

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 9 February 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Vincent Square	
Subject of Report	230 Vauxhall Bridge Road, London, SW1V 1AU,		
Proposal	Use of the first, second, third, fourth and part fifth floor levels as 13 residential units (Class C3) and reconfiguration of three existing residential units at fifth and sixth floor level. Use of basement and ground floors as either office (Class B1), non-residential institution (Class D1) or financial or professional services (Class A2). Extension of the existing plant room and stair core at sixth floor level fronting King's Scholars' Passage, new entrances and alterations to fenestration.		
Agent	Mr Teddy Laurence		
On behalf of	Dr Khalid Bin Thani Al Thani		
Registered Number	15/07260/FULL	Date amended/ completed	7 August 2015
Date Application Received	7 August 2015		
Historic Building Grade	Unlisted		
Conservation Area	-		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <p>a) A financial contribution of £683,060 (index linked and payable on commencement of development) towards the Council's affordable housing fund;</p> <p>b) The costs of monitoring the S106 legal agreement.</p> <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution then:</p> <p>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; however, if not</p> <p>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; the Director of Planning is authorised to determine the application and</p>
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agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

230 Vauxhall Bridge Road is a seven storey building is use as offices at basement to fourth floor levels with three residential flats at fifth and sixth floor level.

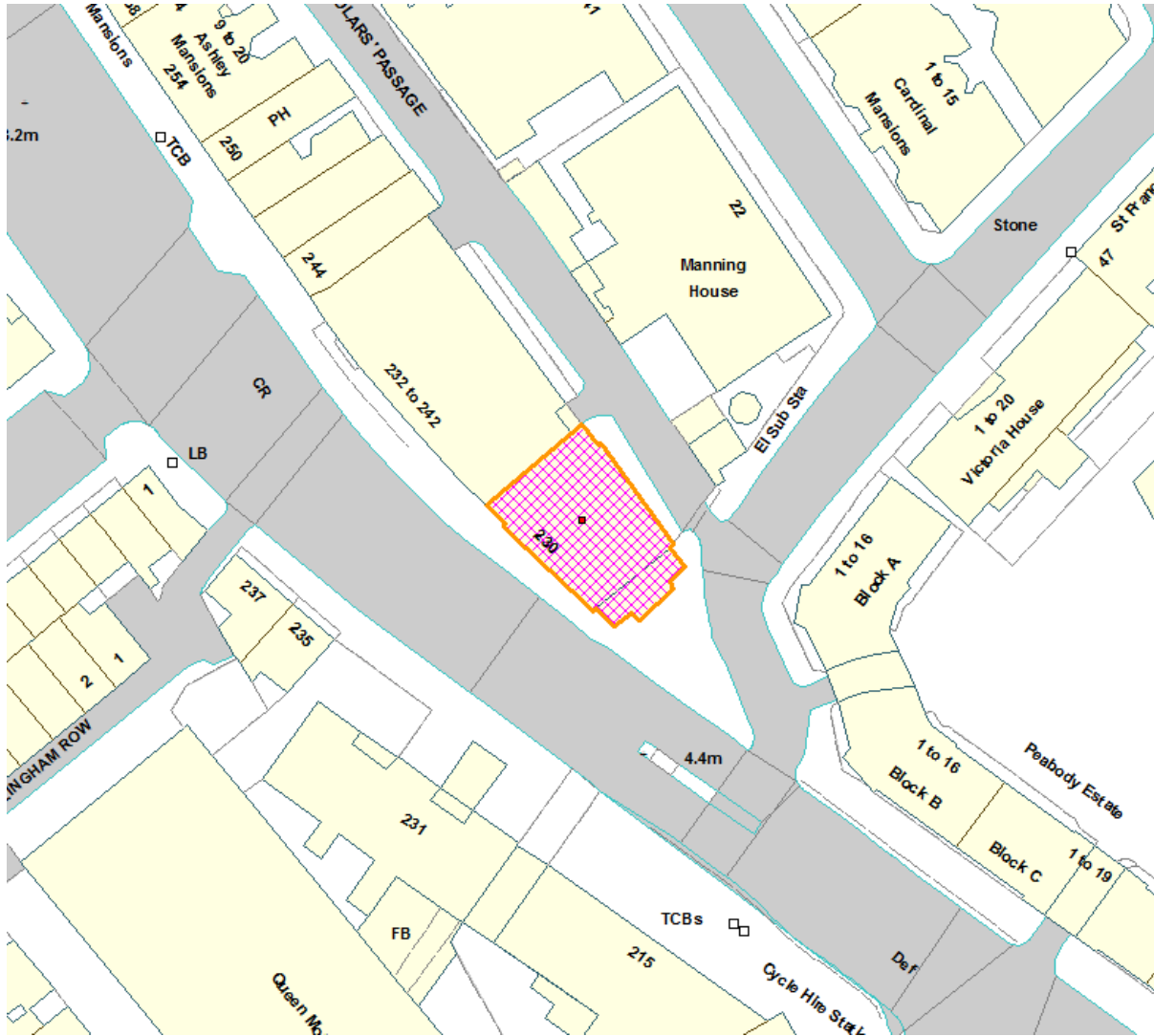
Permission is sought for the use of the first to fourth and part fifth floor level as 13 residential units; reconfiguration of the three existing residential units; new entrance doors, alterations to fenestration and extension of the rooftop plant room.

The key issues in this case are:

- * The land use implications in terms of the loss of office accommodation and provision of residential floorspace.
- * The impact of the proposals upon the amenity of neighbouring residents.

The proposals are considered to comply with the Council's policies in relation to landuse, amenity, design and conservation as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) and the applications are recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WESTMINSTER SOCIETY:

No objection.

TRANSPORT FOR LONDON:

Vauxhall Bridge Road forms part of the Transport for London Road Network (TFRN). The footway and carriageway must not be blocked during demolition and construction work. Welcome a car free development, however, recommend the provision of 1 disabled car parking space. Cycle parking should also be increased to meet the Further Alterations to the London Plan (FALP) (2015) for both long and short stay and for the proposed A2 or D1 unit. A Construction Logistics Plan (CLP) and Delivery and Service Plan (DSP) should be secured.

HIGHWAYS PLANNING:

Parking pressures in this area remain below the stress level. The introduction of increased levels of residential in this area without off street car parking or on-street parking restraint is likely to increase the stress levels. However, on the basis of the Council's data and car ownership levels, any additional on street car parking generated can be absorbed into the surrounding street network and is therefore consistent with policy TRANS23.

16 cycle parking spaces are proposed which is 5 short of that required by FALP and a further 3 spaces are required for the commercial use. It is recommended that adequate cycle parking be secured by condition.

CLEANSING:

Any comments to be reported verbally.

ENVIRONMENTAL HEALTH:

The means of escape is inadequate in relation to the sixth floor flat.

CRIME PREVENTION DESIGN OFFICER:

Any comments to be reported verbally.

BUILDING CONTROL:

Any comments to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 63

Total No. of replies: 11

No. of objections: 11

No. in support: 0

11 Objections received from surrounding residents including letters on behalf of Morpeth Mansions Residents Association, Carlisle Mansions East, Cardinal Mansions and Cathedral Area Residents Group.

Land use

- No need for more housing.

Amenity

- noise from extended plant room.

Highways

- increased pressure on existing on street parking which is already heavily oversubscribed.
- new residents should not be allowed to apply for RESPARK.

Other Considerations

- Inadequate consultation of application proposals.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

230 Vauxhall Bridge Road is a seven storey building is use as offices at basement to fourth floor levels, with three flats at fifth and sixth floor level. It is a corner building with frontages to Vauxhall Bridge Road, King's Scholars' Passage and Francis Street. It is not listed and it is not within a conservation area, although The Westminster Cathedral Conservation Area is immediately adjacent. The building lies within the Core Central Activities Zone.

In 2014 permission was granted for the use of the building as nine flats and the basement and ground floor for either office (Class B1), non-residential institution (Class D1) or financial or professional service (Class A2). The 2014 permission has not been implemented to date.

6.2 Recent Relevant History

13/11510/FULL

Use of the first, second, third and fourth floors as nine residential units (Class C3). Use of basement and ground floor as either office (Class B1), non-residential institution (Class D1) or financial or professional service (Class A2). Alterations to the external fenestration including the addition of Juliet balconies to the Vauxhall Bridge Road and Kings Scholar Passage elevations and balconies to the Francis Street elevation.

Application Permitted 27 February 2014

7. THE PROPOSAL

Planning permission is sought for the use of the first, second, third, fourth and part fifth floor levels as 13 residential units (4 x 1-bed, 4 x 2-bed and 5 x 3-bed)(Class C3) and the reconfiguration of three existing residential units at part fifth and sixth floor level. It is proposed to use the basement and ground floors as either office (Class B1), non-residential institution (Class D1) or financial or professional services (Class A2).

External alterations are proposed including two new entrance doors, with a new commercial entrance on Vauxhall Bridge Road and residential entrance on King's Scholars' Passage; and alterations to fenestration. An extension is proposed at sixth floor level fronting King's Scholars' Passage to extend an existing plant room and residential staircase with a new smoke extract at roof level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The proposal will result in a reduction of 976sqm in office floorspace. Permission was granted for the conversion of this office floorspace into residential use in February 2014, which can still be implemented.

The current application was submitted prior to the application of the office protection approach which came into effect in September. When this application was validated the policy interpretation was such that the City Council did not seek to restrict loss of the office space. Although interpretation has recently changed (as of applications validated from 1st September 2015 onwards), given the validation date the proposed change of use is considered acceptable in land use terms, in line with the National Planning Policy Framework (NPPF) and Policy S47 of the City Plan which seeks to secure development that improves the economic, social and environmental conditions in the City.

Residential use

Policy S14 of Westminster's City Plan: Strategic Policies and H3 of the UDP seek to maximise the amount of land or buildings in residential use. Policy H3 states that inside the CAZ, proposals to convert buildings in office use into permanent housing will be generally acceptable. Policy H5 of the UDP seeks to ensure an appropriate mix of unit sizes is achieved in all housing developments, with 33% of units to be family sized.

The introduction of residential use on the site is acceptable in principle. The applicant proposes 13 new residential units of which 5 are family sized (38%) which exceeds the Council's policy of 33%.

The proposed flats meet the minimum space standards as set out in the Technical Housing Standards – nationally described space standard (March 2015). A dedicated residential entrance located on the King's Scholars Passage elevation will remain, albeit relocated, to provide separate access to the residential units.

An acoustic report has been submitted with the application which demonstrates that the proposed residential use will meet the City Council's standard noise conditions in relation to internal noise standards.

Affordable housing

Policy S16 of Westminster's City Plan: Strategic Policies (2013) requires the provision of affordable housing if the proposed residential use provides 10 or more residential units, or provides over 1000m² of new residential floorspace. The quantum of affordable housing required in each case is set out in the Council's Affordable Housing Interim Guidance Note. In this case the additional 1245sqm (GEA) of residential floorspace proposed would require the provision of 2 units on-site affordable housing or a payment in lieu towards the Council's affordable housing fund of £683,060.

Policy H4 of the UDP and Policy S16 of the City Plan require a sequential approach to affordable housing provision, with on-site provision being the expected form of delivery. However, where it can be demonstrated that this or off-site provision in the vicinity of the site cannot be achieved for legitimate reasons, a financial contribution to the Council's affordable housing fund may be considered as an acceptable form of affordable housing provision.

The applicant has stated that due to the physical constraints of the building it is not possible to provide these units on site and that they do not own any other properties within the vicinity of the site to provide the affordable housing units. The City Council's consultants, GL Hearn, have advised that the provision of affordable housing on site would not be feasible in this instance, as it would not be practical for a registered provider to take on two affordable housing units within the scheme from a management perspective. The applicant has agreed to offer the policy compliant payment of £683,060 and it is recommended that this will be secured by a S106 legal agreement.

Alternative use of the basement and ground floors

The basement and ground floor comprises an area of 327sqm and the applicant seeks to use this area as either office (Class B1), non-residential institution (Class D1) or financial and professional services (Class A2). The proposed alternative uses were previously approved under the 2014 permission.

Policy S34 (social and community infrastructure) and saved UDP Policy SOC 1 and SOC 5 generally welcomes the introduction of social and community uses including the provision of medical uses (Class D1). The applicant has not identified a named tenant for the proposed Class D1 use but has confirmed that it is likely to be either a dentist or doctor's surgery.

Policy S4 of Westminster's City Plan states that a mix of uses on all development sites including active frontages at ground floor level is likely to be acceptable where it does not compromise movement in and around the Victoria Transport Interchange. The applicant has stated that the proposed Class A2 use is likely to comprise of an estate agent's or a bank, but will not include a betting shop and a condition is recommended to exclude betting shops from the Class A2 use.

The entrance to the commercial unit will be on Vauxhall Bridge Road and it is not considered that the proposed uses would harm residential amenity or environmental quality.

8.2 Townscape and Design

The proposed external alterations to the Vauxhall Bridge Road elevation comprise altering a column of windows to increase the window heights, alterations to the existing entrance and formation of new entrance doors. A new residential entrance is also proposed to the King's Scholars' Passage elevation. New canopies are proposed to the two new ground floor entrances, however, these are not considered appropriate in design terms and an amending condition is recommended to remove the canopies from the scheme.

There is an existing internal mechanical plant room at sixth floor level. It is proposed to enlarge the plant room and insert louvres to the King's Scholars' Passage elevation, and extend the residential staircase up to sixth floor level. This will result in the staircase enclosure coming further forward externally on the King's Scholars' Passage elevation, but it will not extend beyond the party wall with the adjoining property at No. 232-242 Vauxhall Bridge Road. Given the modern appearance of the existing building and the location of the proposed works at sixth floor level, the proposals are considered acceptable in design terms.

Smoke vents proposed are located on the main roof and will not be visible from the street.

8.3 Residential Amenity

The proposed alterations at sixth floor level remain within the footprint of the building and are not considered to cause any significant loss of light or sense of enclosure to surrounding residential properties.

An acoustic report has been submitted with the application in relation to the alterations to the plant room and formation of louvres. The Council's standard noise conditions are recommended to control noise from plant.

8.4 Transportation/Parking

The proposal does not provide any off-street car parking. Objections have been received from representatives of neighbouring residential blocks and individual residents on the grounds that the proposed use will increase parking pressure within the area.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The evidence of the Council's most recent night time parking survey indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 81%. However, TRANS23 includes all legal parking spaces (eg Single Yellow Lines, Metered Bays, P&D, Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level reduces to 62%. The daytime parking survey indicates that parking occupancy of ResPark bays within a 200m radius of the site is 78%. Census figures (2011) indicate that households with one or more cars in the Vincent Square Ward 36%.

Whilst the lack of parking is regrettable, the site has a high level of public transport accessibility. Parking pressure in the area remains below the stress level and whilst the

introduction of additional housing in this area without off-street parking or on-street parking restraint is likely to increase stress levels, the Highways Planning Manager is satisfied that the addition of residential in this area is likely to be absorbed into the surrounding street network.

Policy S41 seeks to encourage sustainable forms of transport. The Highways Planning Manager has stated that in line with the 'Further Amendments to the London Plan' (FALP) one cycle space is required per residential unit and two spaces are required for all larger units. The applicant has made provision for 16 cycle spaces within the basement area however this is five spaces short of the FALP requirement. A condition is recommended to secure this aspect for the residential use.

In relation to the proposed commercial uses at basement and ground floor level the Highways Planning Manager has requested that three cycle spaces are provided and it is recommended that this be secured by condition.

No off street servicing is provided for the proposed development. However the Highways Planning Manager has stated that the largest regular vehicle expected to be associated with the site is the refuse collection vehicle. This will service the site in a similar manner to the existing use and the surrounding properties.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

8.8 London Plan

This application raises no strategic issues.

8.9 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.

8.10 Planning Obligations

On 06 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;
- (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 the 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 that the overall delivery of appropriate development is not compromised.

From 06 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 06 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 in April 2016. 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 coordinating joint approaches with developers.

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

- a) a financial contribution of £683,060 towards the City Council's affordable housing fund (payable on commencement of development).
- b) costs of monitoring the S106 agreement.

The planning obligations to be secured, as outlined in this report, would be in accordance with the City Council's adopted City Plan and London Plan policies and would not have conflicted with the Community Infrastructure Levy Regulations (2010 as amended).

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Several objections have been received from representatives of neighbouring residential blocks stating that the consultation process has been inadequate. The properties immediately adjoining the application site were consulted, which included 2 and 10 King's Scholars Passage, 22 Carlisle Place and Block A, Francis Street. Notwithstanding the consultation process, the potential impact on the amenity of neighbouring residents is a consideration in the determination of all applications and would apply irrespective of whether any representations are received.

9. BACKGROUND PAPERS

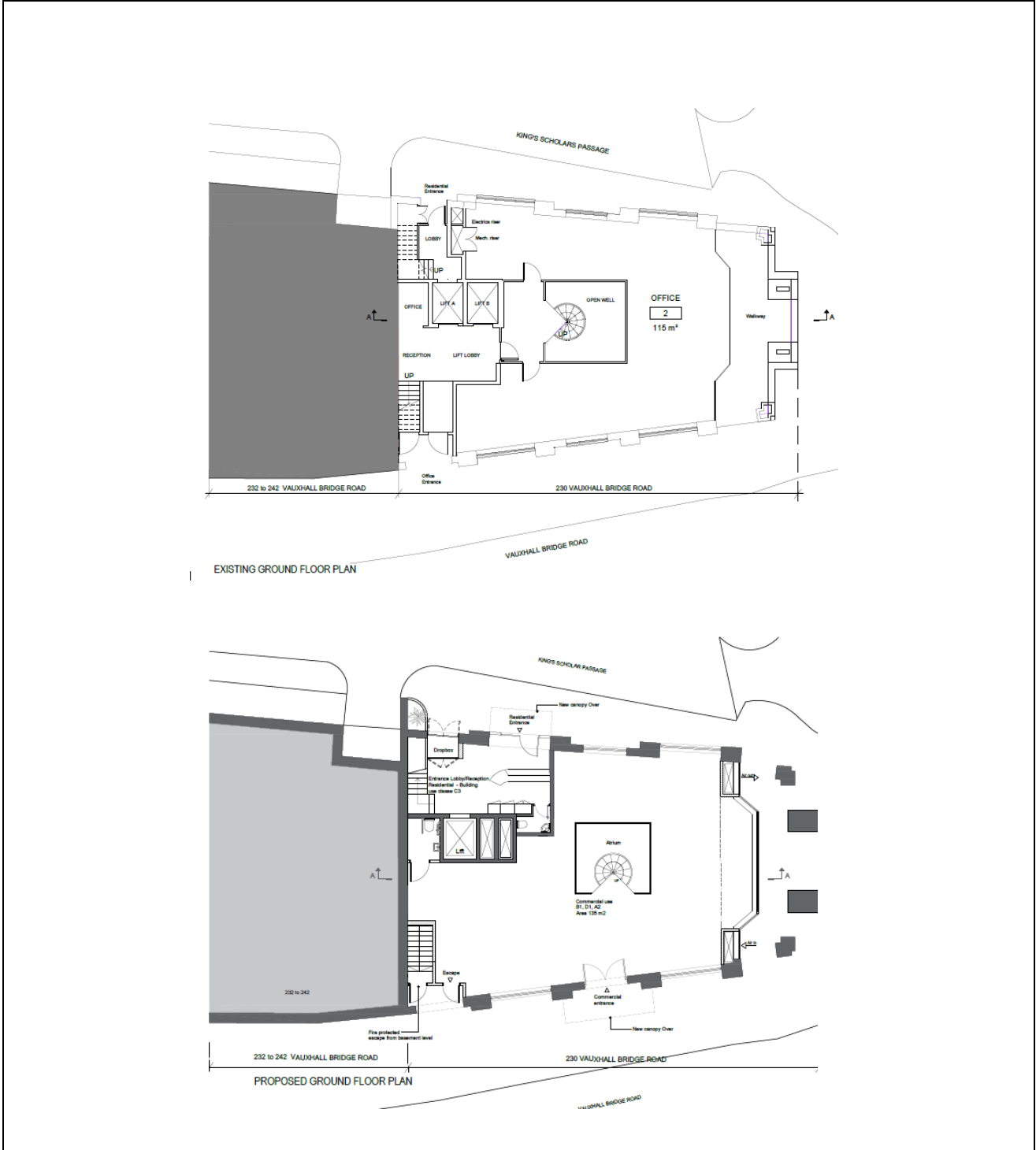
1. Application form.
2. Memorandum from Westminster Society dated 15 September 2015.
3. E-mail from Transport for London dated 2 October 2015.
4. Memorandum from Environmental Health dated 3 September 2015.
5. Memorandum from Highways Planning dated 15 September 2015.
6. E-mail from the Chairman of Morpeth Mansions Ltd, Morpeth Terrace, SW1P 1ET dated 27 September 2015.
7. E-mail from the Chairman of Carlisle Mansions East, Carlisle Place, SW1 dated 28 September 2015.
8. E-mail from the Chairman of Cardinal Mansions, Carlisle Place, SW1 dated 28 September 2015.
9. Letter from the Cathedral Area Residents Group, 43 Ashley Gardens, Ambrosden Avenue, SW1P 1QF dated 3 October 2015.
10. E-mail from the residential occupier of 1A Carlisle Place, SW1P 1NP dated 5 October 2015.
11. E-mail from the residential occupier of 23 Carlisle Mansions, SW1 dated 5 October 2015.
12. E-mail from the residential occupier (no address given) dated 5 October 2015.
13. E-mail from the residential occupier (no address given) dated 5 October 2015.
14. E-mail from the residential occupier (no address given) dated 5 October 2015.
15. E-mail from the residential occupier of Carlisle Place, dated 5 October 2015.
16. E-mail from the residential occupier of Carlisle Place, dated 5 October 2015.

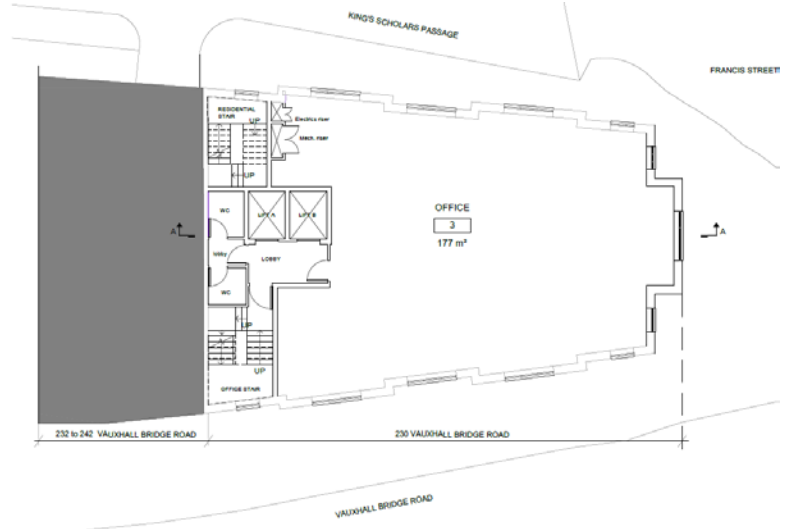
Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT ZULEKHA HOSENALLY ON 020 7641 2511 OR BY EMAIL AT SouthPlanningTeam@westminster.gov.uk
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10. KEY DRAWINGS



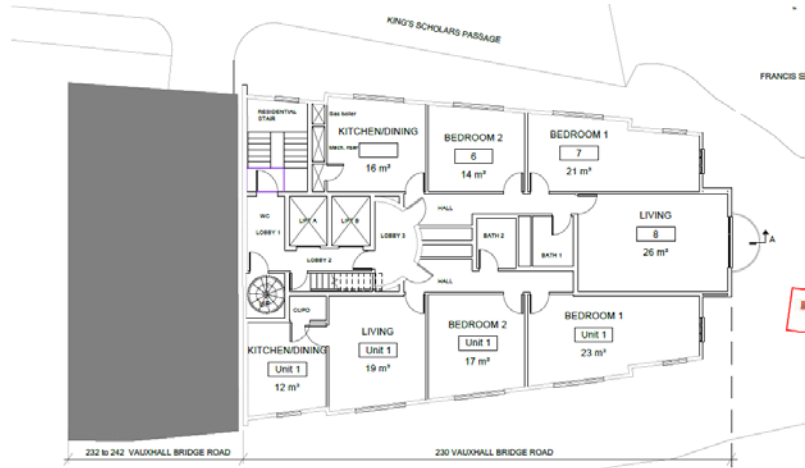


EXISTING FIRST FLOOR PLAN



Existing staircase windows height increased in accordance to new WFB slab level. Proposed aluminium windows to be powder coated grey to match existing.
Refer to elevation drawing N 005/P/12 rev A

PROPOSED FIRST FLOOR PLAN

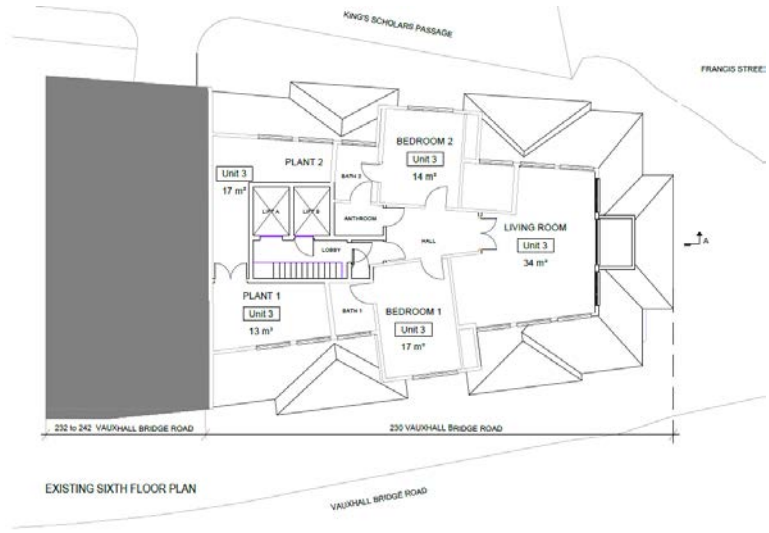


EXISTING FIFTH FLOOR PLAN

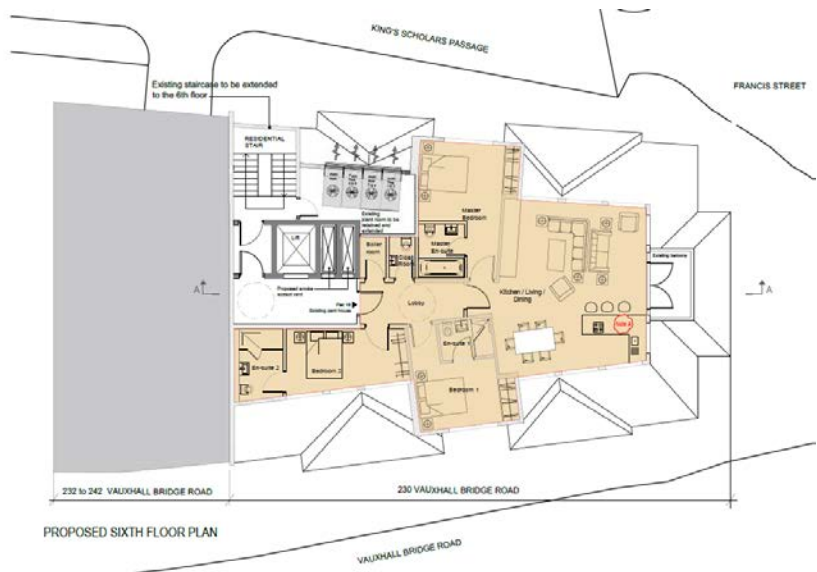


PROPOSED FIFTH FLOOR PLAN

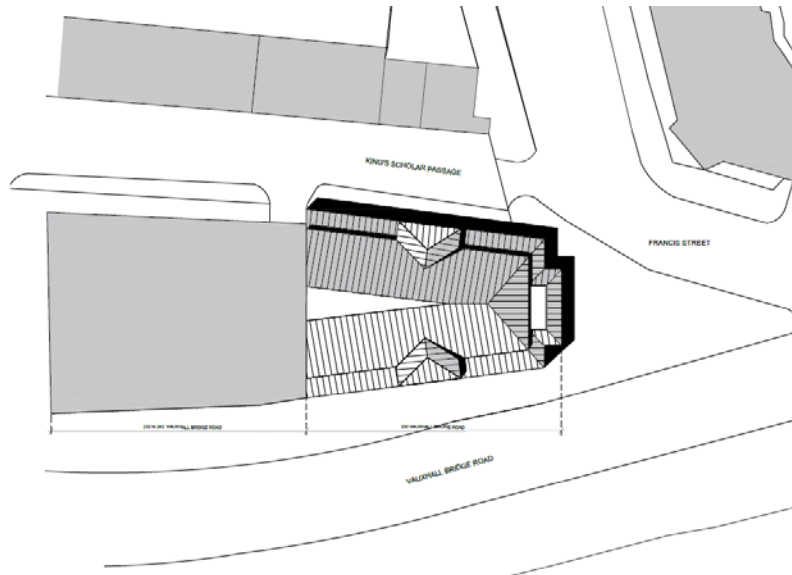
Existing staircase windows height increased in accordance to new RIB slab level. Proposed aluminium windows to be powder coated grey to match existing.
Refer to elevation drawing N 065/PIP/12 rev A.



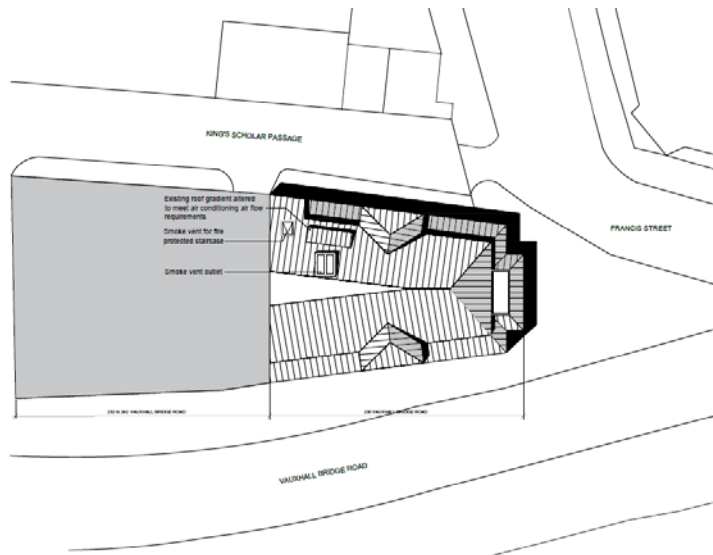
EXISTING SIXTH FLOOR PLAN



PROPOSED SIXTH FLOOR PLAN



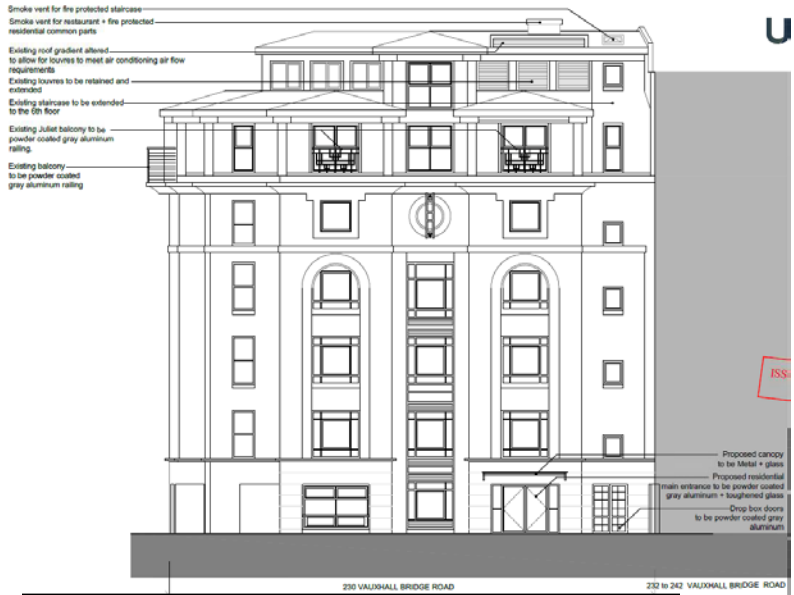
EXISTING ROOF PLAN



PROPOSED ROOF PLAN



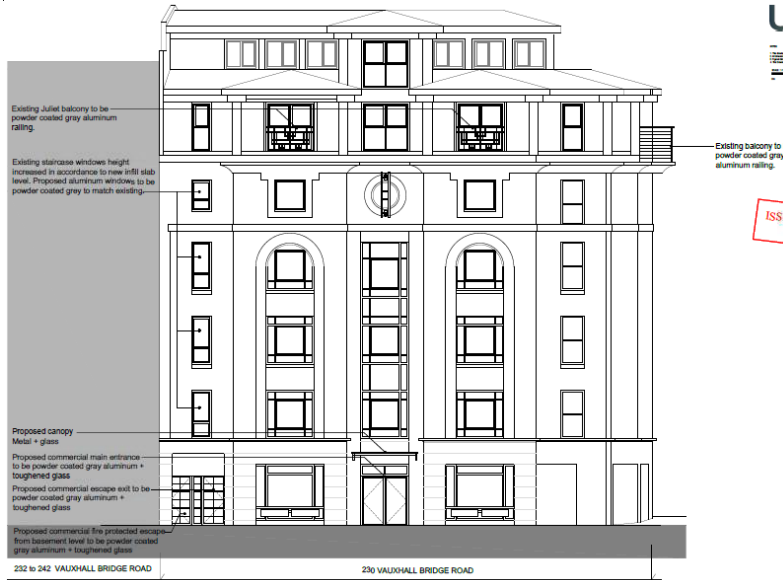
EXISTING ELEVATION OF KING'S SCHOLARS PASSAGE



PROPOSED ELEVATION OF KING'S SCHOLARS PASSAGE



EXISTING ELEVATION OF VAUXHALL BRIDGE ROAD



PROPOSED ELEVATION OF VAUXHALL BRIDGE ROAD

DRAFT DECISION LETTER

Address: 230 Vauxhall Bridge Road, London, SW1V 1AU,

Proposal: Use of the first, second, third and fourth floor levels to provide 12 residential units (Class C3) and a residential unit (Class C3) at fifth floor level (13 in total) and reconfiguration of the existing two residential units at fifth floor level and the existing residential unit at sixth floor level. Use of basement and ground floor as either office (Class B1), non-residential institution (Class D1) or financial or professional service (Class A2). External alterations to windows on the Vauxhall Bridge Road elevation, new entrance door and canopy and alterations to balconies on the Vauxhall Bridge Road, Francis Street and King's Scholar Passage elevations. Extension of the existing plant room at sixth floor level and installation of a smoke extract vent and alterations to gradient of roof fronting King's Scholar Passage.

Reference: 15/07260/FULL

Plan Nos: E01, E02, E03, E04, E05, E06, E07, E08, E09, E10, E11, E12, E13, P01 Rev. A, P02 Rev. A, P03 Rev. A, P04 Rev. A, P05 Rev. A, P06 Rev. A, P07 Rev. A, P08 Rev. A, P09 Rev. A, P10 Rev. A, P11 Rev. A, P12 Rev. A, Full Planning Statement, Design and Access Statement, Noise Impact Assessment Technical Report 22479 R1 prepared by Sound Solution Consultants dated 17 July 2015, Energy Statement and BREEAM Domestic Refurbishment Pre-Assessment Report dated August 2015 Issue 1 prepared by T16 Design, Energy Assessment prepared by Bocca Consulting dated 7 August 2015, SUDS Feasibility Study prepared by Iesis Special Structures dated July 2015 and Air Quality Assessment report prepared by Aether dated August 2015., For Information Purposes: Construction Management Plan Revision A prepared by Brompton Cross Construction dated July 2015.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

* between 08.00 and 18.00 Monday to Friday:

* between 08.00 and 13.00 on Saturday; and,

* not at all on Sundays, bank holidays and public holidays., , Noisy work must not take place outside these hours. (C11AA)

Reason:

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

- 3 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.

- 4 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.

- 5 You must implement the mitigation measures as specified in the Noise Impact Assessment Technical Report 22479 R1 prepared by Sound Solution Consultants dated 17 July 2015 for the proposed residential units prior to the occupation of the residential units. Thereafter these mitigation measures shall be retained.

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.

- 6 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) 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.

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

Reason:

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

- 8 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 the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:- removal of the canopies from the ground floor elevation on the Vauxhall Bridge Road and King's Scholar Passage elevation. 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 the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 10 In the event that the Class D1 use is implemented you must only use the basement and ground floor area as a doctor's or dental surgery. You must not use the premises as a substance misuse clinic or a needle exchange clinic. You must not use it for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and SOC 1 and SOC 5 of our Unitary Development Plan that we adopted in January 2007.

- 11 In the event that the Class A2 use is implemented you must only use the basement and ground floor as an estate agent's or bank. You must not use the basement and ground floor as a betting shop. You must not use it for any other purpose, including any within Class A2 of the Town and Country Planning (Use Classes) Order 1987 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet S4 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS4 of our Unitary Development Plan that we adopted in January 2007.

- 12 You must apply to us for approval of a management plan which includes details of the operational hours, days and capacity of the basement and ground floor area in the event that either the doctor's or dental surgery (Class D1) or estate agent's or bank (Class A2) is implemented. You must not occupy the basement and ground floor for any of the approved uses until we have approved what you have sent us. You must then manage the premises in accordance with the details approved.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1, SOC 5 and of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 13 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the . (C14EC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 14 You must apply to us for approval of details of secure cycle storage for the residential and non-residential use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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

- 15 You must provide a Construction Logistics Plan prior to the occupation of the site. The plan must include a construction programme, code of construction practice, 24 hour emergency contact number, hours of building work and measures to ensure satisfactory access and movement around the site. You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To minimise the impact of the development construction on the adjoining properties and to protect the environment of people in neighbouring properties. This is set out in STRA 16, STRA 17, ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 16 You must provide a Delivery and Service Plan prior to the occupation of the site. The plan must include details of all deliveries and servicing of the residential and non-residential uses hereby approved. You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: 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 Part 3, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995, the basement and ground floors can change between the office (Class B1), non-residential institution (Class D1) and financial and professional services (Class A2) uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62AA)
- 3 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.**
- 4 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 5 In relation to Condition 15 and 16 the details are required and will be consulted on in conjunction with Transport for London. As Vauxhall Bridge Road is a red route all servicing and deliveries must not take place from Vauxhall Bridge Road.
- 6 You are advised that the means of escape for the sixth floor flat shows the occupiers of the 'Master bedroom' are required to escape via the area of highest risk (the kitchen and living area). The door in the passageway should be relocated so that the kitchen and living area is separated thus providing a protected route for occupiers of the bedroom.

- 7 In relation to Condition 14 the proposed residential use is required to have a total of 21 cycle spaces and the commercial use at basement and ground floor level a total of three cycle spaces.

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