



City of Westminster

# Committee Agenda

Title: **Planning Applications Committee (1)**

Meeting Date: **Tuesday 15th November, 2016**

Time: **6.30 pm**

Venue: **Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Robert Davis (Chairman)  
Susie Burbridge  
Tim Mitchell  
Jason Williams

**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.**

**Tel: 020 7641 2341; Email: [tfieldsend@westminster.gov.uk](mailto:tfieldsend@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note any changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

#### **3. MINUTES**

To sign the minutes of the last meeting as a correct record of proceedings.

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

- |   |                          |
|---|--------------------------|
| <b>1. AMERICAN EMBASSY, 24-31 GROSVENOR SQUARE, LONDON, W1A 1AE</b>                                   | <b>(Pages 7 - 64)</b>    |
| <b>2. WESTMINSTER FIRE STATION, 4 GREYCOAT PLACE, LONDON, SW1P 1SB</b>                                | <b>(Pages 65 - 134)</b>  |
| <b>3. 50 EASTBOURNE TERRACE, LONDON, W2 6LX</b>   | <b>(Pages 135 - 172)</b> |
| <b>4. 283 - 329 EDGWARE ROAD AND 5 NEWCASTLE PLACE, LONDON, W2 1DH</b>                                | <b>(Pages 173 - 222)</b> |
| <b>5. DEVELOPMENT SITE AT 91-93 BAKER STREET, 7 DURWESTON MEWS AND, 2 - 5 CRAWFORD STREET, LONDON</b> | <b>(Pages 223 - 266)</b> |
| <b>6. 11 BERKELEY STREET, LONDON, W1J 8DS</b>   | <b>(Pages 267 - 292)</b> |

**Charlie Parker**  
**Chief Executive**  
**7 November 2016**

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CITY OF WESTMINSTER  
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 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	<b>RN NO(s) :</b> 16/06423/FULL 16/06463/LBC  West End	American Embassy 24-31 Grosvenor Square London W1A 1AE	Alterations to the existing building including retention & repair of the front and side facades, part demolition & replacement of the rear facade, rear extension of the 2nd-5th floors, removal of existing & introduction of a new 6th floor, introduction of a new set-back 7th floor, extension of the existing basement levels to include two additional basement levels (including one mezzanine level), installation of roof plant & plant screen, public realm works including hard & soft landscaping, removal of the security kiosks, fencing, bollards & gates/barriers to Blackburne's Mews & Culross Street, removal & replacement of 6 No. trees in front of the Grosvenor Square elevation & re-opening of the road on the western side of the Square, all in connection with the use of the building as a hotel (Class C1) comprising up to 137 hotel rooms with flexible retail/restaurant use at 1st floor, ground floor and basement 1 (Class A1/Class A3/Class C1), flexible restaurant/bar use at 7th floor (Class A3/Class A4/Class C1), leisure/spa facilities within the basement (Class D2/Class C1) & an ancillary ballroom, event spaces, back of house facilities & associated car, cycle parking & servicing facilities accessed from Blackburne's Mews, & other associated works - including replacement of all windows with double glazing, internal reconfiguration & refurbishment works including extension of the diagrid & removal in part, replacement of internal ground & 1st floor columns & slab, part replacement of the 2nd floor slab & replacement of 3rd & 4th floor slabs & internal remodelling of front and side entrances; external works including removal of the glaxis & balustrade, reconfiguration of front & side entrances & steps & addition of canopies over each entrance & relocation of Eagle sculpture to centre of the front elevation of new 6th floor.	
<p><b>Recommendation</b></p> <p>1. Subject to the Mayor of London's Direction, grant conditional permission, including a Grampian condition that secures the following:</p> <ul style="list-style-type: none"> <li>a) the removal of the security fences, security huts, gates, raised planters and bollards surrounding the site and situated within Grosvenor Square, Blackburne's Mews and Culross Street;</li> <li>b) All associated costs for the re-introduction of vehicular traffic on the west side of Grosvenor Square (to be implemented prior to the occupation of any part of the development);</li> <li>c) All associated costs for highway works immediately surrounding the site required for the development to occur, including alterations of vehicle crossovers in Blackburne's Mews, and associated works (to be implemented prior to the occupation of any part of the development);</li> <li>d) the relocation of the statues of President Reagan and President Eisenhower and associated works, subject to securing separate planning permission.</li> <li>e) management and maintenance of the car lifts.</li> </ul> <p>2. Grant conditional listed building consent.</p> <p>3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>				

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Item No	References	Site Address	Proposal	Applicant
2.	<b>RN NO(s) :</b> 16/05216/FULL 16/05217/LBC  St James's	Westminster Fire Station 4 Greycoat Place London SW1P 1SB	Use of the Fire Station (ground floor) as Class A3 and (four upper floors) as Class C3 use (6 flats) with associated internal and external alterations. Demolition of the existing rear buildings and replacement with a five storey residential building to provide 11 flats with balconies, excavation of one storey basement under the entire footprint of the site to accommodate A3 use and residential use. Installation of photovoltaic panels to roof level of rear building. Rebuilding of the existing rear tower with installation of plant on top.	
<p><b>Recommendation</b></p> <p>For Sub-Committee's consideration:</p> <p>Do members agree that:</p> <ol style="list-style-type: none"> <li>1. The replacement social and community facility should be a minimum of 256m<sup>2</sup> (gross external area)?</li> <li>2. The Breast Cancer Care Centre is an appropriate replacement social and community facility?</li> <li>3. The offer to pay £500,000 to be held in escrow until the applicant has secured a suitable replacement social and community facility within a period of four years from the date of planning permission is acceptable?</li> <li>4. Subject to 1, 2 &amp; 3 above, grant conditional permission, subject to a S106 legal agreement to secure the following:                         <ol style="list-style-type: none"> <li>i. A replacement social and community facility with a minimum 256m<sup>2</sup> floorspace (gross external area) to be provided elsewhere in the City.</li> <li>ii. A payment of £500,000 to be held in escrow until the applicant has provided a suitable replacement social and community facility within a period of four years from the date of the planning permission.</li> <li>iii. The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £52,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.</li> <li>iv. Life-time car club membership (25 years) for residents of the development;</li> <li>v. Highway works surrounding the site required for the development to occur;</li> <li>vi. Costs of monitoring the S106 agreement.</li> </ol> </li> </ol> <p>If the S106 legal agreement has not been completed within three months of the date of this resolution then:</p> <ol style="list-style-type: none"> <li>a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</li> <li>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</li> </ol> <p>If the S106 legal agreement has not been completed within three months of the date of this resolution then:</p> <ol style="list-style-type: none"> <li>a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</li> <li>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</li> </ol>				

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3.	RN NO(s) : 16/07359/FULL  Hyde Park	50 Eastbourne Terrace London W2 6LX	Demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop) / A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating balconies and concealed roof terraces and landscaped areas to the front on Chilworth Mews.	
Item No	References	Site Address	Proposal	Applicant
4.	RN NO(s) : 16/07226/FULL  Little Venice	283 - 329 Edgware Road And 5 Newcastle Place London W2 1DH	Variation of Condition 1 of the planning permission granted 28 April 2016 (ref: 15/11677/FULL) for a redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A2, A3, A4 and B1), up to 652 residential units (including 126 affordable housing units), landscaping and associated car and cycle parking. NAMELY, incorporation of 283 Edgware Road into site, extension of Block B to provide 20 additional residential units (672 in total), with associated swap in housing tenure with Blocks E and F, associated amendments to permitted public realm and landscaping strategy.	

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	<p>Sciences to allow for monitoring during construction;</p> <p>l) Provision of a financial contribution of £1,100,000 (index linked) toward public art associated with the development site and its maintenance;</p> <p>m) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS). In the event that the, CSDHS does not go ahead, installation of CHP plant on-site;</p> <p>n) Offering local employment opportunities during construction; and</p> <p>o) Payment of cost of monitoring the agreement (£15,000).</p> <p>2. If the S106 legal agreement has not been completed by 15 May 2017 then:</p> <p>a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers”.</p>
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Item No	References	Site Address	Proposal	Applicant
5.	<b>RN NO(s) :</b> 16/05226/FULL	Development Site At 91-93 Baker Street, 7 Durweston Mews And 2 - 5 Crawford Street London	Demolition of existing building, excavation to provide new sub-basement and erection of replacement building over sub-basement, basement, ground and between five and seven upper storeys to provide dual alternative Class A1 (Shops) and / or Class A2 (Financial and Professional Services) at part basement and part ground floor level; artist workspace (sui generis) at part basement level; Class A1 (Shop) at part basement and part ground floor level; Class B1 (Office) at part sub-basement, part ground, part first to part fifth and sixth floor levels; 4 x flats (Class C3) at part ground to part fifth floor level; and associated car parking (3 x spaces), cycle parking (39 x spaces) and plant.	
<p><b>Recommendation</b></p> <p>1. Grant conditional permission, subject to a legal agreement to secure the following:</p> <p>(a) The submission of a Car Lift Maintenance and Management Plan for the City Council's approval and adherence to this Plan for the life of the development.</p> <p>(b) The artist workspace at basement level 1 to be provided at a peppercorn rent for a minimum period of 25 years.</p> <p>(c) The costs of monitoring the S106 legal agreement.</p> <p>2. If the S106 legal agreement has not been completed within three months of the date of this resolution then:</p> <p>a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>				
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6.	<b>RN NO(s) :</b> 16/01377/FULL  West End	11 Berkeley Street London W1J 8DS	Use of part-ground and part-basement levels as a restaurant (Class A3). Installation of associated plant including air condenser unit and combined gas boiler and flue at main roof level and 4no. external kitchen extract ducts and 3no. air supply ducts rising from to basement to first floor levels on the rear southern elevation and across the roof at second floor level leading to 2no. filtered extraction units and a fresh air handling unit, extension of the 2no. extract ducts from second floor level to high level positioned on the side wall of 38 Dover Street. Creation of a smoking terrace on southern elevation at ground floor level within lightwell comprising of decking on cantilever steel supports and a frosted glass roof.	
<b>Recommendation</b> Grant conditional permission.				

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# Agenda Item 1

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 15 November 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>American Embassy, 24-31 Grosvenor Square, London, W1A 1AE,</b>		
<b>Proposal</b>	Alterations to the existing building including retention & repair of the front and side facades, part demolition & replacement of the rear facade, rear extension of the 2nd-5th floors, removal of existing & introduction of a new 6th floor, introduction of a new set-back 7th floor, extension of the existing basement levels to include two additional basement levels (including one mezzanine level), installation of roof plant & plant screen, public realm works including hard & soft landscaping, removal of the security kiosks, fencing, bollards & gates/barriers to Blackburne's Mews & Culross Street, removal & replacement of 6 No. trees on the Grosvenor Square frontage & re-opening of the road on the western side of the Square, all in connection with the use of the building as a hotel (Class C1) comprising up to 137 hotel rooms, with flexible retail/restaurant use at part 1st floor, ground floor and basement 1 (Class A1/Class A3/Class C1), flexible retail at part ground and first floor levels (Class A1/Class C1), flexible restaurant/bar use at part 7th floor (Class A3/Class A4/Class C1), leisure/spa facilities within part basement (Class D2/Class C1) & ancillary ballroom, event spaces, back of house facilities & associated car, cycle parking & servicing facilities accessed from Blackburne's Mews; other associated internal works including replacement of all windows with double glazing, and external works including removal of the glaciis & balustrade, reconfiguration of front & side entrances & steps & addition of canopies over each entrance & relocation of Eagle sculpture to centre of the front elevation of new 6th floor.		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	QD Europe (Chancery) S.a.r.l.		
<b>Registered Number</b>	16/06423/FULL 16/06463/LBC	<b>Date amended/ completed</b>	31 October 2016
<b>Date Application Received</b>	1 July 2016		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

1. Subject to the Mayor of London's Direction, grant conditional permission, including a Grampian condition that secures the following:
  - a) the removal of the security fences, security huts, gates, raised planters and bollards surrounding the site and situated within Grosvenor Square, Blackburne's Mews and Culross Street;
  - b) All associated costs for the re-introduction of vehicular traffic on the west side of Grosvenor Square (to be implemented prior to the occupation of any part of the development);
  - c) All associated costs for highway works immediately surrounding the site required for the development to occur, including alterations of vehicle crossovers in Blackburne's Mews, and associated works (to be implemented prior to the occupation of any part of the development);
  - d) the relocation of the statues of President Reagan and President Eisenhower and associated works, subject to securing separate planning permission;
  - e) management and maintenance of the car lifts;
  - f) a contribution of £207,000 towards the Council's carbon offset fund.
2. Grant conditional listed building consent.
3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

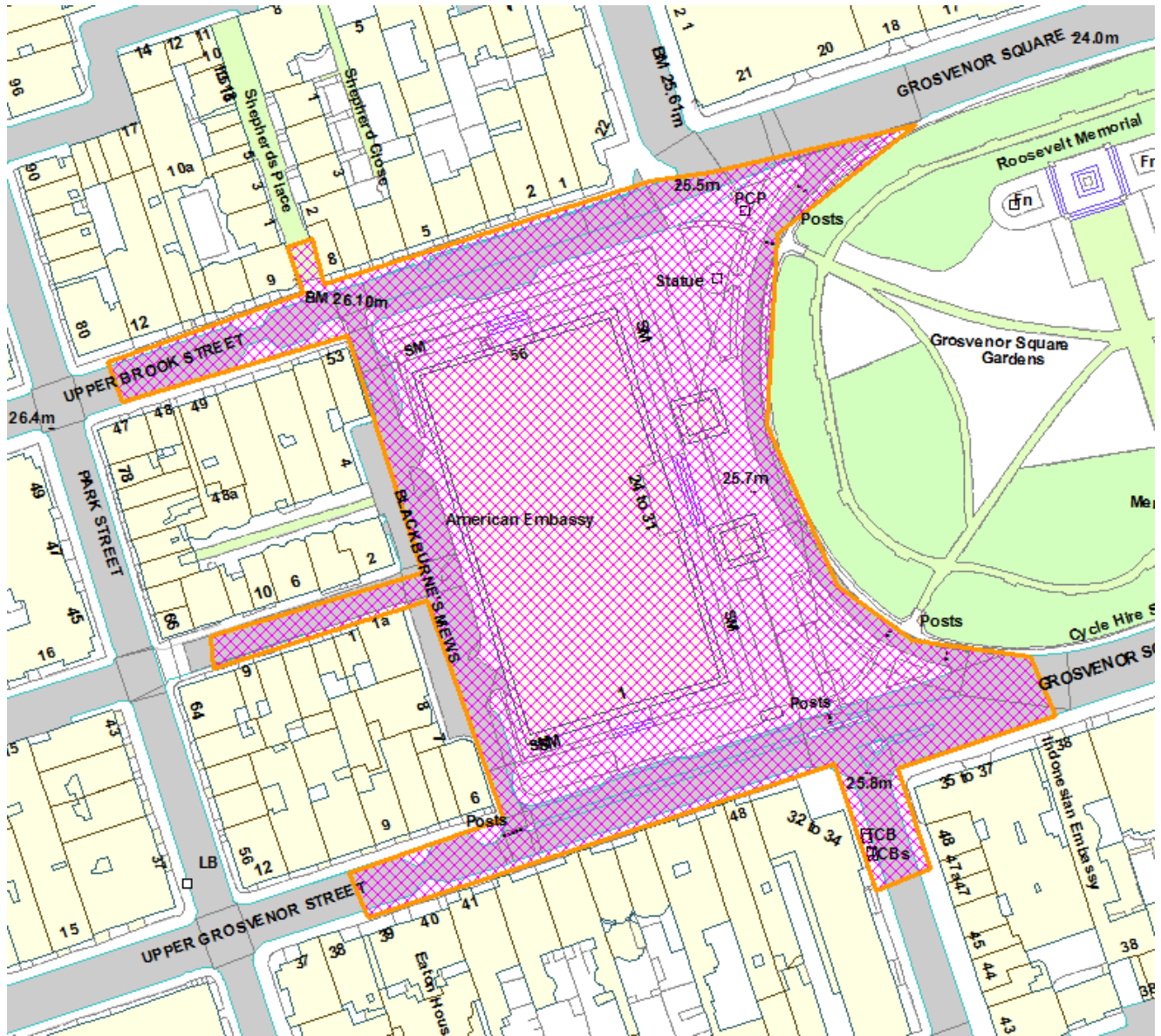
The site occupies a prominent location, comprising the whole of the western side of Grosvenor Square. The building, listed grade II, was purpose-built as the US Embassy in the late 1950s; in 2006 the Council granted permission for a number of security features around the site, including railings that enable controlled access to Blackburne's Mews and Culross Street at the rear. The embassy is due to relocate to a new building in Vauxhall in early 2017 and the new owners of this site are proposing significant alterations to the building itself, and the immediate public realm around it, as part of its conversion to a high quality hotel with shops, restaurants, a bar and spa/leisure use (either as part of the hotel or operated independently).

Hotel use is considered to be appropriate, making an important contribution to the local economy and opening the site up to public access. The proposals also provide a welcome opportunity to remove the security installations and re-open this side of the Square to vehicular traffic. The key issues are considered to be:

- the impact on the amenity of residential properties opposite the site, particularly in Blackburne's Mews;
- design and historic building implications of the major alterations to the listed building;
- excess parking provision and the need for some servicing within Blackburne's Mews;
- the loss of six mature London Plane trees along the Grosvenor Square frontage and ensuring adequate protection for the retained trees.

For the reasons set out in the report, the proposals are considered to be acceptable and in accordance with relevant policies, subject to appropriate conditions. These will include amendments to currently unacceptable aspects of the proposals, namely the provision of a low level kitchen extraction system and the use of Blackburne's Mews for VIPs.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Front, Grovenor Square



Rear, Blackburne's Mews



## 5. CONSULTATIONS

### WARD COUNCILLORS

Cllr Paul Church raises objection to the introduction of the sixth floor – causes damage to the listed building, impacts on residential amenity and negatively affects the character of the area.

### GREATER LONDON AUTHORITY

The proposal is generally acceptable in strategic planning terms, and considers that any harm caused to the listed building is less than substantial; raise queries about:

- Congestion impacts on surrounding Quietways
- Transport Assessment trip generation figures should be reconsidered;
- Detailed design and management arrangements for a formal taxi rank should be secured by condition;
- Car parking provision should be reduced and limited to parking for disabled people, taxis, coaches and deliveries/servicing;
- There should be increased cycle parking;
- The submitted Travel Plan should be secured, enforced, monitored and reviewed as part of a S106 legal agreement;
- The carbon dioxide savings fall short of London Plan policy targets but accept that there is little further potential for further reductions on-site therefore the shortfall in CO2 reductions should be met off-site.

### TRANSPORT FOR LONDON

Queries about:

- the potential impact on the wider road network, including proposed Quietways, for traffic generation generally and potentially from some servicing;
- data used for trip generation (including servicing) projections;
- the excessive amount of parking;

Advise that the Travel Plan should be secured, enforced, monitored and reviewed as part of a S106 legal agreement, and consider it essential that a formal taxi rank is provided on the site.

### HISTORIC ENGLAND

- the proposals will therefore have an impact on the special architectural interest of the building but also offer the potential for enhancement to its setting and that of the adjacent registered landscape in Grosvenor Square;
- The proposals also represent potential enhancement to the character and appearance of the conservation area;
- Note the importance of the special architectural interest of the building, especially the ground floor public spaces;
- The alterations and additions in the form of infilling and the additional floors are extensive and will cause some harm, but this is largely (although not exclusively) confined to areas of lesser significance;
- the areas of highest architectural significance with the exception of the stair lobbies to the north and south are preserved and access to them enhanced;
- Do not agree with the objections raised by the Twentieth Century Society that the harm arising from the additional floors is substantial and consider that the

architectural approach of the current proposals are an appropriate response to the original architecture;

- Do share the Twentieth Century Society's concerns about the loss of the side entrances' stairs and lobbies but note the justification to improve public access to the building and the operational requirements of the hotel use;
- Consider that the proposed use of the building as an hotel offers opportunities to enhance appreciation and understanding of the architectural significance and interest of the former embassy through public access, and urges the Council to ensure these opportunities are maximised (e.g. signing up to Open House London);
- Would wish to see controls of the amount, location and percentage of street furniture retained to the proposed retail and restaurant operators fronting the square.

#### HISTORIC ENGLAND (ARCHAEOLOGY)

Concur with the applicant's assessment that given the impact of the existing basements there is low archaeological potential, but given the listed status of the building there should be historic building recording prior to any demolition and development.

#### TWENTIETH CENTURY SOCIETY

- Consider that the proposed change of use to an hotel is appropriate and a beneficial use of the building;
- No objection to the rear infill extension, the rooftop pavilion, the removal of the ground floor glacis [the defensive structure around the outside of the building] nor the reconfiguration of the external stairs to the main entrance and addition of the free-standing canopy;
- However does object to design and proportions of the new sixth floor and demolition of original internal staircases.

#### COUNCIL FOR BRITISH ARCHAEOLOGY

[London and Middlesex Archaeological Society]

Acknowledge that the work will cause disruption to the building's fabric but as the facades were being refurbished and replaced, raise no objection.

#### GEORGIAN GROUP

Any response to be reported verbally.

#### VICTORIAN SOCIETY

Any response to be reported verbally.

#### SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

#### ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

#### LONDON PARKS AND GARDENS TRUST

No objection in principle to the proposals for the new building and welcome the removal of the security barriers and increasing the usability of the public realm;

However, but do question the horticultural value of the new landscaping and concerned about the amount of hard landscaping shown – would like to see this significantly reduced with greater green infrastructure of major horticultural value.



**THE ROYAL PARKS**

Any response to be reported verbally.

**METROPOLITAN POLICE DESIGNING OUT CRIME OFFICER**

General advice offered; considers that Blackburne's Mews should remain closed to pedestrians, who should be encouraged to use the main public footpaths around the site.

**RESIDENTS'S ASSOCIATION OF MAYFAIR**

Any response to be reported verbally.

**HIGHWAYS PLANNING MANAGER**

Generally supportive of the proposals but raises concerns about the proposed servicing of the development and excessive car parking provision.

**PROJECTS OFFICER (WASTE)**

Concerns about adequacy of proposed waste storage and lack of information about a swept path analysis for refuse collection vehicles.

**ENVIRONMENTAL HEALTH**

Holding objection for the following reasons:

- Low level kitchen extraction system – this should be high level and relevant information provided;
- Inconsistency with regard to criteria for assessing background noise levels and thus the appropriate design noise level criteria for proposed plant, including emergency plant;
- Lack of information about flues, fresh intake and exhaust vents;
- Clarification required that staff areas at basement are not to be used for sleeping accommodation.

**ARBORICULTURAL OFFICER**

Objections/concerns about the following aspects of the proposals:

- General inadequacy and lack of information about Arboricultural matters;
- loss of six mature London Plane trees along the Grosvenor Square frontage – not convinced about the applicants argument that this reduces the construction impact on Blackburne's Mews (given that the Mews would still be used for construction access) and notes that the presence of these trees would impede the extension of the basements and the proposed new roads in front of the site;
- No objection to the loss of three small trees in the Mews subject to their replacement (though concerned about lack of firm details on this issue);
- lack of detail on proposed removal of several trees from the front of the site and their subsequent replanting after completion of the development;
- adverse impact on the remaining 12 London Plane trees around the site that are meant to be retained due to potential damage to their roots and proposed extensive tree surgery;
- potential adverse impact on the retained trees from the proposed alteration to the highway and general lack of information.

**BUILDING CONTROL**

No objection with regard to the proposed basement works.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 675; Total No. of replies: 18

No. in support: 1:- Comments that the proposal will greatly enhance the amenity value for local residents provided that the shops/restaurants/members club [leisure/spa facilities?] are easily accessible and comments on the need for a careful traffic plan;

No. neither objecting to or supporting the proposal: 1:- comment that whilst the proposal will 'uplift' the entire area and benefit Mayfair on the whole, concerned about the impact on the construction works on their residential block and would like to discuss with the developer how those concerns could be mitigated.

No. of objections: 16, on some or all of the following grounds:-

- Adverse impact on the general and residential amenity of the Square from increased traffic and activity associated with the hotel ballroom, restaurant and bar, including late night activity;
- No need for another hotel, given the large number of hotels already in the area, and residential development would be more appropriate for the Square;
- Introduction of commercial uses into a predominantly residential square;
- Adverse impact on daylight and sunlight on surrounding residential properties;
- Loss of privacy from increased overlooking of residential properties and impact of light pollution;
- Increased bulk/height of the building creating an imbalance in the design of the Square;
- Adverse impact on the listed building, including the moving of the eagle;
- Increased traffic (vehicular and pedestrian, including large numbers of hotel staff travelling to and from the site) causing increased congestion, noise and pollution, with likely consequences for potential future pedestrianisation of Oxford Street;
- Generation of large amounts of waste;
- Noise/disturbance from building works.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

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

The application site is the United States Embassy, a purpose-built building that dates from 1957-1960. It comprises a free-standing block that occupies the whole of the west side of Grosvenor Square, with the other frontages on Upper Brook Street to the north, Upper Grosvenor Street to the south and Blackburne's Mews to the rear (where the access to the building's parking and servicing areas are located). There are railings and other structures around the site, including restricted access to Blackburne's Mews – this dates from 2006, when permission was granted to improve the security of the site.

The existing building has two basements, a ground floor and seven upper floors and is constructed from reinforced concrete clad in Portland stone (front and side elevations) and in concrete (rear elevation). Although the applicants consider the use is Class B1 offices (a view supported by the Greater London Authority) Council officers consider that it is a separate, *sui generis*, embassy use: notwithstanding that the original planning permission refers to 'office building', and that large parts of the building are used for office-type purposes, there is clearly a significant consular function in terms of visas and passports, with members of the public regularly queuing outside of the premises, as well as diplomatic functions.

The building lies within the Core Central Activities Zone (CAZ) and the Mayfair Conservation Area and was listed (Grade II) in 2009.

## 6.2 Recent Relevant History

October 1956 – permission granted for the erection of an office building of sub-basement, basement, lower ground, ground and four upper floors with penthouse above for the United States Embassy.

7 July 2006 – permission granted for erection of two entrance pavilions to Grosvenor Square, guard booths to Upper Brook Street and Upper Grosvenor Street. Fencing around the perimeter of the Embassy with gates to Blackburne's Mews and Culross Street, raised planters and repositioning of Eisenhower statue. Security bollards, plus alterations to road layout to facilitate closures to parts of Grosvenor Square, Upper Grosvenor Street and Upper Brook Street, all in connection with enhanced security arrangements for the American Embassy.

This consent was subject to a S106 legal agreement to securing a package of works to the highway, including a traffic plan, that secures the alleviation of congestion in the surrounding streets arising from the implementation of the proposal.

26 October 2006 – permission granted for details of the following to discharge Conditions 3-10 (inclusive) of the permission dated 7 July 2006 (ref RN 04/03139/FULL) in connection with enhanced security arrangements: hydraulic bollards/gates; servicing management strategy; samples of facing materials to pavilions; detailed design of guard booth in Upper Brook Street, railings/gates in Culross Street, gates in Blackburne's Mews, bollards, fencing around Embassy and integrated booth; disabled access; hard and soft landscaping; details of foundations/footings and relocation of two sweet gum trees; layout of bollards at pedestrian crossing points, vehicle tracking of 15m heavy goods vehicle in Blackburne's Mews and Stage 1 and 2 highway safety audits.

## 7. THE PROPOSAL

The US Embassy is due to vacate the building in early 2017 and transfer to a new building in Vauxhall, south London. The applicant acquired the site in 2009 in preparation for this proposed relocation and has developed their proposals to convert the site to a hotel. The key aspects of the current proposals include the following:

- i. The retention and repair of the facades of the existing building fronting Grosvenor Square, Upper Brook Street and Upper Grosvenor Street;

- ii. The replacement of the majority of the rear façade of the existing building facing Blackburne's Mews;
- iii. A rear extension of the second to fifth floors;
- iv. The removal of existing and introduction of a new sixth floor;
- v. The introduction of a new set-back pavilion level at seventh floor, with roof terraces and areas of green roof;
- vi. An extension of the existing basement levels and the addition of two additional basement levels (including a mezzanine level), creating four basement levels in total;
- vii. The installation of roof plant and plant screen;
- viii. The removal of the glacis [defensive sloping structure] that is around the site at ground floor level and its balustrade, and the existing security structures installed 10 years ago;
- ix. External and internal remodelling of the main and side entrances and the addition of canopies over each entrance;
- x. Retention and relocation of the Eagle sculpture to the front elevation of the new sixth floor;
- xi. The removal and replacement of six mature trees on the western side of Grosvenor Square in order to facilitate construction movements;
- xii. The removal of roof top flagpole;
- xiii. The retention and repair of the majority of the internal structural concrete diagrid, though part of it is to be removed for the proposed atrium and it will also be extended to the rear of the first floor ceiling;
- xiv. The replacement of all windows with double glazing;
- xv. The retention and repair of the form of the former information office and consular lobbies beneath the exposed diagrid;
- xvi. The replacement of the internal ground and first floor slabs and first floor columns, part replacement of the second floor slab and replacement of the third and fourth floor slabs.

The proposed hotel use will provide up to 137 bedrooms and provide the following amenities and functions:

- i. Lobby, entrance and front of house space at ground and first floor levels;
- ii. Retail/restaurant uses at ground and first floor levels (flexible Class A1/A3/C1);
- iii. Conference and meeting facilities at first floor level;
- iv. Hotel bedrooms and suites at second to seventh floors with the suites located at the pavilion level (seventh floor) with associated terraces;
- v. Restaurant/bar facility (flexible Class A3/A4/C1) at pavilion level with associated terraces;
- vi. Retail/restaurant uses (flexible Class A1/A3/C1), pre-function, back of house, cycle parking and plant at basement 1;
- vii. Event space, leisure and spa facilities (Class D2/C1), back of house and plant at basement 2;
- viii. Car parking and plant at basement 3;
- ix. Cycle parking and plant at basement 3 mezzanine; and
- x. Plant at basement 4.

In addition the applicants are proposing significant changes to the public realm around the site, including the re-opening of the west side of Grosvenor Square to vehicular traffic and

the introduction of drop off bays to the three main frontages. However, these can only be treated as indicative at this stage, as they will need to be subject to separate highways assessment and procedures and what has been submitted is being treated as illustrative. Other aspects for future consideration include the relocation of two of the existing statues of Presidents Reagan and Eisenhower and a listed police call box and the hard and soft landscaping.

The hotel operator has yet to be chosen.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The land use changes can be summarised as follows:

Land Use summary	GIA (sqm)		WCC GEA (sqm)*	
	Existing	Proposed	Existing	Proposed
Embassy	25,31	0	24,07	0
Flexible retail/restaurant (Class A1/A3/C1) (B-1, Ground, 1 <sup>st</sup> & shared space)	0	4,913	0	5,276
Flexible retail/hotel (Class A1/C1) (Ground, 1 <sup>st</sup> & shared space)	0	562	0	578
Flexible pavilion restaurant/ bar (Class A3/A4/C1) (7 <sup>th</sup> floor & shared space)	0	575	0	615
Flexible leisure and spa Use (Class D2/C1) (B-2 & shared space)	0	1,984	0	2,240
Hotel (Class C1) <u>excluding</u> all flexible space and flexible shared space	0	36,753	0	37,553
<b>TOTAL</b>	<b>25,311</b>	<b>44,787</b>	<b>24,070</b>	<b>46,262</b>

\* These figures exclude the following areas:

Refuse and waste - 90 sqm GEA; Car Parking - 1,404 sqm GEA; Cycle Parking - 137 sqm GEA; and Servicing bay - 292 sqm GEA

#### Loss of Embassy and Proposed Hotel Use

Policy CENT 1 of the Unitary Development Plan (UDP) states that

(A) "planning permission will not be granted for development that results in the loss of Central London Activities within then Central Activities Zone where these activities contribute to its character and function" and

(B) Development for Central London Activities within the Central Activities Zone will be encouraged where appropriate to the character and function of particular areas within the Central Activities Zone”.

The existing use is considered to be a Central London Activity, but it is acknowledged that the Embassy is moving to another location and a replacement use needs to be sought. (Whilst COM 7 of the UDP is also concerned with diplomatic and allied uses, the policy is concerned with their new provision, not their protection.) The supporting text for policy CENT 1 also notes that hotels are an appropriate Central London Activity which are, in general, protected and encouraged. The area profile for Mayfair also notes that it contains some of London’s most famous hotels on Park Lane, close to the application site.

City Plan policy S1 also encourages development which promotes Westminster’s World City functions, manages its heritage and supports its living, working and visiting populations; within the CAZ, a mix of uses consistent with supporting its vitality, function and character will be promoted .

Policy TACE 2 of the UDP states that within the CAZ, in streets which do not have a predominantly residential character, on CAZ frontages, planning permission will be granted for new hotels and extensions to existing hotels where no adverse environmental and traffic effects would be generated, and adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for setting down and picking up of visitors by coaches and for taxis serving the hotel.

Policy S23 of Westminster’s City Plan (amended July 2016) also states that new hotels will be directed to specific areas, including the Core Central Activities Zone, to those streets that do not have a predominantly residential character.

Some of the objectors refer to Grosvenor Square being residential in character and that there is no need for another hotel: although there is a considerable amount of residential accommodation around the site, the wider area is very mixed in character and function. There are in fact some commercial uses within the square itself, including the London Marriott Hotel Grosvenor Square in the north east corner (though the main entrance is in Duke Street) and the Embassy of the Republic of Indonesia and Millennium Hotel London Mayfair on the south side. The site is within the Core CAZ and irrespective of the other hotels in the vicinity, hotel use is considered to be acceptable in principle in policy terms.

Furthermore, it is considered that the building is ideally suited for hotel use, as it will enable public access to view the retained elements of this important listed building and provide amenities for the general public. It will also make an important contribution to the local economy (see further details below).

It is acknowledged that functions within the ballroom may result in large numbers of people leaving late at night, potentially harming the amenity of residents living in Blackburne’s Mews, Upper Brook Street and Upper Grosvenor Street. To help ameliorate this potential impact, it is proposed to have a condition that requires people leaving ballroom functions after 23.00 hours to exit via the main entrance on Grosvenor Square.

One aspect of the hotel function that is contentious is the proposed use of Blackburne's Mews for VIPs. The proposal shows a 'VIP drop off', where a car might drive a VIP into a garage where they can leave their car inside the building. However, the vehicle would then have to reverse out, and if there are several VIPs arriving or departing at the same time, their vehicles would need to queue within the mews. Experience has shown (eg. The Chiltern Firehouse) that VIPs using hotel functions can create considerable disturbance and loss of residential amenity from paparazzi, etc. Given that the rest of Blackburne's Mews and Culross Street that leads from it are wholly residential, there is a real risk that this will lead to significant amenity problems for local residents. It is therefore proposed to have a condition requiring the submission of a management plan that deals with VIPs and prevents to use of Blackburne's Mews for any VIP activities.

### **Retail, Restaurant and Leisure Facilities**

The proposals incorporate dedicated areas for retail and restaurant use at part ground, part first and part basement level, a restaurant and/or bar at part seventh floor level and with a large area at basement level 2 as a spa/leisure use. Because the applicants do not know at this stage whether these uses will in effect be ancillary to the hotel or would be let separately, the applicant is seeking maximum flexibility in terms of use class (C1, A1, A3, A4 and D1).

Potentially there could be nine separate retail and restaurant units at ground and first floor level (not counting the basement area), though some of these might be used as duplex units. To overcome concerns about an excessive amount of restaurant activity, the applicant has amended the scheme so that the units at the rear ground and first floor levels are only retail (either Class A1 or C1) – this guarantees a minimum 486 sqm GIA/500 sqm GEA as retail floorspace.

The units at the front of the site might be used as either retail or restaurant – 5,276 sqm GEA (including shared access/circulation space, and the basement area). At seventh floor level the designated area might be used as a bar or restaurant. At basement level 2 there is proposed a spa or similar type of leisure use (2,240 sqm GEA, including access/circulation space) – this would be open to the general public as well as hotel guests, and again maximum flexibility is sought in terms of the use class to enable it to be ancillary to the hotel or independent.

Council policies encourage the provision of retail use (UDP policy SS 4, City Plan policy S6) and the retail proposals are therefore welcome. The small retail unit in Blackburne's Mews is not expected to draw large numbers of people that might have an adverse effect on the residential amenity of the Mews, but does provide some relief along this frontage that is otherwise predominantly used for servicing purposes.

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses (including the restaurants, bar and spa/leisure use). The TACE policies are on a sliding scale in which developments where TACE 8 is applicable would be generally permissible and where TACE10 is applied (where the gross floorspace exceeds 500m<sup>2</sup>) only in exceptional circumstances. City Plan Policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact on residential amenity, health

and safety, local environmental quality and the character and function of the area. The policy states that new large-scale late-night entertainment uses of over 500 sqm will not generally be appropriate within Westminster.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

Entertainment uses are a characteristic activity of major hotels and are usually open to the general public. The current proposals are considered to provide an opportunity to open the site up to the general public, allow the general public to benefit from the views from the roof top bar/restaurant and provide a mix of uses that enliven the frontages. The site is an exceptional one and as such there are considered to be exceptional circumstances justifying the large entertainment uses that are proposed. Subject to a hours condition that safeguards the amenity for residents opposite the ground and first floor restaurants, these uses are considered to be acceptable and objections to the introduction of these uses are not considered to be sustainable.

However, it is considered to be equally important to ensure that the retail, restaurant and bar uses are maintained as publically accessible and to ensure that the benefits of the scheme promoted by the applicant are permanently maintained. As the applicant is seeking flexible use of these areas as hotel use (Class C1) there is a potential risk that they might become part of the hotel (additional bedrooms, function rooms or back of house space) and therefore a condition will require that the ground, first and seventh floor units are permanently maintained as being accessible to the general public who are not staying at the hotel. It is not considered necessary to apply this condition to the retail, restaurant and spa/leisure use at basement levels.

## **8.2 Townscape, Design and Historic Building Considerations**

### **The building**

The US Embassy is a grade 2 listed building in the Mayfair Conservation Area. It dominates the western end of Grosvenor Square and is visible in a number of important local views, from the east and west, north and south. It is a major public building, built 1957-60 by one of the leading American architects of the twentieth century, Eero Saarinen. The building was the first modern embassy building in London.

It was listed in 2009 and the list description states:

- Special architectural interest for the strongly-articulated design and dynamic façades, well-detailed stonework and consistency of detail;
- Of particular note is the innovative application of the exposed concrete diagrid - an intelligent combination of structural expression and decorative motifs which provides cohesion to the whole and which illustrates Saarinen's principles of marrying form to structure, interior to exterior - and his close involvement in detail and execution;



- Eero Saarinen is an outstanding figure in C20 architecture and design, and this is an early example of a modernist yet contextual approach to design in a sensitive urban location;
- Internal interest is confined to the ground-floor public spaces: i.e. the main entrance and central lobbies, passport office and former library, and the former information service and consular lobbies and stairs on the north and south sides respectively, where the diagrid structure is expressed throughout;
- Special historic interest for strong associations with Grosvenor Square, the home of the first US Ambassador and the nerve centre of the American Armed Forces in Great Britain in WWII.

The building is set back from the historic building lines, from which it is separated by a stone-faced well in the form of a glacis, a defensive sloping bank (as found at the base of an historic fort). The glacis hides the ground floor level of the building; the entrances are at first floor level, reached by flights of stairs on the north, south and east sides.

The plan form is a symmetrical U-shape, comprising a raised ground floor with a central main entrance and lobby. To the left and right are the visa sections and library, with a large central main lobby with rooms to either side, leading through to a single storey of offices at the rear. There are separate entrances to the Consular and (former) Information Sections on the North and South sides, each with a lobby and stair to either side. The upper floors comprise cellular offices which are not of special architectural and historic interest.

The facades are made of reinforced concrete clad in natural Portland stone (front and side facades) and in concrete (rear facade).

### **The proposals**

The existing facades on the south, east and north sides will be retained, repaired and upgraded, with new glazing, but the interior of the building is largely demolished, apart from sections of the diagrid structure (at second floor level) adjacent to these facades. The diagrid forms the soffit of the first floor level spaces. Elements of the interior, referred to in the listing as contributing to its special interest, including the main entrance and central lobbies, and stairs on the north and south sides, will all be demolished. The glacis will also be demolished.

The retained facades will be altered through the addition of a much taller replacement sheer sixth storey. (This makes reference to, and is inspired by, a sketch proposal by Saarinen which showed a tall top floor). This has a significant impact on the height and proportions of the facades and has given rise to objections. A recessed roof storey and roof level plant area is added above this new sheer storey. The total height of the building will be approximately 35 metres to the top of the plant room (60.68 m AOD), approximately 9 metres higher than the existing building (51.00 m AOD). This is a significant increase in height and bulk.

The demolition of the glacis has the effect of exposing the ground floor of the building, making the two storey base of the building visible. This has a significant impact on the appearance of the building, which was designed to appear to sit on top of the glacis. The exposed ground floor level will house a number of retail units bringing life and activity to street level.

On Grosvenor Square the main entrance is reconfigured with new external stairs and the addition of a free standing canopy. The canopy has been designed with reference to other work by Saarinen, including the US Embassy in Oslo. Similar canopies are used on the north and south entrances. At the rear it is proposed to infill the U shaped plan form. The rear of the building is not considered to be of special architectural interest.

### **Consultee responses**

The Twentieth Century Society objects to the design of the new sixth floor (as do one of the ward councillors and some individual objectors), particularly its proportions. They state that it will:

‘ ... damage the present proportions of the listed building: the rhythm of the front façade will be fundamentally changed. The Society contends that this will cause significant and substantial harm to the character of the building as listed’.

The Society also objects to the removal of original staircases internally (adjacent to the entrances) which are unaltered and are of heritage value.

Historic England consider that the areas of highest architectural significance, with the exception of the stair lobbies to the north and south, are preserved and access to them enhanced. They do not agree with the Twentieth Century Society that the harm arising from the additional floors is substantial in the terms of the National Planning Policy Framework (NPPF) but they do share the concern regarding the loss of the north and south stairs and lobbies. Historic England state that if listed building consent is to be granted, the reinstatement of architectural elements and finishes will need to be carefully controlled as reserved matters.

They urge the City Council to ensure that opportunities for public access are maximised, and secured through obligation or condition. However, since this will be a hotel building which is open to the public it is not considered that such measures are needed.

They also support the proposal to control the amount, location and percentage of street furniture related to retail or restaurant operators fronting the square by condition or as part of any agreed management plan for the public realm, to ensure that the benefits arising from clearing away security clutter are secured and sustained and not replaced by new clutter. It is agreed that conditions should be used to control these aspects.

### **Consideration of impacts on heritage assets**

Once the building ceases to be used as an embassy then a new use has to be found and the proposed hotel use is acceptable in principle in historic building terms. Some of the proposed changes, such as the redevelopment of the rear part and the upper floors, are not harmful to the significance of the building because these areas contribute little or nothing to its special interest. The retention of the facades and the diagrid are important positive aspects of the scheme. Other aspects are more controversial.

The addition of the sheer storey and set-back roof storey and the removal of the glaxis all contribute to a major change in the appearance of the building and significantly alter Saarinen’s design. This is considered to be harmful to the special architectural interest of

the building. The demolition of the interior spaces referred specifically in the list description also causes harm to the special interest. It is debatable whether or not this is substantial or less than substantial harm to the listed building. Historic England takes the view that it is less than substantial, the Twentieth Century Society considers that it is substantial.

On balance it is considered that it is less than substantial harm, because the facades and the diagrid structure are largely retained. Therefore, with reference to the NPPF, it is necessary to consider whether or not there are public benefits to outweigh the harm to heritage assets which have been identified.

The applicant has stated that for a hotel scheme to be viable additional floor space is required, hence the need to extend the building. The proposed extensions have been carefully designed to respect the retained facades, drawing inspiration from Saarinen's ideas, and are of high design quality. If the need to extend the building is accepted then the design approach is appropriate.

It is also argued that it is necessary to improve access, and therefore necessary to alter the existing entrances including the removal of the existing steps and the demolition of the lobbies. When viewed in conjunction with the removal of the glaxis, there are urban design benefits in creating a more active ground floor frontage and improving the immediate public realm around the building. The removal of all the security measures around the building further enhances the area. The design of the new entrances is in the spirit of the original building and the applicants have stated that they will retain and reuse as much original historic fabric as possible. This can be reserved for later negotiation and approval by condition.

The proposed increase in height and bulk has an impact on the building's architectural relationship with its neighbours, especially the lower buildings to the west, and on the character and appearance of the conservation area. However, given the large scale of the existing buildings in Grosvenor Square, including No. 20 to the north, which is being redeveloped and extended at present, the proposed massing is not considered harmful.

Overall, it is concluded that this is a high quality, well designed scheme, which alters but respects Saarinen's original design. Although it is harmful in parts, it results in public benefits which outweigh that harm. It will contribute positively to the character and appearance of the Mayfair Conservation Area. The scheme is therefore considered to comply with the City Council's urban design and conservation policies, including City Plan policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 5, DES 6, DES 9 and DES 10.

The proposal, which involves the creation of additional basements, is considered to comply with the Council's recently adopted basement policy: as the site is free-standing, it does not adjoin any residential properties, which is one of the key criteria in the policy. The applicant has also demonstrated that the basements will not extend beneath the public highway by more than 1.8m, which is another criterion. Information has been submitted taking account of site-specific ground conditions and a signed proforma Appendix A has been submitted demonstrating that the applicant will comply with the relevant parts of the Council's Code of Construction Practice.

### 8.3 Residential Amenity

#### Kitchen Extraction

The scheme proposes that all the kitchen extract systems discharge into a basement ( - 3) lightwell within Blackburne's Mews. The applicant claims that it is not possible to fit any more plant into the building risers itself as there is insufficient space. Given that the majority of the building is being rebuilt, this argument is not accepted. Similarly arguments about the architectural diagrid feature on the first floor ceiling restricting service risers is not accepted given that a significant part of it is to be rebuilt.

The Council has a well-established approach to commercial kitchen extracts terminating at roof level. Whatever filtration systems are proposed for low-level extraction they are not considered to be reliable and only high level extraction can ensure that occupiers in adjoining properties are not affected by cooking smells. The proposed low level extract may be at third sub-basement level but it is very likely that within a short period, cooking fumes would disperse within Blackburne's Mews, to the detriment of residential amenity.

A condition therefore requires that details of a high level extraction system are submitted for approval before any works commence.

#### Mechanical Plant and Noise Levels

UDP Policies ENV6 and ENV7 deal with the subject of noise pollution and vibration both from new uses, internal activity and the operation of plant, and seek to protect occupants of adjoining noise sensitive properties. The policies require the potential for any disturbance to be ameliorated through operational controls and/or attenuation measures. Policy S32 of the City Plan requires disturbance from noise and vibration to be contained.

The scheme incorporates plant within the building at basement level, with a small number of items at roof level. Environmental Health have queried the acoustic information that has been submitted, which has implications for setting the noise level criteria, including acceptable noise levels for emergency generator plant. However, it is considered that this matter can be addressed by conditions, including the requirement for a supplementary acoustic report to be submitted. All plant will be conditioned to minimise noise levels and vibration. Conditions will also ensure that the design of the entertainment uses is such that they will not cause a noise nuisance.

#### Sunlight and Daylight

UDP Policy ENV13 and City Plan Policy S29 seek to ensure that new developments do not result in an unreasonable loss of natural light for existing local residents. The applicant has undertaken a daylight and sunlight assessment in accordance with the recommended standards for daylight and sunlight in residential accommodation set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (2011).

With regard to daylight, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels and is a measure of the amount of sky visible from the centre point of a window on its outside face. This method does not need to rely on

internal calculations, which means it is not necessary to gain access to the affected properties. If the VSC achieves 27% or more, then the BRE advises that the windows will have the potential to provide good levels of daylight. If, however, the light received by an affected window, with the new development in place, is both less than 27% and would be reduced by 20% or more as a result of the proposed development, then the loss would be noticeable. The 'no sky line' method has also been used, which measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky.

In terms of sunlight, the BRE guidelines state that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH, where total APSH is 1486 hours in London) including at least 5% during the winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% of the original sunlight hours either over the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight. Windows are tested if they face within 90 degrees of due south.

The application site occupies a complete freestanding block but has residential properties opposite along Blackburne's Mews, Upper Brook Street and Upper Grosvenor Street. There have been some objections to the loss of daylight and sunlight. One of these objections is from a resident in Lees Place, whose third floor flat looks towards the application site – although the new higher building will be visible from their flat, they are considered to be too far away from it (approximately 76m) to be affected by the development.

A detailed daylight and sunlight assessment has been submitted which shows that properties in Blackburne's Mews (including those on the corner with Culross Street) and to the north of the site along Upper Brook Street, will lose daylight and sunlight. This is mainly due to the infilling of the existing open area at the rear and middle of the site, as well as the increase in height from the additional storeys. The key changes are summarised in the following table (which gives details of the impact on habitable rooms, when they can be identified, like living rooms and kitchens but does not consider the impact on non-habitable rooms like bedrooms and bathrooms).

Window/room	Existing VSC	Proposed VSC	VSC Loss (%)	Existing APSH (by room)		Proposed APSH (by room)	
				Annual	Winter	Annual	Winter
<b>1A Culross Street</b>							
Ground kitchen, window 1	21.9	13.4	-8.5 (-38.8)	No material losses of sunlight – these windows do not face within 90 <sup>0</sup> of due south			
Ground kitchen, window 2	22.2	13.5	-8.7 (-39.2)				
Ground floor, room unclear, window 1	23.6	14.1	-9.5 (-40.3)				
Ground floor, room unclear Window 2	23.7	14.1	-9.6 (-40.5)				
1 <sup>st</sup> floor, living/dining room? Window 1	23.9	15.2	-8.7 (-36.4)	53	7	46 (-13%)	7 (0%)
1 <sup>st</sup> floor, living/dining room? Window 2	24.6	15.4	-9.2 (-37.4)				

<b>2 Culross Street</b>							
Ground floor, kitchen, window 1	23.2	12.9	-10.3 (-44.4)		No material losses of sunlight		
Ground floor, kitchen window 2	23.0	12.8	-10.2 (-44.3)				
1st floor, room unknown, window 1	25.0	14.8	-10.2 (-40.8)				
1st floor, room unknown, window 2	24.7	14.7	-10 (-40.5)				
<b>4 Blackburne's Mews</b>							
Ground floor, kitchen	19.6	12.9	-6.7 (-34.2)		Not facing within 90 <sup>0</sup> of due south		
Ground floor, dining room	18.1	12.3	-5.8 (-32)		49	1	40 (-18%) 0 (-100%)
1 <sup>st</sup> floor, living room, window 1	23.6	15.9	-7.7 (-32.6)		70	14	64 (-9%) 13 (-7.1%)
1 <sup>st</sup> floor, living room, window 2	22.9	15.8	-7.1 (-31.0)				
<b>7 Blackburne's Mews</b>							
1 <sup>st</sup> floor, living room window 1	11.6	7.7	-3.9 (-33.6)		No material losses of sunlight to habitable accommodation		
1 <sup>st</sup> floor, living room window 2	13.6	8.9	-4.7 (-34.6)				
1 <sup>st</sup> floor, living room window 3	16.0	10.9	-5.1 (-31.9)				
<b>8 Blackburne's Mews</b>							
Ground floor, living room	0 [due to recess/ overhang]				No material losses of sunlight – no windows facing within 90 <sup>0</sup> of due south		
Ground floor, kitchen	0 [due to recess/ overhang]						
1 <sup>st</sup> floor, living room, window 1	22.7	14.8	-7.9 (-34.8)				
1 <sup>st</sup> floor, living room, window 1	23.0	14.9	-8.1 (-35.2)				
1 <sup>st</sup> floor, living room, window 1	23.3	15	-8.3 (-35.6)				
2 <sup>nd</sup> floor, living room, window 1	25.0	17.1	-7.9 (-31.6)				
2 <sup>nd</sup> floor, living room, window 2	25.3	17.3	-8.0 (-31.6)				
2 <sup>nd</sup> floor, living room, window 3	25.6	17.4	-8.2 (-32.0)				
3 <sup>rd</sup> floor, living room	24.7	18.3	-6.4 (-25.9)				

There are also losses of sunlight to the properties to the north of the site (1-5 Upper Brook Street), which are south facing. However, apart from one ground floor window (room use unknown) all annual losses of sunlight are well within the 20% maximum recommended by the BRE Guidelines (with most losses below 10%). In percentage terms there are considerably more windows which lose over 20% of winter sunlight, in some cases up to one third, but most still retain exceptional levels of winter sunlight, often well about the minimum 5% of annual probable sunlight hours in the winter months recommended by the BRE (typically between 6 – 20 annual probable sunlight hours for winter).

The most affected properties therefore are the five properties within Blackburne's Mews that face the rear of the application site. Whilst the losses of daylight and sunlight to these buildings are unfortunate, it is considered that they are not so bad as to justify a refusal.

Arguably the existing situation is exceptionally good for this central London location, with the large set back of the upper floors of the existing embassy providing unusually good daylight and sunlight conditions for the properties behind. There have been three objections from residents in these buildings: one is concerned only with disruption during building works, one refers to an unspecified “negative impact” and only one sets out detailed concerns about the impact on her amenity – however she has not provided contact details (or even a full address) so it has not been possible to visit her property to assess the impact.

As the applicant’s daylighting consulting states, the majority of losses to the rear properties can be attributed to existing architectural features such as overhangs or projecting masses that limit existing daylight and are therefore not directly attributable to the proposed development. Many of the affected windows also have low levels of existing light, making them sensitive to even modest alterations, meaning that small losses of light can equate to large percentage alterations which may not necessarily be perceivable. It is therefore considered that the losses of daylight and sunlight are within acceptable limits and that adequate lighting will remain to affected properties. Accordingly any objections on these grounds are not considered to be sustainable.

### **Privacy, Sense of Enclosure and Light Pollution**

There have been objections that the proposal will result in overlooking of neighbouring residential properties. There is already a degree of overlooking between the existing building and for the majority of neighbouring buildings the situation will not be worse. Part of the rear first floor which faces Blackburne’s Mews appears to be used as part of the consular function, with considerable activity being visible from the buildings opposite. It is accepted that the proposed retail and restaurant uses at ground and first floor level will be more intensively used than existing, but subject to their opening hours being restricted, this is not considered to adversely impact on neighbouring residents and overlooking and light levels are unlikely to be significantly different from the existing situation. Furthermore, the proposed units at the rear are only to be used for retail purposes (rather than restaurant), thereby minimising any potential impact. However, it is considered appropriate to ensure that any windows at rear ground and first floor levels to these units are kept shut to minimise noise nuisance.

The proposed ‘infill’ of the upper floors (bringing them closer to Blackburne’s Mews) is a significant change from the existing situation, and the new rear elevation will provide small balconies for the rear hotel bedrooms from second to sixth floor levels. However, these are still set back from the site boundary by approximately 8m, and from the buildings opposite by approximately 25m. Given this, it is not considered that there will be any loss of amenity from overlooking, nor that there will be a material loss of amenity due to increased sense of enclosure.

Roof terraces are proposed at seventh floor level, for the hotel suites at this level and the restaurant/bar. Two of the rear terraces have been amended to set them back from Blackburne’s Mews, and on the whole it is not considered that there will be any loss of amenity from overlooking. However, there is a rear roof terrace for the restaurant/bar and it is considered to be appropriate to restrict the use of this terrace until 23.00 hours to ensure that is no late night noise disturbance from residents in Blackburne’s Mews and Culross Street.

It is considered that the properties opposite the site on Upper Brook Street and Upper Grosvenor Street are at a sufficient distance from the site (26m/27m) for them not to detrimentally overlooked. They are also shielded to a large extent by the large London Plane trees along these frontages (trees that are to be retained, subject to adequate safeguards).

#### **8.4 Transportation, Parking and Servicing Issues**

##### **Car Parking – Hotel plus Ancillary Uses**

The applicant indicates the existing site has 75 car parking spaces. The proposal, through redevelopment of the basement areas, reduces this to 32 car parking spaces. There is also the garage at ground floor, adjacent to the car lift entrance. The reduction of non-residential car parking is supported by TRANS21 and TRANS22. (One car parking space will provide disabled access – the applicant advises that as vehicles will be valet parked, this is an appropriate level of provision.)

However, TRANS22 states for hotels and related activities with hotel developments that “Car parking facilities will not normally be permitted. All developments will however be required to assess and meet expected demand for parking and servicing from coaches, mini-buses and for people with disabilities.” These requirements are reflected in TRANS2, TACE4, TACE8, TACE10, as they apply to the hotel and ancillary uses. The Greater London Authority has also commented that the amount of parking should be reduced.

The applicant makes the case the site is well served by public transport and other sustainable transport options and this is agreed. Given the continuing improvements in public transport and change in approach to private motor vehicle trips, the need for on-site car parking provision for visitors/guests is no longer a need of development in Westminster and the City Plan policies reflect this. Westminster also promotes a traffic reduction strategy and new developments are expected to support this by not providing excessive on-site car parking (STRA25 and TRANS1). This will encourage sustainable transport modes to be used to access a site. By limiting parking on-site, then people will not be encouraged to drive to a development and are more likely to make use of other sustainable transport options, such as public transport or cycling.

The Highways Planning Manager therefore considers that the proposal is not consistent with STRA25, TRANS1, TRANS22 and the excessive car parking for the hotel use will increase trip generation associated with the hotel by private motor vehicle: he does not consider that the specific operational need for car parking for a hotel use has not been demonstrated.

The concerns of the Highways Planning Manager about excessive car parking and trip generation are noted. The applicant's view is that there are material considerations which outweigh the normal policy presumption against on-site parking provision, including the desirability of providing levels of parking expected of a high quality hotel. Whilst it is considered that reduced parking might be preferable, the level of parking is, on balance, considered to be acceptable.



The London Plan requires at least 20% active provision of electric vehicle (EV) charging points and the provision of seven (21%) EV points is welcomed.

### **Vehicle Lifts and Access Point**

The 32 car parking spaces will be accessed via two car lifts from Blackburne's Mews. The two car lifts are setback from the highway boundary and do provide an area of vehicle waiting space. The use of two car lifts for the number of car parking spaces proposed is welcomed. It is noted that all vehicles are able to enter and exit the site in forward gear, which is also welcomed. The layout of the car park is considered to be functional.

The applicant indicates that one car lift cycle time is 2 minutes 28 second between first being used by a vehicle to when it would return to street level and be ready to be used again. The applicant argues that given the two lifts, the lift cycle time, number of car parking spaces and trip generation calculations, queuing on the highway (Blackburne's Mews) would be rare. The design of the car lift, including vehicle setbacks and visibility splays, is considered acceptable.

Management and Maintenance of the car lift will need to be secured by Grampian condition. It is common for car lifts/stackers to fall into disrepair and the associated basement parking becoming unused, leading to increased pressure on on-street parking spaces.

### **Trip Generation**

The Highways Planning Manager comments that hotels, particularly large or intensively used hotels, often generate significant amounts of activity - visitors arrive and depart early and late, and taxi, car and coach movements during the night can be very disruptive to the amenity of nearby residents. Restaurant, banqueting or conference facilities exacerbate the problem by attracting visitors in addition to those staying at the hotel. Vehicles can also cause disturbance and air pollution by parking with engines running. Several objectors refer to increased traffic generation creating problems and disturbance.

The proposed uses will alter the trip generation profile significantly compared to the existing use, irrespective of the reduction in parking capacity. There will be much more activity associated with the site in the evening and night periods.

The applicant estimates that the existing use would generate a total of 3,782 trips to or from the site daily (though the exact time period covered is unclear from the information – it does not cover period before 0700 or after 1800). No figures are provided for the existing use outside of these hours, but it would not be expected to generate significant trips during the evening, night or early morning.

The applicant anticipates up to 14,991 daily trips to or from the site, when the ballroom is in use, by all modes of transport. The modal split provided suggests up to 1,737 trips by vehicle (car or taxi) to or from the site and an increase of 1,280 compared with the existing use. It is accepted that there would be peaks (such as when the ballroom event started and finished) and less vehicle activity (early morning) and the number of vehicle movements would be less as people share taxis. Taxis are expected until at least 03.00

each day, with the peak when the ballroom is in use (the hour before an event start time is expected to be the peak of taxi movements) and as guests leave a ballroom event.

The majority of vehicle activity (other than vehicle access to the basement car parking) will occur on the highway. Within the highway network it is accepted that the proposed use would not be significantly detrimental on the operation of the highway, however it is likely that there will be localised congestion due to the increase in vehicle activity associated with the site. This in part would be balanced by the increase in active vehicle frontage created by the proposed re-opening to vehicular traffic on the western side of Grosvenor Square. Overall, there will be a significant change to the existing trip profile of the site in terms of peak hours of people arriving and/or departing by all modes.

The reinstatement of vehicular flow on the western arm of Grosvenor Square within the existing highway network context will result in traffic flow changes within the area. However, no broad change in traffic flows is considered incompatible with the operation of the wider highway network and will effectively reinstate a historical (pre-“temporary” security measures) vehicle route within the wider highway network. This needs to be subject to a detailed design and layout of the highway, which will need to be subject to separate highways consideration and approval, but at this stage it is considered that the principle can be agreed.

There has been an objection that the proposal will generate increased pedestrian activity, including large numbers of staff walking to and from the hotel. This objection is not considered to be sustainable given the high levels of pedestrian activity that already exist in the area.

### **Servicing**

Policies S42 and TRANS 20 require adequate off-street servicing provision. Despite the proposal being substantial demolition and rebuilding, the proposal relies, in part, on on-street servicing. This is primarily due to the restricted vertical clearance provided within the new servicing bay. This issue has been raised with the applicant’s architects, who are concerned that having to redesign and enlarge the service bay to accommodate larger vehicles will have significant knock-on implications for the design of the this part of the building, including the internal layout at ground and first floor level. The applicant also contends that the majority of servicing will take place within the service bay and that there will only be an occasional need for larger service vehicles being loaded and unloaded within Blackburne’s Mews. However, this has not been substantiated, nor does it take account of regular collection of waste by larger refuse vehicles.

The applicant suggests the current site receives approximately 40 deliveries per day and the proposed use will increase this to 100. The off-street servicing bay has provision for up to three 7.5t delivery vans (similar to a large white van). The applicant has calculated that if each vehicle had an average dwell time of 15 minutes, then the off-street servicing bay could accommodate all these deliveries off-street within a 10 hour window. Broadly the figures are considered reasonable. While it is possible some deliveries would take longer than 15 minutes, it is accepted that some would be shorter.

However, vehicles larger than a large white van will need to stop and service from Blackburne’s Mews. For similar hotel lead schemes, the expectation has been between

30% and 40% of deliveries could be in vehicles larger than a large white van, including food, laundry, refuse as well as equipment associated with ancillary uses (such as functions within the ballroom). With the proposed restaurants potentially operated independently from the hotel, the figure for large vehicles could potentially be at the higher end. The Highways Planning Manager expects that these types of vehicles would have a longer dwell time than those vehicles using the off-street servicing bay. It is also possible that larger vehicles might be preferred by the hotel operator, to reduce the number of trips, as they could accommodate more goods that may otherwise be spilt across two or more deliveries. From the information submitted by the applicant, it is difficult to determine exactly how often or for how long larger vehicles might be present for this proposal.

Larger service vehicles would not only potentially block access to the off-street servicing bay; they would also block other traffic in Blackburne's Mews. Combined, the Highways Planning Manager advises that the servicing of the proposed development could result in localised congestion, particularly in Blackburne's Mews.

Given that the majority of the servicing should be within the site, it is considered that a limited amount of servicing from the Mews might be acceptable subject to safeguarding conditions. This would include a requirement for the submission of a robust Servicing Management Plan, that must identify in detail the process, storage locations, scheduling of deliveries and staffing arrangements, as well as how delivery vehicle size will be managed. This should help ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users, including vehicles and pedestrians.

It is noted that the applicant indicates that hotel staff will manage traffic on taxi arrivals and departures, particularly with regard to the indicative lay-bys on the main frontages. The Highways Planning Manager advises that this is incorrect, as only the police have the power to manage/move-on vehicles on the highway. However, it is considered as part of an updated operational management plan, the issue of taxi usage could be adequately dealt with.

### **Waste**

The proposal includes adequate waste storage within the rear ground floor service area, for all uses. The waste storage is considered consistent with the requirements of S41 and TRANS3. Although waste collection will occur from the highway, rather than from within the site, this is considered to be acceptable, but the hours of waste collection will need to be restricted by condition, to minimise potential loss of amenity of local residents.

### **Coaches**

Policies TRANS6 and TRANS22 require hotels to provide for coach arrivals and departures. The Highways Planning Manager has concerns that without sufficient coach facilities, coaches may stop in the carriageway and obstruct through traffic. The applicant maintains that coaches will not be associated with this particular hotel, although no evidence is provided for this conclusion. However, it is noted that with the removal of the existing security features, kerb space will be available that could accommodate coaches should they arrive at the hotel. Coach parking is available in the area, including established bays on Park Lane. While the Highways Planning Manager does not raise an

objection on this matter, he advises that further details should be secured via a revised servicing management plan.

### **Cycle Parking**

For the hotel use, London Plan Policy 6.9 requires 1 space per 20 bedrooms. 137 rooms would therefore require 7 cycle parking spaces for staff. The applicant has indicated 10 spaces for this use.

London Plan Policy 6.9 requires 1 cycle parking per 250m<sup>2</sup> of A1 non-food retail and 1 cycle parking space per 175m<sup>2</sup> of A3 restaurant, so that in this case 37 cycle parking spaces would be required if this was all A3 (the higher standard). The applicant has allocated 26 cycle parking spaces for these uses on an assumed split between different types of uses within the A class (some with a lower cycle parking requirement). Whilst a robust approach would have been to provide the larger amount of cycle parking, what is proposed is considered to be acceptable. London Plan Policy 6.9 requires 1 cycle parking per 8 staff for the spa/leisure: the applicant has indicated 3 cycle parking spaces, which equates to 24 staff, which on balance is also considered reasonable.

The cycle parking is located within the basement car parking areas and would be accessible by internal lift. The cycle parking is considered to be secure, accessible and weather proof.

### **Canopies**

Canopies are proposed for the main entrance on Grosvenor Square and the two side entrances. Canopies or awnings need to maintain a minimum of 2.6 metres vertical clearance to allow for pedestrian passage and 1 metre from the kerb edge to allow for sufficient clearance from vehicles and placement of essential street furniture. Where they are over the carriageway, structures over the highway need to provide 5.3 metres clearance to ensure clearance for vehicles. The drawings appear to indicate no incursion within this space, albeit, the canopy on Grosvenor Square is close to the reinstated carriageway. The matter should be conditioned.

### **Public Realm**

The proposals include changes to the public realm, including a combination of hard and soft landscaping and changes to the carriageway and footways on all frontages of the site. It is noted that these are on public highway, land outside the control of the applicant. Any works on the highway would need the separate approvals of the relevant Highway Authority, which would be dealt with post-planning permission for a development. What has been submitted, in terms of alignment of junctions, kerb lines and footway widths, raise issues of practicality as well as being different to the historic layout of the square and will need to be subject to rigorous detailed design and assessment. This will also need to take account of relocated items such as statues, memorials and street furniture.

With limited kerb space available, vehicles dropping off, collecting and waiting on the surrounding highway is likely to result in localised congestion. While the applicant is proposing lay-bys within the highway to accommodate vehicles, these may be incompatible with wider highway schemes, demand for other users (including formal taxi

ranks) and operation of the highway. This is a matter raised by the Greater London Authority and Transport for London (TfL). At this stage the proposals for the highway must be treated as indicative only, especially as they are not essential for the development to proceed, and will need to be subject to separate highways consideration, consultation and approval. Any materials used will need to be consistent with the Westminster palate, to ensure longevity of the materials and minimise on-going maintenance costs.

However, the removal of security features associated with the US Embassy is welcomed. These features include retractable bollards, security gates, fencing, bollard lines and planters performing security functions. The previous permission associated within the site relating to the security huts at the front of the site required that these areas were dedicated as highway if the huts were no longer required. As this is the case, with the US Embassy leaving the site, the applicant is aware that this land must be dedicated as highway. This will mean the developer is responsible for ensuring the area is to a specification required by the Highway Authority and dedicated prior to occupation of the new use.

It is noted that there have been indications from TfL that a new taxi rank is likely to be required within the vicinity of the site. While this is noted, the precise location and size of such a facility would be subject to the detail highway design process – which will also ensure other highway users (including pedestrians, cyclists and motorists) are all jointly considered and prioritised. It is noted that the construction time for the proposal is several years and changes within the wider highway network, increasing change within the taxi and private hire industry and other wider highway and transport schemes are likely to impact the allocation of highway space in the area. TfL and some of the objectors refer to other highways proposals such as Quietway cycle routes and the potential pedestrianisation of Oxford Street – these are all matters that would need to be considered in progressing the highways proposals.

A large number of replacement street trees are indicated to be located in places that are unlikely to be achievable for reasons including displacement of on-street residential car parking spaces, conflict with vehicle access to the proposed development, and being located over the proposed extended basements (and therefore unlikely to have sufficient soil depth). Any replacement street tree planting will need to be agreed with the Council's Tree Officers as part of the integral highway detail design process.

## 8.5 Economic Considerations

The applicant advises that the proposal will make the following economic benefits, which are noted and welcomed:

- a) Construction Employment - It is estimated that the construction of the development will generate c. 3,400 gross job years over the 44 month construction period; this is equivalent to 340 Full Time Equivalent (FTE) positions or 925 annual jobs. It is estimated that construction workers will spend £733,000 in the local area per year, which is equivalent to £2.7 million over the course of the construction period.
- b) Operational Employment - Once the hotel is operational, it is estimated to support between 455 and 635 jobs directly. This is equivalent to between 370 and 555 FTEs.

- c) The hospitality sector can provide job opportunities to a wide range of people with different qualifications, skill sets and work experience. Many of the job opportunities offered in retail and hospitality will be accessible to locally unemployed people in Westminster.
- d) The Proposed Development will also support indirect employment through supply chain impacts and increased expenditure of both workers and visitors. Once displacement, supply chain and induced impacts as a result of worker and visitor expenditure are taken into consideration, it is estimated that the scheme will support between 810 and 1,145 jobs, which is equivalent to between 665 and 980 FTEs.
- e) Visitor Expenditure - A world class hotel at the site would attract wealthy visitors who will contribute significantly to the level of expenditure in the local area on retail and leisure activities. A significant proportion of guests are expected to be international visitors: 82% of all overnight stays to London in 2014 were overseas visitors. It is expected that the total expenditure of hotel guests outside of the hotel will be between £27m and £40m per year, making a significant contribution to the Westminster economy.
- f) Wider Economic Benefits – Westminster’s luxury hotels are crucial for attracting high value tourism and business to London. Sufficient future provision of high quality hotels is crucial to ensure that future economic growth in Westminster, and London more generally, is not constrained as demand for luxury accommodation continues to grow. The scheme will contribute to Central London’s and Westminster’s excellent visitor accommodation and cultural offer, supporting London’s growth and wider economic function as a tourist and business destination; and
- g) Enhancing the character and function of retail in Mayfair.

## 8.6 Access

Disabled access to the existing site is severely limited by the glacis and steps to the main and side entrances. The proposed new building will provide a good level of inclusive access, including a new level access to the main entrance (at ground floor level) and step-free access to the other entrances. 10% of the hotel rooms will be designed in accordance with Part M space standards, and 5% of them fitted out as wheel-chair accessible and the remaining 5% easily adaptable to meet the needs of a wheelchair user.

## 8.7 Other UDP/Westminster Policy Considerations

### Trees

The existing site has a number of mature London Plane trees along the Grosvenor Square, Upper Brook Street and Upper Grosvenor Street frontages. The Council’s Tree Officer has expressed concerns about the proposal’s impact on these trees: permission is sought to remove the six trees along the Grosvenor Square frontage, on the grounds that this will help reduce the impact of construction works in Blackburne’s Mews (although that will still need to be used to some extent). The Tree Officer is also concerned that the proposed works will also have a detrimental impact on the retained trees.

Some additional information has been provided that gives some comfort with regard to tree retention and it is considered that this matter can be adequately dealt with by condition. The loss of the six mature trees at the front of the site is regrettable, but on the basis that it will ameliorate the impact of the construction this is on balance considered to be acceptable, subject to safeguarding the provision of replacement trees.

The applicant's aspirations for tree-planting in Blackburne's Mews are noted but the information provided is insufficient to enable a proper assessment, and again this will need to be conditioned.

Comments from the London Parks and Gardens Trust about the inadequacy of the landscaping proposals are noted, but this is a matter that will need to be developed further as part of the public realm proposals.

### **Sustainability**

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture. Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints. Policy S39 seeks to ensure that all new development links to an existing district heating network or where this is not possible provides a site wide decentralised energy generation network. The NPPF establishes a presumption in favour of sustainable development. London Plan Policy 5.3 also requires developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy.

The design of the scheme has sought to maximise its environmental performance, with the hotel and retail components targeting an 'Excellent' BREEAM rating. The proposed development will result in an overall carbon reduction of 30.53% compared to a new build part L 2013 compliant building. Whilst this falls slightly short of the Mayor's target of a 40% reduction, the applicant considers that this is the best reduction that can be achieved given the specific historic and site constraints. This carbon reduction is in line with Westminster's City Plan Policy S40.

A range of carbon reduction and energy efficient measures have been considered and assessed by the applicant, a number of which cannot be taken forward for a number of site specific reasons, including the listed nature of the building, the urban context of the site and limited roof space available for plant. Notwithstanding these limitations, all viable carbon reduction measures have been integrated into the proposed design, including energy efficient passive design measures (improvements to the existing thermal performance, high efficiency water cooled chillers and ice storage, heat recovery from extract air and mixed mode ventilation in hotel bedrooms from openable windows), energy efficient plant measures, the incorporation of a combined heat and power unit ('CHP') and the possibility of connecting to future district heating systems.

In line with London Plan Policy 5.2, the Energy Strategy has followed the approach of the Mayor's Energy Hierarchy, which is set out in the Strategy as follows:

1. Be Lean – A wide range of passive and energy efficiency measures are incorporated into the scheme design, including improved levels of thermal insulation and building air tightness, maintenance of high daylight infiltration reducing reliance on artificial lighting, efficient artificial lighting and controls, as well as high efficiency building services that exceed Building Regulations requirements.
2. Be Clean – All low carbon technologies have been assessed for viability in the proposed scheme. Gas fired CHP is proposed for the development, with the potential to connect to neighbourhood heating schemes in the future. The applicant is also committing to meeting with adjacent developers, freeholders and planning bodies to discuss opportunities for energy sharing.
3. Be Green – A detailed assessment of renewable energy opportunities and viability has been undertaken, which has determined that none of these technologies were viable for the scheme.

Aside from specific carbon reduction measures, the Sustainability Statement sets out other areas of the design where sustainable features have been incorporated to reduce the energy demand from the proposed building. These features include:

1. Water efficiency – potable water features will be maximised;
2. Materials – materials will be sustainably and responsibly sourced wherever possible;
3. Waste – measures will be put in place for the minimisation of waste;
4. Health and wellbeing – consideration has been given to the design of the internal hotel accommodation to ensure sufficient ventilation, thermal comfort, daylight and lighting conditions for guests;
5. Flooding and water pollution – water run off rates will be minimised through the use of Sustainable Urban Drainage (SuDs) systems and the incorporation of a green roof;
6. Air and noise pollution – dust and particulate matter during the construction stage and vehicle exhaust emissions and air/noise pollution from building systems will be minimised; and
7. Promotion of sustainable transport – the proposal will encourage sustainable modes of travel through the provision of cycle parking spaces, the reduction of on-site car parking spaces and through the Site's location in a highly publicly accessible area.

These measures are considered to be acceptable. It is noted that the Greater London Authority (GLA) has commented in detail on this aspect of the proposals and although noting that the on-site carbon dioxide savings fall short of the London Plan target, they accept that there is little further potential for further on-site reductions. However, the GLA does advise that the shortfall in CO<sub>2</sub> reductions, equivalent to 92 tonnes of CO<sub>2</sub> per annum, is met off-site, and they have requested details of this prior to the scheme being referred back to them. It is considered that this matter could be adequately dealt with as part of the proposed Grampian condition to secure the other benefits (see below): based on the Council's current policy, this would amount to £207,000 towards the Council's carbon offset fund.

### **Biodiversity**

Policy S38 of the City Plan and UDP Policy ENV 17 encourage biodiversity and other green infrastructure. The proposal incorporates some areas of green roof at seventh floor



level and rear second floor level: these adjoin the bar/restaurant and hotel suites and therefore the biodiversity benefits are considered to be limited.

### **Crime and security**

The applicant has met with the Crime and Prevention Design Officer. The crime and security measures are at an early stage of development and will be developed further.

### **8.8 London Plan**

The scheme is referable to the Mayor of London due to its floorspace and height. The Greater London Authority have commented in detail on the scheme (see section 5 above) and the applicant has held separate discussion with them. The scheme will need to be referred back to the Mayor following the decision of the Planning Applications Committee.

### **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**

Policy S33 of the City Plan details the Council's aim to secure planning obligations and related benefits to mitigate the impact of all types of development. Formulas for the calculation of contributions towards related public realm improvements etc. are detailed in the Council's Supplementary Planning Guidance on Planning Obligations. On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which makes it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, if the obligation does not meet all of the following three tests:

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

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council adopted its own Community Infrastructure Levy on the 1<sup>st</sup> May 2016.

For the reasons outlined above, it is considered necessary to secure the following:

- a) the removal of the security fences, security huts, gates, raised planters and bollards surrounding the site and situated within Grosvenor Square, Blackburne's Mews and Culross Street;
- b) all associated costs for the re-introduction of vehicular traffic on the west side of Grosvenor Square (to be implemented prior to the occupation of any part of the development);
- c) all associated costs for highway works immediately surrounding the site required for the development to occur, including alterations of vehicle crossovers in Blackburne's Mews, and associated works (to be implemented prior to the occupation of any part of the development);
- d) the relocation of the statues of President Reagan and President Eisenhower and associated works, subject to securing separate planning permission;
- e) management and maintenance of the car lifts;
- f) a contribution of £207,000 towards the Council's carbon offset fund.

Whilst these items might normally be secured by a S106 legal agreement, the applicant has asked for a Grampian condition that effectively postpones this matter and enables the planning decisions (if approved) to be issued much sooner. There is not considered to be a fundamental objection to this approach.

The applicant advises that the Mayoral Community Infrastructure Level (CIL) charge would be £1,183,361, and the Council's CIL £3,895,200. These figures will need to be verified in due course.

In discussions the applicant has requested that the Westminster CIL is partly used to fund its public realm proposals. However, at the current time the CIL arrangements do not make this possible.

### **8.11 Environmental Impact Assessment**

In June 2016 the Council determined that a screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 that an Environmental Impact Assessment is not required. This was on the basis that the proposed development is not a Schedule 1 nor a Schedule 2 development [specified types of development]. Nor is the proposed development considered to be of more than local significance or have a significant effect on an particularly sensitive or vulnerable location or have unusually complex and potential hazardous environmental effects as defined by Schedule 2 of the Regulations. Accordingly the Council agreed that the scheme falls outside the EIA Regulations and is not 'EIA development' and the submission of an Environmental Statement under the Regulations is not required.

### **8.12 Conclusion**

Notwithstanding the objections that have been received, the proposals for this important site are considered to be acceptable (subject to conditions). They will enable public access to the building and have the potential to bring welcome improvements to the public

realm around the site, though this will need separate highways approval. There will be some impact on occupiers of adjoining residential properties, particularly those in Blackburne's Mews, but this impact is considered to be within acceptable limits. Therefore the applications are recommended for approval, subject to referral to the Mayor of London.

## 9. BACKGROUND PAPERS

1. Application form
2. Letter from Cllr Paul Church, dated 23 August 2016
3. Letter and attached report from the Greater London Authority dated 5 September 2016
4. Letter from Transport for London dated 18 August 2016
5. Letters from Historic England dated/received 9 August, 23 September and dated 5 October 2016
6. Letter from the Twentieth Century Society, dated 16 August 2016
7. Email from LAMAS dated 2 September 2016
8. Email from the Designing Out Crime Officer dated 5 August 2016
9. Memoranda from the Tree Section dated 20 October and 1 November 2016
10. Memorandum from Environmental services dated 5 August 2016
11. Memoranda from the Projects Officer (Waste) dated 16 August and 2 November 2016
12. Letter from the London Parks and Gardens Trust dated 18 August 2016
13. Memorandum from Building Control dated 29 July 2016
14. Letter from occupier of 48 Upper Grosvenor Street, dated 5 August 2016
15. Letter from occupier of 8F Blackburne's Mews, dated 13 August 2016
16. Letter from occupier of 7 Culross Street, dated 5 August 2016
17. Letter from occupier of 84 Warwick Avenue, London, dated 10 August 2016
18. Letter from occupier of St Gatien, All Saints Road, Newmarket, dated 17 August 2016
19. Letter from occupier of 48 Upper Grosvenor Street, dated 31 July 2016
20. Letter from occupier of Flat D, 8 Lees Place, dated 6 August 2016
21. Letter from occupier of 34 Grosvenor Square, dated 15 August 2016
22. Letter and email from occupier of 80 Park Street, dated 30 August 2016
23. Letter from an occupier of Blackburne's Mews, dated 15 August 2016
24. Letter from occupier of 7 Blackburne's Mews, London, dated 20 September 2016
25. Letter from occupier of 30 Culross Street, dated 3 August 2016
26. Letter from occupier of 37 Upper Brook Street, dated 4 August 2016
27. Letter from occupier of 7 Culross Street, dated 5 August 2016
28. Letter from occupier of 17 Grosvenor Square, dated 28 July 2016
29. Letter from occupier of 46 Upper Grosvenor Street, dated 17 August 2016
30. Letter from occupier of 37 Upper Brook Street, dated 16 August 2016
31. Letter from Eaton House Property Management, 39-40 Upper Grosvenor Street, dated 20 September 2016

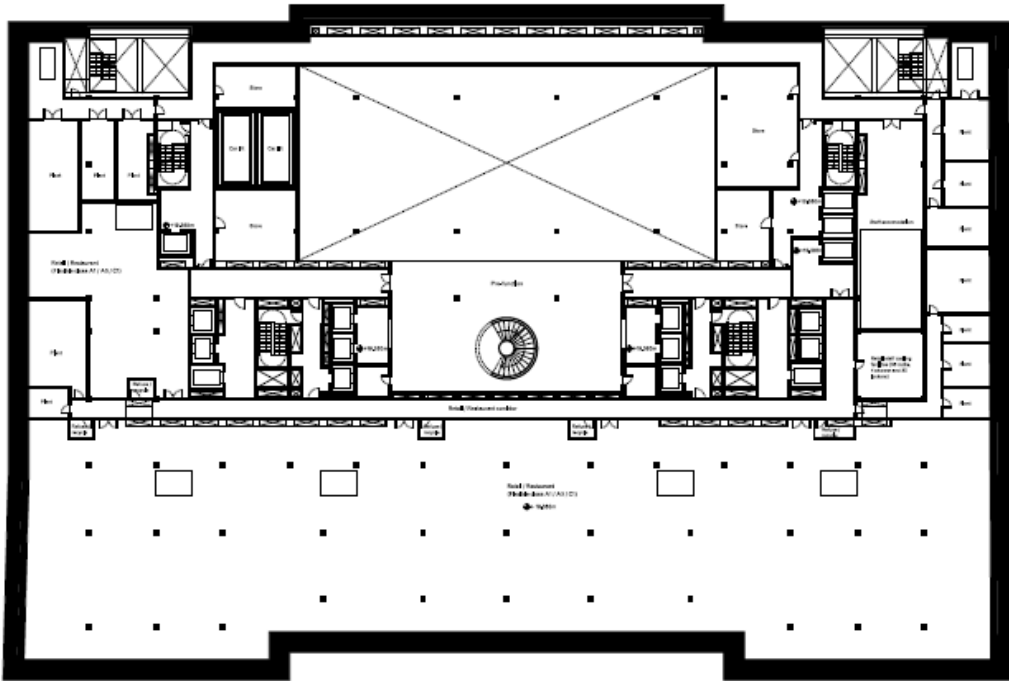
### Selected relevant drawings

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

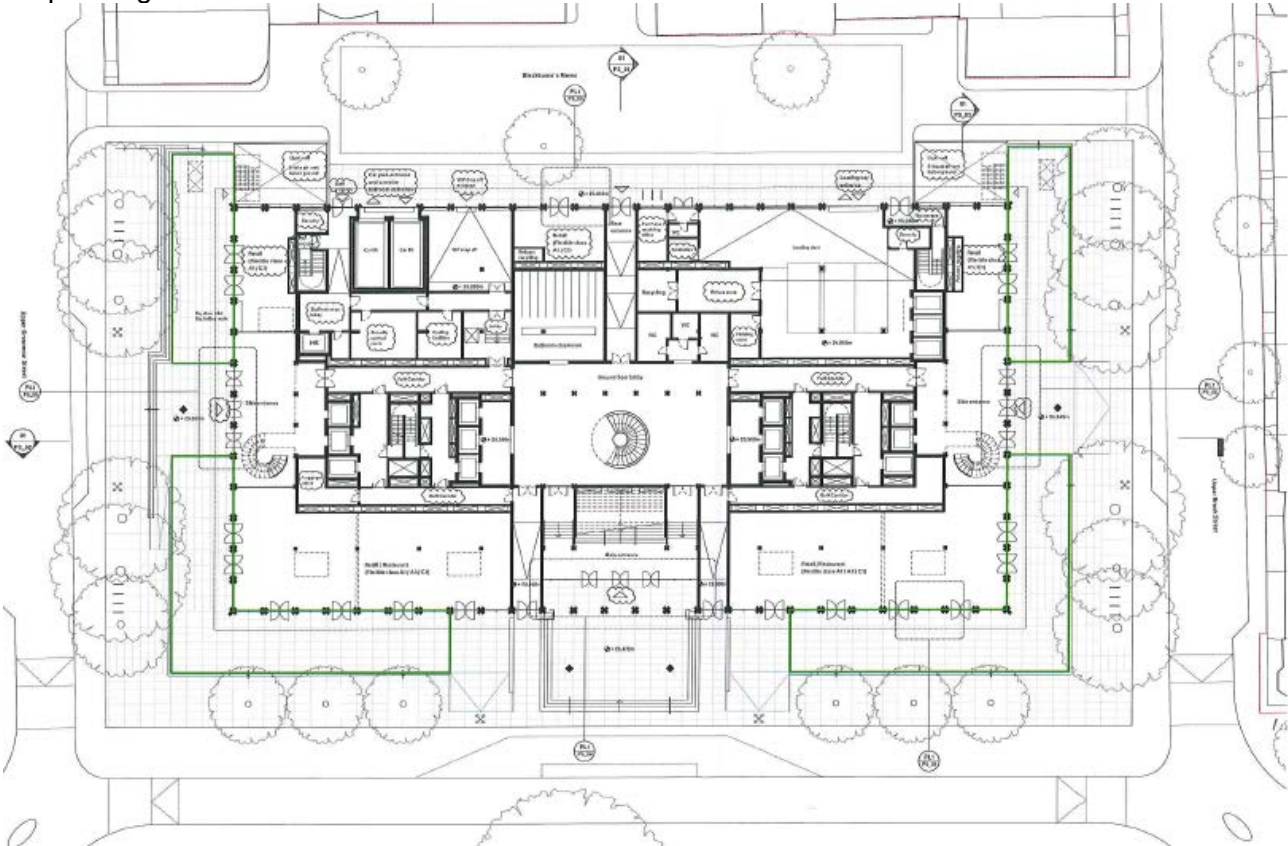
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT [hmackenzie@westminster.gov.uk](mailto:hmackenzie@westminster.gov.uk)



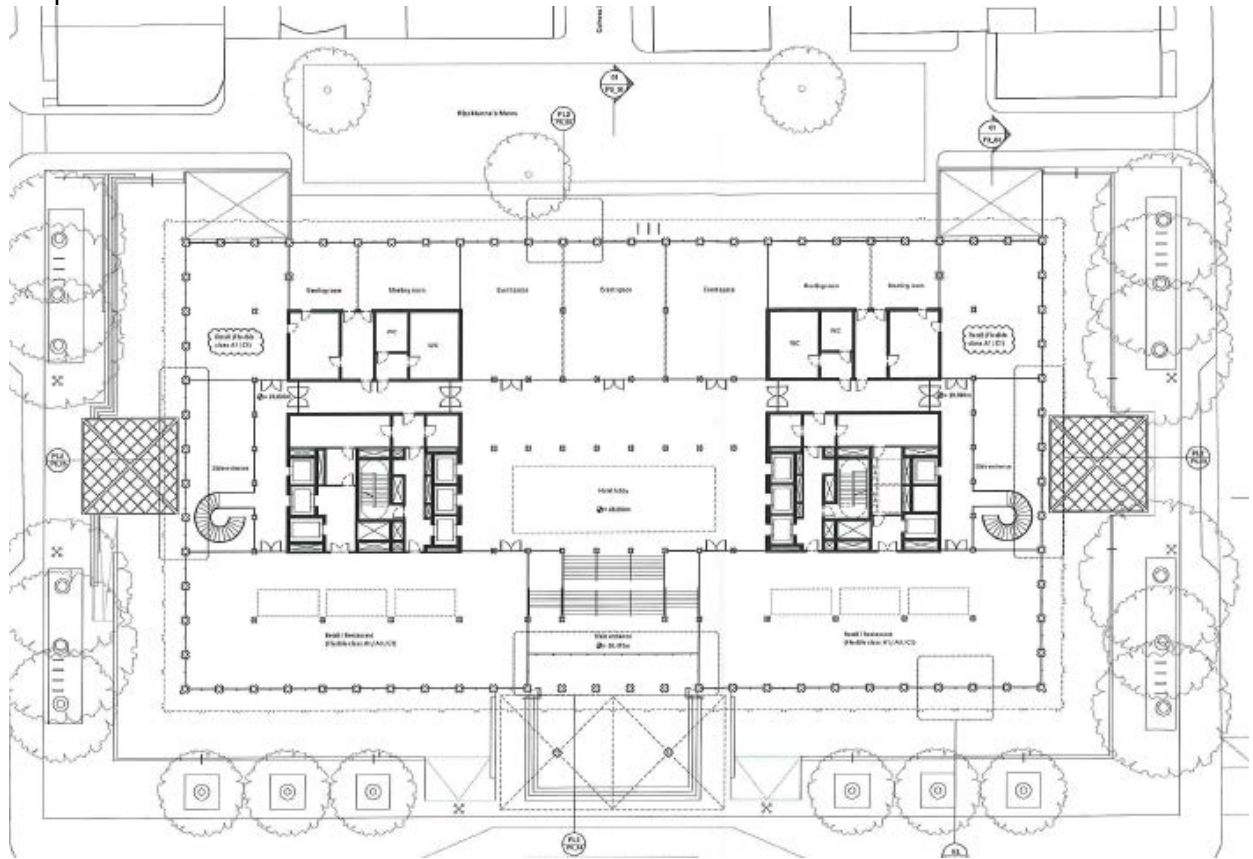
Proposed basement level 1



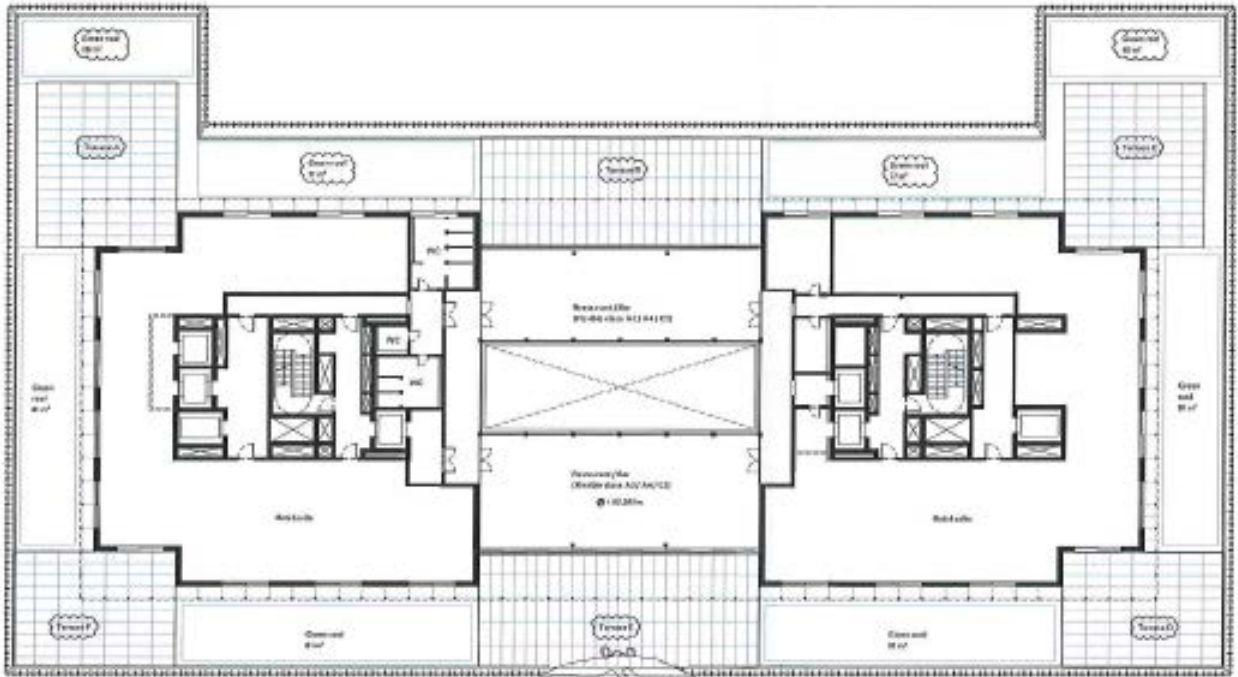
Proposed ground floor



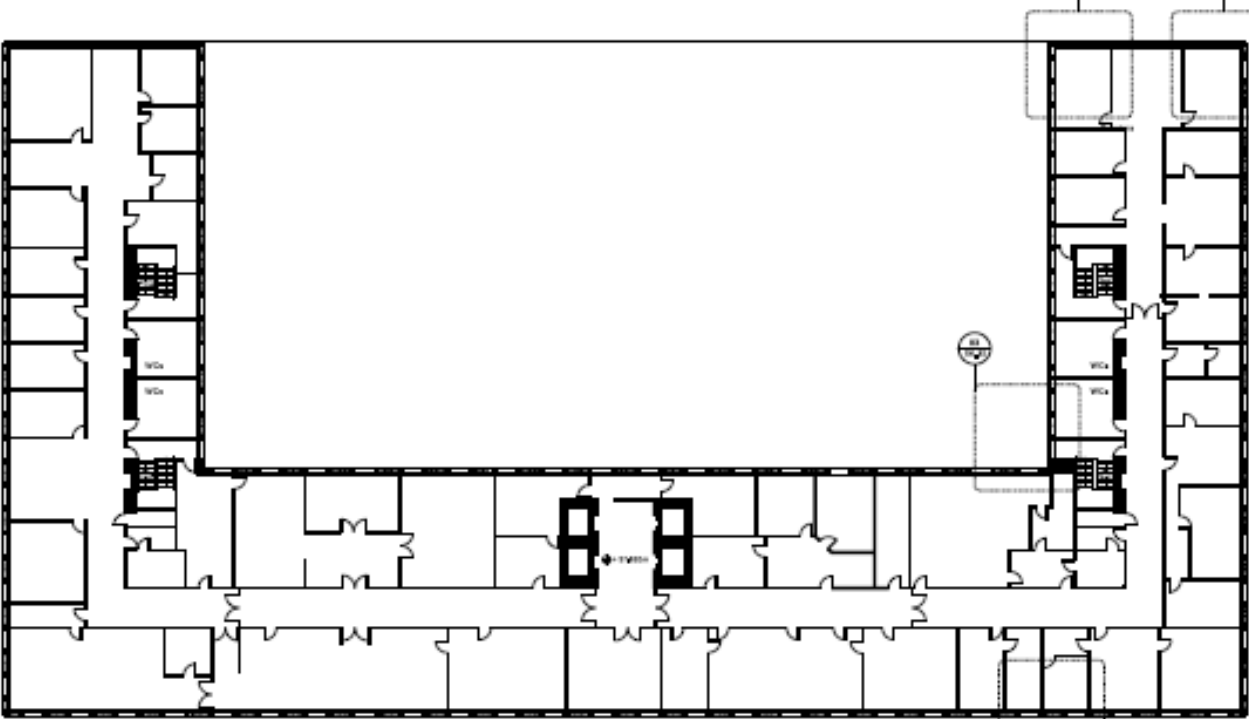
Proposed first floor



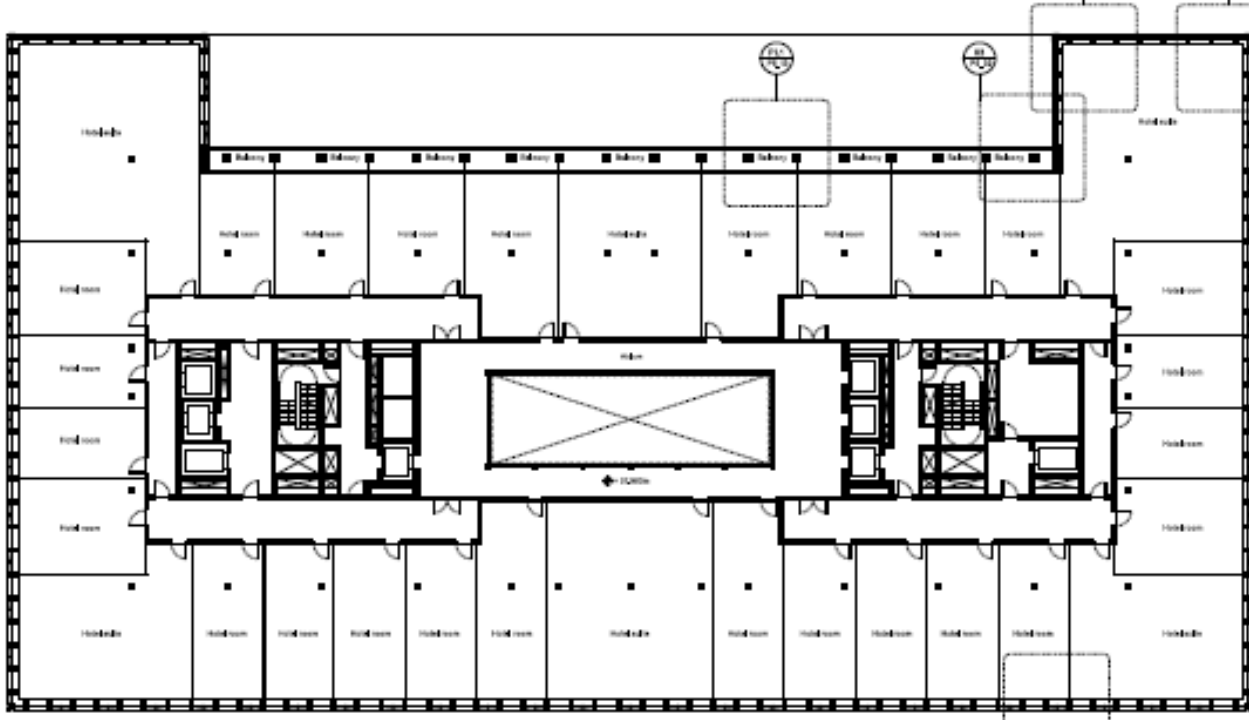
Proposed seventh floor



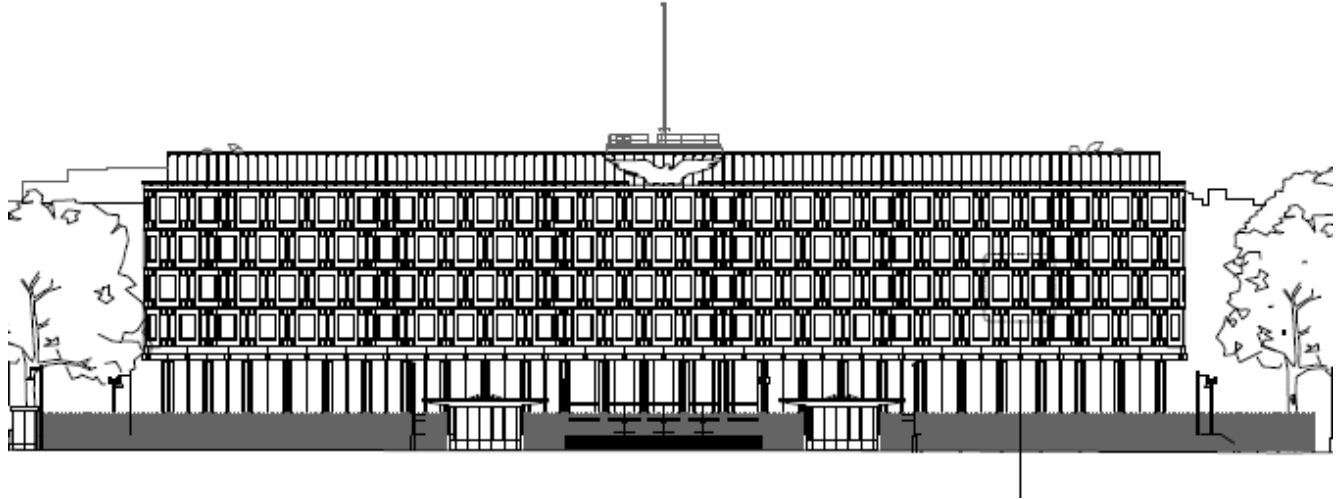
Typical upper floor (third) existing



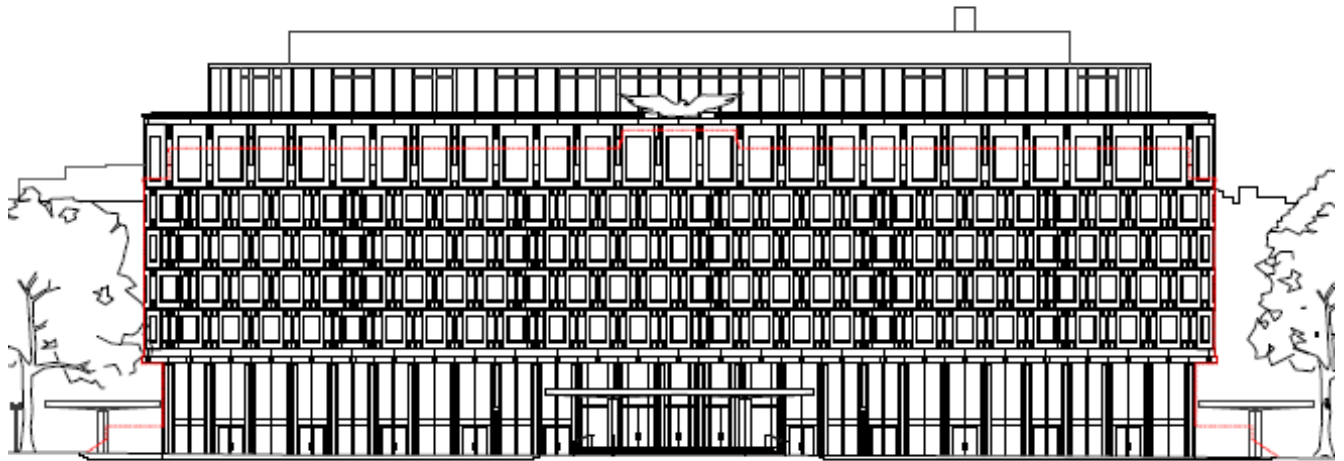
Typical upper floor (third) proposed



Existing Grosvenor Square façade

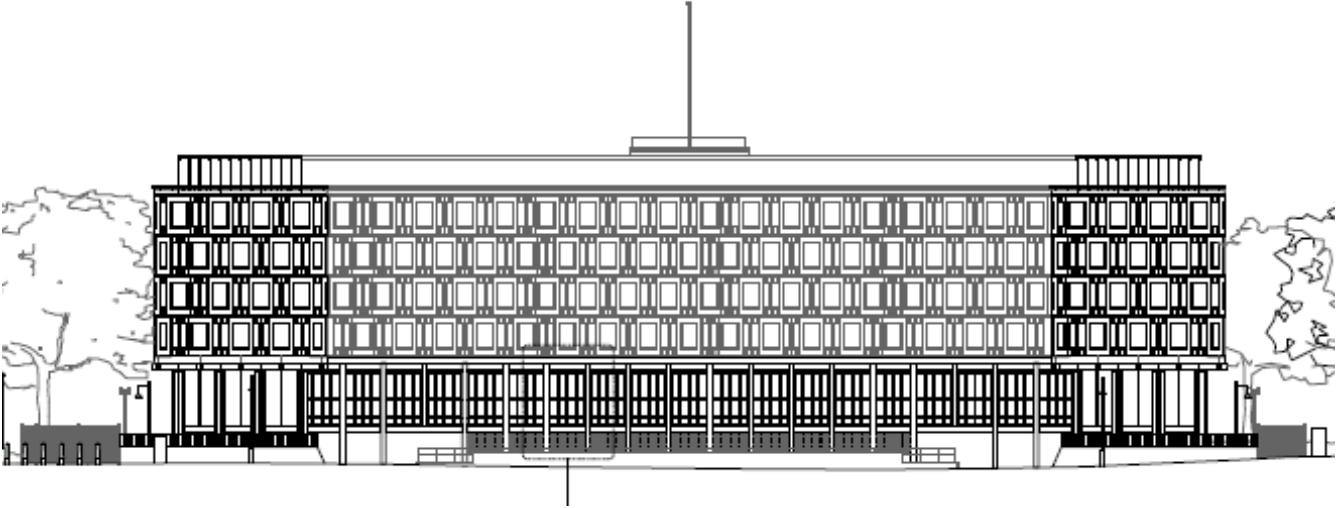


Proposed Grosvenor Square façade

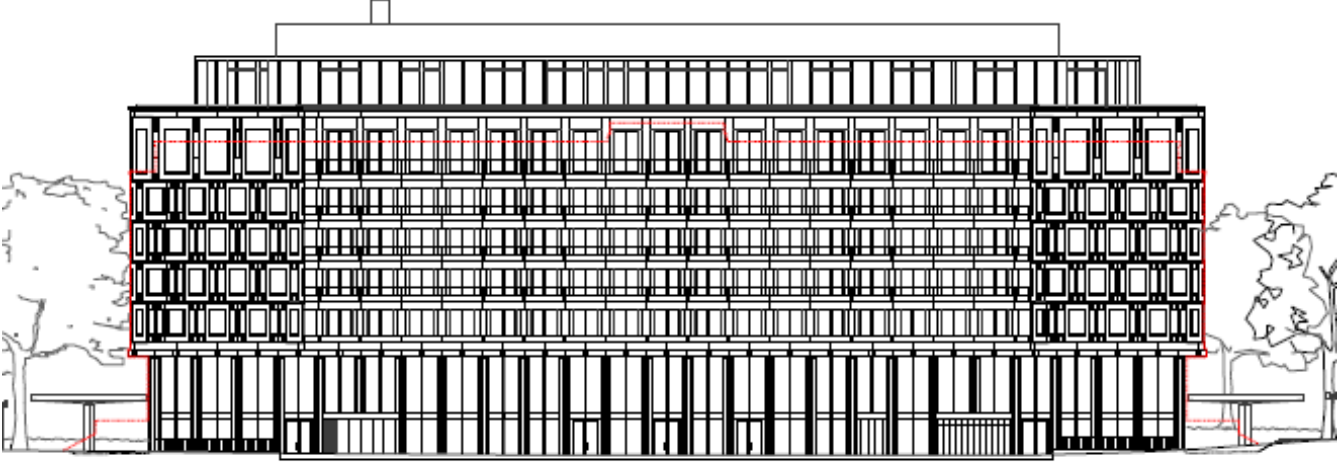




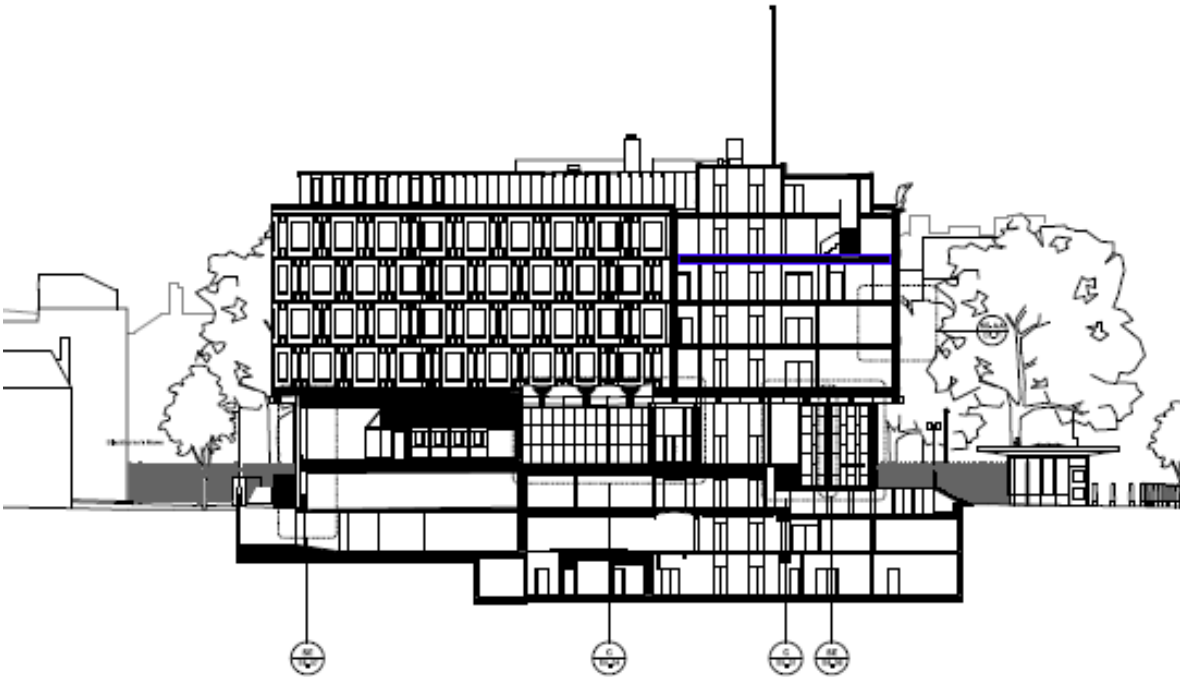
Existing Blackburne's Mews façade



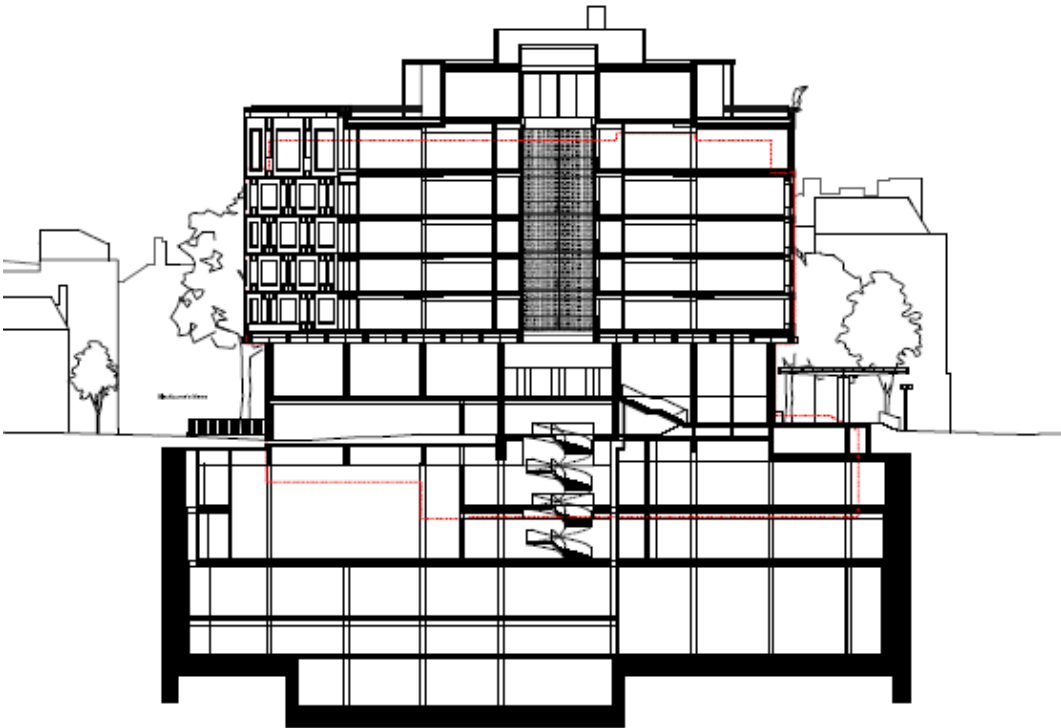
Proposed Blackburne's Mews façade



Existing section A



Proposed section A



**DRAFT PLANNING DECISION LETTER**

**Address:** American Embassy, 24-31 Grosvenor Square, London, W1A 1AE,

**Proposal:** Alterations to the existing building including retention & repair of the front and side facades, part demolition & replacement of the rear facade, rear extension of the 2nd-5th floors, removal of existing & introduction of a new 6th floor, introduction of a new set-back 7th floor, extension of the existing basement levels to include two additional basement levels (including one mezzanine level), installation of roof plant & plant screen, public realm works including hard & soft landscaping, removal of the security kiosks, fencing, bollards & gates/barriers to Blackburne's Mews & Culross Street, removal & replacement of 6 No. trees in front of the Grosvenor Square elevation & re-opening of the road on the western side of the Square, all in connection with the use of the building as a hotel (Class C1) comprising up to 137 hotel rooms with flexible retail/restaurant use at 1st floor, ground floor and basement 1 (Class A1/Class A3/Class C1), flexible restaurant/bar use at 7th floor (Class A3/Class A4/Class C1), leisure/spa facilities within the basement (Class D2/Class C1) & an ancillary ballroom, event spaces, back of house facilities & associated car, cycle parking & servicing facilities accessed from Blackburne's Mews, & other associated works - including replacement of all windows with double glazing, internal reconfiguration & refurbishment works including extension of the diagrid & removal in part, replacement of internal ground & 1st floor columns & slab, part replacement of the 2nd floor slab & replacement of 3rd & 4th floor slabs & internal remodelling of front and side entrances; external works including removal of the glaxis & balustrade, reconfiguration of front & side entrances & steps & addition of canopies over each entrance & relocation of Eagle sculpture to centre of the front elevation of new 6th floor.

**Reference:** 16/06423/FULL

**Plan Nos:** Existing: Location Plan 1120\_P\_EO\_00 and Site Plan 1120\_P\_EO\_01;;  
Proposed: 1120\_P\_PO\_01 Rev 01, 1120\_P\_P1\_00 Rev 02, 1120\_P\_P1\_01 Rev 01, 1120\_P\_P1\_02, 1120\_P\_P1\_03, 1120\_P\_P1\_04, 1120\_P\_P1\_05, 1120\_P\_P1\_06, 1120\_P\_P1\_RF, 1120\_P\_P1\_B1, 1120\_P\_P1\_B2 Rev 01, 1120\_P\_P1\_B3M, 1120\_P\_P1\_B3, 1120\_P\_P1\_B4, 1120\_P\_P3\_01, 1120\_P\_P3\_02, 1120\_P\_P3\_03, 1120\_P\_P4\_01, 1120\_P\_P4\_02, 1120\_P\_P4\_03, 1120\_P\_P4\_04, 1120\_P\_P4\_05, 1120\_P\_P6\_01, 1120\_P\_P6\_02, 1120\_P\_P6\_03, 1120\_P\_P6\_04, 1120\_P\_P6\_05, 1120\_P\_P6\_06, 1120\_P\_P6\_07, 1120\_P\_P6\_08, 1120\_P\_P6\_11, 1120\_P\_P6\_13, 1120\_P\_P6\_15, 1120\_P\_P6\_21, 1120\_P\_P6\_31, 1120\_P\_P6\_32, 1120\_P\_P6\_33.

**Case Officer:** Paul Quayle

**Direct Tel. No.** 020 7641 2547

**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 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must apply to us for approval of detailed drawings and/or full particulars of the following parts of the development - , , 1. Typical external details of extensions (all levels) , 2. Alterations at ground floor level including shopfronts and signs , , 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 detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 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 (July 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 6 You must apply to us for approval of the management plans dealing with the following parts of the

development - a strategy for shopfronts and signs. 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 detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 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 (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 8 Prior to the commencement of any demolition or construction on site the applicant shall provide 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. (C11CA)

Reason:

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

- 9 **Pre Commencement Condition.** Notwithstanding what is shown on the approved plans, you must apply to us for approval of detailed drawings and supporting information showing the following alterations to the scheme: replacement of the low level kitchen extract system to get rid of all cooking smells, with a ventilation system that discharges all cooking fumes at roof level, including details of how it will be built and how it will look. You must not begin any works allowed by this permission until we have approved what you have sent us. You must then carry out the work according to the approved details and thereafter permanently maintain the high level extraction.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 10 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed., , Phase 1: Desktop study - full site history and environmental information from the public records., , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

**Reason:**

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 11 (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 (July 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 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within any of the uses 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within any of the uses 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) The location of most affected noise sensitive receptor location and the most affected window of it;, (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;,, (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;,, (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;,, (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;,, (f) The proposed maximum noise level to be emitted by the activity.

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 (UDP), 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 (July 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.

- 13 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.

- 14 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises., (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power., (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (July 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 15 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 11 of this permission. You must not commence any of the uses approved in the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels.

- 16 You must provide the following features to ensure that the development can achieve air quality 'neutral', as set out in your application: a catalytic convertor to the combined heat and power (CHP) unit. This must be fitted before any of the uses hereby approved commence and you must then not remove this feature (except if replaced with alternative equipment that achieves the same or better air quality).

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 17 In the event that the units at ground and first floor levels shown on the approved plan for 'Retail (Flexible Class A1/C1)' and 'Retail/Restaurant (Flexible Class A1/A3/C1)', and the area at seventh floor level designated as 'Restaurant/Bar (Flexible Class A3/A4/C1)', are operated by the hotel as ancillary uses within Class C1, they must remain open to members of the general public (whether or not they are guests at the hotel or visitors of hotel guests) and shall not be used for any other hotel activity other than retail, restaurant or bar as indicated. These units must be fitted out and made ready for occupation before commencement of the hotel use in the remainder of the development.

Reason:

To make sure that you achieve the variety of uses included in the scheme as set out in S1 of Westminster's City Plan (July 2016).



- 18 Customers shall not be permitted within the retail units at rear ground and first floor levels (fronting Blackburne's Mews) before 07.00 hours or after 23.00 hours each day.

Reason:

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

- 19 Customers shall not be permitted within the retail/restaurant units at front ground and first floor levels (fronting Grosvenor Square), including the retail/restaurant floorspace at basement level, before 06.00 hours or after 00.00 hours midnight each day.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007.

- 20 Non-hotel guests shall not be permitted within the bar/restaurant at seventh floor level (or any similar facilities providing food and beverages that are created within the hotel in the future) at the following times: before 06.00 hours or after 02.00 hours.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007.

- 21 The terraces at seventh floor level shall not exceed the areas shown on drawing number 1120\_P\_P1\_07 Rev 02. Terraces A, C, D and F shall only be used in connection with the adjoining hotel suites and shall not be used in connection with the Restaurant/Bar at this level. In the event that Terrace B is used by customers of the Restaurant/Bar, it shall only be used between 07.00 and 23.00 hours.

Reason:

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

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

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 23 Departures from any functions in the hotel ballroom after midnight or before 07.00 hours shall be via the main hotel entrance on the Grosvenor Square frontage only, and not from any of the entrances on Blackburne's Mews, Upper Brook Street or Upper Grosvenor Street (except in cases of emergency).

## Reason:

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

- 24 You must apply to us for approval of an updated management plan to show how you will prevent customers who are leaving the building (all uses) from causing nuisance for people in the area, including people who live in nearby buildings. You must not start any of the uses until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the building is in use. (C05JB)

## Reason:

To make sure that the uses will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and TACE 8-10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 25 Notwithstanding what is shown in the submitted proposals, you must apply to us for approval of a revised strategy for managing VIPs arriving at and departing from the building that completely avoids the use of Blackburne's Mews. You cannot commence any of the uses within the development until we have approved what you have sent. The building must then be used in accordance with the approved details.

## Reason:

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

- 26 **Pre Commencement Condition.** No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are 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 and 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 protect the heritage of the City of Westminster as set out in S25 of Westminster's City Plan (July 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 27 **Pre Commencement Condition.** You must apply to us for approval of a combined construction management plan/method statement explaining the measures you will take to protect the trees on and close to the site that are to be retained. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

## Reason:

To protect the trees and the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 28 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within six months of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Mayfair Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 29 You must plant new trees to replace those which are shown to be removed or transplanted or 'assessed for relocation' on drawing P2007114 rev 04 26/05/16. The replacement trees must be planted no later than the first planting season after you complete the development. You must apply to us for our approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of the same size and species to the one originally planted.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Mayfair Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 30 With regard to the retained trees around the development site:, , (a) You must arrange for an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered, to supervise the development. You must apply to us for our approval of the supervision schedule. You must apply to us for our approval of the details of such supervision including:, o identification of individual responsibilities and key personnel., o induction and personnel awareness of arboricultural matters., o supervision schedule, indicating frequency and methods of site visiting and record keeping, o procedures for dealing with variations and incidents., , You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule., , (b) You must produce written site supervision reports as detailed in part (a) after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To protect the trees and the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 31 You must provide the waste store shown on the approved drawings before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using any part of the building. You must store waste inside the property and only put it outside just before it is going to be collected. No waste shall be left or stored outside of the property (either on public highway or private forecourt areas). You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 32 All windows at rear first floor level on the Blackburne's Mews frontage shall be kept permanently closed. All openings at rear ground floor level shall be kept closed when not in use, including the doors to the service bay and the car lifts.

Reason:

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

- 33 The flat roof at rear second floor level fronting Blackburne's Mews must not be used for sitting out or for any other purpose except as an escape in an emergency.

Reason:

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

- 34 You must not use any part of the development until we have approved appropriate arrangements to secure the following., a) the removal of the security fences, security huts, gates, raised planters and bollards surrounding the site and situated within Grosvenor Square, Blackburne's Mews and Culross Street;; b) All associated costs for the re-introduction of vehicular traffic on the west side of Grosvenor Square (to be implemented prior to the occupation of any part of the development);, c) All associated costs for highway works immediately surrounding the site required for the development to occur, including alterations of vehicle crossovers in Blackburne's Mews, and associated works (to be implemented prior to the occupation of any part of the development);, d) the relocation of the statues of President Reagan and President Eisenhower and associated works, subject to securing separate planning permission;; e) management and maintenance of the car lifts;; f) a contribution of £207,000 towards the Council's carbon offset fund. , , 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 (July 2016) and in TRANS 18 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 35 You must provide the access for people with disabilities as shown on the approved drawing(s) and as

outlined in the Design and Access Statement dated June 2016 ('Revised Chapter 17', issue date '16.10.28') before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (July 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 36 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 (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 37 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 38 You must apply to us for approval of an updated Servicing Management Plan (SMP) that takes account of all the uses in the development. The plan must identify the process, internal storage locations, scheduling of deliveries and staffing as well as a clear process for managing coach party arrivals and departures. You must not commence any of the uses hereby approved until we have approved what you have sent us. The SMP must thereafter be maintained and followed by the occupants for the life of the development, unless a revised strategy is approved (in writing) by the Local Planning Authority.

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 39 The car parking spaces shown on the approved drawings shall only be used for car parking for hotel guests and ancillary users uses in the development and for no other commercial use.

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS 22 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 40 A minimum of 20% of the car parking spaces in the basement car park shall be provided with electric vehicle charging points available for use prior to the commencement of the hotel use and thereafter maintained in working order.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (July 2016). (R44AC)

- 41 You must apply to us for approval of a vehicle signalling system for the car parking/lift. You cannot commence the hotel use until we have approved what you have sent us and thereafter it must be maintained in working order for the life of the development.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 42 All vehicles must enter and exit the site in forward gear.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 43 All structures (canopies, etc) should maintain a 2.6 metres vertical clearance from the footway highway surface at all times. No canopy structure should extend within 1 metre of the highway carriageway.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 44 The area designated as 'Loading Dock' at rear ground floor level must be used only for parking, access, loading, unloading and manoeuvring for vehicles servicing the development and for no other purpose.

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 45 All servicing must take place between 07.00 and 18.00 hours on Monday to Saturday and between 10.00 and 17.00 hours on Sunday. Servicing includes loading and unloading goods from vehicles, including any activities associated with the hotel ballroom, and collection of rubbish.

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 46 You must apply to us for approval of a management plan (with detailed drawings of the proposed layouts) dealing with the use of external seating areas, including details of all types of furniture, the number of seats, tables and other items and where they are to be stored when not in use. The area to be used for outdoor seating shall not exceed the areas shown on drawing number 1120\_P\_P1\_00 Rev 02. You can only put the tables and chairs on the forecourt areas between 07.00 and 23.00 hours. The outdoor seating shall not commence until we have approved what you have sent us. and must then be managed according to what we have approved.

## Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007, and to make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the forecourt to the detriment of the character and appearance of the area and adjacent listed building. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

- 47 You must provide the environmental sustainability features (environmentally friendly features) detailed in the 'Energy strategy' dated June 2016 and 'Sustainability appraisal' dated June 2016 before you start to use any part of the development. You must not remove any of these features, except where they are to be replaced with new equipment that matches or exceeds the environmental benefits of the original features. (C44AA)

## Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (July 2016). (R44AC)

- 48 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roofs at rear second floor and at seventh floor levels, to include construction method, layout, species and maintenance regime., , You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

## Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 49 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise 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 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 50 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises., , (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power., , (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

## Reason:

As set out in S32 of Westminster's City Plan (July 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a

maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

### 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 (July 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 Under condition 34, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure the items listed in condition 34 as set out in the application submission. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://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)
- 3 You must ensure that the details you submit to satisfy the construction management and tree protection conditions are prepared in conjunction with each other, as adequate protection of trees on/ adjacent to the site will rely heavily on an appropriate means of construction.
- 4 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 5 Condition 27 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
  - , \* the order of work on the site, including demolition, site clearance and building work;
  - , \* who will be responsible for protecting the trees on the site;
  - , \* plans for inspecting and supervising the tree protection, and how you will report and solve problems;
  - , \* how you will deal with accidents and emergencies involving trees;
  - , \* planned tree surgery;
  - , \* how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
  - , \* how you will remove existing surfacing, and how any soil stripping will be carried out;
  - , \* how any temporary surfaces will be laid and removed;
  - , \* the surfacing of any temporary access for construction traffic;
  - , \* the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
  - , \* site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
  - , \* how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
  - , \* the place for any bonfires (if necessary);
  - , \* any planned raising or lowering of existing



ground levels; and , \* how any roots cut during the work will be treated.

### DRAFT LISTED BUILDING DECISION LETTER

**Address:** American Embassy, 24-31 Grosvenor Square, London, W1A 1AE,

**Proposal:** Alterations to the existing building at 30 Grosvenor Square including retention and repair of the front and side façades, part demolition and replacement of the rear façade, rear extension of the second to fifth floors, removal of existing and introduction of a new sixth floor, introduction of a new set-back seventh floor, extension of the existing basement levels to include two additional basement levels (including one mezzanine level), replacement of all windows with double glazing, installation of roof plant and plant screen; internal reconfiguration and refurbishment works including extension of the diagrid and removal in part, replacement of internal ground and first floor columns and slab, part replacement of the second floor slab and replacement of third and fourth floor slabs and internal remodelling of front and side entrances; external works including removal of the glaxis and balustrade, reconfiguration of front and side entrances and steps and addition of canopies over each entrance and relocation of Eagle sculpture to centre of the front elevation of new sixth floor (all in connection with the use of the building as a hotel use and associated facilities).

**Reference:** 16/06463/LBC

**Plan Nos:** Existing: Location Plan 1120\_P\_EO\_10 and Site Plan 1120\_P\_EO\_11;, Demolition: , 1120\_P\_D0\_01, 1120\_P\_D1\_00, 1120\_P\_D1\_01, 1120\_P\_D1\_02, 1120\_P\_D1\_03, 1120\_P\_D1\_04, 1120\_P\_D1\_05, 1120\_P\_D1\_06, 1120\_P\_D1\_RF, 1120\_P\_D1\_B1, 1120\_P\_D1\_B2, 1120\_P\_D2\_01, , 1120\_P\_D3\_01, 1120\_P\_D3\_02, 1120\_P\_D3\_03, 1120\_P\_D4\_01, 1120\_P\_D4\_02, 1120\_P\_D4\_03, 1120\_P\_D4\_04, 1120\_P\_D4\_05, 1120\_P\_D4\_11, 1120\_P\_D4\_13, 1120\_P\_D4\_14, 1120\_P\_D6\_01, 1120\_P\_D6\_02, 1120\_P\_D6\_03, 1120\_P\_D6\_04, 1120\_P\_D6\_05, 1120\_P\_D6\_06, 1120\_P\_D6\_07, 1120\_P\_D6\_08, 1120\_P\_D6\_11, 1120\_P\_D6\_31, 1120\_P\_D6\_32, 1120\_P\_D6\_33, 1120\_P\_D6\_51, 1120\_P\_D6\_53, 1120\_P\_D6\_54., , Proposed: 1120\_P\_PO\_01 Rev 01, 1120\_P\_P1\_00 Rev 02, 1120\_P\_P1\_01 Rev 01, 1120\_P\_P1\_02, 1120\_P\_P1\_03, 1120\_P\_P1\_04, 1120\_P\_P1\_05, 1120\_P\_P1\_06, 1120\_P\_P1\_RF, 1120\_P\_P1\_B1, 1120\_P\_P1\_B2 Rev 01, 1120\_P\_P1\_B3M, 1120\_P\_P1\_B3, 1120\_P\_P1\_B4, 1120\_P\_P3\_01, 1120\_P\_P3\_02, 1120\_P\_P3\_03, 1120\_P\_P4\_01, 1120\_P\_P4\_02, 1120\_P\_P4\_03, 1120\_P\_P4\_04, 1120\_P\_P4\_05, 1120\_P\_P6\_01, 1120\_P\_P6\_02, 1120\_P\_P6\_03, 1120\_P\_P6\_04, 1120\_P\_P6\_05, 1120\_P\_P6\_06, 1120\_P\_P6\_07, 1120\_P\_P6\_08, 1120\_P\_P6\_11, 1120\_P\_P6\_13, 1120\_P\_P6\_15, 1120\_P\_P6\_21, 1120\_P\_P6\_31, 1120\_P\_P6\_32, 1120\_P\_P6\_33.

**Case Officer:** Paul Quayle

**Direct Tel. No.** 020 7641 2547

**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 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must apply to us for approval of detailed drawings and/or full particulars of the following parts of the development - , , 1. Typical external details of extensions (all levels) , 2. Alterations at ground floor level including shopfronts and signs , 3. Entrance lobbies north and south showing reuse of existing materials , , 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 detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 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 (July 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 6 **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 and appearance of the Mayfair Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 9 (B) and paras 10.108 to 10.146 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. (R29CC)

- 7 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 and appearance of the Mayfair Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 9 (B) and paras 10.108 to 10.146 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. (R29CC)

**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 (July 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 character of this building of special architectural or historic interest. , In reaching this decision the following were of particular relevance: , S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3/2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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.

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# Agenda Item 2

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 15 November 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Westminster Fire Station, 4 Greycoat Place, London, SW1P 1SB,</b>		
<b>Proposal</b>	Use of the fire station (ground floor) as Class A3 and (four upper floors) as Class C3 use (6 flats) with associated internal and external alterations. Demolition of the existing rear buildings and replacement with a five storey residential building to provide 11 flats with balconies, excavation of one storey basement under the entire footprint of the site to accommodate A3 use and residential use. Installation of photovoltaic panels to roof level of rear building. Rebuilding of the existing rear tower with installation of plant on top.		
<b>Agent</b>	Miss Fiona Flaherty		
<b>On behalf of</b>	.		
<b>Registered Number</b>	16/05216/FULL and 16/05217/LBC	<b>Date amended/ completed</b>	9 June 2016
<b>Date Application Received</b>	3 June 2016		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Broadway And Christchurch Gardens		

## 1. RECOMMENDATION

For Sub-Committee's consideration:

Do members agree that:

1. The replacement social and community facility should be a minimum of 256m<sup>2</sup> (gross external area)?
2. The Breast Cancer Care Centre is an appropriate replacement social and community facility?
3. The offer to pay £500,000 to be held in escrow until the applicant has secured a suitable replacement social and community facility within a period of four years from the date of planning permission is acceptable?
4. Subject to 1, 2 & 3 above, grant conditional permission, subject to a S106 legal agreement to secure the following:
  - i. A replacement social and community facility with a minimum 256m<sup>2</sup> floorspace (gross external area) to be provided elsewhere in the City.
  - ii. A payment of £500,000 to be held in escrow until the applicant has provided a suitable replacement social and community facility within a period of four years from the date of the planning

permission.

iii. The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £52,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.

iv. Life-time car club membership (25 years) for residents of the development;

v. Highway works surrounding the site required for the development to occur;

vi. Costs of monitoring the S106 agreement.

If the S106 legal agreement has not been completed within three months of the date of this resolution then:

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

b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

5. Grant conditional listed building consent

6. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter

## 2. SUMMARY

Westminster Fire Station is a Grade II listed building located within the Broadway and Christchurch Gardens Conservation Area but outside the Central Activity Zone (CAZ). To the rear of the site there are outbuildings which are not listed. The building has operated as a fire station since the early 1900s and comprises offices, rest areas, welfare accommodation, storage, washrooms, and other ancillary space to its use as a fire station. The property is now vacant except for a private flat at second floor level.

Planning permission is sought for the use of the front building as a restaurant at ground floor level and residential flats at upper floors, demolition of the rear buildings, excavation works to create a basement under the entire footprint of the site and erection of a five storey residential building.

The key issues in this case are:

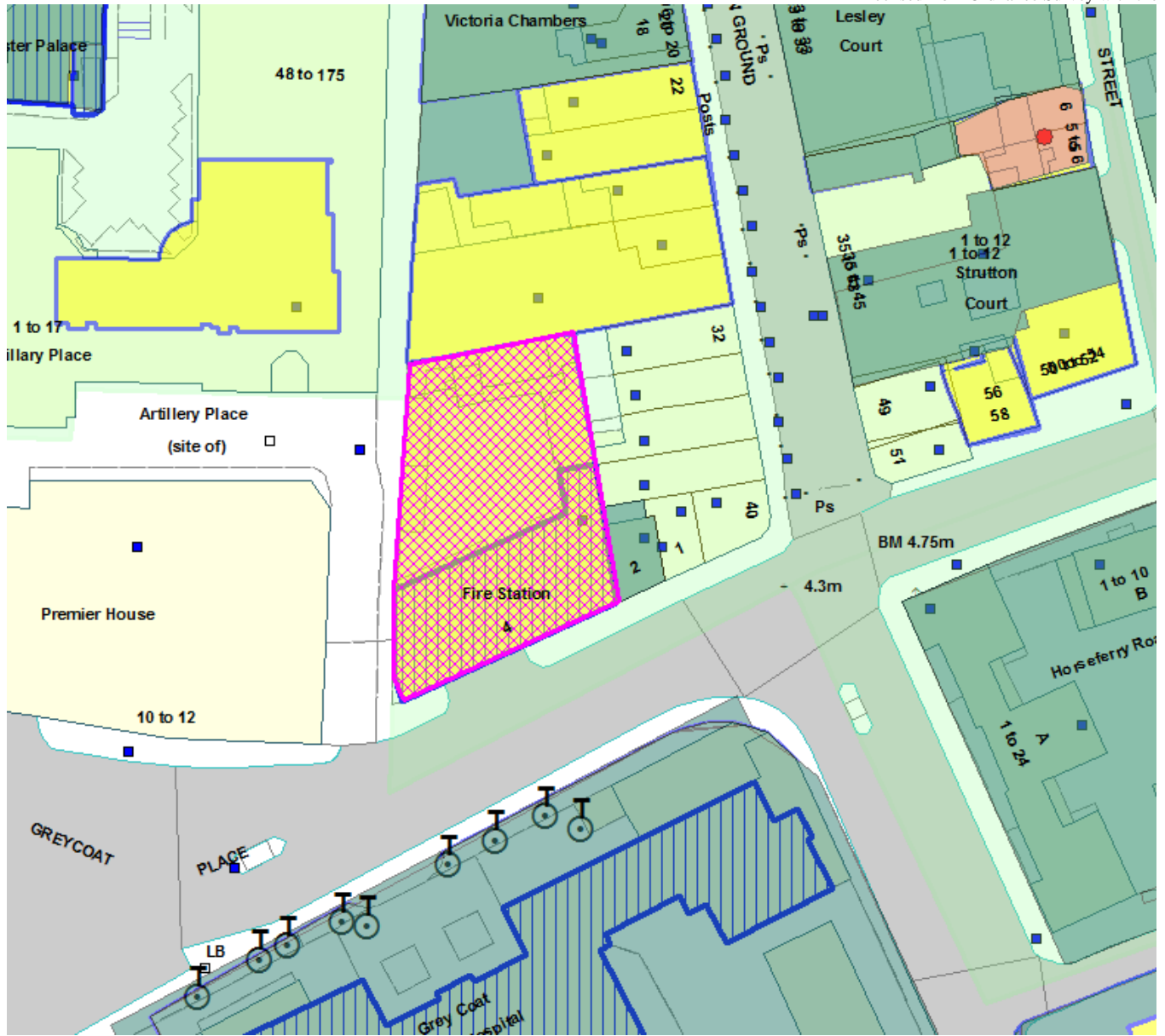
- \* impact of the scheme on special interest of the listed building
- \* impact of the scheme on the character and appearance of the conservation area
- \* loss of a community use
- \* impact of the scheme on amenity and neighbouring occupiers
- \* parking and servicing arrangements

Objections have been received from the Thorney Island Society, the Westminster Society and surrounding residents principally on the grounds of land use, amenity and design. Whilst the objections are noted and understood, it is not considered that they are sustainable on this occasion for the reasons set out in the report.

The proposal is considered acceptable in terms of design, highways, and amenity policies. However members' views are sought on the mechanism for securing a replacement community facility as set out in the recommendation.

### 3. LOCATION PLAN

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4. PHOTOGRAPHS



Front Elevation onto Greycoat Place



Rear view



Existing buildings at the rear of the fire station

## 5. CONSULTATIONS

### WARD COUNCILLORS FOR ST JAMES'S:

No response to date.

### HISTORIC ENGLAND:

Do not consider that this application should be notified to Historic England.

### HISTORIC ENGLAND ARCHAEOLOGY:

Recommend's archaeological conditions.

### THORNEY ISLAND SOCIETY:

Welcome the reuse of the building but question the use of the property as residential in a busy street and the lack of parking, over-development at the rear, lack of affordable housing and lack of parking.

### WESTMINSTER SOCIETY:

Welcome the re-use of the building as long as servicing arrangements are acceptable and there are no parking issues, over-development to rear and sense of enclosure.

### METROPOLITAN POLICE:

No objection but concerns about boundary walls, access control of communal entrances, physical security, bicycle storage, fire service access, CCTV, mail delivery, communal courtyard.

### HIGHWAYS PLANNING:

Object on the grounds of lack of car parking. The on-street car parking and servicing proposals are not acceptable.

### CLEANSING:

Following reception of additional information no objection but waste servicing not agreed.

### BUILDING CONTROL:

No objection.

### ENVIRONMENTAL HEALTH:

No objection subject to conditions on noise, air quality and ventilation.

### GO GREEN PROGRAMME:

Following receipt of additional information no objection is raised.

### ADJOINING OWNERS/OCCUPIERS

No. Consulted: 358

Total No. of replies: 12

No. of objections: 12

No. in support: 0

The letters of objection raise the following issues:

Design:

- \*Height of new building to the rear. The height of the new tower is excessive.
- \*Over-development to the rear.
- \*The development at the rear fails to preserve the integrity of the listed building.
- \*Harm to conservation area, appearance of the scheme
- \*The existing low rise buildings provide a welcome break in the built environment
- \*Lack of details for the PV panels

Land use:

- \*Loss community asset – public courtyard, loss of valuable local service
- \*No affordable housing
- \*No community benefits to compensate loss of fire station.

Amenity:

- \*Loss of daylight, sunlight and outlook.
- \*Loss of privacy and overlooking.
- \*Noise and cooking smells from restaurant activity
- \*Noise from plant
- \*Noise from residential balconies

Highways:

- \*Lack of space on site for car parking for future residents and deliveries to the restaurant.
- \*Creation of parking outside the station will lead to traffic congestion and safety issues

Other:

- \*Disturbance during excavation and construction works – hours of works to be limited
- \*Comments from public consultation by applicant not taken into consideration.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Westminster Fire Station is a Grade II listed building built in 1906. It is located within the Broadway and Christchurch Gardens Conservation Area but outside the Central Activity Zone (CAZ). The main building is five storeys in height and the front elevation of the building faces onto Greycoat Place. To the rear of the site there are outbuildings which are not listed. At upper floor level the building comprises offices, rest areas, welfare accommodation, storage, washrooms, and other ancillary space. The property is now vacant except for the occupation of a two bedroom leasehold flat located at second floor level.

The surrounding area has a mixture of uses including commercial and educational with the majority being residential. Artillery Mansions is located to the north west and comprises a large scale residential development that overlooks the rear of the site. .

Greycoat hospital which is Grade II listed and used as a school is located directly opposite the site. There are residential flats to the east on Strutton Ground that overlook the site at the rear.

## 6.2 Recent Relevant History

There is no history relevant to this application.

## 7. THE PROPOSAL

Planning permission and listed building consent are sought for the use of the front building as restaurant at ground and basement levels and residential use at upper floors. It is also proposed to demolish the existing out buildings at the rear and erect a five storey residential building. The scheme will provide a total of 17 flats (4 x 1 bedroom, 9 x 2 bedrooms, 4 x 3 bedrooms). The scheme also proposes:

- excavation works under the entire footprint of the site to create a single level basement;
- provision of a landscaped communal courtyard;
- provision of balconies for the new residential building;
- installation of PV panels at roof level of the new buildings at the rear;
- provision of mechanical plant within the new tower.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The table below provides a breakdown of existing and proposed floorspace (GEA)

Use	Existing	Proposed	Change
<b>Fire station (sui generis)</b>	1552	0	-1152
<b>Residential</b>	119	3054	+2935
<b>Restaurant</b>	0	571	+571
<b>Total</b>	1671	3625	+1954

### Loss of community use

The Westminster Fire Station closed in 2014. This was part of a wider strategy by the London Fire and Emergency Planning Authority (LFEPA) which sought to provide cost savings and amalgamate the facilities within London leading to the closure of 10 fire stations with Westminster Fire Station being one. The proposal would result in the loss of a social and community use within Westminster and objections have been received on this basis.

Westminster's City Plan Policy S34 states that "All social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or is being relocated in order to improve services and meet identified needs as part of a published strategy by a local service provider. In all such cases the council will need to be satisfied that the overall level of social and community provision is improved and there is no demand for an alternative social and community use for that floorspace. In those cases

where the council accepts a loss or reduction of social and community floorspace the priority replacement use will be residential.”

Policy SOC 1 of the UDP states that “Proposals which involve the redevelopment or change of use of community facilities will be required to include adequate replacement facilities. Where the facility is surplus to the needs of the existing provider, any new development on the site should include an alternative community facility. Where adequate replacement facilities are not proposed then the City Council will refuse planning permission for this type of proposal.”

Officers accept that the Westminster Fire Station was surplus to requirements and that its closure was part of a published strategy for the reconfiguration of the fire service in London. However the proposal does not include a replacement community facility on site and no marketing information has been provided to demonstrate that there is no demand for an alternative social and community use for that floorspace.

Instead the applicant has advised that it is their intention to provide a replacement community facility to accommodate a Breast Cancer Centre elsewhere within Westminster. The applicant argues that the size of the replacement facility should be limited to 256sqm because the working fire station only comprised the ground floor which is only a small portion of the building. The rest of the building they argue comprised of offices initially for the local Fire Safety Team, who were involved with enforcing fire safety regulations, and subsequently for the Fire Brigade Special Operation Team. Members’ views are therefore sought as to whether the replacement social and community floorspace should be limited to 256sqm.

To address policy SOC 1 the applicant proposes the provision of 256sqm of social and community floorspace to accommodate a Breast Cancer Centre. As the applicant has not yet acquired a suitable premises it is suggested by the applicant that upon receipt of planning permission, a payment will be made to the Council for £500,000 to be held in escrow until a suitable replacement facility can be found. If this has not happened within a period of four years from the date of planning permission, the escrow payment can be used by WCC towards community provision within the borough. Members views are sought as to whether (i) a breast care centre is an appropriate social and community facility and (ii) whether this mechanism for securing a replacement social and community facility is acceptable?

### **Restaurant use**

The proposed restaurant is to be located at ground and lower ground floor level at the front of the building with access from Greycoat Place. Concerns have been raised by neighbouring occupiers in terms of noise and smells from the proposed restaurant use. One objector has requested conditions to ensure that the bar is for restaurant customers only and outdoor area should not be used for drinking and eating.

UDP Policy TACE 10 applies to proposals for large entertainment uses over 500m<sup>2</sup> and states that permission will be granted for such uses only in exceptional circumstances.

The street frontage along the north side of Greycoat Place is predominately in commercial use where there are offices and other retail uses. The proposed restaurant

use is considered compatible with the character and function of the area and will provide animation to the street frontage, continuing the pattern of retail/commercial uses at ground floor level on the northern side of Greycoat Place. Although residential units are proposed immediately above the restaurant and there are existing residential uses across the road in the Horseferry Road Estate, it is considered that with appropriate management and conditions to control hours of operation and capacity, the concerns of objectors about noise from people leaving and arriving at the premises can be controlled to ensure the restaurant use will not harm the amenity of local residents or the character and function of the area. The rear courtyard will not be accessible to restaurant patrons and the rear windows to the restaurant will need to be partially obscure glazed and fixed shut to protect the residents of Artillery Mansions behind.

The applicant has requested a terminal hour of 1am on Fridays and Saturdays. However given the close proximity of existing and future residential properties a terminal hour of midnight Monday to Saturday and 23.30 on Sundays and public holidays is recommended.

The concerns about the servicing arrangements of the restaurant are dealt with under the transportation/parking section below.

### **Residential use**

The Thorney Island Society query if the use of the site as residential is appropriate given the lack of car parking and the busy environment.

The creation of 2935sq.m of new residential floorspace is considered acceptable in land use terms, and complies with both Policy H3 of the UDP and S14 of the City Plan which seek to increase the residential floorspace within Westminster. Policy S14 states that housing is a priority across the borough. The introduction of 17 units on the site would make a small but important contribution to new housing provision within the City.

The residential mix and tenures are summarised below:

Unit type	Affordable housing	Market	Total No. of units	% unit mix
1 bed	0	4	4	23.5%
2 bed	0	9	9	52.9%
3 bed	0	4	4	23.5%

The City Council wants to encourage more families to move into and stay in Westminster by providing more family sized housing. Policy H5 of the UDP requires that 33% of housing units be family-sized accommodation. Whilst the proportion falls below the 33% required by policy, the range of unit sizes offered and the re-use of the building are considered to provide sufficient benefit to outweigh this.

Objectors are concerned that the proposal is an overdevelopment of the site. The London Plan density matrix (Table 3.2 in support of the London Plan Policy 3.4) suggests an indicative residential density of between 650–1100 habitable rooms/ha for central areas with a Public Transport Accessibility Level between 4 to 6. The proposed development is will fall within this range.



### **Standard of accommodation**

The proposed residential units have been designed to meet the national space standards and the Mayor's dwelling space standards set out in the London Plan Policy 3.5 with 8 of the 17 units benefiting from private amenity space in the form of balconies or terraces. In addition all residents will benefit from the landscaped rear courtyard.

The proposed units would range in size (GIA) as follows:

- One bedroom : 39 to 65 sq.m
- Two bedroom: 84 to 135 sq. m
- Three bedroom: 120 to 165 sq. m

The new flats would provide a good standard of accommodation in terms of size units in accordance with the requirements of the national space standards and there are no single-facing units.

The application is supported by an acoustic report which assesses the potential impact on noise levels within the new flats. Subject to the standard conditions relating to internal noise and vibration, it is considered that the new flats would provide an acceptable standard of accommodation for future occupiers.

Subject to appropriate conditions, including a condition requiring appropriate sound insulation between the restaurant use and new residential flats, the scheme is generally considered to provide a good standard of accommodation for future occupiers.

### **Affordable housing**

Objections were received from the Thorney Island Society and neighbours regarding the lack of provision of affordable housing.

Policy S16 relates to affordable housing. It requires that proposals of 10 or more new residential units or those including over 1000m<sup>2</sup> of additional residential floorspace must provide affordable housing.

The expectation of the London Plan, the UDP, and the City Plan is that affordable housing should be provided on site. Policy S16 states "where the Council considers that this is not practical or viable, the affordable housing should be provided off-site in the vicinity. Off-site provision beyond the vicinity of the development will only be acceptable where the Council considers that the affordable housing provision is greater and of higher quality than would be possible on or off site in the vicinity, and where it would not add to an existing localised concentration of social housing"

The interim guidelines expect that that a development of the size proposed should provide 763sqm of affordable housing floorspace or 9.5 units of accommodation. Where it is neither practical nor viable to provide affordable housing on-site and the applicant is unable to provide off site affordable housing, a financial contribution towards the City Council's Affordable Housing Fund may be accepted as an alternative. The current scheme would generate a requirement of financial contribution of £3,625,200 in lieu of on-site provision.

The applicant has produced a viability report in line with the guidance contained in the London Plan to support the argument that neither on-site, off-site provision nor a payment-in-lieu would be viable. This report has been subject to an independent review by Gerald Eve acting on behalf of the Council who concur that the scheme is unable to support a contribution towards affordable housing.

## 8.2 Townscape and Design

Adjoining neighbours point out design concerns in relation to the proposed scheme, in particular the redevelopment to the rear which is described as over-development with a loss of break in the built environment, excessive in height, not subservient to the listed building and creating harm to the conservation area.

Westminster Fire Station is a grade II listed building located within the Broadway and Christchurch Gardens Conservation Area. It is listed as a good example of a particular building type and dates from 1906. The fire station use has now ceased and to ensure the ongoing future of the structure a long term viable use is required. The listing is restricted to the front historic building. The watchtower and modern development to the rear are of no interest. The significance of the listed building is largely restricted to its front façade and roof which is in the distinctive, red brick and stone “Queen Anne” style so typical of this particular building type and period. Internally, the building is generally unadorned, though there are significant spaces in the tender garage, the watchman’s room and a good staircase. All these are proposed to be retained, largely unaltered.

The proposed works to the listed structure are relatively minor. Internally, the works of alteration do not affect any of the items of architectural or historic significance. The insertion of four conservation rooflights to the rear roof slope and a new access door to the front roof slope will have no adverse effect on the building or its conservation area setting.

The proposed new lift and access core is no higher than the existing watchtower that is to be demolished, though it does have greater bulk and is more visible above the fire station roof. However, views of this are fleeting and partial and this is not considered to be a negative effect. The new building to the rear is a modern, contemporary design in white glazed and unglazed brick. While the detail of the materials is to be conditioned for approval of samples, there is no concern over the principle of a light coloured brick in this location. The scale and height of the proposed building does not adversely affect the setting of the listed building and its secluded location to the rear of the site means it has only a very limited visual impact on the surrounding conservation area. It is not considered that there is any adverse impact on the listed building or surrounding conservation area.

One objector mentions the lack of details in relation to the proposed photovoltaic panels. It is considered that sufficient information has been submitted to agree the principle at this stage and it is recommended that further details are secured by a condition.

### 8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to residential dwellings, and that development should not result in a significant increase sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development.

The site is located in an area that is characterised by a mix of commercial and residential uses, however, there are a number of residential properties within close proximity. Objections have been received from residents at Artillery Mansions and Strutton Ground on amenity grounds including loss of light, loss of privacy, increased sense of enclosure, overlooking and noise.

#### **Sunlight and Daylight**

Objectors have stated difficulties in understanding the daylight/sunlight assessment originally submitted. This was partly due to discrepancies between key diagrams and the windows assessed. A revised daylight/sunlight assessment has been submitted to overcome the deficiencies.

The Thorney Island Society and one objector mentions that dormer windows directly to the north of the site at 26-28 Strutton Ground have not been included as part of the assessment. These windows serve an office building which benefit from additional windows on its northern elevation and our planning policies do not afford commercial uses the same protection from loss of daylight/sunlight as residential properties. It was also stated that the assessment did not take into consideration the actual size and layout of the flats in Artillery Mansions. Whilst a detailed flat layout would have been helpful for the No Sky Line test, it is not necessary for the vertical sky component test.

Objections have been received from the occupants of Artillery Mansions on the grounds that the proposals will result in a loss of daylight to windows facing the application site. The southern part of the east elevation of Artillery Mansions directly faces the application site.

#### Methodology

Policy ENV13 seeks to ensure good lighting levels for habitable rooms in existing premises. Recommended standards for daylight and sunlight in residential accommodation are set out in the Building Research Establishment (BRE) publication "Site layout planning for daylight and sunlight" (second edition 2011). The applicant has undertaken a daylight and sunlight assessment in accordance with the BRE guidelines.

With regard to daylight, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels and is a measure of the amount of sky visible from the centre point of a window on its outside face. This method does not need to rely on internal calculations, which means it is not necessary to gain access to all the affected properties. If the VSC achieves 27% or more, then the BRE guide advises that the windows have the potential to provide good levels of daylight. If however, the light received by an affected window, with the new development in place, is both less than 27% and would be less than 0.8 (i.e. a loss of 20%) then the reduction in light to that

room will be noticeable. Where rooms are served by more than one window of the same size, any loss of light to these individual windows can be considered as an average.

The No-Sky Line (NSL) method has also been used, which measure the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky. The BRE advises that a room may be adversely affected if the area of the room beyond the NSL is less than 80% of its former value.

In terms of sunlight, the BRE guidelines state that if any window received more than 25% of the Annual probable Sunlight Hours (APSH) including at least 5% during the winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% of the original sunlight hours either over the whole year or just in the winter months, then the occupants of the existing building will notice the loss of sunlight. Windows are tested if they face 90 degrees of due south.

The results for the daylight (VSC) assessment for affected properties in Strutton Ground and Artillery Mansions are set out in the table below. For Artillery Mansions the results for VSC are shown with balconies in place and without balconies:

Window/room	Existing VSC	Proposed VSC	VSC Loss (%)
<b>32 Strutton Ground</b>			
1 <sup>st</sup> floor, kitchen, window 13	17.3	10.3	7 (40.5)
1 <sup>st</sup> floor, habitable room, window 15	11.2	10.6	0.6 (5.4)
1 <sup>st</sup> floor, habitable room, window 28	17.4	17.4	0
<b>34 Strutton Ground</b>			
1 <sup>st</sup> floor, living room, window 7	9.4	6	3.4 (36.2)
1 <sup>st</sup> floor, living room, window 8	10.6	7.4	3.2 (30.2)
1 <sup>st</sup> floor, living room, window 10	8.6	5.4	3.2 (37.2)
1 <sup>st</sup> floor, kitchen, window 11	16.6	8.2	8.4 (50.6)
1 <sup>st</sup> floor, kitchen, window 12	16.7	8.8	7.9 (47.3)
<b>36 Strutton Ground</b>			
1 <sup>st</sup> floor, bedroom, window 3	9.5	6.7	2.8 (29.5)
1 <sup>st</sup> floor, bedroom, window 4	11.6	8.8	2.8 (24.1)
1 <sup>st</sup> floor, bedroom, window 6	10.1	6.8	3.3 (32.7)

Window/room	Existing VSC	Proposed VSC	VSC Loss (%)
<b>Artillery Mansions</b>			
1 <sup>st</sup> floor, bedroom window 8 (without balconies)	12.9	10	2.9 (22.5)
	13	10.1	2.9 (22.3)
1 <sup>st</sup> floor, living room window 9 (without balconies)	9.8	5.1	4.7 (48)
	18.6	11.4	7.2 (38.)
1 <sup>st</sup> floor, living room window 10 (without balconies)	12.4	4.6	7.8 (62.9)
	21.2	11.5	9.7 (45.8)
2 <sup>d</sup> floor, bedroom, window 17 (without balconies)	29.8	23.3	6.5 (21.8)
	30	23.5	6.5(21.7)
2 <sup>d</sup> floor, living room, window 18 (without balconies)	21.1	12.9	8.2 (38.9)
	30	20.1	9.9 (33)
2 <sup>d</sup> floor, living room, window 19 (without balconies)	20.8	11.3	9.5 (45.7)
	29.8	18.9	10.9 (36.6)
2 <sup>d</sup> floor, living room, window 20 (without balconies)	10.8	8	2.8 (25.9)
	17.7	14.8	2.9 (16.4)
3 <sup>d</sup> floor, living room, window 17 (without balconies)	23.7	15.6	8.1 (34.2)
	32.8	24.1	8.7 (26.5)
3 <sup>d</sup> floor, living room, window 18 (without balconies)	23.5	14	9.5 (40.4)
	32.6	22.8	9.8 (30.1)
4 <sup>th</sup> floor, living room, window 17 (without balconies)*	26.1	20.1	6.0 (23)
	34.9	28.91	6 (17.2)
4 <sup>th</sup> floor, living room, window 18 (without balconies)	25.9	18.9	7 (27)
	34.7	27.7	7 (20.2)

The results for the sunlight assessment for affected properties in Strutton Ground and Artillery Mansions are set out in the table below.

Room	Existing APSH		Proposed APSH (Loss%)	
	Annual	Winter	Annual	Winter
<b>26 Strutton Ground</b>				
1 <sup>st</sup> floor, habitable room, room 11	15	2	14 (6.67)	1 (50.0)
<b>28 Strutton Ground</b>				
1 <sup>st</sup> floor, unknown, room 10	21	3	1 (66.67)	19 (9.52)
2 <sup>nd</sup> floor, unknown, room 11	21	4	20 (25)	3 (4.76)
<b>30 Strutton Ground</b>				
2 <sup>nd</sup> floor, kitchen, room 9	18	2	15 (16.67)	0 (100)
2 <sup>nd</sup> floor, unknown, room 10	15	2	13 (13.33)	0 (100)
<b>32 Strutton Ground</b>				
1 <sup>st</sup> floor, kitchen, room 6	12	0	1 (91.97)	0 (0)
1 <sup>st</sup> floor, unknown, room 7	1	0	0 (100)	0 (0)
2 <sup>nd</sup> floor, bedroom, room 7	20	1	7 (65.0)	0 (100)

Room	Existing APSH		Proposed APSH (Loss%)	
	Annual	Winter	Annual	Winter
<b>34 Strutton Ground</b>				
1 <sup>st</sup> floor, living room, room 4	17	0	12 (29.41)	0 (0)
1 <sup>st</sup> floor, kitchen, room 5	20	1	7 (65.0)	0 (0)
2 <sup>nd</sup> floor, bedroom, room 6	17	1	4 (76.47)	0 (100)
<b>36 Strutton Ground</b>				
1 <sup>st</sup> floor, bedroom, room 3	6	0	1 (83.33)	0 (0)
<b>Artillery Mansions</b>				
Ground floor, kitchen, room 2	24	0	15 (38.0)	0 (0)
Ground floor, living room, room 3	31	4	30 (3)	3 (25)
1 <sup>st</sup> floor, bedroom, room 3	16	4	9 (44.0)	2 (50.0)
1 <sup>st</sup> floor, bedroom, room 4	18	4	5 (72.0)	2 (50.0)
1 <sup>st</sup> floor, bedroom, room 8	28	4	24 (14.0)	1 (75.0)
1 <sup>st</sup> floor, living room, room 9	40	7	36 (10.0)	3 (57.1)
2 <sup>nd</sup> floor, living room, room 4	36	5	32 (11.0)	1 (80.0)
2 <sup>nd</sup> floor, bedroom, room 5	38	6	28 (26.0)	2 (66.7)
2 <sup>nd</sup> floor, bedroom, room 6	37	5	20 (46.0)	1 (80.0)

### Assessment

#### Artillery Mansions

The original daylight and sunlight assessment shows that of 189 windows tested, 178 would see no reduction of VSC or a loss which complies with the BRE guidelines. The most affected windows for daylight are located at first, second, third, and fourth floors, however, some of those windows are located below projecting balconies. The BRE guidelines states that care must be taken in applying the guidelines, if for example a building has a balcony or overhang above the window, then greater reduction in sunlight or daylight may be unavoidable. In these circumstances even a modest obstruction opposite may result in a large relative impact on daylight and sunlight received. An additional assessment omitting the balconies shows that the impact would be lessened as only 9 windows would not comply with VSC criteria set out in the BRE guidelines. This is shown in the table above and reflected in the narrative below.

At first, second and third floor levels there will be daylight reductions to three flats of up to 45.8%. However these rooms benefit from an additional window in the south elevation of the building which is not materially affected by the scheme. For this reason the impact to these living rooms is considered acceptable. A bedroom window each at first and second floor level will see reductions in VSC of 22.3% and 21.7%. Given that this is marginally above the 20% reduction permitted under the BRE guidelines and the windows serve bedrooms, this is considered acceptable. The NSL results show that only one bedroom room at second floor level fails but all the other rooms are compliant.

In terms of sunlight the ASPH assessment shows that 9 rooms out of 89 would experience reductions to total sunlight beyond the BRE guidelines. Annual sunlight losses would range between 21% and 72% (with 7 windows below 46%). With the exceptions of two windows at first floor level, all windows have retained values between 15% and 40%. Where the losses have the potential to be more noticeable, these windows appear to serve bedrooms which are afforded a lesser protection than principal living areas.

#### Strutton Ground

The submitted report shows that there is a material impact on some windows at Nos. 30, 32, 34 and 36 Strutton Ground.

The internal layout at 32 Strutton Ground is not known, however, based on the Council's records it is understood that the first and second floors of the property form one residential unit. With regards to the VSC, a kitchen window at first floor level will see a reduction in VSC of 40.5% and a bedroom at second floor level will see a reduction of 30.2%. The NSL results show that two rooms fail the BRE criteria and the ASPH results show transgressions for four of the five rooms assessed with losses between 60% and 100%. However the high percentage reductions can be explained by existing low values (i.e from 1% to 0%, from 5% to 2%, and from 9% to 0%).

Nos. 34 and 36 Strutton Ground are located at first and second floors and form one single residential unit with dual facing aspects. The failing windows identified as W7, W8 and W10 at No 34 Strutton Ground serve a living room and at No. 36 Strutton Ground W3, W4 and W6 serve a bedroom. However in both cases the rooms have existing low levels of daylight which explains the high VSC reductions of between 24.1% and 37.2%. The windows W11 and W12 at 34 Strutton Ground serve a kitchen and will see a reduction of 50.6% and 47.3% respectively. However this rooms benefits from side elevation windows which meet the BRE criteria. The NSL result for the room shows a loss of 43.62% but the additional side elevation window has not been included in the assessment. At second floor of No. 34 the window identified as W6 which fails both the VSC and the NSL criteria serves a bedroom. In terms of sunlight most rooms in both properties do not comply with the BRE guidance for total ASPH but in many cases sunlight is already severely and the existing values are therefore low.

Given the size of Nos. 32, 34 and 36 Strutton Ground and the fact they are dual facing units, it is not considered reasonable to refuse permission on loss of daylight and sunlight for these properties.

#### The Fire Station

The VSC assessment shows that one window serving the existing two bedroom leasehold flat within the Westminster Fire Station does not meet the BRE requirements. However given the existing level is 9.7 and the proposed level is 6.7 the reduction is considered marginal. The other windows meet the BRE criteria in terms of VSC and NSL.

#### Conclusion

In summary the impact on neighbouring properties in terms of daylight and sunlight is considered acceptable. There are breaches in the BRE for a number of habitable rooms however given the dense urban environment this is considered acceptable. Artillery

Mansions is a large modern development which given that it extends close to the boundary of its site could in itself be considered unneighbourly. Therefore any form of development on the former Westminster Fire station would impact on windows in this building. The objections from residents in Artillery Mansions and Strutton Ground on daylight and sunlight are noted however the impact is not considered so severe as to justify a refusal.

Objections have also been received to the impact on daylight to roof terraces to the Strutton Ground properties. However these terraces are already affected by neighbouring buildings and it is not considered that the proposed development will have a significant impact.

### **Sense of Enclosure**

There are objections to the scheme from residents that overlook the site on grounds of increased sense of enclosure. The most sensitive side of the site is to the east in its relationship with the flats that face onto Strutton Ground and to the west in its relationship with the first to fourth floor flats on the south-east corner of Artillery Mansions. The new building at the rear will be significantly higher than the existing building and will in certain areas be closer to the boundary with Artillery Mansions.

With regards to Strutton Ground, Nos. 34 and 36 are most affected by the proposed development. The height of the new building is approximately 11m taller than the existing building on the site. Although the proposed building will be set back at second floor level and above the impact on the outlook from rear windows to Strutton Ground will be material. Although the impact to the outlook from these properties will be significant given the dense urban environment in this part of the City the impact is considered minor adverse and therefore it would not be so severe as to justify a refusal.

The flats within the south-east corner of Artillery Mansions will also be affected by the scheme. The distance between this part of Artillery Mansions and the application site is small (approximately 3.2m). The existing low level buildings on the site are set back from the windows in Artillery Mansions by at least 11 meters from the Artillery Mansions windows. This will be reduced to 7.1m at first floor level and will extend to 14.5m at second and third floor levels. The proposal will result in an increased sense of enclosure for the first to fourth floor corner flats at Artillery Mansions, with the most significant impact for the first floor flat. However given the un-neighbourly character of the windows at Artillery Mansions which were designed close to the boundary with neighbouring properties and the dense environment character of the area it is considered unreasonable to refuse permission on sense of enclosure.

Other residential flats on the east elevation of Artillery Mansions raised sense of enclosure concerns however given the distance from the application site and the existing relationship with the rear of 26 Strutton Ground and Victoria Chambers it is not considered a sense of enclosure would result.

### **Privacy**

Objections have been received from residential occupiers in Artillery Mansions and Strutton Ground on the grounds of loss of privacy and overlooking. The existing



buildings did not give much opportunity for overlooking. Whilst the new rear building will be closer to Artillery Mansions, the position of the new windows and balconies in conjunction with the use of obscure glazing to the eastern and western elevations, and the installation of screening and raised planters, will mitigate any potential for overlooking. The existing flat roof to the rear outbuildings was used as a terrace by the fire station, therefore the introduction of external access corridors to the flat on the east elevation is not considered to worsen the existing overlooking situation.

The use of appropriate conditions to ensure the installation of proposed mitigation measures is considered to be sufficient to overcome the privacy and overlooking concerns.

### **Noise and smells**

Objections have been received on the grounds of noise and smells from the restaurant use and the proposed mechanical plant.

UDP Policies ENV6 and ENV7 deal with the subject of noise pollution and vibration both from new uses, internal activity and the operation of plant. The policies require the potential for any disturbance to be mitigated through operational controls and/or attenuation measures.

The application is supported by an acoustic report. Environmental Health has reviewed the report and raise no objection subject to standard conditions including the requirement for a supplementary acoustic report to demonstrate that the selected equipment will comply with our standard noise conditions. On this basis it is considered unreasonable to refuse permission for the proposed mechanical plant on noise and vibration grounds.

The kitchen extract duct will be sited within the stair tower and will terminate at high level. The indicative odour risk assessment recommends abatement measures such as electrostatic precipitators, ozone and carbon filters to provide a high level of odour control. As the end tenant and so the type of cooking is not known, a condition is recommended to ensure the correct odour abatement measures are installed prior to the installation of the unit.

The proposed balconies are for the enjoyment of individual flats and, given their small size, their use for large gatherings is limited. Any noise disturbance generated by people sitting out on the terrace is not considered to be significant enough to warrant a reason for refusal.

## **8.4 Transportation/Parking**

Letters have been received from neighbours objecting to the proposed scheme on the grounds of lack of off-street parking provision and off-street servicing arrangements.

### **Car Parking**

The scheme does not provide any off street car parking for the residential units. This has raised concerns from local residents and from the Highways Planning Manager.

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 addition of even one additional residential unit is likely to have a significantly adverse impact on parking levels in the area and this may lead to a reduction in road safety and operation.

The evidence of the Council's most recent parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 78% day time and 73% night time. TRANS23 includes all legal parking spaces (e.g. single yellow line, metered bays, pay & display, shared use). With the addition of single yellow line availability, the night time stress level reduces to 37%. However, while currently below the day time stress threshold, the Highways Planning Manager advises that 7 additional vehicles would increase the stress level over the 80% stress threshold during the daytime period and 17 extra residential units on this site would be expected to generate a minimum of 6 vehicles.

Given the existing layout of the site, the level of demolition of existing buildings and the creation of a basement the Highways Planning Manager considers that off street parking could be provided on site. For example the use of the central courtyard as a parking area could provide at least 10 off-street car parking spaces. The access for this parking area would be from the existing cross over and entrance doors.

In response the applicant suggests the creation of additional on-street car parking on Greycoat Place, between the two existing roundabouts. The two sections of kerb are currently marked with 'keep clear' markings (similar in effect to a double yellow line with a loading ban). Although the 'keep clear' markings outside the fire station are no longer required, given existing traffic flows and the general road layout and kerbside activity, it is likely a combination of double and single yellow line with loading restrictions would be progressed rather than resident parking bays. On the south side of Greycoat Place it is likely that the 'keep clear' markings will be replaced by 'school keep clear' markings, given the school entrance, pedestrian crossing and general road layout. Furthermore the Highways Planning Manager advises that where additional on-street residential bays can be created on-street they assist in alleviating existing on-street parking pressures and should not be used to off-set increased on-street parking stress created by new residential developments. In conclusion the creation of additional on-street parking in the locations selected by the applicant is not considered acceptable as a parking mitigation measure.

Whilst the development is not consistent with TRANS23 and will add to existing on-street parking stress overall, given the overall benefits of the scheme which include bringing a listed building back into beneficial use and the proximity to good transport links, the lack of off-street parking provision is considered acceptable. The Highways Planning Managers comments about the courtyard are noted but from a townscape and heritage perspective it would be preferable for the courtyard not to be used for car parking. It is recommended that lifetime car club membership (25 years) is secured through a S106 legal agreement.

### **Servicing**

S42 of the City Plan and TRANS20 of the UDP require off-street servicing. However the proposed scheme does not provide an off-street servicing area. Instead it is proposed

that deliveries would occur on-street, directly outside the application site. The Highways Planning Manager has objected to this part of the scheme and considers that as the site can currently accommodate off-street servicing the proposed development should also provide this. The Highways Planning Manager is of the view that servicing activity from the highway will have a detrimental impact on the safety and operation of the highway and will also degrade the pedestrian environment, contrary to S41 and TRANS3.

The applicant indicates that there would be up to four deliveries for the A3 restaurant and one refuse and recycling collection per week. The applicant indicates that dwell times will be up to 10 minutes on average for each delivery.

The concerns of the Highways planning Manager are noted. However the provision of off-street servicing within the development may compromise the ability of the scheme to provide an active frontage on Greycoat Place which is considered a benefit in townscape terms. It is considered that the concerns of the Highways Planning Manager could be partly addressed through a Servicing Management Plan (SMP). The SMP will need to be robust as it will need to demonstrate how the proposed development would minimise its impact on the highway network, so as not to have a significantly detrimental impact on other highway users. Subject to this requirement it is not considered that objections on servicing grounds could be supported.

### **Cycle Parking**

The London Plan Policy 6.9 requires 1 space per 1 bedroom unit and 2 spaces for all other dwellings space per 175m<sup>2</sup> of A3 restaurant floor space. For the residential units, the proposal would therefore require 32 cycle parking spaces. The submitted drawings indicate 18 cycle parking spaces for the residential leaving a shortfall of 14 spaces. The 477m<sup>2</sup> of A3 would require a minimum of 3 cycle parking spaces. The submitted drawings show two secure and weather proof cycle parking. A condition is recommended to ensure that cycle parking provision meets London Plan standards.

## **8.5 Economic Considerations**

The economic benefits generated by the proposed residential units and restaurant use is welcomed.

At this stage it is estimated that the Community Infrastructure Levy generated by the scheme is £621,015.47 (Mayoral CIL is £81,895.47 and the Westminster CIL is £539,120).

## **8.6 Access**

A lift serves all residential units offering step-free access which is welcomed.

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

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered

the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. This includes the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which is to be applied from September 2016.

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

### **Refuse /Recycling**

Revised plans have been received during the course of consideration of the application and the provision of a waste store at lower ground floor for the restaurant use is now considered acceptable. The servicing strategy for the residential and commercial waste stores will need to form part of the SMP.

### **Biodiversity**

A bat and ecology survey report has been submitted in support of the application. The report concludes that no evidence of mammal activity, and the site was completely unsuitable for reptiles or amphibians, this unsurprising given the site's isolation within an extensive urban area with no connectivity to any semi-natural habitats. Therefore the introduction of a landscaped courtyard would improve the site's contribution to the biodiversity of the area, which is welcomed as Policy S38 of the City Plan requires new development to maximise opportunities to create new wildlife habitats.

### **Sustainability**

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

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

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The Energy Strategy provided with the application has been revised during the course of the application and now complies with London Plan Policy 5.2 whereby the scheme will result in a carbon dioxide improvement beyond Part L 2013 of 35%. This is welcomed.

An air quality assessment has assessed the projected number of vehicles associated with the new development and assessed the consequent impact on air quality. As a result of this they conclude the development will not cause a resultant worsening of air quality in the locality. However the report notes that the proposed residents will be exposed to concentrations of NO<sub>2</sub> above objective limits on all floors and recommends that mechanical ventilation is installed in order to improve internal air quality. It recommends the inlets are situated at the rear of the building, at roof level, furthest from Greycoat Place. It is recommended that this mitigation should be required by way of condition.

The air quality neutral assessment concludes the development will be air quality neutral for both building emissions and transport emissions assuming that low NO<sub>x</sub> gas boilers are installed.

## **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**

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

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

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

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been

entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The Council's own Community Infrastructure Levy was introduced on 1 May 2016.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the mechanism for securing the replacement social and community facility together with:

- i. the applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £52,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- ii. all necessary highway works;
- iii. car club membership for residents of the development – the developer to undertake to pay annual access charge for 25 years from first occupation;
- iv. S106 monitoring payment.

Officers consider that these 'Heads' satisfactorily address City Council policies and the CIL Regulations.

### **8.11 Environmental Impact Assessment**

The development is not of sufficient scale to require an Environmental Statement under the 2011 Regulations (as amended). Other environmental impact issues have been covered elsewhere in this report.

### **8.12 Other Issues**

#### **Basement**

The scheme includes excavation works under the entire footprint of the site to create one storey basement. The proposed basement therefore extends beneath more than 50% of the garden land and no margin of undeveloped land proportionate to the scale of the development around the site boundary is proposed. The proposed basement to provide additional residential floorspace is contained within the footprint of the proposed rear building, beneath the courtyard the basement will provide floorspace for the restaurant, waste and cycle storage and a plant room. The existing courtyard was used as parking space so it was entirely paved, and it adjoins a paved courtyard to Artillery Mansions which provide car access to the underground parking. Therefore in this instance the layout of the basement is considered acceptable.

The applicant has provided a structural engineer's report explaining the likely methodology of excavation works. The report has been considered by our Building Control officers who advised that the structural approach appears satisfactory.

**Construction impact**

Objections on the grounds of noise and disruption during construction works do not in themselves form a sustainable reason to refuse permission.

The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. It is recommended that the necessary contributions to ensure compliance with the Council's Code of Construction Practice, and to secure the monitoring expertise of the Council's Environmental Sciences Team, the latter of which controls noise, dust and vibration emanating from the site through a site specific SEMP, should be secured through a S106 legal agreement. It is recommended that a construction logistics plan is secured by condition.

The Council's standard hours of building works condition is recommended as is the requirement for the applicant to submit a more detailed construction management plan to help mitigate noise and disruption during demolition and construction.

A highway licence would be required before any construction equipment such as scaffolding or skips can be placed on the road or pavement.

An informative is recommended to encourage the applicant to join the nationally recognized Considerate Constructor Scheme as well as keeping residents informed concerning the works.

**Flood risk**

The application is accompanied by a Flood Risk Assessment report. In the event of flood the applicant has suggested that those residing on the lower floors seek safe refuge within the higher floors of the development.

The Environment Agency has confirmed that they have no objection to the application but they have recommended that the application raises finished floor level to 4.906m AOD for this site. This will be dealt with by way of an informative.

**Crime and security**

The scheme does not raise significant issues with regard to crime and security but the Metropolitan Police raises concerns about climbing potential on boundary walls, access control, lack of reference of a standard of compliance for vulnerable doors, windows, and rooflights, cycle storage and fire safety. CCTV, mail delivery point, and management plan of communal courtyard.

The communal courtyard is for the enjoyment of the residents only, the restaurant customers will not have access. The building is listed Grade II therefore alterations to the walls and installation of CCTV would need to be assessed separately, in addition the existing store roofs will be removed as part of the scheme so they will not act as a climbing aid.

## Contaminated Land

The historic maps show the site was previously adjacent to a brewery and a warehouse and therefore could be subject to on site contamination. The submitted draft SEMP notes geotechnical investigations have been completed although these documents have not been submitted. A condition requiring the submission of the appropriate reports is therefore recommended.

## Consultation

One objector stated that the comments provided during the consultation process carried out by the applicant have not been taken into consideration. Whilst dialogue with the existing local community is strongly encouraged prior to the submission of an application, there is not obligation for the applicant to revise the scheme following consultation exercise. This is not considered a sustainable reason to refuse permission.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Historic England, dated 21 June 2016
3. Response from Historic England Archaeology, dated 29 July 2016
4. Response from Thorney Island Society, dated 22 June 2016
5. Response from Westminster Society, dated 27 September 2016
6. Response from Environment Agency, dated 12 July 2016
7. Response from Council for British Archaeology, dated 08 July 2016
8. Response from Designing Out Crime, dated 6 July 2016
9. Response from Building Control, dated 23 June 2016
10. Responses from Environmental Health, dated 4 November and 23 June 2016.
11. Response from Go Green Programme, dated 27 June 2016
12. Response from Cleansing, dated 28 June 2016
13. Response from Environmental Sciences, dated 14 July 2016
14. Response from Highways Planning, dated 20 July 2016
15. Letter from occupier of 28 Strutton Ground, London, dated 14 June 2016
16. Letter from occupier of Flat 75 Artillery Mansions, Victoria Street, dated 4 July 2016
17. Letter from occupier of 14 Walpole Street, dated 07 July 2016
18. Letter from occupier of Flat 122, Artillery Mansions, dated 08 July 2016
19. Letter from occupier of 75 Victoria Street, 86 Artillery Mansions, dated 10 July 2016
20. Letter from occupier of 45 Dene Road, Northwood, dated 10 July 2016
21. Letter from occupier of 116 Artillery Mansions, 75 Victoria Street, dated 11 July 2016
22. Letter from occupier of 13 Madeley Road, London, dated 12 July 2016
23. Letter from occupier of 3 Elizabeth Gardens , Ascot , dated 14 July 2016
24. Letter from occupier of 102 Artillery Mansions, Victoria Street, dated 15 July 2016
25. Letter from occupier of Flat A, 30 Strutton Ground, London, dated 18 July 2016
26. Letter from occupier of 36 Strutton Ground, London, dated 20 September 2016
27. Letter from Turley dated 24 October 2016.

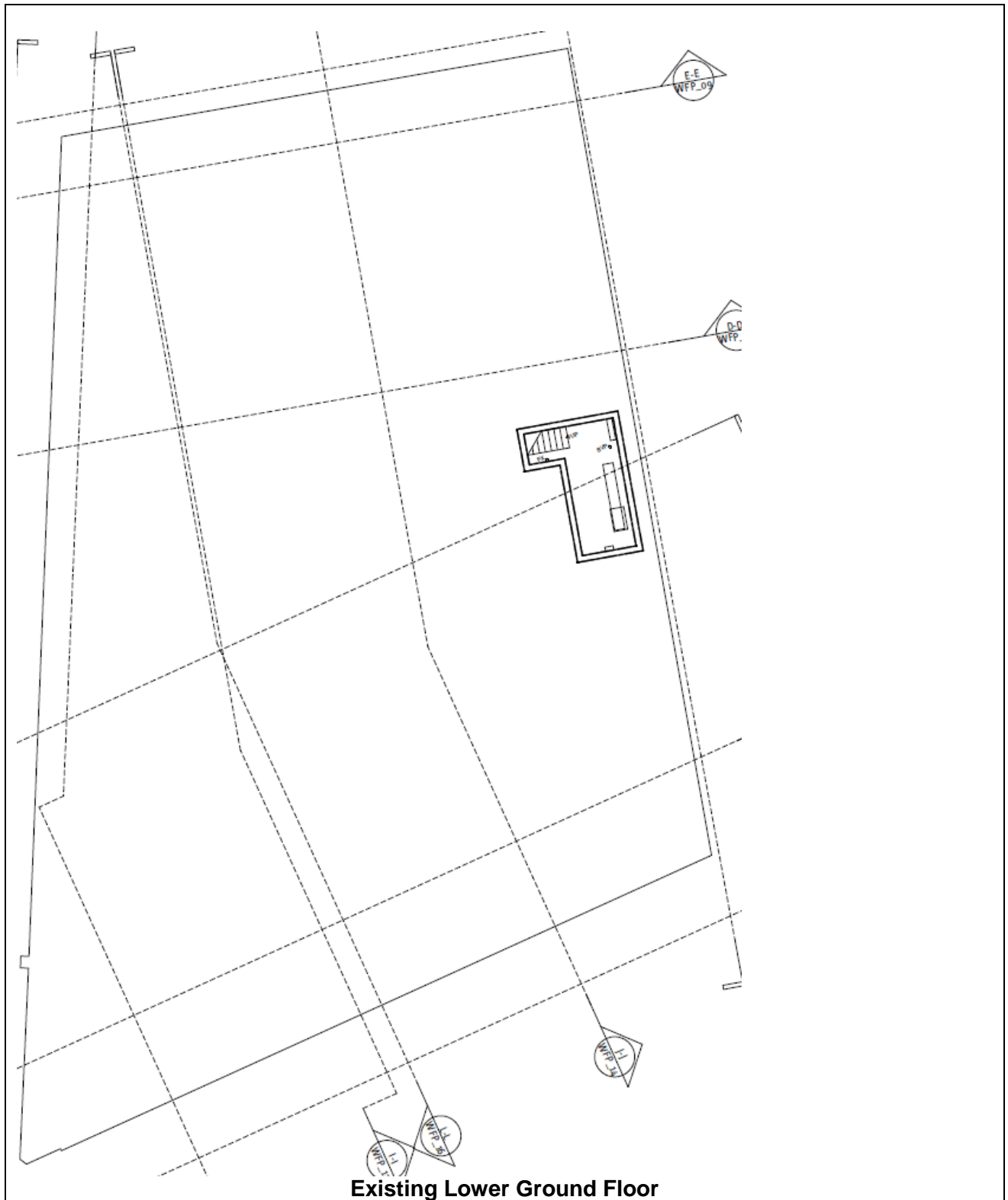


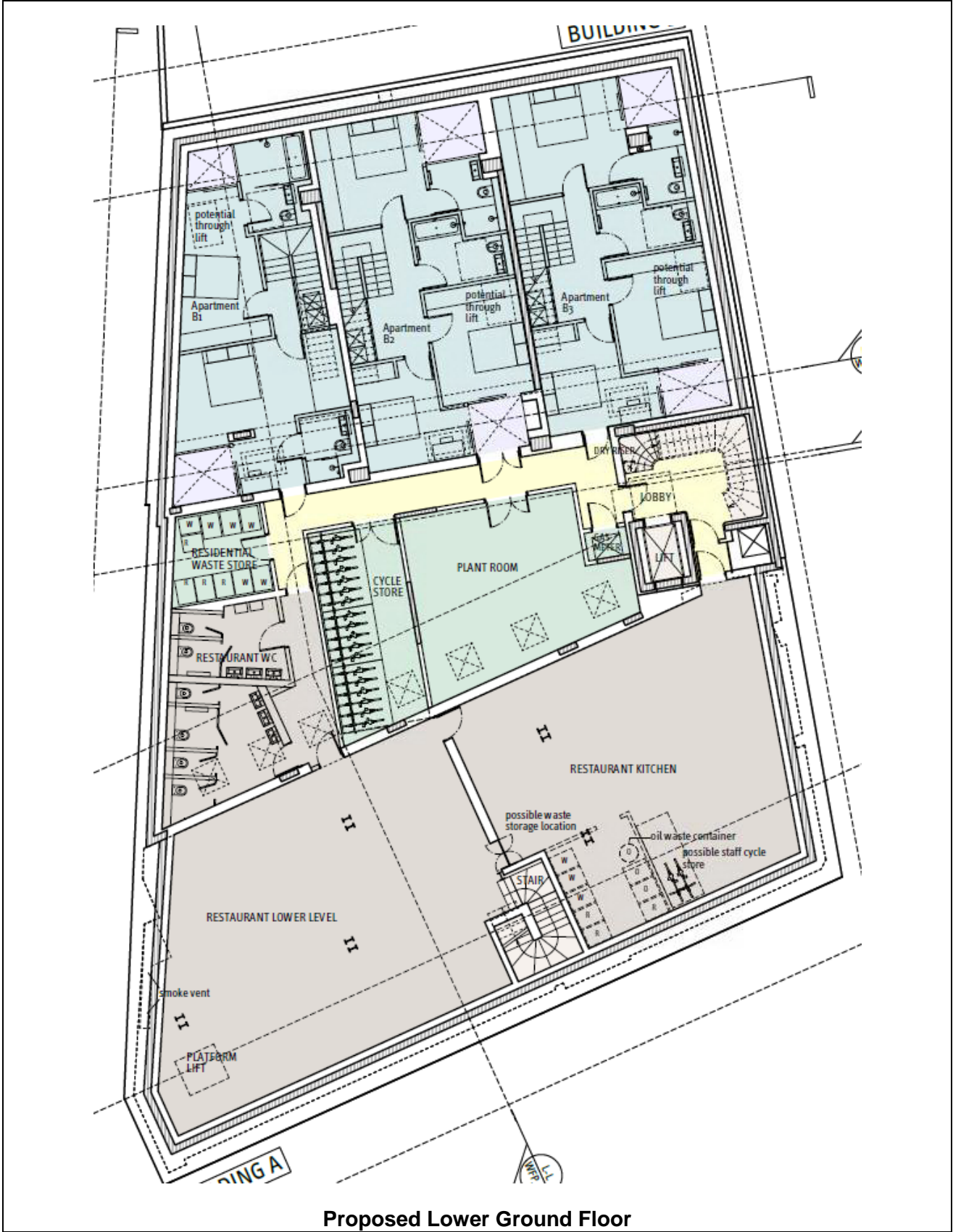
**Selected relevant drawings**

(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: MATTHEW MASON BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk).

10. KEY DRAWINGS



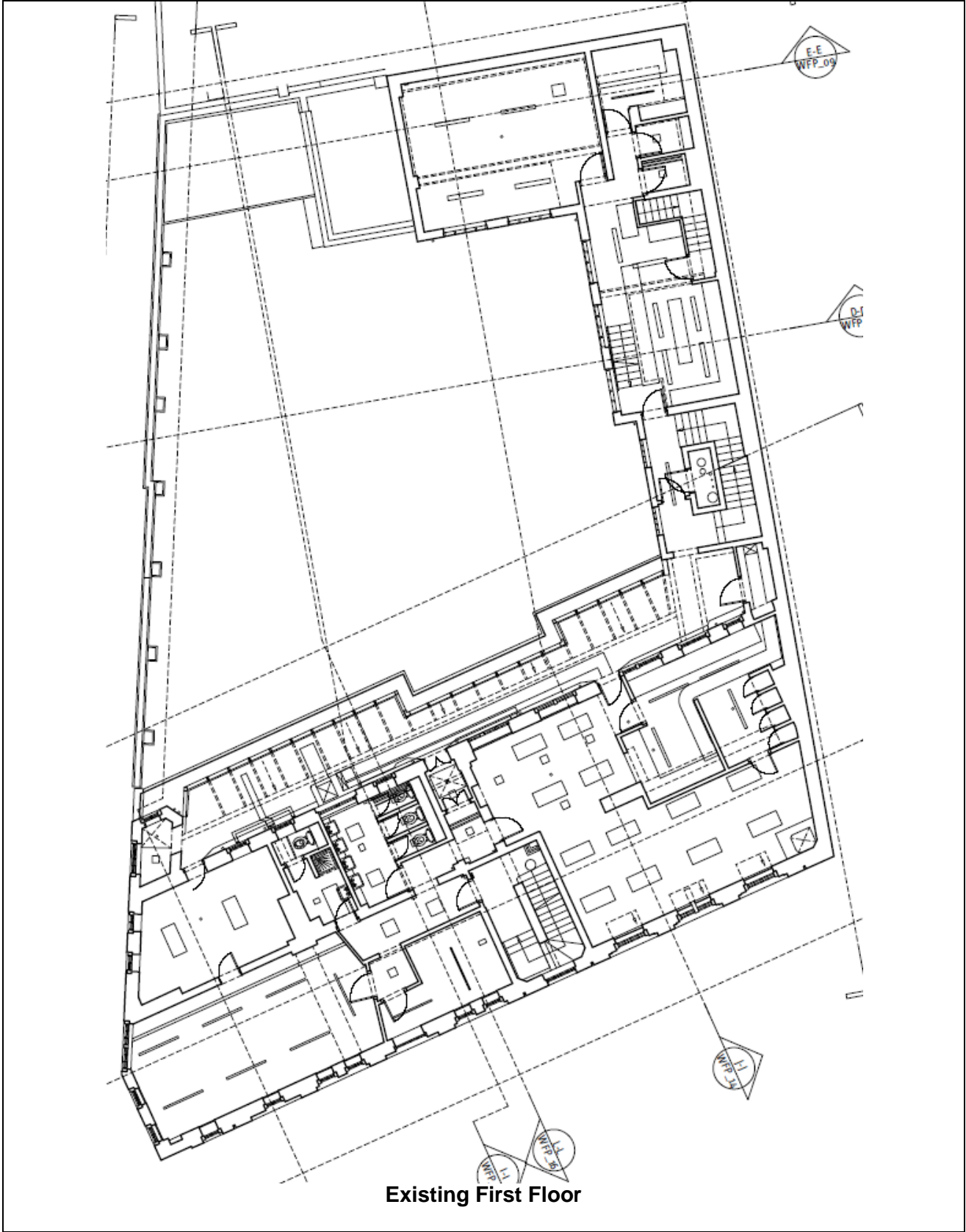


Proposed Lower Ground Floor



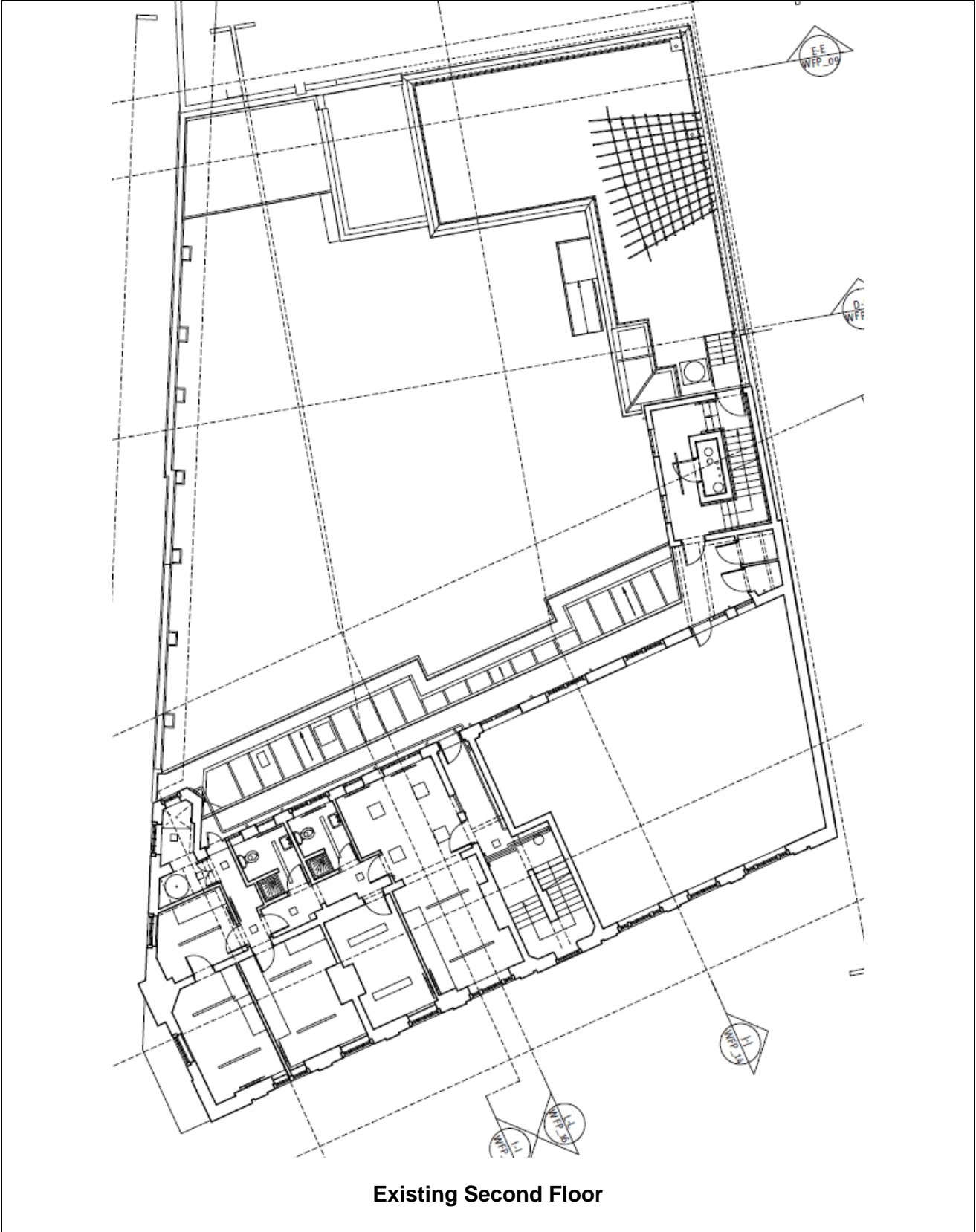
Existing Ground Floor





Existing First Floor





**Existing Second Floor**

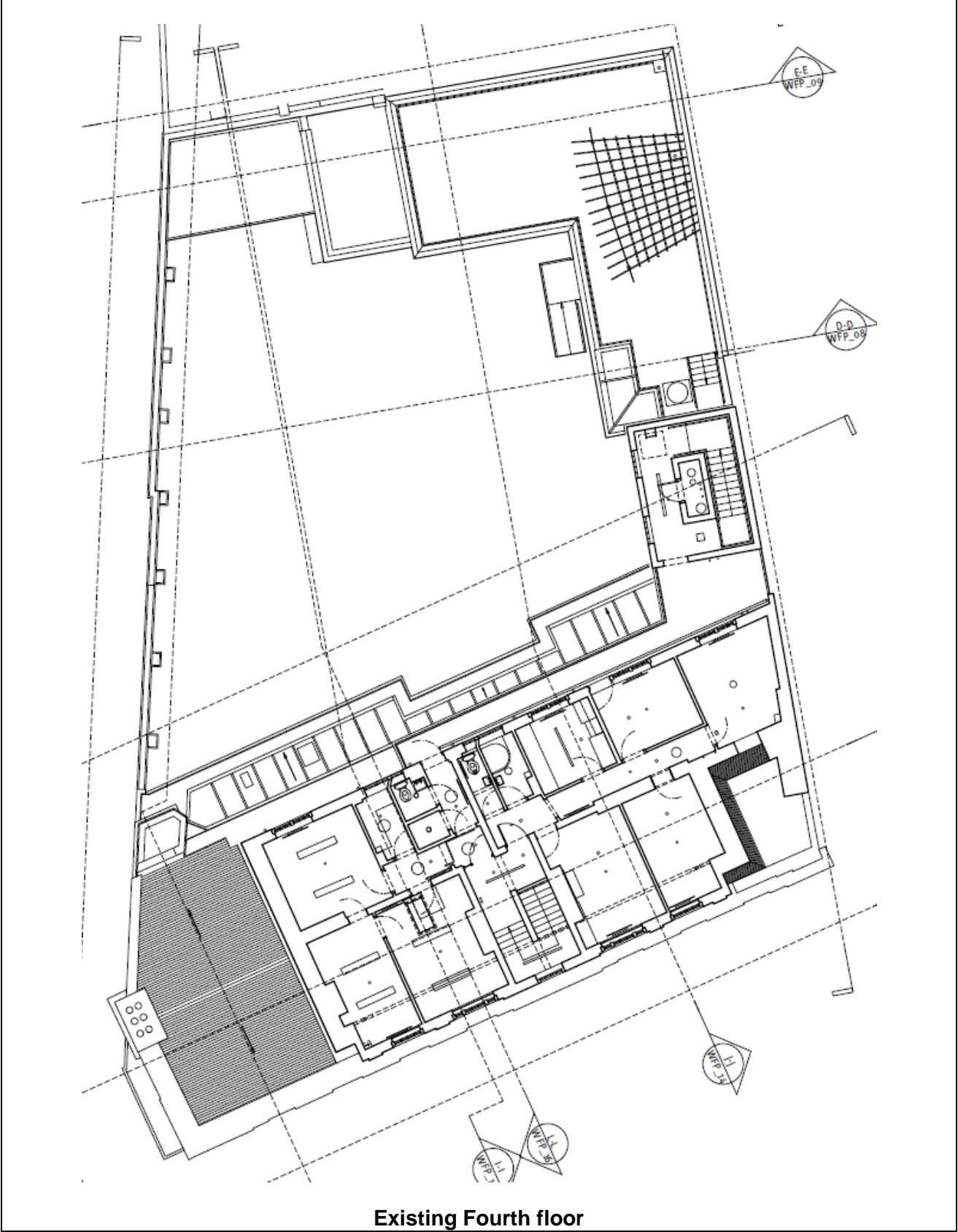




Proposed Second Floor



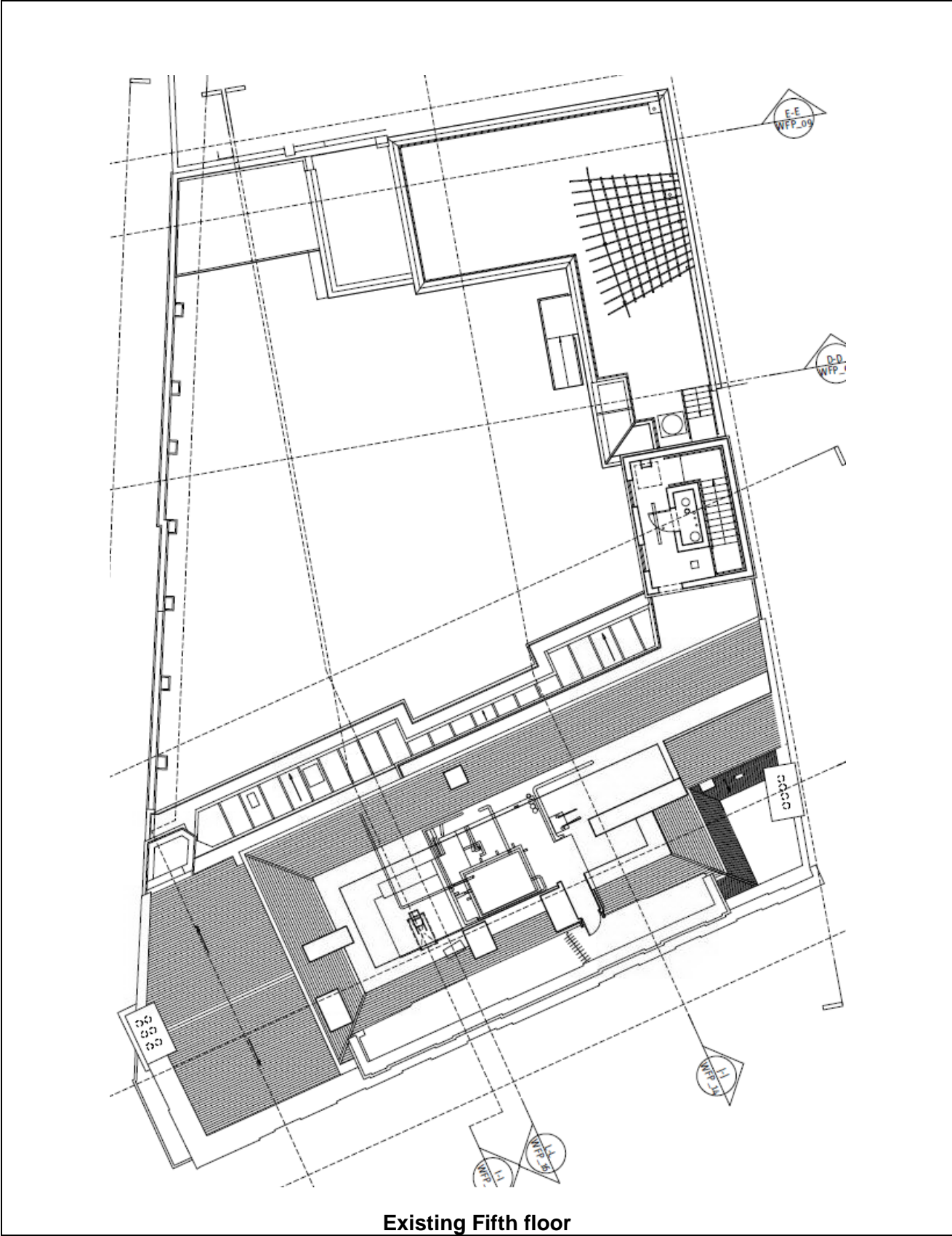




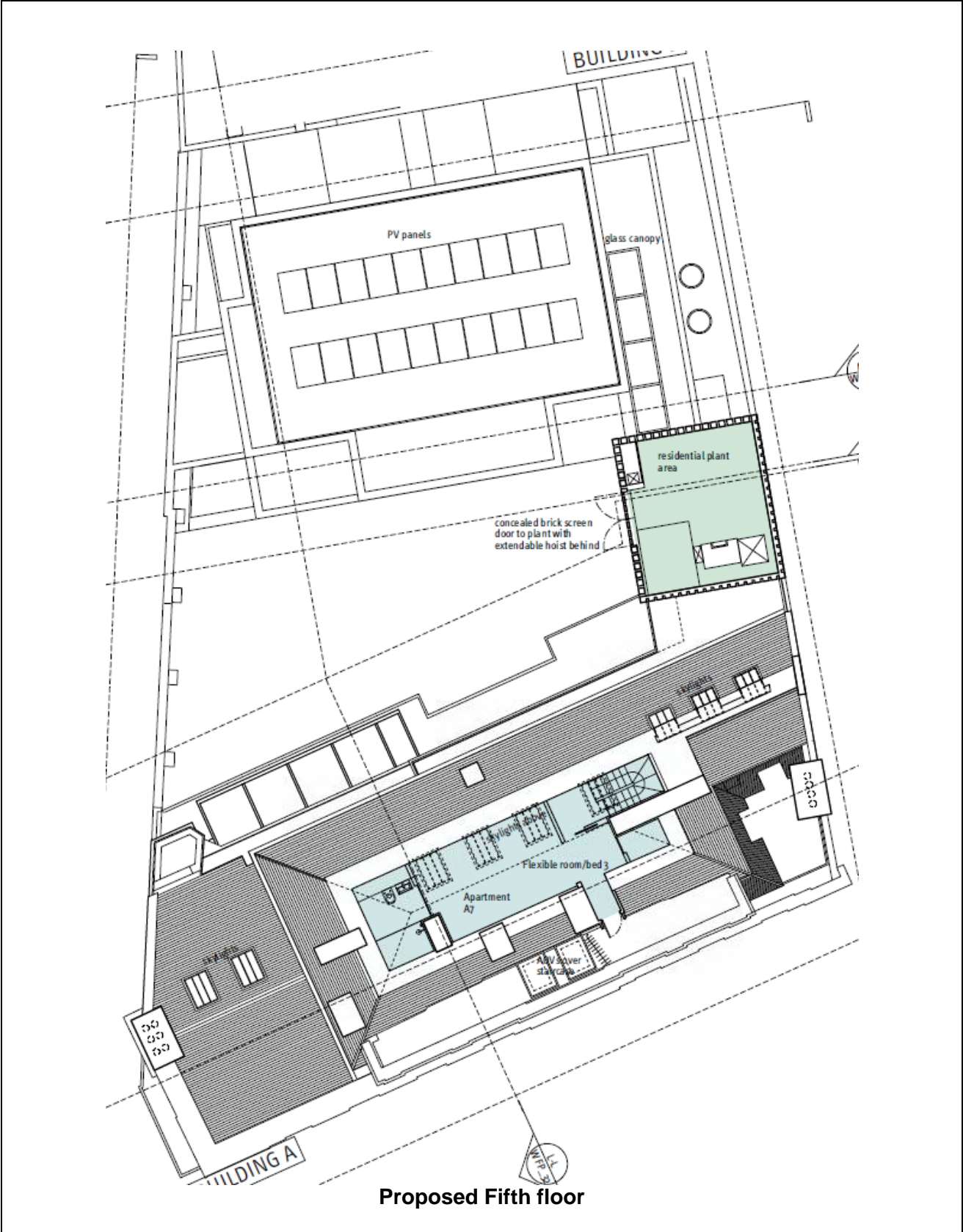
Existing Fourth floor

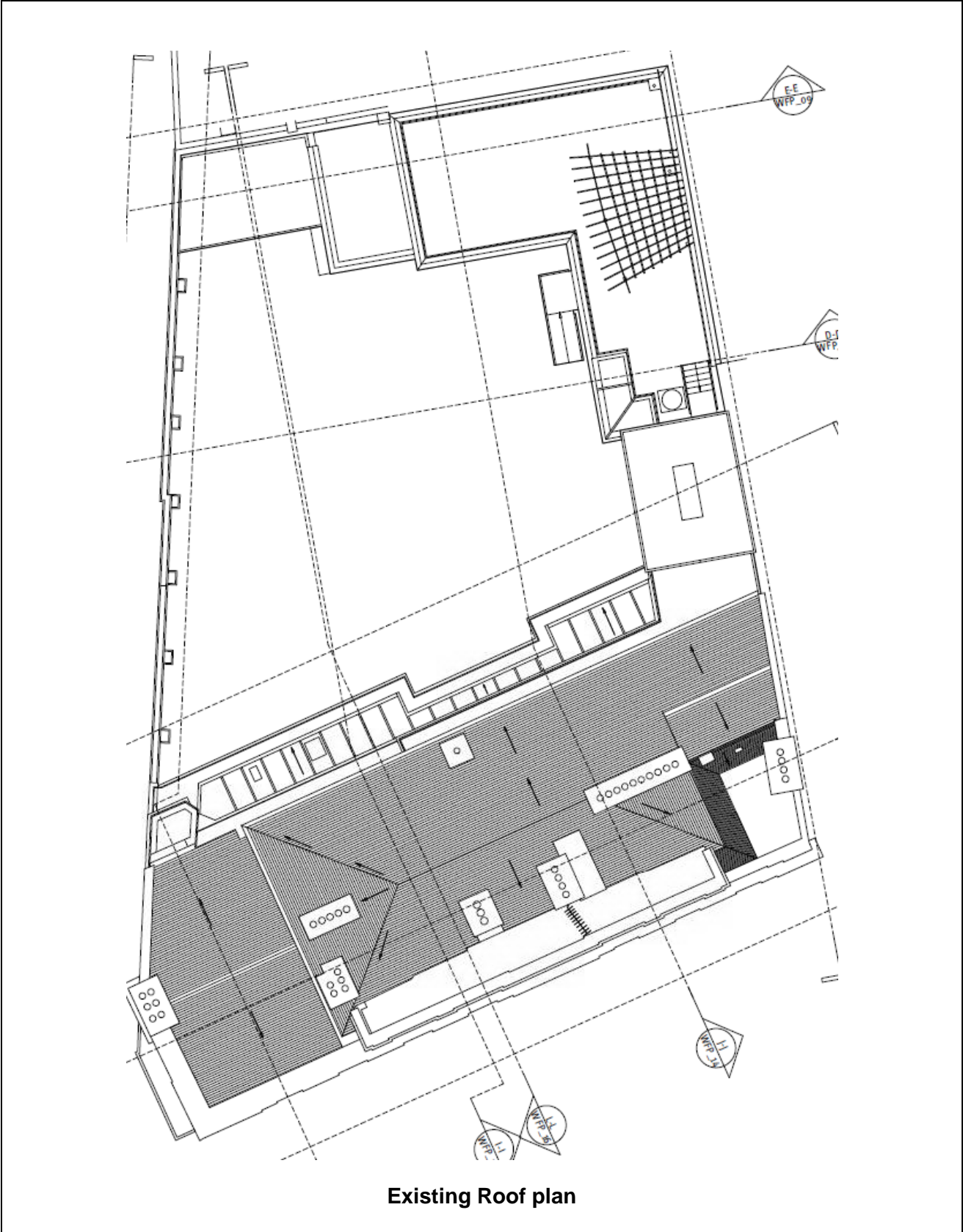


Proposed Fourth floor



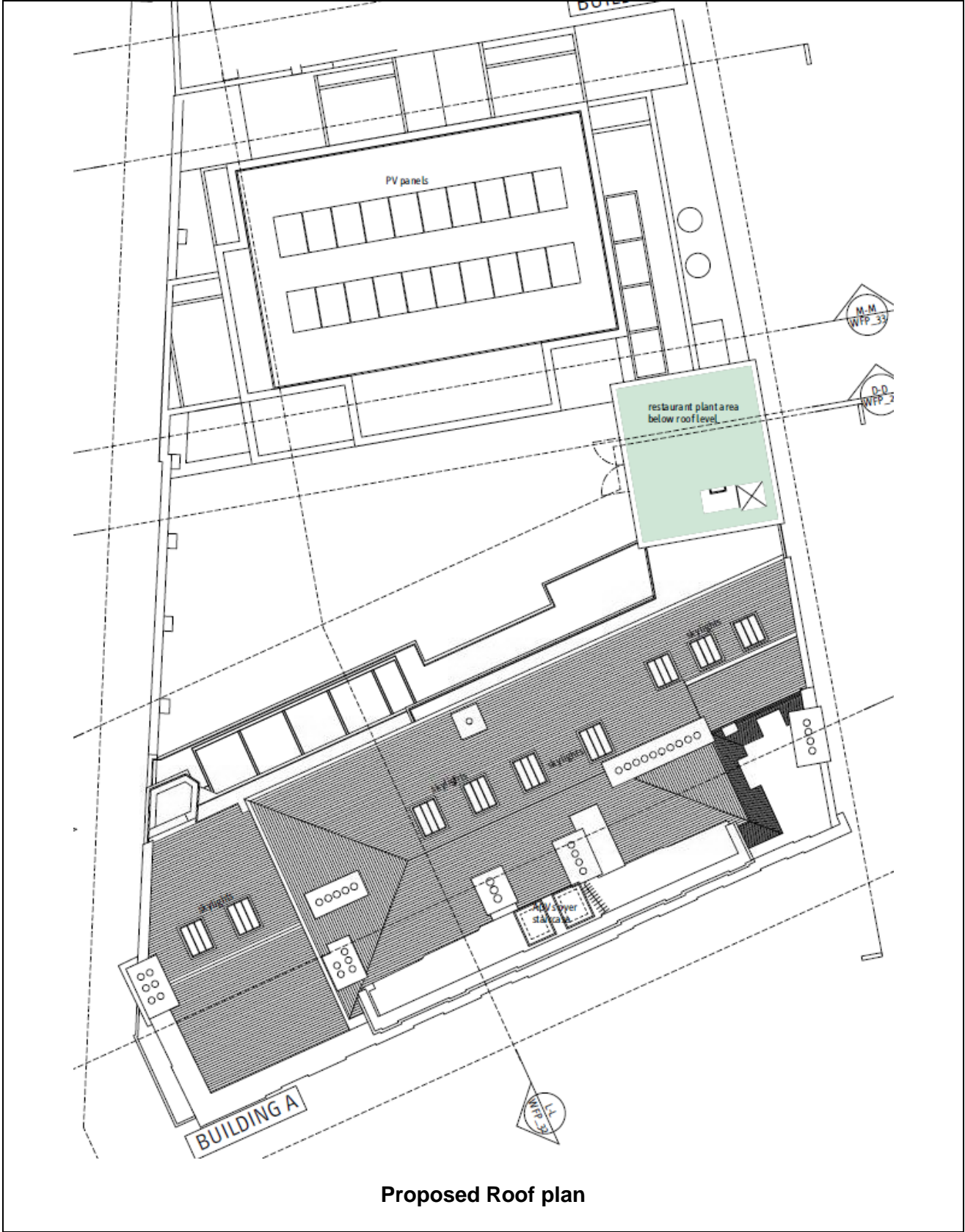
Existing Fifth floor





Existing Roof plan





**Proposed Roof plan**



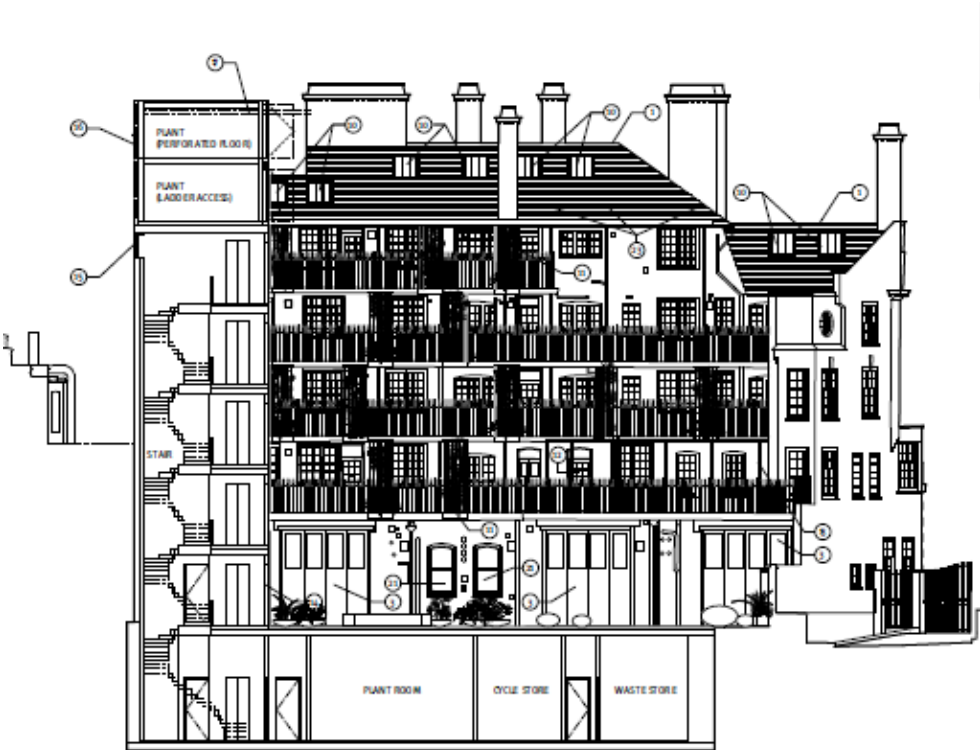
Existing Front elevation



Proposed Front elevation



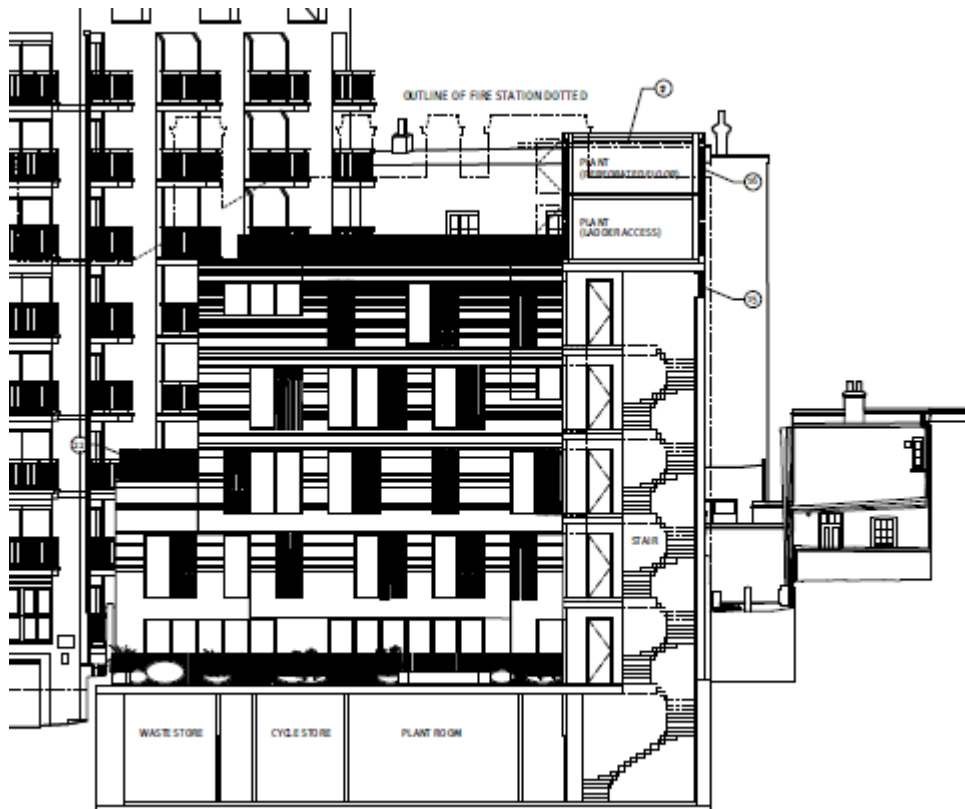
Existing rear sectional elevation of Fire station



Proposed rear sectional elevation of Fire station



Existing South elevation of outbuilding (DD)



Proposed South sectional elevation of rear building (DD)



**Existing East elevation**



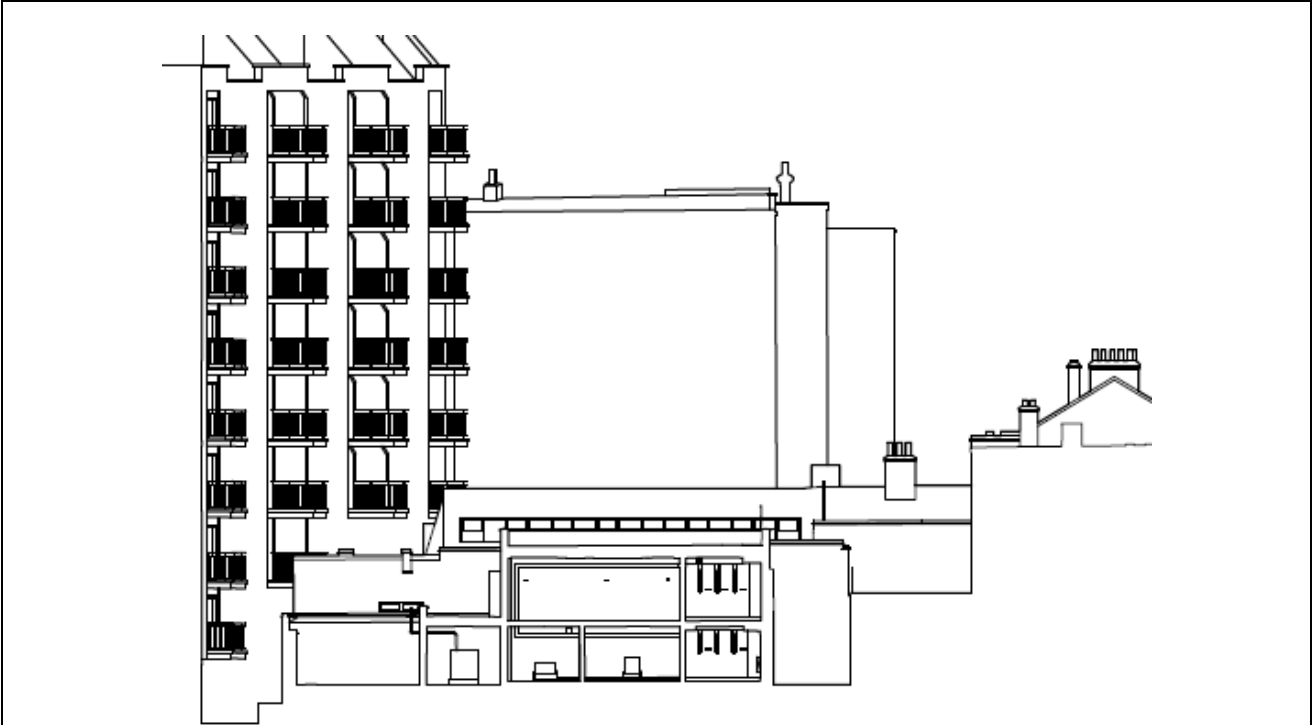
**Proposed East elevation**



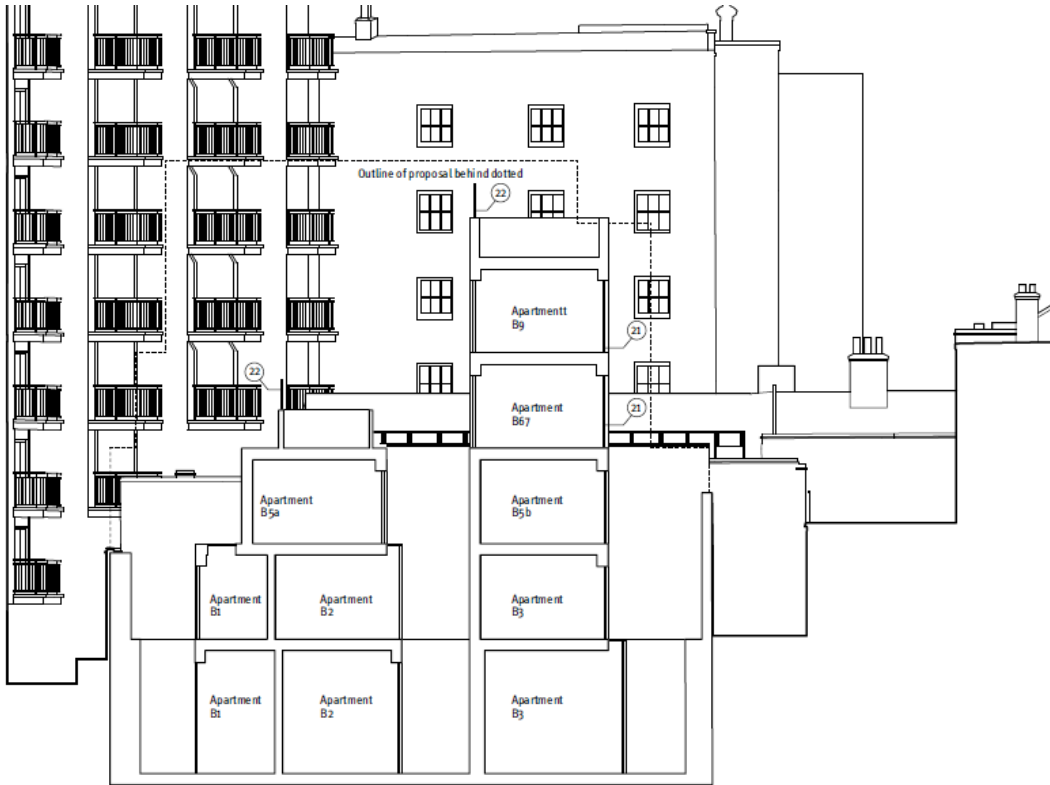
Existing West elevation



Proposed West elevation



Existing section EE



Proposed section EE

**DRAFT DECISION LETTER**

**Address:** Westminster Fire Station, 4 Greycoat Place, London, SW1P 1SB,

**Proposal:** Use of the Fire Station (ground floor) as Class A3 and (four upper floors) as Class C3 use (6 flats) with associated internal and external alterations. Demolition of the existing rear buildings and replacement with a five storey residential building to provide 11 flats with balconies, excavation of one storey basement under the entire footprint of the site to accommodate A3 use and residential use. Installation of photovoltaic panels to roof level of rear building. Rebuilding of the existing rear tower with installation of plant on top.

**Reference:** 16/05216/FULL

**Plan Nos:** WF-P\_00L; WF-P\_00S; WF-P\_01; WF-P\_02; WF-P\_03; WF-P\_04; WF-P\_05; WFP\_06; WF-P\_07; WF-P\_08; WF-P\_09; WF-P\_10; WF-P\_11; WF-P\_12; WF-P\_13; WF-P\_14; WF-P\_15; WF-P\_16; WF-P\_17 A; WF-P\_18 A; WF-P\_19; WF-P\_20; WFP\_21; WF-P\_22; WF-P\_23; WF-P\_24; WF\_25 A; WF\_26 A; WF-P\_27; WF-P\_31; WF-P\_32; WF-P\_20; WF-P\_33; WF\_34 A; WF-P\_40; WF-P\_41; WF-P\_42; WF-P\_43; WF-P\_44; WF-P\_45; WF-P\_46; WF-P\_47; WF-P\_51; WF-P\_52; WF-P\_53; Air quality assessment dated January 2016; Heritage statement dated June 2016; Archaeological desk-based assessment dated May 2016; Acoustic assessment dated 31.05.16; Ventilation/extraction statement C6114; Energy and sustainability statement dated July 2016.

For information only: Bat and ecological survey report dated 09.12.15; Design and access statement dated June 2016; Statement of community involvement; Planning statement dated June 2016; Daylight and sunlight assessment; Flood risk assessment dated May 2016; Site environmental management plan and construction management plan dated June 2016; Transport statement dated May 2015.

**Case Officer:** Aurore Manceau

**Direct Tel. No.** 020 7641 7013

**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 (July 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development:
- i) new windows at a scale of 1:10 with x-sections at 1:5
  - ii) new external doors at a scale of 1:10 with x sections at 1:5
- 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 works according to these details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 You must put up a copy of this planning permission and all its conditions in the shared part of the building on the ground floor for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21JA)

Reason:

To make sure other people in the building are fully aware of the conditions and to protect their rights and safety. (R21FA)

- 7 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 Broadway And Christchurch Gardens Conservation Area as set out in S25 and S28 of Westminster's City Plan (July 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)

- 8 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

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

- 9 **Pre Commencement Condition.**

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

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved

scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

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

Reason:

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

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

Reason:

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

- 11 Notwithstanding what is shown on the approved drawings prior to the commencement of the development details of a minimum of 3 cycle parking spaces for the class A unit and 32 cycle parking spaces for the residential units shall be submitted and approved by the local planning authority. You must provide each cycle parking spaces as approved prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose.

Reason:

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

- 12 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 (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 13 Prior to any occupation of the units hereby approved, you shall submit and have approved in writing a detailed servicing management strategy identifying process, internal storage locations, scheduling of deliveries and staffing. All servicing shall be undertaken in accordance with the approved strategy and maintained for the life of development unless otherwise agreed in writing by the local planning authority.

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 14 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number WF-P\_17 A. You must clearly mark them and make them available at all times to everyone using the restaurant and residential flats. (C14FB)

Reason:

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

- 15 (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 (July 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.

- 16 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.

- 17 Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant (class A3) use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

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 (UDP), 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 (July 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.

- 18 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 inside bedrooms 45dB L Amax is not to be exceeded no more than 15 times per night-time from sources other than emergency sirens.

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.

- 19 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise 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 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or

adjoining buildings from noise and vibration from elsewhere in the development.

- 20 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Conditions 15 and 16 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels.

- 21 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 17 and 18 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

To protect the environment of the people in the residential part of the development. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

- 22 You must apply to us for approval of an operational management plan to include details of restaurant capacity and measures to prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the A3 use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 23 Customers shall not be permitted within the restaurant premises before 10.00 or after midnight Monday to Saturday and before 10.00 and 23.30 on Sundays, Bank Holidays and Public Holidays. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

Photovoltaic panels

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (July 2016). (R44AC)

- 25 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 26 You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phase 4 when the development has been completed.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate. (C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 27 A scheme of mechanical ventilation to provide adequate cooling and incorporating appropriate air quality filtration should be provided to the residential properties. Details of the scheme must be submitted to and approved by the Local Planning Authority prior to the occupation of the residential units. The approved scheme should be installed and maintained. The mechanical ventilation system installed shall ensure the internal noise levels of the residential units do not exceed the noise levels outlined in condition 17.



Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 28 You must provide the following features prior to occupation of the residential units to ensure the development can achieve air quality neutral as set out in your report:

-Low NO x gas boilers

You must not remove any of these features.

Reason:

To protect the living conditions of people who may use the property in future as set out in S31 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 29 You must submit for approval detailed drawings showing all privacy mitigation measures for the windows and terraces to new rear building. You must then carry out the work according to these details prior to the occupation of the residential units. You must then retain and maintain these mitigation measures.

Reason:

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

- 30 You must submit a sample of the obscure glazing to be installed to the ground floor rear windows of the front building. You must then fit the type of glass we have approved prior to the use of the restaurant and must not change it without our permission.

Reason:

To protect the environment of the people in the residential part of the development. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

- 31 The plant/machinery hereby permitted for the restaurant use shall not be operated except between 10.00 and 00.30 Monday to Saturday and 10.00 to 24.00 on Sundays and Bank Holidays.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 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 (July 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](http://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](mailto: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 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to :

- i. Replacement community facility within the borough
- ii. Payment of £500,000 to the City Council to be held in escrow until the applicant has secured suitable viable replacement facility within a period of four years from the date of planning permission
- iii. Compliance with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to the commencement of development and provide a financial contribution of £52,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- iv. Car club membership for residents of the development;
- vii. Highway works surrounding the site required for the development to occur;
- viii. Costs of monitoring the S106 agreement.

- 4 The written scheme of archaeological investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology Guidelines. It must be approved by the City Council before any on-site development related activity occurs. It is recommended that the archaeological fieldwork should comprise of the following:

#### Watching Brief

A watching brief involves the proactive engagement with the development groundworks to permit investigation and recording of features of archaeological interest which are revealed. A suitable working method with contingency arrangements for significant discoveries will need to be agreed. The outcome will be a report and archive.

Archaeological monitoring of any geotechnical investigation would also be a useful exercise and may enable the scope of the archaeological watching brief to be refined.

- 5 To be able to comply with the Code of Construction Practice a full SEMP will be required on the site. This should cover the following:

a. Site Information:

- i. Environmental management structure;
- ii. Location of any potentially sensitive receptors;

b. Environmental Management:

- i. Summary of main works
- ii. Public access and highways (parking, deliveries, loading/unloading, site access and egress, site hoardings)
- iii. Noise and vibration (predictions, managing risks and reducing impacts)
- iv. Dust and Air Quality (risk rating, managing risks and reducing impacts)
- v. Waste management (storage, handling, asbestos, contaminated land)
- vi. Water Resources (site drainage, surface water and groundwater pollution control, flood risk)
- vii. Lighting
- viii. Archaeology and build heritage (if applicable)
- ix. Protection of existing installations (if applicable)
- x. Urban ecology (if applicable);
- xi. Emergency procedures;
- xii. Liaison with the local neighbourhood.

c. Monitoring:

- i. Details of receptors
- ii. Threshold values and analysis methods ;
- iii. Procedures for recording and reporting monitoring results;
- iv. Remedial action in the event of any non-compliance.

- 6 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)

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

- 8 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)

- 9 Conditions 15 and 16 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 10 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

- 11 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)

- 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 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 14 Under the Construction (Design and Management) Regulations 2007, 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](http://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.
- 15 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 16 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.
- Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

- 17 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 18 Your attention is drawn to the advice contained in the Environment Agency letter dated 16 September 2015 which recommends that finished floor levels are raised to the 2100 breach level of 4.906m AOD.
- 19 The Service and Management Plan (SMP) should identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this case.
- It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users.
- 20 You must get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the following advertisements: fascia signs. (I04AA)

**DRAFT DECISION LETTER**

**Address:** Westminster Fire Station, 4 Greycoat Place, London, SW1P 1SB,

**Proposal:** Use of the Fire Station (ground floor) as Class A3 and (four upper floors) as Class C3 use (6 flats) with associated internal and external alterations. Demolition of the existing rear buildings and replacement with a five storey residential building to provide 11 flats with balconies, excavation of one storey basement under the entire footprint of the site to accommodate A3 use and residential use. Installation of photovoltaic panels to roof level of rear building. Rebuilding of the existing rear tower with installation of plant on top.

**Reference:** 16/05217/LBC

**Plan Nos:** WF-P\_00L; WF-P\_00S; WF-P\_01; WF-P\_02; WF-P\_03; WF-P\_04; WF-P\_05; WF-P\_06; WF-P\_07; WF-P\_08; WF-P\_09; WF-P\_10; WF-P\_11; WF-P\_12; WF-P\_13; WF-P\_14; WF-P\_15; WF-P\_16; WF-P\_17 A; WF-P\_18 A; WF-P\_19; WF-P\_20; WF-P\_21; WF-P\_22; WF-P\_23; WF-P\_24; WF\_25 A; WF\_26 A; WF-P\_27; WF-P\_31; WF-P\_32; WF-P\_20; WF-P\_33; WF\_34 A; WF-P\_40; WF-P\_41; WF-P\_42; WF-P\_43; WF-P\_44; WF-P\_45; WF-P\_46; WF-P\_47; WF-P\_51; WF-P\_52; WF-P\_53; Heritage statement dated June 2016;

**Case Officer:** Aurore Manceau

**Direct Tel. No.** 020 7641 7013

**Recommended Condition(s) and Reason(s)**

- 1 The works 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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July

2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development: i) new windows at a scale of 1:10 with x-sections at 1:5, ii) new doors at a scale of 1:10 with x sections at 1:5, 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 works according to these details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 A scheme of mechanical ventilation to provide adequate cooling and incorporating appropriate



air quality filtration should be provided to the residential properties. Details of the scheme must be submitted to and approved by the Local Planning Authority prior to the occupation of the residential units. The approved scheme should be installed and maintained.

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

**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 (July 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 character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:., S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:., \* any extra work which is necessary after further assessments of the building's condition;., \* stripping out or structural investigations; and, \* any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.

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# Agenda Item 3

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 15 November 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>50 Eastbourne Terrace, London, W2 6LX,</b>		
<b>Proposal</b>	Demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop) / A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews.		
<b>Agent</b>	Mr Joe Wilson		
<b>On behalf of</b>	C/O Agent		
<b>Registered Number</b>	16/07359/FULL	<b>Date amended/ completed</b>	2 August 2016
<b>Date Application Received</b>	2 August 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	N/A		

## 1. RECOMMENDATION

Grant conditional permission.
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## 2. SUMMARY

The site comprises No.50 Eastbourne Terrace, which incorporates frontages to Eastbourne Terrace, Craven Road and Chilworth Mews. The existing buildings on the site consist of an 8 storey (plus lower ground floor) building linked with 2-3 storey buildings (plus lower ground floor level) on the corner of Craven Road and Eastbourne Terrace. None of the buildings on site are designated listed buildings, although there are a number of heritage assets in the immediate setting, including the Grade I listed Paddington Station, Grade II listed Hilton Hotel and Grade II listed Westbourne Terrace. The site is bordered on the east, south and west sides by the Bayswater Conservation Area, with the site itself not being included within a conservation area.

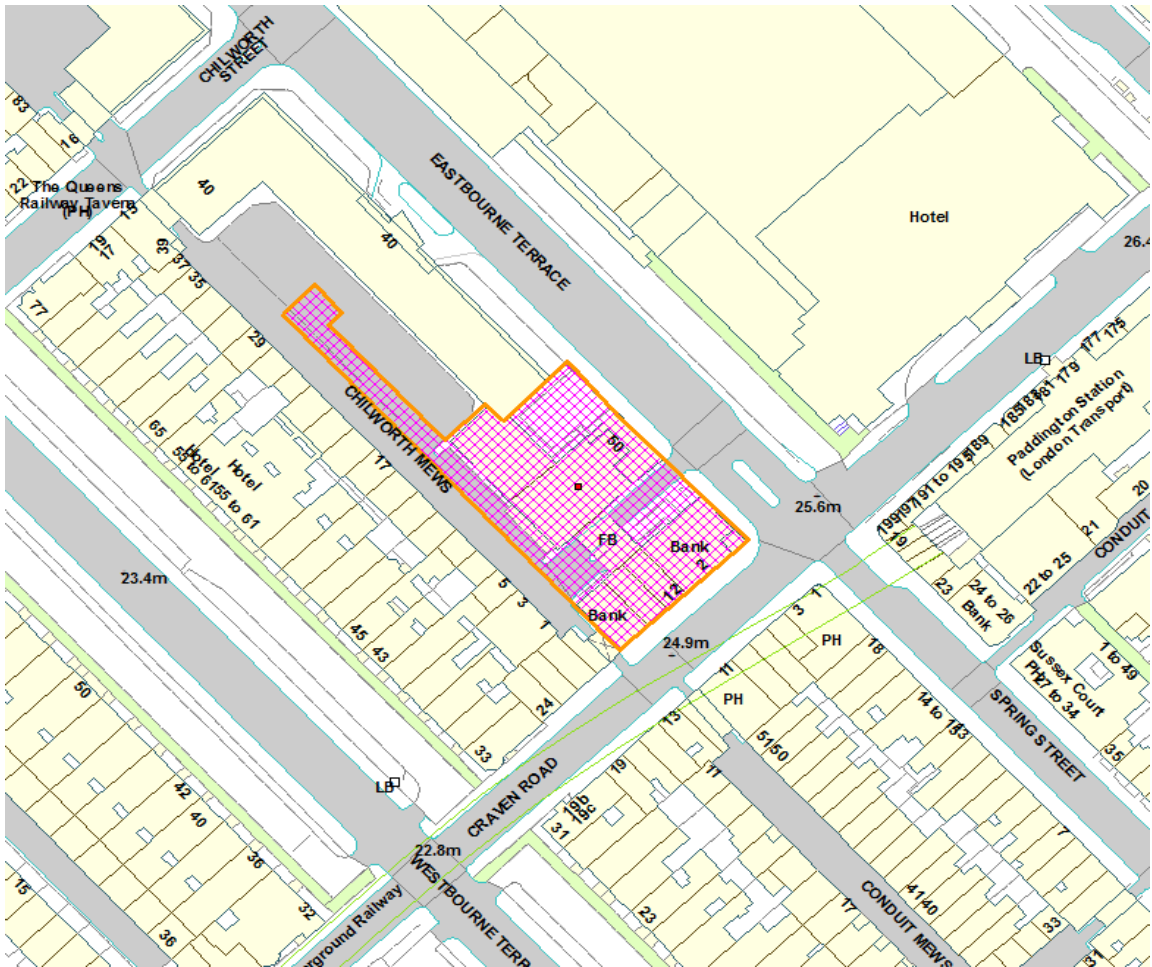
The application proposes the demolition of the existing 1960's buildings on the site and its redevelopment with a lower ground plus 6 storey building fronting the corner of Craven Road and Eastbourne Terrace and 7no. mews houses to the rear fronting Chilworth Mews.

The key issues in the determination of the application are:

- The impact of the proposals in land use terms;
- The impact of the proposals upon the character and appearance of the surrounding area;
- The impact of the proposals upon the amenity of neighbouring properties, notably the residents in Chilworth Mews;
- The impact of the proposals upon the surrounding highway network.

Objections have been received to the application primarily on the grounds of design, amenity and highways implications. The proposals are considered to accord with City Council policies within the City Plan and Unitary Development Plan (UDP) with regards to land use, design, amenity, highways and landscaping and accordingly are recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Eastbourne Terrace & Craven Road Elevation (Top) & Chilworth Mews Elevation (Bottom)

## 5. CONSULTATIONS

Historic England:

Authorisation to determine in accordance with local and national policy.

Ward Councillors for Hyde Park:

No response.

Cross London Rail Links Ltd:

No response.

Bayswater Residents Association:

No response.

South East Bayswater Residents Association:

Objection on the grounds of traffic disruption, demolition and construction and that clarification should be made between the uses at ground floor level.

Transport For London/ London Underground:

No comment.

Hyde Park Estate Association:

No response.

Paddington Waterways & Maida Vale Society:

No objection.

Paddington BID:

Objection to loss of the bank.

Crime Prevention Design Officer:

No response.

Thames Water Utilities Ltd

No objection.

Network Rail

No objection.

Highways Planning Manager:

No objections subject to conditions.

Cleansing:

No objections subject to conditions.

Building Control:

No response.

#### Arboricultural Section

Clarification required as to the status of the tree to be removed on Chilworth Mews. Concern also raised regarding the planting of the new trees close to the residential dwellings on Chilworth Mews. No further objections subject to conditions.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 751

Total No. of replies: 4

Four objections have been received on the following grounds:

##### Design:

- Design and materials should preserve the conservation area;
- The residential properties are unsympathetic to the surrounding properties.

##### Amenity:

- No loss of light report submitted with the application;
- Loss of light to properties on Chilworth Mews;
- Loss of privacy to properties on Chilworth Mews from terraces proposed;
- Loss of views of Paddington Station/ hotel corner on Craven Road;
- Creation of noise from terraces.

##### Highways:

- Loss of parking in the surrounding streets;
- Could some of the private parking spaces be allocated to residents of Chilworth Mews?
- The proposals will add to the 'rat run' of Chilworth Mews onto Craven Road;
- Are any traffic measures proposed?

##### Other:

- Noise and disruption during the course of construction.
- How will building materials be transported to the site.

#### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site is a 1960's building occupying a prominent corner plot on Eastbourne Terrace and Craven Street, opposite Paddington Station. To the north of the site is an office building, 40 Eastbourne Terrace and to the rear of the site is Chilworth Mews, a primarily residential mews. The site comprising an 8 storey building (plus lower ground) located centrally on the site, with linked buildings to the north and south of the building of 2 and 3 storey's. The buildings are used as offices (Class B1), with the southern building used a 3 retail units (Class A1) and a bank(Class A2). At basement level of the main office building and in a rear shed building, there is currently cycle parking for the office development at 40 Eastbourne Terrace. This however is to



be removed to the private parking area to the rear of 40 Eastbourne Terrace, discussed in part 6.2.

The site lies within the Paddington Opportunity Area, the North Westminster Economic Delivery Area and within the Praed Street District Shopping Centre. None of the site is listed and it is not within the Bayswater Conservation Area.

## 6.2 Recent Relevant History

Planning permission was granted in November 2004 for the extension and refurbishment of the office building at 40 Eastbourne Terrace (ref. 03/09674/FULL). Condition 5 of the permission required the provision of cycle and motorcycle bays in the surface parking area in front of Chilworth Mews.

Planning permission was further approved in October 2005 for a variation of this Condition which allowed for an alternative means of securing parking for cycles and motorcycles (05/06760/FULL). This application proposed the refurbishment of an existing shed at the rear of 50 Eastbourne Terrace to accommodate cycles, with motorcycle parking provided in the space adjacent to the cycle shed. The proposed parking arrangement was subsequently implemented and has remained in place since. Locating the parking spaces for 40 Eastbourne Terrace within the demise of 50 Eastbourne Terrace was possible as both sites were owned by the same landlord.

Given the application currently under assessment at 50 Eastbourne Terrace, the existing cycle and motorcycle spaces approved under planning permission (05/06760/FULL) would need to be relocated to facilitate the redevelopment proposals. An application was therefore approved in August 2016 (16/06661/ADFULL) for the installation of a cycle store and motorcycle parking within the surface parking area to the rear of 40 Eastbourne Terrace. The cycle store will accommodate 38 cycles (1 more than previously provided with consent reference (05/06760/FULL), will be finished in timber, and will measure 9.12m in length, 4.26m in depth, and up to 3m in height. An informative of this permission was added reminding the applicant that the new cycle parking provision must be constructed and available for use by the occupiers of 40 Eastbourne Terrace, prior to the existing cycle parking at the rear of 50 Eastbourne Terrace being removed.

This store has no implications on the carparking provision/ servicing to the proposed development, as discussed in part 8.4 of this report.

## 7. THE PROPOSAL

Planning permission is sought for the demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop) / A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories. The office building is to have four terraces to both the front and rear elevations. The proposals also include the construction of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The buildings are currently in office use (Class B1) at upper levels with retail accommodation at ground floor level. The existing and proposed land uses can be summarised as follows (as calculated by the applicant):

Use	Existing GIA	Proposed GIA	Uplift
<b>B1 Office</b>	<b>6529m<sup>2</sup></b>	<b>8476m<sup>2</sup></b>	<b>+1947m<sup>2</sup></b>
<b>Residential</b>	<b>0m<sup>2</sup></b>	<b>853m<sup>2</sup></b>	<b>+853m<sup>2</sup></b>
<b>A1/A2/A3 Retail*</b>	<b>1091m<sup>2</sup></b>	<b>1165m<sup>2</sup></b>	<b>+74m<sup>2</sup></b>

\*A1/A2/A3 uses are proposed to be (in part) flexible uses.

#### Office Use:

The existing building comprises 6529m<sup>2</sup> of office floorspace. The proposed new office building will result in a total floorspace of 8476m<sup>2</sup> which is an uplift of 1,947m<sup>2</sup>.

Policy S1 of the City Plan: Mixed use in the Central Activities Zone (CAZ) seeks to encourage a mix of uses which supports the vitality, function and the character of the area. In particular the policy seeks to promote commercial floorspace within the Core CAZ and Opportunity Areas, such as this site. The proposals allow for an additional 1,947m<sup>2</sup> of office floorspace, which is less than 30% of the existing building floorspace, thereby not triggering the requirement for any residential floorspace on the site. The proposals are considered to comply with part 3, A of this policy. The proposals are also supported by policy S3: Paddington Opportunity Area and S12: NWEDA of the City Plan.

It is however welcomed that the proposals also include seven residential units in Chilworth Mews which is discussed in more detail below.

#### Retail Use:

The existing development currently accommodates 4 retail units. Of these units, three are in A1 (shops) use (12-16 Craven Road) and one is in A2 (financial and professional institutions) use as a bank (2 Craven Road). These existing retail units which are located at ground and lower ground/basement floor level face onto Craven Road. The frontage forms part of a wider designated Secondary Shopping Frontage (District Shopping Centres).

The proposals includes the re-provision of a retail frontage onto Craven Road in the form of three retail units across ground and lower ground floor level and the table above shows the existing and proposed retail provision within the scheme demonstrating that there will be a net gain in overall retail floorspace, including A1 floorspace. The proposal complies with policy S21 (Retail) of the City Plan which identifies that existing A1 retail floorspace will be protected throughout Westminster and part B of policy SS4 (New Retail Floorspace In The CAZ And The CAZ Frontages).

The provision of 3 small/medium sized retail units together with the upgraded standard of retail accommodation and appearance of the units and frontage is considered to make a strong contribution to the wider retail area. The units will be attractive and suitable to a range of occupiers. In accordance with policy SS4 of the UDP the retail units are of a size and type which is appropriate to the character and function of the street.

The proposed division of the retail floorspace and allocation of uses ensures via the two A1 units, that there will be no net loss of A1 floorspace. For the third unit located on the junction of Craven Road and Eastbourne Terrace, the applicant is requesting a flexible permission which would allow the unit to be occupied for either A1 (retail), A2 (financial and professional services) or A3 (café and restaurant).

In the scenario of the unit being occupied in a use falling within the A1 use class this would be appropriate and align with objectives of retail policy for the CAZ.

As identified, the existing unit on the junction of Craven Road and Eastbourne Terrace (2 Craven Road) is within A2 use class (currently occupied by HSBC Bank). The proposals provide the flexibility to accommodate an occupant within the A2 use class within a similar floor area as the current unit. It should be noted that should the unit not be used as an A2 unit, the objection received on behalf of the South East Bayswater Residents Association and the Paddington BID, as to the loss of the valuable A2 unit could not be sustained in this instance given the overall increase in Class A retail floorspace.

The third option for the unit is to be occupied for an A3 restaurant use. A restaurant use in the location is considered appropriate, given its busy location and will integrate well with the proposed public realm works coming forward on Eastbourne Terrace as part of the Crossrail works. Due to the area proposed and the location (545 sq m GIA) the proposal would fall under the consideration of policy TACE10 of the UDP (Entertainment Uses which will be permissible only in Exceptional Circumstances). It is acknowledged that the proposals only marginally exceed the 500 square metre threshold under which Policy TACE9 of the UDP (Entertainment Uses which may be permissible) applies.

Given the location and marginal increase in size above the 500m<sup>2</sup> threshold, in principle the proposals are considered acceptable. The applicant envisages that the restaurant is to be open seven days a week and the maximum operating hours will be 07.00 – 00.00 with reduced Sunday and Bank Holiday trading hours. The opening times are deemed appropriate for the location and the hours of opening are not considered at odds with other restaurant/ pub uses within the areas. It is not considered that a restaurant use of this size with the provisional hours of opening would harm residential amenity, notably those residents in Chilworth Mews given its location on the busiest corner of the site. The applicant has confirmed that any plant associated with a restaurant use can be routed through the proposed office building and terminate in the proposed plant room. It is recommended that in the event the corner retail unit is used as a restaurant, that a condition securing an Operational Management strategy to be submitted to the Council is attached. Subject to these conditions and the location and size of the unit, it is considered that there are sufficient extenuating circumstances to justify such a use in this location.

#### **Residential Use:**

Policy S14 of Westminster's City Plan: Strategic Policies and H3 of the UDP seek to maximise the amount of land or buildings in residential use. Policy H3 states that inside the CAZ, proposals to convert buildings in office use into permanent housing will be generally acceptable. Policy H5 of the UDP seeks to ensure an appropriate mix of unit sizes is achieved in all housing developments, with 33% of units to be family sized.

The introduction of residential houses to the rear of the site on Chilworth Mews is acceptable in principle. The mix of units comprising 1 x 1 bed, 3 x 2bed and 3 x 3bed will comply with policies S15 and H5 of the UDP and the City Plan. The size of each unit and all bedrooms proposed will comply with the Technical Housing Standards (2015).

All of the houses have been designed to meet the Lifetimes Homes Standards as required by policy H8 of the UDP. The units will be single aspect which is typical of many mews properties in Westminster and whilst single aspect, will offer a good standard of accommodation. Each house has outside space in the form of a concealed roof terrace and this is welcomed and compliant with policy H10 of the UDP.

In summary the proposals are considered acceptable in land use terms.

## 8.2 Townscape and Design

The site incorporates frontages to Eastbourne Terrace, Craven Road and Chilworth Mews. The existing buildings on the site consist of an 8 storey (plus lower ground floor) building linked with 2-3 storey buildings (plus lower ground floor level) on the corner. None of the buildings on site are designated listed buildings, although there are a number of heritage assets in the immediate setting, including the Grade I listed Paddington Station, Grade II listed Hilton Hotel and Grade II listed Westbourne Terrace. The site is bordered on the east, south and west sides by the Bayswater Conservation Area, with the site itself not being included within a Conservation Area.

The existing buildings date from the 1960s and are considered to be of limited architectural merit. The taller block is uncharacteristically high in relation to the surrounding townscape and the detailed design of the buildings are incongruous with the prevailing architectural style, form and scale of the surrounding built form. Bayswater is characterised by its relative uniformity despite being developed over a 70 year period by numerous estates and architects. The buildings on Craven Road retain a consistent form and scale, particularly on the south side, with buildings principally being of 4-5 storeys, some with roof storeys. Solid masonry predominates, with variety created through brick stone and stucco, nevertheless there is uniformity in the fenestration siting and proportions. The west side of Eastbourne Terrace is occupied by office buildings following the 1950s redevelopment plan in response to the bomb damage in this area. To the rear of the site lies Chilworth Mews, the west side of which is located within the Bayswater Conservation Area. The buildings are typical of traditional mews buildings in terms of their scale form and detailed design.

The application proposes the demolition of the existing buildings on the site and its redevelopment with a lower ground plus 6 storey building fronting the corner of Craven Road and Eastbourne Terrace and 7no. mews houses to the rear fronting Chilworth Mews. Given the neutrality of the existing buildings within the townscape the principle of their demolition is considered to be acceptable in design terms.

### Office/Retail Building

The south facing façade features a primary grid and frame of masonry with a secondary grid being formed by the projecting glass box windows. The framing will be white in colour and will be articulated by white terracotta spandrel panels. The top set-back storey is to be fully glazed within a low profile frame. In order to define a visual break from the adjacent building to the west a translucent glass panel is located vertically from ground to third floor level. At ground floor level shopfronts will address the street; these take the form of stainless steel surrounds with fully glazed shopfronts above terracotta spandrel panels which respond to the change in ground level. Awnings have been designed into the shopfront and sit beneath the fascia. The Eastbourne Terrace elevation generally follows the same design approach, but due to the scale of the

elevation a greater degree of vertical articulation has been created by the positioning of the principal entrance and the proportions of the framing. In addressing the neighbouring building to the north the elevation steps down at fourth floor level. There will be a terraced area on the top storey and an additional terrace at fifth floor level located within the centre of the facade.

The corner treatment has evolved during the design process and is articulated as a recessed corner at ground to second floor levels with a framed 'lantern' at top floor level which sits flush with the elevations and provides external space for the occupants. The lantern is of the same materiality as the framing to the principal facades; white masonry with a duplicated frame in order to make it appear prominent in the streetscene. Within the recess there is an area dedicated to public art, this is to be secured by condition. At fifth floor level there is a terrace located around the corner treatment from the narrow section on Eastbourne Terrace to a larger area at the western end on the Craven Road elevation. At sixth floor level the flat roof contains solar panels. On the North West section of the roof, the plant room projects approximately half a storey above the sixth floor; this will appear sheer from the rear and north elevations and will be articulated as part of the elevation within the masonry framing. On the south and east elevations the plant room will be enclosed in gun metal grey louvres.

The proposals are considered to be acceptable in design terms. UDP policy DES 4 seeks to ensure the highest quality of new development in order to preserve or enhance Westminster's townscape. It states that development should have regard to the prevailing townscape and character of the area. Whilst the mass of the office building is greater than the existing buildings the overall height of the resultant building is 2no stories lower than the existing office block; this is considered to be sympathetic to the townscape and responsive to the prevailing heights of the buildings within the setting, including heritage assets. Furthermore the resultant height of the building is lower than the Grade II listed Hilton Hotel and the prominent tower which demarks the corner, enabling long views of this feature from the west to remain, despite the objection raised to this point by a local resident. Whilst the plant room projects above the top storey, it has been located on the least prominent area of the roof where public and private views will be limited. The plant room will be evident in long and medium views from Eastbourne Terrace however it will be seen in the context of other office buildings which contain plant in more prominent locations.

In terms of detailed design and materials, the proposals have taken their cue from the wider area, but are contemporary in approach. The consistent solid elevations with punched openings which are found on the terrace buildings to the south have been referenced through the amount of framing and its hierarchy, in a solid material, found on all elevations. Furthermore the proportionality of the building, with respect of the relationship between the base, middle and top is appropriate and reinforced by the introduction of a recessive and subservient top storey. The consistent design approach to the shopfronts is welcomed and their detailed design is respectful of the traditional shopfronts which are in the wider setting. The recessed corner is regrettable in design terms as it is considered that this site could comfortably address the highway on the corner in a traditional manner. However the existing building has a recessed corner at ground floor level and therefore the corner hasn't historically been fronted and in the context of the merits of the scheme this design feature is considered to be acceptable.

Mews buildings

The mews buildings to the rear of the site are of 3 storeys plus a roof storey. The lower levels are to be rendered white whilst the upper storeys and the roof structure are to be clad in satin coloured seamed metal. The elevations contain a mixture of flush fenestration, box windows and recessed balconies, whilst the roof form of each dwelling contains a concealed amenity space. Hard and soft landscaping works are proposed from the front of the buildings.

An objection to the design and appearance of the new mews building has been received from a local resident. The mews buildings are considered to be appropriate and sympathetic to their setting whilst providing a transition between the office building and the existing mews buildings on the west side of Chilworth Mews. They have responded to the characteristic scale and form in terms of the built form and the spaces between them in this setting whilst being contemporary in design approach. UDP Policy DES 1 seeks to ensure the highest quality in the form and quality of new development in order to preserve or enhance the townscape of Westminster. The mews buildings are considered to be in accordance with this policy as they respond to the quality of the existing environment and are of inclusive design and architectural quality. Furthermore they respect the massing of the existing buildings and enable a progression in terms of scale, and materiality from the office building to the smaller scale residential buildings. The detailed design has incorporated distinctive architectural features associated with mews buildings, whilst progressing the form to generate an honest interpretation, such as the incorporation of a distinctive roof form which has been restructured to utilise the area for amenity space.

#### Townscape and Setting of Heritage Assets

The applicant has provided indicative views within the Design and Access Statement. In terms of the townscape impact and the impact upon the setting of designated heritage assets, the proposed buildings will have a limited impact. In the views from the west, which are all from within the Bayswater Conservation Area, the scale of the building will be readily appreciated however the building will not compete with the Grade II listed Hilton Hotel due to its scale and the recessive top storey. From the north and south the building will be appreciated in the context of the other office buildings, whilst from the east the building will be appreciated in the background of the Listed buildings and therefore the office building is not considered to be visually detracting on approach from these directions. With regards to impact of the mews houses on the setting of the Bayswater Conservation Area, given the buildings are respectful of the characteristic scale, form and detailed design of the existing mews buildings and they will reintroduce a double fronted street scene the setting of the Conservation Area is considered to be preserved.

The proposal is considered to accord with design policies S25 and S28 of our City Plan and DES 1, DES 4, DES 9, DES 10 of the UDP.

### **8.3 Residential Amenity**

Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure,

overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

### **Sunlight and Daylight**

A Daylight and Sunlight Report has been prepared by Point 2 Surveyors which is submitted in support of this planning application. This was revised during the course of the application to include an assessment of 1-4 Chilworth Mews. It should be noted that an objector claimed that this report had not been submitted with this application, however this was available to view on the Council's website. The report assesses the impact upon the daylight and sunlight of the existing surrounding buildings which may arise from the proposed development.

The results of the report identify that the vast majority windows and rooms facing the site within the existing surrounding properties will comfortably satisfy the BRE guidelines as a result of the proposed development. In addition, there are many instances around the site where daylight levels are actually improved by the proposed development, given the reconfiguration of the site and the overall reduction in height of the tallest element. Where there are alterations beyond the recommended guidance these reductions are isolated with good retained daylight levels that are commensurate with a city centre urban environment. Furthermore, these reductions occur to nearby hotel accommodation, opposite the site on the south side of the Craven Road, which has a more transient nature of occupancy.

In terms of the sunlight position, all of the southerly orientated windows assessed will satisfy BRE guidance such that the occupants are unlikely to notice any alteration to their sunlight amenity as a result of the implementation of the proposed development.

### **Sense of enclosure**

Whilst it is acknowledged that overall the bulk, height and massing of the office building is greater than the existing part three/ part four and part eight storey building, the building line and therefore bulk of the office part of the development is pushed further eastwards away from the Chilworth Mews properties and is designed to be of similar bulk to the other office buildings on Eastbourne Terrace. It is not considered that the office building results in a significant increase in sense of enclosure to warrant refusal.

The proposed mews houses are to be sited on the same building line as the rear elevation of the existing office building. The mews properties are no taller than the existing three storey rear office projection that exists on Chilworth Mews and are of a similar scale to the existing Chilworth Mews properties and are therefore not considered to result in any harmful sense of enclosure.

### **Privacy**

An objection has been received from a nearby resident on the grounds that the office layout could result in overlooking to their property. Whilst it is acknowledged that there is an increased number of windows in the rear elevation, given that the new office building is to replace an existing office building, it is not considered that the new office development would result in such harmful additional overlooking as to warrant refusal.

The proposals include the provision of external terraces for both the office and residential mews houses to provide outdoor amenity space to occupants.

With regards to the proposed office premises, terraces are proposed in a number of locations on the new building. Those fronting Eastbourne Terrace and Craven Road raise no amenity concerns. Two terraces are proposed within the rear elevation facing Chilworth Mews at third and fourth floor level. The applicant argues that the number of terraces reflects the need for a multi occupied office building. Given the size of these rear terraces and the height on the proposed building, it is not considered that they will result in any substantial or detrimental overlooking to the existing residential properties in Chilworth Mews. As such it is not considered necessary to impose screening to those terraces, as requested by a nearby neighbour. It is recommended that the timing of their use is conditioned largely to working hours.

Terraces concealed within the roof structure of the mews properties are proposed. Given the design and angles of the roof form, there is limited scope to harmfully overlook the residential properties opposite in Chilworth Mews, so as to warrant refusal.

#### **Noise from balconies/terraces**

In terms of noise from the terraces, given the size of the terraces associated with the office development and the distance of the terraces away from neighbouring residential properties in Chilworth Mews and the future residents of the proposed mews houses, it is not considered that these would create substantial level of noise to warrant refusal. It is recommended however that a condition restricting the hours of use for the office terraces is attached.

The proposed mews houses are to incorporate concealed terraces within the roof structure. Given the size of these terraces, it is not considered that significant levels of noise, to the detriment of neighbouring properties would be created.

Accordingly, the proposals are considered acceptable in amenity terms.

### **8.4 Transportation/Parking/Highways Implications**

The applicant has submitted a Transport Assessment in support of their application.

#### **Car Parking – Residential**

The applicant proposes 7 car parking spaces for the 7 residential units, within existing car parking bays in the private parking area associated with the adjoining office site of 40 Eastbourne Terrace. These carparking spaces are within the ownership of the applicant. As this is private parking which does not contribute to on-street parking in the area, these loss of these spaces cannot be protected. The provision of 7 carparking space in this area is consistent with TRANS21 and TRANS23 and welcomed.

A condition is recommended to secure at least 20% active provision and 20% passive provision of electric car charging points, as required by the London Plan.

#### **Car Parking – Non-Residential**

There is no parking proposed for the commercial uses and this is supported by City Council policies. It is considered that in terms of people arriving and departing the site



using the offices, the levels would be similar to the existing use and therefore no significant change will occur.

### **Cycle Parking – Residential**

The London Plan Policy 6.9 requires 1 space per 1 bedroom unit and 2 spaces for all other dwellings. For the residential units, the proposal would therefore require 13 (1, 1-bed and 6, 2+bed units) cycle parking spaces. Cycle parking for 14 bikes is proposed in a secure lock up facility (the ground floor of the 1 bedroom house) accessed from the side of the Chilworth Mews properties and this is considered acceptable. This is to be secured by condition.

### **Cycle Parking – Non Residential**

The London Plan Policy 6.9 requires 1 cycle parking space per 90m<sup>2</sup> of B1 office and 1 space per 175m<sup>2</sup> of A class use, with a minimum of 2 spaces for each use. 8476m<sup>2</sup> of B1 office would require a minimum of 100 cycle parking spaces. 1165m<sup>2</sup> of A class use would require a minimum of 8 cycle parking spaces.

110 cycle parking spaces are indicated within the lower ground floor of the office development for non-residential uses, accessed from Chilworth Mews and is considered acceptable. This is to be secured by conditioned. The provision of support facilities in the basement including lockers and showers is also welcomed.

### **Waste**

Waste storage is proposed in the lower ground floor for the offices and retail units. The waste storage for the residential units is in a secure facility adjacent the cycle storage facility next to the residential properties. Both facilities are accessed via Chilworth Mews and suitable for access by the future occupiers of the development and by refuse collectors.

### **Trip Generation**

It is expected that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (eg walking, cycling) and whilst the floorspace of the new office building will be increased in comparison to the existing offices, this is unlikely to have a detrimental impact on the safety or operation of the highway network.

### **Servicing**

An area of off-street servicing is provided adjacent the side entrance of the office accommodation at the rear of the residential mew proposed, accessed via Chilworth Mews. The proposed development will require the removal of the existing through internal road and the removal of the vehicle cross-overs on Eastbourne Terrace and Chilworth Mews and will result in an improved pedestrian environment. The off-street servicing is welcomed however, from the submitted Delivery and Servicing Plan, the area allocated for servicing is considered to be rather restricted. It is therefore recommended that a more detailed Servicing Management Plan is secured by condition, to which the applicant has agreed. The proposals are considered to comply with S41 and S42 of the City Plan and TRANS3 and TRANS20 of the UDP.

### **Building Line**

#### **Chilworth Mews**

Changes are proposed to the highway as the building line is being brought forward of the existing structures. From the submitted drawings this appears to be largely trees and

some paving and the applicant has confirmed that the proposed building line does not come further forward of the existing bollards which in effect demarks the highway boundary, although this is not completely clear when assessed against the existing building line drawings. As the proposals do not result in the loss of highway or impact upon the pavement width available to pedestrians there is no objection in principle however further details to clarify the building line are requested.

#### **Building Line – Eastbourne Terrace/Craven Road**

The building line is extending and in filling part of the existing chamfered corner. This is considered consistent with S41 and TRANS3 of the City Plan and UDP.

#### **Highways Works**

All highways works immediately surrounding the site required for the development to occur such as the paving on Chilworth Mews and the alterations to the existing vehicle crossover on Eastbourne Mews are to be secured by condition.

#### **Other**

Objections have been received on the grounds that the privately operated parking spaces to the rear of 40 Eastbourne Terrace have not been offered to the existing residents of Chilworth Mews and that as Chilworth Mews is seen as a rat run from Chilworth Street to Craven Road could any traffic calming measures be imposed on the applicant and the City Council to improve this. It is not considered that these requests can be accommodated within the scope of this application.

### **8.5 Economic Considerations**

The economic benefits of providing additional office accommodation in accordance with Policy S3 in the City Plan are welcomed, subject to the other material considerations set out in this report.

### **8.6 Access**

The proposed office development is fully accessible from both Eastbourne Terrace and Chilworth Mews to the office development. The residential units are accessible from Chilworth Mews. The proposed development accords with Policy DES1 in the UDP.

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

#### **Plant**

Plant is proposed in the lower ground floor and within the plant enclosures at main roof level of the retail/ office building and an acoustic report identifying the proposed plant has been submitted. This demonstrates that the proposals will comply with the City Council's standard noise conditions. The applicant has confirmed that in the event the corner retail unit on Craven Road/ Eastbourne Terrace is used as a restaurant, any additional extract equipment can be routed through the building internally and exit within the plant enclosure.

#### **Sustainability**

The applicant has submitted an Energy Strategy that sets out the energy performance and sustainability of the proposed development. The submitted report sets out that the office building would achieve a BREEAM 'Excellent' rating and would achieve a carbon saving of 37.8% relative to 2013 Building Regulations. This energy performance is to be

achieved through achieving reductions in energy demand, primarily through the use of energy and thermally efficient in the built fabric of the development and through the provision of 137 photovoltaic (PV) panels at roof level. A condition is recommended to ensure the provision of the PV panels.

Subject to the recommended condition the proposed development accords with Policies S28, S39 and S40 in the City Plan and Policies 5.2, 5.3, 5.6 and 5.7 in the London Plan (2015) (as amended) and the Mayor's Energy Planning guidance document (March 2016).

### **Biodiversity**

Green roofs are proposed to the main roof area, and whilst this is also to accommodate PV panels, this is welcomed. A condition to secure this is recommended.

### **Local Economy and Employment**

On appropriate larger scale developments, Policy S19 in the City Plan seeks to encourage contributions towards initiatives that provide employment, training and skills development for local residents and ensure that local people and communities benefit from opportunities which are generated from development. In accordance with Policy S19, the City Council would expect the applicant to provide trainee/ apprenticeship placements during the course of construction works and notification of the City Council and affiliated work placement bodies of construction workforce vacancies so that local employment can be promoted. The applicant has agreed to this and this is to be secured by condition.

### **Refuse /Recycling**

Two main waste stores are shown on the basement plan, one store for residential use and the other for commercial use. The waste storage capacity proposed is adequate for the expected waste generated from the development. The Council's Waste Manager has however requested further details regarding a bin compactor and storage location of waste cooking oil on the plan; bins being marked accordingly and details of a waste route diagram showing how the occupiers of the A1/A2/A3 units will access the commercial waste store located in the basement. This is to be conditioned.

### **Trees**

There are five trees to the rear of 40 Eastbourne Terrace, which are currently within the private carparking area. These are protected by TPO W504. The applicant has confirmed that no trees are proposed to be removed as a result of the development or the allocation of parking spaces to the residential uses, despite the visuals submitted with the application indicating one tree being removed.

The Council's arboricultural officer has requested that a street tree on the Eastbourne Terrace frontage which was removed in relation to the Crossrail works be replaced. It is not considered reasonable to request this from the applicant through this application. The arboricultural officer comments one of the drawings in the supporting information shows three trees and seating proposed on the Eastbourne Terrace frontage. The plan being referred to is actually a roof plan which shows three trees and a seating area to one of the terraces on the Eastbourne Terrace elevation.

The arboricultural officer has stated that on the Craven Road frontage there may be opportunities for street tree planting. This is not considered reasonable in this instance

given the proposed awnings of the retail units at ground floor level and the existing pavement width and existing street furniture.

In Chilworth Mews it is proposed to plant trees outside the new dwellings. The drawings indicate that the trees would be planted within the application site, although it is acknowledged that this appears to be close to the highway boundary (which as discussed above requires further clarification) and in fact the canopy would overhang the highway. The applicant suggests a cultivar of birch as the most appropriate species however the Council's arboricultural officer is not convinced this is the most appropriate species and requests a condition to secure further details.

The proposal for a green roof is welcomed and its provision is to be secured via condition.

The visuals show trees to be planted in tubs at upper levels of the office building. As these are moveable features, there is limited planning control over these, but greening and landscaped is welcomed and the applicant is encouraged to provide this where appropriate.

## **8.8 London Plan**

The application does not raise any significant strategic issues and is not referable to the Mayor due to the size and height of the development. Where relevant, considerations involving London Plan (2015) policies are dealt with in other sections of this report.

## **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**

The estimated Mayoral CIL and the estimated Westminster Council CIL payment is £687,557.48. This is to be clarified by the applicant with the Council's CIL officers should permission be granted.

## **8.11 Environmental Impact Assessment**

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

## **8.12 Other Issues**

Concerns have been expressed by neighbours in Chilworth Mews, Westbourne Terrace and from the South East Bayswater Residents Association regarding the impact of construction works in terms of noise and general disturbance, including obstruction to traffic. These concerns are amplified by the Crossrail works taking place in Eastbourne Terrace.

To seek to minimise disruption to neighbouring residents it is recommended that a condition is imposed to restrict the hours of building works and to require the

construction works to be carried out in accordance with the Code of Construction Practice adopted in July 2016. Compliance with the Code of Construction Practice would include monitoring of the impact of the construction works throughout the construction period by the Environmental Inspectorate at the applicant's expense. Planning permission cannot reasonably be withheld on grounds of construction impact and the conditions recommended in the preceding paragraph would adequately mitigate the impact of the proposed development on the amenity of neighbouring residents in terms of noise and disruption from construction works.

## 9. BACKGROUND PAPERS

1. Application form
2. Schedule of floor areas of residential properties.
3. Response from Historic England (Listed Builds/Con Areas), dated 17 August 2016
4. Response from London Underground dated 19 August 2016
5. Response from Thames Water dated 25 August 2016
6. Response from Waste Manager dated 26 August 2016
7. Response from Paddington Waterways & Maida Vale Society dated 2 September 2016
8. Response from Network Rail dated 6 September 2016
9. Response from South East Bayswater Residents Association, dated 8 September and 8 October 2016
10. Response from Paddington BID dated 9 September 2016.
11. Letter from occupier of 3A - 3D Chilworth Mews, London, dated 2 September 2016
12. Letter from occupier of 27 Chilworth Mews, London, dated 4 September 2016
13. Letter from occupier of 2nd floor flat, 45 Westbourne Terrace, dated 10 September 2016
14. Letter from occupier of 25 Chilworth Mews, London, dated 14 September 2016
15. Response from Aboricultural Officer dated 6 October 2016
16. Response from Highways Planning Manager dated 31 October 2016
17. Response from Environmental Health dated 2 November 2016.

### Selected relevant drawings

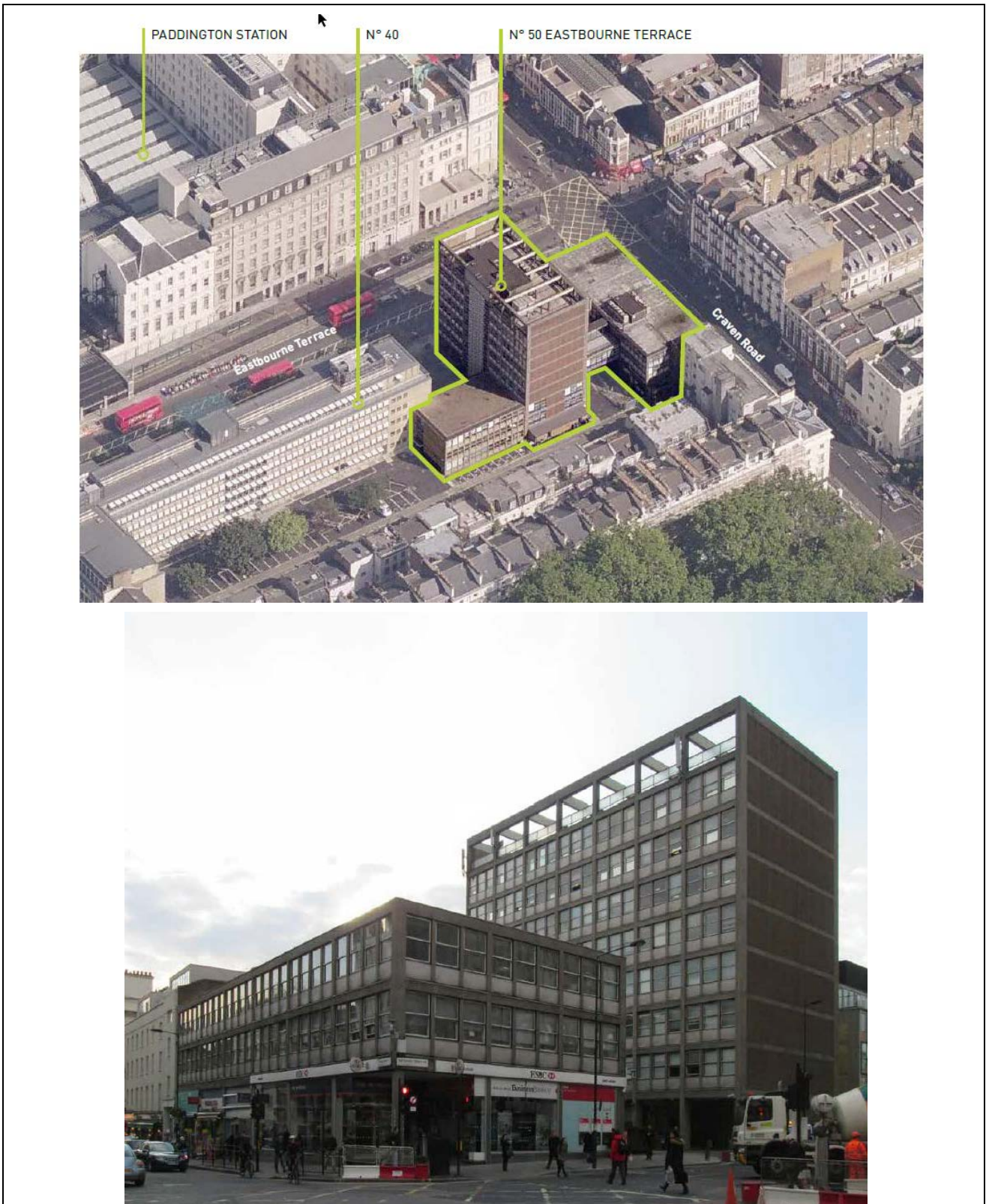
Existing Photographs and Visuals

Proposed Lower Ground, Ground, Fifth and Sixth Floorplans, Elevations and Visuals.

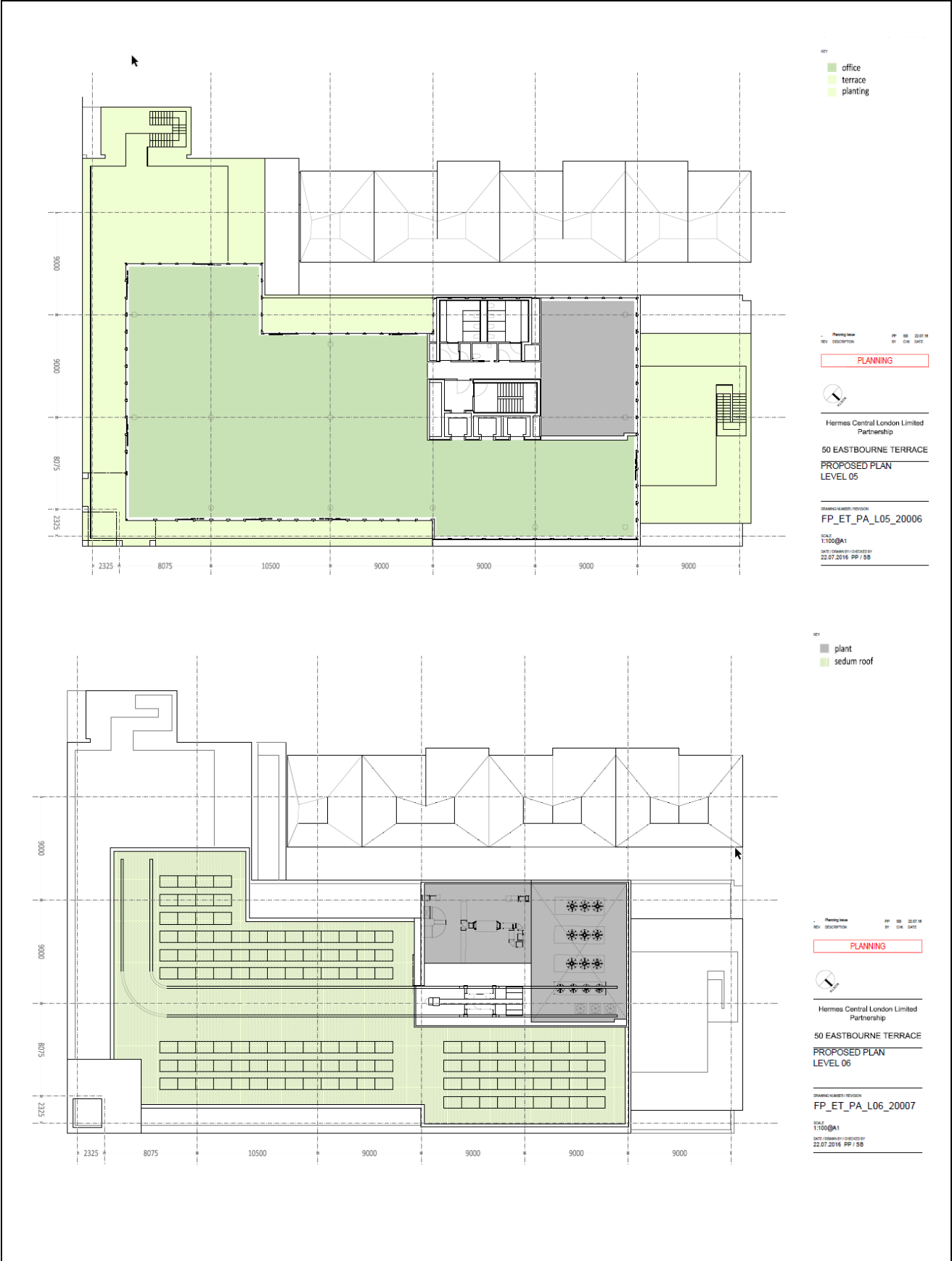
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT [kdavies1@westminster.gov.uk](mailto:kdavies1@westminster.gov.uk).

10. KEY DRAWINGS









Proposed Eastbourne Terrace/ Craven Road Elevation



Proposed Craven Road Elevation



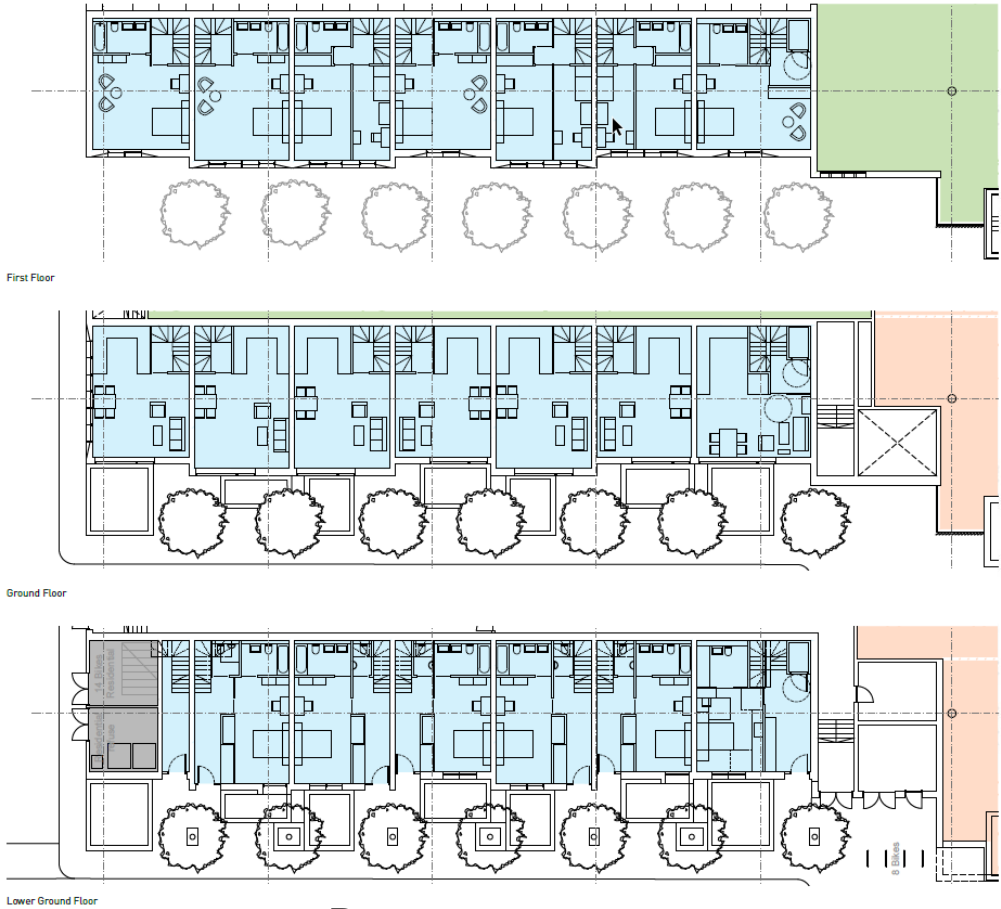
Proposed Chilworth Mews Elevation



Proposed visuals of mews properties



Proposed Residential Floorplans



**DRAFT DECISION LETTER**

**Address:** 50 Eastbourne Terrace, London, W2 6LX,

**Proposal:** Demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop) / A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews.

**Reference:** 16/07359/FULL

**Plan Nos:** FP ET EX LLG 20000; FP ET EX L00 20001; FP ET EX L01 20002; FP ET EX L02 20003; FP ET EX L03 20004; FP ET EX L04 20005; FP ET EX L05 20006; FP ET EX L06 20007; FP ET EX L07 20008; FP ET EX LR 20009; FP ET EX LM 21000; FP ET EX LM 21001; FP ET EX LM 21002; FP ET DE LM 21000; FP ET DE LM 21001; FP ET DE LM 21002; FP ET DE LR 20009; FP ET EX LM 22000; FP ET EX LM 22001; FP ET EX LM 22002; FP ET EX LM 22003; FP ET PA L00 01000; FP ET PA L00 01001; FP ET PA L00 01002 A; FP ET PA L00 01003; FP ET PA LLG 20000; FP ET PA L00 20001 A; FP ET PA L01 20002 A; FP ET PA L02 20003; FP ET PA L03 20004; FP ET PA L04 20005; FP ET PA L05 20006; FP ET PA L06 20007; FP ET PA LM 21000 A; FP ET PA LM 21001 A; FP ET PA LM 21002 A; FP ET PA LM 21003 A; FP ET PA LM 21004 A; FP ET PA LM 21005 A; FP ET PA LM 22000 A; FP ET PA LM 22001 A; FP ET PA LM 22002 A; FP ET PA LM 22003 A; FP ET PA LM 22004 A., Design and Access Statement dated July 2016; Heritage Statement dated July 2016; Floor areas dated 22 July 2016; Planning Statement dated July 2016; Transport Assessment dated 28 July 2016; Noise Assessment by EEC dated 9 June 2016; Sunlight and Daylight Assessment revised October 2016; Statement of Community Involvement dated July 2016; Sustainability Statement dated 29 June 2016; Energy Statement dated 6 July 2016 and BREEAM Pre-Assessment dated 16 June 2016.

**Case Officer:** Kimberley Davies

**Direct Tel. No.** 020 7641 5939

**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 (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Prior to the commencement of any demolition or construction on site the applicant shall provide 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. (C11CA)

Reason:

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

- 4 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.

Reason:

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

- 5 You must apply to us for approval of 3m x 3m fabricated sample panels of the following parts of the development: i) typical facade bays on the office building., ii) typical façade bays of the mews buildings., The sample(s) should demonstrate the colour, texture, face bond, pointing, component interfaces and means of construction (including any typical expansion/movement joints). You must not start any work on the superstructure of the development until we have approved the sample panels., You must then carry out the work according to these approved sample(s).

Reason:

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

- 6 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - typical bay details to all new facades to indicate the following: i) windows; ii) external doors; iii) interfaces with windows; iv) interfaces with landscaping; v) interfaces with architectural metalwork; vi) ventilation and other services terminations at façade and roof; vii) railings and balustrades; viii) integral lighting; ix) shopfront's and awnings, x) signage strategy, xi) rainwater goods, You must not start any work on the superstructure of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

Reason:

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

- 7 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 8 You must apply to us for approval of a drawing demarking where paraphernalia associated with the terraces is to be located. The paraphernalia must then only be located in these areas.

Reason:

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

- 9 Notwithstanding details shown on the approved drawings no street furniture shall be located within the recessed corner at ground floor level.

Reason:

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

- 10 You must only put structures such as satellite or radio antennas on the rear elevation or within the roof terraces of the mews buildings.

Reason:

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

- 11 You must not paint any outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

Reason:

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

- 12 The Building Maintenance Units hereby approved shall, when not in use, be stored within the roof top plant room.

Reason:

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

- 13 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following., , i. Unallocated parking; , ii. All highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving; , iii. Employment and Training Strategy for the construction phase and the operational phase of the development., , 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. (C19AB)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S19, S33 of Westminster's City Plan (July 2016) and in TRANS1 and TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 14 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site., , You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

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



- 15 In the event that the corner retail unit on Eastbourne Terrace and Craven Road is used as a Class A3 restaurant, an Operational Management Plan shall be submitted for approval. You must not start the restaurant use until we have approved what you have sent use. You must then carry out the measures included in the plan at all times the restaurant is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 16 In the event that the corner retail unit on Eastbourne Terrace and Craven Road is used as a Class A3 restaurant, if you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 17 In the event that the corner retail unit on Eastbourne Terrace and Craven Road is used as a Class A3 restaurant, customers shall not be permitted within the restaurant before 07.00 or after 00.00 on Monday to Saturday (not including bank holidays and public holidays) and before 08.00 or after 22.30 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 18 You must not use the office terraces hereby approved outside of the hours of 08.00 and 21.00 Monday to Friday.

Reason:

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

- 19 Notwithstanding the outline servicing plan submitted, you must apply to us for approval of a detailed Servicing Management Plan in relation to the commercial premises. You must not occupy the commercial premises until we have approved what you have sent us and abide by the terms of the Servicing Management Plan at all times.

## 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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 20 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

## Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 21 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

## Reason:

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

- 22 Any structure including canopies and awnings over the footway shall maintain 2.6m vertical clearance from the footway surface at all time and not extend any closer than 1m to the kerb edge.

## Reason:

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

- 23 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 (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 24 You must apply to us for approval of details of the following parts of the development:- , , i) Installation of 20% active and 20% passive electric vehicle charging point for the approved seven residential carparking spaces., , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details and maintain them for the lifetime of the development.,

## Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (July 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 25 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. The details must include: i) Show and indicate the bin compactor, storage location of waste cooking oil on the plan; ii) The storage bins must be shown and indicated on the plan, and mark the recyclable materials bin as R, food waste bin as O and mark the general waste bin as W; iii) Provide a waste route diagram showing how the occupiers of the A1/A2/A3 units will access the commercial waste store located in the basement; iv) If a cardboard bailer is required, provision for this equipment should be included within the commercial waste store. 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 . (C14EC)

## Reason:

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

- 26 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following: i) Unallocated parking for the residential parking spaces; ii) All highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving; iii) Employment and Training Strategy for the construction phase and the operational phase of the development. 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. (C19AB)

## Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S19, S33 and S41 of Westminster's City Plan (July 2016) and in TRANS1 and TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 27 (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 5 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 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., , (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:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), 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 (July 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.

- 28 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.

- 29 The plant/machinery hereby permitted shall not be operated except between 07.00 hours and 23.00 hours daily.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), 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 (July 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.

- 30 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.

**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.

- 31 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application., , Green Roofs, , You must not remove any of these features. (C44AA)

**Reason:**

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (July 2016). (R44AC)

- 32 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 6 months of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

**Reason:**

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

**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 (July 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 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)
- 3 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 4 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 5 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)
- 6 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 7 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 8 Condition 19 requires the submission of a servicing management plan. The plan should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this case. It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. ,
- 9 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)

- 10 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 11 In the event that the corner retail unit on Craven Road and Eastbourne Terrace is used as a restaurant, you must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
- 12 Conditions 27 and 28 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 13 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](http://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](mailto: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.**
- 14 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation., , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

- 15 There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
  
- 16 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
  
- 17 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the ground / lower ground floor retail unit on the corner of Craven Road and Eastbourne Terrace floor can change between the A1, A2 and A3 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

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.



# Agenda Item 4

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 15 November 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Little Venice	
<b>Subject of Report</b>	<b>283 - 329 Edgware Road and 5 Newcastle Place, London, W2 1DH,</b>		
<b>Proposal</b>	Variation of Condition 1 of the planning permission granted 28 April 2016 (ref: 15/11677/FULL) for a redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A2, A3, A4 and B1), up to 652 residential units (including 126 affordable housing units), landscaping and associated car and cycle parking. NAMELY, incorporation of 283 Edgware Road into site, extension of Block B to provide 20 additional residential units (672 in total), with associated swap in housing tenure with Blocks E and F, associated amendments to permitted public realm and landscaping strategy.		
<b>Agent</b>	Turley		
<b>On behalf of</b>	Berkeley Homes (Central London) Ltd		
<b>Registered Number</b>	16/07226/FULL	<b>Date amended/ completed</b>	29 July 2016
<b>Date Application Received</b>	29 July 2016		
<b>Historic Building Grade</b>	Unlisted (Listed buildings on adjacent sites at 17-18 Paddington Green, the Children's Hospital and St. Mary's Church)		
<b>Conservation Area</b>	Paddington Green (part of site only)		

## 1. RECOMMENDATION

1. Grant conditional permission, subject to a deed of variation to the section 106 agreement for application ref: 15/11677/FULL to secure:
  - a) Provision of 130 affordable units on-site comprising 51 intermediate units and 79 social rented units. The affordable units to be provided at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 14 March 2016;
  - b) Provision of a financial contribution of £631,000 (index linked) toward the provision of school places directed related to the occupancy of this development;
  - c) Provision of a financial contribution of £863,630 (index linked) toward provision of social and community facilities;
  - d) Provision of a financial contribution of £100,000 (index linked) toward improvements to Paddington Green;
  - e) Provision of a financial contribution of £18,000 (index linked) toward bus stop improvements around the application site;
  - f) Provision of a financial contribution of £209,000 (index linked) towards an additional cycle

- hire docking station or enlargement of an existing docking station within the vicinity of the site;
- g) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street and Edgware Road;
  - h) Provision of a financial contribution of £200,000 (index linked) toward possible road widening to be undertaken by TFL on Edgware Road;
  - i) Provision of lifetime car club membership (25 years) for each residential unit in the development;
  - j) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat);
  - k) Compliance with the Council's Code of Construction Practice and a contribution of £20,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction;
  - l) Provision of a financial contribution of £1,100,000 (index linked) toward public art associated with the development site and its maintenance;
  - m) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS). In the event that the, CSDHS does not go ahead, installation of CHP plant on-site;
  - n) Offering local employment opportunities during construction; and
  - o) Payment of cost of monitoring the agreement (£15,000).

2. If the S106 legal agreement has not been completed by 15 May 2017 then:

- a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

The application site is located on the south west side of Edgware Road, north west of the main junction at Harrow Road and Marylebone Road. The site is located within the CAZ, the Edgware Road Housing Zone and is a Strategic Proposals Site within NWEDA. An area roughly corresponding to the south western half of the site is located within the Paddington Green Conservation Area. The remaining half of the site is not within a conservation area. The Edgware Road frontage is located within the Core Frontage of the Church Street/Edgware Road District Shopping Centre. The application site is also located within the Paddington and Lilestone Villages Archaeological Priority Area.

The applicant proposes the following amendments to the development approved under application ref: 15/11677/FULL, which was approved by this committee on 28 April 2016. The following amendments are proposed:

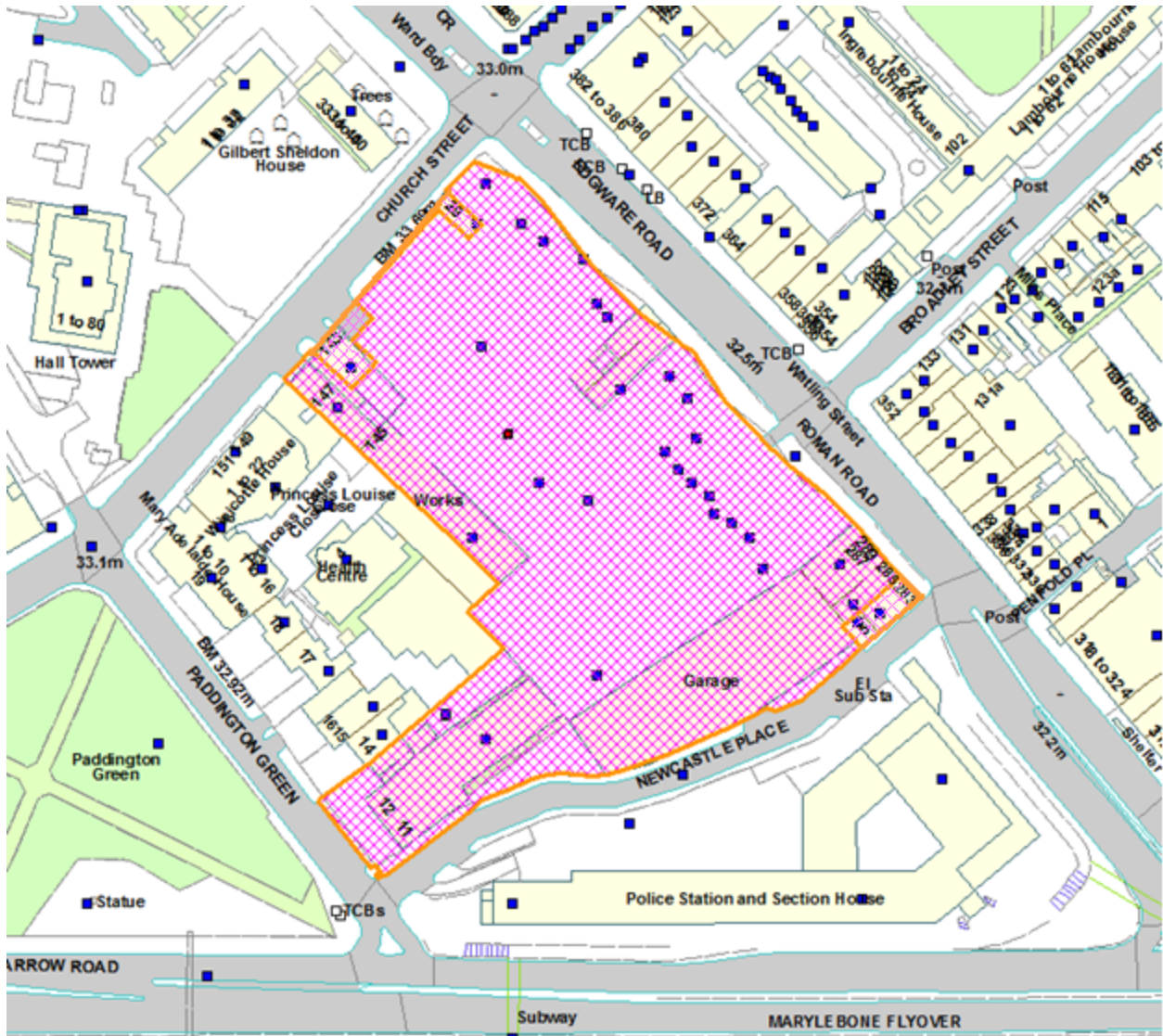
- incorporation of 283 Edgware Road into site;
- an extension of Block B to provide 20 additional residential units. This results in a total of 672 units on-site;
- housing tenure swap between with Blocks B and E/F; and
- associated amendments to permitted public realm and landscaping strategy.

The key issues are:

- Provision of additional residential units, including affordable units;
- Impact on the character and appearance of the area;
- Impact on the amenity of nearby residential units; and
- Impact on parking and highways from the additional units.

Objections have been received to the development, primarily to the level of affordable housing proposed and the height of approved Block A. The proposals are considered to accord with City Council policies within the City Plan and Unitary Development Plan (UDP). The amendments would also result in a development that's scale and nature is not substantially different from the one which has been approved. Accordingly, it is recommended that conditional permission is granted.

### 3. LOCATION PLAN



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**4. PHOTOGRAPHS**



**View of application site from northern corner of Church Street/Edgware Road junction.**



**View of application site as seen from Church Street/Newcastle Place junction.**

## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY

Given the scale and nature of the proposals, the amendments do not give rise to any new strategic planning issues. Therefore, under article 5(2) of the above Order the Mayor of London does not need to be consulted further on this application. The City Council may proceed to determine the application without further reference to the GLA.

### LITTLE VENICE WARD COUNCILLORS

Any response to be reported verbally.

### CHURCH STREET WARD COUNCILLORS

Any response to be reported verbally.

### HYDE PARK WARD COUNCILLORS

Any response to be reported verbally.

### BAYSWATER RESIDENTS ASSOCIATION

No response received.

### HYDE PARK ESTATE ASSOCIATION

No response received.

### SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

No response received.

### HISTORIC ENGLAND

This application should be determined in accordance with national and local policy guidance and on the basis of the City Council's specialist conservation advice.

### HISTORIC ENGLAND (ARCHAEOLOGY)

A Written Scheme of Investigation (WSI) has been agreed under condition 21 of the original permission and should be applied to the proposed development.

### ENVIRONMENT AGENCY

Advise that they did not recommend the conditions that are the subject of this application and have no comments to make.

### LONDON UNDERGROUND LIMITED

Advise that they have no comment to make on this application.

### TRANSPORT FOR LONDON

No more than 8 additional parking spaces should be provided to maintain a parking ratio consistent with the previous permission. As landscaping on the Edgware Road frontage will change as a result of the proposal, the obligations contained within the previous section 106 agreement should be amended and TFL should be party to this. TFL welcome the incorporation of no. 283 into the site as it provides an opportunity to remove a significant pinchpoint for northbound traffic, cyclists and buses.

### NATURAL ENGLAND

Advise that they have no comment to make on this application.

**SPORT ENGLAND**

Advise that they do not consider it necessary to be consulted on this application.

**THAMES WATER**

No response received.

**NATIONAL HEALTH SERVICE**

No response received.

**METROPOLITAN POLICE SERVICE**

No response received.

**NOTTING HILL EAST NEIGHBOURHOOD FORUM**

Object. Public realm, room sizes and sight lines insufficient. Insufficient greening, common space, Sustainable Urban Drainage Systems and energy saving devices.

**NORTH PADDINGTON SOCIETY**

No response received.

**PADDINGTON RESIDENTS' ACTIVE CONCERN ON TRANSPORT (PRACT)**

No response received.

**SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION**

No objection.

**MARYLEBONE ASSOCIATION**

No response received.

**THE ST MARYLEBONE SOCIETY**

No objection to changes.

**ST JOHN'S WOOD SOCIETY**

Advise that they have no comment to make.

**LONDON FIRE AND EMERGENCY PLANNING AUTHORITY (LFEP)**

No response received.

**PADDINGTON BUSINESS IMPROVEMENT DISTRICT**

No response received.

**CHURCH STREET LOCAL AREA RENEWAL PARTNERSHIP**

No response received.

**BUILDING CONTROL**

No response received.

**WASTE PROJECT OFFICER**

Object. Reiterates concerns raised with previous waste strategy and management.

**CHILDREN'S SERVICES**

No response received.

**CITYWEST HOMES**

No response received.

**PLANNING POLICY**

No response received.

**HIGHWAYS PLANNING MANAGER**

Welcomes the acquisition and inclusion of 283 Edgware Road and the provision of 16 additional car parking spaces and additional cycle parking spaces to go with the 20 extra dwellings. These should be integrated into the overall car parking management so that all of the spaces are unallocated and available to anyone in the wider development as a whole.

Demolishing the existing building and setting back its replacement to sit in line with the rest of the overall development provides for an improved public realm at the junction with Newcastle Place.

**AFFORDABLE HOUSING SUPPLY MANAGER**

Any response to be reported verbally.

**ARBORICULTURAL MANAGER**

Any response to be reported verbally.

**ADULT & COMMUNITY SERVICES**

Any response to be reported verbally.

**ENVIRONMENTAL HEALTH OFFICER**

No objection on noise and nuisance grounds, subject to recommended conditions. As the additional area of 283 Edgware Road was not considered under the previous site investigation and remediation strategy, a condition is recommended requiring the submission of this additional information. Several other amendments to conditions are recommended to address discrepancies within the previous permissions conditions.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 5729

Total No. of replies: 8

No. of objections: 6

No. in support: 3

In summary, the objectors raise the following issues:

- Additional units will strain existing infrastructures, including schools, GP surgeries and hospitals;
- The 29 storey tower is contrary to the City Council's policy on tall buildings;
- The proposal causes "substantial harm" to its immediate surroundings, heritage assets, and views;
- The proposal will negatively impact the local economy;
- The type of flats proposed are not needed in the area;



- Concerns that due process is not being followed;
- Proposal is too dense and overbearing; and
- Not enough affordable homes are proposed.

In summary, the supporters raise the following issues:

- The incorporation of 283 Edgware Road into site is a welcome development that would improve clarity at the junction of Edgware Road and Newcastle Place and create a better pedestrian gateway to the site;
- This entire area is in need of investment and this project would have a positive impact; and
- More homes are needed to address the housing crisis.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is located on the south west side of Edgware Road, north west of the main junction at Harrow Road and Marylebone Road. It is largely vacant and is surrounded by a recently erected hoarding.

The entire site is located within the Central Activities Zone (CAZ) and the North Westminster Economic Development Area (NWEDA). Within NWEDA, the application site is a Strategic Proposals Site as its development would contribute significantly to the City Council's strategic housing targets.

An area roughly corresponding to the south western half of the site is located within the Paddington Green Conservation Area. The remaining half of the site is not within a conservation area. The Edgware Road frontage is located within the Core Frontage of the Church Street/Edgware Road District Shopping Centre. The application site is also located within the Paddington and Lilestone Villages Archaeological Priority Area.

The Paddington Opportunity Area (POA) is located to the south of the application site, on the southern side of the Westway. Several heritage assets are also located in the area surrounding the site. The Grade 2 listed Paddington Green Children's Hospital is located on the corner of Church Street and Paddington Green; two Grade 2 listed Georgian houses are located at 17 and 18 Paddington Green; and the Grade 2 star listed St Mary's Church to the west.

The application site is also located within the Edgware Road Housing Zone.

### 6.2 Recent Relevant History

#### 15/11677/FULL

Redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A2, A3, A4 and B1), up to 652 residential units (including 126 affordable housing units), landscaping and associated car and cycle parking. This application is accompanied by an Environmental Impact Assessment (EIA).

Application Permitted 28 April 2016

16/06543/APAD

Notification of proposed demolition of 283 Edgware Road (prior approval under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)).

Application Permitted 5 August 2016

16/08442/NMA

Amendments to planning permission dated 28 April 2016 (RN: 15/11677) for redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A2, A3, A4, and B1), up to 652 residential units (including 126 affordable housing units), landscaping and associated car and cycle parking. Namely, internal alterations to all floors of Blocks and C. Amendments proposed to the unit mix on floors 1-10 of Block A at ground floor of Block C and all floors of Blocks G and H. Amendment to include an additional bay of private residential balconies on floors 1-10 of the south facing elevation of Block A. Reduction in the footprint of Block C.

Application Permitted 4 October 2016

## 7. THE PROPOSAL

Following their acquisition of 283 Edgware Road, the applicant seeks to incorporate it into the development site for the West End Green development (see ref: 15/11677/FULL) and amending the development as follows:

### Extension to Block B and Tenure Swap Between Blocks B and E/F

Block B would be extended southward to add an additional 20 units to the development (672 in total). The building would be extended laterally with no additional height added.

The 20 additional units would include four new affordable homes (two intermediate and two social rent). The mix of the twenty additional units would comprise 10x one bedroom flats (9 private sale and 1 intermediate) and 10x two bedroom apartments (7 private sale, 1 intermediate, 2 social rented).

The consented Block B would be an entirely affordable block, containing 49 intermediate homes and 3 social rented homes. To maintain Block B as an entirely affordable block, the applicant proposes a tenure swap between Blocks E/F and Block B. The 16 additional private sale units would be accommodated within blocks E/F in exchange for 16 of the affordable units consented within that block. This results in the following housing tenure and mix for the entire development:

TENURE	NUMBER OF BEDROOMS					TOTAL	TOTAL (%)
	STUDIO	ONE	TWO	THREE	FOUR+		
Private Sale	40	176	197	118	11	542	80.6
Intermediate	0	22	29	0	0	51	7.6
Social Rent	0	10	23	31	15	79	11.8
<b>TOTAL UNITS</b>	<b>40</b>	<b>208</b>	<b>249</b>	<b>149</b>	<b>26</b>	<b>672</b>	

Item No.
4

<b>TOTAL (%)</b>	<b>6</b>	<b>31</b>	<b>37</b>	<b>22</b>	<b>4</b>
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The extension to Block B would also create an enlarged restaurant unit at ground floor. This unit would increase in size from 296 sqm GEA to 452 sqm GEA.

Basement Revision

The consented double level basement would be extended into the area occupied by 283 Edgware Road. This would provide an additional 16 car parking spaces for a total of 286 parking spaces for the entire development.

Public Realm Amendment

The consented development included a public square and pedestrian access between Block B and 283 Edgware Road. The applicant proposes moving this square and pedestrian access southward, onto the corner of Edgware Road and Newcastle Place.

**8. DETAILED CONSIDERATIONS**

**8.1 Scope of Consideration**

As an application pursuant to s73 of the Town and Country Planning Act 1990 (as amended), the City Council’s consideration is limited only to the question of the conditions to which planning permission should be granted (s73(2)). Accordingly, only planning matters arising from the proposed amendments can be considered under this application. For the avoidance of doubt, the principle of the development and the height and/or bulk of Block A cannot be revisited.

**8.2 Land Use**

**8.2.1 Residential**

Policies H3 of the Unitary Development Plan (adopted 2007) (“the UDP”) and S14 of Westminster’s City Plan (adopted 2016) (“the City Plan”) seek to encourage the provision of more residential floorspace including the creation of new residential units and encourage changes of use from non-residential uses to residential use. Policy S8 of the City Plan also states that this part of Edgware Road is an appropriate location for residential uses. As a Strategic Proposals Site located within the Edgware Road Housing Zone, the provision of new residential units on this site is also a priority. The additional affordable units would also provide decant space for the estate renewal programme stated within policy S12. Accordingly, the provision of residential flats on this site is supported in principle.

Other relevant residential use considerations are set out below.

Density

The consented development already exceeds the density range set out in policy 3.4 of The London Plan (FALP – March 2015) (“the London Plan”) (i.e. 215-405 u/ha or 650-1100 hr/ha). The proposed amendments would further increase the developments density to

625 u/ha from 612 u/ha. However, this increase is relatively minor (i.e. approx. 2%) in comparison to the consented development. Furthermore, policy 3.4 of the London Plan and policy H11 note that density is a useful starting point for protecting local character and is not definitive. Policy 3.4 of the London Plan acknowledges that other factors are relevant to optimising potential, including local context, design and transport capacity, as well as social infrastructure. Policy H11 also notes that development densities that exceed the limits contained therein will be expected to meet complementary policies on townscape and design; residential amenity; provision of off-street parking; mix of housing units; affordable housing; garden space; and the desirability of maintaining any special feature of the urban fabric of the area. These matters are considered further later in this report.

### Affordable Housing

Policy 3.12 of the London Plan states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regards to several factors, including the need to encourage rather than restrain residential development and the specific circumstances of individual sites. The latter includes development viability.

In accordance with policy S16 of the City Plan and the City Council's Interim Guidance Note on Affordable Housing (November 2013) ("the Interim Note"), the additional units proposed would necessitate the provision of an additional affordable housing contribution.

Under the consented development, 126 affordable units were proposed, with a total floor area of approximately 13,557 sqm GEA or approximately 18% of the residential floorspace proposed. The applicant proposes providing an additional four affordable units. This would increase on-site provision to 130 affordable units, with a total floor area of approximately 13,785 sqm GEA. Like the consented development, this equates to approximately 18% of the residential floorspace proposed.

The applicant has provided a viability appraisal by Gerald Eve that indicates that this is the maximum possible contribution that the amended scheme can afford to make without becoming unviable. This viability appraisal has been reviewed on behalf of the City Council by GVA Grimley Limited who concur with its findings. Accordingly, the 130 unit contribution proposed is the maximum reasonable contribution that the applicant can make.

Under the amended development, 79 of the affordable housing units would be provided as social rented units and 51 would be provided as intermediate housing. This tenure split would remain consistent with the GLA guidance of 60:40.

Subject to a deed of variation to the original legal agreement to secure the additional units, the proposed affordable housing offer is considered acceptable.

### Residential Mix

Policy H5 of the UDP requires 'one third' of the units to be family sized units (i.e. with 3 bedrooms or more), as specified in policy H5 of the UDP.

In this instance, 26% of the proposed units would be family sized. This is a 1% reduction in comparison to the consented development. Whilst this reduction is regrettable, the City

Council previously accepted a lower proportion due to the flexibility allowed by policy H5 and this sites location in a very busy, noisy environment. As the shortfall proposed is generally consistent with the consented development, the proposed development would remain consistent with policy H5 of the UDP in this instance.

#### Standard of Residential Accommodation

The 20 additional flats would all meet or exceed size requirements of the Governments Nationally Described Space Standard (March 2015) (“the Space Standard”). The additional units would also be Lifetime Homes compliant and 10% of the units would be wheelchair accessible or easily adaptable, consistent with policy H8 of the UDP.

The additional flats would have also private outdoor amenity space, in the form of balconies and terraces, in accordance with policy H10 of the UDP and standards 26 and 27 of the Housing SPG. These balconies and terraces are also designed so as not to result in unacceptable noise and overlooking of neighbouring properties and flats within the development and are therefore acceptable. In addition to this, all residents would have access to the communal garden areas located within the site.

The Environmental Health Officer has reviewed the proposal and raises no objection, subject to some minor amendments to the previously imposed conditions so that satisfactory internal noise levels are achieved. Subject to the recommended conditions, the proposal would be consistent with policy S32 of the City Plan and policies ENV 6 and ENV 7 of the UDP.

### **8.2.2 Restaurant**

Policy S12 of the City Plan notes that the City Council may be flexible about uses within the Church Street/Edgware Road District Shopping Centre. The supporting text to policy S12 also notes that A3 uses can help support the retail function of the District Shopping Centre. The application site is outside a Stress Area but within the CAZ. Accordingly, policy TACE 8 of the UDP also applies.

The enlarged A3 unit would remain a small part of the reinstated frontage. It would also provide a point of interest and activity at a key entrance to the site and would support the retail function of the District Shopping Centre. The conditions already proposed would also ensure that the enlarge A3 unit would not have an adverse effect on amenity, character of function of the area or traffic. Accordingly, the enlarged A3 unit proposed would be consistent with policy S12 of the City Plan and policies SS6 and TACE 8 of the UDP.

### **8.3 Townscape and Design**

#### **8.3.1 Demolition of 283 Edgware Road**

Demolition of the buildings on 283 Edgware Road has already been permitted under prior approval ref: 16/06543/APAD. Notwithstanding this, the existing building at 283 Edgware Road is an incongruous feature in the Edgware Road streetscene and has an awkward relationship with the consented development. It also obscures views of the consented development to northbound traffic on Edgware Road and pedestrians visiting the site from

the south, including from Edgware Road Underground Station. Accordingly, its demolition is a welcome amendment to the development.

### **8.3.2 Public Realm Amendment**

The consented scheme included an entry bosque of trees between Block B and 283 Edgware Road connecting the latter to Block A. This bosque is a key pedestrian access to the site and, with its seating and planning, an attractive amenity and point of interest in itself. However, the legibility of this access point as well as the attractiveness of this space is hindered by the sheer northern elevation of the building at 283 Edgware Road.

Removal of this building would allow this bosque to be relocated to the corner of Edgware Road and Newcastle Place. In this position, it would make this pedestrian access more legible, thus improving the pedestrian experience and permeability in and around the site. It would also improve the attractiveness of this bosque for persons using it by removing a significant source of sense of enclosure and improving sunlight to this area. In the corner position, the bosque itself also softens views of the application site when seen from the south.

Details of the hard and soft landscaping treatment for the amended bosque would be secured by the conditions already imposed on the original development. Subject to the conditions recommended, the proposed amendment would be consistent with policies S12 and S41 of the City Plan and policy TRANS 23 of the UDP.

### **8.3.3 Extension to Block B**

The extension to Block B maintains the same building line along Edgware Road and the height of the consented block. The red brick mansion block design with grid of bays and balconies as seen on the consented Block B would also be repeated on the extension to Block B. The enlarged Block B would also remain narrower than the central block on the Edgware Road frontage (i.e. Block C) and the gap between blocks would be maintained. This ensures that the rhythm of blocks along Edgware Road and appreciation of scale in the entire development and found acceptable previously is maintained. The extension to Block B is also not so large as to compete with the greater height and visual presence of the tower (i.e. Block A). The conditions imposed on the original permission would also ensure that appropriate design detail and materials are provided.

The extension would make Block B more visible when viewed along Edgware Road from the south. However, this increased visibility would be marginal in comparison to the bulk and height of the consented development and an objection to the development on this basis would not be sustainable.

The extension to Block B would also be screened from the Paddington Green Conservation Area and nearby listed buildings by the other blocks. Accordingly, the extension would have no greater impact on these heritage assets than the consented development.

Overall, the extension to Block B would be consistent with policies S25 and S28 of the City Plan and policies DES 1, DES 4, DES 9 and DES 10 of the UDP.

## 8.4 Residential Amenity

### 8.4.1 Loss of light

Due to the screening effect of the bulk of the consented development, most properties would be unaffected by the additional bulk from Block B. However, the proposal would decrease light levels below BRE guidelines for several properties on the east side of Edgware Road that were tested when the consented development was considered. The relevant properties are 330 - 352 Edgware Road.

The applicant has submitted a supplementary Daylight and Sunlight assessment by Deloitte (“the Light Study”) as part of the Environmental Statement that accompanies this application to demonstrate compliance with the BRE Guide.

#### Daylight

The Light Studies conclusions on daylight are summarised in the table below:

<b>Daylight Loss</b>				
330-352 Edgware Road	No. of Windows With VSC Losses Exceeding 20%	VSC Losses (%)	No. of Rooms with NSL Losses Exceeding 20%	NSL Losses (%)
Consented Development	10 out of 48	21-23	16 out of 31	22-48
Proposed Development	19 out of 48	23-33	16 out of 31	21-57

Whilst these additional losses are regrettable, they affect a comparatively small number of properties and are modest relative to a development of this scale. The BRE guidelines are also intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location such as this, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE guide also applies. Many sites throughout the CAZ have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation and are desirable places to live. In this context, the level of additional daylight loss does not outweigh the public benefits of the development, particularly given its strategic importance to housing delivery, to warrant refusal of this application.

#### Sunlight

The Light Studies conclusions on sunlight are summarised below:

<b>Sunlight Loss</b>	
330-352 Edgware Road	No. of Eligible Windows With Sunlight Loss Exceeding BRE Guidelines

Consented Development	10 out of 45
Proposed Development	12 out of 45

The additional sunlight loss proposed would be relatively modest for a Central London site such as this. When considered against the public benefits of this development and the strategic importance of this site for housing delivery, this level of sunlight loss would not warrant refusal of this application.

#### **8.4.2 Sense of Enclosure**

Due to the screening effect of the bulk of the consented development, most properties would be unaffected by the additional bulk from Block B. The additional bulk would be visible from properties on the east side of Edgware Road and the Paddington Police Station Section House. However, it would be separated from them by the width of Edgware Road and Newcastle Place (i.e. 22 to 30 m and 8 m, respectively). Given this separation distance, the additional bulk would not result in a significant sense of enclosure for the occupants of residential properties surrounding the site. Accordingly, the proposal would be consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

#### **8.4.3 Privacy**

As noted above, the additional bulk to Block B is separated from the nearest residential properties by the widths of Edgware Road and Newcastle Place. These separation distances provide adequate mitigation for potential overlooking for the nearest residential properties. The additional bulk would also have a comparable outlook to the consented development.

Given the above, the proposed development would not result in significant overlooking of neighbouring properties and would be consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

### **8.5 Transportation/Parking**

#### **8.5.1 Trip Generation.**

As per the consented development, the consented development with the additional units proposed would still result in a significant reduction in trip generation compared to the 2005 permission. Accordingly, the trip generation resulting from the consented development with the additional units would be acceptable.

#### **8.5.2 Car Parking**

The applicant proposes an additional 16 car parking spaces in the enlarged basement area proposed. This would result in a parking ratio of 0.43 spaces per unit which is marginally higher than that on the consented development. Whilst TFL consider this ratio excessive, they have not formally objected on this basis and the Highways Planning Manager supports the ratio now proposed. This ratio is an improvement in comparison to the consented



development when considered against the parking standards appended to policy 6.13 of the London Plan and policy TRANS23 of the UDP and is therefore supported.

Like the consented development, the applicant has offered to provide the parking on an unallocated basis and to provide lifetime car club membership for the occupants of all flats. This is supported by TFL and the Highways Planning Manager. Should permission be granted, it is recommended that this is secured via a deed of variation to the existing section 106 agreement.

Given the above, the proposed parking arrangements are considered consistent with the development plan.

### **8.5.3 Cycle Parking**

The applicant proposes additional cycle spaces for the additional units proposed, in accordance with the requirements of policy 6.9 of the London Plan.

### **8.5.4 Waste Provision**

The Cleansing Manager has raised several concerns with how waste will be managed for the amended development. However, this concern can be addressed through the conditions imposed on the existing permission and which would apply to the proposed development. Subject to these conditions, the proposed development would accord with policy ENV 12 of the UDP.

### **8.5.5 Impact on Public Transport Infrastructure**

TFL and London Underground have raised no objection to the additional units proposed. Subject to the conditions and planning obligations imposed on the existing permission, the proposed development would be consistent with policies 6.7 and 6.9 of the London Plan.

### **8.5.6 Road Widening**

Inclusion of 283 Edgware Road would provide an opportunity to remove a significant pinchpoint for northbound traffic, cyclists and buses. On this basis, TFL and the Highways Planning Manager support the development and the proposed development would be consistent with policy TRANS 18 of the UDP.

## **8.6 Economic Considerations**

The proposed amendment would further increase the length of shopping frontage restored on Edgware Road, within the Church Street/Edgware Road District Shopping Centre. This would enhance the retail offer within the shopping centre.

The proposed development would also provide further affordable units to enable decant from the Church Street and Paddington Green area to be decanted. This would contribute further to the regeneration envisaged under the Futures Plan and Edgware Road Housing Zone.

## 8.7 Access

The additional units and enlarged restaurant unit all benefit from level access from the street. Ten percent of the proposed units are wheelchair user adaptable, as per part M4 (3) (2) b of the building regulations.

Overall the scheme is considered to comply with Policy DES1 in the adopted UDP and Policy S28 in the City Plan in terms of accessibility.

## 8.8 Other UDP/Westminster Policy Considerations

### 8.8.1 Contamination

The additional site area of 283 Edgware Road is contaminated. Accordingly, the Environmental Health Officer has recommended a condition requiring further site investigation and preparation of an adequate mitigation strategy. Subject to this condition, the proposed development would be consistent with policy ENV 8 of the UDP.

## 8.9 London Plan

As a variation to a GLA referable development, the GLA were notified of the propose amendment. They advise that the scale and nature of the proposals do not give rise to any new strategic planning issues and the City Council may proceed to determine the application without further reference to the GLA.

## 8.10 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.

## 8.11 Planning Obligations

The proposed amendment would include provision of four additional affordable housing units. These would need to be secured by a planning obligation. Should this amendment to the original permission be granted, a deed of variation to the original section 106 agreement will also be required to ensure that the planning obligations previously secured are also secured under this new permission. The draft 'Heads' of agreement are as follows:

- a) Provision of 130 affordable units on-site comprising 51 intermediate units and 79 social rented units. The affordable units to be provided at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 14 March 2016;
- b) Provision of a financial contribution of £631,000 (index linked) toward the provision of school places directed related to the occupancy of this development;
- c) Provision of a financial contribution of £863,630 (index linked) toward provision of social and community facilities;
- d) Provision of a financial contribution of £100,000 (index linked) toward improvements to Paddington Green;

- e) Provision of a financial contribution of £18,000 (index linked) toward bus stop improvements around the application site;
- f) Provision of a financial contribution of £200,000 (index linked) towards an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site;
- g) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street and Edgware Road;
- h) Provision of a financial contribution of £200,000 (index linked) toward possible road widening to be undertaken by TFL on Edgware Road;
- i) Provision of lifetime car club membership (25 years) for each residential unit in the development;
- j) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat);
- k) Compliance with the Council's Code of Construction Practice and a contribution of £20,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction;
- l) Provision of a financial contribution of £1,100,000 (index linked) toward public art associated with the development site and its maintenance;
- m) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS). In the event that the, CSDHS does not go ahead, installation of CHP plant on-site;
- n) Offering local employment opportunities during construction; and
- o) Payment of cost of monitoring the agreement (£15,000).

The additional floorspace created would also be Westminster CIL liable. Subject to any exemptions that may be applicable, the estimated CIL payment is £34,588,000.00.

## 8.12 Environmental Impact Assessment

The applicant has submitted a revised Environment Statement (ES) that takes account of the proposed amendments.

The revised ES has been reviewed on behalf of the City Council by Waterman Infrastructure and Environment Limited ("Waterman's"). In summary, Waterman's advise that there are no material changes to the conclusions of any of the assessments of residual effects and the mitigation measures previously proposed remain valid requirements. No further points of clarification or any requests for further information under Regulation 22 of the EIA Regulations are identified. Accordingly, the ES submitted is satisfactory.

## 8.13 Other Issues

### 8.13.1 Basement Development

Since the original permission was granted, the Council has adopted its revised basement policy (CM28.1 of the City Plan). However, the proposed extension to the approved basement does not adjoin residential properties. Accordingly the provisions of the new basement policy do not apply in this instance.

## 9. BACKGROUND PAPERS

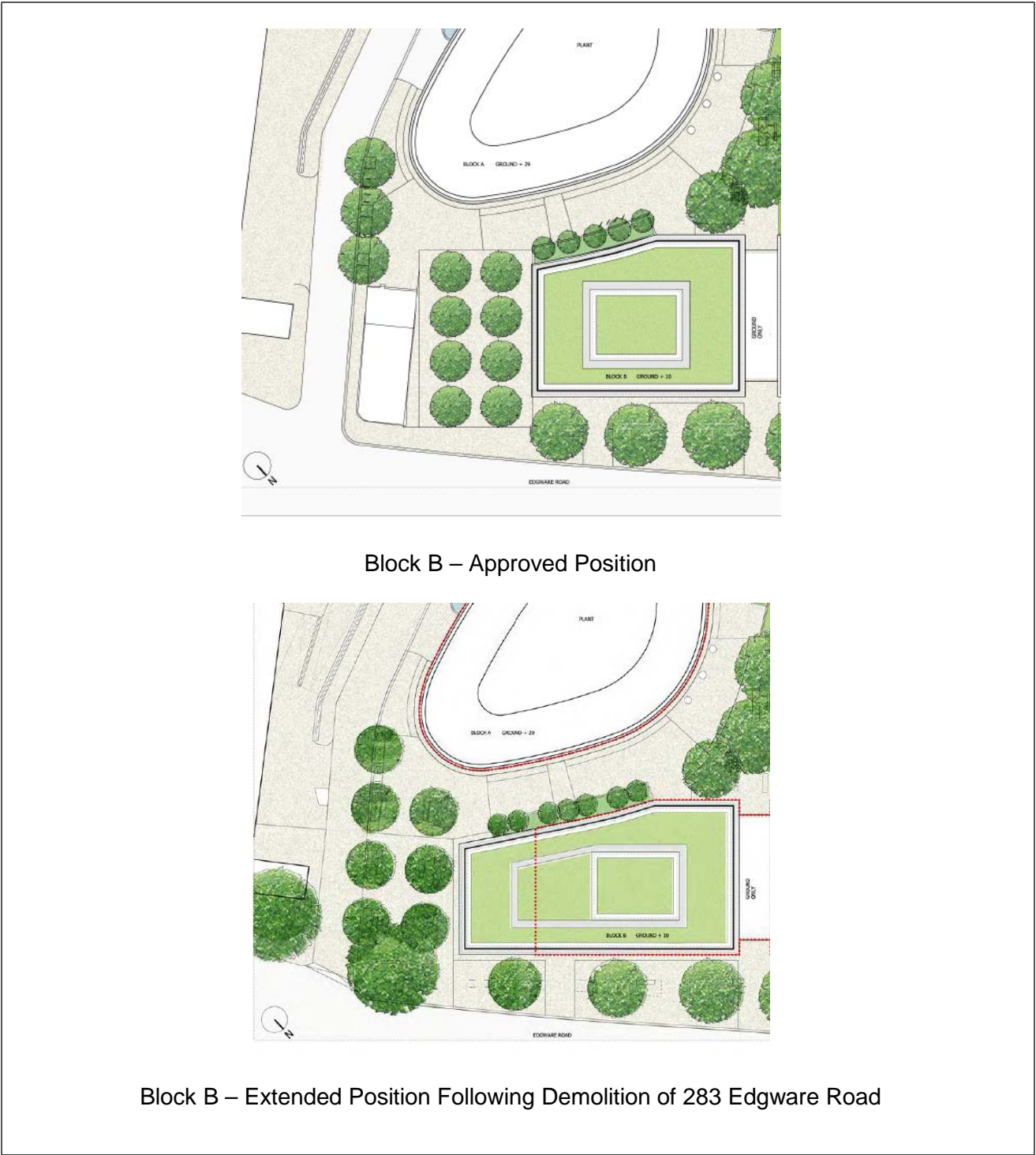
1. Application form.
2. Response from the Greater London Authority, dated 30 September 2016.
3. Response from Highways Planning Manager, dated 24 October 2016.
4. Response from Environmental Health Officer, dated 7 September 2016.
5. Response from Waste Project Officer, dated 23 August 2016.
6. Response from Transport for London, dated 11 August 2016.
7. Response from Historic England (Listed Builds/Con Areas), dated 15 August 2016.
8. Response from Historic England (Archaeology), dated 30 August 2016.
9. Response from London Underground, dated 16 August 2016.
10. Response from Environment Agency, dated 10 August 2016.
11. Response form Natural England.
12. Response from Sport England, dated 15 August 2016.
13. Response from St John's Wood Society, dated 22 August 2016.
14. Response from PRACT, dated 8 September 2016.
15. Response from The St Marylebone Society, dated 11 September 2016.
16. Response from Notting Hill East Neighbourhood Forum, dated 8 September 2016.
17. Response from South East Bayswater Residents Association, dated 8 September 2016
18. Response from Marylebone Association, dated 30 August 2016
19. Letter from occupier of 11 Gilbert Sheldon House, London, dated 4 September 2016
20. Letter from occupier of 99 St Mary's Mansions, St Mary's Terrace, dated 20 August 2016
21. Letter from occupier of Flat 54 St Mary's Mansions, St Mary's Terrace, dated 14 August 2016
22. Letter from occupier of Flat 15, The Old Aeroworks, 17 Hatton Street, dated 15 August 2016
23. Letter from occupier of Paddington Green Health Centre, 4 Princess Louise Close, dated 2 November 2016
24. Letter from occupier of 13 St Michael's St, London, dated 18 September 2016
25. Letter from occupier of 2 Harewood Row, London, dated 28 August 2016
26. Letter from occupier of Goldney Road, London, dated 24 August 2016

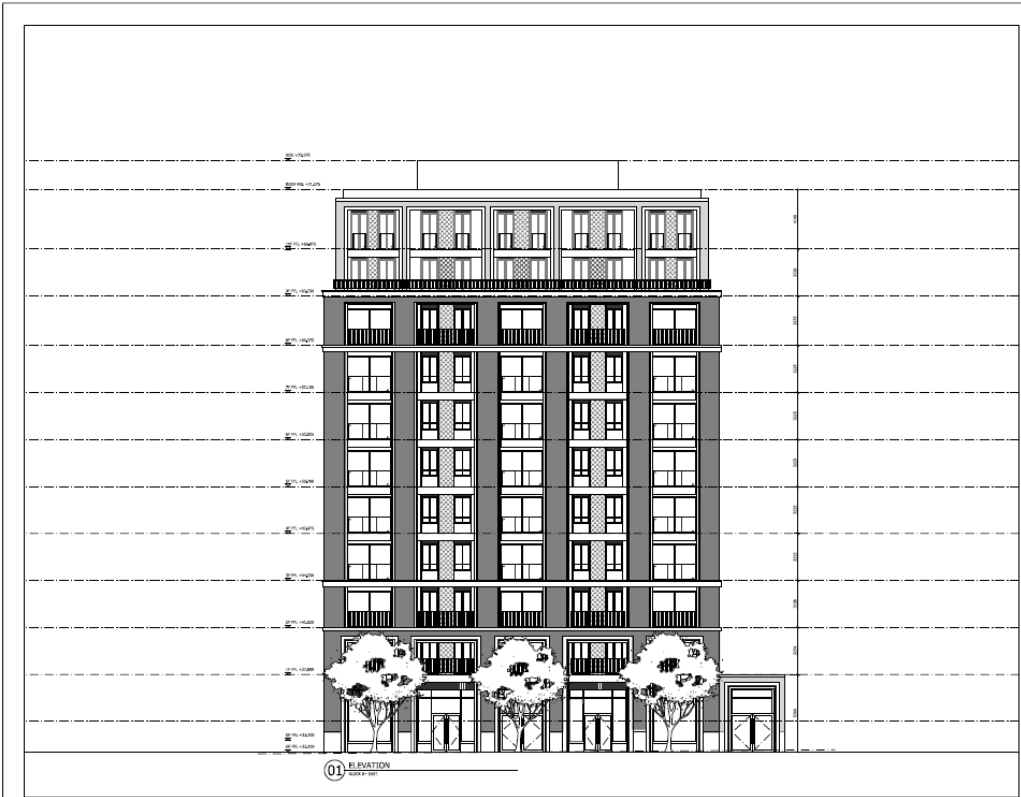
### Selected relevant drawings

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

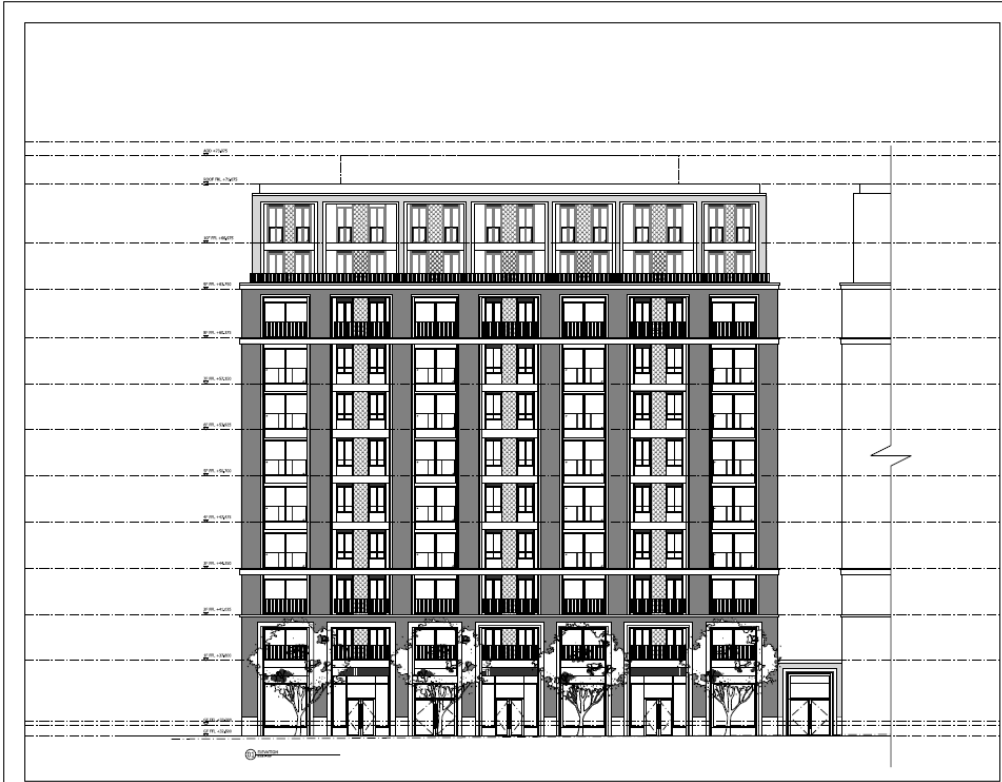
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT [nbarrett@westminster.gov.uk](mailto:nbarrett@westminster.gov.uk)

10. KEY DRAWINGS

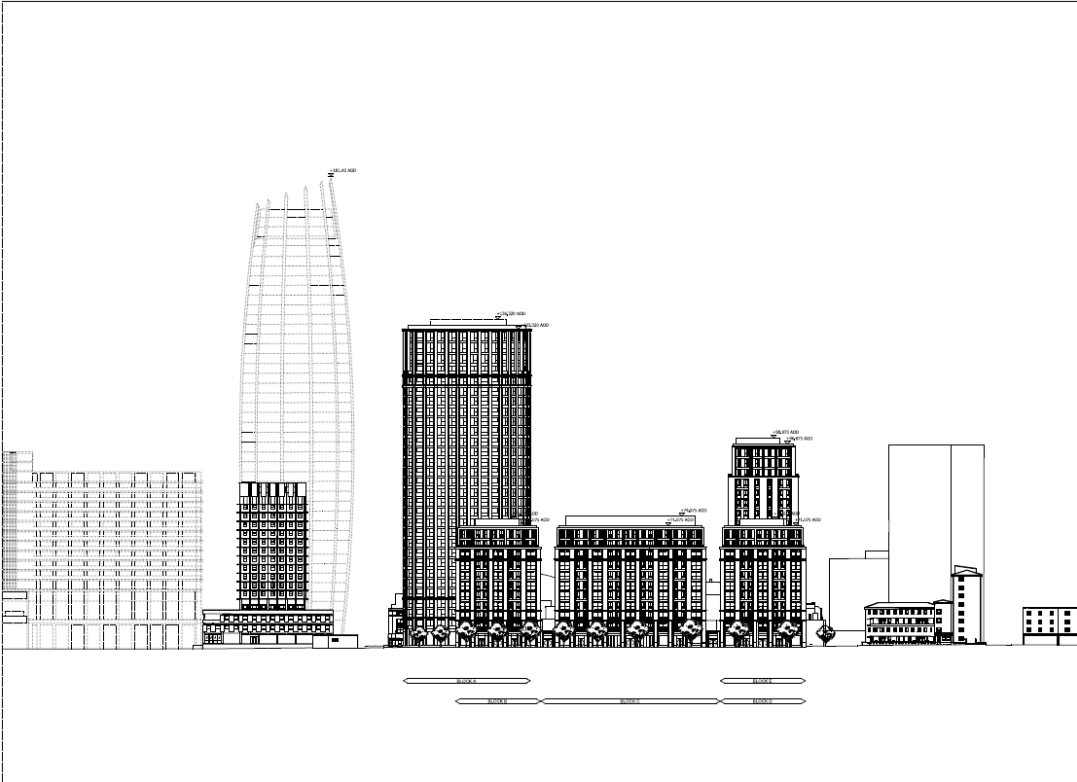




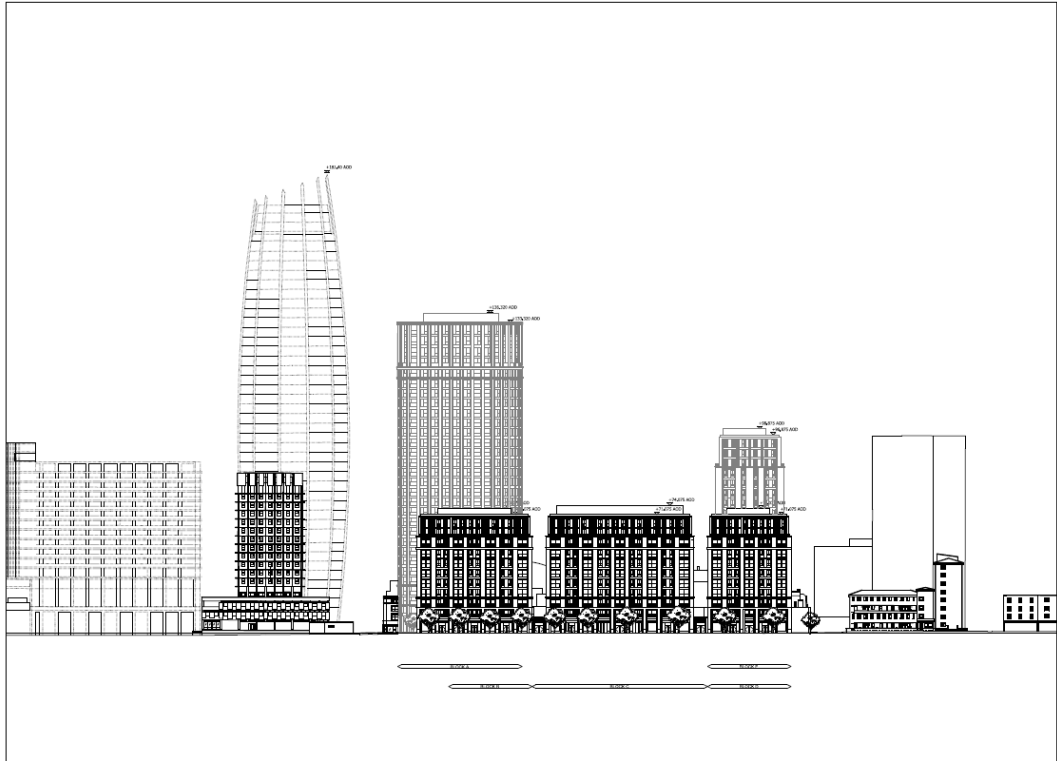
Block B – Approved Eastern (Edgware Road) Elevation



Block B – Proposed Eastern (Edgware Road) Elevation



Approved Eastern Elevation of Whole Site



Proposed Eastern Elevation of Whole Site



Visualisation from Corner of Edgware Road and Newcastle Place



**DRAFT DECISION LETTER**

**Address:** 283 - 329 Edgware Road And 5 Newcastle Place, London, W2 1DH,

**Proposal:** Variation of Condition 1 of the planning permission granted 28 April 2016 (ref: 15/11677/FULL) for a redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A2, A3, A4 and B1), up to 652 residential units (including 126 affordable housing units), landscaping and associated car and cycle parking. NAMELY, incorporation of 283 Edgware Road into site, extension of Block B to provide 20 additional residential units (672 in total), with associated swap in housing tenure with Blocks E and F, associated amendments to permitted public realm and landscaping strategy.

**Reference:** 16/07226/FULL

**Plan Nos:** Drawing numbers 0203\_JA12\_P\_00\_100 Rev B, 0203\_C645\_E\_N\_H\_001 Rev C, 0203\_C645\_P\_D\_T3\_001 Rev D, 0203\_C645\_P\_00\_100 Rev B, 0203\_C645\_E\_E\_H\_001 Rev B, 0203\_C645\_P\_D\_T4\_001 Rev C, 0203\_JA12\_P\_00\_001 Rev B, 0203\_C645\_E\_S\_H\_001 Rev C, 0203\_C645\_P\_D\_T5\_001 Rev D, 0203\_JA12\_P\_00\_002 Rev B, 0203\_C645\_E\_W\_H\_001 Rev B, 0203\_C645\_P\_E-F\_00\_001 Rev B, 0203\_JA12\_P\_00\_003 Rev B, 0203\_C645\_E\_NW\_H\_001 Rev B, 0203\_C645\_P\_E-F\_T1\_001 Rev C, 0203\_JA12\_P\_00\_004 Rev B, 0203\_C645\_P\_D\_TY\_T\_001 Rev B, 0203\_C645\_P\_E-F\_T2\_001 Rev C, 0203\_JA12\_E\_N\_001 Rev B, 0203\_C645\_P\_D\_TY\_T\_002 Rev B, 0203\_C645\_P\_E-F\_T3\_001 Rev C, 0203\_JA12\_E\_E\_001 Rev B, 0203\_C645\_P\_D\_TY\_T\_003 Rev C, 0203\_C645\_P\_E-F\_T4\_001 Rev C, 0203\_JA12\_E\_S\_001 Rev B, 0203\_C645\_P\_D\_TY\_T\_004 Rev B, 0203\_C645\_P\_E-F\_T5\_001 Rev C, 0203\_JA12\_E\_W\_001 Rev B, 0203\_C645\_P\_D\_TY\_T\_005 Rev B, 0203\_C645\_P\_E-F\_T6\_001 Rev C, 0203\_C645\_P\_D\_TY\_T\_006 Rev B, 0203\_C645\_P\_E-F\_T7\_001 Rev D, 0203\_C645\_P\_RF\_100 Rev C, 0203\_C645\_P\_D\_TY\_T\_007 Rev B, 0203\_C645\_P\_E-F\_T8\_001 Rev D, 0203\_C645\_P\_B1\_001 Rev D, 0203\_C645\_P\_D\_TY\_T\_008 Rev B, 0203\_C645\_P\_E-F\_T9\_001 Rev A, 0203\_C645\_P\_B2\_001 Rev D, 0203\_C645\_P\_00\_001 Rev C, 0203\_C645\_P\_D\_TY\_M\_001 Rev B, 0203\_C645\_P\_G\_00\_001 Rev A, 0203\_C645\_P\_TY\_001 Rev C, 0203\_C645\_P\_D\_TY\_M\_002 Rev B, 0203\_C645\_P\_G\_T1\_001 Rev A, 0203\_C645\_P\_RF\_001 Rev C, 0203\_C645\_P\_D\_TY\_M\_003 Rev B, 0203\_C645\_P\_G\_T2\_001 Rev A, 0203\_C645\_P\_RF\_003 Rev C, 0203\_C645\_P\_D\_TY\_M\_004 Rev B, 0203\_C645\_P\_H\_00\_001 Rev B, 0203\_C645\_E\_N\_001 Rev B, 0203\_C645\_P\_D\_TY\_M\_005 Rev B, 0203\_C645\_P\_H\_T1\_001 Rev C, 0203\_C645\_E\_N\_002 Rev B, 0203\_C645\_P\_D\_TY\_M\_006 Rev B, 0203\_C645\_P\_H\_T2\_001 Rev B, 0203\_C645\_E\_E\_001 Rev B, 0203\_C645\_P\_D\_TY\_M\_007 Rev B, 0203\_C645\_P\_H\_T3\_001 Rev C, 0203\_C645\_E\_E\_002 Rev B, 0203\_C645\_P\_A\_00\_001 Rev C, 0203\_C645\_P\_H\_T4\_001 Rev C, 0203\_C645\_E\_S\_001 Rev C, 0203\_C645\_P\_A\_T0\_001 Rev C, 0203\_C645\_E\_S\_002 Rev B, 0203\_C645\_P\_A\_T1\_001 Rev C, 0203\_C645\_P\_AP\_W\_001 Rev B, 0203\_C645\_E\_W\_001 Rev B, 0203\_C645\_P\_A\_T3\_001 Rev C, 0203\_C645\_P\_AP\_W\_002 Rev A,

0203\_C645\_E\_W\_002 Rev B, 0203\_C645\_P\_A\_T2\_001 Rev C, 0203\_C645\_P\_AP\_W\_003 Rev A, 0203\_C645\_S\_AA\_001 Rev B, 0203\_C645\_P\_A\_T4\_001 Rev C, 0203\_C645\_P\_AP\_W\_004 Rev A, 0203\_C645\_S\_BB\_001 Rev B, 0203\_C645\_P\_AP\_W\_005 Rev A, 0203\_C645\_S\_CC\_001 Rev B, 0203\_C645\_P\_A\_PH1\_001 Rev D, 0203\_C645\_P\_AP\_W\_006 Rev B, 0203\_C645\_S\_DD\_001 Rev B, 0203\_C645\_P\_A\_PH2\_001 Rev D, 0203\_C645\_P\_AP\_W\_007 Rev B, 0203\_C645\_P\_A\_PH3\_001 Rev D, 0203\_C645\_E\_S\_A\_001 Rev C, 0203\_C645\_P\_AP\_W\_008 Rev B, 0203\_C645\_E\_E\_B\_001 Rev B, 0203\_C645\_P\_B\_00\_001 Rev B, 0203\_C645\_E\_S\_B\_001 Rev B, 0203\_C645\_P\_B\_T1\_001 Rev D, 0203\_C645\_P\_AL\_01 Rev B, 0203\_C645\_E\_W\_B\_001 Rev B, 0203\_C645\_P\_B\_T2\_001 Rev D, 0203\_C645\_P\_AL\_02 Rev B, 0203\_C645\_E\_S/N\_B/C/D\_001 Rev B, 0203\_C645\_P\_B\_T3\_001 Rev D, 0203\_C645\_P\_AL\_03 Rev B, 0203\_C645\_P\_B\_T4\_001 Rev D, 0203\_C645\_P\_AL\_04 Rev B, 0203\_C645\_E\_E\_C\_001 Rev B, 0203\_C645\_P\_B\_T5\_001 Rev D, 0203\_C645\_P\_AL\_05 Rev B, 0203\_C645\_E\_W\_C\_001 Rev B, 0203\_C645\_P\_B\_T6\_001 Rev A, 0203\_C645\_P\_AL\_06 Rev B, 0203\_C645\_E\_N\_D\_001 Rev B, 0203\_C645\_P\_B\_T7\_001 Rev A, 0203\_C645\_E\_AL\_001 Rev B, 0203\_C645\_E\_E\_D\_001 Rev B, 0203\_C645\_P\_C\_00\_001 Rev B, 0203\_C645\_P\_00\_003 Rev C, 0203\_C645\_E\_W\_D\_001 Rev B, 0203\_C645\_P\_C\_T1\_001 Rev B, 0203\_C645\_P\_00\_004 Rev C, 0203\_C645\_E\_N\_EF\_001 Rev B, 0203\_C645\_P\_C\_T2\_001 Rev B, 0203\_C645\_P\_RF\_002 Rev B, 0203\_C645\_E\_E\_EF\_001 Rev B, 0203\_C645\_P\_C\_T3\_001 Rev B, 0203\_C645\_E\_S\_EF\_001 Rev B, 0203\_C645\_P\_C\_T4\_001 Rev B, 0203\_C645\_E\_W\_EF\_001 Rev B, 0203\_C645\_P\_C\_T5\_001 Rev C, 0203\_C645\_E\_N\_G\_001 Rev B, 0203\_C645\_P\_D\_00\_001 Rev B, 0203\_C645\_E\_E\_G\_001 Rev B, 0203\_C645\_P\_D\_T1\_001 Rev D, 0203\_C645\_E\_S\_G\_001 Rev B, 0203\_C645\_P\_D\_T2\_001 Rev D, 0203\_C645\_E\_W\_G\_001 Rev C; Environment Statement Volumes 1, 2 and 4B by Ramboll Environ (February 2016); Environment Statement Volume 3 (Planning Application Addendum) by Ramboll Environ (March 2016); Environment Statement Volume 3 (Planning Application Further Addendum) by Ramboll Environ (24 March 2016); Design and Access Statement by Squire and Partners (Rev B - February 2016); Amended Transport Assessment by Vectos (February 2016); Planning Statement by Turley (December 2015).

AS AMENDED BY:

Drawing numbers 0203\_02\_JA12\_P\_00\_10 0 Rev B, 0203\_02\_C645\_P\_D\_T00 Rev C, 0203\_02\_C645\_P\_00\_100 Rev D, 0203\_02\_C645\_P\_EF\_T00 Rev B, 0203\_02\_JA12\_P\_00\_001 Rev B, 0203\_02\_C645\_P\_EF\_T01 Rev C, 0203\_02\_JA12\_P\_00\_002 Rev B, 0203\_02\_C645\_P\_EF\_T02 Rev C, 0203\_02\_JA12\_P\_00\_003 Rev B, 0203\_02\_C645\_P\_EF\_T03 Rev C, 0203\_02\_JA12\_P\_00\_004 Rev B, 0203\_02\_C645\_P\_EF\_T04 Rev C, 0203\_JA12\_E\_N\_001 Rev B, 0203\_02\_C645\_P\_EF\_T05 Rev C, 0203\_JA12\_E\_E\_001 GA Rev B, 0203\_02\_C645\_P\_EF\_T06 Rev B, 0203\_JA12\_E\_S\_001 GA Rev B, 0203\_02\_C645\_P\_EF\_T07 Rev B, 0203\_JA12\_E\_W\_001 Rev B, 0203\_02\_C645\_P\_EF\_T08 Rev B, 0203\_02\_C645\_P\_EF\_T09 Rev B, 0203\_02\_C645\_P\_RF\_100 GA Rev C, 0203\_02\_C645\_P\_EF\_T10 Rev B, 0203\_02\_C645\_P\_RF\_001 GA Rev D, 0203\_02\_C645\_P\_RF\_003 GA Rev D, 0203\_C645\_P\_AP\_W\_002 Rev A,

0203\_02\_C645\_P\_00\_001 GA Rev E, 0203\_C645\_P\_AP\_W\_003 Rev A,  
 0203\_02\_C645\_P\_TY\_001 Rev C, 0203\_C645\_P\_AP\_W\_004 Rev A,  
 0203\_C645\_P\_AP\_W\_005 Rev A, 0203\_02\_C645\_P\_B1\_001 Rev C,  
 0203\_C645\_P\_AP\_W\_006 Rev B, 0203\_02\_C645\_P\_B2\_001 Rev C,  
 0203\_02\_C645\_E\_E\_001 Rev B, 0203\_02\_C645\_P\_AP\_W\_001 Rev C,  
 0203\_02\_C645\_E\_E\_002 GA Rev B, 0203\_02\_C645\_P\_AP\_W\_002 Rev C,  
 0203\_02\_C645\_E\_S\_001 Rev B, 0203\_02\_C645\_P\_AP\_W\_003 Rev C  
 0203\_02\_C645\_E\_N\_001 Rev B, 0203\_02\_C645\_S\_DD\_001 Rev B,  
 0203\_02\_C645\_P\_AL\_01 Rev B, 0203\_02\_C645\_E\_E\_B\_001 Rev B,  
 0203\_02\_C645\_P\_AL\_02 Rev B, 0203\_02\_C645\_E\_S\_B\_001 Rev B,  
 0203\_02\_C645\_P\_AL\_03 Rev B, 0203\_02\_C645\_E\_W\_B\_001 Rev B,  
 0203\_02\_C645\_P\_AL\_04 Rev B, 0203\_C645\_E\_S-N\_B-C-D\_001 Rev B,  
 0203\_02\_C645\_P\_AL\_05 Rev B, 0203\_C645\_E\_W\_EF\_001 Rev B,  
 0203\_02\_C645\_P\_AL\_06 Rev B, 0203\_C645\_E\_E\_EF\_001 Rev B,  
 0203\_02\_C645\_E\_AL\_001 Rev B, 0203\_02\_C645\_E\_S\_EF\_001 Rev B,  
 0203\_02\_C645\_P\_00\_003 Rev C, 0203\_02\_C645\_E\_W\_F\_001 Rev B,  
 0203\_02\_C645\_P\_00\_004 GA Rev C, 0203\_02\_C645\_E\_N\_EF\_001 Rev B,  
 0203\_02\_C645\_P\_RF\_002 Rev C, 0203\_02\_C645\_P\_B\_T00 Rev B,  
 0203\_02\_C645\_P\_B\_T01 Rev C, 0203\_02\_C645\_P\_B\_T02 Rev C,  
 0203\_02\_C645\_P\_B\_T03 Rev C, 0203\_02\_C645\_P\_B\_T04 Rev C,  
 0203\_02\_C645\_P\_B\_T05 Rev C, 0203\_02\_C645\_P\_B\_T06 Rev C,  
 0203\_02\_C645\_P\_B\_T07 Rev C

**Case Officer:** Nathan Barrett

**Direct Tel. No.** 020 7641 5943

**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:**

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.

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

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

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

**Reason:**

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

- 3 **Pre Commencement Condition.** No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

- 4 **Pre-Commencement Condition:** You must apply to the City Council (in consultation with Transport for London) for approval of a Construction Logistics Plan, which identifies efficiency and sustainability measures to be carried out while the development is being built. You must not carry out the development until the plan has been approved. You must then carry out the development in accordance with the approved plan.

Reason:

To ensure that the construction logistics for the development minimise nuisance and disturbance in the interests of the amenities of neighbouring occupiers and of the area generally, and to avoid hazard and obstruction to the public highway. This is as set out in S29 of Westminster's City Plan (July 2016) and TRANS 2 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

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

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

Reason:

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

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

Reason:

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

- 7 You must apply to us for approval of full size benchmark mock ups of the following sections of the façades:

- The 'bronze feature rainscreen panel'
- The 'bronze coloured PPC Ventilation Grill'

The mock ups should demonstrate finished construction appearance/detailing, and should be constructed on site and retained on site as benchmarks to be replicated on the new building. You must not start any work on the relevant part of the development until we have approved the mock ups. You must then carry out the work according to the approved mock ups.

Reason:

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

- 8 Notwithstanding the 'brick façade panel' system referred to on the drawings, you must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

A revised form of external brick construction which incorporates brick facing as a continuous facing material without jointing between panels and avoids the use of brick panels or brick slips or other similar cladding systems at the following locations:-

- To ground, first, second and third floor levels of Bloc A;
- To ground to eight floor levels on Block B, C and D;
- To ground to fifteenth floor levels on Block E;
- To ground to tenth floor levels on Block F;
- To ground to sixth floor levels on Block G; and
- To the sheer elevations from ground to seventh floor levels on Block H.

You must not start work on these parts of the development until we have approved detailed drawings which show the revised construction and also show the location(s)/arrangements for movement joints in the brickwork, and a sample panel of the revised construction which also shows the colour, texture, face bond and pointing proposed. You must then carry out the work according to the approved sample and form of construction shown.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 Subject to condition 8 , you must apply to us for approval of a sample of the 'brick façade panel system' which shows two separate panels (or sections thereof) including the joint detailing/gap proposed between the panels, and elevation drawings showing where the junctions between panels will be located with reference to other elevational features. 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 this sample and elevation drawings.

Reason:

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

- 10 You must not paint any elements of the outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order that may replace it).

Reason:

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

- 11 You must apply to us for approval of detailed drawings and manufacturers specifications, including details of colour and finish, of the building maintenance unit proposed to main roof level of Block A, including drawings showing the unit in its fully retracted/parked position. 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 the approved drawings / manufacturers specifications.

Reason:

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

- 12 The Building Maintenance Unit to main roof level of Block A shall be retained in its retracted/parked position within the plant enclosure (to the size and details submitted and approved in relation to condition 11) when not in use.

Reason:

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

adopted in January 2007. (R26AD)

- 13 A scheme for the installation and use of window washing and other external maintenance equipment, hoists and cradles etc. shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such equipment, including details of any edge protection to main roof levels. The approved scheme shall be implemented and maintained and the equipment shall thereafter be kept in its stored positions other than at those times when it is in use for the intended purpose.

Reason:

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

- 14 You must apply to us for approval of detailed plan/section/elevation drawings/manufacturers specifications (as appropriate) of the following parts of the development:-
- (A) External doors and windows (including reveal depth and detail);
  - (B) Balcony details, including external reveals inside balcony areas, balustrades and method of drainage;
  - (C) Shopfronts, including indicative locations for display of all external signage;
  - (D) Fixed canopies to ground floor (including underside of canopy);
  - (E) Fencing/railings to the southern end of the central garden square;
  - (G) Gates to vehicular entrances;
  - (H) Roof top plant and plant enclosures;
  - (I) Elevation of the Church Street facing sub-station façade and west facade to Block F;
  - (J) Typical bay elevations showing structural and cladding joints and detailing (to include details of each elevation to each building);
  - (K) Details of ventilation and other services termination at façade or roof;
  - (L) Details of any centralised satellite dish and tv system(s) to serve the development;
  - (M) Details of 'fins' to south side of the tower and their relationship with the water feature to ground floor level; and
  - (N) External integral lighting to buildings.

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 drawings/details.

Reason:

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

- 15 You must apply to us for approval of a scheme of public art as described in the Design and Access Statement. You must not start work on the public art until we have approved what you have sent us. Unless we agree an alternative date by which the public art is to be provided, you must carry out each part of the scheme of public art that we approve according to the approved details within six months of occupation of the most immediately adjacent building as part of the

development. You must then maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To secure the offer of public art and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R26GC)

- 16 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

- Green roofs.

You must not remove any of these features.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 17 You must apply to us for approval of a roof plan showing the location of the plant room to the roof of block E. 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 this drawing.

Reason:

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

- 18 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

Reason:

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

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

Reason:

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



- 20 You must put up any plant screens for the plant and machinery shown to main roof level of each of the buildings on the approved drawings, and to the details approved under the conditions of this permission, before you use that machinery. You must then retain and maintain it in the form shown for as long as the machinery remains in use.

Reason:

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

- 21 The development shall be carried out in accordance with the Written Scheme of Investigation (WSI) approved pursuant to application ref: 16/05016/ADFULL.

Post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material, shall be submitted to and approved by the local planning authority before completion of the development hereby approved.

Reason:

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

- 22 Customers shall not be permitted within the A1 and A3 premises before 0700 or after 2300 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 23 For the A3 unit, you must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 24 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1 and 2 before any demolition or excavation work starts, and for phase 3 when the development has been completed.

Phase 1: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 2: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 3: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 25 No tables and chairs shall be placed outside the ground floor retail and restaurant units unless separate permission has been given by the City Council as local planning authority.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 26 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. The landscaping strategy shall include measures to mitigate window turbulence from the faces of the buildings hereby approved. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one year of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 27 All servicing must take place between 0700 and 2100 on Monday to Saturday and 0700 to 1900 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 28 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
  - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
  - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
  - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
  - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
  - (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
  - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
  - (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is

protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 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.

- 29 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the residential use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the residential use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
  - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
  - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
  - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
  - (f) The proposed maximum noise level to be emitted by the activity.

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 (UDP), 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 (July 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.

- 30 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.

- 31 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 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 32 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Conditions 30 and 31 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Particular attention shall be given to the issues of low frequency noise and vibration through Structure-Borne pathways and the design and mitigation shall also ensure that room modes (standing waves) are not created within the new residential dwellings as a result of low frequency noise from the substation..

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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 33 The residential properties must not be occupied until a statement from a suitably qualified engineer to confirm that the Electro Magnetic frequency (EMF) levels associated with the substations are in accordance with current legal requirements and/or appropriate guidance.

Reason:

To ensure that the substations do not harm the health of future residents.

- 34 The design of the separating walls should be such that the received value in the residential

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habitable spaces, with music playing, should be 10 dB below that measure without music events taking place, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq & LFMax in the octave bands of 63 Hz & 125 Hz.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 35 The spa and gym facilities within Block A and the basement levels shall only be used in an ancillary capacity to the residential uses.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted January 2007.

- 36 A scheme of mechanical ventilation incorporating appropriate air quality filtration should be provided to the residential properties. Details of the scheme must be submitted to and approved in writing by the local planning authority prior to the occupation of the residential units. The mechanical ventilation shall be installed and maintained in accordance with the approved scheme.

Reason:

To safeguard the living conditions of the occupiers of the residential units as set out in S31 of Westminster's City Plan (July 2016) and ENV 5 of our Unitary Development Plan that we adopted January 2007.

- 37 Before occupation of the residential units, you must apply to us for approval of a Travel Plan. The Travel Plan must include details of:

(a) Targets and actions set out in the Travel Plan to reduce car journeys to the site;  
(d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Travel Plan are not being met over a period of 5 years from the date the buildings are occupied.

At the end of the first and third years of the life of the Travel Plan, you must apply to us for approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

Reason:

To safeguard the living conditions of the occupiers of the residential units as set out in S31 of Westminster's City Plan (July 2016) and ENV 5 of our Unitary Development Plan that we adopted January 2007.

- 38 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the A3 unit from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy the A3 unit until we have approved

what you have sent us. You must then carry out the measures included in the management plan at all times that the A3 unit is in use. (C05JB)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 39 The development hereby approved shall not be occupied until a Delivery and Servicing Plan (DSP) has been submitted to and approved in writing by the City Council, in consultation with Transport for London. You must then carry out the development in accordance with the approved details.

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 (July 2016) and TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 40 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. Car parking for each residential block shall be provided before that block is occupied.

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 41 You must apply to us for approval of the following parts of the development:

- the location of 57 Electric Vehicle Charging Points within the basement parking level.

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 detailed drawings.

Reason:

To encourage sustainable transport, in accordance with policy 6.13 of The London Plan (FALP - March 2015).

- 42 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose. Cycle parking for each residential block shall be provided before that block is occupied.

Reason:

To provide cycle parking spaces for people using the development, as set out in policy 6.9 of The London Plan (FALP - March 2015).

- 43 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 44 You must provide a headroom of at least 4.5 (clear unobstructed height above the floor surface level) across the full width of the entrance to the service bay, and throughout the service bay itself. (C23EA)

Reason:

To make sure that the service bay will be available for all types of vehicles for which it has been designed, 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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23BB)

- 45 The disabled parking spaces marked on the approved drawings shall be for the use of Blue Badge holders only (or any other scheme that may supersede it).

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (July 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 46 You must apply to us for approval of measures (such as, but not limited to, CCTV and card access) to provide secure cycle parking within the basement levels. You must not use 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.

Reason:

To ensure that the cycle parking spaces are secure, as set out in policy 6.9 of The London Plan (FALP - March 2015).

- 47 You must apply to us for approval of details of how waste and recycling is going to be stored and managed on the site. 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 waste and recycling store and manage waste in line with the approved details. You must not use the waste store for any other purpose.

Reason:

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



- 48 The retail (A1) units hereby approved shall only accommodate uses within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). You must not use it for any other purpose, including any change of use permitted by The Town and Country Planning (Use (General Permitted Development) (England) Order 2015 (or any order that may replace it).

Reason:

To ensure that the retail use secured and its associated benefit to the CAZ frontage and the streetscene are retained as set out in SS 4 and DES 9 of our Unitary Development Plan that we adopted in January 2007.

- 49 Before the development hereby approved is first occupied, a post-construction certificate shall be submitted to and approved in writing by the Local Planning Authority. This certificate shall demonstrate that the office and retail units have been constructed to meet BREEAM 2014 'Very Good'. You must then ensure that this standard is maintained thereafter.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (July 2016). (R44AC)

- 50 Before first operation of the energy centre, details of its long term operation and maintenance shall be submitted to and approved in writing by the local planning authority. The energy centre shall be operated and maintained in accordance with the approved details thereafter.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (July 2016). (R44AC)

- 51 You must apply to us for approval of details of children's playspace / equipment to be provided as part of the development. You must not start work on this part of the development until we have approved what you send us. You must then carry out the development in accordance with the details we approve.

Reason:

To ensure that the development provides play and information recreation space for children in accordance with Policy SOC6 in the Unitary Development Plan we adopted in January 2007 and Policy 3.6 in the London Plan (with Further Amendments) published March 2015.

- 52 You must apply to us for approval of detailed drawings indicating the location, number and type of bird and bat boxes to be incorporated within the development. You must then install these boxes on the development in accordance with the details we approved. The boxes shall be installed prior to the occupation of the residential part of the development.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

- 54 This permission must be commenced no later than 27 April 2019.

Reason:

This permission authorises amendments to the original planning permission granted on 28 April 2016 (RN 15/11677/FULL) which must be commenced no later than the above date.

**Informative(s):**

- 1 In regard to the CLP, TfL wishes to ensure that construction vehicles are fitted with cycle specific safety equipment, including side-bars, blind spot mirrors and detection equipment to reduce the risk of collisions on the capital's roads. TfL requests that these requirements be secured in the s106 agreement. TfL would also encourage more effective steps to discourage the use of on site parking provision, and greater incentives towards the use of sustainable travel by construction workers, than that suggested within the draft CMP.
- 2 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [www.riskmanagement@thameswater.co.uk](mailto:www.riskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

- 3 The details required under condition 11 shall show the building maintenance unit as invisible from view from any street level location when in its retracted/parked position.
- 4 With regards to condition 13 and with reference to roof level maintenance, you are strongly advised to propose a fall-arrest system or other form of low profile installations allowing for fall protection avoiding any large fixed projecting structures or upstands to main roof level on all the

buildings.

- 5 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 (July 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.
- 6 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)

- 7 Under the Construction (Design and Management) Regulations 2007, 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](http://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.

- 8 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.

- 9 Under the Construction (Design and Management) Regulations 2007, 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](http://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.

- 10 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](http://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)

- 11 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.
- 12 Our Environmental Health officers advise that, although it is not possible to be certain from your submitted plans, the scheme may not provide sufficient natural light into and a reasonable view from the main habitable rooms. You are recommended to refer to the Housing Health and Safety Rating System - Housing Act 2004 guidance to obtain full details about the requirement for natural lighting and reasonable view. The dwelling may therefore be considered for action under the Housing Act 2004 by our Residential Environmental Health team. In those circumstances, that team would have the power to require works to improve natural light and the view to the affected rooms (which may require planning permission) or alternatively, where this is not practicable, to prohibit the use of those rooms. For further advice, please contact:

Residential Environmental Health Team  
4th Floor East, Westminster City Hall  
64 Victoria Street  
London SW1E 6QP  
Website [www.westminster.gov.uk](http://www.westminster.gov.uk)  
Email [res@westminster.gov.uk](mailto:res@westminster.gov.uk)  
Tel : 020 7641 3003 Fax : 020 7641 8504

- 13 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](http://www.westminster.gov.uk)  
Email: [res@westminster.gov.uk](mailto:res@westminster.gov.uk)  
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 14 As this development involves demolishing the buildings on the site, we recommend that you

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

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

Phone: 020 7641 3153  
(I73CA)

- 15 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation. E.g. windows kept closed.
- 16 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 17 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)
- 18 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)
- 19 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will

- have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 20 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 21 You are encouraged to work toward achieving Secure By Design Accreditation for this development and the inclusion of blast protection measures and protection from Vehicle Borne Improvised Explosive Device (VBIED).
- 22 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.  
If you have not already done so you must submit an Assumption of Liability Form to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>  
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.  
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.
- 23 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- a) Provision of 126 affordable units on-site comprising 49 intermediate units and 77 social rented units. The affordable units to be provided at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 14 March 2016;
  - b) Provision of a financial contribution of £631,000 (index linked) toward the provision of school places directed related to the occupancy of this development;
  - c) Provision of a financial contribution of £850,000 (index linked) toward provision of social and community facilities;
  - d) Provision of a financial contribution of £100,000 (index linked) toward improvements to Paddington Green;
  - e) Provision of a financial; contribution of £13,630 (index linked) toward open space provision/enhancement in the vicinity;
  - f) Provision of a financial contribution of £18,000 (index linked) toward bus stop improvements around the application site;
  - g) Provision of a financial contribution of £200,000 (index linked) towards an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site;
  - h) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street and Edgware Road;
  - i) Provision of a financial contribution of £200,000 (index linked) toward possible road widening to be undertaken by TFL on Edgware Road;
  - j) Provision of lifetime car club membership (25 years) for each residential unit in the development;
  - k) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular

- flat);
- l) Compliance with the Council's Code of Construction Practice and a contribution of £20,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction;
  - m) Provision of a financial contribution of £1,100,000 (index linked) toward public art associated with the development site and its maintenance;
  - n) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS). In the event that the, CSDHS does not go ahead, installation of CHP plant on-site;
  - o) Offering local employment opportunities during construction; and
  - p) Payment of cost of monitoring the agreement (£15,000).

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



Item No.

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# Agenda Item 5

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 15 November 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>Development site at 91-93 Baker Street, 7 Durweston Mews and 2 - 5 Crawford Street, London</b>		
<b>Proposal</b>	Demolition of existing building, excavation to provide new sub-basement and erection of replacement building over sub-basement, basement, ground and between five and seven upper storeys to provide dual alternative Class A1 (Shops) and / or Class A2 (Financial and Professional Services) at part basement and part ground floor level; artist workspace (sui generis) at part basement level; Class A1 (Shops) at part basement and part ground floor level; Class B1 (Office) at part sub-basement, part ground, part first to part fifth and sixth floor levels; 4 x flats (Class C3) at part ground to part fifth floor level; and associated car parking (3 x spaces), cycle parking (41 x spaces) and plant.		
<b>Agent</b>	DP9 Ltd		
<b>On behalf of</b>	MMG Properties Ltd		
<b>Registered Number</b>	16/05226/FULL	<b>Date amended/ completed</b>	3 June 2016
<b>Date Application Received</b>	3 June 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Portman Estate		

## 1. RECOMMENDATION

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

- (a) The submission of a Car Lift Maintenance and Management Plan for the City Council's approval and adherence to this Plan for the life of the development.
- (b) The artist workspace at basement level to be provided at a peppercorn rent for a minimum period of 25 years.
- (c) Unallocated car parking.
- (d) The costs of monitoring the S106 legal agreement.

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

- a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if

not;

b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

The application site comprises an unlisted building located within the Portman Estate Conservation Area. The lawful use of the building is as basement car parking, a bank (Class A2), a ground floor shop (Class A1), 2 x flats (Class C3) and office floorspace (Class B1).

The proposal is for the redevelop the site to provide a new building of sub-basement, basement, ground and part five and part sixth floor levels, with rooftop plant. The replacement building will contain a similar mix of uses but also includes an artist studio (Sui Generis) at basement level with associated gallery (Class A1) at basement and ground floor levels.

The key issues for consideration are:

- \* Whether the replacement building preserves the character and appearance of the Portman Estate Conservation Area and does not harm the setting of the neighbouring listed buildings;
- \* Whether the proposed replacement building will result in a material loss of amenity for the occupants of the numerous residential properties that surround the site in respect to daylight, sunlight, sense of enclosure, overlooking and noise;
- \* Whether the loss of the off-street serving bay is acceptable in transportation terms; and
- \* Whether the reduction in the number of car parking spaces on site from eight to three is acceptable in transportation terms.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan). Furthermore, the proposal is considered to enhance the character and appearance of the Portman Estate Conservation Area and not harm the setting of the adjacent listed buildings. For these reasons it is recommended that conditional planning permission be granted subject to a legal agreement securing the items listed within Section 8.10 of this report.



4. PHOTOGRAPHS



Photograph looking north-west showing from junction of Baker Street and Crawford Street.



Photograph looking north-west from the south side of Crawford Street.

## 5. CONSULTATIONS

### Marylebone Association:

- The proposed replacement building seems ok from a bulk and mass perspective. However, from an aesthetic and architectural expression point of view, it is one of the worst building designs that the Association has seen for quite from time. There is such a muddled collection of building materials, different vocabularies and fussy details, that it is an assault on the senses. Moreover, the Association really cannot see how it relates to character of the surrounding buildings on Baker Street, the wider conservation area or even London at all.

### Highways Planning Manager:

#### Refuse on the following transportation grounds:

- Increase in on-street car parking stress which is already at 93% during the day. There is no physical impediment for one parking spaces being provided for each flat (i.e. four spaces).
- Despite the proposal being complete demolition and rebuilding of a site which has an existing off-street servicing facility, the proposal relies solely on on-street servicing. On-street servicing will have a detrimental impact on the safety and operation of the highway and degrade the pedestrian environment.
- The lack of a waste storage facility within the proposed gallery and the lack of a link between the proposed waste store for the retail and / or financial and professional services floorspace unit and the service area raises significant concern that waste will be left on the highway and create an obstruction to users of the highway.
- The replacement of the chamfered treatment at the corner of Baker Street and Crawford Place with a right angle and the associated loss of public highway will have a significantly detrimental impact on pedestrian movement, as it does not maintain or improvement the pedestrian environment.

### Cleansing Manager:

- The swept path analysis for refuse collection vehicles accessing Durweston Mews is acceptable and also the waste storage capacity provided for the whole development is acceptable.
- Concern that the retail unit A1 on the ground floor (fronting Crawford Street) does not have a direct access to the commercial waste store located in the basement and may therefore result to waste from this unit being left on the public highway. Requests that the applicant submits a revised ground plan either showing a direct access between the unit and the commercial waste store in the basement or provide another separate waste storage facility for this unit.

### Building Control:

- No objection in principle.

### Arboricultural Section:

- No objection subject to conditions.

### Environmental Health:

- Holding objection to the lack of assessment of the noise and / or vibration from the proposed car stacker and the potential impact upon the quality of the proposed flat at first floor level.

- No concerns in respect to the quality of the proposed residential units.
- Recommends that a supplementary acoustic report is secured by condition to ensure that the proposed plant (once specified) meets the adopted noise and vibration polices.

Environmental Sciences:

- Advises that, to be able to comply with the Code of Construction Practice, the submission for the City Council's approval of a full Site Environmental Management Plan should be secured by legal agreement and the applicant should make a contribution of £60,000 for the funding for the Environmental Inspectorate to cover the demolition and construction phase (including the advice for the SEMP submission).

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 157

Total No. of replies: 8

No. of objections: 8

Objections received on the following grounds:

Land Use:

- The proposal will greatly increase the density of occupation on the site.

Amenity:

- Loss of sunlight and daylight.
- Loss of privacy.
- Noise and disruption as a result of greater numbers of people using Durweston Mews and additional refuse collection and delivery vehicles.
- Noise from the proposed plant.

Other:

- Disruption during the course of construction.
- The public exhibition that took place prior to the submission of the application was held during limited hours during the workday and therefore only one or two residents were able to attend.
- Impact upon property values of neighbouring flats.
- Issues with the neighbour notification process to the flats within Block 5, Montagu Mansions.
- Effects of additional power consumption on the local power infrastructure.
- Potential adverse effect on television reception within neighbouring properties.
- Durweston Mews will become more enclosed as a result of the proposed development and this may a security risk.

PRESS ADVERTISEMENT / SITE NOTICE: Yes



## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The existing building stands on the west side of Baker Street at its junction with Crawford Street and it has a rear façade to Durweston Mews. It is an unlisted late-twentieth century building and it detracts from the Portman Estate Conservation Area in which it stands because its detailed design and materials of construction are entirely alien to the street and surrounding area.

The building is in two main parts. A metal clad six storey element at the junction of Crawford Street and Baker Street (91-93 Baker Street) and a three storey element at the corner of Crawford Street and Durweston Mews (7 Durweston Mews and 2-5 Crawford Place). Between these two elements is a six storey access core.

Neighbouring buildings to the north are unlisted but those on the opposite side of Baker Street are Grade II listed as is 'The Beehive' public house on the south side of Crawford Street. Montagu Mansions is a group of finely detailed mansion blocks standing to the west and south-west of the site and the rear of Grade II listed buildings in York Street close the end of Durweston Mews.

There are numerous street-level views of the site principally from Baker Street and Crawford Street, and it is visible from the upper floors of many surrounding properties.

The lawful uses of the building appear to be

- A bank (Class A2) over part basement and part ground floors at the corner of Baker Street and Crawford Place.
- Basement parking accessed from a car lift and servicing area open to Durweston Mews.
- A ground floor shop (Class A1) at the corner of Crawford Place and Durweston Mews.
- 2 x two-bedroom flats at first and second floor level in the part of the building at the corner of Crawford Place and Durweston Mews.
- Office floorspace (Class B1) over first to fifth floors of 91-93 Baker Street accessed via an entrance lobby on Crawford Street.

The second to fifth floors of office floorspace are currently vacant. The bank and first floor office floorspace are unlawfully occupied by a meanwhile composite use comprising art exhibition space, coffee shop, work space for rent and book store. The occupant is the Koppel Project. The ground floor shop is occupied by Sue Ryder charity shop and the two flats are also occupied.

The site is located outside of the Core CAZ but is located within the wider CAZ. The site is located on a 'Named Street' within Marylebone and Fitzrovia (i.e. Baker Street). Baker Street is also a CAZ Frontage.

The site is surrounded by residential properties, the closest of which are:

- Flats within Block 5, Montagu Mansions to the west.

- Three maisonettes at first and second floor levels at 4, 5 and 6 Durweston Mews immediately to the north.
- Flats on the upper floors of 126 – 129 Crawford Street (consecutive) to the south.
- Flats on the upper floors of 95-99 Baker Street (odd) immediately to the north.

## 6.2 Recent Relevant History

An appeal was allowed 20 September 1988 against the failure of the City Council to determine within the prescribed period an application to change the use of the ground floor from a shop (Class A1) occupied as a Sue Ryder charity shop to a bank (Class A2). The City Council had refused a duplicate application on 26 February 1988 on the ground that the proposal would have resulted in a loss of retail floorspace within a main shopping frontage.

Permission was granted on 8 April 1976 for the use of part basement, part ground and all of the first floor of 91-93 Baker Street as offices, limited to use for banking only.

Permission was granted for the current building on site on 26 April 1972 to provide a building for use as shops, showroom, offices and residential accommodation.

## 7. THE PROPOSAL

Permission is sought to demolish the entire building on site, excavate a new sub-basement and erect a replacement building over sub-basement, basement, ground and part five and part sixth floor levels, with rooftop plant.

The taller part of building will face Baker Street and Crawford Street and have its top two floors progressively set back. The lower part of the building will face Durweston Mews and have its top floor set back. The detailed design of these two parts of the building is different and intended to reflect their context and function.

The proposed replacement building is also a mixed use building comprising the following uses which are similar to existing:

- The existing basement and ground floor bank (Class A2) at the corner of Baker Street and Crawford Place is proposed to be reinstated, albeit the applicant has requested additional flexibility to occupy this unit within Class A1 (Shops).
- The existing office (Class B1) floorspace is proposed to be re-provided, albeit with an additional sixth floor. As per the existing arrangement, access will be from a reception on Crawford Street. Ancillary cycle parking (30 x spaces), changing rooms, refuse store and storage is proposed at sub-basement level.
- Four flats (Class C3) are proposed over first to fifth floor levels in the part of the building at the corner of Durweston Mews and Crawford Street, with a ground floor lobby on Crawford Street. A refuse store and storage is proposed at basement level, whilst storage for eight cycle spaces and three car parking space (two in a stacker and one disabled bay) is proposed at ground floor level (all accessed from Durweston Mews).
- An artist workshop (sui generis) is proposed at part lower ground floor level (beneath the office entrance).

- Finally, a replacement shop (Class A1) unit for use as an art gallery is proposed over basement and ground floor levels facing Crawford Street and is likely to be both functionally and physically linked to the artist workshop.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

Table 1 summarises the existing and proposed uses on site.

	Office (Class B1)	Shops (Class A1)	Bank (Class A2)	Artist studio (Sui Generis)	Residential	Total
<b>Existing floorspace (sqm GIA)</b>	1,391	51	423	0	243 (2 x flats)	2,108
<b>Proposed Floorspace (sqm GIA)</b>	2,223	113	319 <sup>1</sup>	81	759 (4 x flats)	3,495
<b>Net change floorspace (sqm GIA)</b>	+832	+62 (+ 381) <sup>2</sup>	-104 (-423) <sup>3</sup>	+81	+516	+1,387

Table 1: Summary of land use changes.

#### Increase in office floorspace

The proposed increase in office floorspace (832sqm) is acceptable in principle given the site's location on a Named Street, in accordance with City Plan Policies S8 and S20 and forms a public benefit of the scheme through assisting in meeting the floorspace and jobs targets set out within this policy.

#### Mixed use policy

Policy 2.11(A)(a) of the London Plan requires that where there are increases in office floorspace in the CAZ they should provide for a mix of uses including residential. City Plan Policy S1 requires residential provision to be provided where development sites include net additional office floorspace and achieve an increase in floorspace (of all uses) above 30% of the existing floorspace (and more than 400 sqm). This is to ensure that the CAZ maintains the unique and varied mixed use character that is fundamental to ensuring the vitality, attraction and continued economic success of Central London.

As set out with Table 1 above, the net additional floorspace (of all uses) is 1,387 sqm (GIA). This equates to 65.8% of the existing floorspace and is more than 400 sqm. As such, City Plan Policy S1(3)(C) applies. This requires residential provision to be provided

<sup>1</sup> Dual / alternative Class A1 (Shops) and /or Financial and Professional Services (Class A2) use is sought.

<sup>2</sup> If the larger of the two commercial units is used within Class A1 (Shops) rather than Class A2 (Financial and Professional Services).

<sup>3</sup> If the larger of the two commercial units is used within Class A1 (Shops) rather than Class A2 (Financial and Professional Services).

equivalent to the net additional B1 office floorspace, less 30% of the existing building floorspace. This equates to a residential floorspace liability of 200 sqm (GIA).

A cascade of options is set out, starting with on-site residential provision or provision in the immediate vicinity of the site, following by provision further away from the site and finally by a payment towards the Affordable Housing Fund in lieu of residential provision.

The replacement building would increase the residential floorspace on site by 516 sqm (GIA); well in excess of the 200 sq.m (GIA) required by City Plan Policy S1(3)(C). In order to ensure that at least the required residential floorspace is provided, it is recommended that a condition be imposed requiring that at least two of the proposed flats be completed and ready for occupation prior to the occupation of the approved office floorspace.

### **Replacement retail unit and proposed mixed use gallery / artist studio**

As set out above, Baker Street is a CAZ Frontage. The existing retail on site, however, is located outside any identified shopping centre.

As set out within Table 1 above, if the larger of the two commercial units is used within Class A2 (Financial and Professional Services), there will be a net gain in retail (Class A1) floorspace on site of 62 sqm. If both units are used within Class A1, there would be a net gain overall in retail provision on site of 423 sqm.

The proposed development includes artist workspace which will be provided as a single space of 81 sqm that could be used by one or more artists. The applicant is responding to a study commissioned by the Mayor of London (Artists' Work Space Study – September 2014) where it was found that affordable artists' workspace is a valuable, yet vulnerable asset in London and that this sector is largely reliant on providers operating on a not-for-profit or charitable basis in order to keep rents within reach. Without intervention, the market has the potential to jeopardising this key component of London's cultural and social vibrancy.

The applicant has agreed to provide the artist workshop at peppercorn rent for a minimum period of 25 years. This is welcome and responds to concerns about the loss of affordable artist workspace in London. Furthermore, the applicant has agreed that the smaller commercial unit will be used as a gallery and not for any other use within Class A1. This has obvious synergies with the artist workshop, allowing work to be displayed and sold and will also increase the chances of the artist workspace being a success. The provision of an affordable artist workspace which responds to an identified need and will create a cultural hub that would be beneficial to the vibrancy of the area are significant public benefits of the scheme.

### **Residential use**

Four residential units are proposed. Three identical two-bedroom flats are proposed at first to third floor levels (each 124 sqm GIA), whilst a larger three-bedroom maisonette is proposed over fourth and fifth floor levels (219 sqm). The result is a net increase of one

additional two-bedroom and one additional three-bedroom flat. This increase in the number of flats is welcome and will contribute to the City Council achieving its borough housing target of 1,068 dwellings per annum, in accordance with City Plan Policies S14 and UDP Policy H3.

Whilst the proportion of family-sized accommodation (25%) falls slightly below the 33% normal expectation within UDP Policy H5, this is acceptable given that one family-sized flat is being proposed where there are currently none, the constraints of the site and the requirement to optimise the potential of the site, as required by City Plan Policy S14. All of the proposed flats exceed the minimum size standards set out within London Plan Policy 3.5 and the mix of unit sizes on site is considered to meet the housing need of the City, in accordance with City Plan Policy S15.

All of the flats have at least two aspects, all will benefit from good internal light levels due to their elevated location and all enjoy outdoor amenity space in the form of winter gardens (the rear of which is openable). The maisonette over fourth and fifth floors also benefits from a terrace. As such, the proposed residential units are considered to provide the occupants with a well-designed, high quality living environment with outdoor amenity space, in accordance with City Plan Policy S29 and UDP Policy H10.

The bedroom sizes for the proposed flats are between 12.3 sqm and 20.7 sqm. They are all double bedrooms and all exceed the minimum size requirement of 11.5 sqm.

The provision of two additional good quality flats, one of which is family sized, is a public benefit of the scheme.

### **Affordable housing**

The proposal does not trigger any affordable housing requirement as the net increase in residential floorspace falls below the 1,000 sqm (GEA) threshold set out within City Plan Policy S16.

## **8.2 Townscape and Design**

The existing building, by virtue of its detailed design and materials of construction, are entirely alien to the street and surrounding area. It detracts from the character and appearance of the Portman Estate Conservation Area and there is no objection to its demolition subject to a suitable replacement building.

As set out above, the taller part of the proposed building will face Baker Street and Crawford Street and have its top two floors progressively set back. The lower part of the building will face Durweston Mews and have its top floor set back. The detailed design of these two parts of the building is different and intended to reflect their context and function.

The main façade to Baker Street and Crawford Street is of buff-coloured sandstone with faceted metalwork details around the windows at first to fourth floor levels. The fifth and six floors are more simply detailed metal clad facades with small roof terraces. The façade to Durweston Mews and its short return to Crawford Street is to be of buff-coloured stock brickwork with metal frames around the windows. The stair core is

expressed as a tall window on the south façade next to the residential accommodation winter gardens. In urban design and heritage asset terms, the height and massing of the proposed development is considered acceptable.

The chosen palette of materials reflects the colour and type of facing materials that can be found in the locality and which contribute positively to the conservation area. The use of buff brick is appropriate and it particularly suits the appearance of the mews to the rear and harmonises with the stock brickwork characteristic of many listed buildings in the area. The extensive use of metalwork around the windows is unusual but acceptable in this case noting the cladding materials of neighbouring buildings to the north in Baker Street and the visual interest that it creates on the facades when seen in longer street-level views. Therefore, subject to minor modifications to omit glass balustrades in favour of metal railings for the roof terraces, and the shopfronts to include stall-risers, the detailed design and materials of construction the proposed development would enhance the site's visual contribution to the character and appearance of the conservation area and maintain the setting of nearby listed buildings. The proposed is thus considered acceptable and in accordance with City Plan Policies S25 and S28, as well as UDP Policies DES 1, DES 4, DES 9 and DES 10.

The Marylebone Association considers the bulk and massing of the building to be acceptable but find its detailed design objectionable because of its "...muddled collection of building materials, different vocabularies and fussy details..." It is considered, for the reasons set out above, that the building has carefully articulated facades which are designed to respond sensitively to their immediate context as well as suiting longer views where it will be seen on the context of numerous listed buildings. The objection to the detailed design of the building is therefore not considered sustainable to justify a reason for refusal on these grounds.

### **8.3 Residential Amenity**

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents in terms of privacy, outlook and noise. Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide). The second edition of this guidance was published in September 2011.

Objections have been received on daylight / sunlight, overlooking and noise grounds.

#### **Daylight / Sunlight**

The applicant has submitted a Daylight and Sunlight Report assessing the impact on the proposed development on the amount of daylight and sunlight received by neighbouring residential properties.

## 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% 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. Where layouts are known, the 'no sky line' (NSL) can be calculated. The NSL is the point on the working plane within the affected room between where can and where cannot see the sky.

The BRE guidelines seek mainly to protect daylighting to living rooms, dining rooms and kitchens (where they are sufficiently large to be used as habitable rooms). Bedrooms and kitchens (not kitchen / diners) should be analysed but are protected to a lesser extent.

The applicant has submitted an assessment of all of the neighbouring residential properties within the vicinity of the site that could be materially affected by the proposed development in respect to daylight. Of these, some habitable windows within the following properties are materially affected:

- Seven flats within Block 5, Montagu Mansions (Flats 9, 11, 16, 18, 25, 32 and 39).
- Nos. 4, 5 and 6 Durweston Mews.
- The flats at first and second floor levels within Nos. 127, 128 and 129 Crawford Street.
- Nine flats within 95-99 Baker Street.

The impact upon the habitable rooms within each of these building is discussed in turn below.

### Block 5, Montagu Mansions

This building is located on the west side of Durweston Mews to the west of the application site. Five objections have been received by occupants of this building, plus an objection from the freehold owner of the building. Of the five objectors, three occupy flats that will see VSC losses in excess of 20% (Flats 9, 18 and 23). Flats 7 and 19 will not be materially affected in respect to daylight or sunlight.

	Window	Use	VSC				NSL			
			As existing (%)	As proposed	Percentage loss	Absolute loss (%)	Room	As existing	As proposed	Percentage loss
Lower ground	W11/9	Kitchen	6.4	4.0	-37.5	-2.4	R6/9	32.6	23.5	-27.8
	W14/9	Bedroom	12.7	9.9	-22.0	-2.8	R9/9	44.4	40.8	-8.08
	W15/9	Bedroom	10.1	7.3	-27.7	-2.8	R10/9	41.4	30.9	-25.6
Ground	W11/10	Kitchen	9.7	5.3	-45.4	-4.4	R6/10	70.8	31.6	-55.3
	W13/10	Unknown	15.0	11.7	-22.0	-3.3	R8/10	78.3	54.4	-30.5
	W14/10		15.4	12.2	-20.8	-3.2	R9/10	69.8	64.1	-8.08
	W15/10	Unknown	15.3	12.3	-20.9	-3.2	R10/10	73.5	57.9	-21.2
	W16/10		12.2	9.1	-25.4	-3.1				
First	W10/11	Kitchen	12.3	6.7	-45.5	-5.6	R6/11	87.1	37.3	-57.1
Second	W10/12	Kitchen	14.6	8.8	-39.7	-5.8	R6/12	88.9	41.3	-53.6
Third	W10/13	Kitchen	17.5	12.2	-30.3	-5.3	R6/13	94.7	75.7	-20.0

**Table 2: Impact of development upon VSC and NSL values within Block 5, Montagu Mansions.**

The affected windows within Flat 9 (Windows W14/9 and W15/9) serve bedrooms which are afforded less protected by the BRE Guide (2011). Furthermore, the losses in VSC are modest (-22.0% and -27.7%) in this urban context. Combined, this means that the loss of daylight arising as a result of the proposed development is not considered to be sufficiently harmful to the amenity of the occupier of this flat to warrant refusal of this application.

The occupier of Flat 16 (directly above) has not objected and therefore it has not been possible to visit to ascertain what rooms are affected. However, the losses in VSC to Windows W13/10, W14/10, W15/10 and W16/10 are also modest in this urban context, being between 20.8% and 25.4% and therefore not sufficiently harmful to the amenity of the occupier of this flat to warrant refusal of this application.

There are some more significant losses to the kitchen windows of Flats 11, 18, 25, 32 and 39. These windows directly face the application site and will see significant losses in VSC (between 30.3% and 45.5%) through the replacement of the three storey western element of the building with a six storey element. However, all of these windows serve kitchens (not diners) that are afforded less weight by the BRE Guide (2011). Furthermore, the layout of these flats are such that the bedrooms and main living / dining spaces face south on Crawford Street. These rooms will be unaffected by the proposed development. Whilst the kitchens will see significant losses of daylight, it is considered that, when taken as a whole, the quality of the living accommodation of the flats is not diminished to such an extent to warrant refusing permission.

#### Nos. 4, 5 and 6 Durweston Mews

	Window	Use	VSC				NSL			
			As existing (%)	As proposed	Percentage loss	Absolute loss (%)	Room	As existing	As proposed	Percentage loss
First	W1/81	LKD <sup>4</sup>	2.5	0.8	-68.0	-1.7	R1/81	5.2%	5.0%	3.6
	W3/81	LKD	3.2	1.4	-56.3	-1.8				
	W5/81	LKD	2.9	1.7	-41.4	-1.2	R2/81	5.8%	5.6%	3.7
	W7/81	LKD	3.6	2.5	-30.6	-1.1				
	W9/81	Bedroom	3.1	2.4	-22.6	-0.7				
Second	W1/82	Bedroom	3.8	1.1	-71.1	-2.7	R1/82	14.0%	13.2%	5.8
	W3/82	Bedroom	4.9	1.9	-61.2	-3.0	R2/82	9.5%	8.9%	6.6
	W5/82	Bedroom	4.9	2.5	-49.0	-2.4	R3/82	13.6%	12.7%	6.3
	W7/82	Bedroom	5.5	3.4	-38.2	-2.1	R4/82	89.7%	89.7%	0.0
	W9/82	LKD	9.5	6.5	-31.6	-3.0	R5/82	35.7%	31.1%	12.7

**Table 3: Impact of development upon VSC and NSL values within Nos. 4, 5 and 6 Durweston Mews**

Nos. 4, 5 and 6 Durweston Mews are located immediately to the north of the application site and comprise maisonettes over first and second floor level. None of the occupants have objected to the proposed development and, despite numerous attempts to arrange access through the leasehold owner (Octavia Housing), access has not been possible.

As Table 3 shows, as a result of the proposed development infilling the lightwell to the north of the staircore, the windows to the rear of these properties will be severely affected in terms of daylight.

<sup>4</sup> Living / kitchen / dining



However, the three living/kitchen/diners affected are dual aspect, also having large windows facing Durweston Mews. These windows will not be affected by the proposed development. The dual aspect nature of the development means that the quality of the main living accommodation of the flats is not diminished to such an extent to warrant refusing permission.

Three of the four bedrooms are predicted to see large percentage losses in VSC (up to 71.1%). The very low existing VSC levels, however, mean that the losses are less significant when looking at the absolute loss (between -2.1% and -3.0%). This, combined with the lower protection afforded to bedrooms and the rooms also having north facing parts of the window that are unaffected by the proposed development, means that the impact will not be as significant as the percentage VSC losses first indicate. Furthermore, the modest reduction in NSL provides some comfort that the light penetration within the rooms will not be materially reduced.

#### Nos. 95-99 Baker Street.

	Window	Use	VSC				NSL			
			As existing (%)	As proposed	Percentage loss	Absolute loss (%)	Room	As existing	As proposed	Percentage loss
First	W5/101	Bedroom	23.4	18.7	-20.1	-4.7	R5/101	68.1	66.8	-1.9
	W6/101	Bedroom	22.9	17.1	-25.3	-5.8	R6/101	61.8	61.6	-0.4
Second	W5/102	Bedroom	26.6	20.0	-24.8	-6.6	R5/102	79.1	68.9	-12.9
	W6/102	LKD	25.5	16.7	-34.5	-8.8	R6/102	81.4	73.1	-10.1
Third	W5/103	Bedroom	29.9	23.0	-23.1	-6.9	R5/103	97.4	88.0	-9.7
	W6/103	LKD	28.7	18.9	-34.1	-9.8	R6/103	99.0	91.7	-7.4
Fourth	W5/104	Bedroom	33.1	26.3	-20.5	-6.8	R5/104	98.2	92.1	-6.3
	W6/104	LKD	32.0	21.2	-33.8	-10.8	R6/104	99.3	94.2	-5.1
Fifth	W6/105	LKD	25.3	23.8	-32.6	-11.5	R6/105	99.5	96.4	-3.2

**Table 4: Impact of development upon VSC and NSL values within affected flats within Nos. 95-99 Baker Street.**

This building is located immediately to the north of the application site and has residential windows on the rear elevation facing west. Whilst it is predicted that there will be four windows that see VSC losses in excess of 30% (the maximum predicted VSC loss is 34.5%), the VSC levels within each of the rooms is still reasonable high even with the development in place. This is a product of the elevated position of the affected windows and their reasonably open outlook to the west and north. The lowest VSC level is 16.7% which is reasonable for this dense urban environment. This is reflected in the very small predicted reductions in NSL. It is concluded that the daylight environment within these rooms will remain adequate even with the development in situ.

#### First and second floor flats within Nos. 127, 128 and 129 Crawford Street.

These buildings are located on the south side of Crawford Place, directly to the south of the application site. Whilst there are 11 x VSC losses to windows in excess of 20%, the maximum loss is 23.6% which is only marginally above the threshold above which it will be noticeable by the occupants. In the context of a dense urban environment, these losses are considered to be acceptable

## Sunlight

With regard to sunlighting, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows facing within 90 degrees of due south of the proposed development need to be tested. Again, all main living areas should be assessed but kitchens (not kitchen/diners) and bedrooms are of less importance.

Almost all of the windows within Block 5, Montagu Mansions face north-east and the windows within Nos. 127, 128 and 129 Crawford Street all face north. As such, the affected properties in respect to sunlight are at Nos. 4, 5 and 6 Durweston Mews and the Nos. 95-99 Baker Street.

### Nos. 4, 5 and 6 Durweston Mews

Floor	Window	Use	APSH			Winter		
			Existing	Proposed	Loss	Winter	Proposed	Loss
First	W7/81	LKD	7	1	85.7%	0	0	0%
Second	W3/82	Bedroom	10	0	100%	3	0	100%
	W5/82	Bedroom	11	1	90.1%	2	1	50%
	W7/82	Bedroom	13	4	69.2%	3	0	100%
	W9/82	LKD	16	10	37.5%	3	0	100%

**Table 5: Impact of development upon APSH and winter sunlight at Nos. 4, 5 and 6 Durweston Mews.**

The table above clearly shows very large losses in APSH and an almost complete elimination of sunlight between 21 September and 21 March each year.

As set out above, the two affected LKDs both benefit from large windows facing south-west which will ensure that these rooms retain a reasonable number of sunlit hours. The bedrooms however, are single aspect and will become noticeable less bright and cheerful. However, these windows all serve bedrooms that are afforded less protection from losses of sunlight. This, combined with the overall public benefits of the scheme which include the additional office floorspace, two additional residential units, an affordable artist studio and the enhanced contribution to the character and appearance of the conservation area, means that the harm to a limited number of bedrooms is not considered to be sufficient to warrant refusing permission.

Nos. 95-99 Baker Street

Floor	Window	Use	APSH			Winter		
			Existing	Proposed	Loss	Winter	Proposed	Loss
First	W1/101	Bedroom	37	31	16.2	7	2	71.4
	W2/101	LKD	39	29	25.6	8	2	25.6
	W3/101		37	24	35.1	8	1	87.5
	W4/101	LKD	36	22	38.9	7	1	85.7
	W5/101	Bedroom	30	13	56.7	4	0	100
	W6/101	Bedroom	28	10	64.3	3	0	100
Second	W2/102	LKD	42	33	21.4	10	4	60.0
	W3/102	Bedroom	42	29	30.9	9	2	77.8
	W4/102	Bedroom	39	25	35.9	9	2	77.8
	W5/102	Bedroom	36	15	58.3	6	0	100
	W6/102	LKD	30	8	73.3	4	0	100
Third	W3/103	LKD	46	34	26.1	12	4	66.7
	W4/103	Bedroom	42	29	31.0	9	2	77.8
	W5/103	Bedroom	40	19	52.5	7	0	100
	W6/103	LKD	36	12	66.7	5	0	100
Fourth	W5/104	Bedroom	46	24	47.8	10	1	90.0
	W6/104	LKD	41	15	63.4	6	1	83.3
Fifth	W6/105	LKD	48	18	62.5	11	1	90.1
Sixth	W6/106	LKD	58	20	65.5	20	2	90.0

**Table 6: Impact of development upon APSH and winter sunlight at Nos. 95-99 Baker Street.**

Whilst there are 19 windows that will technically fail the tests within the BRE Guide (2011), seven fail due to the winter sunlight hours reducing below 5% and by more than 20% despite the APSH remaining above the 25% level. These windows will retain good levels of daylight through the year as a whole. Of the remaining 12, only seven will see large losses annually and will see APSH levels post-development below 15%. These are:

- Window W5/101 – Bedroom (13% APSH post-development).
- Window W6/101 – Bedroom (10% APSH post-development).
- Window W5/102 – Bedroom (15% APSH post-development).
- Window W6/102 – LKD (8% APSH post-development).
- Window W6/103 – LKD (12% APSH post-development).
- Window W6/104 – LKD (15% APSH post-development).

The three bedrooms affected are considered to be acceptable in light of the lower protection afforded to such rooms within the BRE Guide (2011) and that the rooms will still receive between 10% and 15% APSH.

Due to the proximity of the windows to the proposed development, there will be some significant reduction in APSH to the LKDs at second, third and fourth floor level. However, only one LKD (at second floor level) is predicted to see a reduction to below 10% APSH. Furthermore, as set out above, these three LKDs will all retain good levels of daylight (VSC levels between 16.7% and 21.2%). As such, whilst the rooms will receive significantly less sunlight, they will still retain good levels of daylight. The harm

to the amenity of the occupants of these flats is therefore limited to the reduction (but not elimination) of sunlight. Weighed against the above public benefits of the proposal, it is considered that the scheme as a whole is acceptable.

### **Sense of Enclosure**

Whilst there will be some increase in sense of enclosure for a number of occupants of flats, none are considered to be sufficiently harmful to warrant refusing permission.

The most affected room within Block 5, Montagu Mansions will be the second floor kitchen (Flat 30). The reasonable distance between this window and the proposed development and the open outlook to the south from the remainder of the flat leads to the conclusion that the overall quality of this residential accommodation will not be materially harmed.

The flats within the upper floor of 95-99 Baker Street all have a reasonable open aspect to the north and west and therefore the additional mass and bulk to the south is not considered to be sufficiently harmful to warrant refusing permission.

Whilst there will be some increase in the sense of enclosure for Nos. 4, 5 and 6 Durweston Mews, the first floor rooms are dual aspect and therefore will retain an open aspect to the west. The first floor bedrooms will be more affected as they are all single aspect. However, the projecting triangular shaped windows all also have windows facing north that will not be affected by the proposed development. The retained outlook from these windows and the fact that the affected rooms are bedrooms that have a lower expectation in terms of sense of enclosure means that the impact is considered to be acceptable.

The modest increase in bulk and height for the occupants of the upper floors of the properties on the south side of Crawford Street is not considered to be materially harmful in respect to sense of enclosure.

### **Privacy**

No windows are proposed in the part of the building that infills the rear lightwell and, as such, there will be no impact upon the privacy of the occupants of the flats within Nos. 95-99 Baker Street and within Nos. 4, 5 and 6 Montagu Mansions.

There will be additional windows, winter gardens and a fifth floor balcony facing the flats within Block 5, Montagu Mansions. However, there are already residential windows facing this direction. This, combined with the reasonable distance to the affected windows, means that it is not considered that the additional windows, winter gardens and a fifth floor balcony will materially degrade the privacy of the neighbouring flats.

## 8.4 Transportation/Parking

### Car Parking and Servicing

The proposal will see the loss of the basement car park that accommodates eight spaces, although none are currently used. The ground floor loading bay accessed from Durweston Mews will be replaced by three car parking spaces for use in association with the four proposed flats. Two are proposed in a car stacker and one is designed for wheelchair users.

The Highways Planning Manager argues that the proposed situation represents a retrograde step from a transportation perspective, with the proposed scheme both failing to provide one car parking space per flat and failing to re-provide the on-site loading bay.

The reality, however, is that Durweston Mews is very constrained in terms of its width, with even modest delivery vehicles having to cross the pavement at points in order to access the loading bay. These safety concerns, combined with the requirement for additional cores to allow DDA access, the physical difficulties of providing the required mix of uses on a small floorplate and the fairly low service requirements of the proposed uses on site, precludes the provision of a basement car park and an off-street loading bay. It is considered that the physical constraints of Durweston Mews means that off-street car parking provision is preferable to off-street servicing.

Whilst the on-street car parking stress which is already at 93% during the day, car ownership levels in this ward is only 35% which means that the provision of three unallocated car parking spaces will be sufficient to cater for likely car ownership generated by the four flats.

A Service Management Plan is recommended to be secured by condition.

### Cycle Parking

The proposed 42 cycle parking space is acceptable in respect to its location and quantum and will be secured by condition

### Chamfered Corner

The existing chamfered corner at the junction of Crawford Street and Baker Street will be replaced with a right angle. This is not considered to be detrimental to pedestrian movement given how wide the pavement is in this location and the limited number of pedestrians walking from Crawford Street and Baker Street (and vice versa).

An informative is recommended advising that this triangle of land, whilst in private ownership, is likely to be public highway and will need to be stopped up under the Highways Act (1980) for the development to proceed.

## 8.5 Economic Considerations

The economic benefits of the additional office floorspace and the contribution that the proposal will make the City Council's adopted the floorspace and jobs targets is welcome.

## 8.6 Access

Step free access is provided to all parts of the building which is a significant improvement on the existing building.

## 8.7 Other UDP/Westminster Policy Considerations

### Plant

Environmental Health has no objection to the proposed basement and roof level plant subject to the submission of a supplementary acoustic report showing that the plant (once specified) will comply with the requirements of UDP Policy ENV 7.

Environmental Health has raised some concern was raised about the failure of the applicant to assess the noise and vibration from the proposed car stacker, particularly as it is located immediately below a first floor bedroom. The applicant has now agreed with Environmental Health that the correct maximum noise level (25 (dB LAmax,F) can be achieved within this bedroom flat by relocating the position of the hydraulic unit to basement level 1. A condition will secure the submission of a supplementary acoustic report that demonstrates that the car lift will meet this standard, once specified.

### Refuse /Recycling

The office and residential components of the proposed building have dedicated refuse stores at rear basement and sub-basement levels. The gallery and flexible A1 / A2 uses each have waste stores within their demises with access to the loading circulation route to Durweston Mews, from where the refuse will be collected.

The submission of revised drawings showing a waste store with the gallery and internal access to Durweston Mews addresses the concerns of the Cleansing Manager.

### Trees

There is an existing street tree on Baker Street close to the application site. The Arboricultural Manager agrees that it should be possible, with care, to carry out the proposed work without harm to the street tree. This is subject to the imposition of conditions securing tree protection measures.

## **Biodiversity**

The proposed building includes the provision of green roofs which will maximise the biodiversity potential of this site.

## **Sustainability**

Policy 5.2 and 5.7 of the London Plan and City Plan Policy S40 require developments to achieve a 35% improvement on 2013 Building Regulations (equivalent to 40% improvement over 2010 Building Regulations), following the energy hierarchy (be lean, be clean, be green) and there is a presumption that all major development proposals will seek to reduce carbon dioxide emissions by at least 20% through on-site renewable energy generation wherever feasible.

To maximise the energy efficiency of the development and thus reduce the energy demands, the following design principles have been incorporated into the proposal:

- Building fabric specification improved beyond minimum requirements under Building Regulations including high specification glazing to minimise heat loss and solar gains;
- Specification of efficient mechanical services and control systems with heat recovery; and
- Energy efficient lighting and controls through the development.

The scheme involves the installation of c.11 kWp (in total) of photovoltaic panels. This equate to a reduction in 4.2% of carbon dioxide emission which is considered to be the maximum that this small site can achieve.

It has been identified, through the modelling undertaken, that a 36.2% reduction in carbon dioxide emissions over Part L 2013 could be achieved over the baseline emissions via the implementation of these energy efficient design aspects discussed above. This exceeds the 35% improvement on 2013 Building Regulations target and is therefore acceptable.

### **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**

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

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

The draft 'Heads' of agreement are proposed to cover the following issues:

- (a) The submission of a Car Lift Maintenance and Management Plan for the City Council's approval and adherence to this Plan for the life of the development.
- (b) The artist workspace at basement level 1 to be provided at a peppercorn rent for a minimum period of 25 years.
- (c) Unallocated car parking.
- (d) The costs of monitoring the S106 legal agreement.

The estimated CIL payment is:

- £65,134 (index linked) towards the Mayoral CIL.
- £224,008 (index linked) towards the Westminster CIL.

### **8.11 Environmental Impact Assessment**

The proposal is of insufficient scale to require the submission of an Environmental Statement.

### **8.12 Other Issues**

#### **Notification of application to neighbouring residents**

The freehold owner of Montagu Mansions (Montagu Mansions Freehold Limited) has raised concerns in respect to the City Council's neighbour notification process, stating that not all flats to the rear of the building received neighbour notification letter and that they suspect that no assessment of the individual flats or their location was obtained.

This is not correct. All of the 47 flats within 5 Montagu Mansions were notified of the application by letter.

#### **Basement**

The site's location on a Named Street and adjoining residential properties where there is potential for an impact on those adjoining properties means that the basement excavation should be assessed under Part B of City Plan Policy CM28.1. This means that there is no restriction on the depth or extent of the basement excavation provides it adheres to a number of criteria relating to landscaping, sustainable urban drainage, trees, ecology, energy efficiency, design and heritage considerations. The basement will not be visible. Furthermore, the proposed building includes living roofs in order to reduce the urban heat island effect, attenuate surface water run-off and contribute towards the biodiversity of the area. Finally, as set out above, the building is expected to meet the required 35% improvement over Building Regulations Part L 2013 in respect to carbon



dioxide emission. For these reasons the proposed basement is considered to accord with City Plan Policy CM28.1

The City Council's District Surveyor has no objection in principle to the proposed development, subject to informatives advising the applicant to gain technical approval from the City Council's highways engineers and from Thames Water given the presence of a sewer that runs north-south along Baker Street.

### **Construction impact**

A number of objections have been received on the ground that the construction works will be disruptive.

The Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all major developments from September 2016.

The publication of the Code represents a fundamental shift in the way the City Council deals with the construction impacts of developments. Before September 2016, developments of this scale used legal agreements to fund the Environmental Inspectorate (EI) and required Site Environmental Management Plans to be submitted to and approved by the City Council.

In recognition that there is a range of regulatory measures available to deal with construction impacts and that planning is the least effective and most cumbersome of these, the new approach is for a condition to be imposed requiring the applicant to provide evidence that any implementation of the scheme (by the applicant or any other party) will be bound by the Code. Such a condition is recommended.

## **9. BACKGROUND PAPERS**

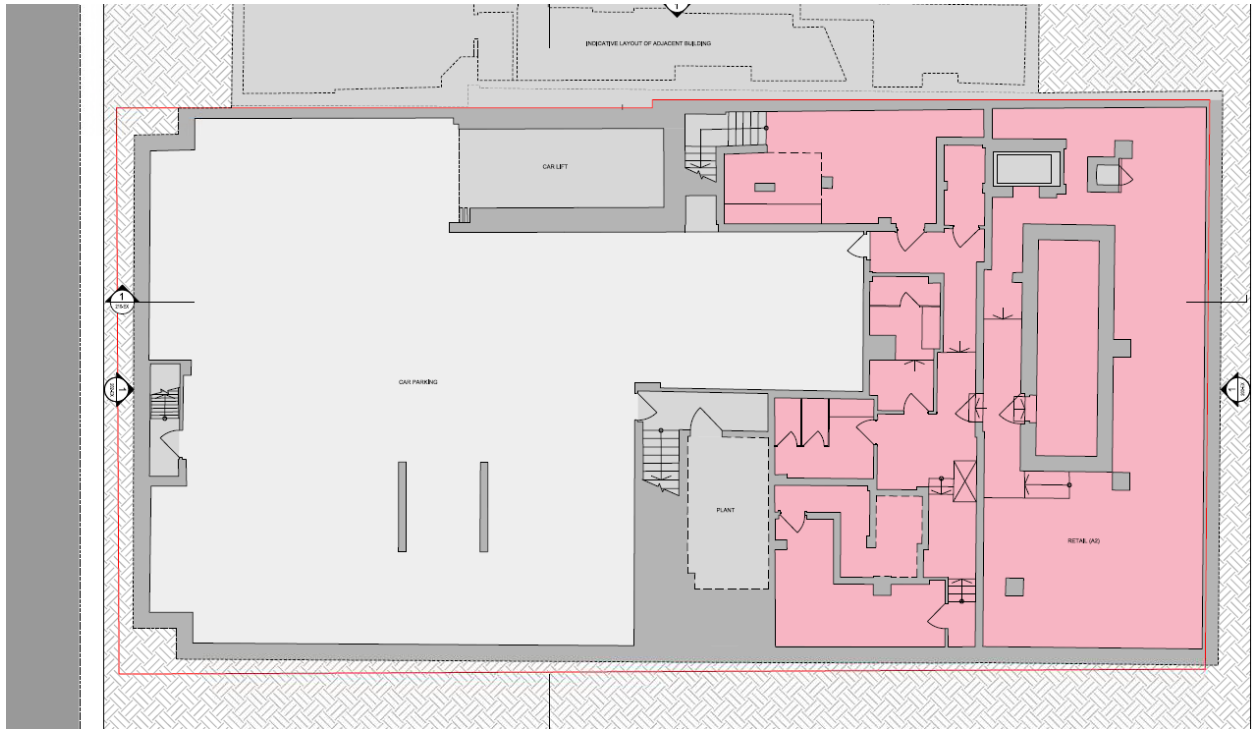
1. Application form
2. Response from the Marylebone Association, dated 27 July 2016.
3. Response from Building Control - Development Planning, dated 31 October 2016.
4. Response from Highways Planning, dated 31 October 2016.
5. Responses from Environmental Sciences, dated 11 July 2016 and 14 July 2016.
6. Response from the Cleansing Manager, dated 15 August 2016.
7. Responses from the Arboricultural Manager, dated 1 November 2016.
8. Letters from owner of First Floor Flat B, 5 York Street (37 Oakfield Lane, Keston), dated 24 September 2016 and 29 September 2016.
9. Letter from occupier of Flat 18 Montagu Mansions, London, dated 23 September 2016.
10. Letter from the owner of Flat 23 Montagu Mansions, dated 24 September 2016.
11. Letter from the owner of Flat 23 Montagu Mansions, dated 29 September 2016.
12. Letter on behalf of Montagu Mansions Freehold Limited, dated 27 September 2016.
13. Letter from occupier of 9 Montagu Mansions, London, dated 28 September 2016.
14. Letter from occupier of 7 Montagu Mansions, London, dated 29 September 2016.
15. Letter from occupier of 5e York Street, London, dated 29 September 2016.
16. Letter from occupier of 19 Montagu Mansions, London, dated 4 October 2016.

**Selected relevant drawings**

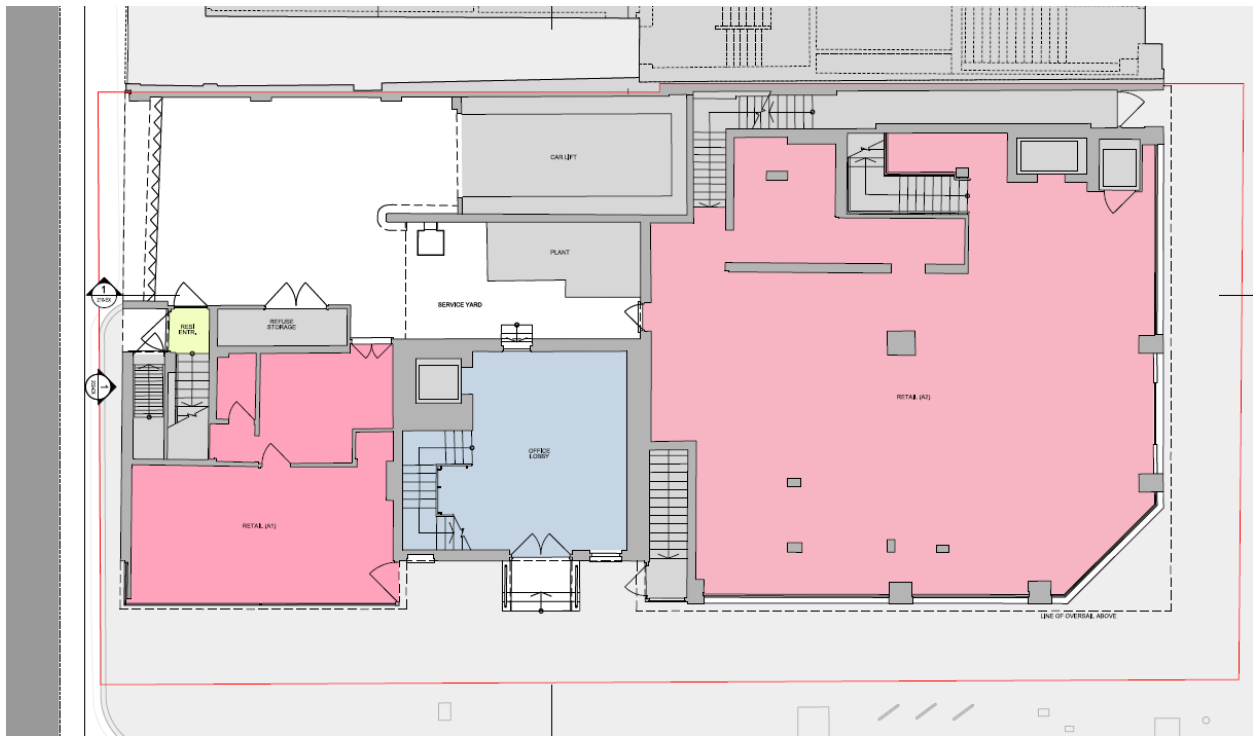
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT [hmackenzie@westminster.gov.uk](mailto:hmackenzie@westminster.gov.uk).

### 10. KEY DRAWINGS



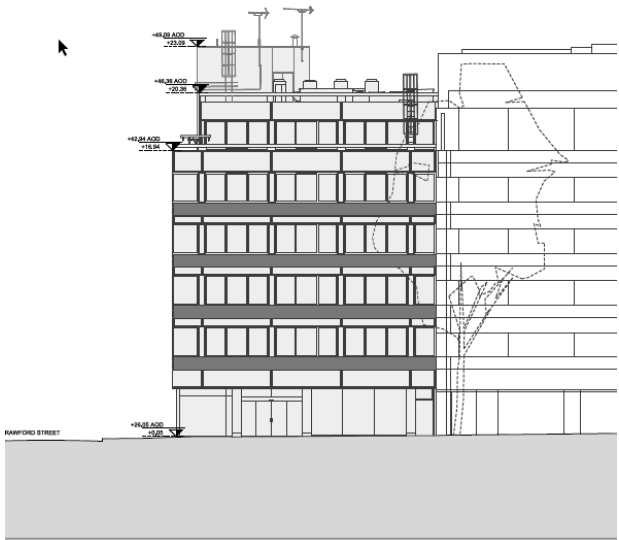
Existing basement plan.



Existing ground floor plan

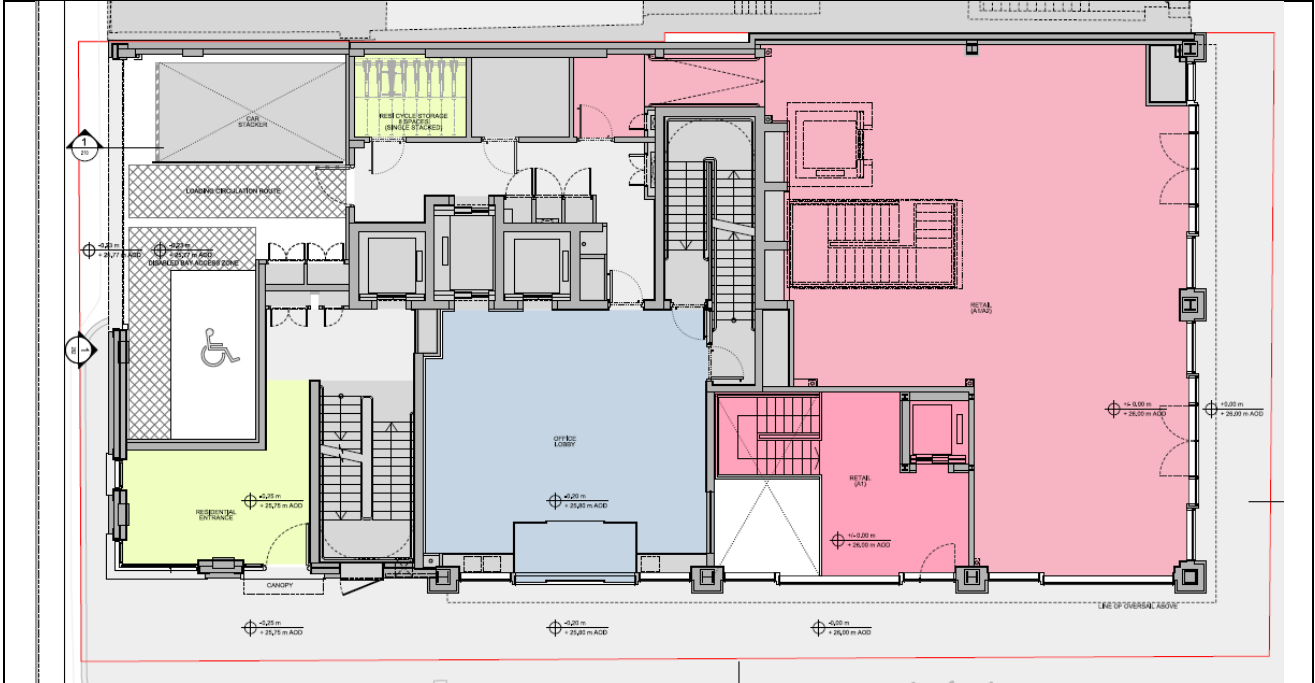


Existing first floor plan

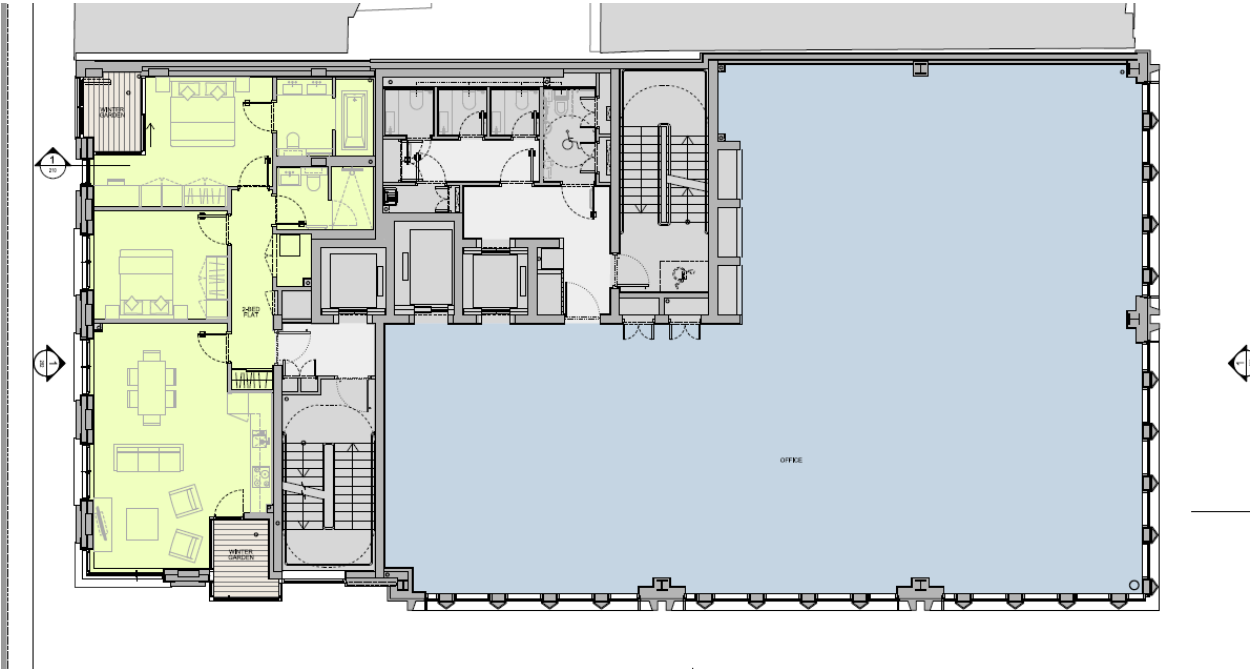


Existing Baker Street elevation.

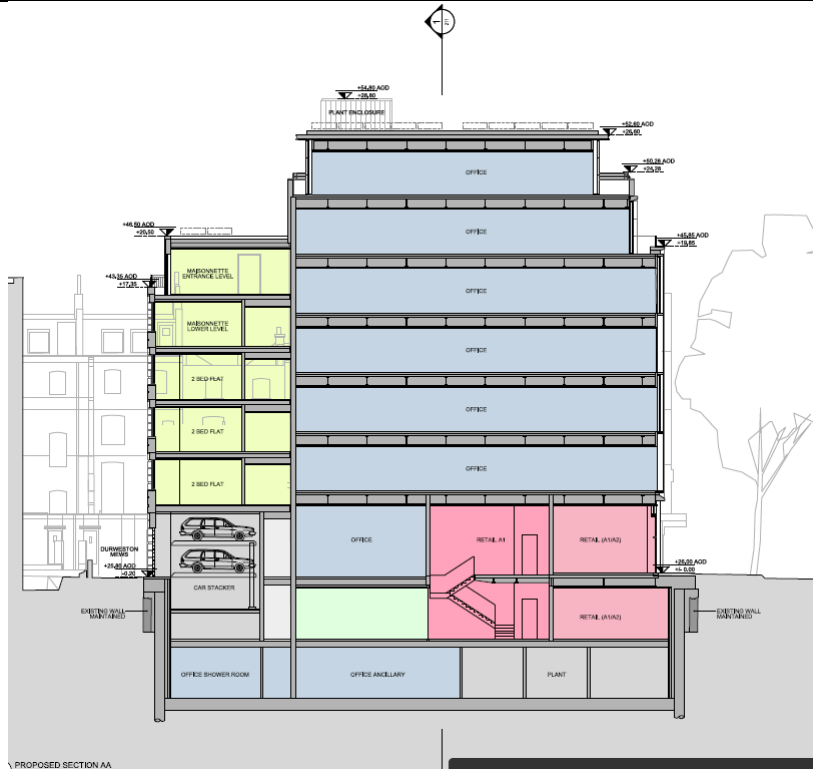




Proposed ground floor plan



Proposed first floor plan



Proposed section A-A



Proposed visual from Crawford Street (looking east)



Proposed visual from Crawford Street (looking west).



**DRAFT DECISION LETTER**

**Address:** 91-93 Baker Street, London, W1U 6RL,

**Proposal:** Demolition of existing building, excavation to provide new sub-basement and erection of replacement building over sub-basement, basement, ground and between five and seven upper storeys to provide dual alternative Class A1 (Shops) and / or Class A2 (Financial and Professional Services) at part basement and part ground floor level; artist workspace (sui generis) at part basement level; Class A1 (Shop) at part basement and part ground floor level; Class B1 (Office) at part sub-basement, part ground, part first to part fifth and sixth floor levels; 4 x flats (Class C3) at part ground to part fifth floor level; and associated car parking (3 x spaces), cycle parking (39 x spaces) and plant.

**Reference:** 16/05226/FULL

**Plan Nos:** 1361-A-020 Rev. 02, 1361-A-098 Rev. 01, 1361-A-099 Rev. 01, 1361-A-100 Rev. 02, 1361-A-101 Rev. 02, 1361-A-102 Rev. 02, 1361-A-103 Rev. 02, 1361-A-104 Rev. 02, 1361-A-105 Rev. 02, 1361-A-106 Rev. 02, 1361-A-110 Rev. 02, 1361-A-200 Rev. 02, 1361-A-201 Rev. 03, 1361-A-202 Rev. 03, 1361-A-203 Rev. 02, 1361-A-210 Rev. 02, 1361-A-211 Rev. 02 and 1361-A-301 Rev. 01.

**Case Officer:** Mark Hollington

**Direct Tel. No.** 020 7641 2523

**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:

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

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

- between 08.00 and 18.00 Monday to Friday; and

- 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 (July 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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

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

- 5 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 Portman Estate Conservation Area. This is as set

out in S25 and S28 of Westminster's City Plan (July 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)

- 6 You must apply to us for approval of detailed drawings showing the following alterations to the scheme:
- (i) Omission of all glass balustrades in favour of metal railings.
  - (ii) All new shopfronts to have stall-risers of a uniform height not less than 250mm.

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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)

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

Reason:

To maintain the character of the Portman Estate Conservation Area as set out in S25 and S28 of Westminster's City Plan (July 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)

- 8 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 9 You must only use the garage for people living in this property to park their private motor

vehicles. (C22EB)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 10 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 (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 11 Before occupation of any part of the building, you must provide the separate stores for waste and materials for recycling shown on drawing number 1361-A-098 Rev. 01 and 1361-A-099 Rev. 01. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

Reason:

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

- 12 Prior to the commencement of any demolition or construction on site the applicant shall provide 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. (C11CA)

Reason:

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

- 13 Prior to the occupation of any of the commercial elements of the building you shall submit for

the City Council's approval a Servicing Management Plan identifying the servicing process, internal storage locations, scheduling of deliveries and staffing. You must comply with the approved Servicing Management Plan thereafter.

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 14 No waste is to be left on the highway.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 15 Prior to occupation of any of the residential flats hereby approved each of the approved car parking spaces shall be fitted with electric vehicle charging points and these shall thereafter be maintained in working order.

Reason:

In order to encourage the update of electric vehicles, as required by Policy 6.13 of the London Plan (2016).

- 16 (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 (July 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.

- 17 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.

- 18 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 16 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels.

- 19 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.

- 20 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the car lift hereby approved will not result in maximum noise levels exceed 25dB LAmax,F within any part of the approved flat at first floor level.

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.

- 21 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise 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 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 22 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises., (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power., (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (July 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 23 Pre Commencement Condition. You must apply to us for approval of the ways in which you will protect the neighbouring street tree on Baker Street. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (July 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 24 At least two of the flats hereby approved shall be completed and ready for occupation prior to the occupation of the approved office floorspace

Reason:

In order to provide a mix of uses within the Central Activities Zone, as required by Policy 2.11 of the London Plan (2016) and Policy S1 of the City Plan (2016).

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



Reason:

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

- 26 You must only use the approved shop at basement and ground floor levels (annotated as Retail (A1) on approved drawings 1361-A-099 Rev. 01 and 1361-A-100 Rev. 02) as a gallery. You must not use it for any other purposes, including any other use within 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). (C05BB)

Reason:

To promote the cultural offer of the development and to ensure the long-term success of the artist workshop, in accordance with Policy S22 of the City Plan that we adopted in July 2016.

- 27 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application:

- The living roofs

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

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

- at least 11 kWp (in total) of photovoltaic panels.

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (July 2016). (R44AC)

**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 (July 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](http://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](mailto: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 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)
  
- 4 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning

permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation., , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

- 5 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk).
- 6 With reference to condition 12 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). You are urged therefore to give this your early attention.
- 7 The term 'clearly mark' in condition 11 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 8 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto: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](http://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](http://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](http://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.

- 9 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)
- 10 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 11 Conditions 16, 18 and 20 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 12 In order to remove the chamfered corner at the junction of Baker Street and Crawford Street, this triangle of public highway will need to 'stopped up'. The applicant will need to pay the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' this area of public highway.
- 13 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- (a) The submission of a Car Lift Maintenance and Management Plan for the City Council's approval and adherence to this Plan for the life of the development.
  - (b) The artist workspace at basement level 1 to be provided at a peppercorn rent for a minimum period of 25 years.
  - (c) Unallocated car parking.
  - (d) The costs of monitoring the S106 legal agreement. (I55AA)
- 14 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the commercial unit over basement and ground floor levels at the corner of Baker Street and Crawford Street can change between Class A1 (Shops) and Class A2 (Financial and Professional Services) uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change due to the Article 4 Direction in place that restricts such a change of use. (I62A)

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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.

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# Agenda Item 6

Item No.

6

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 November 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	11 Berkeley Street, London, W1J 8DS,		
<b>Proposal</b>	Use of part-ground and part-basement levels as a restaurant (Class A3). Installation of associated plant including air condenser unit and combined gas boiler and flue at main roof level and 4no. external kitchen extract ducts and 3no. air supply ducts rising from to basement to first floor levels on the rear southern elevation and across the roof at second floor level leading to 2no. filtered extraction units and a fresh air handling unit, extension of the 2no. extract ducts from second floor level to high level positioned on the side wall of 38 Dover Street. Creation of a smoking terrace on southern elevation within lightwell comprising of decking on cantilever steel supports and a frosted glass roof.		
<b>Agent</b>	CgMs Consulting		
<b>On behalf of</b>	Berkeley Eats Limited		
<b>Registered Number</b>	16/01377/FULL	<b>Date amended/ completed</b>	16 February 2016
<b>Date Application Received</b>	16 February 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site is an unlisted building located on the eastern side of Berkeley Street. The building comprises basement, ground and five upper storeys and is currently in office use (Class B1). The site is within the Mayfair Conservation Area and Core Central Activities Zone (CAZ).

Permission is sought for the use of part-ground and part-basement levels as a restaurant (Class A3) and installation of associated plant and kitchen extraction. Creation of a smoking terrace on southern elevation within the lightwell with decking supported on cantilever steel supports and a frosted glass roof.

The plant and kitchen extraction includes an air condenser unit and combined gas boiler and flue at main roof level; 4no. external kitchen extract ducts and 3no. air supply ducts rising from to basement to

first floor levels on the rear southern elevation and extending across the roof at second floor level leading to 2no. filtered extraction units and a fresh air handling unit. The extension of the 2no. extract ducts from second floor level to high level positioned on the side wall of 38 Dover Street.

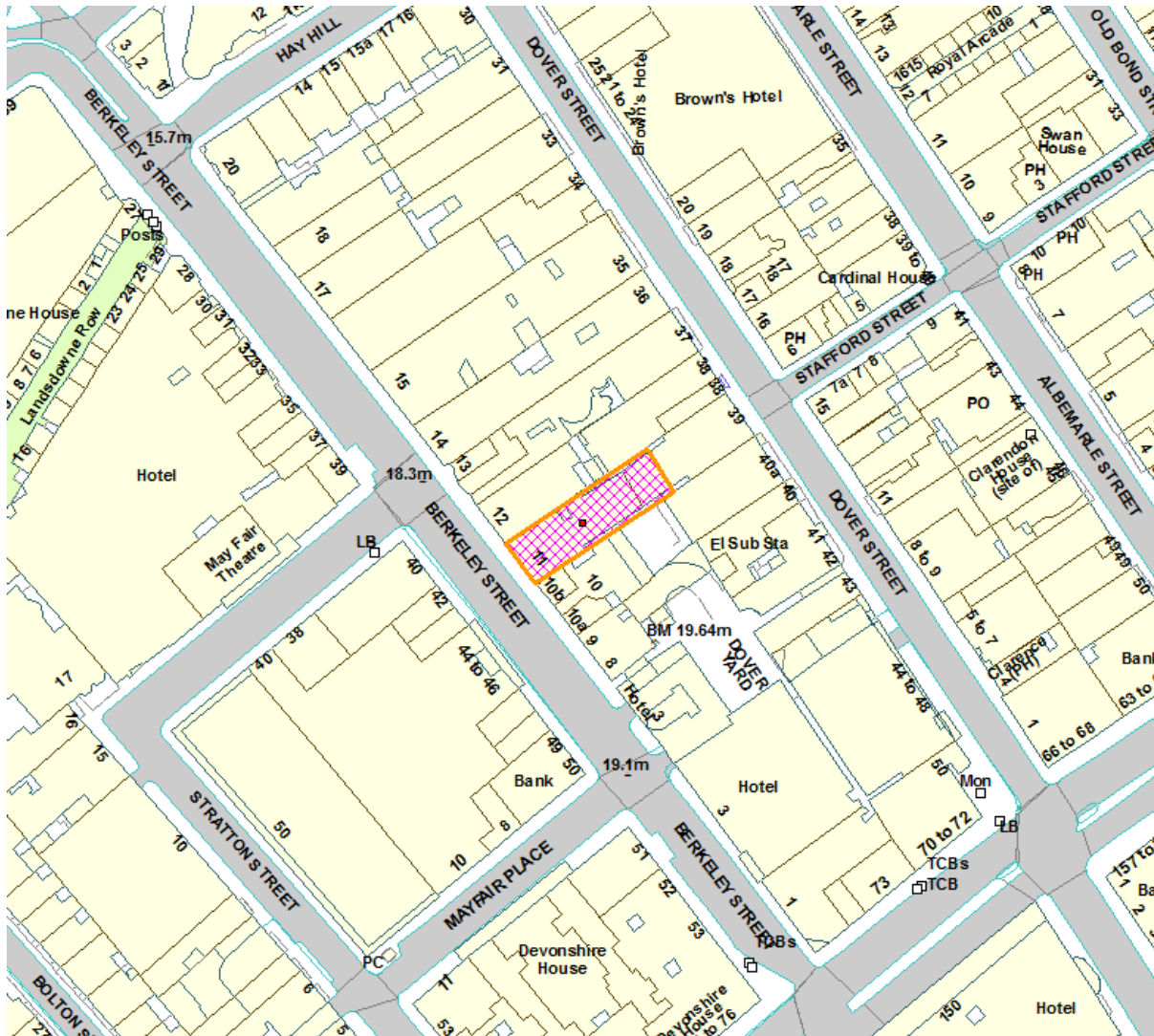
The key issues for consideration are:

- The impact of the proposed restaurant in land use terms and upon the amenities of neighbouring residents.

The application is considered acceptable in land use, amenity, design and conservation terms and is in accordance with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan).



### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS

Front elevation of application site



View of southern elevation of 11 Berkeley Street and relationship to the terrace at 40 Dover Street



View of south elevation of 38 Dover Street where the high level extract duct will be located.



## 5. CONSULTATIONS

### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No objection

### ENVIRONMENTAL HEALTH

No objection, the kitchen extracts duct raises to full height and will ensure adequate dispersion of cooking odours.

### CLEANSING

No objection

### HIGHWAYS PLANNING

No objection, subject to controls to restrict a delivery service and provision of cycle parking.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 44

Total No. of replies: 10

No. of objections: 10 (from 7 objectors)

10 letters of objection have been received raising some or all of the following grounds:

#### Land use

- Berkeley Street has reached saturation point with 2 hotels, one casino and 7 restaurants and cafes.
- Office floorspace is being lost and will result in Mayfair losing its daytime vibe-the street needs more A1 not A3Amenity
- Smells and noise from plant due to close proximity to building. It is unlikely that the background noise levels and conditions imposed by the City Council will be complied with.
- Late night opening (until 1.30am) will create noise issues and anti-social behaviour. This is already experienced when people are leaving other establishments such as Nobu, Mayfair Bar, Funky Buddha and Novikov
- Congregation in front of No. 10 Berkeley Street
- Sounding of horns is a common cause of being woken up in the early hours.

#### Parking/Highways

- Traffic congestion/late night parking – already suffering from double parked vehicles which will become worse if plans for a new bus stop on the eastern side of Berkeley Street is implemented.

#### Other

- Workers are already on site which is disturbing residents.
- Lack of drawings/information/details relating to items of plant and duct, sound insulation and noise breakout.

Following the submission of revised plans and information relating to high level extract duct on the side wall of No. 38 Dover Street, the application was re-advertised. No additional letters of representation have been received.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site is located on the eastern side of Berkeley Street. It is an unlisted building located within the Mayfair Conservation Area and Core Central Activities Zone (CAZ). It occupies basement, ground and five upper storeys and is in office use (Class B1). Part of the ground floor is currently vacant with internal alterations currently being carried out. An office occupier is currently using the part basement. There are two existing separate entrances from Berkeley Street; one entrance will be retained for access to the offices and one on the southern side to be utilised by the proposed restaurant.

Adjoining the application site to the south is 10 Berkeley Street which is a residential building (where most of the objections originate from) with commercial at ground floor, and adjoining to the north; 12 Berkeley Street is a commercial building, with a gallery (Class A1) at ground floor level and offices (Class B1) above.

### **6.2 Recent Relevant History**

Planning permission was granted 2 July 2015 for alterations to the front facade to include replacement glazing and window/door frames.

## **7. THE PROPOSAL**

Permission is sought for the use of part-ground and part-basement levels as a restaurant (Class A3) and installation of associated plant and kitchen extraction and ventilation. A smoking terrace is proposed and this is situated on the southern elevation at ground floor level. The decking will be supported on cantilever steel supports and includes a frosted glass roof.

The plant and kitchen extraction includes an air condenser unit and combined gas boiler and flue at main roof level; 4no. external kitchen extract ducts and 3no. air supply ducts rising from to basement to first floor levels on the rear southern elevation and extending across the roof at second floor level leading to 2no. filtered extraction units and a fresh air handling unit. The ducts at second floor level will be extended to roof level on the side elevation of 38 Dover Street.

The intended user of the restaurant is Samba Brands who operate Duck & Waffle in the City of London, as well as other restaurants internationally. Raw and Barbecue is their new concept with a focus on raw produce.

The proposed restaurant comprises 499.5m<sup>2</sup> and will have a seated capacity of 150 with a further 25 covers within the holding bar for pre meal or post meal drinks. The opening

hours will be in line with the Council's core opening hours for entertainment uses of Monday - Thursday 08:00 - 00:00, Friday – Saturday 08:00 – 00:30 and Sunday 09:00 – 00:00.

The application proposes a full height extract duct which will rise up the southern elevation from the basement across the rear of the building at second floor level, then extend to roof level of 38 Dover Street. A smoking area has been relocated from the front entrance to an area to the rear of the site adjoining the existing Arts Club terrace (40 Dover Street).

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Loss of offices**

An objection has been received stating that the loss of offices is a concern for Mayfair's daytime "vibe". Office floorspace is protected in the City Plan but only where the proposed use would be residential, as this proposal is for a different commercial use, the loss of offices is acceptable. It is not considered that the loss of these offices will have an impact on the daytime activity in Mayfair and therefore the objection is not considered to be sustainable.

#### **Restaurant Use**

Policy S24 of the City Plan applies to all entertainment uses and states that new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact residential amenity, health and safety, local environmental quality and the character and function of the area. Policy S24 states that new large scale late night entertainment uses of over 500sqm will not generally be appropriate.

The proposed restaurant comprises 499.5m<sup>2</sup> and is located outside any stress area and therefore Policy TACE8 of the UDP is applicable. The proposed restaurant will include a bar, but this will only be used by customers of the restaurant before, during and after their meals. It is noted that the proposed floorspace is very close to the next floorspace threshold of 500m<sup>2</sup>. Any entertainment uses with a floorspace of 500m<sup>2</sup> and above are assessed under Policy TACE10 where entertainment uses are only permissible in exceptional circumstances. The applicants have kept an area at ground floor level as a void to prevent the floorspace breaching the 500m<sup>2</sup>, a condition is recommended to ensure that this void is kept in situ.

TACE 8 states that permission will only be granted for proposals where the City Council is satisfied that the proposed development has no adverse effect upon residential amenity or local environmental quality or upon the character or function of its area paying particular regard to noise and vibration, smells prevention of smells, service arrangements and increase in late night activity.

The City Council will take into account the need for conditions, and where relevant, necessary and appropriate, will impose them to control the number of customers who may

be present on the premises, the opening hours, the arrangements to be made to safeguard amenity and prevent smells, noise and vibration disturbance (including that from the use of ventilation and air conditioning plant) from the premises and servicing arrangements etc.

The site is located within a predominately commercial location; there is some residential in the area, notably the upper floors of 10 Berkeley Street, which contains 19 flats, immediately next door. There have been a number of objections from residents in this building to the introduction of entertainment uses in this area and the impact on residential amenity.

There are other entertainment uses in close proximity to the site, including established uses at No.15 (Nobu), No.17 (Park Chinois), No.19 (Bocconciono Restaurant), No.20 (Café Pushkin), No.39 (Mayfair Bar) and No.50A Berkeley Street (Novikov Restaurant and Bar). There is also a private members club to the rear of the site at 40 Dover Street, this club has a large outdoor terrace, which operates without any planning restrictions.

More recently permission was been granted in November 2014 at 4-6 Berkeley Square for a restaurant with over 800sqm floorspace with extended opening hours (up to 02:00 for a trial period). However, it is acknowledged that nearby residential properties are separated from this site by Bruton Lane and thus offers greater protection to nearby residential occupiers.

As a result of the content and number of objections, negotiations have been undertaken with the applicant to seek a more acceptable entertainment use in close proximity to neighbouring properties. Originally, the applicant proposed that the restaurant would be open until 01.15, it is now proposed that the restaurant will comply with the Council's entertainment core hours (Monday - Thursday 08:00 - 00:00, Friday – Saturday 08:00 – 00:30 and Sunday 09:00 – 00:00). The smoking area has been relocated from the front of the building to the southern elevation at the side of the rear extension, adjacent to a terrace which is used in connection with the Arts Club at 40 Dover Street. However, it is questioned whether this smoking terrace will comply with Environmental Health legislation.

The application is supported by a draft operational management plan, indicating how patrons will leave the premises to ensure the impact on neighbouring occupiers is reduced. This includes self-closing doors at the main entrance to ensure that internal noise is not carried onto the street and a doorman to manage patrons leaving and coordinate the arrival of taxis in order to limit the number of people outside the premises, a designated taxi/limousine firm for the restaurant, and a direct contact number for local residents to report any disturbances.

There are no residential properties within the building itself. The agent has confirmed that no windows serving the restaurant would be openable. Music would be for background atmosphere only, with no live music performed on the premises. With the implementation of self-closing doors, no live or recorded music being audible outside and no windows being openable, it is considered that the measures are sufficient to protect neighbouring occupiers from noise nuisance emanating from the proposed restaurant. On this basis it is considered that the restaurant is acceptable and the objections are considered to have been addressed as far as reasonably possible.



Servicing (loading and unloading good from vehicles and putting waste outside building) will take place between 07:30 and 11:30 on Mondays to Saturdays. Deliveries will be normally undertaken in transit style vehicles or smaller and will take place from Berkeley Street. It is not considered the size of the proposed restaurant will generate significant vehicular traffic and the proposed restaurant use is not considered to have an adverse impact on the highway. A servicing management plan has been submitted detailing how the effect of any servicing generated by the site on the public highway will be limited. A condition is recommended requiring an updated servicing strategy. The applicant indicates that no delivery service is intended to operate from the site and a condition shall be imposed to restrict this.

Suitable storage arrangements for waste and recycling material will be provided and conditioned, as shown on the submitted plans.

Given the busy nature of this area, in close proximity to Piccadilly, the proposed opening hours and servicing times are considered acceptable. It is considered that the proposed mitigation measures as detailed above will minimise potential disturbance from customers and deliveries, and conditions are recommended in order to secure these measures.

With regards to concerns that the proposals will lead to an unacceptable relationship with existing late night uses, it is acknowledged that there are other late-night uses within the surrounding area and this part of Mayfair is mixed in character, with surrounding uses including a hotel, commercial premises and residential units. It is not considered that the proposed restaurant, especially given its relatively small capacity, would increase this to an unacceptable level given the Core CAZ location.

Following negotiations to the scheme, these changes were the subject of a second round of consultation, and no further objections were raised.

Objections have also been raised stating that the restaurant use would attract anti-social behaviour. Whilst these concerns are noted, it is not considered that they are a justifiable planning reason to warrant refusal.

The applications are therefore considered acceptable in line with Policy TACE8 and S24.

## **8.2 Townscape and Design**

11 Berkeley Street is within the Mayfair Conservation Area and is not listed. None of the adjacent buildings are listed; the nearest listed buildings are at 37 and 42 Dover Street are visible with the site.

The small area to the rear of the recent extension of the application site has a utilitarian appearance, characterised by existing plant, fire escape stairs and tall featureless walls.

At low levels the proposed location for plant is essentially in a lightwell of windowless walls. There are numerous items of plant proposed and a condition is recommended to ensure that these items are screened.

The extract duct will run up the side wall of 38 Dover Street, terminating above roof level, in line with the existing chimneys. The amount of equipment that will be visible is modest and the main views of the equipment will be from the site itself and from 12 Berkeley Street and 39 Dover Street. It is considered that the extract duct should be boxed in and rendered to match the adjoining brickwork.

No changes are proposed to the consented scheme for the shopfront to Berkeley Street.

The proposals are not considered to have a significant impact in terms of the appearance of the building or the character of the Mayfair Conservation Area.

### **8.3 Residential Amenity**

All properties immediately surrounding the site, other than 10 Berkeley Street, are in commercial use, comprising generally of galleries at lower levels and offices located within the upper floors. As detailed above there would be a modest view of the plant and ducting from surrounding commercial properties. The position, size and scale of the extract duct and plant in relation to these properties, particularly No. 10, is acceptable in terms of height, bulk and mass.

Objections have been raised from one of the occupiers of the commercial building to the rear of the site, regarding the outlook onto plant and extract ducts. Whilst these concerns are noted, the views from commercial properties are not protected and carry very little weight in the determination of the application. Nevertheless, the duct will be clad to match the external side wall of 38 Dover Street therefore reducing its impact and a visual screen to conceal the plant at the rear of 11 Berkeley Street.

### **8.4 Transportation/Parking**

#### **Car parking**

The site is located within a Controlled Parking Zone, meaning that anyone driving to the site would be subject to these controls. The impact of the change of use on parking levels is expected to be minimal and would be similar to the existing use and objections on this basis are unsustainable in this regard.

#### **Cycle parking**

Further Alterations to the London Plan (FALP) standards indicate that three cycle spaces should be provided for the restaurant floor space. The documents detail that cycle parking is included but this is not indicated on the submitted plans. A condition is recommended requiring the submission of details showing three cycle parking spaces. These spaces should be secure, accessible and weatherproof.

### **8.5 Economic Considerations**

The proposal provides an economically viable use that enables continued use of this unit.

### **8.6 Access**

Access to the restaurant will be unchanged from the consented scheme for the shopfront, which allows level access from street level. Within the entrance lobby a sesame lift will enable access into the restaurant where there is also a DDA complaint lift and WC internally.

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

### **Plant**

Policies ENV6 and ENV7 of the UDP seek to protect occupants of adjoining noise sensitive properties from the impacts of noise from new development, including from plant. The property has been assessed as being in an area in which existing ambient noise levels exceed WHO guideline Levels. Objections are raised in respect to noise from plant being located close to residential and commercial properties.

Environmental Health have not objected to the proposed extract duct subject to specified noise attenuation measures, distance attenuation and shielding as specified in the accompanying acoustic report. The duct and plant will be conditioned to minimise noise levels and vibration. It is not considered that the objections on noise arising from the plant could be sustained.

## **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. The development would not be liable for Westminster's CIL.

## **8.11 Environmental Impact Assessment**

The proposal is of an insufficient scale to require an environmental assessment.

## **8.12 Other Issues**

Objectors have stated that work is already being undertaken which is causing disturbance. As the building is unlisted, internal works can be undertaken within requisite planning consent and therefore this is not a sustainable objection.

An objector commented that sufficient plans were not submitted as part of the application. Additional plans, elevations and details were provided by the agent during the course of the application that detailed the proposed external alterations. Additional neighbour consultation has been undertaken and the plans demonstrate sufficiently the works that are proposed.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Residents Society Of Mayfair & St. James's, dated 29 March 2016
3. Response from Environmental Health, dated 7 March, 5 July, 28 September and 12 October 2016
4. Response from Cleansing, dated 8 March 2016 and 14 June 2016
5. Response from Highways Planning, dated 10 March 2016 and 14 June 2016
6. Letter from occupier of Flat 1, 10 Berkeley street, dated 20 March 2016
7. Letter from occupier of 17 Berkeley Street, London, dated 17 March 2016
8. Letter from occupier of ERCO, 38 Dover Street, dated 12 April 2016
9. Letter from occupier of Flat 8, 10 Berkeley Street, dated 15 March 2016
10. Letter from occupier of ERCO Lighting Limited, dated 22 March 2016
11. Letter from occupier of Flat 19, 10 Berkeley Street, dated 12 March 2016 and 11 April 2016
12. Letter from occupier of 10, Berkeley Street, dated 11 April 2016
13. Letter from occupier of Flat 2, 10 Berkeley St, dated 15 March 2016
14. Letter from occupier of Flat 3, 10 Berkeley Street, London, dated 20 March 2016

(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: HELEN MACKENZIE BY EMAIL AT [hmackenzie@westminster.gov.uk](mailto:hmackenzie@westminster.gov.uk).

### 10. KEY DRAWINGS

**Ground Floor**

**Lower Ground Floor**

**Legend:**

- Landmark area
- Tenement right of access (OD4)
- Tenement right of access (OD4)
- Tenement area
- Yield

**Notes:**

- OD4 A10107 compliance
- OD4 Tenement right of access 0.50m
- Tenement OD4 A10107 compliance
- Approved plans under 100mm
- OD4 OD4 open from centre line of OD4 wall @ 1.00m
- OD4 Area measurements accordance to standards with City of Westminster (LSP 2007)

**Proposed basement and ground floor plans**

**Proposed smoking terrace**

**Proposed Elevation**

**Proposed Elevation**

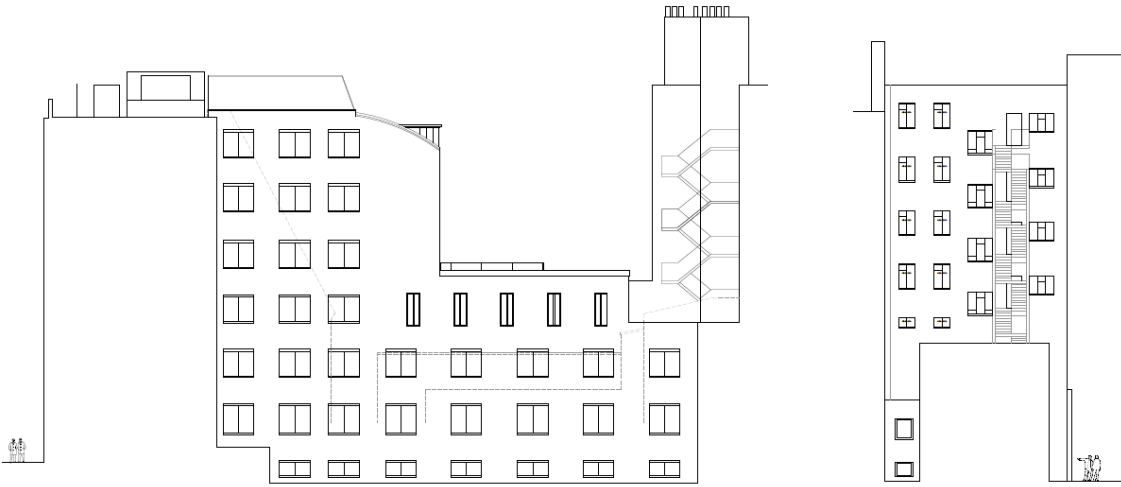
Hatched area shows location of flat roof

**Proposed Smoking Terrace Ground Floor Plan**

**Location of Smoking Terrace Ground Floor Plan**

11 Bakery Street	
LONDON	
Proposed Floor Plans	
10/20/21	10/20/21
10/20/21	10/20/21
10/20/21	10/20/21
<b>Franklin</b>	
The Design Group, 20 George Parade Street, London, W1P 0AA	
020 7734 0000	
www.franklindesign.co.uk	

Existing south elevation



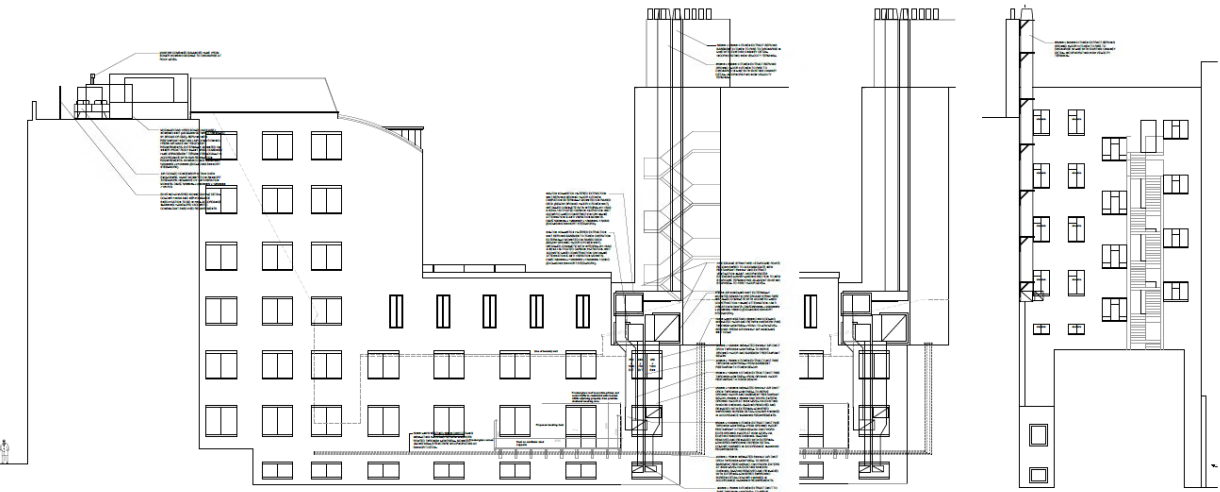
Existing South Elevation

Existing West Elevation



Client:  
 11 Berkeley Street  
 London  
 Title:  
 Existing South  
 & West Elevations  
 Date:  
 1:100@A1 1:200@A3  
 2021-P-055 A  
 Franklin  
 design  
 The Coach House, 28 Kings Parade West  
 Oxford, Bucks, HP8 5PE  
 01753 636200  
 info@frankindesign.co.uk  
 www.frankindesign.co.uk

Proposed south elevation



Proposed South Elevation

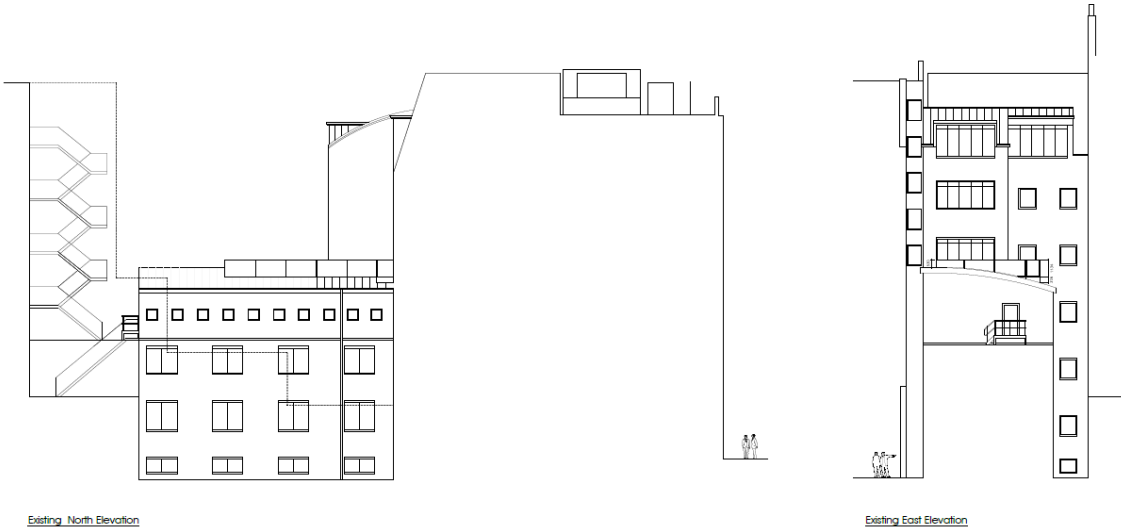
Proposed Part South Elevation  
 See ref 204 removed for clarity

Proposed West Elevation



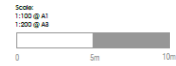
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 11 Berkeley Street  
 London  
 Title:  
 Proposed South  
 & West Elevations  
 Date:  
 1:100@A1 1:200@A3  
 2021-P-155 A  
 Franklin  
 design  
 The Coach House, 28 Kings Parade West  
 Oxford, Bucks, HP8 5PE  
 01753 636200  
 info@frankindesign.co.uk  
 www.frankindesign.co.uk

Existing north and east elevation



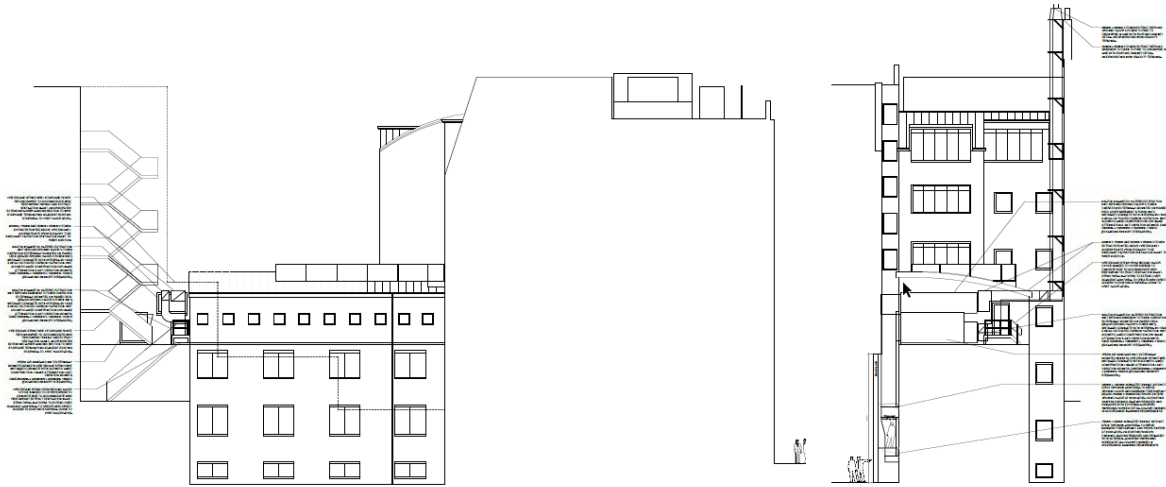
Existing North Elevation

Existing East Elevation



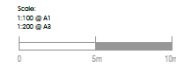
11 Berkeley Street London	
Existing North & East Elevations	
Scale:	1:100 @ A1
Drawn by:	1:200 @ A3
Project No.:	2021-P-058
Date:	SEP 2016
Client:	The Crown Prosecution Service
Address:	11 Berkeley Street, London, W1J 8JQ
Phone:	020 7493 8888
Website:	www.franklindesign.co.uk

Proposed north and east elevation



Proposed North Elevation

Proposed East Elevation



11 Berkeley Street London	
Proposed North & East Elevations	
Scale:	1:100 @ A1
Drawn by:	1:200 @ A3
Project No.:	2021-P-150
Date:	SEP 2016
Client:	The Crown Prosecution Service
Address:	11 Berkeley Street, London, W1J 8JQ
Phone:	020 7493 8888
Website:	www.franklindesign.co.uk

Item No.
<b>6</b>



**DRAFT DECISION LETTER**

**Address:** 11 Berkeley Street, London, W1J 8DS,

**Proposal:** Use of part-ground and part-basement levels as a restaurant (use class A3). Installation of associated plant including air condenser unit and combined gas boiler and flue at main roof level and 4no. external kitchen extract ducts and 3no. air supply ducts rising from to basement to first floor levels on the rear southern elevation and across the roof at second floor level leading to 2no. filtered extraction units and a fresh air handling unit, extension of the 2no. extract ducts from second floor level to high level positioned on the side wall of 38 Dover Street. Creation of a smoking terrace on southern elevation within lightwell comprising of decking on cantilever steel supports and a frosted glass roof.

**Reference:** 16/01377/FULL

**Plan Nos:** 2921-P-100 Rev H, 2921-P-102 Rev A, 2921-P-155-Rev A, 2921-P-156-Rev A.

**Case Officer:** Lindsay Jenkins

**Direct Tel. No.** 020 7641 5707

**Recommended Condition(s) and Reason(s):**

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

Reason:

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

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

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

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

Reason:

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

- 3 You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 4 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Mayfair Conservation Area. This is in line with S25 of Westminster's City Plan (July 2016) and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 5 You must not allow more than 175 customers into the property at any one time. (C05HA)

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Mayfair Conservation Area. This is in line with S25 of Westminster's City Plan (July 2016) and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 6 Customers shall not be permitted within the restaurant (Class A3) before 08:00 or after 00:00 on Monday to Thursday, or before 08:00 or after 00:30 Fridays and Saturdays (not including bank holidays and public holidays) and before 08:00 or after 00:00 on Sundays, bank holidays and public holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 7 The Class A3 use allowed by this permission must not begin until you have fitted self-closing doors at the front onto Berkeley Street. You must not leave these doors open except in an emergency or to carry out maintenance. (C13MA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 8 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant (Class A3) use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant (Class A3) is in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 9 You must provide the waste store shown on drawing 2921-P-100 Revision H before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the restaurant (Class C3). 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 (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 10 You must not commence the A3 use allowed by this permission until a Servicing Management Plan has been submitted to and approved by the City Council. You must not commence the A3 use until we have approved what you have sent us. You must then carry out the measures included in the servicing management plan at all times that the A3 (restaurant) is in use. The service management plan should identify the hours of servicing, delivery process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and should clearly outline how servicing will occur on a day to day basis.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 11 You must apply to us for approval of details of secure cycle storage for the restaurant (Class A3) 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.

- 12 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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)

- 13 (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 (July 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.

- 14 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.

- 15 You must apply to us for approval of a detailed scheme for the treatment of the external duct where it rises up the rear of 38 Dover Street, whereby the duct is boxed in, rendered and painted to match the colour and material of the building against which the duct rises. This scheme must

include specific details relating to the regular repainting and future maintenance of the external duct.

You must not start any work on the external duct until we have approved what you have sent us. You must then carry out the work and maintain the duct in accordance with this scheme.

**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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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 keep the void at ground floor level open at all times that the A3 restaurant is in use.

**Reason:**

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 17 You must apply to us for approval of details a visual screen to conceal the air handing equipment and ducting attached to the rear of 11 Berkeley Street.

**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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
  
- 3 You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)

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.

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