

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 4 November 2014	<b>Classification</b> For General Release	
<b>Report of</b> Operational Director Development Planning		<b>Wards involved</b> Bryanston And Dorset Square	
<b>Subject of Report</b>	<b>124-130 Seymour Place, London, W1H 6AQ</b>		
<b>Proposal</b>	Demolition of existing buildings and erection of new building on basement to fourth floors with rooftop plant enclosure; new rear lightwells/railings on Walmer Place; creation of living roof and green wall. Use of the building as 12 flats with associated balconies/terraces (Class C3).		
<b>Agent</b>	Quod		
<b>On behalf of</b>	Merchant Land Investments Ltd		
<b>Registered Number</b>	14/01122/FULL	<b>TP / PP No</b>	TP/5372
<b>Date of Application</b>	31.01.2014	<b>Date amended/ completed</b>	06.03.2014
<b>Category of Application</b>	Major		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Portman Estate		
<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 Outside Core Central Activities Zone		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

1. Grant conditional permission, subject to a S106 legal agreement to secure the following:

- Provision of £552,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- Provision of £10,000 to fund parking review studies in the area;
- Provision of lifetime car club membership (minimum 25 years) for all 12 flats;
- The costs of monitoring the S106 agreement.

2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

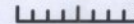
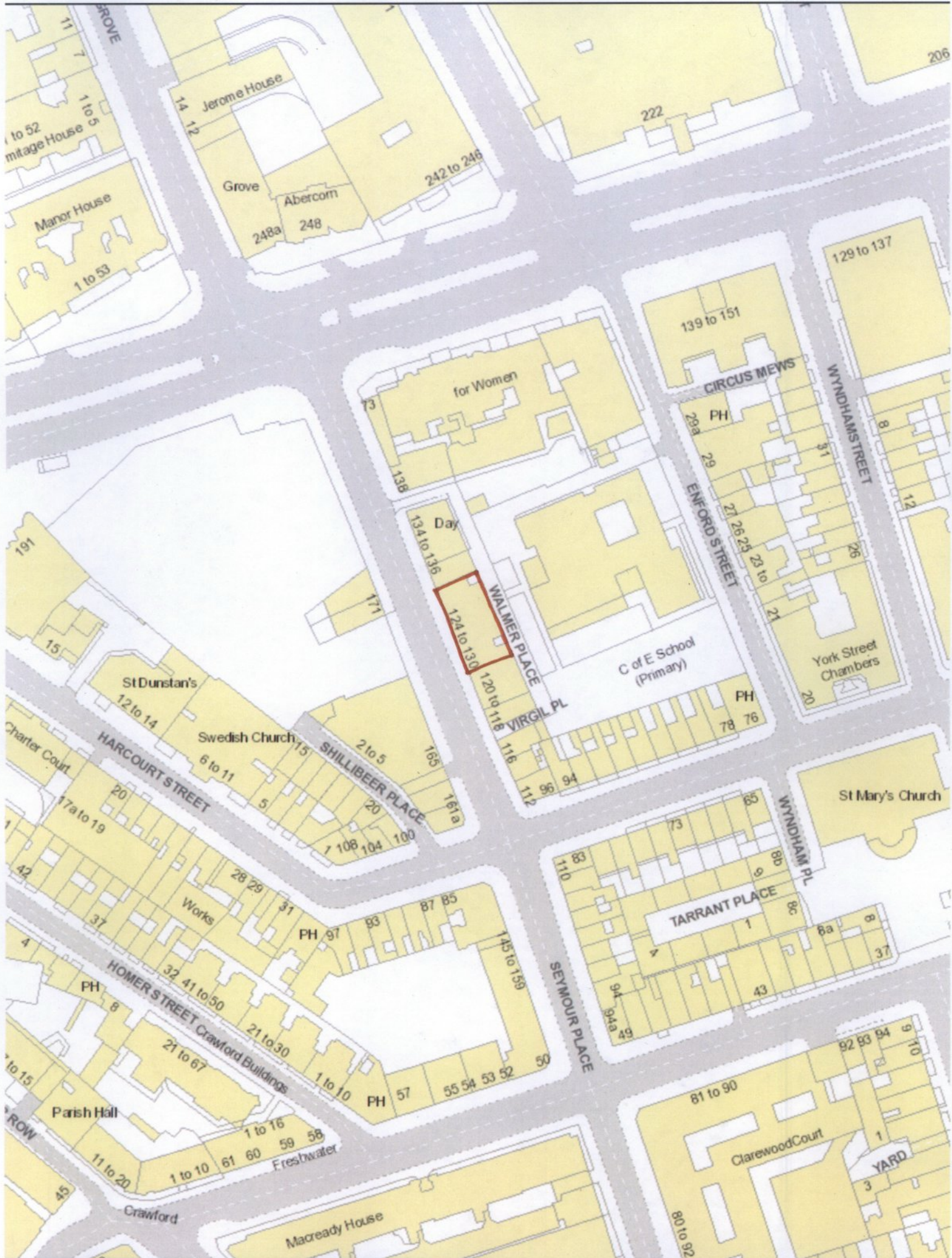
(a) The Operational Director shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Operational Director is authorised to determine and issue the decision under Delegated Powers; however, if not;

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1

(b) The Operational Director shall consider whether the 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.

3. The Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of the area of highway on Walmer Place, required to enable the development to take place.

4. That the City Commissioner for Transportation be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order.







124-130 SEYMOUR PLACE, W1

## 2. SUMMARY

The application site, which forms part of a wider terrace, is a group of unlisted buildings within the Portman Estate Conservation Area. The buildings, which have been laterally converted to form a single property, have been vacant for a number of years but were last occupied as offices on basement to third floors and two flats at fourth floor level. Permission is sought for the demolition of the existing building, and for the erection of a new building on basement to fourth floors, with a rooftop plant enclosure, for use as 12 flats, with associated balconies/terraces. Other works include the creation of new basement lightwells, enclosed by railings, on the rear Walmer Place frontage. A green wall and living roof are also proposed. The scheme includes a contribution to the City Council's affordable housing fund in lieu of on-site provision.

The key issues for consideration are:

- The impact of the proposed building on the character and appearance of the Portman Estate Conservation Area.
- The lack of off street car parking.

Objections have been received to the principle of the demolition of the existing building and to the detailed design of the new development. There is also concern regarding the impact of construction works upon the operation of the neighbouring Court. However, subject to conditions, the scheme is considered acceptable in land use, amenity and design terms and accords with relevant UDP and City Plan policies.

## 3. CONSULTATIONS

### ENGLISH HERITAGE

Concerns over the demolition of the existing building, in particular the loss of the shopfronts.

### THE MARYLEBONE ASSOCIATION

Rear elevation draws no contextual references; poor natural light quality to the lower ground bedrooms/terraces.

### ENVIRONMENTAL HEALTH

No objection subject to conditions.

### HIGHWAYS PLANNING MANAGER

Objection:

- lack of off street parking provision.
- unacceptable pavement obstruction from proposed railings on Seymour Place.

### CLEANSING MANAGER

Refuse storage arrangements satisfactory.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 144; Total No. of Replies: 2

One letter of support relating to the Stopping-Up of part of Walmer Place.

One letter raising the following concerns:

- Noise disturbance to neighbouring Court during construction works, reduced working hours requested.
- Potential for construction traffic to obstruct Court vehicles in Seymour Place.

ADVERTISEMENT/SITE NOTICE: Yes

## **4. BACKGROUND INFORMATION**

### **4.1 The Application Site**

Nos.124-130 Seymour Place is a group of unlisted buildings forming part of a terrace situated within the Portman Estate Conservation Area. The site is located on the east side of Seymour Place with a rear frontage on Walmer Place, which is a narrow road running behind the site.

The buildings, which have been laterally converted to create a single property, have been vacant for a considerable period of time. The premises were last occupied as offices (Class B1) on basement to third floors, with ancillary storage in the basement level, and as two self-contained flats at fourth floor level.

To the rear of the site is St Mary's Church of England Primary School on Enford Street. The nearest residential premises are located on the upper floors of No.132 Seymour Place (adjoining the application site); 112 Seymour Place (at the junction with York Street) and to the rear of the site on Enford Street.

### **4.2 Relevant History**

5 November 2008: Permission granted for the use of part ground floor and basement as a retail showroom; alterations to front facade at ground floor level; installation of ground level railings around existing infilled lightwell on Walmer Place; alterations to parapet and relocation of existing air conditioning units to roof level, with acoustic screening. This permission has not been implemented.

## **5. THE PROPOSAL**

Permission is sought for the demolition of the existing building and for the erection of a new building on basement, ground and first to fourth floors, with a rooftop plant enclosure, to provide 12 flats (Class C3). Part of the basement will be used to accommodate plant, storage, refuse and recycling facilities and cycle storage.

The existing building has two large projecting stairwells to the rear. The proposed rear building line will reflect the depth of these stairwell extensions, with a central recess. Balconies/terraces are proposed at rear first to fourth floor level. New lightwells will be created at the rear to provide light and amenity space to the lower floors.

The application has been revised to address concerns about aspects of the building design and highway obstruction and also to address affordable housing policies.

## **6. DETAILED CONSIDERATIONS**

### **6.1 Land Use**

#### **6.1.1 Loss of office floorspace**

There are no policies within the UDP or City Plan to protect Class B1 office floorspace and the loss of this accommodation is considered acceptable in principle.

#### **6.1.2 Residential use**

The introduction of new residential floorspace is supported under UDP Policy H3 and City Plan Policy S14.

### **6.1.2i Residential mix and standard of accommodation**

The scheme would provide 10 additional residential units (12 in total) in the form of 1 x studio, 3x1 bed, 4x2 bed, and 4x3 bed units. Four units (33%) would provide family-sized housing in accordance with UDP Policy H5 which encourages the provision of a range of unit sizes. Some of the units benefit from private amenity space.

The residential units comply with the minimum space standards set out in the London Plan (ranging between 37m<sup>2</sup> and 155m<sup>2</sup>) and are designed to meet the Lifetime Homes standards.

The Marylebone Association has objected to the scheme on the grounds that there would be insufficient levels of natural light to basement level bedrooms and terraces. The basement bedrooms will be used in connection with the living rooms at ground floor level and, overall, the apartments will be well lit. The Environmental Health officer has not raised any concerns about internal lighting levels. A daylight report has been submitted which shows that the new accommodation would achieve recommended daylight standards.

The submitted acoustic report does not address the issue of internal noise levels to the new flats. However, this is a new development which would incorporate double glazed windows and the high specification building fabric necessary to meet modern performance standards. In these circumstances, in this location, it is considered that the new flats would achieve the required internal noise standards. A system of mechanical ventilation for the new flats would also be provided should residents choose to keep their windows shut.

Consequently, it is not considered that the application could be recommended for refusal on the grounds that it would not provide a satisfactory standard of accommodation for future residents.

### **6.1.2ii Affordable Housing**

The provision of 10 new residential units and 1436m<sup>2</sup> of new residential floorspace would trigger a requirement to provide on-site affordable housing under Policies H4 and S16. Policy S16 requires a proportion of the new floorspace to be provided as affordable housing. Under the terms of the Council's Interim Affordable Housing Guidance, there is a requirement to provide 160m<sup>2</sup> of affordable housing, which equates to two flats. Where it is accepted that it would not be appropriate or practical to provide the affordable housing requirement on the site, the provision of the housing on an alternative commercial site in the vicinity should be explored. Where it is acknowledged that both on-site and off-site provision is impractical or inappropriate, the City Council may consider a financial contribution to the City Council's affordable housing fund in accordance with the adopted formula. Given the increase in floorspace, a policy compliant contribution would be £562,000 (rounded down).

The applicant contends that the affordable housing requirement cannot be provided on site given the small building footprint and the need to provide two separate residential cores, which would reduce the amount of useable floorspace. In these circumstances, it is accepted that it is not practical to provide affordable housing units on site. The applicant does not own any other properties in the area which could be used to provide the affordable housing.

There have been on-going discussions between the applicant and consultants acting for the City Council relating to the viability of the scheme. The applicant's viability report concluded that it was not viable to make a contribution to the City Council's affordable housing fund. However, the Council's consultants considered that, while the scheme could not provide on-site affordable housing, it could support a financial contribution of £552,000. The applicant has since agreed to pay this sum, which would be secured by a S106 legal agreement.



## **6.2 Townscape and Design**

Located on the east side of Seymour Place, Nos. 124-130 is a group of unlisted terrace buildings which lie within the Portman Estate Conservation Area. Comprising basement, ground, three upper floors, with a modern mansard at fourth floor level, the building largely retains its original form, with the exception of two sizable projecting stairwells to the rear which extend above roof level.

Following pre-application discussions the scheme has developed considerably to address a number of design concerns. The current scheme seeks to mitigate the demolition of the front facade by improving the appearance of the ground floor frontage as well as the detailed design of the rear.

### **6.2i Principle of Demolition**

Generally, the City Council would seek to retain buildings which contribute to the character and appearance of conservation areas. English Heritage has concerns over the demolition of the existing building, in particular the loss of the ground floor shopfronts and has requested that a retail use is retained at ground floor level. However, there is no record of retail use in this building.

The ground floor has been boarded up for a number of years. Traditional fascia boards, consoles and pilasters survive in part but the glazed windows have been replaced by poor quality modern fenestration, which has diminished the appearance of the ground floor. Whilst the building has not been identified within the Portman Estate Conservation Area Audit as being a building of merit, neither has it been identified as making a negative contribution. The building is of a type which characterises this part of the conservation area. However, the front facade is in a poor state of repair and exhibits numerous ties, lost features and poor masonry repairs. Consequently, in accordance with the NPPF (para. 134), it is considered that the loss of the building would "cause less than substantial harm" to the significance of the conservation area.

While the loss of the traditional shopfront consoles and fascia boards is regrettable, the traditional shopfronts have been greatly diminished by insensitive alterations undertaken in the 1980s. Following extensive revisions the proposals are considered to provide substantial improvements to the building frontage, which mitigate the demolition of the facade. It is also considered that the introduction of a more domestic styled frontage would be more fitting for a residential building.

As the scheme is considered to comply with relevant UDP and City Plan design policies, the objections from English Heritage relating to the principle of demolition could not be supported.

### **6.2ii Proposed Detailed Design**

The proposals seek to replicate the traditional stock brick frontage, to define the historic terrace plots, and to improve upon more recent alterations. A number of lost details would be reinstated. Of note are the traditionally detailed front mansard and decorative plaster details.

The Marylebone Association has objected to the new building design on the grounds that the rear elevation draws no contextual references. It is acknowledged that the new rear facade is overtly modern. However, given the appearance of the existing, much impaired, rear facade, it is considered that a well designed modern addition could be appropriate. Following officer advice the height, bulk and detailed design of the rear have been greatly improved to respond better to the building's context. The glazing arrangement and details have been modified and more solidity and verticality have been introduced. The pallet of materials, which includes brick, bronze cladding, bronze windows and zinc roof covering (to the rear) are considered to compliment the surroundings. The proposed green wall is welcomed. Consequently, subject to



conditions concerning design details and materials, which would ensure design quality and preserve the integrity of the wider terrace, it is not considered that the objection could be supported.

In conclusion, the quality of the replacement building is considered to justify concerns about the demolition of the existing building. In particular, the replacement front facade would offer enhancements to this part of the Portman Estate Conservation Area. Consequently, the proposals are considered to comply with the City Council's Policies DES1, DES5, DES6, DES9, S25 and S28

### **6.3 Amenity**

The proposed development is no higher than the existing building and is of a similar form. While there is additional bulk at the rear, this does not project beyond the line of the existing rear stairwells. A daylight report has been submitted, and this shows that there will be no adverse impact from the proposed development to the neighbouring residential accommodation. Consequently, it is not considered that the proposals would have a material impact upon the levels of daylight and sunlight received to neighbouring properties.

To the rear, there is a narrow alleyway (Walmer Place) which separates the application site from the boundary wall of St Mary's School, (accessed from Enford Street). The east side of Enford Street is predominantly residential in character. Inset balconies/terraces are proposed on the rear elevation but these do not extend beyond the rear elevation. Given the distance between these balconies and terraces and properties on the opposite side of Walmer Place, it is not considered that their inclusion would result in any material loss of privacy to neighbouring occupiers.

#### **6.3i Plant**

Mechanical plant is proposed at basement level and at roof level, within an enclosure. The application is supported by a detailed acoustic report. This has been assessed by the Environmental Health officer who has raised no objection to the proposals subject to conditions relating to plant noise and vibration.

### **6.4 Transportation/Parking**

#### **6.4.1 Parking**

UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement for 10 spaces. 'Stress levels' are defined as circumstances where the occupancy of on-street legal parking bays exceeds 80%.

The Highways Planning Manager has objected to the proposal on the grounds that no off-street car parking is provided as part of the scheme. The City Council's most recent daytime survey (2011) indicates that Resident's and Shared Use bays were 95% occupied, and during the evening this reduces to 58%. However, the site has a high level of public transport accessibility and it is considered that the benefits of redeveloping this site, which has been vacant for a number of years, outweighs concerns about the lack of off-street car parking. The applicant is willing to enter into a S106 agreement to secure car club membership for all of the residential units (minimum 25 years) and to pay a sum of £1,000 for each additional flat (£10,000) to go towards parking review studies.

Cycle parking for all the residential units is to be provided at basement level. This will be secured by condition.

#### **6.4.2 Stopping up of the highway**

The rear of the site fronts Walmer Place which can be accessed, by vehicles, via an entrance adjacent to Nos. 134-136 Seymour Place. Walmer Place runs behind the application site and becomes Virgil Place at its exit point, which is adjacent to Nos. 118 and 116 Seymour Place. The roadway is closed to through traffic by a bollard at the exit point. The roadway is used for ad hoc parking and is subject to anti-social behaviour due to its concealed location.

The proposal includes the creation of two basement lightwells, enclosed by ground floor railings, on this frontage. As this is an area of public highway, a Stopping-Up Order would be required. A letter of support has been received from St Mary's School regarding the Stopping-Up proposals in Walmer Place.

The scheme has been amended to omit proposals to provide pavement railings on Seymour Place, which would have reduced the width of the pavement outside the site to 1.17m (taking into account the existing street trees). This is less than the minimum width of footway within the Westminster Way (2m).

An application has been made for the Stopping-Up of Walmer Place and Seymour Place (although the proposals for Seymour Place have now been deleted from the scheme). A Cabinet Member report has been drafted which supports the proposals for Walmer Place but which recommends refusal of the proposals in relation to Seymour Place.

Given the omission of the Seymour Place railings, the scheme is now acceptable and it is not considered that the scheme would result in unacceptable highway obstruction.

#### **6.5 Economic Considerations**

Any economic benefits generated are welcomed.

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

A letter has been received from the Ministry of Justice (MOJ) who occupy Westminster Magistrate's Court, opposite the application site. They have no objection in principle to the development, but raise concerns over potential disturbance from construction works whilst the Court is sitting and about the potential for construction traffic to obstruct vehicles taking prisoners to and from the Court. The MOJ has requested that noisy work is undertaken outside of the Court sittings (10.00-13.00 and 14.00-16.30).

A Construction Management Plan has been submitted. However, as a contractor has yet to be appointed it is in draft form and does not provide any detail of construction traffic. A condition requiring the submission of a finalised Construction Management Plan would deal with this issue.

Whilst it is inevitable that the development of the site would result in some disturbance to neighbouring occupiers, it is not considered that it would be reasonable to impose more stringent hours of work controls than would normally be imposed in relation to this type of development. However, an Informative is recommended to encourage the applicant to contact the MOJ before works commence. However, it is not considered that the concern raised by the MOJ could justify a recommendation for refusal.

#### **6.7 London Plan**

London Plan (LP) Policy 3.8 seeks to ensure a provision of affordable family housing is addressed as a strategic policy.

LP Policy 3.12 relates to the provision of affordable housing. Part B of the policy states that the site's individual circumstances will be taken into account, including viability. It has been demonstrated that it is not viable to provide affordable housing on site.

Paragraph 3.74 states that affordable housing provision is normally required on site. In exceptional circumstances it may be provided off site or through cash in lieu. A payment in lieu has been offered.

### **6.8 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.

### **6.9 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.

The proposal includes:

- The payment to the affordable housing fund of £552,000.
- A payment of £10,000 (£1,000 per new residential unit) towards parking review studies. This accords with the SPG on Planning Obligations.
- Car club membership (minimum 25 years) for all of the flats.
- The Stopping-Up of Walmer Place. This will ensure that the Stopping-Up Order is linked to the proposed development.

These requirements are considered to comply with the CIL Regulations and are considered acceptable.

### **6.10 Environmental Assessment including Sustainability and Biodiversity Issues**

The proposed development is targeted at Code Level 4 which is supported. The anticipated carbon reduction of 33.4% on site, does not meet London Plan policy which requires a 40% carbon reduction on major development. However, the City Council's Go Green Manager has raised no objection to this aspect of the scheme on the grounds that the proposed payment to offset this shortfall (in line with GLA guidance) is less than the sum (£2,000) which is financially viable to collect.

Photovoltaic panels are proposed at roof level which will provide 12.8% towards the reduction of carbon dioxide emission. This is below the City Council's target of 20% as set out in Policy S40. The Go Green Manager has requested that a condition is imposed to increase the amount of panels at roof level. However, information provided by the applicant indicates that these additional panels would be visible from street level, and in longer views of the site. In these circumstances, it is not considered that this proposed amendment would be desirable in townscape terms.

A green wall is proposed on the rear elevation. A condition to ensure its provision, and its on going maintenance, is recommended. A brown/living roof is also proposed at roof level. These measures are welcomed

### **6.11 Access**

Level access will be provided from Seymour Place, and the internal lift will provide level access to all floor levels. One of the residential units includes space for wheelchair users.

### **6.12 Conclusion**

The proposal is considered acceptable in land use, amenity and design terms and complies with the policies set out in the UDP and City Plan.

## **BACKGROUND PAPERS**

1. Application form and covering letter dated 3 February 2014
2. Letter from English Heritage dated 28 March 2014
3. Memorandum from The Marylebone Association dated 4 April 2014
4. Memorandum from Go Green Manager dated 20 March 2014
5. Memorandum from Cleansing Manager dated 24 March 2014
6. Memorandum from Environmental Health dated 24 March 2014
7. Memorandum from the Highways Planning Manager dated 22 May 2014
8. Letter from Jones Lang LaSalle on behalf of the Ministry of Justice dated 4 April 2014
9. Letter from St Mary's School Bryanston Square dated 24 September 2014

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT SARA SPURRIER ON 020 7641 3934 OR BY E-MAIL – [sspurrier@westminster.gov.uk](mailto:sspurrier@westminster.gov.uk)



**DRAFT DECISION LETTER**

- Address:** 124-130 Seymour Place, London, W1H 6AQ
- Proposal:** Demolition of existing buildings and erection of new building on basement to fourth floors with rooftop plant enclosure; new rear lightwells/railings on Walmer Place; creation of living roof and green wall. Use of the building as 12 flats with associated balconies/terraces (Class C3).
- Plan Nos:** (01)-P-0B0, 0G0, 001, 002, 003, 004, E-001, E-002, X-001, (03)-P-0B0, P-0G0 1, p-001 1, P-002 1, P-003 1, P-004 1, P-005 1, E-001 1, E-002 1, X-001 1, X-002 1, X-003 1, planning statement, transport statement 2014-01-28, sustainability statement 5243, strategy for the provision of building services, energy statement, noise report,
- Case Officer:** Helen MacKenzie **Direct Tel. No.** 020 7641 2921

**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 (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 LA90, 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.

- 4 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.

- 5 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.

- 6 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 TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 7 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number (03)-P-0B0 You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

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)

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

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

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

Reason:

To maintain the character of the Portman Estate Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 9 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 Portman Estate Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section

74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 10 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 make sure that the development is completed and used as agreed, and to make sure that it meets H5 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

- 11 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green wall and living brown 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 what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 12 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.

- photovoltaic panels

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 13 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)



14 You must apply to us for approval of details of the following parts of the development:

- i) Flues and services.
- ii) Drawings of the windows to the front facade, scaled 1:5 and 1:10 as appropriate to include sections and elevations.
- iii) Detailed drawings of the eaves cornice and decorative plaster headers and window surrounds to the front facade.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these 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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

15 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. A sample panel shall be provided on site for approval. You must not start work on this part of the development until we have approved what you provided us (C27CA)

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

16 **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 the following details:

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

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of

Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 17 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

**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 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme.

This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

- 4 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM<sub>2</sub>s). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM<sub>2</sub>s, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/asbestos/regulations.htm](http://www.hse.gov.uk/asbestos/regulations.htm) (180AB)

- 5 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. If you find any unexpected contamination while developing the site, you must contact:

Contaminated Land Officer  
Environmental Health Consultation Team  
Westminster City Council  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

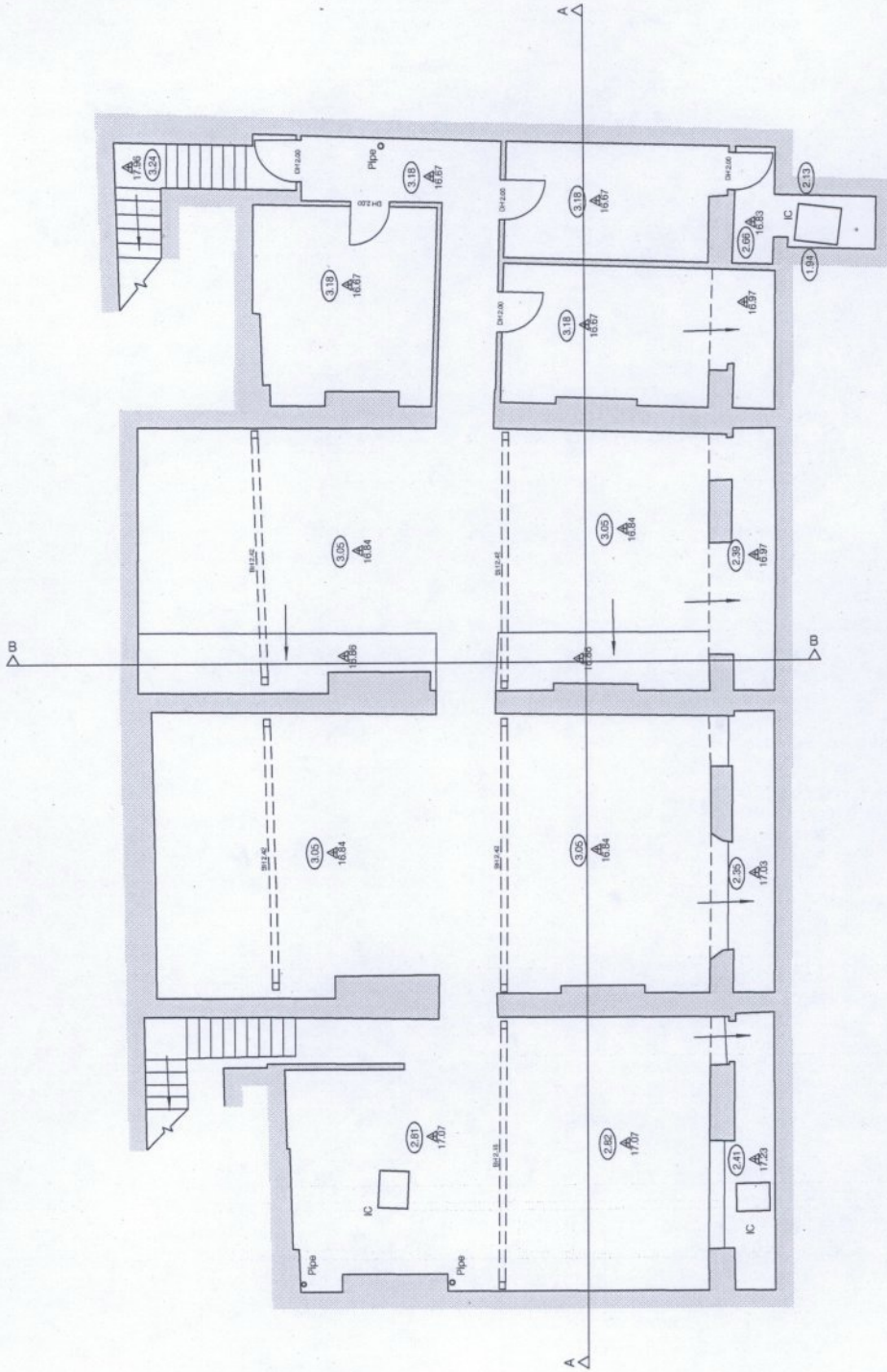
Phone: 020 7641 3153  
(173CA)

- 6 Balustrades should be provided where there is a change of level, for example on the roof terrace and balconies. These should reduce the risk of serious personal injury through a fall from height. Balustrades in this type of building should be 1100mm high, have no gap through which a 100mm sphere can pass and must not be able to be easily climbed by a child.
- 7 Generally, ventilation by mechanical means for enclosed rooms should provide at least one air change per hour in habitable rooms and kitchens and preferably three per hour in bathrooms and WC compartments.
- 8 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.**

- 9 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)
- 10 You are advised in relation to Condition 15, the flues and services you are advised that flues extracts should not be fixed to the front elevation.
- 11 You are advised to discuss the details and agree an approach with the Ministry Of Justice regarding construction traffic and hours of working, before you submit the Construction Management Plan (Condition 17)
- 12 For the avoidance of doubt the Construction Management Plan required under condition 17 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.
- 13 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 the payment of an affordable housing contribution; the provision of lifetime car club membership; a parking mitigation payment and a Stopping-Up Order for works in Walmer Place.



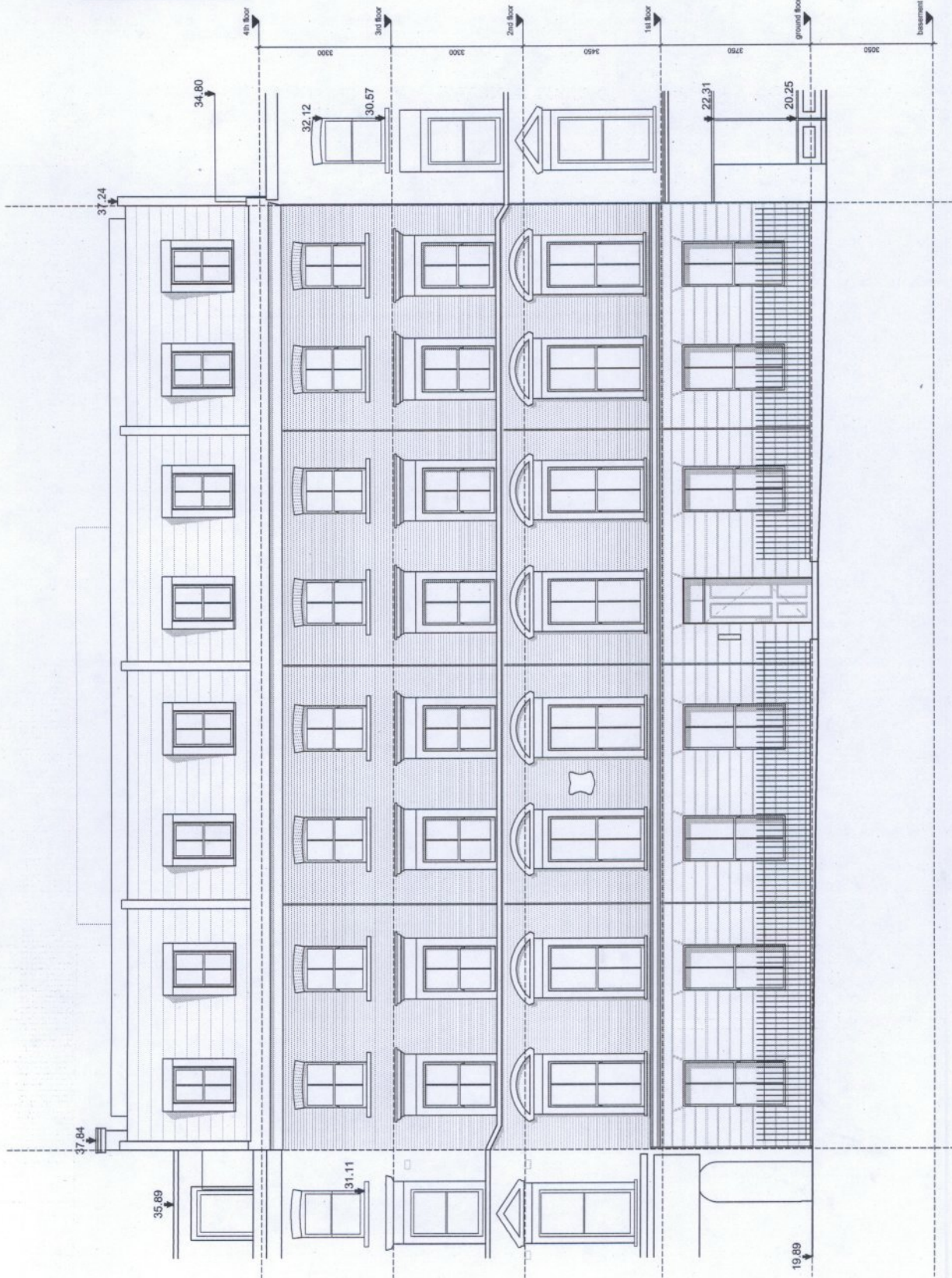
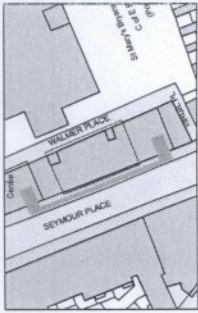


DARLING ASSOCIATES  
ARCHITECTS

Existing Basement Plan

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	REV	



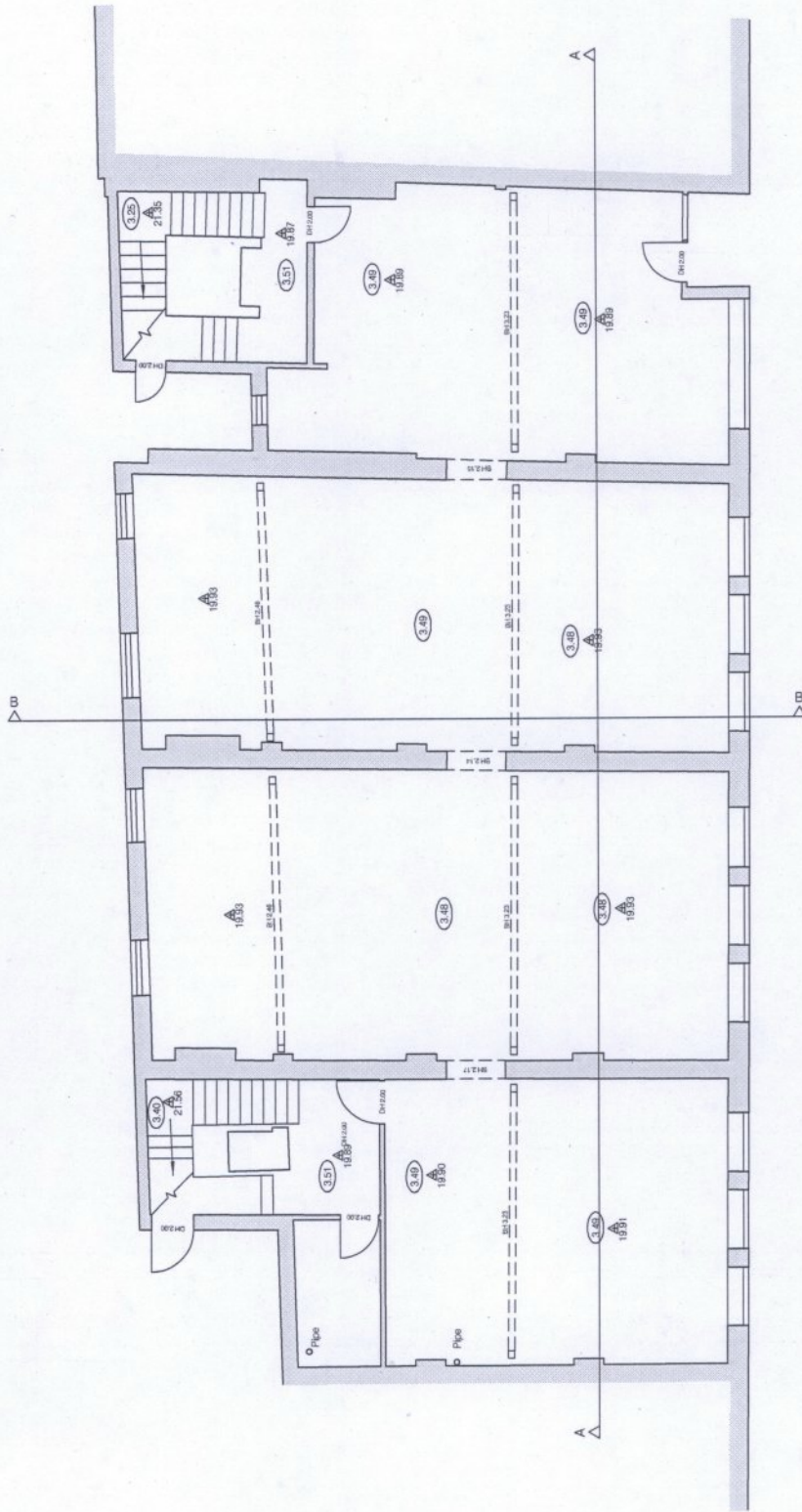


DARLING ASSOCIATES  
ARCHITECTS

Proposed West Elevation

124-130 Seymour Place	DATE	JUL 2014
SCALE: A3	SCALE: A3	1:100
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13/025	NO.	1
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ARCHITECTS

Existing Ground Floor Plan

124-130 Seymour Place

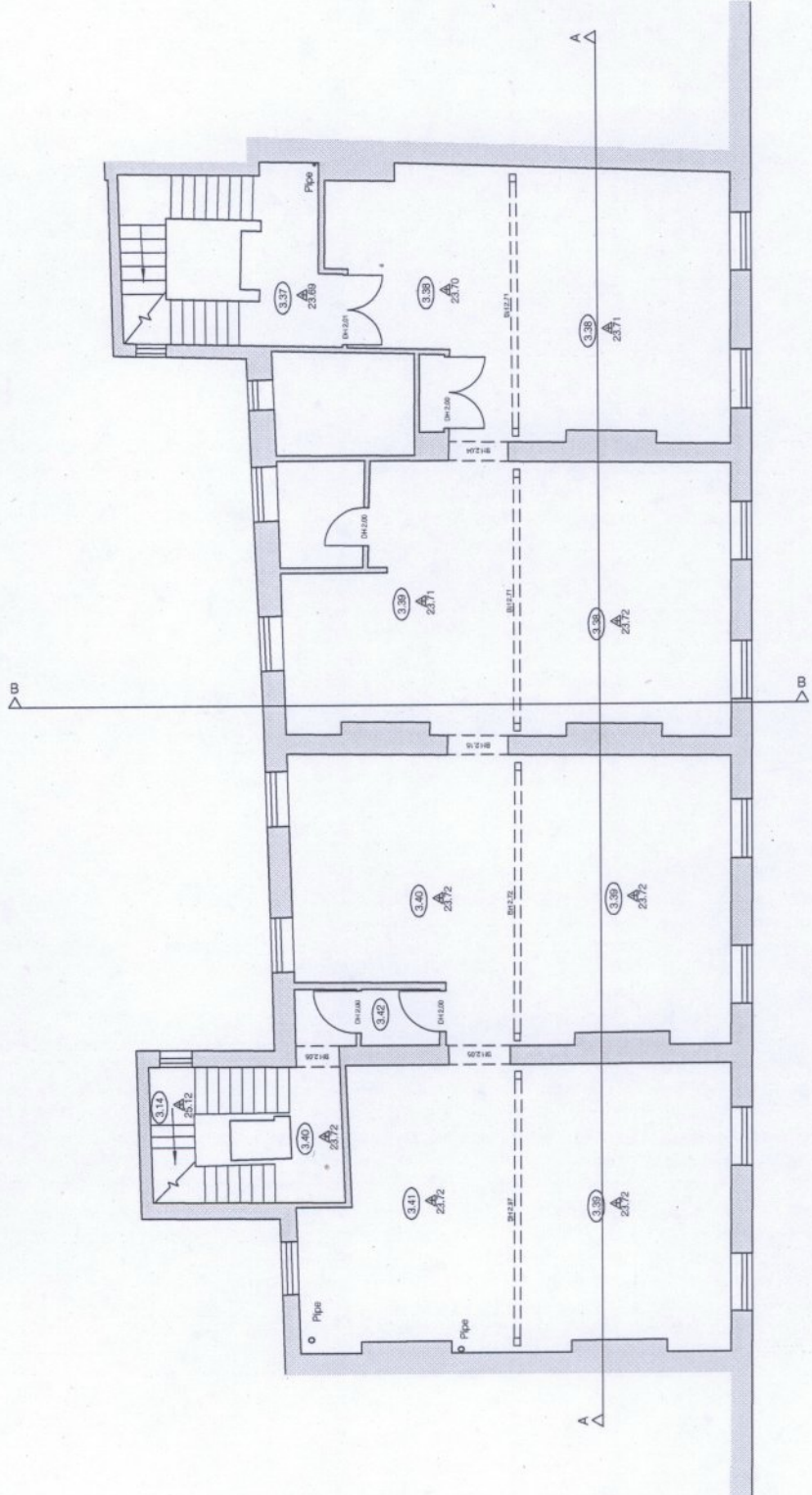
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DATE: 11 Jun 2013

PROJECT: 1011P-000

REV: 1

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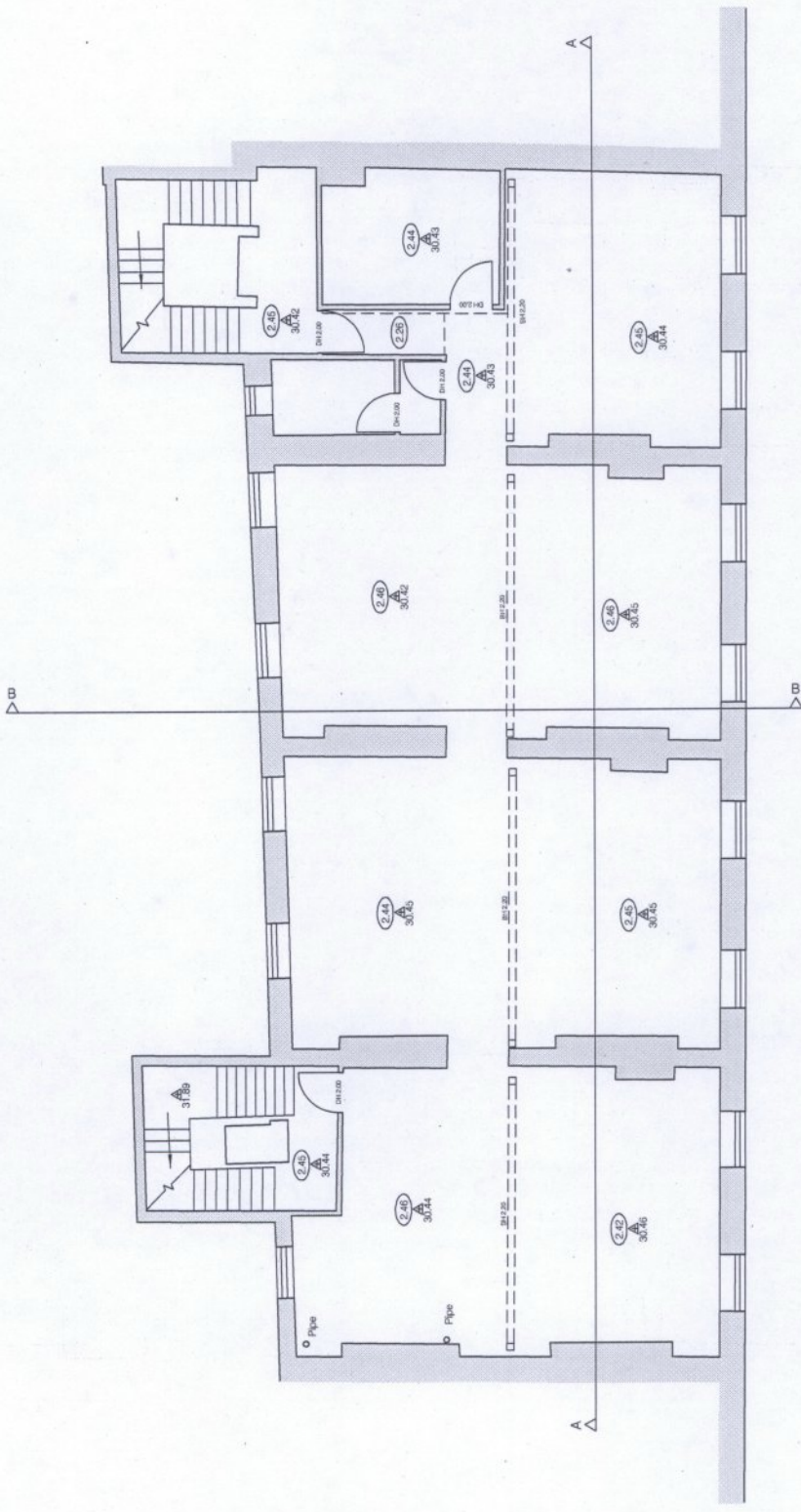


**DARLING ASSOCIATES  
ARCHITECTS**

<b>Existing 1st Floor Plan</b>	
124-130 Seymour Place	
SCALE: A1/A3	DATE
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PROJECT NO.	CLIENT
13025	(01)-P-001
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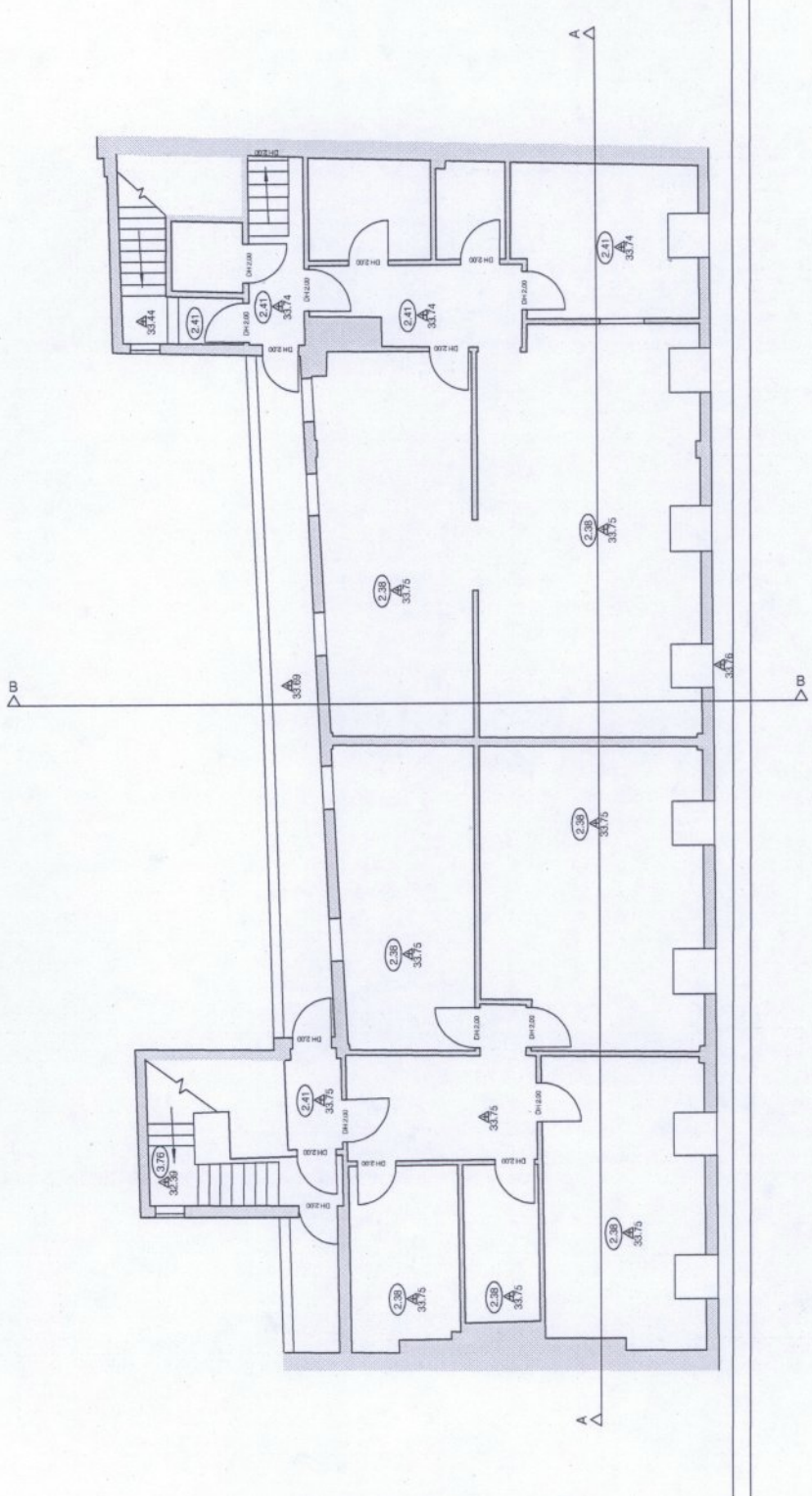


DARLING ASSOCIATES  
ARCHITECTS

Existing 3rd Floor Plan

124-130 Seymour Place	
SCALE AT A2	DATE
1:50	11 Jun 2013
DATE	DESIGNED
13/025	(01)-P-003
	REV
	*
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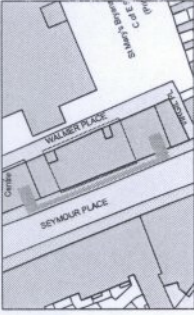




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ARCHITECTS

Existing 4th Floor Plan

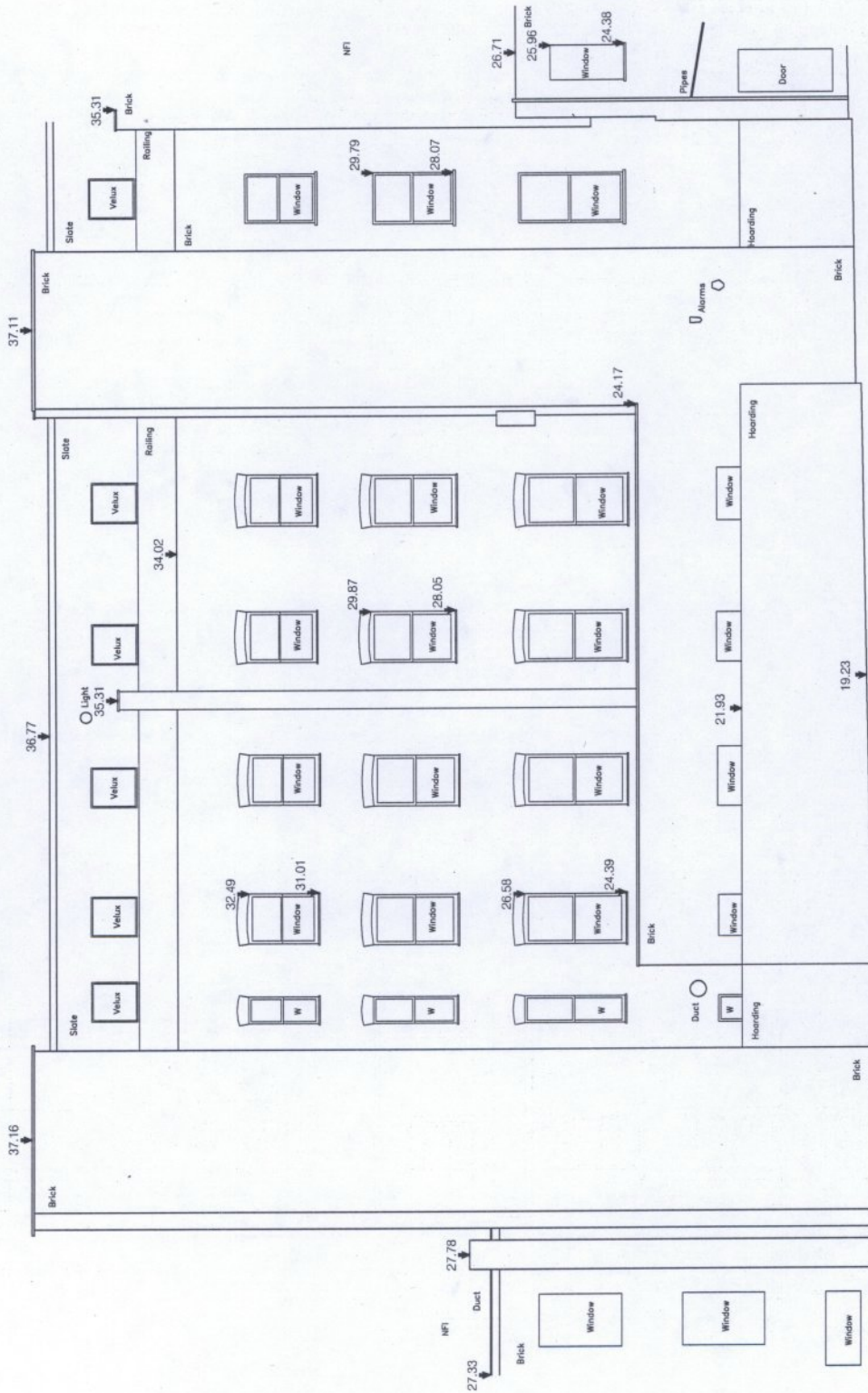
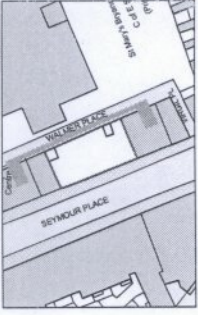
124-130 Seymour Place	DATE
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13025	REVISION
(01)-P-004	REV
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ARCHITECTS

<b>Existing West Elevation</b>	
124-130 Seymour Place	
SCALE: A/E	DATE
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SCALE: P/L	REV
1:100	
DATE	
13/05	
PROJECT	
(01)E-001	
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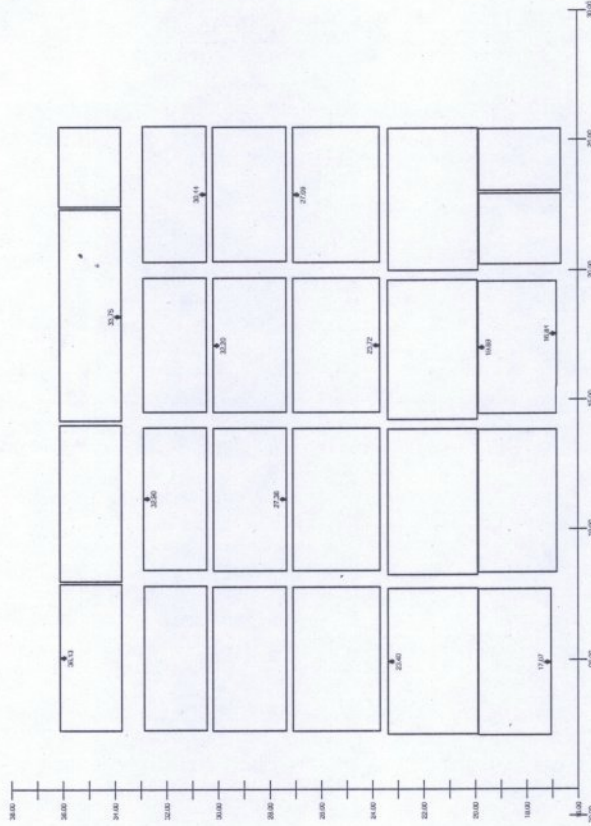
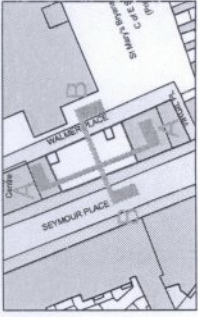




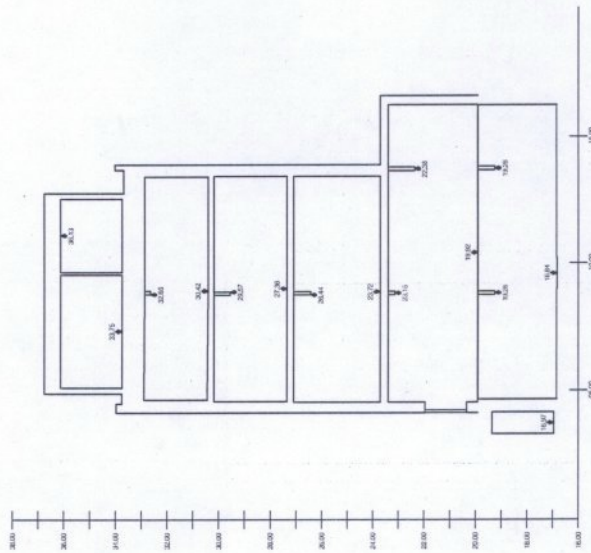
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ARCHITECTS

Existing East Elevation  
124-130 Seymour Place

SCALE: 1:50	DATE: 11 Jun 2013
PROJECT: 124-130 Seymour Place	REV: 1
DRAWN: (01)E-002	BY: [Signature]
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SECTION A - A

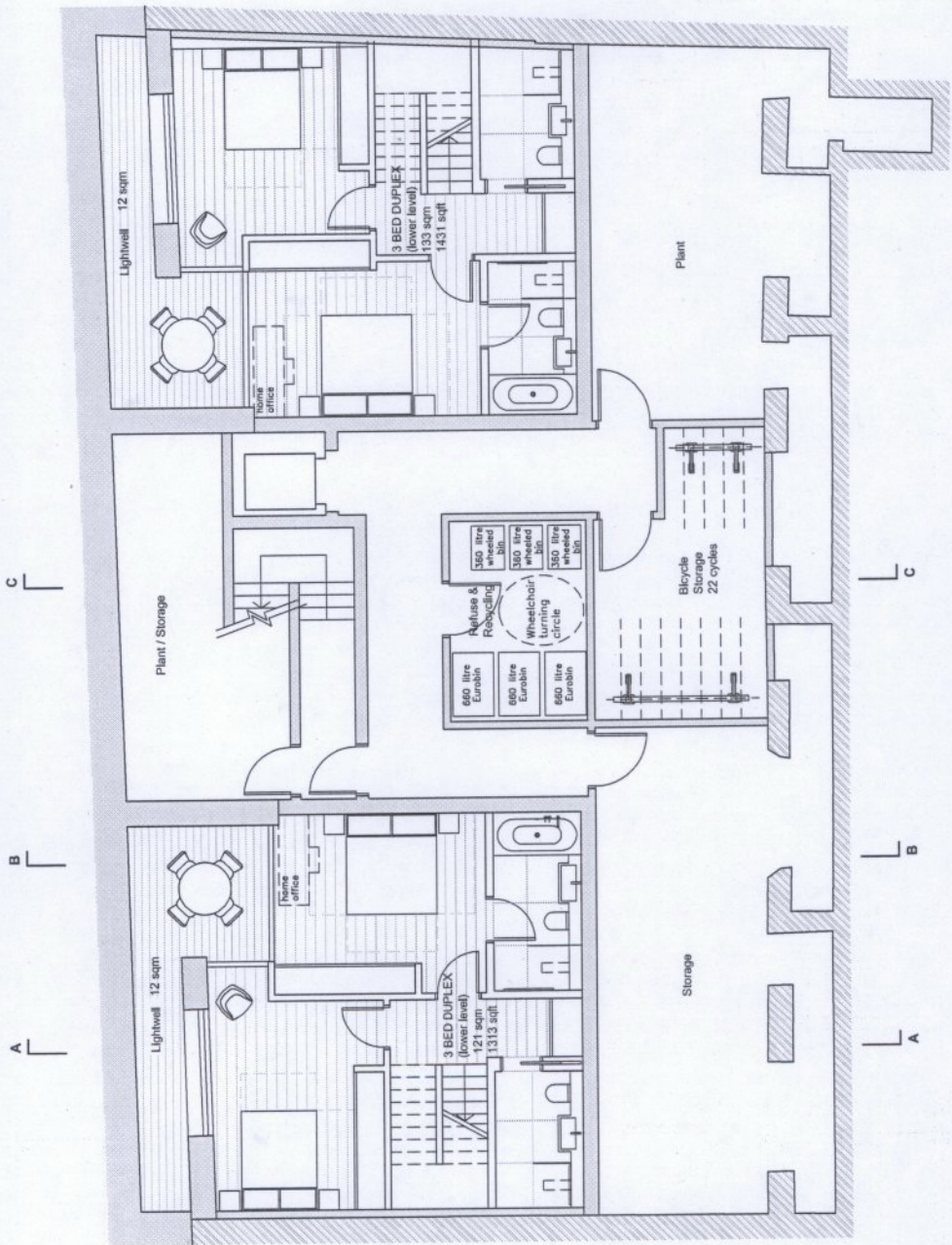


SECTION B - B

DARLING ASSOCIATES  
ARCHITECTS

Existing Sections	
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JOHN	DESIGN
15025	(07) 4-001
	REV



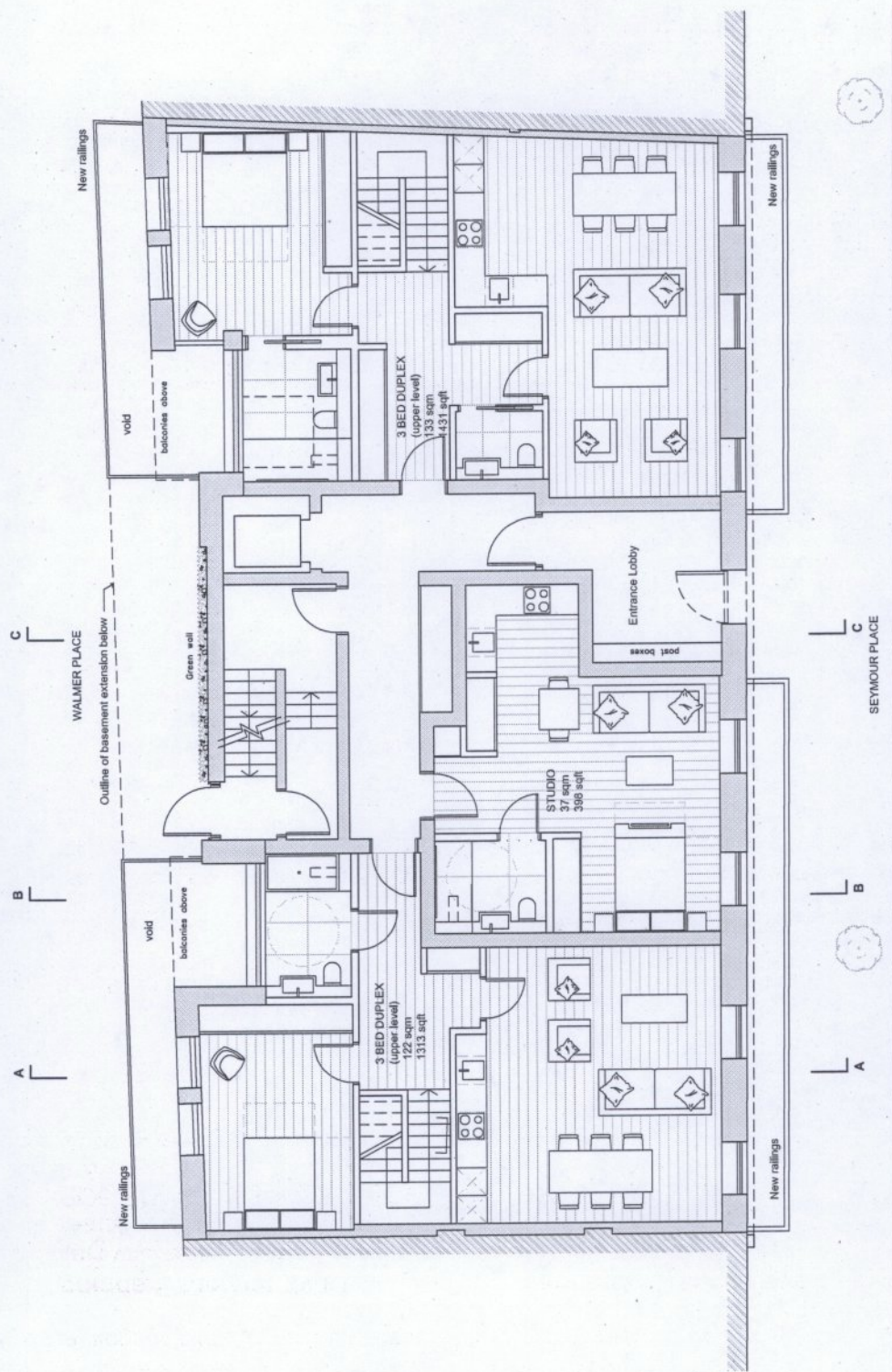


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ARCHITECTS

**Proposed Basement Plan**

24-130 Seymour Place	
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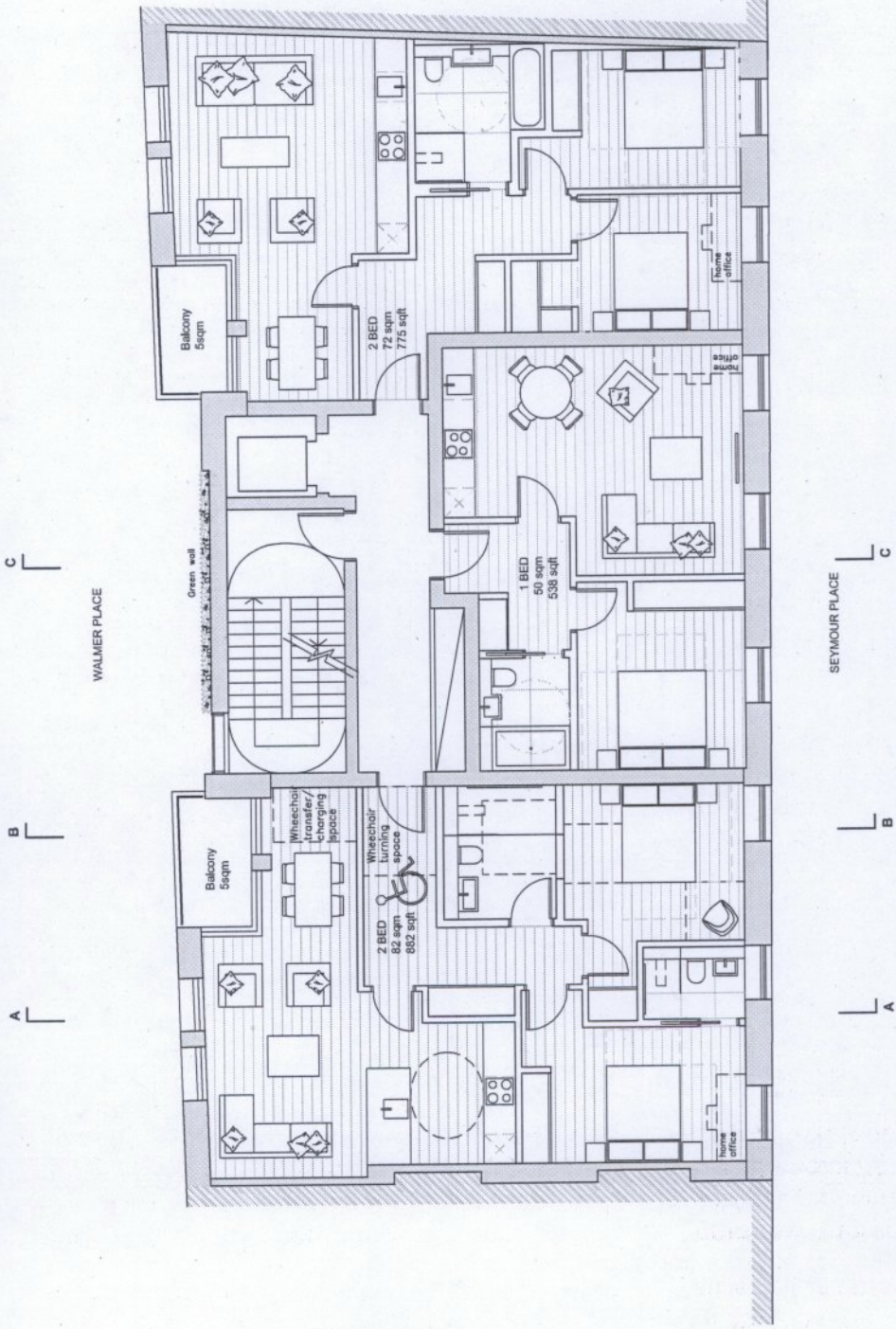


DARLING ASSOCIATES  
ARCHITECTS

Proposed Ground Floor Plan

124-130 Seymour Place	DATE
SCALE AS SHOWN	JUL 2014
1:50	PREPARED BY
130226	(03)-P-030
	REV
	1





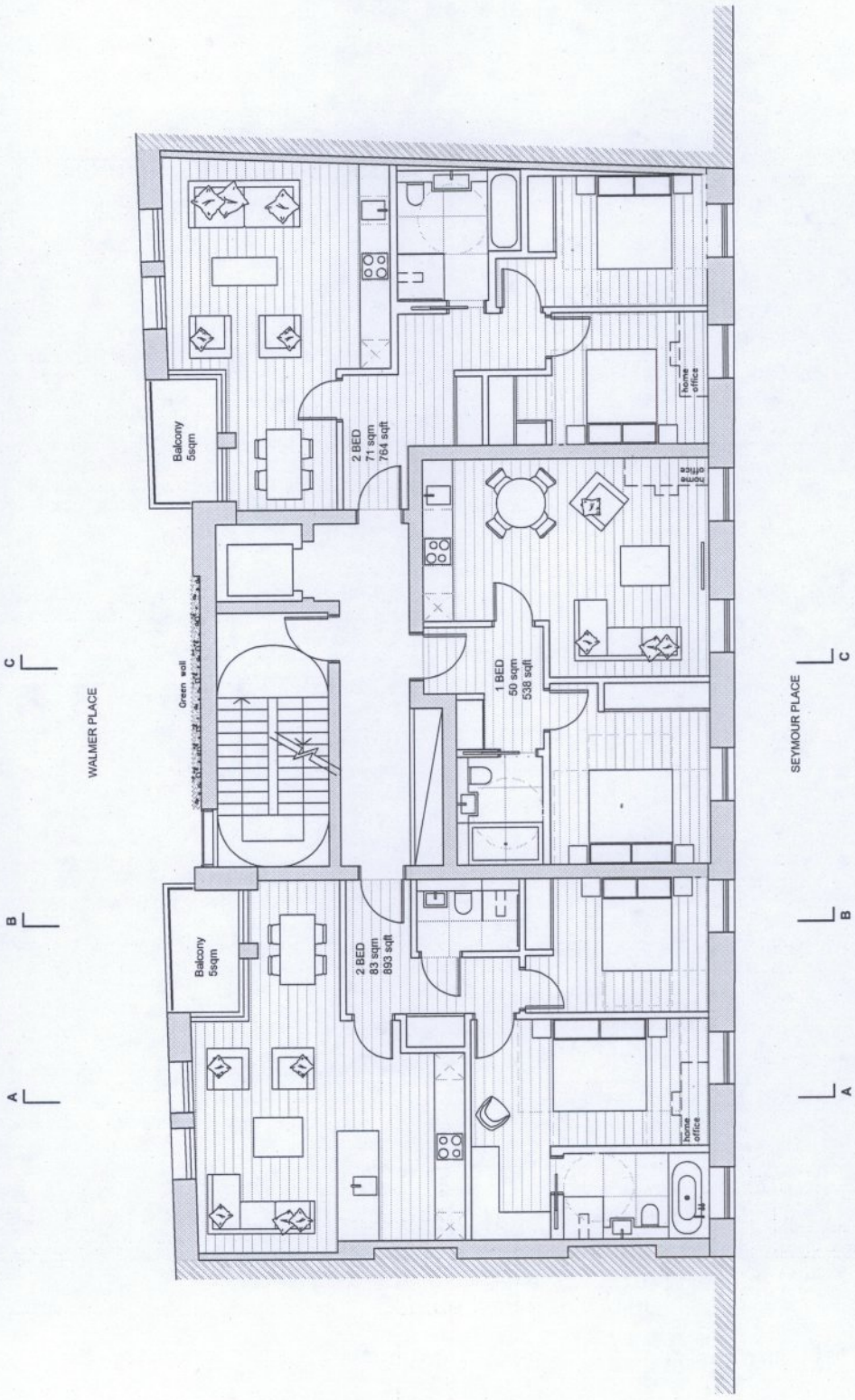
DARLING ASSOCIATES  
ARCHITECTS

**Proposed 1st Floor Plan**

124-130 Seymour Place	DATE
SCALE: 1:100	JUL 2014
JOB NO: 13025	REV
(03)-P-001	1

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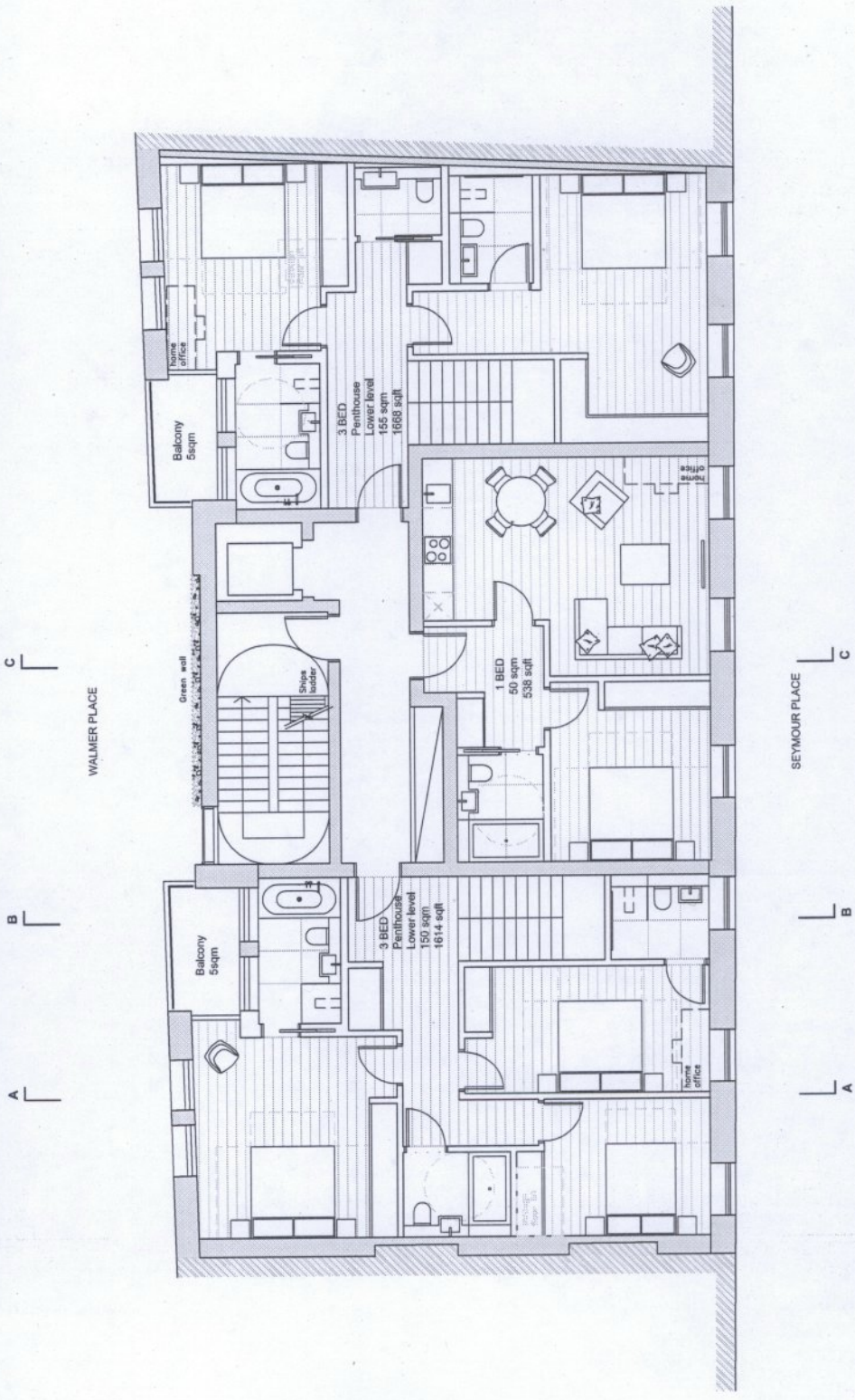


DARLING ASSOCIATES  
ARCHITECTS

Proposed 2nd Floor Plan

124-130 Seymour Place	
SCALE: A1:	SCALE: A3:
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DATE:	DATE:
13/02/14	Jul 2014
DESIGN:	REV:
(03)-P-002	1
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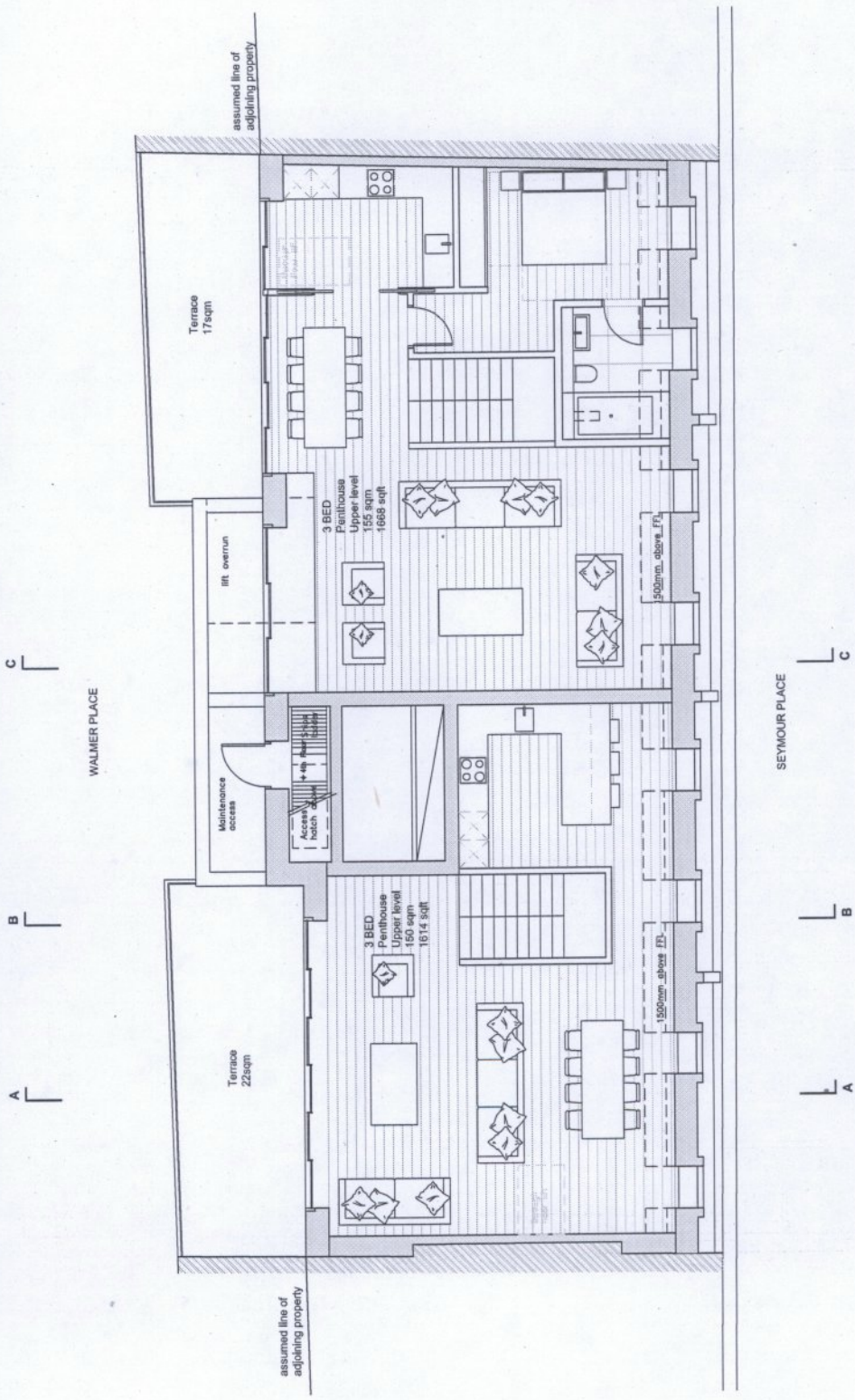
DARLING ASSOCIATES  
ARCHITECTS

**Proposed 3rd Floor Plan**

124-130 Seymour Place	DATE
SCALE: A1: 1:100	JUL 2014
DATE: 1:50	REV
13025	603-P-003
	1

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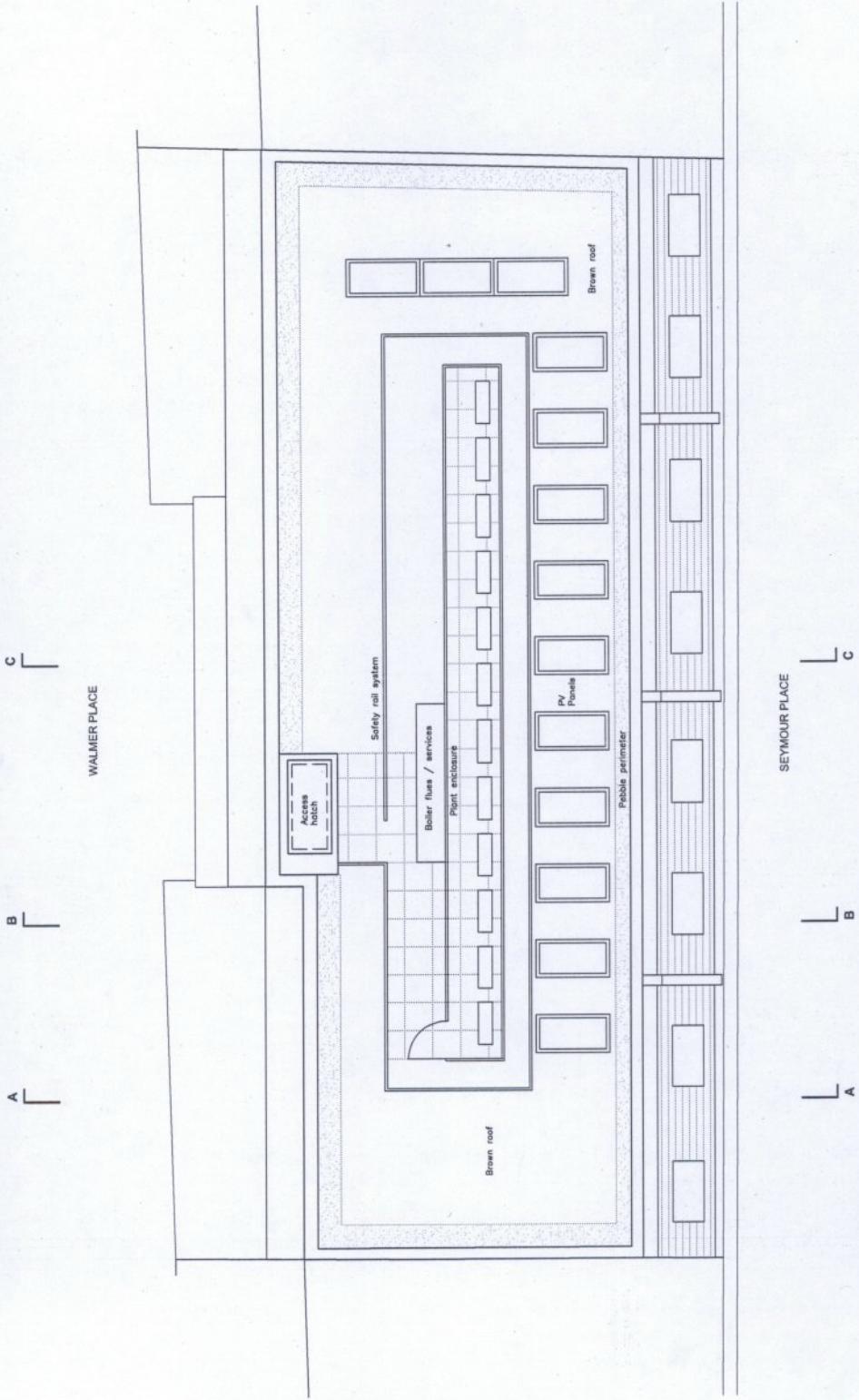
DARLING ASSOCIATES  
ARCHITECTS

**Proposed 4th Floor Plan**

PROJECT	124-130 Seymour Place
SCALE	AS SHOWN
DATE	Jul 2014
REV	1
DATE	13/02/15
PROJECT	(03)-P-004
DATE	13/02/15
PROJECT	(03)-P-004
DATE	13/02/15

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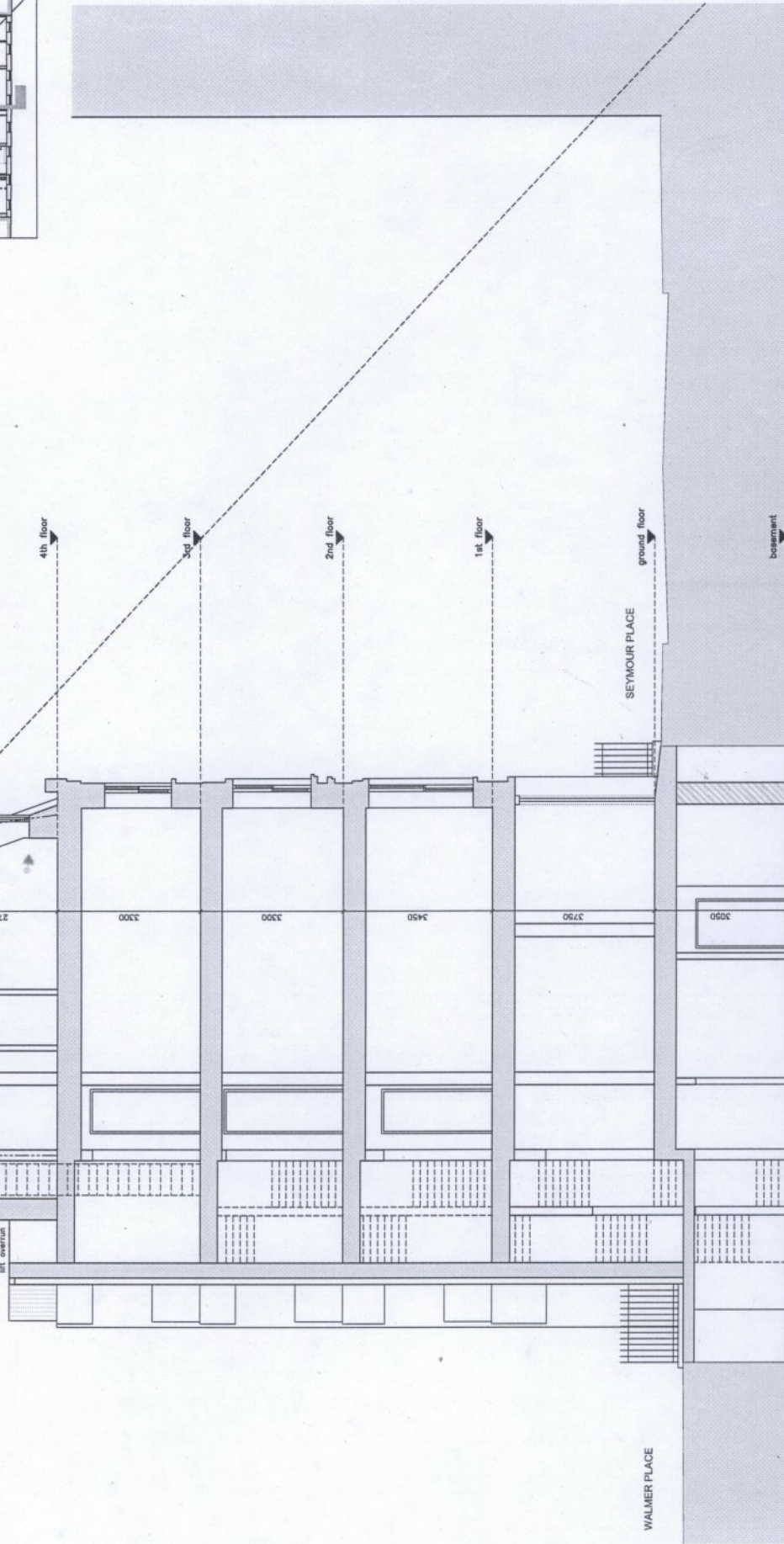
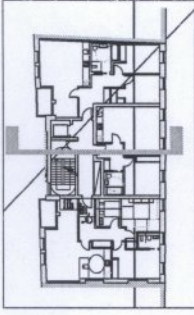




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ARCHITECTS

Proposed Roof Plan	
124-130 Seymour Place	DATE
SCALE: A1	1:100
DATE	Jul 2014
NO. OF SHEETS	1
PROJECT NO.	033-P-005
DATE	13/02/14
BY	1
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Proposed Section C-C

124-130 Seymour Place

SCALE 1/4" = 1'-0"

DATE Jul 2014

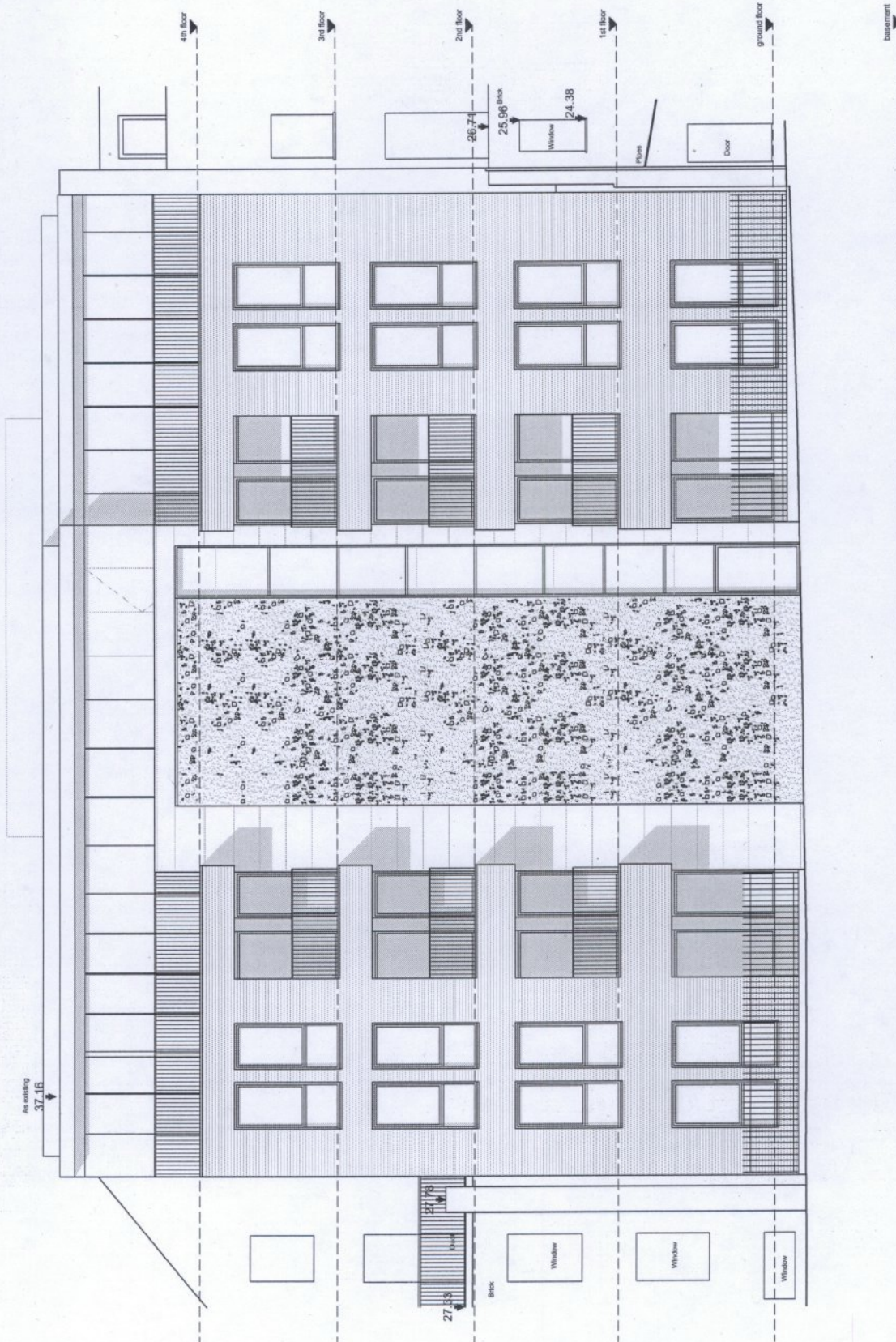
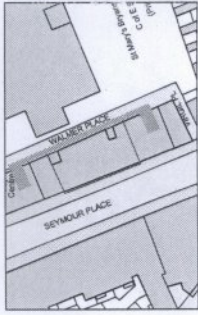
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DESIGNER [signature]

REV 1

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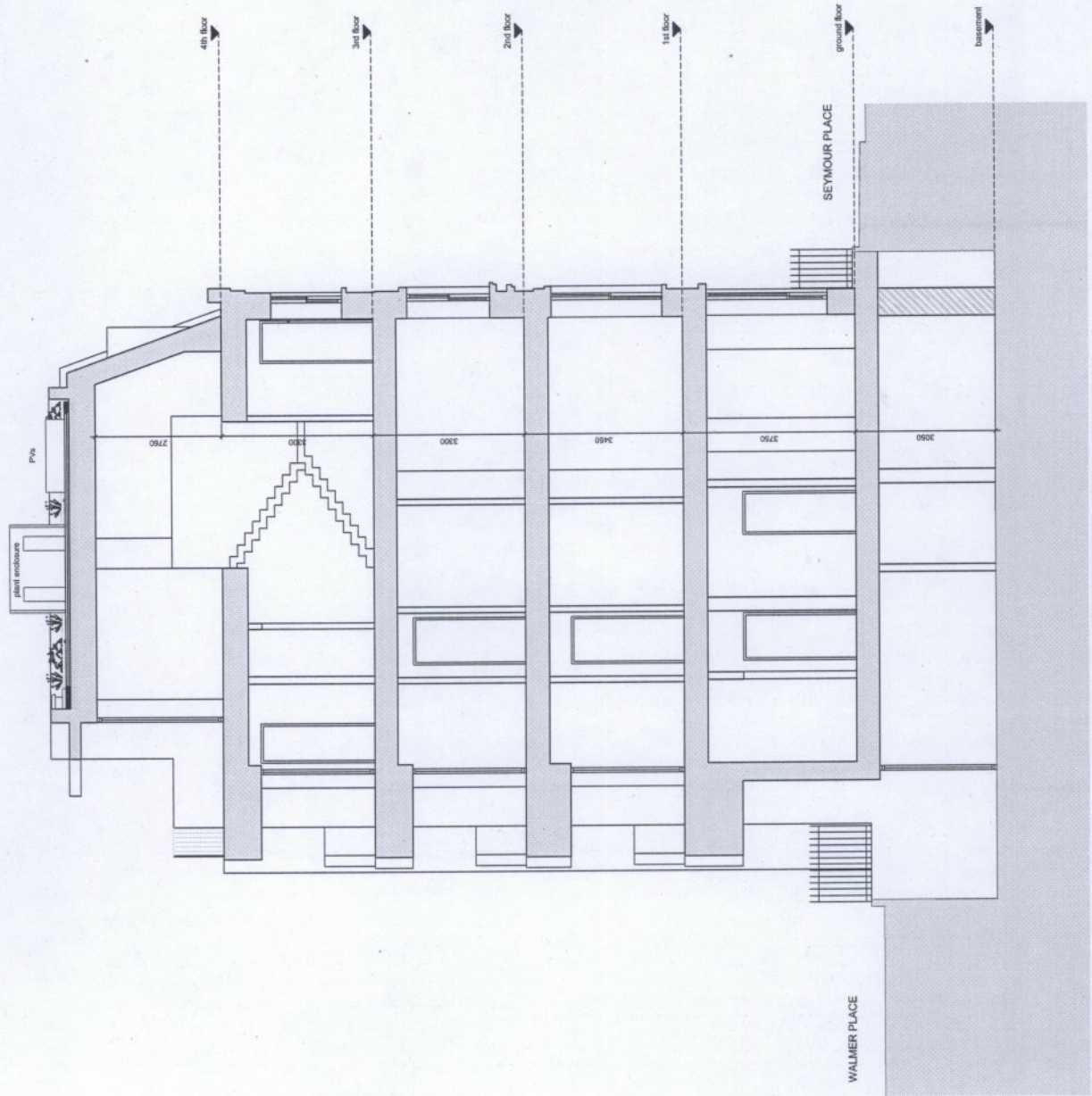
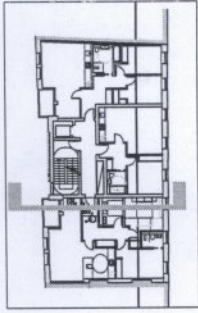


DARLING ASSOCIATES  
ARCHITECTS

Proposed East Elevation

124-130 Seymour Place	DATE	JUL 2014
SCALE: 1/4" = 1'-0"	DRAWN BY	13025
1:50	CHECKED BY	(63)-E-002
13025	REV	1
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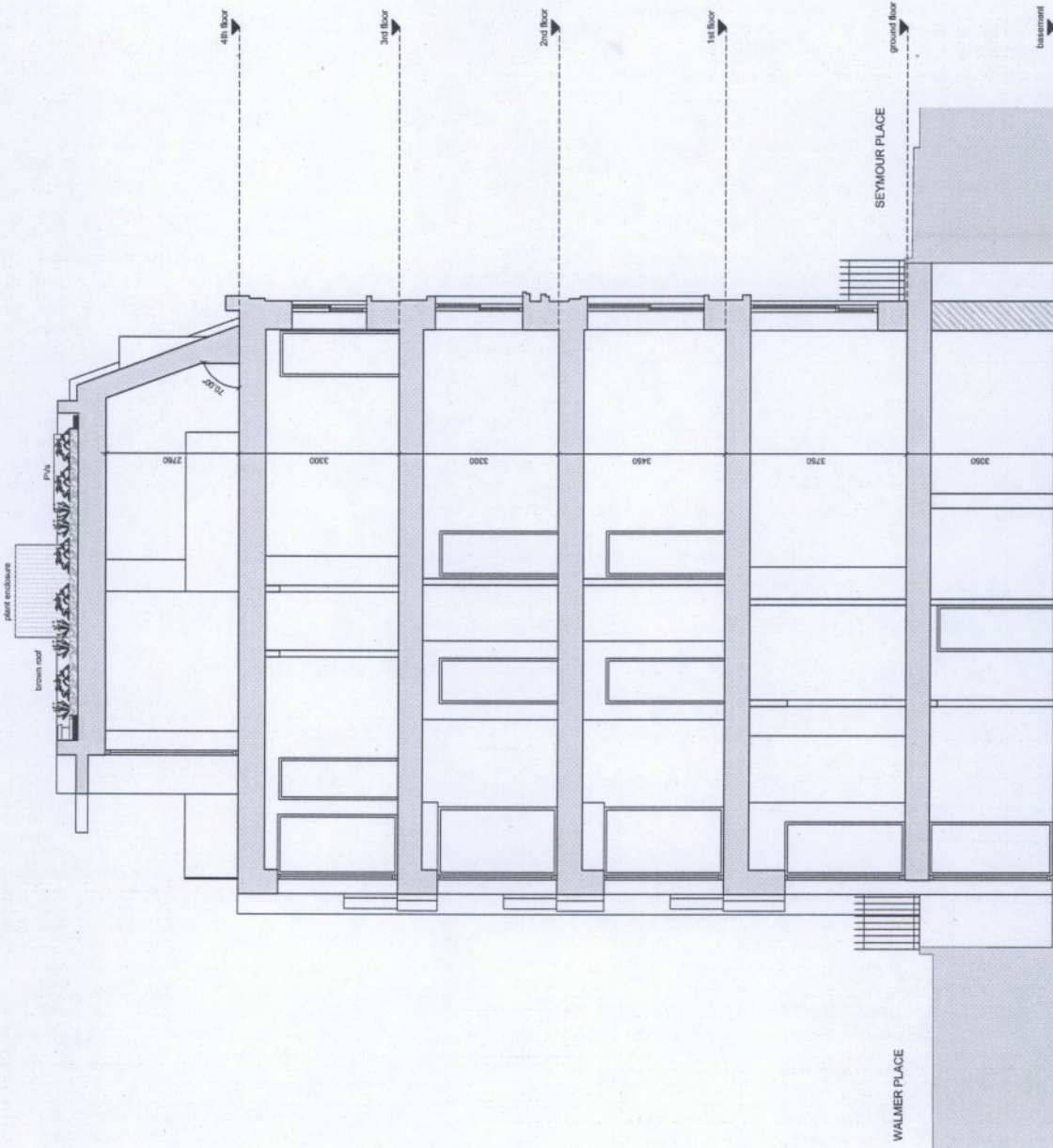
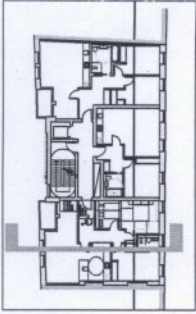




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ARCHITECTS

**Proposed Section B-B**

124-130 Seymour Place	
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PROJECT NO:	DATE:
1925	Jul 2014
PROJECT NO:	REV:
(03)-X-002	1
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Proposed Section A-A

124-130 Seymour Place

DATE: 11/10

DATE: Jul 2014

NO: 13025

REV: 1

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