



City of Westminster

Committee Agenda

Title:

Planning (Major Applications) Sub-Committee

Meeting Date:

Tuesday 4th June, 2019

Time:

6.30 pm

Venue:

Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP

Members:

Councillors:

Gotz Mohindra (Chairman)
David Boothroyd
Geoff Barraclough

Murad Gassanly
Elizabeth Hitchcock
Peter Freeman



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 a pass, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



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

**Tel: 020 7641 7513; Email: gwills@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

Members of the public are welcome to speak on the specific applications at the planning committee meeting.

To register to speak and for guidance please visit:

www.westminster.gov.uk/planning-committee.

Please note that you must register by 12 Noon on the Friday before the Committee meeting

In the event that you are successful in obtaining a speaking slot please read the guidance, in order to familiarise yourself with the process prior to attending the meeting.

1. DOLPHIN SQUARE LONDON

**(Pages 17 -
108)**

2. TOWNSEND HOUSE, GREYCOAT PLACE, LONDON, SW1P

(Pages 109 -

1BL	152)
3. DEVELOPMENT SITE AT 47-50 POLAND STREET AND 54-57, GREAT MARLBOROUGH STREET, LONDON	(Pages 153 - 200)
4. DEVELOPMENT SITE AT 63 - 65 CURZON STREET, LONDON	(Pages 201 - 238)
5. 72 BROADWICK STREET, LONDON W1F 9EP	(Pages 239 - 282)

**Stuart Love
Chief Executive
24 May 2019**

Order of Business

At Planning Applications Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Ward Councillor(s) and/or MP(s)
vi) Council Officers response to verbal representations
vii) Member discussion (including questions to officers for clarification)
viii) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

MINUTES

Planning (Major Applications) Sub-Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 7th May, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Gotz Mohindra (Chairman), David Boothroyd, Murad Gassanly, Jim Glen, Elizabeth Hitchcock and Geoff Barraclough

1 MEMBERSHIP

- 1.1 It was noted that Councillor Geoff Barraclough had replaced Councillor Ruth Bush.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Mohindra Gotz explained that a week before the meeting, all six 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 emails 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 Mohindra declared in respect of item 2, that he had attended a meeting with the applicant on 23 November 2018 as set out in the papers. In respect of item 3, he declared that he had met the applicant on 18 April 2019.
- 2.3 Councillor Boothroyd declared that he is Head of Research and Psephology for Thorncliffe, whose clients are companies applying for planning permission from various local authorities. No current schemes are in Westminster; if there were he would be precluded from working on them under the company's code of conduct.

- 2.4 Councillor Boothroyd further declared that some Thorncliffe clients have engaged DP9 as planning consultants, who are also representing the applicants on items 1 and 2. However he does not deal directly with clients or other members of project teams, and planning consultants are not themselves clients.
- 2.5 On item 1, he that you declared that he was a member of the committee in December 2015 which granted the conversion to residential and that Graham Cotton who had submitted a late objection is a friend.
- 2.6 Councillor Gassanly declared in respect of item 2, that he chaired the Licensing Sub-Committee that approved the extension of licensing hours to G.A.Y. that had objected to the application.

3 MINUTES

- 3.1 That the minutes of the meeting held on 23 April 2019 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 DENISON HOUSE, 292 VAUXHALL BRIDGE ROAD, LONDON, SW1V 1AE

Demolition of existing building to basement slab level and erection of a new building comprising basement, ground and 11 upper levels together with rooftop plant to provide a hotel (Class C1) with associated ancillary facilities including all necessary enabling works.

Additional representations were received from the occupier of 85 Carlisle Mansions, Carlisle Place, SW1P 1HZ together with a petition from residents of 300 Vauxhall Bridge Road who objected to the proposed development (1.5.2019) and the Victoria Area Bid (30.4.2019)

Late representations were received from the Victoria Neighbourhood Forum (7.5.2019), Public Protection and Licensing Environmental Sciences (3.5.2019), the Cathedral Area Residents Group (7.5.2019) and Councillor Selina Short (7.5.2019).

The Presenting Officer tabled the following amendments to the conditions in the draft decision letter:

Revised Condition 8

You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Conditions 6 and 7 of this permission.

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 work according to these details.

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. (R51AB)

Revised Condition 23

Pre Commencement Condition. Notwithstanding the submitted Energy Strategy and Sustainability Statement, 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 for approval of a revised Energy Strategy and Sustainability Statement, in consultation with the Greater London Authority. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application. You must carry out the works according to the approved details and thereafter retain and maintain in accordance with the details. (See informative 23 for what should be included in the revised Energy Strategy and Sustainability Statement).

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

Revised Condition 24

Subject to what is agreed under Condition 23, you must apply to us for approval of detailed drawings of the termination of the District Heating and/or CHP flue (including details of its height and location). You must not occupy the development until we have approved what you have sent us and you have carried out the work according to the approved details.

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

Revised Condition 25

There shall be no primary cooking on site such that you must not cook raw or fresh food on the premises.

Reason: The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

Revised Condition 29

Pre Commencement Condition. Notwithstanding the submitted Flood Risk Assessment, 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 for approval of a revised Flood Risk Assessment & Surface Water Drainage Strategy, in consultation with the Greater London Authority. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application. You must carry out the works according to the approved details and thereafter retain and maintain in accordance with the details. (See informative 24 for what should be included in the revised Flood Risk Assessment & Surface Water Drainage Strategy).

Reason: To utilise sustainable drainage systems (SUDS) and conserve and protect water supplies and resources as required by Policy 5.13 and Policy 5.15 of the London Plan 2016.

New Condition 33

Pre Commencement Condition. Notwithstanding the submitted Air Quality Assessment, 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 for approval of a revised Air Quality Assessment. The air quality assessment shall contain the following information:

- Assess the existing air quality in the study area (existing baseline);
- Predict the future air quality without the development in place (future baseline);
- Predict the future air quality with the development in place; (This should include an assessment of road traffic sources, energy centre sources and any other relevant sources)
- Assess and describe the significance of the development impact on air quality
- Identify mitigation measures
- An air quality neutral assessment must be provided and suitable mitigation measures recommended should the assessment demonstrate that the development is not air quality neutral.
- An assessment should be made of the proposals to connect the development to the Pimlico District Heating Undertaking system.

Any mitigation measures recommended by the assessment must be installed prior to the occupation of the development and permanently retained thereafter.

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

New Condition 34

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 Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records.

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)

Chris Beard addressed the Sub-Committee in support of the application and on behalf of the applicant offered to reduce the proposed development by one storey equating to 3.25 meters.

Sarah MacDonald Eggers addressed the Sub-Committee in support of the application.

Peter Roberts/Cathedral Area Residents Group addressed the Sub-Committee in objection to the application which he withdrew following the offer by the applicant to reduce the proposed development by one storey.

Councillor Short addressed the Sub-Committee on behalf of all of the Vincent Square ward councillors and following the offer by the applicant to reduce the proposed development by one storey withdrew her objection.

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted subject to :
 - a) The changes to the draft decision letter as tabled and set out above;
 - b) an amending condition to reduce the proposed development by one floor reducing the overall height of the building by 3.25 m; and
 - c) referral to the Mayor of London.

2 127-133 CHARING CROSS ROAD, LONDON, WC2H 0EA

Refurbishment and extensions to existing building including three additional floors at roof level and rooftop plant enclosure, replacement of external facades and terraces at first to sixth floor level; to provide retail (Class A1), office (Class B1) and nightclub (Sui Generis) floorspace.

Late representations were received from Concilio (2.5.2019) and DP9 (25.4.2019).

Sarah Jones addressed the Sub-Committee in support of the application.

Richard Ward addressed the Sub-Committee in support of the application.

Jeremy Joseph addressed the Sub-Committee in objection to the application.

Councillor Jonathan Glanz addressed the Sub-Committee in objection to the application.

RESOLVED: (For: Councillors Mohindra, Boothroyd, Hitchcock Gassanly and Glen; Against: Councillor Barraclough)

1. That conditional permission be granted subject to:
 - a) a S106 legal agreement to secure the following:
 - i) A payment of £1,713,303.47 towards the Council's affordable housing fund (index linked and payable on commencement of development).
 - ii) Carbon offset payment of £41,400 (index linked and payable on commencement of development).
 - iii) Monitoring costs.
 - b) an additional condition to ensure adequate lighting during construction and temporary signage particularly in respect of affected businesses in the immediate vicinity (Goslett Yard and Orange Yard).
2. If the S106 legal agreement has not been completed within four weeks of the Committee resolution then:
 - a) The Executive Director for Growth, Planning and Housing shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Executive Director for Growth, Planning and Housing is authorised to determine and issue such a decision under Delegated Powers, however, if not
 - b) The Executive Director for Growth, Planning and Housing shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate

timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Executive Director for Growth, Planning and Housing is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

3 46 BERKELEY SQUARE, LONDON, W1J 5AT

Flowers arranged over scaffolding on front elevation for a temporary period from 19 May 2019 -27 May 2019

Late representations were received from Jon Dingle Ltd (7.5.2019).

Jon Dingle addressed the Sub-Committee in support of the application.

Councillor Jonathan Glanz addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

1. That contrary to the recommendation of the Executive Director, Growth, Planning and Housing conditional advertisement consent be granted for a limited period from 19 May 2019 to 27 May 2019. The conditions to be agreed under delegated powers.
2. The Sub-Committee agreed to grant advertisement consent on the basis of exceptional circumstances in that the advertisement was for a very limited period and of a type of advertisement that would not result in such harm to the setting of this listed building and the terrace. The Sub-Committee noted the applicants undertaking to have no more than 2 adverts a year (Christmas and the Chelsea flower show) and requested an additional informative that the granting of this consent does not prejudice the future decisions for such signage on this building.

CHAIRMAN: _____

DATE _____

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 4th June 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s): 18/01099/FULL Tachbrook	Dolphin Square London	Part redevelopment and refurbishment of Dolphin Square including the reconfiguration of existing residential (Class C3) apartments; demolition and reconstruction of Rodney House to provide a new ground plus 9 storey building with 2 basement levels to provide residential (Class C3), serviced apartments (Class C3 temporary sleeping accommodation), retail (Class A1-A4), leisure (Class D2); single storey rooftop extensions to the retained and refurbished Houses to provide additional residential (Class C3); new row of townhouses (Class C3) to the Western Carriageway; landscaping and new publicly accessible open space; new and reconfigured access points; and all necessary enabling works.	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i. 57 affordable/intermediate housing units to the quantum, mix, tenure and affordability set out in the memo from the Head of Affordable Housing and Strategy dated 19 February 2019, with early and late stage review mechanisms in accordance with the Mayor's 'Affordable Housing and Viability' SPG; ii. Walkways agreement to secure public access to the internal courtyard garden to be completed prior to first occupation of the new residential units; iii. Extension of the Thames Path; iv. Strategy to secure the measures to protect the option B tenants during and after the building works; v. Carbon offset payment (index linked) to be paid on commencement of development; vi. A financial contribution towards employment, training and skills (index linked) payable on commencement of development; vii. Monitoring costs. <p>2. If the S106 legal agreement has not been completed within six weeks of the Committee resolution then:</p> <ul style="list-style-type: none"> a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers, however, if not b) The Director of Place Shaping and Town Planning shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers. 				
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 18/10755/FULL Vincent Square	Townsend House Greycoat Place London SW1P 1BL	Demolition of existing building and redevelopment to provide a building of basement, ground and five upper floors with plant enclosure at roof level, comprising a retail unit and office reception at ground level, offices at first to fourth floors and two residential (Class C3) units at fifth floor; ancillary plant, cycle and refuse storage at basement level.	
<p>Recommendation</p> <p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p>				

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 PLANNING APPLICATIONS SUB COMMITTEE – 4th June 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

i) Carbon offset payment of £24,085 (index linked) to be paid on commencement of development.
 ii) All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, reinstatement of redundant vehicle crossovers and associated work (legal, administrative and physical)
 iii) A financial contribution towards employment, training and skills of £95,966 (index linked) payable on commencement of development.
 iv) Car club membership for residents (for a minimum of 25 years)
 v) Monitoring costs.

2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:
 a) The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
 b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Item No	References	Site Address	Proposal	Resolution
3.	RN(s): 18/10886/FULL West End	Development Site At 47-50 Poland Street And 54-57 Great Marlborough Street London	Demolition of 54, 55-57 Great Marlborough Street and 47, 48 (behind a part reconstructed facade) and part demolition of 49-50 Poland Street to provide a building comprising ground plus seven storeys with louvred plant room and two basement levels onto Great Marlborough Street (with rear projecting wing at ground and six upper floors with roof level louvred plant room) and a ground plus part five/part six storey building with two basement levels onto Poland Street all for use as a hotel (Class C1), retail (Class A1), and a restaurant and bar (Class A3/A4). Creation of central glazed covered courtyard and publicly accessible route through the site, a landscaped terrace onto Poland Street, cycle parking, waste storage, plant rooms at seventh floor and roof level, services and associated works.	.
<p>Recommendation</p> <p>1. Grant conditional permission, subject to a S106 legal agreement to secure the following: i. Dedication of land as public highway; ii. A Carbon Off-set Contribution of £44,586 (index linked), payable prior to commencement of the development; iii. S106 monitoring costs.</p> <p>2. If the S106 legal agreements has not been completed within six weeks of the date of the Committee resolution, then: (a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not; (b) The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers</p>				

CITY OF WESTMINSTER
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 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
4.	RN(s): 19/00013/FULL West End	Development Site At 63 - 65 Curzon Street London	Demolition of existing buildings and redevelopment, including excavation to create up to three basement storeys, ground and eight storeys to be used for up to 42 residential flats, creation of a ground floor arcade link between Stratton Street and Curzon Street for use as retail and/or restaurant uses (Classes A1 and A3), provision of up to 28 car parking spaces within the sub-basement levels. Provision of plant at basement and rooftop areas. Creation of terrace/balcony areas on both elevations.	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i) Car Club Membership for 25 years for all the flats; ii) Unallocated parking (as there are less car parking spaces than proposed flats) iii) Walkway Agreement; iv) Car Lift Maintenance; v) Highways alterations required for the development to occur (at no cost to the City Council); vi) Stopping up and dedication of land; and vii) The costs of monitoring the S106 agreement. <p>2. If the S106 legal agreements has not been completed within six weeks of the date of the Committee resolution, then:</p> <ul style="list-style-type: none"> (a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not; (b) The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. <p>3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.</p> <p>4. That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.</p>				
Item No	References	Site Address	Proposal	Resolution
5.	RN(s): 18/10341/FULL West End	72 Broadwick Street London W1F 9EP	Demolition and rebuilding of fifth and sixth floors and erection of two storey extension above the UKPN substation fronting Marshall Street, in connection with the use of the part basement and ground for restaurant purposes (Class A3), flexible/alternative use of part first floor as either offices (Class B1), or for up to two restaurants (Class A3), continued use of the part basement, part ground, second, third and fourth floors as offices (Class B1) with flexible/alternative use of part ground, part first, second and third floors as gym (Class D2) and the provision of 15 residential flats with external terraces	

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 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

			<p>at fifth floor level. External alterations to the whole building, including new roof profile, facade alterations, shopfront alterations, painting of existing brickwork, creation of office roof terrace at 6th floor level. Installation of a biodiverse roof, along with new plant and photovoltaic panels.</p>	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i. The costs relating to Highway Alterations including works immediately surrounding the site required for the development to occur, including changes to on-street restrictions, alterations to the vehicle access and adjoining footway; ii. The applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway. iii. Lifetime (25 years) Membership to a Car Club for each of the 15 flats proposed; iv. A financial contribution to the carbon offsetting fund carbon offsetting fund of £31,338 (index linked and payable prior to commencement of development). v. S106 monitoring costs. <p>2. If the S106 legal agreements has not been completed within six weeks of the date of the Committee resolution, then:</p> <p>(a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>(b) The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.</p> <p>4. That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.</p>				

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Tachbrook	
Subject of Report	Dolphin Square, London, SW1		
Proposal	Part redevelopment and refurbishment of Dolphin Square including the reconfiguration of existing residential (Class C3) apartments; demolition and reconstruction of Rodney House to provide a new ground plus 9 storey building with 2 basement levels to provide residential (Class C3), serviced apartments (Class C3 temporary sleeping accommodation), retail (Class A1-A4), leisure (Class D2); single storey rooftop extensions to the retained and refurbished Houses to provide additional residential (Class C3); new row of townhouses (Class C3) to the Western Carriageway; landscaping and new publicly accessible open space; new and reconfigured access points; and all necessary enabling works.		
Agent	Miss Louise Overton		
On behalf of	Dolphin Square Limited		
Registered Number	18/01099/FULL	Date amended/ completed	6 February 2018
Date Application Received	6 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	Dolphin Square Conservation Area Part of Eastern & Western Carriageways fall within Pimlico Conservation Area		

1. RECOMMENDATION

1.	Grant conditional permission subject to a S106 legal agreement to secure the following:
i.	57 affordable/intermediate housing units to the quantum, mix, tenure and affordability set out in the memo from the Head of Affordable Housing and Strategy dated 19 February 2019, with early and late stage review mechanisms in accordance with the Mayor's 'Affordable Housing and Viability' SPG.
ii.	Walkways agreement to secure public access to the internal courtyard garden to be completed prior to first occupation of the new residential units.
iii.	Extension of the Thames Path prior to first occupation of the new residential units.
iv.	Strategy to secure the measures to protect the option B tenants during and after the building works.
v.	Carbon offset payment (index linked) payable on commencement of development (amount TBC subject to revised Energy Strategy).

- vi. A financial contribution towards employment, training and skills of £100,351.09 (index linked) payable on commencement of development.
- vii. Monitoring costs.

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

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

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

2. SUMMARY

The Dolphin Square Estate was completed in 1938 to provide accommodation for workers within central London. It is the largest private residential block of flats in the UK and it remains largely untouched. Permission is sought for the part redevelopment and part refurbishment of Dolphin Square including the demolition and reconstruction of Rodney House, a rooftop extension to the remainder of the estate, refurbishment and reconfiguration of the existing residential units and the erection of sixteen townhouse on the western carriageway. The number of residential units will be increased from 1225 to 1455 (this includes the serviced apartments which will be increased from 143 to 160). The central courtyard garden will be extended and made publicly available.

The Key issues for consideration are:

- The impact of the proposals on the character and appearance of the buildings and the Dolphin Square and Pimlico Conservation Areas; and the setting of historic assets;
- The land use implications of the proposal;
- The impact of the proposals on the amenity of surrounding residents; and
- The impact of the proposal on the surrounding highway network and environment.

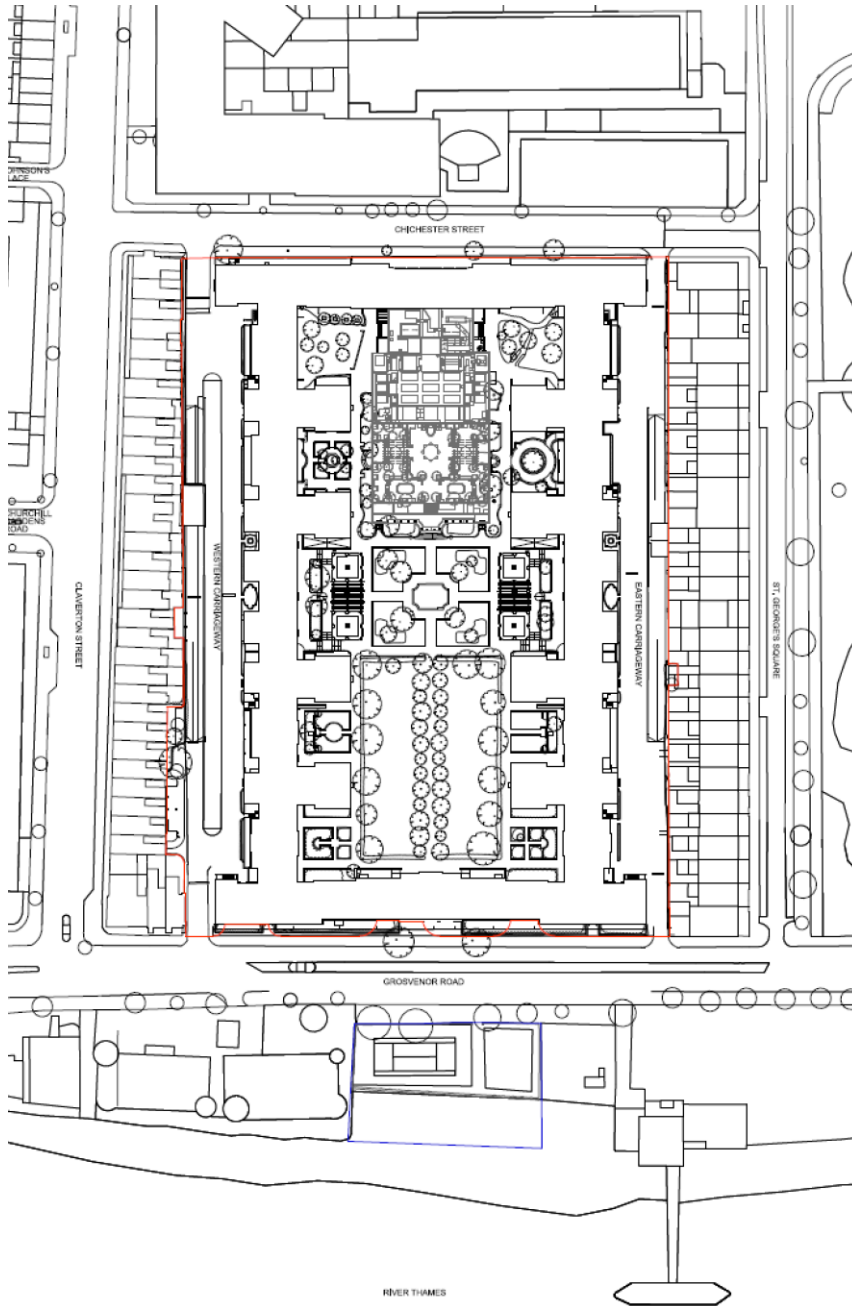
Objections to the application are numerous and wide reaching.

The demolition of Rodney House is considered to represent 'less than substantial harm' to the conservation area under the NPPF tests owing to its lesser design quality. The increase in height of the proposed replacement building and rooftop extensions will increase the buildings dominance, however, given the scale of the existing building, and the simplicity of the proposed architecture, it is considered that the architectural character of the conservation area will be preserved. The proposed extensions are also considered to have a satisfactory relationship with surrounding residential properties in terms of amenity.

The proposal represents the opportunity to secure the delivery of 230 new residential units, including 57 on-site affordable housing units; improved public access to the internal courtyard garden and the extension of the Thames path. These are considered to represent significant public benefits.

The proposals are 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



4. PHOTOGRAPHS



Grosvenor Road, from the Thames



Chichester Street



Dolphin Square (Rodney House outlined in red)

5. CONSULTATIONS

ORIGINAL APPLICATION

GREATER LONDON AUTHORITY

Principle of development: the proposed refurbishment and residential intensification of the existing Dolphin Square estate in this highly accessible location within the Central Activity Zone is supported in principle and complies with London Plan and draft London Plan policy in land use terms.

Affordable housing: no affordable housing offer has currently been made which is wholly unacceptable. The applicant's viability assessment will be robustly interrogated to ensure the maximum reasonable amount of affordable housing is secured. Early implementation and late stage review mechanisms must be secured in accordance with the Mayor's Affordable Housing and Viability SPG and Policy H6 of the draft London Plan.

Housing: all of the private rented units must be covered by a minimum fifteen year covenant to retain the homes as build to rent. The applicant should also provide a child yield calculation and play space strategy.

Residential quality: it is disappointing that the existing layouts in Rodney House is not improved.

Design: Overall, the proposed refurbishment and redevelopment is supported in strategic urban design terms and will improve the overall legibility of the estate, pedestrian arrival experience and the estate's existing relationship with surrounding street frontages through landscape works and increased active frontages. The marginal overall increase in height is also supported and does not raise any strategic concerns with regards to heritage impact.

Energy: the proposals meet the minimum onsite carbon reduction. Further information is requested regarding the overheating analysis and efficiency modelling, potential connection to the Pimlico district heat, combined heat and power and the maximisation of renewable technologies. Any shortfall in carbon savings below the zero carbon target for the domestic element should be offset through financial contributions to the Council's carbon offset funds.

Transport: cycle parking for all land uses should be increased to meet London Plan standards and car parking reduced. The new build and refurbished units should be car-free. The overall level of disabled car parking should be increased to meet minimum London Plan and draft London Plan standards.

TRANSPORT FOR LONDON

- The development should be car free except for Blue Badge parking with a minimum of 38 blue badge designated bays.
- Clarification on the functioning of the serviced apartments should be provided in order to assess parking requirements.
- Cycle parking falls short of the standards set out in the draft London Plan. Cycle parking needs to be secured and secured by condition
- Routes through East and West Dolphin Square providing 24 hour access for pedestrians and cyclists to increase the sites permeability should be secured.
- Travel Plan should be amended to provide more ambitious targets to reduce driving by a minimum of 10% and increase walking and cycling.

HISTORIC ENGLAND

The application should be determined in accordance with national and local policy guidance, and the Council's own specialist conservation advice.

HISTORIC ENGLAND (ARCHAEOLOGY)

Archaeology conditions recommended.

TWENTIETH CENTURY SOCIETY

Strongly objects. The proposals will cause harm to the significance of the Dolphin Square Conservation Area. Dolphin Square is of substantial historic and architectural significance and an impressive example of a type of large-scale urban living which was pioneering for its day. The self-contained nature of the development, the first in Britain, continues to be unusual. The building is remarkably intact, still displaying a subtle 1930s charm. The proposals will irrevocably damage its heritage significance.

Dolphin Square has been recognised as an unlisted building of merit and heritage asset as it forms the majority of the built area of the Dolphin Square Conservation Area designated in 1990. The conservation is designated entirely because of the significance of Dolphin Square. The demolition of Rodney House represents the loss of a substantial amount of the built area of the conservation area and the demolition of the top storey and replacement with two storeys that do not resemble the current form will affect almost all the remainder of the conservation area. The proposals in the current planning application also envisage the loss of the historic shopping parade, the loss of the original recreational centre and the related garden areas. This represents a substantial loss of fabric and has a serious impact on the integrity of the Dolphin Square Conservation Area and are in contravention of the guidance laid down in the Conservation Area Audit and Management Guidelines. The tests of the NPPF apply which particularly commends the careful consideration of the effect of development proposals on undesignated heritage assets.

The loss and replacement of a large portion of this non-designated heritage asset should be resisted as causing significant harm to the conservation area without any corresponding public benefit. The impact on the sole landmark building will be severely detrimental to a conservation area. It is a testament to Dolphin Square's design quality that despite its massive size it sits well with both the adjoining estates and the stucco terraces, and its gardens and interior, especially the shop arcade, create an absolutely beautiful haven of 1930s character.

ENVIRONMENT AGENCY (THAMES REGION)

No objection.

THAMES WATER

Unable to determine the waste water infrastructure needs of the development. The existing water supply has insufficient capacity to meet the additional demands of the proposed development. Recommend conditions and informatives in relation to waste water and water supply infrastructure needs.

NATURAL ENGLAND

No comment. They have not assessed the application as it is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

CANAL & RIVER TRUST

Confirmation that there is no requirement to be notified.

LONDON RIVERS ASSOCIATION

Any response to be reported verbally.

METROPOLITAN POLICE SERVICE

Request that financial contributions towards police infrastructure should be secured through a s.106 agreement due to the scale of the development, the impact on crime and the consequent need for infrastructure.

DESIGNING OUT CRIME

No objection. Recommendations and advice have been given to the applicant in relation to security and crime prevention.

HIGHWAYS PLANNING MANAGER

Servicing facilities are provided off-street. The applicant has demonstrated that the off-street facilities should be sufficient to cope with demand. A Servicing Management Plan should be secured by condition.

Under London Plan standards the proposals do not create enough cycle parking spaces to serve the overall number of dwellings on the site, but they do create an extra 336 spaces (16 of which are for retail and leisure use) which is significantly more than that required for the additional dwellings and is therefore acceptable.

There will be a reduction in car parking. The introduction of increased levels of residential in this area without off-street parking or on-street parking restraint is likely to increase the stress levels. However, on balance, the proposals are considered acceptable as there is currently a large amount of empty space in the existing car park and TfL request a reduction in the number of spaces.

WASTE PROJECT OFFICER

Further details required in relation to waste and recycling.

ENVIRONMENTAL HEALTH

Additional information required in relation to the extraction proposed for the proposed restaurant uses and for the acoustic report to address noise from servicing and deliveries.

ARBORICULTURAL MANAGER

Clarification required in relation to the number of trees to be removed. The landscaping proposals are not detailed but include tree planting. The different styles of hard and soft landscaping will create a disjointed effect. Some of the tree species proposed may be too large.

AFFORDABLE HOUSING SUPPLY MANAGER

See response below to revised application.

BUILDING CONTROL

Any response to be reported verbally.

WESTMINSTER SOCIETY

No objection to the concept of a major refurbishment of Dolphin Square, however, severe reservations about elements of the overall project. The uncertainty of residents about their futures should be addressed. The swimming pool, restaurant and the Moroccan Garden should be left where they are. Unconvinced about the creation of a portal in the rebuilt Rodney House as a mirror image of that on the Grosvenor Road frontage which would harm the present privacy of the garden area.

PIMLICO FREDA

- The additional floor will clean up the top storey by removing unsightly railings and improve the visual impact of the east and west elevation. To the south elevation the current balconies have been unnecessarily removed and should be reinstated. The rebuilt Rodney House although higher and more bulky is considered an improvement over the existing elevation.
- From on-site inspections it became clear that the additional storey to the east, south and west elevations would not cause any appreciable loss of light to surrounding streets and houses or to the internal gardens of Dolphin Square. Any loss of light to option B tenants in Dolphin Square have been assured that when they move back into their flats after renovation if they are disturbed by loss of light they will be offered a similar size flat elsewhere, and the flat would be let on the open market who would take the flat as viewed.
- Car parking will be reduced and will be well below the Council standard with only one space per 5.39 flats. The price to park in the basement is higher than a Respark permits, which results in parking pressure in surrounding streets. The parking stress results in the Transport Assessment submitted are of little relevance and should be disregarded. A condition should be imposed which restricts any new tenants within Dolphin Square from obtaining Respark permits.
- The Council should look to obtain the upper limit of 35% affordable housing to provide intermediate housing for people on low salaries who work in Westminster. Suggest Westbrook keep full control of all affordable units as they manage very well.
- It is noted that only the top storey of the mews houses will extend above the existing wall to Claverton Street and mansarded to the rear. As such there should only be very limited loss of light to houses in Claverton Street.
- A scheme of replanting trees will be required.
- Regret the loss of the 1930s unique shopping arcade, however appreciate this from of shopping is dated. The applicant should be encouraged to provide flexible retail spaces for some of the existing trader to be rehoused.
- The existing balconies on the southern elevation should be reinstated.
- The games and garden space to the south of Grosvenor Road should remain undeveloped. The proposals to recreate the gardens within the square are an advantage.
- The fenestration proposed to the additional 10th storey is incongruous and does not conform to the rhythm and solid to void ratio of the floors below.

CHURCHILL GARDENS NEIGHBOURHOOD FORUM

No response received to date.

THE DOLPHIN SQUARE PRESERVATION SOCIETY

- Strongly object to the excessive plans which would destroy the ethos, character and fabric of Dolphin Square, built in neo-Georgian style with high quality materials in the 1930s and with 1,236 flats. It is an iconic and unique building, with its community facilities and the long-held tradition of providing flats at moderate rents for those on middle and lower incomes who work unsocial hours in London.
- Dolphin Square is itself a conservation Area. It is already a massive building with a very high density of flats. The proposed extensions will make the Square completely out of scale with other buildings and would have an adverse visual impact on the character of the surrounding area and obstruct the panoramic view from the north east side of St George's Square as well as the skyline of other buildings.
- The large plate glass windows for the penthouses are not in keeping with the architecture of Dolphin Square. The extensions will deprive the courtyard garden and flats of sunshine and light and overshadow Pimlico Academy and Primary School.
- The Dolphin Square Conservation Area Audit 2008 identifies the whole development as an unlisted building of merit. Their demolition or unsympathetic alteration will normally be resisted. The proposal will also be contrary to Policies DES9 B and DES6. Dolphin Square is already considerably larger than surrounding buildings and not suitable for upward roof extension. The new central entrance to Rodney House will create a wind tunnel.
- The serviced apartments are short stay hotel rooms. The proposed increase is contrary to Policy H2 which precludes the use of housing by non- permanent residents.
- The demolition of Rodney House would cause the loss of the noted 1930s shopping arcade, an important part of the character of the Square which was designed to include facilities for the community.
- The plans for the garden are against the spirit of the garden square concept.
- The large extension from Rodney House would overshadow the gardens and new entrance.
- Object to the removal of the four artesian wells and the proposed deep excavations to form a new basement.
- The proposed mews houses will be very intrusive and unacceptable to residents in Claverton Street.
- The changes to the east and west service road would create problems for deliveries, disabled residents and access for emergency vehicles. More residents and fewer parking spaces will increase pressure on parking in the surrounding streets.
- Affordable Housing needs to be provided.
- Traffic, noise and disruption caused during construction works will harm residents and the school's opposite. Impact on protected tenants of the Square who can remain until 2034 and will have to be moved during building works.
- Bats have been observed in Dolphin Square which are a protected species. The Bat Survey does not appear to have taken account of the fact that the garden will be a building site for at least five years and there would be nothing for bats to forage. The tall mature trees beside the Spanish/Mexican garden will be lost. Their roosts would be destroyed during the building of the roof extensions.

- The large number of plans and documents are difficult to access on the portal.

THE BLUE DOLPHIN TENANTS ASSOCIATION

Objections raised on the following grounds

- The plans are excessive and would destroy the character of this iconic and well-built Square.
- Dolphin Square is a conservation area. The Conservation Area Audit of 2008 lists Dolphin Square as "a building of unlisted merit" and Policy DES9 B precludes the demolition of buildings which contribute positively to the character and appearance of the conservation area.
- Complete demolition and rebuilding of Rodney House and adding new floors and with windows not in keeping with the rest of the square, and the addition of a large building jutting out into the garden in unacceptable and will result in a loss of light to Duncan and Keyes House.
- Loss of the noted shopping arcade and the Moroccan garden a rare and original 1930's garden design.
- The three new archways on Chichester Street giving public access to the garden will cause security issues. The archways should be gated and the garden kept private.
- Locked doors in corridors between each house will ruin the community spirit.
- The proposal for each flat to take their waste to a shoot on the first floor will be difficult for elderly and disabled residents.
- Disturbance during the 5 year construction programme will make life unbearable for residents.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 2357

Total No. of replies: 98

Land use

- The building was originally dedicated to affordable homes for Londoners. No provision for affordable housing has been made which is desperately needed in this part on London.
- It is likely that the new housing will mirror the current letting policy, for short term tenants who can afford high rents.
- Increasing the size of the hotel will cause a nuisance to local residents and is contrary to Council policy of hotel development.
- Reduction in family sized housing.
- Dolphin Square already has a very densely populated building. The population density proposed is excessive which may result in environmental and social issues.
- The replacement of the internal shopping arcade which comprises small successful retailers serving the local community with large public shops will deprive residents of valuable local services.

- The serviced apartments are used as a hotel. The proposal is contrary to policy H2 which opposes the development of short term let residential property.
- Dolphin Square Gardens are not a designated public open space, they are for use by residents and it should remain a private garden square and not turned into a public space.
- Removal of balconies.
- The existing community will be replaced with a transient population with no stake in the neighbourhood.
- A children's play area should not be allowed in the gardens. The lease prevents noise in the garden if it causes annoyance or inconvenience to any other person.
- Take-aways should not be allowed opposite Pimlico Academy.

Design

- Dolphin Square is an iconic landmark building in a prominent location.
- Dolphin Square itself is a large part of the Dolphin Square Conservation Area. The Dolphin Square Conservation Area Audit 2008 identifies the whole development as an 'unlisted building of merit'.
- The demolition of Rodney House is contrary to policy DES 9 of the UDP which resists the demolition of buildings which contribute positively to a conservation area.
- The plans will destroy the character of the building and original 1930's garden design.
- The plans will adversely change the character and appearance of the Dolphin Square Conservation Area and will have a visually overbearing impact on the surrounding locality.
- Rodney House will be an imposing block out of scale with its surroundings and interfere with the easterly view of the impressive listed Regency terrace of St Georges Square and St Saviours church.
- The rebuilt Rodney House will look fake, anachronistic and stand out from the rest of the development. The characterful different types of windows and quirky concrete features are lost in favour of modernist, uniform rows of windows, out of keeping with an integrated 1930's block.
- The demolition and replacement of Rodney House with a 10 storey building of greater density faced with large modern retail units is out of keeping with the existing architecture and adversely affect the character and appearance of the conservation area.
- The Conservation Area Audit states that the development represents the type of building where roof extensions would be difficult to accommodate and that it is unlikely it would be suitable for upward roof extension. The proposal is contrary to this.
- The additional floor is disproportionate and gives the building a top heavy appearance. It is out of keeping with the area's building heights and will negatively change the character and feel of the local area.
- The loss of the art deco shopping arcade will be a loss in heritage terms. Their replacement will not be in keeping with the surrounding area.
- The townhouse will fall within the Pimlico Conservation Area. The western Carriageway is identified as a secondary route within the Pimlico Conservation Area Audit. The town houses will negatively impact on this route and will disrupt the existing relationship of built form to open space.

- The townhouses are completely out of character with the rest of the building. They have little architectural or design merit with no relationship to the existing Victorian terrace or original 1930's dolphin square building.
- The central garden designed by Richard Sudell will be lost. There will be little appreciable increase in the size of the garden.
- Destruction of the Art Deco swimming pool.

Amenity

- Loss of light to flats within Dolphin Square and to the gardens.
- The proposed townhouses and roof extensions will result in a loss of light and overlooking/loss of privacy to residents in Claverton Street.
- Loss of light and overlooking to residents in St George's Square.
- The plans to open up the gardens to the public will result in noise and a loss of privacy and security to residents.
- The gardens will provide a short cut for cyclists if the new Thames crossing goes ahead.
- Loss of view to residents from the increase in height of Rodney House.

Highways and servicing

- The number of car parking spaces is being reduced at the same time that the number of residents is being increased.
- The reduction in car parking will impact on local on-street car parking.
- Question why the Dolphin Square car park is under used. Dolphin Square residents should be refused Respark permits so that they park on their own estate.
- Loss of parking bays on the Western carriageway.
- Moving the car park entrance to the east side will cause additional traffic, noise and pollution.
- Shortage of car parking for guests.
- Impact on car parking caused by the hotel use.
- Increase in traffic congestion.
- Impact of taxi drop offs and pressure on public transport from hotel/service apartments.
- Rubbish chutes will be inconvenient and have hygiene, smell and noise implications.

Trees and Landscaping

- The proposal will destroy the garden and result in the loss of trees.
- Loss of foliage which cascades down from the wall adjoining the Western Carriageway.

Environment

- Bats can be seen in the gardens. Bats are a protected species and roosts should not be destroyed by the redevelopment.

Other

- The development is unnecessary. The existing building should be refurbished without the need for a 5 year building program.
- Impact of noise, dust, disturbance, congestion and air pollution during construction works on residents and Pimlico school.

- Residents will have to live through a major demolition, excavation and construction site for a long time which will cause a major upheaval and impact on their lives.
- Loss of use of the garden, shopping arcade and communal facilities (swimming pool and gym) during construction work.
- The impact on the Dolphin Square community will be devastating. The applicant's pursuit of profit is at the expense of resident's lives.
- Written assurance from Dolphin Square Trust and the Council was given during the sale of Dolphin Square that tenants would only be moved out of flats when necessary repairs were required.
- The scheme must cater for the needs of option B tenants. There is a significant proportion of elderly and vulnerable residents in Dolphin Square. Little provision has been made for these people living in Dolphin Square who will be displaced during building works. Such evictions should not be allowed. A risk assessment of the effects the redevelopment will have on the health and wellbeing of its tenants should be undertaken.
- Option B tenants have been assured that they can return to their flats, but the plans show internal reconfiguration and balconies removed.
- A demolition and construction working group should be formed (similar to the Old War Office model)
- The Mayor of London or Secretary of State should call the application in.
- Risk of subsidence.
- The houses proposed to the western carriageway will block access for fire engines.
- The current arrangements for security, post, refuse disposal (currently collected from flats 6 days a week) and the ability to walk to the shopping arcade, health club, restaurant and main entrance undercover have been in place for over 40 years and should not be changed.
- The addition of security door between houses will be detrimental to community living and increase social isolation for elderly and vulnerable residents. Heavy doors will be difficult to negotiate.
- There has been an expansion of short term letting to many other parts of Dolphin Square away from the existing hotel in Rodney House.
- Loss of the Artesian wells.
- The water supply is to change on to the normal London water supply.
- Impact on water supply and sewage capacity.
- It is unclear if a mural of Edward Halliday is being preserved in a suitable location within the building.
- The owners show little interest in the well-being of their tenants, their goal is to maximise profits.
- Amount of documents on website is considerable without any clear summary of the proposals. Difficulty of assessing the documents and making comments on the website.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

REVISED APPLICATION

First revision: The application was amended to include the provision of 160 serviced apartments (studios) within Rodney House to provide temporary sleeping

accommodation (occupation for less than 90 nights) within Class C3; and amendments to the landscape design proposals following the listing of the Central Garden on the Register of Historic Parks and Gardens Grade II.

Second Revision: The application was amended to include the provision of 57 on-site affordable housing units.

WARD COUNCILLORS

COUNCILLOR GLEN AND COUNCILLOR SPENCER

Support the objections by residents living in and around Dolphin Square on the following grounds:

Demolition in a Conservation Area: The Conservation Area Audit (2008) lists Dolphin Square as "an unlisted building of merit". The proposals involve demolishing Rodney House which is contrary to Council Policy. Demolition should only be allowed if there is sufficient public benefit to the proposals which is not considered to be the case.

Increased Hotel Use: It is a nonsense to consider the activity in Rodney House as anything but a hotel. Residential amenity is already compromised by the existing hotel use due to frequent comings and goings, the strain on weekend parking and large numbers of short-term visitors to this residential area. The increased hotel activity in this area of London is against the current City Plan Policy S23, S10 and S14.

The proposal is contrary to policy H2 which opposes the development of short term let accommodation. This is not the residential accommodation for people who live and work in London which is desperately needed in Westminster and wider London.

Reduction in Family Sized Units: The plans propose 284 more studio flats, 21 fewer 1-bedroom flats and 33 fewer 2-bedroom or larger flats. This is not the mix of housing needed to keep families in Westminster, contrary to Policies S15 and H5.

Height, light and sense of enclosure: The replacement building will be four stories higher than it currently stands. Pimlico is almost entirely low-rise, characterised by Victorian terraces. The proposals would increase the dominance of the building within the three conservation areas which are the setting for many listed buildings. Rodney House was built lower so it would not over shadow the houses opposite which have since been replaced by the schools. The new building would tower over the school playground by 12 stories over the whole width of the school site.

The proposal will also cause a loss of light and sense of enclosure to many of the windows in the lower floors of Keyes and Duncan Houses facing into the square. The increase in height is contrary to Council policy and the conservation area audit (2008) which states that Dolphin Square is unlikely to be suitable for upward roof extension.

Density: Dolphin Square already has far more density than any of its surrounding neighbours. To propose increasing the density, in one of the most densely built urban schemes in Westminster, in one of the most densely built areas of the London is worrying and will cause a strain on the public realm and infrastructure around, including parking.

This is exacerbated by the use of a large portion of Dolphin Square as short term lets, with all the problems that come with a high turnover of a transient population. Thames Water have questioned whether the current sewage and mains water infrastructure will be sufficient to cope with an even higher density of people.

Affordable Housing: Welcome the proposal to provide 57 'affordable' units, however, disappointed that only 23 units are social housing and the remaining 'intermediate' units are all one-bedroom, which is not the affordable housing residents need. The 57 units

are based purely as a percentage of the new build. Significantly more affordable housing should be required from the developer. Council policy also requires affordable housing and floorspace that is used or was last used as affordable housing to be protected. This should apply to all the 'Option B' flats.

Destruction of a Listed Garden: The gardens were recently listed as grade II. The garden is only original once. The currently proposed scheme would tear up Sudell's rare and protected original design entirely and replace it with a twenty first century garden. However faithful to 'Sudell's vision', it will no longer be his original work. This would be a terrible loss and contrary to Council policy (S25 Heritage)

Protection for existing Residents including 'option B' tenants: Should the application be granted the many promises to the residents of Dolphin Square should be secured by a strong section 106 agreement, especially the 'option B' tenants. This is necessary to guard against the possibility of the applicant selling their interest to a less reputable developer.

COUNCILLOR HARVEY

Detailed response received which includes the background to Dolphin Square, this is included in the background papers. The main planning considerations can be summarised as follows:

- As the application is recommended for approval, seek to ensure that the best deal for residents, primarily in Dolphin Square, and also more widely locally is secured through planning conditions.
- Sympathetic for the residents who face a long refurbishment and part-build project. Seek to secure mitigations during the move and after for all their tenants, especially the long-standing, protected tenants, known as Option B.
- The GLA has agreed to 57 affordable housing units and, as the units (23 social/34 intermediate) are nesting within Dolphin Square itself, it is essential that these units are in perpetuity to be rented to people only with Pimlico residential history, particularly given the lack of affordable and social housing in Pimlico. This will improve community stability.
- Regret the reconfiguration of flats, reducing the number of family units and increasing studios and one-bedroom flats. The average tenancy stay at Dolphin Square is 24 months meaning that a block which used to have significant stability as families grew up here is now a much more transient population.
- Welcome the improvement in the sustainability of Dolphin Square which is currently very energy inefficient.
- Welcome the applicant's commitment to the provision of temporary pop-up shops for the long-standing community retailers who will be displaced and the promise of new tenancies in the new retail units.
- Regret the loss of the high-level long balcony on the south frontage, as many flats will lose access to direct outdoor space.
- Welcome the tidying of the roofline which, although a floor lower than the application, is currently very messy.
- Welcome the waste management proposals which will reduce disturbance to residents.
- Welcome the design which improves direct visibility into the Garden for the public and will be completely accessible for people in wheelchairs and buggies.
- Welcome the provision of public cycle parking in the garage.

- Welcome the inclusion of the River path extension through the Dolphin Square games area on the river, a long held Westminster ambition.
- Rodney House, facing Chichester Street, is out of step with the other three sides of Dolphin Square in terms of height and design. At the time Dolphin Square was built there was a terrace of Thomas Cubitt houses on the north side of the street and Rodney House was restricted to a lower height than the rest of the Square. Its design does not have the nuanced rhythm of the rest of the Square, the windows are dreadful, and it offers a blank façade to the street.
- Welcome that the applicant's response to representations that they will maintain individual flat's letter boxes, keep open the internal doors between houses and that rubbish will continue to be collected from frail residents.
- Careful consideration should be given to Construction and Management Plans and environmental issues such as air pollution, noise and vehicle movements.

GREATER LONDON AUTHORITY

The GLA Viability Team has reviewed the applicant's affordable housing offer as well as the draft independent viability review undertaken by Avison Young (formerly GVA) and that the scheme can't afford to deliver more affordable housing than that currently proposed. Seek to secure early and late stage review mechanisms that exclude refurbishment costs from the viability base position.

TRANSPORT FOR LONDON

Initial comments remain applicable.

HISTORIC ENGLAND

Do not wish to offer any comments.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to conditions

TWENTIETH CENTURY SOCIETY

No further comments received. Initial comments remain applicable.

THE GARDENS TRUST

The gardens were laid out by Richard Sudell. Since the application was submitted, Dolphin Square Gardens have been listed Grade II by Historic England on their Register of Parks and Gardens and their importance as a rare survival of an interwar landscape scheme for a private housing estate recognised. Any new scheme needs to respect and enhance the significance of this nationally important garden. The demolition of the Spanish/Mexican roof garden and loggia, will impact on the completeness of the design and significance of the designated landscape.

The plans have respected Sudell's design and is a high quality scheme. Welcome the reuse of many features of the garden including the morrocan lamps and the reconfiguration of the Dolphin fountain and mosaic. It is hoped that the gardens will be opened up for the public for a minimum of 5 weeks a year.

ENVIRONMENT AGENCY

No objection subject to condition.

THAMES WATER

Following initial investigations, Thames water have identified an inability of the existing combined water infrastructure to accommodate the needs of the development. Recommend conditions and informatives in relation to waste water and water supply infrastructure needs.

NATURAL ENGLAND

No comment.

CANAL & RIVER TRUST

Confirmation that there is no requirement to be notified.

LONDON RIVERS ASSOCIATION

Any response to be reported verbally

METROPOLITAN POLICE SERVICE

No further comments received.

DESIGNING OUT CRIME

Initial comments remain applicable.

HIGHWAYS PLANNING MANAGER

No further comments received. Initial comments remain applicable.

WASTE PROJECT OFFICER

No objection.

ENVIRONMENTAL HEALTH

Conditions recommended.

ARBORICULTURAL MANAGER

No objection subject to conditions and informatives.

AFFORDABLE HOUSING SUPPLY MANAGER

Welcomes the provision for 57 affordable housing units. The affordable homes will be pepper potted across the Dolphin Square Estate and will include a mixture of affordable tenures with 23 made available to households that are eligible for social housing under the Council's allocations scheme and the remaining 34 let to households eligible for intermediate housing in Westminster.

Support for the affordable housing proposals therein and the retention of the ownership of these affordable homes by Dolphin Square Ltd is conditional upon:

- The rent levels as set out which will apply to the social housing and intermediate housing units at first letting are set out in the planning agreement and that these rent levels are restricted to an annual increase of CPI+1% thereafter.
- Those 23 affordable housing units designated as social housing to be let to Westminster referrals according to the Council's allocation's scheme and where the council will retain 100% nomination rights to first lets and subsequent relets to voids arising.

- Those 34 intermediate rented units will be let to Westminster eligible intermediate households and where Westminster will retain 100% nomination rights to first lets and subsequent relets to voids arising
- Westminster and Dolphin to agree appropriate tenancy terms for those units that are to be used as social housing (a specimen tenancy agreement to be included within the planning agreement) plus supporting tenancy policies dealing with the right to renewal of tenancies in these social housing units and where these renewable tenancies should be no less than 5 years per period or with a 1 year introductory tenancy followed by a 5 year Assured Short hold tenancy
- That Dolphin has an adopted policy for dealing with disputes with tenants should they arise and that Dolphin signs up to the Housing Ombudsman service

BUILDING CONTROL

Any response to be reported verbally.

WESTMINSTER SOCIETY

No further comments received. Initial comments remain applicable.

CHURCHILL GARDENS NEIGHBOURHOOD FORUM

Any response to be reported verbally.

PIMLICO FREDA

Initial comments remain applicable. Further objections have been made in relation to the following:

- The Dolphin Square Conservation Area consists solely of Dolphin Square. The existing building is a large urban development but sits comfortably with the surrounding area. This would cease to be the case if Rodney House is demolished and rebuilt to the height proposed. The conservation area would not be preserved or enhanced.
- The proposal offers very little gain for Pimlico as a whole, the net effect will be negative.
- The proposal will result in significant densification which the area is ill equipped to support.
- The proposal will increase the hotel element. The proposal will not attract families to the area.
- The replacement garden will not have the significance of the existing garden.
- The arcade of shops are not only of historical interest, but are local shops important to the community.

PROTECT OUR PIMLICO

- Permitting demolitions and extensions to buildings within the Dolphin Square Conservation Area will have serious, negative, precedent setting consequences, throughout Pimlico and Westminster. The ethos and fabric of this well built and iconic building will be destroyed.
- The building is recognised as an unlisted building of merit and heritage asset as it forms the majority of the conservation area. It also forms part of the rivers heritage and character of the wider Pimlico area.
- Damage through alterations of this historic, iconic, building's façade, riverside, will have a negative impact on the north side of the Thames.

- The listed courtyard garden is a special oasis in the heart of London. The gardens, trees, and wildlife are under threat.
- Westbrooks track record does not inspire confidence in the community. Its operations as a hotel have grown. There are short lets throughout the houses. It is contrary to the needs for affordable, residential housing for key working Londoners, which has been a long held tradition in the building.
- The plans escalate the hotel usage. Short term visitors have a very different set of requirements from long term residents. Does Pimlico need a build to rent scheme.
- The social, mixed tenure of Dolphin Square should be protected.
- The option B tenants need to be protected.
- The increase in density will negatively impact local resident's quality of life.
- The loss suffered to the communities character, ambience and economic viability will be far greater than any public benefit from the proposed 57 affordable housing units.
- The proposed 'intermediate' units are not affordable by most working Londoners.
- The affordable units won't last.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 2357

Total No. of replies: 41 (revision 1)

51 (revision 2)

Change Petition containing 2225 signatures

All objections raised to the original application as set out above are maintained in relation to the revised schemes and remain applicable. Additional points raised to the revised schemes on the following grounds:

Land use

- The proposal will result in the expansion of short-term lettings and the Dolphin Square hotel. New hotels are contrary to Council policy in this location.
- The expansion of the hotel without a C1 hotel use is an abuse of the process.
- The proposal confirms the intentions of the applicant to reduce long term lettings in favour of short term lets and the expansion of the hotel. This does not conform with Dolphins Square's long held tradition of affordable homes for those who work in London.
- The increase in hotel type accommodation will impact adversely on the community which is residential in character. The area will become full of transient visitors with an increase in anti-social behaviour, litter, taxi drop offs and pressure on public transport and parking.
- The provision of short-term serviced apartments is contrary to policy H2 of the UDP.
- Short stay flats rather than affordable housing is unacceptable.
- The need is for long term lettings and affordable housing in the area.
- There is a bigger need for flats to buy not rent.
- Lack of affordable housing.
- Insufficient social housing which is much needed in the area. There will only be 23 units for social rent available to tenants nominated by the council.
- The affordable housing will not be given to a registered social provider.
- The bulk of the proposed affordable housing (34 intermediate 1-bed units) are not affordable to all and will preclude families.

- The intermediate affordable housing will not be affordable to key workers. Westminster needs affordable housing for those needing to work locally to support the 24 hour economy.
- The applicant may sell the affordable housing units on payment of a penalty to the local authority.
- The intermediate units are likely to be available for short term lets.
- The provision of affordable housing is insufficient to compensate for the destruction of an iconic building, damage to the conservation areas, disruption to the gardens, the vast increase in short term lettings and the over development of this already high density development.

Design

- The proposal will destroy an historic and iconic building with its listed gardens.
- The application does not take into account the listing of the gardens which are Grade II and still seeks to continue to demolish the Spanish garden.
- The gardens are unique and to sacrifice them for a commercial imperative is vandalism.
- The plans will destroy the tranquillity of the gardens.
- The gardens do not need renovating. The entire architectural setting should be kept unaltered, including the landscape in which it is sitting.
- Loss of trees.

Other

- No photovoltaics are provided which could reduce carbon emissions by 4%.
- It is likely that environmental policies will be strengthened in the coming years, and the estate will no longer be policy compliant by the time it is built.

6. BACKGROUND INFORMATION

6.1 The Application Site

The Dolphin Square Estate is in a riverside location within Pimlico. It was built in the 1930's and completed in 1938. It is a rectangular/quadrangle building comprising 13 houses arranged around a central courtyard garden. It is bounded by Chichester Street to the north with Pimlico Academy and primary school opposite; Grosvenor Road and the Thames to the south with the eastern and western carriageways either side, with the mid-19th century townhouses on St George's Square (a grade II listed terrace) and Claverton Street beyond, respectively.

The Dolphin Square Estate forms the majority of the Dolphin Square Conservation Area. The building is locally listed, identified as an unlisted building of merit in the Dolphin Square Conservation Area Audit. Parts of the Eastern and Western Carriageways fall within the Pimlico Conservation Area. The site also falls within the Pimlico Central Activities Zone.

The estate is the largest private rented residential block of flats in the UK with 1225 residential units, 1,182 in permanent residential use located in the buildings on the east, west and southern sides and 143 serviced apartments in the northern block fronting

Chichester Street, known as Rodney House. The serviced apartments fall within Class C3 residential (dwelling houses).

The houses are ten storeys (including ground) in height with the exception of Rodney House, which is seven storeys. They are perceived as joined buildings but are organised internally with individual entrances and cores. The site includes an inward facing retail arcade located at ground floor level within Rodney House; a leisure club including spa, gym, swimming pool and squash courts; restaurant and estate management facilities. A podium building containing the leisure club and restaurant protrudes into the garden at its northern end, accessed from Chichester Street through Rodney House.

The central courtyard comprises a landscaped garden designed by Richard Sudell, (president of the Institute of Landscape Gardens at the time), with a further garden located above the podium building. Historic England added Dolphin Square Gardens to the Register of Parks and Gardens of Special Historic Interest in England in July 2018 and they are now listed Grade II.

Beneath the garden is a basement car park for 153 cars and servicing area accessed from the eastern and western carriageways, where a further 98 car parking spaces are provided at street level (251 spaces in total).

To the south beyond Grosvenor Road are tennis courts and a bowling green facing the Thames. These form part of the Dolphin Square estate, but do not form part of the application site.

The Estate is owned and managed by Dolphin Square Estate Limited, controlled by Westbrook Partners, a US real estate investment management company who acquired the Site in 2006. It is operated on a solely rental basis, with no individually owned apartments. Dolphin Square is managed by the applicant's dedicated on-site team of over 120 people who look after all aspects of the Estate including security, lettings, serviced apartments, spa, gym, restaurant and shops as well as providing maintenance and cleaning services for the residents. There are 192 Option B Tenancies, which are protected tenancies guaranteeing occupation to the incumbent tenants until to 2034.

6.2 Recent Relevant History

A Certificate of Lawful Proposed Use was granted for the use of part first and second to sixth floors of Rodney House, Dolphin Square as 148 permanent residential dwellings (Class C3) in December 2005. This included 143 of the flats being used as temporary sleeping accommodation. The certificate stated:

The Council considers that the existing lawful use of the application premises in respect of 143 flats is temporary sleeping accommodation as defined by the Greater London Council (General Powers) Act 1973, and with respect to 5 flats on the first floor as permanent residential use. Both uses are considered to fall within Class C3 of the Town and Country Planning (Use Classes) Order 1987. The proposed use is also within Class C3. Article 3 of that Order and s55(f) of the Town and Country Planning Act 1990 provide that a change to another use within that same use class is not development

requiring planning permission. The Greater London Council (General Powers) Act 1973 does not prescribe that a change back from temporary sleeping accommodation to permanent residential use constitutes development. On this basis no planning permission is required to use each of the 148 existing flats as permanently occupied flats within Class C3.

Planning permission was granted for the removal of the existing glazed facade, entrance doors and canopy and installation of new windows, doors, canopy and paving at front ground floor level (Chichester Street frontage) of Rodney house in September 2006.

Planning permission was refused for the erection of a canopy to the front entrance of Rodney House in February 2008 on design grounds.

7. THE PROPOSAL

The application proposes the comprehensive refurbishment and reconfiguration of the existing buildings, and new build elements to increase the overall number of residential units across the estate by 230 from 1225 to 1455 (this includes the serviced apartments which will be increased from 143 to 160). Following extensive discussions and viability testing during the course of the application, this now includes 57 new on-site affordable housing units.

The proposed new build elements comprise:

- The demolition and reconstruction of Rodney House to provide a new building of two basements, ground, plus 9 upper floors (to the same height as the rest of the estate) comprising 160 serviced apartments and 78 residential units.
- Single storey rooftop extension to the remainder of the estate comprising 68 new residential units.
- Erection of 16 3-bed townhouses comprising basement, ground and two upper floors on the Western Carriageway.

The existing blocks will be refurbished including the installation of new windows. The units will be reconfigured to provide 51 additional residential units (1082 existing/1133 proposed). The existing podium building which extends into the garden will be removed to open up the north end of the gardens which are to be newly landscaped and provide a publicly accessible open space.

The application includes new retail frontage to Chichester Street within the rebuilt Rodney House to provide flexible retail and restaurant/café uses. Replacement leisure facilities including a new gym, swimming pool, squash courts and a restaurant and estate management facilities are to be located within the basement levels of Rodney House.

The existing basement car park and access ramps are proposed to be reconfigured. Vehicular access is proposed from the eastern carriageway with the introduction of a one-way system with separate entrance and exit ramps. The access ramps on the western carriageway will be removed. Parking for 240 cars and 450 cycles will be provided with new servicing arrangements on the carriageways.

The Applicant has confirmed that it is their intention to manage and operate the estate as it is today, on a solely rental basis, with no individually owned apartments. Option B tenants have Protected Tenancies to 2034. Their lease and the landlord's obligations run with the land irrespective of ownership.

8. DETAILED CONSIDERATIONS

8.1 Land Use

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

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential	78,491	94,359	+15,868
Serviced apartments	11,412	11,399	-13
Residential total (class C3)	89,903	105,758	+15,855
Retail (class A1-A3)	968	1,352	+384
Leisure (class D2)	2,961 (including 275sqm restaurant)	3,286 (including 377sqm restaurant)	+325
Office (class B1)	108	0	-108
Car Park	4,542	4,677	+135
Total	98,482	115,073	+16,591

Applicant's calculations

Residential Use

Policy S10 'Pimlico' of the City Plan states that this area will be primarily for residential use with supporting retail, social and community and local arts and cultural provision. Retail and other appropriate town centre uses will be directed to the Warwick Way/Tachbrook Street CAZ Frontages and the Local Shopping Centres. Outside these locations, new commercial uses will not generally be appropriate unless they provide services to support the local residential community in that part of the Central Activities Zone.

Policy S14 'Optimising Housing Delivery' of the City Plan and H3 'To Encourage the Provision of More Housing' of the UDP seek to maximise the amount of land or buildings in residential use.

Dolphin Square currently comprises 1225 private rented residential units including 143 serviced apartments (temporary sleeping accommodation where the accommodation is let on a short-term basis for less than 90 consecutive nights) (class C3). This is to be increased to 1455 units (including 160 serviced apartments let on a short-term basis) through comprehensive refurbishment and extension:

	Existing No. units	Proposed No. units	Uplift
Existing main building refurbished/ reconfigured	1082	1133	+51
Rooftop extensions	0	68	+68
Townhouse	0	16	+16
Rodney house residential flats (floors 6-8)	0	78	+78
Rodney House serviced apartments (floors 1-5)	143	160	+17
Total residential (Class C3)	1225	1455	230

The proposal will result in 230 additional residential units on the site, making a significant contribution towards meeting Westminster's Housing target and is considered acceptable in principle. It is the applicant's intention to continue to be managed and operate the estate on a solely rental basis, with no individually owned apartments. The rental occupation will be for a combination of open market tenancies, option B tenancies, the serviced apartments business in Rodney House and the 57 affordable homes proposed as part of this application (see below).

Serviced Apartments

Policy H2 of the UDP aims to prevent the use of housing by non-permanent residents and states that planning permission will not be granted for the use of housing as temporary sleeping accommodation.

There are currently 143 flats in Rodney House in use as serviced apartments/ temporary sleeping accommodation. The lawful use of these units was established under a Certificate of Lawful Proposed Use granted in December 2005. The certificate confirmed that these units fell within Class C3 (dwelling houses).

The proposal includes 160 studio sized serviced apartments/temporary sleeping accommodation units to replace the 143 existing larger units:

	Existing	Proposed
studio	29	160
1-bed	79	0
2-bed	27	0
3-bed	8	0
	143	160

The applicant states that they intend to continue to operate the Dolphin Square short lets business on the basis of occupation for less than 90 consecutive nights in accordance with the existing lawful use of Rodney House. These units will continue to fall within class C3 residential and will therefore be subject to the Council's affordable housing policy requirements (see Affordable Housing section below).

There will be an increase in 17 units, however, the floor area will be slightly reduced by approximately 13sqm. These units will continue to be located together in the rebuilt Rodney House on floors one to five. All of the serviced apartments are studios and will meet the minimum residential space standards set out in the London Plan and draft London Plan. They are proposed to have the flexibility to link to adjacent units to create family friendly accommodation.

Strong objections have been received on the basis that the serviced apartments are used as a hotel which compromises residential amenity due to frequent comings and goings and the large numbers of short-term visitors to this residential area, which is contrary to policy H2 of the UDP which opposes the use of housing as temporary sleeping accommodation.

It is regrettable that these units will not be available for permanent residents and contribute to Westminster's permanent housing stock. It is also acknowledged that temporary sleeping accommodation can affect the quality of life of nearby residents, for example, people on holiday are more likely to keep late hours and require a high level of services, which can lead to noise and activity at unsocial hours. However, given that it is proposed to operate in the same manner as existing, the lawful use of which was established to fall within Class C3 (dwelling houses) in the CLEUD granted in December 2005, and there will only be small increase in the number of the units (+17) with a slight reduction in floorspace (-13sqm), it is not considered that the use will be intensified to such a degree that it could reasonably be resisted in land use/amenity terms.

Residential mix and size

Policy S15 'Meeting Housing Needs' of the City Plan and H5 'Providing a Range of Housing Sizes' of the UDP seek to ensure an appropriate mix of unit sizes is achieved in all housing developments. Policy H5 aims to secure 33% of units to be family sized.

The proposed mix of units can be summarised as follows:

	Existing permanent residential	Existing including serviced apartments	Proposed permanent residential	Proposed including serviced apartments
studio	222 (20.5%)	251 (21%)	375 (29%)	535 (36.7%)
1-bed	547 (50.5 %)	626 (51%)	605 (47%)	605 (41.6%)
2-bed	257 (23.7%)	284 (23%)	233 (18%)	233 (16%)
3-bed	41 (3+bed 5.3%)	49 (3+bed 5%)	78 (3+bed 6%)	78 (3+bed 5.7%)
4-bed	12	12	2	2
5-bed	3	3	2	2
Total	1082	1225	1295	1455

Councillor Glen and Councillor Spencer have raised an objection to the mix of residential units proposed on the basis that there will be 284 more studios with fewer one and two-bedroom and larger flats, which is not the mix of housing needed to keep families in Westminster.

Overall, eighty two units (6%) are proposed to be family sized distributed across the estate (5.7% when the serviced apartments are included). This is considerably lower than the Council's policy of 33%.

The applicant states that they have increased the number of studios and one bed units to meet the demand in the local rental market based on their existing business model for Dolphin Square which runs at more than 90% occupancy with 60% of tenants being singles, sharers and young professionals attracted by the single ownership, sense of community, 24-hour security, financially accessible rents, central location and onsite amenities. The average stay is two years, though some have lived at the Square for over 40 years. They have confirmed that the larger family-sized units are far more difficult to let. Their lettings statistics show that 4-bed apartments are twice as difficult to let as studio apartments. Demand for 1-bed apartments is so high that the Estate office operates a waiting list for prospective tenants. By comparison, on average over the last 27 months the 5-bed apartments have been vacant for longer than they have been let.

The lack of family sized accommodation is regrettable, however, given that the level provided overall will be broadly similar to that which currently exists on the site (5.3%), it is not considered that a refusal on the grounds of insufficient family housing could be sustained. The Council has no policy which protects one and two-bed units.

All of the new build residential accommodation, including the 160 serviced apartments and the existing units to be reconfigured will meet or exceed the minimum residential space standards set out in the London Plan and draft London Plan. These units will also be accessible and adaptable with 10% configured or easily adapted for wheelchair use in accordance with part M of the building regulations. These will be located in the existing estate at ground floor level and within Rodney House where fully compliant wheelchair access is provided. The applicant has confirmed that due to the existing structure, access and corridors, the refurbished units will remain as currently planned, with access improved where possible.

The proposed new residential units have an expectation of light. The applicant's consultants Point 2 Surveyors, have carried out daylight tests using the Average Daylight Factor (ADF), the methodology set out in the BRE guidelines for new properties. ADF advises on a minimum standard of internal illuminance for habitable rooms in new developments that should be achieved: 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. A target value of 1.5 has been used for studios. They have considered a representative sample of habitable rooms on the first to eight floors (541 rooms), consisting of living rooms, kitchens, diners and bedrooms and a selection of studio flats.

The results demonstrate that 504 out of 541 (93%) of the rooms assessed will meet and exceed the recommended ADF targets set out in the BRE. Rooms on the upper floors will see greater levels of light due to less local obstruction from neighbouring buildings. Where there are rooms that do not meet the target value, these are a combination of

studios (31) bedrooms (4) and living rooms (2). Given the central London location the standards of internal daylight achieved is considered acceptable.

Affordable housing

Policy S16 of the City Plan states that housing developments of either 10 or more additional units or more than 1,000m² of additional residential floorspace will be expected to provide a proportion of the floorspace as affordable housing. The quantum of affordable housing required in each case is set out in the Council's Affordable Housing Interim Guidance Note. In this case the additional 15,855 sqm (GIA) of residential floorspace proposed (including the serviced apartments) would require the provision of 5,549.25m² (35% of floorspace) of on-site affordable housing.

Following extensive discussions and viability testing during the course of the application, the development now includes 57 on-site affordable units with a tenure split of 60% intermediate (34 units) and 40% social rented (23 units) which will be pepper potted across the existing estate. This constitutes 5,289 sqm (33.4%) (24.5% of the residential development on a habitable room basis (138 / 563)). The applicant maintains that this is the maximum reasonable affordable housing provision that the development can support.

All of the proposed affordable homes will meet or exceed the minimum residential space standards set out in the London Plan and draft London Plan. The unit mix can be summarised as follows:

	Social rented	intermediate
studio	0	0
1-bed	7	34
2-bed	8 (3 person)	0
3-bed	8 (4 person)	0
Total	23	34

Whilst the proposed tenure split is not compliant with the Council's existing policy, it is compliant with the emerging policy. The Council is currently completing a review of its existing City Plan and the emerging policy will include a requirement that 35% of all new homes in the borough will be 'affordable' with a new tenure split requirement of 60% intermediate and 40% social.

The Council has employed independent consultants, Avison Young (formerly GVA), to review the applicant's financial viability assessment. They have concluded that the affordable housing proposal from the Applicant is the maximum reasonable quantum that the scheme can provide. At the request of the GLA the applicant has carried out a further appraisal to consider the viability of the new build components of the scheme only, without taking account of the refurbishment works, in order to assess whether the refurbished element distorts the viability of the scheme and the affordable housing offer that has been made.

Avison Young have reviewed the updated appraisal and have concluded that viewing the new build residential element in isolation as a theoretical standalone scheme does not

distort the appraisal with the refurbished units. The appraisal confirms that the scheme cannot deliver any additional affordable housing and that the affordable housing offer made by the Applicant is the maximum reasonable amount that can be provided. The GLA have also carried out their own separate review of the financial viability of the proposed development and have reached the same conclusion.

The Council's head of Affordable Housing and Strategy welcomes the provision of 57 affordable housing units. Generally, the Council requires affordable housing delivered as part of a planning consent to be transferred to a Registered Provider, approved by the Director of Housing. However, as a consequences of recent changes brought about in 2018 to the National Planning Policy Framework (NPPF), affordable homes that are provided within a development that is classed as a Build to Rent scheme can be retained by the landowner and are not required to be transferred to a Registered Provider. In this context, affordable homes for rent are classed as Affordable Private Rent. In this case Dolphin Square Ltd seek to retain ownership and management of the 57 affordable homes.

The applicant has agreed that the 23 social rented homes will be made available to households that are eligible for social housing under the Council's allocations scheme. The weekly rents charged at first letting will be at affordable rent levels that are inclusive of service charges ranging from 20% to 43% of the local market rent equivalent and are within the benefit cap for housing benefit purposes. After first letting, these rents will be restricted to annual increases of Consumer Price index (CPI)+1%. The remaining 34 x 1-bed units will be let to households eligible for intermediate housing in Westminster (13 x1beds let at weekly rents of £221.15 inclusive of service charges anticipated to be affordable to Westminster intermediate households with incomes between £35k and £41k and 14 x 1beds let at weekly rents of £296.15 inclusive of service charge anticipated to be affordable to intermediate households with incomes between £46k and £55k).

The Council's head of Affordable Housing and Strategy supports the affordable housing proposal and the retention of the ownership of the affordable homes by Dolphin Square Ltd provided the following are met:

- The rent levels agreed will apply to the social housing and intermediate housing units at first letting and that these rent levels are restricted to an annual increase of CPI+1% thereafter.
- The 23 affordable housing units designated as social housing to be let to Westminster referrals according to the Council's allocation's scheme and the council to retain 100% nomination rights to first and subsequent relets.
- The 34 intermediate rented units will be let to Westminster eligible intermediate households and Westminster will retain 100% nomination rights to first lets and subsequent relets.
- Westminster and Dolphin Square Ltd to agree appropriate tenancy terms for those units that are to be used as social housing plus supporting tenancy policies dealing with the right to renewal of tenancies.
- That Dolphin Square Ltd has an adopted policy for dealing with disputes with tenants should they arise and that Dolphin signs up to the Housing Ombudsman service.

It is recommended that the 57 affordable units and the requirements outlined above are secured through the S106 legal agreement, as well as early and late stage viability

review mechanisms (that exclude refurbishment costs from the viability base position) in accordance with the Mayor's Supplementary Planning Guidance, Homes for Londoners (August 2017).

Density

The City Plan does not contain a policy on housing density, however, policy H11 of the UDP 'Controlling Housing Density' is still relevant. This policy aims to control the density of housing developments to achieve a balance between the need to make the most use of housing land and to make sure that new housing provides a satisfactory residential environment.

The policy text states that density standards can be a useful tool for housing development to assist developers in preparing their proposals. However, density will be of secondary importance after taking account of the individual requirements of each site and the merits of each scheme.

Dolphin Square falls within Zone 2 which sets out a density range of 250-500 habitable rooms per hectare (hrh). The policy goes on to state that proposed housing developments that are above the density ranges may be granted permission if they are close to public transport facilities, open space and meet complimentary policies in relation to townscape and design; residential amenity; off street parking, mix of housing units and affordable housing; and the desirability of maintaining any special feature of the urban fabric in any area.

The London Plan (2016) is also relevant. Policy 3.4 'Optimising Housing Potential', states that appropriate density ranges are related to setting in terms of location, existing building form and massing, and the index of public transport accessibility (PTAL). The setting can be defined as:

- Central – areas with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an International, Metropolitan or Major town centre.
- Urban – areas with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or, along main arterial routes.
- Suburban – areas with predominantly lower density development such as, for example, detached and semi-detached houses, predominantly residential, small building footprints and typically buildings of two to three storeys.

Dolphin Square falls within the 'urban' category with a PATL rating of 4 to 6 which sets out a density range of 200–700 hr/ha.

The Draft New London Plan is also relevant and no longer sets out density limits. Policy D6 'Optimising housing density' states that development proposals must make the most efficient use of land and be developed at the optimum density. The optimum density of a development should result from a design-led approach to determine the capacity of the site. Particular consideration should be given to the site context; its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL); and the capacity of surrounding infrastructure. Proposed residential

development that does not demonstrably optimise the housing density of the site in accordance with this policy should be refused.

The existing and proposed density of Dolphin Square is as follows:

	Habitable Rooms (including served apartments)	Site Area (hectares)	Habitable rooms per hectare
Existing	2,769	2.85	971.58
Proposed	2,821	2.85	989.82

(applicants' calculations)

Objections have been received from Councillor Glen, Councillor Spencer and residents to the proposed increase in density on the site on the basis that it is already one of the most densely built urban schemes in Westminster, in one of the most densely built areas of London and that it will cause strain on public realm, parking and local infrastructure.

It is acknowledged that Dolphin Square already has a high residential density for the area, far exceeding the target set out in the UDP and the adopted London Plan. The proposal will increase the residential density further from 971.58 to 989.82 hrh. However, the UDP is clear that density will be of secondary importance after taking account of the individual requirements of each site and the merits of each scheme; and the draft new London Plan seeks to optimise housing density.

The site benefits from a substantial amenity space, complimentary leisure and retail facilities and good public transport accessibility which support high density living. The increase in density will support the provision of 230 new homes, 57 of which will be affordable and improvements to the public realm including improved public access to the central gardens and the proposed extension to the Thames Path (see section 8.7). It is not therefore considered that the application could reasonably be refused on the grounds of increased residential density.

Children's Play Space/Community Facilities

Policy H10 of the UDP relates to gardens and community facilities in relation to housing developments. Policy H10 (A) states that as parts of housing developments the City Council will normally expect the provision of amenity space. Policy H10 (B) of the UDP requires the provision of a community facility as part of a housing development of 50 or more units.

Policy SOC 6 of the UDP requires children's play space and facilities to be provided as part of new housing developments which include 25 or more family sized units.

Policy S34 of the City Plan and SOC1 and SOC7 of the UDP relate to social and community infrastructure and encourage new social and community facilities. These policies support the provision of community facilities, which includes private gym and leisure uses and states that community facilities will be required to be located as near as possible to the residential areas they serve; not harm the amenity of the surrounding area, including the effect of any traffic generated by the proposal; and be safe and easy to reach on foot, by cycle and by public transport.

The central courtyard garden is currently open to the public but given the poor access and visibility into the garden it is not well known. The removal of the existing podium building will open up the north of the gardens and provide 0.4 hectares of additional landscaping and gardens at grade. This will allow level access into the gardens through a new 'grand' entrance on Chichester Street and will create unobstructed views from Chichester Street to the river. It is intended to encourage the wider community to use the gardens and improve access through the site linking the Thames/Grosvenor Road and Chichester Street.

Objections have been raised to the plans to encourage the use of the gardens for public use on the grounds of noise, loss of privacy and security to residents and that it will provide a short cut for cyclists.

The applicant has confirmed that access to the gardens is currently managed by their on-site Estate team and that they will continue the same arrangements. The gates are opened at first light and shut at 10pm. The security team will continue to control access outside of these opening times. Cycling is not allowed through the gardens and this restriction will continue to be enforced by the in-house security team.

Improved access and visibility to encourage public use of the gardens is welcomed. It is recommended that a walkways agreement to secure public access and ensure that the amenity of residents will not be negatively impacted upon be secured through a S.106 legal agreement.

The applicant has used the GLA's play space calculator (Shaping Neighbourhoods: Play and Informal Recreation SPG) which requires a minimum of 348.9sqm for play and informal recreation to be provided based on the expected child population generated by the scheme. The applicant has identified three areas within the central garden (in west pavilion gardens and the south lawn) to provide up to 348.9sqm for children's play space (184.9sqm for children aged 5 years and below, 90.7sqm for aged 5-11 years and 73.3sqm for 12+ years). It is recommended that the details be secured by condition.

The application includes replacement leisure facilities which are to be relocated within the basement levels of the rebuilt Rodney House. An additional 325sqm of leisure floorspace (2961sqm existing/3286sqm proposed) will be provided. The leisure facilities will be arranged around a sunken courtyard and lightwell to provide natural light to the basement and a visual connection from the gardens. The facility includes a 20m swimming pool, gymnasium, four studios for fitness classes and two squash courts. A restaurant and conference facilities are proposed at basement level 1 which will also be operated and managed as part of the leisure club offer.

The leisure club is a membership club open to all residents of Dolphin Square as well as non-residents. Residents of the square can join the club on a corporate rate. Non-residents can join at variable rates depending on the membership type required. The leisure club currently has approximately 2,500 members, the majority of whom live outside the Estate. The re-provision and enhancement of the leisure facilities are welcomed in land use terms. The restaurant can be used by non- members of the leisure club and is considered separately below.

A condition is recommended to secure an operational management plan for the leisure facility, including hours of operation and numbers of staff and customers, to ensure that neighbouring residential amenity will not be negatively impacted upon.

Retail/restaurant/café uses

Policy S10 of the City Plan identifies Pimlico as an area primarily for residential use with supporting retail, social and community provision. The site falls outside of the Warwick Way/Tachbrook Street CAZ Frontages and the Local Shopping Centres and new commercial uses should therefore provide services to support the local residential community. Policy S21 of the City Plan protects existing A1 retail throughout Westminster.

Policy S24 of the City Plan relates to entertainment uses and states 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. The Policy also states that new large-scale late-night entertainment uses over 500 sq. m floorspace will not generally be appropriate within Westminster.

Policies TACE 8 and TACE 9 (Entertainment uses) of the UDP relate to restaurant/café uses outside Core CAZ with a gross floorspace of up to 150sqm and between 150sqm and 500sqm respectively. These policies aim to ensure that restaurant and bar uses have no adverse effect upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking and traffic; and no adverse effect on the character and function of the area.

The existing retail units (968sqm) are located within an internal arcade on the ground floor of the eastern part of Rodney House with no street frontage. They provide a mixture of local convenience shops including a supermarket, dry cleaners, hairdressers, travel agent and café. There is also an existing restaurant (275sqm) located within the leisure club.

Objections have been received to the loss of the art deco shopping arcade and the replacement of small local convenience shops with larger retail units which will deprive residents of valuable local services.

The proposed development includes the provision of 1352sqm (an additional 384sqm) of floorspace for flexible uses including retail (Class A1), financial and professional services (class A2) and restaurant/café (class A3) uses within Rodney House with shopfronts to Chichester Street and within the internal garden.

The applicant has confirmed that they are committed to providing local convenience retail uses to serve local residents and support the community. The applicant has agreed to a condition to secure a minimum of 916sqm for retail use (Class A1) only, in order to ensure that an equivalent amount of retail floorspace to that which currently exists is re-provided. The internal layout and external shopfronts will provide flexibility in terms of configuration and the number of units with the potential to be sub-divided to between

3 and 8 separate retail units. The provision of shopfronts to Chichester Street will activate the street frontage and increase passive surveillance.

The remainder of the floorspace would allow a maximum of 436 sqm for financial and professional services (class A2) and/or restaurant/café (Class A3) uses to complement the retail offer. The applicant originally sought the flexibility to provide a bar use (class A4), however this no longer forms part of the application. It is considered that the provision of class A2 and A3 floorspace will complement the retail offer. The application also includes a replacement restaurant of 377sqm located within the leisure club which will be open to both members and non-members of the club.

Conditions are recommended requiring details to be submitted of each A1, A2 and A3 use including hours of operation and servicing to be submitted before the relevant use commences; and to control internal noise to prevent noise outbreak from the units in order to protect the amenity of surrounding residents.

As part of an application for restaurant uses the City Council requires the applicant to submit details of ventilation and ducting equipment required, in order to ensure that the proposal would not result in a smell/cooking odour or noise and vibration nuisance. The applicant has made provision for full height kitchen extract ducts from the restaurant and flexible retail units, and it is recommended that full details of plant serving the retail/restaurant uses be secured by condition.

Objections have also been received to the loss of the shops during construction works. The applicant has advised that they are investigating the potential to provide temporary pop-up retail shops to maintain the on-site convenience retail offer during construction. It is recommended that this provision be included in the strategy to protect the option B tenants outlined in section 8.14 of this report (below).

8.2 Townscape and Design

Legislation, policy and guidance:

When determining applications affecting the setting of a listed building, or for development within a conservation area, the decision-maker is required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard / attention to the desirability of preserving the setting of the listed building, and of preserving or enhancing the character and appearance of the conservation area.

Sections 12 and 16 of the NPPF (2018) require that great weight be placed on design quality and on the preservation of designated heritage assets. Paragraph 195 makes it clear that 'substantial harm' must only be approved in exceptional circumstances in return for substantial public benefits and subject to various tests. Paragraph 196 meanwhile requires a similar but proportionate assessment of 'less than substantial harm' against public benefits; 'less than substantial' should not be confused with 'acceptable' harm.

Together the above statutory and national policy basis equates to a strong presumption against harm, which may only be permitted if the harm caused would be significantly and

demonstrably outweighed by public benefits which could only be achieved through allowing that harm.

Locally, UDP Policies DES 1 (urban design/conservation principles), DES 5 (alterations and extensions), DES 6 (roof alterations / extensions), DES 9 (conservation areas) and DES 10 (listed buildings) apply to the consideration of the application proposals, whilst S26 and S28 of the City Plan provide the strategic basis for the application. Relevant London Plan (2016) Policies include 7.4 (Local Character), 7.6 (Architecture), and 7.8 (Heritage assets and archaeology).

Dolphin Square Conservation Area was designated in 3 July 1990. Under section 69 the Planning (Listed Buildings and Conservation Areas) Act 1990 the City Council is obliged to review its conservation areas, as part of this process, the City Council published and adopted the Dolphin Square Conservation Area Audit (SPD), 23 October 2008, which describes the area's historic development and character and appearance.

Also, of relevance is the Pimlico Conservation Area, which was designated in 1968 (and successively reviewed in 1973, 1990 and 2006). The City Council Published and adopted the Pimlico Conservation Area Audit (SPD) 10 April 2006, and describes the area's historic development and those components which contribute to its character and appearance.

In addition, relevant local guidance exists within the Council's 'Design Matters in Westminster' Supplementary Planning Guidance (SPG) (2001), and 'Development and Demolition in Conservation Areas' SPG (1996).

Design, Townscape and Heritage

Background

Dolphin Square was built between 1935 and 1937 to provide accommodation for workers within central London, at the time the estate was the largest private residential block of flats in the UK and it remains largely untouched, bar a renovation in 2008 of the swimming pool, gym and restaurant. Dolphin Square itself is a continuous, mostly ten-storey block, constructed in a neo Georgian style in red/ brown brick over a concrete frame with stone dressings notably around the window reveals, the material palette is simple and repetitive. It includes a parade of shops on the ground floor of Rodney House. The site was put forward for listing, but this was declined by the Secretary of State and a certificate of immunity against listing was issued on 28 June 2018. The entire building is identified as an unlisted building of merit in the Conservation Area Audit and forms the vast majority of the Dolphin Square Conservation Area (designated in 1990). The Dolphin Square Conservation Area Audit goes on to state under paragraph 4.1, '*The most striking aspect of the character of Dolphin Square is its monumental scale. The complex dominates its immediate surroundings and is a highly visible landmark on this part of the Thames*'.

There are four key design elements of the proposals, the demolition and reconstruction of Rodney House, erection of single storey rooftop extensions located over the remaining wings (east, south and west), alterations to the internal gardens and the erection of a terrace of mews houses.

Rodney House

The works seek to demolish the existing Rodney House and the podium buildings and erect a new ground plus nine storey building with two basement levels with a new open entrance leading through to the revamped central garden.

Rodney House contributes significantly to the overall aesthetic of the conservation area. Policy DES 9 (B, 1) states that '*buildings identified as of local architectural, historical or topographical interest in adopted conservation area audits will enjoy a general presumption against demolition*'.

Being the last block to be completed within the estate, Rodney House possesses considerably less design quality than the other blocks. The building is void of the characterful architectural details such as decorative brick work and stone finishes which articulate the neighbouring facades. As a result, Rodney House conveys a more utilitarian appearance. Surprisingly, as one of the primary street frontages of the estate, Rodney House exhibits mediocre details, including a mean entrance and an acutely inactive and impermeable frontage which fails to address the street. What's more, the podium buildings at the northern end of the courtyard are considered to make a modest contribution to the Conservation Area but their loss is considered to cause less than substantial harm which is balanced by the benefits of the scheme.

The demolition of Rodney House will result in the loss of the art deco shopping arcade, swimming pool and some other features of interest. Whilst regrettable, these elements could be removed without the benefit of consent as the building is not listed.

The NPPF Planning Practice Guide (2018) (NPPF PPG) states that when assessing the level of harm arising from the demolition of unlisted buildings within Conservation Areas, it is important to consider if the building is integral to the character and appearance of the Conservation Area. If not deemed integral, its demolition is likely to amount to less than substantial harm. Additionally, justification for its demolition should be proportionate to its relative significance and contribution to the significance of the Conservation Area. Consistent with the NPPF PPG and para 196 of the NPPF, it is considered that owing to its lesser design quality, and because a greater part of the conservation area will remain substantially unaltered, the demolition of Rodney House will result in 'less than substantial harm' to the Conservation Area.

The replacement building increases the height and massing over that of the existing Rodney House to the same height of the remaining blocks. This increase further emphasises the dominance of Dolphin Square but is not considered to be harmful to the character or appearance of the conservation area. Whilst the new building will be taller than its surroundings this is not dissimilar to the existing situation. The new Rodney House will appear as a standalone building, which dominates the skyline, reminiscent of the existing building and preserving the character of the Dolphin Square Conservation Area.

In design terms the new building reuses the architectural style and materials of the current Rodney House, which aligns it visually with the character of the conservation

area and Dolphin Square's remaining three wings. The simplicity of the proposed architecture reflects a thorough understanding of the area's existing character and creates a scheme that retains the iconic character of Dolphin Square.

The views of the new building will generally be similar to existing. From Lupus Street the building will be visible over the playground of Pimlico Academy, but will not be visible over the Academy's main building. Where the massing may be most evident is when it is compared to the Pimlico Academy opposite Chichester Street. When walking along Chichester Street it will be possible to compare the 3 storey Academy against the 9 storey rebuilt Rodney House. In these limited views the scale of the proposal may be considered adverse, however the set back of the upper storeys will minimise the feeling of enclosure.

Whilst Rodney House is of importance within the conservation area, its demolition is required in order to provide the public benefits listed elsewhere in this report. The retention of the existing structure would not allow for these public benefits and therefore, with regard to NPPF paragraph 194 the presumption in favour of its retention is considered to have been outweighed.

Providing improved public access to the central garden is a benefit of the scheme, which is achieved by remodelling the front entrance to Rodney House. However, the arched entrances which lead to a covered colonnade and garden beyond, are somewhat compromised by the vaulted ceiling of the colonnade, which obstructs the top of the arches. A condition is recommended in order to resolve the design to the ceiling profile. The ground floor facing Chichester Street is also to be revamped allowing a greater retail frontage, in keeping with the existing parade of shops.

Roof Level Extensions

The extensions to the other three wings increase the height of the buildings, which aligns them with the new Rodney House. Whilst these wings would generally not be considered suitable for extension, as noted within the conservation area audit, the increase in height of Rodney House, allows for an increase elsewhere to maintain the relationship between the various built forms of the Dolphin Square development. These extensions follows the design of the existing building, in terms of materiality and form, though with a modern window style. The enlarged proportions and contemporary window design is considered to draw undue attention to the roofscape, as such the windows are subject to an amending condition seeking a reduction in their height and introduction of articulation to reflect more successfully the fenestration of the lower floors.

There are some views taken from Chichester Street where the extensions will appear visible over the houses of St Georges Square (grade II listed). These are considered harmful to the setting of these listed buildings and the conservation area character, but these views are limited in frequency and do not appear from with St Georges Square itself. It is not unusual to see larger buildings projecting over an existing roof line within a central London context. These views are considered harmful to the character of the conservation area, albeit limited. This limited harm needs to be considered in light of the public benefits provided by the overall scheme.

Internal Garden

The works seek to alter the internal gardens designed by Richard Sudell (president of the Institute of Landscape Gardens at the time), which, during the consideration of the application, have been added to the 'Register of Parks and Gardens of Special Historic Interest' (added on 18 June 2018) listed as Grade II.

The listing of the gardens has prompted a thorough review of the proposals to ensure that they are sympathetic to the original intentions of the landscape architect, Richard Sudell. Sudell's design provided strong axial geometry clearly defining an open, central space, which was bounded by smaller courtyard gardens at the perimeter, but has been much altered since the 1930s. These themed gardens included a Dutch, English, Italian and Chinese aesthetic. The proposed scheme (as revised in August 2018) seeks to reinstate these feature gardens within the landscape as part of the proposed development.

Roughly half the area of the existing central courtyard gardens will retain its current character. By opening up the northern side of the courtyard the scheme presents the opportunity to create a new layer in the garden, one which is sympathetic and complementary to Suddell's original design principles and layout. The proposals will reinstate the fountain basin to the original 1930s size and design as well as the raised beds and the rose beds that will be reconfigured to the approximate original layout. The memorial trees planted within the quadripartite beds will be conserved, and original rose beds reinstated.

The Gardens Trust are Statutory Consultees to proposed development affecting a site included by Historic England on their Register of Parks & Gardens. They have raised no objection and feel that the plans have respected Sudell's design.

The principle of retaining the garden and extending it, would preserve the existing and add further external space for the existing and new residents to enjoy. The new entrance to the site will also encourage openness and a sense that all are allowed to walk through the gardens.

Townhouses

The works propose the erection of a row of 16 townhouses to the Western Carriageway, which are to provide additional housing. The houses take their design from traditional 'mews' houses but are clearly modern in appearance. They are to be located against the boundary wall of the properties on Claverton Street, part of the site which falls within the boundary of the Pimlico Conservation Area. The redundant 1930s petrol filling station will be retained.

The townhouses will maintain enough of a gap between themselves and Dolphin Square to enable Dolphin Square to be read as a set piece. The houses have an asymmetric appearance that creates a juxtaposition with Dolphin Square, without competing for attention and are of a scale that is suitable to this location.

In terms of the impact upon the Pimlico Conservation Area, the townhouses are architecturally distinguishable from the Victorian Stucco fronted Terraces of Pimlico and to an extent the 1930s style of Dolphin Square. Their design and scale are considered appropriate given their location within the immediate setting of Dolphin Square. Given they will not be regarded in conjunction with the Victorian Terrace of Claverton Street,

the mews houses are not considered to detract from the character and appearance of the Pimlico Conservation Area.

Representations:

Objections to the design aspects of the proposals are numerous and wide reaching. The 20th Century Society consider that the proposals represent the demolition of a substantial amount of the conservation area, which therefore represents 'substantial harm' under paragraph 195 of the NPPF. However, the amount of demolition will leave the majority of the conservation area standing and therefore it is considered that the loss is "less than substantial". They also consider the loss of the shopping parade, the recreational centre and the garden as '*serious impact on the integrity of the ... conservation area*'. These areas are important in terms of vitality and are to be replaced and/or retained within the new scheme, so it is not considered that there would be a "serious impact" on the conservation area's character. The objection also states paragraph 135 of the NPPF (2012). The NPPF was revised in July 2018 and paragraph 135 is now 197. It requires '*the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*'. Whilst the works do cause harm it is not considered substantial and the harm is to be weighed against the wider public benefits.

Objections have also been raised in relation to the impact upon the neighbouring Pimlico Conservation Area, which wraps around the site and is immediately adjacent to the Dolphin Square Conservation Area, including West and East Carriageways. The additional height and bulk of Rodney House as well as the additional height across the site, is principally of concern.

As previously discussed, it is acknowledged that the proposals would increase the prominence of Dolphin Square. However, this is already a prominent and iconic building set within an intensely smaller scaled Victorian townscape. The additional scale and height are considered proportionate, and not so significant to diminish the character and appearance of the neighbouring conservation area.

Conclusions

Dolphin Square is a large, dominant development that stands above its neighbours. It is clearly visible from the Thames and other neighbouring streets. These works will increase its height, but its existing level of dominance within the street will be maintained and the architectural character of the conservation area preserved. The works represent 'less than substantial harm' as defined under paragraph 196 of the NPPF, however this harm is considered to be sufficiently outweighed by the benefits that are provided, notably the increase in housing on the site, with 230 additional residential units, of which 57 are affordable.

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 educational buildings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

A single storey roof top extension is proposed to the east, south and west blocks (raising the height of the building by approximately 4m). The rebuilt Rodney House will have a larger footprint than existing and will match the height of the remainder of the estate with setbacks to each end at fifth and seventh floor level (above ground).

The eastern and western carriageways separate Dolphin Square from the rear of the residential houses fronting St George's Square and Claverton Street respectively. Sixteen 4-storey townhouses are proposed to be built up against the high boundary wall with the Claverton Street properties, with only the top storey rising above the height of the boundary wall with a mansard form to the rear.

Objections have been received from residents of Dolphin Square, Claverton Street and St Georges Square on amenity grounds, principally loss of light, loss of privacy/overlooking and overbearing impact.

Sunlight and Daylight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultants Point 2 Surveyors, have carried out the necessary tests using the methodology set out in the BRE guidelines. Daylight and sunlight tests have been carried out on the nearest, most affected residential properties at Nos 54-108 (even) St George's Square, 28-88 (even) Claverton Street and 92, 93, 94, 130, 132, 135 and 136 Grosvenor Road, as well as Pimlico Academy. It also considers the retained daylight levels within Dolphin Square.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with a reduction of over 20% of existing daylight (VSC) levels likely to be noticeable. In conjunction with the VSC test, the BRE guidelines also suggests that the daylight distribution is assessed using the No Sky Line (NSL) test, where internal arrangements are known. If the NSL moves so that the area of the existing room which receives direct skylight is reduced by over 20%, this is likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5%

of APSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

Claverton Street, St George's Square and Grosvenor Road

Of the 1275 windows tested (serving 910 rooms), using the VSC method of daylight assessment, 1234 windows will comply with BRE guidelines (a compliance rate of 97%). The NSL method of daylight assessment indicates a compliance rate of 71% with 649 out of the 910 rooms tested complaint with BRE guidelines, however, the internal arrangements are not known.

With regards to daylight, of the windows tested 27 within twelve properties along Claverton Street (Nos. 40-46, 50-58, 62, 68 and 72), 7 windows within six properties along St George's Square and 7 windows within Pimlico Academy will experience some transgressions in VSC outside the BRE guidelines (beyond 20%). Given that the internal arrangements of the neighbouring residential buildings are largely unknown the assessment focuses primarily on the VSC test for daylight.

It would appear that all properties tested along Claverton Street, St Georges Square and Grosvenor Road are divided into flats. It is regrettable that the exact use and internal layout of each room is unknown, however, from the sample of properties visited, it would appear that the majority have their main living room windows facing the street and will not be affected by the application proposals. The windows to the rear (facing the application site) appear to predominantly serve kitchens, bedrooms, hallways/stairs, and bathrooms.

BRE guidance does not require hallways, stairs and bathrooms to be tested and bedrooms are not considered to be main habitable rooms and are therefore less important. Thus a large proportion of windows and rooms within properties to Claverton Street, St Georges Square and Grosvenor Place which breach BRE guidelines with regards to daylight are likely to be non-habitable rooms or bedrooms.

Generally, any kitchens located to the rear appear to be small (without dining rooms) or are open plan with the front living room served by further windows to the street. Three conservatories to the rear of Nos. 42, 56 and 68 Claverton Street serve kitchen, dining and living rooms and will breach BRE guidelines with regards to VSC (the glazed roofs will be unaffected). All affected windows in terms of VSC in St Georges Square are located at lower ground and ground floor level within the lightwell area and are beneath an overhang at first floor level so lighting levels are already very low. The results of the VSC assessment for these windows are shown in the table below.

Property	Existing VSC	Proposed VSC	% loss VSC
42 Claverton Street Conservatory (ground floor kitchen/dinner, rear wall contains 8 panes of glass, result for centre pane)	7.18	5.38	25.07
56 Claverton Street Conservatory and window (lower ground floor living room)	6.38 7.41	4.58 5.56	28.21 24.97
68 Claverton Street Conservatory and window (Lower ground kitchen/dining and bedroom)	5.27 11.08	3.55 7.56	32.64 31.77
St George's Square (Effected windows at lower ground (G) and ground level (LG) beneath overhang – use unknown			
62 St George's Square (LG)	3.46	2.09	39.60
86 St George's Square (LG)	0.22	0.14	36.36
88 St George's Square (LG)	0.43	0.34	20.93
90 St George's Square (LG)	0.24	0.13	45.83
92 St George's Square (LG)	0.30	0.21	30.00
94 St George's Square (LG)	0.39	0.00	100
(G)	0.71	0.54	23.94

The affected windows outlined above are located at lower ground and ground floor level and already receive very low levels of daylight (VSC) caused by existing obstructions, such as high boundary walls (Claverton Street) and overhangs (St George's Square), thus a small change can give a high percentage alteration. Any loss of daylight to kitchen and living rooms windows is regrettable, however, given that the lighting levels are already poor it is not considered that a refusal on the grounds of loss of daylight to these rooms could be sustained. The retained VSC daylight levels to the upper floors of these properties will generally remain good for a close urban environment.

In respect of sunlight, the assessment demonstrates that 453 out of the 467 windows which face within 90 degrees of due south which need to be tested will meet BRE guidelines (97%).

Fourteen rooms within nine properties in St Georges Square (Nos. 56, 60,62, 68, 72-74, 76, 78, 82 and 88) will experience some losses in winter or annual sunlight in excess of BRE guidelines. Whilst the alterations exceed the strict 20% advised by the BRE Guidelines, the annual APSH reductions are either less or fall within 7.5% of the permissible 20% set by the BRE in every instance. Five rooms retain annual APSH

values ranging from 25%-30% which are in accordance with the BRE target and only experience small reductions in winter sun. Further two rooms experience reductions in their annual APSH of less than 20% (in accordance with the BRE) and only breach the BRE guidelines due to small reduction in their winter APSH. It is recognised that a larger than normal loss of winter sunlight is not unusual for developments in urban environments because of the sun's low position in the sky. The overall sunlight effects to the neighbouring residential properties is therefore considered acceptable.

Dolphin Square

The applicant has also carried out daylight tests using the VSC method of daylight assessment, on all windows which fall within the 'retained' structure of Dolphin Square. Of the 3570 windows tested, 217 (6%) will experience some transgressions in VSC outside the BRE guidelines. The windows which experience changes beyond the BRE, are located at low level, within areas that are blinkered by the extent of the existing building massing.

The applicant has confirmed that 25 of the 192 Option B tenants will have their daylight adversely affected by the proposed development. However, all the affected tenants will be offered the right to trial their existing refurbished apartments for 6 months, and if they are not satisfied within this period, they will retain the option to move, at the Applicant's expense, to an equivalent available apartment within Dolphin Square. It is recommended that the protection of the Option B tenants be secured through the s.106 agreement (see section 8.14).

Pimlico Academy

The school includes a car park and sports hall opposite Dolphin Square, however, there are a series of classroom windows facing south to the western end of Chichester Street. Six windows which serving three classrooms will breach BRE guidelines with regards to VSC. However, retained VSC levels will be between 9.71 to 19.01 and these classrooms will remain BRE compliant with regards to the daylight distribution test (NSL). The sunlight assessment (APSH) also shows full BRE compliance. It is not therefore considered that the proposal will result in a loss of amenity to Pimlico Academy.

Overshadowing

The overshadowing impacts to amenity spaces have been assessed using the 'Sun Hours on Ground' test, as set out in the BRE guidelines. It is recommended that at least half of the amenity area should receive at least two hours of sunlight on the 21 March or experience no greater than a 20% change where the amenity space already exists. Consideration has also been given to the sunlight potential on the 21 June to demonstrate the summer sunlight potential.

The sun-on-ground assessment considers twelve amenity spaces within the internal courtyard garden and three outside of the Site boundary within St George's Square and Pimlico Academy. The results of the assessment show that the proposed scheme will result in very little change to the sun reaching the ground surface for the amenity areas surrounding the site on 21 March. Only two areas within the internal courtyard garden will not meet the BRE target.

A shadow plan has also been plotted to illustrate the location of shadows at different times of the day and year (21 March, 21 June and 21 December). The results of this assessment indicate that there will be some additional shadow although it is an extension of what is already observed rather than creating new shadows and will fall within the tolerances set out within the BRE guidelines.

Privacy

The top floor of the four storey townhouses on the western carriageway will extend one storey above the boundary wall with properties on Claverton Street, however, no windows are proposed in the rear elevation at this level.

Existing outward facing balconies/terraces to the eastern and western blocks at eighth and ninth floor level will be retained. New terraces are proposed at either end of Rodney House at fifth, seventh and ninth floor roof level; and at ninth and tenth floor level to the south block fronting Grosvenor Road, all set behind a solid 1.1m high parapet wall.

All terraces will be for use by the adjacent residential units with the exception of part of the ninth floor terrace to Rodney house which will be for communal use. The terraces at fifth floor level on Rodney House are the closest to residential windows in properties on St George's Square and Claverton Street and a condition is therefore recommended to secure planters to the perimeter of these two terraces to provide a planting buffer to protect the privacy of residents.

The remaining terraces at seventh floor level and above are considered to be at a height and a sufficient distance away from properties on St George's Square and Claverton Street to not cause any significant overlooking/loss of privacy to residents within these properties.

8.4 Transportation/Parking

The applicant has submitted a Transport Assessment in support of their application.

Car Parking

Policy TRANS 23 of the UDP sets out the Council's policy on off-street parking for residential development which is based on a maximum standard of one off-street parking space per residential unit of two bedrooms or less; and 1.5 off-street parking spaces per residential unit of three bedrooms or more. The City Council encourages the provision of parking up to the maximum standard.

There is an existing car park at basement level for 153 cars with a further 98 car parking spaces at grade on the eastern and western carriageways providing a total of 251 spaces, including one accessible space. The existing basement car park and access ramps are proposed to be reconfigured. Vehicular access is proposed from the eastern carriageway with the introduction of a one-way system with separate entrance and exit ramps. The access ramps on the western carriageway will be removed. The number of car parking spaces will be reduced to 240, including 13 accessible spaces.

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. This includes all legal parking spaces. During the daytime period within the area, the legal on-street spaces for permit holders are Residents' Bays and Shared Use Bays.

The evidence of the Council's most recent daytime parking survey in 2015 indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 250 metre radius of the centre of the overall Dolphin Square development site is 72.7% (consisting of 424 Residents' and 45 Shared Use Bays, 313 and 28 of which were occupied respectively). A further 34 vehicles could therefore be accommodated on-street before the 80% threshold would be breached. Overnight the pressure on Residents' and Shared Use Bays increases still further, to 82.1% although residents can also park free of charge on metered parking bays or single yellow line in the area. The inclusion of these bays reduces the pressure to 68.6%.

The applicant has also undertaken their own survey, covering a broadly similar area which found that at 1.30am on 19/10/17 pressure on residents' bays was 87% and at 2.00am on 20/10/17 it was at 89% but including single yellow lines this reduced to 71%. The applicant has also surveyed the 251 off-street parking spaces within the development and found that, at the same times, only 89 and 95 were occupied.

Census data from 2011 shows that in Tachbrook Ward as a whole 35% of households had access to one or more cars, but the applicant notes that this figure reduces to 22.8% for properties with less than three habitable rooms, which make up a large proportion of the Estate. The figures suggest that an additional 230 flats would lead to an expectation that there might be a need to accommodate between 43 and 66 extra vehicles. The applicant argues that these could easily be accommodated within the proposed off-street car parking spaces

Council records show that there are currently 130 residents' parking permits issued to residents of Dolphin Square. The Highways Planning Manager has raised concern that if a similar proportion of residents of the additional dwellings obtain residents parking permits, it would increase pressure to on-street facilities to more than the 80% threshold. The applicant argues that if residents of the new apartments take up resident parking permits at a similar rate to existing this would result in a further 26 resident permits being issued which could be accommodated on street. However, they maintain that the upgrade to the carriageways and basement car park as well as the provision of electric vehicle charging points is more likely to encourage residents to park on site.

Whilst the reduction in car parking is regrettable, the site has a good level of public transport accessibility and given that there is currently a large amount of empty space in the existing car park, the Councils Highways Planning Manager does not consider that a refusal on the grounds of insufficient car parking could be sustained. Furthermore, the draft new London Plan promotes car free development (except for disabled parking) on well connected sites. The GLA and TFL therefore request that the reconfigured and new residential units be car free.

The London Plan requires at least 20% active and 20% passive electric vehicle charging points which is recommended be secured by condition

Cycle parking

It is proposed to increase the number of cycle parking spaces from 114 to 450 located on the carriageways and at basement level. This falls short of London Plan standards which would require 1913 cycle parking spaces to serve the overall number of dwellings on the site. However, an additional 336 spaces (16 of which are for retail and leisure use) are proposed, which is significantly more than that required for the additional 230 residential units. It is recommended that the cycle parking provision be secured by condition.

Servicing

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

The proposed development includes off-street servicing facilities. Refuse collection will remain as existing, from the basement car park exit ramp. Loading bays are proposed at the northern end of both the Eastern and Western carriageways. The Highways Planning Manager is satisfied that all servicing will be able to be accommodated within the site. It is recommended that a Servicing Management Plan be secured by condition.

8.5 Economic Considerations

The economic benefits of the development are welcomed

8.6 Access

All of the new and reconfigured flats will be designed to be accessible and adaptable in accordance with the Building Regulations Part M4 (2) with 10% designed to be suitable for occupation by a wheelchair user or easily adapted for occupation in accordance with Building Regulation standard M4(3).

It is acknowledged that the refurbished units will not be modified to meet current standards, however, all existing units will benefit from improved access and circulation arrangements around the estate and amenity space.

Step-free access will be provided to all of the public parts of the building.

8.7 Other UDP/Westminster Policy Considerations**Noise and Plant**

Plant is proposed at basement level with extract ducts to main roof level. Conditions are recommended to secure full details of plant and a supplementary acoustic report when plant has been selected, location and hours finalised, and the attenuation measures are available to confirm compliance with the Council's standard noise condition.

Conditions are recommended to control noise outbreak from the leisure facilities and commercial units to ensure that they do not cause noise and vibration nuisance to the residential units above.

Archaeology

The site lies in an area of archaeological interest. An archaeological desk-based historic environment assessment report has been submitted which states that there is potential for archaeological remains. Historic England raise no objection subject to a condition requiring a written scheme of investigation for a programme of archaeological work prior to the commencement of the development

Flood Risk

The applicant has submitted a Flood Risk Assessment. The site is located within Flood Zone 3 and is protected to a very high standard by the Thames Tidal flood defences. The risk of flooding from fluvial and tidal sources is therefore low. In the event that the defences fail details have been provided outlining how residents could safely egress the buildings in the unlikely event of flooding. The Environment Agency raise no objection to the application.

Air Quality

The applicant has submitted an Air Quality Assessment which concludes that the building and transport related emissions associated with the proposed development are below the relevant benchmarks and the development therefore complies with the requirement that all new developments in London should be at least air quality neutral.

The Council's Environmental Health officer has requested that a detailed assessment for road traffic emissions be carried out on the basis of existing poor air quality and the location of sensitive receptors including residential and the school. It is recommended that this be secured by condition.

Refuse /Recycling

The applicant has submitted a Waste Management Strategy in support of their application. The Council's Waste Project Officer is satisfied that the storage arrangements for waste and recyclable materials are in line with the requirements of the City Council.

Trees/Planting/Biodiversity

The applicant has submitted an Arboricultural Survey and Landscape Design Proposal. Nineteen individual trees and one tree group are proposed to be removed. The majority of the tree removals are around the existing podium building which is to be removed. The Council's Arboricultural Manager has confirmed that most of these trees are young specimens which, although good quality, can be easily replaced and therefore raises no objection to their loss. The applicant proposes to lift and store a Magnolia tree which was planted as a memorial tree for replanting during the landscaping phase. It is recommended that tree protection measures for the retained trees be secured by condition to ensure that they are not harmed during construction works.

The various gardens within the central courtyard are designed to have different characteristics with hard landscaping and planting, in keeping with Sudell's original

landscape design. It is recommended that full details of a hard and soft planting scheme for the site be secured by condition.

The development includes a new communal terrace, but no details of planting, soil volume or water irrigation have been provided. It is recommended that these details be secured by condition.

An Ecology Report has been submitted which suggests opportunities for ecological enhancement, including a biodiverse roof, wildlife planting in the courtyard garden, species rich lawn turf, native tree planting and provision of bat tubes, bird boxes and log piles. It is recommended that the ecology enhancements be secured by condition.

Bats

The applicant carried out a Preliminary Roost Assessment (PRA) in January 2018 which identified the building as having moderate potential to support bats. A second PRA and bat emergence/re-entry surveys were therefore conducted in August and September 2018 to determine the level of roosting activity at the site. During the surveys, seven common pipistrelles day roosts were recorded within the western and eastern elevations of the building, each in use by a single bat. No bats were recorded emerging/re-entering from the northern or southern elevations. Soprano pipistrelle (*Pipistrellus pygmaeus*), common pipistrelle (*Pipistrellus pipistrellus*) and noctule (*Nyctalus noctula*) were all recorded commuting across the site with foraging within the central courtyard. The building has a cavity wall and a hibernation roost cannot be ruled out.

The PRA has outlined mitigation which can be carried out to ensure that the proposed works do not impact on the bats and enhancements that can be made for the local bat population. The proposed construction work will impact on the seven day roosts identified and the report recommends that the day roosts be temporarily closed during the works. Bat boxes are proposed to be provided on existing trees as mitigation. Following the completion of the works, the existing roosts will be reopened to allow bats to use the original roosting features and the report recommends that six bat boxes are added to the mature trees in the courtyard to provide enhanced roosting opportunities and the landscaping should include nectar rich native planting to enhance the site for invertebrates providing increased foraging opportunities for bats. It is recommended that these measures be secured by condition.

Bats are protected by European legislation and it is illegal to disturb or damage bat roosts. A Natural England licence will be required before works commence.

Thames Path/Riverside Walkway

Policy RIV 9 of the UDP requires development sites adjacent to the River Thames to provide a public riverside walkway. The applicant has agreed to provide a riverside walkway to secure the extension of the Thames Path adjacent to the riverside on the land in its control to the south of Grosvenor Road (the tennis court site). This extension of the Thames Path is considered to provide a significant public benefit delivered by the proposed development. It is recommended that this be secured through the section 106 legal agreement

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

Not applicable to this site.

8.10 London Plan

The application has been referred to the Mayor of London and the stage 1 referral letter has been received. The Mayor considers that the proposed refurbishment and residential intensification of the existing Dolphin Square estate in this highly accessible location within the Central Activity Zone is supported in principle and complies with London Plan and draft London Plan policy in land use terms.

A number of deficiencies need to be addressed:

- Affordable housing: the provision of no affordable housing is wholly unacceptable.
- Transport: cycle parking for all land uses should be increased to meet London Plan standards and car parking reduced. The new build and refurbished units should be car-free. The overall level of disabled car parking should be increased to meet minimum London Plan and draft London Plan standards.
- Revisions are also required to address housing, play space, urban design, inclusive design, energy and transport concerns.

The Mayor of London has been re-consulted on the affordable housing proposal. They have carried out their own viability testing and have concluded that the affordable housing offer made by the applicant is the maximum reasonable amount that can be secured at this time. Early and late stage review mechanisms that exclude refurbishment costs from the viability base position should be secured.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which

must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development; details of the action to be taken to protect bats in the area around the development; tree protection measures; revised energy strategy; a written scheme of investigation for a programme of archaeological work and site investigation to find out if the building or land are contaminated with dangerous material. The applicant has agreed to the imposition of these conditions.

8.12 Planning Obligations

The draft 'Heads' of agreement are proposed to cover the following issues:

- 57 affordable/intermediate housing units to the quantum, mix, tenure and affordability set out in the memo from the Head of Affordable Housing and Strategy dated 19 February 2019, with early and late stage review mechanisms (that exclude refurbishment costs from the viability base position) in accordance with the Mayor's 'Affordable Housing and Viability'.
- Walkways agreement to secure public access to the internal courtyard garden.
- Extension of the Thames Path prior to first occupation of the new residential units.
- Strategy to secure the measures to protect the option B tenants during and after the building works
- Carbon offset payment (index linked and payable on commencement of development) (amount to be confirmed subject to revised energy strategy).
- A financial contribution towards employment, training and skills of £100,351.09 (index linked) payable on commencement of development.
- Monitoring costs.

The estimated CIL payment is : £4,619,828.83. (£789,410.22 Mayor's CIL and £3,830,418.61 Westminster CIL).

8.13 Environmental Impact Assessment and Sustainability

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

The applicant has submitted an Energy Statement in support of their application.

The strategy for reducing energy use and associated carbon emissions through the design of the scheme follows the London Plan energy hierarchy, namely:

- Be Lean – Reduce energy demand through passive design strategies and best practice design of building services, lighting and controls;
- Be Clean – Explore reducing energy consumption further by connecting to an existing district heating system and exploit provision of Combined Heat and Power (CHP) systems;
- Be Green – Generate power on site through Renewable Energy Technologies.

In accordance the GLA guidance, the carbon emissions savings have been assessed for the three parts of the development: 1) non-domestic, 2) newly built residential and 3) existing refurbished residential.

It is proposed to deliver a 51.16% improvement in carbon emissions for the new non-domestic parts of the development, 32.5% improvement for the new domestic part of the development, with an overall improvement of 43.97% based on the current Building Regulations (2013). The existing refurbished residential part of the development will achieve an improvement of 46.6%. The development achieves this through a mix of energy saving measures including high insulation standards, high performance glazing, highly efficient building services, and the use of a gas-fired CHP along with renewable energy in the form of a ground source heat pump system.

Dolphin Square was connected to the Pimlico District Heating Undertaking (PDHU) until 2000. The applicant has discounted the option of reconnection to the PDHU on the basis that it is not currently technically performing from a carbon reduction perspective. The GLA have requested that the applicant seek to prioritise a connection to the PDHU in accordance with the strategic policy hierarchy. Discussions about connection to PDHU are ongoing and a condition is therefore recommended requiring a revised Energy Strategy to be submitted, which prioritises connection to PDHU. Only if they can satisfactorily demonstrate that it is not feasible to connect to PDHU will an alternative proposal for an on-site energy centre be considered acceptable. In this scenario the revised Energy Strategy will need to demonstrate how the proposed development will be designed to allow future connection to the PDHU or an alternative district heating network should one become available.

The new non-domestic parts of the development meet the minimum onsite carbon reduction target of 35% as set out in the London Plan and the draft new London Plan. The applicant has agreed to a carbon offset payment for the shortfall in carbon savings below the zero carbon target for the domestic element of the scheme. The carbon offset payment will be calculated when the final energy strategy is agreed. It is recommended that this be secured through the section 106 legal agreement.

8.14 Other Issues

Construction impact

Strong objections have been received on the grounds of noise, dust, air pollution and disruption caused during the demolition, excavation and construction work.

A condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which will require the developer to provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition and construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works.

The key issues to address in the COCP are; liaison with the public; general requirements; SEMP; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues.

Statement of Community Involvement

A Statement of Community Involvement (SCI) has been submitted with this application. The engagement and consultation targeted Westminster City Council officers, local ward councillors, local amenity groups and resident associations, residents of Dolphin Square, neighbouring residents, local residents and businesses within the wider Pimlico community and those who use the public facilities at Dolphin Square. Resident meetings and public exhibitions were conducted over a nine-month period between May 2017 and January 2018.

Option B Tenants

The Applicant has confirmed that they are committed to minimising the disruption to the 192 existing Option B tenants, all of whom will be relocated to comparable accommodation within the Estate for the period of the construction works, before returning to their current flat once it has been refurbished. It is intended to phase the work to provide the least possible disruption to residents.

The applicant has made the following commitments:

- For the period of relocation all Option B tenants will benefit from a 50% rent reduction.
- All Option B tenants will return to their homes once the refurbishment is completed. The Applicant has offered Option B tenants the option to downsize/upsized to available apartments following completion of the refurbishment.
- The twenty-five Option B tenants whose apartments will have their light adversely affected by the proposed development will be offered the right to trial their existing refurbished apartments for 6 months, and if they are not satisfied within this period, retain the option to move (at the Applicant's expense) to an equivalent available apartment within Dolphin Square.
- There are twelve apartments which are reconfigured. Two increase in size and ten reduce in size. As above, all the affected tenants will be offered the right to trial their existing refurbished apartments for 6 months, and if they are not satisfied within the period, retain the option to move (at the Applicant's expense) to an equivalent available apartment within Dolphin Square.
- The Applicant will support residents needs through the on-site management team. This includes making all the arrangements and covering all the costs including insurance involved in the temporary relocation during the works, postal forwarding, as well as continuing to support elderly or infirm residents who require assistance including disposal of their refuse and recycling in the future.

It is recommended that a strategy for the protection offered by the applicant to the option B tenants be secured through the s.106 legal agreement. It is recommended that this also includes the provision of temporary pop-up retail shops to maintain the on-site convenience retail offer during construction.

Strong objections have been raised about the replacement of the current arrangements for post and refuse disposal (currently delivered/collected from each individual flat six days a week) with centralised services and the addition of security doors between houses on the grounds that it will result in increased security concerns, be detrimental to community living and increase social isolation.

The applicant has confirmed that the proposed development has benefited from the advice of the Metropolitan Police in relation to designing out crime. The applicant has incorporated the advice received in relation to postal services, refuse collection and security doors into the proposed plans, but recognises that existing residents are concerned to ensure that postal services continue to individual flats and Houses remain open for tenants and visitors to pass through. The existing Estate benefits from very high levels of passive and active security and experiences very little crime as a result. The Applicant has therefore confirmed that they wish to continue operating the Estate in the same way as today.

The way in which the estate is managed in the future in terms of access between blocks, postal services and waste collection from individual flats is not a planning consideration.

Infrastructure requirements

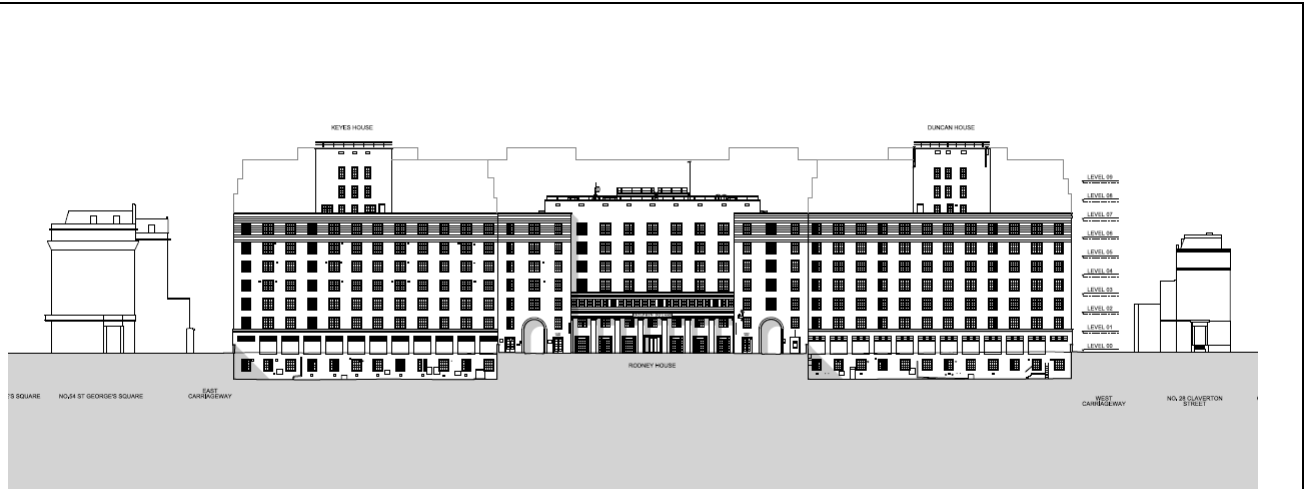
Objections have been received on the grounds that the existing sewage and mains water infrastructure will be insufficient to cope with the additional demand from the increase in residential units.

Thames Water have confirmed that they are currently working with the applicant to identify and deliver the off-site water infrastructure needs to serve the development. It has been identified that the existing combined water infrastructure will not be able to accommodate the needs of the development. Thames Water have therefore recommended conditions to secure all combined water network upgrades required are made prior to occupation of the new units to ensure that sufficient capacity is made to accommodate the additional flows anticipated and to avoid sewer flooding and/or potential pollution incidents. These conditions are attached to the draft decision notice.

(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: JULIA ASGHAR BY EMAIL AT: jasghar@westminster.gov.uk

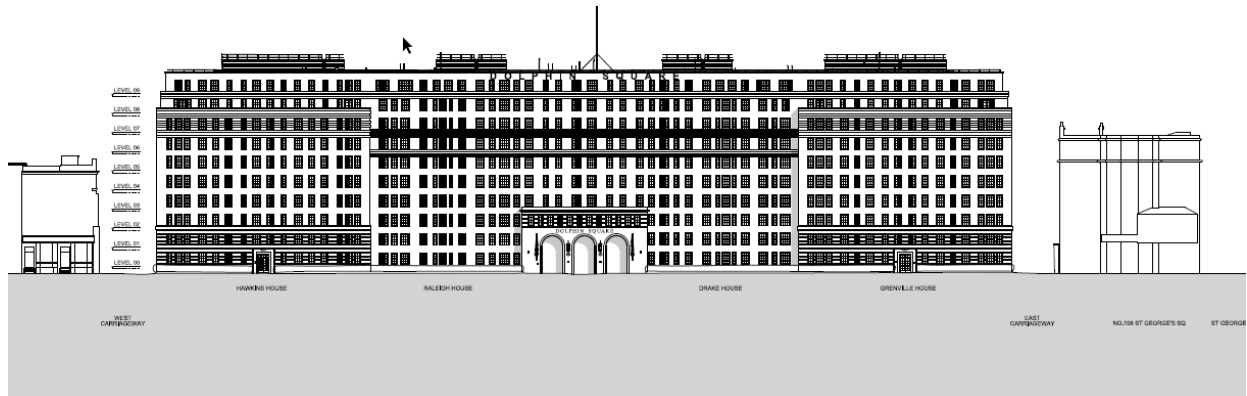
9. KEY DRAWINGS



Existing Chichester Street



Existing Eastern Carriageway



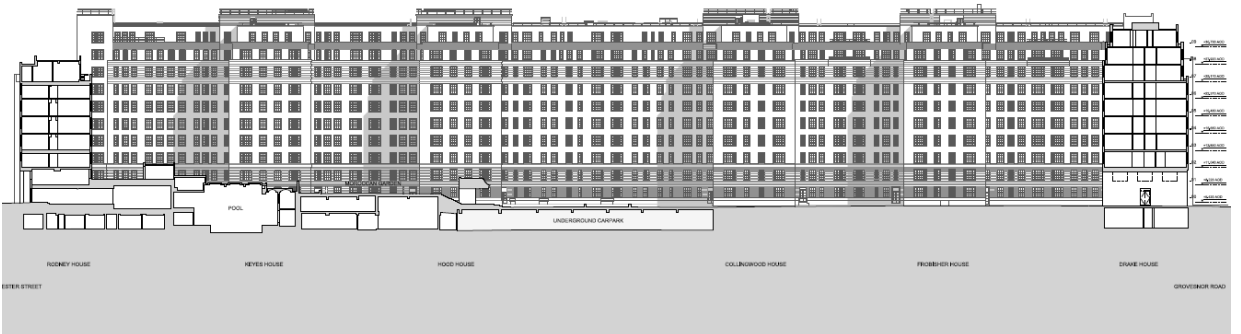
Existing Grosvenor Road



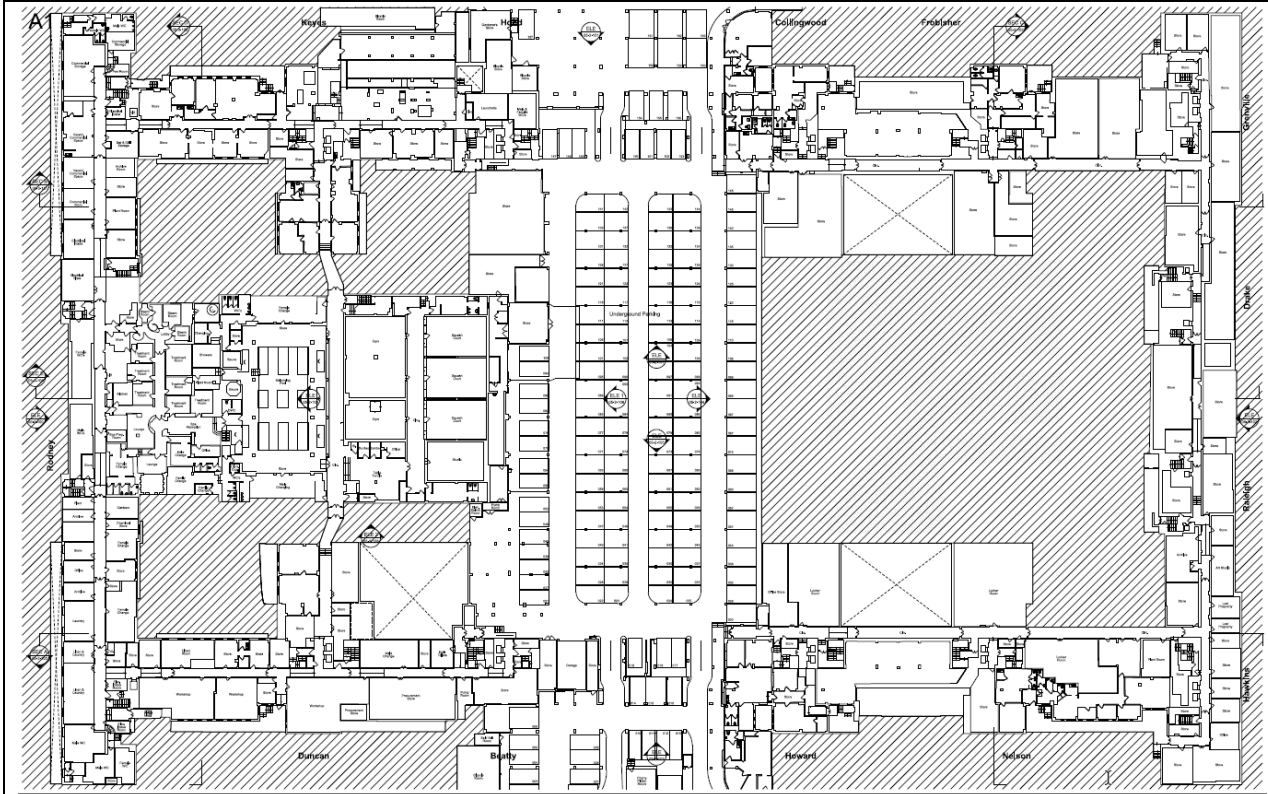
Existing Western Carriageway



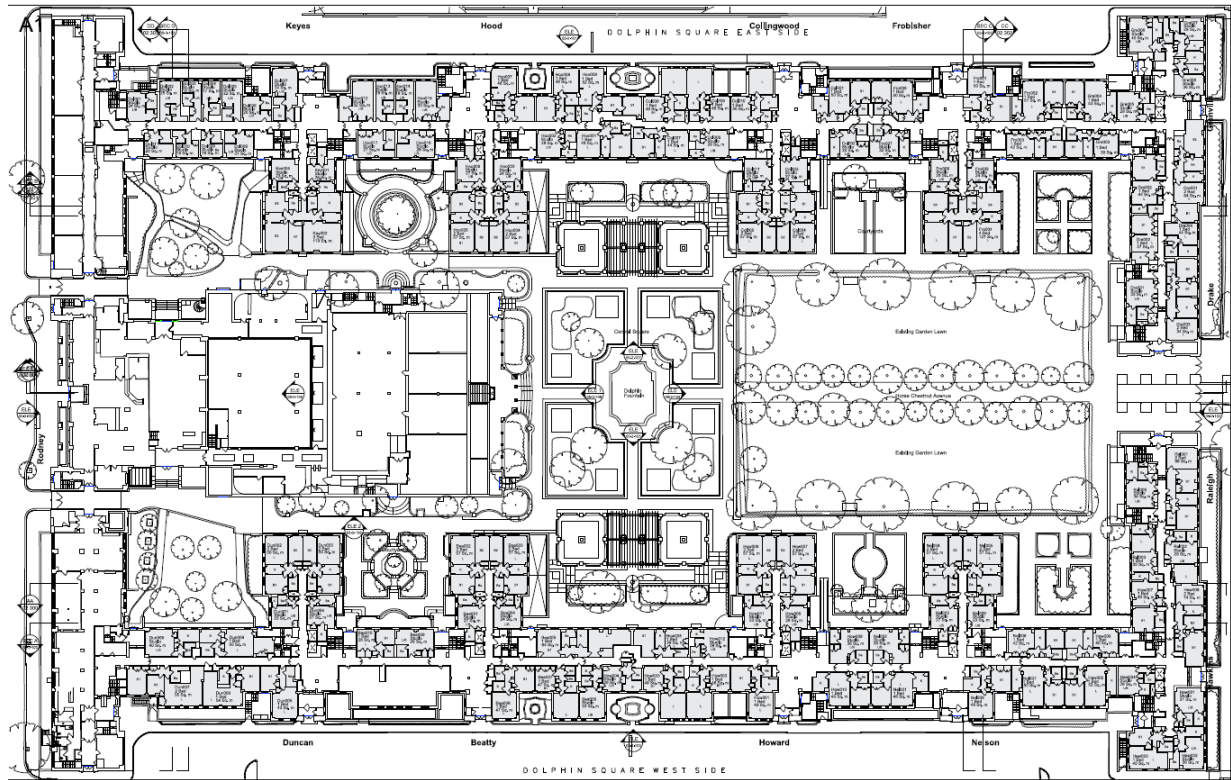
Existing section east-west



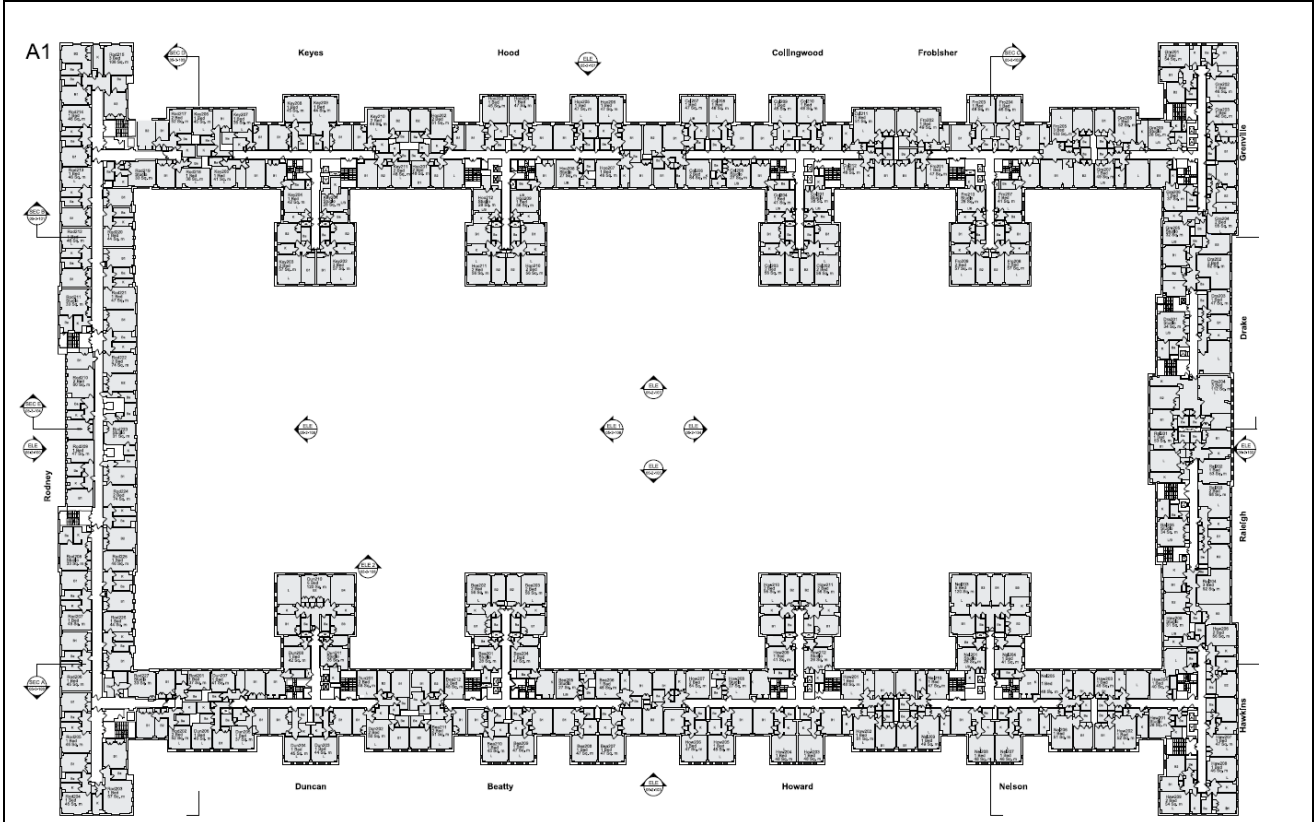
Existing section north-south



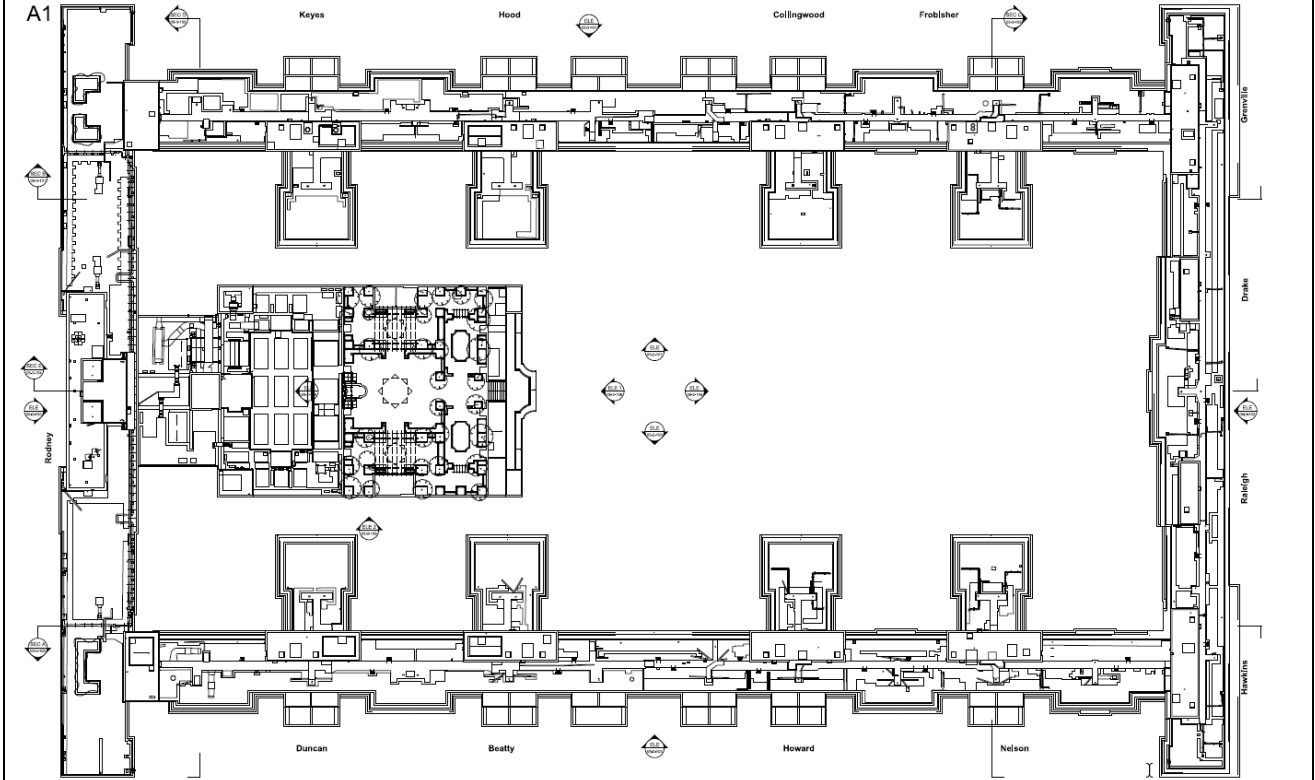
Existing Basement



Existing Ground



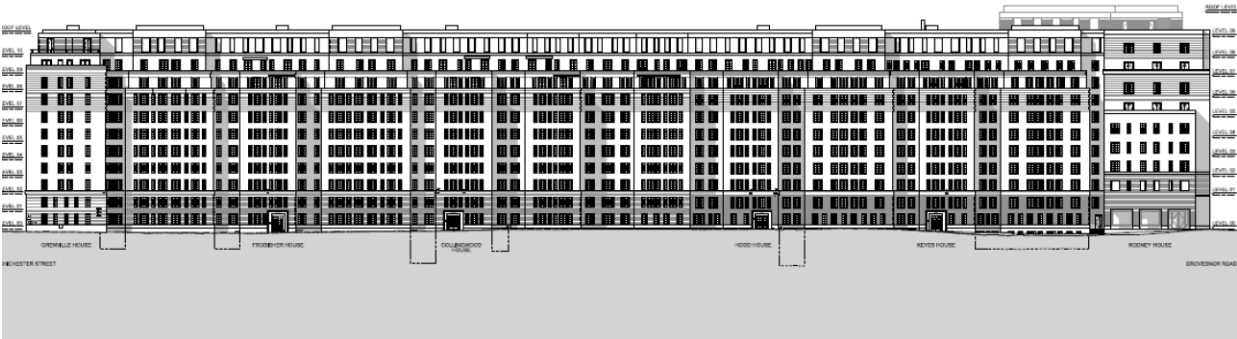
Existing typical floor plan



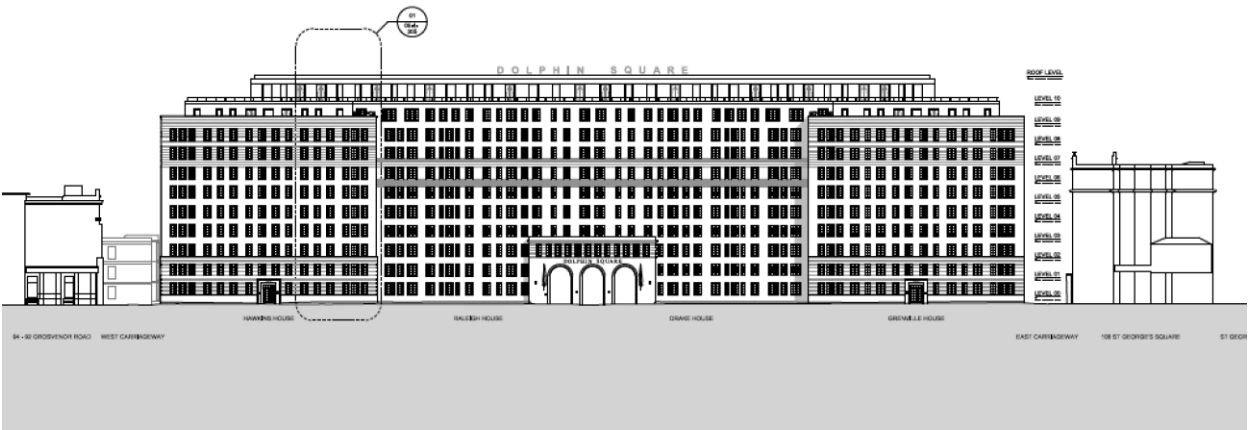
Existing roof plan



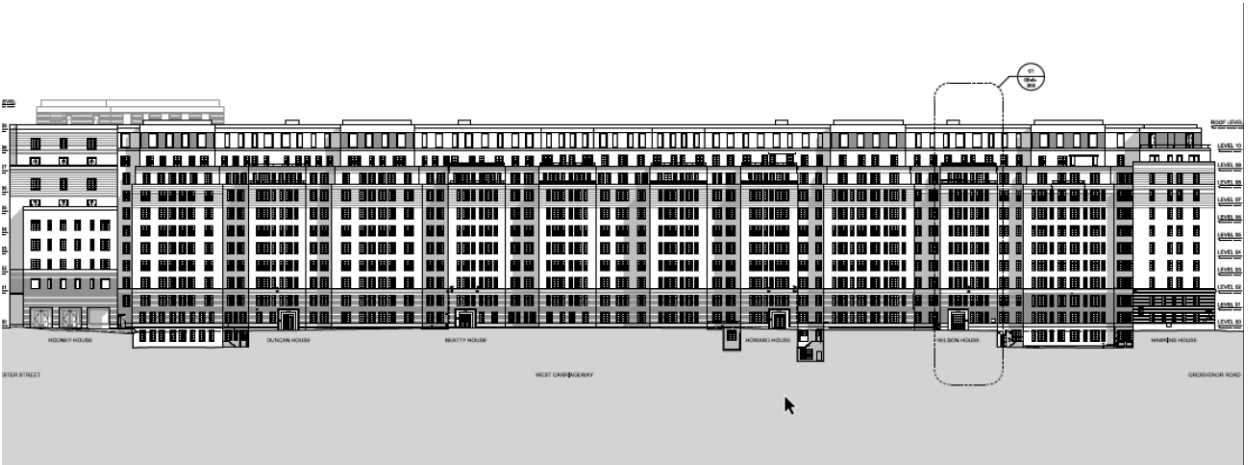
Proposed Chichester Street (Rodney House)



Proposed Eastern Carriageway



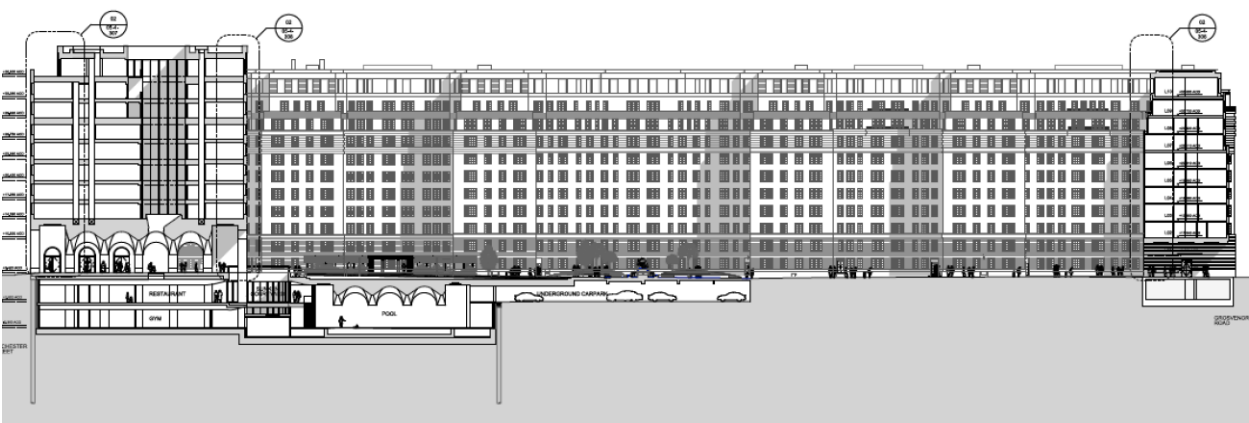
Proposed Grosvenor Road



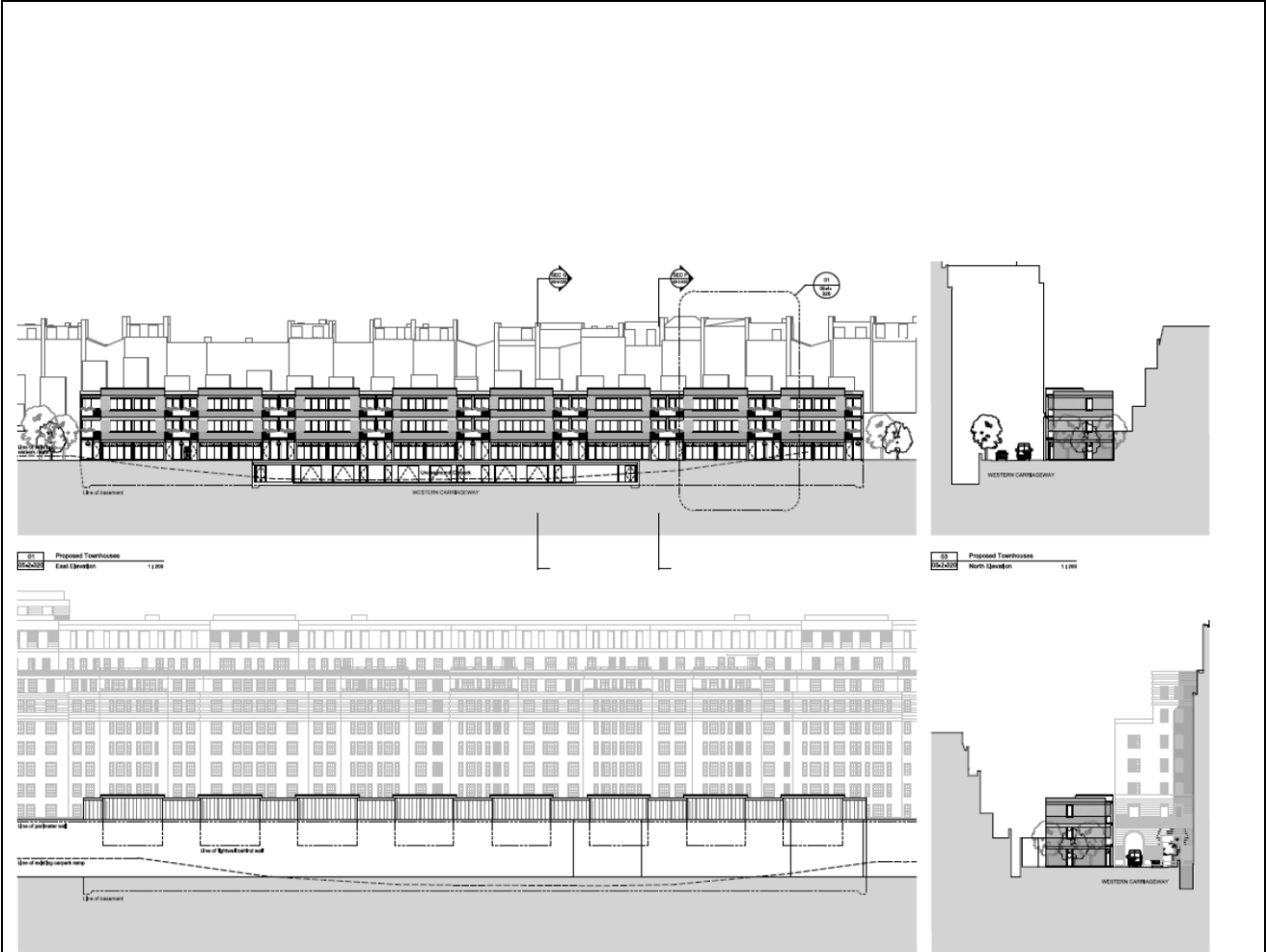
Proposed Western Carriageway



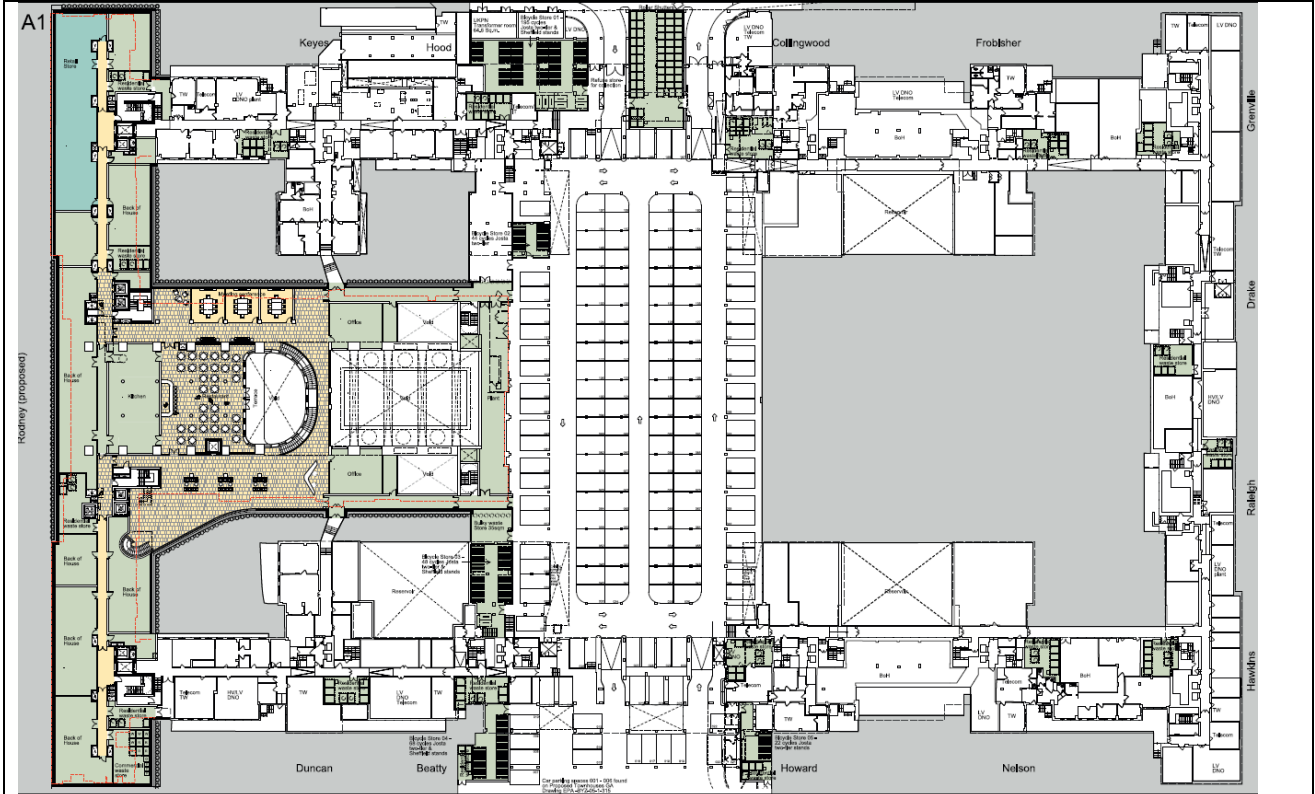
Proposed Section east-west



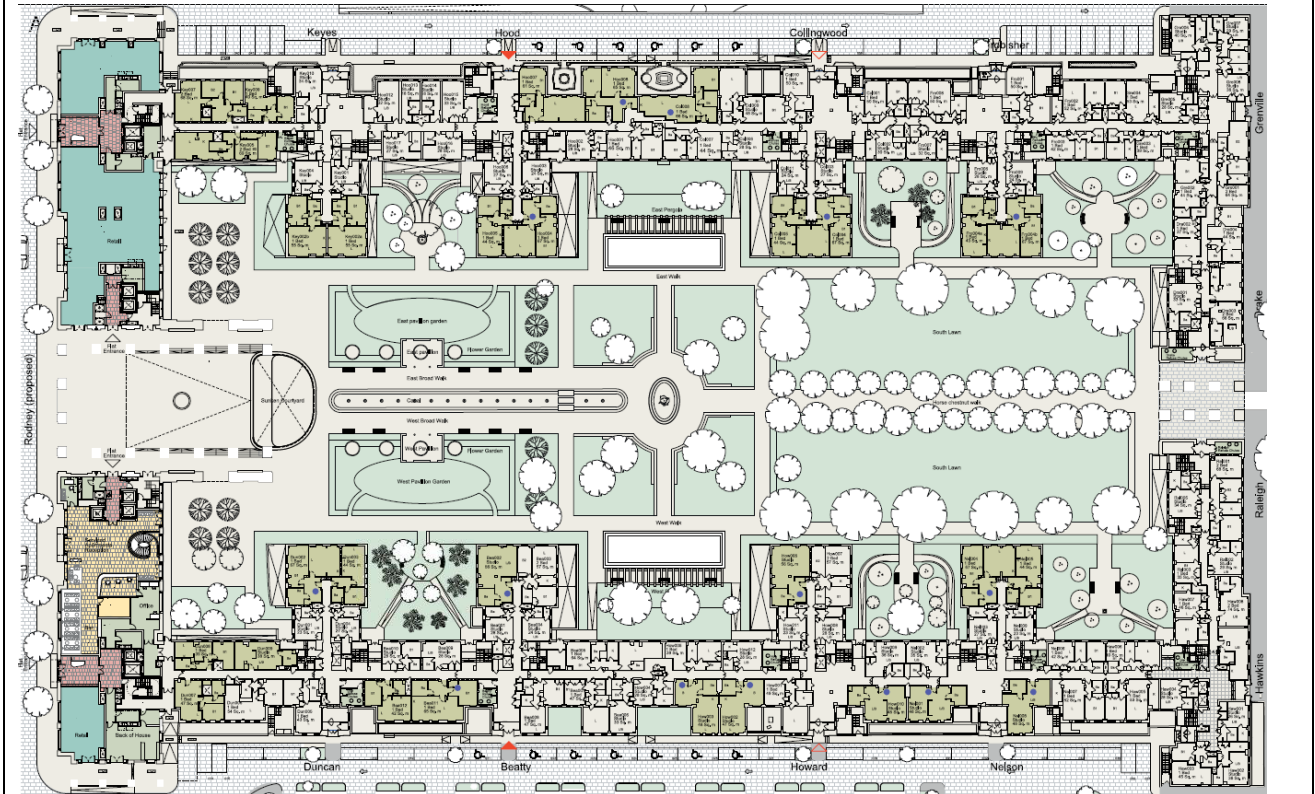
Proposed Section north-south



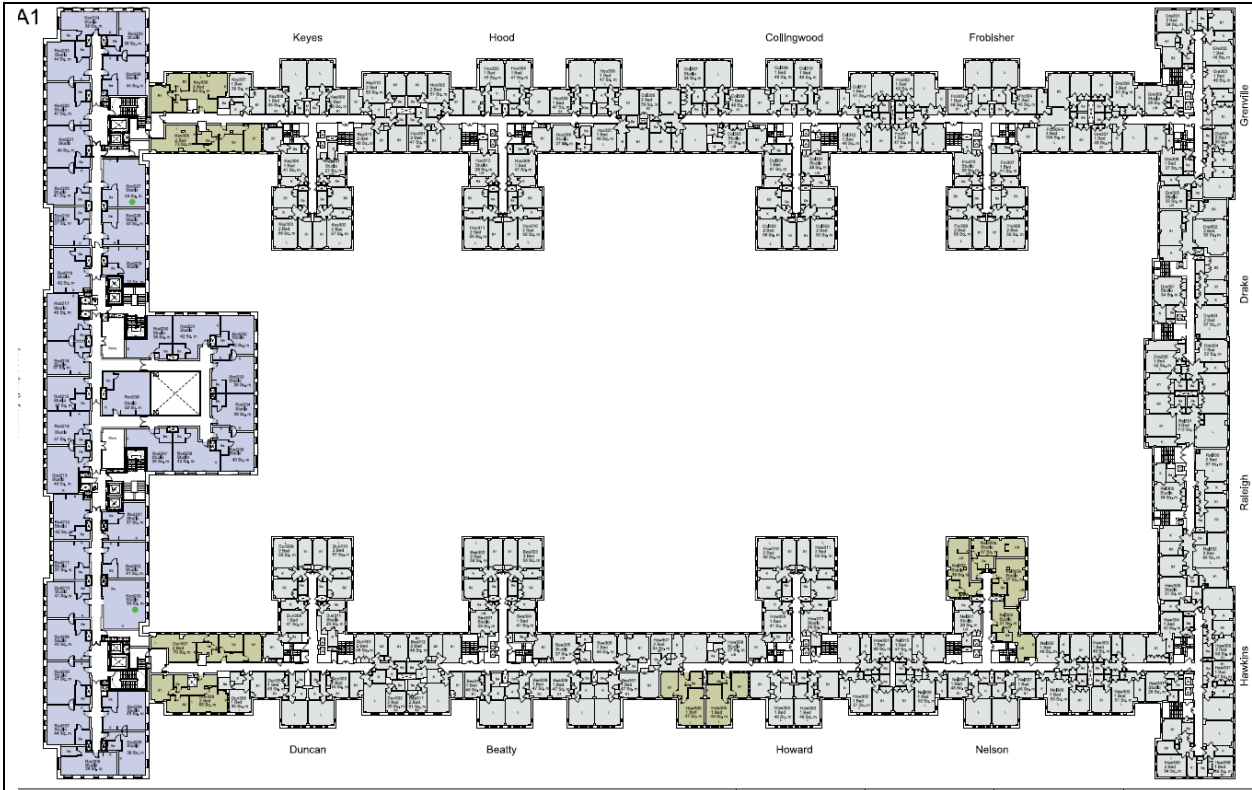
Proposed townhouses



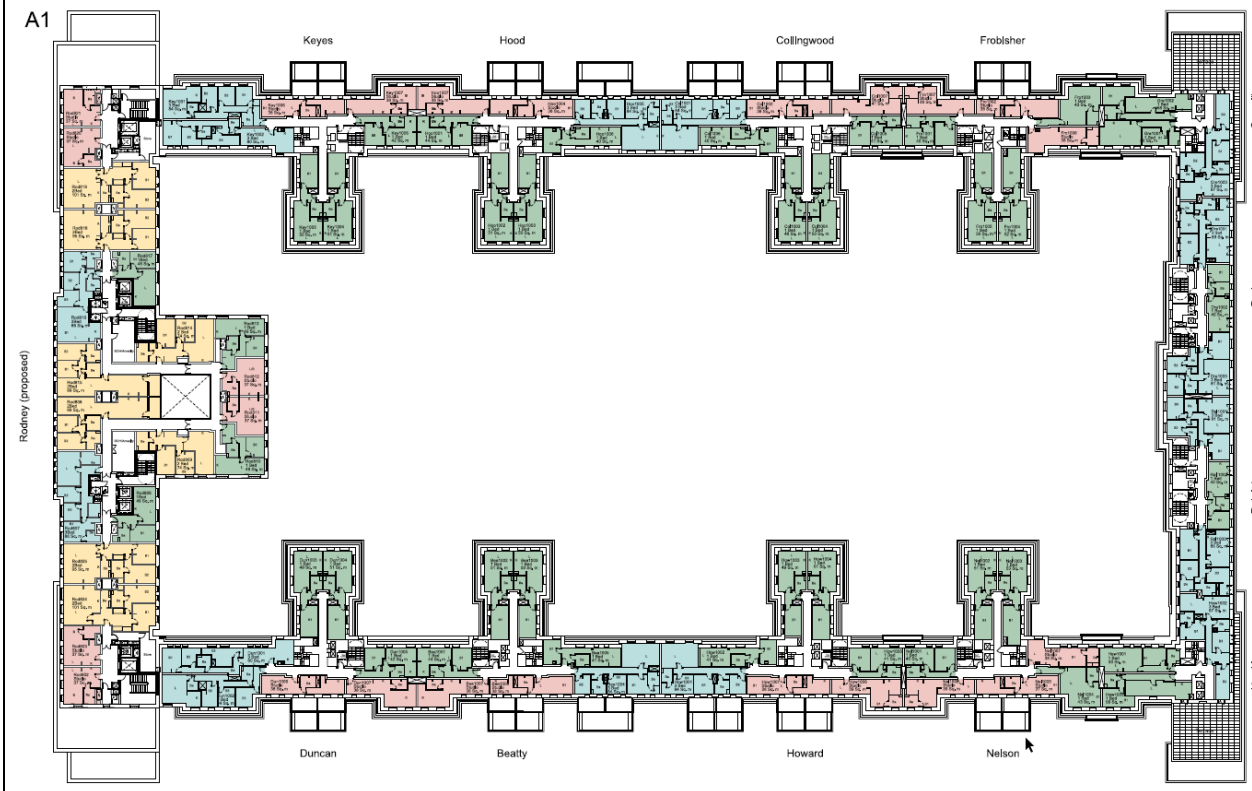
Proposed Basement



Proposed Ground



Typical proposed floorplan



Proposed 8th floor (Rodney House) and 10th floor (estate)



3D Visual



View from Lupus Street



Proposed entrance to Chichester Street



Proposed additional storey



Proposed Townhouses

DRAFT DECISION LETTER

Address: Dolphin Square, London, ,

Proposal: Part redevelopment and refurbishment of Dolphin Square including the reconfiguration of existing residential (Class C3) apartments; demolition and reconstruction of Rodney House to provide a new ground plus 9 storey building with 2 basement levels to provide residential (Class C3), serviced apartments (Class C3 temporary sleeping accommodation) , retail (Class A1-A4), leisure (Class D2); single storey rooftop extensions to the retained and refurbished Houses to provide additional residential (Class C3); new row of townhouses (Class C3) to the Western Carriageway; landscaping and new publicly accessible open space; new and reconfigured access points; and all necessary enabling works. (The application now includes 57 on-site affordable and intermediate rented units).

Plan Nos: Existing Drawings
 EPA-BYZ-05-1-001; EPA-BYZ-05-1-002; EPA-BYZ-05-1-003; EPA-BYZ-05-1-098
 Existing Basement 2 Plan 250; EPA-BYZ-05-1-099; EPA-BYZ-05-1-100; EPA-BYZ-05-1-101; EPA-BYZ-05-1-102 EPA-BYZ-05-1-103; EPA-BYZ-05-1-104; EPA-BYZ-05-1-105; EPA-BYZ-05-1-106; EPA-BYZ-05-1-107; EPA-BYZ-05-1-108; EPA-BYZ-05-1-109 EPA-BYZ-05-1-110; EPA-BYZ-05-1-111; EPA-BYZ-05-2-100; EPA-BYZ-05-2-101; EPA-BYZ-05-2-102; EPA-BYZ-05-2-103; EPA-BYZ-05-2-104; EPA-BYZ-05-2-105; EPA-BYZ-05-2-106; EPA-BYZ-05-2-107; EPA-BYZ-05-2-108; EPA-BYZ-05-3-100; EPA-BYZ-05-3-101; EPA-BYZ-05-3-102; EPA-BYZ-05-3-103; EPA-BYZ-05-3-104
 Demolition Drawings
 EPA-BYZ-05-1-198; EPA-BYZ-05-1-199; EPA-BYZ-05-1-200; EPA-BYZ-05-1-201; EPA-BYZ-05-1-202; EPA-BYZ-05-1-203; EPA-BYZ-05-1-204; EPA-BYZ-05-1-205; EPA-BYZ-05-1-206; EPA-BYZ-05-1-207; EPA-BYZ-05-1-208; EPA-BYZ-05-1-209; EPA-BYZ-05-1-210; EPA-BYZ-05-1-211; EPA-BYZ-05-2-200; EPA-BYZ-05-2-201; EPA-BYZ-05-2-202; EPA-BYZ-05-2-203; EPA-BYZ-05-2-204; EPA-BYZ-05-2-205; EPA-BYZ-05-2-206; EPA-BYZ-05-2-207; EPA-BYZ-05-2-208; EPA-BYZ-05-3-200; EPA-BYZ-05-3-201; EPA-BYZ-05-3-202; EPA-BYZ-05-3-203; EPA-BYZ-05-3-204
 Proposed Site Drawings
 EPA-BYZ-05-1-010; EPA-BYZ-05-1-011; EPA-BYZ-05-1-012; EPA-BYZ-05-1-013
 Revision P01; EPA-BYZ-05-1-298 Revision P01; EPA-BYZ-05-1-299 Revision P01; EPA-BYZ-05-1-300 Revision P01; EPA-BYZ-05-1-301 Revision P00; EPA-BYZ-05-1-302 Revision P01; EPA-BYZ-05-1-303 Revision P01; EPA-BYZ-05-1-304
 Revision P01; EPA-BYZ-05-1-305 Revision P01; EPA-BYZ-05-1-306 Revision P01; EPA-BYZ-05-1-307 Revision P01; EPA-BYZ-05-1-308 Revision P00; EPA-BYZ-05-1-309 Revision P01; EPA-BYZ-05-1-310 Revision P01; EPA-BYZ-05-1-311
 Revision P00; EPA-BYZ-05-1-312 Revision P00; EPA-BYZ-05-1-607 Revision P01; EPA-BYZ-05-1-315; EPA-BYZ-05-1-316; EPA-BYZ-05-1-601; EPA-BYZ-05-1-602; EPA-BYZ-05-1-603; EPA-BYZ-05-1-604; EPA-BYZ-05-1-605; EPA-BYZ-05-1-606; EPA-BYZ-05-2-300; EPA-BYZ-05-2-301; EPA-BYZ-05-2-302; EPA-BYZ-05-2-303; EPA-BYZ-05-2-304; EPA-BYZ-05-2-305; EPA-BYZ-05-2-306; EPA-BYZ-05-2-307; EPA-BYZ-05-2-308; EPA-BYZ-05-2-320; EPA-BYZ-05-3-300; EPA-BYZ-05-3-301; EPA-BYZ-05-3-302; EPA-BYZ-05-3-303; EPA-BYZ-05-3-304; EPA-BYZ-05-3-320; EPA-BYZ-05-4-300; EPA-BYZ-05-4-301; EPA-BYZ-05-4-302; EPA-BYZ-05-4-303; EPA-BYZ-05-4-304; EPA-BYZ-05-4-305; EPA-BYZ-05-4-306; EPA-BYZ-05-4-307;

EPA-BYZ-05-4-308; and EPA-BYZ-05-4-320 Design and Access Statement, prepared by Eric Parry Architects; Design and Access Statement Addendum, prepared by Eric Parry Architects July 2018; Planning Summary Booklet, prepared by Eric Parry Architects; Planning and Affordable Housing Statement, prepared by DP9; Heritage, Townscape and Visual Assessment, prepared by City Designer; Air Quality Assessment, prepared by Air Quality Consultants; Demolition and Construction Logistics Plan, prepared by Royal Haskoning DHV; Delivery and Servicing Plan, prepared by Royal Haskoning DHV; Daylight and Sunlight Assessment, prepared by Point2Surveyors; Energy Statement, prepared by Thornton Reynolds; Drainage Strategy and Flood Risk Assessment, prepared by Heyne Tillett Steel; Foul Sewage and Utilities Statement, prepared by Thornton Reynolds; Landscape Design Report, prepared by Todd Longstaffe-Gowan Ltd; Landscape Design Report Addendum, prepared by Todd Longstaffe-Gowan Ltd August 2018; Noise Survey Report, prepared by Sandy Brown; Waste Management Strategy, prepared by WSP August 2018; Statement of Community Involvement, prepared by Kanda Consulting; Transport Assessment, prepared by Royal Haskoning DHV; Travel Plan, prepared by Royal Haskoning DHV; Arboricultural Survey, prepared by Ecology Consultancy; Preliminary Ecology Assessment, prepared by Ecology Consultancy; Structural Methodology Statement¹, prepared by Heyne Tillett Steel; Historic Environment Assessment, prepared by MOLA; and Childrens Playspace Strategy.

Case Officer: Julia Asghar

Direct Tel. No. 020 7641 2518

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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

3 Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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

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

- i) All new window types, elevation and sections (scaled 1:10)
*sashes to match existing, including integral glazing bars.
- ii) Shopfront details, elevations and sections (scaled 1:10)

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 Dolphin Square 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 details of the following parts of the development:

- i) A typical bay detail of the mews houses, sections and elevation.
- ii) Balustrading details (mews houses)

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

Design changes to the vaulted ceiling profile of the new entrance colonnade to Rodney House, which should avoid obstructing the top of the entrance arches.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dolphin Square 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 detailed drawings showing the following alteration(s) to the scheme:

A reduction in height of the windows to the new top floor with the addition of more articulation to reflect the scale and design of the existing fenestration below.

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

Reason:

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

- 9 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 Dolphin Square 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)

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

Reason:

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

- 11 You must apply to us for approval of a signage strategy to ensure a consistent approach is applied to the shop fronts. You must not occupy the retail/A2/A3 units until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

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

- 12 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

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 Dolphin Square 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 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 Dolphin Square 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)

14 **Pre Commencement Condition.**

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

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

- 15 You must apply to us for approval of full details of the following parts of the development:

Children's playspace within the internal courtyard garden.

You must not occupy the new residential units until we have approved what you have sent us. You must then carry out the work according to these details within 6 months of completing the development and the playspace shall thereafter be permanently retained.

Reason:

To ensure the provision of children's play space in accordance with policy SOC6 of our Unitary Development Plan and London Plan policy, Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance.

- 16 A minimum of 916sqm (GIA) shall be used as retail within Class A1 at any one time. No more than 436sqm (GIA) of floorspace shall be used flexibly within Classes A1 - A3.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets SS8, TACE 8 and TACE 9 of our Unitary Development Plan that we adopted in January 2007 and S10, S21 and S24 of Westminster's City Plan (November 2016).

- 17 The accommodation described as 'retail' on the submitted drawings shall only be occupied by uses falling within Classes A1, A2 or A3 of the Town and Country Planning (Use Classes) Order 1987, as amended April 2005, (or any equivalent class in any order that may replace it), details of which, including a description of each use, its Use Class, hours of operation and hours of servicing shall be agreed in writing by us before the relevant use commences. The accommodation shall not be occupied other than in accordance with the details thus approved, unless otherwise agreed by us in writing.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets SS8, TACE 8 and TACE 9 of our Unitary Development Plan that we adopted in January 2007 and S10, S21 and S24 of Westminster's City Plan (November 2016).

- 18 You must apply to us for approval of an operational management plan (OMP) for the leisure facility (Class D2) and restaurant at basement level. The OMP should include number of staff and customers, hours of operation, and show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy leisure facility or restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the leisure facility and restaurant are in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in SS10, S24 and S34 of Westminster's City Plan (November 2016) and TACE8, TACE 9, SOC1, SOC 7 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 19 No music shall be played such as to be audible outside the premises to the nearest noise sensitive, residential receptor.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development

Plan that we adopted in January 2007. (R13BC)

- 20 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the **** use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
 - (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 21 The design and construction of the separating building fabric should be such that the received noise value in the residential habitable spaces, with music/entertainment occurring, should achieve a value of 10 dB below that measured/assessed without music/entertainment events taking place, at the quietest time of day and night, measured/assessed over a period of 5 minutes and in the indices of Leq & LfMax in the octave bands of 63 Hz & 125 Hz. The limits of NR30 (day) , NR25 (night) and NR40 (LAFMax, night time) should be used to demonstrate that the intrusive noise would be effectively inaudible.

Where gym facilities or other similar uses will be part of a proposed development or included in a conversion or change of use the standards above shall be used along with a consideration of the impact sound transmission of weights and sports / training equipment and the following standard should apply:

Maximum noise levels generated by the proposed new development in terms of LAFmax should be demonstrated not to exceed the NR 15 curve inside the adjoining residential dwellings and other noise sensitive properties. This includes noise from all sources (including amplified sound, music, and impact noise from gym activities).

Lifts (including car lifts) within developments shall be designed to achieve the standards set out within BS8233 and where a new lift is installed within an existing residential use, there will be no increase of noise above existing levels within habitable spaces.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 22 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. (R49AA)

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

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

Reason:

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

- 25 (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. (R46AB)

- 26 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. (R48AA)

- 27 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)

- 28 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(s) 25 and 26 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. (R51AB)

- 29 You must provide the waste store shown on drawing EPA-BYZ-05- 1-299 Revision P00 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.

Waste management must be carried out in accordance with the Waste Management Strategy dated 03 August 2018.

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)

- 30 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)

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

Reason:

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

- 32 You must provide a minimum of 20% active and 20% passive electric vehicular charging points for the car parking spaces.

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 33 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 parking spaces for people using the development as set out in STRA 25 and of our Unitary Development Plan that we adopted in January 2007. (R22AB)

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

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 35 You must apply to us for approval of a Servicing Management Plan prior to occupation of the A1-A3 and D2 floorspace. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. All servicing must take place between 0800 and 2000. You must not commence any of the uses until we have approved what you have sent us. The Servicing Management Plan must thereafter be maintained and followed by the occupants for the life of the development, 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)

- 36 You must not form any windows or other openings (other than those shown on the plans) in the rear mansards of the mews houses without our permission. This is despite the provisions of Classes of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

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)

- 37 You must apply to us for approval of detailed drawing (scale 1:20) of the following parts of the development:

* Fixed planters to the perimeter of the terraces at fifth floor level to Rodney House.

You must not occupy the new residential units with access to these terraces until we have approved what you have sent us. You must then carry out the work according to these details.

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)

- 38 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 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, to make sure that it contributes to the character and appearance of this part of the Dolphin Square Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (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)

- 39 **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 in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

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)

- 40 You must provide details of the soil build up over the basement and on the roof garden, including plan and section drawings showing the soil depth across each area and the drainage layer. You must include a specification for the soil in these areas and a methodology for importing and laying the soil. 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 submitted details.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38, CM28.1 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.

- 41 You must apply to us for approval of details of the planters on the roof terraces, to include construction method, dimensions, irrigation and planting scheme. You must not occupy the new residential units until we have approved what you have sent us. You must then install these features according to the details approved.

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)

- 42 You must apply to us for approval of the ways in which you will enhance the biodiversity of the site (ecological enhancement features) as recommended in your submitted Ecology Report. You must incorporate the ecological enhancement features into the building and landscape designs. You must not start work on the relevant parts of the development until we have approved what you have sent us. You must then carry out the work according to the approved details and you must then 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. (R43FB)

- 43 **Pre Commencement Condition.** You must apply to us for approval of details of the action you will take to protect bats in the area around the development. You must not start any work until we have approved in writing what you have sent us (after consulting Natural England). You must carry out these measures according to the approved details before you start to use the building. (C43EA)

Reason:

To make sure the conservation status of a protected species is maintained, and so protect 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. (R43EB)

- 44 **Pre Commencement Condition.** Notwithstanding the information submitted, you must apply to us for approval of a revised Energy Strategy for the development which prioritises connection to the Pimlico District Heating Undertaking (PDHU). Only if you can satisfactorily demonstrate that it is not feasible to connect to PDHU will an alternative proposal for an on-site energy centre be considered acceptable. In this scenario the revised Energy Strategy should demonstrate how the proposed development will be designed to allow future connection to the PDHU or an alternative district heating network should one become available.

You must not start work, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details before you occupy the new residential units; and you must not remove any of these features.

Reason:

To make sure that the development provides the environmental sustainability features included

in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

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

Confirmation that either:- all combined water network upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

You must not occupy the new residential units until we, in consultation with Thames Water have approved what you have sent us. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. You must then carry out the work according to these details. (C26DB)

Reason:

The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

- 46 There shall be no occupation beyond 100 new residential units until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or- a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason:

Network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues.

- 47 No construction work shall take place within 5m of the water main. You must provide information detailing how you intend to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure. You must not start any work on these parts of the development until we, in consultation with Thames water, have approved what you have sent us. You must then carry out the work according to these details. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason:

The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility

infrastructure.

- 48 The proposed development is located within 15m of a strategic water main. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted and approved by us in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

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

- 49 Piling and ground source heating and cooling systems using penetrative methods shall not be carried out other than with the written consent of the local planning authority in consultation with the Environment Agency. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the proposed piling works and ground source heating/cooling system does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement R of the 'The Environment Agency's approach to groundwater protection'.

- 50 **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 Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

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

Phase 1: Desktop study - full site history and environmental information from the public records (not required).

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)

51 You must apply to us for approval of a detailed assessment for road traffic emissions. You must not occupy the new residential units until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To reduce the effect the development has on 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.

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, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 4 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 5 If any 'special treatment', as defined in the London Local Authorities Act 1991, is going to be

given at the premises, you should ring our Licensing Service (on 020 7641 7822 or 020 7641 8549) about getting a licence for those treatments. You should also contact our Environmental Health Consultation Team (on 020 7641 3161) to make sure any treatment rooms meet the environmental health standards of construction. (I07BA)

- 6 The City Council supports a scheme to provide a free a recruitment service for businesses. Over 90% of people helped into work have been retained for over 6 months by their employing businesses. The scheme uses Work Place Coordinators to match vacancies and candidates. They have helped over 600 Westminster residents into jobs in Westminster businesses across the City. Further details can be found at www.crossriverpartnership.org. The scheme is supported by Westminster City Council, Cross River Partnership, the Crown Estate, New West End Company and Victoria BID.
- 7 The Economy Team at Westminster City Council provide support and guidance to developers and contractors in the creation and delivery of employment & skills plans. The Team will provide guidance on local priorities, drafting of employment & skills plans and implementation of activities to deliver commitments. For further information please contact Soyful Alom, Economy Job Broker (salom@westminster.gov.uk)
- 8 No digging should take place within 5 metres of a High Voltage Cable without contacting National Grid's Plant Protection Team <https://www.beforeyoudig.nationalgrid.com>
- 9 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 10 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)
- 11 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)
- 12 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)
- 13 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).

- 14 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)

- 15 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.

- 16 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 17 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.
- 18 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.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition).

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase. 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.

- 19 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. 57 affordable/intermediate housing units to the quantum, mix, tenure and affordability

set out in the memo from the Head of Affordable Housing and Strategy dated 19 February 2019, with early and late stage review mechanisms in accordance with the Mayor's 'Affordable Housing and Viability'

- ii. Walkways agreement to secure public access to the internal courtyard garden prior to occupation of the new residential units.
 - iii. Extension of the Thames Path.
 - iv. Strategy to secure the measures to protect the option B tenants during and after the building works
 - v. Carbon offset payment (index linked) payable on commencement of development.
 - vi. A financial contribution towards employment, training and skills (index linked) payable on commencement of development.
 - vii. Monitoring costs.
- 20 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 21 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the retail floorspace can change between the A1, A2 and A3 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 22 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)
- 23 When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81DA)
- 24 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

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

before commencing development using a **Commencement Form**

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

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

Forms can be submitted to CIL@Westminster.gov.uk

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

- 25 When you apply to us for approval under condition 39 you must include the following:
- o A schedule of arboricultural supervision to be carried out by an arboricultural consultant who is approved by the Arboricultural Association, or who has the qualifications and experience to be approved by them, with provision for reporting back to the LPA in writing within 5 days of each site visit.
 - o Evidence that the recommended tree protection details accord with the Construction Management Plan.
- 26 With regards to condition 45 you can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning.
- 27 A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes -toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <https://wholesale.thameswater.co.uk/Wholesale-services/Business-customers/Trade-effluent> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ.
Telephone: 020 3577 9200.
- 28 Thames Water requests that you should incorporate protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise

groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality

- 29 There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near their mains (within 3m) they will need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read Thames Waters guide working near or diverting our pipes. [https://developers.thameswater.co.uk/Developing-a-largesite/ Planning-your-development/Working-near-or-diverting-our-pipes](https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes)
- 30 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Waters guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Workingnear-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk
- 31 Thames Water expect surface water to be attenuated to Greenfield run-off rates." The London Plan - Policy 5.13 Sustainable Drainage' states that a development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off, 5l/s/ha, rates and ensure that surface water run-off is managed as close to its source as possible in line with the following drainage hierarchy.
1. Rainwater harvesting (including a combination of green and blue roofs)
 2. Infiltration techniques and green roofs
 3. Rainwater attenuation in open water features for gradual release
 4. Rainwater discharged direct to watercourse (unless not appropriate)
 5. Rainwater attenuation above ground (including blue roofs)
 6. Rainwater attenuation below ground
 7. Rainwater discharge to a surface water sewer or drain
 8. Rainwater discharge to a combined sewer
- 32 With regard to condition 47, please read Thames Waters guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're

considering working above or near their pipes or other structures.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk.

- 33 With regard to condition 48, please read Thames Water's guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Workingnear-or-diverting-our-pipes>. Should you require further information please contact Thames Water.
Email:developer.services@thameswater.co.uk
- 34 We currently take samples from the Dolphin Square abstractions as part of our regional groundwater quality monitoring network and all precautions should be taken to avoid damage to the boreholes on site.
- 35 Condition 50 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)

Agenda Item 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 June 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Vincent Square	
Subject of Report	Townsend House, Greycoat Place, London, SW1P 1BL,		
Proposal	Demolition of existing building and redevelopment to provide a building of basement, ground and five upper floors with plant enclosure at roof level, comprising a retail unit and office reception at ground level, offices at first to fourth floors and two residential (Class C3) units at fifth floor; ancillary plant, cycle and refuse storage at basement level.		
Agent	Miss Hannah Willcock DP9		
On behalf of	ITC Properties (Townsend House) Company Ltd		
Registered Number	18/10755/FULL	Date amended/ completed	20 December 2018
Date Application Received	20 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	None		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i) Carbon offset payment of £24,085 (index linked) to be paid on commencement of development. ii) All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, reinstatement of redundant vehicle crossovers and associated work (legal, administrative and physical) iii) A financial contribution towards employment, training and skills of £95,966 (index linked) payable on commencement of development. iv) Car club membership for residents (for a minimum of 25 years) v) Monitoring costs.
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2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

a) The Director of Place Shaping and Town 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 is authorised to determine and issue such a decision under Delegated Powers; however, if not

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

2. SUMMARY

The proposal involves the demolition and redevelopment of Townsend House to form a new building comprising basement, ground and 5 upper floors. The building will comprise retail at ground floor level along with the entrances for the office and residential uses. First to fourth floors comprise office floorspace, and the fifth floor is residential (2 x 3 bed flats).

The key issues for consideration in this application are:

- The loss of the existing building.
- The suitability of the replacement building in conservation and design terms.
- The impact of the new building upon the amenity of surrounding residential occupiers.
- The impact of development on the local highway network.

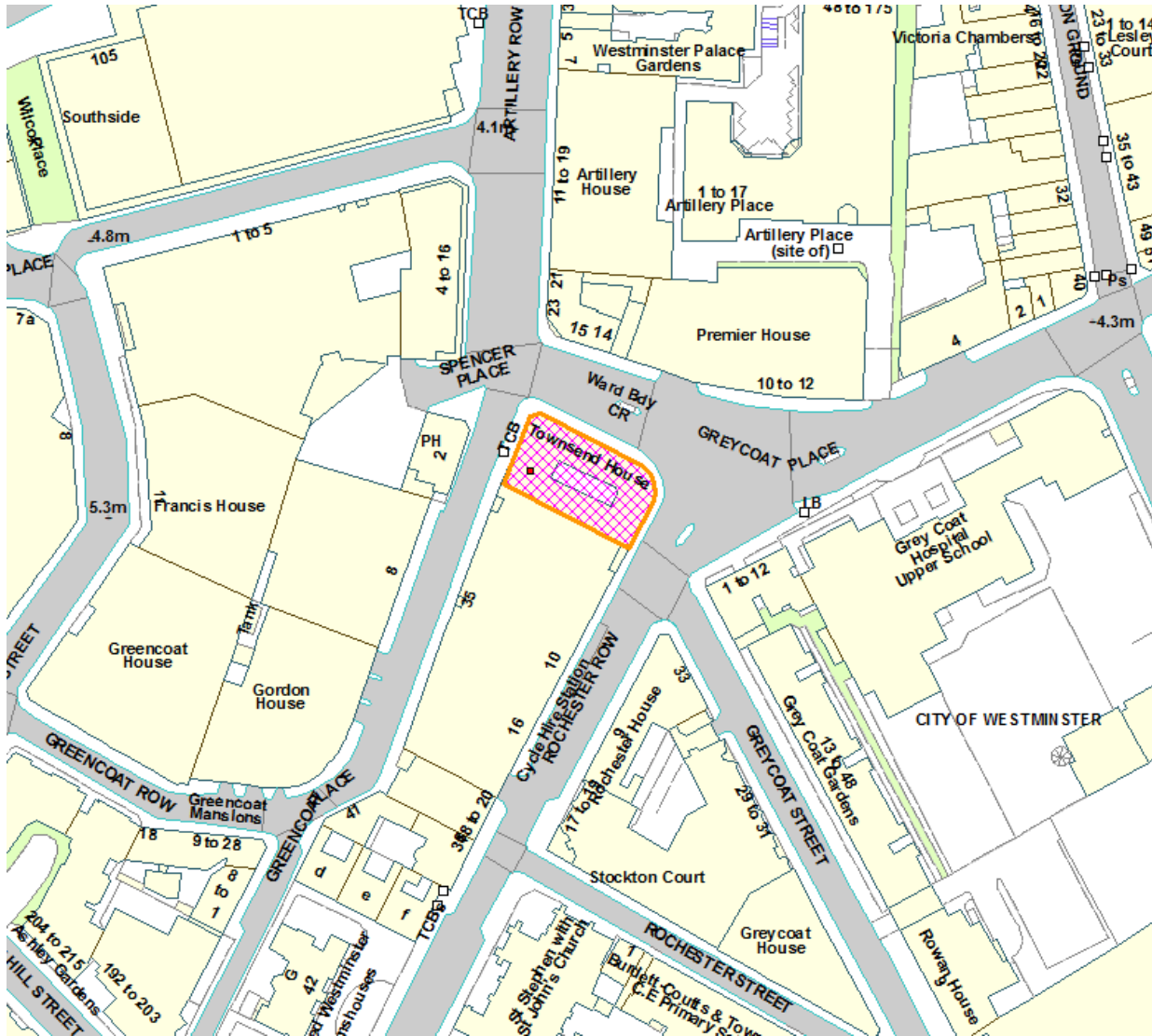
Significant objection has been received from local residents and consultees. These objections concentrate primarily upon the principle of the loss of the existing building and the design quality of its proposed replacement, as well as the impact on the amenity of surrounding residents and impact upon the local highway, in particular, the availability of on street parking.

It is considered that the loss of the existing building, and the loss of the view of the Cathedral Campanile from Greycoat Place are regrettable impacts, but nevertheless the proposed new building is of sufficient architectural merit in its own right to outweigh that harm. This design quality also generally moderates the townscape impacts of the larger scale and bulk of the new building, but some impacts do remain, including to the setting of the adjacent Greycoat Hospital School as a listed building.

In amenity terms, whilst there are some significant impacts on daylight, these are concentrated on lightwell windows not serving the primary living spaces of those flats and on balance the application is acceptable in amenity terms.

By virtue of its design quality and land uses strongly supported by the site's location in the Core CAZ and Victoria Opportunity area, the application is acceptable in land use, amenity and design terms.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Townsend House – view from Greycoat Place across to Rochester Row



Long view from Victoria Street

5. CONSULTATIONS

HISTORIC ENGLAND

Acknowledge that they have limited remit to comment on the demolition of Townsend House. However, they consider that the loss of the building would be regrettable and that the blocking of the view of the campanile of Westminster Cathedral from the surroundings of the application site causes harm to the significance of Westminster Cathedral.

If the council agrees that the building is a non-designated heritage asset, the loss of significance should be weighed as part of a balanced judgement in determining the application as set out in the NPPF.

HISTORIC ENGLAND (ARCHAEOLOGY)

Recommend a pre commencement condition to secure a written scheme of archaeological investigation.

TWENTIETH CENTURY SOCIETY

Objection. This is substantial harm to a non designated heritage asset. The development will also affect the setting of surrounding heritage assets including the listed Greycoat Hospital School and former Westminster Fire Station. There has been insufficient assessment of the impact of the loss on the setting of the listed buildings and significance of the conservation areas.

The loss of the sympathetic and contextually designed building by architects of note will be detrimental to the surrounding conservation areas and listed buildings; the council should resist demolition unless substantial public benefit outweighs the harm. There have been no relevant changes to the situation with Townsend House since the appeal decision in 2001. There is no reason to doubt that it remains fit for purpose.

WESTMINSTER SOCIETY

Supports the design of the proposed building, but suggests that the top storey could be set back so the parapet appears more aligned with 10 Rochester Row adjacent.

THORNEY ISLAND SOCIETY

No objection, this is an improvement on the previous iterations. Disappointed that the corner of the building facing Victoria Street is not 'celebrated' more.

CATHEDRAL AREA RESIDENTS GROUP

Object. The reasons for refusal of planning permission in 2000 remain a valid consideration and are stronger now due to the encroachment of contemporary buildings in this area. The façade jars with the historic buildings in the area, the materials are not appropriate. There is a significant impact on the townscape in Greencoat Place. The proposed development will put pressure on the availability of on-street parking. There will be an unacceptable impact on the amenities of residents within 10 Rochester Row.

HIGHWAYS PLANNING MANAGER

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2

Generally acceptable, however suggests that the applicant should consider finding alternative off-street parking locally as there is significant on street car parking pressure during the day. A more robust servicing management plan is required.

WASTE PROJECT OFFICER

Requests clarification regarding capacities of refuse storage.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

BUILDING CONTROL

No objection – the basement is to be formed using piling and traditional underpinning – the consulting engineer is considered to be of sufficient experience to ensure that such alterations will address our usual concerns.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 468

Total No. of replies: 41 letters of objection (and attachments) and one representing all occupiers of 10 Rochester Row.

No. in support: None.

The objections are raised on the following grounds:

DESIGN/HERITAGE

- The building is an important historic, architectural and aesthetic part of the area – its loss is unacceptable.
- The building sits comfortably in its setting and should be retained. Its loss detracts from the remaining historic references in Greycoat Place and surroundings.
- The fire station, Greycoat Hosptial, Greycoat Gardens and Townsend House all complement each other
- The façade should be retained with any new development sitting behind it.
- The planning inspector on appeal in 2001 considered that the new building at that time would have an unacceptable impact on the character and appearance of the area and surrounding listed buildings - there is no good reason why the City Council should take a different view on the demolition/replacement building than it did in 2000.
- The proposed building is too large for the plot size; the current feel is open and light.
- The plaques commemorating the Girls' Friendly Society have been defaced.
- Design of the building better suited to Victoria Street.

- Proposed building blocks views of surrounding conservation areas and Westminster Cathedral campanile.
- Detailed design of the new building has a sandstone fascia which is more in keeping with the area, but it is still in stark contrast to its surroundings and does not acknowledge the building it replaces.
- At the very least, the proposal should be amended to have a softer roof line, be more in proportion with other buildings and not have floor to ceiling windows.
- The proposed scheme is an improvement but the design is 'boringly reminiscent of the new buildings of Buckingham Gate and Artillery Row'.
- The new building will make Artillery Row an urban canyon.
- There was a missed opportunity for public art on the north façade of 10 Rochester Row. Redeveloping this site would take that opportunity away.

AMENITY

- Loss of light and privacy to Greycoat Gardens – lowering the height does not make it any more satisfactory.
- The new building will result in a severe sense of enclosure to the lightwell windows in 10 Rochester Row, and will result in extreme light loss.
- Loss of sunlight and privacy to 10 Artillery Row – the additional height of the building will block winter sunlight to flats 5 to 11 and in summer, flats 1-8.
- Acknowledge that the BRE guide should be applied flexibly, but this should not be taken to mean that daylight should be disregarded altogether. Daylight should be safeguarded where possible and this could be achieved by having a larger lightwell to the application site, allowing more daylight into the lightwell at 10 Rochester Row. A mirrored lightwell approach is not an unreasonable expectation. Without any revision the application should be refused.

HIGHWAYS

- Residents' parking is already overstretched in the area, the development will exacerbate this.
- The cycle store is only accessible by lift or stairs – cyclists would have to go through 3 doors and dog leg corridors.
- Waste storage – the ground floor holding area is inadequate and would lead to rubbish being left on the street for long periods, the area appears inadequate for wheelie bins.

LAND USE

- The retail unit is out of place.
- No demand for more flats given the other developments in the area.

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2

- The existing building would be perfectly suited to office users if it was refurbished.

OTHER

- The area has been subject to ongoing development for many years; additional development here will impinge upon quality of life due to noise/dust/disturbance from building works.
- The basement excavation would cause huge disruption.
- Construction management plan is poorly considered.
- Previous applications have been refused or withdrawn due to opposition from local residents.
- Inadequate consultation by developer and council
- Purchasers of property built after the planning appeal decision would not expect Townsend House to be demolished.
- There is no community benefit associated with the development.
- ITC properties purchased the site speculatively for profit on the basis of demolition and redevelopment, not thought has been given to re-use of the building.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site occupies a prominent position at the junction of Rochester Row, Greencoat Place, Greycoat Place and Artillery Row. It adjoins a large 9 storey apartment block known as Ten Rochester Row to the south. The application site itself is a building of ground and three upper floors, with elevations to Rochester Row, Greencoat Place and Greycoat Place. The building dates from 1924 – 1926, designed by Wills and Kaula. For some time it was the headquarters of the ‘Girls Friendly Society’, a charity set up to support girls and young women – still functioning today though the offices are in the City of London. Townsend House derives its name from Mary Townsend, the founder of the charity.

The site is located within the Core Central Activities Zone, the Victoria Opportunity Area, and is outside of any designated Conservation Area, although the boundary of the Westminster Cathedral Conservation Area runs along the rear of the site to Greencoat Place, and the Vincent Square Conservation Area lies to the south.

There are several listed buildings in the vicinity including Grade II listed Greycoat Hospital Upper School building, the former Westminster Fire Station (Grade II), Artillery House and Westminster Palace Gardens.

The surrounding area is largely comprised of residential and office buildings, along with some retail at street level. The Greycoat Hospital school is located to the east of the site on Greycoat Place.

6.2 Recent Relevant History

Application site

A similar application for the redevelopment of the site with a building of basement, ground and six storeys was withdrawn in December 2018: The application included a restaurant at ground floor, offices at upper floors, along with 5 flats and off street parking. There was significant objection from local residents to the loss of the existing building, the impact of the new building on the setting of nearby listed buildings and conservation areas, issues of detailed design, bulk and height of the new building, impact on amenity, along with land use issues largely relating to the restaurant, and highways objections primarily in relation to the positioning of the crossover to access the car park.

Prior to the withdrawn application, the most pertinent history is an application for the redevelopment of both the application site and the former car park at 10 Rochester Row adjacent.

On 11 June 2001, an application was refused for the redevelopment of Townsend House and Emanuel House to provide a part seven/part nine storey building to comprise 26 residential units, office space, retail, basement car parking and associated plant.

The application was refused on 3 grounds – i) the loss of Townsend House itself; ii) the height, bulk and detailed design of the new building and its effect on the surrounding townscape and upon the setting of the Greycoat Hospital Upper School building and iii) the mix of residential units.

At the subsequent public inquiry, the parties agreed that some amendments to the application dealt with the third reason for refusal (mix of units) which had the effect of reducing the number of residential units to 22.

In relation to the first reason for refusal – the loss of Townsend House – the Inspector commented that *“because the building is not listed and is not in a Conservation Area it enjoys no statutory protection and, as the appellants point out, no consent is needed for its demolition. It could therefore be removed at any time regardless of the outcome of this appeal... I consider that this particular reason for refusal cannot be sustained.”*

The Inspector, however, considered that the proposed replacement building was not appropriate and found that it would have an unacceptable impact on the character and appearance of the area and would harm the setting of the Grade II listed Greycoat Hospital School.

10 Rochester Row

In 2005, permission was granted for the *“redevelopment of office block, multi-storey car park and petrol filling station to provide a nine storey building plus basement comprising retail and office uses (Class A1, A2 and B1) at ground floor level with 56 residential units on the upper floors and 40 car parking spaces at basement level”*. This scheme (with

some subsequent variations) was built out, and now forms Ten Rochester Row, the large building sharing its northern boundary with the rear of Townsend House.

7. THE PROPOSAL

It is proposed to demolish Townsend House and construct a replacement building comprising basement, ground and five upper floors with screened plant at roof level. The ground floor will comprise a retail unit, along with the office and residential reception areas. The basement contains refuse storage, cycle storage and plant. The first to fourth floors comprise Class B1 offices, and finally there are 2 x 3 bedroom residential units at fifth floor level

8. DETAILED CONSIDERATIONS

8.1 Land Use

A summary of the existing and proposed floorspace by use is provided below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Offices	2108	2813	+705
Residential	0	663	+663
Retail	0	148	+148
Total	2108	3624	+1516

Offices

The proposed offices are located at first to fourth floors, accessed from the entrance on the junction of Greycoat Place/Rochester Row. The floorplates are large and well suited to office occupiers. The quantum of office floorspace is increased by 705 square metres GIA.

Objectors make the point that the existing building could be refurbished to provide modern office accommodation. Whilst this may be feasible, a refurbishment option is not the application before the City Council for determination and it should be noted that the structural composition with internal supporting columns and a smaller floor to ceiling height than is common with modern offices would provide a different type of internal environment than would be achieved by a redevelopment.

Policy S4 relates to the Victoria Opportunity Area. One of the main aims within Opportunity Areas is to provide growth in the form of new jobs and dwellings, and to 'maximise opportunities that exist for redevelopment, retail, employment provision, creating a more vibrant mix of uses...'. S18 reiterates that Core CAZ is the priority area for commercial growth. The provision of additional office accommodation within the

Core CAZ and the Victoria Opportunity Area is supported by Policies S4, S6, S18 and S20 of the City Plan and by London Plan Policy 4.2.

Mixed use policy

Policy S1 of the City Plan aims to secure a mix of uses within the Central Activities Zone. It requires the provision of residential floorspace where certain floorspace thresholds are met for additional office accommodation.

In this case, part 3(b) of policy S1 applies, which states that where the net additional floorspace (of all uses) is between 30% and 50% of the existing building floorspace, and more than 400sqm, residential floorspace or an equivalent payment in lieu will be provided, equivalent to the net additional B1 office floorspace less 30% of the existing building floorspace.

The net additional B1 floorspace here is 705 square metres GIA. The proposal is required to provide residential floorspace on site equivalent to the net additional B1 office floorspace less 30% of the existing building floorspace. As such, 72.6 square metres is required to be provided. The proposals include two residential units with a GIA of 663 square metres, exceeding the residential floorspace required under policy S1.

Retail

Policy S6 identifies the Core CAZ as an appropriate location for a range of commercial and cultural uses, whilst S4 (Victoria Opportunity Area) encourages mixed use development with active frontages at ground floor. Policy S21 states that new retail floorspace will be directed to the designated Shopping Centres. In terms of the UDP, saved Policies SS4 and SS5 are relevant. SS4 requires developments within CAZ to include 'shop type premises' at street level, and should provide the same amount of retail floorspace as was there before. SS5 relates primarily to protecting Class A1 retail within the CAZ, and restricting the introduction of non-A1 uses at street level, basement and first floors.

The application includes a retail unit at ground floor, accessed from the corner of Greencoat Place/Artillery Row. The current building presents a rather blank and unengaging façade at street level and the inclusion of some animation through the proposed retail use is welcomed. The retail unit comprises approximately 148 square metres GIA, and is considered to be an appropriate size and will contribute towards the aim of providing active frontages within the Core CAZ and the Opportunity Areas.

Residential

The proposals include 2 x 3 bedroom flats on the top floor of the building, designed to comply with the national space standards and those set out in the London Plan. There is a separate residential entrance from Greencoat Place, the units being accessed via lift or stairs from the ground floor lobby. Refuse storage and cycle storage is located at basement level. Both flats are dual aspect.

No amenity space is proposed. Whilst amenity space for new flats is encouraged, it is considered that the provision of roof terraces in this location would cause additional

harm to the amenity of residents at 10 Rochester Row adjacent and on this occasion the flats are considered acceptable without the provision of terraces.

The flats are mechanically ventilated, although windows will be openable. The mechanical ventilation heat recovery units are ducted to outside (rooftop) for the supply of fresh air which is then filtered. Environmental Health officers require further information regarding the overheating strategy. It is considered this aspect can be effectively dealt with by condition as set out in the draft decision letter

The size and configuration of the residential units is acceptable and is in accordance with City Plan policies S1, S14 and S15, saved UDP policies H3 and H5 and the London Plan.

8.2 Townscape and Design

Architectural, historic and townscape significance

Townsend House is an unlisted inter-war building forming the southern side of the junction between Greycoat Place, Rochester Row, Greencoat Place and Artillery Row. It does not fall within a conservation area, but lies immediately east of the Westminster Cathedral Conservation Area, and close to the boundaries of the Broadway and Christchurch Gardens Conservation Area, Peabody Estates (South Westminster) Conservation Area and the Vincent Square Conservation Area.

The Greycoat Hospital School to the east of the application site is a Grade II listed building, as is Artillery House to the north (fronting Artillery Row). In 2001 an appeal Inspector found that the application site contributed positively towards the setting of the Greycoat School as a listed building.

Situated a number of streets to the west, but in fact only around 250 metres away ('as the crow-flies') is the Grade I listed Westminster Cathedral. Due to the height of its campanile tower it is visible from Greycoat Place over the roof of the application site; this viewpoint is not within a conservation area but is nevertheless one of the townscape views demonstrated by the applicant's submission. It is a brief and incidental view rather than a designed view. The campanile was designed to project the presence of the Cathedral generally over a wide area, resulting in a large number of such views – brief and impressive but with no real specific 'design' to each viewpoint, nor with any order or sequence as one approaches the Cathedral. As such, whilst all views of it should be considered to be valuable to the appreciation of the significance of the Cathedral, this is more of a collective and cumulative matter – each view should be preserved if it can, but is by no means sacrosanct.

The existing building is built of brick and stone over four storeys, the top floor being set within a double-mansard covered with clay pantiles pierced by regular spaced flat-topped dormer windows. It is a carefully proportioned and detailed neo-Georgian building built in 1924-26 to a design by Wills and Kaula, a firm of some note from that period.

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2

The building was built as the offices for the Girls' Friendly Society, a notable charitable movement for the care and education of working class girls and young women between the late 19th century and the present day. The building's role in women's history is an added component of the building's historic significance deserving consideration by this application. However, the apparent lack of intact interiors severely limits the understanding of this history beyond a documentary record that this was its originally intended use. Due also to the removal of plaques externally noting this history, no visual evidence remains that it was anything other than a well-designed office of the interwar period.

The existing building is not considered to be of sufficient architectural or historic significance to satisfy national listing criteria for this period and type of building. No suggestions that it should be nationally listed have been received from the principal heritage objectors (the Twentieth Century Society and Historic England), despite substantive submissions from each. No nominations have been submitted to Historic England to request its assessment for listing, and as such it may be safely presumed that these objectors are accepting that the building is not listable.

Whilst not explicitly designated in any way, either nationally or locally, the existing building is nevertheless considered to be of sufficient architectural quality that it should, under the terms of the NPPF, be considered to be a 'non-designated heritage asset' in its own right. This means that the preservation of its architectural or historic significance should be carefully considered and given weight as part of any development proposals affecting it.

The surrounding area is very mixed in character, but with a noticeable change in the scale of buildings between Artillery Row and Greycoat Place. That scale then varies again further south and to the west of the site. The layout of streets is jumbled and consists mainly of narrow side streets leading off secondary routes such as Artillery Row, Greycoat Place and Horseferry Road which connect in turn with Victoria Street to the north, and more distant with Millbank to the south. Greycoat Place itself is a complex junction of five streets, and acts as a gateway between the larger scale of buildings to the north, and the lower scale buildings to the south. Buildings are also very mixed, in date, style, size and function. There is a good proportion of higher quality buildings of all dates, with a general material prevalence of brick, intermixed with terracotta and stone.

Legislation, policy and guidance

When determining applications affecting the setting of a listed building, or for development within a conservation area, the decision-maker is required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard / attention to the desirability of preserving the setting of the listed building, and of preserving or enhancing the character and appearance of the conservation area. Section 66 is relevant to this case in that it has been identified that the site falls within the setting of a number of nearby listed buildings. Section 72 does not apply in this case as the site is not within a conservation area; there is no statutory duty to consider the setting of a conservation area.

Sections 12 and 16 of the NPPF (2018) require that great weight be placed on design quality and on the preservation of designated heritage assets (listed buildings and conservation areas) including their settings, and also that weight is given to the preservation of undesignated heritage assets. This means that harmful proposals should only be approved where the harm caused would be clearly outweighed by the benefits of a scheme. This should take into account the relevant significance of the affected assets, and the severity of the harm caused.

Locally, UDP Policies DES 1 (urban design / conservation principles), DES 4 (infill development), DES 9 (conservation areas) and DES 10 (listed buildings) apply to the consideration of the application proposals, whilst S26 and S28 of the City Plan provide the strategic basis for the application. Relevant London Plan (2016) Policies include 7.4 (Local Character), 7.6 (Architecture), 7.7 (Location and design of tall and large buildings), and 7.8 (Heritage assets and archaeology). There is no adopted Neighbourhood Plan for this part of the city.

Objections relating to design, heritage or townscape issues

Significant objections have been received in response to the application, including on the grounds of the loss of the existing building, and also in relation to the proposed replacement building's design and scale. This includes concerns raised by Historic England in relation to the loss of the existing building and to the loss of views of the Cathedral Campanile.

A more overt objection has been received from the 20th Century Society, who seek the retention of the existing building, and assert that its loss, and the scale / design of the new building remains harmful to the setting of nearby listed buildings and conservation areas.

A substantial neighbour objection, produced by a Heritage Consultant, has also been submitted on behalf of the residents of 10 Rochester Row. Many of the points raised by these objections are noted and are not in themselves disputed, but it is considered that the conclusions made fail to give the necessary *great* weight required by the NPPF to the potential contribution of high quality new architecture. This is a critical perspective on these proposals, and must be carefully weighed against the significance of the existing building.

The existing building *is* considered worthy of preservation in its own right, but not at the cost of a potentially greater quality of new building. Townsend House is a good building with an interesting history, but it is not 'distinguished' or one of the best examples of the architects' work as is claimed by the objectors. Nevertheless it remains correct that, if a suitably meritorious new building is not proposed, then the existing building should be kept. If the council believes that this requirement is not met, and that other planning benefits do not then outweigh the remaining harm caused, then permission should indeed be refused.

Much of the focus of the submitted objections has been to refer back to a now somewhat dated council refusal and subsequent dismissed appeal for the site's redevelopment from 2001 in which the Inspector found that the loss of Townsend House harmed the setting of adjacent listed buildings and conservation areas, and that the new design

harmed those settings. Whilst this decision continues to carry some weight, this is limited by a number of factors. Firstly, that scheme was for the redevelopment of the whole block, including Emanuel House and what is now 10 Rochester Row; it would have produced a much bigger building, both in height and volume. 10 Rochester Row has subsequently been separately re-developed, producing the tall flank wall now referred to by the applicants – the backdrop of the application site has changed significantly as a result. Secondly, the proposed design in 2001 was very different to that now proposed, despite the use of the same firm of architects, being based on a steel and glass façade which undoubtedly was less contextually relevant to the area than the existing building. Thirdly, the planning regime has significantly changed in the intervening 18 years, most particularly in relation to the adoption of the NPPF in 2012.

Whilst some of the main issues raised the appeal remain relevant, including the loss of Townsend House and the scale of the new building, it is considered unreasonable to suggest that there has been no response by the applicant to the issues raised by the appeal, and it is considered that the current proposals and site context are sufficiently different to the 2001 appeal scheme to enable a decision to be made today without being unduly led by the findings of the Inspector at that time.

Design, heritage and townscape impacts

The application proposes to demolish Townsend House in its entirety, and to replace it with a new, larger building. This evidently results in the total loss of the building's architectural and historic significance as a non-designated heritage asset, and would remove the positive manner in which it currently contributes to the local townscape including the setting of adjacent conservation areas, and to the setting of nearby listed buildings.

The proposed new building would be notably taller than the existing, standing at six storeys (compared with the existing four), plus a set-back plant enclosure. This would be slightly but not noticeably taller than the adjacent 10 Rochester Row, and lower in height than the larger scale buildings on the northern side of Artillery Row, including some which are listed buildings. Notably it is two storeys lower than the 2001 appeal scheme, which would have risen to 8 storeys. The proposed increase in vertical scale from the existing four storeys would alter the visual prominence of this corner in views along Artillery Row and Greycoat Place. The new building would relate more to the scale of the developments which characterise Artillery Row, extending this somewhat southwards towards the lower scale of Greycoat Place.

This is however a very mixed area, and includes buildings of a wide range of scales and styles. Whilst this added scale would not be insignificant, it would equally not be such that it would notably change the character of the area, it would simply reshape one (albeit prominent) corner, and would sit somewhere between in scale between those to the north and those to the south. Significantly, since the 2001 appeal this context has changed with the addition of 10 Rochester Row, which rises to 9 storeys – the proposed scale of the new building would help conceal this somewhat abrupt flank wall – whilst not a reason to approve the demolition of the existing building in itself, this is a point worthy of consideration in the overall balancing exercise.

Whilst a small positive of the scheme would be the moderating effect it would have on the somewhat more bluntly designed 10 Rochester Row, more importantly the added height would cause the view of the Cathedral Campanile from Greycoat Place to be lost. This would delete one of a number of such incidental views which contribute positively towards the quality of the local townscape, and which extend the architectural and perhaps social reach of the Cathedral around the local streets. However, this view is considered to be of low contributory significance to the overall architectural and historic significance of the Cathedral and its surrounding conservation area; it is a pleasant but not individually important townscape view for this part of the city.

The quality of the design of the new building is considered to be significant, and is by a well-proven and highly influential firm of architects. Proposed to be built of a natural red sandstone, the building's architecture is based on a simple grid of sculpted masonry columns and metal spandrels, set between a firm base at the ground floor, and a neatly defined and carefully articulated top (fifth) floor. Windows would project to align with the masonry façade, but from within a recess between the columns, such that they would add further visual interest and detail to the building's curved facades. The building's design is carefully crafted but subtle in character, and its composed solidity and detail would sit comfortably amidst the smart but very varied architecture of the surrounding area. It is considered that it is architecturally capable of adding to the character of the area despite its consequent loss of the existing building.

Summary

It is considered that the loss of the existing building, and the loss of the view of the Cathedral Campanile from Greycoat Place are regrettable impacts, but nevertheless the proposed new building is of sufficient architectural merit in its own right to outweigh that harm. This design quality also generally moderates the townscape impacts of the larger scale and bulk of the new building, but some impacts do remain, including to the setting of the adjacent Greycoat Hospital School as a listed building.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use. Policy ENV 6 seeks to protect noise sensitive properties from noise disturbance. Objectors are very concerned that the extension will result in loss of daylight and sunlight, and will be overbearing.

Sunlight and Daylight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant, Delva Patman Redler, has carried out the necessary tests using the methodology set out in the BRE guidelines on

residential properties surrounding the site. The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution (no sky line) available to windows in these properties. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90 degrees of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight.

The properties tested for daylight and sunlight levels comprise:

- Ten Rochester Row
- Greencoat Boy PH
- 4-16 Artillery Row
- 15 Greycoat Place
- Artillery Mansions (part)
- Greycoat Gardens
- Rochester House (33 Greycoat Street)

There are no material impacts upon the daylight or sunlight received by residential windows in the majority of residences surrounding the site. However, where there are material impacts, these are substantial and are set out below.

Ten Rochester Row

There is a large central lightwell to 10 Rochester Row, which is open to the southern boundary of Townsend House. The lightwell is covered by a glazed atrium up to 3rd floor; from 4th to 6th floors the lightwell is open to the elements. There are residential windows to the east elevation of the lightwell at 4th, 5th and 6th floors. To the eastern elevation, the windows serve open plan living/kitchen/dining spaces, which also each have a window to the Rochester Row elevation. To the west elevation of the lightwell, there are two windows to each flat at 4th, 5th and 6th floors – one serving a hallway and the other serving a second bedroom or study. The windows to the bedrooms/study have an unusually open aspect given their location in a lightwell and having a relatively open view over the application site; they receive a very good level of light for an urban location. The main reception rooms and master bedroom to these 2-bed flats look out over Greencoat Place.

The daylight and sunlight assessment sets out the following impacts on VSC and daylight distribution to the windows described above:

Floor	Room use	Window ref	Existing VSC	Proposed VSC	% loss VSC	% loss daylight distribution
4	Living/kitchen	W2	18.82	6.27	66.7%	1.05%
5	Living/kitchen	W2	22.4	10.36	53.74%	2.28%
6	Living/kitchen	W2	27.08	18.54	31.51%	3.83%
4	Bedroom	W4	20.31	6.23	69.33%	83.18%
5	Bedroom	W4	24.36	10.27	57.86%	66.59%
6	Study/bedroom	W4	29.07	18.36	36.84%	45.84%

Whilst there are material losses of light to the lightwell windows to the living/kitchen/dining areas at 4th to 6th floors, these rooms also have an outlook over Rochester Row and the overall daylight distribution is not materially affected.

The main issue here is considered to be the impact on those single aspect second bedrooms/studies at 4th to 6th floors.

Greencoat Boy PH

The affected windows are located in the second floor flat above the pub. There is a loss of VSC and daylight distribution to three windows facing the application site.

Floor	Room use	Window ref	Existing VSC	Proposed VSC	% loss VSC	% loss daylight distribution to room
2	Unknown	W2	16.32	11.85	27.39%	22.73%
2	Unknown	W3	18.24	11.29	38.11%	63.6%
2	Unknown	W4	20.39	11.91	41.57%	65.76%

There is also a material impact upon the amount of sunlight received by windows W3 and W4 at second floor.

Other buildings

Occupiers of both 10 Artillery Row and Greycoat Gardens have objected on the basis of a loss of daylight, the analysis undertaken by the applicants daylight surveyor shows that there are no material impacts either in terms of VSC or daylight distribution. In terms of sunlight there is an impact to the amount of winter sunlight received to 7 windows at first to third floors of 10 Artillery Row. Four of these windows have other large window panes to them which are not affected. Of the three remaining affected windows two retain reasonable winter sunlight levels above the 5% referenced in the BRE guidance. One window at first floor would receive 3% of the available sunlight hours in winter, the recommended level being 5%.

The daylight consultants acting for affected residents at 10 Rochester Row suggest that a reasonable approach would be to provide a similar lightwell within the redeveloped Townsend House, mirroring the lightwell in 10 Rochester Row. The applicants state that to do so would strike through the lift/stair core areas and render the upper floors unviable. The applicants have provided an indicative massing diagram to show the

volume of building that would need to be removed to achieve compliance with the BRE guide, showing the loss of just over one third of the 4th to 6th floors to the Rochester Row frontage. A large chunk of the building removed in this location would not be acceptable in urban design terms, but it does serve to demonstrate that it would be difficult to develop this site any higher without some impact on daylight to the lightwell windows at 10 Rochester Row.

Notwithstanding the above, the City Council needs to assess the proposed scheme and whether the impacts on daylight/sunlight are within acceptable limits. In terms of the retained levels of VSC, all the affected windows, whilst experiencing significant losses, retain VSC levels typical of a densely developed urban location. If the application site is to be developed to a height and bulk similar to its context, then some degree of light loss, particularly to those lightwell windows is inevitable. Had the daylight loss to the lightwell windows been to the principal living areas, then it is unlikely the proposals would be considered acceptable. However, given the affected windows are second bedrooms and studies, it is not considered that these can be afforded the same level of protection as living rooms (as referred by the BRE guide).

The degree of impact to sunlight is considered to be within reasonable limits given the density of development in the area. In terms of winter sunlight in particular, given the low angle of the sun in the sky, it is very difficult to develop in an urban context without some degree of impact to winter sunlight. Given the majority of windows retain reasonable levels, it is not considered that the proposals result in an unacceptable impact in this respect.

On balance, the application is acceptable in terms of its impact on the daylight and sunlight received by surrounding residential windows.

Sense of Enclosure

Residents immediately opposite the site on Greycoat Gardens and Artillery Row, as well as those with views into the lightwell at 10 Rochester Row are very concerned over a sense of enclosure (and consequent loss of view) as a result of the height and bulk of the proposed building. Townsend House by virtue of its height and bulk lends a relatively open aspect to many flats in the area as it is a relatively low rise building at a junction over which many residential windows have views.

The proposed building is a substantial increase in height compared to the existing Townsend House. It is, however, comparable with other nearby examples on Rochester Row, Artillery Row and Greencoat Place and in terms of other buildings in the immediate area, it would not be unusually tall. Notwithstanding the conservation and design considerations of the replacement of Townsend House, it is reasonable to expect a new building to be of a similar height to its closest neighbours, certainly in terms of considering what a reasonable impact would be on daylight, sunlight and sense of enclosure to affected windows.

The new building will change the outlook of many residential windows; however given that it is a comparable height to others in the vicinity and that there is a full street width between the buildings, it is not considered that the proposed building height and scale would result in a degree of 'enclosure' to those windows opposite the site which is unacceptable in an urban context.

Turning to the impact upon the lightwell windows at 10 Rochester Row, the objections are well understood and the change to outlook will be extreme. However, it is pertinent to note that these are lightwell windows which also ‘borrow’ light and outlook from the space above Townsend House, and are not serving as main windows to living areas. Whilst the degree of enclosure experienced by the lightwell windows is regrettable, it is not considered that a reason for refusal on amenity grounds could be sustained in this location.

Privacy

There are no proposed windows facing the lightwell with 10 Rochester Row. The windows facing the street elevations are at least a full street width away from any other residential windows and are therefore at a distance where one may reasonably expect there to be windows in a building opposite. In this respect the application is acceptable.

8.4 Transportation/Parking

Car parking

UDP policies TRANS 22 and TRANS 23 set out the City Council’s standards for car parking across different land uses.

No car parking is proposed on site for either commercial or residential uses.

Whilst the Highways Planning Manager raises no objection to the commercial uses having no parking; he does not consider that this is appropriate for the residential element given that the City Council’s most recent on-street occupancy surveys show that the streets surrounding the site are near saturation point for legal on-street spaces both overnight and during the day and overnight – our most recent surveys indicate 77% respark bay occupancy overnight and 80% during the day. Policy TRANS23 expects that where appropriate and practical, off street parking is provided on the basis of a maximum provision of one space per unit of 1-2 bedrooms, and a maximum of two spaces for dwellings with three or more bedrooms. The aggregate provision should not exceed more than 1.5 spaces per 3+ bedroom dwelling. Applying these standards to the development would generate a requirement for a maximum of 3 spaces.

It should be noted that these requirements are maximum figures. The previous application included a crossover on Greencoat Place to an off street car parking bay (stacker system). Officers did not consider it appropriate in terms of highways safety to allow a crossover for vehicular access from Greycoat Place and there were not considered to be any other locations where it would be reasonable or safe to provide off street vehicular access. As such, it would be unreasonable to expect there to be any off street parking on site for this building containing just two residential units.

TRANS 23 does allow for alternative provision where it is accepted no car parking can be provided on site. Whilst no alternative locations for off street parking have been offered, the applicant has agreed to provide car club membership for occupiers of the flats (at no cost to residents) for a minimum period of 25 years.

Given that there are only two residential units proposed, and the site is very accessible by public transport, it is considered on this occasion that the car club membership for

residents of the flats is considered sufficient to overcome the concerns of the highways planning manager.

Servicing

Policy S42 deals with servicing, seeking to ensure that developments are managed in a way that minimises adverse impacts on the highway. TRANS20 requires convenient and safe access to premises for servicing, and generally requires that servicing is undertaken off street.

As discussed in the car parking paragraphs above it is not considered appropriate to provide any vehicular crossovers on the highway outside this site. As such, the building is proposed to be serviced from the street in line with existing single yellow line restrictions on either side of Greycoat Place. There is a holding space within the building at street level for the delivery of goods, and for the temporary storage of refuse before being left on the street for collection. On balance, the highways planning manager considers this arrangement acceptable. It is recommended a delivery and servicing management plan is secured by condition. The highways planning manager is concerned that the version submitted with the application contains insufficient detail; an informative will set out what is required by the SMP.

Cycle storage

London Plan policy 6.9 requires 1 space per 1 bedroom unit and 2 spaces for all other dwelling sizes, 1 space per 175 square metres of retail use and 1 space per 90 square metres of office use. Using this formula, 4 spaces are required for the residential units along with 31 for the offices and 1 for the retail. The basement layout shows 38 spaces for non residential uses and 4 for the flats. The storage is acceptable.

8.5 Economic Considerations

The economic benefits generated by the provision of new office, retail and residential accommodation are welcomed.

8.6 Access

The development would be fully accessible to those with disabilities, with level access to all buildings proposed as part of the scheme in accordance with saved policies TRANS27 and DES1 of the UDP.

8.7 Other UDP/Westminster Policy Considerations

Noise/plant

Environmental Health officers are satisfied that the plant is capable of complying with the City Council's noise standards; residential units must also be constructed to achieve the relevant internal noise standards as set out in Policy ENV6 and ENV7 of the UDP. Appropriate conditions are attached to the draft decision notice.

Refuse /Recycling

Policy ENV12 requires the provision of suitable facilities for waste storage and recycling in new developments. Refuse storage is provided at basement level, with an internal holding area at ground floor before the bins are put on the street for collection. Appropriate conditions to secure the arrangements are attached.

Sustainability

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

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

City Plan Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The applicant has submitted an energy strategy setting out the measures incorporated into the proposed development in the context of sustainable design principles.

In terms of addressing the GLA's 'energy hierarchy', the applicant commits to maximising the energy performance through passive measures within the design including insulation and high performance facades to the new build.

The energy strategy has explored various options for the use of renewable technologies. It is proposed to use an array of photovoltaic panels at roof level as well as air source heat pumps. If the measures described above are implemented, then the applicant states there will be an overall carbon saving of 25% over baseline carbon emissions per year. The development fails to achieve the target set out in the London Plan. Policy 5.2 of the London Plan states:

“The carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere”.

It is therefore appropriate in this case to secure a carbon-offset contribution which is based on a shortfall of 13 tonnes of CO₂ per year for a period of 30 years at a rate of £60/tonne as set out in the London Plan. This equates to a contribution of £24,085. This will need to be index linked and payable on commencement of development.

The development is targeting BREEAM 'excellent'.

Air Quality

The applicants have submitted an air quality assessment. It identifies short term impacts from construction (dust/particulates) which can, to a degree, be managed. In the longer term, the impact of energy plant emissions is likely to be negligible. Environmental Health officers are satisfied with the conclusions of the report and as such the development is in line with policy S31 which seeks to minimise static and traffic based sources of air pollution in developments.

Employment and skills

The City Council published an interim guidance note in May 2019 on the interpretation of policy S19. Policy S19 contains scope for financial contributions collected through Section 106 agreements to be used to secure the aims of the policy. Financial contributions will be used to support the Westminster Employment Service and will address the limitations highlighted above by:

- Helping residents access a wide range of opportunities in a range of employment sectors. For example, retail, hospitality, facilities management connecting to the end use of a development.
- Supports developers to deliver their agreed targets through a service with a proven track record. In the past 2 years the Westminster Employment Service has delivered over 1500 jobs for Westminster residents.

The note sets out how contributions will be calculated according to the type of development proposed. In this case, the commercial floorspace (office and retail uses) attracts a contribution of £95,966 to which the applicant has agreed.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and closed in December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

There is no neighbourhood plan adopted for this area.

8.10 London Plan

This application raises no strategic issues; the relevant London Plan policies are referred to throughout the report.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive

response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions to secure the following:

- i) The applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development.
- ii) A written scheme of archaeological investigation.
- iii) A desktop study, site investigation, remediation strategy and validation report to assess the risk of contaminated land and how it is treated before development can begin.

The applicant has accepted the conditions.

8.12 Planning Obligations

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

The Council's own Community Infrastructure Levy was introduced on 1 May 2016. The Westminster CIL payable will be approximately £427,500 along with Mayoral CIL for Crossrail 2 (MCIL 2 introduced in April 2019) of £250,100. These figures are provisional and may be subject to any relief or exceptions which may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

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

- i) Carbon offset payment of £24,085 (index linked) to be paid on commencement of development.
- ii) All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, reinstatement of redundant vehicle crossovers and associated work (legal, administrative and physical)
- iii) A financial contribution towards employment, training and skills of £95,966 (index linked) payable on commencement of development.
- iv) Car club membership for residents (for a minimum of 25 years)

v) Monitoring costs.

Officers consider that these 'Heads' satisfactorily address City Council policies and the CIL Regulations subject to detailed resolution of the relevant trigger dates.

8.13 Environmental Impact Assessment

It is not considered that the proposal warrants an Environmental Statement (ES) under the EIA Regulations (2011). The applicant has submitted various studies relating to the principal environmental issues raised by the development including noise, archaeology, air quality, energy and recycling. The issues raised can reasonably be dealt with by conditions attached to the permission. The principal environmental effects requiring further clarification or work through conditions and mitigation are examined in the relevant sections of this report.

8.14 Other Issues

Archaeology

The site is within a Tier 3 archaeological priority area (Pimlico). In line with Policy DES11, an archaeological mitigation strategy has been prepared and agreed in principle with officers and Historic England. The archaeological investigation can be secured by condition.

Construction impact

Objectors have raised concern regarding the impact of the construction process on amenity and the local environment generally.

City Plan policy S29 requires projects which have significant local impacts to mitigate their effects during construction through compliance with the Code of Construction Practice.

The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. The new Code of Construction Practice was adopted in July 2016 and is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all major developments and schemes involving basement excavation. In recognition that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these, the Council's approach is for a condition to be imposed requiring the applicant to provide evidence of compliance with the CoCP before starting work. Compliance is monitored by the Environmental Inspectorate.

A condition is also recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as

the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

Basement

The proposals involve the excavation of a deeper basement than currently exists. The applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred.

The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Public art

Some objectors have raised the issue of a missed opportunity for public art on the north (party wall) façade of 10 Rochester Row which had been mentioned as an opportunity in a tender document written by the City Council around 15 years ago. This has no bearing on the appropriateness or otherwise of the principle of redeveloping the application site.

8.15 Concluding comments

City Plan policy S47 and the NPPF have a presumption in favour of sustainable development. As set out in this report, the application will involve the loss of an undesignated heritage asset and there will be some harm to the setting of the Greycoat Hospital School.

The benefits of the scheme include the provision of new office floorspace, 2 residential flats and a retail unit, all of which are strongly supported by the City Council's land use policies for the Central Activities Zone, Victoria Opportunity Area and policies supporting commercial growth (S1, S4, S6, S18, S19 and S20). The impact upon the amenity of neighbouring residents is finely balanced, but ultimately it is not considered that the application could reasonably be refused on the loss of daylight to non principal rooms facing a lightwell.

On balance, the application is acceptable in the context of the NPPF, the London Plan and Westminster's City Plan and UDP policies subject to the conditions and terms of the

Item No.
2

legal agreement set out in the recommendation and draft decision letter.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT lfrancis@westminster.gov.uk
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9. KEY DRAWINGS



View from Greycoat Place (existing above and proposed below)





Artillery Row view – existing (above) and proposed (below)

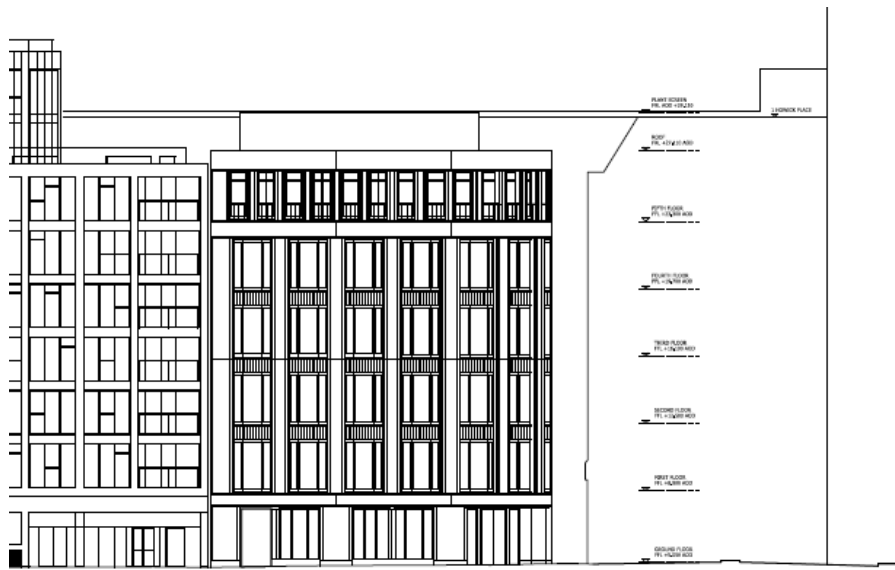




10 Rochester Row

Townsend House

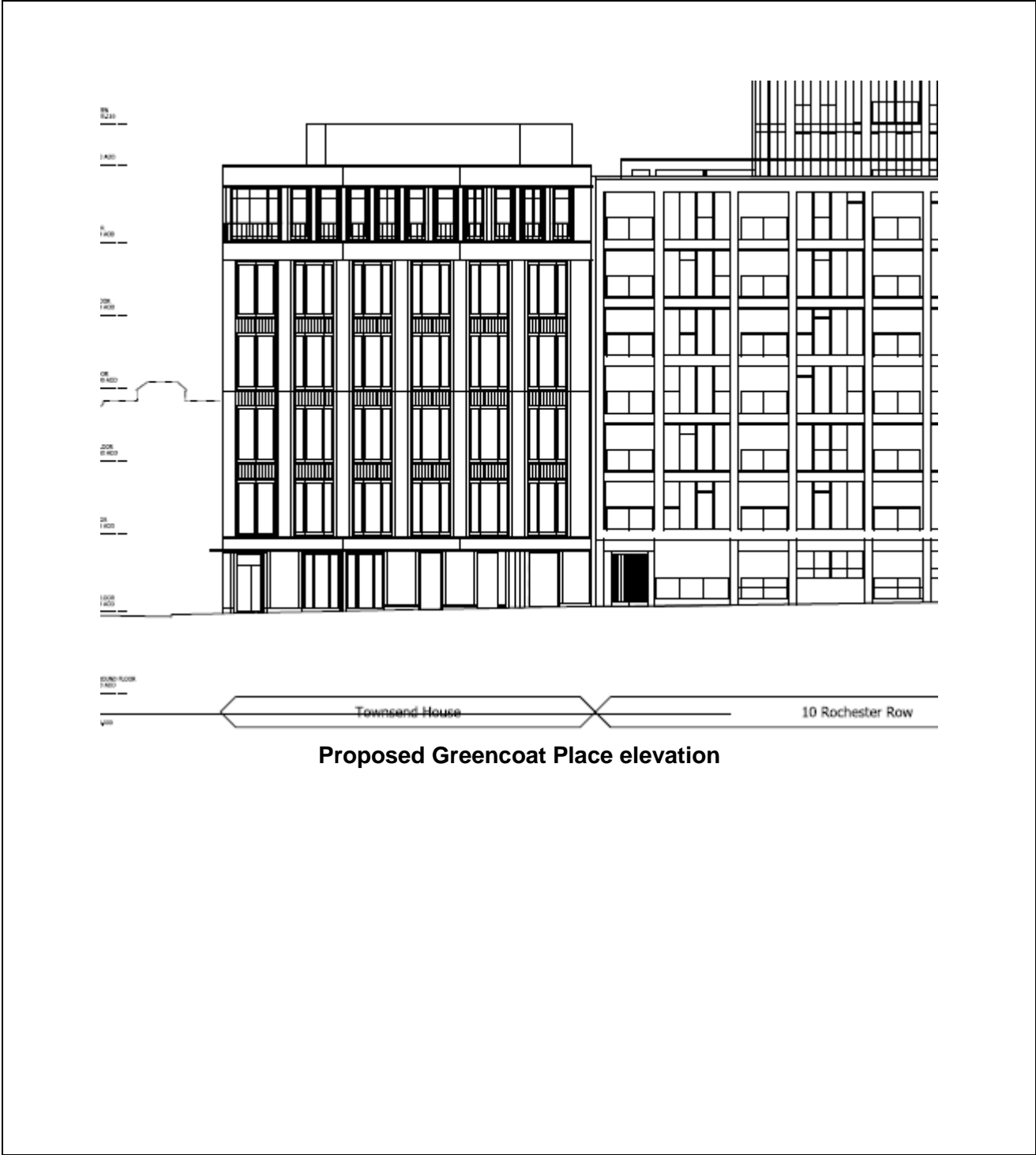
Existing Rochester Row elevation

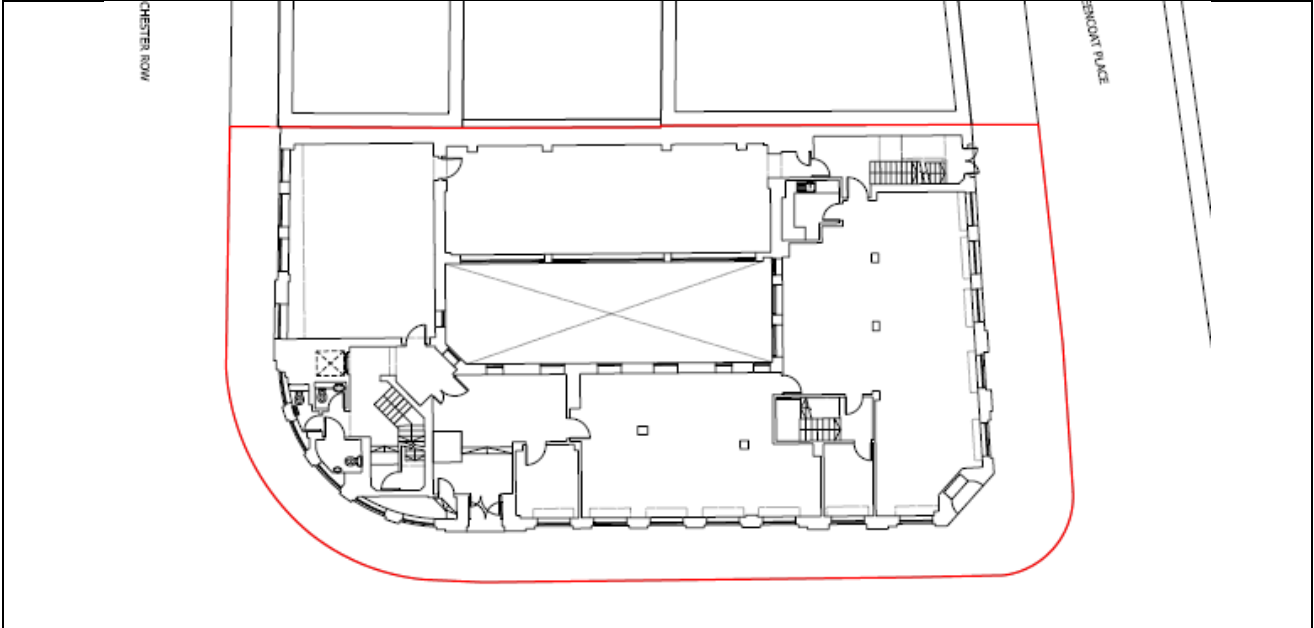


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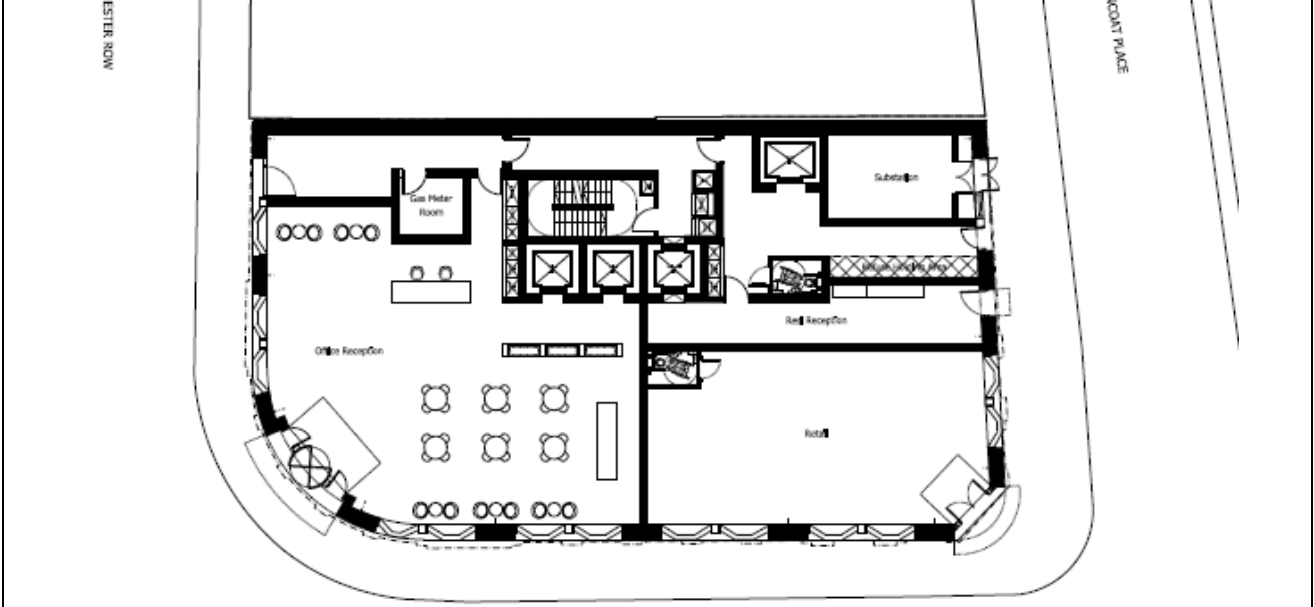
Townsend House

Proposed Rochester Row elevation



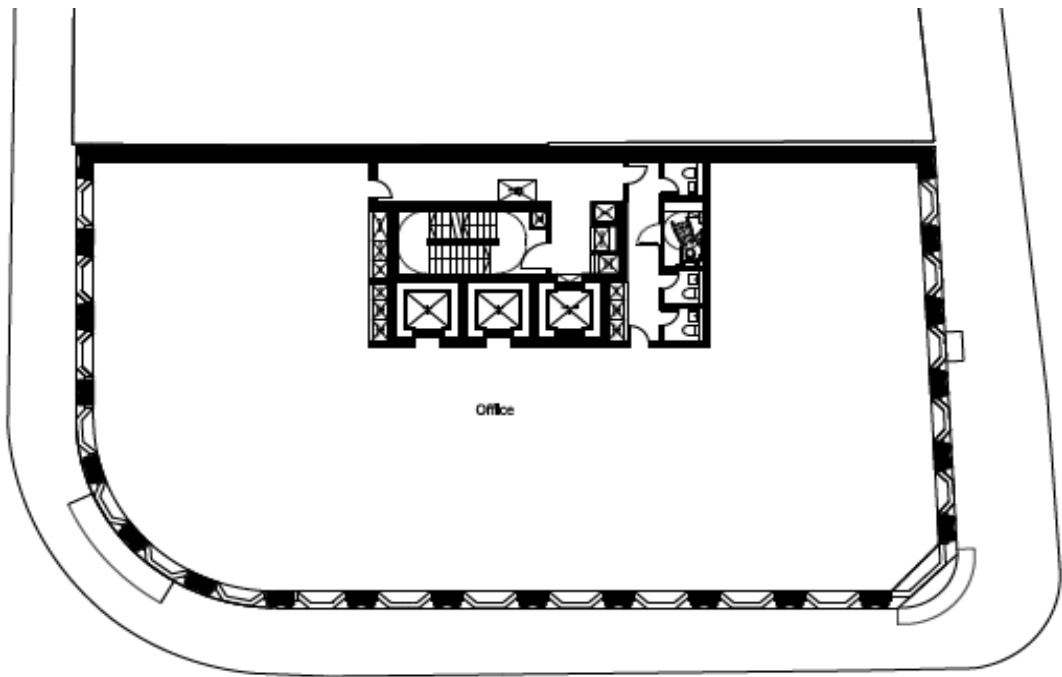
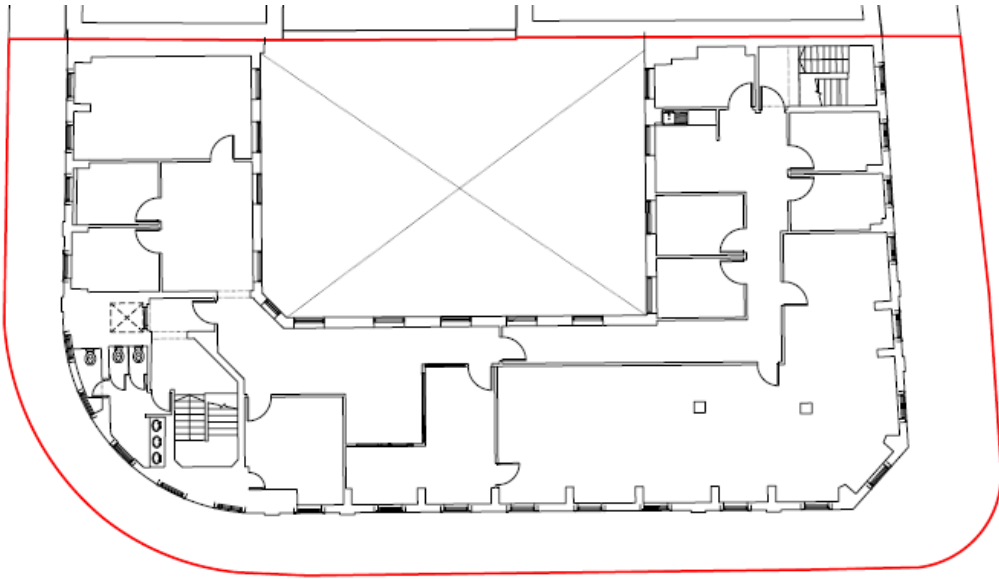


existing ground floor plan

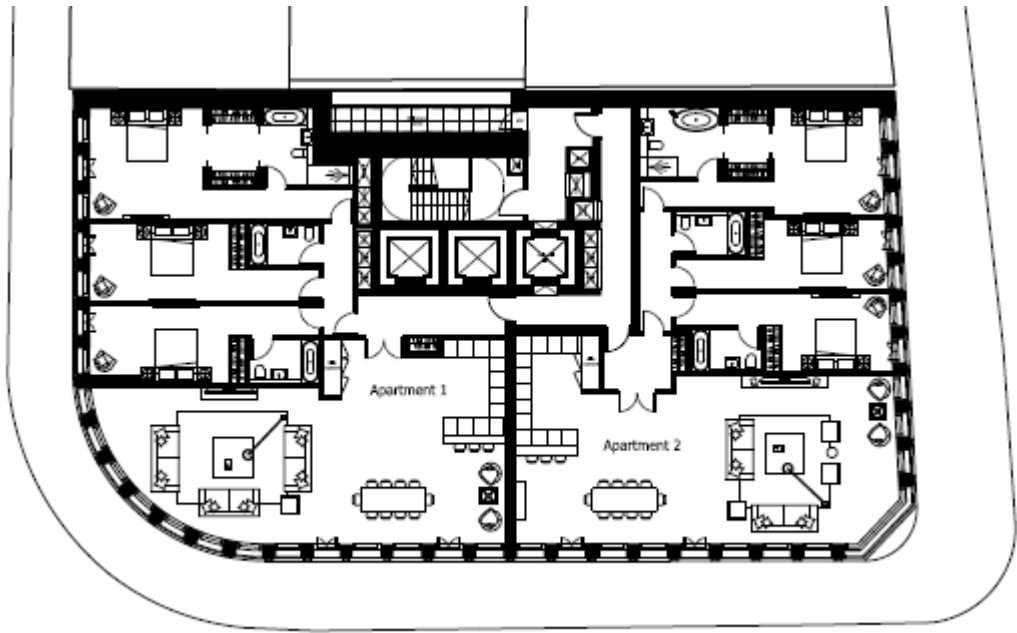


Proposed ground floor plan

Existing 3rd floor



Proposed typical office floor



Proposed 5th floor plan

DRAFT DECISION LETTER

Address: Townsend House, Greycoat Place, London, SW1P 1BL.

Proposal: Demolition of existing building and redevelopment to provide a building of basement, ground and five upper floors with plant enclosure at roof level, comprising a retail unit and office reception at ground level, offices at first to fourth floors and two residential (Class C3) units at fifth floor; ancillary plant, cycle and refuse storage at basement level.

Reference: 18/10755/FULL

Plan Nos: C645_P_AL_001; C645_E_E_001A; C645_E_N_001A; C645_E_W_001A; C645_P_00_001A; C645_P_B1_001A; C645_P_T1_001A; C645_P_05_001A; PRF_001A; C645_S_AA_001.

for information only: existing drawings; design and access statement (Squires, December 2018); Air Quality Assessment (Hoare Lea, revision 7 December 2018); Structural Methodology Statement (Heyne Tillett Steel ref 1759); Archaeological Assessment (Mills Whipp projects); basement impact review letter (RSK ref 371610 L01 (00)); daylight and sunlight assessment (Delva Patman Redler December 2018); Energy Strategy (Hoare Lea rev 04); Acoustic Report (Hoare Lea rev 04); draft servicing plan (Velocity); sustainability statement (Hoare Lea rev 05); Townscape and Visual Impact Assessment (Peter Stewart Consultancy December 2018 and March 2019); Transport Statement (Velocity December 2018); Planning Statement (DP9 December 2018); existing building report (Squire and Partners March 2019).

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

- 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).

3 Pre commencement condition

Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

4 Pre Commencement Condition.

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

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

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

- 5 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 Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records.

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)

- 6 (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 schedule of all plant and equipment that formed part of this application;
 - Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - Manufacturer specifications of sound emissions in octave or third octave detail;
 - The location of most affected noise sensitive receptor location and the most affected window of it;
 - 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;
 - 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;
 - The lowest existing L A90, 15 mins measurement recorded under (f) above;
 - Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - 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. (R46AB)

- 7 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. (R48AA)

- 8 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 6 and 7 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 9 (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. (R50AB)

- 10 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB

L_{Aeq} 16 hrs daytime and of more than 30 dB L_{Aeq} 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. (R49AA)

- 11 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB L_{Aeq} 16 hrs daytime and of more than 30 dB L_{Aeq} 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. (R49BA)

- 13 You must apply to us for approval of details of a ventilation strategy for the residential properties to mitigate against overheating. The ventilation scheme installed, with windows closed, to prevent overheating must show compliance to at least the Overheating Standard of CIBSE Guide A (2006), specifically; for living rooms, less than 1% of occupied hours are over an operative temperature of 28 degrees celcius; for bedrooms, less than 1% of occupied hours are over 26 degrees celcius. You must not start work on this part of this development until we have approved what you have sent us and you must carry out the work in accordance with the approved details, to be retained for the life of the development.

Reason:

To safeguard the amenity of the future occupiers of the properties, provide an appropriate living environment and ensure appropriate air quality in accordance with the aims of policies S29, S31 and S32 of the Westminster City Plan, November 2016.

- 14 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number C645_P_B1_001/A. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

Reason:

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

- 15 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

17 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)

18 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 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.

19 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

photovoltaic panels

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

Reason:

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

20 You must submit a written and photographic schedule of the proposed facing materials, cross referenced to the approved elevations, and where necessary with other conditions imposed on this permission, and including a record of samples / trial panels prepared on-site for our inspection. 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 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 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)

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

- a) Typical bay studies at 1:20, including windows, non-shop doors, canopy, stonework, exposed rainwater goods, and rooflines.
- b) Shopfronts at 1:20;
- c) Metal spandrels and railings at 1:10;
- d) Plant enclosure at 1:20.

All submitted drawings should be cross-referenced against the approved elevations, and where necessary with other conditions imposed on this permission. You must not start work on each of these parts of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the appearance of 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)

- 22 You must apply to us for approval of a detailed servicing management plan. The plan shall identify process, storage locations, scheduling of deliveries and staffing.

You must not occupy any part of the building until we have approved what you have sent us.

The servicing management plan shall be maintained for the life of the development unless a revised strategy is agreed in writing by us.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 23 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) the retail accommodation hereby approved shall not be used for food retail purposes (i.e. a supermarket).

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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, neighbourhood plan (where relevant), 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) Carbon offset payment of £24,085 (index linked) to be paid on commencement of development.

ii) All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, reinstatement of redundant vehicle crossovers and associated work (legal, administrative and physical)

iii) A financial contribution towards employment, training and skills of £95,966 (index linked) payable on commencement of development.

iv) Car club membership for residents (for a minimum of 25 years)

v) Monitoring costs.

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

4 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.

5 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.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition).

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase.

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.

- 6 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 7 In relation to the requirements of condition 13, the ventilation scheme (with windows closed) should achieve compliance to at least the Overheating Standard is recommended to be devised using the following cooling hierarchy:
 - i. Minimise internal heat generation through efficient design:
 - ii. Reduce the amount of heat entering a building in summer through shading, light colouration, albedo, fenestration, insulation and green roofs and walls;
 - iii. Manage the heat within the building through exposed internal thermal mass and high ceilings and particularly from heat sources not directly under the control of the occupiers eg any communal hot water distribution systems;
 - iv. Passive ventilation;
 - v. Mechanical ventilation (eg MVHR (with summer override) giving at least 4 air changes per hour(ach)); and finally,
 - vi. Active Cooling Systems in the following order of preference:
 - a. Free cooling technologies;
 - b. Mechanical active cooling systems (ensuring the system used is the lowest carbon option, will achieve the agreed temperature range, and will not deliver unnecessary cooling).
- 8 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 9 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.

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

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Agenda Item 3

Item No.
3

CITY OF WESTMINSTER			
PLANNING (MAJOR APPLICATIONS) SUB-COMMITTEE	Date 4 June 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Development Site At 47-50 Poland Street And 54-57, Great Marlborough Street, London		
Proposal	Demolition of 54, 55-57 Great Marlborough Street and 47, 48 (behind a part reconstructed facade) and part demolition of 49-50 Poland Street to provide a building comprising ground plus seven storeys with louvred plant room and two basement levels onto Great Marlborough Street (with rear projecting wing at ground and six upper floors with roof level louvred plant room) and a ground plus part five/part six storey building with two basement levels onto Poland Street, all for use as a hotel (Class C1), retail (Class A1), and a restaurant and bar (Class A3/A4). Creation of central glazed covered courtyard and publicly accessible route through the site, a landscaped terrace onto Poland Street, cycle parking, waste storage, plant rooms at fifth, sixth, seventh floors and roof level, services and associated works.		
Agent	DP9		
On behalf of	Marlborough Prop Co Limited		
Registered Number	18/10886/FULL	Date amended/ completed	8 April 2019
Date Application Received	24 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

<p>1. Grant conditional permission, subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i. Dedication of land as public highway; ii. A Carbon Off-set Contribution of £44,586 (index linked), payable prior to commencement of the development. iii. A walkways agreement iv. S106 monitoring costs. <p>2. If the S106 legal agreements has not been completed within six weeks of the date of the Committee resolution, then:</p>
--

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

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

2. SUMMARY

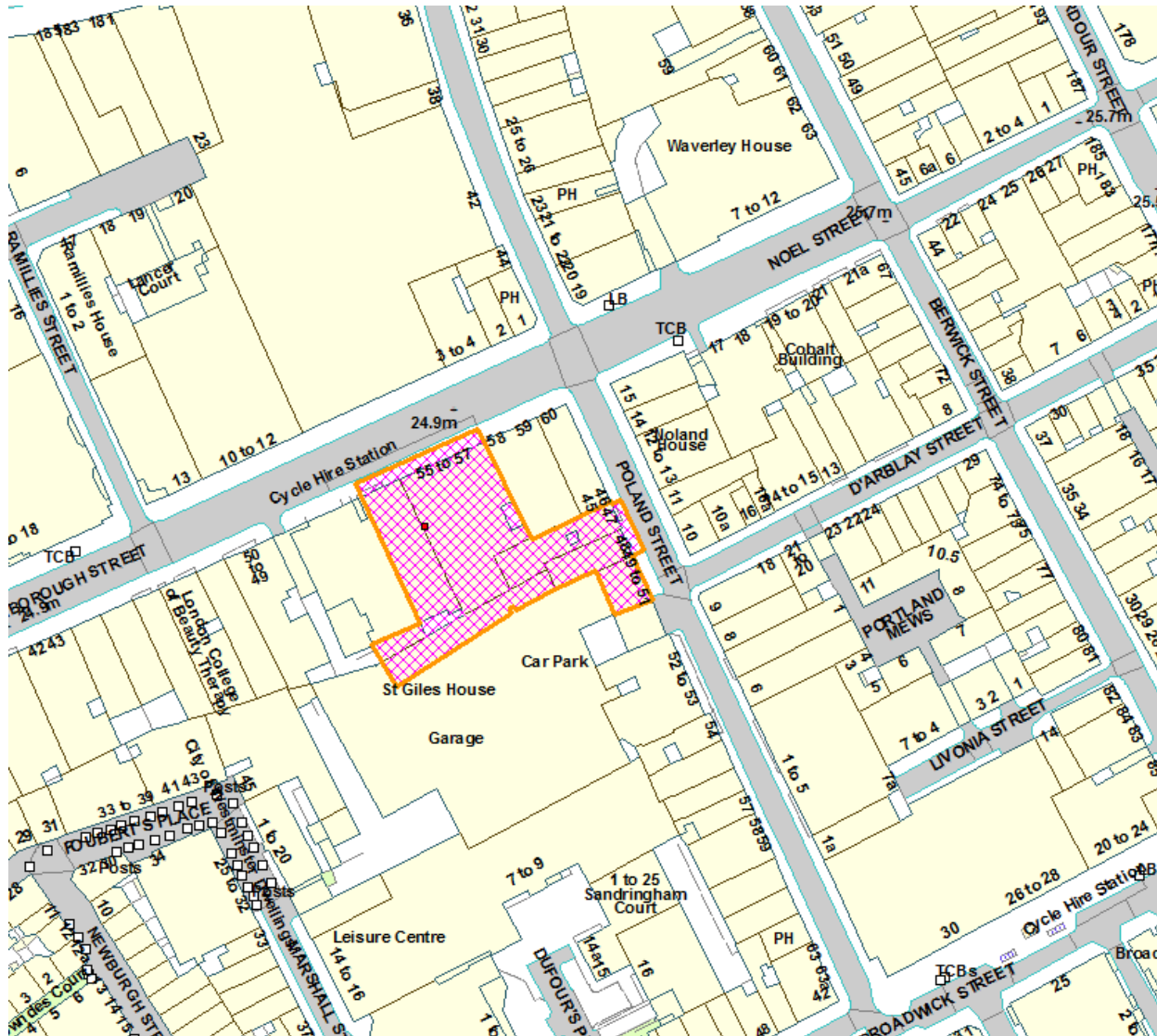
Permission is sought for the demolition of the existing buildings, with the part retention and alteration of the Poland Street buildings and redevelopment of the site to provide an eight-storey (with double basement) 194-bedroom hotel. The proposals include a new internal courtyard, enclosed by a glazed atrium, which will provide pedestrian access between Poland Street and Great Marlborough Street framed by retail spaces, and a restaurant and bar.

The main issues are:

- * the loss of existing buildings in the Soho Conservation Area;
- * the scale, massing and detailed design of the new buildings;
- * the land use implications of the proposal;
- * the impact of the proposals on the surrounding highway network;
- * the amenity impact on adjacent neighbours.

The proposals are considered acceptable and broadly comply with Unitary Development Plan (UDP) and City Plan policies in land use terms. It is considered that the proposed building onto Great Marlborough Street is of outstanding and exemplary design quality and will relate sensitively to its conservation area context. The additional massing onto Poland Street will not be readily visible from street level and is considered acceptable in principle. The proposals are therefore considered to be in line with UDP design and conservation policies and NPPF advice. Concerns from residents to noise break out from the central courtyard are considered to be addressed by conditions and approval is recommended subject to a legal agreement to secure dedication of the enhanced pavement on Great Marlborough Street as public highway and a carbon off-set payment.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Great Marlborough Street



Poland Street



5. CONSULTATIONS

HISTORIC ENGLAND

Do not wish to offer any comments.

HISTORIC ENGLAND ARCHAEOLOGY

The proposal is unlikely to have significant effect on heritage assets of archaeological interest.

CROSS LONDON RAIL LINKS LTD (1)

No objections subject to conditions.

CROSS LONDON RAIL LINKS LTD (2)

No comments raised.

SOHO SOCIETY

Welcome both the overall reduction in number of bedrooms over the consented schemes and the new pedestrian walkway between Great Marlborough Street and Poland Street. Believe that there are real and legitimate noise worries from neighbouring residents and consider that the courtyard should be enclosed to offer an effective acoustic barrier to noise breakout and that the sixth-floor bar should be removed and relocated internally. Request a financial contribution to enable monitoring of the delivery service plan and operational management plan to ensure that these plans are adhered to once the hotel is in operation.

HIGHWAYS PLANNING MANAGER

Considers that activity from guests arriving and departing would not cause significant detrimental highway safety issues but raises concerns on the grounds that the off-street holding area for delivered goods is not sufficient in size and that use of this holding bay would conflict with existing cycle parking spaces. Requests additional cycle parking and information on how coach parking would be managed. Suggests that the lightwell on Poland Street is removed from the scheme to provide a widened footpath.

WASTE PROJECT OFFICER

Request further details.

DESIGNING OUT CRIME

No response to date

BUILDING CONTROL

No response to date

ENVIRONMENTAL HEALTH OFFICER

Raise no objection to the proposed plant or to air quality emissions but request a noise impact assessment for the courtyard and roof top bar. Request a Site Environmental Management Plan (as part of compliance with the Code of Construction Practice) to ensure suitable construction mitigation measures.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 228; Total no. of replies: 11 (from 10 respondents)

11 letters of objection on the following grounds:

Amenity

- * An open courtyard of this scale will create adverse noise and will be very difficult to control and manage
- * The rooftop bar will create noise and disturbance
- * Noise from externally accessed guest lounge
- * Noise created by setting up and clearing of tables and cleaning of the passageway
- * Noise and vibration from air conditioning plant, kitchen extract and machinery
- * Noise from waste disposal include bottles

Land use

- * Proposal appears to be principally an eating/drinking establishment rather than a hotel

Design

- * Additional massing and height on Poland Street has a negative visual impact

Highways

- * Increased traffic
- * Increased servicing

Other issues

- * Health implications from passive/secondary smoking
- * Fire risk
- * Security
- * Increase in rodents and pests
- * Rough sleeping and anti-social activities
- * Noise from construction

Re-consultation following submission of revised plans**COUNCILLOR GLANZ**

Supports concerns raised by residents

HIGHWAYS PLANNING MANAGER

Welcomes the removal of the lightwell onto Poland Street and the alterations to the off-street goods holding area. Requests additional cycle parking, a servicing management plan and information on how coach parking would be managed.

ENVIRONMENTAL HEALTH

Raise no objection subject to the provision of a supplementary noise report to demonstrate that the acoustic design of the courtyard atrium meets the standard internal noise condition. Recommends that the courtyard area is restricted to the hours of 07:00 to 23:00, that no music is played in the courtyard and that details of the number of tables and chairs in the courtyard area are submitted for approval. Recommends that

conditions are imposed to ensure that noise and vibration associated with the operation of the Crossrail tunnel will be acceptable.

WASTE PROJECTS OFFICER
No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 228; Total No. of replies: 10

10 letters of objection on the following grounds:

Land Use

* Relocating the roof level bar to the first floor results in a major increase to the restaurant, bar and lounge space

Amenity

* Noise break out from central courtyard area, specifically on the grounds that there would be conflict between the need to keep the courtyard cool and the need to control noise break out

* Courtyard is likely to be packed during the summer days and evenings, with the access routes open until midnight

* Insufficient detail to assess compliance of the roof plant with plant noise and vibration requirements.

* Amplified music should not be permitted in any external/public areas, including the courtyard

* The access routes and courtyard area should be restricted to hours of 8am to 10pm on Sundays to Thursdays and 8am and 11pm on Fridays and Saturdays

* Insufficient information has been provided to demonstrate that the kitchen extract ducting would not have a detrimental impact on neighbouring residential amenity

* The additional massing at the rear is not justified and results in loss of light, air and an adverse sense of enclosure.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site lies on both Great Marlborough Street and Poland Street, and comprises five buildings, including 54 Great Marlborough Street, 55-57 Great Marlborough Street, 47 Poland Street, 48 Poland Street and 49-50 Poland Street (excluding the basement and ground floor levels of 50 Poland Street which are currently occupied by Phonica Records and the Vinyl Factory gallery space).

Nos. 54 and 55-57 Great Marlborough Street are located on the south side of Great Marlborough Street and are both identified as unlisted buildings of merit within the Soho Conservation Area. No. 54, known as Europa House, is seven storeys in height, with a recessed plant room whilst 55-57 (Fenton House) is six storeys in height, also with a recessed plant room. Both buildings are currently vacant. No.54 was formerly in use

as showroom accommodation at basement and ground floor levels and office accommodation above and No. 55-57 was in retail use at basement and ground floor levels with office and light industrial (sound recording and post-production studio uses) on the upper levels.

At the rear, the Great Marlborough Street buildings back onto 49-50 Poland Street. This is a six-storey office building, access to which is adjacent to a ground and basement retail unit (occupied by Phonica Records) fronting onto Poland Street (which falls outside the application site). Part of this building also lies directly above the entrance to the Soho Car Park at 49-51 Poland Street (which is also not part of the application site).

The site also includes 47 and 48 Poland Street. No. 47 is currently vacant restaurant space at basement and ground floors with three floors of office accommodation on the upper floors. 48 Poland Street is a vacant betting shop (Class A2) at basement and ground floor levels with office use also on the upper floors.

The site is within the Core Central Activities Zone and the West End Special Retail Policy Area (WESRPA). It is also located within the Creative Industries Special Policy Area (SPA) as defined in the Unitary Development Plan (UDP). This SPA designation is not included within the City Plan. The site is also within the protected corridor of the view 4A.2 from Primrose Hill to the Palace of Westminster.

The surrounding area has a mixture of mainly commercial uses, although the rear of the site lies directly adjacent to the recently redeveloped Soho car park, now known as Regents Lofts/the Marshall Street development, a residential redevelopment scheme. There are also other residential properties at 1, 51-53 and 9 Poland Street. In 2014 permission was granted for four flats at 3-4 Great Marlborough Street.

6.2 Recent Relevant History

54, 55-57 GREAT MARLBOROUGH STREET AND 47, 49-50 POLAND STREET

Planning permission was granted in February 2012 for the demolition and redevelopment of 54 and 55-57 Great Marlborough Street to provide a seven storey building for offices (Class B1), retail (Class A1) and restaurant purposes at rear ground floor level (Class A3); new facade to upper floors of 49-50 Poland Street and use of first to fourth floors for offices (Class B1), fifth floor as residential and erection of new sixth floor for residential purposes (1 x 1 bed and 2 x 3 bed flats) and use of rear ground floor for studio/workshop use (Class B1c); refurbishment of 47 Poland Street for use as retail (Class A1) at basement and ground floor level and residential on the upper floors (1 x 1 bed, 1 x 2 bed and 1 x 3 bed flats), together with associated works and plant.

54, 55-57 GREAT MARLBOROUGH STREET

Planning permission was granted in April 2016 for the demolition and redevelopment behind retained street facades at 54 and 55-57 Great Marlborough Street to provide a new building comprising basement, ground and first to seventh floor levels. Use of the part basement and ground floor levels as two retail units (Class A1) and one dual/alternative retail or restaurant (Class A1/A3) unit at part basement and ground floor levels. Use of part basement and ground and the entire first to seventh floor levels as residential accommodation comprising 27 units with associated terraces at rear first floor

and balconies at fifth and sixth floor levels. Excavation at basement level, the provision of a green roof at main roof level and installation of plant in the basement and at seventh floor level. (Site includes 54 Great Marlborough Street)

In August 2018 planning permission was granted for the demolition of 54 and 55-57 Great Marlborough Street and demolition of rear ground, first and second floors of 47 Poland Street and redevelopment of the site to provide a new building comprising two basement levels, ground floor and seven upper levels. Use of part ground floor / basement level 1 as retail (Class A1). Use of part basement level 1 and part ground floor level and basement level 2 and seven upper levels as a hotel (Class C1). Terrace and plant at seventh floor level, pv panels at roof level and associated external works.

49-50 POLAND STREET

In April 2016 planning permission was granted for demolition of 47, 48 (behind part reconstructed facade) and 49-50 Poland Street and part rear of 54 and 55-57 Great Marlborough Street and redevelopment to provide a new building comprising basement, lower ground floor, ground floor and first to sixth floor levels. Use of the part ground floor as restaurant/bar (Class A3/A4). Use of the basement, lower ground, part ground floor and first to sixth floors as hotel (Class C1) with roof garden and associated works.

7. THE PROPOSAL

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

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	6,097	0	-6,097
Retail (Class A1)	774	483	-291
Retail (Class A2)	195	0	-195
Restaurant/bar (Class A3/4)	312	639	+327
Showroom	424	0	-424
Nil use	327	0	-327
Hotel	0	11,933	+11,933
Overall commercial	8,129	13,055	+4,926

Permission is sought for the demolition of the existing buildings, with the part retention of the Poland Street buildings and redevelopment of the site to provide an eight-storey 194-bedroom hotel with an independently run restaurant onto Poland Street and retail units facing Great Marlborough Street. The proposal also involves two basement levels for plant, storage, residents' gym, retail floorspace and back of house facilities. The hotel will be operated by Shiva Hotels and a draft Operational Management Statement (OMS) has been submitted.

Although the majority of plant equipment would be provided within the basement, plant would also be located in rooftop enclosures. PV panels are also proposed on the roof.

A new internal courtyard will provide pedestrian access between Poland Street and Great Marlborough Street and will be framed by activated retail spaces, and a restaurant and bar. The application has been amended since it was initially submitted to remove a

roof level bar, to enclose the courtyard space by a glazed atrium and to extend the bulk and massing of the rear wing of the proposed building onto Great Marlborough Street.

The hotel bars and restaurants would be open to the general public.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The proposal will result in the loss of all the office floorspace (6,097 sqm) on the site. However, the current application results in a substantial commercial uplift on the site (5,634 sqm) in the form of hotel accommodation and in these circumstances the loss of the B1 office accommodation is considered acceptable in principle.

New hotel use

Hotels are important to support the visitor and business economy, and they have strong links with other activities in central London such as shopping, theatre and other cultural and entertainment activities. In addition to providing 194 rooms, the hotel will provide a restaurant and cocktail bar at first floor level which would also be open to the public. A further café/bar within the courtyard area and a restaurant unit onto Poland Street are also proposed, which are to be independently run, but would still fall within the overall management of the hotel.

London Plan Policy 4.5 aims to support London's visitor economy and stimulate its growth to achieve 40,000 net additional hotel bedrooms by 2036. Policy S23 of Westminster's City Plan directs new hotels to the CAZ and to those streets which do not have a predominantly residential character. Policy TACE 2 of the UDP is also permissive towards new hotels in the CAZ that do not have a predominantly residential character where (i) no adverse environmental and traffic effects would be generated and (ii) 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 for taxis serving the hotel.

Notwithstanding recent permission for developments incorporating new residential floorspace, Great Marlborough Street is still predominantly commercial in character. The provision of a hotel (Class C1) on this site was assessed and considered acceptable as part of the previous consented hotel applications, and in these circumstances, the introduction of a new hotel here is once again considered acceptable in principle in land use terms.

The application is supported by an Operational Management Statement which includes measures designed to ameliorate the impact of the hotel and entertainment uses on residents' amenities and local environment quality and this is discussed below. The impact of the proposals on traffic and parking is set out in section 8.4.

Operational Details

Shiva are the intended hotel operator and have stated that their aim is to create a high quality, 4-star accommodation. The hotel will comprise 194 bedrooms with an independently run restaurant/bar and café/bar at ground floor and a restaurant/bar and

cocktail bar at first floor. The enclosed ground floor courtyard would also provide seating and dining facilities associated with the ground floor restaurant and café/bar.

The hotel would be open to guests 24 hours a day seven days a week.

New restaurant and bar use

Although the first floor restaurant and bar would be an integral and ancillary part of the hotel and under the same management, as is typical of a hotel of the nature proposed, these areas would be open to non-residents. The impact of these entertainment areas, and the independently run Poland Street restaurant and courtyard café/bar, therefore need to be assessed against the City Council's entertainment policies.

The proposed restaurant and bar areas in total measure 639sqm. Entertainment spaces of this type and size located within the Core Central Activities Zone and the West End Stress Area would be considered against Policies TACE10 of the UDP and S24 of the City Plan.

Policy S24 of the City Plan states 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 residential amenity, health and safety, local environmental quality and the character and function of the area'. The policy also states that new large scale late night entertainment uses measuring in excess of 500sqm, will not generally be appropriate within Westminster.

Policy TACE 10 of the UDP states that entertainment uses over 500sqm will only be permissible in 'exceptional circumstances'.

The principle of ancillary hotel restaurant/bar use in this location has been accepted on two previous occasions. In the consented Poland Street hotel scheme, the restaurant/bar measured 492sqm and that in the Great Marlborough Street hotel measured 188sqm, a total combined floorspace of 680sqm. The current application proposes a total entertainment floorspace of 639sqm which is similar in area to that of the combined hotel schemes.

In terms of the impact of the use on residential amenity, the entertainment areas are located within relatively close proximity to residential properties on the upper floors of the adjoining building, and objections have been on the grounds that the proposal involves a large increase in entertainment floorspace. Comments have also been made citing that the application appears to be principally an eating/drinking establishment rather than a hotel. However, as set out above, the size of the entertainment areas is similar to the combined consented schemes and given the location of hotel bedrooms directly above, it will also be in the interests of the hotel to ensure that these areas are properly managed. Furthermore, the Poland Street restaurant and bar is intended as a sit-down facility with waiter service with no take-away facilities.

Overall, the entertainment areas are considered to be relatively small given that up to 388 guests may stay at the hotel per night.

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

- The entrance will be attended at all times by door staff.
- Security personnel and monitoring systems will be provided
- Hours that non-resident guests may use the restaurant and bar areas
- Provision of a glass crusher at basement level to prevent the sound of glass outside the building
- Guests requiring a taxi will be directed to the taxi rank on Great Marlborough Street
- The management of evening guests would be strictly controlled to ensure minimal disturbance to neighbouring residents.
- The hotel would not be marketed for coach parties.
- Shiva will provide local residents and businesses with a direct contact number

The OMS is considered to be robust and it will ensure that activity associated with the hotel and restaurant would not be harmful to the character of the area and more specifically to residential amenity. As the submitted OMS is in draft form, a revised OMS is secured by condition.

Use of central courtyard

The main source of residents' concerns relates to noise break out from the central courtyard area, the management of this space and its hours of operation, which residents argue should be between 08:00 to 22:00 on Sundays to Thursdays and between 08:00 and 23:00 on Fridays and Saturdays. The application has been amended since it was originally submitted to enclose this area in its entirety with a glazed atrium, with roof level louvres to provide natural ventilation. The applicant has also confirmed that no background music will play in this area and therefore, the main noise source from this area is expected to be voices and noise from tables and chairs moving etc. The applicant advises the number of tables and chairs in this area to be 11 tables of 4 with a central bench seating around 6-8 people. Therefore, the total maximum number of people who could be seated in this area would be 52 with additional members of the public passing through and waiting staff etc.

A noise report has also been submitted to predict the potential impact of the noise from the courtyard area. This report has been assessed by Environmental Health who advise that the report predicts that the relevant noise criteria can be met during the night time, which strongly suggests the noise criteria could be met during the day time. However, as the detailed design of the glass structure has not yet been confirmed, Environmental Health recommend that this is required by condition, together with a requirement for a supplementary acoustic report to demonstrate compliance with the council's standard noise condition relating to internal activity.

The applicant has requested that the hours of use for the courtyard space to be between 6:00 am and midnight. However, given that the detailed design of the atrium has yet to be established, Environmental Health recommend this is restricted to 07:00 - 23:00. This will be secured by way of condition. Further conditions are also proposed to ensure all doors and windows opening into this area are also closed between 23:00 and 07:00 and to limit the number of tables and chairs within this area. Whilst residents believe that there should be a limit on the total capacity for this area, as this area also

acts as a thoroughfare between Poland Street and Great Marlborough Street, a condition limiting capacity would be unenforceable.

The applicant has also offered to close the louvres by 22:30 each night. The closure of the louvres is also requested by residents who suggest that this is also secured by condition, but with a terminal hour of 22:00. This request has been considered by Environmental Health who do not believe that a condition of this nature is necessary given the terminal hour of 23:00 and the requirement to attenuate the louvres (which will be a matter to be agreed within the supplementary acoustic report). Environmental Health also consider that reducing ventilation during a time when the space is still occupied would be contrary to health and safety legislation.

Loss of retail

There is no policy basis to protect the former betting shop (Class A2 use) at 48 Poland Street. However, there is currently one retail unit at basement and ground floor at 55-57 Great Marlborough Street which has been vacant for a number of years. The existing accommodation is a relatively long linear ground floor retail space which contains a large amount of storage at basement level. The proposals will provide 483 sqm of retail floorspace, which represents a reduction of 291 sqm compared to that existing. Two retail units will be provided at basement and ground floor levels accessed from Great Marlborough Street.

UDP SS5 states that A1 uses at ground, basement or first floor level in the CAZ will be protected. City Plan policy S7 aims to maintain and enhance the unique status and offer of the WESRPA whilst policy S21 seeks to protect existing retail uses throughout Westminster, except where it can be demonstrated that the unit is unviable through long term vacancy, despite attempts to let.

Whilst the loss of retail floorspace would be strictly contrary to Policy SS5 the new retail floorspace would be better configured than the existing retail unit on the site. There would also be one additional unit when compared against the lawful position. Overall it is considered that the proposal would improve the retail function on the south side of Great Marlborough Street and in doing so would add to the retail character and function of the area and the vitality and viability of the Core CAZ and WESRPA.

Loss of Showroom Use

54 Great Marlborough Street was last occupied as a showroom by Steilmann, a German fashion company. With regard to the loss of showroom space, as the site lies outside the East Marylebone Special Policy Area, and the former occupiers of the showroom have now vacated No.54 it is not considered that the former showroom use makes a significant contribution to the character and function of the area. The loss of the showroom space was assessed and considered acceptable as part of the previous consented hotel applications for the site and its loss here is once again considered acceptable.

Loss of Light Industrial Uses

The site lies within the Creative Industries Special Policy Area (CISPA) within the UDP wherein light industrial uses are protected. Policy COM8 states that 'proposals for redevelopment, rehabilitation or other development affecting premises containing light industrial floorspace will not be granted planning permission where:

1. the site is located within the Creative Industries Special Policy Area
2. this would result in the loss of industrial activities which contribute to the character and function of the area.

Although the site is located within the CISPA as defined in the UDP, this SPA designation has not been included within the City Plan. The City Plan recognises that protecting and enhancing the Creative Industries is a priority, however, it also acknowledges that such uses do not fall within a specific use class and they therefore require a customised approach. Further, the City Plan defines Creative Industries as both light industrial (Class B1(c)) and Creative Services (architects, advertising agencies, graphic design and media design) (Class B1) and recognises that a significant amount (63%) of Creative Industries operate from B1 use class units. The relevant office policy (Policy S20) states that new office development will be directed to the Core Central Activities Zone and refers to, where appropriate, the provision of a range of business floorspace including workshops and studios, however, it does not specifically protect light industrial uses.

The first floor of 55-57 Great Marlborough Street is the subject of a restrictive condition which protects a sound recording studio, which is a light industrial use (Class B1c). However, this is a personal permission, to The Bridge, and this occupier vacated the building several years ago. Accordingly, this part of 55-57 is considered to have a nil planning use rather than light industrial (Class B1c). As such no light industrial space would be lost from that building as a result of the application and there would be no conflict with policy COM8. This approach was taken as part of the previous permissions approved for this site.

8.2 Townscape and Design

In urban design and conservation terms the current proposals are similar to those previously granted planning permission. The replacement of the existing buildings on Great Marlborough Street, which make a positive contribution to the character and appearance of the Soho Conservation Area, has been accepted previously, but only on the basis that they were to be replaced by a high quality new building which would preserve and enhance the conservation area. The Great Marlborough Street facade now proposed is based very closely on that approved, and, subject to the detailing and materials matching the planning permission scheme, this is considered acceptable. The harm caused to the conservation area by the demolition of the existing buildings is outweighed by the benefit of the proposed replacement building which will preserve and enhance the character and appearance of the conservation area.

In Poland Street the new facades are again, based on the approved facades, with some amendments, such as changes to the fenestration and shopfront. These facade changes are relatively minor and uncontentious. The main change is to roof level of no. 48. This is a much altered Georgian building and the façade is to be retained and extended, as previously approved. In the current scheme an additional floor, above that already approved, is proposed. This additional storey will mean the building will be the same height as the approved building at no. 49 adjoining to the south. Objections to the increased massing height here have been received however this additional massing will not be readily visible from street level and is considered acceptable in principle.

However, the current form is a vertical facade facing Poland Street. It is considered that this should be either set back further or pitched to improve its architectural relationship to the building below. An amending condition is proposed to address this amendment. The fourth floor of no.48 has been amended to show a more traditional 'Weavers' type dormer. This is appropriate and acceptable.

The creation of a pedestrian route through the site, with a small courtyard with glazed roof, and ground floor active uses, is considered to be an urban design and conservation area benefit. The route is inspired by historic pedestrian routes in Soho, such as Portland Mews and Smith's Court. It will be a semi-public space and will need to be gated at night to prevent anti-social behaviour.

The courtyard facades of the Great Marlborough Street building are designed in a robust, light-industrial manner, faced in brickwork with small paned windows. A green wall is also included. The north facing façade is treated in a more modern manner, with curtain wall glazing over two storeys and precast concrete panels and projecting windows above. The roof level plant is with a pitched, metal enclosure. The design approach is considered acceptable in the context of the rear area.

It is considered that this is a high quality scheme which will preserve and enhance the character and appearance of the Soho Conservation Area. In terms of the NPPF heritage test, the less than significant harm caused will be outweighed by public benefits. It complies with the City Council's urban design and conservation policies including S25 and S28 of the City Plan and policies DES1, DES4 and DES9 of the Unitary Development Plan.

8.3 Residential Amenity

The closest affected residential properties are within the Marshall Street development (Regents Lofts) to the immediate south of the site. There are also residential flats on the upper floors of 58-59 Great Marlborough Street and opposite the site at 1, 2 and 3-4 Great Marlborough Street.

A daylight and sunlight report has been commissioned by Point 2 Surveyors which examines the impact on daylight and sunlight conditions to the adjacent residential properties.

Daylight

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

The sunlight/daylight assessment submitted with the application demonstrates that two fourth floor bedroom windows and one bedroom window at fifth floor within Regents Loft

would experience VSC losses of 33.13%, 20.48% and 20.60%. The bedroom window that results in the greatest loss (33.13%) would also experience a NSL loss of 66.4%. Two other bedroom windows at this level would also experience NSL losses of 43.1% and 49.1%. These rooms are however over 8m deep and the BRE Guidance acknowledges that if an existing building contains rooms "lit from one side only and greater than 5m deep, then a greater movement of the no sky line may be unavoidable." In addition, VSC levels to two of these rooms retain VSC values of 24.29% and 25.35%, which is only marginally below the 27% VSC value recommended in the BRE guidance. The third room would still retain an absolute VSC of 15.12% which is not unusual for a dense urban environment. In these circumstances, and as these windows serve bedroom accommodation, which the BRE guidelines also state as being less important in relation to daylighting distribution than main living rooms, it is considered that the levels retained are acceptable and the impact is not considered sufficient to justify refusal.

Sunlight

With regard to impact on levels of sunlight, the BRE guidance state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 5% of annual winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former value. The habitable windows to the flats within Regents Loft facing the application site do not face within 90 degrees of due south and therefore are not required to be analysed for the purposes of loss of sunlight under the BRE guidelines. With regard to the residential flats at 58-59 Great Marlborough Street and 1, 2 and 3-4 Great Marlborough Street, all windows will retain satisfactory values in terms of annual sunlight hours.

Sense of Enclosure

Policy ENV13(F) states that where developments result in an unacceptable increase in the sense of enclosure, planning permission will be refused. Policy S29 states that the Council will resist proposals that result in an unacceptable loss of residential amenity. The proposed new hotel where it fronts Great Marlborough Street will be approximately the same height as the existing plant room at 54 Great Marlborough but between one and two storeys taller than 55-57.

The scheme has been amended since it was originally submitted and the rear wing of the Great Marlborough Street building has been extended in height by two floors. Objections have been received on the grounds that the additional massing at the rear is not justified and results in loss of light, air and an adverse sense of enclosure. Whilst the proposed new hotel building would clearly be of a greater bulk than that existing, the additional massing is still some 15m from the nearest windows in Regent Lofts and it is not considered that given the relationship with adjoining and adjacent residential flats that there would be an adverse increased sense of enclosure.

Privacy/Noise

Part (F) of Policy ENV13 seeks to resist development which would result in an unacceptable degree of overlooking. There are windows within the existing office building at 49-50 Poland Street that currently lie perpendicular to fourth floor windows in the east elevation of Regents Loft. As in the consented Poland Street hotel scheme,

these windows have been recessed from the façade of the building such that any overlooking would be from an oblique angle.

Only dummy windows are proposed at fifth and sixth floor within the extended rear projecting wing and the proposed roof level terrace at sixth floor, initially proposed for use in connection with a bar at this level, is now intended as an external space for one of the guest suites. Given that this terrace is set back from the frontage of Poland Street and away from any nearby residential accommodation, its use is not considered to create any undue noise disturbance. On this basis, it is not considered that the proposal would result in any harmful impact on overlooking or noise to neighbouring properties.

8.4 Transportation/Parking

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

Adjacent to the site, on the northern side of Great Marlborough Street, is a taxi waiting bay with capacity for two taxis to wait. A London Cycle Hire docking station extends across the entirety of the great Marlborough Street frontage, providing 38 bikes. Pick-up and drop-off, as well as loading and unloading facilities are available to the northwest and northeast of the site, on the southern site of Great Marlborough Street.

The proposed hotel use will result in higher levels of activity at different times compared to the lawful uses on the site and objections have been received on the grounds of increased traffic activity. However, the Highways Planning Manager concludes that the activity of guests arriving and departing the site that will not result in significant detrimental highway safety or operation of the wider 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”. Policy S42 contains similar requirements.

The applicant’s Transport Assessment estimates that the hotel will be serviced on average by 8 service vehicles daily with up to 4 trips for the retail units and 4 deliveries per day for the restaurant unit. The vehicles are likely to be larger than those associated with the existing use (eg laundry and food delivery vehicles). All servicing is proposed on-street and the submitted a Servicing Management Plan (SMP) demonstrates how servicing will be managed. However, the document only contains many overarching principals of how servicing will be managed. While broadly acceptable in principle, there is a lack of information on how the time goods spend on the highway will be limited.

The applicant has amended the size of the proposed off-street goods holding area. This is a welcomed amendment to the proposal. A revised SMP is to be secured by condition that sets out internal storage locations, scheduling of deliveries and staffing. This is considered to address the concerns raised by residents on increased servicing

Coach and taxis

There is a taxi waiting bay with capacity for two taxis to wait on the northern side of Great Marlborough Street, however no provision for coach party arrivals or departures is provided. The applicant suggests that the hotel is not marketed to coach parties or groups who would arrive by coach, however it is recognised that in time, the hotel may change focus and attract a different type of guest. This could lead to an increase in coach activity associated with the site.

Concern is raised that without sufficient coach parking or a plan to deal with coaches dropping off and picking hotel guests, coaches will stop in the carriageway and obstruct traffic. The applicant indicates that any coaches would need to utilise existing on-street restrictions, however no additional space is available on-street to provide coach facilities for the proposed use. The submitted Operational Management Plan does not make sufficient reference to how coach activity associated with the hotel will be managed and therefore a revised SMP is required to include such measures. This will be secured by condition.

Changes to Building line and Dedication of Highway

The proposals involve the removal of railings and entrance stair from the façade of 54 Great Marlborough Street and a slight setting back of the existing building line. The proposals have also been amended to include removal of the railings and lightwell protruding from the Poland Street façade. Given the high pedestrian volumes in these areas, these works are considered a positive benefit of the proposals. The area where the stair and railings are to be removed on the Great Marlborough Street and Poland Street frontage are to be dedicated as highway and secured by legal agreement.

Walkway

A new pedestrian access between Poland Street and Great Marlborough Street is proposed and following concerns raised, the passageway has been adjusted to provide a direct line of sight from both entrances into the courtyard. The passageway is proposed to be predominantly glazed, to create a bright and safe environment. The pedestrian link is welcomed, and the applicant has agreed that it will be secured with a formal Walkways Agreement, this will be secured by legal agreement to ensure that the benefit is delivered and retained. To prevent anti-social behaviour a condition is recommended to ensure that the passageway is closed between 23.00 and 07.00 daily.

Existing Public Car Park Access

The proposals retain access to the Poland Street car park. No changes are indicated to its height or structure, the proposal will not affect the functionality of the existing public car park.

Cycle Parking

The London Plan Policy 6.9 requires 1 space per 20 hotel bedrooms and 1 space per 174m² of A class retail. The hotel use (with 194 hotel rooms) therefore requires a

minimum requirement of 10 cycle parking spaces. 782sqm of A class retail requires a minimum requirement of 5 cycle parking spaces.

The submitted drawings indicate a space within the basement, for cycle spaces for the hotel. However, the detail design is limited and it is unclear if the space is sufficient to accommodate the minimum number of cycle parking spaces required. In addition cycle parking has only been provided within two of the 4 A class units. Additional details of cycle parking for both the hotel and A class units is therefore to be secured via condition.

8.5 Economic Considerations

The economic benefits generated are welcomed.

8.6 Access

Level access will be provided for the retail, restaurant and to the hotel entrance. Lift access is provided to the upper floors of the hotel.

8.7 Other UDP/Westminster Policy Considerations

Plant

External plant is proposed both at roof level and at seventh floor with additional equipment enclosed at basement and fifth and sixth floor levels. Due to the early stage of the project, outline plant selections only have been made. As such, plant noise limits have been developed to be achieved at the most exposed noise sensitive receptor location. Adherence to these limits will be secured through the imposition of conditions, including the requirement for the submission of a supplementary acoustic report for the City Council's approval that demonstrates compliance with the relevant criterion within UDP Policy ENV 7. On this basis Environmental Health raise no objections to the application and, despite the concerns raised, it is not considered that the plant operation would adversely affect the amenities of existing, or future, residents.

Details of the termination point for the full height extract duct, and CHP flues have also been submitted. The revised location of the extract duct to its full height position is considered to overcome the concerns raised by residents and it will be secured by condition.

Noise disturbance from the operation of the hotel

The application includes proposed uses which could have noise generated from entertainment type activity (music, performance etc) and the Council's standard noise conditions relating to internal activity is imposed.

Noise generated within the development (including plant and machinery and entertainment noise) will need to comply with the Council's standard requirements relating to proposed and existing adjoining residential uses. Objections have also been raised on the grounds of noise from bottle disposal, however, a bottle crusher at basement level is provided.

Conditions are also imposed controlling ground borne noise from the transmission of underground trains.

Air Quality

The site is located within the designated Westminster Air Quality Management Area. The applicant has submitted an Air Quality Assessment which includes measures to ensure that the proposal is air quality neutral. These measures are secured by condition and a further condition is imposed that requires details of the Combined Heat and Power (CHP) and gas boilers to demonstrate that this meets air quality neutral benchmarks.

Refuse /Recycling

A dedicated hotel refuse and recycling store is to be provided at basement level and each retail unit is provided with retail waste stores. These arrangements are considered to be in accordance with the requirements of the City Council.

Sustainability

Policies 5.1 to 5.9 of the London Plan focus on how to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. Developments are required to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions (be lean), adopting sustainable design and construction measures and prioritising decentralised energy (be clean), including renewables (be green). London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments and requires a 35% reduction of CO2 emissions over the baseline emissions to be achieved by the development.

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.

The application is accompanied by an Energy Statement which sets out the sustainability credentials of the building. The energy efficiency and sustainability initiatives of the site have been optimised to address the Mayor's Energy Hierarchy and to address the requirements of policies in Chapter 5 of the London Plan and Policy S28 of the City Plan.

The Energy Statement submitted as part of the application states that the proposed Combined Heat and Power (CHP) plant, as well as air source and heat pumps will reduce the regulated emissions of the Proposed Development by 32%. This equates to an emission saving of 228 tonnes of carbon dioxide per annum. As these savings are 3% below the targets set out in London Plan a carbon off-set payment of £44,586 is proposed to secure the delivery of carbon reduction measures elsewhere.

A BREEAM pre-assessment has also been undertaken to establish the likely and potential score and rating for the development. The results show that the development achieves a BREEAM Excellent Rating.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal

consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

There are no adopted Neighbourhood Plans that are relevant to this part of the City or the proposed development.

8.10 London Plan

The London Plan contains hotel-related objectives. These include the provision of 40,000 additional hotel bedrooms by 2031, to improve the quality, variety and distribution of visitor accommodation and facilities (Policy 4.5). The need to accommodate a wide range of provision is highlighted. The proposed 118 hotel bedrooms will help meet London Plan targets.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development, a requirement for a contaminated land survey, a construction contract to ensure demolition only occurs immediately prior to development, and for the requirement for detailed design, method statements and load calculations to accommodate the location of the existing London Underground structures and tunnels. The applicant has agreed to the imposition of these conditions.

8.12 Planning Obligations

The draft 'Heads' of agreement are proposed to cover the following issues:

- i. Dedication of land as public highway;
- ii. A Carbon Off-set Contribution of £44,586 (index linked), payable prior to commencement of the development.
- iii. A walkways agreement
- iv. Monitoring costs

The Soho Society have requested a financial contribution towards monitoring of the servicing management plan and operational management plan. It is not considered that such a request could however reasonably be requested under the (CIL) Regulations.

The estimated CIL payment is:

Mayoral CIL £36,270
Borough CIL £1,192,419

8.13 Environmental Impact Assessment

The application is not of a sufficient scale to require an Environmental Impact Assessment.

8.14 Other Issues

Basement

The proposal includes excavation to the existing basement level and the creation of an additional basement level. Policy CM28.1 requires that basement development be accompanied by a detailed structural methodology statement and a signed proforma Appendix A which demonstrates that the applicant will comply with relevant parts of the COCP. These have been submitted.

As the site is a commercial building in the Core CAZ Part B of the policy applies. This means there is no restriction on the depth or extent of the basement excavation provided it complies with the relevant stipulations of the policy. This requires all basement developments to have regard to the site specific requirements and a structural methodology statement to be submitted in support of the development. This documentation has been submitted to the City Council. Building Control have been consulted on this report and any comments will be reported verbally at the committee meeting.

Construction impact

The site adjoins post-production sound studios in 51-53 Great Marlborough Street who previously raised strong concerns on noise grounds, primarily on the basis that the extent of demolition and construction works would result in significant disturbance in respect of noise and vibration affecting their ability to carry out their business. No such objections have been received as a result of this application and the applicant confirms that wherever possible, construction processes will be selected that minimise noise and vibration and that close liaison with the sound recording studio, and all other neighbouring occupiers, will be maintained to ensure that they are made aware of planned works and the likely impact on them. Additionally, monitoring will be installed on the adjacent buildings to monitor the noise and vibration levels during the demolition, piling, groundworks and concrete frame elements of the project.

One neighbouring resident has raised comments on noise during construction. Construction matters are now specifically covered by the Code of Construction Practice (COCP) and the Environmental Inspectorate. The COCP categorise developments into three levels, this scheme is a Level 1 development. Level 1 development will require the

submission of a Site Environmental Management Plan (SEMP), but after consent is granted. It is important to note that planning have no role in determining what goes into the SEMP nor will it enforce compliance, this will exclusively be dealt with by the Environmental Inspectorate.

Hours of building and excavation work will be secured by condition. Conditions are also imposed controlling ground borne noise from the transmission of underground trains.

Archaeology

The site lies in an area of archaeological interest. Historic England, however, raises no objection from an archaeological perspective.

Crime and security

A security design strategy has been submitted which outlines the following measures:

- Security and concierge staffing in public areas
- A dedicated security office
- Lockable gates to the courtyard area
- Lighting to vulnerable areas to deter crime and antisocial behaviour
- Video surveillance to frontages

Concerns have been raised regarding rough sleeping and anti-social activities, however, the amendment to the alignment of the Poland Street passage and the measures above are considered to address the concerns raised.

Statement of Community Involvement (SCI)

The applicant has submitted a SCI, which sets out the consultation with the local community. This has included a two-day public exhibition, letter drops and individual meetings with the Soho Society, ward councillors and Grand Central Recording Studios.

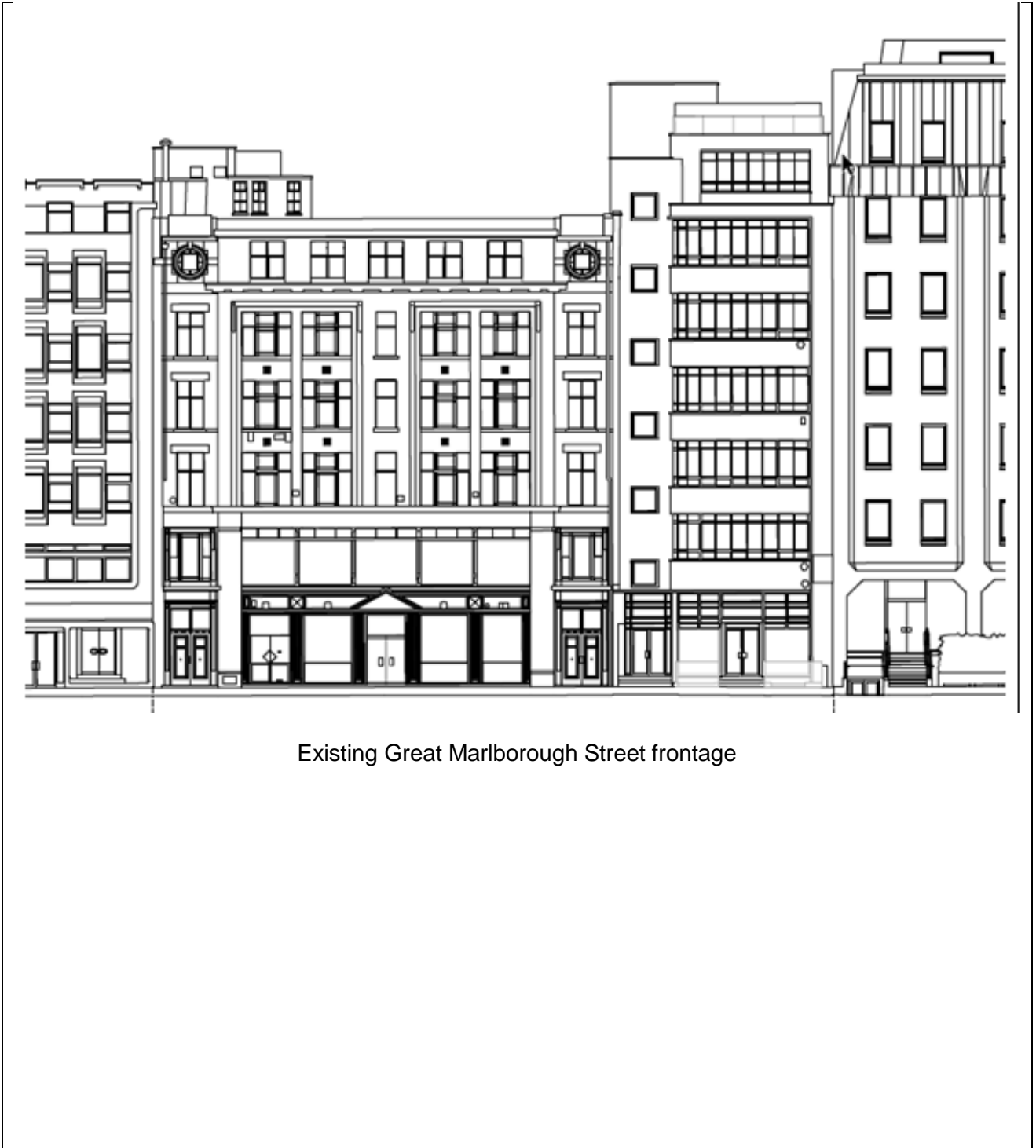
Other issues

Concerns have also been raised regarding fire risk, increase in rodents and health implications from passive/secondary smoking. As the courtyard area is now entirely enclosed the concerns regarding smoking are considered to be addressed. Fire risk is a matter for the Building Regulations and it is not considered that the proposals, which provide sufficient measures for waste storage, will create a rodent/pest issue.

(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

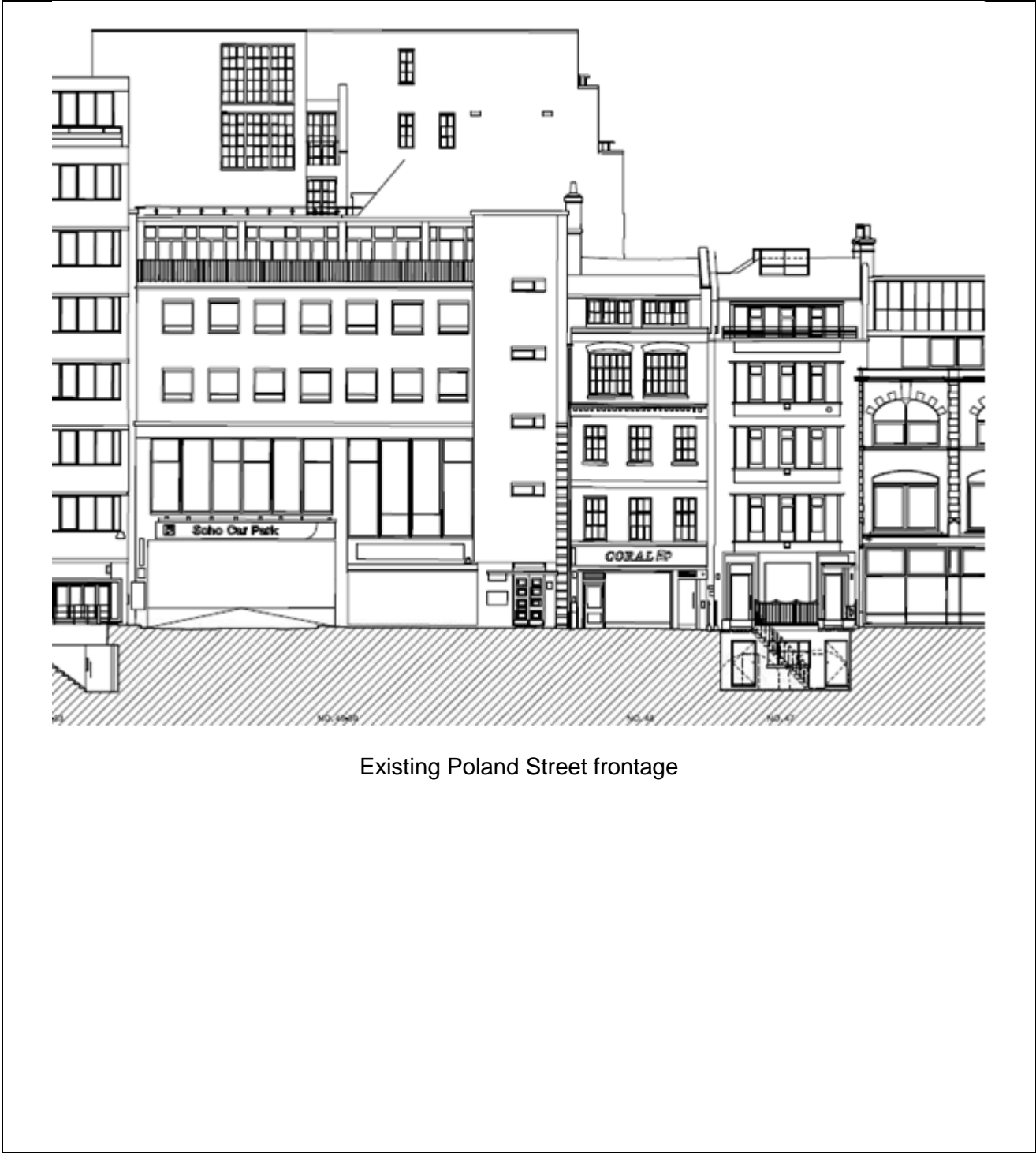
9. KEY DRAWINGS



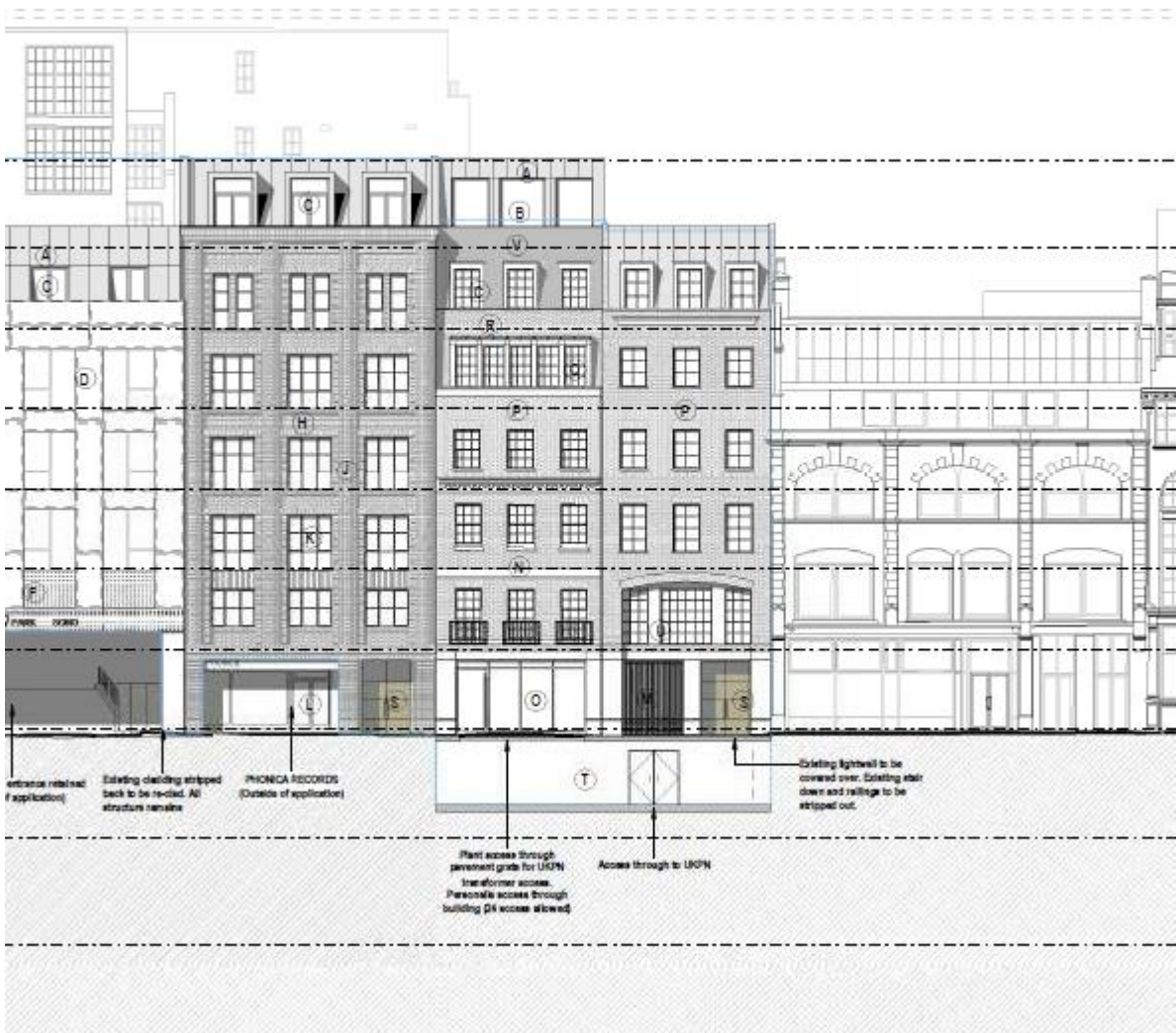
Existing Great Marlborough Street frontage



Proposed Great Marlborough St



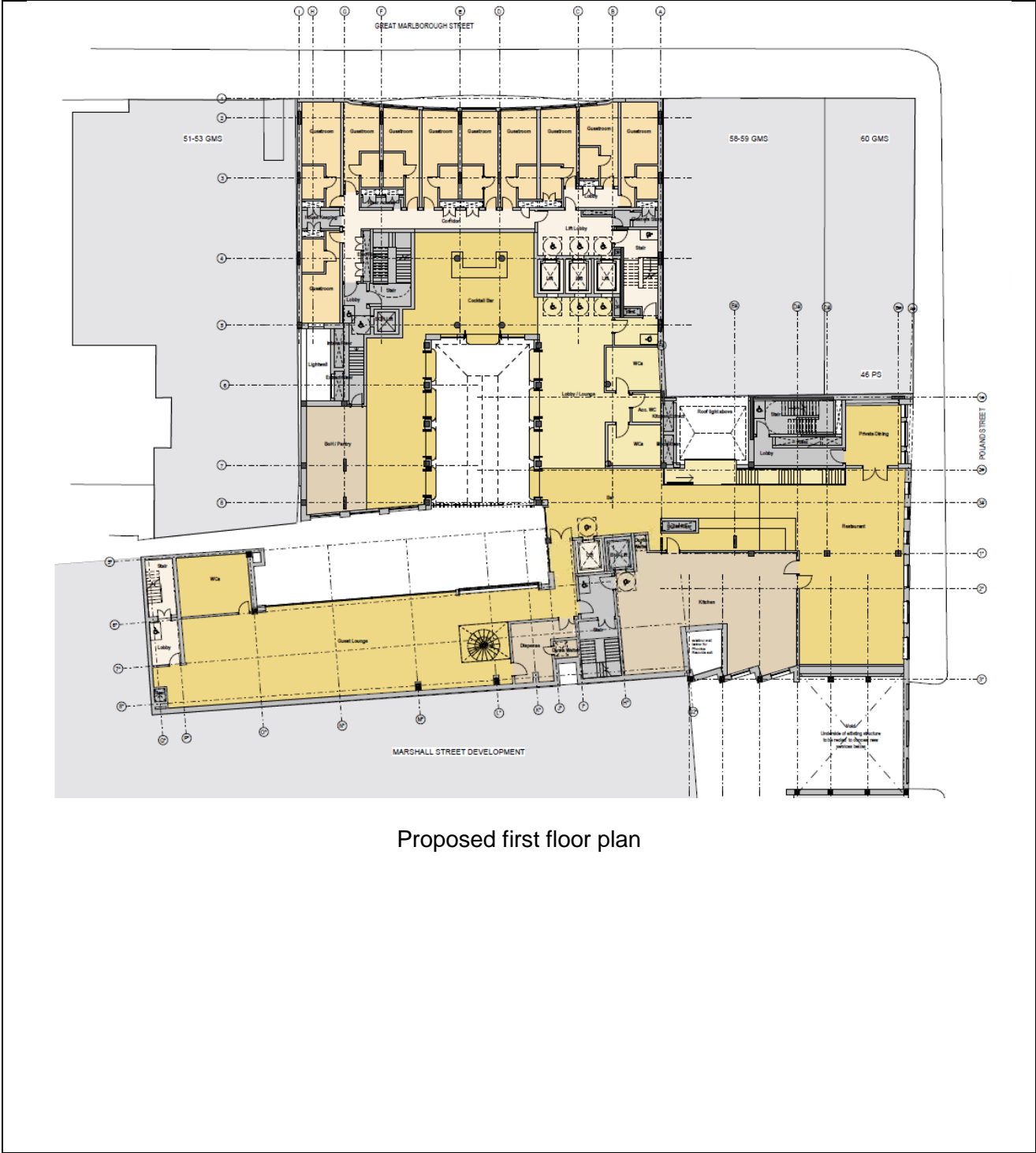
Existing Poland Street frontage



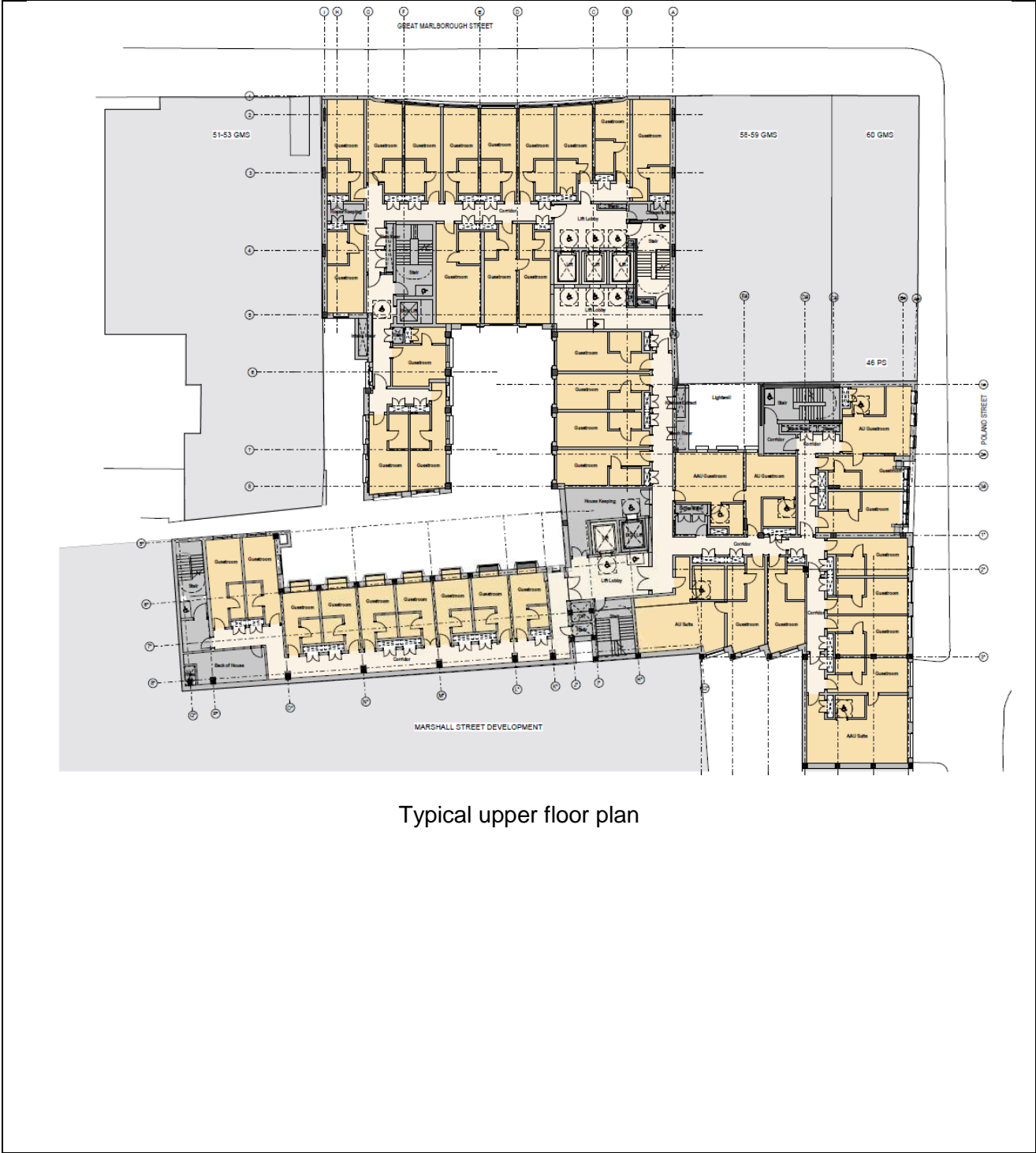
Proposed Poland Street frontage



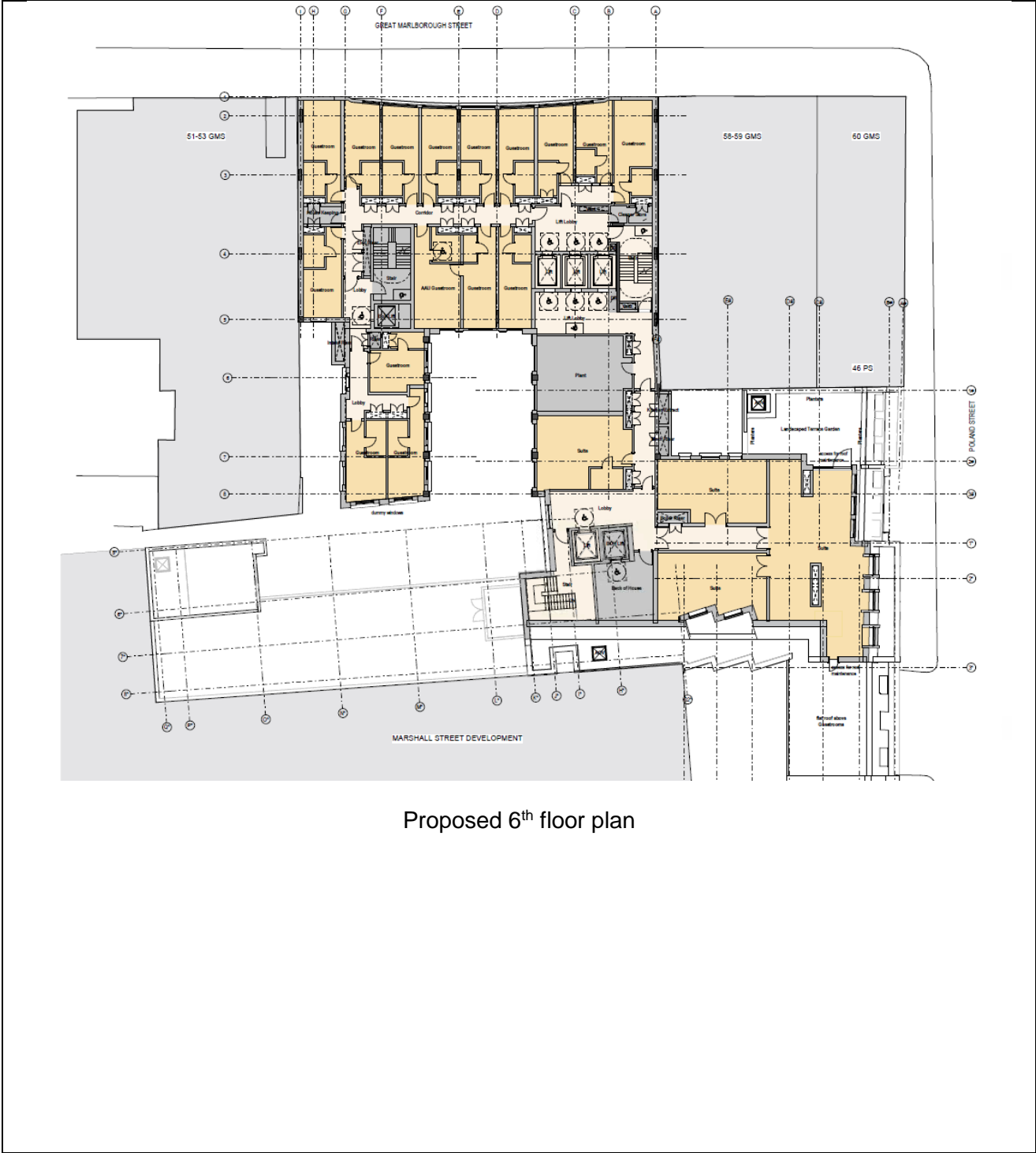
Proposed ground floor plan



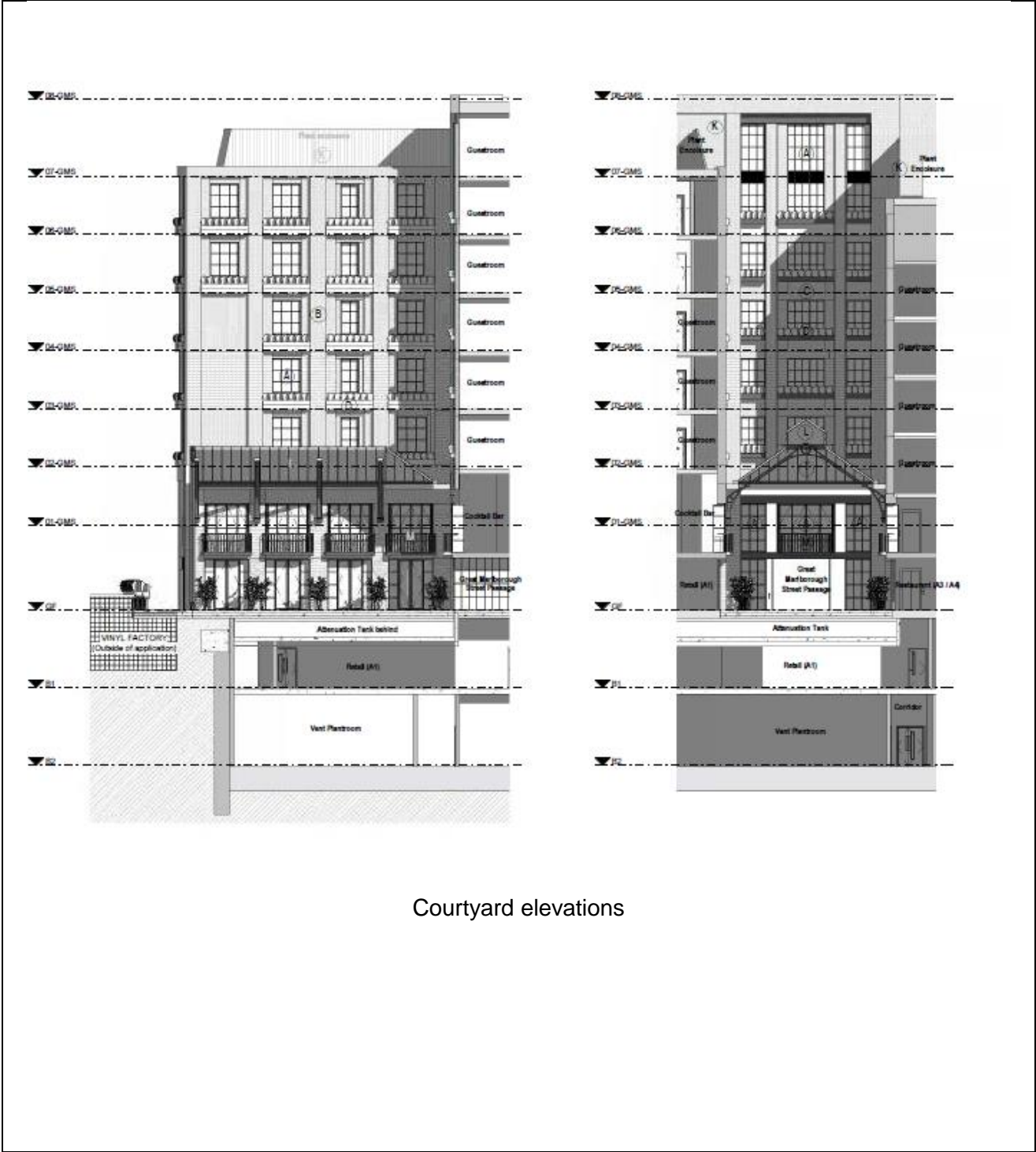
Proposed first floor plan



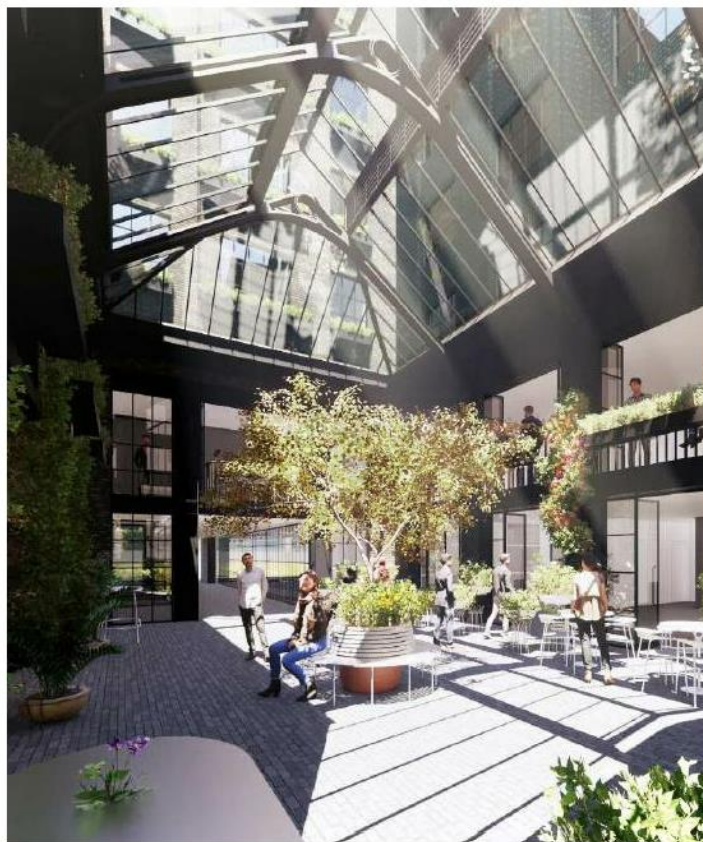
Typical upper floor plan



Proposed 6th floor plan



Courtyard elevations



Atrium

DRAFT DECISION LETTER

Address: Development Site At 47-50 Poland Street And 54-57, Great Marlborough Street, London

Proposal: Demolition of 54, 55-57 Great Marlborough Street and 47, 48 (behind a part reconstructed facade) and part demolition of 49-50 Poland Street to provide a building comprising ground plus seven storeys with louvred plant room and two basement levels onto Great Marlborough Street (with rear projecting wing at ground and six upper floors with roof level louvred plant room) and a ground plus part five/part six storey building with two basement levels onto Poland Street, all for use as a hotel (Class C1), retail (Class A1), and a restaurant and bar (Class A3/A4). Creation of central glazed covered courtyard and publicly accessible route through the site, a landscaped terrace onto Poland Street, cycle parking, waste storage, plant rooms at fifth, sixth, seventh floor and roof level, services and associated works.

Reference: 18/10886/FULL

Plan Nos: 10853-EPR-01-B1-TP-A-01-0099 Rev3, 0100 Rev3, 0101 Rev3, 0102 Rev3, 0103 Rev3, 0104 Rev3, 0105 Rev3, 0106 Rev3, 0107 Rev3, 0108 Rev3; 10853-EPR-01-B1-TP-A-02-0098 Rev7, 0099 Rev9, 0100 Rev9, 0101 Rev7, 0102 Rev7, 0103 Rev7, 0104 Rev7, 0105 Rev7, 0106 Rev9, 0107 Rev9, 0108 Rev10; 10853-EPR-01-ZZ-TP-A-01-0304 Rev3, 0305 Rev3, 0306 Rev3, 0307 Rev3; 10853-EPR-01-ZZ-TP-A-02-0301 Rev6, 0302 Rev6, 0303 Rev7, 0304 Rev8, 0304 Rev6, 0305 Rev6, 0306 Rev6, 0307 Rev6; 10853-EPR-01-ZZ-TP-A-01-0401 Rev3, 0402 Rev3; 10853-EPR-01-ZZ-TP-A-02-0401 Rev7, 0402 Rev6, 0403 Rev6, 0404 Rev6, 0405 Rev6, 0406 Rev6; 10853-EPR-01-ZZ-TP-A-02-0501 Rev6, 0502 Rev5, 0503 Rev5, 0504 Rev5

EPR-01—B1-DR-A- SK-0030 Rev4, 0031 Rev4,

Structural Methodology Statement by WSP dated December 2018 (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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

(i) Accommodate the proposed location of the Crossrail structures including tunnels, shafts and temporary works,

(iii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail railway within the tunnels and other structures.

(iv) Mitigate the effects on Crossrail, of ground movement arising from development

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 (iii) and 1(iv) of this condition shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied.

Reason:

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

- 4 None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan

(November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

- 5 Non-residents hotel guests shall not be permitted to access, or remain within the hotel restaurants, bars, lobby and lounge areas except between 06.30 to 00.00

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)

- 6 You must apply to us for approval of an operational management plan to show how you will prevent customers of the hotel, restaurant and bar from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the hotel, restaurant or bar use until we have approved what you have sent us. You must then carry out the measures included in the operational management plan at all times that the hotel is in use. (C05JB)

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)

- 7 The courtyard area shall not be occupied by any person between the hours of 23:00 to 07:00 except in an emergency.

Any doors and windows opening into this courtyard space must also remain closed between the hours of 23:00 and 07:00 except for emergency escape purposes.

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

- 8 No music, amplified or unamplified, including buskers, shall be played in the courtyard area at any time.

Reason:

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

- 9 You must apply to us for approval of the extent of space to be used for tables and chairs in the courtyard area. You must not use this space for tables and chairs until we have approved what you have sent us. You must then not put the tables and chairs in any other position than that approved by the City Council.

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)

- 10 (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. (R46AB)

- 11 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. (R48AA)

- 12 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. (R49BA)

- 13 You must provide the waste store shown on drawings EPR-01—B1-DR-A- SK-0031 Revision 4 and EPR-01—B2-DR-A- SK-0030 Revision 4 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste 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)

- 14 You must apply to us for approval of details of secure cycle storage for the hotel, retail and restaurant 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 2016 (R22FA)

- 15 You must apply to us for approval of details of a servicing management plan for the hotel/retail use identifying the process, storage locations, scheduling of deliveries and staffing for servicing purposes as well as a clear process for managing coach party arrivals and departures as well as taxis. The servicing management strategy must also include an assessment of delivery noise combined with mechanical services, noise from doors and gates and activity noise from trolleys and/or human voices. 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)

Item No.
3

- 16 Servicing must only take place between 07:00 and 19:00. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R21HB)

- 17 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

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)

- 18 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(s) 10 and 11 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51BB)

- 19 **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 Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1 and 2 before any demolition or excavation work starts, and for phase 3 when the development has been completed but before it is occupied.

Phase 1: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 2: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 3: 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)

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

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

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

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

21 You must apply to us for the details of an acoustic report demonstrating how the noise from the courtyard area will meet the requirements of condition C47 AB. The assessment must provide the following information:

- An assessment of predicted source noise, to include information on any proposed acoustic absorption materials within the space;
- An assessment of the likely impact at the nearest noise sensitive receptor and at the nearest residential receptor;

- Detailed information on the glazing specification;
- Detailed information on the attenuation for the ventilation systems;
- Detailed information on any other mitigation measures to be installed which are necessary to meet the required noise criteria; and
- An assessment of the potential impact on the operation of the restaurants, with mitigation measures recommended where necessary to ensure the operation of the restaurants are not unduly affected by noise from the use of the courtyard.

The mitigation measures recommended by this report must be installed prior to occupation of this space and be permanently retained thereafter.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 22 The design and structure of the development shall be of such a standard, that it will protect noise sensitive dwellings within the development and adjoining residential dwellings from groundborne noise from the transmission of underground train operations, so that they are not exposed to levels indoors of more than 35 dB LASMax within habitable rooms during the day and night.

Reason:

In order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for adjoining residents of the development from the intrusion of external noise.

- 23 The design and structure of the development shall be of such a standard, that it will not increase existing noise and vibration levels in adjacent properties from re-radiated ground borne noise and vibration from the transmission of underground train operations. A report outlining how this will be met should be submitted for approval to the local planning authority prior to the commencement of the basement excavation works.

Reason:

In order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for adjoining occupiers of the development from the intrusion of external noise.

- 24 You must provide, maintain and retain the following energy efficiency measures 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. (C44AA)

Reason:

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

25 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 Soho 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)

26 **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 Soho 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)

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

Reason:
 To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (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)

28 The air quality mitigation measures as specified in the air quality assessment by WKC dated 12th December 2018 must be installed before you start to use any part of the development and permanently retained thereafter.

Reason:
 To make sure that the development provides the air quality mitigation measures included in your application as set out in S31 of Westminster's City Plan (November 2016)

- 29 You must apply to us for approval of details to demonstrate how the CHP and gas boilers will meet the required air quality neutral benchmarks of the Greater London Authority SPG on Sustainable Design and Construction. You must not install the CHP until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

To make sure that the development provides the air quality mitigation measures included in your application as set out in S31 of Westminster's City Plan (November 2016)

- 30 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5) of the following parts of the development - , ,
1. Typical bays - all elevations,
 2. Windows,
 3. Entrance doors,
 4. Shopfronts,
 5. Roof storeys,
 6. Roof level plant,
 7. Public art.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (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)

- 31 You must apply to us for approval of sample panels of:

1. Cladding for the Great Marlborough Street façade
2. Rebuilt Georgian façade at 48 Poland Street (to replicate the existing)
3. Cladding for new Poland Street facades

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 work according to the approved sample panels. (C27DB)

Reason:

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

- 32 Prior to the commencement of any:.,
- (a) demolition, and/or,
 - (b) earthworks/piling and/or ,
 - (c) construction ,
- on site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A

checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 33 At least 10% of all guest bedrooms must be DDA accessible or adaptable.

Reason:

To make sure that there is reasonable access for people with disabilities, as set out in S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 34 You must install the high level extract duct, and CHP flues, as shown on the approved drawings before the restaurant operations hereby approved can begin.

Reason:

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

- 35 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 Soho 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)

- 36 The Poland Street and Great Marlborough Street gates can only be opened between 07:00 and 23:00. Outside these times the gates shall only be opened in case of emergency access.

Reason:

In the interests of public safety 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.

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

Reason:

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

- 38 You must apply to us for approval of the detailed design of the proposed treatment of the substation cover in Poland Street, to ensure a suitable pedestrian footway surface is provided. You must not start any work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

In the interests of public safety 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.

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

- Top floor of 48 Poland Street to be more recessive.

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)

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to CIL@Westminster.gov.uk , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 3 You are advised to contact Richard McEllistrum (Transport for London) on 0203 054 8966 to discuss whether construction works require the suspension of the Cycle Hire Station on Great Marlborough Street. You will need the consent of Transport for London for such a suspension.
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 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)
- 6 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., ,
- Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., ,
- 24 Hour Noise Team,
Environmental Health Service,
Westminster City Hall,
64 Victoria Street,
London,
SW1E 6QP, ,
Phone: 020 7641 2000, ,
- Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)
- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 8 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of a financial contribution towards a carbon off-set payment, a walkways agreement and dedication of land as public highway.

- 9 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 10 It is anticipated that the assessment of Condition 22 will include a comparison of 'on/off' conditions and seek to investigate the 'increase' in measured levels with the following points relating to standard deviation taken into consideration. For example; a level 10 dB below existing levels would increase existing levels by 0.4 dB. The assessment of Condition 22 might also include a calculation approach where measurement is impracticable or a combination of measurement and calculation may be deployed. Measurement assessment of Condition 22 may require that third parties allow the applicant access to carry out Acoustic testing to demonstrate compliance with Condition 22 through measurement. If access is not made available, the applicant may deploy a calculation approach and base the criteria on reasonable assumptions of the existing acoustic conditions within the adjacent properties. It is possible that existing background, ambient and maximum levels within the adjacent properties could be very low for measurement and assessment purposes. It is expected that the accuracy of results should be taken into consideration when dealing with the measurement of low noise levels. Standard Deviation of measurement is a recognised measure of accuracy of results and reasonable consideration should be given to Standard Deviation as well as the capabilities of the instrumentation used for the assessment.
- 11 Condition 39: The top floor should either be set further back or pitched in order to reduce its visibility from street level.

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 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE	Date 4 June 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Development Site At 63 - 65 Curzon Street, London		
Proposal	Demolition of existing buildings and redevelopment, including excavation to create up to three basement storeys, ground and eight storeys to be used for up to 42 residential flats, creation of a ground floor arcade link between Stratton Street and Curzon Street for use as retail and/or restaurant uses (Classes A1 and A3), provision of up to 28 car parking spaces within the sub-basement levels. Provision of plant at basement and rooftop areas. Creation of terrace/balcony areas on both elevations.		
Agent	Gerald Eve LLP		
On behalf of	Maple Springfield Ltd		
Registered Number	19/00013/FULL	Date amended/ completed	21 December 2018
Date Application Received	21 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

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

- i) Car Club Membership for 25 years for all the flats;
- ii) Unallocated parking (as there are less car parking spaces than proposed flats)
- iii) Walkway Agreement;
- iv) Car Lift Maintenance;
- v) Highways alterations required for the development to occur (at no cost to the City Council);
- vi) Stopping up and dedication of land; and
- vii) The costs of monitoring the S106 agreement.

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

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

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

3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.

4. That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

2. SUMMARY

The application site comprises two adjacent properties in the Mayfair Conservation Area. One of the buildings has frontages on Curzon Street and Stratton Street and is currently vacant, but was last in use for office purposes. 63 Curzon Street is in use for retail purposes over the lower floors and five residential flats on the upper six floors.

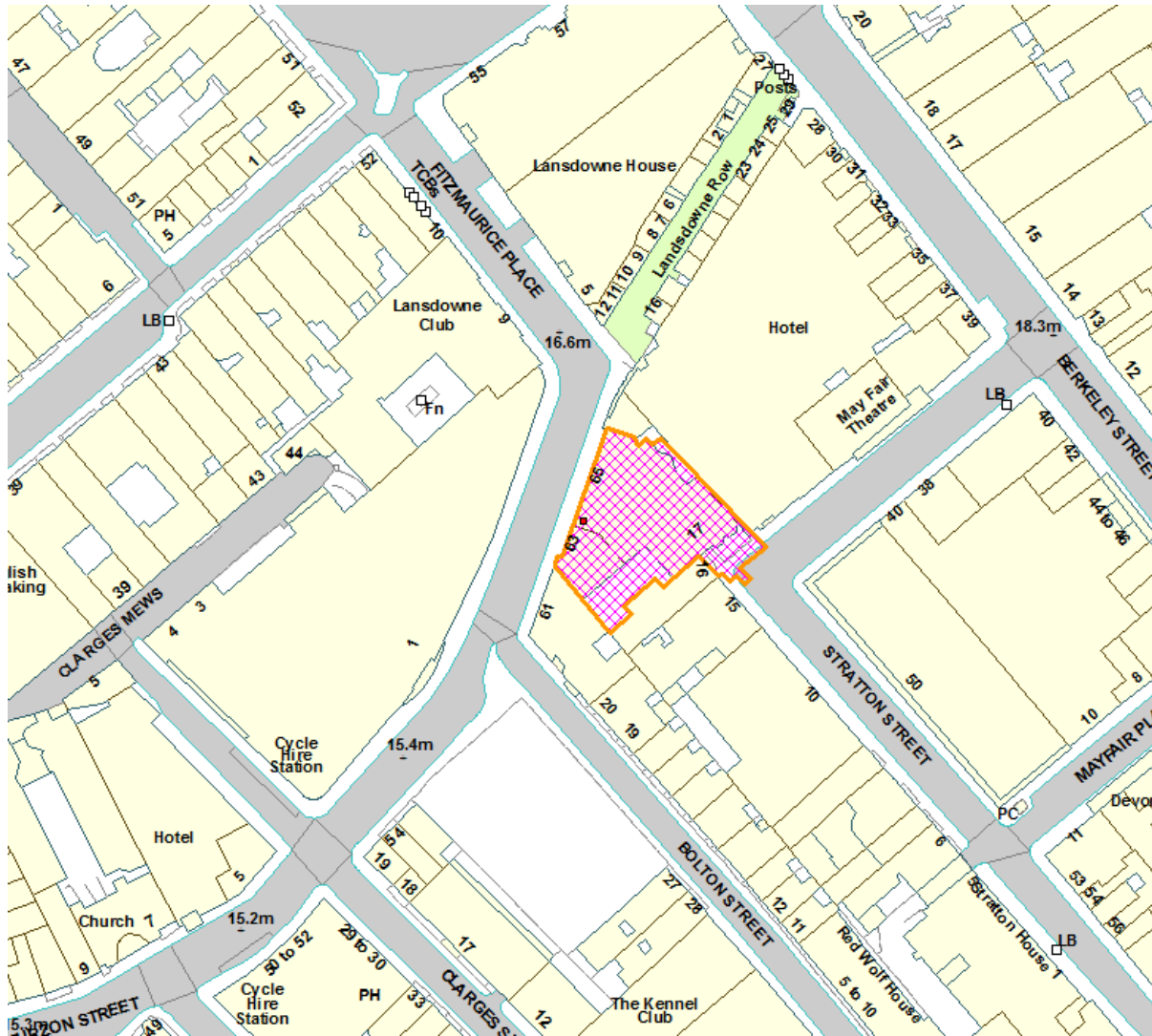
It is proposed to demolish and erect a new building comprising of two basement levels, lower ground, ground and eight upper levels. A new retail arcade is proposed at ground floor level and this will provide a pedestrian link between Stratton Street and Curzon Street. Retail/restaurant floorspace is proposed at lower ground and ground floor level, with up to 42 residential units proposed over the upper floors.

The key issues for consideration are:

- The design of the new building and the impact on the Mayfair Conservation Area;
- The impact of the new restaurant uses on existing and new residential properties.

The proposal is considered acceptable and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan) and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Curzon Street frontage



Stratton Street frontage



5. CONSULTATIONS

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

No requirement to be consulted on this application.

HISTORIC ENGLAND (ARCHAEOLOGY)

Any response to be reported verbally.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

THE ROYAL PARKS

Any response to be reported verbally.

BUILDING CONTROL

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Objection to lack of off-street servicing.

WASTE PROJECT OFFICER

Objection, insufficient details submitted.

DESIGNING OUT CRIME OFFICER

No objection, subject to conditions.

ENVIRONMENTAL HEALTH

No objection.

THAMES WATER UTILITIES LTD

No objection, subject to conditions.

WCC ECONOMY TEAM

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 189

No. of objections: 2 letters of objection raising all or some of the following:

Design

- Overdevelopment of area
- Too much development in historic area
- Large scale redevelopment undermines integrity and charm of Mayfair

Other

- Existing tenants will have to find alternative accommodation
- Other large building works are ongoing in the area
- Obstruction caused by construction works
- Impact of works on local businesses in the area

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site includes two separate, but adjacent buildings within the Mayfair Conservation Area. No.65 is an unlisted building which has two frontages on both Stratton and Curzon Street and is known as Nightingale House. The building is currently vacant, but was last in use for office purposes. No.63 is also an unlisted building comprising retail floorspace at basement and ground floor level and five residential units on the upper six floors.

Stratton Street runs north from Piccadilly, and then runs east to meet Berkeley Street. No.65 is located at the point the road changes direction.

No.65 has two distinct frontages, the Stratton Street facade dates from 1893, and was retained following redevelopment in late 1980's and the facade to Curzon Street is post modern.

The application site overlooks two lightwells, one to the east which is shared with the Mayfair Hotel and one to the west which is overlooked by two other buildings; 16 Stratton Street and 61 Curzon Street.

The nearest residential is located at 16 Stratton Street, where there are six residential flats.

6.2 Recent Relevant History

63 Curzon Street

Planning permission was granted on 30 January 2013 for the use of basement and ground floor for retail purposes (Class A1) and first to the sixth floor as residential (Class C3) apartments. The permission included alterations to facades including new entrance and windows with balconies to rear elevation and associated plant. This permission has been implemented.

65 Curzon Street

Planning permission was granted on 29 April 2016 for the demolition of existing building and redevelopment, including excavation, to create up to three basement storeys, ground and eight storeys to be used for up to 32 residential flats, creation of a ground floor arcade link between Stratton Street and Curzon Street for use as retail and/or restaurant uses (Classes A1 and A3). The permission also included the provision of up

to 21 car parking spaces over the basement level, basement and rooftop plant areas and the creation of terrace/balcony areas on both elevations.

This permission has been implemented and a certificate of lawfulness confirming the lawful implementation was granted on 11 July 2018.

7. THE PROPOSAL

The proposal is broadly similar in terms of height, bulk and mix of uses to that granted in 2016 at 65 Curzon Street, the application site now includes the adjoining building at 63 Curzon Street.

Permission is sought for the demolition of the existing buildings and rebuilding to provide two sub-basement levels, lower ground, ground and first to eighth floor levels. Two of the basement levels will accommodate the car parking and cycle parking associated with the development; a new retail arcade is proposed at ground floor level and this will provide a pedestrian link between Stratton Street and Curzon Street. There are differences in levels between both streets, the ground floor level on Stratton Street being higher than Curzon Street. Therefore, the arcade will be slightly downward sloping towards Curzon Street, this also allows part of the first floor on Curzon Street to be used for retail/restaurant purposes. Part of the ground floor and part lower ground floor will accommodate retail/restaurant uses. Within the arcade, retail floorspace is proposed on both sides of the arcade.

The upper floors will be used for up to 42 residential units, with the residential entrance on Curzon Street.

The key differences in the consented and proposed scheme are:

- Inclusion of 63 Curzon Street;
- Retail arcade has been realigned to allow for larger retail units on both sides of the arcade; and
- Residential entrance will be from Curzon Street, rather than Stratton Street.

1. Existing land use figures for 63 Curzon Street

Use	Floorspace (GIA)
Residential	1088
Retail	113
Total	1201

2. Consented land use for 65 Curzon Street

	Existing (GIA)	Consented (GIA)	+/-
Office	4959	0	-4959
Retail/Restaurant	0	892	+892
Total Commercial	4959	892	-4067
Residential	0	7451	+7451
Total	4959	8343	+3384

As set out above, the 2016 consent for No.65 has been lawfully implemented, therefore the existing floorspace figures within the table below includes the consented (and implemented) position

3. Land use table

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail/Restaurant	882	1149	+267
Residential	6419*	6458	+39
Total	7301	7607	+306

* 1088sqm of this floorspace is located within No.63.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The 2016 scheme for No.65 has been lawfully implemented, and although the consent has not been fully implemented, the residential scheme could be completed at any time. In these circumstances, City Council policies relating to the protection of office floorspace are not applicable.

Residential (unit mix and standard of residential floorspace)

The proposal is for 42 residential units, which is an increase of five units from existing (and implemented) situation. The proposed mix would provide 3 studios, 7 x 1 bed, 15 x 2 beds, 16 x 3 beds and 1 x 5 bed unit and therefore 40% of the units would be provided as family accommodation, this complies with UDP Policy H5. This is an improvement over the consented position where 31% of the units were family sized.

It is noted that some of the units are larger than the standards set out in the London Plan. However, it is considered the flat sizes are varied and in these circumstances the size of the units is acceptable and complies with City Plan S14.

All the flats would comply with the minimum dwelling space standards as set out in the London Plan. All the flats are lifetime home compliant and four of the units (10%) will be provided as easily adaptable wheelchair housing.

2. Table showing the proposed flat sizes (sqm)

Level	Studio	1 Bed		2 bed			3 bed			5 bed
1		50					109			
2	39	51	59	80	117	107	110	128		
3	39	50	59	107	118	80	110	127		
4	39	50	59	107	118	80	110	127		
5				118	109	71	110	150	143	
6				118	109	71	110	150	143	
7							206	215	233	
8										467
Total	3	7		15			16			1

Affordable housing

Following the publication of the draft replacement London Plan and the new NPPF, the City Council has recently published a guidance note relating to the threshold for calculating affordable housing requirements. This states that the City Council will no longer base affordable housing requirements on the additional, or net increase in residential units or floorspace, but the **total** residential floorspace proposed. This change will come into effect for applications received after 1st June 2019, therefore as this application was received in December 2018, it will be considered on the net uplift of residential floorspace.

Taking into account the consented position, the proposal results in an uplift in residential floorspace of 39sqm and five residential units, therefore the proposal does not trigger City Plan policy S16.

Retail

There is an existing retail unit over the part basement and part ground floors of 63 Curzon Street comprising 113sqm. An objection has been received on behalf of the current occupier of the retail unit within No.63 on the basis that they would have to find alternative accommodation while the works are completed.

The existing retail floorspace will be re-provided and increased. The 2016 application included retail floorspace within the arcade, but this was limited to display shopfronts on the eastern side. As a result of the arcade being realigned, there will be an improved retail presence in the arcade. There will be four retail kiosks on the eastern side of the arcade, plus two units either side of the entrance facing Curzon Street and this will increase the presence of the arcade. The increased retail provision is welcomed and supported by Policy S21 of the City Plan. Retail policies aim to protect floorspace, not the user, therefore the objection is not considered sustainable to justify a reason for refusal.

All of the floorspace (apart from the retail kiosks in the arcade) will be used flexibly between retail and/or restaurant uses. It is considered reasonable to impose a condition to ensure that the existing retail floorspace (113sqm) is re-provided.

Restaurant

City Plan policy S6 accepts that, in principle, entertainment uses are appropriate for the Core CAZ, the site is not located within a Stress Area where the introduction of new entertainment uses is considered more sensitive.

The maximum size for the restaurant within the flexible floorspace is 1036sqm (241sqm larger than the consented scheme). In such circumstances, given that these are 'large-sized' entertainment uses, UDP Policy TACE 10 applies which requires the City Council to consider carefully the potential impact on residential amenity and environmental quality, taking into account the cumulative impact with other nearby uses, and the effect on the character and function of the area. City Plan Policy S24 states that new large scale late night entertainment uses measuring in excess of 500sqm, will not generally be appropriate within Westminster.

The restaurant proposals are speculative with no end-user identified, and therefore it is not possible at this time to consider the likely impact by assessing the track record of the intended occupier. However, conditions could be used to control the opening times and activity to limit the impact. These conditions would ensure that the uses would essentially be sit-down restaurants with any ancillary bar limited to a small part of the premises (i.e. 15%) and the bar could only be used by diners before and after meals. The restaurant would only be accessible when the arcade is open, and it is proposed that the arcade will be open from 07.00 – 02.00. It is considered to protect residential amenity, that the restaurant is restricted to a terminal hour of 12.30. This will allow the customers to leave and allow staff to clean up before the arcade is closed at 02.00.

The proposed lower ground floor plan indicates that part of the western lightwell will be used for outside seating in connection with the restaurant use. As there are residential windows at first floor level and above in the proposed development and within 16 Stratton Street a condition is recommended that the courtyard is only used until 21.00 daily.

The building has been designed to incorporate an internal kitchen extract terminating at high level.

8.2 Townscape and Design

The site comprises two buildings, the main building has two principal facades, one facing Curzon Street and the other facing Stratton Street. Only the Stratton Street façade has merit and it makes a positive contribution to the street and surrounding Mayfair Conservation Area despite its rather crude modern roof. There are various longer views of the site from the north and south and the site is prominent in views from Berkeley Square and particularly Piccadilly where it terminates the view north along Stratton Street. The second building is wholly modern and faces Curzon Street.

In urban design terms, there has never been any connection between Stratton Street and Curzon Street and this layout reflects the historic development of the area which was formerly occupied by the grounds of Devonshire House and Lansdowne House.

The culverted River Tyburn runs along Curzon Street, and there may be archaeological deposits related to early development on this site. The archaeological desk-top assessment has identified potential for remains of low significance but an archaeological

watching brief during preliminary ground preparation and subsequent foundation construction would ensure that any archaeological assets were not removed without record. It is also recommended that geoarchaeological sampling is undertaken if alluvial deposits are present within the site. Any archaeological work would need to be undertaken in accordance with an approved Written Scheme of Investigation (WSI) and this may be secured by condition.

There are listed buildings near the site in Fitzmaurice Place and Stratton Street, the setting of which will be affected by the proposed development, and Berkeley Square is a grade II registered garden.

Proposed design

Curzon Street

The facade is divided into five principal bays with four subsidiary bays between. Each of the main bays has a projecting window or balcony and has a pavilion roof. The larger area of masonry between the bays creates a vertical rhythm and the arcade entrance has a projecting canopy. The façade is of ashlar stone and coloured metal panels (the precise materials have not been chosen). The inner lightwell facades mostly are of brickwork.

In design and heritage asset terms, the proposed façade will be an improvement because of its more visually interesting and appropriate palette of materials and detailed design. Thus, the view from Berkeley Square will be improved and the setting of the grade II-star listed Lansdowne Club will be improved.

Stratton Street

The proposed facade comprises two bays and incorporates the southern entrance to the arcade which stands forward of the adjoining entrance to the residential accommodation. The verticality of the design sits well in its context and will maintain the setting of nearby listed buildings in Stratton Street and the character and appearance of the surrounding conservation area.

Arcade

The new arcade is a substantial public benefit which will help to better connect the new Crossrail Station in Davies Street to Green Park and the streets south of Berkeley Square. Furthermore, it will be an attractive feature in its own right and will reinforce the character of Mayfair as a high quality retail destination which features several other arcades. The layout and generous scale of the arcade will make it an attractive feature of the building and of the new walking route it creates.

Conclusion

In design and heritage asset terms, there is no objection to redevelopment of the site as the detailed design is suitable for the site and its surroundings. Objections to the overdevelopment and increased bulk are not considered sustainable to justify a reason for refusal. The arcade is highly attractive and will provide substantial public benefits to outweigh the harm caused by loss of the existing Stratton Street façade which, whilst handsome, has been very poorly served by the 1980s conversion to office use and which could not be sensibly altered to accommodate the new arcade.

8.3 Residential Amenity

The nearest residential is located within 16 Stratton Street where there are six residential units. This building shares an internal lightwell with the application site and 61 Curzon Street and all these buildings have windows that overlook the lightwell.

Daylight and Sunlight overview

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

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

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

A daylight and sunlight report has been submitted with the planning application which includes an assessment of the development under the BRE guidelines, and this is analysed below.

All the windows within 16 Stratton Street have been tested for reductions in VSC. Four windows out of the 56 tested result in a loss in VSC levels over 20% (27%, 30%, 32% and 33%) These windows are located on the front elevation close to the boundary with the application site at first to fourth floor level. There are three windows per floor which are likely to serve the same room window. The other two windows comply with the BRE guidelines and it is therefore considered that the occupants of this room are unlikely to notice the loss to this one window. A number of windows (26No.) see an improvement to VSC levels as a result of the development.

None of the windows within 16 Stratton Street face within 90 degrees of due south and therefore do not need to be tested for sunlight.

Sense of Enclosure

The proposed building will not extend beyond the existing footprint, but will be approximately one storey taller. It is not considered the proposed building will have an adverse effect on the nearest residential windows within 16 Stratton Street.

Privacy

As set out above, the 2016 consent has been implemented, so the approved development can continue at any time, but full redevelopment works have not started. The existing building at No. 65 includes office windows within the lightwell shared with the residential windows within 16 Stratton Street and there is mutual overlooking between these two properties. The existing office windows clad the whole façade but they are set away from No.16 due to an existing escape stair enclosure which has a blank facade. There are existing windows to the rear of No.63 (which includes existing residential), which also look onto No.16.

In line with the consented scheme, the proposals introduce a more traditional fenestration pattern which will be extended across the rear of No.63. The windows are also proposed to be built closer to the existing residential windows (where they are currently set back as a result of the escape stair), thereby reducing the distance window to window. This may lead to greater mutual overlooking, but it is not considered that this is so significant to justify the refusal of the planning application.

New windows are proposed to the east lightwell which overlooks the Mayfair Hotel. There is a two-storey bar (Skybar) in close proximity (within the lightwell) to the boundary of the application site, the Skybar is fully glazed on all sides, including the roof. There is the potential for overlooking from customers using the Skybar into the new residential windows at second floor level. The applicants have set back this elevation from the boundary and are proposing a 2m high screen to reduce the opportunity for overlooking. This is considered acceptable.

Noise

As previously mentioned the Mayfair Hotel's 'Skybar' is located 3 metres from the proposed residential windows and although there are no openable windows in the 'Skybar'. It is important to ensure that the proposed residential units are adequately protected from the potential noise from the 'Skybar'. In line with the consented scheme, it is considered that suitable glazing is selected to ensure the internal noise levels are in line with the standard conditions. It is considered that a supplementary acoustic report should be submitted and this is secured by condition.

8.4 Transportation/Parking

Off-street residential parking is proposed over the sub-basement levels, 28 spaces are proposed for the 42 units proposed, which is a shortfall of 14 spaces. On-street parking pressures within 200m of this site are 56% during the nighttime and 64% during the daytime. The worst-case scenario is that all 14 vehicles would not have access to an off-street car parking space. Even if they did, it is accepted that the on-street stress levels would not increase over the 80% threshold.

The applicant has indicated that they will offer car club membership for 25 years for all of the residential flats. However, the applicant has not indicated that the off-street car parking would be provided on an unallocated basis. It is considered that the 28 spaces should be offered on an unallocated basis and this in conjunction with car club membership would be considered consistent with UDP Policy TRANS23. The unallocated parking and car club membership will be secured within the S106.

There is a shortfall in electric charging points, six are required, but two are proposed. A condition required an additional four charging points is recommended.

Access to the basement car parking is via single car lift, while the lift is set back, there is no independent off-street waiting space. Concern has been raised by the Highway Planning Manager that this may lead to localised congestion. It is considered that this situation will be rare due to the number of car parking spaces proposed.

Concern has also been raised to the lack of pedestrian visibility splays for vehicles exiting the car park. A condition is recommended to ensure that adequate visibility splays are incorporated into the ground floor design.

In terms of cycle parking provision, 74 cycle spaces are proposed for the residential units and seven are proposed for the retail/restaurant part of the development, this is considered acceptable. although this is not shown adequately on the plans, a condition is recommended requiring detailed drawings of this aspect of the scheme.

The existing building incorporates off-street servicing. The proposed building relies on on-street servicing and the Highways Planning Manager concludes that the proposal is not consistent with S42 of the City Plan or TRANS20 of the UDP, which requires off-street servicing provision. A servicing management plan has been submitted but it is considered that this is insufficiently detailed and as such an updated SMP is required. This will be secured by condition and this approach was agreed in the consented scheme.

The applicant is proposing a number of changes to the on-street parking restrictions, including changes to two existing taxi ranks, cycle parking and new street trees. It is not clear whether the applicant has approached TfL Taxi and Private Hire office to discuss the proposed changes. Within Stratton Street, an existing taxi bay is proposed to be removed. These changes will be subject to the formal Traffic Management Order process, which is a separate legal process and does not form part of this application.

Arcade/Walkway Agreement

The pedestrian link is welcomed, and the applicant has agreed that it will be secured with a formal Walkways Agreement with a two-metre passage to be kept clear at all times, this will be secured via S106 to ensure that the benefit is delivered and retained. To prevent anti-social behaviour a condition is recommended to ensure that the arcade is closed between 02.00 and 07.00 daily.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

Level access will be provided for the retail arcade and to the residential entrance. Lift access is provided to all the residential units.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed within the basement and at roof level. The roof top plant will be enclosed by a screen. An internal full height extract duct is proposed and this will terminate within the plant screen. Environmental Health has no objection to the proposed plant and it is likely to comply with the City Council's standard noise conditions.

Basement excavation

The proposal includes excavation to create additional sub-basement levels under application site. City Plan Policy CM28.1 does not restrict the size or the depth of basements within the Core CAZ.

Policy CM28.1 requires that basement development be accompanied by a detailed structural methodology statement and a signed proforma Appendix A which demonstrates that the applicant will comply with relevant parts of the COCP. These have been submitted.

Sustainability

The London Plan requires non-domestic building to be 35% below Part L 2013 of the Building Regulations.

The submitted documents indicate that the energy efficiency measures incorporated in the scheme, including improved fabric insulation; improved air tightness, high efficient heating and cooling plant, will provide carbon savings of 51%, therefore complying with London Plan policy.

Waste and Recycling

The Waste Project Officer has raised concerns over the lack of oil storage for the restaurant element of the scheme. At this stage it is unknown whether a restaurant will be implemented and therefore a condition is recommended requiring details at a later date.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the

NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

The submission version of the Mayfair Neighbourhood Plan has been submitted by Mayfair Neighbourhood Forum to the council for consultation and an independent examiner is due to be appointed shortly.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement conditions to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development and to ensure they enter into a demolition contract. The applicant has agreed to the imposition of the conditions.

8.12 Planning Obligations

The draft 'Heads' of agreement are proposed to cover the following issues:

- i) Car Club Membership for 25 years for all the flats;
- ii) Unallocated parking (as there are less car parking spaces than proposed flats)
- iii) Walkway Agreement;
- iv) Car Lift Maintenance;
- v) Highways alterations required for the development to occur (at no cost to the City Council);
- vi) Stopping up and dedication of land; and
- vii) The costs of monitoring the S106 agreement.

The estimated CIL payment is : £2,015,366.05

8.13 Environmental Impact Assessment

The scheme is of an insufficient scale to require an Environmental Impact Assessment.

8.14 Other Issues

Construction impact

Objections have been received on the grounds of increase disruption in this part of Curzon Street. A development at 60 Curzon Street is nearing completion and objections have highlighted that this is likely to continue with this development. The objector also states that the works are likely to have an impact on their business. Planning permission cannot reasonably be withheld on these grounds.

Prior to June 2016, CMP's would have been secured by planning condition, however, this is now covered by the Code of Construction Practice (COCP) and the Environmental Inspectorate. The COCP categorise developments into three levels, this scheme is a Level 1 development. Level 1 development will require the submission of a Site Environmental Management Plan (SEMP), but after consent is granted. It is important to note that planning have no role in determining what goes into the SEMP nor will it enforce compliance, this will exclusively be dealt with by the Environmental Inspectorate.

Hours of building and excavation work will be secured by condition. Therefore, it is considered that the concerns from objectors about the construction process are fully addressed.

Crime Prevention

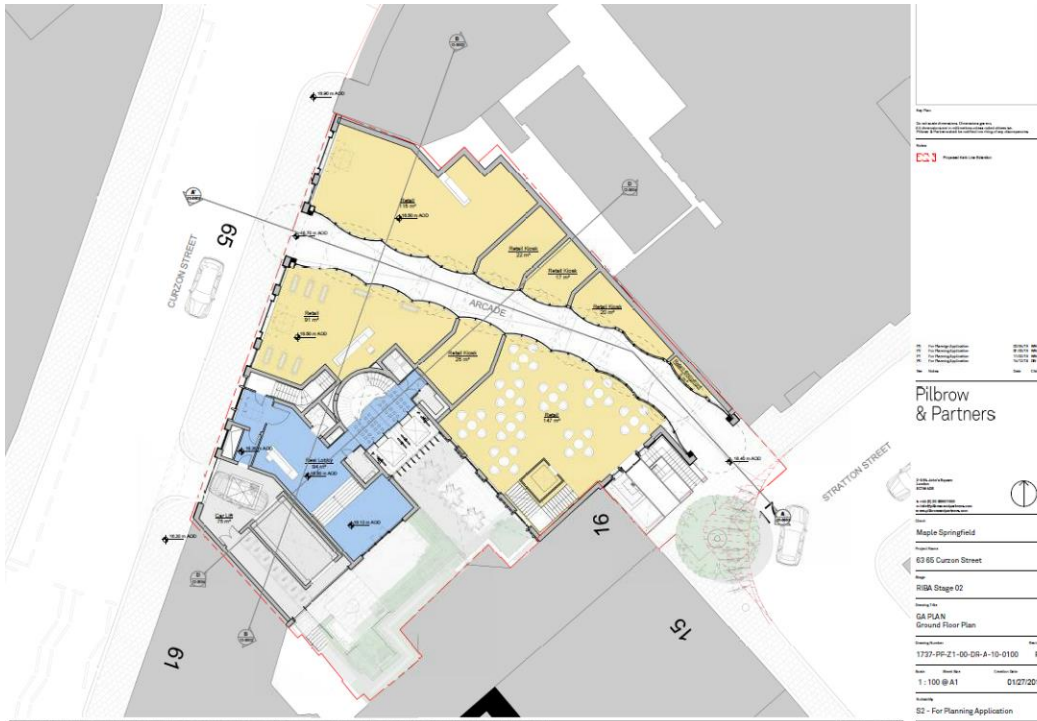
The designing out crime officer has made various recommendations for elements to be incorporated into the scheme. Conditions are recommended to ensure that the scheme is designed with crime prevention, security and community safety in mind.

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

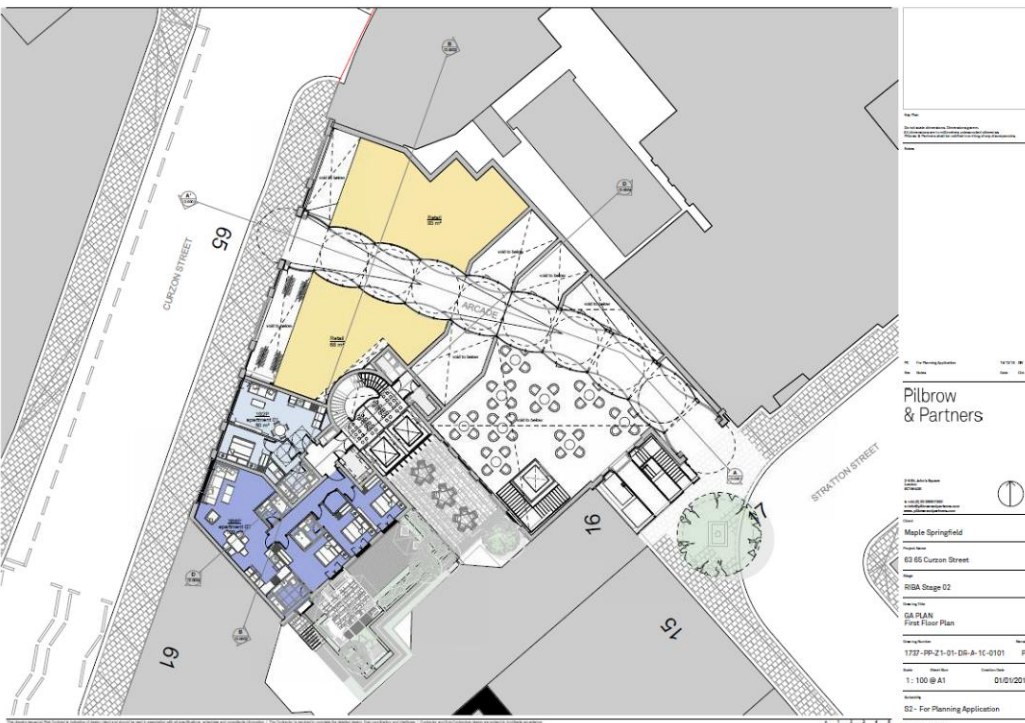
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

9. KEY DRAWINGS

Proposed ground floor plan



Proposed first floor plan



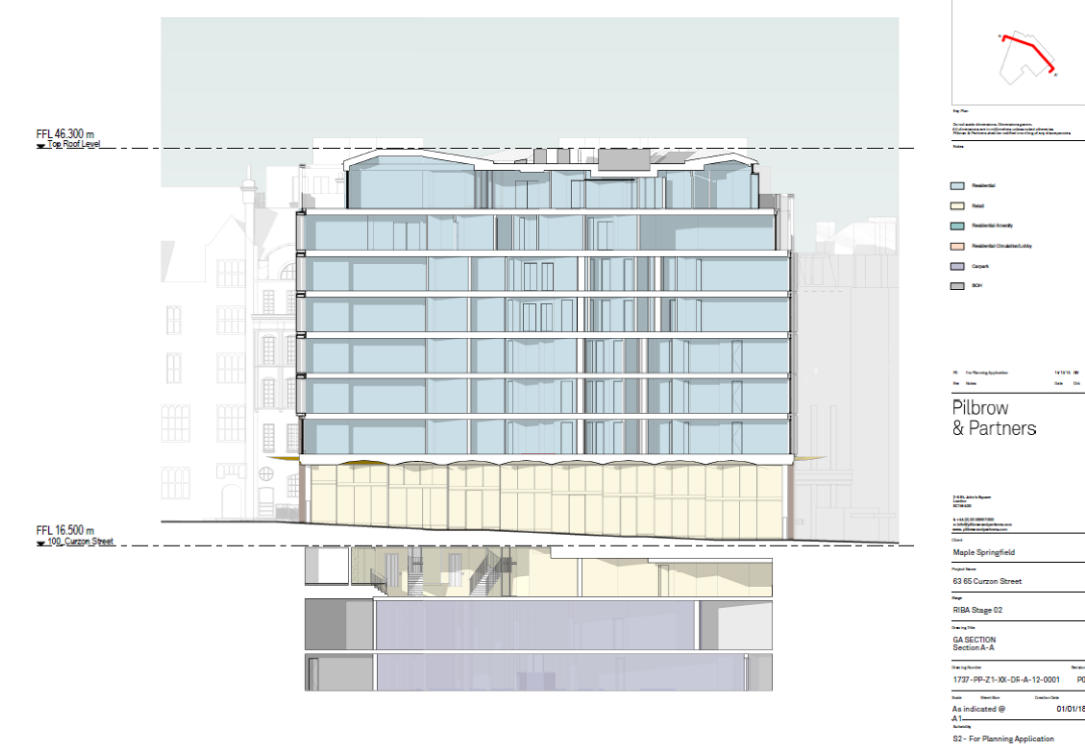
Proposed third-fourth floor plan



Proposed eighth floor plan



Proposed section



Proposed Curzon Street elevation



DRAFT DECISION LETTER

Address: Development Site At, 63 - 65 Curzon Street, London

Proposal: Demolition of existing buildings and redevelopment, including excavation to create up to three basement storeys, ground and eight storeys to be used for up to 42 residential flats, creation of a ground floor arcade link between Stratton Street and Curzon Street for use as retail and/or restaurant uses (Classes A1 and A3), provision of up to 28 car parking spaces within the sub-basement levels. Provision of plant at basement and rooftop areas. Creation of terrace/balcony areas on both elevations.

Reference: 19/00013/FULL

Plan Nos: 1737-PP-Z1-B1-DR-A-02-0099 P0, 1737-PP-Z1-00-DR-A-02-0100 P0, 1737-PP-Z1-01-DR-A-02-0101 P0, 1737-PP-Z1-02-DR-A-02-0102 P0, 1737-PP-Z1-03-DR-A-02-0103 P0, 1737-PP-Z1-04-DR-A-02-0104 P0, 1737-PP-Z1-05-DR-A-02-0105 P0, 1737-PP-Z1-06-DR-A-02-0106 P0,

1737-PP-Z1-B3-DR-A-10-0097 P1, 1737-PP-Z1-B2-DR-A-10-0098 P0, 1737-PP-Z1-B1-DR-A-10-0099 P2, 1737-PP-Z1-00-DR-A-10-0100 P3, 1737-PP-Z1-01-DR-A-10-0101 P0, 1737-PP-Z1-02-DR-A-10-0102 P0, 1737-PP-Z1-03-DR-A-10-0103 P0, 1737-PP-Z1-05-DR-A-10-0105 P0, 1737-PP-Z1-07-DR-A-10-0107 P0, 1737-PP-Z1-08-DR-A-10-0108 P0, 1737-PP-Z1-09-DR-A-10-0109 P0,

1737-PP-Z1-XX-DR-A-21-0100 P0, 1737-PP-Z1-XX-DR-A-21-0102 P0, 1737-PP-Z1-XX-DR-A-21-0105 P0, 1737-PP-Z1-XX-DR-A-12-0001 P0, 1737-PP-Z1-XX-DR-A-12-0002 P0, 1737-PP-Z1-XX-DR-A-12-0003 P0, 1737-PP-Z1-XX-DR-A-12-0004 P0, 1737-PP-Z1-XX-DR-A-11-0001 P0, 1737-PP-Z1-XX-DR-A-11-0002 P0, 1737-PP-Z1-XX-DR-A-11-0003 P0, 1737-PP-Z1-XX-DR-A-21-0113 P1

Structural Methodology Statement by AKT II Ltd dated December 2018 (INFORMATION ONLY), Energy Statement from GDM Partnership dated 11.12.2018

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for 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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 Prior to the commencement of any: (a) demolition, and/or, (b) earthworks/piling and/or, (c) construction, on site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

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

- 5 You must apply to us for approval of detailed drawings at 1:10 of a typical example of each window type and of all external doors and gates. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (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 paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

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

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

Reason:

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

- 8 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

Reason:

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

- 10 Prior to occupation, confirmation must be provided that either: all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied, which must be submitted to and approved by the local planning authority in consultation with the sewerage undertaker. , , Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:

The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

- 11 Prior to occupation, you must provide confirmation that either: all surfacewater network upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water to allow the additional properties to be occupied, which must be submitted to and approved by the local planning authority in consultation with the sewerage undertaker. , , Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance

with the agreed housing and infrastructure phasing plan.

Reason:

The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development.

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

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 13 If you provide an A3 use or uses, customers shall not be permitted within the restaurant premises before 07.00 or after 00.30 on Monday to Saturday and before 08.00 or after 23.00 on Sundays (C12DD)

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 TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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

Reason:

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

- 15 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use(s) until we have

approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant(s) are in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 16 If you provide an A3 use or uses, you must provide detailed drawings (plans, sections and elevations) showing the full height extract duct indicated on your approved drawings. These details must be provided before the restaurant use commences and the approved duct shall thereafter be permanently retained for as long as the restaurant is in use.

Reason:

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

- 17 You must apply to us for approval of detailed drawings of the following parts of the development: - 74 cycle parking spaces for the residential part of the development; and - 7 cycle parking spaces for the Class A1/A3 part of the development. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

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 2016 (R22FA)

- 18 You must apply to us for approval of details of how waste is going to be stored on the site (for the residential and Class A1/A3 uses) 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. (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)

- 19 Prior to occupation of retail/restaurant uses, you must submit and have approved in writing a Servicing Management Plan. The plan should identify the process, internal storage locations, scheduling of deliveries and staffing.

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)

- 20 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: four additional electric charging points (to bring the total to 6) within the basement car parking levels. 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 promote sustainable forms of transport.

- 21 You must apply to us for approval of details of the ventilation system to get rid of vehicle exhaust emissions from the basement car park. You must not occupy the residential part of the development until we have approved what you have sent us and you have carried out the work according to the approved details.

Reason:

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

- 22 You must apply to us for approval of detailed drawings of the following parts of the development; the detailed design of the vehicle entrance/exit and adjoining walls. You must not start work until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26CB)

Reason:

In the interests of public safety 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. (R24BC)

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

Reason:

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

- 24 You must apply to us for approval of a lift gate management strategy. This should include the provision of a traffic light system to the entrance to the car lift, ensure that the lift should always be returned to ground floor level to give priority to drivers entering the development, and set out a maintenance strategy to minimise downtime.

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)

- 25 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved in writing either: , (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, 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. (C29AD)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 26 All vehicles must enter and exit the site in forward gear.

Reason:

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

we adopted in January 2007. (R24AC)

- 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 (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. No works below the existing ground level or basement slab level to be carried out until we have approved what you have sent us. (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST. (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

- 29 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. (R49AA)

- 30 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. (R49BA)

- 31 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 29 and 30 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. (R51AB)

- 32 (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. (R46AB)

- 33 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. (R48AA)

- 34 You can only use the western courtyard for sitting out purposes (in connection with the restaurant/retail use) between 07.00 - 21.00 Monday to Sunday. Outside these hours the full height doors must be fixed shut.

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)

- 35 The gates to the arcade on Curzon Street and Stratton Street must be fixed shut between 02.00 - 07.00 daily.

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 36 Before you start to use any part of development, you must provide the energy efficiency measures as set out in the Sustainable Energy Assessment report by GDM dated 11.12.2018. You must then maintain and retain them in perpetuity and you must not remove any of these features.

Reason:

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

- 37 You must provide a minimum of 133sqm of retail (Class A1) floorspace, in addition to only using the retail kiosks (4No.) on the eastern side of the arcade for Class A1 purposes.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet S21 of Westminster's City Plan (November 2016). (R05AB)

- 38 Prior to the occupation of the development a Secured by Design accreditation must be secured in line with the relevant Secured By Design guidelines, this must be submitted to and approved in writing by the City Council in consultation with the Metropolitan Police Designing Out Crime Officers. The development must thereafter be carried out in accordance with these details.

Reason:

To reduce the chances of crime without harming the appearance of the building or the character of the Mayfair Conservation Area as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R16BC)

- 39 The development shall achieve a security standard to the satisfaction of the Metropolitan Police and or relevant government authority in relation to counter terrorism, details must be submitted to the City Council as Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers, prior to occupation of the development.

Reason:

To reduce the chances of crime without harming the appearance of the building or the character of the Mayfair Conservation Area as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R16BC)

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, neighbourhood plan (where relevant), 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 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. Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition)., , You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration

before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase., 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. , ,

- 3 You are advised that in relation to Conditions 11 and 12, you can visit the Thames Water website at www.thameswater.co.uk/preplanning
- 4 Thames Water will aim to provide customers with a minimum pressure of 10m head (aprox 1bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 5 In relation to Condition 22, details are required to ensure that there are adequate visibility splays for other highways users including pedestrians.
- 6 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , 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.**
- 7 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply. The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and

complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 8 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 9 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 10 The term 'clearly mark' in condition 18 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 11 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)
- 12 The Servicing Management Plan (SMP) should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. This must be provided for waste collection as well. It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users. The SMP should inform the occupant on their requirements to minimise the impact of their servicing on the highway (i.e set out how the occupant is expected to service the unit). A supplier instruction sheet is a helpful part of the SMP.
- 13 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) Car Club Membership for 25 years for all the flats; ii) Unallocated parking (as there are less car parking

spaces than proposed flats) , iii) Walkway Agreement;, iv) Car Lift Maintenance; , v) Highways alterations required for the development to occur (at no cost to the City Council); , vi) Stopping up and dedication of land; and, vii) The costs of monitoring the S106 agreement. (I55AA)

- 14 You are advised in relation to Condition 38, you must seek the continual advice of the Metropolitan Police Designing out Crime Officers (DOCOs) for each building or phase of the development and the accreditation must be achieved according to the current and relevant Secured by Design guidelines at the time of each building or phase of the development.

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

Item No.
4

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE	Date 4 June 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	72 Broadwick Street, London, W1F 9EP		
Proposal	Demolition and rebuilding of fifth and sixth floors and erection of two storey extension above the UKPN substation fronting Marshall Street, in connection with the use of the part basement and ground for restaurant purposes (Class A3), flexible/alternative use of part first floor as either offices (Class B1), or for up to two restaurants (Class A3), continued use of the part basement, part ground, second, third and fourth floors as offices (Class B1) with flexible/alternative use of part ground, part first, second and third floors as gym (Class D2) and the provision of 15 residential flats with external terraces at fifth floor level. External alterations to the whole building, including new roof profile, facade alterations, shopfront alterations, painting of existing brickwork, creation of office roof terrace at 6th floor level. Installation of a biodiverse roof, along with new plant and photovoltaic panels.		
Agent	Rolfe Judd Planning		
On behalf of	Shaftesbury Carnaby PLC		
Registered Number	18/10341/FULL	Date amended/ completed	6 December 2018
Date Application Received	6 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

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

- i. The costs relating to Highway Alterations including works immediately surrounding the site required for the development to occur, including changes to on-street restrictions, alterations to the vehicle access and adjoining footway;
- ii. The applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway.
- iii. Lifetime (25 years) Membership to a Car Club for each of the 15 flats proposed;
- iv. A financial contribution to the carbon offsetting fund carbon offsetting fund of £31,338 (index linked and payable prior to commencement of development).
- v. S106 monitoring costs.

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

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

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

3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.

4. That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

2. SUMMARY

The application site occupies a full street block within the Soho Conservation Area and has frontages onto Broadwick Street, Carnaby Street, Marshall Street and Ganton Street. There are retail units fronting onto Carnaby Street and part of Broadwick Street. There are offices at part ground, first to fourth floor levels which are accessed via Broadwick Street. There are eleven residential flats at fifth and sixth floor levels. A large part of the site is occupied by a UKPN substation and this does not form part of the application site. The elevations surrounding the substation comprise of concrete panels.

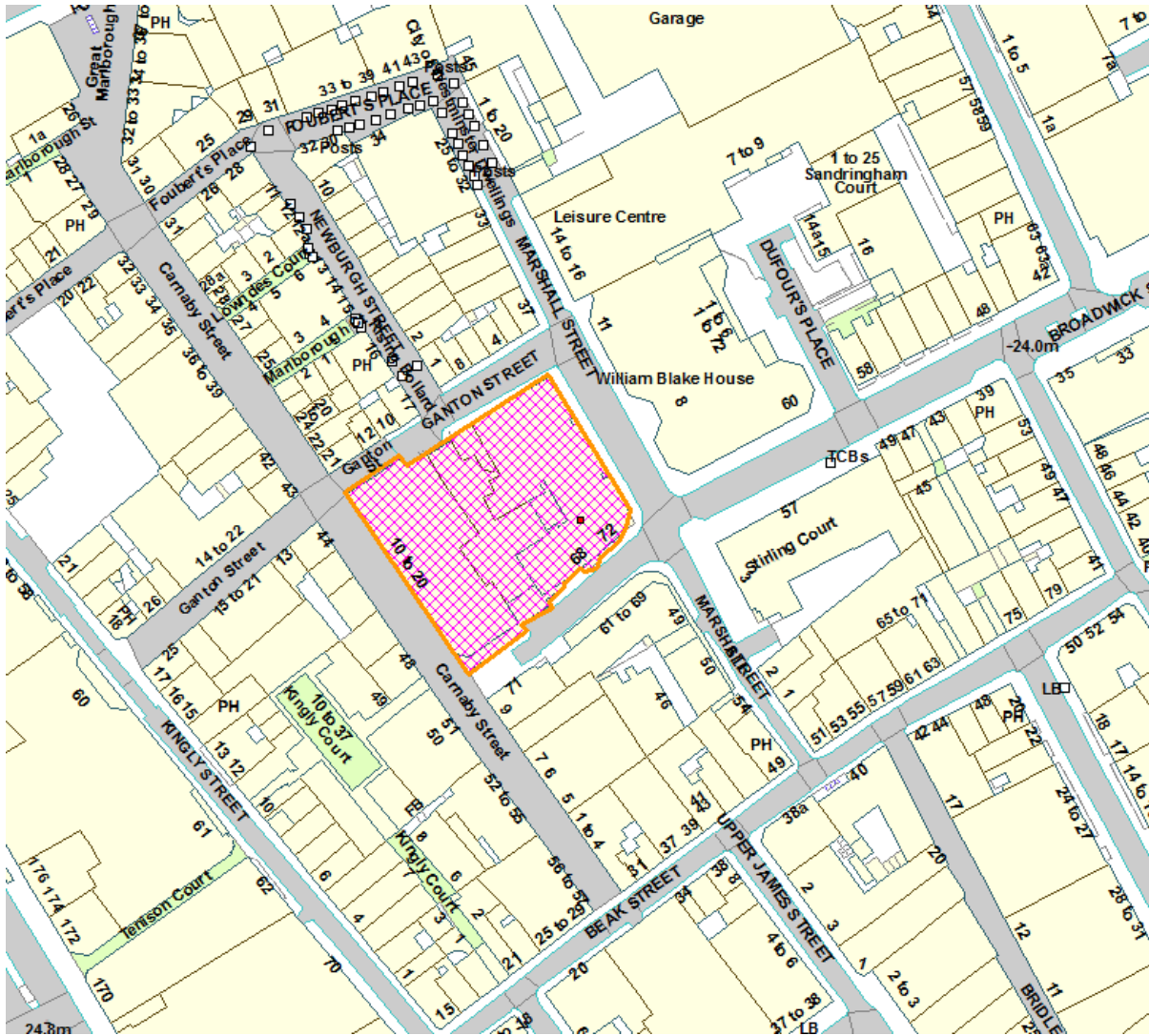
Permission is sought for the demolition and rebuilding of the fifth and sixth floors. A two-storey extension is proposed over the existing sub-station on the Marshall Street elevation, external alterations are proposed to all elevations, including painting of the existing brickwork and a new profiled roof. The existing residential floorspace will be reprovided at fifth floor level and four additional units are proposed. The remaining parts of the building will be used flexibly and include office and restaurant floorspace, and office and gym uses. A new restaurant is proposed over part ground and basement level.

The key issues for consideration are:

- The impact of the extensions on residential amenity;
- The increase in restaurant floorspace; and
- The elevational changes and new roof on Soho Conservation Area.

The proposals are considered to be in line with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan) and are therefore considered acceptable.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Corner of Broadwick Street and Marshall Street



Ganton Street



Carnaby Street



Corner of Carnaby Street and Broadwick Street

5. CONSULTATIONS

THE SOHO SOCIETY

No objection to overall scheme and welcomes the additional housing provision.

Objections raised to the following elements:

- Loss of office floorspace
- Increase of restaurant floorspace, one of the restaurants should be retained as office floorspace.
- Location of the restaurant entrance likely to have an impact on residents living in Marshall House
- All servicing should take place within the building footprint
- Carbon offsetting, the roof should be redesigned to include more photovoltaic panels
- Remodelling of the roof would address the concerns of the neighbouring residents relating to daylight and sunlight.

HIGHWAYS PLANNING MANAGER

Objection to servicing – additional information submitted relating to existing servicing bay

WASTE PROJECT OFFICER

No objection

ENVIRONMENTAL HEALTH

No objection.

DESIGNING OUT CRIME OFFICER

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 258

Total No. of replies: 8

No. of objections: 7

No. in support: 1

Land use

- Three restaurants are unacceptable in this location, lead to an increase in noise in the area
- Cumulative impact of restaurants in the area
- New residential flats will not meet housing need in the area

Amenity

- Loss of daylight and sunlight
- Loss of privacy
- Increased sense of enclosure
- Noise from plant
- Solar glare from PV panels
- Fumes from roof top plant should be directed away from residential properties.

Design and Conservation

- Massing on Marshall Street disrupts rhythm
- Impact on Soho Conservation Area
- Proposal does not comply with draft policies for the Soho Special Policy Area
- Material for roof not in keeping with the area
- Building should be below 8th floor level of Stirling House
- Special character of Soho reduced.

Highways/Parking/Waste

- Impact on servicing in the area, especially on Broadwick Street
- Increase in traffic congestion
- Rubbish collections in the area are a concern
- Pedestrianisation of Broadwick Street should not be sneaked under the radar
- Impact of tables and chairs on the highway

Other

- Impact of the building works (noise, dust, disruption)
- Reduction in sale value of flats surrounding the site
- Loss of view

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site occupies a full street block and is bounded by Carnaby Street, Broadwick Street, Marshall Street and Ganton Street. The building comprises basement, ground and five and part six upper floor levels. The building projects over the ground floor level on the corner of Carnaby Street and Broadwick Street. The building is stepped back at third floor level and above on Marshall Street. The sixth floor level does not cover the whole of the roof and is located to the rear of the building on Marshall Street.

At part basement and part ground floor level there are five existing retail units and these have frontages on Ganton Street, Canarby Street and Broadwick Street. The retail units do not form part of the application site. Part basement level and first to fourth floors are in use for office purposes (Class B1), the office entrance is located on Broadwick Street. The fifth and sixth floors comprise eleven residential units. All the units have access to private amenity space and there is also communal amenity space at roof level. There is a separate residential entrance on Broadwick Street and dedicated lift access to the flats.

There is a service road which divides the site at ground floor level and runs from Ganton Street to Broadwick Street; however, this is a 'no through route' due to issues surrounding the management of refuse on site. On Ganton Street there is also a separate access (via a ramp) to the basement car park which includes space for approximately six vehicles. The spaces are rarely used but are likely to be used by the commercial element of the building.

The building also houses a UKPN substation which occupies the north east side of the site. It occupies four sub-basement levels, lower ground, ground, first and second floor levels. The Marshall Street and Ganton Street elevations surrounding the substation are clad in concrete, there is a sculpture (giant plug and socket) on the Ganton Street elevation.

There are two ATMs located at ground floor level on Broadwick Street.

The site falls within the foreground viewing corridor of view 4A.2 of the London View Management Framework (LVMF 2012), which runs from the summit of Primrose Hill to the Westminster World Heritage Site.

The building is unlisted and is situated within the Soho Conservation Area.

6.2 Recent Relevant History

Planning permission was granted 2 June 1965 for the construction of Electricity Transformer building at Carnaby Street, Ganton Street and Marshall Street.

Condition 2 – The whole of the car parking accommodation shown on the drawing shall be provided and retained permanently for the accommodation of vehicles of the occupiers and users of the remainder of the building provided that nothing in this condition shall prevent the use of such car parking accommodation or any part thereof; by persons or bodies for such periods and at such time as the Council may from time to time approved in writing.

Condition 4 – No loading or unloading of goods, including fuel by vehicles arriving or departing from the permission shall be carried out otherwise than within the curtilage of the site.

Planning permission was granted 21 October 2004 for the use of part fifth and sixth floors for residential purposes including erection of extension at sixth floor level to provide a two-bedroom flat and also to provide additional residential floorspace to existing flat and new balcony at fifth floor level. This permission was implemented.

Planning permission was granted 9 May 2002 for the retention of the sculpture in the form of a giant electrical plug and socket on the Ganton Street façade of the electricity sub-station at second floor level. This permission was temporary for one year. A planning application was not submitted to secure the sculpture after the one-year temporary period elapsed. No enforcement action was taken and as the plug and socket has been in situ since 2002, it is now lawful.

A planning application was submitted in 2017 for demolition and rebuilding of the part first, second, third and fourth floors, full demolition and rebuilding of fifth and sixth floors and the erection of a seventh floor for office use, use of part first and part second floors as nine residential units incorporating winter gardens and a new retail unit at ground floor level on Ganton Street. External alterations were proposed to the whole building, including new facades. This application was withdrawn prior to determination at Planning Applications Sub Committee (12.12.2017)

7. THE PROPOSAL

Permission is sought for the demolition and rebuilding of the existing fifth and sixth floor levels. The existing residential accommodation will be re-provided at fifth floor level, with an additional four units taking the total number to 15. The residential units will be accessed via a new entrance on Ganton Street which will have a dedicated stair access. A residential refuse area is proposed and this will have direct access to the service yard.

A two-storey extension is proposed above the UKPN sub-station on the Marshall Street elevation at third and fourth floor level. External terraces are proposed for all the residential flats at fifth floor level, it is also proposed to create a sunken communal garden for the residential flats.

As a result of the reconfiguration of space at ground floor level, a new retail unit is proposed on Broadwick Street. The other existing retail units on Carnaby Street are not part of the proposals.

The existing service entrance and exit will be amended, the entrance will remain as existing on Ganton Street, but the exit onto Broadwick Street will be removed. This part of the former service road exit will be used as an entrance to a new basement restaurant.

The applicants are proposing a number of flexible uses for the upper floors, which are as follows

- Part ground, part first, second and third floors for either office (Class B1) or gym (Class D2) use.
- Use of part first floor (front) for either office (Class B1) or for up to two restaurants (Class A3)

The fourth floor and part sixth floor levels are proposed to be used for office purposes only.

There are a number of variables as a result of the flexible uses proposed. There could be three restaurants on site, with the two at first floor and one at basement level. Also, if the gym use is implemented, this will result in changes to the ground floor to allow for a smaller office entrance on Broadwick Street.

The UKPN substation is not part of the proposals and will remain in situ. It is proposed to install new gates on Ganton Street into the service yard. A green roof, green walls, photovoltaics and plant is proposed at roof level.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	7100	2736	-4364
Office/Gym use (Part ground, first and second and third floors)	0	3403	+3403
Office/restaurant (first floor)	0	1051 – 1095 depending on the B1/D2 option	+1051-1095
Total B1 if all		7190 - 7234	+90 - 134

floorspace implemented as B1			
Retail	1657	1615	-42
Restaurant (basement)	0	482	+482
Residential	1388	1494-1523 depending on the uses below	+106-135
Total	10,145	10781-10854	636-709

The submitted floorspace figures are complicated owing to the various flexible uses being applied for and the number of different scenarios this creates. This is the reason the table above includes different variable floorspace figures. The applicants have confirmed that if the gym use is implemented it would occupy the whole of the floorspace at part ground, first, second and third floors.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Office use

The proposals could result in the loss of 4364sqm of office floorspace in the scenario where all the flexible uses are implemented. Office floorspace is protected by City Plan policy S20. The Soho Society has objected to the loss of office floorspace. However, where the office floorspace is to be used for another commercial use, which in this case for gym or restaurant purposes, the loss of offices is acceptable. The objection from the Soho Society is not considered justified in this instance.

The proposals could also result in an increase in office floorspace of between 90 – 134sqm in the scenarios where all the flexible floorspace is used for office purposes. The increases in floorspace comply with Policy S20. The increases are less than 400sqm and therefore there is no requirement to provide residential floorspace as per Policy S1 of the City Plan.

Affordable housing

Following the publication of the draft replacement London Plan and new NPPF the City Council has recently published a guidance note relating to the threshold for calculating affordable housing requirements. This states that the City Council will no longer base affordable housing requirements on the additional, or net increase in residential units or floorspace, but the **total** residential floorspace proposed. This change will come into effect for applications received after 1st June 2019, therefore this application will be considered on the net uplift of residential floorspace.

The proposal results in an uplift in residential floorspace of either 106 or 135sqm and four units, therefore the proposal does not trigger City Plan policy S16.

Residential use

There are 11 residential units over the fifth and sixth floor levels over 1388sqm. The units are accessed via the residential entrance and lobby on Broadwick Street where there is a dedicated lift to the residential floors. There is also stair access but this is shared with the existing offices.

The existing flats comprise 9x2 bed units and 2x1 bed units

All of the existing flats have access to private amenity space and there is communal external space at fifth floor level.

Table 2: Existing unit breakdown (GIA)

Flat No.	Bedrooms	GIA (sqm)
1	2	97
2	2	98
3	2	105
4	2	93
5	2	88
6	2	110
7	1	60
8	2	80
9	1	46
10	2	110
11	2	120

The proposed residential floorspace will be located at fifth floor level, as the fifth floor is being rebuilt and reconfigured the amount of residential floorspace will increase between 106 and 135sqm. Four additional residential units are also proposed.

Table 3: Proposed unit breakdown (GIA)

Flat No.	Bedrooms/no. persons	GIA (sqm)
1	1 bed/2 persons	51
2	1 bed/2 persons	21
3	1 bed/2 persons	53
4	2 bed/4 persons	73
5	2 bed/4 persons	73
6	1 bed/2 persons	50
7	2 bed/4 persons	86
8	2 bed/4 persons	78
9	2 bed/4 persons	99
10	1 bed/2 persons	61
11	1 bed/2 persons	53
12	1 bed/2 persons	53
13	2 bed/4 persons	73
14	1 bed/2 persons	57
15	1 bed/2 persons	56

No three-bedroom units are proposed, as the floorspace is being reconfigured, it would be expected that some of the units proposed would comprise three bedrooms. However, the site is located within Soho which is a vibrant and busy area. With part of the site

being on Carnaby Street, this area is busy at all times of the day and into late evening. It is considered that the non-provision of three bedroom units is acceptable in these circumstances. As per the table above, six of the units are large enough for four persons, therefore if small families wished to live in this location they could.

All of the flats have access to their own balconies and also the communal roof garden and eleven of the flats proposed are dual aspect, with windows overlooking the street and the communal garden area. The units comply with the minimum standards set out in the London Plan and are considered acceptable.

The proposed units are not considered to be oversized and comply with City Plan Policy S14 which states that the number of residential units on development sites will be optimised.

In terms of the impact from external and internal (potential restaurant/office/gym units and UKPN substation) noise sources, an acoustic report has been submitted with the application. In this location, the impact from external sources has the potential to be high. The new windows will include alternative forms of ventilation to allow the future occupiers to keep their windows shut, but still ventilate the flats. Environmental Health has confirmed that the proposals will comply with the standard noise conditions. A condition is recommended to ensure that all windows are capable of being opened.

An objection has been received on the grounds that the proposed residential accommodation would be valued above average and will not meet the need of those working in the area or provide affordable housing. The increase in residential floorspace is less than 1,000sqm therefore there is no requirement to provide affordable housing as per Policy S16 of the City Plan.

Environmental Health have commented that the means of escape in case of fire is inadequate. However, this is not a planning matter and will be covered by Building Control or the Fire Brigade, an informative is attached to the decision.

Restaurant use

The proposals include the use of part of the ground floor and part basement for restaurant purposes comprising 482sqm. As part of the proposals part of the first floor (front) could be used as two restaurants, the floorspace at first floor comprises 1051sqm or 1095sqm (depending on other flexible uses). The applicants have suggested that the restaurants should be considered separately. However, this is not appropriate, the total restaurant floorspace must be assessed which is 1,577sqm (maximum).

City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core CAZ. However, the site is located within the West End Stress Area, where new entertainment uses are considered more carefully. The proposal is for a 'large-sized' entertainment use and UDP Policy TACE10 applies, which requires the City Council to consider carefully the potential impact on residential amenity and environmental quality, taking into account the cumulative impact with other nearby entertainment uses, and the effect on the character and function of the area. City Plan Policy S24 states that new large scale late night entertainment uses over 500sqm will not generally be appropriate within Westminster.

Objections have been received, including from the Soho Society on the grounds that the restaurants will create additional noise and nuisance and further push stress levels to unacceptable levels. The objections also refer to the proposed entrances to the restaurants on Broadwick Street will have a detrimental impact on residents in Marshall House.

The proposed basement restaurant will be accessed via Broadwick Street. There is usable floorspace at ground floor level (which will be smaller in the event the gym use is implemented). An openable shopfront is proposed, however it is not considered that this is appropriate and a condition requiring this to be fixed shut is recommended.

In the event that the first floor is used for restaurant purposes, the restaurant would occupy the front part of the first floor, with access points from Broadwick Street and Ganton Street. Two of the restaurants could potentially exit onto Broadwick Street and it is considered appropriate, that internal lobbies are installed to the entrances on Broadwick Street to ensure that there is no additional noise breakout and a condition is recommended. It is not considered necessary to require an internal lobby for the restaurant accessed via Ganton Street as there is no usable floorspace at ground floor level.

The restaurant proposal(s) are speculative with no end-users identified, and therefore it is not possible at this time to consider the likely impact by assessing the track record of the intended occupier(s). However, conditions could be used to control the opening times and activity to limit the impact and to address the concerns that neighbours raise. These conditions would ensure that the uses would essentially be sit-down restaurants with any ancillary bar limited to a small part of the premises (i.e. 15%) and the bar could only be used by diners before and after meals.

The applicants have indicated that there would be a maximum of 125 covers within the basement restaurant, 168 covers within Restaurant 1 and 188 covers in Restaurant 2. All the restaurants would be open between 08.00 – midnight Monday to Thursday, 08.00 – 00.30 Fridays and Saturdays and 08.00 – 23.00 on Sundays and Bank Holidays. These hours are in line with the core hours set out in the UDP and are considered acceptable.

Draft Operational Management Plan (OMP) have been submitted in support of the application, however, it is considered appropriate to request an OMP for each of the restaurants once an operator has been selected. A condition is also recommended to ensure that in the event two restaurants are implemented at first floor level, that these are not connected and operate as two separate restaurants.

The site is located in an area where there are a number of other restaurant uses. The Carnaby Street elevation is opposite the entrance to Kingly Court, where there are several restaurants and cafes uses. Objections state that new restaurant floorspace in this area is not required. However, it is considered that the restaurant floorspace will contribute to this area and will go some way to improve the evening and night time economy. The proposed floorspace is therefore considered acceptable and not considered to increase the cumulative impact in the area.

The draft City Plan is not a material consideration in determination of current planning applications.

Retail use

A new retail unit is proposed on Broadwick Street. However, the scheme results in the loss of 42sqm of retail floorspace. It is considered that while the loss of floorspace is regrettable, the same number of retail units is being provided and on this basis the application is considered acceptable.

Introduction of a gym

Part of the ground floor, part first and second and third floors will be used as a gym. Should the gym use be implemented, it will be accessed via an entrance on Broadwick Street. City Plan policy S34 states that new social and community facilities will be encouraged throughout Westminster.

8.2 Townscape and Design

The building is a large post war commercial block which does not make a positive contribution to the character and appearance of this part of the Soho Conservation Area. The proposed works seek to improve its appearance and add extensions at roof level. Objections have been received the massing of the building above the UKPN sub-station and the proposed material for the new roof.

The extensions on Carnaby Street take the form of glazed facades under asymmetrically pitched roofs. These are set back from the street facades so that their visual impact is limited from street level. On Marshall Street, the extension above the sub-station takes the form of two storey brick clad facades with the asymmetric gabled (coloured metal) roof above. At the corner of Broadwick Street and Marshall Street the height of the building is increased from three to six storeys, with the first to third floors clad in dark brick, creating a more prominent corner. At roof level the new plant area is set in towards the centre of the site to minimise its visual impact.

The increased bulk will not be highly visible from street level. The biggest impact is from Newburgh Street, but given the existing bulk of the building, the increase is not harmful to the setting of the listed buildings. The impact on the Soho Conservation Area is acceptable. The total height remains largely un-changed so the building will still be below the London Views Management Framework Protected View from Primrose Hill to the Palace of Westminster (View 4A.2).

The existing facades are to be altered through the installation of new windows, projecting bays, and application of grey translucent paint to the brickwork. New metal shopfronts and entrances are introduced to some of the street frontages. The existing shopfronts on Carnaby Street are outside the scope of the works. The ground floor is to be framed using sawtooth patterned brickwork. These alterations would give the building a more modern and visually interesting appearance and are considered to enhance its contribution to the character of the area.

It is considered that this is a well-designed scheme which will contribute positively to the character and appearance of the Soho Conservation Area. It complies with the City Council's urban design and conservation policies, including S25 and S28 of the City Plan and DES 1, DES 5, DES 6, DES 9 and DES 12 of the Unitary Development Plan. The

objections on design grounds are not considered sustainable to justify a reason for refusal.

Objections have been received to the alterations to the building on the grounds that they do not comply with the draft policies for the Soho Special Policy Area in the City Plan. These policies are in draft form and have little to no weight in the determination of planning applications. Therefore, the objections on these grounds are not considered sustainable to justify a reason for refusal.

8.3 Residential Amenity

The existing building is set back on the Marshall Street elevation at third and fourth floor level and then further set back at fifth and sixth floor level. At third floor level it is proposed to partly extend to the rear towards Marshall Street and at fourth floor level it is proposed to extend the building to its full footprint. The rebuilt fifth floor will be set back, with the sixth floor level set further back from Marshall Street. Terraces to serve the residential flats are proposed on all elevations. Terraces to serve the offices are proposed at fourth floor level and these will be contained to the part of the building facing Carnaby Street, but will wrap round to Ganton and Broadwick Street. An office terrace is also proposed at sixth floor level.

Objections have been received on the grounds that the building should not extend the full width of the building at third and fourth floor level and that this was not proposed in the 2017 application. However, the scheme is very similar to that withdrawn in 2017, with a part full extension at third floor level and a full depth (to its full footprint) extension at fourth floor level.

Daylight and Sunlight

Policy S29 of the City Plan aims to improve Westminster's residential environment. UDP Policy ENV13 aims to protect and improve residential amenity, including the level of sunlight and daylight received to existing properties.

The principal BRE methodology for the assessment of daylight values is 'vertical sky component' (VSC). This measures the amount of light reaching the outside face of a window. This has the advantage of enabling the impact to be assessed without accessing the affected properties. BRE guidelines principally seek to protect light to principal habitable rooms including living rooms, kitchen/dining rooms and, to a lesser extent, bedrooms. Under this method, a window achieving a VSC value of 27% is considered to be well lit. If, as a result of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly, depending on the given circumstances.

In respect of sunlight, the BRE guide suggests that if a living room has a main window facing within 90 degrees of due south then the sunlighting of the existing dwelling may be adversely affected if it receives less than 25% of annual probable sunlight hours (APSH) or less than 5% of APSH between September and March, and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of APSH.

The application is supported by a daylight and sunlight report based on guidance published by the Building Research Establishment (BRE). The report assesses the impact on the following properties:

Marshall House – 49 Marshall Street

This building is located on the corner of Broadwick Street and Marshall Street and comprises commercial units over the ground floor and 24 residential units over the first to fourth floors. All the units have windows overlooking the application site.

Objections have been received from a number of the existing occupiers on the loss of daylight. Officers have gained access to three of the flats at (two at fifth floor level and one at third floor level) in Marshall Street. It appears that most of the flats are single aspect, with the corner flats being dual aspect.

There are losses to VSC to the majority of windows in Marshall House. The losses range from 0.43-30.11%. Seven of the 99 windows tested in Marshall House lose VSC over 20%, these losses are to windows on the lower floors (second, third and fourth) which directly face the application site and are close to the corner of Broadwick Street and Marshall Street (bay window). These windows all serve the same room (living/kitchen/diner). These losses are a result of the increase in bulk and height to the Marshall Street elevation. It is considered that the windows will retain good levels of VSC (3.96-14.7%) for this inner city location, plus as the windows affected serve the same room, the losses are considered acceptable.

The windows face north and therefore do not need to be tested for sunlight.

Objections refer to the existing ADF values in their flats and the fact that these are low and will be affected, whereas the proposed flats will have better ADF levels. The BRE Guidelines do not usually recommend using ADF to assess daylight levels within neighbouring properties as the internal room use, dimensions, surfaces and reflectance values need to be known. Also the proposed flats are at a higher level than the objectors properties and therefore do benefit from better daylight levels, however, this is not a valid reason to refuse this application.

4 Ganton Street

This building is located to the north of the application site and is located close to the corner with Marshall Street. There is a public house at ground floor level with three upper floors. Permission was granted in 2010 for the dual alternative use of the upper floors for continued office use or as three studio units (one per floor). The upper floors are currently in use as offices, however, as they can change to residential use until 2020, the windows have been assessed.

All the windows will be affected by the proposals but do not breach the BRE guidelines. The losses range from 15.13-19.87%. The retained levels of VSC are good and the losses are considered acceptable.

In terms of sunlight, the windows comply with the BRE guidelines as the retained APSH values are above 25%. One window at second floor level will lose 33% of winter sun,

however as the APSH levels are above the levels set out in the BRE guidelines the loss to one window is considered acceptable.

17 Newburgh Street

This building is also located to the north of the application and has frontages on Ganton Street and Newburgh Street. There is a retail unit at ground floor level with two upper floors. The upper floors are in use as two residential flats, although the use of the upper floors can change to offices without the need for planning permission until 2026.

The windows directly opposite the application site currently receive low levels of VSC, although these levels are not unusual in this part of the City. The losses of VSC to these windows are marginally above 20% (20.24-21.88), and are considered acceptable.

There are no losses to winter sunlight, and there is one loss over 20% to a second floor window. This window does not directly face the application site, it is not considered that loss to this window will be noticeable to the occupants and are considered acceptable.

12 Ganton Street

12 Ganton Street is also located to the north of the application site and is close to the corner with Carnaby Street. There is a retail unit at ground floor level. Permission was granted in 1997 for the dual alternative use of the upper floors for either a residential maisonette or for office purposes. The residential unit was implemented and this is now lawful.

The windows directly opposite the application site currently receive low levels of VSC, although these levels are not unusual in this part of the City. The losses of VSC to these windows are below 20% and are therefore in line with the BRE guidelines.

This property sees an improvement the levels of APSH and winter sunlight as a result of the proposals.

Stirling Court

Stirling Court is located to the south-east of the application site and is a residential tower block over fourth to tenth floor. There are losses of VSC to windows at fourth to eighth floor level, these losses range from 0.37% - 2.83% and therefore comply with the BRE guidelines. As the windows face north they do not need to be tested for sunlight.

Sense of Enclosure

Objections have been received from existing residents within Marshall House on the grounds that the proposals will result in an increased sense of enclosure. As set out above, the existing elevation on Marshall Street is set back at third floor level and above and in the proposed scheme the Broadwick Street/Marshall Street corner will be extended up to fourth floor level, with the fifth floor level set back. It is noted that some of the windows on the upper floors overlook the existing setback elevation and there will be some increase in enclosure to these windows. However, this situation is the same as the windows on the lower floors of the building and the windows to the west of the junction of Broadwick Street and Marshall Street. It is therefore not considered that the application could be refused on these grounds.

Privacy

Objections have been received to the loss of privacy as a result of the new office windows and the office and residential terraces at fourth, fifth and sixth floor level. It has also been requested that the terraces on the corner of Marshall Street and Broadwick Street are removed to reduce overlooking to Stirling Court. As there are existing windows within all elevations of the application site it is not considered that there will be an increase in the amount of overlooking.

There are existing residential terraces at fifth and sixth floor level overlooking Marshall Street and Broadwick Street. Terraces are proposed for all the new residential flats at fifth floor level. The terraces overlooking Marshall Street are over the extended building area and therefore extend further to the rear than the existing terraces. However, it is considered that on the basis that there are existing terraces in this location, they will not worsen the existing situation. The residential terraces on Carnaby and Ganton Street are considered acceptable.

Office terraces are proposed at fourth and sixth floor. The fourth floor terrace wraps round the building and fronts onto Ganton Street, Carnaby Street and Broadwick Street. The terrace at fourth floor level is considered acceptable, as it is located away from residential windows. The sixth floor terrace is located to the front of the building on Carnaby and Broadwick Streets. This terrace is largely screened from the residential windows in Marshall Street by the lift/stair/office extension. Objections have been received that this terrace will overlook an existing residential terrace at fifth floor level in Marshall House. The existing terrace on Marshall House is already overlooked by an existing residential terrace (and this will be replicated in this application). The office terrace is set back from the edge of the building and is one level higher than the Marshall Street terrace. However, as this is a new addition, which could be potentially used by a greater number of people, it is considered that the terrace should be set further back, where it is directly opposite the residential terrace. The terrace should be set back by 1.5m (where the door opening is located), and on this basis it is considered that overlooking from the office terrace will be minimised.

With these amendments it is considered that the terraces are acceptable. Conditions are recommended to ensure that the terraces are only used during normal office hours.

An objection has been received to the potential glare created by the PV panels. The optimum location for PV panels is south facing at an angle of 30 degrees. The residential properties are located to the east and south-east of site, therefore the panels are unlikely to cause glare into these residential properties.

8.4 Transportation/Parking

Loss of car parking

The existing basement level includes space for at least six cars and access to the basement level parking is gained via a ramp on Ganton Street. The proposal seeks to remove the off-street parking. The 1965 consent granted a scheme of offices and residential flats. A condition was attached to the consent which restricted the parking to the occupiers and users of the building. The submitted Transport Statement states that the basement is rarely used for vehicle parking. Furthermore, there is a Traffic Order that allows vehicular access to Ganton Street only between 07.00 – 11.00 and not at all on Sundays, therefore access to the basement parking is constrained.

The Highways Planning Manager has objected to the proposal on the grounds of the potential loss of off-street residential parking. However, due to the constraints of accessing the basement parking (with access only between 07.00 – 11.00 on weekdays and not at all on Sundays), it is unlikely that it is used by the residential element of the building. Furthermore, the existing residential core does not extend to basement level. On this basis, the loss of off-street commercial parking is considered acceptable.

Lack of off-street parking

No off-street parking is proposed for the residential flats. UDP TRANS23 requires sufficient off-street parking to be provided to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement for nine spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

Within a 200m radius of the site, parking occupancy at night time is 76%. During the day the uptake is 91% meaning that on-street parking is already at a 'stress levels. The Highways Planning Manager has objected to the scheme on the basis that the absence of any off-street parking provision would exacerbate existing parking stress levels in the vicinity of the site.

It is considered that the existing basement level is constrained and it is unlikely that eleven or 15 car parking spaces could be accommodated. The proposals do not involve new sub-basement levels and to provide high quality office floorspace, part of the basement will be used as ancillary office floorspace (showers/cycle parking facilities).

It is recognised that the site is located in an area of high levels of public transport and in a very central location which faces onto a pedestrianised street. The applicants have agreed to provide lifetime (25 years) membership to a car club. This will be secured via a legal agreement.

Cycle parking

The Highways Planning Manager has raised concerns that insufficient cycle parking is provided for the proposed uses. The scheme has been altered to increase the number of spaces for the restaurant and residential part of the development, but there is still a shortfall for the office floorspace. The office part of this development is a refurbishment scheme, and it is considered that on this basis the shortfall is acceptable.

Changes to the building line

The proposals alter the building in various places, particularly on the Ganton Street and Broadwick Street façades, where the building line is being brought forward. As these areas has been open and passable for at least 20 years these areas are considered to be highway. These areas are required to be stopped up to allow the development to be implemented. Where some areas will be stopped up, there will be areas which will be required to be dedicated as highway. The Highways Planning Manager has no objection to the stopping up or the dedication and this will be secured via a legal agreement. A number of the public comments received refer to the pedestrianisation of Broadwick Street. This is not proposed, the changes to Broadwick Street, include bringing the building line forward where the existing service yard exit is located. Comments also refer

to the use of the pedestrianised area for the placing of tables and chairs and the impact they will have on the street and the associated amenity issues. Should the applicants wish to use part of Broadwick Street for tables and chairs, this will require a separate planning application which will be considered on its merits at that time.

Servicing

Objections have been received on the grounds that the roads around the site are congested with servicing vehicles and these vehicles often obstruct the public highway. Comments have also been made that all the servicing for the site should take place off-street.

There are two access points to the existing servicing area on Broadwick Street and Ganton Street. The transport statement indicates that the existing access point on Ganton Street is not used as bins are stored in front of the gates. This means that there is no through access from Ganton Street to Broadwick Street. Refuse is also currently stored in the servicing yard and then left on the corner of Marshall Street and Broadwick Street for collection. UKPN also use the service yard to access the substation and there are conflicts between the refuse left in the service yard and UKPN.

It is proposed to retain the vehicular access point on Ganton Street, the Broadwick Street access will be removed. All servicing will take place on-street, which is the current situation. The Highways Planning Manager has questioned this approach as the original consent for the building including a condition requiring all servicing to take place in the yard. However, further information has been submitted which suggests that UKPN have full control over the yard and due to importance of this sub-station, they require unobstructed access at all times.

The existing servicing around the site is poor and this is as a result of poor management. With the implementation of a management system there will be a significant improvement over the existing situation. The Highways Planning Manager has commented that in order to further improve the current situation, all the servicing should take place off-street. As detailed above, this is not possible due to the conflicts over the yard, this is regrettable, but it is considered that with a robust management system there will be improvements over the existing situation. This is secured by condition.

With regards to the refuse (waste and recycling), a waste management stores are proposed and these have doors onto the servicing/UKPN yard. The stores include a glass crusher, a baler, commercial food bins and an area for residential waste. The Waste Project Officer has no objection to the proposed locations. The applicants have confirmed that the waste will be collected from these stores and will not be left on the highway for collection and this will be secured by condition.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

Level access is proposed to the office, retail and residential uses, stairs and lift access is provided to the upper floors.

Level access is provided at ground floor level to the restaurants, however, as these uses are speculative there are no detailed layouts. It is important to ensure that the basement and first floor levels are accessible for all and a condition is recommended requiring details of access for all uses and levels of the building.

8.7 Other UDP/Westminster Policy Considerations

Plant

New plant is proposed at basement and roof level, including the installation of full height extract duct. The duct will be routed through the building to the existing internal lightwell and will then vent at new roof level. An acoustic report has been submitted and Environmental Health has confirmed that the plant is likely to comply with the City Council's standard noise conditions.

Biodiversity

The proposal includes biodiverse roofs and walls, these are welcomed and secured by condition. There are existing beehives at third floor level, new beehives/insect hotels are proposed at roof level and again these are welcomed and are secured by condition.

Sustainability

The London Plan requires residential development to target 'Zero Carbon' and 35% below Part L 2013 for the non-domestic elements.

The submitted documents indicate that the non-domestic elements of the proposal will be 22.8% below Part L 2013 of the Building Regulations. The proposed residential also does not meet the 'Zero Carbon' targets. To address the shortfall the applicants are willing to contribute £31,338 to the carbon off-setting fund which is compliant with the Mayor's guidance. This is acceptable and will be secured by a legal agreement.

The submitted Sustainability Statement indicates that the office/retail and restaurant elements of the scheme will achieve a BREEAM 'Very Good' rating. This is welcomed and secured by condition.

In terms of on-site renewables, photovoltaic panels are proposed at roof level, covering an area of 97sqm (22sqm for the offices and 75sqm for residential); the panels will be secured by condition.

The Soho Society has commented that more of the roof should be utilised for PV panels to address the shortfall. However, due to the design of the roof, it is not possible to add further PV panels. The Carbon Offsetting Fund is recognised to be a suitable way of overcoming shortfalls. Therefore, the objection is not considered sustainable to justify a reason for refusal.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal

consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

The objections raised on the grounds that the proposals do not comply with the Soho Special Policy Area policies in terms of restaurant and design are not considered sustainable to justify a reason for refusal.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

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

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of the condition.

8.11 Planning Obligations

The draft 'Heads' of agreement are proposed to cover the following issues:

- The costs relating to Highway Alterations including works immediately surrounding the site required for the development to occur, including changes to on-street restrictions, alterations to the vehicle access and adjoining footway;

- The applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway.
- Lifetime (25 years) Membership to a Car Club for each of the 15 flats proposed;
- A financial contribution to the carbon offsetting fund of £31,338 (index linked and payable prior to commencement of development).
- S106 monitoring costs.

The development is not CIL liable.

8.12 Environmental Impact Assessment

The proposal is of an insufficient scale to require an Environmental Impact Assessment.

8.13 Other Issues

Construction impact

A number of objections have been raised to the length of the construction period, the impact the construction will have on existing residents and businesses in the area and the associated noise/dust and disruption. Planning permission cannot reasonably be withheld on these grounds.

Since June 2016, construction impacts are covered by the Code of Construction Practice (COCP) and the Environmental Inspectorate. The COCP categorise developments into three levels, this scheme is a Level 2 development. Level 2 development will require the submission of a Site Environmental Management Plan (SEMP), but after consent is granted. It is important to note that planning have no role in determining what goes into the SEMP nor will it enforce compliance, this will exclusively be dealt with by the Environmental Inspectorate.

Hours of building and excavation work will be secured by condition. Therefore, it is considered that the concerns from objectors about the construction process are fully addressed.

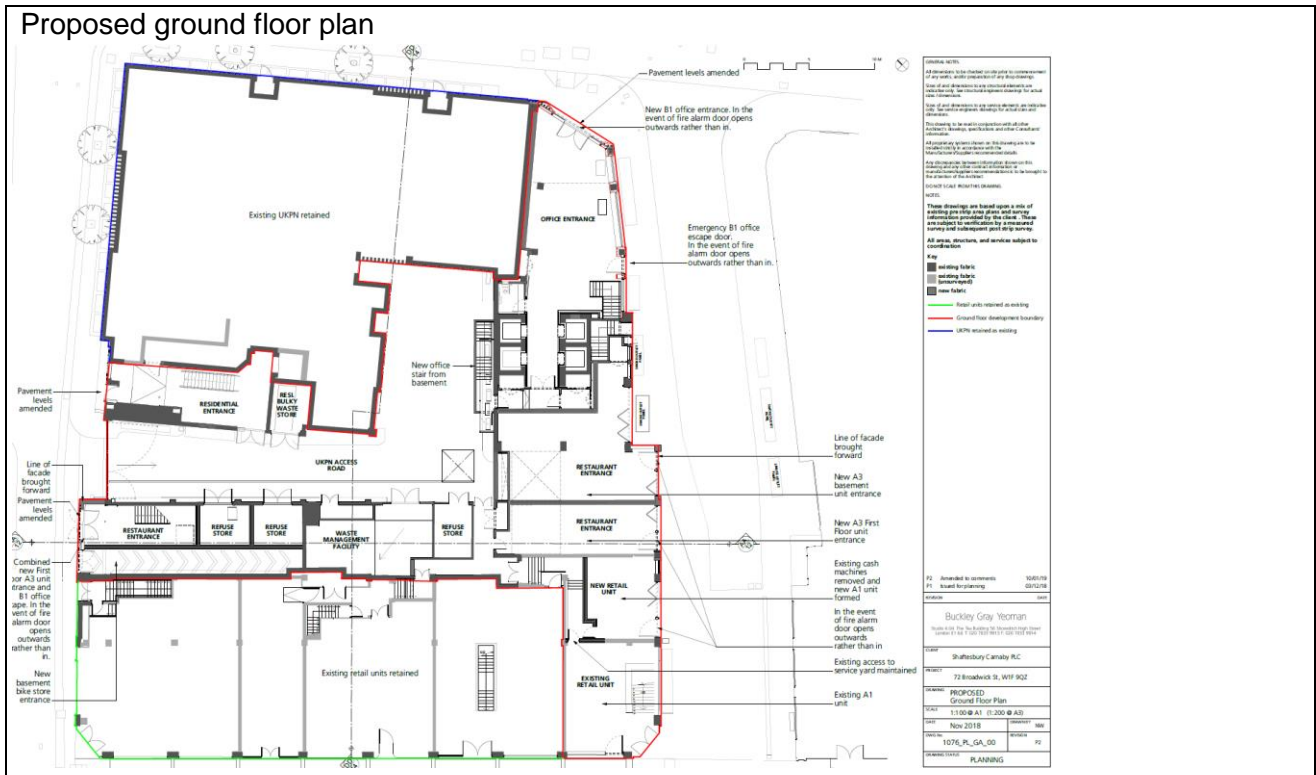
Objections have been received on the grounds that the value of property surrounding the will be affected as a result of the proposal. This is not a planning matter and permission cannot be reasonably withheld on these grounds.

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

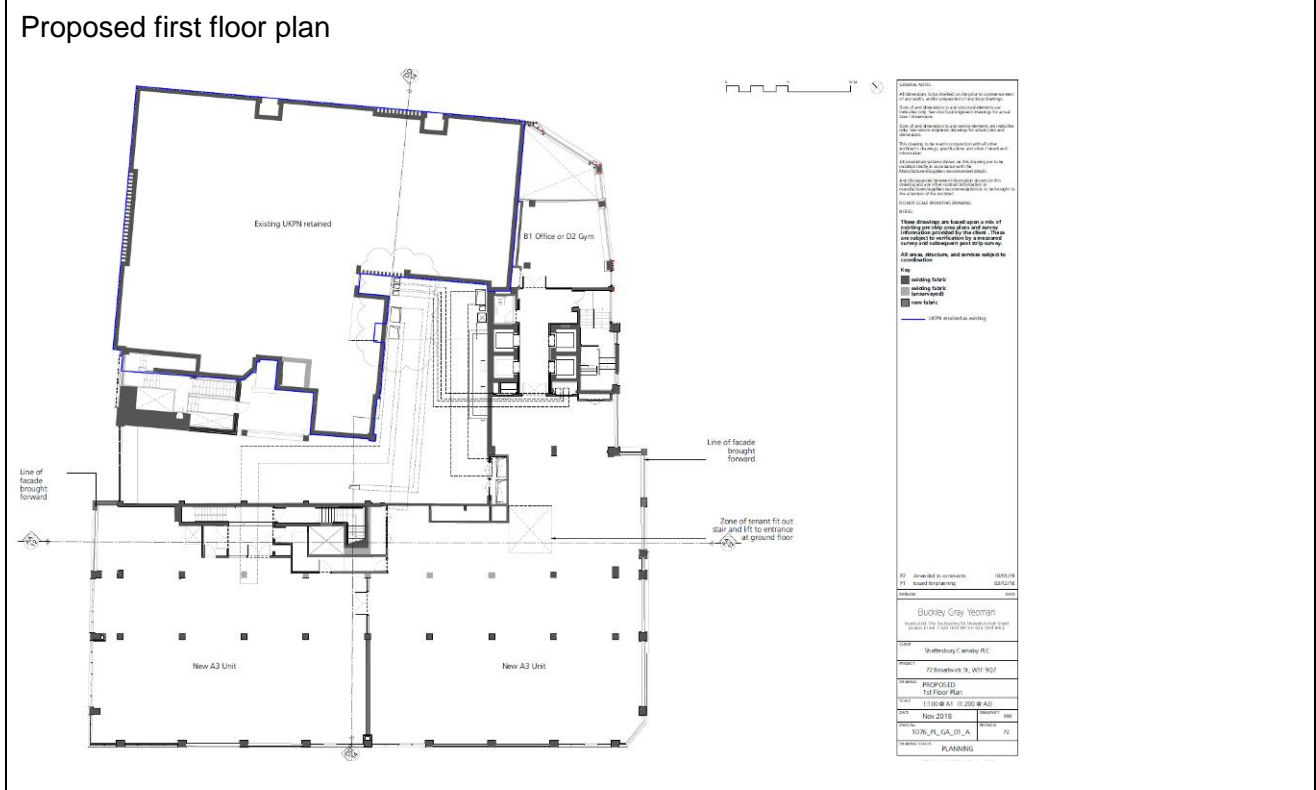
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

9. KEY DRAWINGS

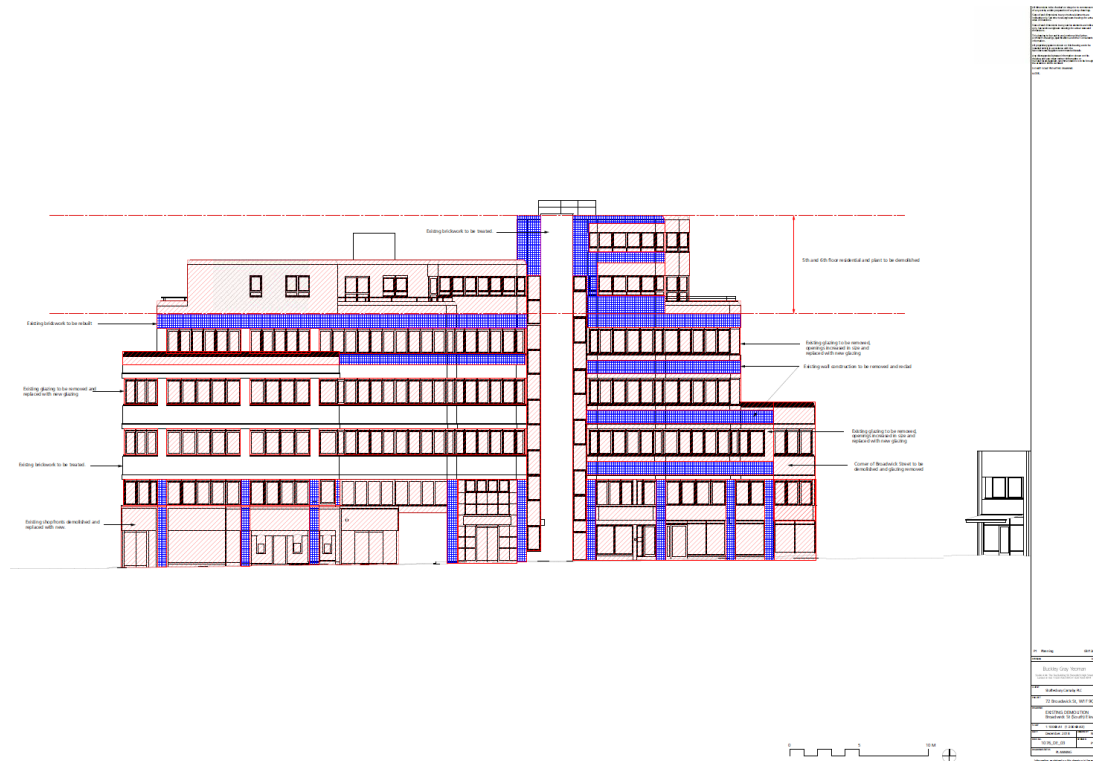
Proposed ground floor plan



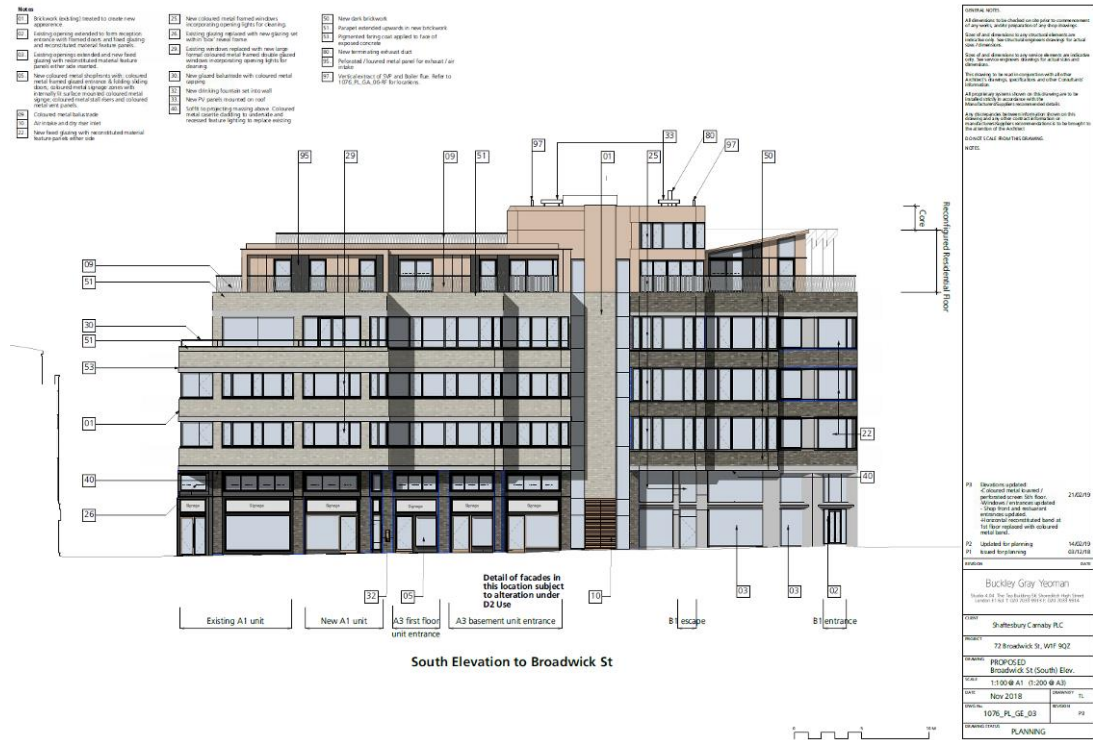
Proposed first floor plan



Demolition Broadwick Street



Proposed Broadwick Street



Aerial visual



Canaby St/Broadwick St Aerial

DRAFT DECISION LETTER

Address: 72 Broadwick Street, London, W1F 9EP

Proposal: Demolition and rebuilding of fifth and sixth floors and erection of two storey extension above the UKPN substation fronting Marshall Street, in connection with the use of the part basement and ground for restaurant purposes (Class A3), flexible/alternative use of part first floor as either offices (Class B1), or for up to two restaurants (Class A3), continued use of the part basement, part ground, second, third and fourth floors as offices (Class B1) with flexible/alternative use of part ground, part first, second and third floors as gym (Class D2) and the provision of 15 residential flats with external terraces at fifth floor level. External alterations to the whole building, including new roof profile, facade alterations, shopfront alterations, painting of existing brickwork, creation of office roof terrace at 6th floor level. Installation of a biodiverse roof, along with new plant and photovoltaic panels.

Reference: 18/10341/FULL

Plan Nos: 1076_PL_DM_B1 P1, 1076_PL_DM_00 P1, 1076_PL_DM_01 P1, 1076_PL_DM_02 P1, 1076_PL_DM_03 P1, 1076_PL_DM_04 P1, 1076_PL_DM_05 P1, 1076_PL_DM_06 P1, 1076_DE_01 P1, 1076_DE_02 P1, 1076_DE_03 P1, 1076_DE_04 P1,

1076_PA_GA_B1 P3, 1076_PL_GA_00 P3, 1076_PL_GA_00_D2 P2, 1076_PL_GA_01 A P2, 1076_PL_GA_01_B P2, 1076_PL_GA_01_C P2, 1076_PL_GA_02 P2, 1076_PL_GA_03 P2, 1076_PL_GA_04 P2, 1076_PL_GA_05 P4, 1076_PL_GA_06 P3, 1076_PL_GA_RF P3,

1076_PL_GE_03_02 P3, 1076_PL_GE_03 P3, 1076_PL_GE_04 P3, 1076_PL_GE_01 P4, 1076_PL_GE_02 P3

1076-SK_PS_04 P1, 1076-SK_PS_02 P1

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

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

- 3 You must not 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)

- 4 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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 5 Prior to the commencement of any,
- (a) demolition, and/or,
 - (b) earthworks/piling and/or,
 - (c) construction, on site you must apply to us for our written approval of evidence to

demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 6 You must not operate a delivery service from the basement restaurant, or the restaurant (s) at first floor level, in the event they are implemented.

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)

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

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 8 Customers shall not be permitted within the restaurant premises at basement and part ground floor level or within the first floor restaurant(s) (in the event they are implemented):, , before 08.00 or after midnight Monday to Thursday, before 08.00 or after 00.30 Fridays and Saturdays and, before 08.00 or after 23.00 on Sundays and Bank Holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 9 You must not allow more than 125 customers into the basement restaurant at any one time. (C05HA)

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. (R05GB)

- 10 In the event the restaurant uses are implemented at first floor level, you must not allow more than 168 customers in Restaurant 1 and 188 customers in Restaurant 2 at any one time. (C05HA)

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. (R05GB)

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

- 12 The Class A3 use(s) allowed by this permission must not begin until you have fitted self-closing doors to the entrances on Broadwick Street and Ganton Street. You must not leave these doors open except in an emergency or to carry out maintenance. (C13MA)

Reason:

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

- 13 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: - shopfronts on Broadwick Street to be fixed shut., , 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 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 (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. (R46AB)

- 15 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. (R48AA)

- 16 (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. (R50AB)

- 17 Noise generated by the proposed new gym (including noise from general operations, gym equipment, amplified sound, music etc) in terms of LAeq,5mins should demonstrated to be 10dB below the existing background noise level measured in terms of LA90,5mins inside the proposed residential dwellings. The background noise level used in the assessment should be representative of the most sensitive times (quietest) at which the new development is in operation (and generating noise).

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. (R49BA)

- 18 The maximum noise levels generated by the proposed new gym development in terms of LAeq/LAFmax should be demonstrated not be exceed the NR15/NR20 curve respectively inside the existing residential dwellings. This includes noise from all sources (including amplified sound, music, impact noise from gym activities). This is based on the assumption that existing background noise levels in the properties during the most sensitive periods are approximately NR25 (approximately equivalent to 30 dB LAeq).

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. (R49BA)

- 19 For music noise in the gym use, the received music noise level in the residential habitable spaces should be demonstrated to be 10dB below the existing ambient and maximum noise levels in the residential habitable spaces when music is not playing, at the quietest time of the day and night, measured over a period of 5 minutes and in the indices of Leq and LFmax in the octave bands 63Hz and 125Hz; the overall music noise level in terms of LAeq,5mins should be at least 10dB below the existing background noise level in terms of dB LA90,5 mins.

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. (R49BA)

- 20 In the event the gym is implemented, you must install a sound limiter, set by a competent acoustic engineer so that it maintains compliance with requirements of Condition 19. All amplification equipment with the gym including music generating equipment and fitness instructor's announcement equipment shall be routed and controlled through the sound limiter. The operational panel of the noise limiter shall be secured by key or password so that only persons with management responsibility have access. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 21 You must not occupy the gym use (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey relating to the details and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the noise transmission from the gym activity complies with the noise criteria set out in conditions 17, 18, 19 and 20 of this permission.

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. (R49BA)

- 22 You must apply to us for approval of an operational management plan for the gymnasium to show how you will actively manage the premises to comply with Conditions No's 17, 18, 19 and 20. You must not start the gym use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the gym is in use.

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. (R49BA)

- 23 In the event the gym is implemented, customers shall not be permitted within the gym premises before 06.00 - 23.00 Monday to Friday and 08.00 - 21.00 Saturday, Sunday and Bank Holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and S34 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 24 In the event a gym is implemented, there must be no openable windows at second and third floor levels.

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)

- 25 The office terraces at fourth floor must only be used between 08.00 - 21.00 Monday to Friday and sixth floor level must only be used between 08.00 - 20.00 Monday to Friday.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 26 Before you start to use any part of development, you must provide the following bio-diversity features as set out in your application documents - biodiverse roofs and walls and beehives/insect hotels. You must then maintain and retain them in perpetuity and 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. (R43FB)

- 27 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the biodiverse living roofs and walls to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

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

- 28 Before you start to use any part of development, you must provide the following energy efficiency measures as set out in your application documents 97sqm of PV panels. You must then maintain and retain them in perpetuity and you must not remove any of these features.

Reason:

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

- 29 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 2016 (R22FA)

- 30 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1076_PL_GA_00 P3. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

Reason:

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

- 31 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces. (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 Soho 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)

- 32 In the event that Restaurant 1 (Ganton Street) and Restaurant 2 (Broadwick Street) are implemented for restaurant purposes, they must not be amalgamated to create a large A3 use

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 33 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the basement restaurant from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the basement restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the basement restaurant is in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 34 In the event the restaurants are implemented at first floor level; you must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start: i) the restaurant use annotated as Restaurant 1 (Ganton Street);, ii) the restaurant use annotated as Restaurant 2 (Broadwick Street);, until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant (s) are in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 35 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)

- 36 Prior to the occupation of the building, you must apply to us for approval of servicing management plan. You must not occupy the building until we have approved what you have sent us and then you must carry out the measures in the plan at all times.

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)

- 37 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 42 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. (R51AB)

- 38 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the other use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the other use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) The location of most affected noise sensitive receptor location and the most affected window of it;, (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;, (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;, (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;, (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;, (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 39 You must apply to us for approval of detailed drawings of how you will give people with

disabilities access to all parts of the development. These drawings must include: o full details of threshold levels; o relevant elevations, plans and cross sections of the building at a scale of 1:50; and, o plans of all doors and handrails at a scale of 1:20., , You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C20BB)

Reason:

To make sure that there is reasonable access for people with disabilities, and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (November 2016) and H 8 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20BC)

- 40 All residential windows must be capable of being opened.

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. (R49AA)

- 41 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.

- 42 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 (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. (R49AA)

- 43 All waste must be collected from the waste stores as shown on drawing 1076-PL-GA_00 P3

and must not be left 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)

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, neighbourhood plan (where relevant), 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 With reference to condition 5 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. , , Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition)., , You are urged to give this your early attention as this condition must be discharged before works commence on site. Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase., 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.
- 3 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's

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

- 4 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 7 The term 'clearly mark' in condition 29 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 8 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)

- 9 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 10 With regards to condition 36 the servicing management plan should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements, as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. This must be provided for waste collection as well. , , It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users. The SMP should inform the occupant on their requirements to minimise the impact of their servicing on the highway (ie set out how the occupant is expected to service the unit). A supplier instructions sheet is a helpful part of the SMP.
- 11 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 12 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 13 The proposed kitchen extract duct terminus appears to be acceptable and in accordance with the Council's guidelines titled: Guidelines for the control of odour from commercial kitchen extract ventilation systems, dated December 2016 rev 2. The new terminating exhaust duct is located more than 50 metres in distance from William Blake house (i.e building that is higher than the discharge point) and therefore this is far enough for adequate dilution to have occurred.
- 14 It is a legal requirement to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air. Where this ventilation is provided by mechanical means the

regulations require those mechanical ventilation systems to be maintained (including appropriate cleaning) in efficient working order. , B&ES Guidance to Good Practice - TR19 Internal Cleanliness of Ventilation systems is a guidance documents which can be used for new building, upgrade and maintenance of ventilation systems., Particular attention should be given to:, Section 2 - New ductwork system cleanliness, Section 3 - Design and access to the internal surfaces of the ventilation system, Section 7 - Specific considerations for kitchen extract systems, cleaning methods and frequency of cleaning

- 15 If a proportion of the flats within the premises are to be rented following development, under the HMO Licensing Scheme, the building requires an increased level of fire precaution and is subject to the City of Westminster Standards for Multiple Occupation. The applicant should contact the Residential Proactive Environmental Health Team for information concerning the requirements of the Houses in Multiple Occupation Licensing Scheme Housing Act 2004., , Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, www.westminster.gov.uk, Email: res@westminster.gov.uk, Tel: 020 7641 3003 Fax: 020 7641 8504.
- 16 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:, Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, www.westminster.gov.uk, Email: res@westminster.gov.uk, Tel: 020 7641 3003 Fax: 020 7641 8504.
- 17 It is possible that existing background, ambient and maximum levels within the residential dwellings could be very low for measurement and assessment purposes. It is expected that the accuracy of results should be taken into consideration when dealing with the measurement of low noise levels. Standard Deviation of measurement is a recognised measure of accuracy of results and reasonable consideration should be given to Standard Deviation as well as the capabilities of the instrumentation used for the assessment. It is acknowledged that it is impossible to physically measure noise which is 10 dB below existing noise levels or measure NR criteria which is below existing NR levels. Therefore, it is anticipated that the assessment of Condition No's 17, 18 and 19 will include a comparison of 'on/off' conditions and seek to investigate the 'increase' in measured levels with the above points taken into consideration. For example; a level 10 dB below existing levels would increase existing levels by 0.4 dB. The assessment of Condition No's 17 ,18 and 19 might also include a calculation approach where measurement is impracticable or a combination of measurement and calculation. Measurement assessment of Condition No's 17 ,18 and 19 requires that residents allow the applicant access to carry out Acoustic testing to demonstrate compliance with Condition No's 17, 18 and 19 through measurement. If access is not made available, the applicant may deploy a calculation approach and base the criteria on reasonable assumptions of the existing acoustic conditions within the residential properties.

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.