PLANNING APPLICATIONS	Date	Classificatio	n
COMMITTEE	23 June 2015	For General F	Release
Report of	Wards involved		/ed
Director of Planning		Marylebone H	ligh Street
Subject of Report	96-98 Baker Street and 14 Sherlock Mews, London, W1U 6TJ		ondon, W1U 6TJ
Proposal	Demolition of rear facade of Nos. 96-98 Baker Street and front and rear facades of No. 14 Sherlock Mews, use of first to fourth floors of Nos. 96-98 Baker Street as eight residential flats (Class C3), amalgamation of flats at first and second floors of No. 14 Sherlock Mews into a maisonette (Class C3), erection of replacement shopfronts to Baker Street facade, erection of replacement rear facade to Nos. 96-98 Baker Street, erection of replacement facades to No. 14 Sherlock Mews, alterations at roof level, and other associated external alterations.		
Agent	Collins + Coward		
On behalf of	Marylebone Investments Limited		
Registered Number	14/10743/FULL 14/10745/LBC	TP / PP No	TP/2904
Date of Application	16.10.2014	Date amended/ completed	31.10.2014
Category of Application	Minor		
Historic Building Grade	Grade II Listed Building		
Conservation Area	Portman Estate		
Development Plan Context London Plan July 2011 Westminster's City Plan: Strategic Policies 2013 Unitary Development Plan (UDP) January 2007	Within London Plan Central Action Outside Central Activities Zone	ivities Zone	
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

- 1. Grant conditional permission, including a condition to secure car club membership (for 25 years) for each of the eight flats in Nos. 96-98 Baker Street.
- Grant conditional listed building consent.
 Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.







96-98 BAKER STREET AND 14 SHERLOCK MEWS, W1

2. SUMMARY

The application site comprises Nos. 96-98 Baker Street and No. 14 Sherlock Mews. These buildings date from the mid-1970s and their primary special interest derives from the facade of Nos. 96-98 Baker Street that was built as a facsimile of the wider terrace on the east side of Baker Street.

The applications propose the conversion of the upper floors of Nos. 96-98 Baker Street from offices to eight residential flats (Class C3), internal alterations, the rebuilding of the rear elevation, the installation of replacement shopfronts and alterations at roof level. The two flats within No. 14 Sherlock Mews are proposed to be amalgamated into a large three bedroom maisonette (Class C3) and the front and rear elevations rebuilt.

The key issues for consideration are:

- Whether the design of the proposed rebuilt facades will preserve or enhance the character and appearance of the Portman Estate Conservation Area, preserve the special interest of the listed buildings and not harm the setting of the neighbouring listed buildings.
- Whether the quality of the residential accommodation is acceptable.
- Whether the increase in residential units will give rise to unacceptable impacts on onstreet car parking stress.

The proposal is considered acceptable and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies. Furthermore, it will not harm the special interest of these listed buildings.

3. CONSULTATIONS

THE MARYLEBONE ASSOCIATION

Concern regarding the proposed fenestration pattern for the mews building (No. 14 Sherlock Mews), arguing that the vertical emphasis and the change in material makes the building too grandiose. The tall sections of glazing are out of context with the mews character and the removal of the glazing bars (when compared to the approved scheme) will result in a loss of visual interest.

CLEANSING MANAGER

No objection subject to the imposition of a condition securing the provision and permanent retention of storage facilities for waste and recyclable material.

HIGHWAYS PLANNING MANAGER

Refuse on the impact on on-street car parking stress and loss of existing off street car parking.

ENVIRONMENTAL HEALTH

- No objection to the proposed internal noise levels within the flats provided the proposed secondary glazing is installed.
- Is content that the sound insulation between the cinema and retail uses at ground and basement floor levels is sufficient to not result in noise problems for the occupants of the proposed flats.
- Notes that the flats will have to be mechanically ventilated and therefore requests that a condition is imposed securing the submission of a supplementary acoustic report for the City Council's approval.

ENGLISH HERITAGE

Authorisation provided for the City Council to determine the application as it sees fit.

ANCIENT MONUMENTS SOCIETY No response.

COUNCIL FOR BRITISH ARCHAEOLOGY

- No objection to the rear elevation subject to detailed design / materials.
- No objection in principle to the installation of a replacement shopfront but believes that the
 piers and shopfront should better relate to the fenestration pattern on the upper floors of
 the building.
- There are three steps at first floor level from the lift which is contrary to the Access Statement that states that there are no internal staircases within the flats.
- The internal partitions within Flats 7 and 8 should be clear of the window reveals.

THE GEORGIAN GROUP No response.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS No response.

TWENTIETH CENTURY SOCIETY No response.

THE VICTORIAN SOCIETY No response.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS No. Consulted: 106; Total No. of Replies: 4.

Design and Conservation:

• The roof extension to No. 14 Sherlock Mews will result in the overdevelopment of the site as it will fail to keep a uniform roof level across the mews.

Amenity:

- Loss of light as a result of the proposed mansard roof to No. 14 Sherlock Mews.
- The daylight / sunlight report submitted with the application is factually incorrect as the ground floor roof of a property opposite the site is not just used as a kitchen but a lounge / play area for children also.

Other:

- Disruption during the course of construction (including from construction traffic).
- Potential damage to neighbouring structures.

ADVERTISEMENT/ SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

Nos. 96-98 Baker Street are Grade II listed buildings on the east side of the street with a linked mews building at the rear in Sherlock Mews (No. 14 Sherlock Mews). The basement of Nos. 96-98 Baker Street is in use as a cinema (Class D1), the majority of the ground floor is in use as a shop (Class A1) and the upper floors is an office (Class B1). The first and second floors of No. 14 Sherlock Mews are in use as two flats (Class C3).

The site is located within the Central Activities Zone (CAZ) but outside the Core CAZ. The site is located within the Portman Estate Conservation Area.

4.2 Relevant History

96 - 98 Baker Street / 14 Sherlock Mews

Planning permission was granted on 15 September 1973 for the redevelopment of the site to provide a part six storey and part three storey building for use as a cinema, shop, office and two self-contained flats. Of interest, Condition 3 states:

'The whole of the car parking accommodation shown on the drawings shall be provided and retained permanently for the accommodation of vehicles of the occupiers (including employees using the building) and persons calling at the building for the purpose of conducting business with the occupiers thereof'.

The approved drawings show provision for three car parking spaces at ground floor level within No. 14 Sherlock Mews between the entrance to the two flats above and the fire escape from the basement cinema.

14 Sherlock Mews

Planning permission was refused on 20 March 2003 on design and conservation grounds for the erection of a mansard roof extension at third floor level to create a new one bedroom flat. An appeal against this decision was allowed on 13 November 2003, with the Inspector reasoning that an additional floor would not make the building unduly dominant within the townscape of the mews and the benefits of the scheme in providing additional housing overcame any concerns in respect to the detailed design of the proposed roof extension. This permission, however, was never implemented and has now expired.

An identical application was granted planning permission on 1 July 2008. This effectively extended the life of the permission until 30 June 2011. This permission was also never implemented and has now expired.

5. THE PROPOSAL

Planning permission and listed building consent are sought to demolish the existing shopfronts, the rear part of the roof, much of the internal fabric, the rear facade of and the roof top staircase housing of Nos. 96-98 Baker Street and the front and rear elevations of No. 14 Sherlock Mews. It is proposed to rebuild these elevations, install replacement shopfronts, erect a replacement roof top structure, install roof top plant and erect a small roof terrace. The upper floors of Nos. 96-98 Baker Street are proposed to be converted into eight flats (2 x 1 bed, 3 x 2 bed and 3 x 3 bed). It is also proposed to amalgamate the two flats at first and second floor levels of No. 14 Sherlock Mews into a three bed maisonette.

The application has been amended during the course of its consideration in the following ways:

- The proposed cycle parking within the flats themselves has been replaced by a communal storage area for eight bicycles (double stacked) at ground floor level within No. 14 Sherlock Mews.
- The proposed mansard roof extension to No. 14 Sherlock Mews has been omitted from the scheme and no increase in the height of this building is now proposed.
- The proposed new front elevation to No. 14 Sherlock Mews has been amended to introduce piers at ground floor level and to alter the proportions and detailing of the window openings.

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- The proposed new rear elevation of Nos. 96-98 Baker Street has been amended to: (i) Reduce the amount of glazing; (ii) Omit the balconies from the top floor level; and (iii) Amend the detailed design of the window openings.
- The replacement roof structure to Nos. 96-98 Baker Street is now proposed to be constructed in timber rather than in glazing.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposed conversion of the upper floors of Nos. 96-98 Baker Street from office (Class B1) to residential is acceptable in principle given the lack of policies to protect office floorspace and the policy support for the provision of additional residential units within City Plan Policies S8 and S14 and UDP Policy H3.

The amalgamation of two flats within No. 14 Sherlock Mews into a large three bed dwelling over first and second floor levels is acceptable despite the loss of a residential unit. This is because this loss falls squarely within one of the exceptions to the loss of residential units within City Plan Policy S14; namely, where two flats are being amalgamated into a 'family sized' dwelling (i.e. containing three or more bedrooms).

The net uplift in residential floorspace is 961.6m2 (GEA) and therefore there is no requirement to provide affordable housing as the residential uplift is below the 1,000m2 (GEA) threshold set out within City Plan Policy S16.

All of the proposed units exceed the minimum size thresholds set out within Policy 3.5 of the London Plan (March 2015) and are therefore acceptable in terms of their size.

There is no objection to the proposed residential mix $(2 \times 1 \text{ bed}, 3 \times 2 \text{ bed and } 3 \times 3 \text{ bed})$, with 44% being 'family sized' which exceeds the one-third 'family-sized unit' normal requirement set out within UDP Policy H5 and provides a good range of unit sizes, in accordance with City Plan Policy S15.

Amenity space is provided for all of the units with the exception of Flats 5 and 7 which is acceptable given the constraints of the site.

Whilst a number of the proposed flats are single aspect, the deep floorplates of the building mean that it is difficult to achieve dual aspect dwellings without proposing a single very large flat on each floor (which would not optimise the delivery of housing units on this site - as required by City Plan Policy S14). Furthermore, none of the flats face either due north or south and mechanical ventilation is proposed to ensure adequate ventilation and to ensure that the flats meet the noise standards set out within UDP Policy ENV 6. Environmental Health has no objection to the proposed flats from an internal noise perspective. For these reasons, the proposed standard of residential accommodation is acceptable.

6.2 Townscape and Design

The statutory list entry notes that Nos. 96-98 Baker Street are part of a terrace built circa 1798 and that these two buildings are facsimile rebuilds. In heritage asset terms, the special interest of the building is confined to the architecture of the Baker Street facade, the group value the buildings have with the terrace of which they are a part, and in conservation area terms their significance lies in the contribution they make to the surrounding townscape and the Portman Estate Conservation Area as a whole. The mews building at the rear is not of special interest but is considered to be listed because it is within the curtilage of Nos. 96-98 Baker Street.

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The buildings fronting Baker Street are to be improved with new shopfronts (anodized bronze finish) and a clear visual presence for the cinema is to be maintained. Whilst the proposed shopfront represents an improvement over the existing situation, it is considered that the opportunity should be taken to install more traditional shopfronts in order to enhance the appearance of the Baker Street frontage. This is in line with the comments of the Council for British Archaeology. Therefore, a condition requiring amendments to the shopfront design is recommended.

The existing sash windows are to be refurbished and secondary glazing provided on the upper floors in order to meet internal noise standards.

The unattractive rear facade of the building offers substantial scope for alterations and it is to be rebuilt in brickwork with attractively framed windows providing a mix of Juliet and projecting balconies. There is a clearly expressed hierarchy of window sizes which is much more appropriate than the existing arrangement. Minor alterations at roof level have no perceptible impact from street level and are acceptable in this case when seen from the upper floors of surrounding properties due to the modern construction of the existing roof and other structures already present at that level. Consequently, this well-mannered and sympathetic design is acceptable and will positively contribute to the character and appearance of the Portman Estate Conservation Area and the setting of neighbouring listed buildings.

The mews building is to be altered to improve its appearance and it will appear similar to the new rear facade of the Baker Street buildings behind. The retained existing brickwork is to be 'sootwashed' and new windows will match the detailed design of others elsewhere on the development. Omission of the initially proposed roof extension on the mews is welcome (and responds to a number of concerns raised by the Marylebone Association and the occupants of neighbouring properties) and the development as a whole is now acceptable in design and heritage asset terms in accordance with UDP Policies DES1, DES 5, DES 6, DES 9 and DES 10 and City Plan Policies S25 and S28.

6.3 Amenity

The proposal raises no amenity concerns. The rear elevation of the maisonette within the mews building only has windows located with a bathroom and a staircase. Conditions are proposed to ensure that these are fitted with obscure glass and restrictors prevent them being opened wide. The proposed roof top terrace is small and will not result in any close or direct overlooking.

A condition requiring the submission of an acoustic report demonstrating that the roof top plant (once specified) will not result in noise disturbance is recommended.

The objections to the proposed mansard roof on daylight and sunlight grounds is not sustainable as this element of the scheme has now been omitted.

6.4 Transportation/ Parking

The proposal results in the loss of one existing car parking space. The retained off street car parking bay is proposed to be demised to the proposed mews house. It is noted that Condition 3 of the original permission dated 15 September 1973 for the redevelopment of this site secures the retention of this car parking accommodation in connection with the use of the buildings as a cinema, shop, offices and two self-contained flats. The use of this car parking for residential purposes in connection with this larger family unit is acceptable on the basis that the City Council seeks to restrict car parking for commercial uses which could currently take place. For this reason, the objection to the loss of off street car parking from the Highways Planning Manager is not sustainable in this instance.

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Given the site's excellent location in terms of public transport and, subject to the imposition of a condition securing car club membership for 25 years for the occupants of the new flats within Nos. 96-98 Baker Street, it is considered that it would be difficult to justify refusal of the scheme on the impact on on-street car parking stress.

The proposed cycle parking is located in a secure, convenient and weather proof location and is proposed to be secured by condition.

6.5 Equalities and Diversities

Level access to the ground floor retail unit is retained.

UDP Policy H8 sets out how the City Council will expect all new housing units to meet the Lifetime Homes Standard. Part of this Standard requires entrances to have level access over the threshold. The landings within the stair / lift core of Nos. 96-98 Baker Street are at half storey level and are to be retained, as are the six steps leading up to the lobby from street level for the proposed flats. The result is that the Lifetime Homes Standard will not be met for any of the proposed flats within the building. Given the constraints of the original building and the unacceptability of providing a stair lift in terms of its impact on the appearance of the listed building, the failure to provide level access for the proposed flats is acceptable in this instance.

6.6 Economic Considerations

Any economic benefits generated are welcomed.

6.7 Other UDP/Westminster Policy Considerations

Each of the flats contains storage for waste and recyclable material.

6.8 London Plan

The proposal does not raise any strategic issues.

6.9 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of these applications are considered to be consistent with the NPPF unless stated otherwise.

6.10 Planning Obligations

None required.

Environmental Assessment including Sustainability and Biodiversity Issues 6.11

It is recommended that an amending condition is imposed requiring the new flat roof of No. 14 Sherlock Mews to be a 'living roof', both to add to local biodiversity and to reduce water runoff. This is supported by City Plan Policies S30 and S38 and UDP Policies ENV 4 and ENV 17.

6.12 Other Issues

The objections to the proposal on the ground that it may result in noise and disturbance during the course of the construction works does not represent a sustainable ground for refusing permission.

7. CONCLUSION

The conversion of the upper floors of Nos. 96-98 Baker Street into flats is welcome through providing additional and good quality residential accommodation. The alterations to the rear facade of Nos. 96-98 Baker Street and to the front and rear facades of No. 14 Sherlock Mews represents an improvement over the current facades that offer little contribution to the Portman Estate Conservation Area. For these reasons it is recommended that conditional planning permission and listed building consent be granted.

BACKGROUND PAPERS

- 1. Application forms.
- E-mail from the Marylebone Association dated 10 December 2014.
- 3. Letter from English Heritage (now Historic England) dated 8 December 2014.
- 4. Memorandum from the Cleansing Manager dated 18 November 2014.
- 5. Memorandum from the Highways Planning Manager dated 18 November 2014.
- 6. Memorandum from Environmental Health dated 4 December 2014.
- E-mail written on behalf of the Council for British Archaeology dated 7 January 2015.
- 8. E-mail from the occupier of Flat 2, Montagu House, 33-34 Paddington Street dated 24 November 2014.
- 9. E-mail from the occupier of Flat 3, Montagu House, 33-34 Paddington Street dated 24 November 2014.
- 10. Online response from the occupier of 2 Sherlock Mews dated 26 November 2014.
- 11. Online response from the occupier of 6 Sherlock Mews dated 26 November 2014.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT JOSEPHINE PALMER ON 020 7641 2723 OR BY E-MAIL - ipalme@westminster.gov.uk

DRAFT DECISION LETTER

Address: 96-98 Baker Street and 14 Sherlock Mews, London, W1U 6TJ

Proposal: Demolition of rear facade of Nos. 96-98 Baker Street and front and rear facades of

No. 14 Sherlock Mews, use of first to fourth floors of Nos. 96-98 Baker Street as eight residential flats (Class C3), amalgamation of flats at first and second floors of No. 14 Sherlock Mews into a maisonette (Class C3), erection of replacement shopfronts to Baker Street facade, erection of replacement rear facade to Nos. 96-

98 Baker Street, erection of replacement facades to No. 14 Sherlock Mews,

alterations at roof level, and other associated external alterations.

Plan Nos: P_01b, 02c, 03b, 04b, 05b, 06b, 07b, 08a, 09c, 10b, 11b, 12b, 13b, 15a, 16b, 17a

and 18a, and D_01, 02a, 03a, 04a, 05, 06a, 07a, 08b, 09b, 10, 11b, 12b and 14.

Case Officer: Mark Hollington Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

You must apply to us for approval of detailed drawings at 1:10 of the following parts of the development - all new windows, shopfronts and external doors. You must not start work until we have approved what you have sent us.

You must then carry out the work according to these approved drawings. (C26CB)

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

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

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

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

You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Resent

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

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

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

- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

11 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 10 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

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.

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.

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

more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

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

15 You must only use the garage shown an approved Dwg. No. P_01 Rev. B for people living within the residential maisonette at first and second floor levels of No. 14 Sherlock Mews to park their private motor vehicles. (C22EB)

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)

The cycle parking area shown on approved drawing P_01 Rev. B shall be fitted so that it is capable of storing at least eight bicycles prior to the occupation of any of the flats within Nos. 96-98 Baker Street hereby approved. Thereafter the cycle spaces must be retained, access provided to all of the occupants of the flats within Nos. 96-98 Baker Street and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

You must not use the roof of No. 14 Sherlock Mews for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason

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

The glass that you put in the windows serving the second floor bathroom and landing of No. 14 Sherlock Mews must not be clear glass and you must fix restrictors to these windows so that they do not open by more than 100mm.

You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it. (C21DB)

Reason:

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

You must provide the waste store shown on the approved drawings before anyone moves into any of the flats hereby approved. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- You must apply to us for approval of detailed plans and sections showing the following alteration(s) to the scheme:
 - The replacement of the flat roof of No. 14 Sherlock Mews with a 'living roof'.
 - Manufacturer's specification and species list for the living roof.

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 in its entirety prior to the occupation of any of the flats hereby approved and in accordance with the approved drawings, manufacturer's specification and species list. (C26UB)

Reason:

To increase the biodiversity of the environment and to reduce surface water run-off, as set out in S30 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013, ENV 4, ENV 17 of our Unitary Development Plan that we adopted in January 2007 and Policies 5.10, 5.13, 7.19of the London Plan (adopted March 2015). (R43FB)

You must not use any part of the development until we have approved appropriate arrangements to secure the following.

- Car club membership for each of the eight flats within Nos. 96-98 Baker Street for a period of 25 years.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To reduce the impact of the increase in residential units on on-street car parking stress, as required by Policy TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

24 You must apply to us for approval of detailed drawings showing the following alteration to the scheme.

Redesign of the Baker Street shopfronts in a traditional style, in accordance with the City Council's UDP policy DES 5 and supplementary planning guidance 'Shopfronts, Blinds and Signs'.

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

Informative(s):

- In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.

 If you have not aiready done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil Further details on the Mayor of London's Community Infrastructure Levy can be found on our

website at: http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/.

You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.

- 3 Conditions 10 and 11 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 4 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

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). (I38AB)

DRAFT DECISION LETTER

Address:

96-98 Baker Street and 14 Sherlock Mews, London, W1U 6TJ

Proposal:

Demolition of rear facade of Nos. 96-98 Baker Street and front and rear facades of No. 14 Sherlock Mews, erection of replacement shopfronts to Baker Street facade, erection of replacement rear facade to Nos. 96-98 Baker Street, erection of replacement facades to No. 14 Sherlock Mews, alterations at roof level, and other

associated internal and external alterations.

Plan Nos:

P 01b, 02c, 03b, 04b, 05b, 06b, 07b, 08a, 09c, 10b, 11b, 12b, 13b, 15a, 16b, 17a and 18a, and D_01, 02a, 03a, 04a, 05, 06a, 07a, 08b, 09b, 10, 11b, 12b and 14.

Case Officer:

Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s):

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

Reason:

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

2 All new work and improvements inside and outside the building must match existing original adiacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 You must apply to us for approval of detailed drawings at 1:10 of the following parts of the development:
 - All new windows, shopfronts and external doors.

You must not start work until we have approved what you have sent us.

You must then carry out the work according to these approved drawings. (C26CB)

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

4 You must apply to us for approval of samples 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)

14/10745/LBC

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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 protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

10 You must apply to us for approval of detailed drawings showing the following alteration to the scheme.

Redesign of the Baker Street shopfronts in a traditional style, in accordance with the City Council's UDP policy DES 5 and supplementary planning guidance 'Shopfronts, Blinds and Signs'.

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

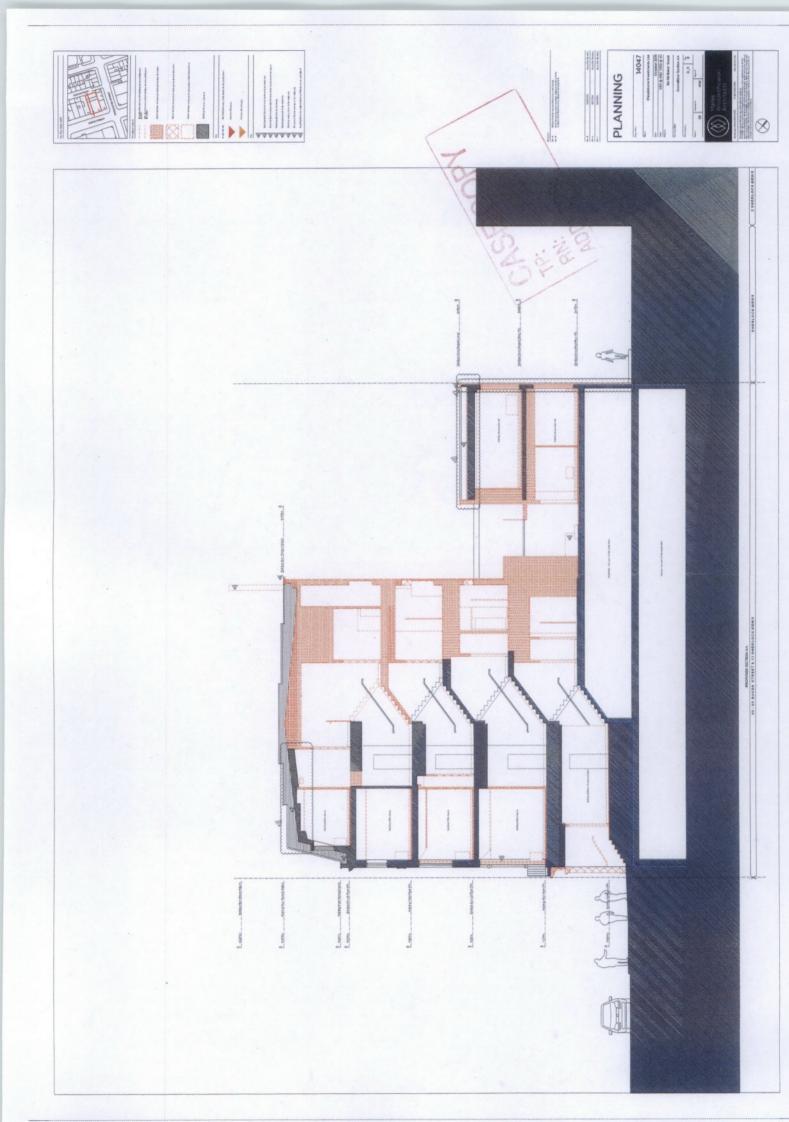
SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

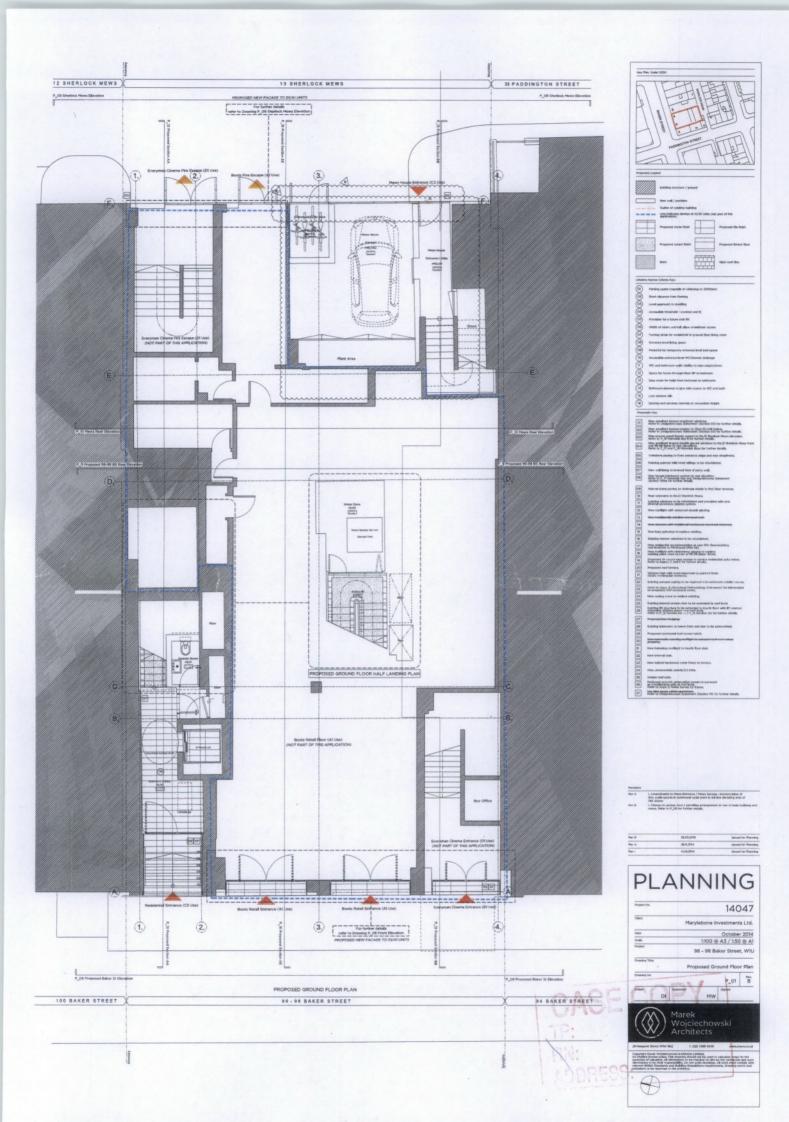
The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

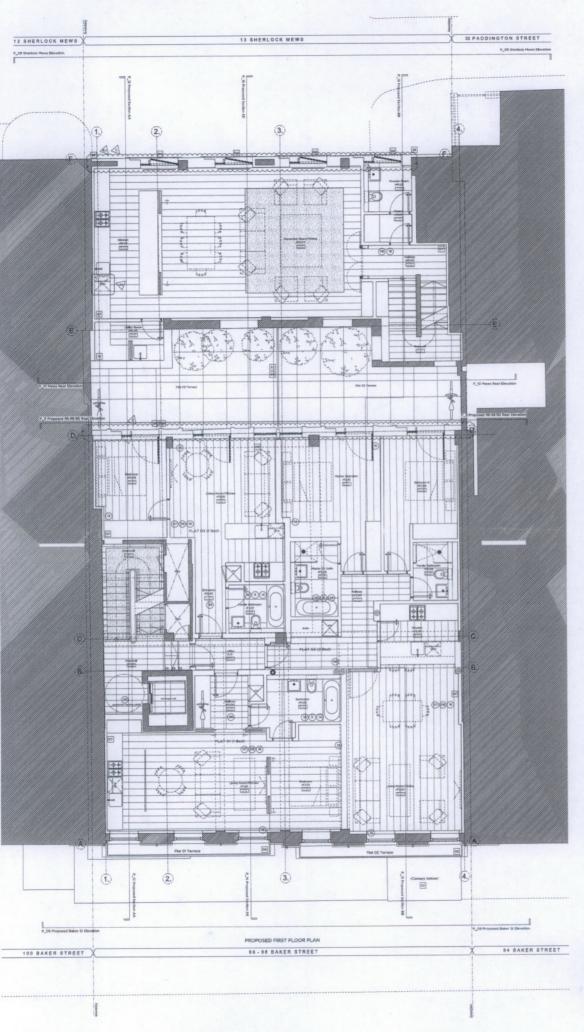
In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.













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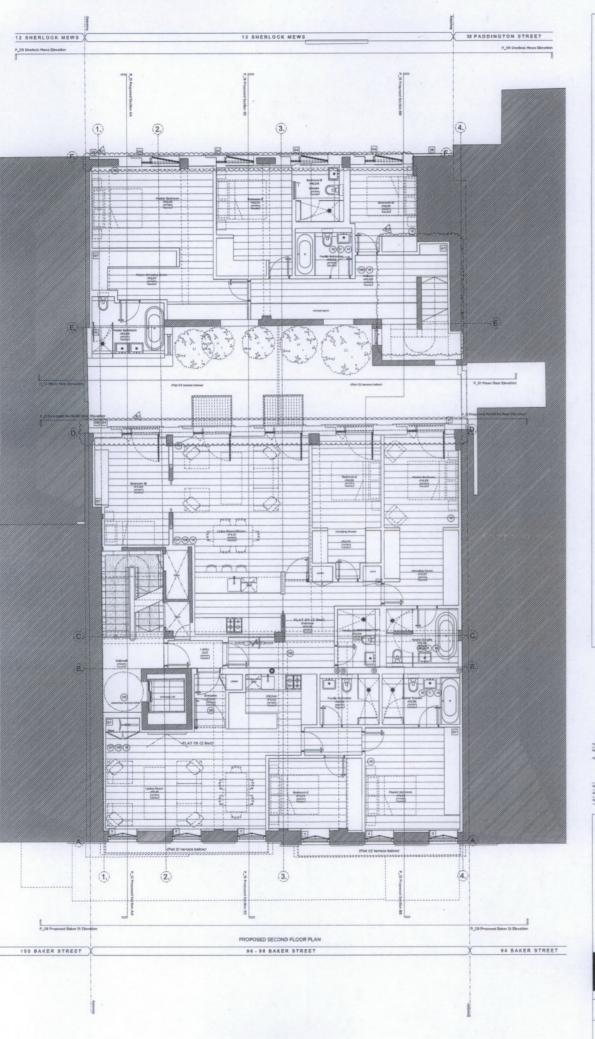
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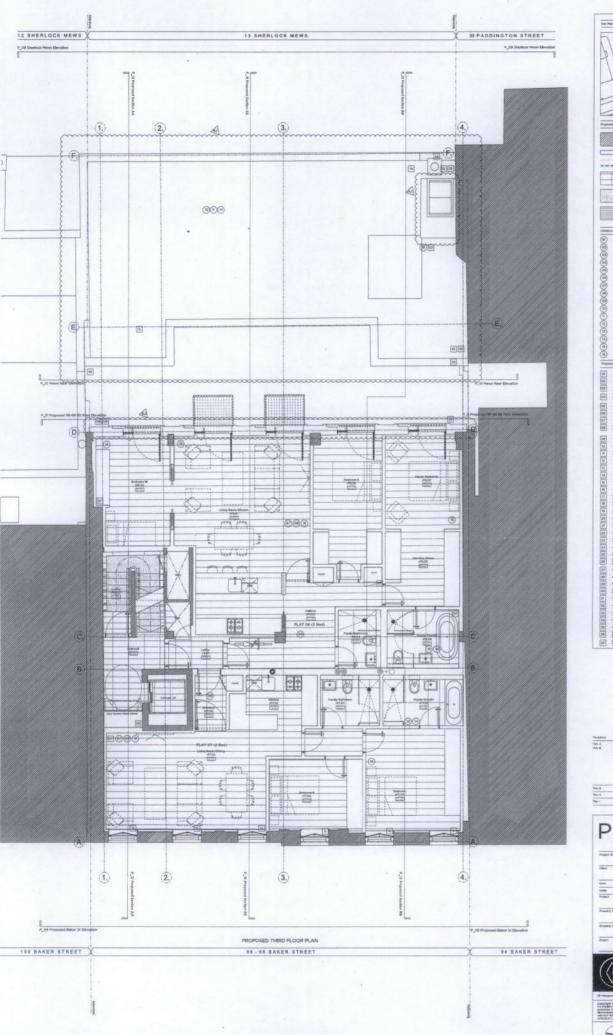
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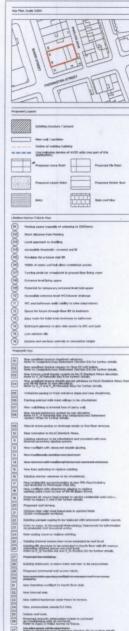
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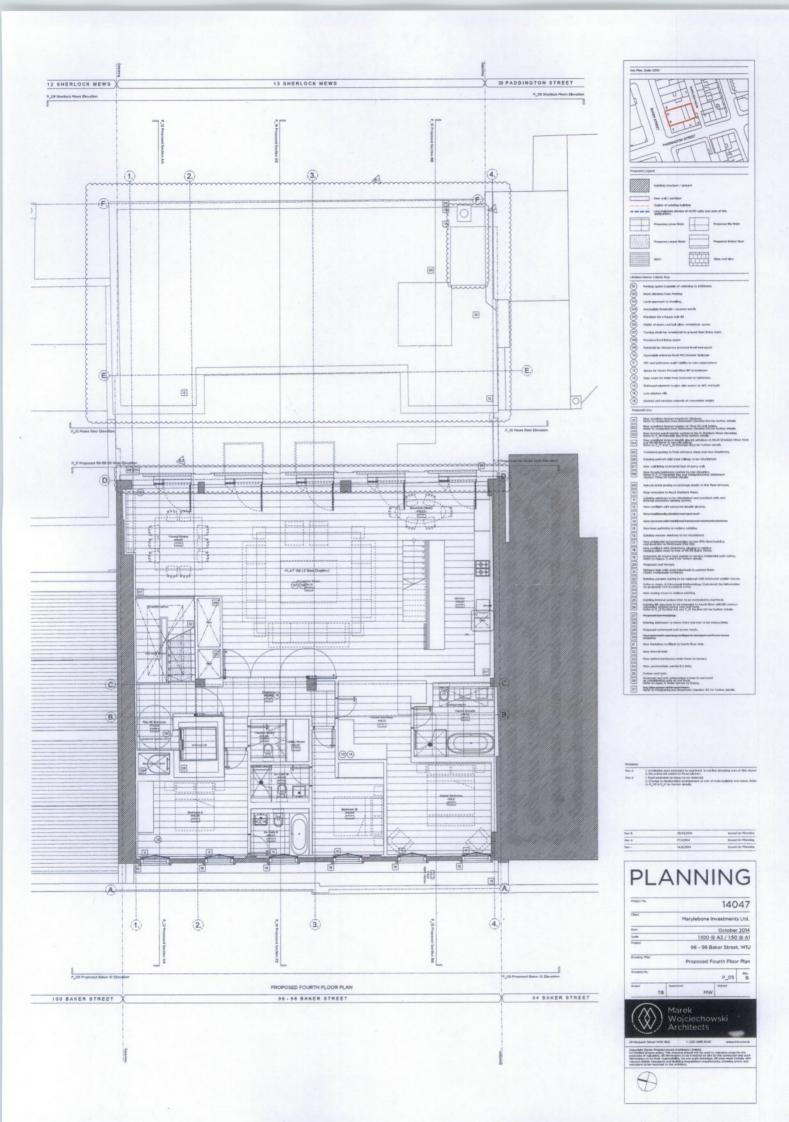
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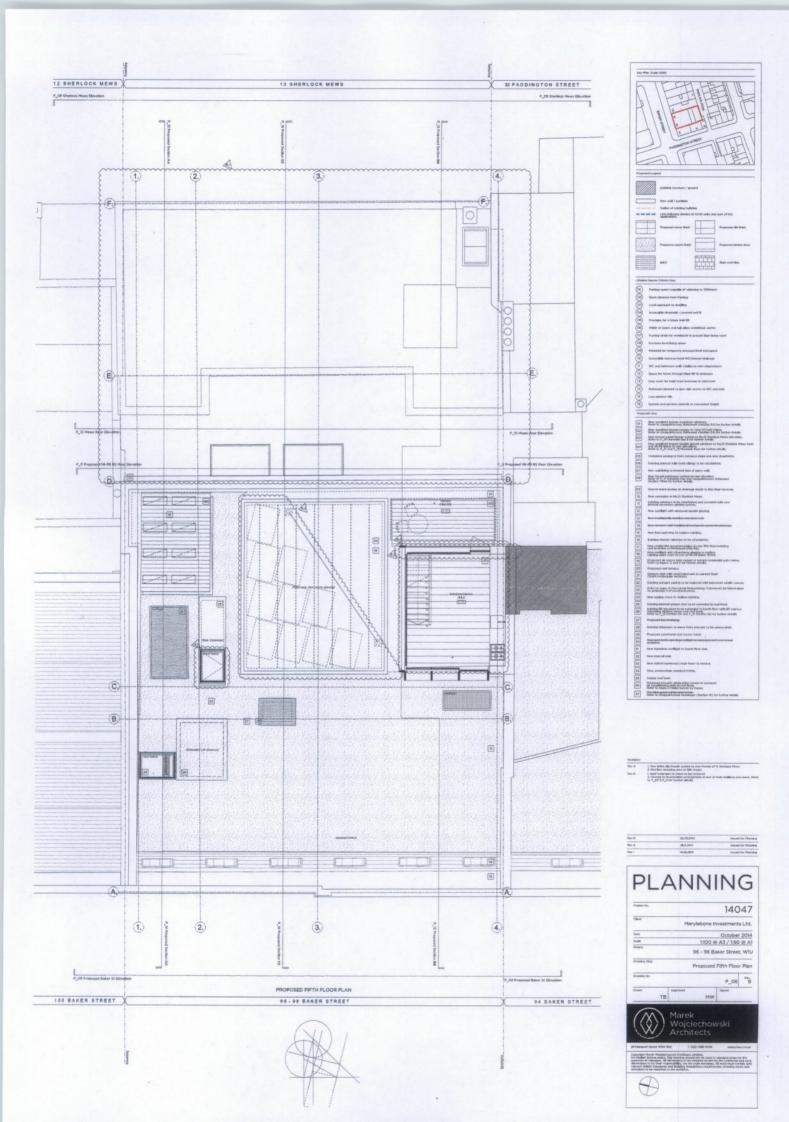
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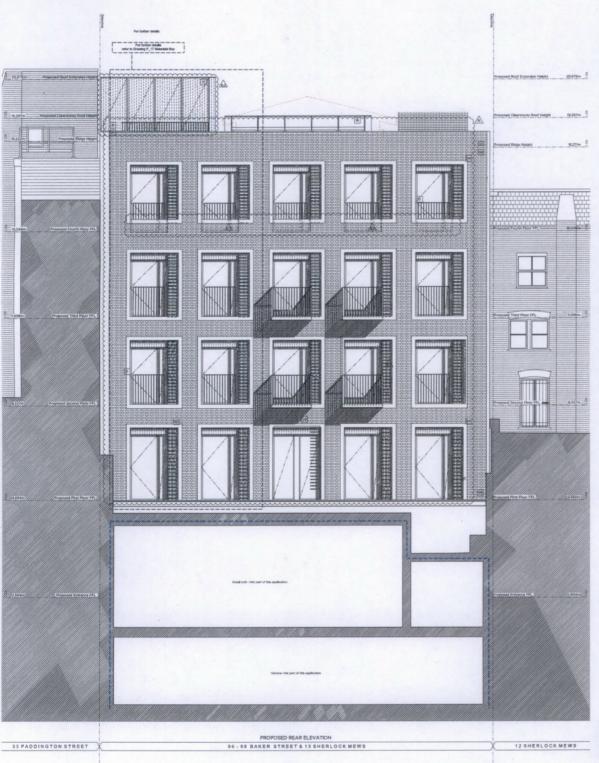


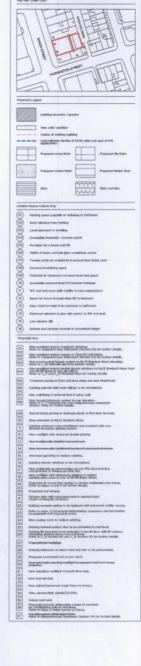
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