

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 25 August 2015	Classification For General Release	
Addendum Report of Director of Planning		Wards involved Marylebone High Street	
Subject of Report	12-14 Wigmore Street, London, W1U 2DU		
Proposal	Erection of extensions at rear first to fourth floors and roof level to provide additional office (Class B1) and residential (Class C3) floorspace, installation of plant at main roof level and replacement shopfronts on Wigmore Street and Wigmore Place frontages, and associated external alterations.		
Agent	Quod		
On behalf of	Lewis Central (IOM) Limited		
Registered Number	14/12813/FULL	TP / PP No	TP/12591
Date of Application	22.12.2014	Date amended/ completed	30.12.2014
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





12-14 WIGMORE STREET, W1

2. SUMMARY

The planning application was presented to the Planning Applications Committee on 28 July 2015 (see attached minutes and report). The application was deferred for a site visit which was due to take place on 17 August. The application is reported back to Committee for a decision.

3. CONSULTATIONS

REPRESENTATIONS RECEIVED POST PUBLICATION OF THE REPORT, BUT PRESENTED TO COMMITTEE ON 28 JULY 2015

COUNCILLORS BOTT, SCARBOROUGH AND ROWLEY

Consider that the proposals are an overdevelopment of the site, would commercialise the character of the mews, and result in loss of daylight and sunlight and create overlooking.

One letter of objection raising the following:

Design

- Roof extension is overdominant, visually intrusive and detrimental to the character of the conservation area.
- Overdevelopment.
- The building is not suitable for a roof extension and would be contrary to the conservation area audit.
- The design of the shopfront does not relate to the windows above.

Amenity

- Loss of daylight and sunlight.

Other

- Introduction of a commercial use in the mews.

BACKGROUND PAPERS

1. Application form.
2. Report to Planning Applications Committee dated 28 July 2015, background papers, and minutes.
3. Letter from the occupiers of No. 2 Wigmore Place dated 24 July 2015.
4. Letter from Councillor Bott dated 28 July 2015

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 – jpalme@westminster.gov.uk

4 PLANNING APPLICATIONS

1 12-14 WIGMORE STREET, W1

Erection of extensions at rear first to fourth and roof level to provide additional office (Class B1) and residential (Class C3) floorspace, installation of plant at main roof level and replacement shopfronts on Wigmore Street and Wigmore Place frontages, and associated external alterations.

An additional representation was received from Arnaud Burger and Krishnee Moodley (24/7/15).

A late representation was received from the Ward Members for Marylebone High Street.

Councillor Iain Bott addressed the committee in his capacity as a Ward Councillor in objection to the application.

RESOLVED: That the application be deferred for a site visit.

2 21 TREVOR PLACE, SW7

Retention of alterations to permissions dated 24 April 2012 (11/06569) and 23 April 2013 (13/01165) for excavation of lower ground floor level under rear garden, minor excavation at lower ground floor level and under front vaults, erection of full width rear extension at ground floor level and half width extension at first floor level and alterations within the front lightwell including infill extension under front entrance steps; namely, alterations to the profile of the rear extensions with new lightwell at rear lower ground floor level and extended terrace at ground floor level and alterations to windows/doors.

The presenting officer tabled an amendment to the description of development to include the retention of the rear trellis.

The presenting officer also tabled the following amendments to Condition 2 in the draft decision letter.

Amended Condition 2:

You must not use the flat roofs of the rear extensions at first and second floor levels for sitting out or for any other purpose. You can however use the roofs to escape in an emergency and for maintenance. (C21BA)

RESOLVED:

That conditional permission be granted subject to the amendment to Condition 2 as as tabled and set out as above and an additional condition requiring better planters that cover the full height of the trellis to screen views from neighbouring properties.

~~APPENDIX~~
~~Agenda Item 1~~

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CITY OF WESTMINSTER			
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Subject of Report	12-14 Wigmore Street, London, W1U 2DU		
Proposal	Erection of extensions at rear first to fourth and roof level to provide additional office (Class B1) and residential (Class C3) floorspace, installation of plant at main roof level and replacement shopfronts on Wigmore Street and Wigmore Place frontages, and associated external alterations.		
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Historic Building Grade	Unlisted		
Conservation Area	Harley Street		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Core Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission, subject to no new planning issues being raised before the expiry of the consultation period on 4 August 2015.

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2. SUMMARY

The application site comprises an unlisted building located within the Harley Street Conservation Area. The building is in lawful use as a building society (Class A2) at ground and basement floor levels, offices (Class B1) at first, second and third floor (front), and three flats (Class C3) at rear third, fourth and fifth floors, with ground level parking for the development.

Permission is sought to enlarge the building by the erection of extensions at first to third floor levels and a two storey roof extension on fourth and fifth floors. The scheme also involves the installation of roof level plant, replacement shopfronts and a replacement garage door. The extensions will provide additional office and residential floorspace. No increase in the number of flats is proposed.

The key issues for determination are:

- Whether the extensions and alterations to this building will preserve or enhance the character and appearance of the Harley Street Conservation Area.
- Whether the extensions will have an unacceptable impact on the amenity of adjoining residents in terms of daylight, sunlight and overlooking.
- Whether the pruning required to the neighbouring London Plane tree is acceptable in arboricultural terms.

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.

3. CONSULTATIONS

Original submission

MARYLEBONE ASSOCIATION

Initial response - no objection.

Revised response. Objection: (i) Height, bulk and massing constitutes overdevelopment; (ii) Roof extension over-dominant and visually intrusive, to the detriment of the character and appearance of the Harley Street Conservation Area; (iii) The Harley Street Conservation Area Audit states that the building is not suitable for a roof extension; (iv) Introduction of a commercial use deep into the mews is contrary to the Harley Street Conservation Area Audit; (v) Loss of daylight and overlooking to neighbouring residential properties; (vi) Loss of off-street car parking spaces; and (vii) Noise from plant.

ARBORICULTURAL MANAGER

No objection to the pruning of the neighbouring London Plane tree required to facilitate the proposed extension.

Concern that the development will bring the building closer to the neighbouring London Plane tree which is likely to result in greater post-development pressure to prune the tree. However, as this future pruning would be acceptable in arboricultural terms, no objection raised.

ENVIRONMENTAL HEALTH

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 111; Total No. of Replies: 9.

Nine (including four letters from one neighbouring occupier and two letters from another) and a 34 signature petition objecting on some or all of the following grounds:

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Land Use:

- The introduction of retail space is inappropriate in Wigmore Place and will set a dangerous precedent.

Amenity:

- Loss of daylight and sunlight.
- Overlooking from additional windows.
- Noise from the proposed roof top plant.

Design:

- The roof extension will significantly increase the height disparity between the building and mews properties on Wigmore Place and it fails to have proper regard to the character of the area.
- The replacement shopfronts on Wigmore Place would overly commercialise the character of the predominantly residential mews.
- The detailed design of the replacement shopfront is 'aesthetically displeasing' and relates poorly to windows on the floors above.
- The proposed building height is out of keeping with the 'country feel' to the rear.

Trees:

- The Arboricultural Impact Assessment fails to assess whether any further pruning would be required for the safe operation of a crane and has been written without visiting the affected tree.
- Extending the building closer to the neighbouring tree will threaten its natural spread.

Highways:

- The loss of existing parking spaces will exacerbate on-street parking demand (scheme amended to retain all parking)

Other:

- Disruption during the course of construction.
- Written guarantees required that works will not damage the cobbles in Wigmore Place.
- An assessment is required of the impact of the proposals upon the (recently approved) scheme to convert the upper floors of No. 16 Wigmore Street to flats and to extend the existing flats at Nos. 18-22 Wigmore Street.

ADVERTISEMENT/SITE NOTICE: Yes.

Revised submission

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 111; Total No. of Replies: 1.

One objection on the following ground:

Amenity:

- Loss of daylight and sunlight.

4. BACKGROUND INFORMATION

4.1 The Application Site

The application site comprises an unlisted building on the north side of Wigmore Street, at its junction with Wigmore Place. The building dates from 1960 and is located within the Harley Street Conservation Area. The site is located within the Core Central Activities Zone (Core CAZ) and the Harley Street Special Policy Area

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The basement and ground floors are currently vacant, but were last occupied by a building society (Class A2). The rear part of the ground floor comprises off-street car parking, accessed from Wigmore Place. The first, second and third (front) floor levels are in office (Class B1) use. The rear third, fourth and fifth floors are occupied as three flats (Class C3).

4.2 Relevant History

Permission was granted on 8 September 1958 for the erection of a new building comprising a ground floor (with ancillary storage in the basement), offices on the first to third and part fourth floors and two self-contained flats on the fourth and fifth floors.

Permission was granted on 16 February 1959 for the use of the ground floor as a banking hall. The sole condition restricts the use, "... to a bank only, and no change of use shall take place to any other form of office use...". The City Council subsequently confirmed, in a letter dated 16 March 1959, that the wording of this condition was intended to be interpreted as relating to a banking hall of a building society.

Permission was granted on 8 May 1959 for the redevelopment of the site of the former Nos. 25-26 Wigmore Place to provide an extension to the new building at Nos. 12-14 Wigmore Street comprising basement storage, ground floor car parking, first and second floor offices and a residential flat at third floor level. Condition 3 secures the provision and permanent retention of the car parking and states that it should be used for "... the accommodation of vehicles of occupiers and users of the premises and 12-14 Wigmore Street only and shall not be used for any other purposes".

Permission was granted on 18 December 1975 for alterations at ground floor level in connection with the conversion of part of the existing garage accommodation to provide additional offices. Condition 2 limits the use of the new floorspace, "... for Building Society offices and stores and for no other purpose [including any other office within the same use class]". Condition 3 ensures the provision and permanent retention of the remaining car parking floorspace for the accommodation of vehicles and, "... at least two spaces to be provided for residential occupiers of the building on the basis of one space per residential unit, and the remaining spaces for other occupiers (including employees using the building) and persons calling at the building for the purposes conducting business with the occupiers thereof".

5. THE PROPOSAL

Planning permission is sought to:

- Erect rear extensions at first to fourth and roof level to provide additional office and residential floorspace. No change in the number of residential units on site is proposed.
- Install a replacement shopfront and replacement entrance doors.
- Install plant within an acoustic/visual enclosure at main roof level.
- Install a replacement garage door.

During the course of the application, the application has been amended to:

- Reduce the footprint of the plant enclosure at roof level; setting it further back from the Wigmore Place elevation.
- Introduce greater subdivision within the replacement shopfront on both elevations.
- Omit proposals to convert the ground floor parking into commercial floorspace.

A revised daylight and sunlight report has been submitted that assesses the impact of the development on potential future residential windows in an allowed appeal at a property immediately to the west of the application site (Nos. 16-22 Wigmore Street).

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6. DETAILED CONSIDERATIONS

6.1 Land Use

The site's location within the Core CAZ means that the proposed increase in office floorspace (157m²) accords with City Plan Policies S6 and S20 and UDP Policy COM 1. Being below the 200m² (GEA) threshold, this increase does not trigger a requirement to provide an equivalent amount of residential floorspace under the City Council's mixed use policies.

No change to the number of residential units on site is proposed. Three will remain, albeit that the third floor that would be relocated to the extended fifth floor level, and the fourth floor flat would be extended. The maisonette at fourth and fifth floors is unaffected by the proposal. The increase in residential floorspace is 42m² (GEA). This modest increase is welcome under UDP Policy H3 and City Plan Policy S14 and does not trigger the City Council's affordable housing policies.

The reconfigured flats meet the minimum space standards set out within London Plan Policy 3.5, are provided with outdoor amenity space and are dual aspect. The flats are considered to provide a good standard of residential accommodation.

An objection has been received to the introduction of commercial/retail uses further into Wigmore Place. No additional commercial floorspace is proposed at ground floor level and the application does not relate to the use of the existing commercial unit. Furthermore, no additional shopfronts or entrances are proposed in Wigmore Place. Consequently, this objection cannot be supported.

6.2 Townscape and Design

Although the building has been highlighted within the Harley Street Conservation Area Audit (2008) as one where a roof extension would not normally be acceptable, it is not proposed to extend above the existing roof level but extend to the side and rear. Notwithstanding objections to the principle of a roof extension from the Marylebone Association and neighbouring occupiers, it is considered that the extension would create a better proportioned and balanced elevation fronting Wigmore Place. The infill extensions from first floor to roof level, adjacent to the boundary with No. 16 Wigmore Place, will not be visually intrusive. Furthermore, the building will continue to step down towards the mews buildings to the north, which is appropriate in townscape terms. As such, the objections to the principle of the extension cannot be supported.

The proposed extensions reflect the character and appearance of the host building, with sash windows, matching brickwork and an extension to the existing mansard roof. Subject to the imposition of suitable conditions, the detailed design of the extension is acceptable.

The roof top plant enclosure has been reduced in size and set back further to the rear corner of the building in order to reduce its visibility in long views from Cavendish Square. This aspect of the scheme is now considered acceptable in design terms.

Objections have been received to the design of the proposed shopfronts and their relationship with windows above. The shopfront design has since been amended to introduce further subdivision. It is considered that the revised design now relates sensitively to the appearance of windows on the upper floors and these objections cannot now be sustained.

The replacement of the unattractive steel roller shutter garage door with a timber door represents an improvement in design and conservation terms and is therefore welcome.

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The revised proposals are considered acceptable in terms of their impact upon the appearance of the host building and will preserve the character and appearance of this part of the Harley Street Conservation Area.

6.3 Amenity

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight or an increased sense of enclosure or significant increase in overlooking to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals will safeguard the amenities of neighbouring residents.

6.3.1 Daylight and Sunlight

Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide). The second edition of this guidance was published in September 2011.

The applicant has submitted a daylight and sunlight report which assesses the impact of the proposed extension on all affected residential windows in the vicinity of the site.

An objection has been received requesting that the report be amended to assess the impact of the proposed extension upon the level of light received to windows within a development to extend the existing flats within Nos. 18-22 Wigmore Street and the new flats within the upper floors of No. 16 Wigmore Street granted permission at appeal on 4 June 2015. The applicant has now submitted an updated report that includes within its assessment the impact upon these potential future residential windows.

6.3.1.1 Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek, mainly, to protect daylighting to living rooms, dining rooms and kitchens (where they are sufficiently large to be used as habitable rooms), whilst bedrooms are protected to a lesser extent.

The Marylebone Association has objected to the application on the grounds that the proposals would result in an unacceptable loss of light to rear windows at No. 16 Wigmore Street and the mews properties on the east side of Wigmore Place. Objections have also been received from the occupiers of No. 2 Wigmore Place and No. 5 Wimpole Street on the grounds that the loss of daylight to these dwellinghouses would be unacceptable. Finally, a 34 signature petition has been received from occupants of neighbouring properties stating that the rear extension will have an adverse effect on the daylight received within Nos. 16-20 Wigmore Street and the mews properties in Wigmore Place.

The most affected residential property is No. 2 Wigmore Place. The potential flats within No. 16 Wigmore Street could also be affected.

The losses in VSC within 2 Wigmore Place are between 7.54% and 12.18%. This does not exceed the 20% threshold above which these losses of daylight will be noticeable. The objection from the occupants of No. 2 Wigmore Place is therefore unsustainable on daylight grounds, with the maximum loss being 12.18% which is to a second floor bedroom.

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The loss of daylight to the rear windows of No. 5 Wimpole Street is negligible. With the exception of one window to the side elevation of No. 16 Wigmore Street, all of the residential windows within Nos. 16-22 Wigmore Street will not see a material loss of daylight as a result of the proposed extensions, with a maximum loss of 9.06% VSC predicted to a first floor bedroom window within No. 22 Wigmore Street.

A new side window within a proposed rebuilt first floor rear extension to No. 16 Wigmore Street that is proposed to be used as a bedroom will see a loss of VSC of 78.10%. However, the main window to this bedroom will still enjoy a VSC level in excess of 27%, the level above which the BRE Guide (2011) states is sufficient. As such, even without the side window, this bedroom will receive sufficient daylight. As such, it is concluded that the impact on the potential future occupier of this flat is acceptable in daylight terms.

6.3.1.2 Sunlight

With regard to sunlighting, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows within 90 degrees of due south of the proposed extension need to be tested.

The occupiers of No. 2 Wigmore Place and a flat within Nos. 11-15 Wigmore Street (on the opposite side of Wigmore Street) have objected on the grounds of loss of sunlight.

The most affected windows are within 2 Wigmore Place, with annual losses of sunlight between 10.53% and 20.00%. The greatest impact is to a second floor bedroom which would experience a loss of 20% with annual sunlight hours reducing from 30% to 24%. This room would continue to receive reasonable annual sunlight levels. Given the existing enclosed nature of the locality, the available sunlight hours during the winter months are unsurprisingly already low and only the ground floor dining room/kitchen will see any loss during the winter months – a reduction from 2% to 1%. It is considered that within this urban built-up location, the levels of sunliting retained are acceptable and the impact is not considered sufficient to justify a refusal.

All other losses of sunlight are well within acceptable limits and there will be no impact upon the flats within Nos. 11-15 Wigmore Street given that these windows face north.

6.3.2 Overlooking

Objections have been received on the ground that the windows within the proposed roof extension facing Wigmore Place will result in overlooking to neighbouring residential properties. The distance between these windows and the affected windows on the opposite side of Wigmore Place and to properties within Wimpole Street, are adequate in the site's context and does not give rise to any material loss of privacy.

The proposed terraces to the flats at fourth and fifth floors, respectively, also raise no overlooking concerns. This is because they replace an existing larger roof terrace to the existing fourth floor flat and because the distance to the neighbouring residents is adequate to not result in a material increase in overlooking.

6.3.3 Noise

Plant

The proposal involves the installation of plant at roof level to serve both the residential units and the commercial uses. The residential plant is proposed to operate on a 24 hour basis whilst the commercial plant will operate on its lower noise mode between 23.00 – 07.00.

Objections have been received to the principle of providing plant in association with residential uses and on the grounds of noise disturbance from the plant operation.

The submitted acoustic report has been assessed by Environmental Health who are satisfied that the plant would comply with the City Council's noise standards provided that the equipment is housed within the specified acoustic enclosure and that the commercial plant is operated on a lower noise mode at night. Notwithstanding the objections received, subject to appropriate conditions regarding noise output, vibrations and for the commercial plant to operate at reduced night time levels, it is not considered that this aspect of the scheme would have a material impact upon the amenities of neighbouring occupiers.

There are no policies to prevent the installation of plant in association with residential uses as an alternative means of cooling/ventilation is often required in the event that residents choose to keep windows shut to minimise potential noise disturbance. Consequently, the objection to the principle of residential plant cannot be supported.

Terraces

Given their domestic use, and the fact that they replace a larger terrace, it is not considered that the use of the new terraces would adversely affect neighbours' amenities in terms of potential noise disturbance.

6.4 Highways

Given the modest increase in office floorspace and the fact that no additional residential units will be created, the proposals are considered acceptable in highways terms. It is not considered that the extension of the existing offices would have a significant impact on site servicing.

Given that the scheme has been amended to retain the existing parking accommodation, objections relating to the loss of this parking have been addressed.

The proposed replacement garage door does not open over the public highway and would not result in any highway obstruction.

6.5 Trees

To the rear of the site is a large London Plane tree, located within the rear garden of No. 5 Wimpole Street. An objection has been received from the occupier of this property, and others, on the grounds that the proposed development will threaten the tree's natural spread and because the submitted arboricultural report is deficient through failing to assess the impact on this tree during the course of construction.

The site has been visited by the City Council's Arboricultural Manager who raises no objection to the proposed development. Whilst the proposed extension will bring residential properties in closer proximity to the tree, which is likely to result in greater post-development pressure to prune it, both the degree of pruning required in order to construct the proposed extension and any future pruning which may be necessary to maintain the tree at a suitable distance from

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the extended building, are considered acceptable in arboricultural terms. The applicant has confirmed that no cranes will be used within the area of the tree canopy. In these circumstances, the impact of the development upon the neighbouring tree is considered acceptable. A condition is recommended requiring the submission and approval of measures to protect the tree during the course of construction prior to the commencement of works on site. As the tree is located within a conservation area, any pruning works will have to be approved by the City Council.

6.5 Access

Level access to the commercial unit and the upper floors of the building is proposed which, is a welcome improvement. There is a lift within the building serving all floors which, plans indicate, will be replaced with a slightly larger lift car.

6.6 Economic Considerations

Any economic benefits of the proposals are welcomed.

6.7 Other UDP/Westminster Policy Considerations

None.

6.8 London Plan

The application 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 this application are considered to be consistent with the NPPF unless stated otherwise.

6.10 Planning Obligations

Not required.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

The proposal is of insufficient scale to require an Environmental Assessment.

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6.12 Other Issues

An objection has been received concerning potential damage to cobbles within Wigmore Place during the course of the construction. The respondent is concerned that cobbles have previously been damaged as a result of works within the mews. As this is public highway, any reported damage to the public highway would have to be made good, at the applicant's expense. This is dealt with by Informative.

Objections have been received on the grounds that the proposals would result in unacceptable disturbance to neighbouring residential and commercial occupiers during the course of construction. Various concerns have been expressed including over the maintenance of access to existing flats within the application premises and the impact of the temporary suspension of parking bays to facilitate construction works. Whilst these difficulties are acknowledged, it is not possible to refuse planning permission for this reason, and the City Council's only option in these circumstances is to seek to reduce the impact through mitigation measures prescribed in a Construction Management Plan (CMP). This can, however, only limit disruption and inconvenience and not eliminate it entirely. A CMP condition is proposed and a condition is also recommended restricting hours of construction.

One resident has requested written undertakings that any damage to adjoining properties resulting from building works be appropriately repaired, that there is no obstruction of adjoining garages, that builders do not drop debris in neighbouring gardens etc. These are considered to be private matters between the developer and adjoining occupiers. It is not considered that the development is of sufficient scale to require an undertaking to enter into a Code of Construction Practice, where Council officers liaise between contractors and local residents. The absence of the undertakings requested, could not justifiably form the basis of a recommendation for refusal.

A request has been received from the restaurant operator at 10 Wimpole Street requesting that noisy building works be suspended at lunchtimes. It is not considered that such a request could reasonably be accommodated.

7. CONCLUSION

The alterations and extensions to this building are considered acceptable in land use, amenity and design terms and accord with relevant UDP and City Plan policies. The application is therefore recommended for approval subject to appropriate conditions.

BACKGROUND PAPERS

1. Application form.
2. E-mail from the Marylebone Association dated 11 February 2015.
3. E-mail written on behalf of the Marylebone Association Planning Committee dated 1 May 2015.
4. Memorandum from the Arboricultural Manager dated 4 March 2015.
5. Memorandum from Environmental Health dated 25 March 2015.
6. Letter from the occupants of No. 2 Wigmore Place dated 4 February 2015.
7. Letter from the occupant of the Front Flat, 4th and 5th floors, 12-14 Wigmore Street dated 5 February 2015.
8. Letter from the occupant of No. 10 Wigmore Street dated 6 February 2015.
9. Letter from the occupant of the Front Flat, 4th and 5th floors, 12-14 Wigmore Street dated 9 February 2015.
10. Letter from the occupant of the Front Flat, 4th and 5th floors, 12-14 Wigmore Street dated 10 February 2015.
11. Letter from the occupant of No. 22 Wigmore Place dated 10 February 2015.
12. E-mail from the occupant of No. 5 Wimpole Street dated 11 February 2015.

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13. Letter from the occupants of Flat 1, Cavendish Court, 11-15 Wigmore Street dated 12 February 2015.
14. Online response from the occupier of No. 6 Wimpole Street dated 16 February 2015.
15. E-mail from the occupier of the 1st - 2nd floors, No. 16 Wigmore Street dated 17 February 2015.
16. Letter from the Howard de Walden Estate dated 5 March 2015.
17. Petition signed by 34 occupants of neighbouring properties received on 10 March 2015.
18. E-mail from the occupant of the Front Flat, 4th and 5th floors, 12-14 Wigmore Street dated 20 April 2015.
19. Letter from the occupiers of No. 2 Wigmore Place dated 19 May 2015.

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 – jpalm@westminster.gov.uk

DRAFT DECISION LETTER

- Address:** 12-14 Wigmore Street, London, W1U 2DU
- Proposal:** Erection of extensions at rear first to fourth floors and roof level to provide additional office (Class B1) and residential (Class C3) floorspace, installation of plant at main roof level and replacement shopfronts on Wigmore Street and Wigmore Place frontages, and associated external alterations.
- Plan Nos:** P001, P090, P100d, P110, P120, P130, P140, P150, P160a, P210b, P211, P310a, P311b, P312a and P313; and Noise Report (dated 19 December 2014).
- 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 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)

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

Reason:

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

- 4 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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 Harley Street 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)

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

- (i) Typical sash window.
- (ii) All external doors.
- (iii) Shopfronts.
- (iv) Plant enclosure.
- (v) Typical dormer window.

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

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

Reason:

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

- 6 You must paint all new outside rainwater, soil pipes and railings 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 Harley Street 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)

- 7 You must install the plant enclosure in its entirety and in accordance with the drawings approved under Condition 5(iv) and the specification detailed within Appendix G of the Noise Report (dated 19 December 2014) prior to the installation of any of the plant hereby approved. 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 nuisance and 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 Harley Street Conservation Area. This is as set out in S25, S28, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, 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.

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

operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

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

Reason:

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

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

Reason:

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

- 10 The plant serving the commercial uses must only operate on their low noise modes during the hours of 23.00 - 07.00.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 11 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the London plane tree in the rear garden of No. 5 Wimpole Street. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

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: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 12 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: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 13 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 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: 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.
- 2 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)
- 3 Conditions 7, 8, 9 and 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 4 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 already 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.
- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)



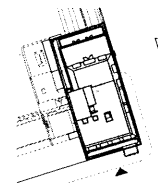
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 Notes/Legends

Rev	Notes	By	Checked

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Key Plan



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Project:
 12-14 Wigmore St

Title:
 Proposed Elevation
 South

Date: 04/03/2015	Drawn By: CA	Checked: SC
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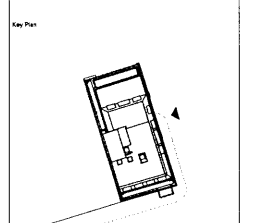
Project Ref: 14019	Drawing No: P310	Revision: A
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 Notes & legends

B. Removal of garage from proposal 24/03/15 SC
 A. Shopfront changes following Westminster comments 20/03/15 LV
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 Date: 24/03/15 Drawn By: CA Checked By: SC

PLANING SET



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The
 Proposed Elevation
 East

Date: 24/03/2015	Drawn By: CA	Checked By: SC
Scale: 1:100 @ A3		
Project Ref: 14019	Drawing No: P311	Revision: B