

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 March 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Development Site At 8, Chesterfield Hill, London, W1J 5BE		
Proposal	Variation of conditions 1, 2, 3, and 15 of planning permission dated 10 August 2016 (RN: 16/00807/FULL), which itself varied condition 1 of planning permission dated 14 January 2014 (RN: 13/10660), for 'Demolition of building and erection of replacement four storey building (plus lower ground floor level) containing 5x3 bedroom flats (Class C3) and installation of plant and terrace at roof level - NAMELY, to allow the reconfiguration of internal layout to alter the mix of residential units, alterations to the fenestration and roof, and associated works (S73 application).		
Agent	Phillips Planning Services Limited		
On behalf of	Wellingtons Developments Limited		
Registered Number	20/07501/FULL	Date amended/ completed	25 February 2021
Date Application Received	24 November 2020		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

Permission was granted on 10 August 2016, as an amendment to a previous permission of 14 January 2014, for the redevelopment of this site to provide for a new building on lower ground, ground and first to third floors, to provide 5 flats with associated roof plant and a roof level terrace. Works are nearing completion. An application has been submitted, partly in response to complaints about non-compliance with the approved drawings, to regularise works which have been undertaken on site and to change the approved residential mix. Objections have been received in relation to the application principally relating to plant noise, impact on air quality, the impact of the use of the roof terrace upon neighbours' amenity and the effect of the changes upon the appearance of the building and the character of the area.

The key issues for consideration are:

- The impact of the proposals upon the amenity of neighbouring residential properties;
- The acceptability of the development upon the character and appearance of this part of the Mayfair conservation area;
- The acceptability of the proposals in land use terms.

Subject to conditions, the proposals are considered acceptable in amenity and townscape terms. The change of the residential mix is also acceptable. The scheme is considered to comply with relevant UDP, City Plan and Mayfair Neighbourhood Plan policies and the application is therefore recommended for approval.

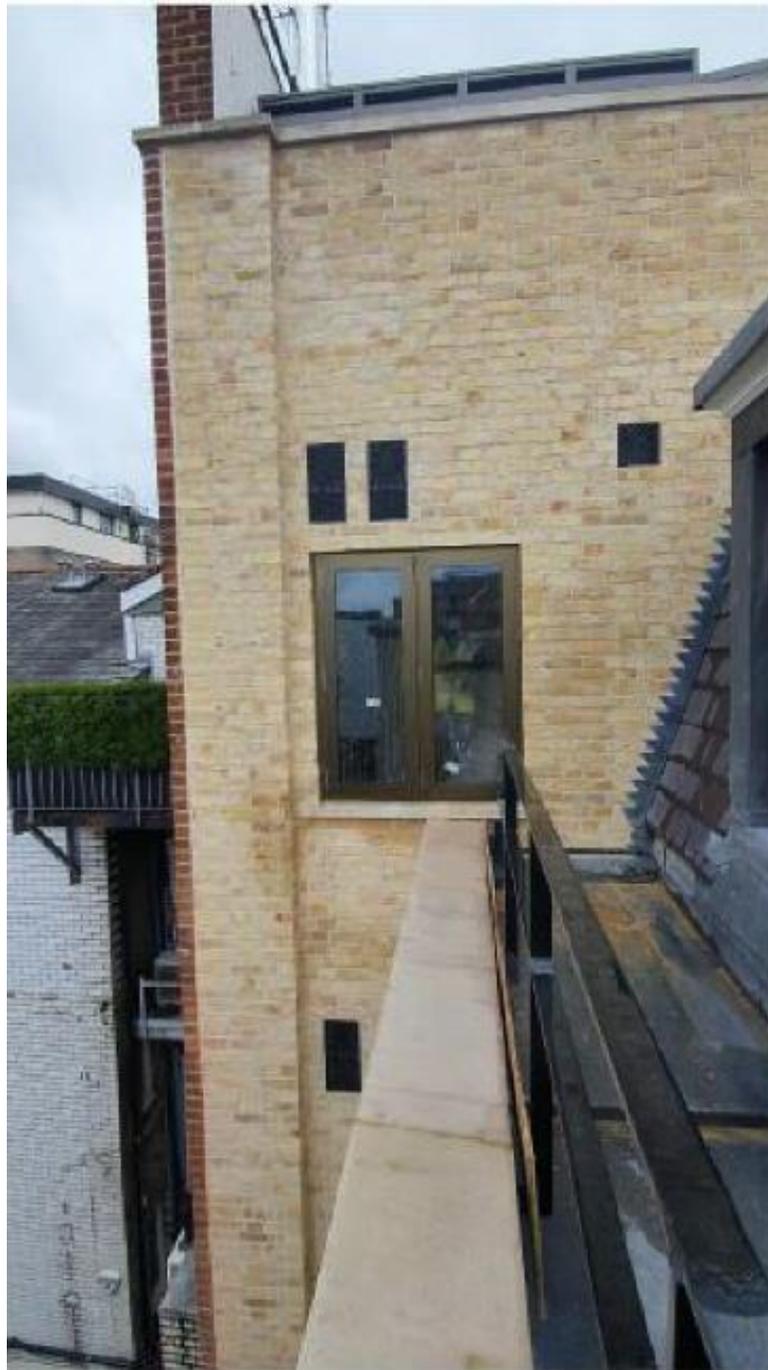
3. LOCATION PLAN



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4. PHOTOGRAPHS





Rear lightwell facade

5. CONSULTATIONS

Residents' Society of Mayfair & St. James's
Works should have been included in original application; roof plant will create noise disturbance and would be visible from other properties and possibly from the street

Mayfair Residents' Group - Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 74

Total No. of replies: 6 No. of objections: 6 No. in support: 0

Objections received on the following grounds:

Land use

- Change of use of the building

Amenity

- Unspecified noise disturbance
- Noise disturbance resulting from the proposed installation of roof plant and the creation of a roof terrace
- Plant will blow hot air over neighbouring properties

Design

- Adverse impact on the appearance of the conservation area
- Adverse impact on the architectural and historic interest of the building

Other

- Retrospective nature of the application unacceptable
- Proposal contrary to objectives of making London 'green'
- Area subject to constant noise disturbance from building works

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to a corner property situated on the east side of Chesterfield Hill at its junction with Farm Street, within the Mayfair Conservation Area, the Core Central Activities Zone and West Mayfair as defined in the Mayfair Neighbourhood Plan (2019).

The site is located within a mixed commercial and residential area. The closest residential properties are immediately adjacent at 24 Farm Street and 7 Chesterfield Hill. The site is in close proximity to several listed buildings including the public house opposite (41 Farm Street) and properties to the south east of the site (20, 22 and 26 Hill Street).

The site is currently being redeveloped as flats pursuant to a permission dated 10

August 2016 (a variation to the original permission of 14 January 2014) for the redevelopment of the site to provide a new building on lower ground, ground and first to third floors, with plant and a terrace at main roof level, to provide 1 x 1, 1 x 2 and 3 x 3 bed flats. Works are nearing completion.

6.2 Recent Relevant History

14 January 2014: Permission granted for the demolition of building and erection of replacement four storey building (plus lower ground floor level) containing 5x3 bedroom flats (Class C3). Installation of plant and terrace at roof level. 13/10660/FULL

24 February 2016; Approval of Construction Management Plan pursuant to Condition 11 of planning permission dated 14 January 2014 (15/11591/ADFULL)

22 April 2016: Approval of detail of Construction Management Plan pursuant to Condition 11 of planning permission dated 14 January 2014 (16/02425/ADFULL)

6 July 2016: Approval of Unilateral Undertaking ensuring that redevelopment is continuous post demolition pursuant to Condition 4 (part B) of planning permission dated 14 January 2014 (15/11589/ADFULL)

10 August 2016: Permission granted for variation of condition 1 of planning permission dated 14 January 2014 (RN: 13/10660) to allow changes to the approved scheme including extension to rear lightwell on basement to third floors, alterations to windows north east elevation, alterations to Farm Street elevation, alterations to plant at roof level; omission of roof level stair enclosure and refuse lift within lightwell; alterations to internal layout including changes to the mix of residential units and lowering the height of the floor slab at lower ground floor level by approximately 1 metre (16/00807/FULL). Permission implemented.

10 April 2018 Approval of details of materials pursuant to condition 2 of planning permission dated 10 August 2016 (18/01193/ADFULL)

23 November 2018 Approval of detailed drawings, including details of materials, of the external doors, windows and railings, pursuant to condition 3 (partial discharge, specifically Front Entrance Details, Bicycle Store Entrance, First and Second Floor Bronze Window Details) of planning permission dated 10 August 2016 18/09597/ADFULL

22 January 2019: Approval of details of dormer windows; railings; and string courses, moulded / rubbed brickwork pursuant to Condition 3 (part ii, iii, and iv) of planning permission dated 10 August 2016 (18/10563/ADFULL)

28 January 2019: Approval of details of bio-diversity management plan pursuant to Condition 15 of planning permission dated 10 August 2016 (19/00403/ADFULL)

7. THE PROPOSAL

Permission is now sought, retrospectively, to vary the permission of 10 August 2016 including the variation of Condition 1 (drawings) which shows alterations to windows on

the north east and south east (lightwell) facades, the retention of a parapet safety railing to the south-east façade and alterations at roof level including an increase in the size (footprint) of the plant room (extending it towards the Chesterfield Hill frontage), modifications to the roof level balustrade and the erection of a sliding box rooflight, in place of a mechanical roof opening, to provide access to the roof terrace.

- . The scheme involves a change to the proposed residential mix to provide 3 x 2 bed and 3 x 3 bed units (from the mix of 1 x 1, 1 x 2 and 3 x 3 bed flats approved in August 2016, and 5 x 3 bedroom flats in January 2014).

The application also seeks to vary conditions 2 (materials); condition 3 (various design details) and condition 15 (biodiversity management plan) to refer to those reserved details which have previously been approved through discharge of the conditions.

This application has been submitted (in part) in response to an enforcement complaint, received in August 2020, relating to the installation of a third floor AOV (automatic opening vent), which appears as a glazed window, in the north-eastern façade. A window is shown in this position in the approved drawings but the window, as installed, is of slightly different proportions. The drawings confirm that this vent/window, which serves the lobby to the rear escape stair, would be fitted with obscured glass.

A further enforcement complaint has been received (January 2021) on the basis that the roof top plant enclosure may not be as shown on the approved drawings.

The drawings have been revised to confirm the retention of a railing to the third floor parapet (south-eastern façade) and to correct the proportions of the north-eastern window vent to that now installed.

The original permission was subject to a condition requiring the door to the refuse store on the Farm Street frontage to be formed in timber. A further condition required the submission of details of this entrance. While the entrance details were approved, these drawings appear to suggest that the door would be formed in metal, although this is not entirely clear. The applicants have confirmed that the entrance door has not been installed and, as they have not applied to remove the condition requiring this door to be formed in timber, have confirmed that it will be a timber door.

8. DETAILED CONSIDERATIONS

8.1 Land Use

As previously, the use of the site for residential purposes is considered acceptable and complies with UDP policy H3 and S14 of the City Plan. The original scheme provided 5 x 3 bed units. The residential mix was changed under the August 2016 permission to provide 1 x 1, 1 x 2 and 3 x 3 bed. The current proposal seeks to reconfigure the accommodation to provide 3 x 2 bed and 2 x 3 bed flats

The reconfigured units would provide an acceptable standard of accommodation for future residents in terms of unit size and layout and the level of light received. The 2 bed units measure between 121.8 and 143.4 sqm and the three bed flats measure 176 and 179.5 sqm. City Plan policy S15 requires new development to optimise the number of

units provided and the scheme provides the same number of units as the approved developments. Conditions are recommended to ensure that the new units would achieve satisfactory internal noise levels.

UDP policy H5 normally requires 33% of new units to provide family sized accommodation (3 or more bedrooms) and City Plan policy S15 requires developments to provide a range of unit sizes. The current scheme does not provide any one bed units, replacing the approved one bed flat and one of the 3 bed flats with 2 bed units. While the loss of the smaller flat is regrettable, given that the 2014 permission provided 5 X 3 bed units and as two of the flats (40%) would provide family sized accommodation, it is not considered that the change to the residential mix could reasonably be resisted.

The changes to the scheme do not trigger the Council's affordable housing policy.

One objection has been received on the basis that the current proposal seeks to change the use of the building. However, the proposed use is as five flats, as previously approved; the scheme is considered acceptable in land use terms and this objection is not sustainable.

8.2 Townscape and Design

The key legislative requirements in respect to designated heritage assets are as follows:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72 of the same Act requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Furthermore Chapters 12 and 16 of the National Planning Policy Framework (NPPF) require great weight to be placed on design quality and the preservation of designated heritage assets, including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Objections have been received on the grounds that the proposals would have an adverse impact on the architectural and historic interest of the existing building and upon the character and appearance of the Mayfair Conservation Area. One objector has made specific reference to the visibility of the roof plant from neighbouring properties and from street level.

The existing building is a new development which is nearing completion. It stands at the corner of Chesterfield Hill and Farm Street, opposite a Grade II listed public house,

within the Mayfair Conservation Area.

Amendments to the approved design are proposed, including changes to windows and to the plant enclosure, terrace access and balustrade at roof level. In design and heritage asset terms there have been objections to these alterations including a report of unauthorised development which is being separately investigated.

Altering the design of some of the windows has a neutral impact on the appearance of the building, there is no objection to the window/vent in the north-eastern facade, and clarification has been provided about the materials of construction for the refuse store door. At roof level, the size and location of the plant enclosure has been altered as has the access enclosure. These alterations are also neutral in design and heritage asset terms. There are numerous examples of rooftop plant in the Mayfair Conservation Area and, in this case, the plant will be suitably screened (as before) to minimise its visual impact. Similarly, the lift overrun and access enclosure will be inconspicuous and the overall appearance of the building will be acceptable in its context. The objections on these grounds are therefore not considered to be sustainable.

8.3 Residential Amenity

Sunlight and Daylight and sense of enclosure.

The scheme includes a slight increase in height and bulk at roof level through the addition of a new roof level access enclosure towards the centre of the roof. In addition, the footprint of the rooftop plant enclosure has been increased, bringing this structure closer to the roof edge on Chesterfield Hill, although its relationship with properties to the rear is unchanged. Given the location and form of the new terrace access and the relationship of this structure and the enlarged plant room with neighbouring properties, it is not considered that these alterations to the scheme would have a material impact upon levels of daylight and sunlight to neighbouring properties nor would result in any material increase in the sense of enclosure to neighbouring windows.

Overlooking

The scheme involves changes to windows to the rear lightwell. On the south east elevation, windows on the lower ground, ground and third floors are smaller than those approved in August 2016. The size of the first and second floor windows is unchanged.

Under the 2016 permission the third floor dormer on the south east elevation contained full height windows to a bedroom. Neighbours recently expressed concern about the use of the small area of flat roof outside of this window as a terrace. The use of this roof area (little more than a gutter) was not the subject of a condition to prevent its use for sitting out. Under the current scheme, this third floor bedroom window now serves a bathroom and the full height glazing has now been replaced by a dormer window to accommodate a bath beneath. There is no access to the roof outside the window, other than by climbing over the bath and through the window. The applicants have confirmed that the railing which has been erected on this parapet would be retained for maintenance safety purposes. However, given neighbours' previous concerns (current objections do not relate to the use of this roof) and the potential for future changes to the flat layout, it is considered reasonable to impose a new condition to prevent access to this roof other than for maintenance purposes.

To the north east elevation, the third floor window/smoke vent to the escape lobby, which is the only window on this façade, has been modified, replacing it with a two-paned 'window' of slightly different proportions. The drawings have been revised to show the window proportions and vent locations 'as built' and are annotated to indicate that this window would be fitted with obscured glass. This change is not considered to be significant in terms of the impact on the amenity of neighbouring residential properties, especially given the several windows that were originally proposed in the first permission. The installation of obscure glazing is welcomed in amenity terms: notwithstanding that the glazing served an (automatic opening vent) AOV to an escape corridor, rather than a window to a principal living space, it is considered that it would be reasonable to impose a condition requiring this glass to be obscured.

Privacy/noise from the proposed roof terrace

Objections have been received on the grounds of potential noise disturbance from the use of the roof terrace. Although objectors have referred to this terrace as 'new', a roof terrace was approved under both the 2014 and 2016 permissions and covers the same area as the terrace approved in August 2016. In these circumstances, it is not considered that objections relating to noise disturbance from the roof of this domestic terrace can be supported.

Transportation/Parking

Cycle parking

The scheme now includes 3 x 2 and 2 x 3 bed flats. The approved scheme provides 11 cycle parking spaces and the original permission is subject to a condition requiring these spaces to be provided. The London Plan now requires 2 spaces to be provided for each of the flats plus 2 visitor spaces. Although the scheme does not provide both visitor spaces it is not considered that this shortfall could justify a refusal of the current application given that there is no change to the number of flats and the scheme is nearing completion. Cycle parking would, again, be secured by condition.

The scheme does not raise any other additional highways issues.

8.4 Economic Considerations

Any economic benefits generated by the proposals are welcomed.

8.5 Access

Access to the development is unchanged other than for access to the roof which terrace which would now be via a sliding glass enclosure rather than a mechanical opening.

8.6 Other UDP/Westminster Policy Considerations

Plant/plant noise

Objections have been received to noise disturbance from the 'new roof' plant and to plant blowing 'hot air' over neighbouring properties. However, the roof plant was approved in both 2014 and in 2016. The plant enclosure is shown in the same location as that approved in 2016, insofar as it relates to the neighbouring property to the east (24 Farm Street), although it does now extend slightly closer to the Chesterfield Hill

frontage. The previous permission is subject to conditions relating to plant noise and vibration, and a requirement for the submission of a supplementary noise report demonstrating compliance with the noise conditions. Subject to these conditions, which would form part of any new permission, the proposals are considered to comply with UDP policy ENV6 and ENV7 and S32 of the City Plan. In these circumstances, it is not considered that objections relating to plant noise can be supported. Similarly, given the relationship of the roof plant to neighbouring properties, it is not considered likely that neighbouring occupiers would experience any loss of amenity as a result of 'hot air'.

Sustainability

Objections have been received on the grounds that the provision of roof level plant is contrary to objectives to make London 'green'. The aforementioned schemes both include residential plant and, as works are nearing completion, it is not considered that the application could reasonably be refused on sustainability grounds. As before, the current proposal does provide a small green roof.

8.7 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 in June and July 2019 and it was submitted to the Secretary of State for independent examination in November 2019. The City Plan examination hearings took place between 28 September and 16 October 2020. Following the examination hearings, the Council consulted on the main modifications recommended by the Inspectors between 30 November 2020 and 18 January 2021. However, having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract limited weight at this present time prior to the publication of the Inspector's final report.

8.8 Neighbourhood Plans

The Mayfair Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 31 October 2019, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

8.9 London Plan

The application does not raise any strategic issues.

8.10 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.

All previous pre -commencement conditions have been discharged

8.11 Planning Obligations

The scheme does not trigger any planning obligations

8.12 Environmental Impact Assessment

An Environmental Impact Assessment is not necessary given the nature and scale of the development

8.13 Other Issues

Retrospective Application

Several objections have been received on the grounds that the application is retrospective and that the proposed changes should have been considered as part of the original design and applications. These objections specifically refer to roof level alterations and the installation of roof plant and the creation of a roof terrace. These works were previously approved and are not the subject of changes to the scheme now proposed. Although regrettable, permission cannot justifiably be withheld for retrospective applications on the basis that the other works have already been carried out. Any decision to approve or refuse a retrospective application must solely be based upon the acceptability of the proposals, which in this case are considered to be acceptable.

Construction impact

One objection has referred to disturbance in the area from building works on several neighbouring sites. Whilst concerns regarding noise disturbance are noted, the impact of this development was mitigated as far as possible by the imposition of conditions relating to the hours of building works and requiring the submission of a Construction Management Plan. It is not considered that the current proposals, particularly when the works have already been undertaken, would have a significant impact on levels of noise disturbance arising from construction works on this site.

(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: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk.

DRAFT DECISION LETTER

- Address:** Development Site At 8, Chesterfield Hill, London,
- Proposal:** Variation of conditions 1, 2, 3, and 15 of planning permission dated 10 August 2016 (RN: 16/00807/FULL) for which itself varied condition 1 of planning permission dated 14 January 2014 (RN: 13/10660) for 'Demolition of building and erection of replacement four storey building (plus lower ground floor level) containing 5x3 bedroom flats (Class C3) and installation of plant and terrace at roof level. NAMELY, to allow the reconfiguration of internal layout to alter the mix of residential units, alterations to the fenestration and roof, and associated works (S73 application).
- Reference:** 20/07501/FULL
- Plan Nos:** 13/10660/FULL
0531-EX-190; 0531-EX-191; 0531-EX-192; 0531-EX-193; 0531-EX-194; 0531-EX-195; 0531-EX-196; 0531-EX-197; 0531-PL-300; 0531-PL-302/A; 0531-PL-303; 0531-PL-304; 0531-PL-305; 0531-PL-306; 0531-PL-307; 0531-PL-311/A; 0531-PL-312/A; 0531-PL-313/B; 0531-PL-314/A; Daylight and Sunlight Report; Background Noise Survey and Plant Assessment and Structural Engineering Report for Planning: Issue 2.
- 15/11589/ADFULL
UNILATERAL UNDERTAKING PURSUANT TO S.106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 relating to land at 8 Chesterfield Hill, London W1J 5BW created by Forsters Dated 2016 received by the Council on 12.04.2016 and 08-09154 (site plan) received 12.04.16
- 15/11591/ADFULL
Construction Management Plan (21965/v2)
- 16/02245/ADFULL
Document Number KB/CMP/ 8 CHESTERFIELD HILL/ March Rev 00
- As amended by 16/00807/FULL
15027 C645_P_/LG_001A, 00_001, 01_001, 02_001, 03_001, RF_001A; 15027 C645_E_/SW-001B, NW_001, SE_001A, NE_001A; 15027 C645_S_DD_001A
- 18/01193/ADFULL
311 Rev 0, 312 Rev 0, 313 Rev 0, 307 Rev A
- Materials: TLB fully washed red rubber - cut face texture; Reclaimed Cambridge buff Portland 'Jordan's basebed; Natural slate tiling; White render; Metal windows Black painted metal balustrades; Portland stone; Porcelain tiles on paving pads; Sedum roof
- 18/09597/ADFULL

1709-CN-834 rev no PL1, 1709-CN-835 rev no PL1, 8
CHESTERFIELD/19958/002 (C), 8 CHESTERFIELD/19958/003 (B)

18/10563/ADFULL
646/101 REV A, 646/100 REV A, 1709-CN-832 REV - , 1709-CN-822 REV - , 1709-
CN-836 REV - , 1709-CN-837 REV - , 8 CHESTERFIELD/19958/001 DATED
11/12/18, COVERING EMAIL TO PHOTOGRAPHS DATED 11/12/18

19/00403/ADFULL
Document entitled "Biodiversity Management Plan , 8 Chesterfield Hill" by Eight
Associates dated 30/04/2018, reference "2938 - 8 Chesterfield Hill Management
Plan - 1804-30rc.docx"

As amended by 20/07501/FULL
1709/200-PL1, 201-PL1, 202-PL1, 203-PL1, 204-PL2, 205-PL1, 221-PL3, 222-PL3,
233-PL3; email from Philips Planning dated 8 February 2021 (timber door to cycle
store)

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641
07866039795

Recommended Condition(s) and Reason(s)

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

Reason:

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

2 The development must be carried out using the details of facing materials approved by the City Council on 10 April 2018 under reference 18/01193/ADFULL or in accordance with alternative samples of facing materials, including glazing, and elevations and roof plans annotated to show where the materials are to be located submitted to and approved by the City Council as local planning authority.

You must not start any work on these parts of the development until we have approved any alternative samples of facing materials that you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

3 You must carry out the development in accordance with details of:

- i) External doors
- ii) windows and railings (part)

approved by the City Council on 23 November 2018 under reference 18/09597/ADFULL, as amended by email dated 8 February 2021 from Philips Planning (confirming that the door to the cycle/refuse store will be formed in timber)

- ii) dormer windows and railings (part)
- iii) railings
- iv) string courses, moulded/rubbed brickwork and carved stone

approved by the City Council on 22 January 2019 under reference 18/10563/ADFULL or in accordance with alternative details of

- i) external doors
- ii) windows and dormers
- iii) railings
- iv) string courses, moulded/rubbed stonework and carved stone submitted to and approved by the City Council as local planning authority

You must not start any work on these parts of the development until we have approved any alternative details that you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

4 The development (demolition and construction) shall be undertaken in accordance with the details (Unilateral Undertaking that redevelopment is carried out as a continuous process post-demolition) approved by the City Council on 6 July 2016 under reference 15/11589/ADFULL or in accordance with either

- (a) an alternative construction contract with the builder to complete the redevelopment work for which we have given planning permission, or
- (b) another alternative means of ensuring we are satisfied that demolition and redevelopment will only occur as part of a continuous process.

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

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary

Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

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

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

6 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

7 You must provide the waste store shown on drawing 15027 C645_P_00_001 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

8 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 2016 (R22FA)

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

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing 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 (November 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. (R46AB)

10 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. (R48AA)

11 You must carry out the development accordance with the Construction Management Plan approved on 24 February 2016 under reference 15/11591/ADFULL or the Construction Management Plan approved on 22 April 2016 under reference 16/02425/ADFULL or in accordance with a new a Construction Management Plan for the proposed development which has been submitted to and approved in writing by the City Council as local planning authority prior to the commencement of works, including any works of demolition. 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 work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R21HB)

12 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in

January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

13 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. (R49AA)

14 The door and screen to the refuse store (Farm Street frontage) shall be formed in solid timber

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007 and as set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

15 The development must be carried out in accordance with the details, including a biodiversity management plan, approved by the City Council on 28 January 2019 under reference 19/00403/ADFULL or in accordance with alternative detailed drawings and a bio-diversity management plan in relation to the green/living roof, to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved any alternative details that you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain the green/living roof in accordance with the approved management plan.

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

16 The area of flat roof outside the third floor bathroom, as shown on drawing 204-PL2, shall not be used for sitting out and shall only be accessed for maintenance purposes or as a means of escape.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

17. The glass that you put in the automatic opening vent (AOV) at third floor level in the east elevation must not be clear glass, and you must fix it permanently shut (except in an emergency). You must apply to us for approval of details, either a sample of the glass (at least 300mm square) or photographs demonstrating how obscure the glass is. You must not occupy any of the flats until we have approved the details. 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, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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 (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), 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.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.