

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 9 August 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	25 - 26 Dering Street, London, W1S 1AT,		
Proposal	Alterations including the demolition of the third floor mansard storey at 25-26 Dering Street and its replacement with a sheer storey; erection of a fourth floor mansard roof extension to provide a 1 x 3 bed flat (Class C3) with access from 24 Dering Street/315-319 Oxford Street; use of the second and third floors as Class B1 offices and associated rear extension at second floor level; first floor rear extension to existing retail shop (Class A1); the creation of a new entrance to the ground floor shop (Site includes 315-319 Oxford Street incorporating 24 Dering Street)		
Agent	Mrs Debbie Hume		
On behalf of	AAA Investment Ltd		
Registered Number	16/01916/FULL	Date amended/ completed	12 April 2016
Date Application Received	3 March 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission including a condition to secure appropriate arrangements to mitigate the impact of the development upon on-street parking demand.

2. SUMMARY

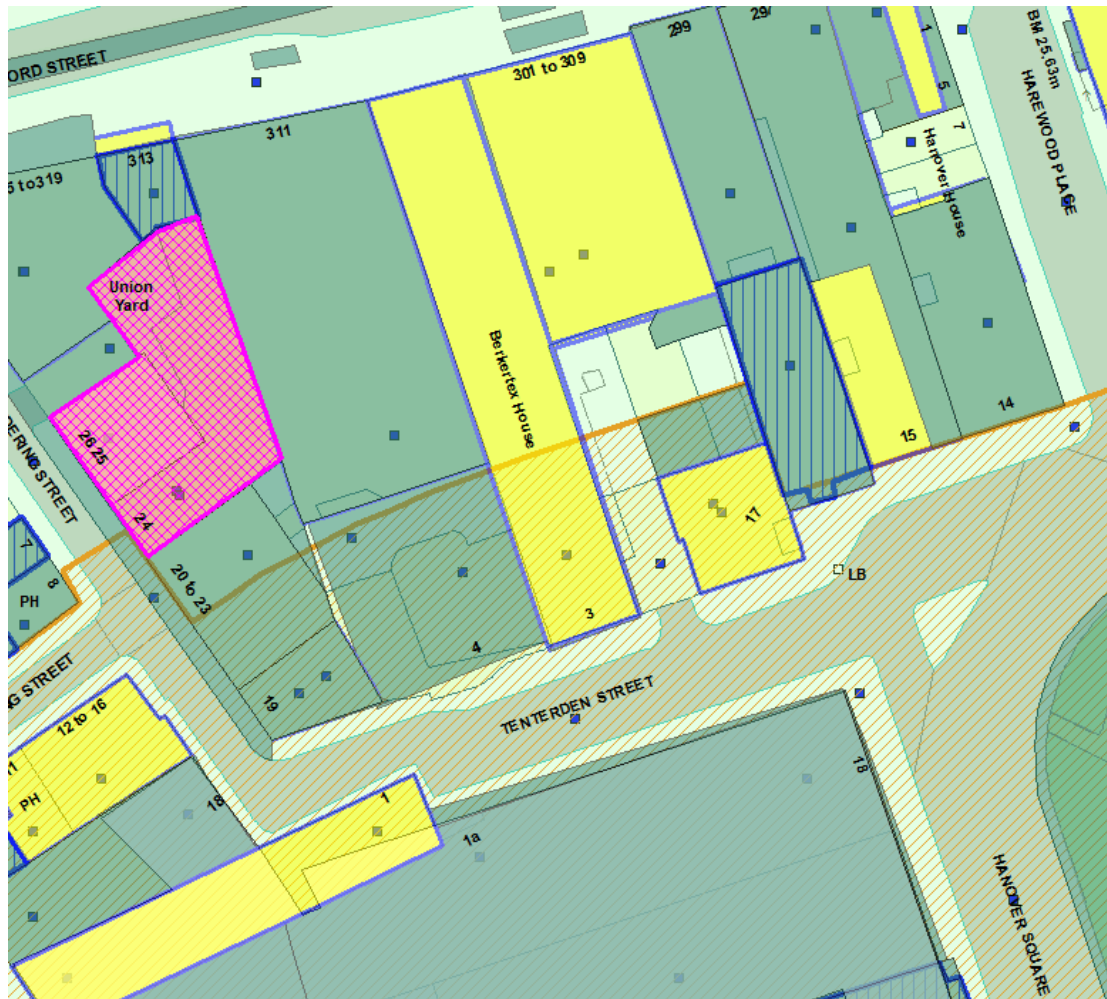
The application site comprises basement to third floors and is wholly in retail use. This application involves alterations and extensions to the building to rationalise the retail accommodation on basement to first floors, to use the second and rebuilt third floor as offices and to erect a mansard roof extension at fourth floor level, encompassing part of the neighbouring site at 315-319 Oxford Street, to provide a new flat, with a plant enclosure above. Objections have been received on the grounds that the proposals would adversely affect the amenities of neighbouring flats, both as a result of the proposal and during the construction process.

The key issues in this case are:

- * the impact of the development on residents' amenities
- * The impact of the extensions on the Mayfair conservation area.

There is an extant permission to convert the two upper floors to Class B1 office use and the scheme is considered acceptable on land use grounds. The impact on the character and appearance of this part of the Mayfair conservation area is likewise considered acceptable. Subject to conditions, it is not considered that the proposals would have a material impact upon the amenities of neighbouring residential properties and the application is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

CROSSRAIL

Do not wish to comment

RESIDENTS' ASSOCIATION OF MAYFAIR & ST. JAMES'S

No objection providing height and bulk considered acceptable

ENVIRONMENTAL HEALTH

No objection subject to conditions

CLEANSING

No objection

HIGHWAYS PLANNING

Objection: lack of off-street parking; concern regarding shared cycle store for commercial and residential uses.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 40; total No. of replies: 3 (including 2 letters on behalf of the same resident and 1 anonymous comment)

Objections received on the following grounds:

- *Plant noise
- *Increased sense of enclosure
- *Increased security risk
- *Inconvenience caused by temporary removal of plant
- *Shared use of access to neighbouring flats
- *Noise disturbance and disruption during the course of construction

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a group of unlisted building (24 and 25-26 Dering Street and 315-319 Oxford Street), situated on the east side of Dering Street at its junction with the south side of Oxford Street, within Mayfair conservation area, the Core Central Activities Zone and the West End Retail Special Policy Area.

The principal building is 25-26 Dering Street. This building, on basement, ground and three upper floors, has a lawful use for Class (A1) retail purposes. The lower floors are currently occupied as a retail art gallery.

313-319 Oxford Street is in commercial use, with flats "The Verge Apartments" on the upper floors. Access to the lifts and stair cores serving these flats is from 24 Dering Street. The Oxford

Street/24 Dering Street development “wraps around” 25-26 Dering Street. There is a separate ground level refuse store for the flats, adjacent to the residential entrance on Dering Street.

6.2 Recent Relevant History

15 April 2015: Permission granted for the change of use of the second and third floors at 25-26 Dering Street as Class B1 offices, including infill extensions to the rear lightwell on second and third floors and creation of separate shop entrance. Not implemented.

7 THE PROPOSAL

This scheme involves alterations and extensions to the existing building including:

- i. the demolition of the existing third floor mansard roof extension at 25-26 Dering Street and the fourth floor plant enclosure to 315-319 Oxford Street
- ii. the erection of a sheer storey of replacement accommodation at 25-26 Dering Street, incorporating the existing rear lightwell, and the infilling of the rear lightwells on the first and second floors
- iii. the erection of a fourth floor mansard roof extension to 25-26 Dering Street, encompassing the area to the rear, which is currently occupied by the fourth floor plant room to the Oxford Street building. A replacement plant room would be provided (spanning the roof of the new fourth floor mansard roof extension at 25-25 Dering Street/fifth floor level to 315-319 Oxford Street) to house new plant for the Dering Street development and relocated plant for the Oxford Street building.
- iv. use of the part basement, ground and extended first floors of 25-25 Dering Street for retail purposes (Class A1), formation of a separate entrance to the retail unit and the installation of new internal stairs within the shop, linking the basement to first floors. Part of the basement accommodation would be used to provide shared cycle parking, shower facilities and lockers for the development
- v. use of the extended second and replacement third floors as Class B1 offices
- vi. use of the new fourth floor as a three bedroomed flat, with a small terrace area at the rear. The flat would be accessed from the lift/stair core to the Oxford Street flats via 24 Dering Street.

The existing common staircase and landings will provide access to the second/third floor offices and WC accommodation for the commercial use and a secondary means of escape from the new fourth floor flat.

The application has been amended to revise/clarify details of waste and cycle storage and to amend aspects of the detailed design of the mansard roof addition.

8 DETAILED CONSIDERATIONS

8.1 Land Use

The schedule of existing and proposed land use figures (GIA) is as follows:

	Existing m2 (GIA)	Proposed m2 (GIA)	+/-
Retail (A1)	464.9	301.8	-156.8
Office (B1)	0	174	+174
Residential (C3)	0	183.8	+183.8
Total	464.9	665.9	201

** figures exclude plant areas and relate to changes at 25-26 Dering Street only*

8.1.1 Increase in office floorspace

Policy S18 of Westminster's City Plan (adopted July 2016) directs office development to designated locations, including within the Core CAZ, and aims to increase the supply of office floorspace in those areas. In the case of development within Core CAZ which includes net additional B1 office floorspace (GIA), policy S1 sets out the circumstances in which new residential floorspace will be required to offset increase in Class B1 office floorspace. Where the net additional floorspace (of all uses) is:

- less than 30% of the existing building floorspace, or
- less than 400sqm; (whichever is the greater),
- or where the net additional B1 office floorspace is less than 30% of the existing building floorspace (of all uses), no new residential floorspace will be required.

In this case, the total increase in floorspace is less than 400 sqm and consequently, the increase in office floorspace would not generate a residential requirement and the proposed office use is therefore acceptable.

8.1.2 Loss of retail floorspace

The existing building was, until 2015, occupied as a haberdashery shop, with each of the five floors accessed from the common staircase, which also provided WC accommodation on the stair landings. In 2015, permission was granted for the use of the second and third floor as Class B1 offices, the creation of a separate access to the shop and the infilling of the rear lightwell to provide additional retail floor space at first floor level. The previous tenant had relocated and it was accepted that the building layout was not conducive to retail trading on the upper floors. The lower floors are now occupied as a retail art gallery.

The current application again involves the use of the loss of retail floorspace on the second and third floors and a small extension to the retained retail accommodation at first floor level. In addition, part of the basement floorspace would be converted to provide shared cycle storage, lockers and showers for the development. Additionally, the main stair, formerly wholly in retail use, would now provide access to the offices, shared WC facilities for the commercial uses and means of escape from the flat and the first floor of the shop.

Given the changes at basement level and the shared use of the stair case, and the previously approved loss of retail floorspace on the second and third floors, there would be an overall reduction of retail floorspace of 156.8 sqm (GIA). Whilst the size of the retail trading area would be reduced by approximately 25 sqm at basement level, which includes one of the basement vaults, the area would remain unchanged at ground level and slightly increased at first floor level.

City Plan policy S21 seeks to protect existing retail floorspace will be protected throughout Westminster, except where the Council considers that the unit is not viable, as demonstrated by long term vacancy. UDP policy SS5 seeks an appropriate balance of town centre uses within the CAZ and the West End Retail SPA, outside the primary shopping frontages, and protects Class A1 retail uses on basement, ground and first floor levels. The supporting text (para 7.48) states that, in the case of department stores, or other large stores, any use replacing a Class A1 retail use at second floor and above should be to a use which serves visiting members of the public. However, this building would not be classified as a large retail shop. Paragraph 7.52 states that the loss of retail floorspace to uses which do not serve visiting members of the public, including Class B1 offices, will not be permitted at second floor level. Paragraph 7.53 further advises that changes of use above or below an A1 use should not jeopardise the long term retail use of the ground floor by diminishing essential ancillary office or storage space.

Notwithstanding, the content of paragraph 7.52, given that the retail use would be retained on the three lower floors, and in view of the advice of the existing occupiers and retail consultants, it is not considered that the loss of retail floorspace on second and third floor level would jeopardise the operation of the retained shop unit or the retail character and function of this part of the CAZ. Although the property is not vacant, the submitted information, suggests that there is unlikely to be any interest in occupying the top two floors for retail purposes.

In these circumstances, notwithstanding the overall reduction in retail floorspace, the rationalisation of the accommodation, which would also facilitate the creation of a mixed use development is considered acceptable in land use terms.

8.1.3 Residential use

The proposals would result in the provision of a new flat within the fourth floor mansard roof extension. The provision of new residential accommodation accords with UDP policies H3 and S14 of the City Plan.

The new three bedroomed unit, measuring 183.8 sqm (GIA), would provide a good standard of accommodation in terms of the levels of light received, room size and layout, meeting National Housing Standards. All windows would be openable but the scheme provides a system of mechanical ventilation allowing future residents to keep their windows shut should they choose. A small external terrace is provided at the rear. Subject to conditions to ensure that the unit would achieve satisfactory internal noise levels in relation to internal and external noise sources, the scheme is considered to provide a good standard accommodation for future residents.

8.2 Townscape and Design

The proposals are to extend the building with a fourth floor mansard roof extension and other more minor alterations. Normally, the addition of a roof extension to a building which has previously been extended would be unacceptable. However, in this case, the façade would be

extended in matching materials and design. The proposed extension is considered to sit well with the façade and the adjacent buildings, in terms of its height and bulk, as well as detailed design.

The proposals are considered acceptable in design terms are considered to be in accordance with the relevant City Plan policies and UDP policies, specifically DES 5, 6 and

8.3 Residential Amenity

The closest residential property to the site of the proposed extensions is the top floor flat at 315-319 Oxford Street. This is a dual aspect flat with access to a terrace overlooking Dering Street. Five, full height windows/glazed doors to the principal living/dining area look southwards. There is access to a second terrace which, to the south and east, is enclosed by a high boundary wall. The existing fourth floor plant enclosure to the roof of 315-319 Oxford Street, sits behind this wall and is not visible from the terrace. To the west, the terrace is enclosed by a glass balustrade. There are views from this terrace, and from the westernmost living room windows, down onto the roof of the existing mansard extension at 25-26 Dering Street, and beyond.

The third floor mansard to the Dering Street building would be demolished and replaced with a sheer storey of accommodation, a fourth floor mansard roof extension and a plant enclosure above. This plant enclosure takes the form of a roof where it fronts Dering Street. The highest part of the new plant enclosure would project slightly above the boundary wall to the adjacent residential terrace. The applicants have advised that, given the position of an existing building slab, and the need to provide an internal height of 2m above the retained slab, the plant enclosure is shown at the minimum height possible.

UDP policy ENV13 requires new developments to safeguard the amenities of neighbouring residents to ensure that proposals do not result in any material loss of daylight or sunlight, any loss of privacy or any increased sense of enclosure to neighbouring windows. Similarly, City Plan policy S29 also requires development proposals to safeguard neighbours' amenities.

8.3.1 Sense of enclosure

An objection has been received on behalf of the occupier of the top floor flat at 315-319 Oxford Street on the grounds that the proposed roof extension and plant enclosure would project above the height of the terrace wall and would infill the existing "gap" on the western side of the southern terrace, resulting in an increased sense of enclosure to the terrace and living room windows.

The applicants have confirmed that the plant enclosure will project 163mm above the height of the terrace wall and contend that given the height of the wall and its width, this projection would not be readily apparent from the terrace, and officers concur with this view. The plant enclosure would be slightly more evident in longer views from within the top floor flat. However, it is not considered that the sense of enclosure to these windows would be materially affected.

The proposed fourth floor extension, immediately to the west of the terrace, would be set below the height of the terrace floor. The new plant room would sit beyond the line of the terrace wall. While there would be some impact in oblique south-westerly views from the terrace and the westernmost living room windows, it is not considered that the impact would be so significant as to justify a recommendation for refusal or to require the plant enclosure to be set further back from Dering Street as suggested by the objectors, particularly since the roof-like appearance of the plant room is the preferred solution in design terms.

8.3.2. Daylight and sunlight

As detailed above, the proposed plant enclosure would extend above the height of the terrace wall to the objector's flat but given the relationship of these structures to adjacent living room windows, it is not considered that this modest height increase would have a material impact on the level of daylight received to this room, which is served by a number of large windows. Similarly it is not considered that there would be a significant impact on sunlight levels to the living room windows or terrace. As there would be no increase in height and bulk immediately to the west of the existing terrace, it is not considered that there would be a material impact on the levels of afternoon/evening sunlight received.

8.3.3. Privacy

The proposed development does not incorporate any windows overlooking the neighbouring flat. Given the width of Dering Street, windows within the new or replacement accommodation would be unlikely to have an impact on the degree of overlooking to properties opposite.

8.4 Transportation/Parking

The site is located within a Controlled Parking Zone meaning that loading/unloading can take place from single yellow lines. The premises would continue to be serviced from the street and, as the largest regular service vehicle is likely to be a refuse collection vehicle, this is considered acceptable. The Highways Planning Manager has requested a condition to prevent the retail unit being occupied as a food supermarket. However, as the use of the existing retail shop is currently unregulated, and as the scheme involves a reduction in retail floorspace, it is not considered that such a condition could be justified.

UDP policy TRANS 23 details an 80% on-street parking occupancy threshold above which any increase in on-street parking demand is likely to result in an unacceptable level of parking deficiency. The Council's most recent night time parking survey (2015) indicates that occupancy of Respark bays within a 200m radius of the site is at 47%. However, with the addition of all other legal parking spaces, including single-yellow lines, metered bays etc, this occupancy level drops to 14%. However, the daytime parking survey indicates a parking occupancy level of 94%.

Whilst it is acknowledged that the area has a high level of public transport accessibility, given the proportion of households within the West End ward which run one or more cars (29% - 2011 census), the Highways Planning Manager has objected to the application on the grounds that increase in parking demand generated by the new flat would result in further parking stress. However, in the event that other planning considerations outweigh this objection, the Highway Planning Manager has requested that the development include measures to ameliorate the impact of the proposals on on-street parking demand, which would be secured by a Grampian condition. The strongest mechanism for reducing the likelihood of car ownership by future occupants is Lifetime Car Club membership (minimum 25 years). The applicant has confirmed their agreement to this arrangement. Subject to this provision, the application is considered acceptable on parking grounds.

The scheme includes the provision of a basement level cycle store. Whilst the level of provision (2 residential spaces, three office spaces and 2 retail spaces) accords with standards in the Further Alterations to the London Plan, the Highways Planning Manager has expressed security concerns

on as there is no separation between the residential and commercial cycle stores. However, given the site constraints, and the need to maximise the amount of retained retail floorspace, the need to provide accessible cycle storage and the likely level of use, it is not considered that the absence of separate cycle stores could reasonably form the basis of a recommendation for refusal.

8.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed.

8.6 Access

The new flat would be accessed via the existing stair core/lifts serving the flats at 315-319 Oxford Street (accessed from 24 Dering Street). The existing common stair case would also provide a secondary means of escape. A separate lift will also be installed within 25-25 Dering Street.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Plant

New plant for 25-26-Dering Street and a relocated plant area for the development at 315-319 Oxford Street would be provided within a new fifth floor plant enclosure spanning both properties.

The occupier of the top floor flat at 315-319 Oxford Street has objected to this aspect of the scheme on the grounds that the relocation of the plant room from fourth floor to fifth floor level to a point immediately behind, and projecting in front of, his terrace wall would result in unacceptable noise disturbance to his property, affecting the use of the living accommodation and terrace.

The hours of operation of the existing plant serving 315-319 Oxford Street would be unaffected by the proposals. The plant for the shop and offices at 25-26 Dering Street would operate between 08.30 and 19.00 on Monday to Saturday and between 10.00 and 17.00 on Sundays. This would be secured by condition. The hours of use of the plant serving the new flat would be unrestricted.

The application is supported by an acoustic report which has been updated at the request of the Council's Environmental health Officer. Following the submission of a supplementary report, he has confirmed that the plant proposals are likely to comply with the Council's noise standards. Subject to conditions relating to plant noise and vibration, it is not considered that the objections relating to plant noise could be supported.

8.7.2 Refuse /Recycling

Refuse for the development will be stored in the separate residential and commercial waste stores, which serve the development at 315-319 Oxford Street, accessed from Dering Street. This arrangement is considered acceptable and would be secured by condition.

8.8 London Plan

This application does not raise any 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

The application is not of a scale which triggers a requirement for the submission of an EIA.

8.12 Other Issues

8.12.1 Security

It is proposed to provide an external ladder, leading from the top of the common stair case at 25-26 Dering Street, into the new plant enclosure, via a roof level hatch. An objection has been received on the grounds that, the position of this ladder, adjacent to the terrace balustrade to the top floor flat at 315-319 Oxford Street, would create an increased security risk to his property. Whilst these concerns are acknowledged, access to this ladder is wholly from within 25-25 Dering Street, and it is likely, for safety reasons alone, that its use would be carefully managed and restricted to maintenance personnel. The applicants have confirmed that the access hatch would be kept locked at all times. In these circumstances, it is not considered that there would be a significant risk to neighbours' security.

8.12.2 Construction impact

One, anonymous, comment has been received on the grounds of potential disturbance during construction works, including noise disturbance and disruption to traffic, particularly as Dering Street is a narrow road.

Additionally, representations made on behalf of the occupants of the top floor flat at 315-319 Oxford Street consider that, given the nature of the development, and the number of residential properties in proximity to the site, that a draft Construction Management Plan be required as part of the application.

Whilst officers are sympathetic to these concerns, given the nature of the development, it is considered that a CMP can reasonably be required. Any permission would be the subject of controls over the hours of building works to safeguard residents' amenities.

8.12.3 Relocation of existing plant

An objection has been received relating to the impact on residents of the neighbouring site whilst the existing plant room is relocated. The Project Manager for the proposed development has advised that it would be possible to achieve continuous ventilation of the existing residential units during the construction of the additional floor. The ventilation ducts will be extended through to a clean air source, involving new ducting being connected up to the existing system, which could then be suitably relocated in line with the phased construction work. This is normal practice in such scenarios. There may be some temporary disruption of the use of the air conditioning serving the apartments during the relocation of the AC condensers, for a period of approximately

4-6 weeks. However, this work would be undertaken during the colder months as, should permission be granted, construction is scheduled due to commence in October.

8.12.4 Use of shared residential core

An objection has been received regarding the use of the residential core serving “The Verge Apartments” by occupants of the new flats. The applicant has full control over the application site and the neighbouring building. This is a landlord and tenant issue and is not a matter for planning control.

9 BACKGROUND PAPERS

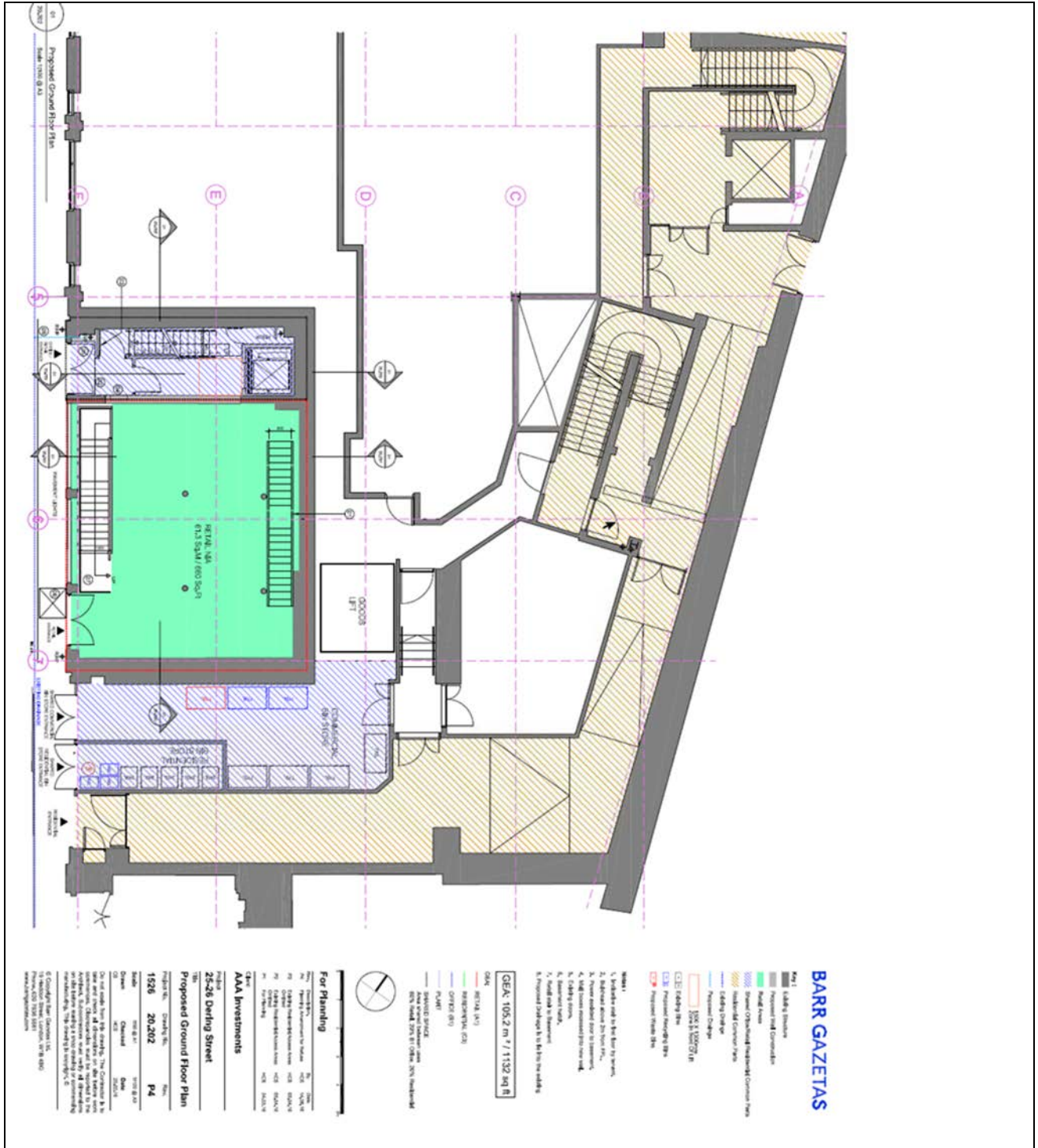
1. Application form
2. Response from Crossrail dated 26 July 2016
3. Response from Residents’ Society Of Mayfair & St. James's, dated 17 May 2016
4. Response from Environmental Health dated 12 July 2016
5. Responses from Highways Planning Manger dated 29 April and 14 June 2016
6. Responses from Project Officer (Waste) dated 27 April and 16 June 2016
7. Letter and email on behalf of the occupier Flat 11, “The Verge Apartments” , 24 Dering Street dated 18 May and 13 June 2016
8. Anonymous comment dated 26 April 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 THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk.

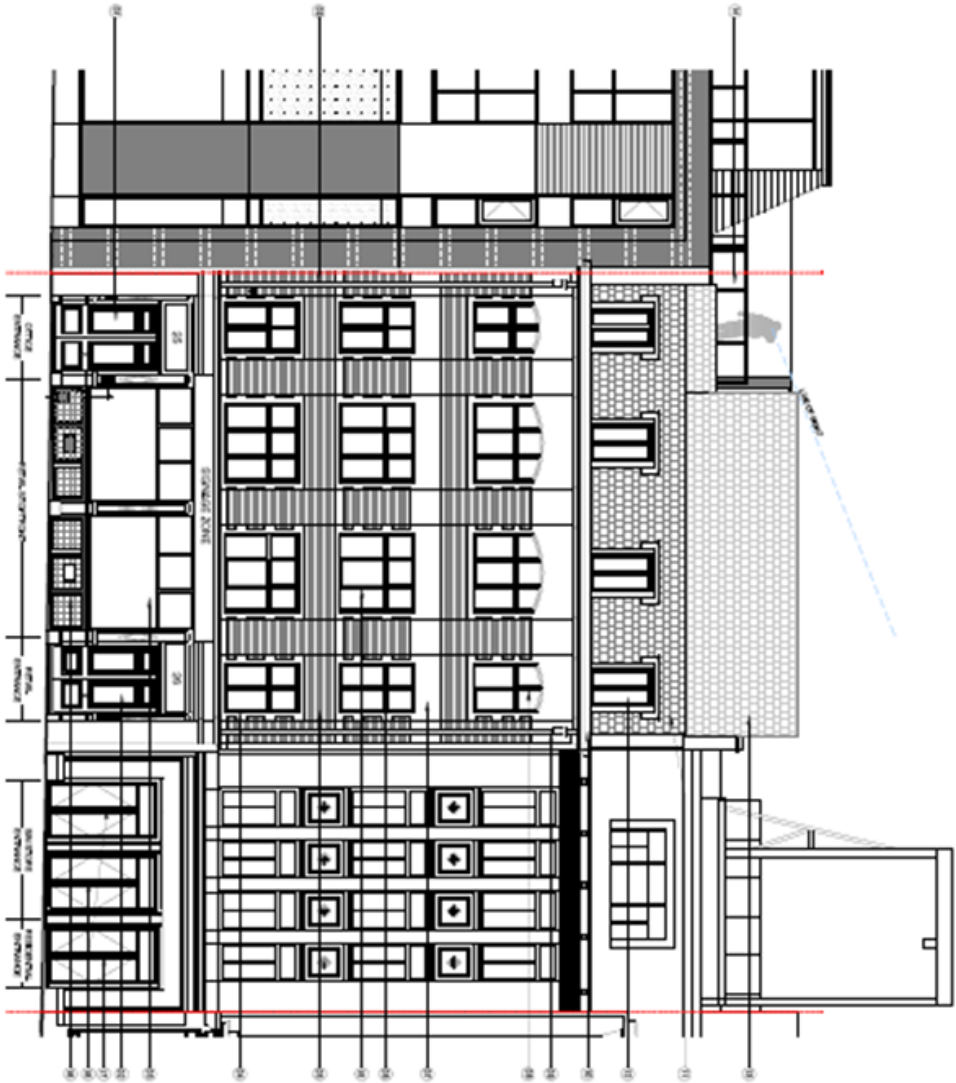
9 KEY DRAWINGS



Proposed ground floor plan



Proposed fourth floor plan



01 Proposed front Elevation
Scale: 1:100 (A3)

BARR GAZETAS
Architects & Planners

1. Existing customer details to be maintained
2. Existing window frames to be replaced with new frames
3. Existing doors to be replaced with new doors
4. All glass to be replaced with double glazed units
5. All external walls to be rendered
6. All external walls to be painted with a light color
7. All external walls to be finished with a light color
8. All external walls to be finished with a light color
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20. All external walls to be finished with a light color

For Plotting

No.	Description	Quantity	Unit
01	1/4" x 1/4" x 1/4" x 1/4"	100	mm
02	1/2" x 1/2" x 1/2" x 1/2"	100	mm
03	3/4" x 3/4" x 3/4" x 3/4"	100	mm
04	1" x 1" x 1" x 1"	100	mm
05	1 1/4" x 1 1/4" x 1 1/4" x 1 1/4"	100	mm
06	1 1/2" x 1 1/2" x 1 1/2" x 1 1/2"	100	mm
07	1 3/4" x 1 3/4" x 1 3/4" x 1 3/4"	100	mm
08	2" x 2" x 2" x 2"	100	mm
09	2 1/4" x 2 1/4" x 2 1/4" x 2 1/4"	100	mm
10	2 1/2" x 2 1/2" x 2 1/2" x 2 1/2"	100	mm
11	2 3/4" x 2 3/4" x 2 3/4" x 2 3/4"	100	mm
12	3" x 3" x 3" x 3"	100	mm
13	3 1/4" x 3 1/4" x 3 1/4" x 3 1/4"	100	mm
14	3 1/2" x 3 1/2" x 3 1/2" x 3 1/2"	100	mm
15	3 3/4" x 3 3/4" x 3 3/4" x 3 3/4"	100	mm
16	4" x 4" x 4" x 4"	100	mm
17	4 1/4" x 4 1/4" x 4 1/4" x 4 1/4"	100	mm
18	4 1/2" x 4 1/2" x 4 1/2" x 4 1/2"	100	mm
19	4 3/4" x 4 3/4" x 4 3/4" x 4 3/4"	100	mm
20	5" x 5" x 5" x 5"	100	mm

Proposed Work Elevation

Project No.	Date
1526	20/2/11
1527	20/2/11
1528	20/2/11
1529	20/2/11
1530	20/2/11
1531	20/2/11
1532	20/2/11
1533	20/2/11
1534	20/2/11
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1548	20/2/11
1549	20/2/11
1550	20/2/11

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Tel: +603 2611 1111
Fax: +603 2611 1112
Email: info@barrgazetas.com

Proposed front elevation



Proposed cross- section

DRAFT DECISION LETTER

Address: 25 - 26 Dering Street, London, W1S 1AT,

Proposal: Alterations including the demolition of the third floor mansard storey at 25-26 Dering Street and its replacement with a sheer storey; erection of a fourth floor mansard roof extension to provide a 1 x 3 bed flat (Class C3) with access from 315-319 Oxford Street; use of the second and third floors as Class B1 offices and associated rear extension at second floor level; first floor rear extension to existing retail shop (Class A1); the creation of a new entrance to the ground floor shop (Site includes 315-319 Oxford Street incorporating 24 Dering Street)

Reference: 16/01916/FULL

Plan Nos: 1526 10.101 P1, 1525 20./210 P4, 202 P4, 203 P3, 204 P3, 205 P3, 206.P5, 207 P3, 208P3, 251 P2, 252 2, 253 P2, 254 P1, 271 P5, 272 P5, 273 P1; 1526 50./601 P1, 602 P1, 603 P1

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

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

All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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)

3

You must apply to us for approval of samples and specification details 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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 (scale 1:20 and 1:5) of the following parts of the development - i) new dormers ii) new windows and doors. 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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

You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

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 (July 2016) 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 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 (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

8

You must provide each cycle parking space shown on the approved drawings prior to occupation of the office and residential uses (2 spaces for the residential flat, 2 spaces for the retail use and three spaces for the offices). 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.

9

No waste shall be stored on the highway

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and TRANS 20 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

10

You must provide the waste store shown on drawing 1526 20.202 P4 before anyone moves into the offices or residential flat hereby approved. The approved storage facilities must be clearly marked and made it available at all times to everyone using the retail shop, offices and residential flat at 25-26 Dering Street. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

11

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 (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

12

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

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

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), 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.

13

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.

14

You must provide the plant enclosure shown on the approved drawings before you use the machinery. You must then maintain the enclosure in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

15

The plant/machinery hereby permitted serving the retail and office uses shall not be operated except between 08.30 and 19.00 hours on Monday to Saturday and between 10.00 and 17.00 hours on Sundays.

Reason:

In accordance with the submitted application and to safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

16

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.

17

You must not occupy the residential flat hereby permitted until we have approved appropriate arrangements to secure the following.

mitigation of the impact of the residential development upon on-street parking demand in the area

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (July 2016) and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

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 (July 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

Under condition 17 we are likely to accept an unilateral undertaking under section 106 of the Town and County Planning Act to secure appropriate arrangements to mitigate the impact of the development upon on-street parking demand as set out in the email dated 27 July 2016 from Strathmore Estates. This is likely to take the form of a unilateral undertaking to provide Lifetime car club membership (minimum 25 years) with a Carplus operator). Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)

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

The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

5

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.

6

Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.

- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
- * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
- * Lighting - ensure luminaires can be safely accessed for replacement.
- * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

7

Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)

8

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. (150AA)

9

The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
www.westminster.gov.uk
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.

10

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). (158AA)

11

Conditions 12 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (182AA)

12

You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

13

Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation. E.g. windows kept closed.

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.