

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 March 2016	Classification For General Release	
Report of Director of Planning		Ward involved Bryanston And Dorset Square	
Subject of Report	Elliott House, 1 Molyneux Street, London, W1H 5HU		
Proposal	Demolition of building, excavation of sub-basement, and erection of replacement building over sub-basement, lower ground, ground and part-four and part-five upper storeys to provide 32 car parking spaces (accessed by car lifts on Cato Street), cycle parking, plant, ancillary gym and refuse store at basement level; plant within lower ground floor vaults; and up to 32 flats (Class C3) over lower ground to fourth floor levels.		
Agent	Savills		
On behalf of	Elliott House Ltd		
Registered Number	15/08836/FULL	Date amended/ completed	22 September 2015
Date Application Received	21 September 2015		
Historic Building Grade	Unlisted		
Conservation Area	Molyneux Street		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <p>(a) The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of up to £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;</p> <p>(b) Unallocated parking;</p> <p>(c) Management and maintenance of the car lift and valet parking;</p> <p>(d) Cost of the works associated with the creation of two tree pits and the planting of least two new trees within the vicinity of the site.</p> <p>(e) Cost of widening the vehicular crossover on Cato Street and making good;</p> <p>(f) Cost of relocating a lamppost on Cato Street; and</p> <p>(g) Costs of monitoring the S106 agreement.</p> <p>2. If the S106 legal agreement has not been completed within three months of the date of this resolution then:</p> <p>a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p>

b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which 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

The site comprises an unlisted residential building known as Elliott House that is located at the corner of Molyneux Street and Crawford Place and oversails the entrance to Cato Street. The site is located within the Molyneux Street Conservation Area and is adjacent to Grade II listed buildings to the south.

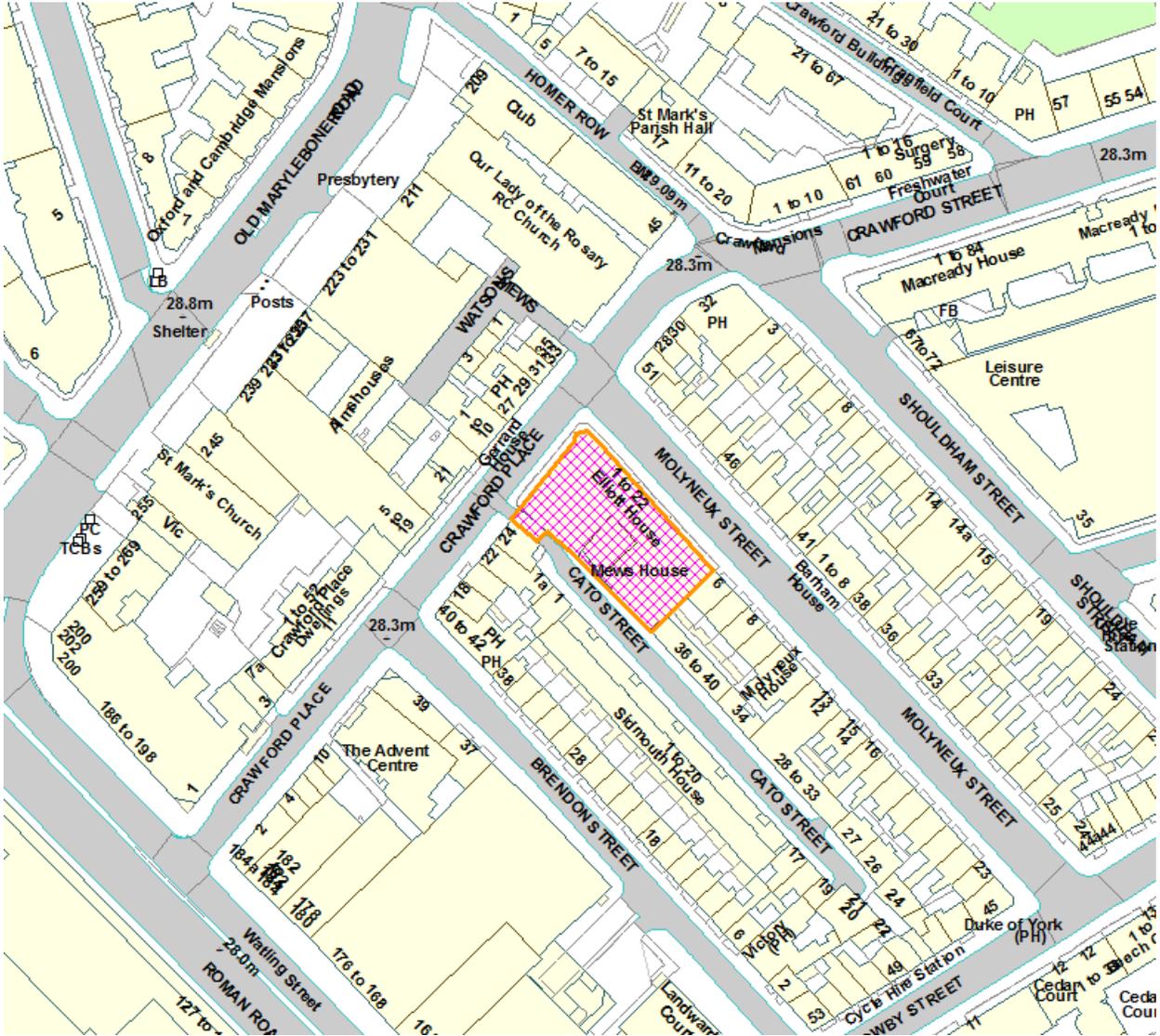
Permission is sought to demolish Elliott House, excavate a sub-basement to provide 32 car parking spaces accessed from Cato Street and to erect a replacement building comprising up to 32 flats.

The key issues for consideration are:

- Whether the replacement building's height, bulk, scale and detailed design would preserve or enhance the character and appearance of the Molyneux Street Conservation Area and preserve the setting of the adjacent listed buildings.
- The impact of the additional bulk and mass on the amenity of local residents.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). Furthermore, the proposal is considered to preserve the character and appearance of the Mayfair Conservation Area and not harm the setting of the adjacent listed buildings. For these reasons it is recommended that conditional planning permission be granted subject to a legal agreement securing the items listed within Section 8.10 of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

First round of consultation (October 2015)

MARYLEBONE ASSOCIATION:

Whilst welcomes the redevelopment of this building that has been left vacant for a number of years and is not of high quality, the following points of objection are raised:

- The increase in the number of car parking spaces from five to 32 is not appropriate given the excellent public transport accessibility of this site and will have an unacceptable impact upon local residents on Cato Street due to increased car movements, air pollution and cause highway safety concerns at the junction with Crawford Street
- The deep excavations required to provide the car parking will harm residential amenity during the course of construction and may affect local ground conditions.
- The proposal fails to provide the required affordable housing provision on site.
- The high number of single aspect units is contrary to the Mayor of London's Housing Design Guide and most of the communal areas of the building lack natural light.
- Residents at ground floor level may feel overly overlooked from the street.
- Whilst the design approach is generally welcome, the sandstone framing device is more suitable for a commercial building and does not sit easily within the conservation area setting.
- There is a lack of good quality outdoor amenity space for the family sized flats.
- There is potential for noise nuisance from the mechanical ventilation required for the proposed basement.
- In-principle objection to the use of air conditioning due to energy consumption.
- Questions why the areas of flat roof have not been dedicated as green or brown roofs.
- Would have welcomed individual entrances to the proposed flats from street level and regrets that an activated frontage onto Cato Street has not been secured.
- Also raises a number of points of clarification.

In addition, the following points of support / no objection were raised:

- Supports the proposed materials palette of brick, render and Portland stone, although raises concern about the use of red sandstone.
- Welcomes the breaking up of the form of the building by the use of sections of feature elements which contrast favourably to Elliott House that is out of keeping with the finer grain scale of the rest of the conservation area.

HISTORIC ENGLAND (LISTED BUILDINGS / CONSERVATION AREAS):

- Considers that Elliott House is not without some interest and individual architectural merit that is likely to have been designed by Mackenzie Trench, a police architect and surveyor of the art deco period. Believes that Elliott house make a positive contribution to the special character of the conservation area (although the contribution is modest). Its loss will causes less than substantial harm to the significance of the conservation area and that this harm must be weighed against the public benefits delivered from the scheme.

BUILDING CONTROL MANAGER:

- The structural statement is a feasibility study only and does not detail the method by which the basement will be excavated and the existing structures supported during the process.

ENVIRONMENTAL HEALTH:

- No objection on environmental noise or nuisance grounds subject to the imposition of suitable conditions.

ENVIRONMENTAL SCIENCES TEAM:

- Requests the legal agreement includes provision to secure a contribution of up to £33,000 per annum, compliance with the Code of Construction Practice and the submission of a Site Environmental Management Plan for the City Council's approval.

HIGHWAYS PLANNING MANAGER:

- Welcomes the provision of 32 car parking spaces which is an improvement over the existing situation and the development approved in 2012, the proposed cycle parking provision and the proposed waste store.
- Raises concerns regarding the reduction in the height of the entrance to Cato Street off Crawford Place but subsequently confirmed that this 4.0m height is sufficient for the largest vehicles using Cato Street.
- Request that a Car Park, Lift Management Plan and valet parking is secured.

ARBORICULTURAL MANAGER:

- No objection to the loss of the pear tree on Molyneux Street subject to the applicant demonstrating that at least two trees can be replaced within the vicinity of the site.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 221

Total No. of replies: 33

No. of objections: 30

No. in support: 3

Objecting to the proposed development on the following grounds:

Design and Conservation:

- Objects to the principle of the demolition of Elliott House due to its beauty and through being a unique example of Art Deco architecture.
- The proposed design is of no particular architectural merit, is over massed, bland, unimaginative, commercial looking, competes with its surroundings, fails to reflect the character of the local area and represents a missed opportunity.
- The choice of materials will darken this part of the conservation area.
- Insufficient research has been undertaken to understand the significance of Elliott House, either in relation to its immediate historical period or to the varied streetscape of the conservation area.

Land use:

- There is an oversupply of flats in the area.
- Raises concern that the building may be used as temporary sleeping accommodation.
- Failure to provide on-site affordable housing.

Transportation:

- The increase in car parking will increase car movements.
- The entrance to Cato Street from Crawford Street should be upgraded to provide a pedestrian priority shared surface.
- The car parking spaces may be sub-let and more convenient on-street car parking used instead, adding to on-street parking stress. Requests that no parking permits are issued to the future occupants of this building to prevent parking on neighbouring streets.

Amenity:

- Loss of daylight and sunlight.
- Overlooking from the proposed balconies and roof top terrace.
- The increase in the bulk of the building on the south-east elevation will result in an increased sense of enclosure for users of the adjacent rear residential garden.
- Light pollution from excessive use of glass.
- Noise and air pollution from the increase in car journeys.

Other:

- Disruption during the course of construction and as a result of the basement excavation.
- Inadequate time to respond to consultation letter and inadequate consultation with local residents.
- The relative sustainability benefits of the redevelopment of the site compared to its refurbishment should be investigated.
- The development will change the atmosphere of the area.
- Impact on the water tables from excessive excavation.

Expressing support for the proposed development for the reasons:**Design and Conservation:**

- The existing building is badly built, poor quality and out of keeping with the area. In particular, the ponderous mansard roof jars with the art deco façade.
- The proposed building echoes both the Georgian and Victorian buildings in the street without being a pastiche of either.

Land Use:

- The existing building has been used as a hostel for the homeless then temporary sleeping accommodation and has stood empty for 2-3 years, becoming a meeting place for loud groups. Elliott House is no longer fit for purpose, is of no particular architectural merit and its redevelopment will provide a permanent solution for the site.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Second round of consultation (January 2016).

MARYLEBONE ASSOCIATION:

- Would have welcomed a more ambitious architectural proposal for the site which is less bland and one that included affordable housing but believes that the latest design iteration is an improvement over the consented scheme and will not adversely affect the character of the conservation area.
- The proposed increase in the number of flats on site from 23 to 32 represents overdevelopment and will place excessive stress on the local area.
- Still objects to the proposed increase in car parking on site which runs contrary to the objectives of achieving good air quality within Marylebone and reducing nuisance to neighbouring residents.
- Withdraws previous objections the following issues:
 - o The introduction of maisonettes at ground and basement levels has reduced the number of single aspect flats (although eight single aspect flats is still a higher proportion than it would like to see).
 - o Lack of affordable housing provision as it is understood that the scheme is no longer liable to provide on-site provision.
 - o The removal of on-street bedrooms overcomes the previous concern about residents feeling overlooked from the street.
 - o The use of brickwork represents a more contextual approach than the previously proposed sandstone.
- Request the following:
 - o Requests a number of measures to reduce the impact of the construction phase on neighbouring residential amenity.
 - o That the City Council secures highways improvement works to the Cato Street / Crawford Place junction to improve pedestrian safety (e.g. a raised table shared surface).
 - o That all parking spaces are equipped with charging points for electric vehicles.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS):

- Reasserts its belief that Elliott house make a positive contribution to the special character of the conservation area (although the contribution is modest). Its loss will cause less than substantial harm to the significance of the conservation area and that this harm must be weighed against the public benefits delivered from the scheme.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 221

Total No. of replies: 6

No. of objections: 5

No. in partial support: 1

No. in support: 0

Raising the following new / additional comments:

Design and Conservation:

- The revised design is more in scale with the surrounding Georgian houses and the addition of party walls in the roof reflects the grain of the streetscape.
- The additional of entrances to the maisonettes off the street continues the pattern of the street successfully.
- However, the corner feature is weak and is a missed opportunity. A change in design or an imposing sculpture may work instead.

- It would be a tragedy to demolish this fine example of 'Streamline Moderne' architecture.

Transportation:

- Request that the future occupants of the building are not issued with parking permits.

Amenity:

- Noise from the use of the proposed terraces.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises an unlisted residential building known as Elliott House that is located at the corner of Molyneux Street and Crawford Place and oversails the entrance to Cato Street. Elliott House comprises basement, ground, four upper floors and roof level access staircase and plant. It is made up of 23 flats (16 x two-bed, 6 x three-bed and 1 x five-bed). Basement parking (seven spaces) accessed via a curved ramp from street level in Cato Street is located at rear basement level.

The site is located within the Molyneux Street Conservation Area and the Central Activities Zone (CAZ). The immediate vicinity contains largely residential flats and dwellings with commercial and entertainment uses to the south west along Edgware Road.

6.2 Recent Relevant History

12/06397/FULL

Redevelopment of Elliott House including the partial demolition of the property, excavation of sub-basement and creation of extensions at first to fourth floor levels to allow for an increase in the number of residential units to 31 comprising 6x1, 17x2, 7x3 and 1x4 bedroom units. Creation of terraces at rear ground to fourth floor levels and at main roof level and replacement of windows on retained facades. Installation of plant at basement level.

Application Permitted 2 May 2013

12/06398/CAC

Demolition behind partially retained facades.

Application Permitted 2 May 2013

02/02069/FULL

Use of part of basement to create a new self-contained flat (retrospective application).

Application Permitted 8 July 2002

95/07209/FULL

Amendments during the course of construction to scheme approved 9 March 1995 for the use of whole building for 23 flats and one mews house, basement parking for 12 cars, namely, changes to residential mix, car parking, fenestration, balconies/roof terrace.

Application Permitted 13 June 1996

93/06168/FULL

Rear infill extension and conversion of existing police section house into one mews house and 25 residential flats and basement parking for 12 cars.

Application Permitted 9 March 1995

7. THE PROPOSAL

Permission is sought for the complete demolition of Elliott House, the excavation of a sub-basement, and the erection of a replacement building over sub-basement, basement, ground and four upper storeys to provide up to 32 flats (Class C3) over basement to fourth floor levels, 32 car parking spaces (accessed by two car lifts on Cato Street), cycle parking, plant, ancillary gym and refuse store at basement level; and plant within lower ground floor vaults.

The application was amended in January 2016 and the following alterations made to the proposal:

- Reduction in the number of flats proposed from 36 to 32 (including provision of duplex units at the ground and lower ground floor level).
- Removal of the penthouse level in its entirety.
- Alterations to the proposed Molyneux Street and Crawford Street facades, including the downplaying of the central projecting element on the Molyneux Street frontage and the alterations to the design and materials proposed for the corner element at the junction of Molyneux Street and Crawford Place.
- Introduction of individual residential entrances at the ground floor level on Crawford Place and Molyneux Street.
- The inclusion of an internal electricity substation adjacent to the car lifts at the lower ground floor level.

As set out above, the Marylebone Association, Historic England and all of the owners / occupiers of adjacent properties originally notified of the application were invited to comment on the revised proposal.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Principle of residential

UDP Policy H3 seeks to maximise the amount of land and buildings in housing use in locations outside the Core CAZ, such as the application site. City Plan Policy S14 seeks to achieve and exceeds its borough housing target and optimise housing delivery. The policy adds that residential use is the priority across Westminster, except where specifically stated.

Objections have been raised to the proposed increase in the number of residential units from 23 to 32 (a net increase of nine) on the ground that there is an oversupply of flats in the area. Such an objection is not supported by the priority given to housing delivery within UDP Policy H3 and City Plan Policy S14.

Objections have been raised on the ground that the flats may be used as temporary sleeping accommodation in the future. Planning permission will be required to use the flats as temporary sleeping accommodation (if this use exceeds 90 days per annum). The current application is for residential accommodation. Planning permission cannot be refused on the ground that an application may be submitted at some point in the future to use the flats as temporary sleeping accommodation.

8.1.2 Mix of units

Elliott House currently houses 16 x two-bed (69.6%), 6 x three-bed (26.1%) and 1 x five bed (4.3%). The proposed mix of unit sizes (6 x one-bed (18.8%), 14 x two-bed (43.8%) and 12 x three-bed (37.5%)) is more balanced and provides a good mix of units in terms of size, in compliance with City Plan Policy S15. Furthermore, the normal expectation within UDP Policy H3 that at least one-third of proposed flats should be 'family-sized' is exceeded.

8.1.3 Standard of accommodation

The basement and ground floors are mainly made up of eight maisonettes, each having independent access from Molyneux Street or Crawford Place. Four flats are proposed fronting onto Cato Street at rear basement and ground floor level. 20 flats are proposed at first to fourth floor levels. All of the flats meet the minimum size standards set out within the Technical Housing Standards (March 2015), with:

- One-bedroom flats ranging in size from 57 sq.m to 83 sq.m (both GIA);
- Two-bedroom flats ranging in size from 88 sq.m to 123 sq.m (both GIA); and
- Three-bedroom flats ranging in size from 125 sq.m to 158 sq.m (both GIA).

Despite all of the flats meeting the minimum size standards, 20 of the 32 proposed flats are single aspect. This is contrary to the guidance contained within the Mayor's Housing SPG (2012) that discourages single aspect flats, particularly where they face within 45 degrees of north or have three or more bedrooms.

Whilst the frontage facing Molyneux Street faces north-east and the frontage facing Crawford Place faces north-west, neither of these frontages face within 45 degrees of north. Furthermore, whilst two (Flats G.4 and 3.2) of the 12 family-sized flats are single aspect, the majority are dual aspect and only Flats 3.2 and 3.3 do not enjoy amenity space in the form of terraces or balconies.

The applicant has submitted a daylight assessment demonstrating that all of the habitable rooms meet the minimum light values set out within the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide (2011)). This has partly been achieved by proposing maisonettes at

ground and basement levels which incorporate bedrooms at basement level that require lower minimum light levels.

It is considered that the applicant has balanced the competing demands of not providing excessively large flats in an effort to make them dual aspect (contrary to City Plan Policy S14) and providing flats of a good quality given the constraints of a building with large floorplates. Overall, the quality of residential accommodation is acceptable.

8.1.4 Affordable housing

The initial proposal resulted in an increase in the number of flats on site from 23 to 36, an increase of 13. The result was that 160 sq.m (GEA) of affordable housing should have been provided on-site (the equivalent of two flats) to accord with City Plan Policy S16. However, as a result of the removal of the proposed partial fifth floor and the requirement to add maisonettes over basement and ground floors in order to allow individual access points from the street, the number of flats proposed has dropped from 36 to 32. The increase in the number of flats is now only nine and the increase in gross floorspace is 891 sq.m (GEA). The development therefore falls below the ten or 1,000 sq.m (GEA) threshold set out within City Plan Policy S16 above which affordable housing is required. Despite the concerns raised during the first round of consultation, there is no longer a policy basis for requiring affordable housing provision on the revised scheme.

8.2 Townscape and Design

The building dates from 1939 and has white painted render facades to Molyneux Street and Crawford Place. The secondary rear facades, in Cato Street, are of light yellow brick. A steeply pitched slated mansard roof completes the composition. The windows are mostly of a white painted metal type with some modern replacements at the rear. There are railings at street level, painted black with gilded spikes. The overall effect is restrained Art Deco design, typical of its period, but not in scale or character with its surroundings. A number of comments have been received objecting to the principle of the demolition of Elliott House, arguing that it is a good example of art deco architecture. Others, however, are supportive of its demolition and replacement with a replacement building of high architectural quality.

8.2.1 Principle of demolition.

The Molyneux Street Conservation Area Audit states of the area that it, *"...is defined by the architectural style of the late Georgian terraces found in Shouldham Street, Molyneux Street, Brendon Street and Harrowby Street... Within the conservation area the prevailing height is three storeys (with basement), however some buildings vary between two and four storeys and this variety at roof level is an important element of the townscape... The Georgian terraces, most of which are listed, are typical early nineteenth century terraced properties. They have a strong uniform character and are predominantly... built of stock brick some with stucco detailing at ground floor level."*

In this context, heritage asset terms, the existing building is incongruous in the conservation area because of its detailed design and materials of construction, none of

which suit the small scale domestic character of the area or its palette of construction materials. It has some interest as an example of early twentieth century design, but its architecture is not of great merit and the Molyneux Street Conservation Area Audit accords it no special status other than to designate it unsuitable for a roof extension.

Notwithstanding the conservation area audit, Historic England considers the building makes a positive contribution to the conservation area and believes that its demolition would cause some harm, albeit less than substantial, to the conservation area. It is likely to have been designed by Mackenzie Trench for police use as flats. However, for the reasons set out above the appearance of the existing building is so out of character that its demolition would not harm the conservation area. Therefore, subject to the replacement building being suitable and despite the objections received on this ground, there is no objection in principle to loss of the existing building.

8.2.2 Quality of replacement building.

The proposed development is a brick-faced design which harmonises with the scale and plot-widths of the original buildings in the area and thus reinforces the architectural character of the conservation area. The principal facades have a carefully considered hierarchy of fenestration which reflects that of the neighbouring terraces, as does the chosen palette of materials. The height of the building is the same as existing, except for omission of rooftop clutter (which is beneficial). Railings and reinstated entrances at street level will further enhance the new building's contribution to the character and appearance of the conservation area.

It is not considered that a prominent corner feature, as suggested by some local residents, is appropriate given that the conservation area is not characterised by such features.

At the rear, a more overtly modern design is adopted which suits the more diverse architectural character of Cato Street and provides a subtle richness of detail and massing which is well suited to the location and also an improvement over that of the existing building. The local view looking from Crawford Place, beneath the building, to Cato Street will be maintained, and overall the design is considered successful and fully in accordance with UDP Policies DES 1 and DES 9. The new development will also enhance the setting of nearby listed buildings, especially in Molyneux Street, in accordance with UDP Policy DES 10. This also accords with the City Council's 'Development and Demolition in Conservation Areas' supplementary planning guidance.

8.3 Residential Amenity

The site is surrounded by residential properties on Molyneux Street, Cato Street and Crawford Place and therefore the impact of the proposals need to be carefully considered.

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 to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents in terms of privacy, outlook and noise. Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout*

planning for daylight and sunlight: a guide to good practice' (the BRE Guide). The second edition of this guidance was published in September 2011.

Objections have been received on loss of daylight and sunlight grounds. The applicant has submitted a Daylight and Sunlight Report that assessing the impact on the proposed development on the amount of daylight and sunlight received by neighbouring residential properties and the sunlight received by the neighbouring rear gardens.

Daylight

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

The report finds that there are six windows that will see a reduction in daylight in excess of the 20% losses above which the BRE Guide (2011) states will be noticeable and the adverse effect would have to be taken into account in any decision-making. None of the occupiers of these neighbouring residential dwellings have objected to the proposed development.

The fanlight (Window 26) above the front entrance door to No. 1a Cato Street is predicted to see a loss in VSC of 22%. This window serves an open plan ground floor that is also lit by a larger sash window at ground floor level, the windows at the top of the garage door and a window to the rear. In the case of the other windows facing Cato Street, it is predicted that the losses in daylight will not exceed the 20% threshold. Furthermore, the rear window will not be affected by the proposed development. For these reasons, the light levels within this room will not be materially affected by the proposed development.

The glazed access doors to the balconies of two one-bedroom first floor flats within Sidmouth House, 1-20 Cato Street (Windows 46 and 58) are predicted to see a loss in daylight of 30% and 25%, respectively. Not only are the existing daylight values low (2.0% and 0.4% VSC, respectively) which means that any reduction represents a larger loss in percentage terms, these glazed doors provide a secondary course of light to living rooms which are also served by windows facing Cato Street (in this case Windows 43 / 44 and Windows 60 / 61). These windows are predicted to see only small losses of daylight which are well within the 20% threshold. As such, the light levels within these two rooms will not be materially affected.

Two kitchen windows (Window 50 and 56) within the same two first floor flats within Sidmouth House, 1-20 Cato Street are predicted to see a loss in daylight of 67% and 50%, respectively. As these windows are recessed from the Cato Street frontage their existing levels light are very poor (0.3% VSC and 0.2% VSC, respectively) and are both predicted to be reduced by small amounts to 0.1% VSC. Whilst technically in breach of the BRE Guide (2011) as these losses are more than 20%, in reality the losses are very small are

will not be materially harmful to the amenity of the occupiers of these two flats. Furthermore, as suggested within the BRE Guide (2011), the applicant has undertaken an alternative calculation for Window 56 without the overhang in place. This alternative calculation predicts that the loss of VSC without the overhang in place is only 4%, demonstrating that the presence of the overhang, rather than the size of the proposed replacement building, is the main factor in the relative loss of light. A similar result would be expected for Window 50. For these reasons, the amenity of the occupants of these flats will be preserved in daylight terms.

Finally, a rear roof light at first floor level to Nos. 36-40 Cato Street (a residential care home) is predicted to see a loss in daylight of 35%. This rooflight, however, provides a secondary source of light to this room. The other window faces south-east and will be unaffected by the proposed development. As such, the amenity of the occupiers of this care home will not be materially harmed by the proposed development in terms of access to daylight.

Sunlight

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

There are no material losses of sunlight to windows within the vicinity of the site or material increase in overshadowing to neighbouring gardens or open spaces.

Sense of Enclosure

Objections have been received from the occupiers of the properties immediately to the south-east of the application site on the ground that the increase in bulk at the boundary of the site will result in an increase sense of enclosure for users of the rear garden. The rear gardens will retain an open aspect to the south-east and therefore the increase in enclosure is not considered to be harmful to the enjoyment of this amenity space. Internally, all of the windows immediately adjacent to the site and therefore most affected all serve non-habitable rooms. As such, there will not be a material increase in the sense of enclosure for the occupants of this property.

Privacy

Balconies are proposed facing Cato Street at rear first to fourth floor levels. There will be no material increase in overlooking, however, as there are already balconies / terraces at rear ground to fourth floor levels. As such, despite the objections received, the proposal will not result in a material increase in overlooking to neighbouring properties.

8.4 Transportation/Parking

At present the building contains 23 flats with basement parking accessed via a curved ramp in from street level in Cato Street. The 1995 permission for the conversion of the building showed 12 parking spaces at basement level but the layout in practice is not workable. Some of the spaces are redundant as they cannot physically be accessed and others at present appear to have been used for storage.

The extant 2013 permission involves the excavation of a basement level under part of the building to provide ten car parking spaces which would be accessible from a car lift on Cato Street for the proposed 31 flats. A legal agreement secures car club provision for the eight additional flats granted permission in order to mitigate the potential for this increased number of flats to add to on-street car parking stress which was found to be above the 80% threshold set out within UDP Policy TRANS 23.

The current application proposes the excavation of a sub-basement to provide 32 car parking spaces for the 32 flats. This ratio compares well with the existing situation and the extant 2013 permission and is within the maximum standards set out within UDP Policy TRANS 23. It is proposed to be secured by legal agreement that these spaces are unallocated in order to maximise their use. Given that the stackers do not work independently, a valet system is proposed and it is proposed that this is secured by legal agreement.

Highways Planning Manager agrees with the applicant's prediction that the uplift in vehicle trips associated by the development proposal will be in the order of 1-2 vehicles during the peak hour which will have a negligible impact up traffic flows within the vicinity of the site. Furthermore, only a short section of Cato Street will be affected as the only access / egress point it to Crawford Place. Whilst the suggestions from the Marylebone Association and some local residents that a raised shared surface table be installed at the junction of Cato Street and Crawford Place are understood in terms of pedestrian safety, such a modest increase in traffic arising from the proposed development does not justify requiring the applicant to make this off-site improvement to the public highway.

The proposed 66 cycle parking spaces at sub-basement level meets the minimum standards set out within the London Plan (2015) and their delivery and retention will be secured by condition.

The proposed development is proposing to reduce the height of the archway to Cato Street from 5.0m to 4.0m. The City Council's waste contractor has confirmed that the height of the vehicle used on Cato Street is 3.54m so the remaining height will be sufficient.

The Highways Planning Manager has raised no objection in principle to the proposed widening of the dropped kerb on Cato Street and associated relocation of the lamppost subject to the cost of this work being secured within the legal agreement.

A number of local residents have raised concerns that the car parking space could be sub-let commercially and occupants would then park on the street, adding to on-street parking stress. It is requested that the occupants of the flats are not permitted resident parking permits. A condition is proposed requiring the car parking spaces to be used by

the residential occupants of the building only. The City Council does not operate a system whereby occupants of new developments are not issued with resident parking permits, if requested.

8.5 Economic Considerations

There are no overriding economic considerations of relevance for a development of this size.

8.6 Access

Level access to all flats will be provided and three lifts will allow access to the upper floors. Four wheelchair accessible car parking spaces are proposed.

8.7 Other UDP/Westminster Policy Considerations

Noise

Subject to conditions securing maximum internal noise levels compliant with UDP Policy ENV 6, there is no objection to the proposed development.

Plant

Plant is proposed at sub-basement and within the pavement vaults. Subject to the imposition of suitable conditions, Environmental Health has no objection from an environmental nuisance perspective agreeing that the plant is capable of complying with the relevant criterion within UDP Policy ENV 7.

Refuse /Recycling

The dedicated waste store proposed at sub-basement level is acceptable.

Trees

The Arboricultural Manager raises no objection in principle to the loss of the pear tree on Molyneux Street and its replacement with two new trees. The pear is a relatively recently planted specimen, and its short term loss of amenity as a result of its removal would be an insufficient reason to refuse planning permission, subject to replacement planting.

The Arboricultural Manager advises that there should be sufficient room above the proposed sub-basement to plant two new trees on Molyneux Street. One will be within a tree pit measuring approximately 3.6m (W) x 3.6m (D) x 3.2m (H) which should provide sufficient soil volume for a tree to grow. Should this not be the case, the legal agreement is proposed to be sufficiently flexible to secure the delivery of at least two trees within the vicinity of the site, even if one or both are not on Molyneux Street. The legal agreement will secure a financial contribution to the provision and planting and maintenance of no less than two new street trees within the vicinity of the site.

Biodiversity

It is recommended that an amending condition is imposed requiring the new flat roof of the building to be a 'living roof', both to add to local biodiversity and to reduce water run-off. This is supported by City Plan Policies S30 and S38 and UDP Policies ENV 4 and ENV 17 and addresses the concerns of the Marylebone Association in this regard. The applicant has agreed to the imposition of this condition.

Sustainability

The building is predicted to achieve in excess of the 35% reduction in carbon dioxide emissions against Part L 2013, in accordance with London Plan (2015) Policy 5.2 through the provision of enhanced air tightness and thermal performance, utilising a low energy building services system (including air source heat pumps) and through the provision of 80 sq.m of photovoltaic panels at main roof level. Furthermore, it is expected that the on-site renewable technology will exceed the 20% reduction of carbon dioxide emissions from the building required by City Plan Policy S40.

The delivery of these environmentally friendly features is secured by condition.

Other

The objections to the proposal on the ground that it may result in noise and disturbance during the course of the construction works does not represent a sustainable ground for refusing permission as this will be adequately mitigated by provision within the legal agreement requiring the submission of a Construction Environmental Management Plan for the City Council's approval and a financial contribution towards environmental monitoring (maximum contribution £33,000 per annum).

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and 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

The draft 'Heads' of agreement are proposed to cover the following issues:

- a) The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of up to £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- b) Unallocated parking;
- c) Management and maintenance of the car lift and valet parking;
- d) Cost of the works associated with the creation of two tree pits and the planting of least two new trees within the vicinity of the site.
- e) Cost of widening the vehicular crossover on Cato Street and making good;
- f) Cost of relocating a lamppost on Cato Street; and
- g) Costs of monitoring the S106 agreement.

8.11 Environmental Impact Assessment

The scheme is of insufficient scale to require the submission of an Environmental Statement.

8.12 Other Issues

Basement

The impact of the basement excavation is often at the heart of concerns expressed by objectors. They are often concerned that the excavation of new basements is a risky construction process with potential harm to the property and adjoining buildings.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the NPPF March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for

mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. Whilst the Building Control Manager has raised concerns that the structural statement is a feasibility study only and does not detail the method by which the basement will be excavated and the existing structures supported during the process, this level of detail is acceptable at planning stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. For these reason the concerns of the Building Control Manager that the structural statement is a feasibility study only and does not detail the method by which the basement will be excavated and the existing structures supported during the process, does not represent a sustainable reason for refusing permission. The detailed design will have to be worked up through Building Regulations and the Party Wall Act.

We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

The City Management Plan will include policies specifically dealing with basement and other subterranean extensions. Whilst the City Council is now affording weight in its decision making process to some parts of its emerging basement policy, this relates only to applications submitted after 1 November 2015. As this application was submitted before this date, no weight is not afforded to the basement policy in the determination of the application.

Air Quality

Objections have been received on the ground that the increase in vehicular traffic will result in a degradation of the air quality on Cato Street. Given the highly accessible nature

of the site, the Highways Planning Manager agrees with the applicant's prediction that the uplift in vehicle trips associated by the development proposal will be in the order of 1-2 vehicles during the peak hour. Such an increase in traffic will have a negligible effect on the local air quality surrounding the site.

9 BACKGROUND PAPERS

1. Application form
2. Memorandum from the Marylebone Association, dated 2 November 2015.
3. Memorandum from the Marylebone Association, dated 1 February 2015.
4. Memorandum from Environmental Health, dated 5 October 2015.
5. Memorandum from Environmental Sciences, dated 13 October 2015.
6. Memorandum from the Building Control Manager, dated 13 October 2015.
7. Memorandum from the Highways Planning Manager, dated 2 December 2015.
8. Memorandum from the Arboricultural Manager, dated 12 February 2015.
9. Letter from Historic England, dated 21 October 2015.
10. Letter from Historic England, dated 2 February 2015.
11. Letter from occupier of 13 Cranfield Court, 21 Homer Street, dated 12 October 2015.
12. Letter from occupier of 6 Molyneux Street, London, dated 9 October 2015.
13. Letter from occupier of 32 Brendon Street, London, dated 13 October 2015.
14. Letter from occupier of 3 Barham House, Molyneux Street, dated 13 October 2015.
15. Letter from occupier of 6 Molyneux Street, London, dated 13 October 2015.
16. Letter from the Harrowby & District Residents' Association, dated 14 October 2015.
17. Letter from the Church of Our Lady of the Rosary, 211 Old Marylebone Road dated 16 October 2015.
18. Letter from occupier of 8 Sidmouth House, Cato Street, dated 18 October 2015.
19. Letter from occupier of 8 Sidmouth House, Cato Street, dated 18 October 2015.
20. Letter from occupier of 43 Molyneux Street, London, dated 19 October 2015.
21. Letter from occupier of 21 Crawford Place, London, dated 20 October 2015.
22. Letter from occupier of Flat 2, 30 Cato Street, London, dated 21 October 2015.
23. Letter from occupier of Flat 3, 30 Cato Street, London, dated 21 October 2015.
24. Letter from occupier of Flat 1, 30 Cato Street, London, dated 21 October 2015.
25. Letter from occupier of 14/15 Molyneux Street, London, dated 22 October 2015.
26. Letter from occupier of 14 Princess Court, Bryanston Place, dated 22 October 2015.
27. Letter from occupier of 3 Barham House, Molyneux Street, dated 22 October 2015.
28. Anonymous letter, dated 23 October 2015.
29. Letter from occupier of 26 Brendon Street, London, dated 22 October 2015.
30. Letter from occupier of 49 Molyneux Street, London, dated 23 October 2015.
31. Letter from occupier of Flat 2m 14-15 Molyneux Street, London, dated 23 October 2015.
32. Letter from occupier of 28 Molyneux Street, London, dated 23 October 2015.
33. Letter from occupier of Flat 9, 14-15 Molyneux Street, dated 24 October 2015.
34. Letter from occupier of 21 Crawford Place, London, dated 25 October 2015.
35. Letter from Part Estates Ltd dated 26 October 2015.
36. Letter from the occupier of Flat 2, Christian Union Almshouse, dated 27 November 2015.
37. Letter from occupier of 47 Molyneux Street, London, dated 27 October 2015.
38. Letter from occupier of 3 Barham House, Molyneux Street London, dated 28 October 2015.
39. Letter from the occupier of 301 Bunyan Court, London, dated 29 October 2015.
40. Letter from occupier of 31 Molyneux Street, London, dated 29 October 2015.

41. Letter from occupier of 6 Molyneux Street, London, dated 30 October 2015.
42. Letter from occupier of 7 Molyneux Street, London, dated 30 October 2015.
43. Letter from occupier of 13 Lansdowne Road, London, dated 30 October 2015.
44. Letter from occupier of 44 Molyneux Street, London, dated 31 October 2015.
45. Letter from occupier of 41 Molyneux Street, London, dated 1 November 2015.
46. Letter from occupier of 41, Molyneux Street, Marylebone, dated 1 November 2015.
47. Letter from occupier of 45 Molyneux Street, London, dated 2 November 2015.
48. Letter from occupier of 127 Chelsea Cloisters, Sloane Avenue, dated 6 November 2015.
49. Letter from occupier of 10 Westbourne Park Villas, London, dated 29 November 2015.
50. Letter from the Harrowby & District Residents' Association, dated 2 December 2015.
51. Letter from occupier of 27 Molyneux Street, London, dated 26 December 2015.
52. Letter from occupier of 10-11 Molyneux Street, London, dated 18 January 2016.
53. Letter from occupier of 8 Sidmouth House, Cato Street, dated 19 January 2016.
54. Letter from occupier of 6 Molyneux Street, London, dated 21 January 2016.
55. Letter from occupier of Flat 3, 30 Cato Street, dated 25 January 2016.
56. Letter from occupier of 3 Barham House, Molyneux Street London, dated 26 January 2016.
57. Letter from occupier of 6 Molyneux Street, London, dated 26 January 2016.
58. Letter from occupier of 7 Molyneux Street, London, dated 2 February 2016.

(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 JOSEPHINE PALMER ON 020 7641 2723 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

10 KEY DRAWINGS



		Project: Eldest House London W1H 9HJ	Title: Proposed Basement Plan	
		Date: 14th Feb 2014	Scale: 1:200(AS)	
Remarks		Status: Planning Application		

Proposed sub-basement.



		Project: Eldest House London W1H 9HJ	Title: Proposed Lower Ground Floor Plan	
		Date: 14th Feb 2014	Scale: 1:200(AS)	
Remarks		Status: Planning Application		

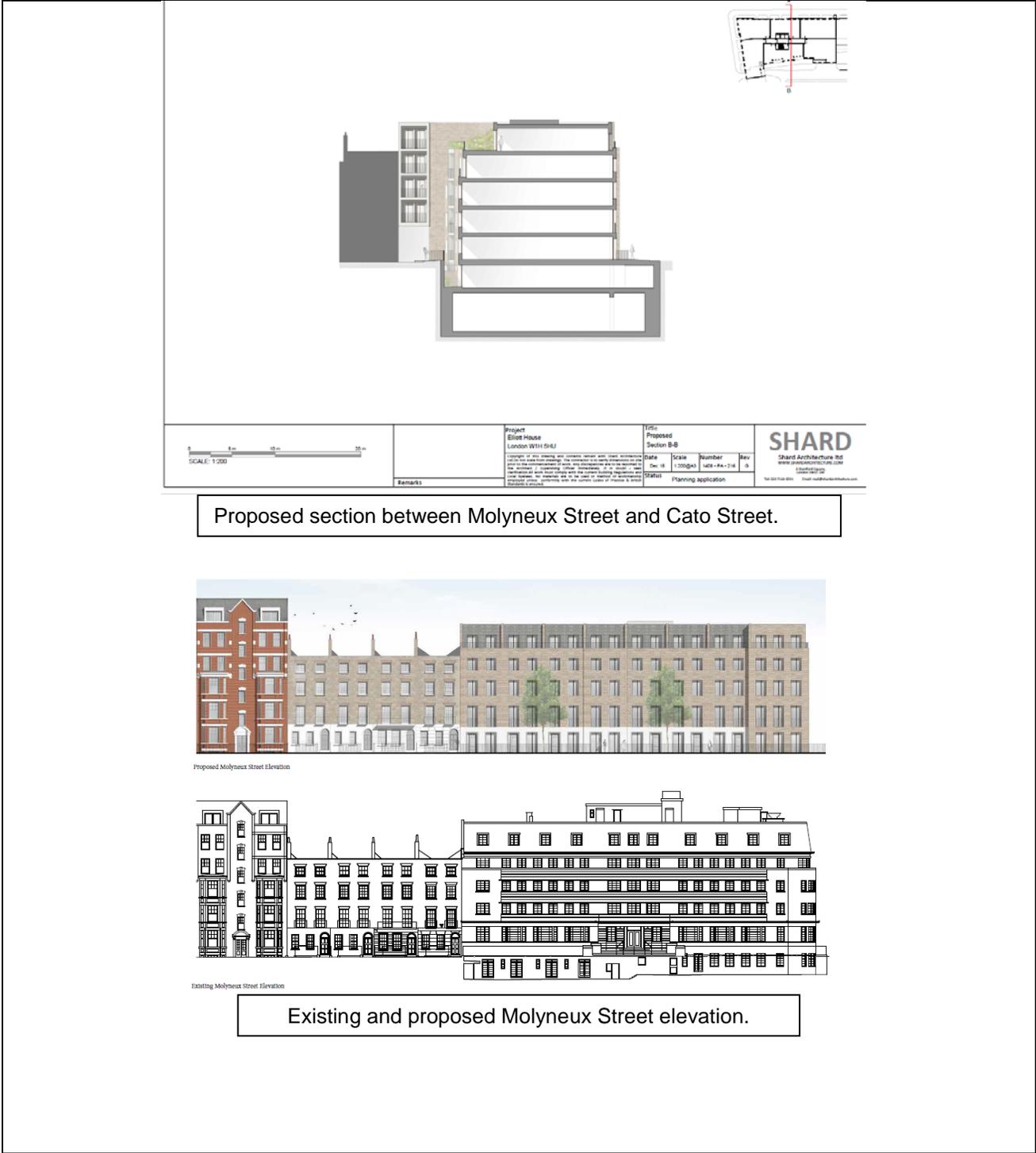
Proposed basement.



Proposed ground floor level.



Proposed third floor plan.



	Remarks	Project Elliot House London W8H 9JZ	DS: Proposed Section B-B Date: Dec 18 Scale: 1:200(A3) Number: 1418 - PA - 214 Status: Planning application	SHARD Shard Architecture Ltd www.shardarchitecture.com 020 822 8220 1st Flr, 141-143 Molyneux Street
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Proposed section between Molyneux Street and Cato Street.

Proposed Molyneux Street Elevation

Existing Molyneux Street Elevation

Existing and proposed Molyneux Street elevation.



Proposed Crawford Place Elevation

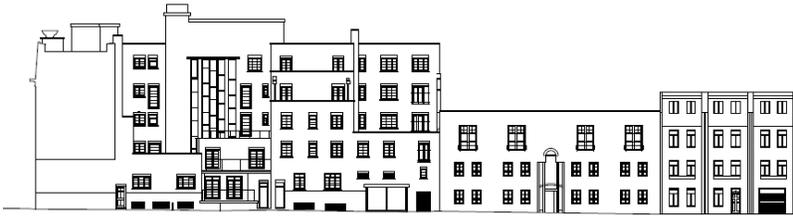


Existing Crawford Place Elevation

Existing and proposed Crawford Place elevation.



Proposed Cato Street Elevation



Existing Cato Street Elevation

Existing and proposed Cato Street elevation.



Proposed visual looking south-west from Crawford Street.



Proposed visual looking north-east from Crawford Street



Proposed visual looking north from Crawford Street.

DRAFT DECISION LETTER

Address: Elliott House, 1 Molyneux Street, London, W1H 5HU,

Proposal: Demolition of building, excavation of sub-basement, and erection of replacement building over sub-basement, lower ground, ground and part-four and part-five upper storeys to provide 32 car parking spaces (accessed by car lifts on Cato Street), cycle parking, plant, ancillary gym and refuse store at basement level; plant within lower ground floor vaults; and up to 32 flats (Class C3) over lower ground to fifth floor levels.

Reference: 15/08836/FULL

Plan Nos: Demolition drawings: 1408-PA-101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113.

Proposed drawings: 1408-PA-201 Rev. H, 202 Rev. N, 203 Rev. N, 204 Rev. L, 205 Rev. L, 206 Rev. K, 207 Rev. K, 208 Rev. J, 210 Rev. H, 211 Rev. H, 212 Rev. H, 215 Rev. G, 216 Rev. G, 217 Rev. G, 222 and 213.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 Except for basement excavation work, 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.

You must carry out basement excavation work only:

- * between 08.00 and 18.00 Monday to Friday; and
- * not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11BA)

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

- 4 You must apply to us for approval of detailed drawings at a scale of 1:10 of the following parts of the development:
- (i) Typical example of each window and external door.
 - (ii) New 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 approved drawings. (C26DB)

Reason:

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

- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Molyneux Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and

DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

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

- 7 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Molyneux Street Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 8 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces or balconies hereby approved. (C26NA)

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

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

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

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

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

Reason:

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

- 10 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.

- 11 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.

- 12 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.

- 13 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 14 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 15 The cycle parking area shown on approved drawing 1408-PA-201 Rev. H shall be fitted so that it is capable of storing at least 38 bicycles prior to the occupation of any of the flats hereby approved. Thereafter the cycle spaces must be retained, access provided to all of the occupants of the flats hereby approved 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.

- 16 Other than the area shown as balconies or roof terraces on the approved drawings, you must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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

Reason:

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

- 18 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1408-PA-201 Rev. H. You must clearly mark them and make them available at all times to everyone using the building. (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)

- 19 You must apply to us for approval of detailed plans and sections showing the following alteration(s) to the scheme:
- (i) The replacement of the flat roof of the building with a 'living roof'.
 - (ii) Manufacturer's specification and species list for the living roof.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work in its entirety prior to the occupation of any of the flats hereby approved and in accordance with the approved drawings, manufacturer's specification and species list. (C26UB)

Reason:

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

- 20 Prior to occupation of any of the flats hereby approved a minimum of seven of the car parking spaces shall be provided with charging points (for electric vehicles) and at least seven of the car parking spaces shall be fitted with the necessary underlying infrastructure (e.g. capacity in the connection to the local electricity distribution network and electricity distribution board, as well as cabling to parking spaces) to enable simple installation and activation of a charge point at a future date. These charging points shall not be removed.

Reason:

To ensure that adequate recharging points are made available within the development hereby approved in accordance with Policy 6.13 of the London Plan adopted in March 2015.

21 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 22 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application:
- (i) Combined heat and power unit (energy centre).
 - (ii) 2 x photovoltaics arrays at roof level, in accordance with the approved drawings.
 - (iii) Mechanical ventilation with heat recovery.
 - (iv) Air source heat pumps.

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

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 You will need to speak to our Tree Section about the proposal to remove a tree from the public footway in Molyneux Street. You will have to pay for the removal of the tree by the Council's own contractors.
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there

are regulations that specify the exact requirements. (I54AA)

- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 The term 'clearly mark' in condition 18 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 7 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

- 8 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - (a) The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of up to £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
 - (b) Unallocated parking;
 - (c) Management and maintenance of the car lift and valet parking;
 - (d) Cost of the works associated with the creation of two tree pits and the planting of least two new trees within the vicinity of the site.
 - (e) Cost of widening the vehicular crossover on Cato Street and making good;
 - (f) Cost of relocating a lamppost on Cato Street; and
 - (g) Costs of monitoring the S106 agreement.

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.