

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 February 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Marylebone High Street	
Subject of Report	Midori House, 1 Dorset Street, London, W1U 4EG		
Proposal	Refurbishment and extension of existing office (Class B1a) building including erection of extensions at ground and part-first floor levels, replacement of external cladding to elevations, provision of internal cycle and refuse stores, erection of replacement plant enclosure at roof level, and landscaping of existing courtyard.		
Agent	Savills		
On behalf of	The Grosvenor of London PLC Pension Scheme		
Registered Number	19/08859/FULL	Date amended/ completed	14 November 2019
Date Application Received	14 November 2019		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises an unlisted post-war office (Class B1) building located outside a conservation area. The site directly abuts the Portman Estate Conservation Area to the east, south and west. To the south-west are two Grade II listed buildings at Nos. 2 and 3 Dorset Street. The site is located outside of the Core Central Activities Zone (CAZ) but within the CAZ. The site is not, however, on a Named Street within Marylebone and Fitzrovia. Paddington Street Gardens abuts the site to the east. To the north, west and south are several residential properties.

Planning permission is sought to carry out a number of extensions and alterations to the building and its site, including: (i) Replacing the southern entrance lobby with a larger single storey extension forming a replacement entrance and storage for waste and 30 x bicycles; (ii) Erecting a part-single and part-two storey western extension to provide additional office floorspace; (iii) Undertaking various alterations to the building, including cladding the facades in brick slips and replacing windows throughout; and (iv) Repaving the courtyard and adding planting. In total, the proposal would result in an increase in office floorspace of 207 sq.m (GIA). This represents an increase in 18% over the existing floorspace, of which 166 sq.m (GIA) would be in the form of additional useable office

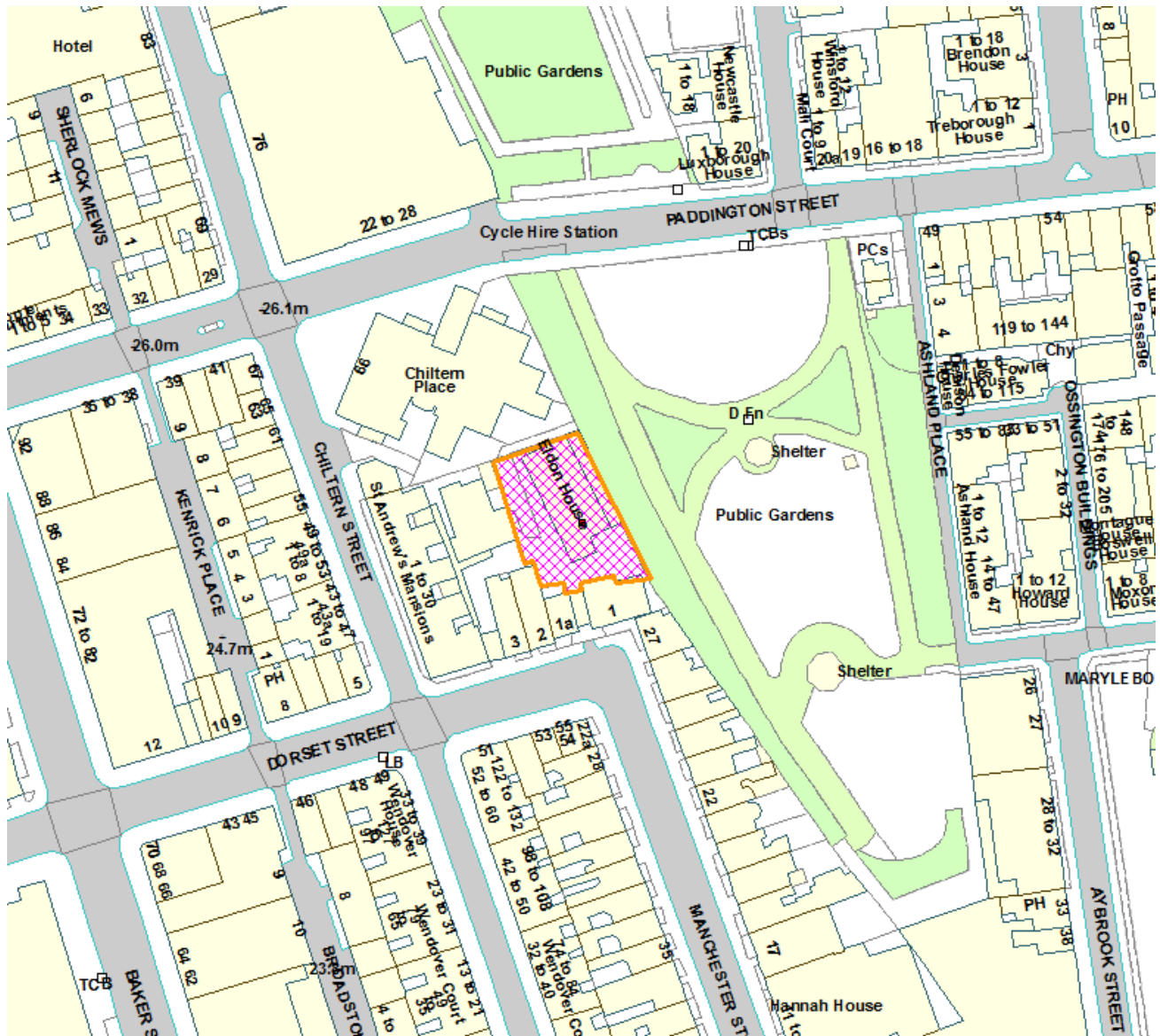
floorspace. All of the car parking would be removed from the site.

The key issues for consideration are:

- Whether the enhancements to the facilities offered by the building and associated public benefits that would accrue from these enhancements, the improvements to the appearance of the courtyard and the lack of any material harm to residential amenity / the setting of the neighbouring designated heritage assets, outweigh the conflict with the spatial priorities within City Plan Policies S18 and S20 that direct commercial and office growth to the three Opportunity Areas, the Core CAZ, the Named Streets within Marylebone and Fitzrovia, and the North Westminster Economic Development Area (the site lies outside of any of these areas).
- Whether the proposal will preserve the setting of the neighbouring listed buildings and the setting of the Portman Estate Conservation Area.

The proposal would not harm the amenity of neighbouring residents or the settings of the neighbouring listed buildings / Portman Estate Conservation Area. Furthermore, the modest increase in the office floorspace proposed is likely to be necessary to deliver a number of improvements to the building that would generate wider public benefits. The lack of harm and the benefits included in the proposal are considered to justify a departure from the spatial priorities set out within City Plan Policies S18 and S20.

3. LOCATION PLAN



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4. PHOTOGRAPHS

East elevation from Paddington Street Gardens



5. CONSULTATIONS

MARYLEBONE ASSOCIATION:

- Any response to be reported verbally.

WASTE PROJECT OFFICER:

- Objection. Requests that the applicant submit further information on the bin capacity for general waste, food waste and recycling.

ENVIRONMENTAL SCIENCES:

- No objection.

HIGHWAYS PLANNING:

- No objection.

ARBORICULTURAL MANAGER:

- No objection to the proposed extensions in respect to the impact on the roots of the neighbouring trees within Paddington Street Gardens.
- Request that an up-to-date Arboricultural Impact Assessment is submitted assessing whether any pruning of the neighbouring trees is required to prevent damage during the course of construction.
- Request that additional information is requested in respect to the proposed green roofs.

THAMES WATER:

- Requests that a condition be imposed that prevents occupation of the development until: (i) Confirmation has been provided that capacity exists off-site in respect to foul water drainage and surface water drainage; or (ii) A phased occupation plan for the development has been agreed; or (iii) All surface water and waste water network upgrades required to accommodate the additional flows from the development have been completed.

HISTORIC ENGLAND (ARCHAEOLOGY):

- No objection subject to the imposition of a condition securing a two-stage process of archaeological investigation.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 106

Total No. of replies: 6

No. of objections: 3

No. in support: 3

Objecting on the following grounds:

- The proposed extensions will deprive this already over-crowded site of its 'breathing space' and character.
- The proposed two-storey element of the western extension is obtrusive and its appearance and height is utterly inappropriate.
- The modern design of the extensions disregards the architectural styles of the surrounding buildings.

- Loss of privacy and light.
- Noise disturbance to local residents.
- Damage to neighbouring foundations.
- There may be future applications to extend the height of the extensions sought in the current application or there may be future applications to extend the building further.
- Concern regarding disruption during the course of construction, including impact on highways safety and potential loss of on-street residents' parking bays.
- Lack of need for the proposed scale of development.
- Concern about the use of flat roofs of proposed extensions. Supports a condition preventing their use as terraces.

Supporting on the following grounds:

- Welcomes the upgrading of an existing building and believes that it will be a positive addition to the area.
- Assured that every effort will be made to limit disruption during the course of construction and are confident that there will be no impact on trading for a local business.

PRESS ADVERTISEMENT / SITE NOTICE – Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises an unlisted post-war building of little architectural merit arranged over part basement, ground and three upper floors. The building is entirely in use within Class B1 (Business). A brick plant enclosure is located at roof level. The area around the site is used for car parking for up to 14 x vehicles, cycle parking and outdoor seating for staff. Although there is some planting in pots, the area around the building is entirely covered in hardstanding. *Ad hoc* plant is attached to the western boundary wall of Paddington Street Gardens.

The site is located within the CAZ but is outside of the Core CAZ. The site is not on a Named Street within Marylebone and Fitzrovia. Although not located within a conservation area, the Portman Estate Conservation Area abuts the site on the south, east and west. Immediately to the east are Paddington Street Gardens, within which are a number of large London Plane trees that run along the site's western boundary. Nos. 2 and 3 Dorset Street are located to the south-west of the site and are Grade II listed Georgian townhouses in use as dwellings. To the north of the site is the recently completed Chiltern Place, 66 Chiltern Street which comprises flats on the upper floors above commercial floorspace at part ground and part first floors. To the west are St. Andrew's Mansions that date from the late nineteenth century and are made up of a number of flats. Access to the site is via a passageway beneath No. 1 Dorset Street – also in use as a number of flats.

6.2 Recent Relevant History

10/07378/FULL

Use of part ground floor as a pilates studio (Class D2); use of the ground floor entrance/lobby for both pilates studio and office purposes and the remainder of the building as offices only (Class B1).

Permitted – 21.10.10. It is understood that the pilates studio use was implemented but that it reverted to office use in 2012 in accordance with Condition 1 of this permission that only permitted this use for a temporary basis until 30 April 2012.

10/01204/FULL

Use of the building as a private preparatory and pre-preparatory school (Class D1) for children aged 3 to 12 years until 2025.

Refused on transportation and amenity grounds – 01.07.10

7. THE PROPOSAL

Planning permission is sought to demolish the double height reception area to the south of the building and replace it with a larger single storey extension providing an enlarged reception, parking for 30 x bicycles (with separate access to new showers and lockers within the existing basement), and an enclosed area for the storage of waste and recyclable material. A frameless glass rooflight will project above the roofline of this extension.

A larger part-single and part two-storey extension is proposed to the west of the building. The single storey element is proposed to directly abut the tall boundary wall of St. Andrew's Mansions (sitting well below the height of this wall) and is proposed to be used as an extension to the existing office floorspace (+117 sq.m GIA). The smaller footprint of the two-storey element is proposed to infill the gap between the existing building and the flank elevation of St. Andrew's Mansions and is proposed to be used as an extension to the existing office floorspace (+49 sq.m GIA). There are no windows within this flank elevation of St. Andrew's Mansions.

All of the roofs of the extensions are proposed to be 'green roofs' containing wildflower meadow planting.

As set out in Table 1 below, the proposal would result in an increase in office (Class B1) floorspace on site of 207 sq.m (GIA). This represents an increase in 18% over the existing floorspace, of which 166 sq.m (GIA) would be in the form of additional useable floorspace. The remainder is in the form of the enlarged entrance reception, cycle parking and refuse storage. The current number of employees on site is understood to be 71 and this is anticipated to rise to 88 as a result of the proposed extensions to the building.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	1,166	1,373	207 (+18%)

Table 1: Existing and proposed floorspace summary.

The existing plant at roof level is proposed to be replaced with a very slightly larger plant area enclosed by a screen of the same height as existing.

Various alterations are also proposed to the building, including the installation of replacement windows throughout, cladding the building's elevations with brick slips and adding planters to the balconies on the east elevation.

Finally, the courtyard is proposed to be paved in bricks, regraded in order to allow level access to and within the reception area (there are currently internal steps and a rotating entrance door that precludes wheelchair access to the building), 2 x cycle parking stands installed for visitors to the building and planters added around the perimeter of the courtyard. The result would be the loss of all vehicular parking from the site.

8. DETAILED CONSIDERATIONS

The development plan for the assessment of the application comprises the London Plan (adopted March 2016), the City Plan (adopted November 2016) and the remaining 'saved' and not superseded policies within the Unitary Development Plan (adopted 2007). The application is required to be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act (2004)).

8.1 Land Use

As set out above, the site is located within the CAZ, but is outside of the Core CAZ. The site is also not on a Named Street within Marylebone and Fitzrovia.

One of the strategic priorities of the CAZ is to enhance and promote it as one of the world's most attractive and competitive business locations, ensuring that in 'appropriate parts' that development of office provision is not strategically constrained and provision is made for a range of occupiers (London Plan Policy 2.10). Support for office improvements is found within London Plan Policy 4.2(A)(c) that seeks to, '*... encourage renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility...*'. In recognition of the differing character of areas within the CAZ, however, London Plan Policy 2.12(A)(a) requires the Mayor, boroughs and other relevant agencies to, '*... work together to identify, protect and enhance predominantly residential neighbourhoods within CAZ...*'. The area immediately surrounding the site is considered to be predominantly residential in character and this character is therefore afforded protection.

The 'appropriate parts' of the CAZ for the purposes of London Plan Policy 2.10(A)(e) is discussed within City Plan Policy Para. 4.21 that states, '*....growth needs to be directed to the most appropriate locations in Westminster, and the appropriate balance between commercial floorspace and residential needs to be struck...*'. To this end, City Plan Policies S18 and S20 direct commercial and office development within the CAZ to the Core CAZ, the three Opportunity Areas and the Named Streets within Marylebone and Fitzrovia. The application site is not within these areas and therefore there is a presumption against office growth in this location.

Whilst the development plan must be read as a whole, it is clear that the City Council has refined the strategic objectives of the London Plan to protect the predominately residential parts of Marylebone and Fitzrovia from commercial intrusion or growth. To

this end, the provision of an increase in 207 sq.m GIA (an 18% increase over existing) of office floorspace on a site surrounded by residential units is contrary to the spatial priorities of the development plan set out within City Plan Policies S18 and S20.

Despite this policy conflict, there are considered to be exceptional circumstances that warrant a departure from the City Plan Policies S18 and S20. Whilst the majority of the office growth will be useable floorspace, the proposal does include a number of enhancements to the building that will ensure that it remains fit-for-purpose. These include: (i) Showers / changing facilities at basement level for staff cycling or running to and from work; (ii) Undercover and secure cycle parking for 30 x bicycles; (iii) Cycle parking for visitors; (iv) Refuse storage within the building rather than being stored in the courtyard; (iv) Level access to all parts of the building is secured - there is currently no wheelchair access; (v) The repaving and additional planting to the courtyard / green roofs / eastern balconies that will enhance the appearance of the building and its setting, as well as improve the biodiversity offer of the site and add rainwater storage capacity to reduce the site's contribution to flooding; (vi) The removal of 14 x on-site vehicular parking spaces will reduce noise, congestion and enhance air quality through preventing employees from driving to work; (vii) The removal of the *ad hoc* plant from the western boundary wall of Paddington Street Gardens will enhance the appearance of the site; and (viii) The new double glazed windows and rain screen brick cladding enclosing external insulation will enhance the building's thermal performance with associated carbon saving and air quality benefits from reduced heating requirements. It is recommended that the delivery of these benefits prior to the occupation of the western extensions be secured by condition

In addition to the above benefits, the percentage increase in the building's floorspace is modest (18%) and likely to be necessary to facilitate the above improvements to the building, the proposal is estimated to generate 18 additional jobs in this location which would be beneficial for other local businesses and, as set out in more depth in the remainder of this report, the proposal will cause no material harm to residential amenity or the setting of the neighbouring designated heritage assets.

The lack of harm, the modest increase in office floorspace and the benefits included in the proposal are collectively considered to justify the departure from City Plan Policies S18 and S20. The need or otherwise of the proposed development does not represent a sustainable reason for refusing permission.

8.2 Townscape and Design

The proposal to use brick slip rain screen cladding on all facades of the building will conceal external insulation of the walls. Brick slips are not normally considered an appropriate façade treatment for buildings within conservation areas. However, outside a conservation area they can be acceptable, provided that a high-quality system is used. It is proposed that the cladding be subject to conditions requiring submission of full particulars of the system and a sample panel. This should be sufficient to ensure that the appearance of the building is acceptable.

The proposed extensions are relatively modest in size and subordinate to the existing building. They will not harm the building or the setting of the conservation area or adjacent listed buildings. For these reasons, the objections to the appearance, design

and height of the proposed extension are not considered to represent sustainable objections. The replacement windows are also acceptable.

It is considered that the proposal is acceptable in urban design and conservation terms and comply with the City Council's policies as set out in the City Plan and Chapter 10 of the Unitary Development Plan.

8.3 Residential Amenity

Sunlight and Daylight

The applicant has submitted a Daylight and Sunlight Report that assesses the impact on the proposed development on the amount of daylight and sunlight received by neighbouring residential windows. The flats within 1-3 Dorset Street, St. Andrew's Mansions and Chiltern Place, 66 Chiltern Street have all been assessed for the impact upon the 'vertical sky component' of each window serving a habitable room (this is amount of sky that is visible from the outside face of a window), the daylight distribution within habitable rooms (the 'no sky-line') and the sunlight received by windows serving habitable rooms over the whole year and over the winter months.

Against the tests set out within the BRE Guide (2011), the Daylight and Sunlight Report demonstrates that the proposed extensions will be fully compliant, not resulting in material losses in daylight or sunlight to any residential window serving a habitable room. For this reason, the objection to the proposal from a light perspective is not sustainable.

Sense of Enclosure

The proposed extensions' modest height and location either below the height of the boundary wall or against the blank flank wall of St. Andrew's Mansions means that there will be no unacceptable increase in the sense of enclosure for neighbouring residential properties.

Privacy and Noise

The distance and obtuse angles between the windows of the two-storey element of the proposed western extension and the neighbouring windows of residential properties will mean that there will be no material increase in overlooking as a result of the proposed development. For this reason, the objection to the proposal from a privacy perspective is not sustainable.

A condition requiring the flat roofs of the extensions being used for maintenance and as a means of escape only will ensure that these flat roofs are not used as roof terraces. This will prevent noise and overlooking to neighbouring residents. This addresses one of the concerns from a local resident.

Whilst an enclosed courtyard is proposed within the north-west corner of the site accessed by openable glazed doors from the western extension, this area is already used as an amenity area for occupants of the offices and therefore it is not considered

that it will result in a material increase in noise and disturbance for the nearby residents. For this reason, the objection to the proposal from a noise perspective is not sustainable.

8.4 Transportation/Parking

Whilst the courtyard will reduce in size, it will still be large enough to allow a small van to enter and exit the site in a forward gear. The proposal will therefore maintain highway safety.

The Highways Planning Manager advises that the proposed additional floorspace will not significantly impact upon the servicing requirements for the site. Furthermore, he welcomes the loss of the on-street car parking from the site.

The potential loss of on-street residents' parking bays during the course of construction is subject to a separate process outside of planning and does not represent a sustainable reason for refusing permission.

For these reasons, there is no objection to the proposal from a transportation perspective.

8.5 Economic Considerations

The proposal is estimated to generate 18 additional jobs in this location which is welcome and would be beneficial for other local businesses.

8.6 Access

As set out above, one of the benefits of the proposal is the creation of level access to and within the building where there is currently access for wheelchair users.

8.7 Other UDP/Westminster Policy Considerations

Plant

Environmental Sciences has no objection to the proposed plant from a noise or nuisance perspective, subject to the roof plant operating only between 07.00 and 23.00 daily and the imposition of appropriate standard noise and vibration conditions.

Refuse /Recycling

As set out above, a dedicated area for the storage of refuse and recyclable material is a benefit of the proposal. The area is sufficiently large to accommodate the output from this office and, for this reason, the further details requested by the Projects Officer (Waste) are not considered to be necessary to make the development acceptable.

Trees

As set out above, the site abuts the western boundary wall to Paddington Street Gardens. Previous investigations reveal that the foundations for this wall are several metres deep and therefore no significant root growth from the London planes in

Paddington Street Gardens will be within the area required for the foundations required for the southern extension. There is therefore no objection to the proposed extension due to the impact upon the neighbouring trees.

The Arboricultural Manager has requested that an Arboricultural Impact Assessment is submitted assessing whether any pruning of the neighbouring trees within Paddington Street Gardens will be required in order to prevent damage during construction. The proposed development, however, does not bring the building materially closer to these trees. Some pruning may be required in order to allow scaffolding to be erected around the building to facilitate the proposed alterations but the same could be said of any number of works required for the maintenance of the building (for which planning permission would not be required). Requiring the applicant to provide an Arboricultural Impact Assessment is not considered to be reasonable as it would not be possible to resist the proposal on this ground. An informative is recommended to be added to the decision letter advising that, given that the trees are located within a conservation area, the City Council's prior approval will be required in order to undertake any pruning to the neighbouring trees.

Biodiversity / Sustainability / Flooding

The proposed green roofs and planting within the courtyard will enhance the biodiversity potential of the site which is welcome. A condition is recommended securing these benefits and requiring further details to be submitted for the City Council's approval. Whilst the repaving of the courtyard is not shown to be permeable, the change in levels will ensure that any surface water run-off will be dealt with on-site rather than running off the site into the public highway. The area of hardstanding on the site will be reduced as a result of the proposed development so it is not considered to be reasonable to require the replacement hardstanding to be a permeable surface.

The addition of green roofs will attenuate rainwater by storing it on site for gradual release, reducing surface water run-off from the site. The surface water run-off from the site is therefore likely to reduce as result of the development.

The condition requested by Thames Water is unreasonable as: (i) It could potentially result in a development that cannot be occupied until undefined upgrades are made off-site to the surface water and waste water network that are wholly outside of the control of the applicant; and (ii) The modest increase in floorspace is unlikely to materially increase the foul water run-off from the site.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 19 June 2019 and 31 July 2019. Following Full Council's approval, the council submitted all documents to the Secretary of State for independent examination on 19 November 2019. The Planning Inspectorate wrote to the City Council on 17 January 2020 pausing the Examination in order to allow the City Council time to produce necessary document to allow the Examination to proceed. Given that there are still unresolved objections to a number of policies and that the

Examination in Public has not been completed, having regard to the tests set out in para. 48 of the NPPF, the draft City Plan will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

There is no adopted Neighbourhood Plan for this site.

8.10 London Plan

The Examination in Public for the draft new London Plan took place between 15 January 2019 and 22 May 2019. The Panel of Inspectors issued their report and recommendations on 8 October 2019. On 9 December 2019, the Mayor issued to the Secretary of State his 'Intend to Publish' version of the London Plan. The Secretary of State for Housing, Communities and Local Government is currently considering the Plan and will either approve it or issue further directions to the Mayor.

The emerging new London Plan is a material consideration in the determination of this application. The weight attributed to this document is a matter for the decision maker. The closer the document is to adoption, the greater the weight that should be given to it. Whilst draft London Plan Policy E1 promotes increases in the current stock of offices in the CAZ, draft London Plan Policy SD4 continues the current policy protection for the quality and character of predominately residential neighbourhood within the CAZ. Whilst some weight needs to be given to these draft policies, they do not materially change the conclusions reached in the assessment of the proposed development against the adopted development plan policies within Section 8.1 of the report.

8.11 National Policy/Guidance Considerations

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to a two-stage written scheme of investigation in respect to any archaeology beneath the site. The applicant has agreed to the imposition of the condition.

8.12 Planning Obligations

Planning obligations are not relevant in the determination of this application.

The estimated CIL payments are:

- Mayor of London CIL 2 - £38,067
- Westminster CIL – £38,268

8.13 Environmental Impact Assessment

The proposal is of insufficient scale and environmental impact to require assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

8.14 Other Issues

Neighbouring residents have raised a number of concerns in respect to disruption during the course of construction. Although the application is accompanied by an Outline Construction Management Plan, the City Council as local planning authority moved away from enforcing mitigating construction impacts of development in July 2016 when the Code of Construction Practice (CoCP) was published. Instead, the City Council has resourced the Environmental Inspectorate to carry out this function through the CoCP. The development is not of the scale or type to fall within the control of the City Council's CoCP and therefore it is not recommended that a condition be imposed requiring adherence to a Construction Management Plan. The standard condition in relation to hours of works is, however, recommended to be imposed. The objections received from local residents on disruption and highway safety during the course of construction do not represent sustainable reasons for refusing permission.

The site is immediately adjacent to the Marylebone Archaeological Priority Area. Historic England (Archaeology) has no objection to the proposal subject to the imposition of a condition securing a two-stage process of archaeological investigation. Such a condition is recommended.

There is no reason to expect that the foundations used in the construction of the proposed extension will have any impact upon the foundations of neighbouring buildings.

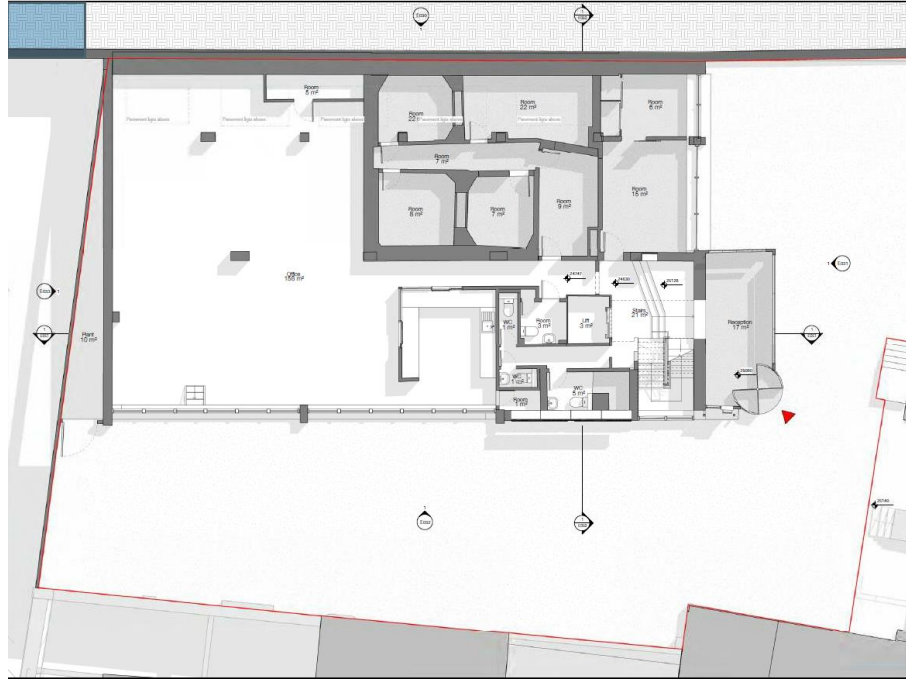
The objections to the proposal on the ground that there may be future applications to extend and alter the building do not raise sustainable planning objections. The current application must be assessed on its merits, as would any future applications made on this site.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

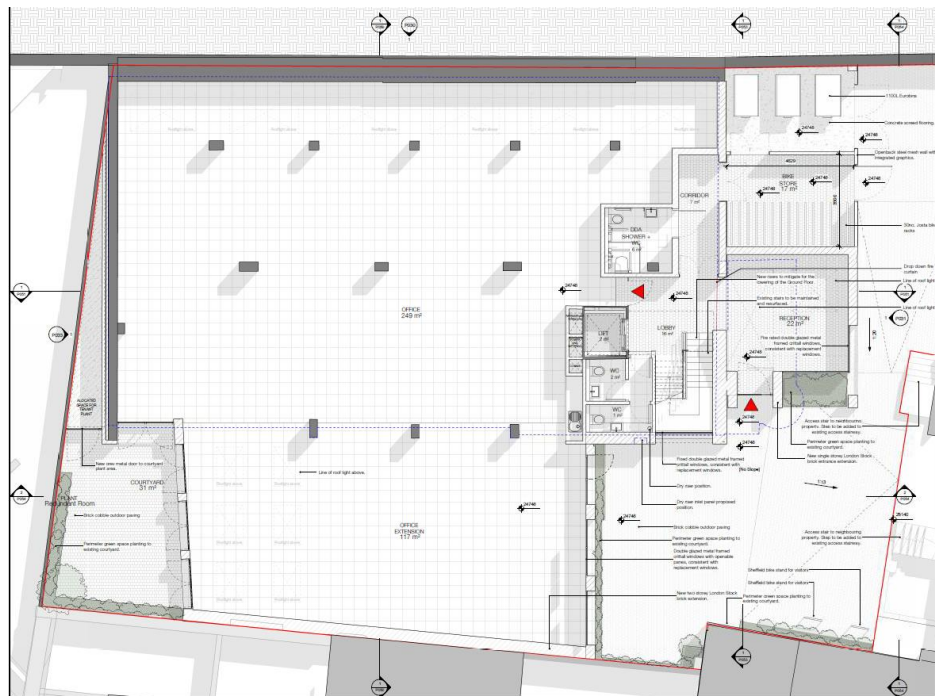
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

9.

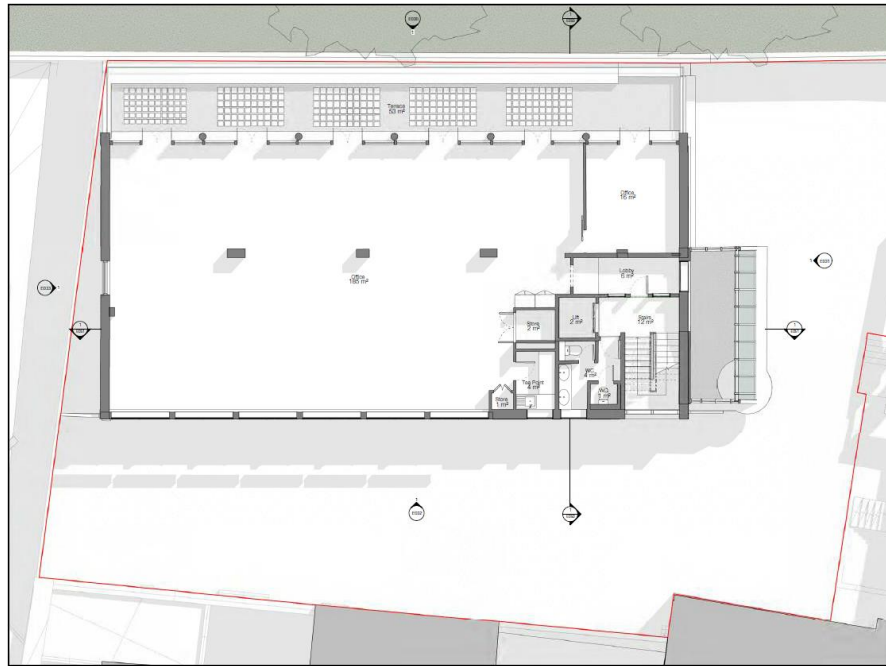
Existing ground floor plan:



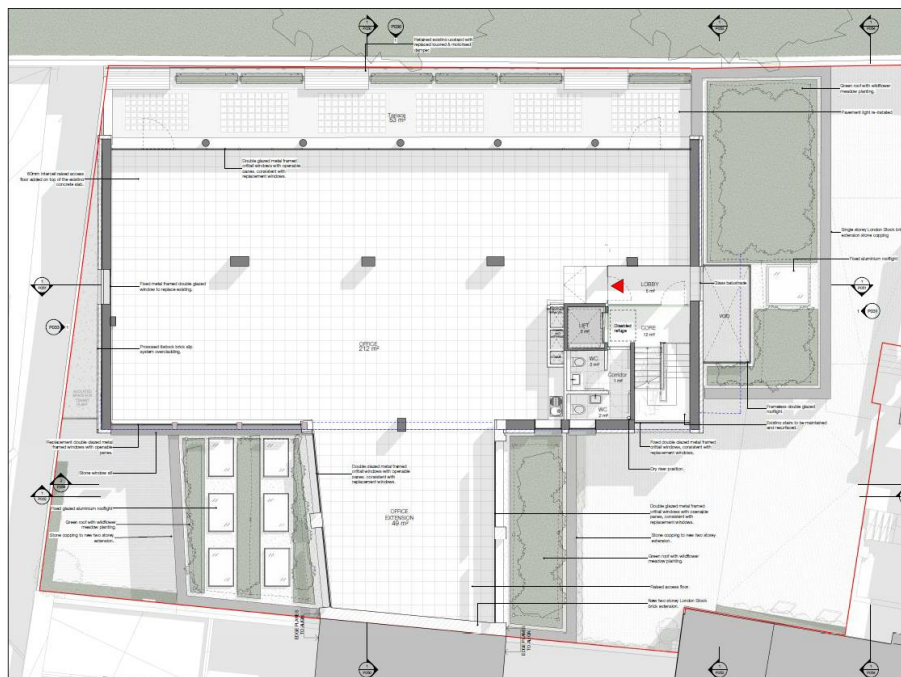
Proposed ground floor plan:



Existing first floor plan:



Proposed first floor plan:



Existing view from Paddington Street Gardens:



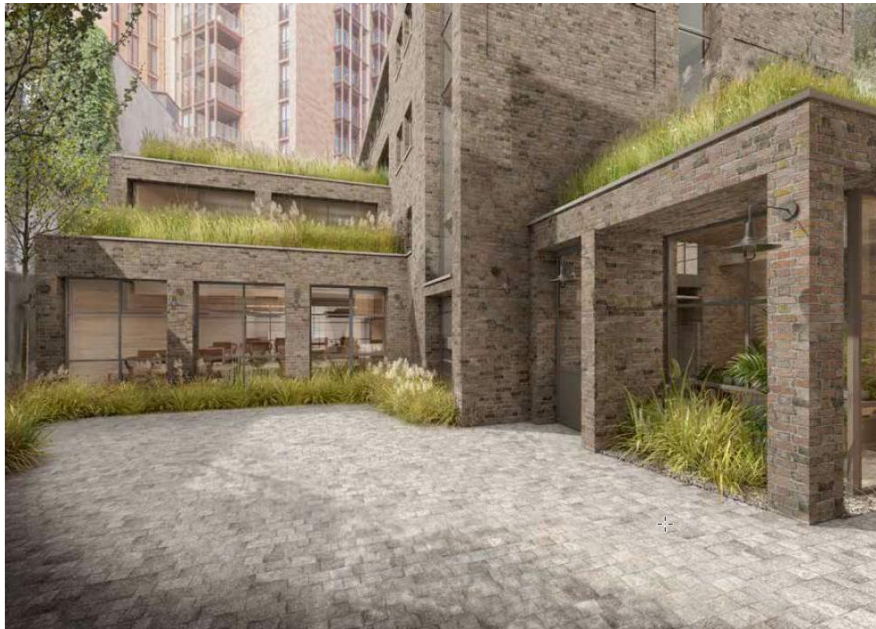
Proposed view from Paddington Street Gardens:



Existing courtyard view looking north:



Proposed courtyard view looking north:



DRAFT DECISION LETTER

Address: Midori House, 1 Dorset Street, London, W1U 4EG

Proposal: Refurbishment and extension of existing office (Class B1a) building including erection of extensions at ground and part-first floor levels, replacement of external cladding to elevations, provision of internal cycle and refuse stores, erection of replacement plant enclosure at roof level, and landscaping of existing courtyard.

Plan Nos: P009 Rev. C, P010 Rev. D, P011 Rev. C, P012 Rev. C, P013 Rev. C, P014 Rev. C, P030 Rev. B, P031 Rev. B, P032 Rev. B, P033 Rev. B, P050 Rev. B, P051 Rev. B, P053 Rev. B, P054 Rev. C and P010.01 Rev. D.

Case Officer: Mark Hollington

Direct Tel. No. 07866040156

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

- 2 You must apply to us for approval of samples of the facing materials you will use, including glazing and materials used for hard landscaping, and elevations and roof / landscaping plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

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

Development Plan that we adopted in January 2007. (R26AD)

- 4 You must apply to us for approval of full particulars and detailed drawings of the proposed brick slip rain screen cladding. 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 particulars and drawings. (C26DB)

Reason:

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

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

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

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery

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

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

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 7 The roof top plant/machinery hereby permitted shall not be operated except between 07.00 hours and 20.00 hours daily.

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 S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R46CB)

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 9 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

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 (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 10 You must not use the roof of the extensions hereby approved for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 11 Prior to occupation of any part of the western extension hereby approved, you must:

- (a) Provide each of the cycle parking spaces shown on the approved drawings. Thereafter the cycle spaces must be retained and the space used for no other purpose;
- (b) Provide the showers and lockers as shown on the approved drawings. Thereafter the showers and lockers must be retained and the space used for no other purpose;
- (c) Provide the storage space for refuse and recyclable materials and clearly mark it and make it available at all times to everyone using the office. You must thereafter not use the waste and recycling store for any other purpose;
- (d) Provide level access to and within the building as shown on the approved drawings and retain this level access for the life of the development;
- (e) Provide the hard and soft landscaping to the courtyard as shown on the approved drawings; and

(f) Install the new double-glazed windows and rain screen brick cladding in full as shown on the approved drawings.

Reason:

To secure the benefits of the scheme that justify the departure from Policies S18 and S20 of Westminster's City Plan (adopted November 2016).

12 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

13 You must apply to us for approval of detailed plans, sections, manufacturer's specification and planting scheme for the following parts of the development:

- The living roofs.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the works in their entirety prior to the occupation of any part of the western extension hereby approved in accordance with the approved drawings, manufacturer's specification and planting scheme. The living roofs shall be retained in situ for the life of the development.

Reason:

To increase the biodiversity of the environment and to reduce surface water run-off, as set out in S30 and S38 of Westminster's City Plan (adopted November 2016), Policies ENV 4, ENV 17 of our Unitary Development Plan that we adopted in January 2007 and Policies 5.10, 5.13, 7.19 of the London Plan (adopted March 2016).

- 14 Vehicles shall only enter and exit the site in forward gear.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions 6 and 7 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 The trees adjacent to the site within Paddington Street Gardens are in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.
- 4 The term 'clearly mark' in condition 11(c) means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 5 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

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