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CITY OF WESTMINSTER			
PLANNING APPLICATIONS	Date	Classification	1
COMMITTEE	8 September 2015	For General R	elease
Report of		Wards involve	ed
Director of Planning		St James's	
Subject of Report	14 Great Peter Street, Lond	don, SW1P 3NQ	
Proposal	Use of building for residential Construction of extension to roof extension at sixth floor I plant.	rear at lower ground	I to third floor level and
Agent	DP9 Ltd		
On behalf of	Maple Springfield Ltd		
Registered Number	15/01059/FULL	TP / PP No	TP/20608
Date of Application	06.02.2015	Date amended/ completed	12.02.2015
Category of Application	Major		
Historic Building Grade	Unlisted		
Conservation Area	Smith Square		
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

- 1. Grant conditional permission subject to the completion of a S106 agreement to secure:
- a) a payment of £2,044,000 towards the City Council's affordable housing fund;
- b) car club membership for all residential units for a minimum period of 25 years.
- 2. If the agreement has not been completed within six weeks of the date of the Committee resolution then:
- a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate the Director of Planning is authorised to determine and issue such a decision under Delegated Powers.
- b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.





2. SUMMARY

No. 14 Great Peter Street is an unlisted building of merit located on the north side of Great Peter Street at the junction with Tufton Street. The application site lies within the Smith Square Conservation Area. The application site relates to a predominantly vacant office building.

Planning permission is sought for the use of the whole building for residential purposes, comprising 29 units (Class C3), and for the construction of an extension to the rear at lower ground to third floor level (in place of existing external fire escape staircase) and roof extension at sixth floor level with roof terrace.

The key issues are:

- The acceptability of the proposals in land use terms including the affordable housing offer;
- The impact of the proposals on the surrounding highway network;
- The impact of the proposals on the character and appearance of the neighbouring listed buildings and the Smith Square Conservation Area;
- The impact of the proposals on the amenity of neighbouring residents.

Whilst the proposed development does not provide the full amount of affordable housing for viability reasons, the applicant's viability report has been reviewed by an independent expert appointed by the Council whose conclusions have been accepted by the applicant. The proposed development is considered to be acceptable in land use, design, amenity, transportation and environment terms and would comply with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan).

3. CONSULTATIONS

THORNEY ISLAND SOCIETY

No objection, although noted that it is regrettable that no affordable housing can be provided on site.

WESTMINSTER SOCIETY No objection.

ENVIRONMENT AGENCY No objection.

PLANNING POLICY

No objection to the mix of units. Comment made that five of the family sized units will not have access to outdoor amenity space and that single aspect units should be designed to ensure overheating does not occur.

HIGHWAYS PLANNING MANAGER
Object to the lack of off-street car parking.

CLEANSING MANAGER No objection.

ENVIRONMENTAL HEALTH

Object on the grounds that means of escape for some of the units is inadequate and that, should a 'whole house' mechanical ventilation system be introduced, openable windows must be allowed to allow ventilation and cooling.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 74; Total No. of Replies: 16.

16 responses from 13 addresses have been received on the following grounds:

Design

- Any increase in height of roof will be damaging to local views;
- Roof extension will negatively impact the view from neighbouring streets;
- The rear infill extension will detract from the architectural merit of the Arts and Crafts house at 8 Barton Street.

Amenity

- Noise from the proposed roof top plant;
- The sunlight and daylight assessment does not take into consideration windows which have been approved and yet to be installed to 9 Barton Street;
- Loss of light to 8 Barton Street from roof extension and rear infill extension.

Highways

 No car parking is proposed and this will result in extra pressure on the existing on-street parking.

Other

- Noise and disruption during the course of works;
- · An approval will result in a precedent for other conversions;
- Lack of consultation to residents in wider area.

ADVERTISEMENT/SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

No. 14 Great Peter Street is an unlisted building of merit located on the north side of Great Peter Street at the junction with Tufton Street. The application site lies within the Smith Square Conservation Area. The application site relates to a predominantly vacant office building but part of the building is occupied by charities.

The building consists of a part basement with seven storeys above, with the top two storeys forming a double mansard roof on the south and east elevations. There is a roofed plant room and screened plant on the main roof approved in 1998.

There are a number of residential properties surrounding the site most notably at 19 Cowley Street, 8 and 9 Barton Street and Westminster Mansions.

4.2 Relevant History

In 1998, planning permission was granted for a roof top plant enclosure and associated screening.

5. THE PROPOSAL

Planning permission is sought for the use of the whole building for residential purposes, comprising 29 units. The mix of units is 8x1 bedroom, 12x2 bedroom, 8x3 bedroom and 1x5

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bedroom (Class C3). An extension is proposed to the rear between lower ground and third floor level in place of an existing external fire escape staircase. A roof extension is proposed at sixth floor level to replace an area of screened plant to provide residential accommodation (41m2) and also incorporates a terrace. The roof top plant is also to be relocated into an existing roof plant enclosure.

6. DETAILED CONSIDERATIONS

6.1 Land Use

6.1.1 Loss of Office Use

The proposals would result in the loss of office floorspace within the Core CAZ amounting to 4391m2.

As of 1 September 2015, applications which seek to convert offices to residential accommodation in the Core CAZ will be assessed against Policy S47 of Westminster's City Plan which seeks to secure development that improves the economic, social and environmental conditions in the area under a 'presumption in favour of sustainable development' in line with national policy.

At the time of submission, there were no policies within the UDP or City Plan which specifically sought to protect office floorspace, and on this basis its loss is considered acceptable in land use terms.

6.1.2 Residential Use

Policy S14 of Westminster's City Plan and Policy H3 of the UDP seek to maximise the amount of land or buildings in residential use. The introduction of 29 residential units on the site would make an important contribution to new housing provision helping the Council meet its housing target and is welcomed in policy terms.

The mix of the residential units is summarised below:

Unit Type	Number	%
1 bed	8	28%
2 bed	12	41%
3 bed	8	28%
5 bed	1	3%

The City Council wants to encourage more families to move into and stay in Westminster by providing more family sized housing. Policy H5 of the UDP requires that 33% of housing units be family sized (being three or more bedrooms). Whilst not fully policy compliant, the mix of units in terms of number of bedrooms is considered acceptable providing 31% family sized accommodation, with one of the units providing five bedrooms and therefore it is considered that Policy H5 of the UDP is met.

The units proposed would range in size between 55m2 and 189m2. The units are typical for this type of development and are not considered oversized and as such, comply with Policy S14 which requires the number of residential units on development sites to be optimised. 10% of the proposed residential units have been designed to meet Lifetime Homes standards where possible. All units have been designed to meet the Mayor's dwelling space standards as set out in London Plan Policy 3.5.

Nine of the 29 flats will have access to amenity space ranging in size from 5m2 to 30m2 and this is welcomed. Whilst it is acknowledged that some of the family sized units will not have

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access to private amenity space, given that the application involves converting an existing building, the extent of amenity space is acceptable in this instance.

It is accepted that the background noise levels in this area of the City are relatively high. Policy ENV6 of the UDP states that residential developments are required to provide adequate protection from existing background noise as well as noise from within the development itself.

The application includes an acoustic report which examines the likely impact of new external plant and the internal noise levels for the proposed flats. The applicant proposes measures to mitigate against external noise sources which include the provision of comfort cooling to each flat and the replacement of windows and glazing. Environmental Health has confirmed they have no objection subject to the imposition of conditions to secure these measures.

6.1.4 Affordable Housing

The new residential floorspace triggers a requirement for the provision of affordable housing under Policy H4 of the UDP and Policy S16 of Westminster's City Plan. Policy S16 of the City Plan requires that, in developments proposing housing of either 10 or more additional units or more than 1,000m2 of additional residential floorspace, affordable housing should be provided.

Policy S16 requires affordable housing to be provided on-site but where this is not practicable or viable, cascade options allow for it to be provided off-site in the vicinity or possibly beyond the vicinity. The supporting text to this policy notes that financial contributions in lieu of affordable housing provision is an option the Council will only accept if the cascade options have been thoroughly explored and proved impracticable or unfeasible.

In this case the additional 4432m2 GEA of residential floorspace proposed would require the provision of 1108m2 of affordable housing or 14 units on site. The applicant has produced a viability report in line with the guidance contained in the London Plan.

The applicant argues that providing affordable housing on site will make their development unviable. The Council's independent consultants, BNP Paribas accept this position. The applicant also confirmed that they do not own another available site within the vicinity or within Westminster and is therefore unable to pursue an off-site solution. The applicant originally put forward a case that developing this site would not be viable if they were liable for any affordable housing payment, however, a gesture of goodwill was offered with a contribution proposed of £500,000. BNP Paribas assessed the applicant's viability case and disagreed with this approach and confirmed that the development would still be viable with a contribution. Further to lengthy discussions regarding costs (which have further been independently assessed by Synergy LLP), a number of assumptions made by the applicant have been accepted. On this basis, BNP Paribas consider that the scheme can viably afford to make an affordable housing contribution of £2,015,000. This is considered to be the maximum reasonable amount of affordable housing contribution that the development can support and is considered acceptable given the circumstances of the case. The applicant has agreed to make this financial contribution which can be secured through a S106 legal agreement. A policy compliant financial contribution would be £4,674,000.

6.2 Townscape and Design

In design terms there are principally two alterations proposed, a roof extension and a rear infill extension.

The roof extension would be partially visible from the surrounding streets. Policy DES 6 restricts the erection of roof level extensions above existing mansards. However, in this case

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the presence of an existing roof structure and the minimal nature of the revised roof level alterations means that they would cause little harm to the existing character and appearance of the conservation area. The extension is to be constructed in slate which is traditionally found at roof level (samples are to be agreed by way of condition) and of a design which mimics the existing enclosure. Furthermore, the use of the roof, north and west of the extension, as a terrace is acceptable in principle given that the balustrades are set back sufficiently to restrict views from the surrounding streets. A condition to secure a further set back of the roof railings is attached and details of the proposed terrace railings are, however, to be agreed.

The infill extension removes an unsightly escape stair and 'squares off' the building. The revised extension design sits one storey below the parapet line and is therefore compliant with Policy DES5. Given the proposed location and unsightly nature of the existing rear elevation, the works are not considered to harm the character and appearance of the conservation area and are therefore deemed acceptable in design terms. The extension is to be constructed in materials to match the existing rear elevation.

New windows and doors are proposed throughout and these are to be constructed to match the existing in terms of materials. Internal secondary glazing is also proposed. As the building is not listed there is no requirement for additional details. Details of the new windows and doors are, however, to be secured by way of condition.

The proposals are considered to preserve and enhance the character and appearance of the Smith Square Conservation Area.

6.3 Amenity

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

Objections have been received from neighbours on the grounds of loss of light from the roof extension and the rear infill extension, that the sunlight and daylight assessment does not take into consideration windows which have been approved but yet to be installed to 9 Barton Street and noise from the proposed roof top plant.

Sunlight/Daylight/Privacy

The nearest residential accommodation is at 8 Barton Street to the north east of the site. The applicant has appointed daylighting consultants Point 2 Surveyors, who confirm that all the windows in the rear elevation of 8 Barton Street will meet the VSC daylight test which permits losses of up to 20% VSC. In terms of 'no sky line', all but one of the rear windows are either unaffected or minimally affected by the proposal. One window serves a library and given its position within the house and location facing a tight lightwell, already experiences poor daylight distribution. The room will lose 24.2% of its direct skylight which exceeds the 20% recommended by the BRE. Given that this reduction is only slightly above BRE guidance, the nature and existing location of the room and that the proposals comply with regards to VSC, the proposals are considered acceptable.

The assessment also confirms that the proposed rear extension and roof extension would not impact upon the south facing windows of the rear projection of 8 Barton Street in terms of sunlight. All other windows which are in the rear elevation face west.

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The next nearest residential property is 9 Barton Street. The assessment also confirms that the proposed development will result in BRE compliance with regards to this property. There is an extant permission (13/10676/FULL) to insert additional windows into the rear of 9 Barton Street, which were not included as part of the assessment. The surveyors have confirmed that as the original analysis showed no detrimental effect to the existing windows of the rear of 9 Barton Street, that the development will have no further impact upon these new windows, if permission 13/10676/FULL was implemented.

There are no windows in the rear of 9 Barton Street which face 90 degrees of due south and therefore a sunlight assessment has not been undertaken.

In terms of overshadowing to the gardens of 8 and 9 Barton Street, there is no material change to what is currently experienced.

A number of patios/terraces are proposed within the development. The lower ground floor and upper ground floor patios are all contained behind boundary walls and are not considered to result in any overlooking. The first floor terrace will face east towards a flat within the development and 8 Barton Street. The windows of 8 Barton Street will be approximately 7m away from the terrace but given their glazing pattern and oblique views, it is not considered that any harmful overlooking would occur. The terrace at fourth floor level (above the rear infill extension), the terrace at fifth floor level (which is already an accessible flat roof) and the terrace at main roof level are all considered to be sufficiently high up on the building to prevent any detrimental overlooking into neighbouring properties.

It is not considered that any noise created from people using these terraces would be so significant as to warrant refusal. It would be equivalent to noise created when using a garden for example.

Noise

Mechanical plant is proposed within a plant enclosure at main roof level. Environmental Health officers have confirmed no objection subject to the Council's standard noise conditions and a further condition requiring the submission of a supplementary acoustic report once the plant selection is finalised. Subject to these conditions, it is considered that the plant will not result in noise nuisance or a loss of neighbouring amenity.

The proposals are considered acceptable in amenity terms.

6.4 Transportation/Servicing

Policy TRANS23 requires, where appropriate and practical, the provision of off-street parking for new residential developments. Given the site constraints, including the lack of vehicular access into the application site, car parking is not provided as part of the proposals. This has raised objections from residents.

The Highways Planning Manager objects to the proposals on the grounds of lack of car parking provision contrary to Policy TRANS23. The policy states that the Council will normally consider there to be a serious deficiency where additional demand would result in 80% or more of available legal on-street parking spaces. The evidence of the Council's most recent parking survey in 2011 indicates that parking occupancy of legal parking spaces within a 200m radius of the site is 45% at night and 87% during the day.

In response to the inability to provide off-street parking, the applicant proposes the funding of lifetime car club membership to all new residents (25 years) and a contribution to fund the

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undertaking of on-street parking surveys through a financial contribution of £29,000 (£1000 per flat). Under the new Community Infrastructure Levy Regulations (2010 as amended), the Council cannot currently collect such a payment and it is recommended that this money be put towards the Council's affordable housing fund instead. It is recommended that this is secured by a legal agreement.

Given that the site is highly accessible by public transport and that there is no option to provide off-street parking, it would be considered unreasonable to refuse permission on this basis. The car club membership is proposed to be secured by way of a legal agreement.

Refuse storage is proposed within the building at lower ground floor level and will be accessed from within the building for residents and from Tufton Street for collection. This is considered acceptable. However, the doors to the refuse storage area open outwards over the pavement which is considered contrary to Policy TRANS 3 of the UDP and S42 of the City Plan. The applicant confirms that these doors can open inwards and it is therefore recommended that a condition to secure this detail is attached.

6.5 Economic Considerations

The proposal is in accordance with the UDP and the economic benefits generated are welcomed.

6.6 Access

Street level is at a half-level between upper ground and lower ground floors. The main entrance in the centre of the Great Peter Street façade is to be maintained. The entrance leads to a stair providing access to both upper and lower ground floors, from which two lifts and a further stair lead to the upper floors. Allowance has been made to adapt the entrance through the provision of a platform lift should it be required by occupants in the future.

6.7 Other UDP/Westminster Policy 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.

6.8 London Plan

The proposal does not raise strategic issues and does not have significant implications for the London Plan.

6.9 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

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

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced later in 2015. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the Council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

For reasons outlined elsewhere in this report, a S106 agreement will be required to secure the following.

- a) Affordable housing payment in lieu of on site provision of £2,044,000 (including £29,000 in lieu of a parking mitigation payment see Highways section of this report above).
- b) Lifetime car club membership for residents of the development.

It is considered that the draft 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations (2010 as amended).

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

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

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

The applicant has submitted an Energy Statement which follows the 'lean, clean and green' energy hierarchy.

Policy S39 of the City Plan states that major development should be designed to link to and extend existing heat and energy networks in the vicinity, except where the Council considers that it is not practical or viable to do so. Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

Reducing energy demand

A range of passive design features and demand reduction measures are proposed such as mechanical ventilation and heat recovery. The development's overall CO2 emissions will be reduced by 32%, just under the London Plan's requirement to achieve a 35% reduction compared to Part L of the Building Regulations 2013. As the proposals still represent a significant reduction in CO2 emissions overall, the proposals are still considered acceptable in this respect.

Supplying energy cleanly

It is not proposed to provide any 'clean' energy measures. In schemes of this nature, a Combined Heat and Power (CHP) could be considered appropriate. The applicant has argued that CHP is not technically viable due to the small heat demand and the absence of the base load required for a CHP unit to operate efficiently and cost effectively.

The Energy Strategy confirms that a part centralised Air Source Heat Pump (ASHP) is proposed. The carbon emissions for the ASHP are approximately 10%-14% more efficient than a communal boiler system.

Using renewable energy sources

There are no renewable energy technologies proposed on this development.

Whilst regrettable, given that the roof is to be utilised by an existing plant room, the proposed extension and its adjoining terrace, there is little opportunity for photovoltaics and solar water heating for example.

BREEAM Domestic Refurbishment

The pre-assessment report demonstrates that a BREEAM Excellent rating can be achieved with a score of 77.55%.

Biodiversity

Given that the roof is to be utilised by an existing plant room, the proposed extension and its adjoining terrace, there is little opportunity for biodiversity roofs.

6.11 Other issues

Objections have been raised on the grounds of noise and disruption during the course of building works. This is not considered to be a material planning consideration, however, the

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applicant has submitted a Construction Management Plan (CMP) which seeks to minimise the amount of noise and nuisance caused during the work and compliance with CMP and standard hours of working will be conditioned.

Further objections are also raised on the grounds that by allowing a development of this nature with no car parking could set an unacceptable precedent. Once again, this is not a material planning consideration and each application must be assessed on its own merits.

6.12 Conclusion

Whilst the offer of £2,015,000 towards affordable housing falls short of the amount sought by policy, this has been reviewed by the Council's independent consultant who agrees that the amount offered is the maximum reasonable amount the scheme can support. In these circumstances, it is considered that the affordable housing offer is satisfactory. In all other respects the proposal is considered acceptable in land use, design and amenity terms and therefore planning permission is recommended for approval.

BACKGROUND PAPERS

- 1. Application form.
- 2. Letter from Thorney Island Society dated 25 March 2015.
- 3. Letter from Westminster Society received 11 March 2015.
- 4. Memoranda from Environmental Health dated 20 February and 5 May 2015.
- 5. Memorandum from Cleansing Manager dated 20 February 2015.
- 6. Memorandum from Highways Planning Manager dated 24 February 2015.
- 7. Memorandum from City Planning dated 25 February 2015.
- 8. Letter from Environment Agency dated 12 March 2015.
- 9. Letter on behalf of occupiers of 11 Tufton Street dated 19 February 2015.
- 10. Letter from occupier of 17 Cowley Street dated 2 March 2015.
- 11. Letters from occupier of 13 Cowley Street dated 11 December 2014 and 5 March 2015.
- 12. Letter from occupier of 10 Barton Street received 6 March 2015.
- 13. Letter from occupier of 9 Barton Street dated 8 March 2015.
- 14. Letter from occupier of 3 Barton Street dated 9 March 2015.
- 15. Letters from occupier of 15 Great College Street dated 15 December 2014 and 9 March 2015.
- 16. Letter from occupier of 10 Great Peter Street dated 9 March 2015.
- 17. Letter from owner/occupier of 8 Barton Street dated 9 March 2015.
- 18. Letter from occupier of 18 Cowley Street dated 10 March 2015.
- 19. Letter from occupier of 15 Lord North Street dated 11 March 2015.
- 20. Letter from occupier of 57a Tufton Street dated 16 March 2015.
- 21. Letter from occupier of 18 Cowley Street received 19 March 2015.
- 22. Letter from occupier of 11 Lord North Street dated 20 March 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY E-MAIL – mmason@westminster.gov.uk

DRAFT DECISION LETTER

Address:

14 Great Peter Street, London, SW1P 3NQ

Proposal:

Use of building for residential purposes comprising 29 units (Class C3). Construction of extension to rear at lower ground to third floor level and roof extension at sixth floor level with roof terrace. Relocation of roof top plant.

Plan Nos:

PL(00)00 A; EX(01): 01 A; 02 A; 03 A; 04 A; 05 A; 06 A; 07 A; 08 A; 09 A; EX(02): 01 A; 02 A; 03 A; 04 A; PL(03) 03 A; EX(03): 01 A; 02 A; PL(03)03 A; PL(00) B A; LG A; UG A; 01 A; 02 A; 03 A; 04 A; 05 B; 06 B; 07 A; PL(03): 01 B; 02 B; 03 B; PL(02): 01 B; 02 B; 03 A; 04 B; 05 B; 06 A; Covering letters dated 5 February and 17 June 2015; Planning Statement; Design and Access

Statement including Heritage Statement; Daylight, Sunlight and

Overshadowing Report; BREEAM Domestic Refurbishment Report; Energy

and Sustainability Statement; Construction Management Plan; Utility

Statement; Transport Statement; Acoustic Report; Statement of Community

Involvement: Flood Risk Assessment; Crime Prevention Statement.

Case Officer:

Hannah Stutchbury

Direct Tel. No. 020 7641 5944

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)

- You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
 - i) a set back of the railings to the roof top terrace from the Tufton Street elevation by 1.7m;
 - ii) a reduction in size of the roof top terrace to be set within the railings, as prescribed by i) above.
 - iii) removal of the existing roof safety railings on the Great Peter Street elevation, from the corner with Tufton Street to the door to the roof top plant room;

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 Smith Square 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)

The development shall be carried out in accordance with the approved Construction Management Plan at all times.

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.

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 Smith Square 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 Smith Square 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 and sections at 1:5 of the following parts of the development
 - i) windows;
 - ii) doors;
 - iii) railings.

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Smith Square 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 showing the following alteration(s) to the scheme:
 - i) the lower ground floor doors onto Tufton Street opening inwards.

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:

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)

- (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.

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.

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 9 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.

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.

You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 12 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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

- You must provide the waste store shown on drawing lower ground floor plan before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)
- 15 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

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.

- 2 Under Condition 3 we are likely to accept a legal agreement under Section 106 of the Town and County Planning Act to secure a financial payment (index linked) towards affordable housing for £2,044,000 and free lifetime (25 years) car club membership for residents of the development as set out in the supporting application correspondence from DP9. Please look at the template wordings for planning obligations (listed under 'Supplementary Planning Guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

24 Hour Noise Team Environmental Health Service Westminster City Hall 64 Victoria Street London SW1E 6QP

Phone: 020 7641 2000

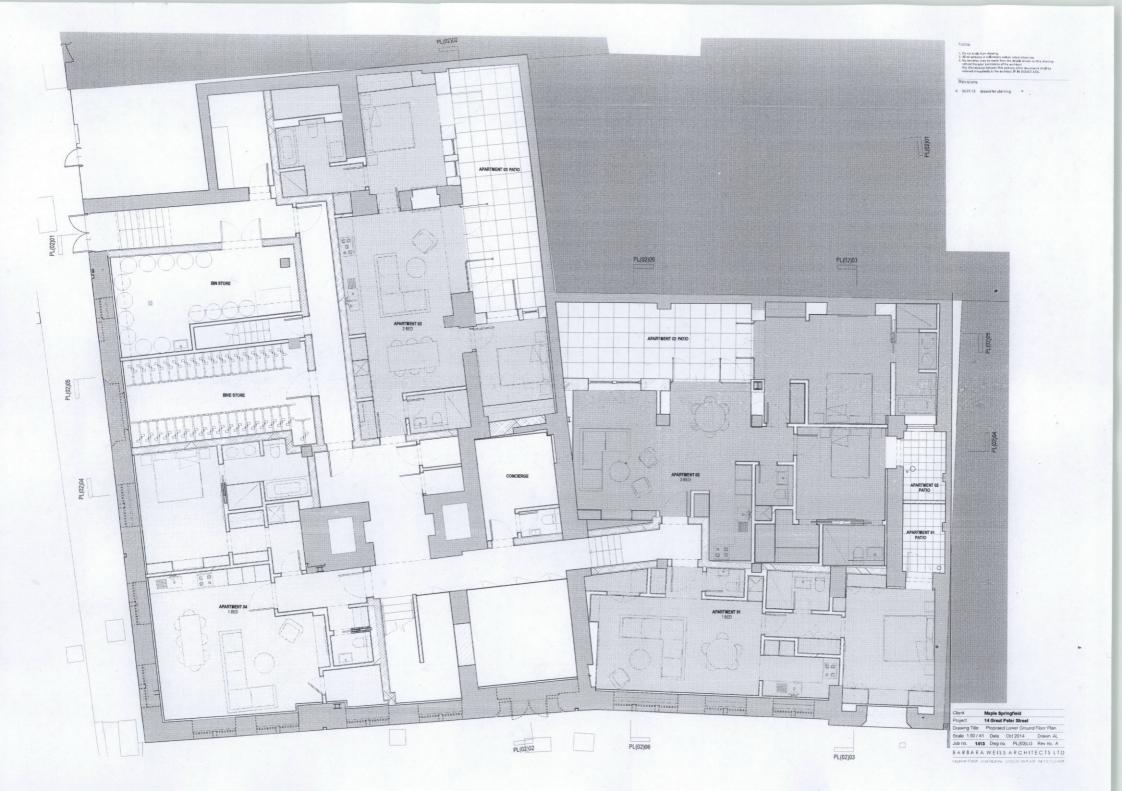
Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

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

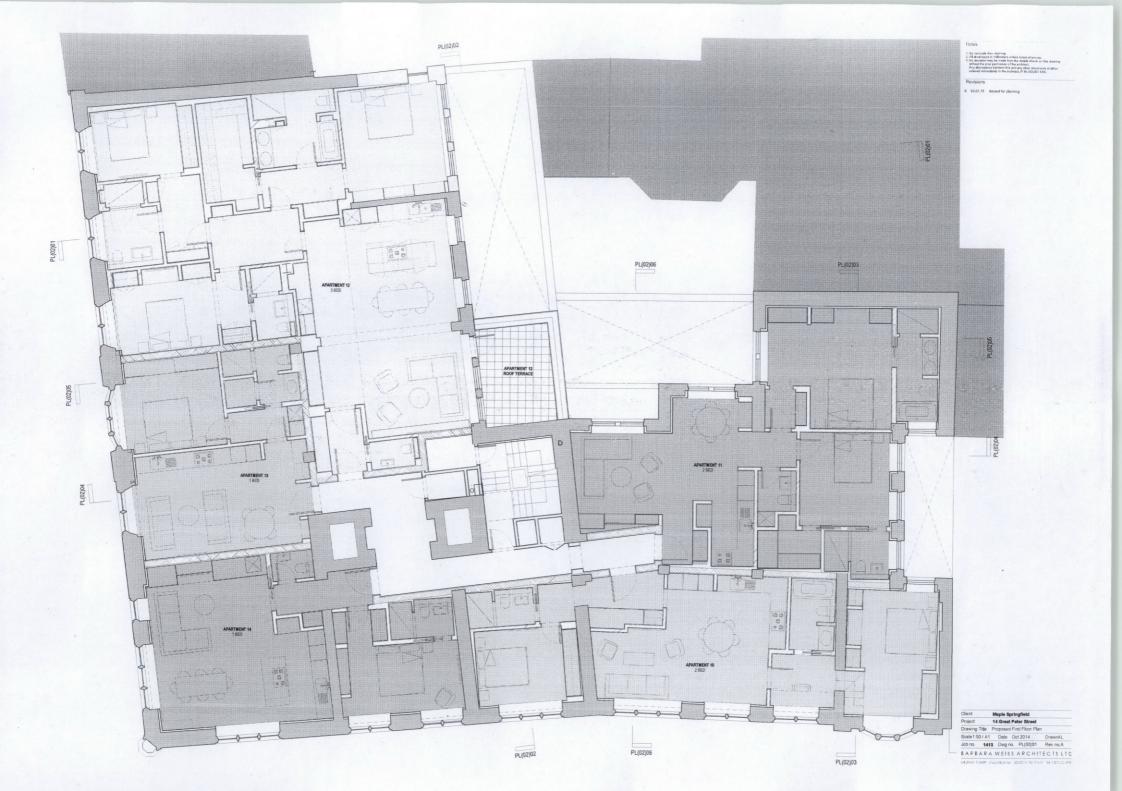
ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at

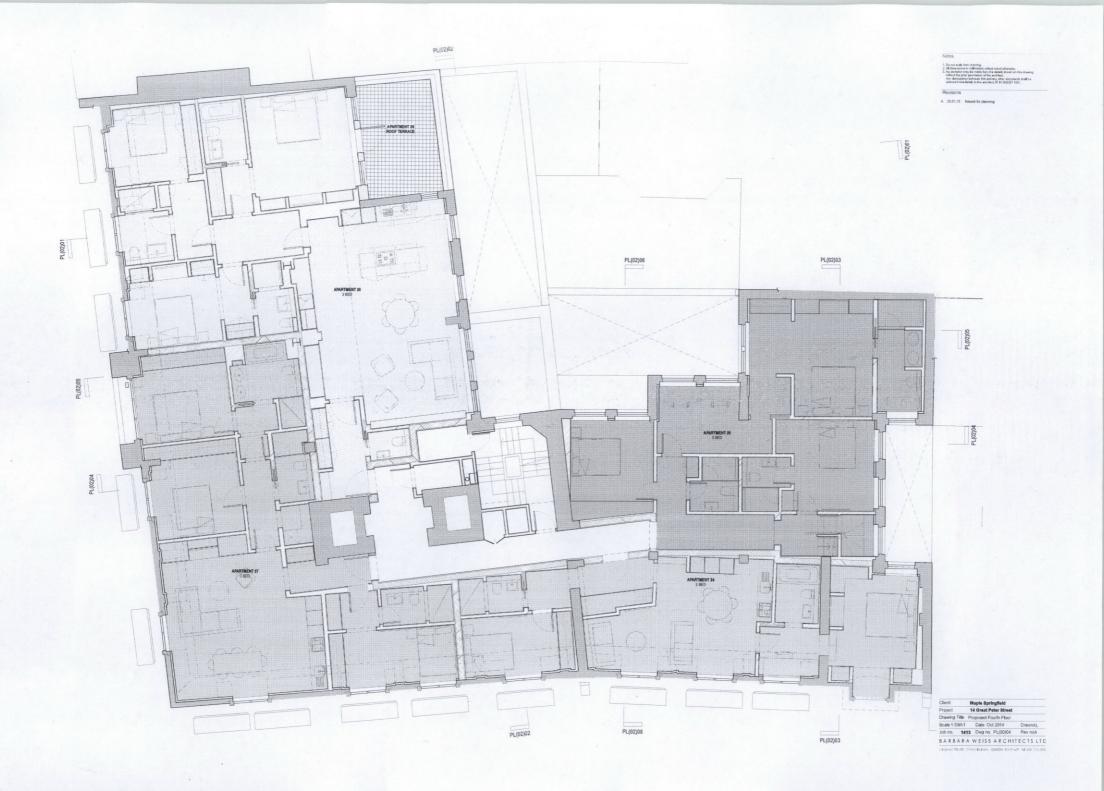
http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at:

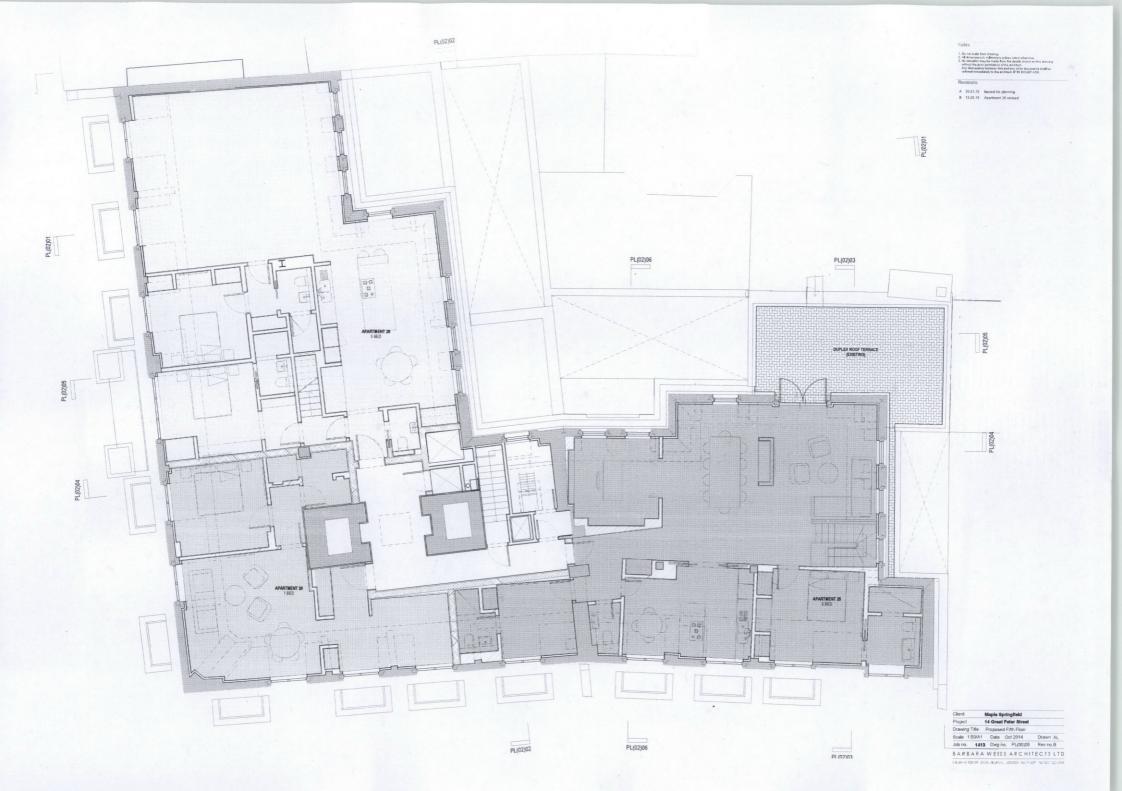
http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/. You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.

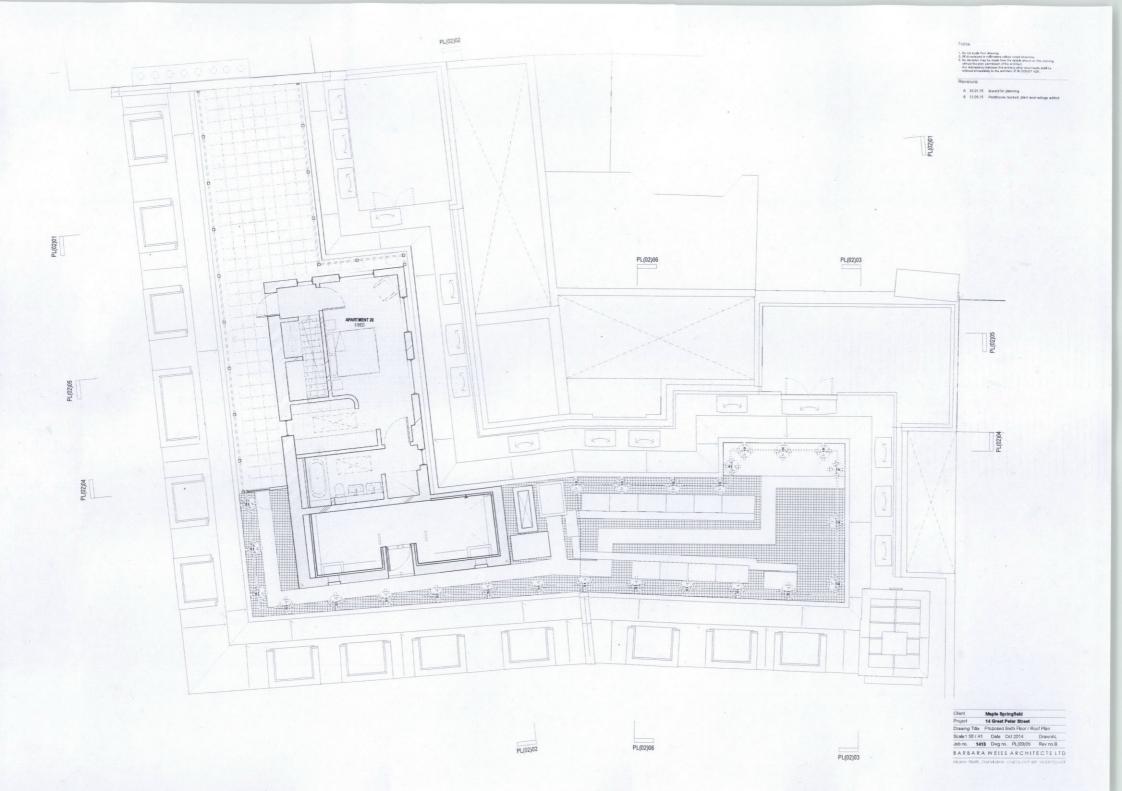


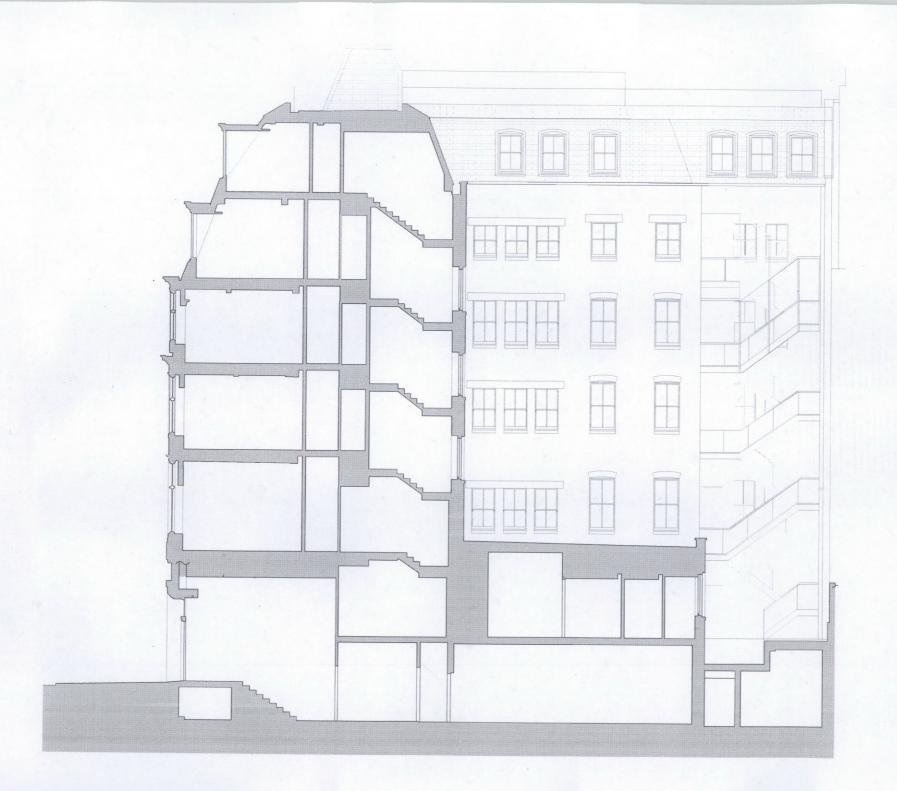












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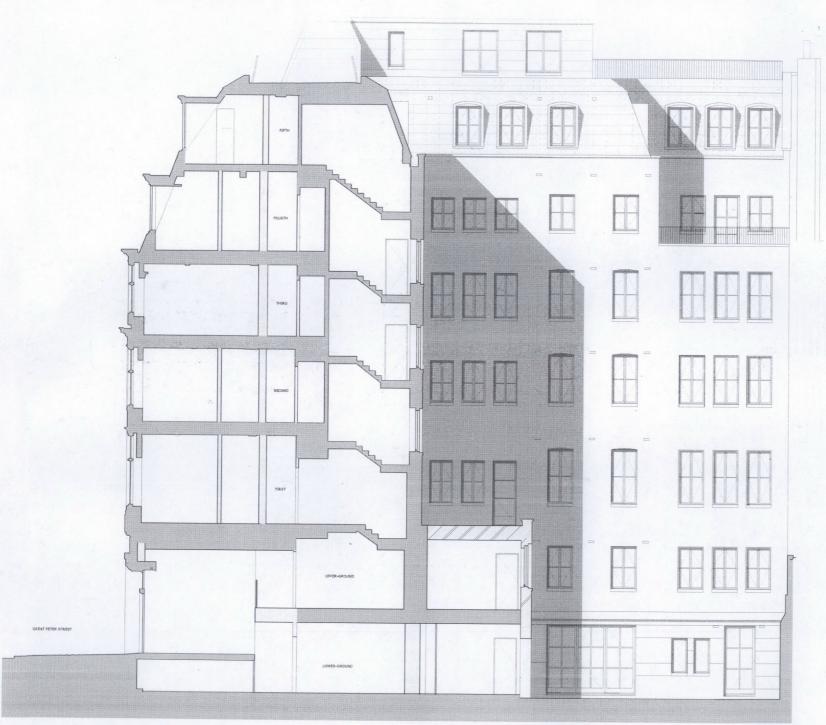
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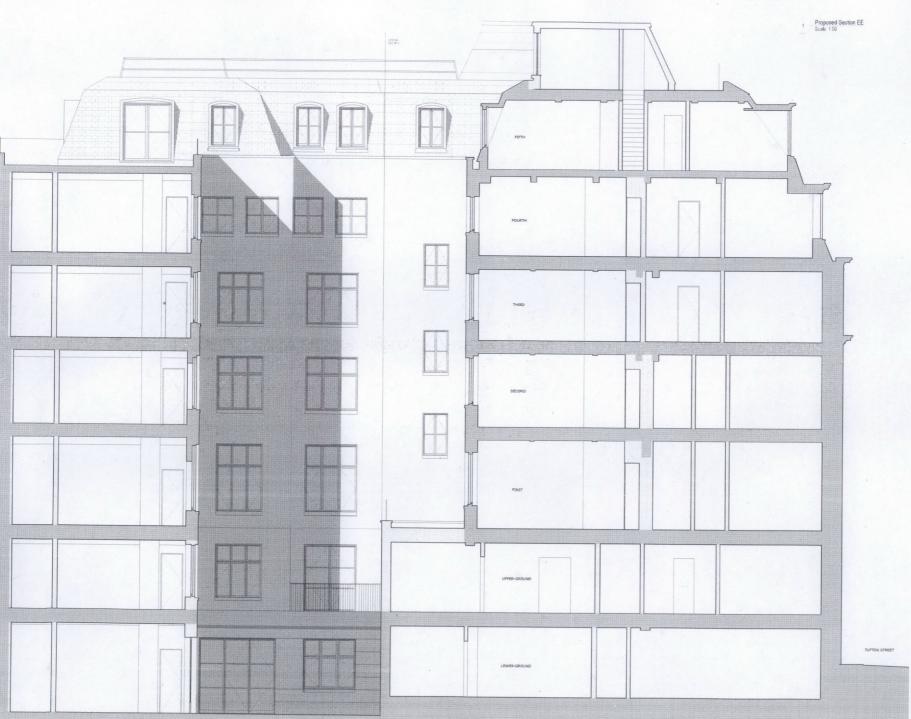
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Proposed Section BB Scale 1.50

A 30.01.15 Issued for planning B 13.05.15 Penthouse amended and railings added

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A 30.01.15 Issued for planning B 12.05.15 Penthouse revised

Maple Springfield 14 Great Peter Street
 Drawing Title
 Proposed Section EE

 Scale 1:50 / A1
 Date
 Oct 2014
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Maple Springfield Project 14 Great Peter Street Drawing Title Proposed South Elevation Scale 1:50 / A1 Date Oct 2014 Drawn AL Job no. 1413 Dwg no. PL(03)01 Rev no. B BARBARA WEISS ARCHITECTS LTD



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- A 30,01,15 Issued for planning B 13.05.15 Penthouse and railings revised

Client Project Maple Springfield 14 Great Peter Street Drawing Title Proposed West Elevation Scale 1:50 / A1 Date Oct 2014 Drawn AL Job no. 1413 Dwg no. PL(03)02 Rev no. B BARBARA WEISS ARCHITECTS LTD