

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 July 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	34 Weymouth Mews, London, W1G 7EE,		
Proposal	Demolition of existing mews building behind retained front facade, and demolition of rear extension to 63 New Cavendish Street. Construction of a building comprising of basement and three upper storeys to provide up to 5 residential dwellings (Class C3) and a single integral garage accessed from Weymouth Mews.		
Agent	Howard de Walden Estate Ltd		
On behalf of	Howard de Walden Estate Ltd		
Registered Number	15/12029/FULL 15/ /12030/LBC	Date amended/ completed	12 May 2016
Date Application Received	23 December 2015		
Historic Building Grade			
Conservation Area	Harley Street		

1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

The application involves a two-storey mews building which is linked internally to 63 New Cavendish Street (Asia House) at the rear. The premises comprise a self-contained flat at first floor level and store rooms and garage associated with Asia House at ground floor level. The site also includes a modern two-storey rear extension to 63 New Cavendish Street which is currently in use by Asia House as an occasional gallery space at first floor level and as storage at ground floor level. Permission is sought for the demolition of the existing buildings and structures, behind the retained Weymouth Street front façade, the excavation of a new basement floor and for the erection of a new part three and four storey building comprising 5 flats with a single integral garage fronting Weymouth Mews.

The key issues for consideration are:

* The loss of cultural institutional floorspace

- * The impact of the proposals upon the amenities of neighbouring residents.
- * The impact of the works upon both the special interest of the listed building and the character and appearance of the conservation area.

The proposals are considered acceptable in land use, amenity, design, conservation and listed building terms and comply with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Original Application

HISTORIC ENGLAND

Demolition of 34 Weymouth Mews causes harm to the significance and setting of the Grade II* 63 New Cavendish Street and to the character of the conservation area. If the Weymouth Mews façade is retained this would provide a degree of mitigation to the harm caused.

MARYLEBONE ASSOCIATION

No response to date

HIGHWAYS PLANNING

Recommends refusal on the grounds of insufficient car parking.

CLEANSING

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 35

Total No. of objections: 5; No. in support: 0

Design

- * Full width dormers are not in keeping with the roofscape

Amenity

- * Loss of light and privacy
- * Overlooking
- * Windows/doors which access the second floor flat roof should be smaller, fixed and obscure glazed
- * Overdevelopment
- * The second floor flat roof is meant to be inaccessible for residents, but they are likely to use it as large windows/doors provide access onto it

Highways/Parking

- * Increase in traffic
- * Construction activity will block access to garage opposite
- * Weymouth Mews is not able to cope with the lorries, rubbish, heavy digging equipment and road closures

Other Issues

- * Loss of views
- * No information provided regarding removal of spoils
- * Hours of work are too long and work on Saturdays should not be allowed

* Permissions have been granted for the redevelopment of 4, 43 and 47 Weymouth Mews and with all these taking place concurrently this will result in noise, disturbance, disruption and pollution

Revised Application

HISTORIC ENGLAND

Any response to be reported verbally.

BUILDING CONTROL

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25

Total No. of objections: 5; No. in support: 0

New / additional comments:

Amenity

*Noise is already amplified in this part of the Mews due to the courtyard nature of the buildings

*Access to the green-roof should be for maintenance only

*The use of the L-shaped terrace to unit 4 at first floor would result in noise, smoke, fumes and disturbance

Design

*The large windows to unit 5 in the roof space are not in keeping with the windows of the neighbouring property to the west

Other

*The proposals at the rear would be adjacent to the wall of neighbouring mews houses and would result in access/security issues

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application involves a two-storey mews building which is linked internally to 63 New Cavendish Street (Asia House) at the rear. The premises comprise a self-contained flat at first floor level and store rooms and garage associated with Asia House at ground floor level. The site also includes a modern two-storey rear extension to 63 New Cavendish Street which is currently in use by Asia House as an occasional gallery space at first floor level and as storage at ground floor level.

There is currently a glazed link which joins the gallery space with the ground floor of the 63 New Cavendish Street. This also forms part of the application site as it is proposed to be removed as part of the application. The main building at 63 New Cavendish Street is

excluded from the application site, and will continue to be used and occupied as a cultural institution by Asia House.

The site lies outside the Core CAZ within the Harley Street Conservation Area. 63 New Cavendish Street is listed Grade II*

6.2 Recent Relevant History

In February 2003 permission was granted for the use of 63 New Cavendish Street as a cultural institution (sui generis use).

In June 2003 planning permission was granted on appeal for the demolition of 34 Weymouth Mews, the modern extension located between the main and mews buildings, and an existing extension to the rear of 63 New Cavendish Street; erection of a new mews building, extensions to the rear of 63 New Cavendish Street and an extension between the main and mews buildings comprising a sub-basement, basement, ground and first floors; new roof plant; and use as a cultural institution with a 170 seat auditorium, an art gallery, a café, meeting and dining rooms, offices etc. and a two bedroom residential flat with a garage fronting Weymouth Mews. (Listed building consent for these works was granted in March 2001).

7. THE PROPOSAL

Permission is sought for the demolition of the existing buildings and structures, behind the retained Weymouth Street front façade, the excavation of a new basement floor and for the erection of a new part three and four storey building comprising 5 flats with a single integral garage fronting Weymouth Mews.

An escape route from the basement of Asia House is retained via a centrally located courtyard garden.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of cultural institutional use

The existing use of the application site (apart from the existing residential flat) is mostly storage space and gallery space used in connection with the use of the main building on 63 New Cavendish Street as the headquarters of Asia House, a cultural institution promoting the appreciation and understanding of Asian countries and their arts, religions and economies. The main building of 63 New Cavendish Street lies within the Portland Place Special Policy Area where such institutional uses are protected, however, the application site lies outside of the Special Policy Area.

Policy COM 6 of the UDP states that proposals involving the development of premises containing an institutional use will only be granted planning permission outside the Central Activities Zone and the Portland Place Special Policy Area where the proposal is for housing. The application for residential use therefore complies with this policy.

As the proposal also involves the loss of a gallery space, the Council's policies for Tourism, Arts and Culture also need to be applied. Policy TACE 5 of the UDP states that planning permission will not be granted for a change of use from an arts or cultural use and Policy S22 of the City Plan states that existing tourist attractions and arts and cultural uses will be protected. Whilst the proposed residential development of this space would be strictly contrary to these policies, Asia House argue that the loss of this space will have no impact on their core operation. They have confirmed that they do not use this space for their own events, and that it is used only as a functional space for third-party venue hire. They also submit that it is of limited appeal, sits vacant for long periods of time, is difficult to heat in the winter and cool in the warmer months, and is in need of significant refurbishment and repair. In these circumstances it is not considered that the loss of this space would adversely affect the cultural offer that Asia House currently provides.

Residential use

Five residential units are proposed involving an increase of residential floorspace of 608m² (GIA) and providing two 3-bedroom flats (40%) and three 1-bedroom flats in compliance with UDP Policy H5. The proposed units are considered to be acceptable in terms of their size and layout, and all of the new flats would provide dual aspect accommodation with good internal light levels. They would all meet or exceed the requirements as set out in the Mayor of London's Housing Standards Policy Transitional Statement and the Draft Interim Housing SPG.

The lower ground floor apartment will have access to a courtyard garden, the first floor flat is served by a private terrace and the remaining flats have access to small balconies in accordance with Policy H10 of the UDP.

As the scheme would not result in an increase of residential floorspace exceeding 1000m² or in excess of 10 additional residential units there is no requirement for an affordable housing provision as set out in Policy S16 of the City Plan.

8.2 Townscape and Design

The building is within the curtilage of the Grade II star listed 63 New Cavendish Street. However, it is a later mews building, circa 1900, not contemporary with the late eighteenth century house. It is considered that the existing mews building makes a positive contribution to the character and appearance of the Harley Street Conservation Area. The demolition of the modern building in between the mews and the main building is uncontentious. Planning permission and listed building consent were granted for total redevelopment in 2000 but this was part of a bigger scheme for the use of 63 New Cavendish Street by Asia House, who implemented the scheme for No. 63 but did not carry out the development at the rear in Weymouth Mews.

Following initial objections from Historic England the scheme has been revised to retain the front façade. The rest of the building is demolished and replaced with a modern building at the rear, with a traditional mansard above the retained façade. The retention of the front facade is welcomed.

At the rear the building is faced in brick, with a bronze clad roof storey, with large windows. This is a contemporary design approach, which contrasts with the front facade, but this is considered acceptable. It is a high quality design, and despite the concerns raised, will sit comfortably within the mews, albeit only visible from the rear of adjacent properties, to the south.

8.3 Residential Amenity

Sunlight and Daylight

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used and it is a requirement of the City Council that most major planning applications are accompanied by a sunlight and daylight report using accepted BRE methodology.

For daylighting matters, the most commonly used BRE method for calculating values is the 'vertical sky component' (VSC) method which measures the amount of light reaching the outside face of a window. This method is most widely used as it does not need to rely on internal calculations, which means that it is not necessary to gain access to all affected properties to assess, and compare, potential light loss across all properties. However, it is still important to know what an affected room is used for, since the BRE guidelines principally seek to protect living rooms, dining rooms, kitchens and, to a lesser extent, bedrooms. Under this method, if an affected window is already not well lit (considered to be below a nominal value of 27%) and the daylight received at the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable.

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited, and would be reduced by more than 20% as a result of a development, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested, and living rooms and conservatories are considered to be the most important rooms to be protected in terms of sunlighting – with kitchens and bedrooms less so.

There are residential properties adjoining and opposite the site on Weymouth Mews and a number of objections have been received on the grounds of loss of light. All adjoining residential properties have been assessed within the applicant's daylight and sunlight study and the report shows that only one window would experience a loss greater than 20% in VSC. This is a first floor bedroom window to residential accommodation above the Dover Castle pub and would experience a 22% loss of VSC (from 19.1% to 14.9%). None of the other habitable windows within this property would be adversely affected and it is not considered that this loss would be so harmful to warrant refusal.

The report shows that there would be no material losses of sunlight to any of the surrounding residential properties.

Overlooking

Objections have been raised on the grounds that, the three new windows at second floor level within the re-built roof storey would result in overlooking. These windows would be in close proximity to windows within 41 and 42 Weymouth Mews, which lie adjacent to the site, and to windows within 38 Weymouth Mews opposite the site. Any overlooking into 41 and 42 would however be from an oblique angle and therefore any overlooking would be relatively restricted.

Whilst there would be overlooking of windows opposite in 38 Weymouth Mews, these are some 10m on the opposite side of the Mews. One of the new windows serves a bedroom, one a bathroom and one is the secondary window to a dual-aspect living/dining room. In these circumstances, it is not considered that any overlooking would be so harmful to warrant refusal.

A terrace is proposed at first floor and balconies at ground and second floor level within the extension at the rear. The balcony at second floor would be less than a 1m in depth and the first floor terrace is some 9m from the rear of 33 Weymouth Mews and partially obscured by the plant room to the rear of 61 New Cavendish Street. An objection has been received on the grounds that the first floor terrace wraps round the rear of the building and would be directly adjacent to the rear of No's 44-47 Weymouth Mews. It is considered that this concern could be addressed by an amending condition restricting this area for planting/maintenance purposes, and with this in place, it is not considered that the terraces would result in either an increase in overlooking or noise.

To address concerns raised regarding the second floor roof, the plans have been amended to introduce obscure glazed door onto this area. A condition is in place restricting this for use as a terrace.

Sense of Enclosure

The proposals involve a 1.1m increase in height to the mews building and an additional floor at the rear. The rear extension would be the same height as the existing boundary wall with No's 44-47 Weymouth Mews. It is not considered that there will be an increase sense of enclosure as a result of the proposals.

Noise

Objections have been received on the grounds that the proposal, together with the recent permission for two flats in 43 Weymouth Mews would result in extra activity in the mews, including noise, traffic and general disturbance. The proposal will result in a net uplift of four new residential units, and with the permission granted for the two new flats at 43 Weymouth Mews, it is recognised that activity in the mews would be intensified. However, given the Council's priority for optimising housing delivery, and in this central London location, it is not considered that the application could reasonably be refused on this basis.

8.4 Transportation/Parking

Car parking

UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. Within a 200m radius of the site, parking occupancy during the day is 90%. Overnight parking occupancy reduces to 82% when residents can park

in metered bays and on single yellow lines which further reduces the parking stress level to 28%. Stress levels are therefore exceeded. The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement for an additional four spaces (as one car parking space is proposed).

The Highways Planning Manager has objected to the scheme on the basis that daytime stress levels have been reached and that it would be inappropriate to allow further demand for on-street spaces. The proposal is therefore contrary to TRANS23 and would be likely to add to existing on-street parking stress overall.

The applicant proposes to provide each of the new flats with free car club membership for a minimum period of 25 years. This would be likely to reduce the likelihood of household car ownership in the proposed development and whilst it would not be sufficient to overcome the known potential problems of lack of off-street parking provision, this needs to be balanced against the land use aim to provide additional housing and meet housing targets. In these circumstances, and given the close proximity of this site to excellent public transport facilities, it is not considered that planning permission could be reasonably refused for this reason.

Cycle parking

The scheme will result in the provision of 6 off street cycle parking spaces. This exceeds the requirements of UDP Policy TRANS10 and complies with the Further Alterations to the London Plan (FALP).

Planters on the Highway

The Highways Planning Manager has objected to the installation of planters on the highway. However, these replace existing planters.

8.5 Economic Considerations

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

8.6 Access

Level access is provided to two of the units, however, the flat at lower ground level and the flats on the upper floors are reliant on stair access. The Lifetime Homes Standard has now been superseded by the Building Regulations and this issue will now be entirely dealt with by Building Control.

8.7 Other UDP/Westminster Policy Considerations

Revisions to City Plan

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

The implications of the revisions to the City Plan for the development the subject of this report are outlined elsewhere in the report.

Refuse /Recycling

The provision for waste storage is to be provided within each dwelling. This will be secured by condition.

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 Sustainability and Biodiversity

The applicant has undertaken a pre-Energy Performance Certificate Assessment in order to verify that the proposal satisfies the requirements of Section 5:2 of the London Plan, 'that all new dwellings should be at least 35% better than current Building Regulations. All flats are expected to meet an efficiency rating of level B.

8.12 Other Issues

Basement

As clarified in paragraph 8.7 of this report, the Council are now applying considerable weight to basement policy (CM28.1 in the Consolidated Draft Version of the City Plan issued in June 2016). The application has been assessed against this emerging policy.

To address the policy requirements, 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.

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.

Building Control have assessed the report provided and consider that, the proposed construction methodology appears satisfactory. 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 integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. 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.

Construction impact

Access to the site by construction vehicles would be from Weymouth Mews and concerns have been raised on the grounds that demolition and construction activity would adversely impact on the residents of Weymouth Mews. However, it is not possible to refuse planning permission for this reason, and the City Council's only option in these circumstances is to seek to reduce the impact through mitigation measures prescribed in a Construction Management Plan (CMP). This can, however, only limit disruption and inconvenience and not eliminate it entirely. One of the objections received relates to the fact that the applicant's submitted Construction Management Plan (CMP) fails to identify a scheme for the disposal of spoils and hence a revised CMP is secured by condition. Conditions are also recommended restricting hours of construction, including reduced hours for basement construction, which to some extent address resident's concerns regarding hours of working.

Crime and security

An objection has been received on the grounds that the erection of the rear extension would mean that security to properties at the rear would be compromised. Whilst this issue is noted, as the development is entirely for private residential purposes, it is not considered that the application could be refused on these grounds.

9. BACKGROUND PAPERS

1. Application form
2. Letter from Asia House dated 9 May 2016
3. Letter from Historic England dated 3 February 2016
4. Memorandum from Highways Planning Manager dated 21 January 2016
5. Memorandum from Cleansing dated 22 January 2016
6. Memorandum from Building Control dated 23 June 2016
7. Letters from occupiers of 38 Weymouth Mews, London, dated 22 January and 8 June 2016.
8. Letter from occupier of 45 Weymouth Mews, London, dated 16 February 2016
9. Letter from occupier of 46 Weymouth Mews, London, dated 17 April 2016 and 6 June

2016

10. Letter from occupier of 44, Weymouth Mews, London, dated 2 February and 7 June 2016

11. Letter from occupier of 41 Weymouth Mews, London, dated 8 February and 4 June 2016

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 MICHEAL WALTON ON
020 7641 2521 OR BY EMAIL AT mwalton@westminster.gov.uk

10. KEY DRAWINGS

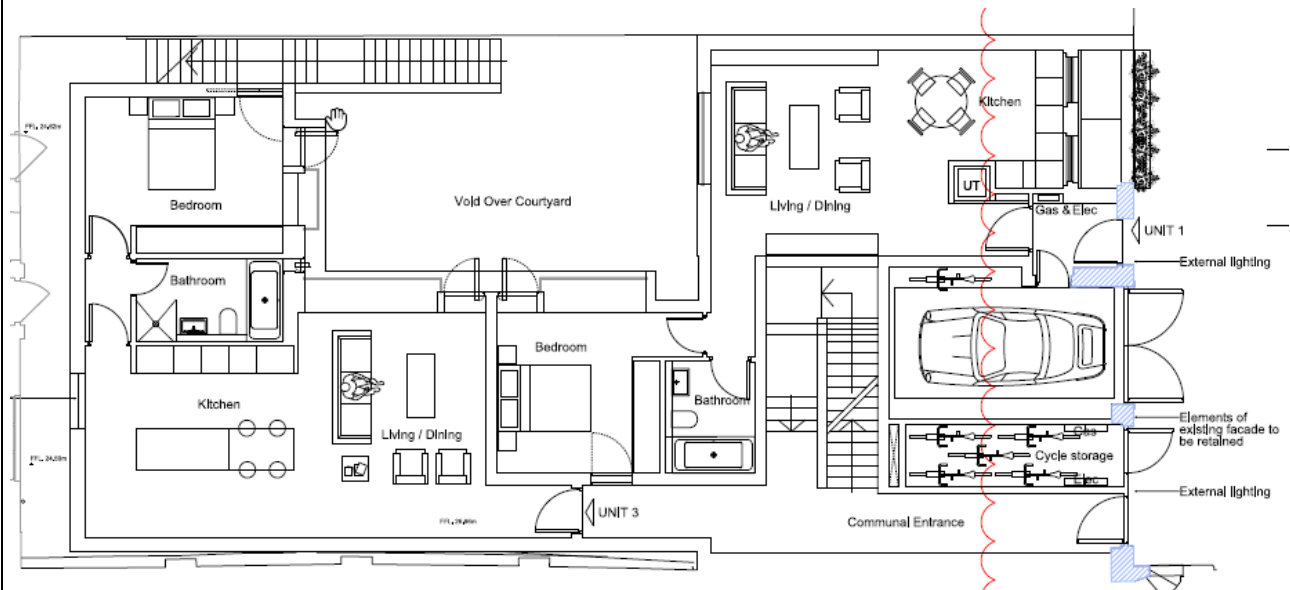
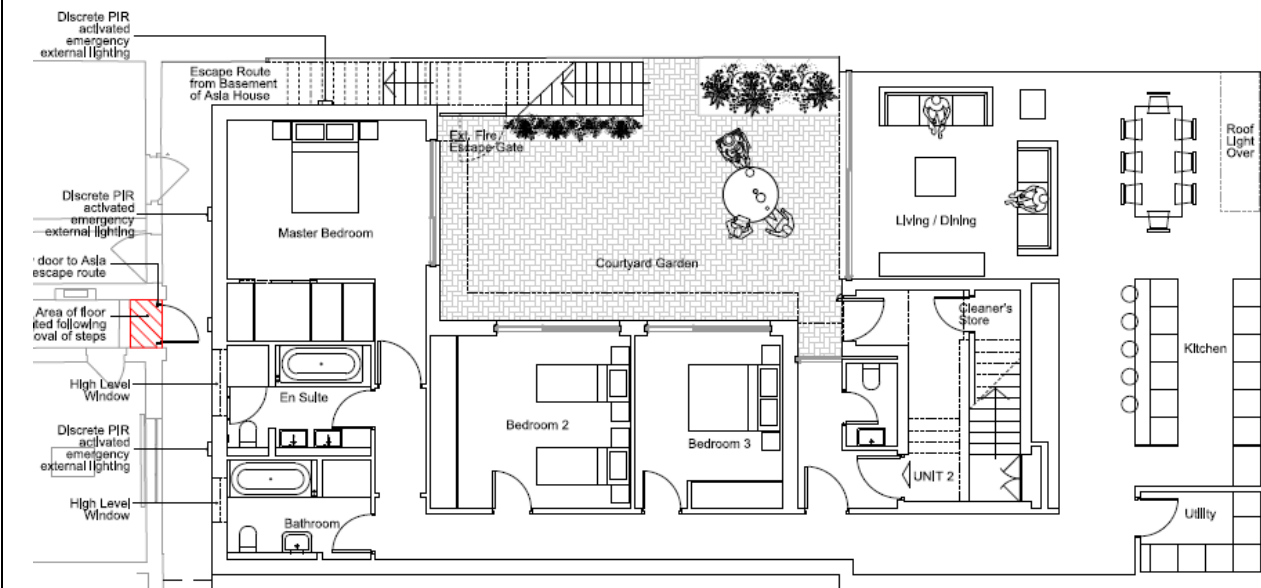


Existing rear elevation

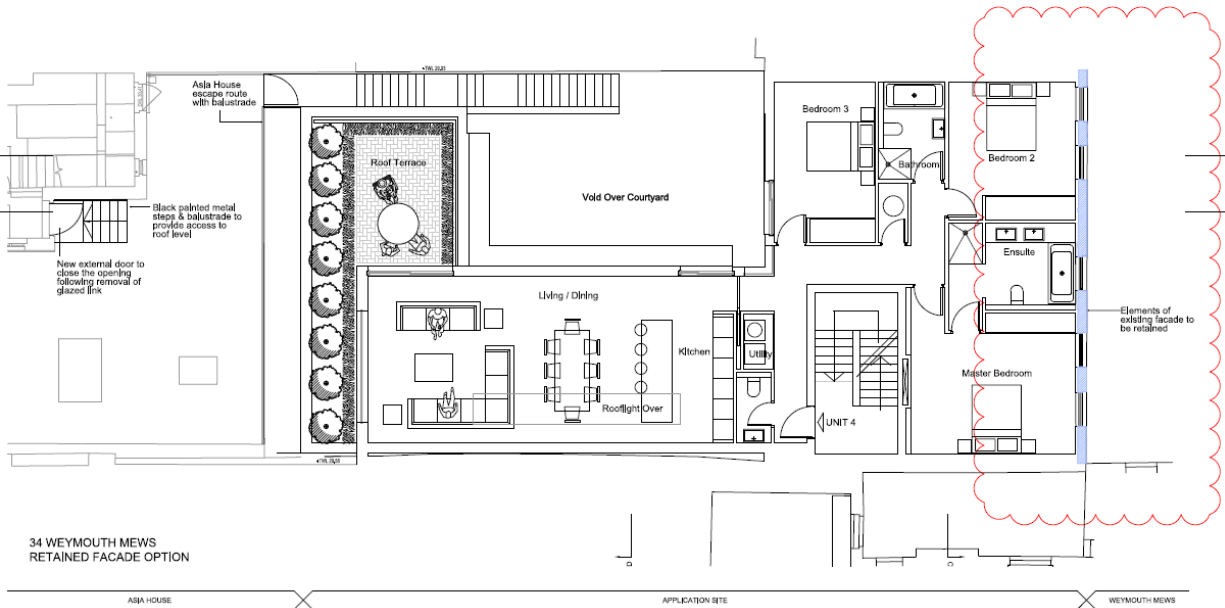


Proposed rear elevation

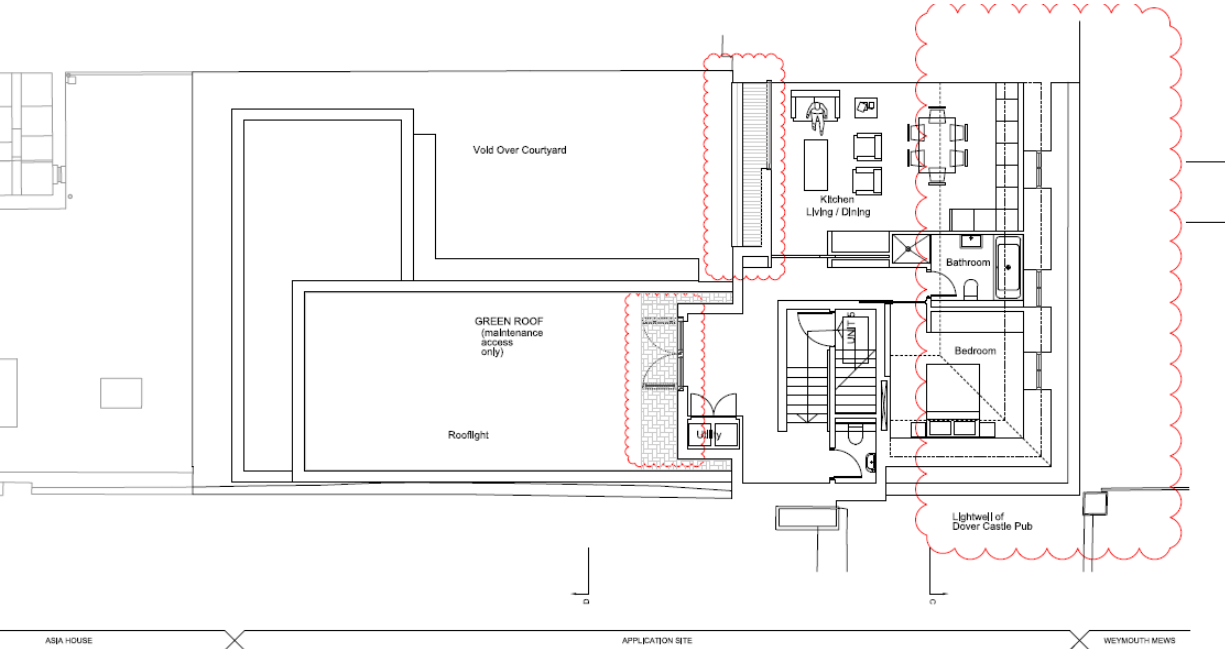


Proposed ground floor**Proposed lower ground floor**

Proposed first floor



Proposed second floor



Proposed section B-B



DRAFT DECISION LETTER

Address: 34 Weymouth Mews, London, W1G 7EE,

Proposal: Demolition of existing mews building behind retained front facade, and demolition of rear extension to 63 New Cavendish Street. Construction of a building comprising of basement and three upper storeys to provide up to 5 residential dwellings (Class C3) and a single integral garage accessed from Weymouth Mews.

Reference: 15/12029/FULL

Plan Nos: 1512 (00)_110 Rev P01, 111 Rev P02, 112 Rev P02, 113 Rev P02, 114 Rev P01, 210 Rev P02, 310 Rev P02, 311 Rev P01, 312 Rev P02, 313 Rev P01, 315 Rev P01

Case Officer: Josephine Palmer

Direct Tel. No. 020 7641 2723

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 Harley 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 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C28AB)

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

- 5 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the Harley 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)

- 6 You must apply to us for approval of details of how waste is going to be stored on the site. 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 waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the . You must not use the waste store for any other purpose. (C14CD)

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)

- 7 You must provide each cycle parking space shown on the approved drawings prior to

occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 8 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 living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 9 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

i) the green roof at second floor level

You must not remove any of these features. (C43FA)

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 10 The second floor flat roof marked 'green roof' must not be used for sitting out or for any other purpose. You can however use the roof to escape in an emergency.

Reason:

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

- 11 Only the area marked 'roof terrace' at first floor level may be used as a roof terrace. The south facing planted edge to this terrace area must not be used for sitting out or for any other purpose. You can however use this part of the roof to escape in an emergency.

Reason:

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

- 12 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a revised construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 13 No residential unit forming part of the development shall be occupied until a car club scheme containing the following provisions has been submitted to and approved in writing by the local planning authority and thereafter the scheme shall be carried out in accordance with those details. Such a scheme shall contain the following:

a) Confirmation of approval of the particular car club which is to be a Carplus accredited club;

b) Confirmation that on first occupation of each of the residential units forming part of the development and thereafter from first occupation a new resident shall be notified in writing of:

- 1. the existence of the car club
- 2. explaining that each residential unit is entitled to join the car club without being liable for payment of the membership fee;
- 3. details of how to become a member of the car club; and
- 4. in the event that a resident indicates that they wish to become a car club member then this shall be arranged on behalf of that resident [for a continuous period of [25] years]

b) Confirmation that the car club membership shall be fully transferable from outgoing residents to incoming residents.

c) Confirmation that the applicant will provide on written request by the Council evidence of the car club membership for each residential unit within the development.

- d) Confirmation that any advert or marketing in relation to the sale or re-let of any of the residential units at the development shall include reference to the provision of the car club membership and details of how to become a member of the car club.
- e) Confirmation that marketing materials for the development publicise annually will include details of the availability of car club membership and provide details of how to join the car club.
- (f) Confirmation that the applicant will provide on reasonable written request by the City Council evidence of the provision of marketing.

Reason:

To mitigate the demand for on street car parking in accordance with S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

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, Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016, 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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and

penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 3 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)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 6 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.
- 7 Under the Highways Act 1980 you must get a licence from us before you put skips or

scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 8 You are reminded of the need to obtain Technical Approval from the City Council's highways engineers before beginning excavation
- 9 The garage doors are very close to the public road. In making our decision to grant permission, we have taken into account the small size of the site and the need for good design. The garage doors may block the road when they are open, and you will need to be sure that you can open them safely without causing any danger to the public or breaking any other law before carrying out this part of the development.

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.

DRAFT DECISION LETTER – 15/ 12030/LBC

Address: 34 Weymouth Mews, London, W1G 7EE,

Proposal: Demolition of mews building behind retained front facade and rear extension to 63 New Cavendish Street and erection of a building comprising of basement and three upper storeys to provide up to 5 residential dwellings (Class C3) and a single integral garage accessed from Weymouth Mews.

Plan Nos: 1512 (00)_110 Rev P01, 111 Rev P02, 112 Rev P02, 113 Rev P02, 114 Rev P01, 210 Rev P02, 310 Rev P02, 311 Rev P01, 312 Rev P02, 313 Rev P01, 315 Rev P01

Case Officer: Josephine Palmer Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

- 2 You must 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:

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

- 3 Pre Commencement Condition. You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C28AB)

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

- 4 {\b Pre Commencement Condition}. You must not start any demolition work on site until we have approved either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or

- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the Harley 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)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.