

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 18 October 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	The Wellington Building, 28-32 Wellington Road, London, NW8 9SP,		
Proposal	Demolition of existing building and erection of a new 6 storey, plus basement building with frontages to Wellington Street and Cochrane Street to provide 36 units for a dual/ alternative use as residential flats (Class C3) or serviced apartments (Sui Generis), with car and cycle parking at basement level and new landscaping.		
Agent	DP9		
On behalf of	Roxburg Overseas Ltd		
Registered Number	15/08352/FULL	Date amended/ completed	14 September 2015
Date Application Received	28 August 2015		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

1.	Does the Committee consider the provision of a financial contribution of £2,642,000 in lieu of on-site affordable housing provision to be acceptable, having regard to the particular site specific circumstances in this case?
2.	Subject to 1. above, grant conditional permission subject to completion of a legal agreement to secure the following: <ul style="list-style-type: none"> i. A financial contribution of £2,642,000 to the Affordable Housing Fund (index linked and payable prior to commencement of development). ii. A management plan to demonstrate that those units within the development used as serviced apartments providing short term visitor accommodation are used only by patients of hospitals in the vicinity of the site and their family members and/ or carers that are staying with them whilst they receive treatment. iii. Highway works in Wellington Road and Cochrane Street to form vehicular access to the site and amend the layout of the public highway to reflect the proposed development (appropriate arrangements to be agreed prior to commencement and highway works to be carried out prior to occupation at the applicant's expense). iv. Submission of a Site Environmental Management Plan (SEMP) and provision of a financial contribution of £28,000pa during the construction period to the Environmental Inspectorate

- to ensure compliance with the Code of Construction Practice.
- v. Provision and management of on-site residents car parking, including the making available of parking spaces to all occupiers of the building on an 'un-allocated' basis without restriction.
 - vi. Provision of costs for monitoring of agreement (£500 per Head of Term).
3. If the S106 planning obligation has not been completed within six weeks of the date of this resolution, then:
- a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
 - b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application site comprises an unlisted three storey building last in use as Class B1 serviced offices. The site is not located within a conservation area, but the south eastern side boundary of the site does adjoin the boundary of the St. John's Wood Conservation Area. The neighbouring building to the south east at No.26 Wellington Road is grade II listed.

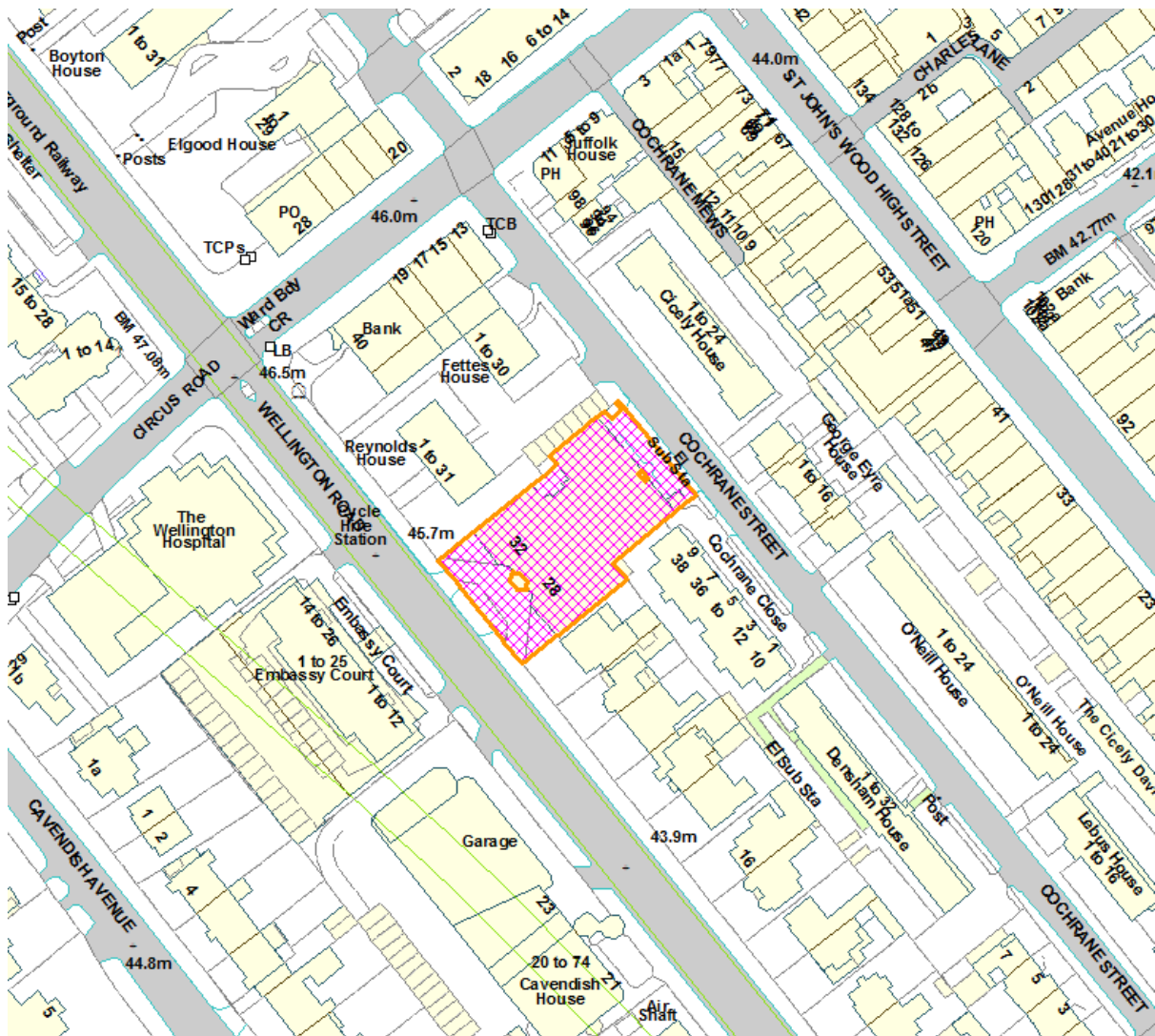
The application seeks permission for demolition of the existing building and erection of a new 6 storey, plus basement building with frontages in Wellington Road and Cochrane Street to provide 36 units for a dual/ alternative use as either residential flats (Class C3) or serviced apartments (Sui Generis), with car and cycle parking at basement level and new landscaping to both street frontages.

The key issues in this case are:

- The acceptability of providing serviced apartments providing short term visitor accommodation in this location within the City.
- The acceptability of the proposed affordable housing provision.
- The acceptability of the replacement building in design terms of its impact on the appearance of this part of the City and the setting of the neighbouring St. John's Wood Conservation Area and grade II listed building.
- The impact on the amenity of neighbouring residents.
- The impact on trees in adjoining gardens.

Subject to the Committee's considerations in respect of the financial contribution to the Affordable Housing Fund that has been offered and the restrictions recommended in respect of the occupation of the serviced apartments, the proposed development is considered to be acceptable in land use, design, amenity, transportation and environment terms and would accord with the relevant policies in the Unitary Development Plan (UDP), Westminster's City Plan (the City Plan) and the London Plan (2015).

3. LOCATION PLAN



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4. PHOTOGRAPHS



Wellington Road elevation (top) and Cochrane Street elevation (bottom).

5. CONSULTATIONS

COUNCILLOR DIMOLDENBERG

Ask that concerns of occupier of 12 Reynolds House are investigated.

WARD COUNCILLORS - REGENTS PARK

Any response to be reported verbally.

ST. JOHN'S WOOD SOCIETY

Replacement building is considered to be a considerable improvement on the existing building. Raise the following comments: sufficient soil depth over the basement should allow for mature planting and include tree pits; don't support green roof and recommend that cost is spent instead on ground level landscaping; concerned that balconies to the link block may cause overlooking.

ARBORICULTURAL MANAGER

No objection, subject to conditions set out in the draft decision letter. Notes that previous concerns have been overcome by amendment of the scheme in respect of the extent of the basement and lower ground floors.

CITY WEST HOMES

Any response to be reported verbally.

CRIME PREVENTION DESIGN ADVISOR

No objection. Suggest that cycle storage should be secured within basement. Lighting should be provided of uniform brightness across site.

ENVIRONMENTAL HEALTH

Development should be the subject of monitoring by the Environmental Inspectorate. This monitoring would cost £28,000 per annum for each year of construction works and should be secured by way of a S106 agreement. A site environmental management plan (SEMP) should be submitted.

GO GREEN MANAGER

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Undesirable but could be considered acceptable. Transitional zones at top and bottom of vehicular ramp are at the maximum permissible gradient. Recommend a condition to ensure the gradients remain within acceptable tolerances. Lack of off-street servicing space is not ideal but could be considered acceptable. Conditions and informatives recommended.

HOUSING DEVELOPMENT MANAGER

Any response to be reported verbally.

LONDON UNDERGROUND

No objection in principle. Condition and informative recommended to ensure that the development does not harm London Underground tunnels and infrastructure below the site.

NATIONAL HEALTH SERVICE CENTRAL LONDON

Any response to be reported verbally.

TRANSPORT FOR LONDON

Note site has a frontage on to the TfL Road Network (in Wellington Road). Request condition to secure a Construction and Logistics Plan. Consider that drop off and pick area to Wellington Road frontage using existing accesses from Wellington Road has not been justified. Cycle parking acceptable. Request that blue badge and electric charging parking spaces are provided in basement. Residents of development should be prevented from obtaining on-street parking permits. Support vehicle access from Cochrane Street.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 282; No. of Responses: 59 emails/ letters from 48 respondents.

1 petition containing 19 signatures and 19 emails/ letters from 14 respondents raising object on all or some of the following grounds:

Design

- Building should be no higher than existing 3 storey building.
- Height proposed would make Cochrane Street appear narrower.
- Excessively high development.

Amenity

- Loss of daylight.
- Loss of sunlight.
- Loss of privacy.
- Loss of outlook.
- Proposed building at 6 storeys is too high and too close to Fettes House, Reynolds House and buildings in Cochrane Street and Wellington Road. This will have an adverse impact on privacy and light.
- Noise disturbance from vehicles using Cochrane Street to access basement parking.
- Windows on north side of site should be fitted with frosted glass to prevent overlooking to Reynolds House.

Other Matters

- Increased pressure on the availability of on-street parking.
- Increased pressure on recycling.
- Noise and disturbance from vehicles using underground car park.
- Noise disturbance from construction works.
- This is third proposal for redevelopment of the site since 2006.
- Previous applications for redevelopment of this site have been refused and difficult to see what has changed.
- Dust will affect health of neighbours.
- Concern that comments in support of application are not genuine and have been provided online by a single individual.
- Rights of permanent residents should take precedence over short stay accommodation for patients of neighbouring hospitals.

- Benefit of a building of improved appearance does not outweigh the impact of construction works on the health of neighbouring residents.
- Excavation of basement car park will significantly length construction period.
- Increase noise and traffic flow as a result of car park.
- Cochrane Street elevation treated as a servicing area, with attractive elevation to Wellington Road.
- Applicant has been encouraging local support by circulating suggested comments.

39 letters/ emails from 34 respondents in support of the application raising all or some of the following issues:

- Provision of serviced apartments will prevent sub-letting of existing housing in area by hospital patients.
- Existing building is ugly.
- Proposed building would improve appearance of the area.
- Removal of parking from forecourt will improve appearance of the site.
- Hospital patients and their families often currently use hotels in the vicinity and noted that people do not usually like to spend long periods of time staying in hotel accommodation.
- Hospital patients and their families would be likely to want to stay in this type of accommodation for prolonged periods.
- Currently patients and their families have to stay in central London and commute to local hospitals.
- Serviced apartments would benefit tourism.
- Serviced apartments would be convenient for accommodating family and friends from overseas.
- Residential use of the building would enhance the local community.
- Welcome new landscaping.
- Welcome provision of on-site parking in basement.
- Provision of refuse storage in basement will limit amount stored on Cochrane Street.
- Welcome removal of surface level parking.
- Serviced apartments will be occupied for larger part of the year than investment flats.

ADVERTISEMENT/ SITE NOTICES (x2)

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The site currently comprises a three storey building with a lawful use as serviced offices (Class B1), albeit the building is currently vacant. The site has two street frontages to Wellington Road and Cochrane Street.

The building is not located within a conservation area and is not listed. However, the site does border the St. John's Wood Conservation Area to the south east. The neighbouring

building to the south east at No.26 Wellington Road is Grade II listed. Wellington Road (A41) is a Red route under the responsibility of Transport for London.

6.2 Recent Relevant History

24 August 2010 - Application withdrawn which proposed the demolition of existing three storey office building and the erection of a new eight storey residential building comprising 34 self-contained residential units, with three storey basement accessed from Cochrane Street to provide off-street parking, servicing and gym/ fitness centre (Class D2) (09/05454/FULL).

25 February 2015 - Prior approval was approved for use of building from office (Class B1a) to provide 21 residential units (Class C3). Application for prior approval under Part 3 Schedule 2 Class J of the Town and Country Planning (General Permitted Development)(England) Order 1995 as amended by the Town and Country Planning (General Permitted Development)(Amendment) (England) Order 2013 and the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 (15/00004/P3JPA).

7. THE PROPOSAL

The application seeks permission for demolition of the existing building on the site and erection of a new 7 storey building comprising basement, lower ground, ground and four upper floors. The building would comprise two distinct elements, a Limestone clad block with a recessed bronze coloured aluminium clad recessed roof storey to the Wellington Road frontage of the site and a red brick faced block with a bronze coloured aluminium clad recessed roof storey to the Cochrane Street frontage of the site. The two distinct blocks would be linked by a glazed link corridor at the centre of the site.

The proposed building would provide 36 units between lower ground and fourth floor levels and the applicant proposes a dual/ alternative use as either residential flats (Class C3) or serviced apartments providing short term visitor accommodation for the patients of local hospitals and their family and/ or carers (Sui Generis).

The basement below the site, which has been amended during the course of the application to set it back from neighbouring trees, would provide residents car parking for 32 vehicles, as well as accommodating cycle storage and waste and recycling storage.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of Existing Office Use

The application site is located outside of the Central Activities Zone (CAZ) and CAZ frontages and is not within a Special Policy Area. Therefore the existing office use is not protected and the loss of the existing office use is considered acceptable and the principle of its replacement with residential accommodation (Class C3) would accord with Policy H3 in the adopted UDP and S13 in the City Plan.

8.1.2 Proposed Dual/ Alternative Residential/ Serviced Apartments Use

In addition to proposing the use of the units of accommodation within the development as Class C3 residential accommodation, the applicant proposes their dual/ alternative use as serviced apartments providing short term visitor accommodation (Sui Generis). Policy TACE2 in the UDP is relevant and seeks to control the location of new hotel uses, including other types of visitor accommodation. The Policy seeks to restrict the growth of visitor accommodation to within the Central Activities Area (CAZ), CAZ Frontages and special policy areas. Part (C)(1) of the Policy states that outside these areas '*...planning permission for new hotels [and other forms of visitor accommodation] will not be granted*'. Policy S13 in the City Plan identifies that outside the CAZ and North Westminster Economic Development Area development should primarily deliver residential use with supporting social and community provision.

In this context, the normal policy presumption in this location would be to resist the introduction of serviced apartments providing short term visitor accommodation. However, in this case there are considered to be exceptional circumstances to justify the use of the flats within the proposed development as short term visitor accommodation as it would help to support existing local medical social and community uses, would be in very close proximity to the Wellington and St. John and St. Elizabeth hospitals and would not result in the loss of any existing permanent residential accommodation.

However, this exception to the normal policy presumption can only be justified if the serviced apartments are limited to use by patients convalescing prior to and following receiving medical treatment at one of the local hospitals in the St. John's Wood area. It is apparent that such persons are not well catered for at present and options locally, close to local hospitals, are largely limited to hotels which are not ideally suited to persons convalescing following medical treatment. It is noted that in this regard the application has received support from the Wellington Hospital and the Hospital of St. John and St. Elizabeth (see in background papers).

Therefore, in this exceptional case it is considered that the applicant has put forward a compelling justification for the use of the units in this development as short term visitor accommodation. It is recommended that the serviced apartment units should be limited to patients of the local hospitals and their families and carers, given that it is only this exceptional circumstance that justifies the provision of such accommodation in this location. It is recommended that a management plan that ensures that the occupation of the serviced apartments is restricted in this way is secured in the S106 agreement.

8.1.3 Mix and Standard of Proposed Residential Accommodation

The proposed development would provide 36 residential units, with the mix of units comprising 12 x 1 bedroom units, 11 x 2 bedroom units and 13 x 3 bedroom units. The mix proposed provides 36% of the units as 3 bedroom family sized units and this mix would be compliant with Policy H5 in the UDP and Policy S15 in the City Plan.

In terms of floor area, the units within the proposed development would exceed the minimum unit sizes required by the Government's National Technical Standards and the standards set out in Policy 3.5 in the London Plan 2015. Table 1 below sets out the total floor area of each residential unit and provides the size of the smallest bedroom.

Table 1: Residential Unit Sizes by Overall Floorspace and Size of Smallest Bedroom

Floor Level	Unit Number	No. of Bedrooms/ Persons	Total Floorspace of Unit (GIA)	Floorspace of Smallest Bedroom (GIA)
LG	1	2B/4P	148.5	17.8
LG	2	1B/2P	93	25.4
LG	3	2B/4P	131	16.7
LG	4	2B/4P	100	12.5
LG	5	2B/3P	106	21.6
LG	6	3B/6P	175	19.6
G	1	2B/4P	79.6	16.1
G	2	1B/2P	62.4	16.5
G	3	2B/4P	105	15.9
G	4	1B/2P	64.3	14
G	5	2B/4P	82.7	18.1
G	6	2B/4P	79.3	13
G	'Staff'	1B/1P	42.9	15.4
1	1	3B/6P	130.8	14.5
1	2	3B/6P	131.7	15.6
1	3	1B/2P	58.8	13.8
1	4	2B/4P	97	13.2
1	5	3B/6P	131.8	14.5
1	6	1B/2P	70	16.8
2	1	3B/6P	130.8	14.5
2	2	3B/6P	131.7	15.6
2	3	1B/2P	58.8	13.8
2	4	2B/4P	97	13.2
2	5	3B/6P	131.8	14.5
2	6	1B/2P	70	16.8
3	1	3B/6P	130.8	14.5
3	2	3B/6P	131.7	15.6
3	3	1B/2P	58.8	13.8
3	4	2B/4P	97	13.2
3	5	3B/6P	131.8	14.5
3	6	1B/2P	70	16.8
4	1	3B/6P	132.8	14.5
4	2	3B/6P	118	15.5
4	3	1B/4P	58.4	13.9
4	4	1B/4P	68.8	20
4	5	3B/6P	134.9	14.5

The applicant's daylight and sunlight assessment includes an assessment of the daylight that would be received by the habitable accommodation at lower ground floor level and this confirms that the standard of accommodation at this floor level would be good and

would that it would be daylight in accordance with the requirements of the Building Research Establishments (BRE) Guidelines (2011).

All of the units proposed would be served by external amenity space in the form of balconies or terraces and this is welcome and contributes to the acceptable standard of accommodation that would be provided.

8.1.4 Affordable Housing Provision and Development Viability

The proposed development is of a scale that generates a requirement to provide affordable housing in accordance with Policy H4 in the UDP, Policy S16 in the City Plan and the Interim Guidance Note on Affordable Housing Policy. In this case the proposed development generates a requirement for provision of 1,760m² of affordable housing floorspace on-site or, if this is demonstrated to be unviable or impractical and the applicant cannot provide the affordable housing off-site in the vicinity, a financial contribution of £9,898,240 to the Affordable Housing Fund may be acceptable.

The applicant contends that the provision of affordable housing on-site is unviable and that they do not have suitable alternative sites in the vicinity of the application site on which it could be provided. As such, the applicant is seeking to provide a financial contribution to the City Council's Affordable Housing Fund in lieu of on-site affordable housing provision. The applicant considers that the provision of a policy compliant contribution to the Affordable Housing Fund is not viable and therefore it has been necessary to test the viability of both on-site provision and the provision of a financial contribution in lieu of on-site provision.

In this case the viability of the scheme has been reviewed and independently assessed on behalf of the City Council by Lambert Smith Hampton (LSH). In terms of on-site provision, LSH advise that they are satisfied that it would not be viable and therefore in light of the applicant's inability to provide affordable housing off-site in the vicinity, the provision of a financial contribution to the Affordable Housing Fund is acceptable in principle.

The applicant's viability assessment initially concluded that the scheme was capable of providing a financial contribution of £2.3 million to the Affordable Housing Fund (this offer was made prior to the City Council's CIL coming into force on 1 May 2016). LSH's review of this position, which occurred prior to 1 May 2016, concluded that the scheme could support a significantly higher contribution of £8.2 million, which falls £1.7 million below the policy compliant financial contribution figure of £9,898,240. Following the adoption of Westminster's CIL, the proposed development is likely to have a Westminster CIL liability of circa £1.36 million. Therefore the viability of the scheme, in terms of the contribution it can make to affordable housing provision, has fallen accordingly to £6.84 million. In response to the findings of the independent assessment, the applicant offered, without prejudice to their own viability position, an increased financial contribution to the Affordable Housing Fund of £4 million. However, following the adoption of the City Council's CIL, this proposed financial contribution has been reduced to £2,642,000.

The applicant argues that the viability of the scheme is not as significant as indicated by the independent assessment carried out by LSH. They note that in large part this is due to the fact that the site benefits from a prior approval to convert the existing building into 21 residential flats (15/00004/P3JPA – see full details in Section 6.2) and they argue that if it

is assumed that this prior approval has carried out and completed, the value of the site would be significantly enhanced and the implementation of the prior approval scheme would not deliver any affordable housing. In addition the applicant asserts that if the prior approval scheme were completed and the current planning application then resubmitted, the viability of the scheme would be significantly reduced owing to the increased value of the site if it were already in use as 21 residential units, rather than office use as is currently the case. Their assessment concludes that no financial contribution in lieu of affordable housing provision would be capable of being viably made in this scenario.

The applicant concedes that there is a clear commercial benefit in being able to commence construction of the scheme proposed in the current planning application earlier and they consider that the 'without prejudice' offer of £2,642,000 to the Affordable Housing Fund that has been made reflects that benefit as well as their position that the scheme is not as viable as stated by LSH. However, it is their contention that the irrecoverable costs of delivering the prior approval scheme (in advance of the redevelopment scheme proposed by this application) are significantly less than the financial contribution of £6.84 million to the Affordable Housing Fund that the independent assessment identifies as being capable of being provided. Therefore the applicants contend that they would be significantly commercially incentivised to follow the development process they have set out, involving the implementation of the prior approval scheme, followed by the demolition of that scheme and its replacement with the redevelopment scheme proposed by the current application.

In response to the aforementioned scenario set out by the applicants, LSH have advised that they consider the scenario to be a departure from the actual facts of the case (given that the prior approval scheme has not been implemented, nor completed to date) and in therefore this constitutes a 'Special Assumption' under the RICS Valuation – Professional Standards 2014 (hereafter 'the RICS Standards'). The RICS Standards define Special Assumptions as '*An assumption that either assumes facts that differ from the actual facts existing at the valuation date or that would not be made by a typical market participant in a transaction on the valuation date*'. The RICS Standards go on to state that only Assumptions and Special Assumptions that are '*reasonable and relevant having regard to the purpose for which the valuation assignment is required are to be made*'.

LSH advise that the Special Assumption advanced in this case, i.e. that the prior approval scheme has been completed, involves ignoring the costs of delivering said scheme. The applicant's prior approval scheme viability appraisal identifies a construction cost sum of circa £5.4 million and a total cost (excluding land) of circa £8.3 million. Allowing also for developer profit LSH advise that the applicants Special Assumption scenario ignores circa £14.3 million in costs that the applicants have acknowledged are required in order to generate the increased value of the site following completion of the prior approval scheme. LSH advise that the effect of this is to artificially increase the value of the land and the benchmark site value by a commensurate amount, which serves to reduce any surplus that would be generated by the subsequent redevelopment of the site in accordance with the scheme proposed in the current planning application to nil.

However, LSH acknowledge that were the viability of the currently proposed development to be assessed in the future, following the actual conversion of the building to 21 residential units under the prior approval scheme, but before any units in that scheme are disposed of, then it would be reasonable at that stage to assume that the proposed

redevelopment scheme would not be viable. This is due to the requirement set out in the RICS Standards for market-based assessments to ignore the identity of the applicant. Crucially, however, for the applicants to get to this position they would need in this case to incur circa £14 million in costs prior to resubmitting the current planning application. LSH advise that this appears to be an unlikely commercial decision to make in practice given that analysis of the comparative internal rates of return of respective redevelopment options (i.e. (i) the prior approval scheme, (ii) the planning application redevelopment scheme and (iii) the prior approval scheme with consequential redevelopment of the site), indicates that the prior approval scheme with consequential redevelopment is the option that would deliver the lowest rate of return out of all three and would take longest to complete on-site.

In summary, the Committee is asked to consider whether in view of the particular circumstances of this case the proposed £2,642,000 contribution to the Affordable Housing Fund is an acceptable contribution in lieu of on-site provision, given that the applicant could alternatively implement the prior approval scheme, or implement the prior approval scheme followed by planning application redevelopment scheme, neither of which would deliver any affordable housing contribution.

8.2 Townscape and Design

In design terms although the site is located outside of a conservation area, it is located adjacent to the boundary of the St. John's Wood Conservation Area and the neighbouring building at No.26 Wellington Road is grade II listed. Accordingly the site is located in a relatively sensitive location in terms of the impact that redevelopment of this site could have on the setting of these neighbouring heritage assets.

The loss of the existing building is not considered to be objectionable and cannot be resisted in any event given that it comprises an unlisted building located outside of a conservation area. The existing building has a large footprint and stretches across the full width of the site both in views from Wellington Road and Cochrane Street. As a result, whilst the existing building is limited in height (3 storeys) it nevertheless appears bulky and has a generally poor relationship to neighbouring buildings.

The proposed replacement building would have a smaller footprint than the existing building and would be significantly set in from both side boundaries with Reynolds/ Fettes House to the north west and No.26 Wellington Road and Cochrane Close to the south east. Whilst the building would be planned internally as one building with a single central lift and stair core, the wings of the building facing the respective street frontages of the site in Wellington Road and Cochrane Street have differing designs and palette of materials to reflect the differing prevailing building forms and palettes of materials found in the two streets.

To the Wellington Road frontage of the site proposed building would comprise five above ground storeys, plus lower ground and basement floors, and would be approximately 4 metres higher than the existing three storey building on the site (excluding the dome of the existing building). Whilst the building would be higher than existing, in design terms it would act as a transition between the taller 8 storey form of Reynolds House to the north and the much more domestic scale of the three storey listed building at No.26 Wellington Road.

The impact of the increased height of the proposed development on the listed building is mitigated significantly by the setting back of the building from the boundary by approximately 4 metres; whereas the existing building extends right up to the boundary with No.26. To the north eastern side boundary the proposed building would be set in by approximately 1.9m. The smaller set back from this boundary is considered to be acceptable given the larger existing gap to Reynolds House. As a result of the setting in of the proposed building from the boundary it is considered that it has a comfortable scale in design terms that successfully provides a transition in building scales between the significantly different building types to either side. The success of this transition is further aided by the slight setting back of the side wings behind the curved front elevation and the provision of the top storey as a recessed roof top addition clad in contrasting bronze cladding.

With regard to its detailed design, the Wellington Road section of the proposed building would comprise two curved bays either side of a recessed central entrance, with each projecting curved bay designed to replicate the width of the listed building at No.26 and its recessed side wing. Whilst the design of the building does not replicate the buildings to either side, as the existing building on this site does not, the use of the proportions of the listed building at No.26 is helpful in ensuring that the building would have some relationship with its immediate context. The height of the building would be softened by the recessing of the top floor and the decorative screens are proposed to the recessed balconies to give a further visual interest to the street façade of the building. It is considered that the decorative screens to the balconies provide a good opportunity to provide public art that is embedded in the fabric of the building and a condition is recommended to secure this opportunity for public art.

In terms of its materiality, the section of the building facing Wellington Road would be clad in Lime stone cladding, which would be consistent with the cladding material found opposite on Embassy Court, and would complement the white rendering found on both neighbouring buildings to varying degrees. In addition the existing building is finished wholly in white render and as such, the provision of a replacement building of similar colouration; albeit achieved using a more high quality facing material, is not considered to be objectionable. The recessed roof storey at fourth floor level would be clad in a bronze coloured metal cladding to match the window and door frames and would give this storey the appearance of a terminating roof form.

The section of the proposed building facing Cochrane Street would also be five storeys high and, like the section of the building facing Wellington Road, would seek to provide a transition in scale between the eight storey Fettes House to the north and the four storey Cochrane Close to the south. The proposed building would be approximately 3.6m higher than the existing three storey building facing Cochrane Street, but would be set in by 0.7m from the boundary with Cochrane Close and 1.5m from the boundary with Fettes House. These setbacks from the site boundaries relative to the existing situation would ease the relationship to neighbouring buildings, particularly to Cochrane Close to the south, and overall the proposed building would represent a comfortable transition in scale along this part of Cochrane Street.

The detailed design of the proposed Cochrane Street block is modelled on the form of Cochrane Close to the south, with the building taking a rectilinear form with projecting

bays, which would accommodate balconies. The block would be clad in red brickwork with banding to mirror the brickwork detailing to other residential blocks in Cochrane Street. At roof level the recessed fourth floor would be clad in bronze coloured metal cladding to match the window and door frames and also the metal balustrades to the balconies on the lower floors. The bronze coloured cladding would also help to provide coherency of material palette across the site when the development is seen in side elevation views from neighbouring properties to the north and south of the site.

To the centre of the site the two street blocks would be linked by a slim lightweight translucent glazed link block between ground and fourth floor levels, which would house the single lift and stair core. The link block would be set well back from the site boundaries to the north west and south east of the site and would appear as a clearly subordinate structure in the limited private views it would be seen in.

In conclusion in design terms, it is considered that the building represents a redevelopment of this site of appropriate bulk and scale having regard to the setting of the site and, subject to the recommended conditions, it would also be appropriately designed to respond to the markedly different architectural context in Wellington Road and Cochrane Street. As a result the scheme would not harm the setting of the neighbouring St. John's Wood Conservation Area or the grade II listed building at No.26 Wellington Road. The proposal is therefore compliant with Policies DES1, DES4, DES9 and DES10 in the UDP and S25 and S28 in the City Plan.

8.3 Residential Amenity

8.3.1 Daylight

The application is accompanied by a detailed daylight and sunlight assessment, which surveys the impact of the proposed development on the daylight and sunlight reaching all neighbouring buildings. The assessment identifies that the proposed development would result in some losses of daylight. However, material losses of daylight using the Vertical Sky Component (VSC) method of assessment would be limited to five windows in the south eastern elevation of Reynolds House, which faces the north western side elevation of the application site. The material losses caused would be to windows at first, second and third floor levels are set out in Table 2.

Table 2: Material Losses of Vertical Sky Component (VSC) caused to Windows in Reynolds House by the Proposed Development.

Floor Level	Elevation	Window Description	Existing VSC	Proposed VSC	Loss	% Loss
First	South East	Window adjacent to balcony door (northern side of elevation).	9.2	6.4	2.4	31%
Second	South East	Window adjacent to balcony door (southern side of elevation).	16.6	12.5	4.1	24%
Second	South	Window adjacent to	16.3	11.2	5.0	31%

	East	balcony door (northern side of elevation).				
Second	South East	Balcony door (northern side of elevation).	23.2	18.4	4.8	21%
Third	South East	Window adjacent to balcony door (northern side of elevation).	21.7	16.7	5.0	23%

The windows affected in terms of VSC losses in Table 2 serve the living accommodation flats, some of which are studio flats, and small units of accommodation such as this can be particularly susceptible to losses of daylight. However, in this case, the rooms served by the affected windows and door are dual aspect and are also served by further unaffected windows in the north east or south west elevations of Reynolds House. As a result, none of the rooms served by the windows that suffer a material loss of VSC would suffer any loss when assessed using the No Sky Line method of assessment, which assesses the impact on the daylight distribution within a room.

Accordingly, in this case, despite the losses of VSC that have been identified, the proposed development would not result in an unacceptable loss of daylight and therefore the scheme accords with the guidance set out in the Building Research Establishment (BRE) Guidelines (2011) and would be compliant with Policy ENV13 in the UDP and Policy S29 in the City Plan. As such, the objections raised on loss of daylight grounds cannot be supported as a ground on which to withhold permission.

8.3.2 Sunlight

In terms of sunlight losses, whilst some losses would be caused, those that are material losses would be limited to 14 windows in the south east and south west elevation on the lower floors of Fettes House and Reynolds House. The material losses of sunlight (i.e. those where sunlight losses exceed 20% of existing total or winter Annual Probable Sunlight Hours - APSH) are set out in Table 3 below:

Table 3 – Material Sunlight Losses to Windows in Fettes House and Reynolds House

Building	Floor Level	Elevation	Window Description	Exist Total APSH	Exist Winter APSH	Prop Total APSH	Prop Winter APSH	Total Loss	Winter Loss
Fettes	Grd	SE	Single High Level Window	4	3	2	1	50%	67%
Fettes	Grd	SE	Single High Level Window	5	3	3	1	40%	67%
Fettes	1 st	SW	Window	27	5	25	4	8%	40%
Fettes	1 st	SW	Window	26	6	24	4	8%	33%
Reynolds	1 st	SE	Window adj. to Balcony Door	13	9	9	9	31%	0%

Reynolds	1 st	SE	Window adj. to Balcony Door	12	2	6	1	50%	50%
Reynolds	1 st	SE	Balcony Door	27	6	21	5	22%	17%
Reynolds	2 nd	SE	Window adj. to Balcony Door	22	15	16	11	27%	27%
Reynolds	2 nd	SE	Window adj. to Balcony Door	27	10	18	5	33%	50%
Reynolds	2 nd	SE	Balcony Door	38	14	30	8	21%	43%
Reynolds	3 rd	SE	Balcony Door	54	19	50	15	7%	21%
Reynolds	3 rd	SE	Window adj. to Balcony Door	26	19	22	15	15%	21%
Reynolds	3 rd	SE	Window adj. to Balcony Door	31	14	25	8	19%	43%
Reynolds	3 rd	SE	Balcony Door	45	20	39	14	13%	30%

In the case of the windows at ground floor in Fettes House at ground floor level, these do not appear to serve a habitable part of Fettes House. Notwithstanding this, due to the balconies above these windows they already receive an exceptionally low number of annual and winter sunlight hours and as a result additional losses have a disproportionate impact on the proportion of sunlight hours that would be lost. For these reasons the impact on these windows is not considered to be grounds on which to withhold permission.

The windows at first floor level to the south west elevation of Fettes House serve a habitable room that also receives sunlight from a window and balcony door to the south east elevation which would not suffer a material loss of sunlight. As such, the overall impact on the room served by these windows would not be so severe as to warrant withholding permission.

The material losses of sunlight to windows and balcony doors in Reynolds House would be limited to windows and doors in the south east elevation, which face directly on to the application site at a distance of approximately 7 metres from the boundary. Four of the windows serve habitable rooms which are also served by other windows in the south west elevation, facing Wellington Road, which would not suffer a material loss of existing sunlight. As such, the overall impact on these rooms is not considered to be sufficiently detrimental to merit withholding permission.

The remaining six windows and balcony doors to the south east elevation of Reynolds House do not have alternative sources of sunlight. However, given the limited number of windows doors affected and as they have an un-neighbourly relationship to the application site, owing to their orientation and proximity to the site boundary, it is not considered that permission could be reasonably withheld on the basis of the limited losses of sunlight that would be caused to the three flats at first, second and third floor levels that are served by these windows.

In conclusion, for the reasons set out in this section of the report, the material losses of sunlight that would occur are considered to be within tolerable levels and would not outweigh the wider benefits of the scheme. The proposal is therefore acceptable in sunlight terms and accords with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.3.3 Sense of Enclosure

To the north west of the site, Fettes House is approximately 19 metres from the application site and at this significant distance it is not considered that the proposed development, despite the additional height proposed to the Cochrane Street frontage of the site, would cause a material increase in enclosure to windows in this neighbouring building.

Reynolds House is closer to the application site (approximately 7 metres), but the windows are already significantly enclosed by the flank wall of the existing building below second floor level. As such, the additional height proposed to the Wellington Road frontage of the site would not materially increase the sense of enclosure felt by windows at ground and first floor level facing the application site. The windows in the south east elevation of Reynolds House at second and third floor levels currently enjoy a more open aspect to the south; however, given the additional set back of the proposed building from the site boundary relative to the existing building, it is not considered that the additional height and bulk of the proposed building would cause a material increase in enclosure to these windows. It should also be noted that the rooms served by windows in the south east elevation are dual aspect with unaffected windows serving the same rooms in either the north east or south west elevations of Reynolds House.

To the south east of the application site No.26 Wellington Road is already significantly enclosed by the existing building. The proposal to set the proposed building back from the boundary with No.26 by approximately 4 metres would ease this existing relationship, despite the additional height and bulk proposed. Similarly the proposed building would be set back slightly further from the windows to the side and rear of Cochrane Close and the windows to the rear of this block would retain unaffected outlook to the south and west. Consequently the proposed scheme would not result in a material increase in enclosure to these neighbouring residential buildings.

Objections have been received from the occupiers of Cicely House opposite the site in Cochrane Street on grounds of increased sense of enclosure. However, this adjacent residential building would be approximately 24 metres away from the Cochrane Street elevation of the proposed building and at this distance, whilst the outlook from the front windows of Cicely House may be altered, this would not amount to a significant increase in enclosure. Similarly the proposed scheme would not cause a significant increase in enclosure to residential windows in buildings on the opposite side of Wellington Road.

In summary the proposals are acceptable in sense of enclosure terms and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.3.4 Privacy

The proposed development would introduce residential windows and balconies to the street elevations of the site in Wellington Road and Cochrane Street. These windows and

balconies would be sufficiently distant from the windows in residential blocks on the opposite sides of these streets so as not to cause a significant increase in overlooking.

No windows are proposed in the north west side elevation of the proposed building below fourth floor level along the boundary with Reynolds House and Fettes House, save for at ground floor level, where they would be entirely screened by the boundary wall and at the corner with the Wellington Road elevation where they would provide only limited views of windows in Reynolds House. A condition is recommended to require these windows to be obscure glazed and fixed shut to prevent these windows causing any overlooking to occupiers of Reynolds House. Balconies are though proposed along this boundary and to avoid overlooking occurring from the use of these balconies a condition is recommended requiring the provision of obscure glazed screens.

To the south eastern boundary of the site no windows are proposed below fourth floor level, other than those at ground floor level, which would be screened by the boundary wall. Like the north western elevation though, balconies are proposed and again it is recommended that a condition is imposed to ensure these are adequately screened to prevent overlooking to the rear garden of No.26 Wellington Road and the rear windows of Cochrane Close.

At fourth floor level a single window is proposed in both the north west and south east side elevations. These would both be set back from the main elevations of the building below and would have vertical fins that would serve to limit the views the windows would afford to the north and south respectively. Subject to a condition to ensure the vertical fins are installed and retained, the windows would be sufficiently distant from neighbouring windows so as not to cause significant overlooking.

A further condition is recommended to prevent the use of the roofs of the building as terraces except where they are annotated for use as such on the application drawings.

Subject to the recommended conditions, the proposals are considered to be acceptable in overlooking terms and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/Parking

Following amendment of the proposed basement to incorporate setbacks adjacent to neighbouring trees, the scheme would provide 34 off-street parking spaces at basement level (a ratio of 0.94 spaces per unit). The number of spaces proposed is acceptable and they are to be provided on an unallocated basis and made available to the occupiers of all flats within the development.

The Highways Planning Manager is concerned that the vehicular access ramp has been designed to minimum standards in terms of the ramp gradient and recommends that the detailed design of the ramp is reserved by condition to ensure that the ramp is designed and built to an acceptable design and gradient.

The scheme includes the provision of 61 cycle parking spaces at basement level and 20% of the car parking spaces would be capable of charging electric vehicles. The scheme is therefore compliant with the London Plan (2015) in these regards. Waste and recycling

storage would also be located at basement level and only transfer to ground level for collection. A condition to secure provision of the waste and recycling storage is recommended.

Given the development will be wholly comprised of residential/ serviced apartment accommodation, the Highways Planning Manager is content that servicing of the development on street is acceptable given that this is likely to be limited to refuse and recycling collections.

London Underground note that there are underground tunnels in close proximity to the site and request that a condition is imposed reserving details of the structural design of the development to ensure it would not have any adverse impact on this underground transportation infrastructure. The requested condition is included in the draft decision letter.

8.5 Economic Considerations

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

8.6 Access

The proposed building would provide level access from the public highway and all flats within the development would be accessible by lift. As such, in terms of access the development is in accordance with Policy DES1 in the UDP.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Excavation

This application was submitted in August 2015 prior to the Basement Revision and Mixed Use Revision to the City Plan gaining weight as a material planning consideration, initially following its submission to the Secretary of State in December 2015 and latterly following its independent examination was in March 2016 and adoption by Full Council in July 2016. In accordance with the Cabinet Member Statement dated 23 October 2015, as the application was submitted prior to 1 November 2016, when the then emerging basement development policy started to gain material weight, this application has not been assessed having full regard to the new basement development policy (Policy CM28.1 in the City Plan).

Notwithstanding the weight to be afforded to the recently adopted basement policy, given the large footprint of the existing building and following amendment during the course of the application to alter the extent of basement excavation and depth below ground level, it should be noted that the proposed development would be largely compliant with parts (B) and (C) of the policy. Whilst two excavated stories are proposed (to form lower ground and basement floor levels), the site has two street frontages in Wellington Road and Cochrane Street and therefore has a high level of accessibility such that construction should be capable of being carried out without adverse impact on neighbouring uses and the amenity of neighbouring residents.

8.7.2 Trees and Landscaping

As initially submitted the application proposed a basement under the full extent of the site. In response to initial discussions with the Arboricultural Manager the applicant revised this arrangement to propose that the basement would be tunnelled under the root protection areas (RPAs) of the nearest neighbouring trees. However, the Arboricultural Manager remained concerned that this approach would not provide sufficient safeguarding of the trees closes to the north east, south east and south west corners of the site (as reflected in the Arboricultural Managers comments of 22 March 2016). Therefore the application has been further amended so that the basement will now not be tunnelled under the RPAs of the trees in the front gardens of Cochrane Close, No.26 Wellington Road and Reynolds House. The setbacks proposed would reduce the degree of incursion into the RPAs of the mature trees located adjacent to these three corners of the application site (a Poplar tree forming part of a Tree Preservation Order (TPO) group at Cochrane Close, a group of Common Lime trees in the front garden of No.26 Wellington Road which are subject to a TPO and a further Common Lime tree at the street frontage of the garden of Reynolds House). These setbacks are welcome and would significantly improve the relationship of the proposed basement to these neighbouring trees and therefore this aspect of the scheme is now acceptable.

The scheme still includes level changes within the RPA of the Poplar tree in the garden of Cochrane Close; however, at present there is a sub-station structure and boundary wall on the forecourt of the application site within the RPA of this tree, immediately adjacent to its trunk, which are to be removed. It is likely the sub-station and wall foundations are acting as a root barrier and therefore on balance the level changes proposed in this location on the site to form access to the basement car park are considered to be acceptable and would not be likely to cause significant harm to the Poplar tree. A condition is recommended to secure further details of the precise design of the ramp and the extent of excavation required within the RPA to form the access to the basement car park.

Along the boundary of the site within the garden of Reynolds House there are four small trees of limited scale and amenity value (a Rowan, Silver Birch and two Purple Plum trees). These trees are not within a conservation area and are not protected by a TPO, as such the impact on these trees as a result of the proposed development could not reasonably be a ground on which to withhold permission. Notwithstanding this, the applicant intends to retain, modify and underpin parts of the side wall with of the existing building adjacent to these trees, which is likely to be acting as root barrier, so as to minimise the impact on these adjacent trees.

There is a further tree at the rear of Cochrane Close, which is growing immediately adjacent to the boundary with the application site. Due to its position adjacent to the flank wall of the existing building it has a poor form and is of limited public amenity value. The tree is neither within a conservation area, nor is it subject to a TPO and therefore it cannot reasonably be afforded significant protection from the proposed development.

There is a Fastigate Oak street tree and a Hawthorn to the north west of the site in Cochrane Street; however, the Arboricultural Manager is satisfied that both are sufficiently distant from the proposed development so as not to be adversely affected by it.

Following amendment, the landscaping to the Wellington Road façade of the site where it would be above the basement floor would have 1.6m of soil depth in raised planters and

1.0m soil depth in a crating system beneath the front driveway. All of these areas are now proposed to be linked to provide a contiguous soil volume within which trees and plants can root. This arrangement is considered to be acceptable and will enable the provision of mature landscaping to this frontage of the site following redevelopment. It is though recommended that further details of the soil to be used, method of installation of the crating system and the landscaping scheme are secured by condition.

To the Cochrane Street frontage of the site the scheme has been amended during the course of the application to reduce the size of the proposed lightwells to lower ground floor level and include a planting bed that would be 2.0m wide by 2.0m deep, and 13.0m long. The inclusion of this large planter, which is proposed to have gaps in the retaining wall to Cochrane Street to allow root egress in to the area beneath the adjacent pavement, would allow the use of this planter to provide trees as part of the landscaping along this street boundary. This would soften the appearance of the development in views along Cochrane Street so that its relationship to the street would be more consistent with that of neighbouring buildings, which are generally soft landscaped. The Arboricultural Manager recommends that the design of the planter, including the provision of gaps in the retaining wall to encourage good tree growth, are secured by condition and such a condition is included in the draft decision letter.

Subject to the recommended conditions to secure detailed tree protection measures and landscaping, including new tree planting, the scheme, following amendment, is considered to be acceptable in arboricultural terms and in accordance with Policies ENV16 and ENV17 in the UDP.

8.7.3 Mechanical Plant/ Noise

A plant room and sub-station are proposed within the basement, but the plant and equipment to be installed and the location of external ventilation serving the plant room and sub-station have yet to be specified. The submitted acoustic report does though identify the design criteria to which any mechanical plant would need to adhere to be compliant with Policies ENV6 and ENV7 in the UDP. In this context, it is recommended that conditions are imposed to require the submission of full details of mechanical plant and equipment, including associated external vents and flues, and provision of a supplementary acoustic report demonstrating compliance with the aforementioned policies.

The submitted acoustic report also assesses the noise environment of the new residential accommodation and demonstrates that, with the installation of appropriate glazing and mechanical ventilation, the proposed development is capable of providing a good standard of residential accommodation and would not be adversely affected by external noise, particularly road noise. A condition is recommended to ensure the necessary noise attenuation measures are implemented as part of the development.

8.7.4 Biodiversity and Sustainability

As well as passive measures to minimise energy usage and heat loss, the energy strategy for the proposed development comprises the use of mechanical heat ventilation and a Combined Heat and Power (CHP) system, combined with high efficiency gas boilers. This would provide at 36% improvement over 2013 Building Regulations in terms of CO₂

emission reductions, with 9.1% of the reductions achieved via use of renewable technologies.

The applicant has considered the use of photovoltaic panels to increase the proportion of carbon emissions savings that can be achieved on-site through renewable technologies, but has discounted these due to their impact on the appearance of the building and the desire to limit the height of the building due to the impact a higher building would have on the amenity of neighbouring occupiers.

In this context, the reductions in CO2 emissions that the proposed energy strategy would achieve are acceptable and would be consistent with the requirements of Policies S39 and S40 in the City Plan and the relevant policies in Chapter Five of the London Plan 2015. A condition is recommended to ensure the development is carried out in accordance with the submitted energy strategy.

In respect of water run-off from the site, the scheme would be compliant with the requirements of Policy 5.13 in the London Plan (2015), as it incorporates an attenuation tank within the basement to enable surface water discharge rates to not exceed greenfield run-off rates. A condition is recommended to ensure the water run-off attenuation tank is provided.

The site has been assessed as being one where flood risk from all sources is low and therefore measures to avoid flood are required to accord with Policy 5.12 in the London Plan (2015).

The existing site currently has limited soft landscaping to both street frontages and provides few habitats to support biodiversity on the site. The proposed scheme would increase the amount of soft landscaping and introduce new trees to both street frontages. As such, at ground level the opportunity for biodiversity would be enhanced relative to the existing situation. It is unclear why green or brown sedum roofs have not been considered to all or some of the roofs of the building and, in accordance with Policy 5.11 in the London Plan (2015), a condition is recommended to require their provision unless the applicant can demonstrate why this is not feasible.

8.8 London Plan

The proposed development is of insufficient scale to be referred to the Mayor of London. Where relevant policies in the London Plan 2015 are referred to elsewhere in this report.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

The draft 'Heads of Terms' of S106 agreement to secure planning obligations arising from the redevelopment of this site are proposed to cover the following issues:

- i. A financial contribution of £2,642,000 to the Affordable Housing Fund (index linked and payable prior to commencement of development).
- ii. A management plan to demonstrate that those units within the development used as serviced apartments providing short term visitor accommodation are used only by patients of hospitals in the vicinity of the site and their family members and/ or carers that are staying with them whilst they receive treatment.
- iii. Highway works in Wellington Road and Cochrane Street to form vehicular access to the site and amend the layout of the public highway to reflect the proposed development (appropriate arrangements to be agreed prior to commencement and highway works to be carried out prior to occupation at the applicant's expense).
- iv. Submission of a Site Environmental Management Plan and provision of a financial contribution of £28,000pa during the construction period to the Environmental Inspectorate to ensure compliance with the Code of Construction Practice.
- v. Provision and management of on-site residents car parking, including the making available of parking spaces to all occupiers of the building on an 'un-allocated' basis without restriction.
- vi. Provision of costs for monitoring of agreement (£500 per Head of Term).

The Westminster CIL payment, based on the floorspace figures in the applicant's CIL form and assuming that the application does not qualify for any CIL exemptions would be £1,357,950. The Mayoral CIL payment, again based on the floorspace figures in the applicant's CIL form and assuming that the application does not qualify for any CIL exemptions would be £150,576.

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant environmental issues have been assessed elsewhere in this report.

8.12 Other Issues

The impact of construction works in terms of noise and general disturbance is not a ground on which planning permission can reasonably be withheld. The applicant has submitted a Construction Management Plan with the application, which sets out how construction works could be managed to seek to minimise the impact on neighbouring residents. However, it is considered that a more detailed CMP, which is prepared once a main contractor has been appointed, should be sought by condition, as this will then more accurately reflect the construction practices that are proposed to be carried out on site. A further condition is recommended to control the hours of construction works, including extra restrictions to prevent noisy basement excavation works at weekends and on Bank Holidays.

9. CONCLUSION

The Committee's views are sought in respect of the acceptability of the proposed financial contribution to the Affordable Housing Fund, in view of the particular circumstances of this site with regard to the potential for it to be developed by implementation of the scheme for which prior approval has previously been given. Should the Committee resolve that the affordable housing offer is acceptable, it is considered that there are exceptional circumstances in this case to allow the provision of the flats as service apartments for use as short term visitor accommodation by patients of hospitals in the vicinity of the site and their family members and/ or carers that are staying with them whilst they receive treatment. In all other regards the proposed development is considered to be compliant with the relevant policies in the Unitary Development Plan (UDP), Westminster's City Plan (the City Plan) and the London Plan (2015), subject to the conditions set out in the draft decision letter and completion of the S106 agreement to secure the planning obligations set out in Section 1 of this report.

10. BACKGROUND PAPERS

1. Application form.
2. Email on behalf of the applicant from DP9 dated 19 September 2016 and attached letter from the Wellington Hospital dated 13 September 2016.
3. Email from Councillor Dimoldenburg dated 5 November 2015.
4. Email from the St. John's Wood Society dated 8 September 2015.
5. Letter from London Underground dated 23 September 2015.
6. Emails from the Highways Planning Manager dated 28 September 2015 and 8 February 2016.
7. Email from Transport for London dated 28 September 2015.
8. Memos from the Arboricultural Manager dated 1 October 2015, 8 February 2016, 22 March 2016 and 5 October 2016.
9. Memo from Environmental Health dated 13 October 2015.
10. Emails from the Crime Prevention Design Advisor dated 16 October 2015 and 19 October 2015.

Representations Raising Objections

11. Letter from the occupiers of Cicely House, Cochrane Street and petition containing 19 signatures dated 21 September 2016
12. Emails from the occupier of 12 Reynolds House, Wellington Road dated 17 September 2015, 18 September 2015, 22 September 2015, 23 September 2015 and 6 October 2015.
13. Email from the occupier of 16 Reynolds House, Wellington Road dated 18 September 2015.
14. Email from the occupier of 11 Fettes House, Wellington Road dated 20 September 2015.
15. Email from the occupier of 13 Reynolds House, Wellington Road dated 20 September 2015.
16. Email from the occupier of 14 Cicely House, Cochrane Street dated 22 September 2015.
17. Letter from the occupier of Flat 18, Embassy Court, 45 Wellington Road dated 24 September 2015.
18. Letter from the occupiers of 7, 10, 11 and 15 Cicely House, Cochrane Street dated 26 September 2015.
19. Emails from the occupier of 1 Reynolds House, Wellington Road dated 28 September

2015 and 1 October 2015.

20. Email from the occupier of 8 Fettes House, Wellington Road dated 29 September 2015.
21. Email from the occupier of 9 Cicely House, Cochrane Street dated 4 October 2015.
22. Letter from the occupier of 5 O'Neill House, Cochrane Street dated 5 October 2015.
23. Emails (x3) from the occupier of 8 Reynolds House dated 5 October 2015 and 5 October 2016.
24. Email from the occupier of 9 Reynolds House, Wellington Road dated 25 October 2015.
25. Email from an occupier of Reynolds House dated 9 May 2016.

Representations either Neutral or in Support

26. Email from the occupier of 24 The Terraces, 12 Queens Terrace dated 21 September 2015.
27. Email from the occupier of Flat 175, Grove Hall Court, Hall Road dated 21 September 2015.
28. Email from the occupier of 61 Rossmore Road dated 21 September 2015.
29. Emails from the occupier of 62 Viceroy Court, Prince Albert Road dated 21 September 2015.
30. Email from the occupier of 23 Athena Court dated 22 September 2015.
31. Email from the Hospital of St. John and St. Elizabeth, 60 Grove End Road dated 24 September 2015.
32. Email from the occupier of 47 Cavendish House, 21 Wellington Road dated 24 September 2015.
33. Letter from the occupier of Flat 13, Cicely House, Cochrane Street dated 25 September 2015.
34. Email from the occupier of Flat 24, 2 Avenue Road dated 25 September 2015.
35. Email from the occupier of The Terraces (flat no. not specified) dated 26 September 2015.
36. Email from the occupier of 151-B, 69 Eamont Court dated 25 September 2015.
37. Email from the occupier of 37-39 Charlbert Street dated 25 September 2015.
38. Email from the occupier of 6 The Terraces dated 25 September 2015.
39. Email from the occupier of 705 Lyndhurst Court dated 27 September 2015.
40. Email from the occupier of 33 St. John's Wood Terrace dated 28 September 2015.
41. Email from the occupier of 15 Birley Lodge, 63 Acacia Road dated 28 September 2015.
42. Email from the CEO of the Wellington Hospital dated 28 September 2015.
43. Email from the occupier of Flat 1a, 2 Avenue Road dated 28 September 2015.
44. Email from the occupier of 52-71 Eamont Court, Shannon Place dated 28 September 2015.
45. Email from the occupier of 31 Randolph Avenue dated 28 September 2015.
46. Emails from employees (x5) of Wellington Hospital, Wellington Place dated 30 September 2015.
47. Email from occupier of Apartment 25, 2 Avenue Road dated 30 September 2015.
48. Email from the Marylebone Cricket Club (MCC) dated 1 October 2015.
49. Email from the occupier of 88 St. John's Wood High Street dated 1 October 2015.
50. Letters (x2) from the occupier of 8th Floor, Birley Lodge, 63 Acacia Road dated 4 October 2015
51. Email from the occupier of Flat 23, 2 Avenue Road dated 4 October 2015.
52. Email from the occupier of 27 Avenue Road dated 5 October 2015.

- 53. Email from the occupier of 68 Eamont Court, Shannon Place dated 5 October 2015.
- 54. Letter from the business occupier of 72 St. John's Wood High Street dated 7 October 2015.
- 55. Letter from the business occupier of 76 St. John's Wood High Street dated 8 October 2015.
- 56. Email from the occupier of 47 Cavendish House, 21 Wellington Road dated 9 October 2015.
- 57. Letter from the occupier of 26 Swallow House, Allitsen Road (undated).
- 58. Letter from the occupier of 27 Turner House (undated).
- 59. Letter from the occupier of 28 Turner House (undated).

Selected relevant drawings

Existing and proposed plans, elevations and sections.

(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: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk.

11. KEY DRAWINGS

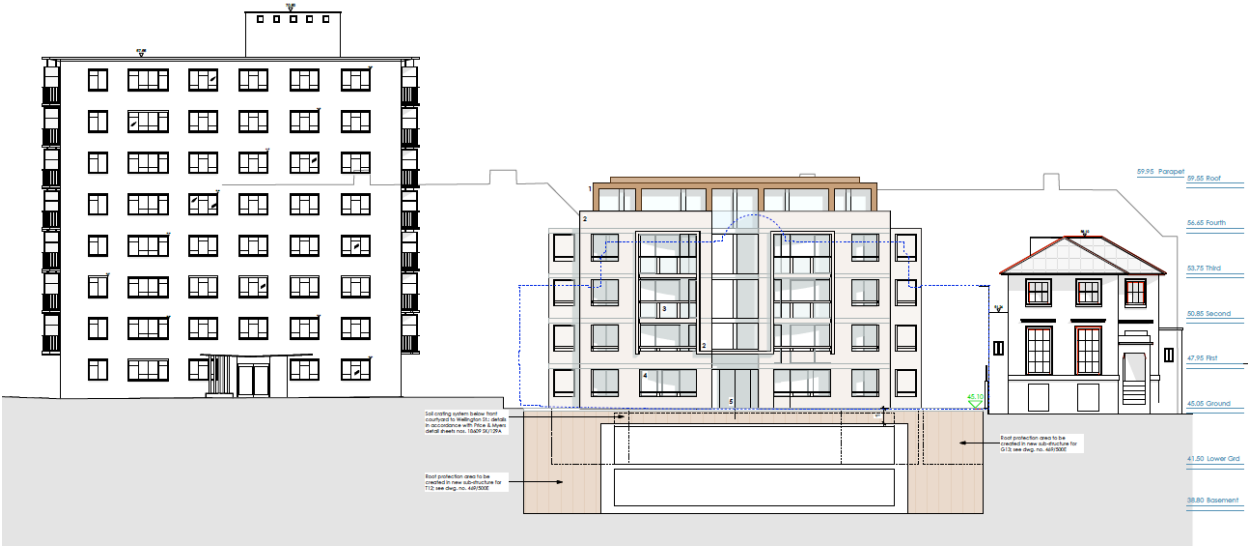


A3
Dwg No. 469-514
SKETCH VIEW FROM NORTH-WEST 28-32 WELLINGTON RD LONDON NW8 9SP
Alan Power Architects Ltd 13 Needham Road London W11 2RP April 2015 Copyright reserved



A3
Dwg No. 469-514
SKETCH VIEW FROM NORTH-EAST 28-32 WELLINGTON RD LONDON NW8 9SP
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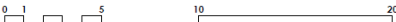
Photomontage of Wellington Road elevation (top) and Cochrane Street elevation (bottom).



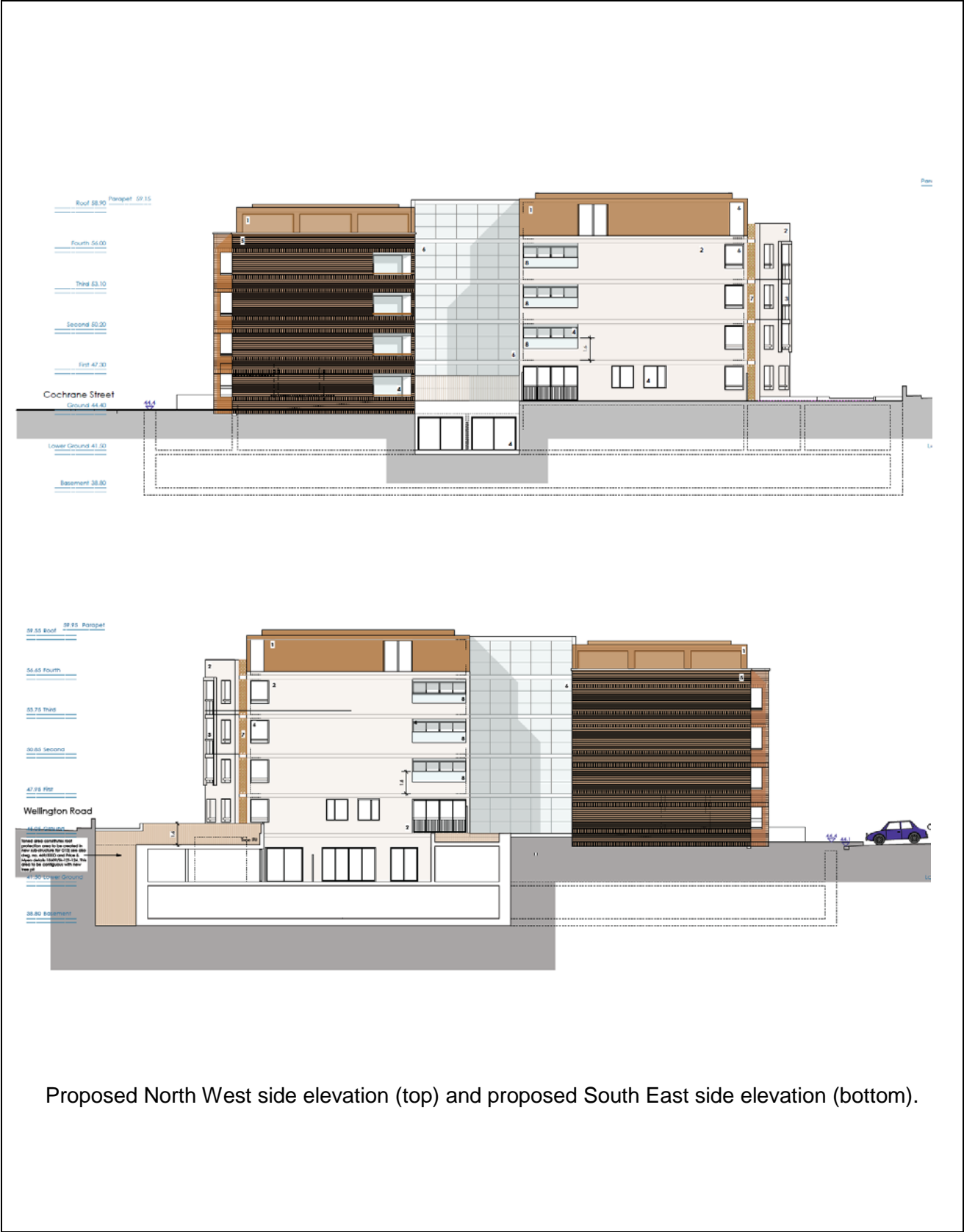
MATERIALS



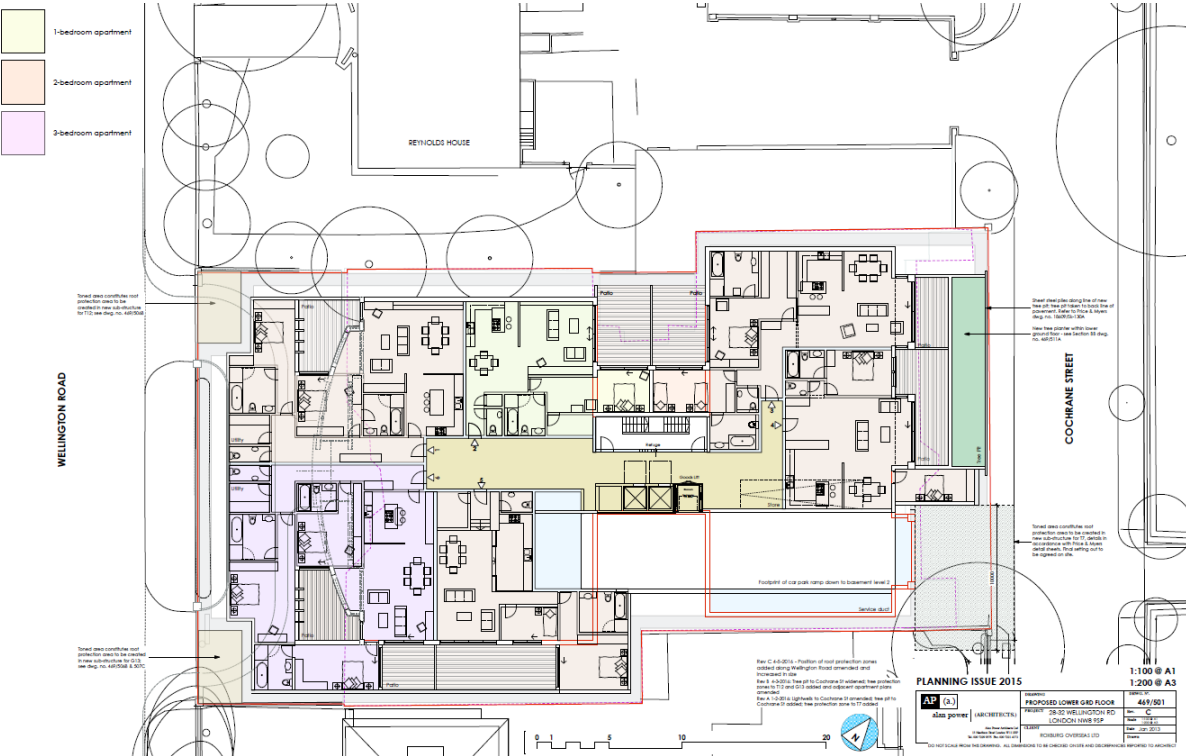
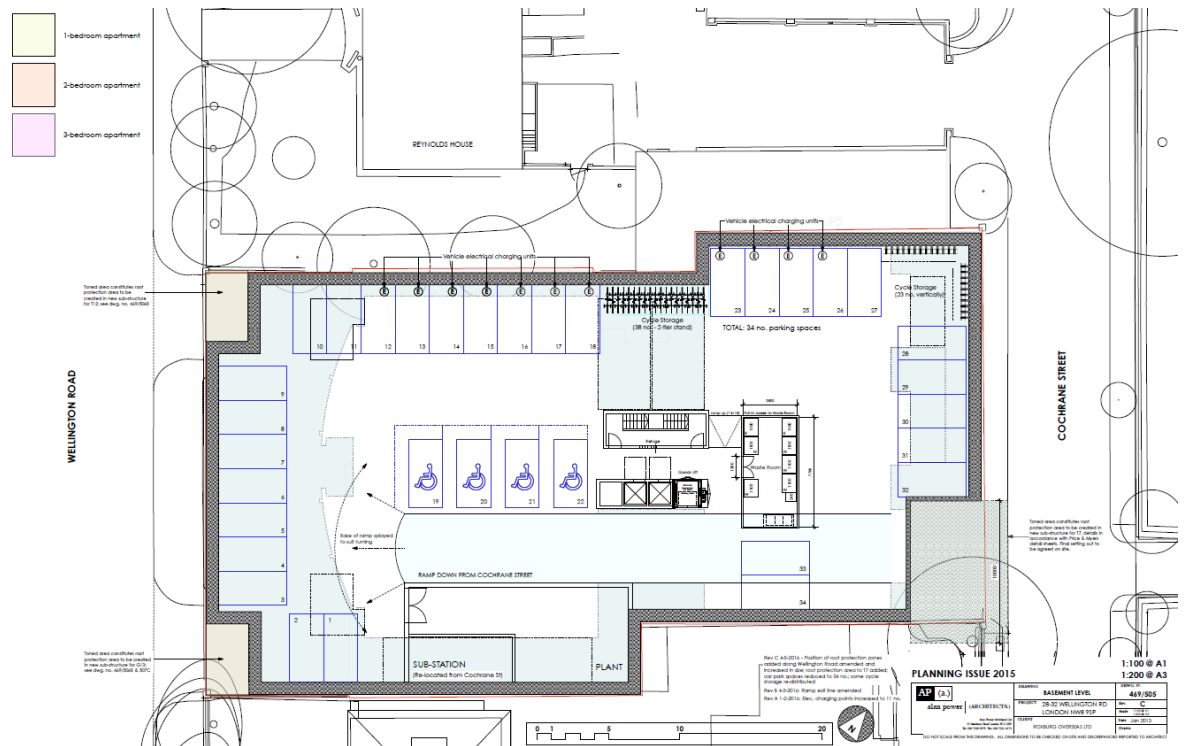
- MATERIALS
- 1 Bronze cladding
 - 2 Stone copings
 - 3 Roman brickwork
 - 4 Bronze balcony shades with decorative bronze infill panels
 - 5 Bronze finish aluminium window frames
 - 6 Entrance to car park - bronze finish brick bond roller shutter



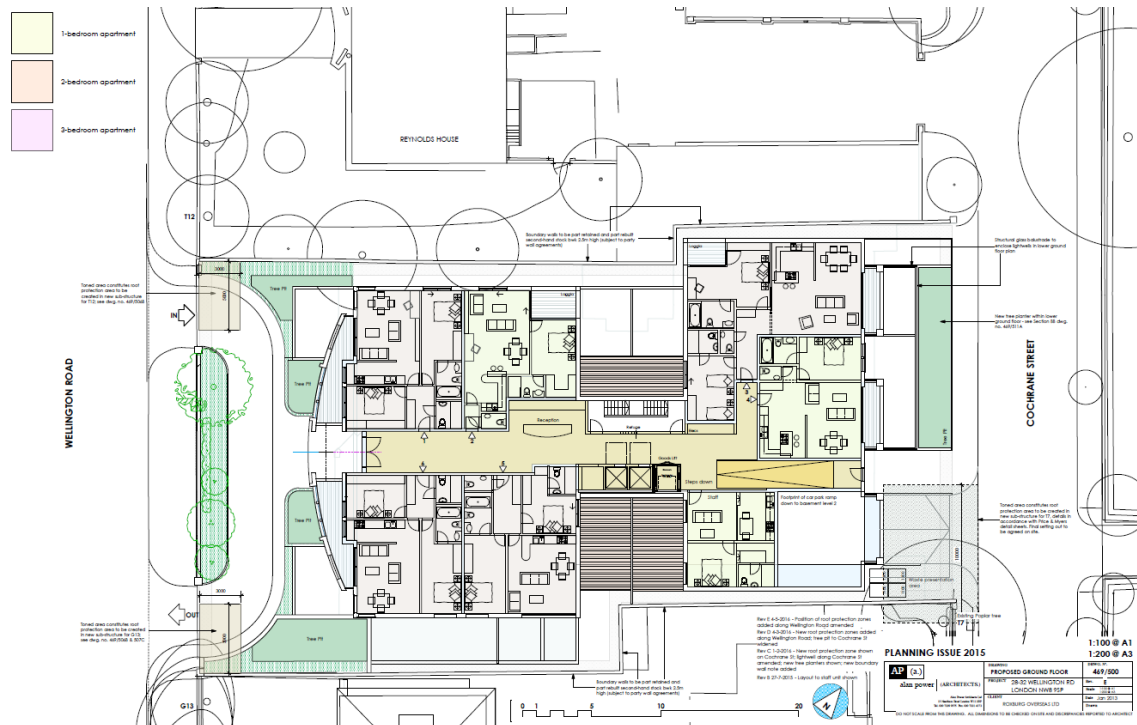
Proposed Wellington Road elevation (top) and Cochrane Street elevation (bottom).



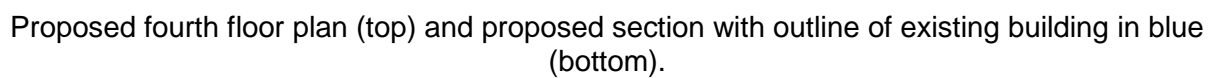
Proposed North West side elevation (top) and proposed South East side elevation (bottom).



Proposed basement plan (top) and proposed lower ground floor (bottom).



Proposed ground floor plan (top) and proposed first, second and third floor plans (bottom).



DRAFT DECISION LETTER

Address: The Wellington Building, 28-32 Wellington Road, London, NW8 9SP

Proposal: Demolition of existing building and erection of a new six storey, plus basement building with frontages to Wellington Street and Cochrane Street to provide 36 units for a dual/ alternative use as residential flats (Class C3) or serviced apartments (Sui Generis), with car and cycle parking at basement level and new landscaping.

Plan Nos: 469/01 Rev.A, 469/02 Rev.B, 469/03 Rev.A, 469/04 Rev.A, 469/500 Rev.E, 469/501 Rev.C, 469/502, 469/503, 469/504, 469/505 Rev.C, 469/506 Rev.B, 469/507, 469/508 Rev.B, Rev.C, 469/509, 469/510 Rev.C, 469/511 Rev.B and 469/512. Design and Access Statement dated June 2015, Planning Statement dated August 2015, Transport Statement dated 4 August 2015, Noise Impact Assessment dated 26 May 2015, Environmental Performance Statement dated 31 July 2015, Energy Strategy Report dated 31 July 2015, Statement of Community Involvement dated August 2015, Tree Assessment dated 25 July 2015 (as amended revised drawings listed on this decision letter and by emails dated 5 May 2016 and 12 May 2016 with attached drawings 18609/110 Ver.1 and SK-131), Landscape Stage D Design Proposals document dated 02-12-2015, Flood Risk Assessment dated November 2014 (Rev.03), Drainage Feasibility Report dated November 2014 (Rev.02), Daylight and Sunlight Report dated 31 July 2015, Structural Method Statement dated July 2015 (for information only) and Construction and Logistics Plan dated 4 August 2016 (for information - see Condition 3). (All supporting documents as amended by revised drawings hereby listed).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of

Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. 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)

- 3 **Pre Commencement Condition** (a) No demolition works shall take place until a construction management and logistics plan for these works has been submitted to and approved in writing by the City Council as local planning authority. The plan must include the following details (where appropriate):

- (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 demolition or basement works until we have approved what you have sent us. You must then carry out the demolition and basement works up to ground floor slab level in accordance with the approved details.

(b) No basement excavation and construction works shall take place until a construction management and logistics plan for the basement excavation and construction works has been submitted to and approved in writing by the City Council as local planning authority. The plan must include the following details (where appropriate):

- (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 the construction works until we have approved what you have sent us. You must then carry out the construction works above ground floor slab level 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 (July 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 4 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 the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 You must apply to us for approval of detailed drawings of the following parts of the development:

- (a) Typical detailed elevations and sections of all new windows and doors.
- (b) Typical detailed elevation of Limestone and bronze cladding showing typical cladding joints and relationship of cladding to fenestration.
- (c) Elevation and section of glazed and bronze balustrades to balconies.
- (d) Detailed elevation of front entrance and canopy to Wellington Road.
- (e) Plan and elevation of vehicular door/ gate/ shutter to basement car park.
- (f) Plans and elevations of all new boundary walls and fences/ walls within the site.
- (g) Elevations of all railings or other means of enclosure around lightwells.
- (h) Typical details. including plans and elevations showing their location, of lighting and CCTV units.
- (i) The fins to the side elevation windows at fourth floor level.

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 detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted

in January 2007. (R26AD)

- 7 You must apply to us for approval of details (including drawings, samples and any other supporting documents as appropriate) of the public art to be provided on the external envelope of the building. You must not start work on the relevant parts of the development until we have approved what you have sent us. You must then carry out the work in accordance with these details.

Reason:

To secure the offer of public art and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R26GC)

- 8 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs and the landscaping scheme should include the provision of not less than four new trees to replace those previously removed from the Cochrane Street frontage of 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 carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that form part of the landscaping scheme we approve or find that they are dying, severely damaged or diseased within five of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 9 You must provide the soil depth and overall soil volume above the top cover of the basement as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

- 10 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is

as set out in S38 of Westminster's City Plan (July 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 11 You must apply to us for approval of detailed drawings and a method statement in relation to the following parts of the development:

- (a) The level changes and excavation required to form the vehicular entrance to the basement from Cochrane Street.
- (b) The soil crating system to be installed below the driveway to the Wellington Road frontage (a manufacturer's specification should also be submitted).
- (c) The gaps to be created in the retaining wall of the planter to Cochrane Street to enable root growth below the highway.

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 detailed drawing and method statement. (C26DB)

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (July 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

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

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 13 You must apply to us for approval of detailed drawings the vehicular ramp to basement level, including drawings that demonstrate the gradient of the ramp and the gradient of the transition zones at the top and bottom of the ramp. 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 detailed drawings. (C26DB)

Reason:

To ensure the basement car parking spaces can be safely accessed, thereby providing car parking for people using the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 14 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.

- 15 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on the drawings hereby approved. You must clearly mark them and make them available at all times to everyone using the flats. (C14FB)

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)

- 16 You must provide the vehicle electric charging points shown on the drawings hereby approved prior to occupation of the flats and thereafter you must permanently retain them.

Reason:

To enable the use of electric vehicles in accordance with Policy 6.13 in the London Plan (FALP 2015).

- 17 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by us which:

- (a) provide details on all structures;
- (b) accommodate the location of the existing London Underground structures and tunnels;
- (c) accommodate ground movement arising from the construction thereof;
- (d) and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed in their entirety, before any part of the building is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policy 6.2 and Table 6.1 in the London Plan (FALP 2015) and the Mayor's 'Land for Industry and Transport' Supplementary Planning Guidance (2012).

- 18 You must carry out the development in accordance with the Energy Strategy Report by Price and Myers dated 31 July 2015 that is hereby approved and following occupation you must operate the development in accordance with the approved energy strategy.

Reason:

To make sure that the development provides is environmental sustainable and would accord with

Policies S28, S39 and S40 of Westminster's City Plan (July 2016) and Policies 5.1, 5.2, 5.3, 5.6, 5.7 and 5.9 in the London Plan (FALP 2015). (R44AC)

- 19 You must carry out the development in accordance with the drainage strategy set out in the Drainage Feasibility Report (Rev.02) by Price and Myers that is hereby approved and following occupation you must operate the development in accordance with the approved drainage strategy.

Reason:

To ensure the development incorporates sustainable urban drainage in accordance with Policy 5.13 in the London Plan (FALP 2015).

- 20 Unless the omission of green and/ or brown sedum roofs can be fully justified by the submission of a written statement, submitted pursuant to this condition, setting out the site specific constraints that prevent their provision, you must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Incorporation of green and/ or brown sedum roofs to the roofs of the building.

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

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007 and to ensure compliance with Policy 5.11 in the London Plan (FALP 2015). (R43AB)

- 21 The glass that you put in the windows at the western end of the north west elevation between first and third floor levels must not be clear glass, and you must fix the windows permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

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 (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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

- Provision of obscure glazed screens to the balconies to the north west and south east side elevations.

You must not start on these parts of the work until we have approved what you have sent us. You

must then carry out the work according to the approved drawings prior to occupation of the flats that the balconies serve and thereafter you must not remove the obscure glazed screens.

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 (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 23 You must install the privacy screen fins to the side elevation windows in accordance with the drawings hereby approved prior to occupation of the flats that these windows serve. Thereafter you must permanently retain these fins and you must not remove them.

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 (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 24 You must not use the roofs of the building for sitting out or for any other purpose, unless the drawings hereby approved are annotated or otherwise marked (by lines indicating the provision of decking) to show their use as balconies or terraces. You can however use the roofs to escape in an emergency. (C21AA)

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 (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 25 (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.

- 26 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.

- 27 You must apply to us for approval of full details, including detailed drawings, of the mechanical plant and equipment to be installed within the development and any external manifestations in the form of flues and extract grilles. You must not start work on these parts of the development until we have approved what you send us. You must then carry out the development in accordance with the details of mechanical plant and equipment that we approve.

Reason:

To protect the appearance of the building and this part of the City and to protect the noise environment of people in noise sensitive properties in accordance with S28, S29 and S32 in Westminster's City Plan (July 2016) and Policies DES1, DES4, ENV6 and ENV7 in the Unitary Development Plan we adopted in January 2007.

- 28 You must apply to us for approval of a supplementary acoustic report demonstrating that the plant and equipment proposed pursuant to Condition 27 will comply with the Council's noise criteria as set out in Conditions 25 and 26 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 29 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.

- 30 The central link block containing the stair and lift core shall be clad in translucent glass prior to occupation of the building and thereafter retained in this material.

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 (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 3 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.

- 4 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - (i) The provision of a financial contribution of £4m in lieu of on-site affordable housing;
 - (ii) Provision of a management plan to demonstrate that those units within the development used as serviced apartments providing short term visitor accommodation will only be used by patients of hospitals in the vicinity of the site and their family members and/ or carers that are staying with them whilst they receive treatment;
 - (iii) Highway works in Wellington Road and Cochrane Street to form vehicular access to the site and amend the layout of the public highway to reflect the proposed development.
 - (iv) Submission of a Site Environmental Management Plan (SEMP) and provision of a financial contribution of £28,000pa during the construction period to the Environmental Inspectorate to ensure compliance with the Code of Construction Practice.

- (v) Provision and management of on-site residents car parking, including the making available of parking spaces to all occupiers of the building on an 'un-allocated' basis without restriction.
- (vi) Provision of costs for monitoring of agreement (£500 per Head of Term).

- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 7 Some of the trees adjacent to the site are protected by Tree Preservation Orders and by virtue of being located within the St. John's Wood Conservation Area. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)
- 8 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)
- 9 For the avoidance of doubt the Construction Management Plan required under condition 3 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.
- 10 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)

- 11 Condition 10 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
- * the order of work on the site, including demolition, site clearance and building work;
 - * who will be responsible for protecting the trees on the site;
 - * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
 - * how you will deal with accidents and emergencies involving trees;
 - * planned tree surgery;
 - * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
 - * how you will remove existing surfacing, and how any soil stripping will be carried out;
 - * how any temporary surfaces will be laid and removed;
 - * the surfacing of any temporary access for construction traffic;
 - * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
 - * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
 - * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
 - * the place for any bonfires (if necessary);
 - * any planned raising or lowering of existing ground levels; and
 - * how any roots cut during the work will be treated.
- 12 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:
- Thames Water Utilities Ltd
 Development Planning
 Maple Lodge STW
 Denham Way
 Rickmansworth
 Hertfordshire
 WD3 9SQ
 Tel: 01923 898072
 Email: Devcon.Team@thameswater.co.uk
- 13 In respect of Condition 17 you are advised to contact London Underground Infrastructure Protection (Locationenquiries@tfl.gov.uk) in advance of preparation of final design and associated method statements, in particular with regard to demolition, excavation and construction methods.

Item No.
5