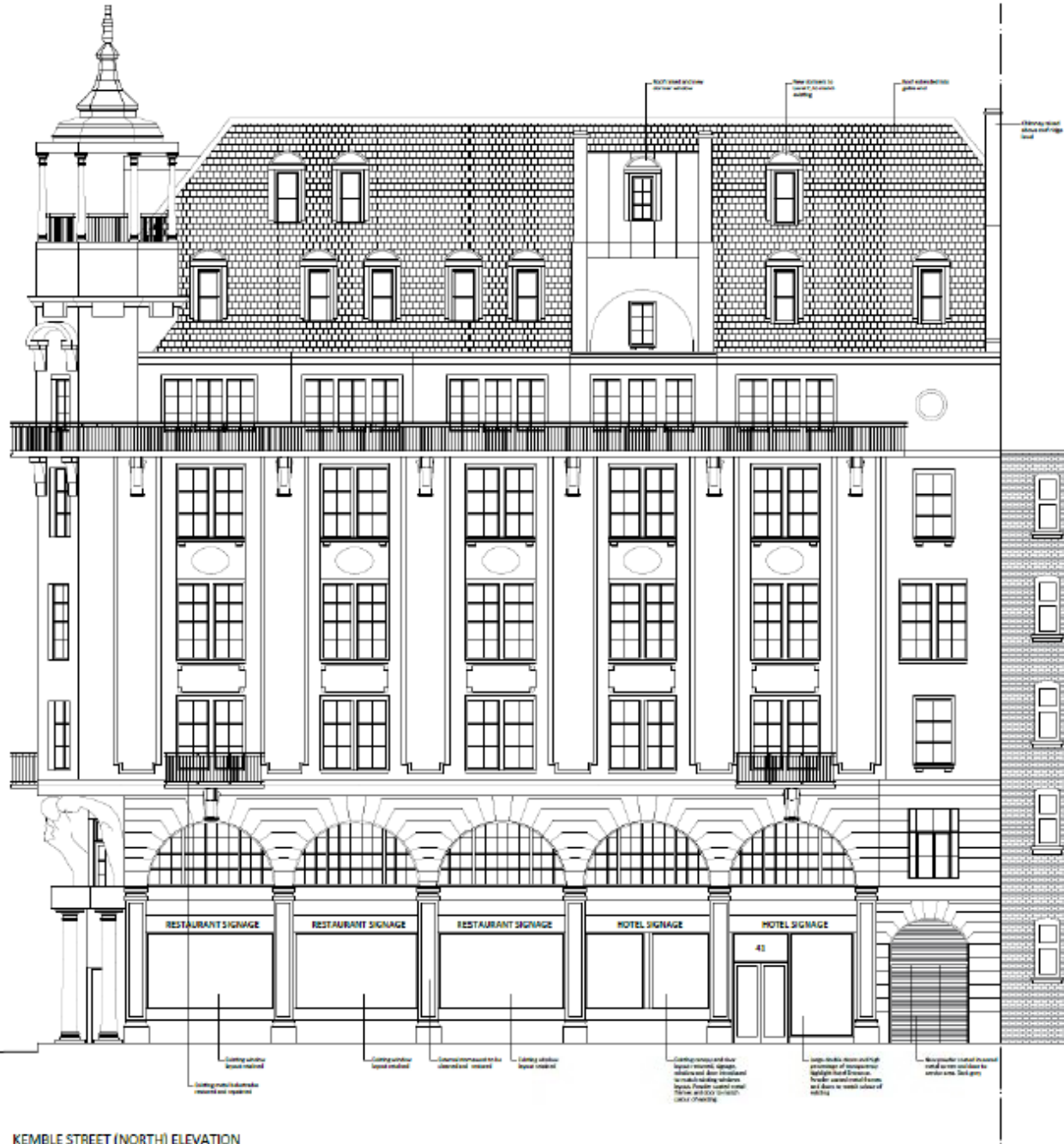
3.2 Existing Kemble Street Elevation



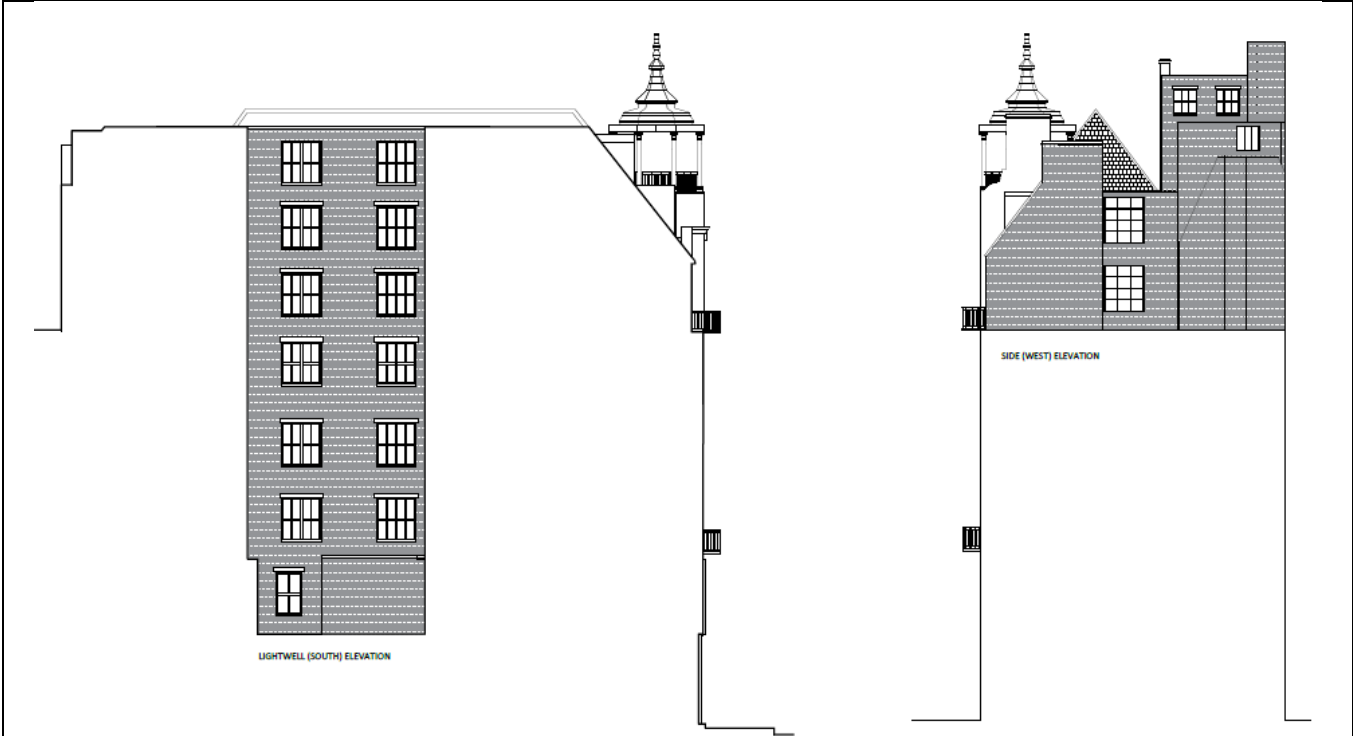
Application Site

KEMBLE STREET (NORTH) ELEVATION

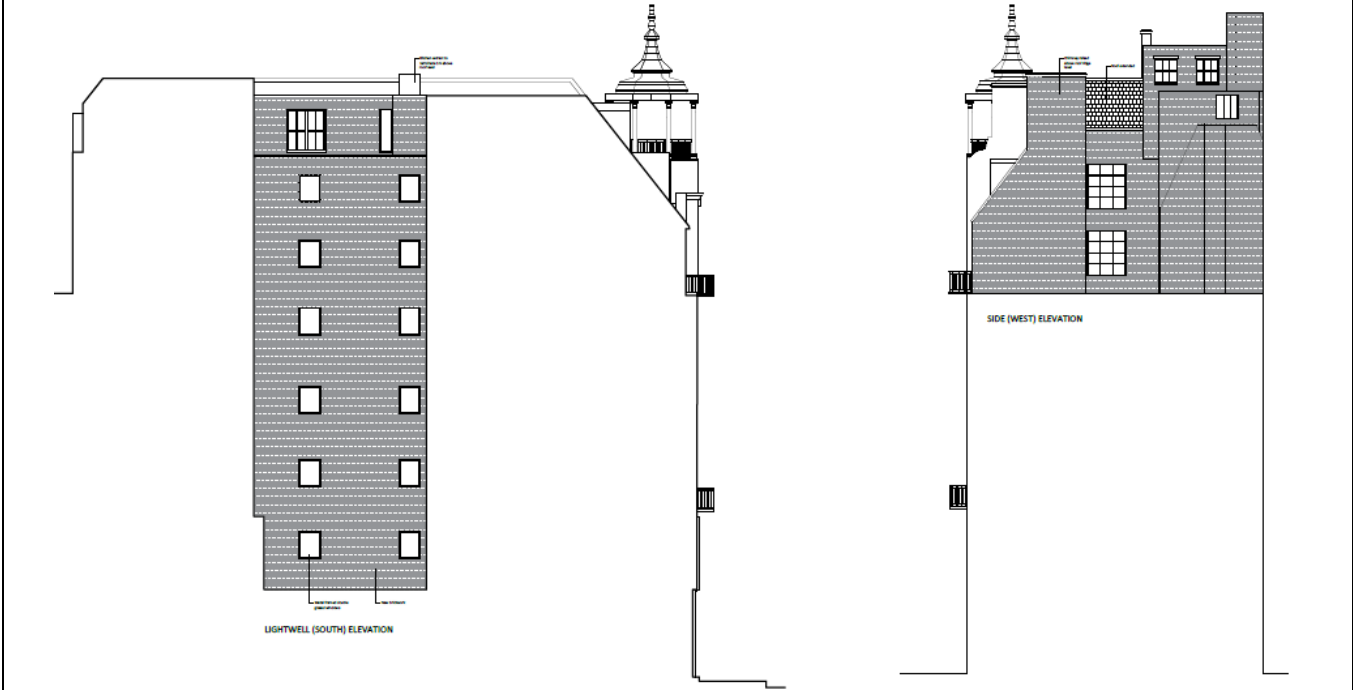
3.3 Proposed Kemble Street Elevation



KEMBLE STREET (NORTH) ELEVATION

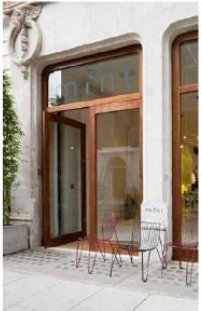


Existing light well and side (west) elevations

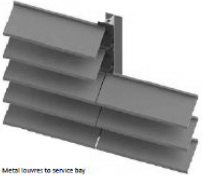


Proposed light well and side (west) elevations

3.4 Proposed Altered Kemble Street Entrance



Single and elegant new entrance to hotel



Metal corner to service bay

**DRAFT DECISION LETTER**

**Address:** 41 Kingsway, London, WC2B 6TP

**Proposal:** Use of first to seventh floors as a hotel (Class C1) and as a restaurant (Class A3) at ground floor and basement level, extension in the rear light well at first to seventh floors, extension and new dormer windows at seventh floor level, installation of new shopfronts and signage at ground floor level, installation of mechanical plant and an extract duct at podium and roof level.

**Reference:** 18/02441/FULL

**Plan Nos:** 494-(PL)110, 494-(PL)111, 494-(PL)112, 494-(PL)120, 494-(PL)121, 494-(PL)122, 494-(PL)123, 494-(PL)210, 494-(PL)211, 494-(PL)212, 494-(PL)220, 494-(PL)221, 494-(PL)222, 494-(PL)223, 494-(PL)224; (For Information: Covering letter by JLL; Design and Access Statement by NP Architects; Planning Statement by JLL; Acoustic Planning Report, BREEAM Pre-Assessment, Energy Assessment, Energy Statement, Transport Statement and waste Collection Strategy by Scotch Partners LLP).

**Case Officer:** David Dorward

**Direct Tel. No.** 020 7641 2408

**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 Strand 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 Strand 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 submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:
- i) Windows, with corresponding cross-referenced elevations;
  - ii) Doors, with corresponding cross-referenced elevations;
  - iii) Typical dormer design;
  - iv) Plant and acoustic enclosure on new flat roof at seventh floor level.

You must not start works on these parts of the development until we have approved what you have sent us. You must then carry out the works according to the 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 Strand Conservation Area. This is as set out in S25 and S28 of

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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 The flue shall be painted to match the adjacent brickwork and retained that colour.

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 Strand 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 All balustrades/ railings are to be painted black and retained that colour.

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 Strand 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)

- 8 You must apply to us for approval of details of secure cycle storage for the commercial use. 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 (Table 6.3) of the London Plan 2015.

- 9 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)

- 10 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 494(PL) 210 REV C. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

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Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 11 No waste should be left or stored on the public highway.

Reason:

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

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

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

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

Reason:

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

- 14 Customers shall not be permitted within the restaurant premises before 7am or after midnight each day. (C12AD)

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 TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 15 Apart from the entrances to the restaurant annotated on the approved drawings, the ground floor windows shall be fixed permanently shut.

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 TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 16 No live or recorded music shall be played in the Class A3 restaurant that is audible outside of the premises.

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 TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 17 Notwithstanding what is shown on the approved drawings, a minimum of 10% of the hotel bedrooms shall be fully wheelchair accessible.

Reason:

To make sure that there is sufficient choice for people who require an accessible bedroom as set out in policy E10 of the draft New London Plan 2017.

- 18 The hotel and restaurant must be managed in accordance with the Delivery and Servicing Strategy and Management Plan as set out in the Transport Statement by Steer Davies Gleave or in accordance with other details as submitted to and approved by the City Council.

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.

- 19 The hotel must be managed in accordance with the Operational Management Strategy as set out in Appendix 1 of the Planning Statement by JLL or in accordance with other details as submitted to and approved by the City Council.

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

- 20 (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)

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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.

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

**Reason:**

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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](http://www.westminster.gov.uk/cil) , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk) , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 3 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 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 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)

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- 6 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)
  
- 7 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)

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.
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<b>CITY OF WESTMINSTER</b>			
<b>MAJOR PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 12 June 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>50-57 NEWMAN STREET, LONDON, W1T 3DZ,</b>		
<b>Proposal</b>	Demolition and redevelopment to provide a building of three basement levels, ground and part five, part six upper floors for use as a hotel ( Class C1) with ancillary restaurant, bar and wellness facilities, including terraces at 4th and 6th floors; plant equipment at 6 <sup>th</sup> floor and roof level and associated works.		
<b>Agent0</b>	Gerald Eve LLP		
<b>On behalf of</b>	Leeu London Limited		
<b>Registered Number</b>	17/11106/FULL	<b>Date amended/ completed</b>	18 December 2017
<b>Date Application Received</b>	15 December 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	N/A		

## 1. RECOMMENDATION

<p>1. Grant conditional permission, subject to a Section 106 agreement to secure the following:</p> <ul style="list-style-type: none"> <li>i) A Crossrail payment of 153,598 (subject to indexation)</li> <li>ii) An employment and training strategy for the construction phase and operational phases of the development;</li> <li>iii) Monitoring Costs</li> </ul> <p>2. If the legal agreement has not been completed within six weeks from of the date of the Committee's resolution then:</p> <ul style="list-style-type: none"> <li>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</li> <li>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an Undertaking within an appropriate timescale, and that the</li> </ul>
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proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2 SUMMARY

Permission was granted on 18 June 2015 for alterations and extensions to the existing office building in connection with the conversion to a 100 bedroom hotel. Permission is sought for demolition and redevelopment to again provide a 100 bedroom hotel.

The key issues for consideration are :

- The impact of the operation of the hotel on the character and function of the area and on residential amenity
- The impact of the new building on the townscape
- The impact on the highway

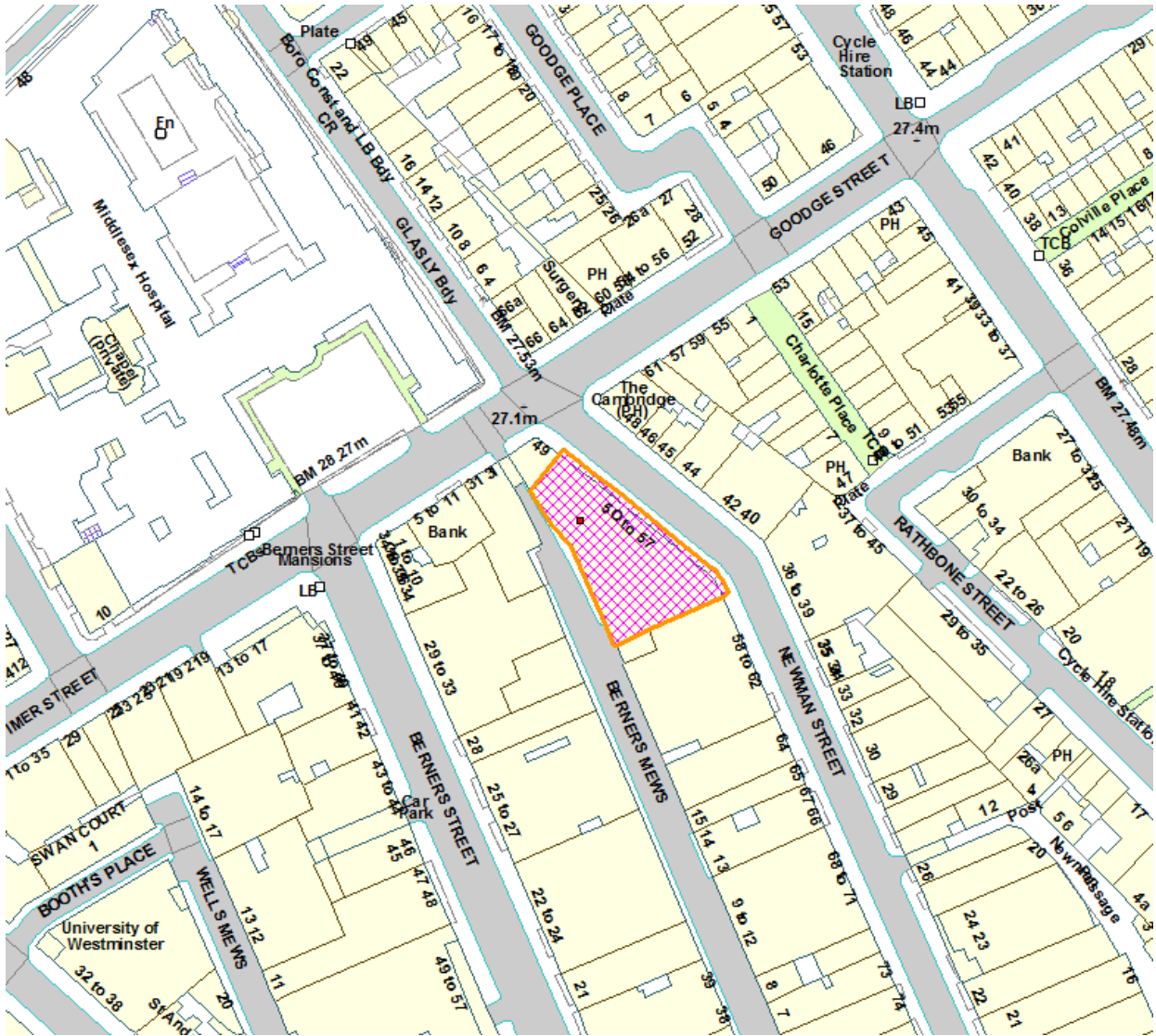
The permission granted in June 2015 remains extant and firmly establishes the principle of hotel use on the site. In land use terms loss of office floorspace (Class B1) and the provision of hotel (Class C1) remains acceptable, on this site in the Core CAZ. An Operational Management Statement (OMS) has been submitted which sets out the proposed operational details. It is considered that adherence to the OMS will ensure that the hotel operates without detriment to residential amenity or the locality.

The scheme will result in the provision of a new building broadly similar to the bulk and mass to the extensions permitted as part of the extant scheme. In design terms the new building which will encompass traditional and modern elements is appropriate to its context.

Subject to appropriate conditions including requiring the use to be carried out in accordance with an approved Servicing Management Plan and preventing the hotel from taking bookings from coach parties it is considered that the hotel use would not adversely impact on the highway.

The proposed development is considered to comply with relevant policies in the unitary Development Plan (UDP) and Westminster's City Plan adopted in November 2016. The application is therefore recommended for approval.

### 3 LOCATION PLAN



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4. PHOTOGRAPHS



View from Newman Street



View from Cleveland Street

## 5 CONSULTATIONS

### FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally

### HIGHWAYS PLANNING MANAGER

No objections subject to conditions

### CLEANSING MANAGER

Request details of waste storage and waste management strategy are secured by condition.

### ENVIRONMENTAL HEALTH

No objection subject to appropriate conditions

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 150

Total No. of replies: 7

No. of objections: 7 (from 6 individual respondents)

No. in support: 0

7 objections received raising some or all of the following grounds:

#### Amenity

Loss of Daylight

Loss of Sunlight (due to increase in height of the building and proposed planting to terraces)

Overlooking/loss of privacy

Noise nuisance from terraces

#### Highways

A dedicated taxi drop off should be provided the existing single yellow line on Newman Street is inadequate to successfully accommodate drop offs.

#### Other

Noise and disturbance during construction, concern over length of proposed construction process.

Concern that the additional basements would result in structural issues.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6 BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is situated on the western side of Newman Street close to the junction with Mortimer Street. It comprises a part five, part four storey unlisted property located within

the Core Central Activities Zone. It falls outside of any conservation area, but is within close proximity to both the Charlotte Street West and East Marylebone Conservation Areas. The application property has frontages on both Newman Street and Berners Mews. The building was in use as offices (Class B1) but has been vacant since early in 2014.

The surrounding buildings are mainly in commercial use, but there are a significant number of residential properties on the upper floors of properties within the vicinity, including at the building opposite the application site at 45-48 Newman Street.

## 6.2 Recent Relevant History

On 18 June 2015 permission was granted for extensions at 5<sup>th</sup> and 6<sup>th</sup> floor levels in connection with use of the premises as a 100 bedroom hotel. The permission remains extant. It was linked to a section 106 agreement requiring financial contributions towards Crossrail and £2.6m towards affordable housing (RN 15/ 01046/FULL)

On 21<sup>st</sup> November 2014 permission was granted for alterations and extensions in connection with the use of the property as a 95 bedroom hotel (RN 14/07688/FULL)

On 13 March 2014 permission was granted for alterations and extensions in connection with the conversion to 23 residential flats ( RN 13/08849/FULL)

## 7 THE PROPOSAL

Permission is sought for the demolition of the existing building and redevelopment to provide a new building comprising three basements ground and part five part six upper floors. The new building would provide a 100 bedroom hotel with ancillary restaurant and bar, deli and wellness centre.

The application has been submitted on behalf of Leeu Collection would currently operate three 5 \* boutique hotels within the Franschhoek Valley area of South Africa. A detailed Operational Management Statement (OMS) has been submitted in support of the application.

The proposed layout is as follows:

- Basement level 2, – plant;
- Basement level 1, hotel back of house areas – (offices, staff canteen, changing rooms and storage);
- Lower Ground floor, restaurant and bar;
- Ground floor, hotel reception, accessed from Newman Street. Restaurant, bar/ deli-counter, wellness centre providing health, beauty and spa services, and internal loading bay accessed from Berners Mews;
- Floors 1-6 would provide 100 hotel bedrooms. The rooms are all double bedrooms measuring between 18m<sup>2</sup> and 40 m<sup>2</sup>;
- Terraces are proposed at 4<sup>th</sup> and 6<sup>th</sup> floor levels
- Roof level, plant.

All guests and visitors will enter and leave the hotel from the main entrance on Newman Street. There are two internal cores both provide a means of escape onto Berners Mews. The staff entrance will be onto Berners Mews. No car parking is provided, cycle parking is provided within a loading bay at ground floor level off Berners Mews. No coach bookings will be taken by the hotel.

## 8 DETAILED CONSIDERATIONS

### 8.1 Land Use

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Offices (Class B1)	3,644	0	-3,644
Hotel ( Class C1)	0	6,162	+6,162
Total	3,644	6,162	+ 2,518

#### Loss of office use

The site lies within the Core CAZ where City Plan policy S1 promotes a mix of uses consistent with its vitality, function and character. There are no policies which restrict the loss of office accommodation to another appropriate commercial use. There is an extant permission which permits the loss of offices, this aspect of the application remains acceptable.

#### Hotel

The land use principle of the provision of hotel use has already been established. The provision of a hotel accords with the aims of City Plan Policy S23 and UDP Policy TACE 2. These policies recognise the importance of Westminster as one of the world's premier visitor destinations and direct new hotels to the Core Central Activities Zone (CAZ), which do not have a predominantly residential character. The policies set out the criteria for assessing new hotels and extensions to existing hotels, in relation to their impact on residential areas, traffic and parking. Use of the site as a hotel was previously and is again considered to accord with these policies subject to satisfactory operational details.

#### Mixed Use Policy

The permission granted on 18 June 2015 was subject to a legal agreement which required a financial contribution of £2.6 million towards affordable housing. Under UDP policy CENT 3 the increase in commercial floorspace triggered a requirement to provide housing. UDP policy CENT 3 is not a saved policy and adopted City Plan policy S1 which encourages mixed use developments within Central Westminster is only triggered by increases in office floorspace. The provision of commercial hotel floorspace does not generate a requirement to provide residential.

#### Operational Details

The applicant states that the hotel would be developed and self managed by Leeu Collection. The aim being to create a 5 \* hotel with a high standard of internal design and décor. A range of facilities ancillary to the main hotel use would be provided typical of West End hotels. The ground and lower ground floors include a restaurant and bar. The restaurant measures 246 m<sup>2</sup> the bar 248 m<sup>2</sup>. There is also a deli counter (35m<sup>2</sup>). The restaurant would be accessed from Newman Street through the hotel lobby. In addition to the restaurant and bar the hotel includes meeting room at lower ground floor level and a wellness centre on the ground floor which provides health and spa services.

### Restaurant and bar

The restaurant/bar would be an integral part of the hotel, under the same management, and would be where hotel guests would have breakfast and evening meals. As is typical of a hotel of the nature proposed, the restaurant would be open to non- residents. The restaurant and bar would not be open to non- hotel guests outside the hours of 06.00 – 00.00 on weekdays and 06.00 – 00:30 on weekends. The restaurant and bar would not be operated as a stand alone facility and would be ancillary to the primary hotel use (Class C1), the impact of the restaurant and bar needs to be assessed against the City Council's entertainment policies.

UDP Policies TACE 8-10 are applicable to entertainment uses, and aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the city, while acknowledging that they provide services to people living in, working in and visiting the City and contribute to its role as an entertainment centre of national and international importance .

UDP entertainment policies are intended to represent a 'sliding scale' of permissibility from TACE 8 ('generally permissible') to TACE 10 ('permissible only in exceptional circumstances'), dependent upon the location, size and type of the entertainment use.

UDP policy TACE 10 is applicable to entertainment uses where the gross floorspace exceeds 500 m2. Permission will only be granted where Policy TACE 10 has been identified as relevant 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, and relationship to any existing concentrations of entertainment uses. New large scale late night entertainment uses of over 500m2 floorspace will not generally be appropriate.

The total restaurant / bar floorspace is 495m2. The scheme includes a small deli of 35 m2 which will contain approximately 10 bar stools. If this floorspace is added to the proposed restaurant/ bar the total 'entertainment floorspace' would be 532m2. As such this would need to be assessed against City Plan Policy S24 and UDP Policy TACE 10.

The scheme proposes a restaurant of 110 covers and an additional 10 within the deli. The capacity of the bar is 155 persons. The 'entertainment' facilities proposed are of a similar size to those previously permitted as part of the hotel development approved in June 2015. The closest residential properties to the site are within the row of buildings directly opposite the application site at 40-48 Newman Street.

The application is accompanied by an Operational Management Statement (OMs). The key elements of the OMP are as follows:

- The hotel will have 24 hour CCTV coverage.
- All hotel guests and visitors would enter and leave the hotel from the main entrance on Newman Street which would have 24 hour door staff. Management of evening guests would be strictly controlled to ensure minimal disturbance to neighbouring residents.



- The staff entrance will be located on Berners Mews.
- A private, direct contact number would be made available to local residents and businesses to enable them to contact the hotel management directly
- Hotel management would encourage in advance customers that plan to arrive by car to park in nearby car parks. Details of local car parking would be advertised on the hotels web site. The hotel would not be marketed for coach parties.
- The restaurant would be open to non- hotel guests at 06.00 throughout the week and close at 00.00 on weekdays and 00.30 at weekends.
- The bar would be open to non- guests at 11.00 and close at 00.00 on weekdays and 00.30 at weekends.
- Management would ensure strict compliance with licensing and planning conditions.

Newman Street is mixed use in character including some residential. The OMS is considered to be robust and it will ensure that activity associated with the hotel and ancillary facilities would not be harmful to the character of the area and more specifically to residential amenity. Subject to compliance with the OMS the hotel incorporating a restaurant and bar is again considered acceptable.

## **8.2 Townscape and Design**

The sites lies outside but adjacent to the Charlotte Street West Conservation Area. Demolition of the existing building does not require planning permission. The key urban design issue is the acceptability of the proposed building and its impact on the character of this part of the city and the setting of the adjacent conservation area.

### Height and bulk

The proposed height and bulk of the new building are very similar to those approved by a planning permission for extensions to the existing building in 2015 (15/01046/FULL). There is some additional bulk at roof level in the form of a screened plant area on the top of the new building. This is set back from the street facades and its visual impact is considered small and acceptable.

### Design

The new building is a similar design to the existing building. It is faced in brickwork, with a dark brick base, with glazed shopfronts. The shopfronts and the windows are multi-pane. The facade is given a rhythm with the use of shallow projecting curved bays faced in stone. The roof is set back but vertical, clad in fibre cement panels. The design and materials are considered appropriate and acceptable for this site, with the exception of the fibre cement. This is not a material normally accepted by the City Council for cladding. Lead, zinc or slate would be acceptable alternatives and it is recommended that a condition be used to require an alternative material.

At the rear, the façade is more robust, simpler than the front, without projecting bays, but with the addition of planting areas. This will add positively to the character and appearance of the mews.

It is considered that this is a good design, with traditional and modern elements. The proposals are acceptable in urban design and conservation terms and compliant with the relevant policies of the City Plan and Unitary Development Plan, including S25, S28, DES 1, DES 4 and DES 9.

### **8.3 Residential Amenity**

#### Daylight and Sunlight

UDP 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. These policies also seek to ensure that developments do not result in a significant increase in a sense of enclosure or result in overlooking.

The closest residential properties to this site at the rear are within 36-39, 45, 46 and 48 Newman Street. The applicant has submitted a detailed daylight and sunlight report by GIA which assesses the impact of the development on the following properties: 34-35,36-39,40-44 (due to extant residential permission which has not been implemented), 45-46, 48 and 49 Newman Street, 34-36 Berners Street and 58-60, 62-64 and 66 Goodge Street.

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.

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 % of annual probable sunlight hours,over the whole year 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.

Of the 10 properties assessed in the report 4 (66 Godge Street, 34-35 Newman Street, 34-36 Berners Street and 58-60 Goodge Street) will achieve full BRE compliance in relation to daylight (VSC and NSL) and sunlight (APSH). The impact on the other 6 properties is summarised as follows:

- i) 45-46 Newman Street

No's 45-46 Newman Street is located directly to the east of the site. There are residential flats located at 1<sup>st</sup> to 4<sup>th</sup> floors. Objections have been received from the occupants of flats 1, 2 and 4 that the development would result in a loss of daylight and sunlight.

With regards to daylight of 10 of 22 windows would experience reductions in VSC levels ranging between 20% -27%. This is beyond the 20% loss in which the BRE guidelines state would be noticeable. These losses are however very similar to those permitted by the extant scheme granted in June 2015. An analysis of the consented against proposed schemes shows that the absolute changes at 45-46 Newman Street are between 0.1% and 0.5 %. As such the vast majority of windows and rooms will see no real perceptible change between the current scheme and the extant permission. The table below provides the data for the 10 windows in which there are breaches to the BRE guidelines at 45-46 Newman Street and a comparison with the approved scheme.

Floor	room	Room use	window	existing	consented	proposed	loss	% loss	Difference between consented and proposed
1 <sup>st</sup>	R2	Living room	W2	18.2	13.6	13.5	4.7	25.82	0.1
1 <sup>st</sup>	R2	Living room	W3	14.3	10.7	10.6	3.7	25.87	0.1
1 <sup>st</sup>	R3	Bedroom	W4	18.0	13.2	13.1	4.9	27.22	0.1
2 <sup>nd</sup>	R1	Dinning room	W2	23.2	17.1	16.9	6.3	27.16	0.2
2 <sup>nd</sup>	R1	Dining room	W3	17.6	13.1	12.9	4.7	26.70	0.2
2 <sup>nd</sup>	R2	Living room	W4	22.8	16.7	16.5	6.3	27.63	0.2
3 <sup>rd</sup>	R1	Bedroom	W2	28.5	21.6	21.3	7.2	25.26	0.3
3 <sup>rd</sup>	R1	Bedroom	W3	21.3	16.2	15.9	5.4	25.35	0.3
3 <sup>rd</sup>	R2	Living room	W4	28.4	21.1	20.8	7.6	26.76	0.3
4 <sup>th</sup>	R2	Bedroom	W4	31.0	25.2	24.7	6.3	20.32	0.5

With regards to sunlight, 11 of the 18 windows assessed meet the BRE guidelines for APSH. Of the seven windows which fall below the guidance, four will achieve BRE compliance in relation to annual sunlight. Of the three which do not comply two will retain annual APSH values of 21% (2 windows) and 12%. The BRE guidance suggests 25% for an urban location. The windows which see reductions in winter sunlight will retain APSH values of between 2% and 4% (guidelines recommend 5%) except one which will receive no winter APSH.

A comparison between the proposed and consented schemes shows that there will be little perceptible change with regards to sunlight .Of the seven windows impacted, one window will see an improvement. Four of the impacted windows see no additional change and the remaining two windows will see no more than a 1% change in annual or winter APSH.

ii) 49 Newman Street

The property is located immediately to the north of the site and shares a lightwell with the 50-57 Newman Street. There are residential units located at 1<sup>st</sup> to 4<sup>th</sup> floors but only one habitable room facing into the lightwell. A window in this room has an existing VSC level of 25.8% which will be reduced to 15.2 % a 41% reduction. Although this breaches BRE guidelines the retained VSC value of 15% is not uncommon for a central urban location.

The window and room assessed fully comply with BRE guidelines for APSH.

iii) 36-39 Newman Street

This is a mixed use building located to the south east of the site on Newman Street. The ground floor is commercial and the 1<sup>st</sup> to 4<sup>th</sup> floors are residential. In total 118 windows serving 28 rooms have been assessed in relation to VSC and NSL. The analysis shows that all windows and rooms will achieve BRE compliance.

Of 106 windows which have been assessed for sunlight 104 will meet the BRE guidelines. Two windows on the 3<sup>rd</sup> floor will experience a change marginally in excess of the BRE guidelines. The windows will retain annual sunlight hours of 23% and 24% respectively. This is only slightly below the BRE recommended 25% APSH.

iv) 40-44 Newman Street

40-44 Newman Street is located to the east of the application site. The building is a commercial property permission was granted for the conversion of the first to fifth floor to residential use in February 2016 (15/07438/FULL). An objection has been received on the grounds that the development would result in a loss of light to the lower floors of the property.

There are 62 windows serving 15 rooms which have been assessed for daylight (VSC and NSL). Thirty one of these windows will meet the BRE Guidelines for VSC and 12 rooms will achieve BRE compliance in relation to NSL.

The 31 impacted windows will experience changes in VSC (c.20%-27%). Almost all (c.94%) of the windows will retain VSC values in excess of 18% which is considered acceptable given the central London location.

In relation to sunlight, 56 windows have been assessed, of which 55 (98%) will achieve BRE compliance. One window which will see a reduction in annual sunlight but will achieve BRE compliance in relation to winter APSH. Given the urban location, the window experiences an unusually high level of existing sunlight (Annual APSH - 38%). Should the proposal be implemented, the retained value is 24% which is only marginally below the BRE's suggestion of 25% for an urban location.

v) 62-64 Goodge Street

This mixed-use property is located to the north-east of the site on Goodge Street. The ground floor is commercial and the upper floors are residential in use.

In total the report assesses 18 windows serving 7 rooms have been assessed in relation to VSC and NSL. All windows will achieve BRE compliance in relation to VSC and five rooms will meet the BRE Guidelines for NSL. Two rooms will experience NSL transgressions of c.21-24% with

retained values of c.59% and c.70%. This is considered to be a very minimal impact on daylight distribution. All 18 windows assessed for sunlight will meet the BRE Guidelines.

vi) 48 Newman Street

This mixed-use property is located to the east of the site on Newman Street. The ground and first floor serve the 'Newman Street Tavern' public house and the second, third and fourth floor are residential in use.

In total 20 windows serving 7 habitable rooms have been assessed in relation to VSC and NSL, of which 18 windows and six rooms which will achieve BRE compliance. There are two windows each serving bedrooms which will see a small change in VSC (c.21-23%) with retained values of c.21%. One of the impacted windows serves a bedroom which will also experience an NSL transgression, however bedrooms are less important with regards to daylight (NSL).

There are 13 windows which have been assessed in relation to sunlight, 11 of which will meet the BRE Guidelines. Two windows will experience winter sunlight transgressions; however, they will retain annual APSH values (31%) in excess of the suggested guidance.

In summary with regards to daylight the vast majority of the windows assessed will meet the BRE Guidelines for VSC (86%) and NSL (90%). The study also shows that with regards to sunlight (APSH) the vast majority of windows assessed (96%) would also meet guidelines. There are a number of breaches to the guidelines as discussed above. These breaches are however considered to be relatively marginal and the where there are breaches the retained values are typical for a central London location. Furthermore as one would expect given that the height and bulk of the proposed new building will be very similar to the extensions permitted as part of the extant scheme (June 2015) there would be no real perceptible change to the daylight or sunlight levels to any of the surrounding properties between the respective schemes. This aspect of the application is therefore considered to be acceptable.

Privacy and sense of enclosure

UDP Policy ENV13 aims to ensure that new developments do not unacceptably increase overlooking of neighbouring residential properties or sense of enclosure due to overbearing proximity.

The bulk and mass of the extensions are considered again considered acceptable and would not result in a material increased sense of enclosure to any of the surrounding properties.

Terraces are proposed at 4<sup>th</sup> floor and 6<sup>th</sup> floor roof levels. The 4<sup>th</sup> floor terrace would be available to hotel guests in the 2 x rooms at 4<sup>th</sup> floor level. The 6<sup>th</sup> floor terrace would have a capacity of 20. The applicant proposes that use of the terraces would be limited to between 08.00 and 22.00 hours.

Objections have been received from the occupants of flats at No 40-44 Newman Street situated to the front (east) of the site and a 1<sup>st</sup> floor flat at Berners Mansions No 34-36 Berners Street at the rear ( west) of the site that use of the proposed terraces would result in noise nuisance and overlooking. Although the terraces are relatively large the intension is that they would be available for use for only a few of the hotel rooms. The capacity of the terraces is therefore relatively limited. Subject to conditions which control both the capacity and the hours of use (as proposed 08.00 – 22.00 hours) and which would prevent amplified music from being played, it is

considered that the terraces would not result in undue noise nuisance to the detriment of nearby residents. With regards to privacy, it is not considered that the terraces would result in any significant direct overlooking. There are high level terraces on the recently constructed development at No 29- 33 Berners Street which afford views into the rear lightwell at No 34-36 Berners Street. In the circumstances it would be unreasonable to require the terraces to be omitted from the scheme.

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

The key highways considerations are summarised as follows

##### Car Parking

No changes are proposed to the on street residential parking bays and no car parking is proposed. The loss of 2 x off street car parking spaces has been established by the extant permission granted in June 2015. The site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the change of use on parking levels will be minimal.

##### Servicing and trip generation

Policy S42 of the City Plan and TRANS 20 require off street servicing provision. The existing site includes two off street car parking spaces which will be converted into a loading bay. A transport statement submitted as part of the application states that the site would be serviced by approximately fifteen deliveries a day. The Highways Planning Manager advises that depending on the final operations of the ancillary hotel elements this may be a conservative estimate. However if all servicing excluding refuse collection does occur off street then the proposal would be consistent with policies.

It is recommended that a Servicing Management Plan is secured by condition to cover the servicing process. The plan should identify storage locations, scheduling of deliveries and staffing arrangements as well as how deliver vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. This should be provided for waste collection as well.

Objections have been received that the hotel use would increase traffic congestion particularly from taxis and may necessitate the removal of residents parking. The Highways Planning Manager has not objected on this basis but advises that the application does not permit changes to the existing highway layout also raised concerns given the limited kerb space available that taxis dropping off and collecting in Newman Street may result in occasional congestion but that the impact is unlikely to be so great or frequent that permission should be withheld.

##### Coaches and Taxis

No provision for coach party arrivals is provided or taxi activity associated with the hotel. The applicant indicates that coaches would not serve the hotel, due to the type of hotel. This is set out within the Operational Management Statement. In addition to a requirement that the use operates in accordance with an OMS it is recommended that a condition specifies that the hotel does not accept coach party bookings.

##### Cycle Parking

The London Plan Policy 6.9 requires 1 cycle parking space per 20 bedrooms. 100 hotel bedrooms would generate a minimum requirement of 5 cycle parking spaces. The proposal includes 4 cycle parking spaces, which is less than required by the policy.

In addition the proposed development contains significant amount of ancillary hotel uses, for which, cycle parking should be provided consistent with the most applicable land use. This would be A class uses in this instance (primarily A3). The London Plan standard for A3 restaurant use is 1 space per 175m<sup>2</sup>. Given this proposal is for full demolition and reconstruction, there is no reason not to provide sufficient cycle parking for all uses (including those of an ancillary nature) within the site.

No short term cycle parking provision is provided. Again, given the significant interventions in the site it is unclear why the minimum short term standard has not been met. Within Berners Mews, where the building is set back, would be an ideal location for short term cycle parking associated with the development. It is therefore recommended that additional cycle parking is secured by condition.

#### Vaults

The submitted drawings indicate the existing vaults under the highway will be rebuilt as is. TRANS19 restricts the lateral and vertical extent of new or extended basement areas under the adjacent highway so that there remains a minimum vertical depth below the footway or carriageway of about 900 mm and the extent of the new or extended basement area does not encroach more than about 1.8 m under any part of the adjacent highway. A condition is recommended to ensure sufficient depth of highway (900mm) is retained.

#### Canopy/Structure over the Highway

The Highways Planning Manager advises that the proposed design of the building overhang in Berners Mews is too low and could result in vehicles striking the building. This would endanger highway users (including pedestrians and motorists) as well as building occupants. This is of particular concern for larger servicing vehicles that utilise the mews. A condition is therefore recommended requiring this aspect of the scheme to be addressed.

### **8.5 Economic Considerations**

The economic benefits of the proposed package are recognised.

### **8.6 Access**

The redevelopment scheme will result in a building with level access, and lift access to all floors.

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

#### Plant

Plant is proposed at basement level 2 and at roof level in a screened roof level enclosure. An acoustic report has been submitted by Hoare Lea. Environmental Health have assessed the report and advise that the operation of the plant is likely to comply with the required noise criteria. Conditions are recommended in relation to the noise and vibration levels from the plant.

The proposal restaurant kitchen will be ventilated by a duct which rises internally through the building and discharges at roof level. This is acceptable in principle. Conditions are recommended to secure details of the high level extraction system.

Subject to the recommended conditions, the proposed development would be consistent with policies ENV 7 and ENV13 of the UDP and policy S29 of the City Plan.

#### Air Quality

An 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.

#### Refuse /Recycling

UDP policy ENV12 and City Plan policy S44 require major new developments to provide on-site recycling facilities.

Recycling and refuse facilities will be located at basement level 1. Refuse collection will take place from Berners Mews. Collections are made twice a day, seven days a week between 08.00 and 10.00 and 19.00 and 21.00. Refuse will be taken out for collection in service lifts by hotel staff and left in a holding area at an appropriate time. There is sufficient space within basement level 1 of the building to provide adequate waste storage. The Cleansing Manager advises that the dedicated refuse storage space needs to be clearly annotated on drawings including a diagram showing movement. It is recommended that this is dealt with by condition.

#### Basement

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

The site includes three basement levels which will accommodate plant, back of house facilities, and ancillary restaurant and bar facilities. The extent of the basements complies with policy.

#### Structural issues

A Structural Method Statement has 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.

#### Sustainability

Policy 5.2 of the London Plan seeks to minimise carbon dioxide emissions in line with the Mayor's energy hierarchy. New schemes are expected to achieve a 40% improvement when measured against the requirements of Part L of the 2010 Building Regulations which equates to a 35 % saving against the 2013 regulations.

Policy 5.6 states that development should evaluate the feasibility of connecting to a Decentralised Energy heating system and Combined Heat and Power (CHP) system.

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 on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions.

An Energy Statement (ES) has been prepared by Hoare Lea as part of the application. Design measures are incorporated into the building to reduce energy demands. The energy statement concludes that the 'be lean' measures would lead to a 7.6% reduction in energy when compared against part L baseline position. It is proposed to use Combined Heat and Power (CHP) plant and gas boilers. The CHP plant will act as the lead heat generator. The report indicates that the provision of CHP would save a further 45% of energy in relation to the 2013 Part L baseline. In terms of renewable technologies, Ground Source Heat Pumps (GSHP) are proposed. GSHPs utilise water extracted from an aquifer or water circulated within the ground pipework as a heat source in enabling them to produce heating and hot water. The report estimates that the renewable energy generate from the GSHP would provide 1.9 % of the buildings energy usage. Although this is below the 20% policy requirement of the London Plan and policy S40 of the City Plan, through combined measures a cumulative reduction of 50.2% saving when benchmarked against Part L of the 2013 Building Regulations would be made. This is considered to meet the policy objectives of the London Plan.

### **8.8 London Plan**

The London Plan contains hotel-related objectives. These include to improve the quality, variety and distribution of visitor accommodation and facilities. The proposed 100 hotel bedrooms will help meet London Plan targets.

### **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. Crossrail payment of £153,598 (subject to indexation)
- ii An Employment and Training Strategy
- iii. Monitoring costs

The estimated WCC CIL payment is: £489,600.

### **8.11 Environmental Impact Assessment**

The proposed development is not large enough to require submission of an Environmental Impact Assessment.

### **8.12 Other Issues**

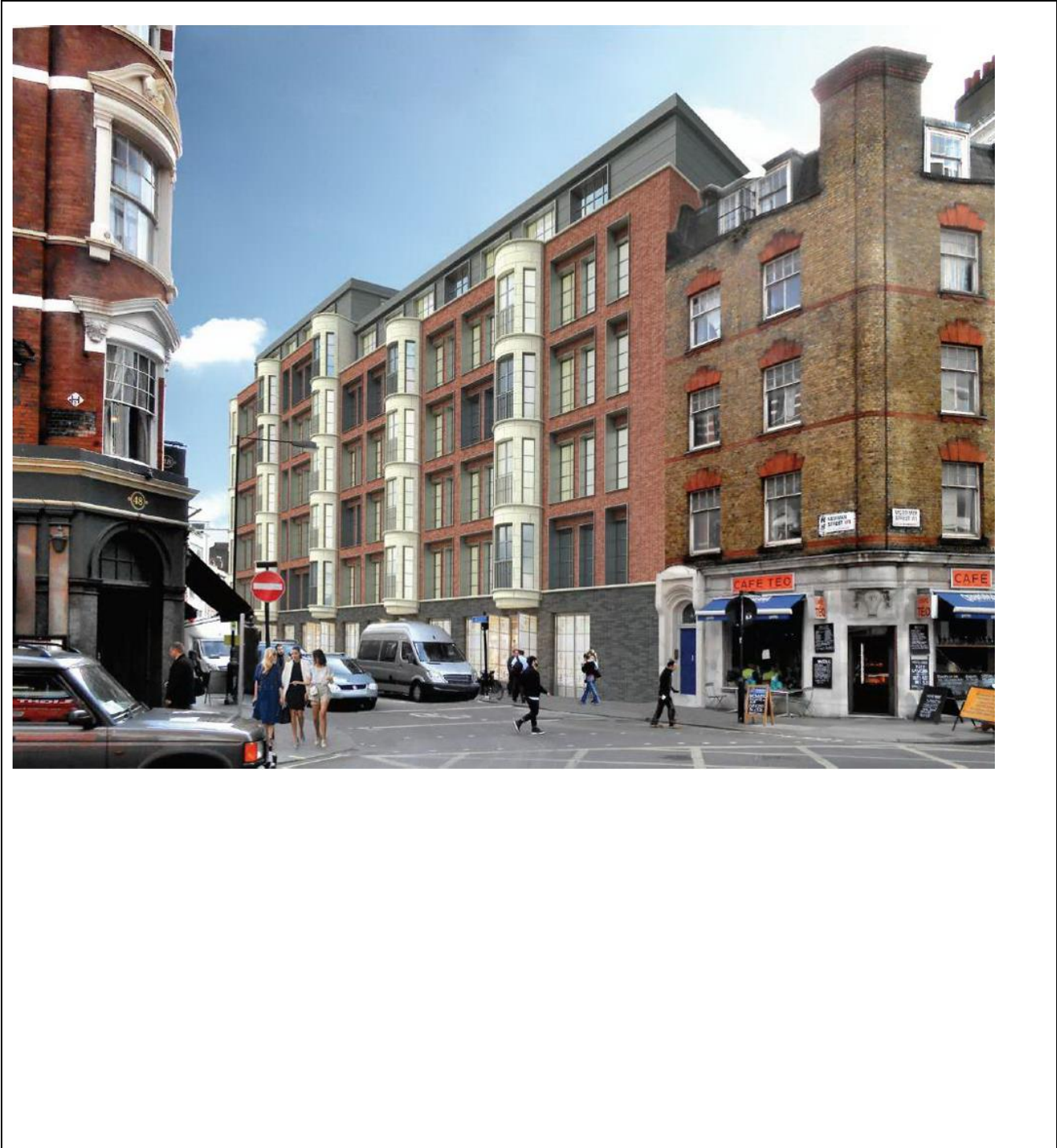
#### Construction impact

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 Site Environmental Management Plan (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

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

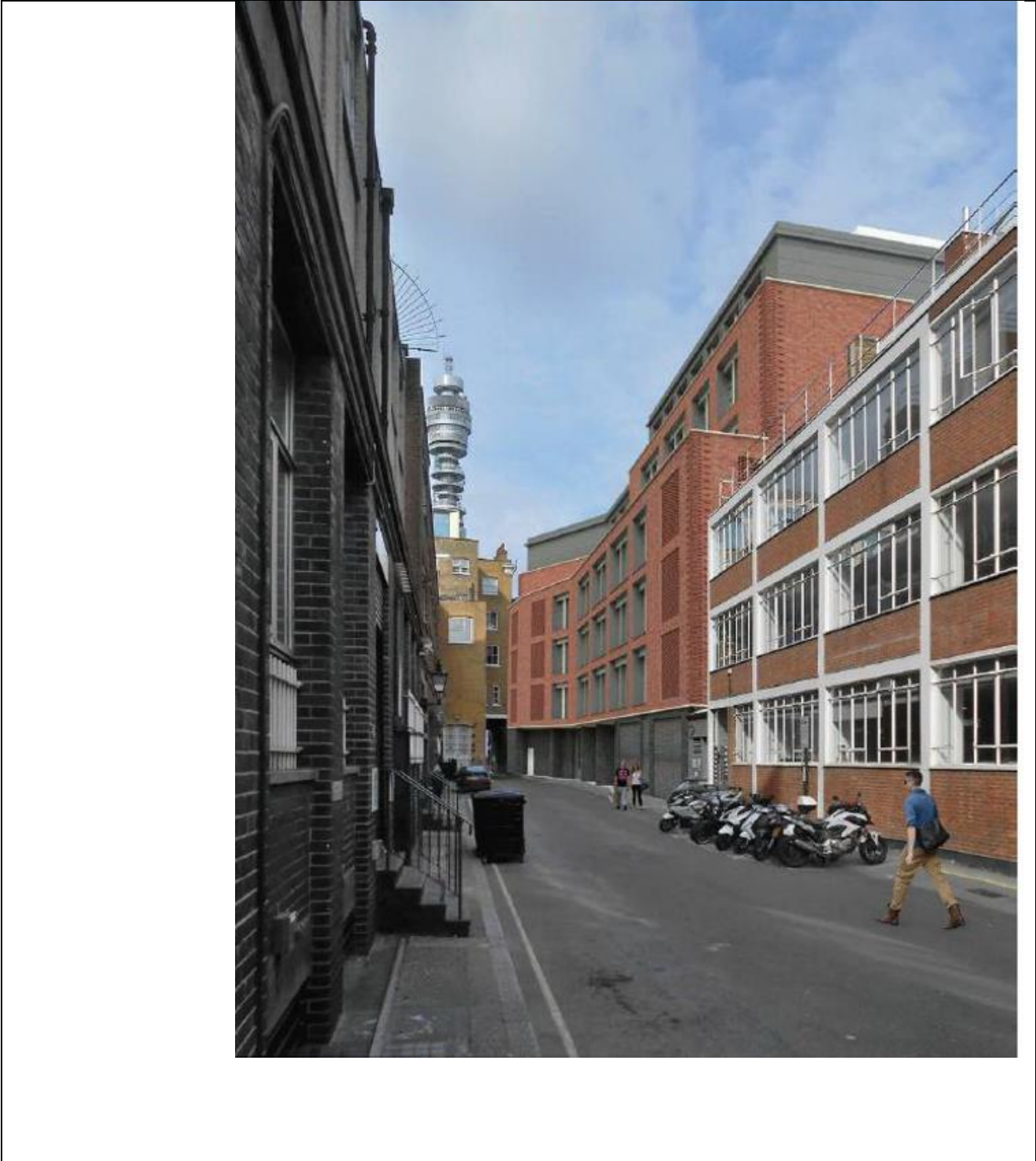
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MICHAEL WALTON BY EMAIL AT [mwalton@westminster.gov.uk](mailto:mwalton@westminster.gov.uk)

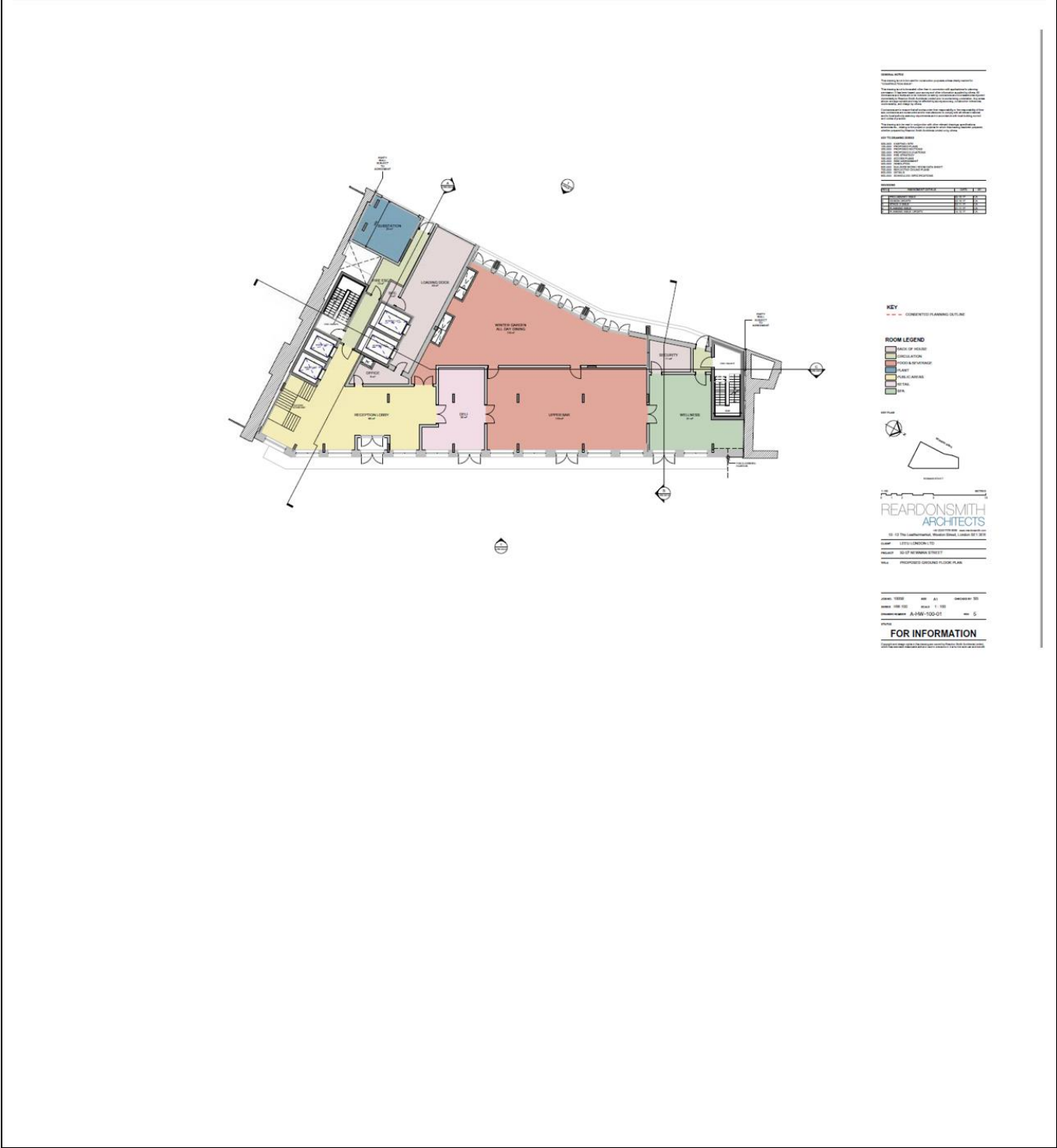
9 KEY DRAWINGS











Item No.
<b>4</b>



# Agenda Item 5

Item No.
5

<b>CITY OF WESTMINSTER</b>			
<b>MAJOR APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 12 <sup>th</sup> June 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b>	
<b>Subject of Report</b>	<b>Proposed Development Site At 54-62, 66 And 68 Oxford Street And 51-58 Rathbone Place, W1</b>		
<b>Proposal</b>	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.		
<b>Agent</b>	DP9		
<b>On behalf of</b>	Derwent Valley Property Developments Ltd		
<b>Registered Number</b>	17/05283/FULL 17/05284/LBC	<b>Date amended/ completed</b>	19 June 2017
<b>Date Application Received</b>	13 June 2017		
<b>Historic Building Grade</b>	Holden House is Grade II listed		
<b>Conservation Area</b>	Hanway Street		

## 1. RECOMMENDATION

<p>1. Grant conditional permission, subject to a Section 106 legal agreement to secure the following:</p> <p>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);</p> <p>ii. A crossrail payment (£435,200 for the all retail scheme or £747,932 for the mixed use scheme) (maximum figures);</p> <p>iii. An employment and training strategy for the construction phase and operational phases of the development;</p> <p>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;</p> <p>v. Monitoring costs</p>
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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

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

This scheme which seeks permission 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 was presented to Committee on 14 November 2017 and again on 12 December 2017. Committee resolved to grant conditional permission subject first to the views of the Mayor and to the completion of a S106 agreement to secure a contribution towards affordable housing, a Crossrail payment, an employment and training strategy and improved loading bay facilities on Oxford Street (in the event that vehicles continue to service from Oxford Street).

Following this resolution to grant permission, the Mayor's views were received enabling the City Council to determine the application, however, prior to issuing the decision a pre-action challenge was submitted on the basis that:

- i. the Council failed to consider alternatives to the demolition of 66 Oxford Street,
- ii. the Council acted irrationally in asserting that the proposals were in accordance with urban design and conservation policies;
- iii. the NPPF was misinterpreted and,
- iv. the resolution is inconsistent in respect of the harm to the listed building.

The Committee is therefore asked to reconsider these issues as set out in detail below.

### **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:

1. Holden (or Evelyn) House which is a grade 2 listed building.
2. 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.

3. 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 new Dean Street Crossrail station to the south west of the site is intended to have a large block of flats above it. Opposite Holden House are two new buildings, comprising retail and with offices above.

The key urban design and conservation issues are:

1. The demolition behind the retained facade of Holden House and the proposed extensions at roof level.
2. Demolition of 66 Oxford Street.
3. Design of the new building.

### **Consultation responses**

#### **a. The Victorian Society**

The Victorian Society is highly critical of the proposals and the previous reports to committee. It considers that the submitted documentation is far from clear on precisely how much historic fabric and structure exists behind the facades and believe that the survival of historic fabric merits preservation. They raise no objection to the demolition of 68 Oxford Street nor to the significant reworking of Evelyn House, but object to the two-storey roof extension on the grounds that it would be visually prominent and detract from the appearance of the listed building. The Society objects to the removal of masonry above the shopfronts and the increased size of the arched mezzanine windows.

They also object strongly 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 cause serious harm to both designated heritage assets. They argue that the facade of 66 Oxford Street does not need to be demolished and that instead it could be jacked up, or the façade could be taken down and rebuilt to accord with the required new floor levels.

They consider that the proposed building is too tall and architecturally and materially at odds with the high quality historic townscape, and would expose the party wall of Evelyn House in an unacceptably crude way and erode the integrity of the listed building. They consider that the new floorplate would be at variance with the historic grain and pattern of development and consider that the building should retain its historic name of Evelyn House.

The Victorian Society considers that the previous committee reports failed in the application of the statutory duties of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and in the application of paragraphs 132-134 of the NPPF and that the reports poorly consider

the identification of harm and that the scheme as a whole has not been weighed against the scheme's public benefits. They conclude that a final planning balance has not been properly identified and believe that the loss of historic fabric, the impact of the roof level alterations, the loss of 66 Oxford Street and the scale and massing of the new building need to be reviewed.

#### **b. 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.

#### **c. 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.

### **Considerations**

#### **a. 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. Historic England do not object to the demolition of the rear parts of the building. The Victorian Society's view that there are parts of the building which merit retention are not supported.

#### **Facade alterations**

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. It will cause less than substantial harm to the listed building. 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.

DES 5 deals with alterations and extensions. Parts A and C are most relevant.

(A) Permission will generally be granted for development involving the extension or alteration of buildings in the following circumstances:

- 1) where it is confined to the rear of the existing building
- 2) where it does not visually dominate the existing building
- 3) if it is in scale with the existing building and its immediate surroundings
- 4) if its design reflects the style and details of the existing building
- 5) if the use of external materials is consistent with that of the existing building

(C) Permission will generally be granted for new shopfronts to retail or similar premises open to the general public, in the following circumstances:

- 1) where they relate satisfactorily to the design of the upper parts of the building
- 2) where they would not displace existing shopfronts which are locally distinctive or characteristic

The proposed alterations at ground and first floor level are not considered to be wholly in accordance with policy DES 5 and would cause less than substantial harm to the listed building and the conservation area. This harm needs to be weighed against the benefits of the proposals.

#### Roof alterations and extensions

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 applicant has not set these floors back further, and this aspect of the scheme causes less than substantial harm to the listed building, and to its contribution to the conservation area. It is considered that this is not in full accordance with the City Council's urban design and conservation policies, including DES6, with respect to the design of roof alterations and extensions, and DES9, with respect to protecting the character and appearance of conservation areas, and DES10, with respect to protecting the special architectural and historic interest of listed buildings.

Unitary Development Plan policy DES 6 states:

(A) Permission may be refused for roof level alterations and extensions to existing buildings (which may include the installation of conservatories, roof terraces, telecommunications equipment or solar collectors) in the following circumstances:

- 1) where any additional floors, installations or enclosures would adversely affect either the architectural character or unity of a building or group of buildings
- 2) where buildings are completed compositions or include mansard or other existing forms of roof extension
- 3) where the existing building's form or profile makes a contribution to the local skyline or was originally designed to be seen in silhouette
- 4) where the extension would be visually intrusive or unsightly when seen in longer public or private

views from ground or upper levels

5) where unusual or historically significant or distinctive roof forms, coverings, constructions or features would be lost by such extensions.

It is considered that the proposed roof extension is not in accordance with this policy. However, this does not mean that the proposals as a whole are unacceptable. A balancing of the harm and benefits has to be carried out, and this is addressed below.

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.

The November officer's report and the December update concluded that the roof extension would cause some harm to the Grade II listed building. However, the summary reasons for granting the listed building consent on the draft decision letter were that the proposed works would not harm the special architectural and historic interest of the building. This inconsistency should be corrected if consent is to be granted.

#### 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 by officers 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 (see below).

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. It is not considered that the Victorian Society's objection to this relationship between the new building and the western flank wall of Holden House can be supported.

The relevant Unitary Development Plan policy is DES 9 which states :

- 2) Development proposals within conservation areas, involving the demolition of unlisted buildings, may be permitted
- a) If the building makes either a negative or insignificant contribution to the character or appearance of the area, and/or
  - b) If the design quality of the proposed development is considered to result in an enhancement of the conservation area's overall character or appearance, having regard to issues of economic viability, including the viability of retaining and repairing the existing building

In some recent redevelopment schemes, the City Council has required unlisted facades of buildings which make a positive contribution to conservation areas to be retained, and in some cases retained and modified, or rebuilt in facsimile. This is usually in order to relate the façade to the floor levels of

a new building behind.

In this case, officers have not sought viability information with respect to the retention of the existing façade of 66 Oxford Street, or its retention or rebuilding in some modified form. It is accepted that alternative proposals along these lines could be structurally feasible and financially viable.

The reason why this information was not sought, or alternative solutions pursued, was because officers consider the proposed building to be an acceptable replacement for no. 66, and that the net result of demolition and redevelopment would be that the character and appearance of the conservation area would be preserved and not harmed. As stated in previous reports, the proposed new building is considered to be an appropriate replacement for the existing building, in the context of the emerging modern character of the Eastern end of Oxford Street, which includes the south side within the Soho Conservation area and the north side which is in the Hanway Street Conservation Area. The demolition of no.66 would be harmful to the conservation area but this harm would be outweighed by the benefits of the scheme.

#### NPPF – Overall Harm and Benefits

It is considered that the scheme as a whole involves less than substantial harm to the heritage assets affected;

1. The demolition of no. 66 causes less than substantial harm to the character and appearance of the Hanway Street Conservation Area.
2. The proposed roof extension above Holden House causes less than substantial harm to the special interest of the listed building and to the character and appearance of the conservation area.
3. The alterations to the facade of Holden House would cause less than substantial harm to the special interest of the listed building and the character and appearance of the conservation area.

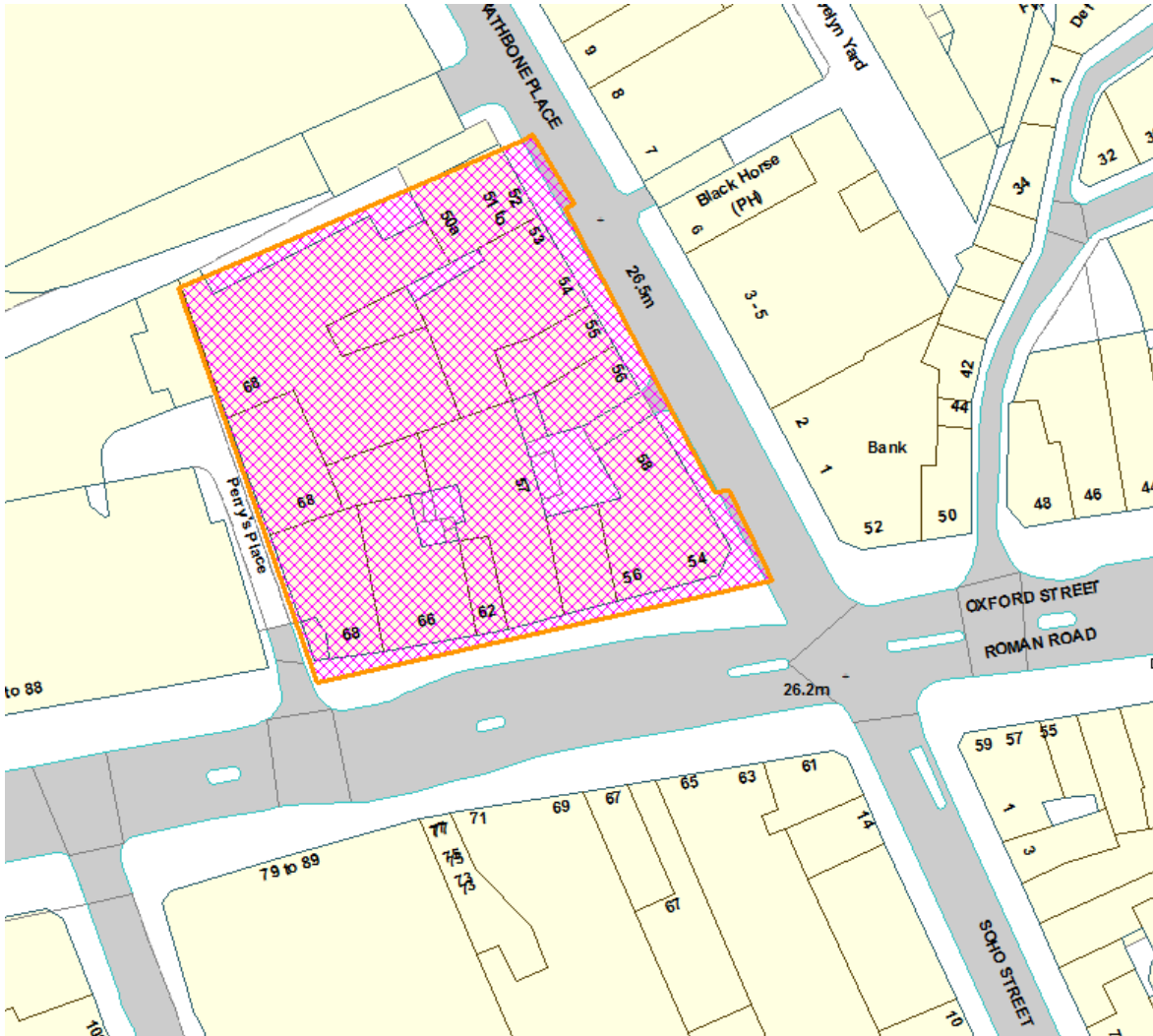
Therefore paragraph 134 of the NPPF is applicable. This states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

#### Conclusion

It is considered that the proposals need to be considered in the context of the benefits of the on-going regeneration of the East end of Oxford Street. The current scheme will deliver public benefits which outweigh the harm to heritage assets. The heritage harm is necessary to unlock the sufficiently important benefits of creating significant amounts of new retail and office floorspace and high quality buildings, to justify the grant of planning permission. The scheme complies with the requirements of the NPPF and the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4, DES 9 and DES 10. Whilst the proposals do not fully comply with all the urban design and conservation policies, notably DES 6, it is considered that they do comply with the City Council's development plan policies taken as a whole.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### REPRESENTATIONS NOT REPORTED TO COMMITTEE ON 12th DECEMBER 2017

#### THE VICTORIAN SOCIETY

Consider that the previous committee reports failed in the application of the statutory duties of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and in the application of paragraphs 132-134 of the NPPF. Believe that the reports poorly consider the identification of harm and that the scheme as a whole has not been weighed against the scheme's public benefits. They conclude that a final planning balance has not been properly identified and believe that the loss of historic fabric, the impact of the roof level alterations, the loss of 66 Oxford Street and the scale and massing of the new building need to be reviewed.

#### GREATER LONDON AUTHORITY

Agree to allow the City Council to approve the application and do not wish to direct refusal or take over the application for determination.

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

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

**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 Perrys 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:
  - 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 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 put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

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

- 6 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 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.

- 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. 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

Item No.
5

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

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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:

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- (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](http://www.westminster.gov.uk/cil) , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an

**Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **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](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://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

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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](mailto: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)

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- 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 whilst the proposed works would cause some harm the special architectural and historic interest of this listed building, that the scheme will deliver public benefits which outweigh the harm to heritage assets. The heritage harm is necessary to unlock the sufficiently important benefits of creating significant amounts of new retail and office floorspace and high quality buildings.

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.

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**BACKGROUND PAPERS**

1. Application form
2. Planning Applications Sub-Committee reports and minutes dated 14 November and 12 December 2017.
3. Representations received and reported to Sub-Committee on 14 November and 12 December 2017.
4. Letter from Greater London Authority dated 18 December 2017.
5. Letter from Victorian Society dated 26 February 2018.



CITY OF WESTMINSTER

# MINUTES

## Planning Applications Sub-Committee (1)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 12th December, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

#### **7 PROPOSED DEVELOPMENT SITE AT 54-62, 66 AND 68 OXFORD STREET AND 51-58 RATHBONE PLACE, W1**

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 louvered façade onto Perry's Place, and the installation of photovoltaic panels at roof level.

Additional representations were received from Fitzrovia West Neighbourhood Forum (7.10.17, 8.10.17, 5.11.17 and 6.11.17).

The presenting officer tabled a revised recommendation in that the words (maximum figures) should be incorporated at the end of paragraph 1.(ii) in relation to the crossrail payment.

#### **RESOLVED:**

1. The Sub-Committee considered that the public benefits of the scheme outweighed the less than substantial harm to the significance of the designated heritage assets;
2. Subject to 1. above and the views of the Mayor, that conditional permission be granted, 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) (maximum figures);

- 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.
3. 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
  - 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. That conditional listed building consent be granted.
5. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 12 <sup>th</sup> December 2017	<b>Classification</b> For General Release	
<b>Addendum report of</b> Director of Planning		<b>Ward(s) involved</b>	
<b>Subject of Report</b>	<b>Proposed Development Site At 54-62, 66 And 68 Oxford Street And 51-58 Rathbone Place, W1</b>		
<b>Proposal</b>	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.		
<b>Agent</b>	DP9		
<b>On behalf of</b>	Derwent Valley Property Developments Ltd		
<b>Registered Number</b>	17/05283/FULL 17/05284/LBC	<b>Date amended/ completed</b>	19 June 2017
<b>Date Application Received</b>	13 June 2017		
<b>Historic Building Grade</b>	Holden House is Grade II listed		
<b>Conservation Area</b>	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> <p>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);</p> <p>ii. A crossrail payment (£435,200 for the all retail scheme or £747,932 for the mixed use scheme)</p> <p>iii. An employment and training strategy for the construction phase and operational phases of the development;</p> <p>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;</p> <p>v. Monitoring costs</p>
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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

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

This scheme which seeks permission 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 was presented to Committee on 14 November 2017. Committee resolved to grant conditional permission subject first to the views of the Mayor and to the completion of a S106 agreement to secure a contribution towards affordable housing, a Crossrail payment, an employment and training strategy and improved loading bay facilities on Oxford Street (in the event that vehicles continue to service from Oxford Street).

The previous report failed to refer to a letter of objection from the Victorian Society (as it had not been uploaded onto the Council's website). The application is therefore being reported back to Committee for reconsideration of the concerns raised. The Victorian Society opposes the application proposals on the grounds that they cause harm to heritage assets and that this harm is not outweighed by public benefits. They are critical of the original report to the Planning Applications Sub-Committee. They identify areas which they say need urgent review:

### 1. Holden House / Evelyn House – Facade retention

The Victorian Society considers that this causes less than substantial harm to the listed building. However, officers consider that the interior of the building has been much altered and extended over the years and is consequently of very limited interest. This is an unusual listed building, as in the vast majority of cases the interior does make a contribution to its special interest. In this case, it is not considered that the demolition of the building behind retained facades would harm the special interest of the listed building, because the special interest lies in the street facades. Whilst the Victorian Society also object to loss of the original shopfront, the original report to Committee assesses this issue and sets out that 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.

### 2. Roof level alterations

The committee agreed with officers that the roof storeys are acceptable on balance. The Victorian Society consider that less than substantial harm is caused. It is accepted that there is some harm

caused to the appearance of the building in some views, but this harm has to be assessed in terms of the overall impact and benefits of the scheme, which include the on-going regeneration of the East end of Oxford Street.

### 3. Demolition of 66 Oxford Street

The committee report made it clear that there is a strong presumption to retain this building and that demolition was harmful to heritage assets, but did not specifically refer to the impact on the conservation area and the setting of the listed building. It is considered that the proposed new building is a high quality new building and is an acceptable replacement for the existing building. Overall, the conservation area will not be harmed.

### 4. Scale and massing and design of the new building

The committee report makes it clear that the proposed building is considerably taller than the existing buildings, but lower than the building immediately to the west, Oxford House, making a transition in terms of height between Holden and Oxford House. It is considered to be a high quality modern building.

### 5. Renaming of Evelyn House

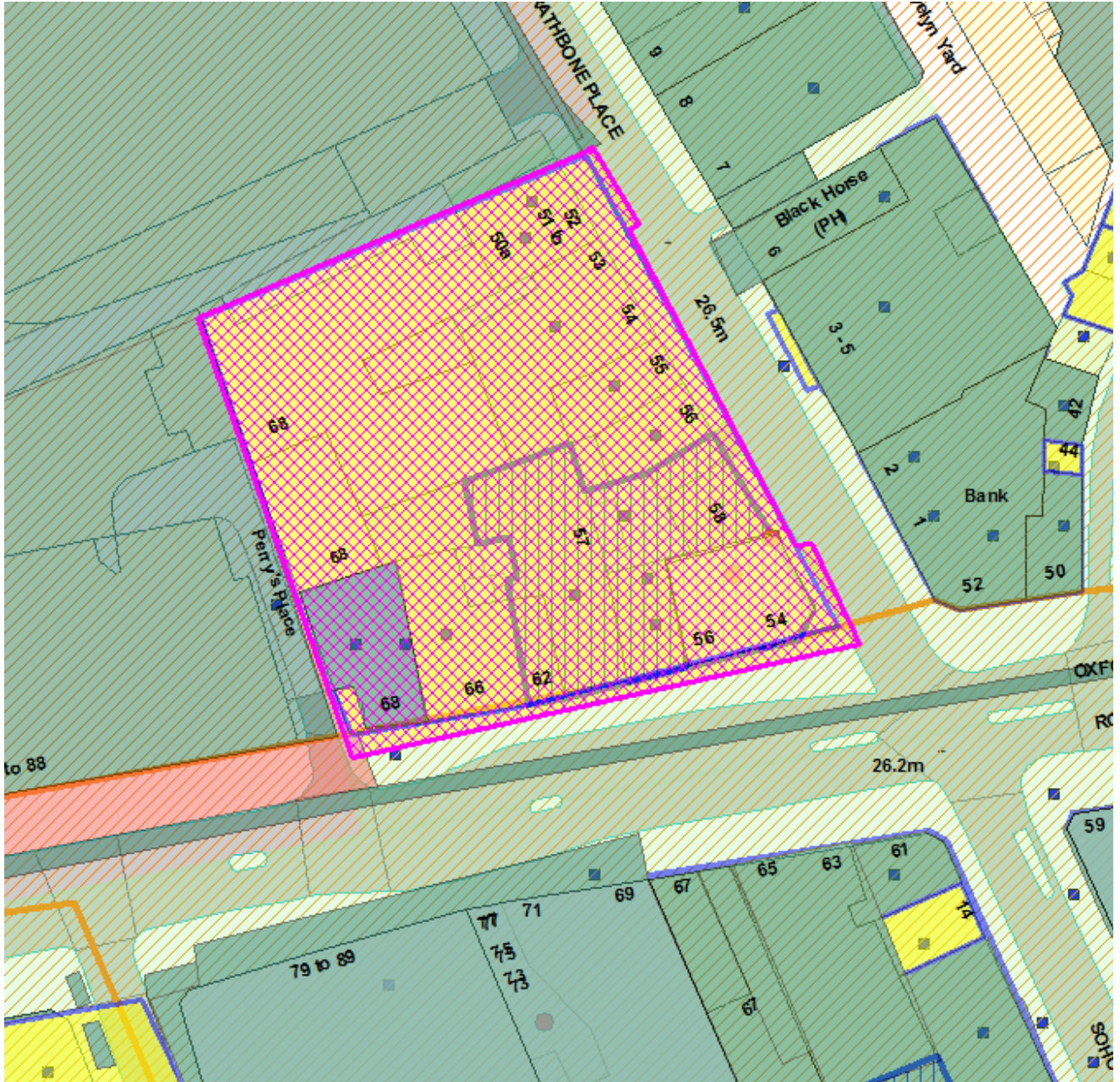
The Victorian Society also object to the renaming of the building to Holden House and believe that the building should retain its historic name. This is not a planning matter and in any event part of the site is already known as Holden House and it is not considered that the application could be refused on this basis.

### Statutory duties

The committee report concluded that 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. The Victorian Society notes that the report did not make specific reference to the statutory duties set out in Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, and to relevant sections of the NPPF. However, the policies referred to are compliant with the NPPF and the City Council's legal duties (Sections 66 and 72) to pay special regard to preserving or enhancing the character and appearance of the conservation area and preserving listed building and the setting of the listed building. In considering the proposals in the context of the City Council's policies, the legal duties were taken into account.



3. LOCATION PLAN



4. PHOTOGRAPHS



## 5. CONSULTATIONS

### REPRESENTATIONS NOTE REPORTED TO THE ORIGINAL COMMITTEE REPORT

#### THE VICTORIAN SOCIETY

Believe that the submitted documentation is far from clear on precisely how much historic fabric and structure exists behind the facades and believe that the survival of historic fabric merits preservation. Raise no objection to the demolition of 68 Oxford Street nor to the significant reworking of Evelyn House, but object to the two-storey roof extension on the grounds that it would be visually prominent and detract from the appearance of the listed building. Object to the removal of masonry above the shopfronts and the increased size of the arched mezzanine windows.

Strongly 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 cause serious harm to both designated heritage assets. Believe that the proposed building is too tall and architecturally and materially at odds with the high quality historic townscape, would expose the party wall of Evelyn House in an unacceptably crude way and erode the integrity of the listed building. Believe that the new floorplate would be at variance with the historic grain and pattern of development and consider that the building should retain its historic name of Evelyn House.

Consider that the previous committee report fails in the application of the statutory duties of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and in the application of paragraphs 132-134 of the NPPF and that the report poorly considers the identification of harm and that the scheme as a whole has not been weighed against the scheme's public benefits. Conclude that a final planning balance has not been properly identified and believe that the loss of historic fabric, the impact of the roof level alterations, the loss of 66 Oxford Street and the scale and massing of the new building need urgent review.

## 6. BACKGROUND PAPERS

1. Application form
2. Planning Applications Sub-Committee report and minutes dated 14 November 2017
3. Representations received and reported to Sub-Committee on 14 November 2017
4. Letters from Victorian Society dated 10 August 2017, 28 and 29 November 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](mailto:mhollington2@westminster.gov.uk)

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**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 Perrys 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 (FOR INFORMATION ONLY).

**Case Officer:** Valma

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

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

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

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

- 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

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- 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 put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

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

- 6 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

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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

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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

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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. 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)



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- 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.

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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

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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.

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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)

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

- 3 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, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://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

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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](mailto: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.

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**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:** [Name] **Direct Tel. No.** 020 7641 2723

**Recommendation and Reason(s)**

- 1 The development 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 finish appearance. This applies unless differences are shown on the drawings we have approved or are required as conditions to this permission. (C26AA)

**Reason:**  
To make sure that the appearance of the building is suitable and contributes to the character and appearance of this part 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 2 for both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in July 2017. (R26BE)



Item No.
7

- 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)

Item No.
<b>7</b>

**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.

**2 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 Perry's Place, and the installation of photovoltaic panels at roof level.

Additional representations were received from Nick Bailey on behalf of Fitzrovia West Neighbourhood Forum (08.11.2017), Transport for London (02.11.2017 and 07.11.2017) and Caneparo Associates (07.11.2017).

A late representation was received from Derwent London (undated).

The presenting officer tabled the following amended recommendation:

Amended recommendation:

1. Subject to the views of the Mayor, 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 (**final figure to be agreed**)
  - 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.
2. If the agreement has not been completed within six weeks of 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.

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

**RESOLVED:**

1. That subject to the views of the Mayor, conditional permission be granted, subject to an amended recommendation as set out above and 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 (final figure to be agreed)
  - 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.
2. That If the Section 106 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
  - 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. That conditional listed building consent be granted.

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

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14th November 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b>	
<b>Subject of Report</b>	<b>Proposed Development Site At 54-62, 66 And 68 Oxford Street And 51-58 Rathbone Place, W1</b>		
<b>Proposal</b>	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.		
<b>Agent</b>	DP9		
<b>On behalf of</b>	Derwent Valley Property Developments Ltd		
<b>Registered Number</b>	17/05283/FULL 17/05284/LBC	<b>Date amended/ completed</b>	19 June 2017
<b>Application Received</b>	13 June 2017		
<b>Historic Building Grade</b>	Holden House is Grade II listed		
<b>Conservation Area</b>	Hanway Street		

## 1. RECOMMENDATION

1. Subject to the views of the Mayor, 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 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

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

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:

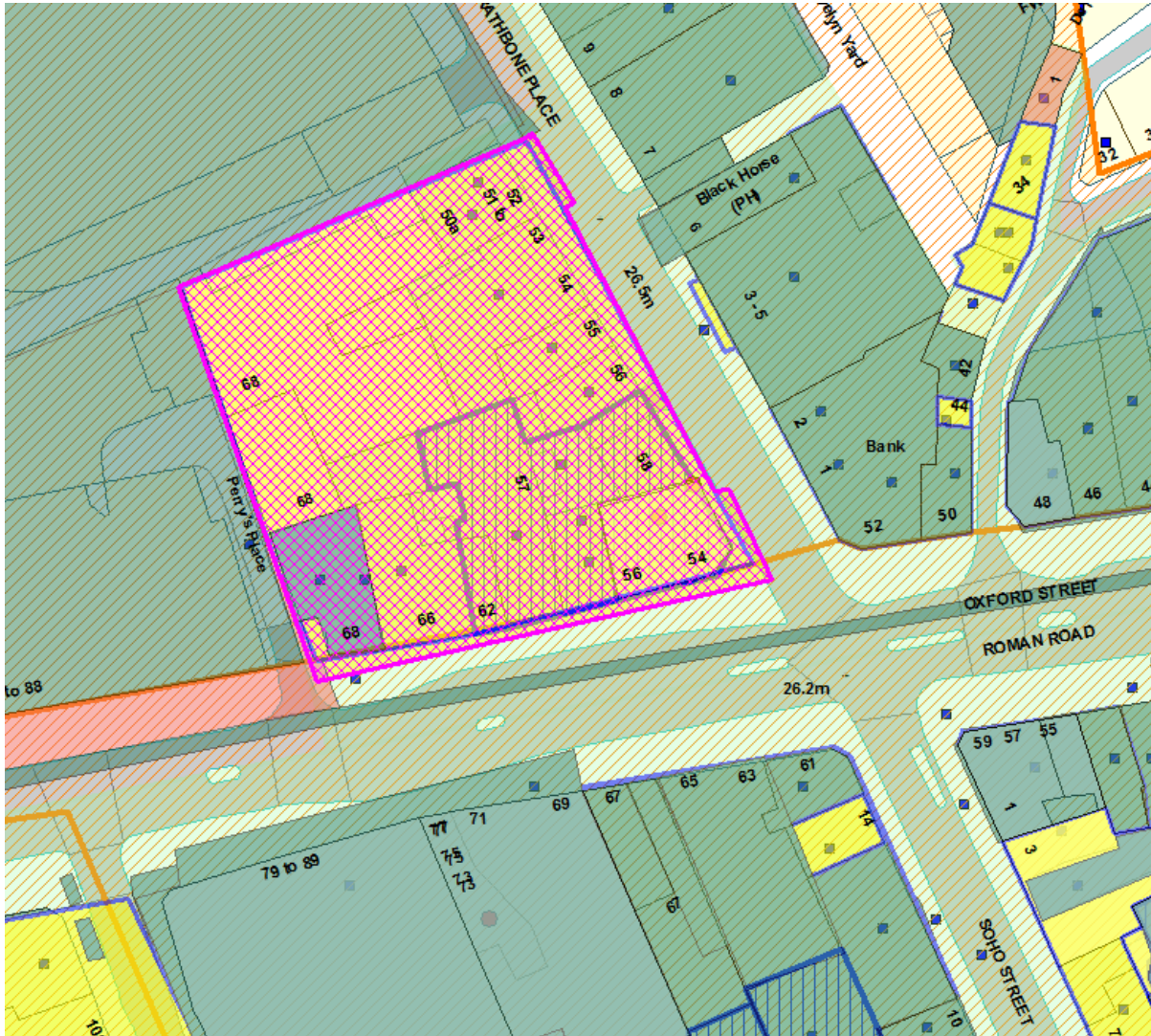
- \* The principle of the demolition of 66 Oxford Street, an unlisted building of merit
- \* The height, bulk and detailed design of the proposed building and the impact of the scheme on the character and appearance of the area
- \* Servicing arrangements

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.

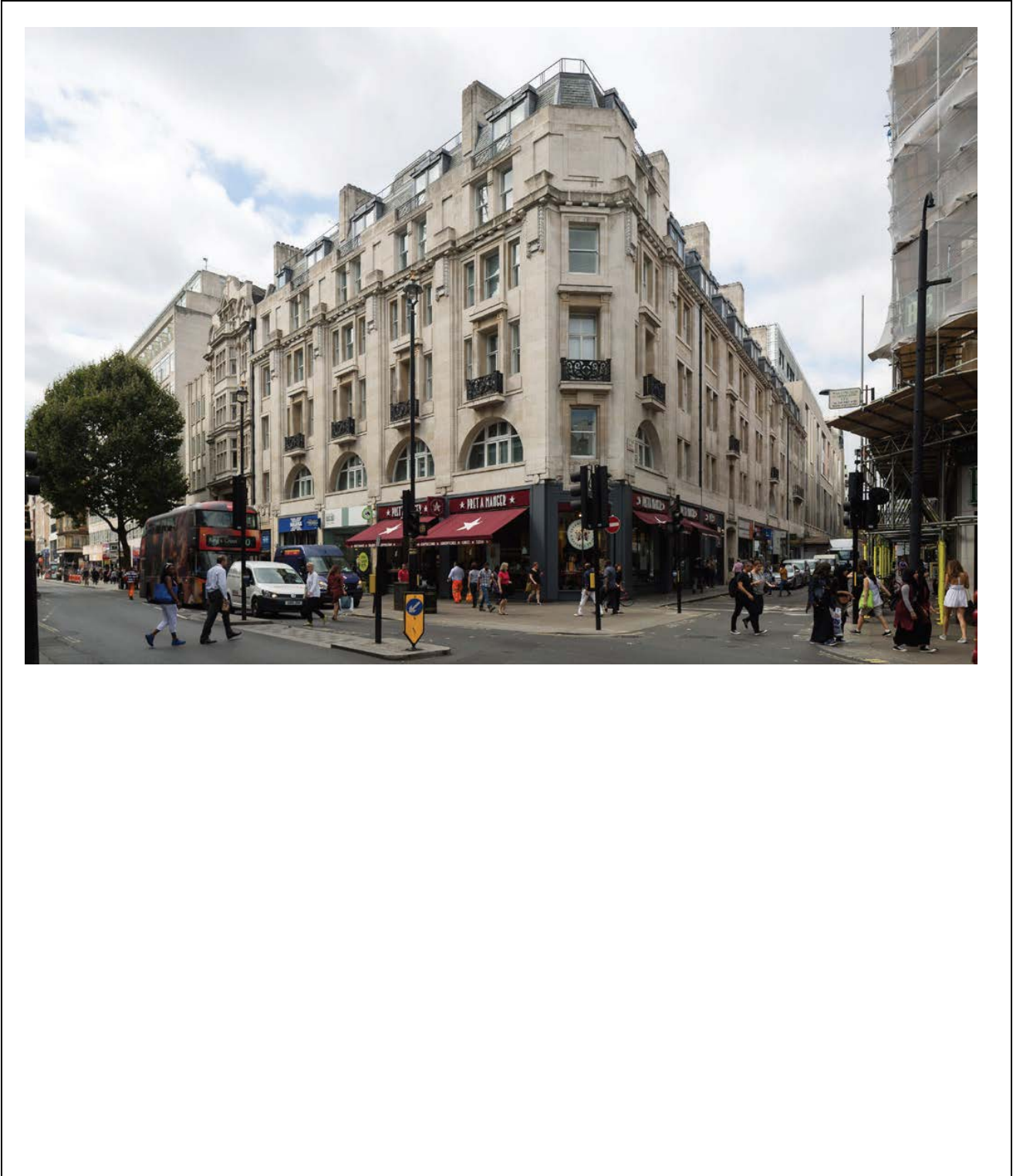
### 3. LOCATION PLAN



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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	
<b>Total</b>	<b>11,170</b>	<b>22,050</b>	<b>22,050</b>	<b>+10,880</b>	

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:

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

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2

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

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 4<sup>th</sup> and 5<sup>th</sup> 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.

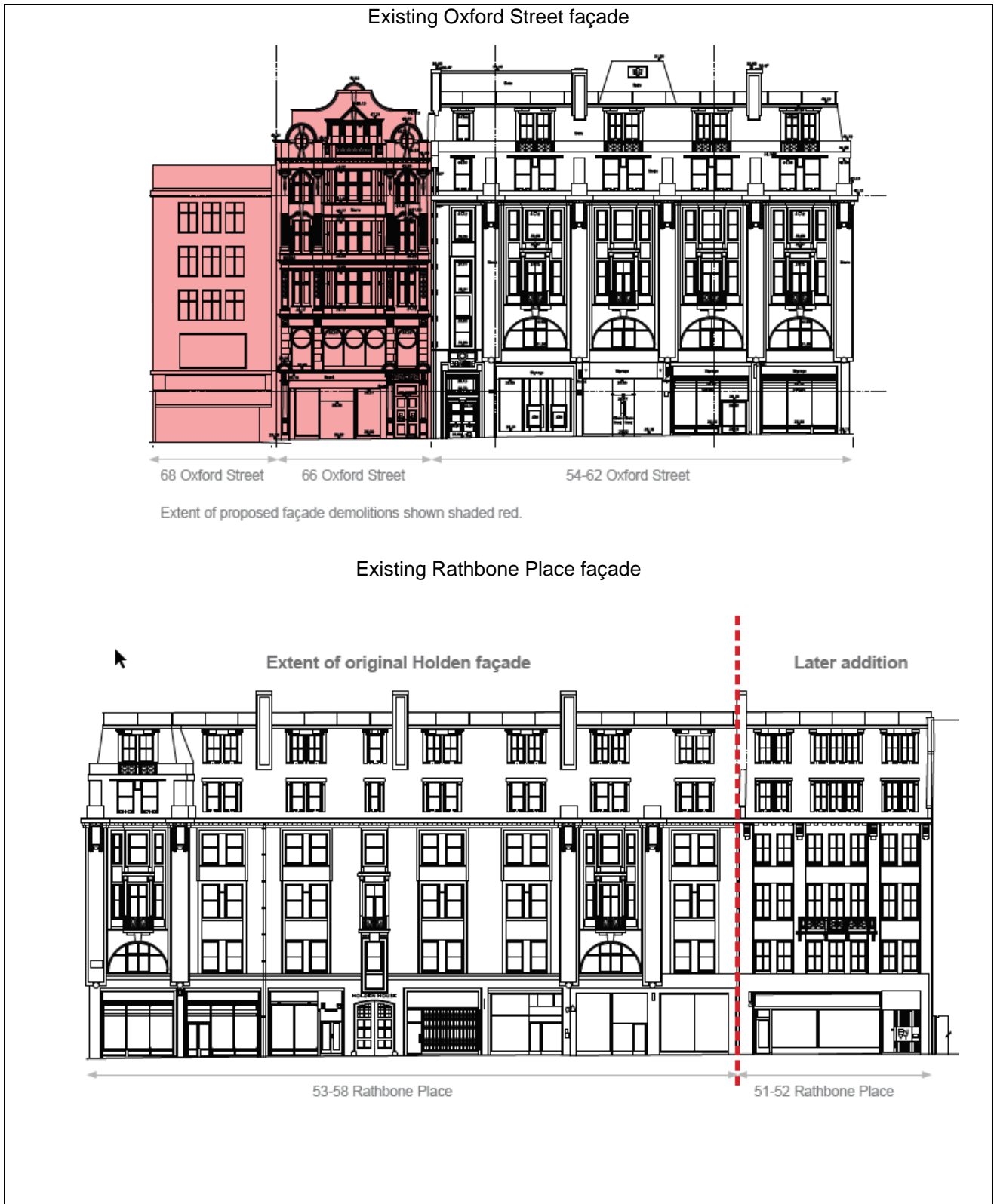
**9. BACKGROUND PAPERS**

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

10. KEY DRAWINGS



Proposed Oxford Street façade

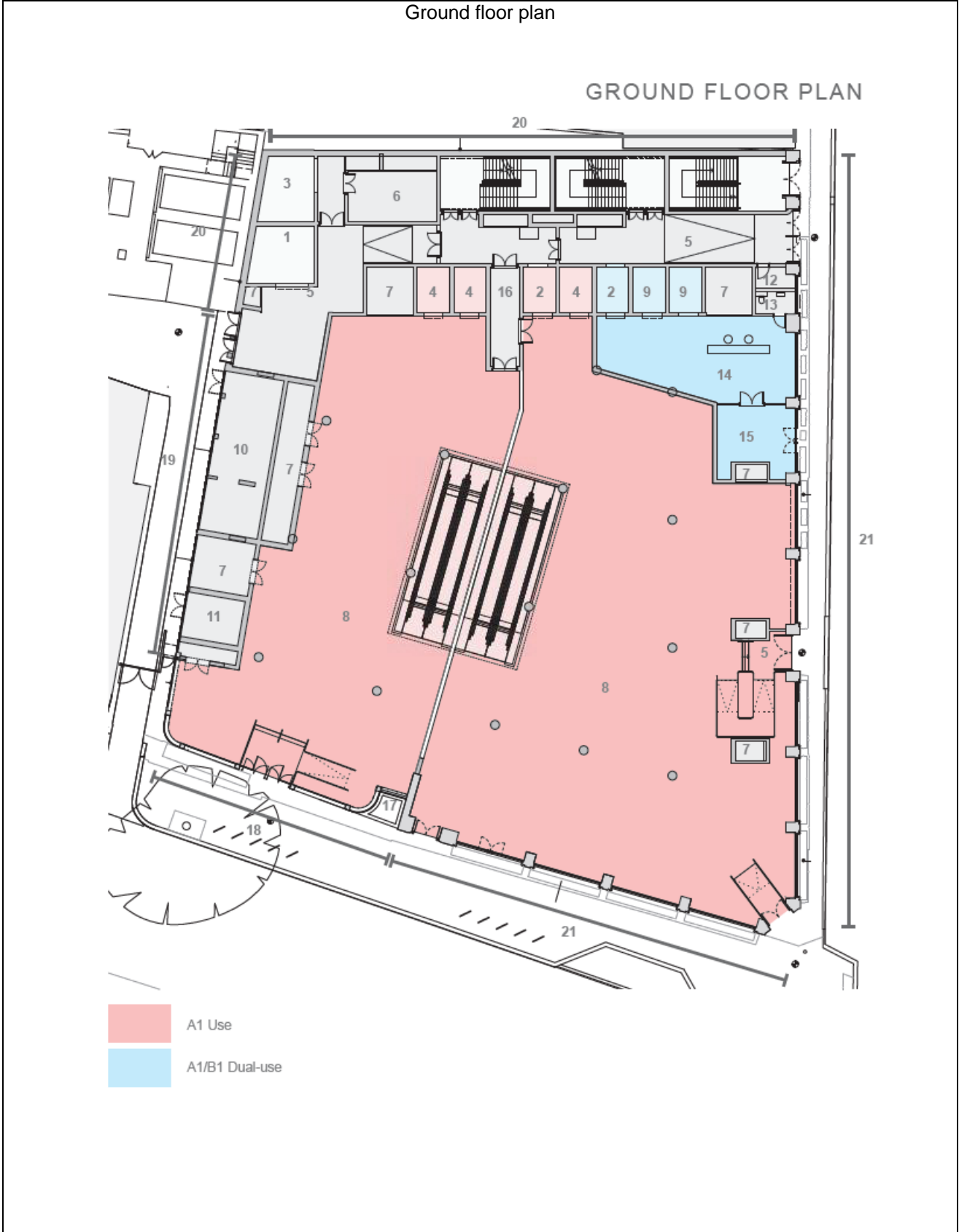


Proposed Rathbone Street façade



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

# Agenda Item 6

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 12 June 2018	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>56 Rutland Gate, London, SW7 1PL</b>		
<b>Proposal</b>	Erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above (Addendum report).		
<b>Agent</b>	Mr Michael Maan		
<b>On behalf of</b>	Mr Al Marshal		
<b>Registered Number</b>	17/09793/FULL and 17/09794/LBC	<b>Date amended/ completed</b>	30 May 2018
<b>Date Application Received</b>	3 November 2017		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Knightsbridge		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

This application was reported to Planning Applications Sub-Committee on 10 April 2018. Committee resolved that the application be deferred in order for the applicant to provide better visuals showing the impact of the extension from the living room of the affected neighbouring property.

The applicant has provided updated images that compare the existing situation with the proposed as seen from the ground floor living room within flat 17, 58 Rutland Gate. The applicant modelled both the application building and the adjoining building to do this. They have taken the views from the centreline of the window to the average height of an adult both standing (1.58 metres) and seated (1.22 metres). The standing view is set 1 metres behind the window plane, and the seated view is set in the centre of the room. The applicant has also carried out further comparative analysis of the current scheme with previous schemes.

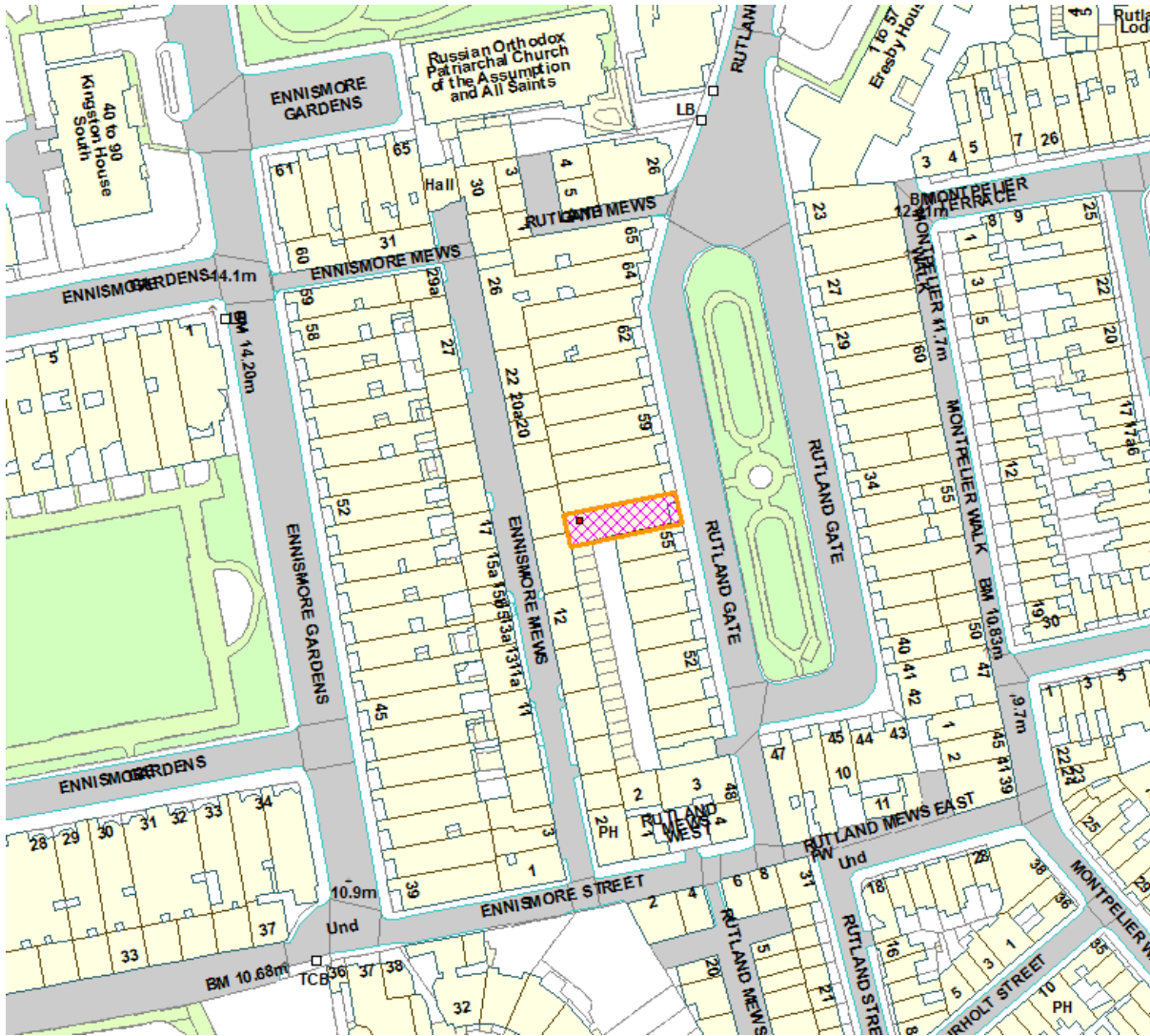
The neighbours maintain their objection to the proposal stating the updated images demonstrate the proposal would have an unacceptably harmful impact on residential amenity in terms of loss of outlook.

As set out in the original report to Planning Applications Sub-Committee, given the planning history of this site, including the two appeal schemes, which were both dismissed on design grounds only, it is not considered that the impact on the neighbours would be so harmful as to warrant refusal on amenity grounds. It is considered that the applicant's images and further analysis support this assessment. The height of the proposed extension has been reduced compared to the two previous schemes and the extension now has a sloped roof profile. Whilst the view from the window would be blocked to some extent by the proposal, as the top of the extension is below the top of the window, a reasonable sense of openness would remain. Another consideration is the relationship created between the application site and the objector's flats would be comparable to others on the terrace and elsewhere in this part of Westminster.

The proposed development is considered to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is therefore acceptable in land use, design and amenity terms. As such, the applications are recommended for approval, as set out in the original report to Planning Applications Sub-Committee on 10 April 2018, subject to the conditions as set out on the draft decision letters.

Condition 5 in the original report required an amendment to remove dormer windows in the side elevation facing the objector. The applicant has revised the application drawings to omit the dormer windows facing the objectors and therefore condition 5 as set out in the original report is no longer necessary. The conditions set out in the draft decision letters have been updated accordingly.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Rear Elevation





**View from Flat 17, 58 Rutland Gate**



**View from Car Park**

## 5. CONSULTATION

### COMMENTS RECEIVED TO AMENDED PROPOSALS SINCE 10 APRIL 2018

No. Consulted: 2

Total No. of replies: 2 (objection)

The neighbouring resident maintains their objection to the proposal on the grounds of harm to residential amenity, in particular loss of outlook and light.

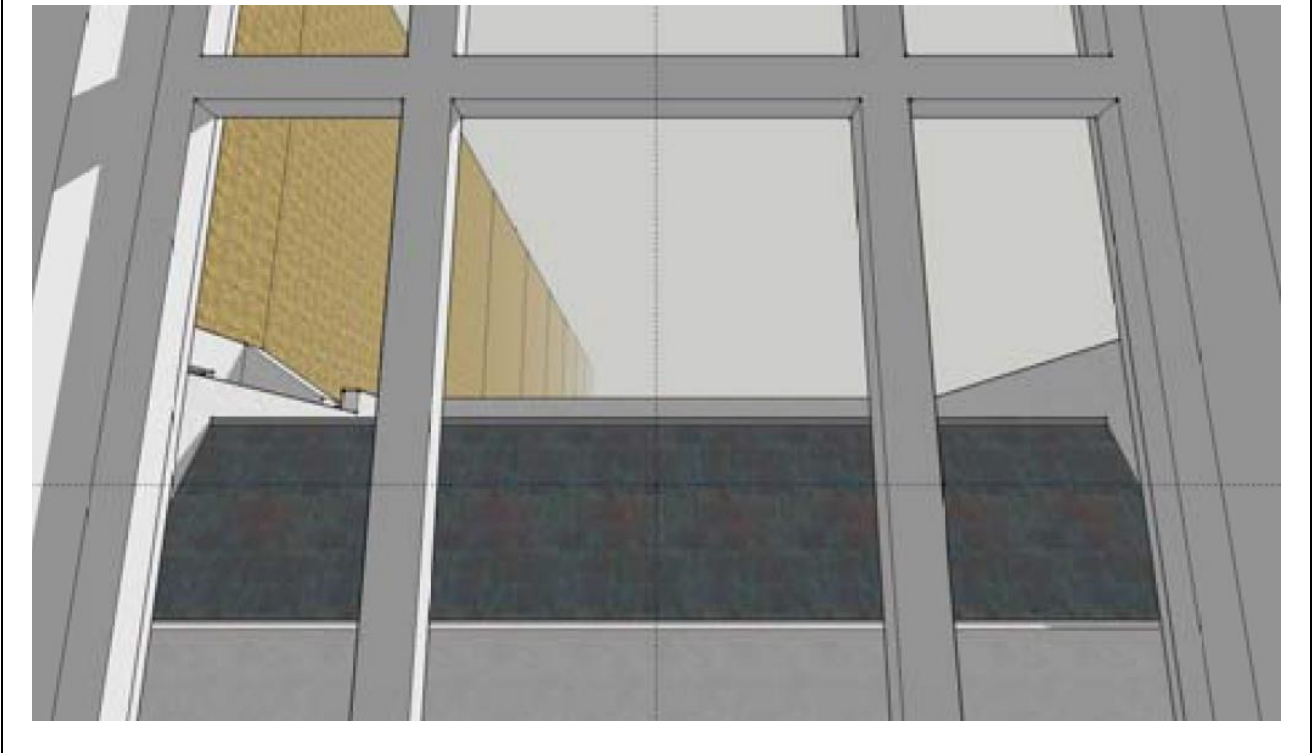
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

6. KEY DRAWINGS



Image of existing and proposed view from a standing position 1 metre back from window.





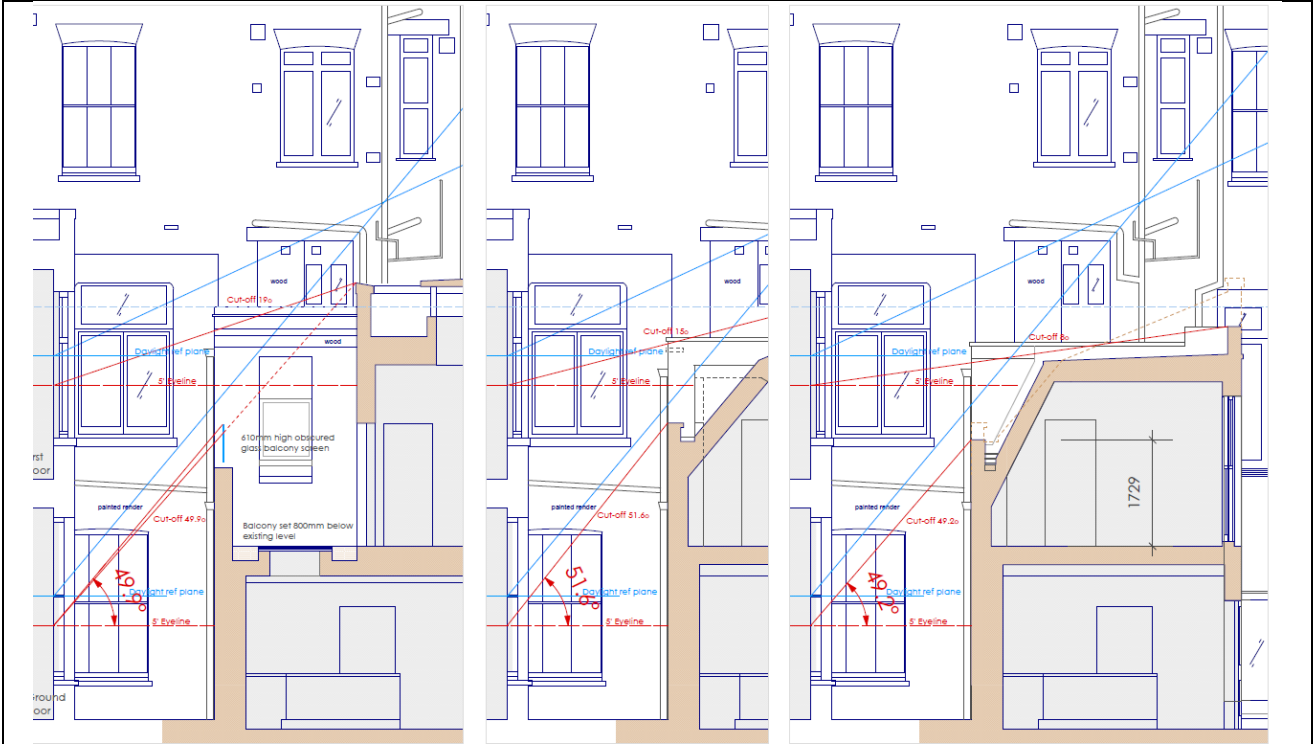
**Image of existing and proposed view from a seating position in centre of the room.**





Image showing the viewing positions



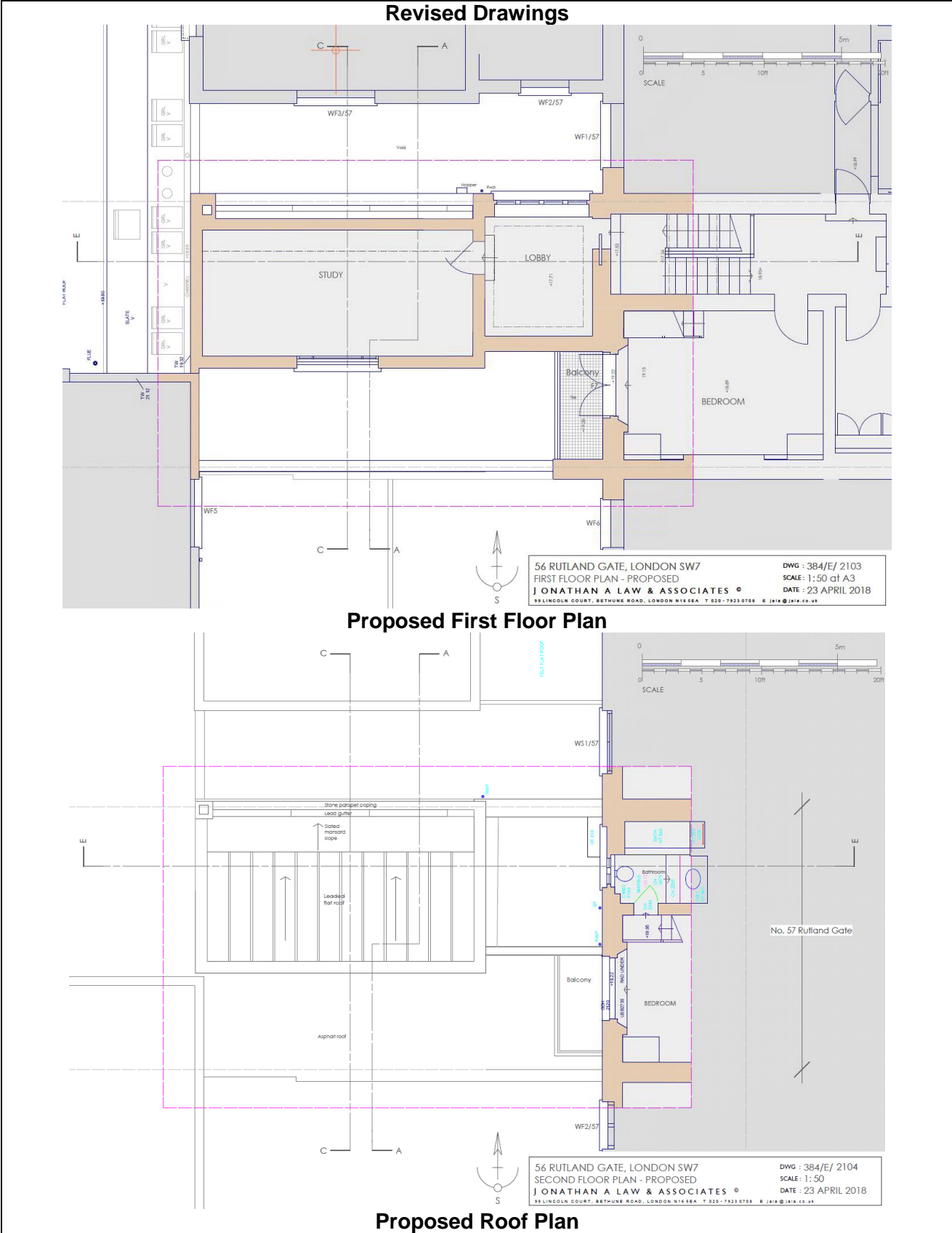


15/01819/FUL - FEB 2015  
15/01820/LBC

17/0044/FUL - JULY 2016  
17/0044/LBC

CURRENT APPLICATION - AUGUST 2017

**Comparative analysis**



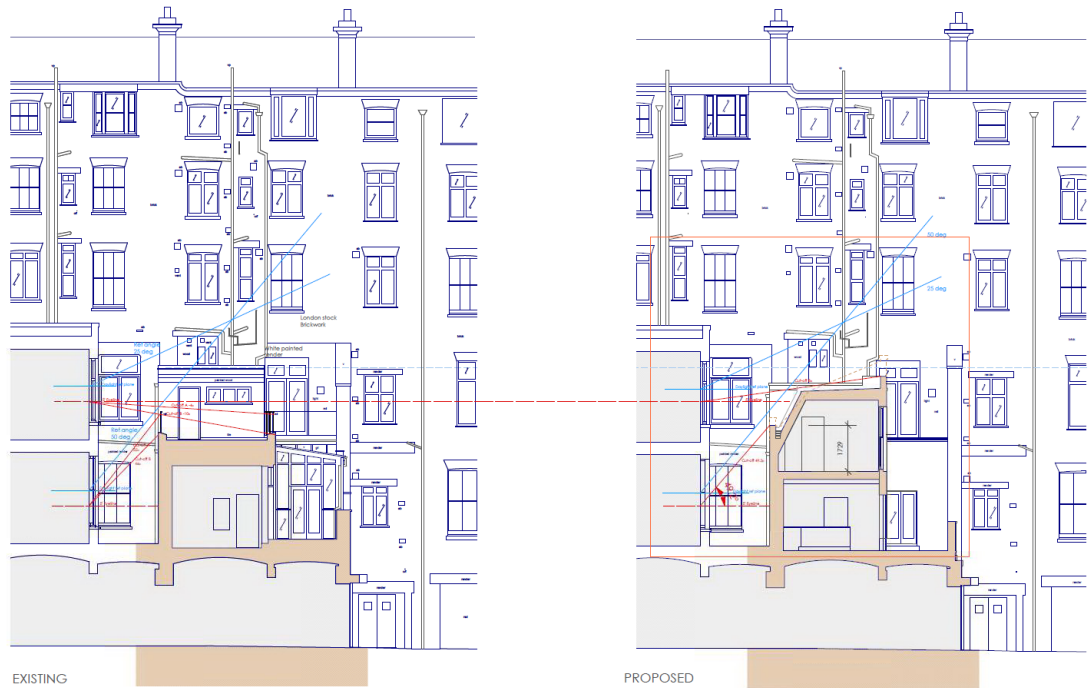


NORTH ELEVATION (LOOKING SOUTH)

56 RUTLAND GATE, LONDON SW7  
 NORTH ELEVATION - EXISTING & PROPOSED  
 JONATHAN A LAW & ASSOCIATES ©  
 55 LINDOLN COURT, BETHUNE ROAD, LONDON N16 5EA T 020-7923 0708 E JAL@JAL.CO.UK

DWG : 384/E/ 2111  
 SCALE : 1:100  
 DATE : 23 APRIL 2018

**Existing and Proposed North Elevation**



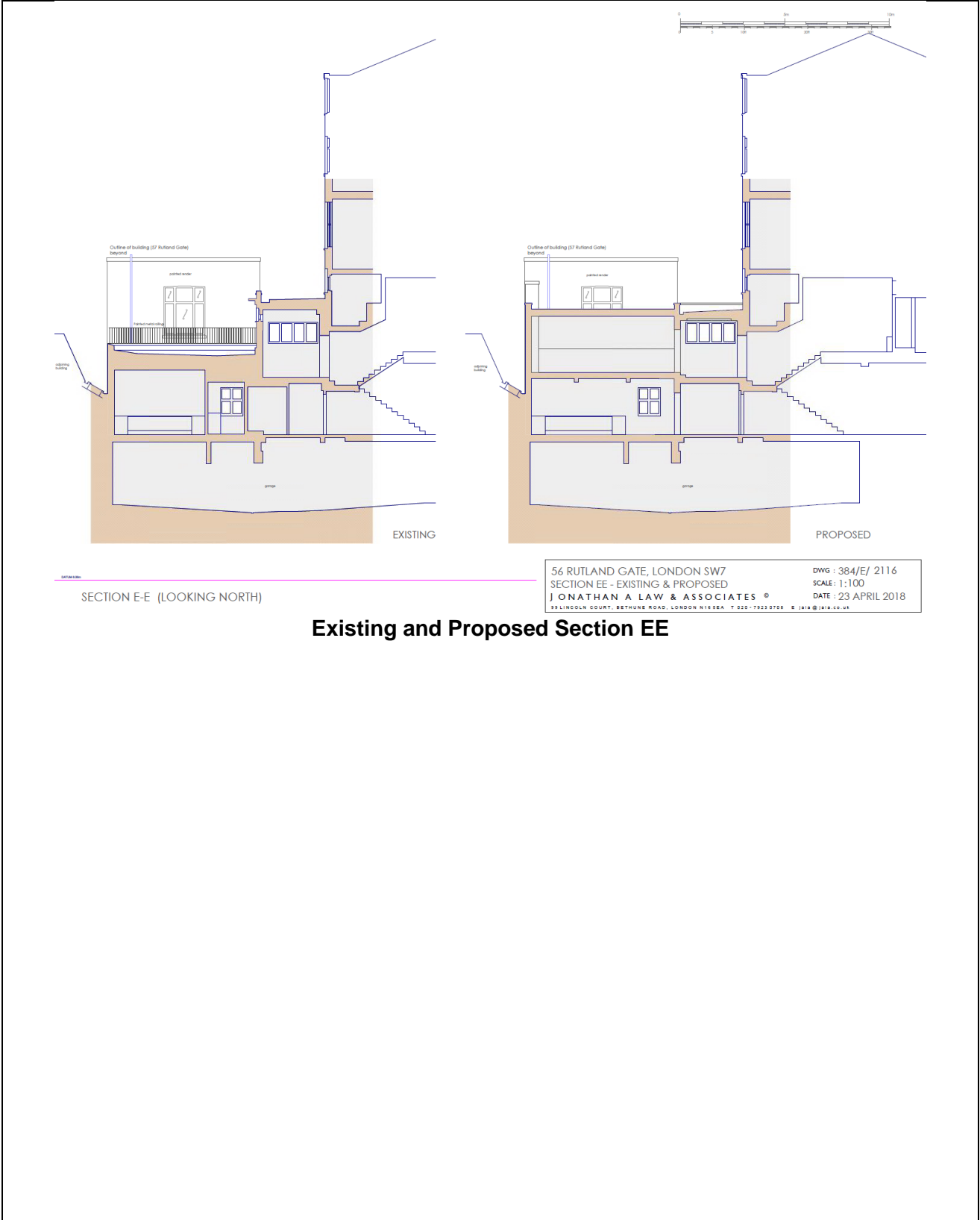
SECTION A-A (LOOKING EAST)

56 RUTLAND GATE, LONDON SW7  
 SECTION AA - EXISTING & PROPOSED  
 JONATHAN A LAW & ASSOCIATES ©  
 55 LINDOLN COURT, BETHUNE ROAD, LONDON N16 5EA T 020-7923 0708 E JAL@JAL.CO.UK

DWG : 384/E/ 2113  
 SCALE : 1:100  
 DATE : 23 APRIL 2018

**Existing and Proposed Section AA**





SECTION E-E (LOOKING NORTH)

**Existing and Proposed Section EE**

56 RUTLAND GATE, LONDON SW7  
 SECTION EE - EXISTING & PROPOSED  
 JONATHAN A LAW & ASSOCIATES  
 DWG : 384/E/ 2116  
 SCALE : 1:100  
 DATE : 23 APRIL 2018  
33 LINDOLN COURT, BETHUNE ROAD, LONDON N16 6EA T 020-7923 0700 E JAL@jalr.co.uk

**DRAFT DECISION LETTER**

**Address:** 56 Rutland Gate, London, SW7 1PL

**Proposal:** Erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.

**Reference:** 17/09793/FULL

**Plan Nos:** Site Location Plan; 384/E/1102; 384/E/2102 dated 23 April 2018; 384/E/1103; 384/E/2103 dated 23 April 2018; 384/E/1104 dated 23 April 2018; 384/E/2104; 384/E/2110; 384/E/2111 dated 23 April 2018; 384/E/2112; 384/E/2113 dated 23 April 2018; 384/E/2114; 384/E/2116 dated 23 April 2018; Cover Letter (Michael Maan); Combined Design and Access Statement and Planning Statement (Michael Maan); Heritage Statement (Jonathan A Law and Associates).

For Info Only:

384/E/3113 dated 23 April 2018; 384/E/3114 dated 23 April 2018; Daylight and Sunlight Report (Jessop Associates); 3D Model Images/ visuals received 30 May 2018; Photosheets.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

**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.

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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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:
  - i) Windows

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

**Reason:**

To protect the privacy and environment of people in neighbouring properties, 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.

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:** 56 Rutland Gate, London, SW7 1PL

**Proposal:** Erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.

**Reference:** 17/09794/LBC

**Plan Nos:** Site Location Plan; 384/E/1102; 384/E/2102 dated 23 April 2018; 384/E/1103; 384/E/2103 dated 23 April 2018; 384/E/1104 dated 23 April 2018; 384/E/2104; 384/E/2110; 384/E/2111 dated 23 April 2018; 384/E/2112; 384/E/2113 dated 23 April 2018; 384/E/2114; 384/E/2116 dated 23 April 2018; Cover Letter (Michael Maan); Combined Design and Access Statement and Planning Statement (Michael Maan); Heritage Statement (Jonathan A Law and Associates).

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

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

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

Reason:

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

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

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

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present

position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

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

- 4 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:
- i) Windows

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

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 Knightsbridge 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.

2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- \* any extra work which is necessary after further assessments of the building's condition;
- \* stripping out or structural investigations; and
- \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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



CITY OF WESTMINSTER

# MINUTES

## Planning Applications Sub-Committee (2)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** held on **Tuesday 10th April, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Melvyn Caplan (Chairman), Richard Beddoe, Ruth Bush and Gotz Mohindra.

#### 1 MEMBERSHIP

- 1.1 There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

- 2.1 Councillor Melvyn Caplan explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Caplan further declared that in respect of items 1 and 6 on the agenda, he had sat on the Committee that had considered previous applications.
- 2.3 Councillor Richard Beddoe declared that in his capacity as Chairman of Planning, he gets to know a number of property developers and planning consultants, although he does not consider them his friends. He added that any Members of the Majority Party who had or would make representations in respect of the applications on the agenda were his friends.
- 2.4 Councillor Gotz Mohindra declared that in respect of items 1 and 6, he had sat on the Committee that had considered previous applications.



2.5 Councillor Ruth Bush declared that in respect of item 3, the application ward. She further declared that in respect of item 6, she had had sat on the Committee that had considered a previous application.

### 3 MINUTES

#### 3.1 RESOLVED:

That the minutes of the meeting held on 13 March 2018 be signed by the Chairman as a correct record of proceedings.

### 4 PLANNING APPLICATIONS

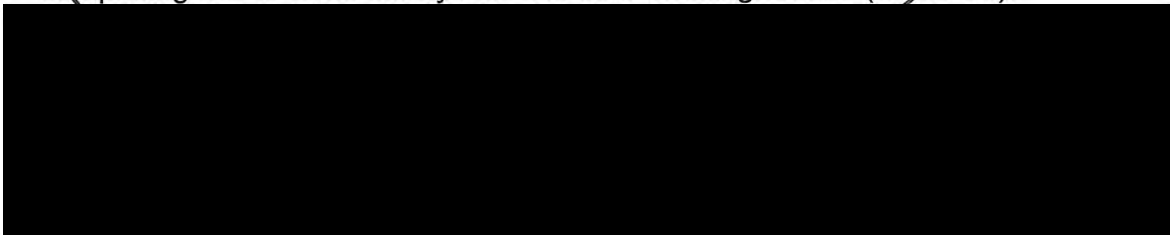
4.1 The Chairman moved that, following the recommendation of the Chief Executive, for all applications, the votes of Members at Planning Applications Sub-Committee (2) meetings be formally recorded in the minutes.

#### 4.2 RESOLVED UNANIMOUSLY:

That the votes of Members at Planning Applications Sub-Committee (2) meetings be formally recorded in the minutes.

### 1 GARAGES TO THE REAR OF ORDNANCE MEWS, LONDON

Demolition of 9 single storey garages and erection of a replacement building comprising two to three storeys for use as 3 dwellinghouses (Class C3).



The presenting officer tabled the following amended condition 9 and deletion of condition 10.

#### Amended Condition 9 (Green Roof)

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

- Living 'green' roof at second floor level on the flat roof at the western end of the development.

You must not remove any of these features.

#### Deleted Condition 10 (Car Parking)

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.

2

**4 56 RUTLAND GATE, LONDON, SW7 1PL**

Erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.

A late representation was received from Sarah Mason (06.04.018).

**RESOLVED UNANIMOUSLY:**

That the application be deferred in order for the applicant to provide better visuals showing the impact of the extension from the living room of the affected neighbouring property.

**5 30 SHEPHERD MARKET, LONDON, W1J 7QN**

Use of the public highway for the placing of four tables and eight chairs in an area measuring 3.8m x 1.5m in connection with the ground floor unit.

Late representations were received from Anne Mannion (07.02.2018, 06.04.2018 and 09.04.2018).

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted for a temporary period of one year.

**6 GROUND FLOOR, 100 ST MARTIN'S LANE, LONDON, WC2N 4AZ**

Details of Operational Management Plan pursuant to condition 5 of planning permission dated 22 January 2018 (RN: 17/08138/FULL) for 'Dual use of part of the ground floor as either offices (Class B1) and/or showroom (Sui Generis) for display of clothing and accessories range'

**RESOLVED UNANIMOUSLY:**

That the details of the Operational Management Plan pursuant to condition 5 of planning permission dated 22 January 2018 be approved.

The Meeting ended at 7.47 pm.

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_

Item No
<del>4</del>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 10 April 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	56 Rutland Gate, London, SW7 1PL		
<b>Proposal</b>	Erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.		
<b>Agent</b>	Mr Michael Maan		
<b>On behalf of</b>	Mr Al Marshal		
<b>Registered Number</b>	17/09793/FULL and 17/09794/LBC	<b>Date amended/ completed</b>	3 November 2017
<b>Date Application Received</b>	3 November 2017		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Knightsbridge		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

56 Rutland Gate is a grade II listed building located within the Knightsbridge Conservation Area. Permission and listed building consent are sought for the erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.

The key issues in this case are:

- the impact of the proposals on the character and appearance of the listed building and the Knightsbridge Conservation Area; and
- the impact of the proposals on adjoining properties.

As set out in this report, the proposed development is considered to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is therefore

acceptable in land use, design and amenity terms. As such, the applications are recommended for approval subject to the conditions as set out on the draft decision letters.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Rear Elevation



**View from Flat 17, 58 Rutland Gate**



**View from Car Park**

Item No.
<del>X</del>

## 5. CONSULTATION

KNIGHTSBRIDGE ASSOCIATION:

Objection: loss of light and privacy for adjoining residential occupiers.

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 31

No. of objections: 4 (from 2 individuals)

Objections have been received from neighbouring residents in an adjacent building in Rutland Gate on the following grounds:

Amenity:

- loss of outlook and increased sense of enclosure;
- loss of daylight and sunlight; and
- loss of privacy.

Design:

- harm to character and appearance of the listed building and Knightsbridge Conservation Area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

56 Rutland Gate is a grade II listed building located within the Knightsbridge Conservation Area. The building is part of a terraced row of listed houses constructed in the mid nineteenth century. Immediately to the north is the ground floor flat at No. 57 Rutland Gate and No. 58 Rutland Gate which is converted into flats.

The rear of the terrace has been subject to a variety of alterations and extensions over time. Originally, to each house there were rear wings projecting from the main elevation with open areas between them. Works in the 1950s removed these wings from the properties to the south of 56 Rutland Gate to form a service road, with an underground car park beneath and beyond the application property. The loss of the basements has had the effect of dividing the rear of the terrace into two distinct sections. Approximately half of the terrace to the south of 56 Rutland Gate has no rear wings. These houses have flat rear elevations rising straight up from the service road. Including and beyond 56 Rutland Gate, the houses retain their wings above the car park beneath. Although, 56 Rutland Gate is a storey lower than those to the north.

## 6.2 Recent Relevant History

In January 2014 permission and listed building consent were sought for the erection of part single and part two storey rear extensions at ground and first floor levels with reconfigured first floor terrace. Had an appeal against non-determination not been lodged, permission and consent would have been refused on design and listed building grounds. The appeals were dismissed on 6 January 2015 due to the schemes harmful impact upon the significance of the listed building and the character and appearance of this part of the Knightsbridge Conservation Area.

In May 2015 permission and listed building consent were refused for the erection of replacement part single and part two storey rear extension at ground and first floor levels with a partially enclosed ground floor terrace and first floor terraces on listed building/conservation area grounds. The subsequent appeals were dismissed on 19 November 2015 due to the schemes harmful impact upon the significance of the listed building and the character and appearance of this part of the Knightsbridge Conservation Area.

In 2017, applications were withdrawn for the replacement of existing, part single part two storey, rear extension with terraces located over the existing basement car parking area with an enlarged part single part two storey extension plus replacement terrace on the south side involving the remodelling of an existing brick abutment and provision of a replacement balcony at ground floor level.

## 7. THE PROPOSAL

Permission and listed building consent are sought for the erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.

The floorspace figures are summarised in the below table:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
C3 (residential)	294	305	11

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The application property is a single family dwelling house and the additional residential floorspace created would enlarge it. This would raise no land use implications.

### 8.2 Townscape and Design

Objections have been received on the grounds that the proposal would harm the character and appearance of the listed building and the Knightsbridge Conservation Area.

The previous schemes considered by the City Council, and by the Planning Inspectorate, were harmful to the listed building and Knightsbridge Conservation Area. The bulk of the proposed extension in the 2015 proposals would have unacceptably altered the historic



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form of the building because it would not have been on top of the footprint of where the rear wing would have historically existed. It was proposed in 2015 to sit the extension back from the boundary with 57 Rutland Gate so it would be in part over the first roof terrace and then sail over the ground floor roof terrace to the south.

The current proposal results in an extension with a form appropriate in listed building terms as it is now restricted to above the historic footprint at ground floor and the set back has been omitted, thereby creating a layout more appropriate to this listed building. The resultant rear wing would be comparable to the general rear building pattern of the terrace and would not appear any taller than those which already exist. The removal of the ground floor infill conservatory extension to enlarge the existing terrace area, and the provision of a replacement balcony above, is not opposed on design grounds.

The detailed design of the proposal has also been amended from the previous applications, most notably the west elevation would now be viewed as a parapet wall, meaning that from the rear it would appear as a traditional solid closet wing. The proposed height has also been reduced, limiting the massing and bulk of the extension. Views of the property would be improved from the car park and from neighbouring buildings to the south, where the removal of the conservatory and improved design at first floor would create a pleasant book end.

For these reasons, the proposals are considered acceptable in design, townscape and listed building terms, and comply with polices DES1; DES5; DES9; and DES10; of the UDP, S25 and S28 of the City Plan as well as guidance contained within the City Council's SPG: Repairs and Alterations to Listed Buildings.

### **8.3 Residential Amenity**

The proposed extended rear wing would be in close proximity to a number of residential properties, including 14 and 16 Ennismore Mews to the rear and 55 and 57/58 Rutland Gate adjacent (the building of 57 Rutland Gate includes flats addressed as 58 Rutland Gate).

Objections have been received from the occupiers/ owners of the ground and first floor flats at 57 and 58 Rutland Gate. Flat 17, 58 Rutland Gate is located at first floor level and 57 is located at ground floor level. These flats have windows which face the application site and windows that look down the side lightwell area. The grounds for objection primarily relate to an increased sense of enclosure, loss of light and loss of privacy. One objector has commissioned a daylight and sunlight with results that differ to the applicant's assessment. Reference is also made to their objections to the previous proposals which still stand.

ENV13 of the UDP and Policies S29 of the City Plan seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development that enhances the residential environment of surrounding properties.

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### **Sunlight and Daylight**

The applicant has carried out an assessment of adjoining properties based on the methodologies in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice".

In assessing daylight levels, the Vertical Sky Component (VSC) measures the amount of light reaching the outside face of a window. If the VSC achieve 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. This assessment concludes that no window would suffer a loss greater than 20%.

An objector has commissioned their own daylight and sunlight assessment based on the same methodologies set out in the BRE guide. The conclusion of this assessment differs to the one conducted by the applicant. It finds that one window at 57 Rutland Gate at ground floor level which serves a bedroom would experience a loss of 24%, in excess of the 20% criteria. The objector's report suggests that this is likely to be because the applicant's assessment modelled the existing situation as having a higher degree of obstruction. They suggest this could be down to the applicant modelling the railings around the existing first floor roof terrace as solid, and consequently the applicant has underestimated the relative loss of daylight.

Whilst under the objector's assessment there would be a breach of the 20% criteria, the room effected benefits from a second window to the rear. This means the room will continue to be served by a window that does not fail the VSC test. The window also serves a bedroom which the BRE states should be considered of less importance than principle living areas. On balance therefore, it is not considered sustainable to resist the proposal on the grounds of loss of daylight.

In assessing sunlight levels, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 7% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours. No window would suffer a loss greater than 20%, the objector's assessment concurs, and therefore neighbours will not experience a noticeable loss of sunlight.

### **Sense of Enclosure**

Both the 2014 and 2015 applications proposed building a first floor extension on the existing terrace. However the schemes were set back from the boundary with 57/58 Rutland Gate by either approximately 2.8m (the 2014 scheme) or 2.2m (the 2015 scheme). The council refused these applications on design grounds only (or in the case of the 2014 application would have been refused on design grounds only had the appeal against non-determination not been lodged). Both appeals were dismissed but the Inspector did not consider that the impact on the occupiers of the ground and lower ground floor flats at 57/58 Rutland Gate to be so harmful as to warrant refusal on amenity grounds.

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In dismissing the 2014 application the Inspector concludes for Flat 17, 58 Rutland Gate:

'The large window on the rear outrigger now has a relatively open southerly aspect across the existing first floor terraced area of the appeal site, and this would be blocked to some extent by the proposal. However, as the top of this window would be roughly level with the top of the extension, a reasonable sense of openness would remain. Moreover, the set back and height of the proposed first floor element, when coupled with the southerly aspect of the large window in the outrigger to Flat 17 and the other existing windows to the room it serves, mean there would not be an unacceptable reduction of light for those adjacent occupants.'

A copy of both appeal decisions is provided in the background papers.

The current application removes the set back that existed in the two previous schemes and positions the extension on the boundary with 57/58 Rutland Gate. However the height of the extension has been reduced compared to the two previous schemes and the extension now has a sloped roof profile. To reduce the bulk further the applicant has agreed to remove the dormer windows that would have faced Nos. 57/58 Rutland Gate. Officers note the strong objections from both Flat 17, 58 Rutland Gate and 57 Rutland Gate but consider the impact to be comparable to the appeal schemes. Given the planning history of this site, including the two appeal schemes, it is not considered that a refusal on grounds of increased sense of enclosure would be warranted. A further consideration is that the relationship created between the application site and the objector's flats would be comparable to others on the terrace and elsewhere in this part of Westminster. An amending condition is recommended to ensure the removal of the two dormer windows. The removal of the dormer windows would also prevent any light spill from the extension to the objector's properties.

To the rear, the affected openings are rooflights to 16 Ennismore Mews. One rooflight is to the slope of the mansard roof of that building and it does enjoy an outlook that would be restricted because of the rear wall of the extension at first floor. However, as this rooflight is to a hallway, it is not considered this would be a sustainable reason for refusal in this instance.

To the southern side, the windows at 55 Rutland Gate and 14 Ennismore Mews are sufficient distance from the enlarged rear wing to ensure they would not be adversely affected.

### **Privacy**

The existing first floor roof terrace allows for overlooking of neighbours. The proposed first floor extension would remove the first floor terrace and would therefore improve the privacy for the occupants of Flat 17, 58 Rutland Gate and 57 Rutland Gate.

The south facing openings and enlarged roof terrace at ground floor and provision of a replacement balcony above would not allow for a harmful increase overlooking over the existing arrangement given its orientation.

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**8.4 Transportation/Parking**

The proposal does not represent an increase in residential units. There is no requirement for the provision of cycle or car parking.

**8.5 Economic Considerations**

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

**8.6 Access**

Access arrangements will remain unchanged.

**8.7 Other UDP/Westminster Policy Considerations**

None relevant.

**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.

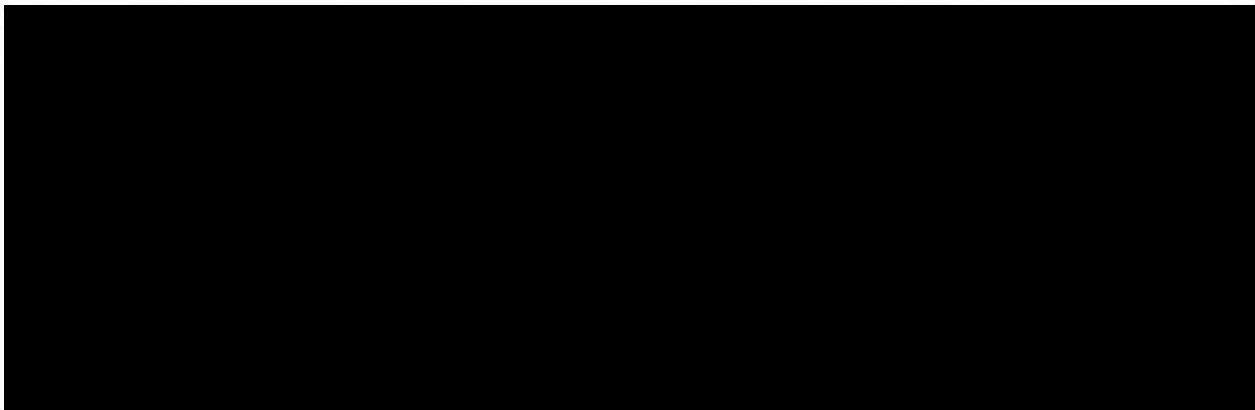
**8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

The development is not CIL liable, less than 100 square metres of floorspace would be created.

**8.11 Environmental Impact Assessment**

The application is of insufficient scale to trigger the requirement of an EIA.

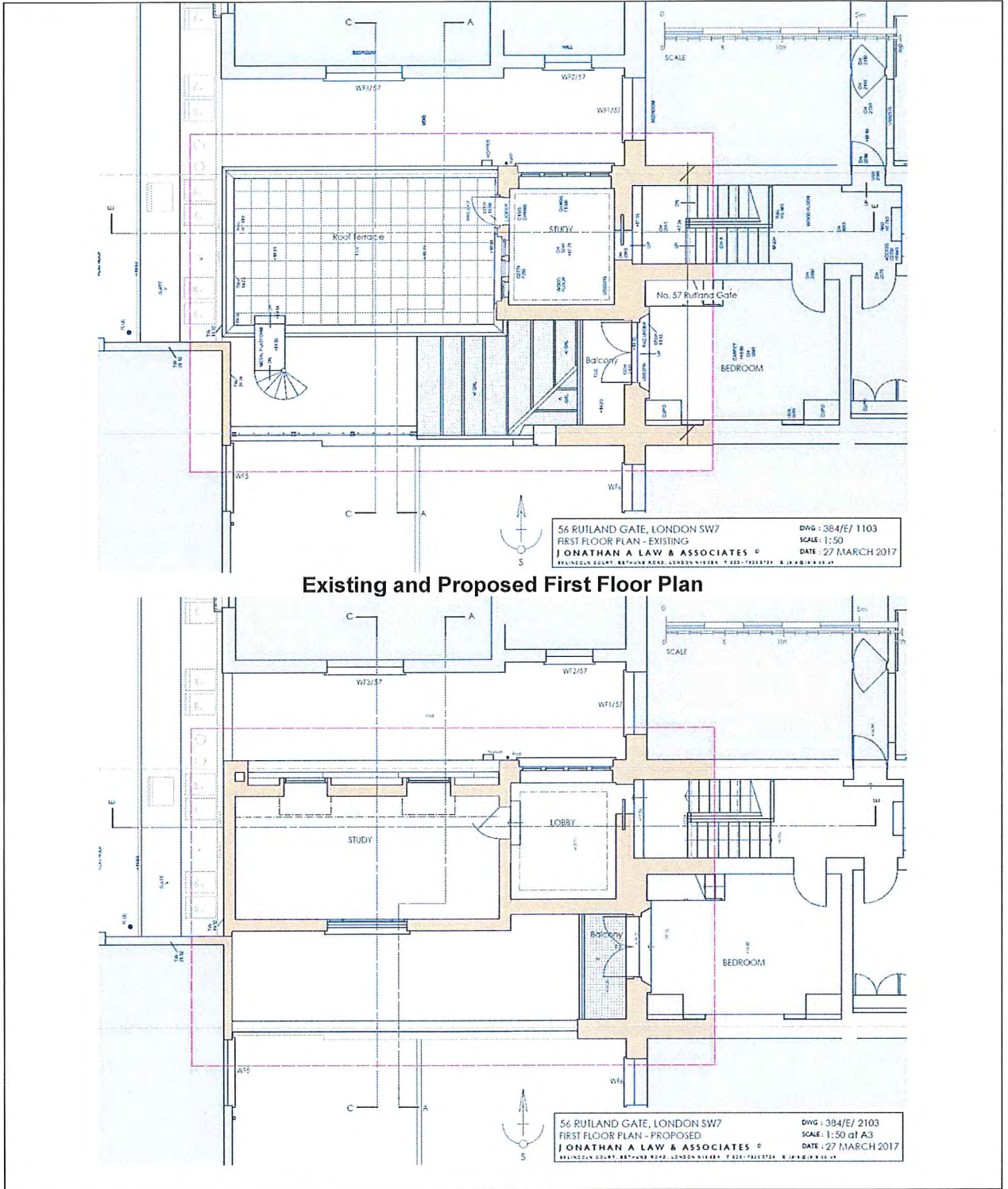


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(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

10. KEY DRAWINGS





EXISTING

PROPOSED

SOUTH ELEVATION (LOOKING NORTH)

56 RUTLAND GATE, LONDON SW7	DWG : 384/E/ 2110
SOUTH ELEVATION - EXISTING & PROPOSED	SCALE : 1:100
<b>JONATHAN A LAW &amp; ASSOCIATES</b> ©	DATE : 27 MARCH 2017
<small>39 LINDSEY COURT, BETHUNE ROAD, LONDON N16 6EA T 020-75233728 E 2016 019 00 00</small>	

**Existing and Proposed South Elevation**

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EXISTING

PROPOSED

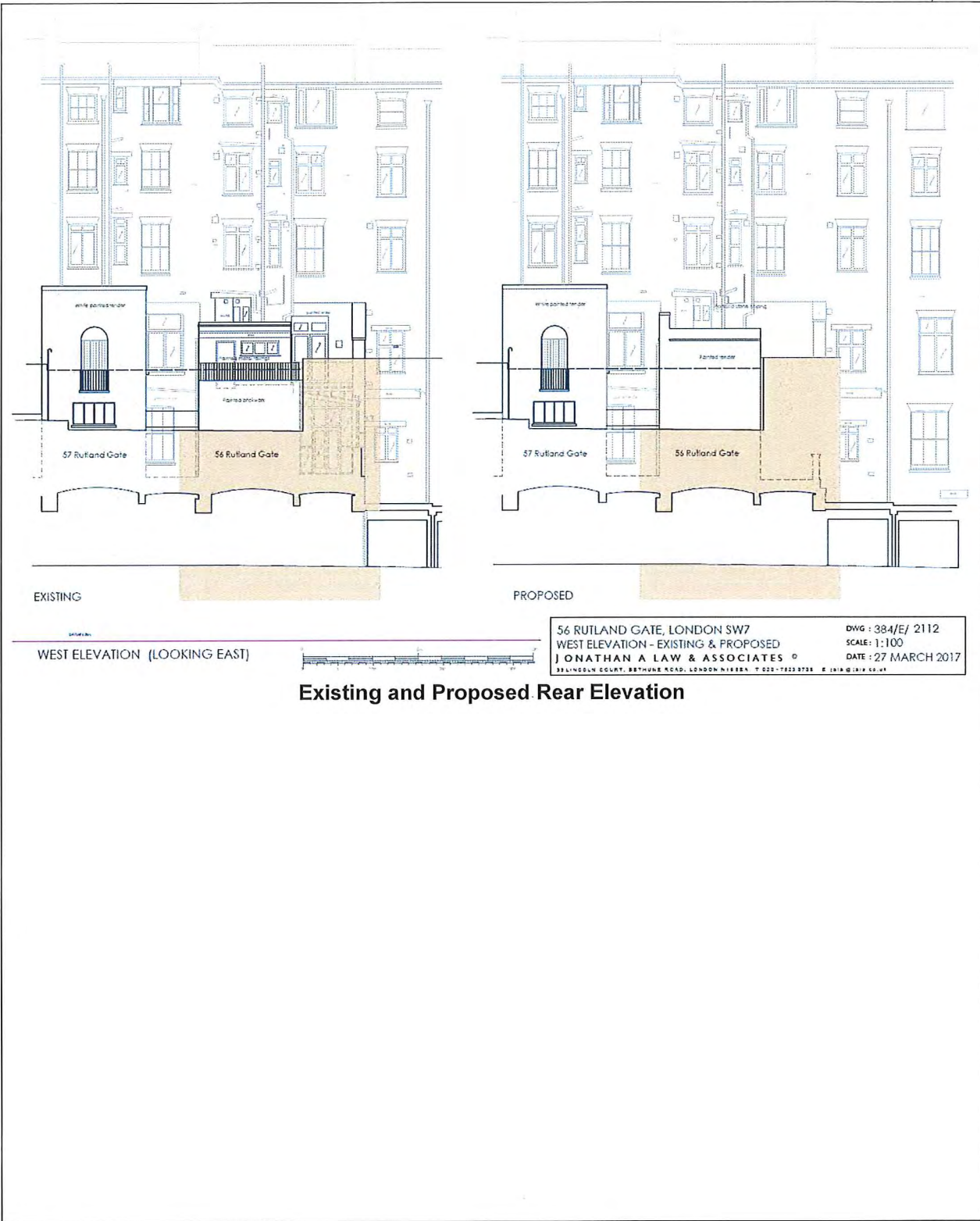
NORTH ELEVATION (LOOKING SOUTH)

56 RUTLAND GATE, LONDON SW7  
NORTH ELEVATION - EXISTING & PROPOSED  
JONATHAN A LAW & ASSOCIATES  
56 RUTLAND GATE, LONDON SW7  
DWG : 384/E/ 2111  
SCALE : 1:100  
DATE : 27 MARCH 2017

**Existing and Proposed North Elevation**



Item No.



Item No.  
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Item No.
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**DRAFT DECISION LETTER**

**Address:** 56 Rutland Gate, London, SW7 1PL

**Proposal:** Erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.

**Reference:** 17/09793/FULL

**Plan Nos:** Site Location Plan; 384/E/1102; 384/E/2102; 384/E/1103; 384/E/2103; 384/E/1104; 384/E/2104; 384/E/2110; 284/E/2111; 384/E/2112; 384/E/2113; 384/E/2114; 384/E/2116; Cover Letter (Michael Maan); Combined Design and Access Statement and Planning Statement (Michael Maan); Heritage Statement (Jonathan A Law and Associates)., , For Info Only.; 384/E/3113; 384/E/3114; Daylight and Sunlight Report (Jessop Associates); 3D Model Images; Photosheets.

**Case Officer:** Julia Howitt **Direct Tel. No.** 020 7641 2069

**Recommendation and Reason(s)**

1 The development hereby permitted shall be carried out in accordance with the drawings and other documents forming part of 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 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;
- 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)

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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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:
- i) Windows

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

- removal of the dormer windows

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

Reason:

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To protect the amenity of people in neighbouring properties by reducing the bulk of the extension. This is 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. (R26FD)

- 6 The glass that you put in the lower half of the dormer windows of the first floor extension must not be clear glass and these lower halves of the windows must not open. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and you must fix the windows shut and you must not change it without our permission.

**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)

- 7 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

**Reason:**

To protect the privacy and environment of people in neighbouring properties, 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.

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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:** 56 Rutland Gate, London, SW7 1PL

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**Case Officer:** Joshua Howitt **Direct Tel. No.** 020 7641 2069

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

- 1 The works hereby permitted shall be carried out in accordance with the drawings and other documents included in 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 in the interests of proper planning.

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (R27AC)

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

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present

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position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

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

- 4 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

i) Windows

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

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 Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

- removal of the dormer windows.

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)



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**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.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
  - \* any extra work which is necessary after further assessments of the building's condition;
  - \* stripping out or structural investigations; and
  - \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (159AA)

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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