

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 th December 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Welbeck House, 66-67 Wells Street, London, W1T 3PY		
Proposal	Demolition of existing building and excavation at basement level, and redevelopment to provide a new building comprising basement, ground and four upper floors, with retail (Class A1) use at part ground floor and part basement level and office use (Class B1) at part ground floor and part basement and at upper levels.		
Agent	Cooley Architects		
On behalf of	Davis Brown		
Registered Number	17/02705/FULL 17/02711/LBC	Date amended/ completed	30 October 2017
Date Application Received	28 March 2017		
Historic Building Grade	Unlisted. Adjoining building (All Saints Church) is listed Grade I.		
Conservation Area	East Marylebone		

1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

The application site is an unlisted property located in the East Marylebone Conservation Area and comprises basement, ground and four upper floors plus a two storey linked building at the rear. The basement and ground floors to the main building are in Class A1 retail use, the remainder of the site is occupied for office purposes (Class B1). Permission is sought to demolish the existing building and to erect a new five storey building with an enlarged basement floor, for office and retail purposes. Listed building consent is also sought as the new building adjoins All Saints Church which is listed Grade I.

The key issues for consideration are:

- * The height, bulk and detailed design of the proposed building and its impact on the character and appearance of the conservation area;
- * The impact of the proposal on the special interest of the adjoining Grade I listed building;

* the impact on nearby residential properties;

The principle of redevelopment, with a degree of additional height and bulk to the rear, is considered acceptable and the proposed design, which incorporates a glazed curtain wall behind a brickwork skin, is considered an acceptable approach in this instance. In all other respects the scheme is considered to comply with adopted policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Original application

HISTORIC ENGLAND

Do not wish to offer any comments.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objections raised subject to conditions

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any comments to be reported verbally

HIGHWAYS PLANNING

No objections raised subject to conditions.

ENVIRONMENTAL HEALTH

No objections raised. Planning permission will be required for any future mechanical plant.

CLEANSING

No objections raised subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 74; Total No. of comments: 2

Two letters of objection on the following grounds:

Historic building issues

* The wall of the development site, adjacent to the courtyard to the neighbouring church, and the height of the proposed development adjacent to the church's east wall affect the setting of the Grade I church

*Building against the external wall to the church will alter its hygrothermal performance and may have a detrimental effect on the interior architectural work including frescos

*Vibration from construction works could cause irreparable damage to the interior of the church

*Displacement of ground water may affect the foundations of the church

*Structural method statement is largely generic and makes no specific provision on the impact on the adjoining Grade I listed church

Amenity

*Loss of light

*Increased sense of enclosure

Other issues

*Inadequate drawings

*The east wall of the church is not a party wall and the applicant has no rights to underpin this wall

*Insufficient detail relating to rainwater disposal

*Disruption from demolition and construction noise

Re-consultation following submission of revised plans

BUILDING CONTROL

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 2; Total No. of comments: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted property located in the East Marylebone Conservation Area and the Central Activities Zone. The property comprises a main building of basement, ground and four upper floors, with a basement and ground floor linked extension at the rear. Part of the basement and ground floor of the main building is occupied by a courier company, although the lawful use of these floors is for retail (Class A1) purposes. The remainder of the building is in office use.

The surrounding area is largely commercial in character although there is a block of flats immediately opposite the site (St Andrews Chambers). The site to the immediate north, at 59-65 Wells Street, has recently been redeveloped for office and a flexible retail/restaurant use. On Margaret Street, to the immediate rear of the site, lies All Saints Church which is Grade I listed. No. 6 Margaret Street forms part of All Saints Church and is in residential use.

6.2 Recent Relevant History

Planning application withdrawn on 18th June 2009 for the erection of a roof extension at fifth floor level, infilling of rear light well from ground to fourth floor and erection of a rear roof extension at third floor level. Use of first to new fifth floor levels as 4 x studio flats 1x1 bed and 4x2 bed units. Alterations to front facade including new shop front. Installation of screening at roof level.

Planning permission refused on the 12th February 2010 for the erection of a roof extension at fifth floor level and rear extension from first to fourth floor levels. Use of first to new fifth floor levels a 4x1 bedroom studios, 3x2 bed and 1x3 bed units. Alterations to rear and front facade including new shop front. Permission refused on design grounds (mansard roof), lack of parking, mix and amenity (impact of roof extension on St Andrews Mansion) and unacceptable living conditions (caused by overlooking from rear office building).

Planning permission granted on the 10th February 2011 for the erection of rear extensions from first to fourth floor levels in connection with the use of these floors as seven residential units (2 x 3 bed, 2 x 2 bed, 2 x 1 bed flats and 1 studio flat); alterations to rear and front facade including replacement dormer windows, re-covering of the mansard roof in lead; new shopfront, alterations to the commercial building at the rear; including revised roof profile and removal of windows.

Planning permission granted on the 24th March 2014 for the erection of rear extensions from first to fourth floor levels in connection with the use of these floors as seven residential flats (2x3 bedroom, 2x2 bedroom, 2x1 bedroom units and 1x studio flat); alterations to rear and front facade including replacement dormer windows, re-covering of the mansard roof in lead; new shopfront, alterations to the commercial building at the rear, including revised roof profile and removal of windows.

7. THE PROPOSAL

The application seeks permission for the demolition of the existing building and for the construction of a new five storey building with an extended basement floor (covering a wider area and to an increased depth). The proposed building would be taller than the existing and would project further at the rear. The building design which incorporates a glazed curtain wall behind a brickwork skin, has been amended during the course of the application to reduce the extent of glazing and the size of the front projecting bay. In addition, the area of basement excavation has been reduced to ameliorate any potential impact on the adjacent Grade I listed church.

The existing UKPN substation is to be retained at basement level, cycle storage is proposed within the front pavement vaults and a green roof and PV panels are proposed at roof level. The new development would be used for retail purposes at part ground and basement floors with office use in the remainder of the building, as set out below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail	229	200	-20
Office	935	1,289	+354
Total	1,164	1,489	+325

8. DETAILED CONSIDERATIONS

8.1 Land Use

Retail use

The existing building has two retail units at part basement and ground floors, although only the unit at 66 Wells Street is in retail use. The shop at 67 Wells Street is currently unlawfully occupied by a courier company. The proposals provide a single retail unit on at part ground and basement levels comprising 200 sqm, a net loss of retail floorspace of 29 sqm. The City Council places a high priority on retaining A1 uses and both the UDP and City Plan seek to protect the retail role and function of CAZ. Policy SS4 states that 'development schemes should provide at least the same amount of retail floorspace as was there before, and should provide for at least the same amount of A1 use as was there before. The size and type of units must be appropriate to the character and function of the street.'

Whilst the loss of retail floorspace would be strictly contrary to Policy SS4, the replacement accommodation would be better configured than the existing, which is relatively fragmented and compartmentalised. Whilst only one retail unit is proposed, it would be superior in qualitative terms, comprising more open floorplates. In these circumstances it is not considered that the loss of 29 sqm of Class A1 floorspace would compromise the retail offer on the site.

Office use

Policy S20 directs new office development to the Core CAZ and therefore the uplift in office floorspace is welcome. Under policy S1, this increase in office provision, being less than 400 sqm, does not require any on-site residential accommodation to be provided.

8.2 Townscape and Design

No. 66-67 Wells Street is an unlisted property located in the East Marylebone Conservation Area. The Conservation Area Audit does not classify the property as a building of merit which makes a positive contribution to the character and appearance of the conservation area. Demolition is acceptable if the replacement building preserves or enhances the conservation area.

The proposed building is five storeys high with an extended basement level. It makes a transition between the three storey building to the south, with the new seven storey building to the north. The top floor is set back, with projecting dormer like windows. This massing is acceptable.

The design is modern. The facade is divided in to two sections. The southern one comprises a brick facade with large vertical openings. A glazed facade, with metal spandrel panels at floor level, is set back behind the brickwork. This facade is revealed in the northern section, which features a projecting bay clad in metal. The bay is set 500 mm forward of the facade line. This design approach, of detached brick facade and projecting bay, is an unusual, atypical, arrangement but in this location, adjacent to the new development to the north, it is considered to be an acceptable approach.

The site adjoins the eastern end of All Saints Church, Margaret Street, which is listed Grade 1. The Church has expressed concerns about the potential structural and environmental impact of the development, and impact on the internal decorative scheme, and the proposal has been revised in order to address these issues. The basement excavation is now set away from the party wall with the church and this should not cause structural problems for the Church. The extent to which the new building abuts the external wall is only marginally greater than the existing and in this regard it is considered that the impact on the special interest of the Church would not be harmful.

The Church has also requested that consideration be made to retain the rear wall of the existing building in order to limit the impact to the arched window in the north east wall of the Church. This part of the new building is set back from the Church, separated by an existing courtyard and, whilst there would be a marginal increase in height at this point, it is not considered that the application could be refused on the impact on the listed status of the Church.

The application is recommended for approval in design terms and is in accordance with UDP policies DES 1; DES 4, DES 9; DES 10, City Plan policies S25; S28 and the NPPF.

8.3 Residential Amenity

The nearest residential property to the rear of the application is at 6 Margaret Street, a single residential dwelling attached to All Saints Church. There is also a block of flats, St Andrews Chambers, on the opposite side of Wells Street. A daylight and sunlight report has been commissioned (by Right of Light Consulting) which examines the impact on daylight and sunlight conditions to the adjacent residential properties.

Sunlight and Daylight

UDP Policy ENV 13 aims to protect and improve the amenity of the residential environment, which includes ensuring that sunlight and daylight levels to existing properties are not unreasonably compromised. In implementing this policy, the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. The report considers the Vertical Sky Component (VSC) and No Sky Line (NSL) in accordance with the BRE guidance. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE advises that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The NSL assesses daylight distribution by measuring the area of the room from which there is visible sky. If there are reductions from existing NSL values of more than 20% then the change is likely to be noticeable.

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited and would be reduced by more than 20% as a result of a development, and has a 4% loss in total annual sunlight hours, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

The daylight assessment shows that only a first floor lantern light at 6 Margaret Street would experience losses in excess of the BRE guidelines. All Saints Church has objected to the loss of light to this window, however, that this roof lantern serves a non-habitable space, it is not considered that the application could be refused on these grounds. All of the other windows within the neighbouring residential properties will comfortably meet the BRE thresholds.

The report demonstrates that only minor losses of sunlight would be experienced and all would be well within the parameters set out above.

Sense of Enclosure

Policy ENV13 (F) states that where developments result in an unacceptable increase in the sense of enclosure, planning permission will be refused. Policy S29 states that the Council will resist proposals that result in an unacceptable loss of residential amenity.

The first floor of the new building would be taller than the existing rear link extension and would be directly on the boundary with 6 Margaret Street. However, this part of the

building would be only 2.2m higher than existing and would be set back by some 8m from the closest windows to habitable rooms. On this basis, it is not considered that the proposals would result in any adverse increase in the sense of enclosure.

8.4 Transportation/Parking

In terms of servicing, Policy TRANS 20 states that the City Council will require convenient access to premises for service vehicles and will normally require that “vehicular servicing needs of developments are fully accommodated on-site and off-street ... sufficient to cater for the size, type and frequency of arrival of the vehicles likely to be servicing the development”. The site is currently serviced from the street. The Highways Planning Manager considers, with the proposed reduction in retail floorspace and the limited increase in office floorspace, that the servicing demands of the development are unlikely to be significantly different from the existing. In this instance, on-street servicing is acceptable.

Cycle Parking

Thirteen cycle spaces are proposed at basement level but this falls short of the London Plan standards, by 4 spaces. An increased level of cycle parking will be secured by condition.

Oversailing of the highway

The projecting bay oversails the highway at first floor level and above. As its underside is more than 2.6m above ground level, and as the bay is set more than 1m from the carriageway, this is considered acceptable subject to the requirement for an oversailing licence.

Undersailing of the highway

UDP Policy TRANS 19 states that “The City Council will generally restrict the lateral and vertical extent of new or extended basement areas under the adjacent highway so that there remains a minimum vertical depth below the footway or carriageway of about 900 mm and the extent of the new or extended basement area does not encroach more than about 1.8 m under any part of the adjacent highway.” The proposal extends the basement out under the highway but without the necessary 900mm clearance, which restricts the City Council’s ability to install street furniture and would compromise the activities of the Utilities. The minimum vertical depth for the area of new basement is secured by amending condition. An undersailing licence is also required.

8.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed.

8.6 Access

The main entrance into the building and doorways into the retail and office units are level and wide enough for wheelchair access. These measures comply with Document M of the Building Regulations.

8.7 Other UDP/Westminster Policy Considerations

Archaeology

Although the site is not located within an Archaeological Priority Area, a Historic Environment Assessment produced for the development at 59-65 Wells Street confirmed the potential for survival of post-medieval remains of former structures and deposits on that site. It is likely there are similar remains on the application site and a condition, requiring a two-stage process of archaeological investigation and evaluation followed by full investigation in accordance with Historic England (Archaeology) advice, is therefore recommended.

Plant

The application does not involve the installation of any new external plant. This matter has been raised with the applicants who have confirmed that no external plant is proposed. However, it is clear that some mechanical plant will be required to serve the retail and office use and it is therefore assumed that any plant for the development will be located internally. A condition is recommended requiring the operation of any internal plant to comply with standard noise conditions to ensure that this would not cause noise disturbance to neighbouring residential occupiers in accordance with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan. Any plant proposed outside of the building envelope will require further planning permission.

Refuse /Recycling

Dedicated areas for the storage of waste and recyclable materials are proposed at basement level. These facilities will be secured by condition.

Biodiversity

A green roof is proposed at roof level. This would enhance the site's contribution to the biodiversity of the area and is welcomed.

Sustainability

Policy 5.2 of the London Plan seeks to minimise carbon dioxide emissions in line with the Mayor's energy hierarchy. Policies S28 and S40 of Westminster's City Plan require major development to reduce energy use and emissions that contribute to climate change during the life-cycle of the development and to maximise onsite renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions.

The application is supported by an Energy Assessment which focuses on maximising the scheme's potential to reduce energy consumption and carbon emissions and demonstrates that the development will achieve 23% reduction in carbon dioxide emissions from the Part L compliant baseline. This is to be complemented with on-site renewable technologies in the form of Air Source Heat Pumps together with photovoltaic collectors proposed at roof level. This is considered to satisfy the requirements of Policy S28.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Basement

Policy CM28.1 requires all applications for basement development to demonstrate that they have taken into account site-specific ground conditions, and to be accompanied by a detailed structural methodology statement. Developers will also be expected to comply with the Code of Construction Practice. The proposed development involves the excavation of a single storey basement beneath the footprint of the property, which deepens and extends the existing part basement. All Saints Church initially raised detailed concerns regarding the impact of the basement excavation on the church and the generic nature of the structural report. A revised structural report has been received, by Peter Dann Consulting Engineers, which provides details regarding the site's ground conditions, constraints, and approach to the excavation of the additional basement areas and construction of the new building. The degree of excavation has also been reduced and the structural report confirms that all underpinning and new foundations will be set back sufficiently from the church boundary.

Building Control have assessed the structural method statement, the method of construction, underpinning and safeguarding of the neighbouring sites and confirmed that these are acceptable. The Church has been re-consulted on the amended proposals, and any response will be reported verbally.

Construction impact

One letter of objection has been received from a resident in St Andrews Chambers on the grounds of noise and disruption during demolition and construction works. A condition is recommended requiring the developer to comply with the City Council's Code of Construction Practice (CoCP). This requires the submission of, and approval by the Environmental Sciences Team, a detailed (SEMP) prior to the commencement of works and payment of all costs arising from site inspections and monitoring by the Code of Construction Practice Team. The CoCP also requires the developer to undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel, and to ensure that contractors and sub-contractors also comply with the code requirements.

Crime and security

The proposals also involve the installation of a recessed combined office and retail entrance. The introduction of recessed entrances is generally resisted in order to

prevent anti-social behaviour and to avoid the creation of hiding places. However, to overcome this issue, the entrances would be screened by gates which would be kept closed outside of office hours. This is controlled by condition.

Other issues

All Saints church also raises concerns regarding the accuracy of the submitted drawings. Revised drawings have been submitted to address these concerns.

9. BACKGROUND PAPERS

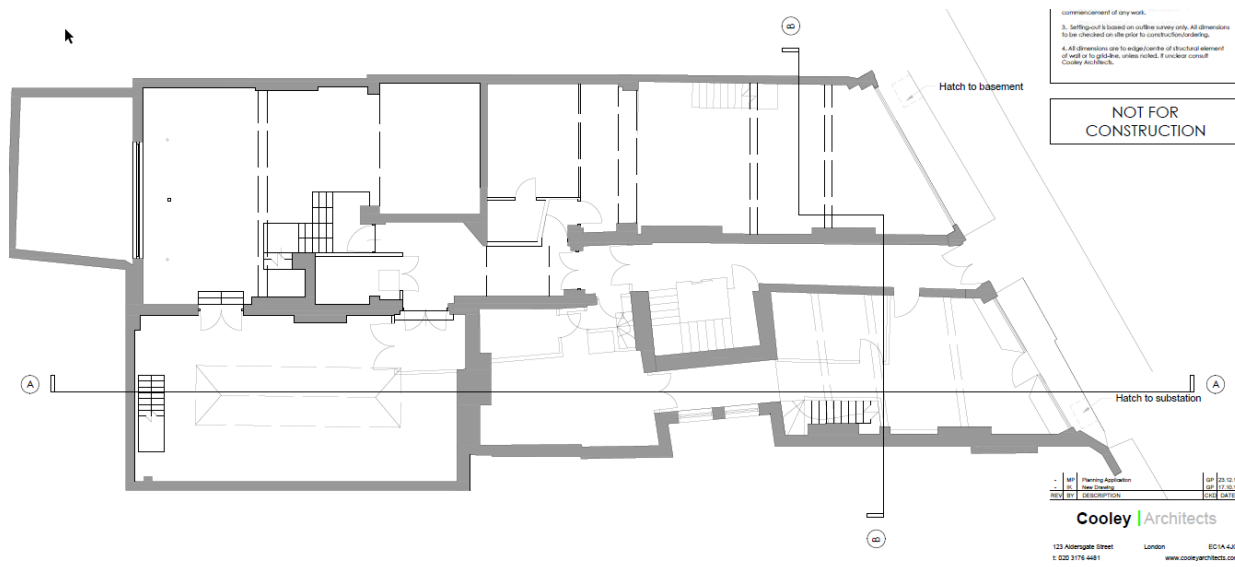
1. Application form
2. Response from Historic England dated 5 September 2017
3. Response from Historic England (Archaeology), dated 17 July 2017
4. Response from Environmental Health dated 28 June 2017
5. Response from Highways Planning Manager dated 20 November 2017
6. Response from Cleansing dated 5 July 2017
7. Response from Building Control dated 7 August and 23 November 2017
8. Letter from occupier of 15 St Andrews Chambers, Wells Street, dated 27 June 2017
9. Letters from Church Warden, All Saints' Margaret Street, dated 12 July and 2 August 2017

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

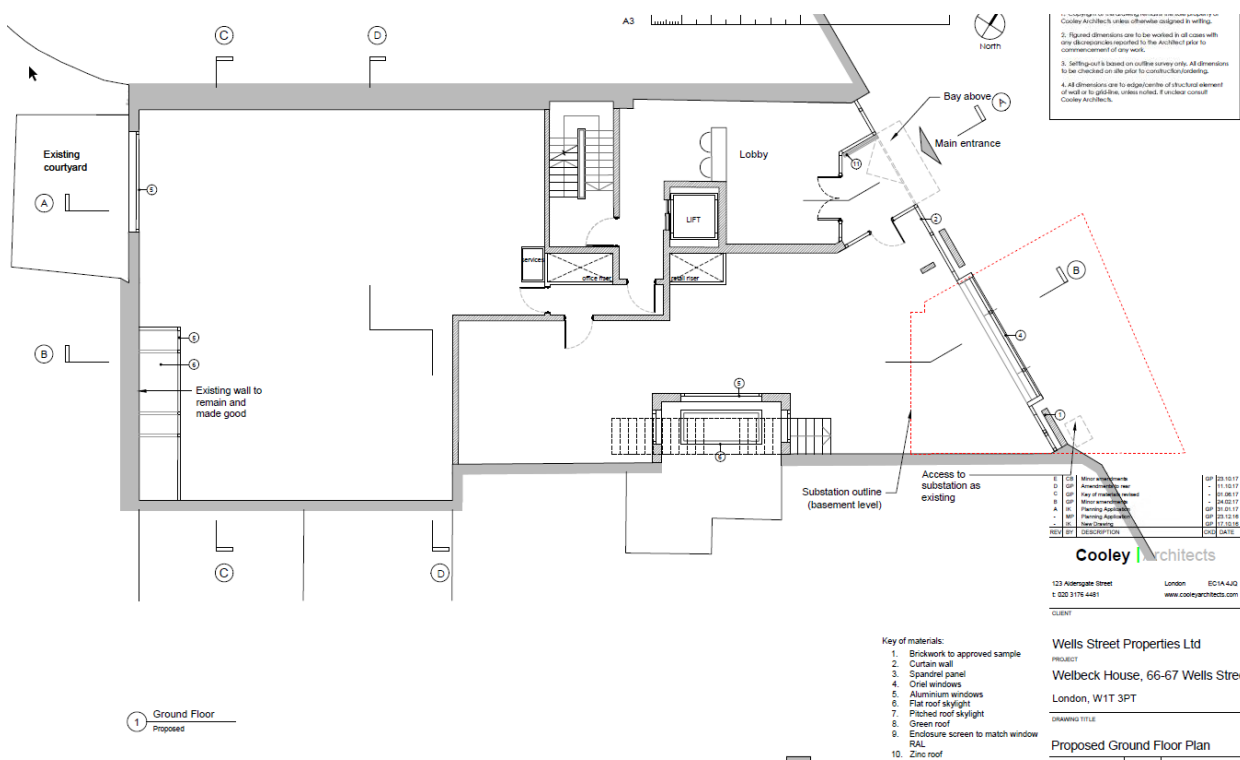
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT sspurrier@westminster.gov.uk

10. KEY DRAWINGS

Existing ground floor



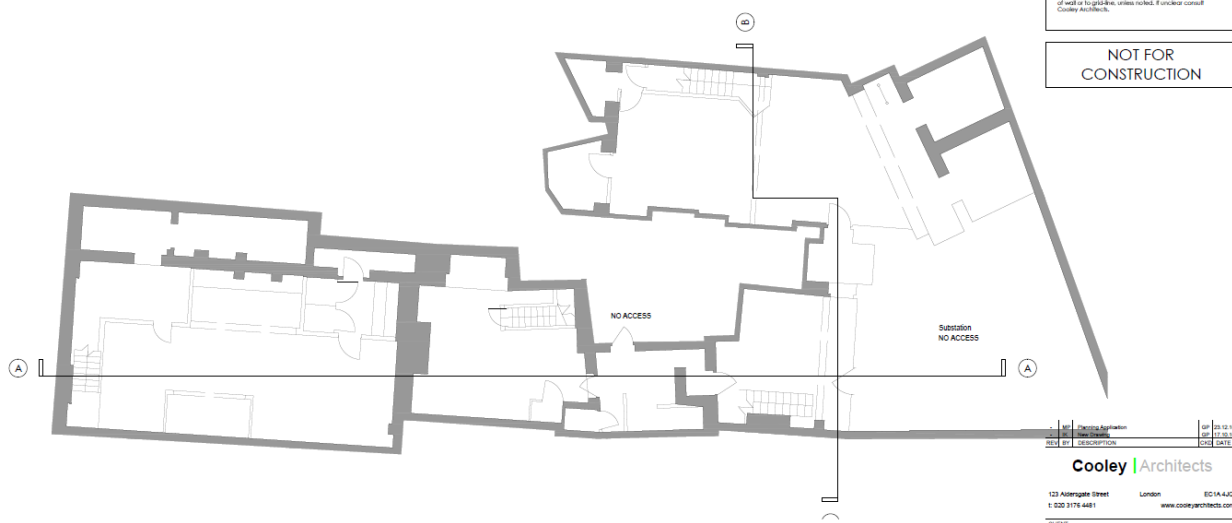
Proposed ground floor



North

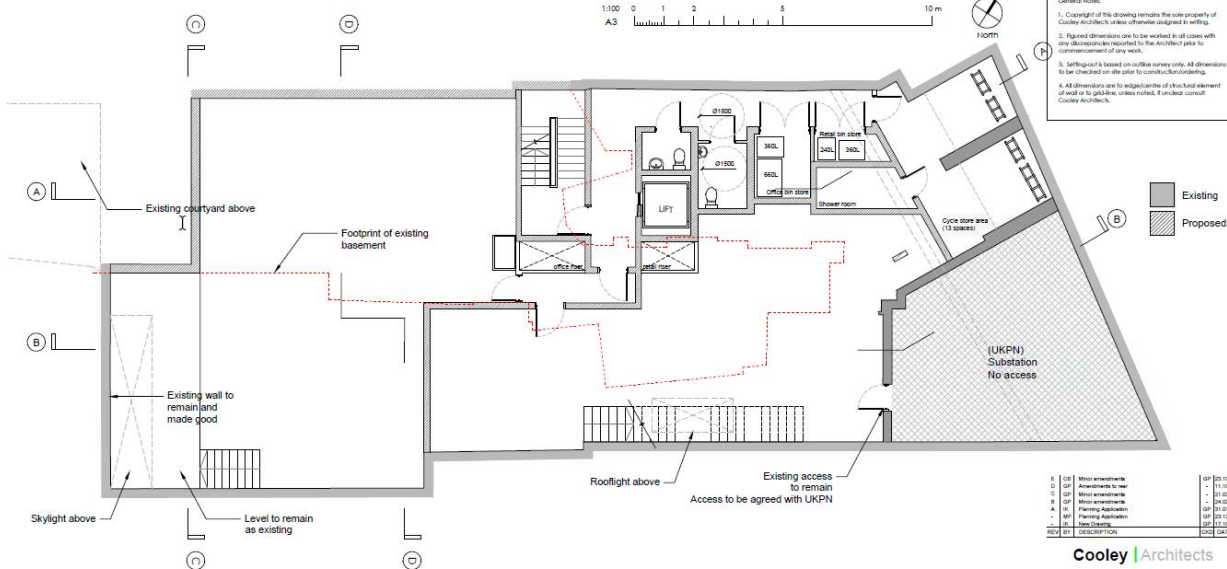
2. **Measurements:** Dimensions taken to the face of walls unless otherwise noted. All dimensions were only discrepancies reported to the Architect prior to commencement of any work.
3. **Setting-out:** Based on outline survey only. All dimensions to be checked on site prior to construction/ordering.
4. **All dimensions are to edge/centre of structural element of wall or to grid-line, unless noted, if unclear consult Cooley Architects.**

NOT FOR
CONSTRUCTION



General Notes:

1. Copyright of this drawing remains the sole property of Cooley Architects unless otherwise assigned in writing.
2. Figured dimensions are to be worked in all cases with any discrepancies reported to the Architect prior to commencement of any work.
3. Settings-out is based on outline survey only. All dimensions to be checked on site prior to construction/setting-out.
4. All dimensions are to edge/centre of structural element of wall or to grid-line, unless noted. If unclear consult Cooley Architects.



Existing Wells Street façade



1 Wells Street Facade
Existing

Proposed Wells Street façade



1 Wells Street Facade

DRAFT DECISION LETTER

Address: Welbeck House, 66-67 Wells Street, London, W1T 3PY

Proposal: Demolition of existing building and excavation at basement level, and redevelopment to provide a new building comprising basement, ground floor and four upper floors, with retail (Class A1) use at part ground floor and part basement level and office use (Class B1) at part ground floor and part basement and at upper levels.

Reference: 17/02705/FULL

Plan Nos: 829-DG-0001 Rev F, 0002, 0101 Rev F, 0201 Rev E, 0301 Rev E, 0401 Rev F, 0R01 Rev F, B101 Rev F, XX04 Rev G, XX05 Rev E, XX06 Rev E, XX07 Rev E, XX08 Rev F, XX09 Rev F, XX10 Rev E, XX11 Rev D, XX12; Structural Method Statement dated 20 October 2017 (FOR INFORMATION ONLY).

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone 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)

- 4 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)

- 5 Notwithstanding the details shown on the approved plans, you must submit revised drawings showing 17 cycle spaces. You must thereafter provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 6 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, clearly mark the stores and make them available at all times to everyone using the building. (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)

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

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)

- 8 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

- 9 You must apply to us for approval of detailed drawings at scales of 1:20 and 1:5 (as appropriate) of the following parts of the development:

1. Typical details of facades at all levels.
2. Ground floor Wells Street frontage (including entrance gates)

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 details.

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 Marylebone East 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)

- 10 The folding gates to the recessed office/retail entrance can only be fully opened between 07:00-24:00. Outside these times the folding gates should be extended across the recessed area.

Reason:

The provision of the recessed areas outside these times may give rise to anti-social behaviour and crime, contrary to the requirements of policy S29 of Westminster's City Plan.

- 11 (1) Where noise emitted from the proposed internal plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal 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 internal 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 internal 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.

- 12 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.

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

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

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

Reason:

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

Buildings and Conservation Areas) Act 1990. (R29AC)

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

Reason:

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

- 15 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

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

- 16 The extent of new basement under the highway must not encroach laterally more than 1.8m under any part of the highway and you must also provide a minimum vertical depth below the footway or carriageway of at least 900mm

Reason:

To ensure sufficient space for future street furniture and/or utility plant as set out in TRANS 19 of our Unitary Development Plan that we adopted in January 2007.

- 17 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:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:
www.westminster.gov.uk/cil

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

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

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

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

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

- 3 The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4 With reference to condition 4 please refer to the Council's Code of Construction Practice at (<https://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). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

- 5 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 6 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.
- 7 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 8 You will need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (afoster1@westminster.gov.uk) in Westminster Highways Infrastructure and Public Realm to progress the applicant for works to the highway.
- 9 Any works to extend the basement will need an undersailing licence and the oversailing of the highway will need an oversailing licence.
- 10 This decision is made on the basis that no external plant or machinery is proposed, in accordance with the submitted application. You are advised that any plant located outside of the building envelope will require further planning permission and that any application for planning

permission must be accompanied by a detailed acoustic report.

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: Welbeck House, 66-67 Wells Street, London, W1T 3PY,

Proposal: Alterations to the rear wall of All Saints Church, 7 Margaret Street, associated with the demolition of 66-67 Wells Street and excavation at basement level, and redevelopment to provide a new building comprising basement, ground floor and four upper floors, with retail (Class A1) use at part ground floor and part basement level and office use (Class B1) at part ground floor and part basement and at upper levels.

Reference: 17/02711/LBC

Plan Nos: 829-DG-0001 Rev F, 0002, 0101 Rev F, 0201 Rev E, 0301 Rev E, 0401 Rev F, 0R01 Rev F, B101 Rev F, XX04 Rev G, XX05 Rev E, XX06 Rev E, XX07 Rev E, XX08 Rev F, XX09 Rev F, XX10 Rev E, XX11 Rev D, XX12

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

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.

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 4.1N; of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

Item No.
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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.