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CITY OF WESTMINSTER			
PLANNING APPLICATIONS	Date	Classification	1
COMMITTEE	10 November 2015	For General R	Release
Report of		Wards involv	ed
Director of Planning		West End	
Subject of Report	36-37 Eastcastle Street	London, W1W 8DF	) 
Proposal	Substantial demolition behind a retained front facade and retained floorplates of Nos. 36-37 Eastcastle Street, reconfiguration of the rear to include erection of rear extensions at first, second, third and fourth floor levels and erection of roof extension to No. 37 Eastcastle Street. Use of extended upper floors as six flats (Class C3) with basement cycle parking and reconfiguration of rear buildings to create a three bedroom mews house (Class C3) over first and (partially new) second floor level with external terraces to the rear. Opening up of front lightwells to both properties and enclose with railings. Proposal includes plant equipment at basement, first, third and fourth floor and at roof level and other associated external alterations.		
Agent	MW-Architects		
On behalf of	Mr Ben Goldberg	Mr Ben Goldberg	
Registered Number	15/00812/FULL	TP / PP No	TP/5516
Date of Application	30.01.2015	Date amended/ completed	10.02.2015
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Centr Within Core Central Activ		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		event.

# 1. RECOMMENDATION

- 1. Grant conditional permission.
- 2. Authorise the making of a draft Order pursuant to Section 247 of The Town and Country Planning Act (1990) (as amended) for the stopping up of parts of the public highway to enable this development to take place.
- 3. Authorise the City Transport Advisor to take all necessary procedural steps in conjunction with the making of the Order and to make the Order as proposed if there are no unresolved objections to the draft order.





36-37 EASTCASTLE STREET, W1

## 2. SUMMARY

The application site comprises Nos. 36-37 Eastcastle Street; two unlisted buildings of merit located within the East Marylebone Conservation Area. The site is located within the Core Central Activities Zone.

Permission is sought to demolish much of the buildings behind a retained facade and erect a dwelling to the rear, an extension at rear second, third and fourth floor levels and a mansard roof extension to No. 37. The enlarged upper floors are proposed to be converted into four flats. In addition, the two lightwells to the front of the buildings are proposed to be opened up and these new lightwells enclosed with new railings. Replacement shopfronts are also proposed.

The key issues for consideration are:

- The impact of the loss of retail floorspace from basement, ground and first floor levels on the character, function, vitality and viability of this part of the Core CAZ.
- The impact of the proposed rear extension, mansard roof extension, replacement shopfronts and opened up front lightwells on the character and appearance of the East Marylebone Conservation Area.
- The impact of the proposal on the amenity of local residents in terms of daylight, overlooking and noise.

The proposal is considered acceptable in land use, amenity, design and conservation grounds and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) and is therefore recommended for approval.

### 3. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION No response.

CLEANSING MANAGER
No objection subject to conditions.

HIGHWAYS PLANNING MANAGER No objection.

ENVIRONMENTAL HEALTH
No objection subject to conditions.

## HISTORIC ENGLAND

This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

# ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 175; Total No. of Replies: 1.

One from the commercial occupier of No. 75-77 Margaret Street (immediately to the rear of the application site) raising the following concerns:

- Loss of daylight/sunlight.
- Overlooking.
- Disruption during the course of construction.

ADVERTISEMENT/SITE NOTICE: Yes.

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## 4. BACKGROUND INFORMATION

# 4.1 The Application Site

The application site comprises Nos. 36-37 Eastcastle Street; two unlisted buildings of merit located within the East Marylebone Conservation Area. The site is located within the Core Central Activities Zone. The ground and lower ground are occupied by shops whilst the upper floors are offices.

# 4.2 Relevant History

### No. 36 Eastcastle Street

Permission was granted on 9 January 2012 to use the basement and ground floor for retail purposes (Class A1).

### No. 37 Eastcastle Street

Permission was granted on 18 May 2006 to use the entire building as retail (Class A1) accommodation at basement and ground floor levels with ancillary offices on the upper levels.

Permission was granted on 19 March 2007 for the installation of air condenser units and plant at first floor roof level at the rear of building.

# Nos. 38-40 Eastcastle Street (immediately to the west of the application site)

Planning permission was granted on 10 April 2012 for alterations and extensions to the rear in order to convert the upper floors to seven flats. This permission has been fully implemented.

## Nos. 34-35 Eastcastle Street (immediately to the east of the application site)

Planning permission was granted on 31 March 2015 for alterations and extensions to the rear in order to convert the enlarged upper floors and remodelled 'mews building' to the rear into seven flats (Class C3). Works to implement this permission are yet to start.

### 5. THE PROPOSAL

Permission is sought to demolish much of the buildings behind a retained façade and retained floorplates, erect a new three bed dwelling (Class C3) to the rear of the site with private terrace at first floor level. Both buildings are proposed to be enlarged through the erection of a rear extension at second, third and fourth floor levels. A mansard roof extension is also proposed to No. 37. The enlarged upper floors of the buildings are proposed to be converted into 2 x 1 bedroom flats and 2 x 3 bedroom flats. Amenity space in the form of terraces are proposed at rear first, third and fourth floor levels for all of the proposed dwellings with the exception of the two one bedroom flats at second floor level.

A central entrance is proposed to provide access to the proposed rear dwelling and the proposed flats on the upper floors. Ancillary residential floorspace at part lower ground floor level is proposed for cycle storage and plant.

The two lightwells to the front of the buildings are proposed to be opened up and these lightwells enclosed with new railings. Replacement shopfronts are also proposed.

Plant is proposed within the front pavement vault and within the amenity spaces of each respective flats/mews house at rear first, third and fourth floor levels. A louvred privacy screen

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is proposed to be erected to the eastern boundary of the site to prevent overlooking to the yet-to-be-built flats at Nos. 34-35 Eastcastle Street.

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

- Enclosures and screens around the proposed condensing units, as required by the acoustic report, are now shown on the proposed drawings.
- Screens are now shown to the east of the rear third and fourth floor terraces (in addition to the originally proposed screens on the west of these terraces) in order to prevent overlooking to the new residential development at Nos. 34-35.
- Balconies have been omitted and the glazed doors have been replaced with sash windows to the second floor front elevation of the 'mews house'.
- A supplementary acoustic report has been submitted in response to concerns from Environmental Health that no assessment of the noise impact from the plant had been undertaken.
- An addendum to the submitted Daylight Report has been submitted that assesses the impact of the proposed extension on the light levels to the new residential development at Nos. 34–35.

# 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

# Loss of office and retail floorspace

The upper floors of No. 36 are lawfully in office use (Class B1). The planning history for No 37 indicates that the lawful use of the upper floors is as ancillary offices to the retail unit at basement and ground floor level. As such, the lawful use of these floors is within Class A1 (Shops).

There are no policies within the UDP or City Plan which safeguard the existing office use. However, the City Council recognises that adopted development plan policies relating to office and mixed use policies are out of date and that, given recent pressures to convert office buildings to residential use, there is now an under-supply of office accommodation within the city, eroding the character of commercial areas and resulting in a need to protect existing office floorspace. Consequently, interim measures, (set out in an initial statement dated 1 March 2015), have been drawn up in relation to the consideration of applications involving the replacement of offices with new residential floorspace, (and applications for the provision of new office floorspace). From 1 September 2015, any such applications will be determined under a 'presumption in favour of sustainable development' in line with national policy. This means that within the Core CAZ (and in other specified locations) housing is no longer acceptable in principle where it results in the loss of office floorspace. A further statement (dated 22 July 2015) confirmed that the loss of offices will be acceptable where they are to other commercial uses, or outside of the Core CAZ or other specified locations.

As the current application was submitted in January 2015, it is not subject to consideration under the interim measures or emerging policies, but should be considered in the light of adopted development policies which do not protect existing office uses.

City Plan Policy S21 and UDP Policy SS5 provide protection for retail floorspace at basement, ground and first floor levels. The proposal will see the loss of the retail floorspace at first floor within No. 37 and the loss of 101m2 of retail floorspace at ground and basement floor levels to allow the new residential access core and ancillary residential floorspace at basement level. Given that two reasonably sized retail units will remain at basement and ground floor levels, the loss of this retail floorspace will not be detrimental to the character, function, vitality and viability of this part of the Core CAZ.

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# **Proposed Residential Accommodation**

The proposed increase in residential floorspace and units on site is supported by City Plan Policies S6 and S14 and UDP Policy H3. The proposal will result in the creation of seven additional residential units and an increase in residential floorspace of 639m2 (GEA). This is below the 1,000m2 (GEA) threshold set out within City Plan Policy S16 so no provision of affordable housing is required.

The proposed residential mix is as follows: 4 x 1 bedroom and 3 x 3 bedroom. This exceeds the normal requirement for one third of the units to be family sized, in accordance with UDP Policy H5 and City Plan Policy S15.

All of the proposed units exceed the minimum size thresholds set out within Policy 3.5 of the London Plan (March 2015) and are therefore acceptable in terms of their size. Amenity space is provided for the three bed units. Such provision is welcome. All rooms within the proposed development will achieve the minimum light (ADF) levels set out within 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 which was published in September 2011).

Environmental Health has recommended that a condition be imposed requiring the submission of a supplementary acoustic report demonstrating that the internal noise levels will comply with UDP Policy ENV 6. This is because the submitted acoustic report uses the background noise levels taken at the rear façade which is not satisfactory given that the main contributor to the ambient noise level in this location is traffic from Eastcastle Street. There is no reason to suppose that the noise criteria cannot be met in this location as Eastcastle Street is not overly noisy and residential flats have been granted permission on either side of the site. This is dealt with by condition.

Whilst the mews house is single aspect, the inclusion of rooflights to the front and rear of the pitched roof will allow the unit to be naturally ventilated if required.

# 6.2 Townscape and Design

No. 37 consists of basement, ground and three upper floors whilst No.36 consists of basement, ground and four upper floors. Both appear to date to the Victorian period. The existing shopfronts are of little interest.

No. 37 has been highlighted within the conservation area audit as a building where a roof extension would be considered acceptable. The principal of an appropriately designed mansard addition is therefore acceptable. The detailed design for the proposed addition broadly follows the guidance set out in the City Council's SPG 'Roofs: A guide to alterations and extensions' and is therefore acceptable.

In terms of the proposed rear closet wing extensions these are in line with UDP Policy DES 5 and the detailed design and materials are acceptable.

Following discussions, the proposed mews fenestration has been altered to remove a number of French doors and Juliet balconies. As the overall proposals are considered to be an improvement on the existing and there are limited views of it from the surrounding conservation area, the works are considered acceptable.

Other alterations, including the alterations to the shopfronts and installation of lightwells, are also considered acceptable.

# 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.

# Daylight, Sunlight and Overlooking

# 6.3.1 Loss of daylight

Policy ENV13 also states that regard should be given to the guidance contained within the BRE Guide in terms of daylight and sunlight. The applicant has submitted a daylight report which assesses the impact of the proposal on the affected residential windows immediately to the west of the application site within Nos. 38-40 Eastcastle Street. In addition, a supplementary report has been submitted assessing the impact on the yet-to-be-built residential units at Nos. 34-35 Eastcastle Street.

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 sunlight/daylight assessment submitted with the application demonstrates that five windows would be adversely affected by more than the 20% recommended in the BRE guidelines. Three of these windows are within the existing residential accommodation at 38 Eastcastle Street and the other two serve windows which are currently in office use. The three windows within 38 Eastcastle Street serve bedroom accommodation and would experience losses of between 27.3% and 41.8%. One of the windows would only see an absolute loss of 0.6% (from 2.2% to 1.6%) and the worst affected window which would experience a 41.8% loss is in a bedroom served by another window which is unaffected by the proposals and retains a VSC of 20.4%. Whilst these losses would be over 20%, the windows affected serve bedroom accommodation which the BRE guidelines state as being less important in relation to daylighting distribution than main living rooms.

With regard to the losses at 34-35 Eastcastle Street, one bedroom window would experience a 63.5% loss (from 10.4% to 3.8%) and the other a 38% loss (from 18.4% to 11.4%). As these flats are yet to be built, it is considered more appropriate to assess whether the internal light levels will meet the minimum light (ADF) values set out in the BRE Guide (2011). In this instance, the ADF values within these bedrooms will be 1.1% and 1.6% which exceeds the minimum value of 1.0% for bedrooms set out within the BRE Guide (2011). When built, therefore, these rooms will still enjoy adequate light levels.

### 6.3.2 Loss of sunlight

One bedroom window at 34-35 Eastcastle Street, would also experience 100% loss of sunlight. However, this building is not yet in residential use, and the BRE guidelines state that bedrooms are less important in relation to sunlight than main living rooms. It is considered

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that within this urban built-up location, the levels of sunlighting retained are acceptable and the impact is not considered sufficient to justify a refusal.

# 6.3.3 Overlooking

Part (F) of Policy ENV13 seeks to resist development which would result in an unacceptable degree of overlooking. With regard to the impact of increased overlooking on the adjoining properties, whilst new windows within the side elevations and new terrace areas are proposed, the new windows are screened by vertical fins attached to the window openings and screens adjoining terrace areas are also proposed. It is not considered that these elements of the proposals would result in increased overlooking to the existing residential flats in 38 Eastcastle Street or the proposed flats at 34-35 Eastcastle Street.

Obscure glazing is also proposed on the rear at second floor level to ensure there is no overlooking between the flats in the main property and the mews property at the rear.

# 6.3.4 Other Issues

The objection from the commercial occupier to the rear of the site on daylight, sunlight and overlooking grounds is unsustainable as the City Council's policies protect residential amenity rather than commercial occupiers and the increase in mass in the form of the pitched roof is minimal.

### 6.3.5 Noise

The proposal involves the installation of plant to serve the residential units and is proposed to operate on a 24 hour basis. 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.

Subject to appropriate conditions regarding noise output, vibration and securing the required mitigation measures, this aspect of the scheme will not have a material impact upon the amenities of neighbouring occupiers.

# 6.4 Highways

The car parking stress in the vicinity of the site is 37% at night and 55% during the day which is well below the 80% parking stress threshold set out within UDP Policy TRANS 23. As such, there is no objection to the proposed increased in residential units in terms of the potential impact on on-street parking stress.

Cycle parking is proposed at lower ground floor level which is acceptable given the constraints of the site.

Given the presence of a number of lightwells on this street, the recent permission to allow the opening up of the adjacent lightwell immediately to the east, and that a clear footway width of at least 2.0m will remain the Highways Planning Manager has raised no objection to the proposed opening up of the two lightwells to the application site. An Informative is recommended reminding the applicant of the need to apply to the City Council for permission to stop up this area of public highway under Section 247 of the Planning Act (1990).

### 6.5 Access

Level access to the retail units and to the proposed flats on the upper floors is proposed.

### 6.6 Economic Considerations

Any economic benefits of the proposals are welcome.

# 6.7 Other UDP/Westminster Policy Considerations

The commercial occupier to the rear also objects on the grounds of disruption during construction, however, these are not grounds on which the application could be refused.

### 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.

# 6.12 Other Issues

None.

### 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.

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### **BACKGROUND PAPERS**

- 1. Application form.
- 2. Memorandum from the Cleansing Manager dated 13 February 2015.
- 3. Memorandum from Highways Planning Manager dated 29 February 2015.
- 4. Letter from English Heritage dated 16 February 2015.
- 5. Memorandum from Environmental Health dated 13 October 2015.
- 6. Letter from the occupants of No. 75-77 Margaret Street dated 24 February 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

#### DRAFT DECISION LETTER

Address:

36-37 Eastcastle Street, London, W1W 8DP

Proposal:

Substantial demolition behind a retained front facade and retained floorplates of Nos. 36-37 Eastcastle Street, reconfiguration of the rear to include erection of rear extensions at first, second, third and fourth floor levels and erection of roof extension to No. 37 Eastcastle Street. Use of extended upper floors as six flats (Class C3) with basement cycle parking and reconfiguration of rear buildings to create a three-bedroom mews house (Class C3) over first and (partially new) second floor level with external terraces to the rear. Opening up of front lightwells to both properties and enclose with railings. Proposal includes plant equipment at basement, first, third and fourth floor and at roof level and other associated external atterations.

Plan Nos:

P\_00, P\_01, P\_02a, P\_03b, P\_04b, P\_05b, P\_06b, P\_07a, P\_08a, P\_09a, P\_10a, P\_11b and P\_12.

Case Officer:

Mark Hollington

Direct Tel. No. 020 7641 2523

# Recommended Condition(s) and Reason(s):

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

## Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:
  - \* between 08.00 and 48.00 Monday to Friday;
  - \* between 08.00 and 13.00 on Saturday; and
  - \* not at all on Sundays, bank holidays and public holidays.

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

### Reason:

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

All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved of 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 East Marylebone 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 You must provide each cycle parking space shown on the approved drawings prior to the occupation of the flats hereby approved. Thereafter the cycle spaces must be retained and the space used for no other purpose.

#### Reason:

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

- (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 tevels 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 install the plant screen and plant enclosures shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

#### Reason:

To protect neighbouring residents from noise 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 East Marylebone 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.

The bronze anodised fins, the obscure glazed fins and the terrace screens shown on the approved drawings shall be installed in full prior to the occupation of any of the flats hereby approved. These fins and screens shall remain in situ thereafter.

#### Reason:

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

The three bedroom residential units and terraces shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms. (C07DC)

### Reason:

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

You must apply to us for approval of 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 East Marylebone 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)

11 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

### Reason:

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

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 11 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:

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

Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number P\_02a, P\_03b, P\_04b and P05b. You must clearly mark them and make them available at all times to everyone using the dwellings. (C14FB)

#### Reason:

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

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

#### Reason:

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

The glass that you put in the rear (north-west) facing bedroom windows of Flats 03 and 04 at second floor level, within the outer two windows of the 'mew house' at second floor level and the glass used to construct the angled fins at second and third floor level must not be clear glass. You must apply to us for approval of a sample of the obscure glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

### Reason:

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

The lower sashes of the rear (north-west) facing windows within the bedrooms of Flats 03 and 04 at second floor level and the outermost two windows of the 'mew house' at second floor level shall be permanently fixed shut.

The upper sashes of the rear (north-west) facing windows within the bedrooms of Flats 03 and 04 at second floor level shall be fitted with restrictors so that the sashes can be lowered by no more than 200mm. These restrictors shall be retained in place in perpetuity.

#### Reason:

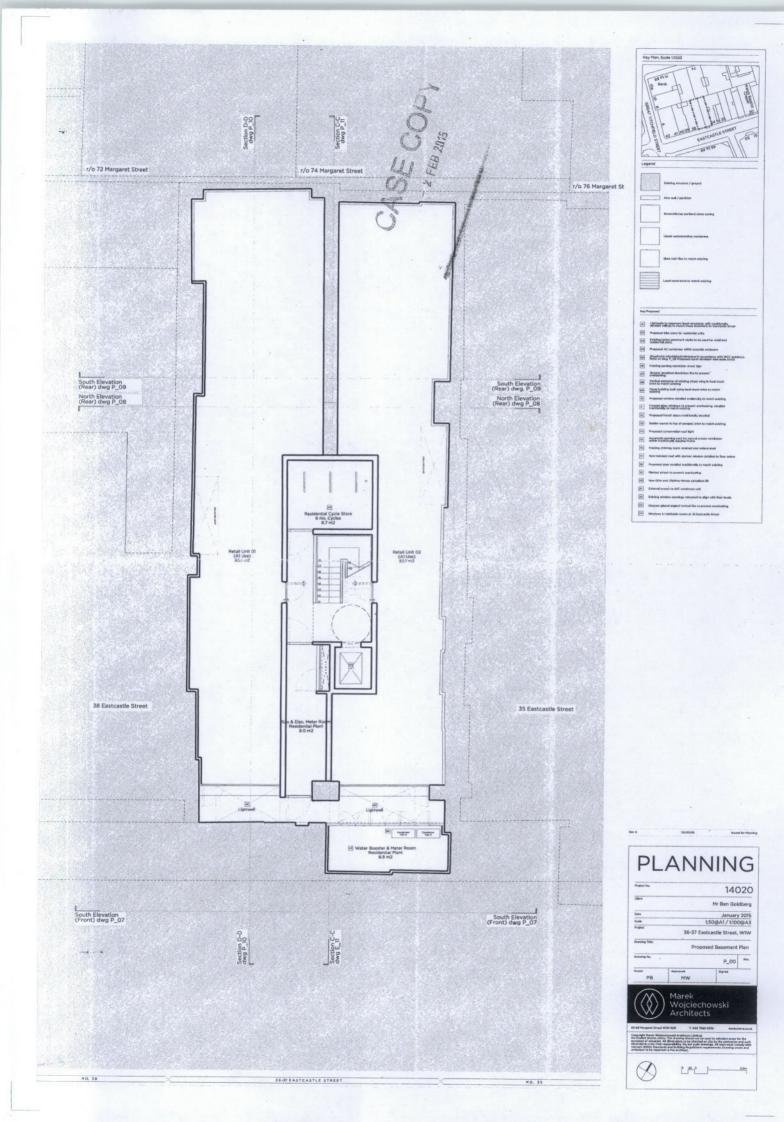
To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

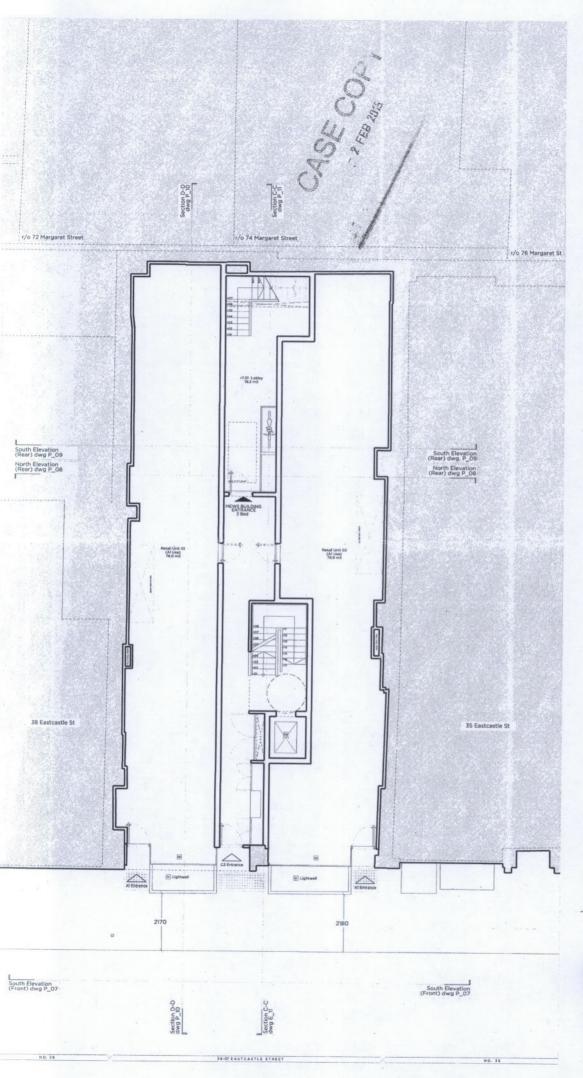
# Informative(s):

In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.

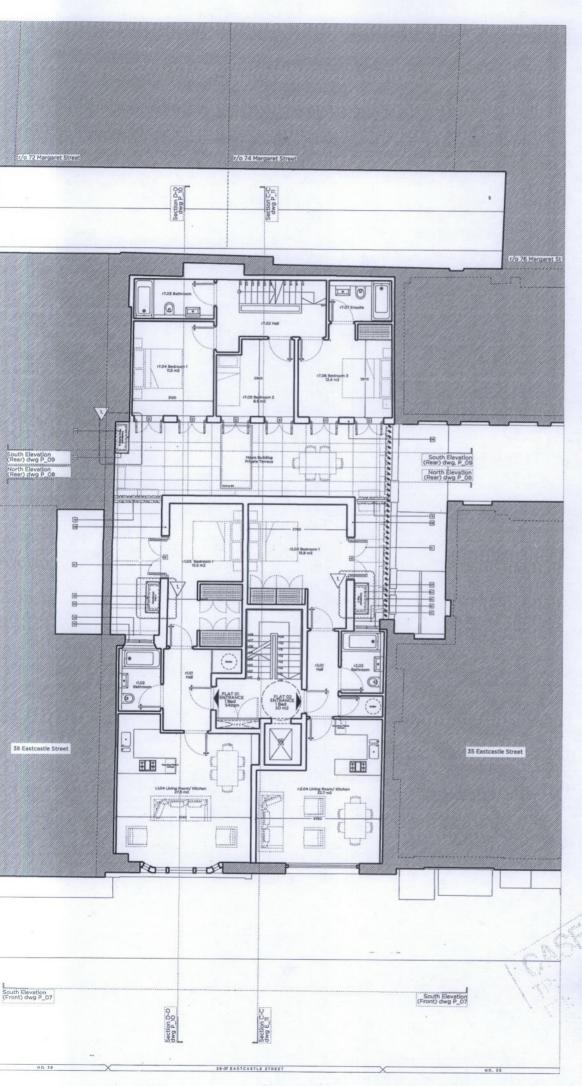
  If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <a href="http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/">http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/</a>. You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.
- The proposed opening up of the front lightwell and enclosing this area with railings will require this part of the highway to be stopped up under Section 247 of the Town and Country Planning Act (1990) (as amended). Guidance on this procedure is available at
  - https://www.westminster.gov.uk/sites/default/files/uploads/workspace/assets/publications/s247T CPA1990-1260706310.doc

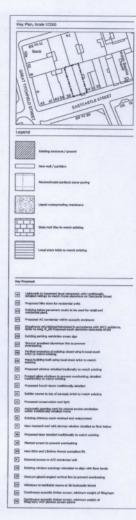




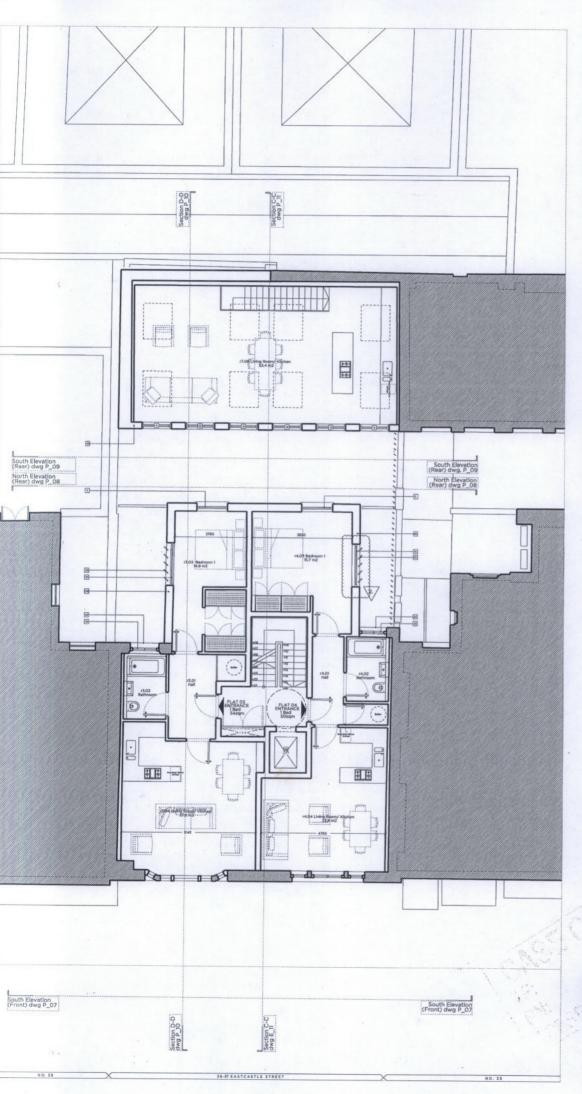


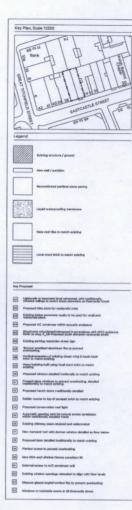




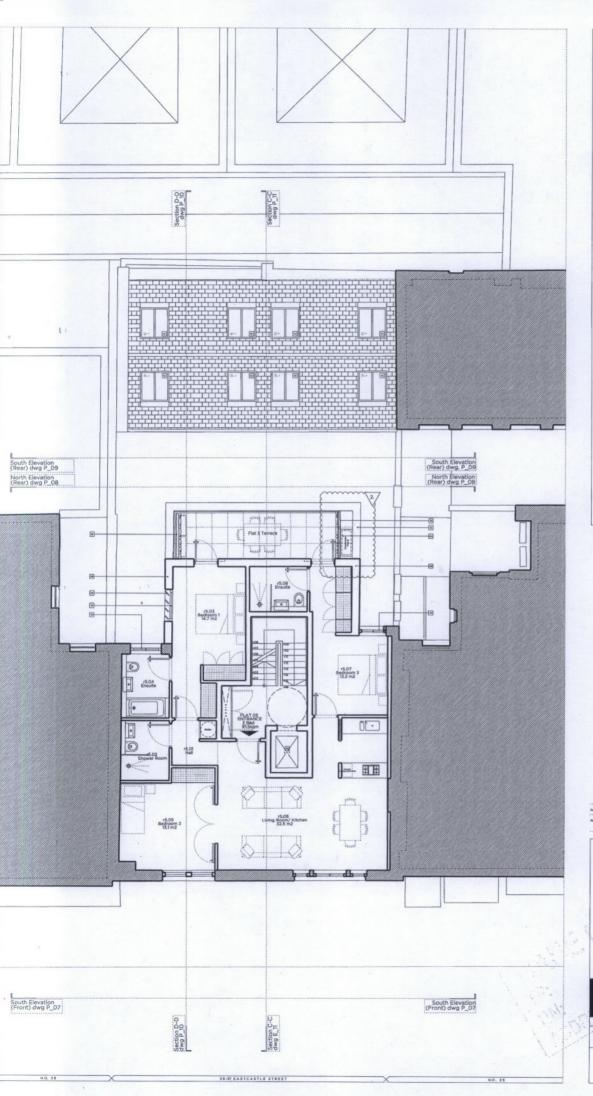






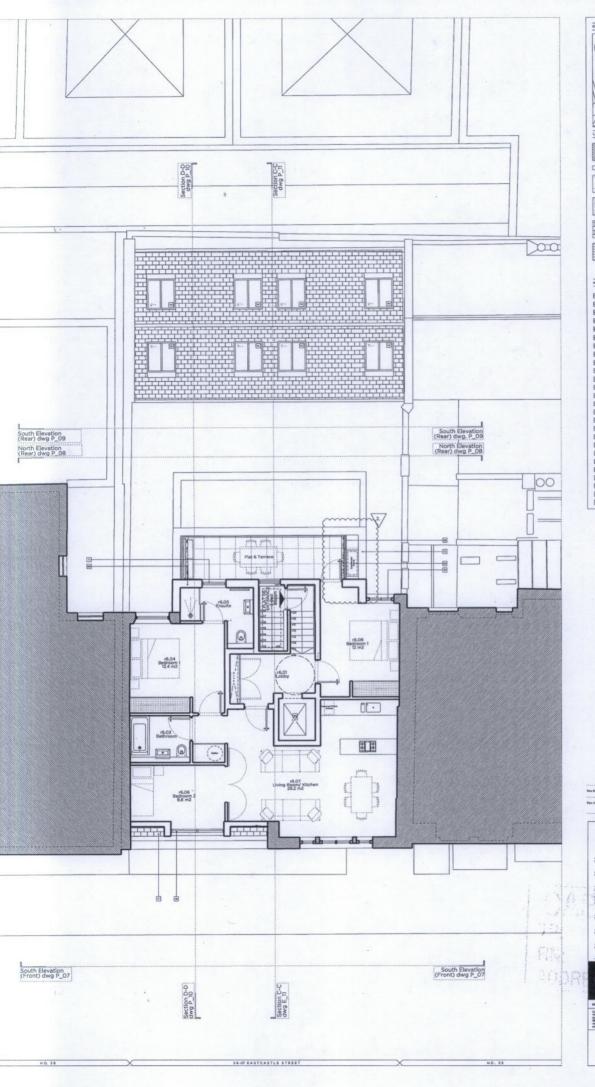


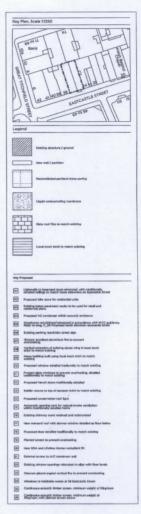










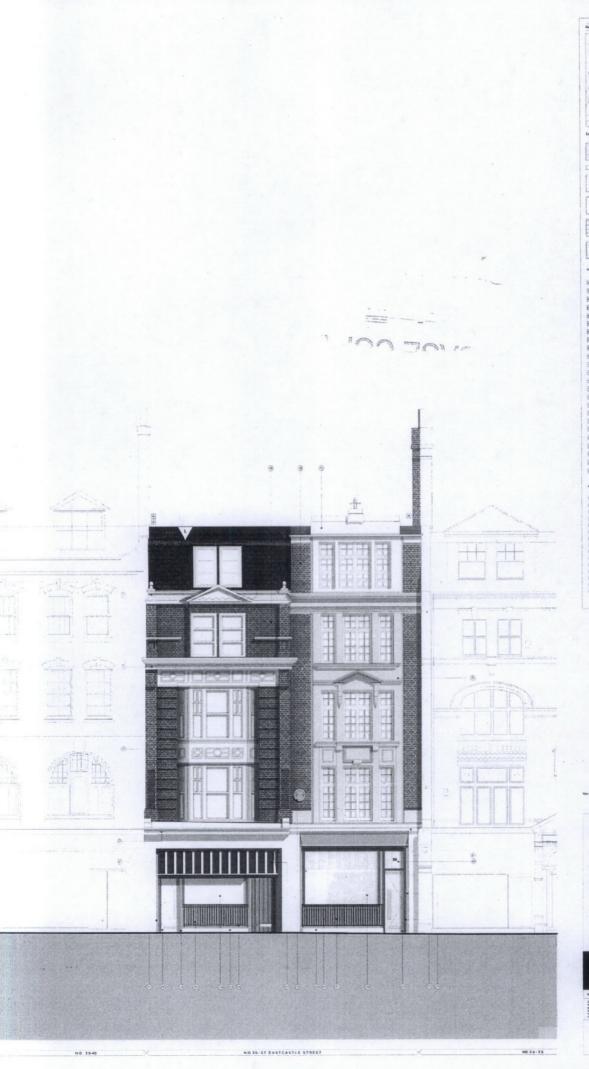


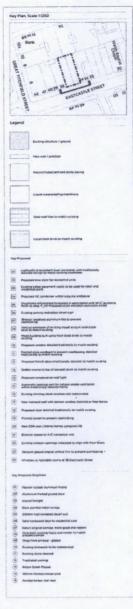






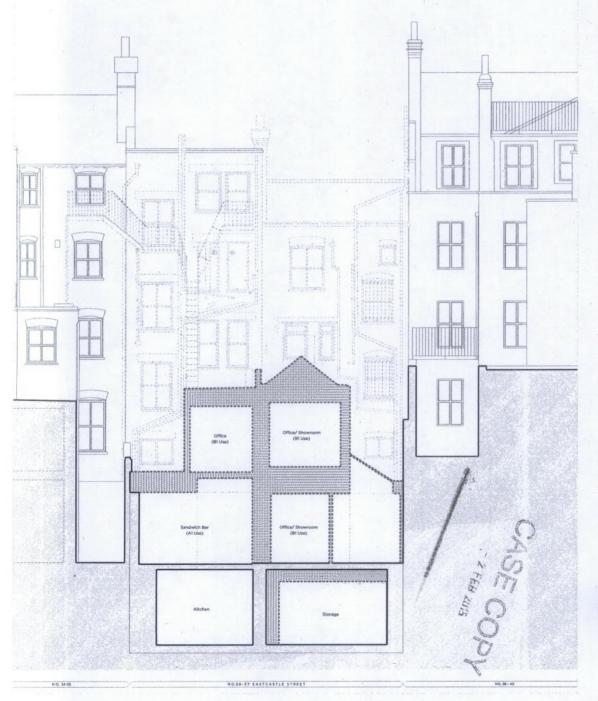






PL	ANNING
Record No.	14020
	14020
Chef	14r Ben Goldberg
bes	January 2015
Sum	150 RAT / 1100 RAS
Project	36-37 Eastcastle Street, WTW
Prop Prop Drawing No.	osed South Eastcastle Street Elevation P_07 **A
Drawn:	Aspose Spen
PB	HW





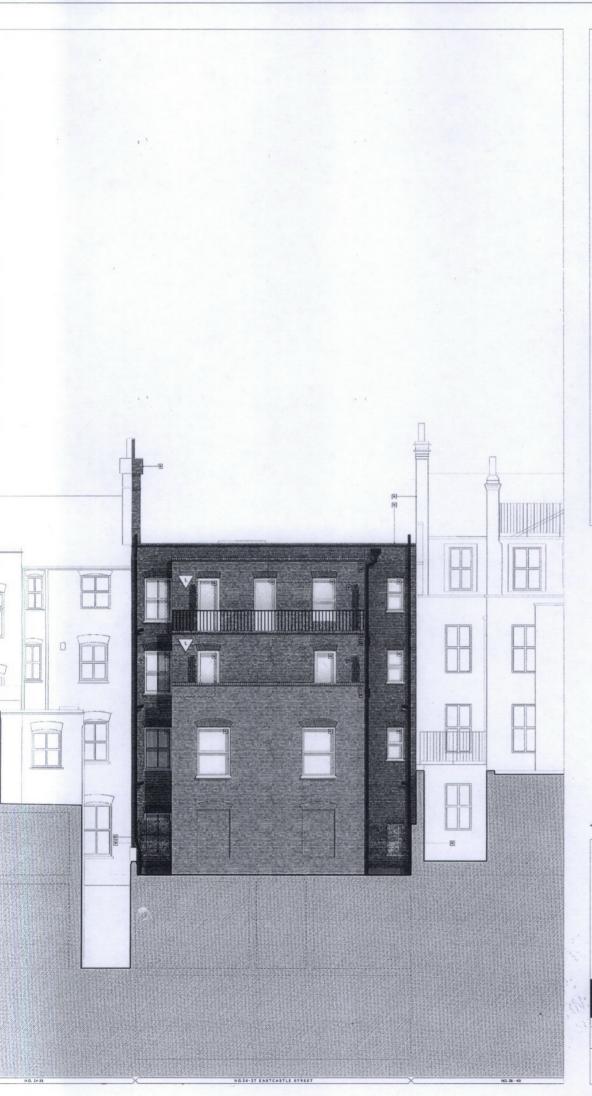
PLANNING

Product Ins. 14020

Glave Mr. Bern Goldberg

Bare January 2014

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PROPOSED

