

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	Site 1: Stone House, 9 Weymouth Street, London, W1W 6DB Site 2: 142-146 Harley Street, London, W1G 7LE		
Proposal	1. Erection of a new single storey roof extension to create four residential units (Class C3) and associated plant (Site includes 9-11A Weymouth Street and 60A Portland Place) (Part of a land use swap with 142-146 Harley Street). 2. Use of third and fourth floors as medical use (Class D1) (part of a land use swap with Stone House, 9-11 Weymouth Street).		
Agent	Howard de Walden Management Ltd		
On behalf of	Howard de Walden Management Ltd		
Registered Number	Site 1: 17/05227/FULL Site 2: 17/05226/FULL	Date amended/ completed	12 June 2017
Date Application Received	12 June 2017		
Historic Building Grade	Site 1: Unlisted Site 2: Grade II		
Conservation Area	Harley Street		

1. RECOMMENDATION

1. Grant conditional permission
2. Grant conditional permission

2. SUMMARY

These proposals involve two different sites in a land use swap. Stone House, which includes 9-11A Weymouth Street and 60A Portland Place (Site 1), consists of basement, ground and five upper levels and lies on the west side of Weymouth Street with frontages also onto Hallam Street and Hallam Mews.

Permission is sought for the erection of a new single storey mansard roof extension to create four new residential flats.

The key issues are:

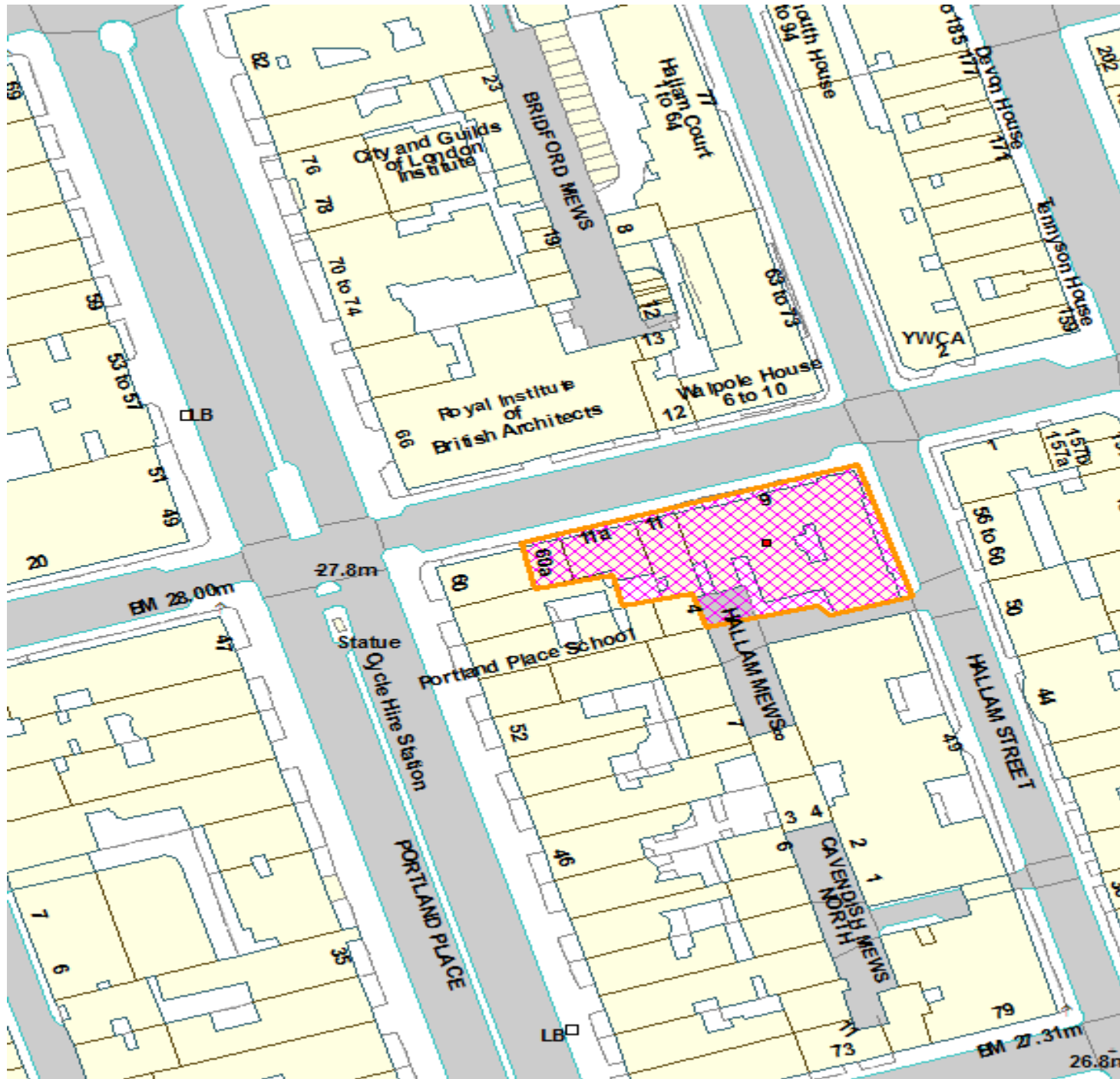
- * The amenity impact of the proposed extensions at Site 1 on surrounding sensitive properties;
- * The impact of the proposed alterations at Site 1 on the character and appearance of the conservation area.

Site 2 relates to the second and third floors of 142 - 146 Harley Street, which is located on the east side of Harley Street approximately 60m to the south of Marylebone Road. Permission is sought to use four existing residential units as medical accommodation. The deficit of residential floorspace as a result of this proposal will be re-provided at Site 1.

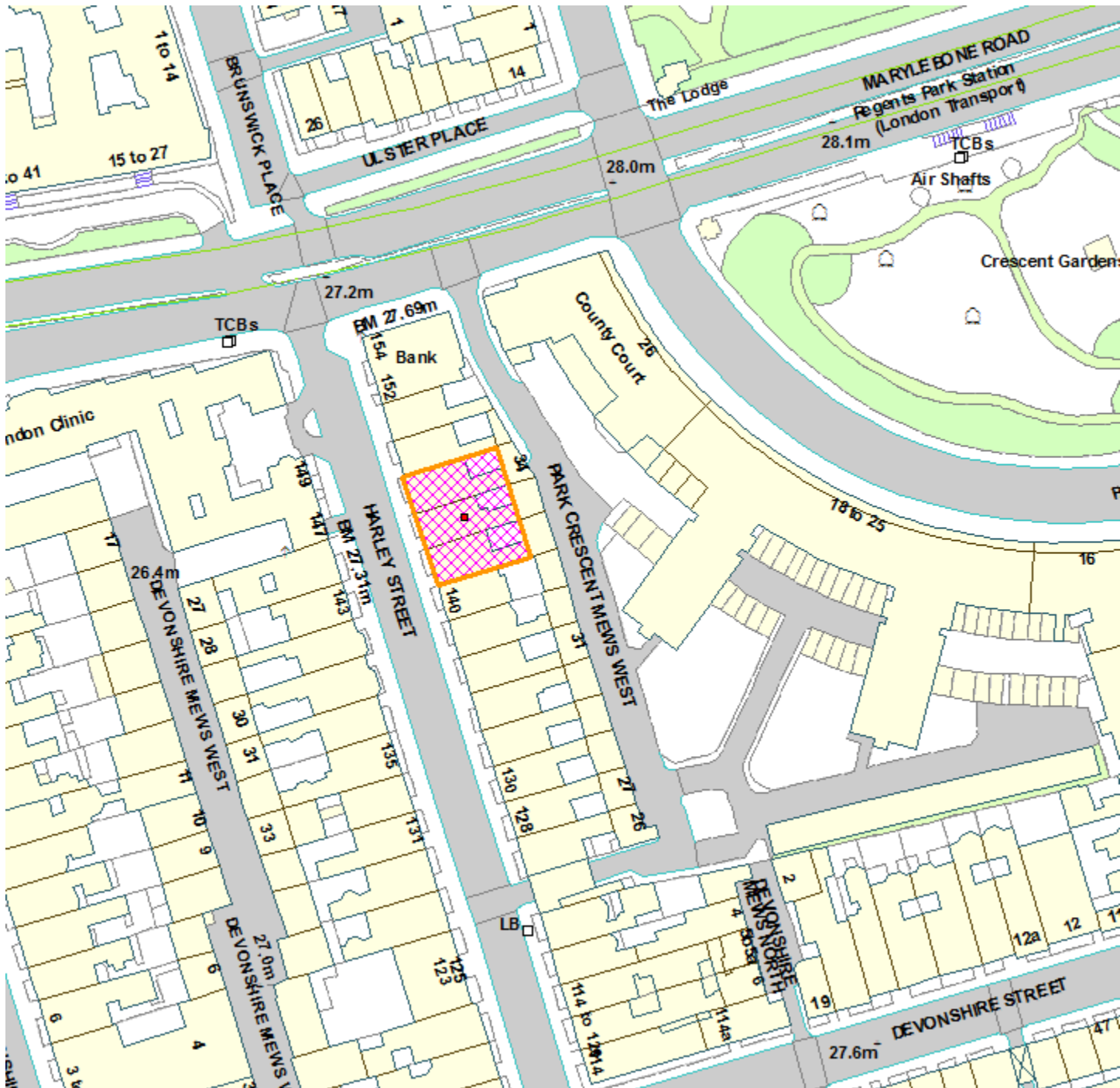
The proposal would result in, across both sites, an overall increase of 534 sqm of medical floor space and an increase of 21 sqm of residential floorspace (a total of 555 sqm). There would be no change in the number of residential units. There have been a number of objections to the proposals at Site 1, but following revisions to the design of the roof extension, both applications are now considered acceptable in land use, design, highways and amenity terms for the reasons set out in the main report and are recommended for conditional approval.

3. LOCATION PLAN

Site 1



Site 2



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4. PHOTOGRAPHS

Site 1: Stone House, 9 Weymouth Street

17 Jul 2017, 16:26:46



Site 2: 142-146 Harley Street



5. CONSULTATIONS

Site 1:

[NB Following the revisions, all external parties were re-consulted but of those who responded they largely reiterated their original objections.]

MARYLEBONE ASSOCIATION

Object on the following grounds:

Design

- Impact on private views
- Unacceptable bulk/height
- Detailed design
- Variation of roof line lost
- Impact on the character of the conservation area
- Harm to heritage asset not outweighed by public benefits (NPPF Para.134)

Amenity

- Concerns expressed regarding the impact on neighbours' privacy from terraces

Construction

- Concerns regarding residential access during construction

HIGHWAYS PLANNING

Object on the following grounds:

- Lack of off-street parking

ENVIRONMENTAL HEALTH

No objection subject to conditions.

CLEANSING

No objection to revised waste and recyclable storage arrangement, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 213; Total No. of replies: 53 Replies (from 32 Objectors)

Objection on the following grounds:

Land use:

- Potential for short term lets

Design:

- Extension alien to buildings
- Impact on architectural integrity of the buildings/building proportions
- Impact on conservation Area
- Impact on private views
- Unacceptable bulk/height
- Detailed design
- Impact on the character of the conservation area
- Harm to heritage asset not outweighed by public benefits (NPPF Para.134)

- Variation of roof line lost/Impact on skyline
- Windows too large
- Window frames and pane should be colour coded to the roof
- Impact of projecting bay
- Raised chimney stack overly visible
- Potential impact of visible structures within terraces
- Railings at new roof level are overly visible

Amenity:

- Loss of privacy resulting from the proposed terraces
- Loss of daylight and sunlight to existing residents in surrounding buildings
- Loss of skylights
- Noise impact from proposed terrace
- Noise impact due to future residents utilising area above existing residential accommodation
- Noise transfer between the new flats and the existing flats below
- Do not accept the proposed light tubes as replacements for the existing rooflights

Highways/Cleansing:

- Increase in congestion
- Increased stress on parking
- Increase of unsightly bins in mews to the rear unwelcome

Construction

- Impact on existing services (satellite dishes, aerials, plant etc.)
- General disturbance
- Security Risk
- Fire Risk
- Highways disruption resulting from the construction works (noise, congestion, reduction of available parking, dust, pollution)
- Impacts of scaffolding for prolonged period (light, enclosure, appearance)
- Reduced access/loss of lift/impact on communal areas
- Relocation of nearby businesses during the construction phase

Other

- Sets precedent for similar developments
- Fire potential
- Lack of formal notification of the application

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Site 2:

MARYLEBONE ASSOCIATION

No objection.

HIGHWAYS PLANNING

No objection subject to conditions.

CLEANSING

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 66; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION**6.1 The Application Site****Site 1**

The application site includes 9, 11 and 11A Weymouth Street and 60A Portland Place which are a group of unlisted buildings located on the south side of Weymouth Street at its junction with Hallam Street. The site lies within the Harley Street Conservation Area and the Central Activities Zone (but outside of the Core Central Activities Zone). The site is in the viewing corridor 4A.2 Primrose Hill to the Palace Of Westminster

9 Weymouth Street has its main entrance on Weymouth Street and is a mixed use building with Class D1 educational use at basement and ground and Class C3 residential units on all the upper four floors. This building is currently served by a single lift and two internal staircases.

11 Weymouth Street is accessed from Weymouth Street and comprises of basement and ground four upper floors which is all in Class B1 office use.

11A Weymouth Street is currently accessed through the entrance of 60A Portland Place on Weymouth Street and is also a five storey plus basement building is entirely within Class C3 residential use.

The area is characterised by a mixture of residential and commercial uses.

Site 2

The application site includes 142 - 146 Harley Street which are grade II listed buildings located in the Harley Street Conservation Area, the Harley Street Special Policy Area (HSSPA) and the Central Activities Zone (but outside of the Core Central Activities Zone)

142-146 Harley Street is in medical use (Class D1) at basement level (including basement of No. 32-34 Park Crescent Mews) and on ground to second floors. The third and fourth floors are in use as four residential units.

The immediate area is characterised by both residential and commercial uses.

6.2 Recent Relevant History

Site 1

None relevant.

Site 2

None relevant.

7. THE PROPOSAL**Site 1**

The proposed scheme involves the erection of a new single storey mansard roof extension to create 4 new residential flats (2x 3-bed, 1x 2-bed and 1x 1-bed flat) totalling 555.0 sqm.

The proposed mansard roof extension is partially sheer to the rear and is constructed of brick to match the existing façade in these locations. The sloping sections of the proposed new mansard roof is to be clad in natural slate, with inverted dormers set within the mansard roof and one traditional dormer window to the rear. All proposed windows on the sheer sections of the rear elevation of the building are timber painted double glazed sash windows to match existing.

The proposal includes the installation of roof lights and three light tubes at new roof level to allow light to three of the existing residential units at fourth floor level (three hallways/entrances). These replace existing rooflights to these spaces; however, existing rooflights that serve a bedroom and an open plan living-room/kitchen are not being replaced (as these rooms also have windows).

It is proposed to create three new terraces behind the existing turrets on the three corners of the front and side façade of the building utilising the existing flat roof. The parapet wall surrounding the proposed terraces is 1.85m in height above the level of the proposed terraces.

Additional air conditioning plant is proposed in two locations at roof level within acoustic enclosures with further plant located internally at new fifth floor level.

The existing main stairs and lift within the building will be raised to the new fifth floor level providing access to this part of the building, whilst one of the flats will be accessed by the existing stairs and a new lift within 60A Portland Place.

It is proposed to install a new green roof above part of this space which will only be accessible for maintenance purposes.

It should be noted that the single storey extension over 60A Portland Place is included within this application as it will provide the access via internal lift and stair to proposed flat 4, a new 3-bed flat within the proposed development at 11 and 11A Weymouth Street.

The proposed scheme retains the existing buildings from lower ground to fourth floor level and does not change the use or any external features of these parts of the buildings.

During the course of the application the proposal has been amended in an attempt to address amenity and design concerns. These alterations include:

- Reduced size of recessed dormers.
- The rear elevation and within the internal lightwell has been modified to create a partial mansard instead of sheer storey in places.
- Windows facing Hallam Mews have been omitted.
- Roof top access hatch and plant room has been replaced with flush access hatch and a smaller plant enclosure.
- Rear terrace facing Hallam Mews has been removed.

Site 2

At Site 2, permission is sought for the change of use of the third and fourth floors from residential accommodation to medical in connection with the existing medical unit on the lower floors. The net increase in medical floorspace is 534.1 sqm (GIA). No internal or external alterations are proposed and therefore the special character of this building is not affected.

Since the proposals involve a land use swap between the sites it is necessary to note there is a net increase of 534 sqm of medical floor space and 21 sqm of residential floorspace across the two sites and no loss of residential units.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Land use swap

City Plan Policy S14 states that all residential uses, floorspace and land will be protected. As a standalone scheme, the proposals for Site 2 would be unacceptable as it involves the loss of four residential flats, contrary to policy S14.

However, City Plan policy CM47.1 allows the swapping of uses between sites and for land use packages in order to maximise the potential of individual sites within the commercial areas of Westminster's Central Activities Zone. The policy outlines how a land use swap will be appropriate provided that:

- the sites are in the vicinity of each other;
- the mixed use character of the immediate area is secured;
- there is no net loss of floorspace across the site taken as a whole;
- the uses are appropriate and there is no loss of amenity;
- any residential accommodation is of a higher quality, and
- the applications are submitted at the same time and all elements are completed within a time frame agreed by the Council.

The land use swap is therefore an appropriate mechanism to secure the benefits of each proposal and to offset the losses in residential floorspace and residential units proposed at Site 2. Both sites are within the Harley Street Conservation Area and owned by Howard de Walden Management Ltd. Furthermore, there is a net increase in both residential and medical accommodation across the two sites in accordance with CM47.1 and the new residential accommodation at Site 1 is considered of superior quality to the existing residential units within Site 2 (see below).

It is considered that the land use option is acceptable in this regards and accords with Policy CM47.1. Conditions have been imposed to ensure that the residential properties within Site 1 are completed and ready for occupation prior to the commencement of the medical use at Site 2. This is to ensure there is no net loss of residential units or floor area in accordance with Policy S14.

Site 1

Standard of Residential Accommodation

The four residential units to be provided at Site 1 would provide 2 x 3-bed, 1 x 2-bed and 1 x 1-bed flat. The proposed units are considered to be acceptable in terms of their size and, as they are all triple aspect in layout, are likewise acceptable in terms of their standard of accommodation. All of the flats exceed the space requirements set out in the London Plan (2016) but are not excessively large (81, 90, 145 and 148 sqm GIA) and therefore optimise the potential of the site, in accordance with City Plan Policy S14.

Policy H5 of the UDP states that the City Council will ensure that an appropriate mix of unit sizes is achieved in all housing developments and that the City Council will normally require 33% of housing units in housing developments to be family sized. Policy S15 of the City Plan states that residential developments will provide an appropriate mix of units in terms of size, type and affordable housing provision to contribute towards meeting Westminster's housing needs and creating mixed communities.

In this instance the proposals would provide four residential units in total, half of which are family sized and therefore accords with Policy H5 and S15.

It is considered that the residential accommodation proposed to replace the existing residential accommodation at third and fourth floor level of 142-146 Harley Street (where the access is shared with the medical use) is acceptable and is superior in terms of quantum and quality.

Affordable housing

The increase in residential floorspace does not trigger the requirement to provide a proportion of affordable housing within this scheme.

Site 2

The site lies within the Harley Street Special Policy Area (HSSPA). The basement to second floor level is currently occupied by the London Medical Centre. The third and fourth floors, which are the subject of this application, are in use as four residential flats.

Proposed Medical Use

Policy CM2.1 of the City Plan encourages new medical use and complementary facilities and all development that supports and enhances the role of the HSSPA as an international centre of medical excellence. The proposed increased medical floorspace accords with policy CM2.1 and policies S34 of the City Plan and SOC 1 of the UDP, which encourage new social and community facilities throughout Westminster.

Loss of Residential Floor space

As detailed above, the residential floor space and units lost as a result of this proposal will be re-provided to a better standard within Site 1. This proposal is therefore in line with S14, as there is no net reduction in residential floorspace when the two proposals are taken as a whole.

8.2 Townscape and Design

Site 1

Stone House at 9 Weymouth Street is an unlisted building of merit in the Harley Street Conservation Area. The Harley Street Conservation Area Audit designates the building as one where a roof extension would not normally be acceptable.

The immediate vicinity is characterised by tall late Victorian and Edwardian apartment blocks, many of which are higher than Stone House.

The proposed extension is slight, in context; it extends the existing 70 degree mansard with a 30 degree pitch with minimum floor to ceiling heights. The presumption against an extension to this building can, in some cases, be more flexibly considered if the extension can be seen to 'complete' the roof form and is as visually minimised as possible. Whilst the site is in the viewing corridor 4A.2 Primrose Hill to the Palace Of Westminster, the top of the proposed roof extension is some 10 metres below the viewing plane and is therefore well below the critical viewing plane height. The proposal will therefore not harm this protected vista.

The City Council's Supplementary Planning Guidance on Roofs is a detailed guide on the design of mansard roof extensions. The proposed design complies with this guidance and with the design of many similar local mansion blocks, with a partially shear rear extension.

In summary the roof extension is considered to be acceptable in design terms conservation terms, preserving the character and appearance of the Harley Street Conservation Area and complying with the City Council's SPG on Roofs, DES 1, DES 5, DES 5 and DES 9 of the UDP and City Plan Policy S25 and S28.

A number of objections have been received to the proposal on design grounds. These are addressed in turn below:

Extension alien to building:

The extension complies with the SPG Guidance for Roofs in its detailed design and profile form; additionally it extends in the same materials as the host building, with the exception of the green roof- which adds visual interest in private views.

Architectural integrity of building/building proportions:

The proposals are not judged to undermine either the architectural integrity or proportions of the host building.

Variation of roof line lost/ top heavy/ loss of skyline:

Due the angle of 30 degrees to the front pitch, the visibility of the extension is difficult to discern, except in long views or near adjacent private views. The chimney stacks would be raised in line with the SPG Guidance for Roofs. The roof would still have a degree of visual interest and variation as the aerial views show; this includes the green roof, terraces, inset and expressed dormers.

Impact on private views:

The proposed extension will be visible within neighbouring properties surrounding the site; however, the affect is not considered to be adverse, especially as the existing roof-scape is utilitarian and not of high visual quality.

Impact on Conservation Area/ Harm to heritage asset not outweighed by public benefits

It is considered that the impact of the proposal is minimal and, where it its perceptible, not harmful to the Harley Street Conservation Area, which is a designated heritage asset. There is therefore no requirement to identify public benefits as there is no harm to the designated heritage asset.

Plant visible from terraces:

Due to amenity concerns, the plant room located at new roof level to the rear has been replaced with open top plant enclosure. The resultant reduction of height will also minimise visibility. The proposal also includes an additional area of plant between the existing, albeit raised, chimney stacks. In line will the Council's guidance, all the proposed external plant is visually screened. The installation of the proposed screens will be secured by condition.

Impact of projecting bay window:

The projecting bay window to the rear is no longer being proposed.

Size/design of windows:

The size of the windows has been reduced to comply with the design guidance and the proposed inverted dormer window frames will be required to match the adjoining slate, in line with the recommendation of neighbouring objectors. The frame of the one window on a sheer section to the rear and the four dormers (three to the front and one to the rear) will be required to be constructed in timber and painted white akin to that on the lower floors. These details will be secured be condition. Objectors have also indicated that the window pane should be colour coded to match the proposed roof. Whilst the rationale for this request is understood, it is considered unreasonable as it would impact on the quality of the new residential accommodation due to the reduction in internal light levels.

Potential impact of visible structures within terraces:

A condition have been imposed to ensure that there are no structures, such as canopies, fences, loggias, trellises or satellite or radio antennae, on any of the three terraces at fifth floor level, and thus a refusal on this basis is not justified.

Railings at new roof level are overly visible:

The council also consider that the 'key clamp' (safety) railings at new roof level would be harmful. As such, an amending condition has been imposed to omit 'key clamp' railing design with an informative stating that a safety rail of less industrial design, more traditional in appearance and in keeping with the era of building would be acceptable.

Site 2

There are no external or internal alteration proposed and therefore the special interest of this listed building and the character and appearance of the Harley Street Conservation Area will not be affected.

8.3 Residential Amenity

Site 1

Policy ENV13 seeks to protect and safeguard the amenities of existing residential properties from development proposals including in relation to the levels of daylight and sunlight received, overlooking and increased sense of enclosure.

Objections have been received from a number of existing residential occupants within the application buildings and in surrounding buildings on the grounds of loss of daylight and sunlight, loss of sky lights, overlooking and loss of privacy and noise nuisance from external residential terraces.

Sunlight and Daylight Overview

A daylight and sunlight report has been submitted with the application which assesses the impact of the development with regard to BRE guidelines for daylight and sunlight to existing sensitive properties.

The daylight and sunlight Assessment submitted to support the application assessed windows within 43, 50, 52, 54, 56, 58, 60a Portland Place, 4, 5, 6, 7, 8, 49, 50 Hallam Mews, 56 – 60 Hallam Street, 1, 2, 9-11, 12 Weymouth Street, Walpole House and the Royal Institute of British Architect. The following analysis is based on the revised scheme reducing the size of the roof extension.

Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% (i.e. a ratio of 0.8 of its former value) or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms.

With the exception of windows serving habitable rooms within 49 Hallam Street and 9-11 Weymouth Street, predicted reduction in VSC does not exceed the 20% threshold and therefore the occupants of these properties will notice any reduction in daylight.

The sections below discuss the impact on daylight in breach of the BRE Guidance within 49 Hallam Street and 11-12 Weymouth Street in turn below.

49 Hallam Street

This building comprises a health and fitness club at basement and part ground floor levels with residential flats from part ground to fourth floor levels above and is situated to the south of the application site. The table below details the losses to the VSC in excess of the BRE guidance:

Reference	Location	Room Type	Vertical Sky Component			
			Before	After	Absolute Loss	Ratio
Window 323	3 rd floor flat	Bedroom	34.2%	26.8%	7.4%	0.78
Window 330	4 th floor flat	Bedroom	33.4%	24.0%	9.4%	0.72

The results confirm that two bedroom windows are expected to see reductions in VSC of more than 20%.

The bedroom served by window 323 is also served by another window which is predicted to retain a VSC of 27.9% after the proposed development is completed. The bedroom served by window 330 is also served by a second window which has a VSC of 37.4% and does not experience any loss of daylight as a result of the proposed development. As both bedrooms have additional windows which receive 'good levels of light' as defined by the BRE guidance, and as the failing windows retain proposed levels of daylight which remain extremely high for a dense urban location, it is not considered that the residential occupants will be materially impacted by the proposal.

9 to 11 Weymouth Street (the application site)

The affected windows are on the rear elevation and within the internal lightwell of the property, with 10 windows predicted to experience losses in excess of the BRE Guidance as detailed in the table below:

Reference	Location	Room Type	Vertical Sky Component			
			Before	After	Absolute Loss	Ratio
Window 732	4 th floor flat	Kitchen	14.7%	10.6%	4.1%	0.72
Window 793	4 th floor flat	Bedroom	22.1%	13.4%	8.7%	0.61
Window 843	2 nd floor flat	Kitchen	0.2%	0.1%	0.1%	0.50
Window 846	3 rd floor flat	Bedroom	0.6%	0.4%	0.2%	0.67
Window 848	3 rd floor flat	Kitchen	2.1%	1.3%	0.8%	0.62
Window 849	3 rd floor flat	Kitchen	8.3%	6.4%	1.9%	0.77
Window 850	4 th floor flat	Study	20.4%	15.2%	5.2%	0.75
Window 854	3 rd floor flat	Bedroom	7.3%	5.7%	1.6%	0.78
Window 856	4 th floor flat	Kitchen	17.6%	12.6%	5.0%	0.72
Window 857	4 th floor flat	Kitchen	10.3%	7.5%	2.8%	0.73

Window 732 is a narrow secondary window on the side wall of a rear projection serving a kitchen within a fourth floor flat. The kitchen is served by another much larger window on the rear face of the rear projection which retains a VSC of 33.2% after the proposed development. Given the levels of daylight received to the kitchen as a whole, it is not considered the residential occupants will receive a material reduction in daylight.

Window 793, which experiences the highest absolute loss of daylight as a result of the proposal, is the inner side of an existing bay window serving a bedroom to a fourth floor flat. The others windows which form the bay windows retain a VSC level of 26.4% (central pane) and 22.1% (outer side pane) respectively. Whilst the proposal would in itself reduce the VSC received to the central panel to a level below 27%, the retained VSC is considered to relatively high given this central London location. As such, it is not considered the quality of the residential flat would be compromised as a result of the proposal.

Window 843 is located on the return face of the façade at third floor level. It is one of three windows serving a single kitchen. The VSC of this window reduces from 0.2% to 0.1%. In such circumstances, even imperceptible absolute changes in VSC result in a technical failure when expressed as a percentage. Furthermore, the kitchen which window 843 serves also benefits from another two windows which experience daylight reduction in line with the BRE guidance.

The bedrooms served by windows 846 and window 854 also benefit from second windows. Whilst the degree of reduction to both windows is greater than 20%, given that the actual reductions to these windows is only 0.2% and 1.6% respectively, and that both rooms are served by an additional window which the VSC does comply with, it is not considered that the proposal would be materially harmful.

Whilst the daylight assessment indicates that windows 848 and 849 do not comply with the BRE guidance, given that they serve a galley kitchen totalling 8 sqm and the absolute losses are very small, the impact is acceptable.

Window 850 serves a small study within a fourth floor flat approximately 7 sqm in area and retains a VSC of 15.2% in the proposed scenario. Whilst the BRE guidance does not specifically reference losses of light to residential studies, it is not considered to

warrant the same level of protection as essential residential rooms, such as living rooms. Given the central London location of the site, it is considered the retained VSC is adequate for a room of this size.

Window 857 serves a kitchen to a fourth floor flat. This kitchen is also served by another window which is not materially affected by the proposed development and therefore the quality of this residential accommodation will not be materially harmed.

In addition to the above points, it is important to note that all of the windows within 9-11 Weymouth Street where there is a material reduction to their VSC, the daylight to these rooms is already hampered by the projecting wings/enclosed lightwell of the existing building itself. In this situation the BRE guide acknowledges that it may not be practical to meet the standard VSC targets.

Sunlight

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that if the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, and there is a 4% loss in total annual sunlight hours, then the occupants of the existing building are likely to notice the loss of sunlight.

9-11 Weymouth Street

9 Weymouth Street has a number of windows which experience sunlight losses in excess of the BRE Guidance, as detailed in the table below:

Ref.	Location	Use	Sunlight to Windows							
			Total Sunlight Hours				Winter Sunlight Hours			
			Before	After	Loss	Ratio	Before	After	Loss	Ratio
W. 738	3 rd flr flat	Liv/Din	19%	14%	5%	0.74	8%	7%	1%	0.88
W. 819	4 th flr flat	Kitchen	8%	1%	7%	0.13	0%	0%	0%	1.00
W. 820	4 th flr flat	Kitchen	30%	25%	5%	0.83	3%	0%	3%	0.00
W. 849	3 rd flr flat	Kitchen	14%	8%	6%	0.57	0%	0%	0.0%	1.00
W. 850	4 th flr flat	Study	51%	33%	18%	0.65	6%	0%	6%	0.00
W. 856	4 th flr flat	Kitchen	47%	27%	20%	0.57	2%	0%	2%	0.01
W. 857	4 th flr flat	Kitchen	26%	17%	9%	0.65	1%	0%	1%	0.01

Window 850 serves a small study within a fourth floor flat. Although the total annual sunlight hours satisfy the BRE guidance, the entirety of winter sunlight hours would be lost as a result of the proposal. Given the very high levels of APSH that will be retained after the proposed development, this room will still receive very good levels of sunlight.

Five kitchen windows at third and fourth floor levels within the application site would experience material losses of sunlight in excess of the BRE Guidance. Whilst the losses to these windows are unfortunate, these windows serve large flats which in many cases are dual aspect or have other windows serving the same room and the BRE guidance states that 'kitchens and bedrooms are less important' than the main living room when assessing sunlight losses. The impact of the proposed development would therefore not be materially harmful in this respect.

There is however one living room which experience losses of 5% of the total sunlight hours, which is 1% in excess of the BRE guidance; however, this room benefits from two additional windows along the Weymouth Street elevation which are not affected by this proposal. As such, it is not considered the proposal would materially impact the living conditions of the existing residential occupants.

Loss of Skylights

A number of residents occupying the existing top floor flats have objected due to the loss of skylights. There are currently six obscured glazed skylights, all of which are located in separate flats. Four of the skylights serve entrance hallways, one serves a bedroom and one serves the main living accommodation of a residential flat to the west of the site.

The applicant is proposing to install three light tubes to offset the resultant loss of light to three of the four impacted hallways (it is understood that the occupier of the fourth flat does not want a replacement light tube). As hallway area is a non-habitable room, the council has no policy basis to protect the existing skylight.

The existing skylights serving a bedroom and the main living accommodation of separate residential flats at fourth floor are not proposed to be replaced. It is considered that these skylights are a secondary light source in addition to windows and that it would not be reasonable to refuse the application on this basis.

Conclusions on Sunlight and Daylight

The reductions in light that are in excess of the BRE guidance are primarily on the rear elevations or within the internal lightwells of 9-11 Weymouth street, or on the side façade of 49 Hallam Street, where the gap between the two buildings is relatively modest. Whilst there are a number of losses in excess of the BRE Guidance, most of the affected rooms benefit from an additional window and are located in areas of the building where the BRE guidance acknowledges that losses are unavoidable due to the existing building form.

Taking this into account, and given the site's location within this urban built up location, and the reasonable levels of daylight/sunlight that are retained, it is not considered the application could be reasonably refused on the grounds of losses of daylight / sunlight. As such, it is considered that objections due to losses of daylight/sunlight cannot be supported.

Sense of Enclosure

Policy ENV13 of the UDP states that the City Council will seek to ensure new developments do not result in a 'significant increase in the sense of enclosure'. The proposal has been significantly modified within the lightwell, along the Hallam Street elevation and in a number of locations to the rear of the building. Due to these amendments, the proposed extensions to the building are now not considered that the proposal will materially increase the sense of enclosure felt within neighbouring residential properties. No objections have been received to the application in relation to an increase in the sense of enclosure of neighbouring properties.

Privacy

Policies ENV13 of the UDP and S29 of the City Plan seek to protect residential amenity and ensure that new developments do not result in a 'significant increase in overlooking' to neighbouring residential or sensitive buildings.

The proposal would create three new terraces behind the existing turrets on the three corners of the front and side façade of the building utilising the existing flat roof. The parapet wall surrounding the proposed terraces is 1.85m in height above the level of the proposed terraces. As such, views from the terrace will be sufficiently shielded to ensure there is no loss of privacy experienced within neighbouring residential properties.

The proposal introduces new windows on all elevations. Given the presence of windows at all levels on the lower floors, it is not considered that adjacent properties would experience an increased reduction of privacy as a result of the proposed windows.

Objectors have also raised concern due to the potential overlooking from the proposed roof and green roof. The applicant has confirmed that the roof is proposed for maintenance purposes or in the case of an emergency. A condition has been imposed to ensure that this is the case.

With the safeguarding conditions detailed above it is not considered that the proposal would result in any loss of privacy and it is not considered that the application could be refused on these grounds.

Noise from terraces

A number of neighbouring residents have raised concern due to the potential noise from the proposed terrace. The terraces are located at three corners of the application site. The terraces are relatively small in scale therefore the noise generation potential from residential occupants is not considered to be substantial. Given that all of the terraces are surrounded by a parapet wall 1.85m in height, it is considered that any potential noise from terrace activity will be deflected upwards. The relationship between the proposed terraces and other residential properties compared to existing terraces at the application site which have not been the source of noise complaints, means that the objections on these grounds is not sustainable.

Site 2

The proposal will have no harmful impact on residential amenity.

8.4 Transportation/Parking**Site 1****Parking**

The Highways Planning Manager has objected to the application on the grounds that no off-street parking would be provided in association with the proposed flats. A number of residents have also objected to the proposal due to the potential of increased parking stress.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an

unacceptable level of deficiency. The evidence of the Council's most recent night time parking survey indicates that parking occupancy of residential parking bays within a 200 metre radius of the site is 74%. Where parking availability includes Single Yellow Lines, Metered Bays, Pay & Display, and Shared Use, the stress level reduces to 37%.

The daytime parking survey shows that the occupancy of residential parking bays within a 200 metre radius of the site is 81%. Whilst it is acknowledged that the site has a high level of public transport accessibility, the proportion of households with one or more cars in the Marylebone High Street Ward is 35% (2011 Census figures). Whilst this is lower than the borough average, the data indicates that residents in the area do own cars. Given the high level of occupancy of the residential parking bays the scheme is not considered to be consistent with policy TRANS 23.

The Highways Planning Manager has stated that although their objection will still stand, if other planning considerations take priority over the objection raised regarding on-street parking stress (TRANS23), lifetime car club membership is considered the strongest mechanism that is likely to reduce car ownership of the future residential occupiers

In line with the highways officers' advice, it is considered that securing lifetime car club membership would mitigate any potential displacement of on-street parking as a result of the proposal. As such, it is not considered an objection to the proposal as a result of additional parking stress can be supported.

Cycle Parking

The Highways Planning Manager has requested a condition require the provision of four cycle spaces in association with the new flat in accordance with the London Plan. Details of four spaces have been shown on the application drawings within the pavement vaults which is not sufficient. However, there is sufficient roof to accommodate eight spaces and this parking provision is proposed to be secured by condition.

Site 2

Trip generation & Car Parking

No car parking is provided for the proposed use. The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. As such, the highways officer has indicated that the impact of the change of use on residential bays parking levels is expected to be minimal due to the hours of restriction.

The applicant has not indicated how many patients are likely to attend the site on an average day or the length of appointments. The proposed use of D1 (medical) is likely to generate more trips spread out through the day than the existing approved use of the site. However, given that the quantity of public transport services and general accessibility of the area it is considered that the level of trips generated is unlikely to have a significant impact on the public highway.

Servicing

No off-street servicing is provided for the proposed development and no information regarding servicing of the proposed site has been submitted. The highways officer has indicated that the proposal is likely to generate approximately 7 trips a day (5-6 supply deliveries and 1-2 refuse collection). The largest regular service vehicle expected to be

associated with the proposed development is the refuse collection vehicle. A condition has been imposed requiring a Service Management Plan (SMP) to be agreed prior to occupation to secure an agreeable arrangement. An additional condition has also been imposed to ensure no goods are left on the highway during the servicing process.

Cycle Parking

Cycle parking provision is indicated on the submitted plan but no specific details are provided and no comments are made regarding the provision. The London Plan (2016) requires 1 space per 5 staff members. No staffing numbers have been provided. The Highways officer has indicated, based on the number of consultation rooms, three spaces are likely to be the minimum requirement. These spaces have been proposed to be secured by condition.

8.5 Economic Considerations

Any economic benefits generated by the proposed developments are welcome.

8.6 Access

Site 1

The existing main stairs and lift within the building will be raised to the new fifth floor level providing access to this part of the building, whilst one of the flats will be accessed by the existing stairs and a new lift within 60A Portland Place.

Whilst there is a lift access to the new residential accommodation, no step free access will be provided due to the existing steps to the front and rear entrances of the application site.

Objections have been received from residents residing in the building due to the reduced access during the construction period as a result of the installation of replacement lifts in both 9-11 Weymouth Street and 60 Portland Place and the security implications for replace access arrangements.

The applicant has confirmed that the planned maintenance report states that the lift is not fully compliant in its current state and therefore this work is required in the short term whether the this application is approved for the development or not. Therefore the lift is required to be replaced and will be decommissioned. Although the application documents stated that the lift will be decommissioned for the entire construction period (approx. 1 year), the applicant has subsequently stated that the construction programme has been modified due to residents' concerns and the lift will be now be decommissioned for a 22 week period towards the end of the construction period.

To ensure residents are not unduly impacted by the reduced access arrangement, a temporary lift and stair will be erected. The temporary lift will be fob activated for security reasons and will provide access to the half landing of every floor. Although, there are approximately five steps from the mews at the rear to access the temporary lift and residents would have to also negotiate a flight of stairs from the half landing between the desired floor and the floor below, it is considered to be best possible interim solution. It is

recommended that a condition be imposed that secures this temporary lift during the entirety of the construction period for the proposed development.

Contractors will utilise the external stairs for construction access to ensure the internal communal areas are not impacted.

Site 2

Access to the additional medical accommodation will remain unchanged.

8.7 Other UDP/Westminster Policy Considerations

Site 1

Internal Transfer Noise

Objections have been received from residential occupants at fourth floor level of the application site due to the potential of noise transfer from the proposed residential flats to the existing fourth floor flats. Whilst the transfer of noise between commercial and residential properties is a matter that falls within planning control, noise transfer between residential properties is dealt with through the application of the Building Regulation. As this issue to adequately dealt with under another regulatory regime, permission could not be reasonably refused on this ground.

Fire Potential

Objections have been received due to the potential of fire. The fire potential of the development is not controlled through the planning system but through Building Regulations. This includes means of escape, fire spread, structural fire protection and fire service access.

Plant

Mechanical plant is being relocated at roof level to two plant enclosures at new roof level. Objections have been received from the neighbouring residential occupants on the grounds that there will be an increase in noise from the plant. Environmental Health has no objection to the proposal and the plant is likely to comply with the City Council's standard noise conditions. The objections on these grounds are therefore not considered to be sustainable.

Refuse /Recycling

Objections have been received due to the proposed increase of refuse bins to the rear of the building. The application has been revised to include internal waste storage within each flat and the Eurobins located alongside the Hallam Mews entrance to the building have been removed in line with recommendations from the Cleansing Officer. The proposed waste arrangements will be secured by condition.

Biodiversity and Surface Water Runoff Attenuation

The introduction of the green roof area at main roof level is welcomed and a condition is imposed to ensure these are provided and retained.

Site 2Refuse /Recycling

No waste storage is shown on the submitted drawings. As the proposal is an extension to an existing medical use, it is likely that a waste storage facility is available in the building. Details of waste storage will be secured by condition.

8.8 London Plan

These applications raise no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations**Site 1**

The estimated CIL payment is £249,750 (£27,750 for Mayor CIL = £27,750 and £222,000 for Westminster CIL).

Site 2

The development does not trigger any planning obligations as no increase in floorspace is proposed.

8.11 Environmental Impact Assessment

These proposals are of insufficient scale as to trigger an environmental impact assessment.

8.12 Other Issues**Site 1**Construction Impact

The occupants of both the existing building and neighbouring properties have raised concerns in relation to the potential impacts of the proposal during construction such as impacting services at roof level (satellite dishes, aerials, etc.), noise nuisance, impact on light (from hoarding), and safety/security of the existing flats within the application site due to the proposed external lift and scaffolding required during the construction process, access to the common parts of the existing building, congestion from construction traffic, and general disruption.

The applicant has confirmed that all existing satellite dishes and aerials will be relocated to the outside of the proposed scaffolding so that they can remain in use while the works are being undertaken. Howard de Walden Estate will ensure that all dishes will remain in

a working condition and provide all the existing services to the tenants who are currently using these services.

Objections have been received due to the potential of fire. Developer carrying out work must notify the Health and Safety Executive (HSE). They will ensure that the method construction and access arrangement during the construction process complies with the Construction (Design and Management) Regulations 2015 (CDM 2015) thus nullifying fire potential.

Although not required for a proposal of this scale, the applicant has volunteered to sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. This will be secured by condition. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupants during the construction process to ensure that residents' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and ensure compliance. A further condition is recommended to control the hours of building works. Subject to these conditions, it is considered that the potential effects of the construction process will be ameliorated as far as possible.

The access arrangement during construction is discussed on section 8.6 above.

Precedent

Objectors are concerned that the scheme would set an unwelcome precedent for similar development in the area. The proposal is considered to be acceptable in the context of the adopted development plan policies. Any future applications in relation to other sites would be assessed on their individual merits and therefore refusal on the grounds of setting an unwelcome precedent cannot be justified.

Site 2

None.

9. BACKGROUND PAPERS

Site 1

1. Application form
2. Memorandum from Environmental Health dated 16 February 2017
3. Memorandums from Cleansing dated 03 July 2017 and 6 November 2017
4. Memorandum from Highway Planning dated 27 July 2017
5. Memorandum from Environmental Health dated 16 February 2017
6. Emails from the Weymouth Court Residents Association dated 13 July and 25 October 2017 (3 emails, from 1 occupant)
7. Letters from occupiers of Penthouse 1, 10 Weymouth Street dated 19 June 2017
8. Letter from occupier of Flat 6A, Stone House, 9 Weymouth Street, dated 3 July 2017
9. Email from occupier of Flat 15, Stone House, 9 Weymouth Street, dated 5 July 2017 and 9 November 2017
10. Letter from occupier of 34-35 Eastcastle Street, London, dated 6 July 2017
11. Email from occupier of Flat 19, Stone House, 9 Weymouth Street, London, dated 7 July 2017

12. Emails from occupiers of Flat 16, Stone House, 9 Weymouth Street, London, dated 9 and 10 July, 28 October and 02 November 2017 (3 email and 2 letter from 2 occupants)
13. Letters and an email from occupiers of Flat 10, Stone House, 9 Weymouth Street, London, dated 10 July and 01 November 2017 (2 letters and 1 email from 2 occupants)
14. Email from occupier of Flat 7A, Stone House, 9 Weymouth Street, London, dated 7 July 2017
15. Letters from occupiers of 7 Hallam Mews, London, dated 10 July 2017 and 23 October 2017 (4 letters from 2 occupants)
16. Email from occupier of 11 Weymouth Court,, 1, Weymouth Street dated 10 July 2017
17. Email from occupier of Flat 11A, Stone House, 9 Weymouth Street, dated 10 July 2017
18. Email from occupier of 70 Portland Place, dated 12 July 2017
19. Letters from occupiers of 55 Hallam Court, 77 Hallam Street, dated 12 July and 2 November 2017 (4 letter by 2 occupants)
20. Letter from occupier of Stone House, 9 Weymouth Street, dated 12 and 13 July 2017 (two letter by 2 occupants)
21. Emails and letters from occupier of 12 Weymouth Court, 1 Weymouth Street, dated 12 July 2017 and 17 and 22 and 28 October 2017 (2 email and 4 letters by 1 occupants)
22. Letter from occupier of Flat 89, 49 Hallam Street, dated 13 July 2017
23. Email from co-owner of second floor flat, dated 14 July 2017
24. Letter from occupier of Flat 89, 49 Hallam Street, dated 13 July 2017
25. Letters from occupier of Flat 9, Weymouth Court, 1 Weymouth Street, dated 12 July and 22 October 2017 (3 letters from 1 occupant)
26. Email dated 11 August 2017
27. Emails and a letter from occupier of Flat 4, 60A Portland Place, dated 30 June 2017 (two emails and 1 letter by 1 occupants)
28. Letter from occupier of Flat G, Stone House, 9 Weymouth Street, dated 16 October 2017
29. Letter and email from occupier of 1 Weymouth Street, London, dated 20 October 2017 (1 letter and 1 email from one occupant)
30. Letter and email from occupiers of 11 Stone House, 9 Weymouth Street, dated 22 October and 01 November 2017 (1 letter and 1 email by 2 occupants)
31. Letter and email from occupier of 11 Weymouth court, 1 Weymouth Street, dated 22 October and 01 November 2017 (1 letter and 1 email from 1 occupant)
32. Letter from occupier of 12 Weymouth Street, London, dated 08 July and 24 October 2017

Site 2

1. Application form
2. Response from Marylebone Association, dated 20 June 2017
3. Memorandum from Highways Planning, dated 27 July 2017
4. Memorandum from Cleansing, dated 20 June 2017

(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

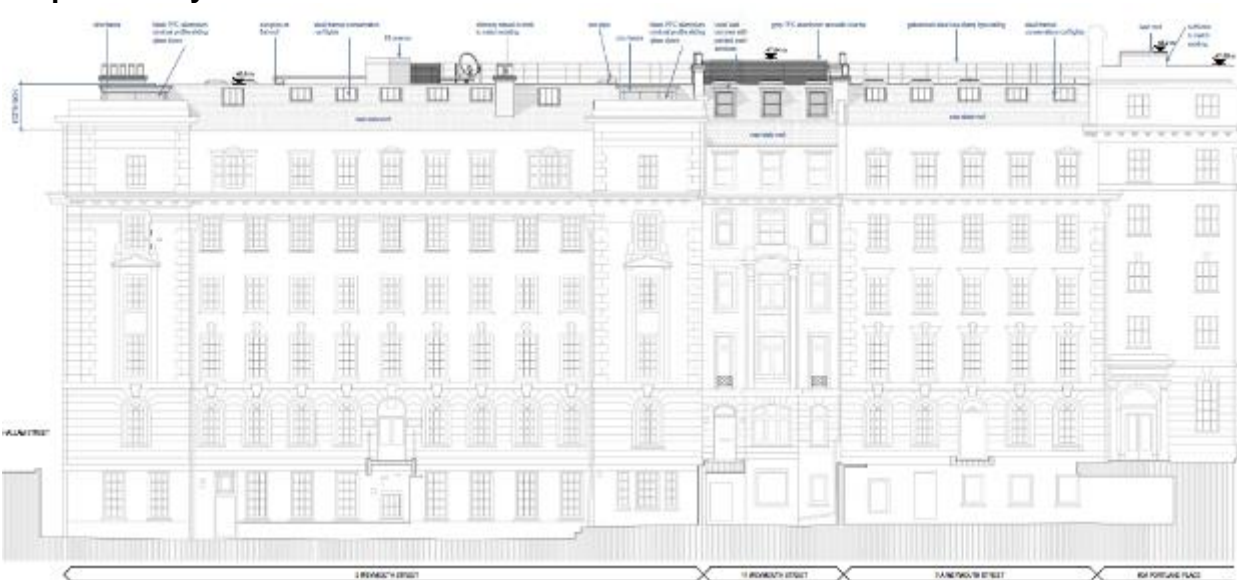
10. KEY DRAWINGS

Site 1

Existing Weymouth Street Elevation



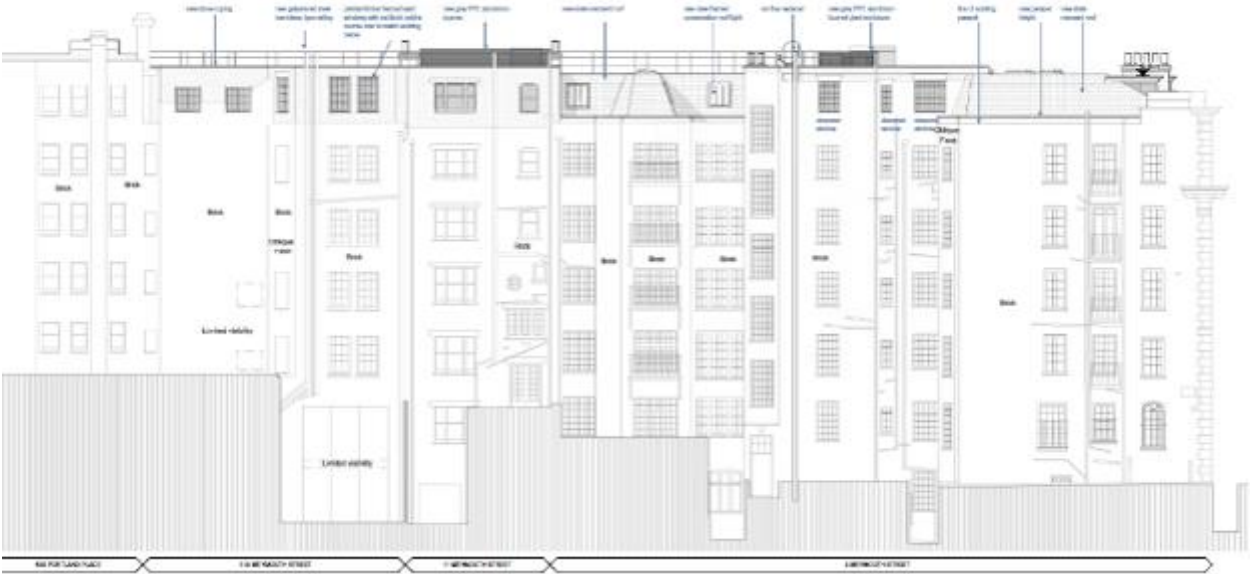
Proposed Weymouth Street Elevation



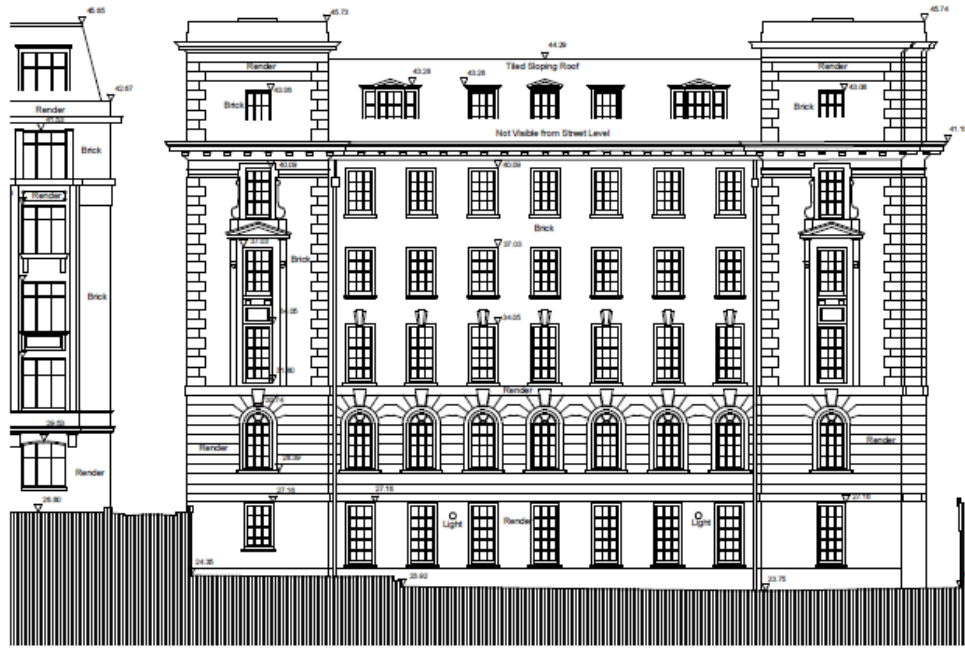
Existing Rear Elevation



Proposed Rear Elevation

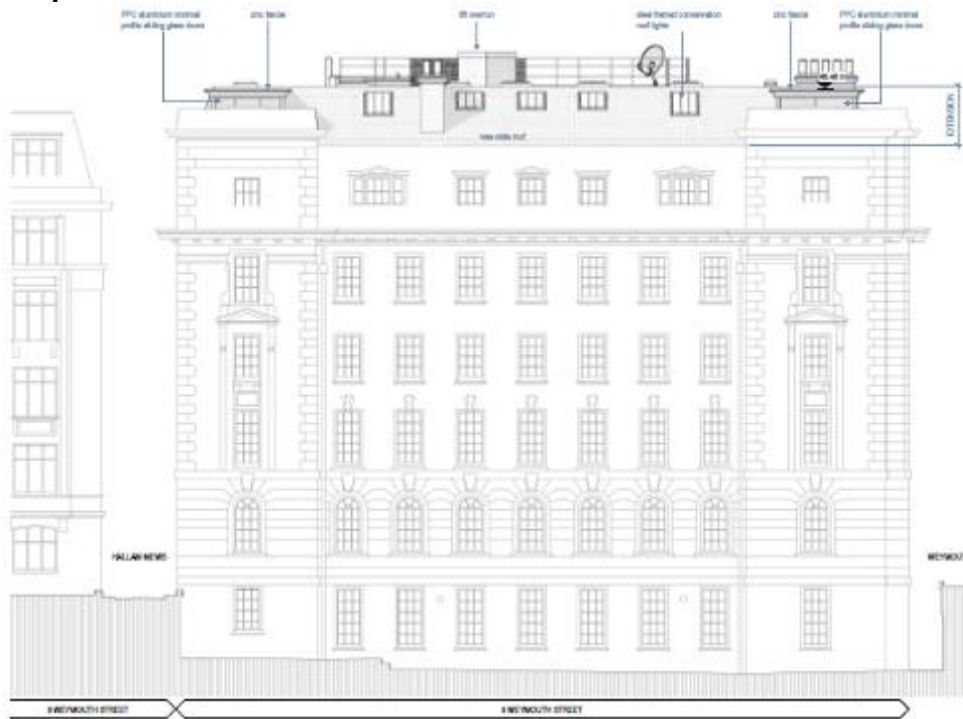


Existing Side Elevation

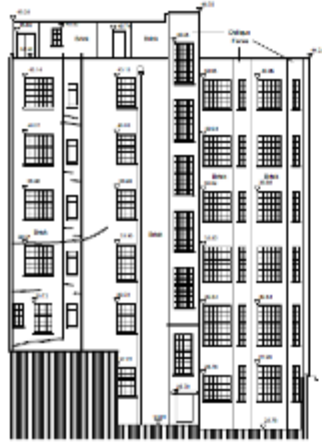


ELEVATION 2 - Hallam Street
1:100

Proposed Side Elevation



Existing Hallam Mews Elevations



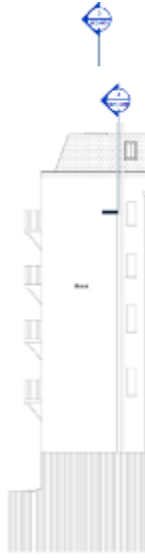
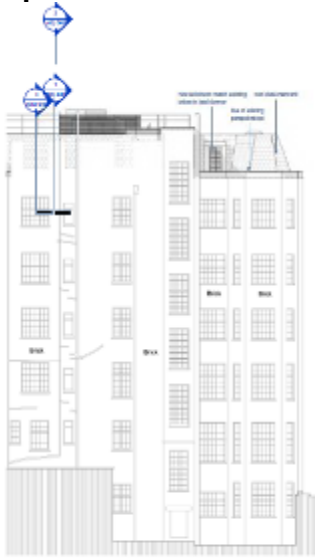
ELEVATION 4 - Hallam Mews

ELEVATION 5 - Hallam Mews

ELEVATION 6 - Hallam Mews

ELEVATION 7 - Hallam Mews

Proposed Hallam Mews Elevations



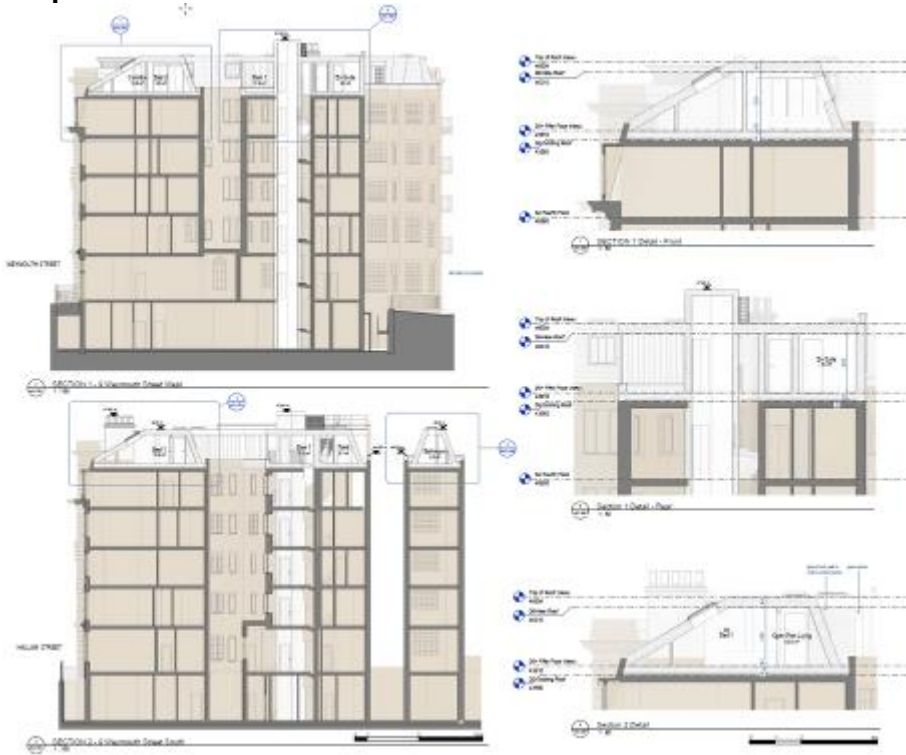
ELEVATION 4 - Hallam Mews

ELEVATION 5 - Hallam Mews

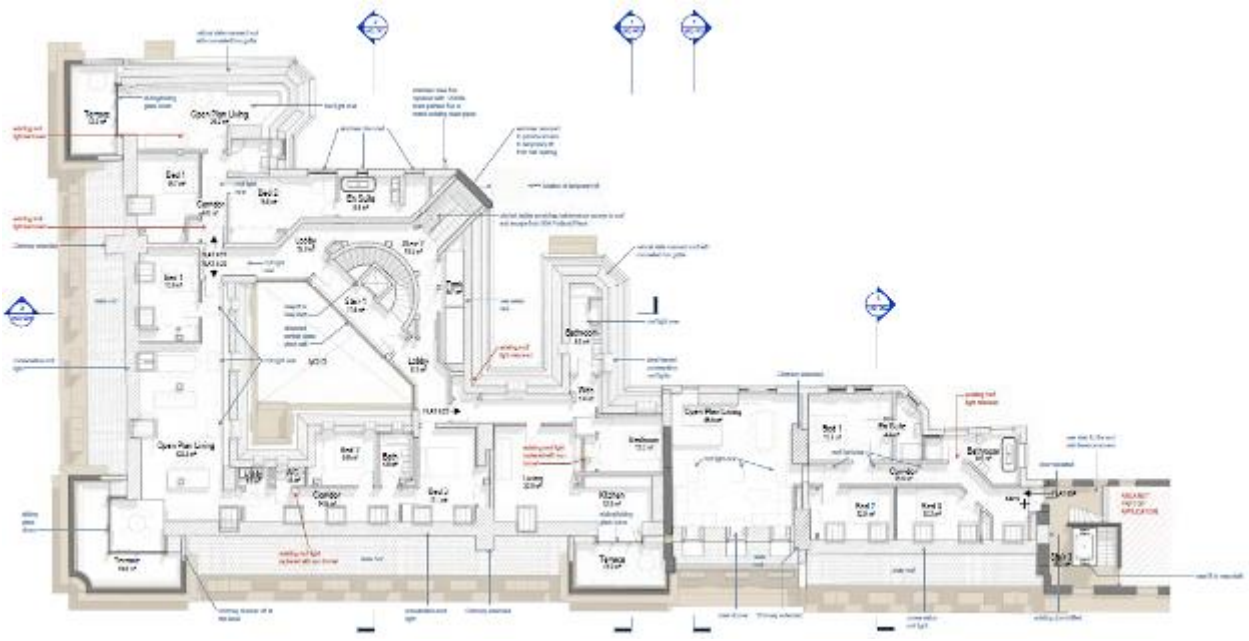
ELEVATION 6 - Hallam Mews

ELEVATION 7 - Hallam Mews

Proposed Sections



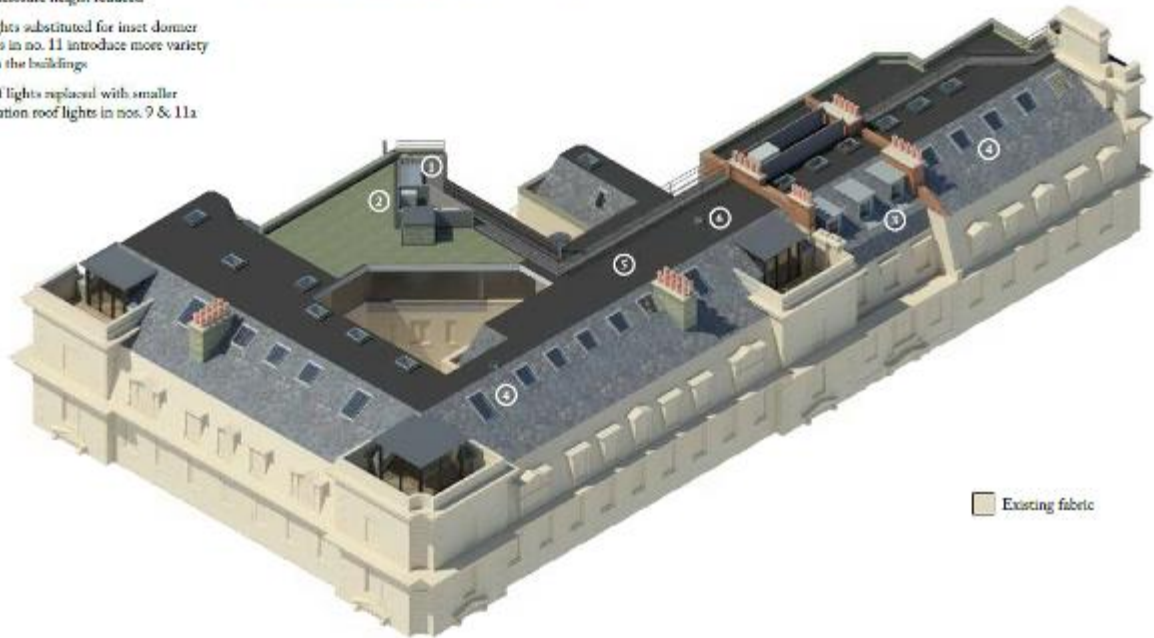
Proposed Fifth Floor Plan



Proposed Axonometric Views

KEY

1. Escape stair extension substituted for escape hatch
2. Plant enclosure height reduced
3. Roof lights substituted for inset dormer windows in no. 11 introduce more variety between the buildings
4. Inset roof lights replaced with smaller conservation roof lights in nos. 9 & 11a
5. Overall height of roof reduced
6. Sun pipes moved to upper (flat) section of roof



AXONOMETRIC VIEW OF THE FRONT FACADE AND ROOF

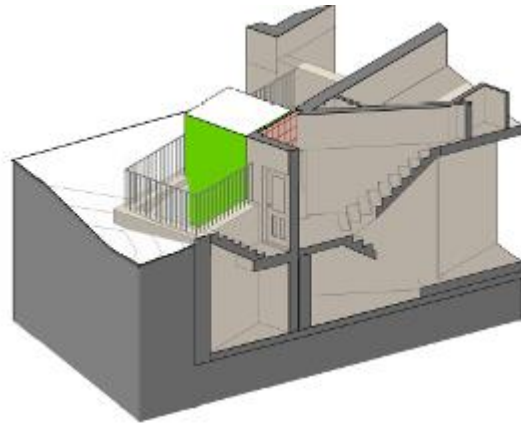
KEY CHANGES

1. Sliver masonry wall replaced with mansard behind concealed gutter in area affecting daylight to neighbouring properties
2. Sliver wall replaced with mansard around light well to improve sense of enclosure
3. Sliver wall replaced with mansard facing 49 Hallam Street
4. Windows facing 49 Hallam Street obscured or removed
5. Escape stair extension replaced with roof hatch
6. Height of plant enclosure reduced to 1100mm
7. Sun pipes moved to flat roof



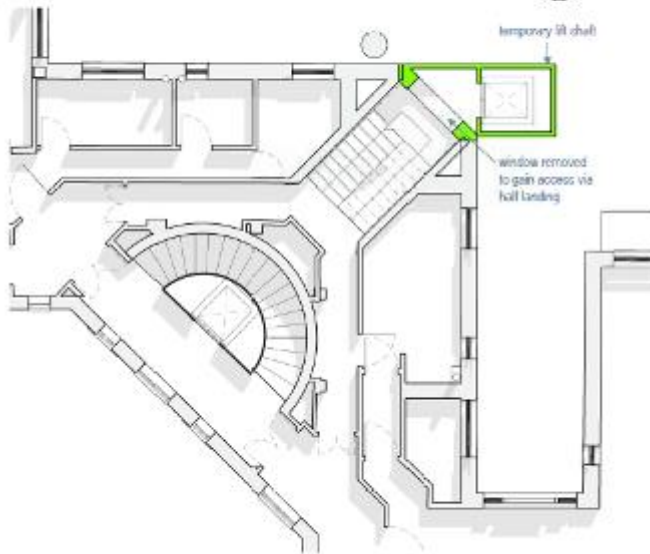
AXONOMETRIC VIEW OF THE REAR FACADE AND ROOF

Temporary Lift



1 Temporary Lift - Overview
032/

2 Temporary Lift - Ground Floor Entrance
01-002



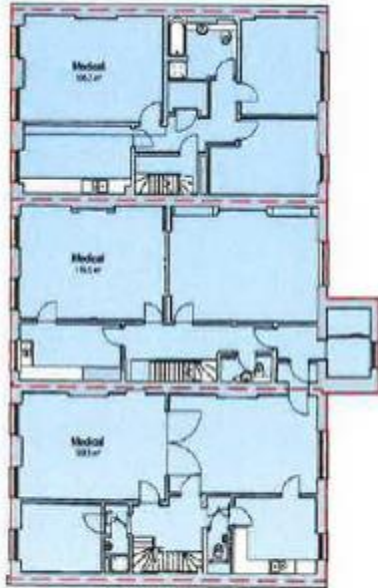
Existing steps down to rear escape stair entrance from Hallam Mews



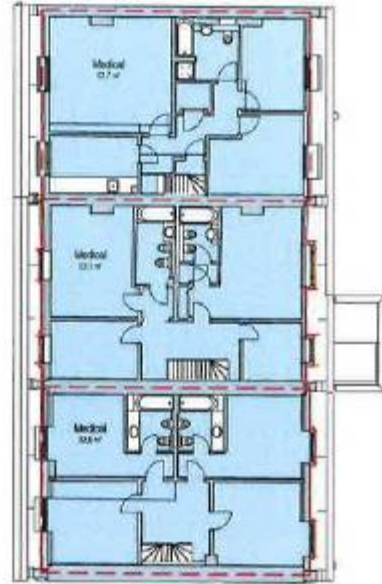
Proposed temporary lift location within rear light well

3 Typical Landing
032/ 1 - 100

Site 2



Third Floor
1-102



Fourth Floor
1-110

DRAFT DECISION LETTER

Address: Stone House, 9 Weymouth Street, London, W1W 6DB,

Proposal: Erection of a new single storey roof extension to create four residential units (Class C3) and associated plant. Creation of three new terraces at new fifth floor level. (Site includes 9-11A Weymouth Street and 60A Portland Place) (Part of a land use swap with 142-146 Harley Street).

Reference: 17/05227/FULL

Plan Nos: Drawings 1503-HA-XX-DR-A-(31) 001 1, 1503-HA-XX-DR-A-(31) 002 1, 1503-HA-XX-DR-A-(31) 003 2, 1503-HA-XX-DR-A-(42) 001 6, 1503-HA-XX-DR-A(72) 002 2, 1503-HA-XX-DR-A(32) 003 4, 1503-HA-XX-DR-A (32) 001 5, 1503-HA-XX-DR-A (42) 002 5, 1503-HA-XX-DR-A (42) 003 1, 1503-HA-XX-DR-A(72) 101 3, 1503-HA-XX-DR-A(22) 005 8, 1503-HA-XX-DR-A(22) 006 7, 1503-HA-XX-DR-A(72) 001 1, 1503-HA-XX-DR-A- (22) 000 1, SK-032

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

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 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) 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 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.

- 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 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 protect neighbouring residents from noise and vibration nuisance, as set out in S29 and 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. (R13AC)

- 6 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 7 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.

- 8 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. (C07DC)

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 9 You must provide the waste store shown on drawing 1503-HA-XX-DR-A- (22) 005 Rev. 8 before anyone moves into any of the flats hereby approved. You must clearly mark it and make it available at all times to everyone using the residential units. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 10 You must not use any part of the development until we have approved appropriate arrangements to secure the following:

- Arrangements to mitigate the impact of the development on on-street parking demand in the area

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 11 You must apply to us for approval of details of secure cycle storage with the capacity for eight bicycles for the new residential units. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation of any of the residential units hereby approved. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 12 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green 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 prior to occupation of any of the residential units hereby approved 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 (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 13 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof for maintenance or to escape in an emergency.

Reason:

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

- 14 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

- 17 You must apply to us for approval of samples and specification 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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

- 18 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae in any of the three terraces at fifth floor level. (C26NA)

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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

- 19 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
- The omission of the 'key clamp' railing design and its replacement with traditional railings.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

- 20 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5); of the following parts of the development :
- i, railings;
 - ii, roof lights and sun pipes;
 - iii, doors and windows;
 - iv, plant enclosures and louvres;
 - v, dormers; and
 - vi, inset dormers.

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 approved documents. (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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

- 21 The sun pipes hereby approved shall be installed in their entirety and as shown on the approved drawings prior to the occupation of any of the residential units hereby approved. These sun pipes shall thereafter be retained in situ and in working order for the life of the development.

Reason:

To ensure that the quality of the existing residential accommodation at fourth floor level is maintained and the amenity of the occupants of these flat is maintained, in accordance with S29 of Westminster's City Plan (November 2016).

- 22 The temporary lift shown on the approved drawings shall be erected in full and operational for the full duration of the works to implement this permission.

Reason:

To ensure that existing residents within the buildings continue to have lift access to their flats, in accordance with S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007.

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, 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 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 or visit www.ccscheme.org.uk.

3 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's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM'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 (I80AB)

4 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

- * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
- * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

5 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.

- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
- * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
- * Lighting - ensure luminaires can be safely accessed for replacement.
- * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission)., More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

6 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that

every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
- * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
- * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
- * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
- * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 8 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 9 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact: , Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, www.westminster.gov.uk, Email: res@westminster.gov.uk, Tel: 020 7641 3003 Fax: 020 7641 8504.
- 10 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk.

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 11 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 12 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 13 With reference to condition 6, please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 14 Under condition 10 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure lifetime car club membership for future occupiers. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 15 With regards to condition 19, you are advised that a less industrial design, more traditional in appearance and in keeping with the era of building would be acceptable.

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.

DRAFT DECISION LETTER

Address: 142-146 , Harley Street, London, W1G 7LE

Proposal: Use of third and fourth floors as medical use (Class D1) (part of a land use swap with Stone House, 9-11 Weymouth Street).

Reference: 17/05226/FULL

Plan Nos: 1654-ST-XX-B1-DR-A-2281 A3, 1654-ST-XX-GF-DR-A-2282 A3, 1654-ST-XX-01-DR-A-2283 A3,1654-ST-XX-02-DR-A-2284 A3,1654-ST-XX-03-DR-A-2285 A3,1654-ST-XX-04-DR-A-2286 A3, 1654-ST-XX-ZZ-DR-A-2232 A3, 1654-ST-XX-ZZ-DR-A-2237 A3

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

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 apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details prior to the occupation of the of third and fourth floors as medical use (Class D1, clearly mark the stores and make them available at all times to everyone using the clinic. (C14EC)

Reason:

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

- 3 The medical use hereby approved shall only be used in connection with the existing medical use (class D1) at 142 - 146 Harley Street.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets SOC 1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007 and S29 and S34 of the Westminster City Plan (November 2016). (R07AB)

- 4 The medical (Class D1) use hereby approved shall not be occupied until i) to iv) below have all taken place:

- i) The works to build four residential units at fifth floor of Stone House, 9 Weymouth Street has been completed in accordance with the planning permission (RN: 17/05227/FULL) and the dwellings are ready for occupation;
- ii) The City Council has been notified in writing that the dwellings are complete;
- iii) Access has been arranged to the dwellings for a planning officer from the City Council to inspect; and
- iv) The City Council has confirmed in writing that the works to build four residential units at fifth floor of Stone House, 9 Weymouth Street are complete to our satisfaction.

Reason:

To make sure that replacement residential accommodation on an alternative site and to make sure that the development meets S14 and CM47.1 of the Westminster City Plan (November 2016).

- 5 You must apply to us for approval of details of secure cycle storage for the medical use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 6 Prior to the commencement of the third and fourth floor medical use hereby approved, you must apply to us for approval of a Servicing Management Plan for the medical use. You must not occupy the third and fourth floor for medical purposes until we have approved what you have sent us.

You must then service the premises in accordance with the approved Servicing Management Plan. (C26CB)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 7 No goods or waste to be left on the highway following delivery or prior to collection.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an

application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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