

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 October 2014	<b>Classification</b> For General Release	
<b>Report of</b> Operational Director Development Planning		<b>Wards involved</b> St James's	
<b>Subject of Report</b>	<b>2 Monck Street, London, SW1P 2BQ</b>		
<b>Proposal</b>	Demolition of existing buildings and erection of replacement building comprising of eight storeys to provide a total of 51 residential units above 348m <sup>2</sup> commercial floorspace at ground floor level on Monck Street for either A1 (retail), A2 (financial and professional), A3 (restaurant), B1 (office) or D1 (non residential institution) with associated basement to provide 25 car parking spaces, 102 residential cycle parking spaces, commercial cycle parking spaces and mechanical plant together with associated works including landscaping.		
<b>Agent</b>	DP9		
<b>On behalf of</b>	Taylor Wimpey Central London		
<b>Registered Number</b>	14/05686/FULL	<b>TP / PP No</b>	TP/7891
<b>Date of Application</b>	06.06.2014	<b>Date amended/ completed</b>	19.09.2014
<b>Category of Application</b>	Major		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside Conservation Area		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone  Within Central Activities Zone		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

For Committee's consideration:

1. Does the Committee consider that the non-provision of affordable housing is acceptable given the circumstances of the case?
2. Subject to 1. above, grant conditional permission subject to a S106 legal agreement to secure the following:
  - i) A parking mitigation payment of £26,000 index linked and payable on commencement of development.
  - ii) Lifetime car club membership (25 years) for each residential unit.



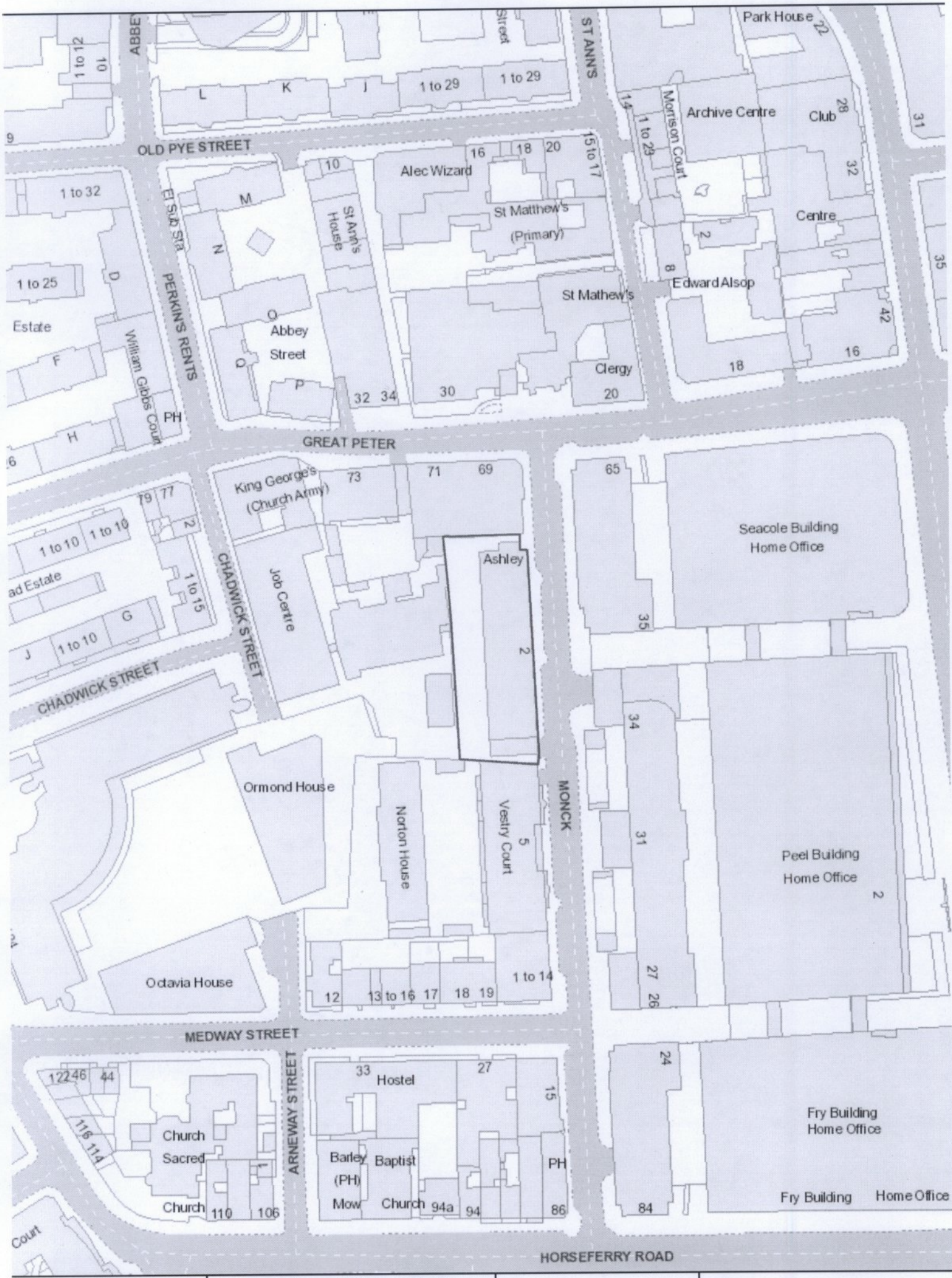
- iii) Public realm payment of £30,000 index linked and payable on commencement of development.
- iv) Payment to St Andrew's Community Centre of £30,000 index linked and payable on commencement of development.
- v) Education payment £153,038 index linked and payable on commencement of development.
- vi) The applicant to sign up to the Council's Code of Construction Practice and to pay up to £18,000pa annually for cost of monitoring by Environment Inspectorate and up to £8,040 annually for cost of monitoring by Environmental Sciences. (Index linked).
- vii) Cost of monitoring each planning obligation.

3. If the S106 legal agreement has not been completed within six weeks of the date of the Committee's resolution then:

(a) The Operational Director 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 Operational Director is authorised to determine and issue such a decision under Delegated Powers; however, if not

(b) The Operational Director 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 Operational Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.









2 MONCK STREET, SW1

## 2. SUMMARY

The application site comprises Ashley House, 2 Monck Street, a four storey vacant office building with recessed fifth floor plant room dating from the 1980s. A separate application for the redevelopment of Ashley House combined with the site at 1 Chadwick Street is considered separately on this agenda.

The site is within the Core CAZ. The predominant neighbouring land use is residential with Vestry Court to the south and 65 Great Peter Street and 34 Monck Street to the east on the opposite side of Monck Street. Immediately to the north are offices with three flats above at 71 Great Peter Street. The building is not listed and is outside a conservation area.

Permission is sought for the demolition of the existing office building and the construction of a replacement eight storey (plus basement) building to provide 51 residential flats and 25 car parking spaces.

The key issues in this case are:

- The height and external appearance of the new buildings.
- The absence of an affordable housing contribution on viability grounds.
- The amenity impact of the proposed buildings on neighbouring properties.
- The level of off street parking provided.

A number of objections have been received to the scheme, principally on design and amenity grounds. The design of the building will be similar to that approved at 73 Great Peter Street and at 1 Chadwick Street and is considered acceptable. The height is considered appropriate to the townscape of Monck Street. Following revisions to the scheme the amenity impact on daylight to flats principally in Monck Street is considered acceptable, given the central London context. The applicant has agreed to unallocated parking which is welcome. The Council's independent assessment of the applicant's viability case has concluded that the scheme cannot support any level of affordable housing. Members' views on the non provision of affordable housing are sought given the particular circumstances of the case.

## 3. CONSULTATIONS

### ENVIRONMENTAL HEALTH

Objects to the provision of remote rooms. Further reports required to demonstrate that mechanical plant and internal noise levels meet adopted policies.

### CLEANSING MANAGER

No objection.

### GO GREEN MANAGER

No objections subject to conditions to secure the sustainability features set out in the application.

### HIGHWAYS PLANNING MANAGER

The ratio of residential units to car parking spaces is 0.49 spaces per unit. The influx of up to 26 extra cars would take the occupancy percentage well over the 80% stress level. A condition is requested to ensure that all residential car parking spaces are unallocated and to secure a car park management plan. In other respects the scheme is acceptable in highways terms subject to recommended conditions.

### ARBORICULTURAL MANAGER

Concerned about the absence of meaningful soft landscaping and details of soil depth.

**WESTMINSTER SOCIETY**

No objection. Both schemes are beneficial but the combined scheme offers the better alternative.

**ENVIRONMENT AGENCY**

The applicant has accurately assessed the risk of flooding and demonstrated that the occupants will have an escape route to the west and into the higher Chadwick Street side of the scheme to protect the occupants from flooding.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 385; Total No. of Replies: 34 with addresses provided and a further nine letters without an address.

Forty three letters received objecting to the scheme on some or all of the following issues:

**Design**

- The Monck Street building is too high and out of proportion. It is above the ridge line of Vestry Court.
- The development will give rise to a 'canyon' feel for Monck Street.
- Overdevelopment of the site. The density is over that for Westminster.
- The building design is a bland slab and is not in keeping with the New Palace Place development on the opposite side of Monck Street.
- The internal landscaping will not be visible from Monck Street.
- The four projecting windows will have a jarring effect from street level.
- There is a creeping drift to ever higher buildings in the area.

**Amenity**

- Loss of daylight and sunlight to residential properties.
- Increased overshadowing.
- Increase in noise pollution.
- Overlooking and increased sense of enclosure.

**Highways**

- Car park entrance will increase congestion and noise in Monck Street.

**Construction**

- Disruption during demolition and construction works including at the weekend.
- Concerns about using Monck Street as entrance during building works.
- Impact on air quality.
- Cumulative environmental impact from building works on other sites.

**Other**

- Plans for dealing with commercial waste are unclear.
- Lack of public consultation by applicant.
- Display boards misleading.
- Some rooms in Daylight Assessment are incorrectly assigned.
- Future residents and staff of commercial units will use New Palace Place amenity space with paying for upkeep.

**4. BACKGROUND INFORMATION****4.1 The Application Site**

The application site comprises Ashley House, 2 Monck Street. A separate application for the redevelopment of Ashley House combined with the site at 1 Chadwick Street is considered separately on this agenda.

Ashley House is a four storey vacant office building with recessed fifth floor plant room. The building dates from the 1980s and is clad in polished granite. The building has a vehicular entrance at the southern end which leads to surface level parking.

The site is within the Core CAZ. The predominant neighbouring land use is residential with Vestry Court to the south and 65 Great Peter Street and 34 Monck Street to the east on the opposite side of Monck Street. Immediately to the north are offices with three flats above at 71 Great Peter Street.

The building is not listed and is outside a conservation area. However, the site is situated close to the Peabody Estates: South Westminster and Westminster Abbey and Parliament Square Conservation Areas to the north. The nearest listed buildings are St Matthew's Church and the Clergy House at 20 Great Peter Street.

## **4.2 Relevant Planning History**

### **4.2.1 2 Monck Street**

No relevant history.

### **4.2.2 1 Chadwick Street**

Permission granted for two replacement buildings comprising a seven storey building and a five storey building to provide 44 residential units with 27 basement car parking spaces. (26.06.2014)

Permission refused for two replacement buildings comprising an eight storey building and a five storey building to provide 46 residential units with 27 basement car parking spaces. Reason for refusal due to height of the eight storey building which would harm the character and appearance this part of the City. (21.01.2014)

Prior approval granted for the demolition of the building. (4.04.2011)

### **4.2.3 Site at 73 Great Peter Street**

Permission granted at 73 Great Peter Street for erection of eight storey building with either A1 (retail), A2 (financial and professional), A3 (restaurant), B1 (office) or D1 (non residential institution) at ground floor level and 24 residential flats. (28.05.2013). The site is owned by Taylor Wimpey Central London and construction works are well advanced.

## **5. THE PROPOSAL**

The scheme involves the demolition of the existing office building and the construction of a replacement building to provide 51 residential flats.

The proposal comprises an eight storey building plus single level basement. The top two floors are recessed. Four commercial units (308m<sup>2</sup>) are proposed at ground level to provide either A1 (retail), A2 (financial and professional), A3 (restaurant), B1 (office) or D1 (non residential institution). The total amount of commercial floorspace is 348m<sup>2</sup>. The single basement will provide 25 car parking spaces with an access ramp from Monck Street. A small landscaped deck is provided at the rear. The roof will provide space for an array of photovoltaic panels.

Table 1 - Mix of residential flats

	Studio	1 Bed	2 Bed	3 Bed	Total
No. of units	0	19	19	13	51
Percentage of units (%)	0	37	37	26	100

Table 2 – Height as existing and as proposed

2 Monck Street	
Existing	Height to top of plant screen - 22.07m
Proposed	Height to roof level – 29.150m

The application has been revised in response to officer concerns about the amenity impact on residents in Monck Street. Although the overall height of the scheme has not changed, the bulk and massing has been reduced through set-backs at high level on Monck Street. The amenity considerations of the revised scheme are discussed in more detail in Section 6.3 of this report. The revision has also had an impact on the viability of the scheme in terms of affordable housing provision. This is discussed in more detail in Section 6.12 of this report.

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

The redevelopment of 2 Monck Street will result in a net reduction of 3144m<sup>2</sup> Class B1 office floorspace within the Core CAZ. Although the Council does not have policies that specifically protect office floorspace, the economic, social and environmental implications of the proposal should be assessed in the context of the NPPF's presumption in favour of sustainable development.

Policy S47 of Westminster's City Plan; Strategic Policies advises that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework....to secure development that improves the economic, social and environmental conditions in the area.'

The existing office floorspace is dated and is unlikely to meet the requirements of current office tenants. The use of this building for residential purposes is supported by policies H3 of the Unitary Development Plan (UDP) and S14 of Westminster's City Plan. Given that the scheme will deliver 51 housing units in an environmentally friendly building, the proposal is considered acceptable in land use terms.

#### 6.1.1 Market residential units

The proposed residential units have been designed to meet Lifetime Homes Standards and 6 units have been designed to be easily adaptable to wheelchair accessible standards. This meets the 10% required by policy.

All units have been designed to meet the Mayor's dwelling space standards set out in London Plan Policy 3.5 and all the units will have their own private amenity space in the form of a private winter garden or terrace. In addition, a small communal amenity spaces will be provided at ground floor. The majority of units are single aspect. Overall, given site constraints, the quality and quantity of the accommodation is considered acceptable.



Policy H5 of the UDP seeks a range of housing sizes including 33% of housing units to be family sized. In this case there is a shortfall in family housing as 13 (26%) are proposed. This is similar to the level of family sized units achieved at both 73 Great Peter Street and 1 Chadwick Street. Given that this is only marginally below the policy requirement, it is not considered that a refusal relating to a shortfall in family sized housing would be justified.

The Council's SPG on Planning Obligations states that social/community benefits are required on developments over 50 units. In addition on site community facilities are sought on large housing developments by Policy H10 of the UDP. In order to address this policy, the applicant proposes to make a financial contribution of £30,000 to the St Andrew's Youth Club at 12 Old Pye Street. This is considered acceptable and could be secured through a S106 legal agreement.

There is no requirement for the applicant to provide on-site play space facilities for this scheme.

### **6.1.2 Affordable Housing**

The new residential floorspace prompts a requirement for the provision of affordable housing under the terms of Policy S16 of the City Plan. The City Plan requires in principle that affordable housing should comprise a proportion of the overall floorspace and is not linked to unit numbers. Prior to the adoption of the City Management Plan, the Council has published an Interim Guidance Note, originally for the purposes of the Public Inquiry into the Core Strategy.

The proposed residential floorspace is 6371m<sup>2</sup> GEA. Using the calculations set out in the Interim Guidance Note, this requires 25% of the total residential floorspace to be provided as affordable housing. This equates to 1593m<sup>2</sup> or 19.9 units.

Policy S16 requires the provision of affordable housing on-site. It adopts a 'cascade' approach and states that "where the Council considers that this is not practical or viable, the affordable housing should be provided off site in the vicinity. Off site provision beyond the vicinity of the development will only be acceptable where the Council considers that the affordable housing provision is greater and of a higher quality than would be possible on or off site in the vicinity...". If these options are not feasible, then a financial contribution in mitigation is an appropriate alternative, calculated according to our Interim Affordable Housing Note. A policy compliant payment in lieu is £6,643,217.

The applicant has submitted a viability report that sets out the maximum reasonable amount the scheme can afford in terms of London Plan Policy 3.12. The viability report concludes that the proposed scheme cannot provide any amount of affordable housing either on site, off site or through a payment in lieu.

The City Council's independent consultants (Lambert Smith Hampton) reviewed the findings of the applicant's report (based on the revised scheme) and conclude that the findings are reasonable. The viability assessment is based on car parking spaces within the scheme being unallocated.

Members' views are therefore sought as to whether the non provision of affordable housing in this scheme is acceptable given the particular circumstances of the case?

### **6.1.3 Ground floor commercial units**

The provision of commercial units on the ground floor for either A1 (retail), A2 (financial and professional), A3 (restaurant), B1 (office) or D1 (non residential institution) in the Core CAZ is supported by policies CS20 and CS19 in the Core Strategy. However, a condition is

recommended to ensure that the premises are not occupied by a food retail supermarket to protect residential amenity and on grounds of highway safety (see Section 6.13.2).

The units are small and measure 64m<sup>2</sup>, 69m<sup>2</sup>, 73m<sup>2</sup> and 142m<sup>2</sup>. The use of a unit for Class A3 restaurant purposes would therefore provide a small entertainment use. Even if two units were combined into one, the maximum size of any restaurant would be 215m<sup>2</sup> (GEA). It is considered that with appropriate conditions to control opening hours and cooking smells, the proposal would comply with UDP Policy TACE 8 as it would not harm residential amenity.

The D1 floorspace is welcome in terms of CS33 subject to a condition to restrict specific uses that could be harmful to residential amenity or highway safety (e.g. places of worship or needle exchange clinic).

## **6.2 Townscape and Design**

Ashley House forms a long frontage on Monck Street and is located outside of any conservation area. It is a five storey 1980s office block clad in polished granite and glass which is of no particular architectural merit and its redevelopment offers an opportunity to introduce a new building which will add positively to the townscape.

Objections have been received to the height and bulk of the main body of Block A facing onto Monck Street. This part of the building is eight storeys which is three storeys or approximately 7m taller than the existing building. In order to overcome officer concerns about the amenity impact of this building, the bulk has been reduced at high level through the introduction of greater set-backs. The height, however, remains the same as originally submitted.

In streetscape terms, the parapet line of the new building is set slightly higher than Vestry Court. However, two storey roof levels are commonplace within Monck Street and these recessed floors follow a similar massing to the steep pitched roof of Vestry Court adjoining. The additional set-backs mean that the top two floors will not be easily seen from street level and on this basis the Monck Street elevation is appropriate in height terms and is considered to sit comfortably within the townscape.

The building will be predominantly constructed in buff bricks (similar to those at 73 Great Peter Street and 1 Chadwick Street) with decorative brickwork panels and bronze detailing. The long street facade is relieved by bronze bays intersecting the brick elevation. The bays will provide vertical emphasis and a rhythm to the facade, breaking down the massing. The projections above the main parapet height have been reduced in height and now extend to fifth floor level. These are an acceptable design feature and reference the gabled bays at Vestry Court next door. The projections extend down to bronze clad piers at ground floor level, which provide structure to the largely glazed ground floor retail frontage and visual support to the upper floors. Further visual interest is provided by inset winter gardens and the use of articulated brick detailing. The rear of the building is based on the same design principles and will be sympathetic to the development approved at 1 Chadwick Street.

Overall the proposed materials and contemporary design are considered an appropriate response to the context, referencing the scheme at 73 Great Peter Street and the approved scheme at 1 Chadwick Street. The proposal is considered to be a high quality resolved design that will enhance the local townscape. The comment relating to a creeping drift to ever higher buildings in the area is noted. However, for the reason set out above the height of this development is considered appropriate in townscape terms. As such, it accords with the design policies in Westminster's City Plan: Strategic Policies, UDP and the National Planning Policy Framework and is therefore acceptable on design grounds.



### 6.3 Residential Density

A number of the letters of objection received raise a concern about the density of the development.

The site has an area of 0.13 hectares equating to a density of 392 residential units per hectare. Within the 51 units proposed, a total of 284 habitable rooms will be provided, equating to a density of 1,138 habitable rooms per hectare.

The application falls within the central area as outlined in Table 3.2 of the London Plan, where an appropriate density range of 650-1,100 habitable rooms per hectare is indicated.

Policy H11 of the UDP also relates to housing density. The policy states that housing development in Zone 1 should conform to 400-850 habitable rooms per hectare. However, the policy also states that proposals for new housing developments that are above the density range for a particular zone may be granted permission if they are close to public transport and open space and meet complementary policies, particularly those relating to townscape and design, residential amenity, off street parking and the desirability of maintaining any special feature of the urban fabric.

The proposal is considered to be acceptable in terms of amenity, design and quality of new housing. This site is located in an area of relatively high density developments and responds well to the urban fabric. The proposed density marginally exceeds the range set out in London Plan Policy 3.4 and is considered to meet UDP Policy H11. A refusal on grounds of overdevelopment is therefore not considered sustainable.

### 6.4 Amenity

UDP Policy ENV13 seeks to protect existing premises, particularly residential, from a material loss of daylight and sunlight as a result of new development.

The applicant has undertaken a daylight and sunlight assessment in accordance with BRE guidelines for the revised scheme. The windows included in the assessment are flats at 71, 73 and 75 Great Peter Street; Pelham House, 65 Great Peter Street; Bentinck and Ridley Houses, 34 Monck Street, Vestry Court, 5 Monck Street, sheltered accommodation at Norton House and Ormond House, Medway Street. A sunlight assessment has also been carried out with respect to the flats at 71 and 75 Great Peter Street.

The applicant has considered the impact of the additional bulk on the Vertical Sky Component available to these windows. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the occupants of the existing building are likely to notice the loss of sunlight. The sunlight assessment concludes that there will be no breach in the BRE guidelines and good levels of sunlight will be maintained.

The tables below show that there will be losses of daylight in excess of that recommended in the BRE guidelines in terms of VSC for 25 windows in 65 Great Peter Street, 12 windows in 34 Monck Street and eight windows for 71 Great Peter Street. There also reductions in daylight distribution for these properties and two living room windows in Ormond House.

<b>Pelham House, 65 Great Peter Street</b>						
<b>Floor level</b>	<b>Window</b>	<b>Existing VSC</b>	<b>Proposed VSC</b>	<b>Window % diff</b>	<b>Room % diff</b>	<b>Room % diff without balconies</b>
First	Living room	12.52	9.38	-25.11	-19.17	
		16.22	12.65	-21.99		
		16.82	13.22	-21.44		
		14.64	13.45	-8.15		
Second	Bedroom	19.10	15.27	-20.02	-20.02	-18.75
Second	Living room	15.86	12.49	-21.26	-21.41	-20.90
		3.08	2.41	-21.56		
Second	Living room	15.60	11.44	-26.68	-20.47	
		19.61	14.96	-23.69		
		20.67	15.95	-22.82		
Third	Living room	9.23	7.35	-20.37	-15.36	
Third	Bedroom	7.97	4.52	-43.25	-43.25	-16.98
Third	Bedroom	24.19	19.19	-20.66	-20.66	-20.00
Third	Living room	20.94	15.84	-24.34	-39.97	-22.19
		7.69	3.41	-55.61		
Third	Living room	19.30	14.01	-27.42	-20.93	
		24.49	18.63	-23.92		
		25.22	19.29	-23.51		
Fourth	Bedroom	30.15	23.97	-20.48	-20.48	
Fourth	Living room	30.07	23.43	-22.08	-22.58	
		30.02	23.09	-23.09		
Fourth	Living room	23.44	17.15	-26.84	-20.61	
		29.04	22.14	-23.78		
		30.18	23.17	23.22		
Fifth	Living room	28.02	21.40	-23.64	-18.35	

<b>34 Monck Street</b>						
<b>Floor level</b>	<b>Window</b>	<b>Existing VSC</b>	<b>Proposed VSC</b>	<b>Window % diff</b>	<b>Room % diff</b>	<b>Room % diff without balconies</b>
First	Living room	6.92	3.06	-55.72	-39.23	-18.93
		15.96	12.33	-22.73		
First	Bedroom	6.88	3.29	-52.17	-52.17	-17.98
Second	Living room	21.08	16.40	-22.19	-32.84	-19.80
		10.70	6.05	-43.49		



Second	Bedroom	19.85	15.46	-22.10	-22.10	-18.83
Second	Living room	10.71	6.39	-40.31	-20.77	-9.09
Third	Living room	15.10	9.38	-37.91	-29.91	-20.04
		24.76	19.34	-21.91		
Third	Bedroom	14.91	9.56	-35.90	-35.90	-19.09
Fifth	Living room	14.87	10.63	-28.46	-20.04	-8.52
		14.01	9.92	-29.22		

71 Great Peter Street						
Floor level	Window	Existing VSC	Proposed VSC	Window % diff	Room % diff	Room % diff without balconies
Four	Bedroom	9.84	1.97	-79.99		-31.72
Four	Bedroom	8.96	1.26	85.94		-34.85
Four	Bedroom	5.29	0.31	94.20		-40.01

The BRE guidelines state that if a room has two or more windows of equal size, the mean of their VSC may be taken. This means that for two living rooms, whilst there are percentage reductions to windows in excess of the BRE recommendations, the overall room complies.

There are average reductions in VSC to living rooms ranging from 29.91% to 39.23% which exceed that recommended in the BRE guidance. However, these living rooms are affected by overhanging balconies which cut out light from the top part of the sky. The applicant has therefore carried out the VSC modelling without the balconies place (in accordance with BRE guidance) to see whether the presence of the balcony rather than the size of the new obstruction was the main factor in the relative loss of light. The VSC calculations show that when the balconies are removed, the percentage difference for the affected room (i.e. not individual windows) is either below or marginally above the 20% reduction permitted under the BRE.

### Conclusions on Daylight

Of the 25 flats considered within 65 Great Peter Street, seven experience VSC reductions below the BRE guidelines. Of the rooms affected within the flats; four are bedrooms and seven are living rooms. However, the living rooms are served by multiple windows and two living rooms are affected by overhanging balconies.

Of the 12 flats considered within 34 Monck Street, seven experience VSC reductions below the BRE guidelines. However, all seven flats are obstructed by balconies which hinder the access of light into the rooms.

No. 71 Great Peter Street is mostly in commercial use, however, there are three duplex flats on the top two floors of the building with bedrooms at fourth floor and a bedroom and a kitchen at fifth floor. The fourth floor bedrooms will see reductions beyond the 20% set out in the BRE guidance, however, when the overhanging balconies are taken into account the reductions are not as significant. The rooms at fifth floor level will also see reductions beyond the recommended 20%, however, the kitchen is served by additional windows to the front and will still retain good levels of daylight ranging from 19.05 to 26.99%.

The daylight distribution reductions to two ground floor rooms in Orton House are marginally above the BRE recommendations of 20.61% and 24.92%.

The applicant has also carried out additional daylight analysis to show the impact on VSC values if an entire middle floor is removed from the Monck Street building. The analysis shows that whilst there would be some improvement in the VSC figures to neighbouring flats, the overall pass rate of 93% is similar to that achieved for the current scheme at 90%.

When the overhanging balconies and presence of multiple windows are taken into account the impact on living room windows and most bedrooms is either within the 20% reduction in daylight permitted by the BRE or marginally above. Given the central London context and overall benefits, the scheme is considered acceptable in terms of daylight.

### **Sense of Enclosure and Overlooking.**

There have been objections on increased sense of enclosure and loss of privacy from the flats within 65 Great Peter Street and 34 Monck Street, particularly at upper floor level.

The submitted drawings show that the separation distance between 65 Great Peter Street and the new building is 12.97m at fifth floor level, 14.78m at sixth floor level and 20m at seventh floor levels. The separation distance between the new building and 34 Monck Street is 22m at fifth floor level, 24m at sixth floor level and 28m at seventh floor level. There will also be an increased sense of enclosure from bedroom and kitchen windows at the rear of 71 Great Peter Street.

The development will change the view from flats within these properties. However, these separation distances are typical of central London and are considered sufficient to ensure that there will be no significant increase in the sense of enclosure or harm from overlooking to occupants of these flats.

### **6.5 Transportation**

The scheme proposes 25 car parking spaces (including four spaces for disabled users) for 51 residential flats. This equates to a 49% parking provision. No car parking is proposed for the commercial units. Vehicular access to the basement is via a one way ramp which will be traffic light controlled. Pedestrian access is through the main lift core and stairs only.

UDP Policy TRANS23 relates to off-street parking for residential development and states that the Council will normally consider there to be a serious deficiency where additional demand would result in 80% or more of available legal on-street parking spaces. The evidence of the Council's most recent daytime parking survey in 2011 indicates that the parking occupancy within a 200 metre radius of the development site within the day time and night time is 74% and 76% respectively. Although with the addition of Single Yellow Line availability at night, the stress level reduces to 45%.

The Highways Planning Manager acknowledges that the site has a high level of public transport accessibility but considers that the parking ratio proposed would result in up to 26 extra cars parking on the roadway which would take the occupancy threshold well over the 80% mark. Although the applicant has agreed to pay £26,000 to mitigate the potential impact of additional on street parking and provide Lifetime Car Club Membership (25 years) for each unit, the Highways Planning Manager considers that a condition should be attached to the decision notice to require the basement parking to be unallocated. The applicant has agreed to this condition (to be secured through a Car Park Management Plan) but has advised that this affects the overall viability of the scheme in terms of the amount of affordable housing that the scheme can support.

Objections have been received to the location of the car park entrance on Monck Street. It is not considered that the level of car movements associated with this development will cause noise or congestion that would be harmful to residential amenity or highway safety. The



proximity of the Tesco store is noted, however, the Highways Planning Manager has raised no concern about conflict with the car park entrance. The new access may require alterations to the existing Traffic Management Order. It is recommended that this is secured through a legal agreement.

104 cycle parking spaces are provided in the basement for the residential use and a further 8 spaces for the commercial use. The oversized lift car size in the residential entrance allows cycle transportation via the lift. This is welcome and satisfies UDP Policy TRANS 10.

### **6.5.1 Servicing, Refuse and Recycling**

Policy TRANS 20 states that the City Council will require convenient access to all premises for servicing vehicles and will, in most cases, require that the servicing needs of authorised development are adequately accommodated on-site and off-street.

Refuse collection will take place from Monck Street. The Cleansing Manager is satisfied with the proposal subject to a condition to require the safety measures outlined in the Transport Statement (to protect refuse collection operatives) are provided and permanently maintained. Prior to collection all commercial waste will be stored within the building.

Servicing for the commercial unit on the ground floor will take place from Monck Street. The Highways Planning Manager does not object to this in principle as this is the same situation as currently exists for the office building. However, objections have been received relating to the servicing implications from the use of the commercial unit by a food retail supermarket. The Highways Planning Manager shares these concerns and in the absence of a robust servicing management plan it is recommended that the applicant is prevented by condition from using any Class A1 retail for food retail purposes. Subject to this condition, it is expected that the servicing requirements for the commercial part of the scheme will be lower when compared to the previous use.

## **6.6 Economic Considerations**

The reduction in office floorspace on this site may have local economic implications. However, the occupiers of the 51 flats will generate economic activity which is welcome.

## **6.7 Access**

Level access will be provided to the residential entrance doors. Part M compliant lifts and Lifetime Homes compliant communal stairs will allow access from basement to eight floor levels, allowing access to every flat within the development site and basement amenity areas.

## **6.8 Other UDP/Westminster Policy Considerations**

### **6.8.1 Mechanical Plant**

The plant equipment is located within the basement although these will ultimately be vented through ducts at ground floor level. A baseline noise assessment has been carried out and noise parameters suggested for the operation of fixed plant within the development, based on a decibel level of 10dB below existing background noise level at the nearest residential windows.

Environmental Health officers recommend that further noise assessments are carried out once the plant has been selected to demonstrate compliance with the City Council's standard noise condition. It is recommended that details of a supplementary acoustic report could be secured by condition.

### **6.8.2 Overheating**

The residential units will have rooms that face east or west. There are no south facing rooms in this development. There is therefore no need for an overheating assessment to be secured by condition.

### **6.8.3 Construction Impact**

The application is accompanied by an Outline Construction Method Statement. This indicates that throughout demolition and construction all construction vehicles will be using Monck Street as their point of access to the site. A large number of objections have been received to the construction impact of the scheme, including the cumulative impact from the construction site at 73 Great Peter Street.

The applicant has agreed to sign up to the Council's Code of Construction Practice and to contribute towards the monitoring of the code by the Environmental Inspectorate and the monitoring of noise, dust and air pollution by Environmental Sciences. This will ensure that the impact of construction works is managed and monitored by the council principally for the benefit of local residents and can be secured through a S106 legal agreement. The concerns of residents regarding the cumulative impact of construction works are noted. Whilst it is unfortunate that works may be carried on simultaneously (albeit with appropriate safeguards), a refusal of the scheme for this reason could not be defended at appeal.

Conditions are also recommended to secure a detailed construction management plan prior to commencement of development and to ensure all construction works audible at the site boundary are only carried out within the following hours: 08.00 and 18.00 Monday to Friday; 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays.

The used of Monck Street to provide access for construction vehicles is considered acceptable in principle subject to compliance with the construction management plan and working hours condition.

### **6.9 London Plan**

The proposal does not raise strategic issues and does not have significant implications for the London Plan.

### **6.10 National Policy/Guidance Considerations**

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

## 6.11 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

The City Council's Planning Obligations Supplementary Planning Guidance sets out in detail the scope and nature of obligations to which certain types of development will typically be subject.

If the application had been considered acceptable the following principal items would be secured through the S106 legal agreement:

1. A parking mitigation payment of £26,000.
2. Lifetime car club membership (25 years) for each residential unit.
3. Public realm payment of £30,000.
4. Payment to St Andrew's Community Centre of £30,000.
5. Education payment £70,098.
6. The applicant to sign up to the Council's Code of Construction Practice and to pay up to £18,000pa annually for cost of monitoring by Environment Inspectorate and up to £8,040 annually for cost of monitoring by Environmental Sciences.
7. S106 Monitoring contribution.

## 6.12 Environmental Assessment including Sustainability and Biodiversity Issues

Policy 5.2 of the London Plan refers to Minimising Carbon Dioxide Emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy.
2. Be clean: supply energy efficiently.
3. Be green: use renewable energy.

City Plan Policy S10 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The application is accompanied by an Energy Strategy which sets out the sustainability credentials of the building and a Code for Sustainable Homes and BREEAM pre-assessment report.



The scheme meets the London Plan target for carbon dioxide emissions through a 41% improvement over 2010 Building Regulations. This is achieved through a high standard of energy efficiency, the provision of a site wide CHP (to include 73 Great Peter Street and Chadwick Street developments) and provision of photovoltaic panels. The 100 photovoltaic panels at roof level achieve a 20% reduction of carbon dioxide emissions.

The pre-assessment report for Code for Sustainable Homes indicates that the residential part of the scheme will achieve a Code Level 4 rating. The BREEAM Commercial pre-assessment report indicates that the commercial units will achieve an 'Excellent' rating.

The sustainability features for this development are welcome and the scheme complies with Policy S40 of the City Plan.

### **6.13 Trees and Landscaping**

There are no existing trees on the site.

The indicative landscaping plans show areas of hard landscaping with a small amount of planting. A landscaping condition is recommended to secure further details.

### **6.14 Other Issues**

#### **6.14.1 Remote rooms**

Environmental Health has raised concerns regarding the provision of remote rooms in the development. This is a matter for Building Control or an approved inspector to assess. However, an Informative is recommended to advise the applicant of Environmental Health's concerns.

#### **6.14.2 Statement of Community Involvement**

There have been a number of comments in the letters of representation that the consultation carried out by the applicant was inadequate. The Statement of Community Involvement (SCI) submitted with the application advises that activities undertaken as part of the consultation process include:

- A meeting with the Westminster Society and Thorney Island Society.
- Letters sent to approximately 900 local residents and businesses, providing an invitation to a public consultation exhibition.
- A public consultation exhibition held over two days on-site
- Provision of feedback forms at the exhibition.

A summary of feedback received at the exhibition and via the feedback forms was included as part of the SCI. However, this SCI did not include a summary of feedback forms received after the application was submitted to WCC. Following concerns raised by a local resident an addendum SCI was submitted during the course of the application to address this issue.

The comments made by consultees that the consultation by the applicant was inadequate are noted. However, the SCI is typical of other major developments in the City and is considered to be adequate for the Council to assess the application.

### **6.15 Conclusion**

The proposal is considered acceptable in design terms and will provide additional housing for the City. The non provision of affordable housing within this scheme has been assessed and

verified by the City Council's independent viability consultant. Committee's views on the absence of affordable housing are sought given the particular circumstances of the case. The scheme has been revised to lessen the impact on neighbouring residential units. When the overhanging balconies and presence of multiple windows are taken into account the impact on living room windows and most bedrooms is either within the 20% reduction in daylight permitted by the BRE or marginally above. Given the central London context and overall benefits, the scheme is considered acceptable in terms of daylight.

## BACKGROUND PAPERS

1. Application form.
2. Memorandum from Highways Planning Manager dated 17 July 2014.
3. Memorandum from Environmental Health dated 18 July 2014.
4. Memorandum from Cleansing Manager dated 15 July 2014.
5. Memorandum from Go Green Manager dated August 2014.
6. Memorandum from Arboricultural Manager dated 29 August 2014.
7. Letter from Environment Agency dated 22 July 2014.
8. Letter from Westminster Society dated 1 July 2014.
9. Letter from The Thorney Island Society dated 31 July 2014.
10. Letter from owner/occupier of 503 Bentinck House, 34 Monck Street dated 18 July 2014.
11. Letter from owner/occupier of 27 Monck Street dated 17 July 2014.
12. Letter from owner/occupier of 603 Bentinck House, 34 Monck Street dated 17 July 2014.
13. Letter from owner/occupier of 64 Ridley House, 35 Monck Street dated 16 July 2014.
14. Letter from owner/occupier of 34 Monck Street dated 18 July 2014.
15. Letter from owner/occupier of 205 Bentinck House, 34 Monck Street dated 15 July 2014.
16. Letter from owner/occupier of 506 Cavendish House, 31 Monck Street dated 15 July 2014.
17. Letter from owner/occupier of Flat 512, 27 Monck Street dated 18 July 2014.
18. Letter from owner/occupier of 27 Monck Street dated 17 July 2014.
19. Letter from owner/occupier of 60 Ormond House, Medway Street dated 28 July 2014.
20. Letter from owner/occupier of 207 Cavendish House, 31 Monck Street dated 17 July 2014.
21. Letters from Pelham and Ridley Residents' Association dated 17 July and 16 July 2014.
22. Letter from owner/occupier of Flat 41, Ormond House, Medway Street dated 17 July 2014.
23. Letters from owner/occupier of 65 Ridley House, 35 Monck Street dated 16 July 2014.
24. Letter from owner/occupier of 51 Pelham House, 65 Great Peter Street dated 16 July 2014.
25. Letter from owner/occupier of 47 Ridley House, 35 Monck Street dated 16 July 2014.
26. Letter from owner/occupier of 7 Ormond House, Arneway Street dated 16 July 2014.
27. Letter from owner/occupier of 24 Ridley House, 35 Monck Street dated 16 July 2014.
28. Letter from Ormond House Residents' Association dated 16 July 2014.
29. Letter from owner/occupier of 614 Bentinck House, 34 Monck Street dated 16 July 2014.
30. Letter from owner/occupier of 30 Ormond House, Medway Street received 15 July 2014.
31. Letter from owner/occupier of 203 Bentinck House, 34 Monck Street dated 15 July 2014.
32. Letters from owner/occupier of 23 Ormond House, Medway Street dated 15 July 2014.
33. Letter from owner/occupier of Flat 3, Ormond House dated 15 July 2014.
34. Letter from owner/occupier of 47 Octavia House dated 14 July 2014.
35. Letter from owner/occupier of 2 Ormond House dated 15 July 2014.
36. Letter from owner/occupier of 30 Ormond House dated 15 July 2014
37. Letter from owner/occupier of 17 Ridley House, 35 Monck Street dated 14 July 2014
38. Letter from owner/occupier of 45 Ormond House dated 17 July 2014
39. Letter from owner/occupier of 35 Ormond House dated 15 July 2014
40. Letter from owner/occupier of 12 Ormond House dated 15 July 2014
41. Letter from owner/occupier of 37 Ridley House, 35 Monck Street dated 16 July 2014
42. Letter from L&Q dated 5 July 2014.
43. Letters from New Palace Place Owners' and Residents' Association dated 17 July 2014.
44. Email to Cllr Tim Mitchell dated 21 July 2014.
45. Email to Mr Folger dated 16 July 2014.

46. Email chain from Mr Folger dated 10 July 2014.  
47. Email chain from Mr Folger dated 10 July 2014.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE  
BACKGROUND PAPERS PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR  
BY E-MAIL – [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 2 Monck Street, London, SW1P 2BQ

**Proposal:** Demolition of existing buildings and erection of replacement building comprising of eight storeys to provide a total of 51 residential units above 348m2 commercial floorspace at ground floor level on Monck Street for either A1 (retail), A2 (financial and professional), A3 (restaurant), B1 (office) or D1 (non residential institution) with associated basement to provide 25 car parking spaces, 102 residential cycle parking spaces, commercial cycle parking spaces and mechanical plant together with associated works including landscaping.

**Plan Nos:** Site location plan - (01)-P-001,  
Existing plans - (01)-P-002, (01)-E-001, (01)-E-002, (03)-P-0B0 Rev I, (03)-P-0G0 Rev P, (03)-P-001 Rev K, (03)-P-002-004, (03)-P-005, (03)-P-006 Rev G, (03)-P-007 Rev G, (03)-P-008 Rev a, (03)-X-004 Rev A, (03)-X-007 Rev A, (03)-E-001 Rev D, (03)-E-001 Rev D, (03)-E-002 Rev A, (03)-E-003 Rev A.  
Design and Access Statement (revised September 2014), Daylight and Sunlight Study (June 2014, August 2014 and September 2014), Construction Method and Management Plan, Energy Report (June 2014), Planning Statement (June 2014), BREEAM Report (June 2014), Code for Sustainable Homes Pre-Assessment Report (June 2014), Transport Statement (June 2014), Habitat Survey (June 2014), Statement of Community Involvement (June 2014), Structural Engineers Design Statement (June 2014), Acoustic report (June 2014), Flood Risk Assessment (June 2014), CGI Addendum (September 2014). Townscape, Conservation and Visual Impact Assessment (June 2014).

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

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

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

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

**Reason:**

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary



Development Plan that we adopted in January 2007. (R11AC)

- 3 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide for following details:
- (i) a construction programme including a 24 hour emergency contact number;
  - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
  - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
  - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
  - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

Reason:

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

- 4 (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: Strategic Policies adopted November 2013, 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.

- 5 You must provide the residential waste store shown on the approved drawing before anyone moves into the residential units. You must clearly mark it and make it available at all times to everyone using the residential units. 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 stores 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: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 6 You must provide the waste store for the commercial units shown on the approved drawings prior to the occupation of the commercial part of the development. You must clearly mark it and make it available at all times to everyone using the commercial units. 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 stores 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: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 7 You must provide the secure cycle parking spaces shown on the approved basement drawing prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 8 You must apply to us for approval of details of a Car Parking Management Plan. You must not occupy the residential units until we have approved what you have sent us. Thereafter the development shall be managed in accordance with the approved plan. (See Informative 2)

Reason:

To ensure that the car parking provision is acceptable, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 9 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.

Reason:

To provide parking spaces for people living in the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 10 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

a photo-voltaic array of 52kWp or greater.

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44BC)

- 11 A BREEAM assessment must be completed and certified by the Building Research Establishment (or other authorised assessor) for the commercial part of this development and a copy of the certificate detailing the award score shall be submitted to us within 6 months of first occupation. In the event that this fails to meet the Pre-Assessment Score of 'Excellent' (or equivalent) a full schedule of costs and works to achieve such a rating shall be submitted at the

same time. In the event that the Council considers it is practicable and reasonable to require the implementation of these remedial works to achieve such a rating, such measures, or alternatives to secure off site remedial actions, shall be carried out within six months of any such determination.

**Reason:**

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44BC)

- 12 A Code for Sustainable Homes assessment must be completed and certified by the Building Research Establishment (or other authorised assessor) for the residential part of this development and a copy of the certificate detailing the award score for the building shall be submitted to us within 6 months of first occupation. In the event that this fails to meet the Pre-Assessment Score of Code Level 4 (or equivalent) a full schedule of costs and works to achieve such a rating shall be submitted at the same time. In the event that the Council considers it is practicable and reasonable to require the implementation of these remedial works to achieve such a rating, such measures, or alternatives to secure off site remedial actions, shall be carried out within six months of any such determination.

**Reason:**

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44BC)

- 14 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

**Reason:**

To provide family accommodation as set out in S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007.

- 15 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. You must not start work on the landscaping 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.

If you remove any trees or find that they are dying, severely damaged or diseased within two years 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: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)



- 16 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: Strategic Policies adopted November 2013 and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 17 You must apply to us for approval of detailed drawings at 1:50 and 1:5 of the following parts of the development:
- a) Full height bay details in plan, section and elevation including a typical winter garden showing fenestration, balustrades, brick panel detailing and main entrance
  - b) Bronze cladding to bays and 7th floor
  - c) Balustrades and method of fixing (aside from those required by part (a))
  - d) All new windows and doors types (cross referenced to elevations)
  - e) Car park entrance and shutter details
  - f) Photovoltaics (showing height above roofline)
  - g) Shopfront details and signage strategy

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

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: Strategic Policies adopted November 2013 and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 18 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

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: Strategic Policies adopted November 2013 and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 19 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roofs, roof terraces or balconies.

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: Strategic Policies adopted November 2013 and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 20 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roofs, roof terraces or balconies.

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: Strategic Policies adopted November 2013 and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 21 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the Class A1 retail accommodation hereby approved shall not be used as a food retail supermarket.

Reason:

Insufficient information has been provided to assess the impact from a food retail supermarket on public safety, the free flow of traffic and residential amenity. This is as set out in S29, S32 and S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 22 Notwithstanding the provisions of Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the non residential use hereby approved shall not be used as a Needle Exchange Clinic or Place of Worship.

Reason:

To prevent a use that would be harmful to residential amenity or detrimental to highway safety. In the interests of public safety, to avoid blocking the road and to protect residential amenity. This is as set out in S29, S32 and S41 of our Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, TRANS 2, TRANS 3 and TRANS 20 of our Unitary Development Plan that we adopted in January 2007

- 23 In the event that the ground floor commercial unit is occupied for Class A3 purposes, you must apply to us for approval of detailed drawings showing the external appearance of the kitchen extract ventilation system. You must not cook raw or fresh food within any Class A3 use until we have approved what you have sent us. Thereafter you must carry out the work according to these details and the kitchen extract ventilation system shall be retained and maintained for as long as the Class A3 unit is in place.

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells.

This is as set out in S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 24 In the event that a ground floor commercial unit is used for Class A3 purposes, customers shall not be permitted within the Class A3 restaurant premises before 0730 or after 2300 Monday to Saturday and before 0800 or after 22.30 on Sundays, Bank Holidays and Public Holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 25 The kitchen extract equipment approved under Condition 23 to control the emission of fumes and smells from the premises shall be operated at all times when cooking is taking place but not outside the hours of 07.30 to 2300 Monday to Saturday or before 0800 or after 22.30 on Sundays, Bank Holidays and Public Holidays.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in CS32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 26 (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: Strategic Policies adopted November 2013, 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.

- 27 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.

- 28 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.



- 29 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 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: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With regard to condition 2 please be advised that the bronze coloured metal cladding should be an anodised finish.
- 3 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.  
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>  
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.  
**You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
- 4 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

- 5 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

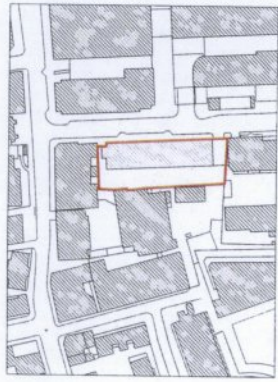
Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

- 6 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:
1. A parking mitigation payment of £26,000.
  2. Lifetime car club membership (25 years) for each residential unit.
  3. Public realm payment of £30,000.
  4. Payment to St Andrew's Community Centre of £30,000.
  5. Education payment £70,098.
  6. The applicant to sign up to the Council's Code of Construction Practice and to pay up to £18,000pa annually for cost of monitoring by Environment Inspectorate and up to £8,040 annually for cost of monitoring by Environmental Sciences.
  7. S106 Monitoring contribution



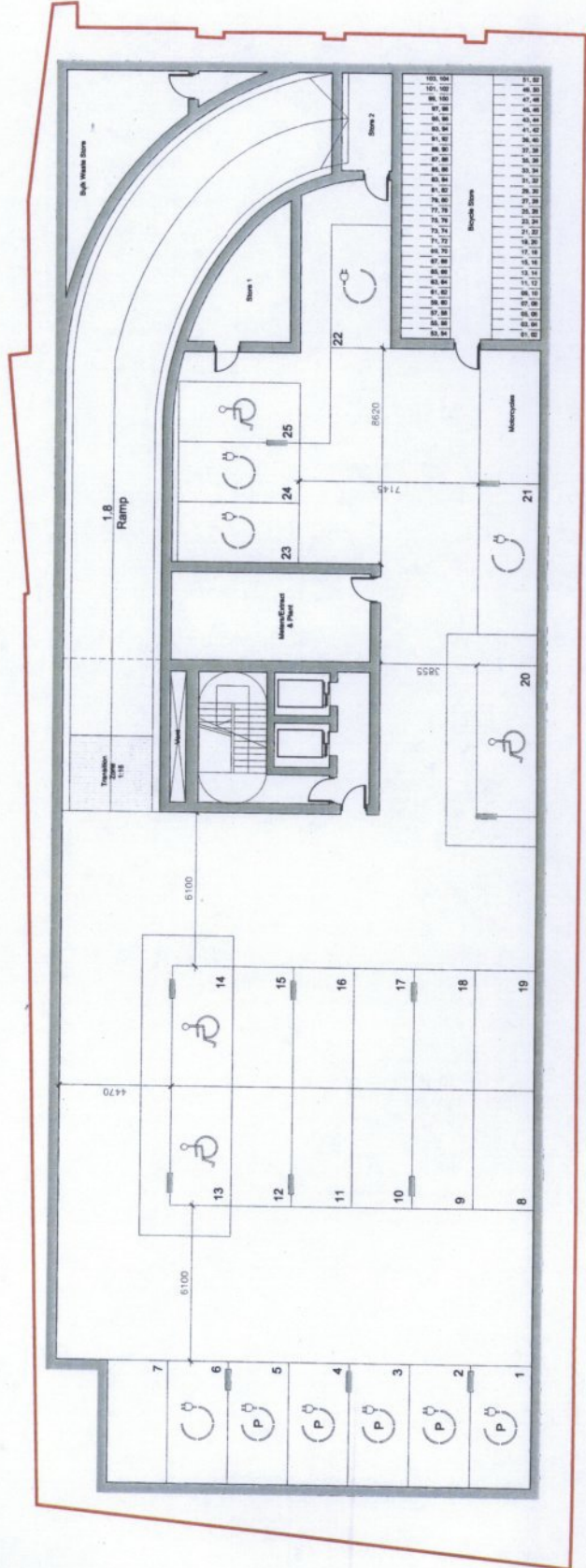






Key Plan

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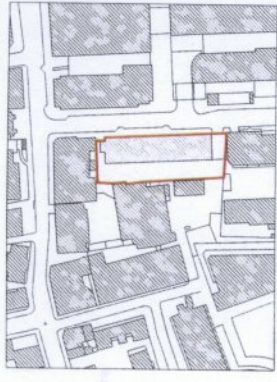


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ARCHITECTS

Proposed Basement Floor Plan  
Ashley House

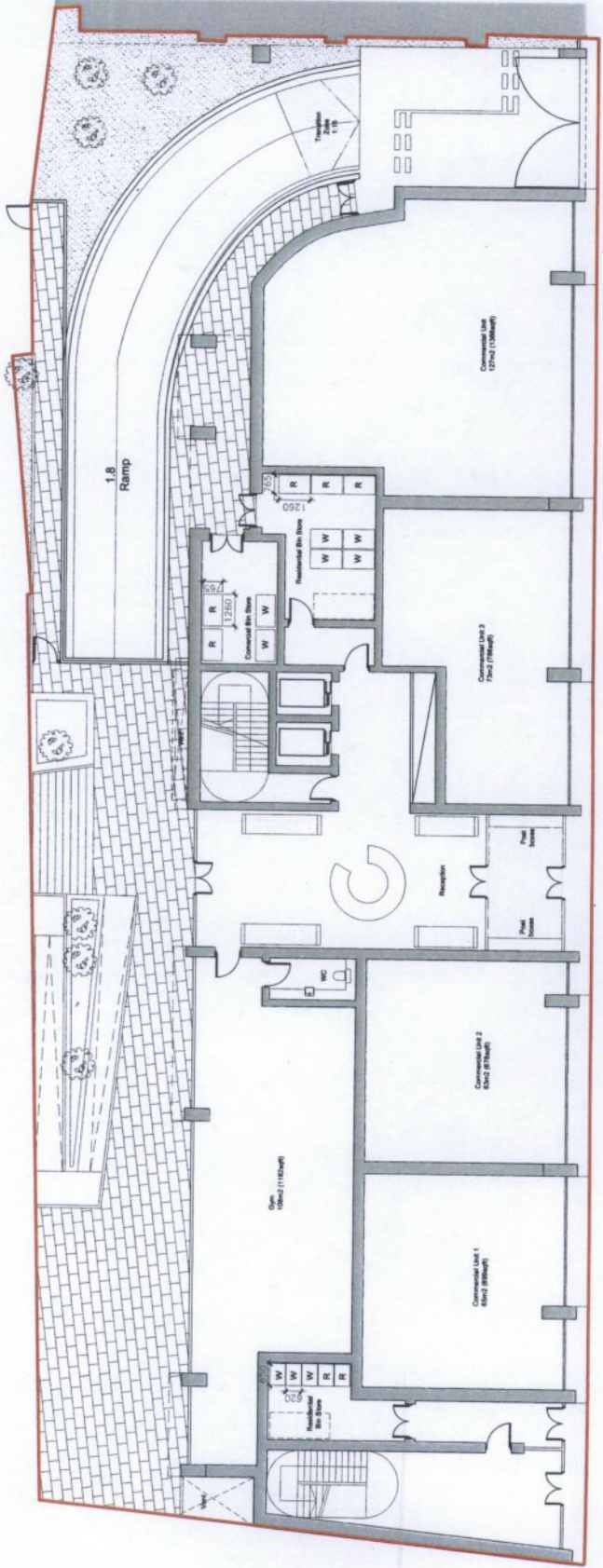
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Key Plan

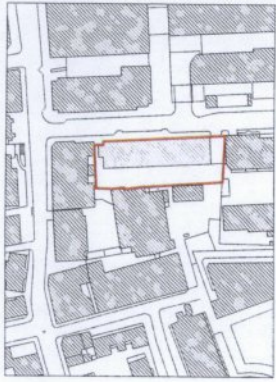
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ARCHITECTS

<b>Proposed Ground Floor Plan</b>	
Ashley House	
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DATE	13 Feb 2014
JOB NO.	13081
DRAWING	(03)-P-000
REV	P





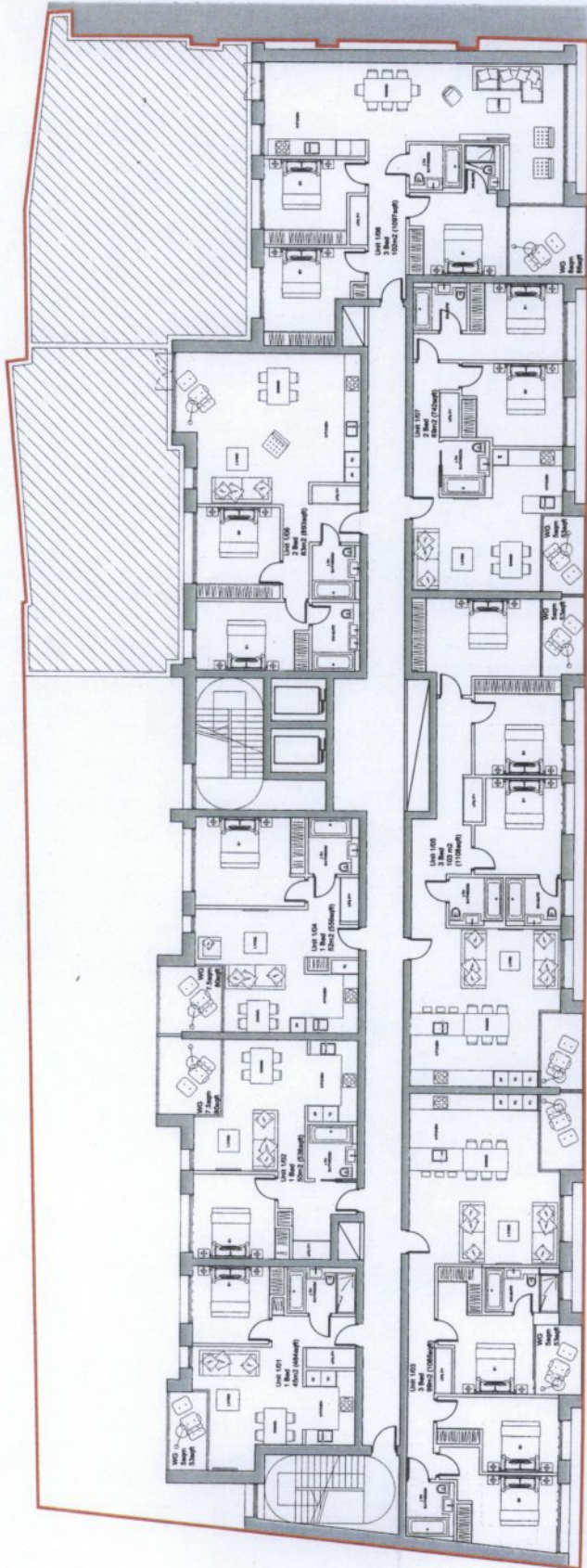
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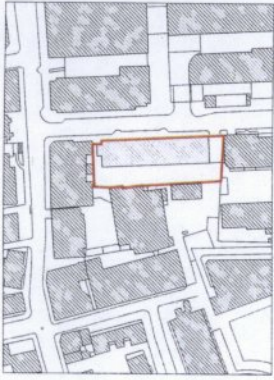
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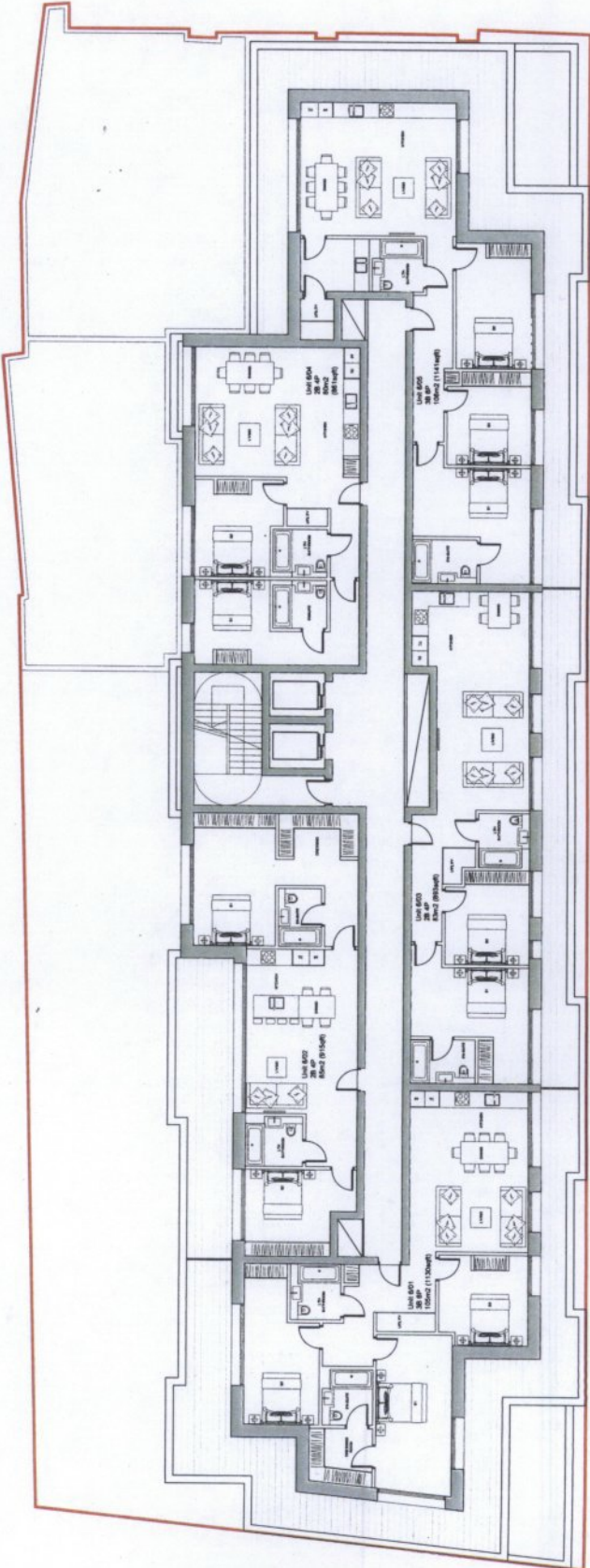
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Ashley House	
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Key Plan

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DARLING ASSOCIATES ARCHITECTS

<b>Proposed Sixth Floor Plan</b>	
Ashley House	
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1:100	1:200
JOB NO	DRAWING
13081	(03)-P-006
REV	REV
	G











Key Plan



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ARCHITECTS

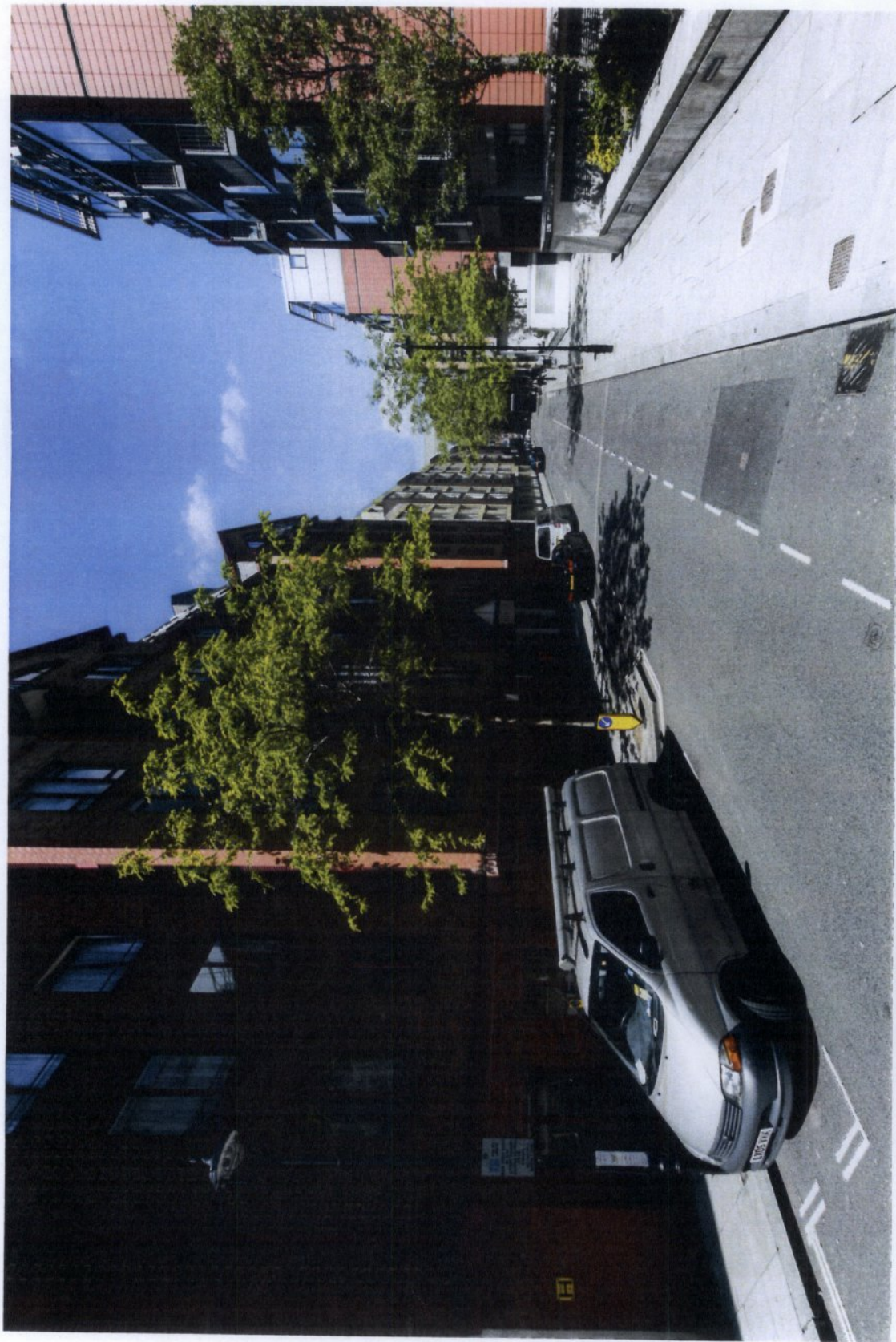
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Ashley House			
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View between the MOD Buildings 1&2 towards Ashley House





View down Monck Street, past Vestry Court towards Great Peter Street