

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 7 June 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	16 Conduit Street, London, W1S 2XN		
Proposal	Dual/alternative use of the second floor for either office (Class B1a) or residential (Class C3) use (1 x 2 bedroom unit). Installation of 4 x external grilles at second floor level on the Mill Street elevation and 1 x external grille on Conduit Street elevation.		
Agent	Rolfe Judd Planning		
On behalf of	BMO Real Estate Partners		
Registered Number	15/06533/FULL	Date amended/ completed	17 July 2015
Date Application Received	17 July 2015		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application site is a corner building on Conduit Street with Mill Street to the northern elevation of the building. The basement and ground floor are in Class A1 use with ancillary use to the A1 at first floor level and the third and fourth floors floor in residential use (Class C3). The second floor is currently in office use (Class B1). The building is unlisted, in the Mayfair conservation area and within the Central Activities Zone.

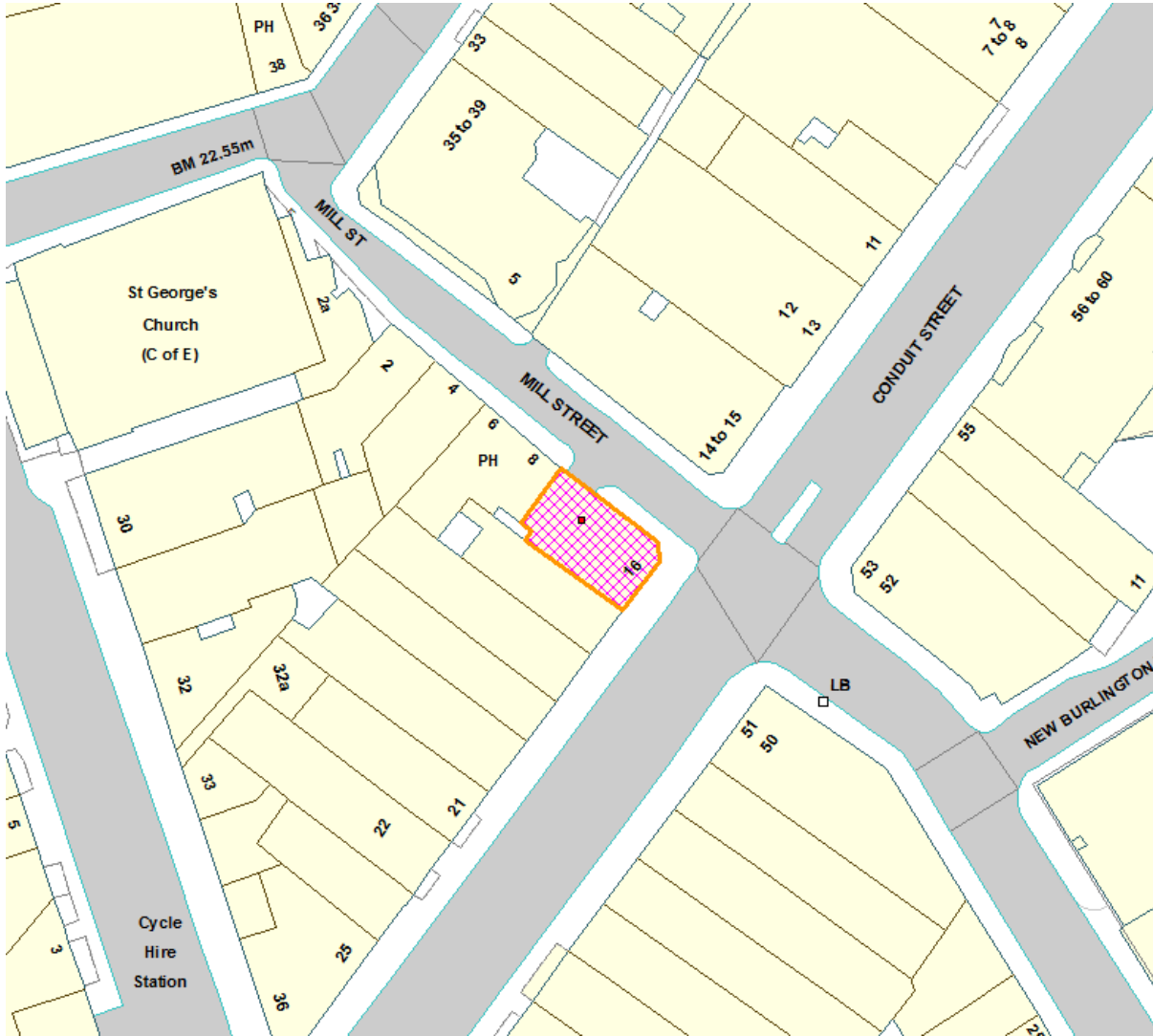
Permission is sought for the dual/alternative use of the second floor for either continued office (Class B1) use or as a residential (Class C3) use. Four external grilles at second floor level on the Mill Street elevation and one external grille on Conduit Street elevation are proposed to be installed. The key issues for consideration are:

- * The loss of lawful office use at second floor level.
- * The residential use could conflict with the established commercial activity at an adjoining public house.

The application is acceptable in land use, design, amenity and highways terms and is in accordance with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic

Policies (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS

Photograph 1. View of Conduit Street and Mill Street frontage showing proposed grilles



5. CONSULTATIONS

Residents Society of Mayfair & St. James's:
No objection

Environmental Health:
No objection

Highways Planning:
Parking pressures remain below the stress level. No cycle parking.

The application has been re-advertised following the addition of the vents to ensure the residential units can be passively ventilated when the windows are closed.

Comments following revised scheme

Residents Society of Mayfair & St. James's:
Preferred option for residential. Some visual concerns-grilles appear to be integrated. No sustainable objection.

EH Consultation:
No objection subject to condition relating to use of rear flat roof.

Cleansing:
No objection subject to condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 26
Total No. of replies: 2
No. of objections: 2
No. in support: 0

Two letters of objection have been received from the adjoining public house citing that the residential use could conflict with established commercial activity.

The first letter dated 7th September 2015 states that the public house has a lawful (RN: 12/05809/FULL and 12/12061/FULL) roof terrace at first floor level which is occupied by patrons between 09:00 until 23:00. There is concern that nearby residential uses may impact on its operation if noise complaints are received.

The second letter dated 21st October 2015 states that their own environmental noise consultants (RBA Acoustics) have reviewed the noise assessments in support of separate application proposals at 18 Conduit Street (RN: 15/05543/FULL and 15/07348/FULL). Concern is raised with the lack of consideration given to the noise impacts on the proposed residential development from the existing and established terrace associated with the public house. Request that provision should be made for legal clauses in the proposed flat's tenancy agreements preventing future tenants from lodging complaints against the pub.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a corner building on Conduit Street with Mill Street to the northern elevation of the building. The building consists of ground and four upper floors. The basement and ground floor are in Class A1 use with ancillary use to the A1 at first floor level and the third and fourth floors floor in residential use (Class C3). The second floor is currently in office use (Class B1). The building is unlisted, in the Mayfair conservation area and within the Central Activities Zone.

6.2 Recent Relevant History

None.

7. THE PROPOSAL

Permission is sought for the dual/alternative use of the second floor for either continued office (Class B1) use or as a residential (Class C3) use.

Revisions to the scheme have been proposed in order that the internal noise levels within the flats comply with the Council's noise policy. It is proposed to provide secondary glazing with the installation of 4 external grilles at second floor level on the Mill Street elevation and 1 external grille on Conduit Street elevation in order that the flat can be ventilated.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

There are no adopted policies within the UDP or City Plan which safeguard the existing office use. However, the City Council recognises that adopted development plan policies relating to office and mixed use policies are out of date and that, given recent pressures to convert office buildings to residential use, there is now an under supply of office accommodation within the borough, eroding the character of commercial areas resulting in a need to protect existing office floorspace. However, this objective still needs to be balanced against the requirement to provide new homes.

Consequently, interim measures, (set out in an initial statement dated 1 march 2015), have been drawn up in relation to the consideration of applications involving the replacement of offices with new residential floorspace. From 1st September 2015, any such applications will be determined under a 'presumption in favour of sustainable development' in line with national policy. This means that within the Core CAZ (and in other specified locations) housing is no longer acceptable in principle where it results in the loss of office floorspace. A further statement (dated 22 July 2015) confirmed that the

loss of offices will be acceptable where they are to other commercial uses, or outside of the Core CAZ or other specified locations.

The current application was submitted in July 2015 and therefore is not subject to consideration under the interim measures or emerging policies.

The City Council is in the process of making changes to City Plan Policy S20 (Offices and other B1 Floorspace) in order to restrict office to residential conversions in the Core CAZ and Named Streets. This emerging policy was subject to examination on 9 March 2016 and the changes made are currently subject to public consultation. Given that this policy is subject to public consultation and has not been deemed sound, it can currently be afforded little weight in the determination of this application.

The application allows for the re-introduction of office accommodation in this location which is supported by UDP policy COM 1 and S1 and S20 of the adopted City Plan.

Residential use

Policies H3 of the UDP and S15 of the Council's City Plan: Strategic Policies seek to maximise the amount of land or buildings in residential use. The residential use is proposed to comprise of a two bedroom unit and measure 63.9sqm, which comply with the minimum size requirements as stipulated within the London Plan.

It is noted that the proposal does not provide for an appropriate mix of unit sizes and the City Council normally require 33% of units in housing development to be family sized. This requirement however, will be applied with some flexibility, and given that only one unit is to be provided within the scope of this application, with an existing residential flat at third and fourth floor levels and internal access restricted, it would be difficult to refuse permission on the ground of a lack of a family sized unit.

Affordable housing

As the size of the flat would provide less than 1000sqm of new residential accommodation, there is no requirement to provide affordable housing.

8.2 Townscape and Design

The building is a Jacobean Revival building in red brick with stone banding and stone mouldings to the window openings. Subject to an amending condition requiring the proposed external grilles to be hidden behind terracotta coloured air bricks, the external alterations therefore are considered acceptable in design and conservation terms.

8.3 Residential Amenity

The application does not include any extensions that would impact on adjoining properties. The majority of the windows are at the front of the building with an outlook over Conduit Street and Mill Street. A bathroom window is located on the rear elevation overlooking the flat roof. It is not considered that the use of the second floor for residential purposes would result in any loss of privacy to neighbouring properties.

8.4 Transportation/Parking

There is no prospect of providing off street parking and the area is well served by public transport. Cycle parking is not indicated to be provided and given the constraints of the site, in terms of lack of vaults, and location on the second floor with no lift access, cycle parking could not be considered a reasonable requirement. A refusal could not be sustained on these grounds.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The access to the second floor will be via the existing communal hallway which is accessed from Conduit Street. There are no proposed changes to the current access arrangements.

8.7 Other UDP/Westminster Policy Considerations

Impact on the Public House

An objection has been received from the operator of an adjoining public house who has a lawful first floor roof terrace to the rear. The operator is concerned that residential uses within the adjoining building may have an impact on the use of the terrace, in terms of noise and disturbance. The terrace was permitted in 2012, with conditions restricting its use including hours of operation (09:00-23:00), restrictions on playing music, and the capacity of the terrace which is restricted to 40.

The third and fourth floors of the application building are currently in residential use and evidence has been provided confirming that they have been since 2005. The agent has confirmed that the application does not propose the flat roof to be used as a terrace by the occupiers of the flat at second floor level. Given that the application does not propose a roof terrace, little weight is given to the objector's comments in this regard and it is not necessary for the Environmental Health office to consider any aspects that do not form part of the application.

However, a condition shall be imposed to control the use of the flat roof with access to be allowed for maintenance purposes.

A Noise Survey and Impact Assessment accompanying the application recommends that additional sound insulation measures should be incorporated prior to the occupation of the floor as residential to provide ensure the development achieves internal noise criteria. The agent has advised that they will provide secondary glazing and the unit will be ventilated in the form of vents in the façade. The Environmental Health Officer has not objected to these revisions. A condition is recommended to be imposed to ensure that these noise mitigation features are installed prior to the use of the second floor for residential use.

Conduit Street is located within central London, located between Regent Street and New Bond Street, whilst the area is predominately retail at ground floor, the area has entertainment uses, including A3 and A4 uses. The current conditions imposed to the adjoining public house are considered adequate to protect surrounding residential amenity.

The objectors considers it necessary to determine existing noise levels at the nearby terrace and to draw up a legal agreement that the occupiers of 16 Conduit Street cannot raise any noise complaints. Given that evidence has been presented confirming that third and fourth floors of 16 Conduit Street have been occupied in residential use since 2005 and that the noise levels within the proposed additional flat will meet the maximum levels set out within UDP Policy ENV 6 through the installation of noise mitigation measures, this request is considered to be over and above what could be reasonably required. There have been no records of complaints being made to the Council's Noise Team in respect to the use of the terrace.

With conditions imposed on the use of the terrace and noise mitigation measures, it is considered that any future residential occupier would be adequately protected from external noise sources. Therefore the objection from the public house is not sustainable in this regard.

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

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

There are no environmental impact issues associated with this proposed development.

8.12 Other Issues

9. BACKGROUND PAPERS

1. Application form
2. Response from Residents Society Of Mayfair & St. James's, dated 18 and 21 March 2016
3. Response from Residents Society Of Mayfair & St. James's, dated 10 September 2015
4. Response from EH Consultation, dated 8 March 2016
5. Response from EH Consultation, dated 29 April 2016
6. Response from EH Consultation, dated 15 December 2015
7. Response from EH Consultation, dated 22 September 2015

8. Response from Highways Planning - Development Planning, dated 27 October 2015
9. Response from Cleansing - Development Planning, dated 2 March 2016
10. Letter from occupier of Riverside House, 26 Osiers Road, dated 9 September 2015
11. Letter from occupier of Riverside House, 26 Osiers Road, dated 21 October 2015

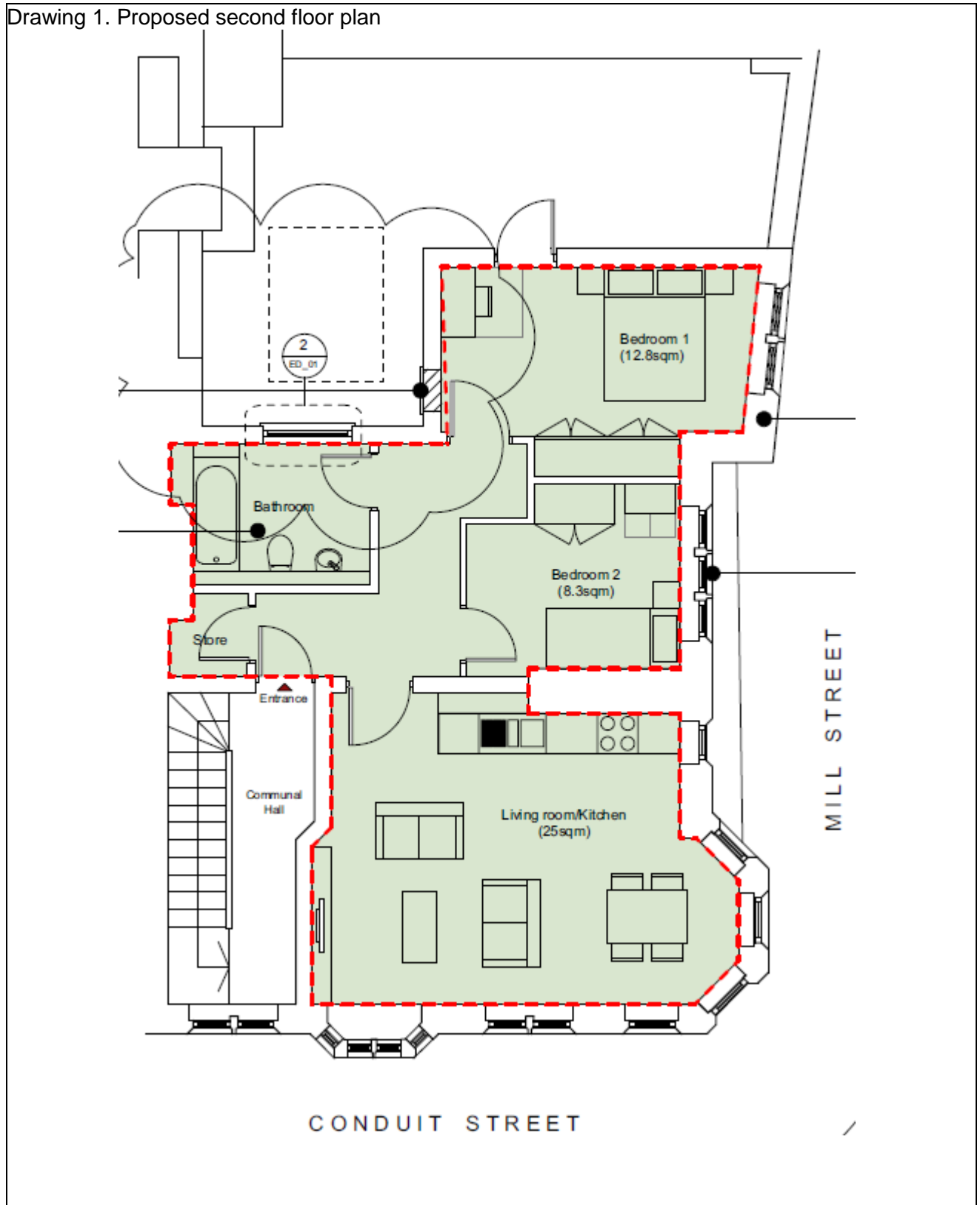
Selected relevant drawings

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

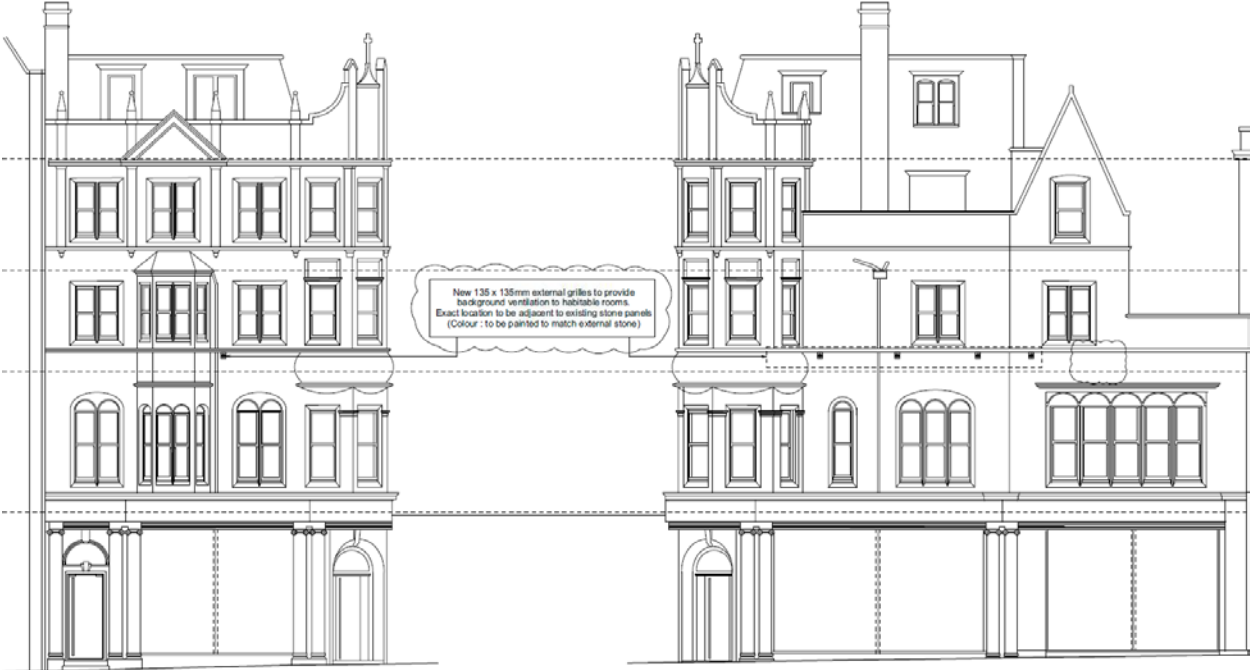
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT LINDSAY JENKINS ON
020 7641 5707 OR BY EMAIL AT ljenkins@westminster.gov.uk

10. KEY DRAWINGS

Drawing 1. Proposed second floor plan



Drawing 2. Proposed Elevations



CONDUIT STREET ELEVATION

MILL STREET ELEVATION

DRAFT DECISION LETTER

Address: 16 Conduit Street, London, W1S 2XN,

Proposal: Dual/alternative use of the second floor for either office (Class B1a) or residential (Class C3) use (1 x 2 bedroom unit). Installation of 4 x external grilles at second floor level on the Mill Street elevation and 1 x external grille on Conduit Street elevation.

Reference: 15/06533/FULL

Plan Nos: 205(GA)01 PL2, (GE)01 PL2, 205 (ED) 01 PL1, 205(VW)01 PL1.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

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 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.

- 3 You must not use the rear roof at second floor level as a balcony or for any other purpose. You can however use the roof to escape in an emergency. (C21CA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 4 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)

- 5 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 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)

- 6 Prior to the occupation of the second floor as residential (Class C3) you must install secondary glazing and the external grilles as shown on the approved drawings and these features shall be retained in place for as long as the second floor is in residential (Class C3) use.

Reason:

To protect the living conditions of people who may use the property in future as set out in S24, 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. (R13DC)

- 7 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- The proposed external grilles hidden behind terracotta-coloured air bricks.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This 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.**
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 5 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)

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.