



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 6th December, 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
David Boothroyd

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
Corporate Website: 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

- | | |
|---|--------------------------|
| 1. PADDINGTON SORTING & DELIVERY, 31 LONDON STREET, LONDON, W2 1DJ | (Pages 9 - 122) |
| 2. CHESTERFIELD LODGE, 75 ST JOHN'S WOOD TERRACE, LONDON, NW8 6LF | (Pages 123 - 166) |
| 3. WESTMINSTER FIRE STATION, 4 GREYCOAT PLACE, LONDON, SW1P 1SB | (Pages 167 - 230) |
| 4. CLARIDGES HOTEL, 47-57 BROOK STREET, MAYFAIR, LONDON, W1A 2JQ | (Pages 231 - 264) |
| 5. BIRD STREET, LONDON | (Pages 265 - 278) |
| 6. AXTELL HOUSE, 23-24 WARWICK STREET, LONDON, W1B 5NQ | (Pages 279 - 292) |
| 7. THE COLONNADES, 26 PORCHESTER ROAD, LONDON, W2 6ES | (Pages 293 - 322) |

8. 80 JERMYN STREET, LONDON, SW1Y 6JD

**(Pages 323 -
342)**

**Charlie Parker
Chief Executive
28 November 2016**

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 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN NO(s) : 16/09050/FULL 16/09052/LBC Hyde Park	Paddington Sorting & Delivery 31 London Street London W2 1DJ	Demolition of existing buildings and mixed use redevelopment comprising a commercial cube providing up to 50,000 sqm (GEA) floorspace of office/commercial uses, retail and café/restaurant uses at lower levels and top floor level, a retail/restaurant building on Praed Street; a new major piazza including pedestrianisation of London Street, a new access road between Winsland Street and Praed Street, hard and soft landscaping, new underground station entrance and new Bakerloo Line Ticket Hall; and associated infrastructure and interface highway and transport works for underground connections, and ancillary works.(EIA Application accompanied by an Environmental Statement). Site includes 31 London Street, 128-142 Praed Street, London Street, Paddington Station Arrivals ramp and associated surrounds.	

Recommendation

1. Grant conditional planning permission subject to the views of the Mayor of London, and subject to a S106 legal agreement to secure the following:-
 - a) Prior to commencement of development the developer to submit a schedule of works associated with the interface between Paddington Bakerloo Line and the development to be agreed by the City Council and the development to be carried out in accordance with the schedule of works agreed.
 - b) Prior to occupation of any of the buildings, the developer to carry out structural works and to construct the station box to the Bakerloo Line ticket hall and the fit out works to the unpaid side of ticket barriers including all escalators, steps and lift access from concourse level and London Street/Praed Street level, in accordance with the approved drawings, unless otherwise agreed in writing by the City Council.
2. The developer to pay £8.5m (index linked) towards Transport for Londons' delivery of fit out works (to paid side of ticket barriers) to the new Bakerloo Line ticket hall. To be paid to Transport for London on receipt of confirmation from Transport for London of their commitment to fund remaining cost of fit out works and 3 months before commencement of works.
3. Cost of funding procurement, management and delivery , including all necessary consents, of the following works within Paddington Station i) tunnels refurbishment, ii)redesign of servicing area to western end of platform 1; iii) removal and replacement of buffer stops and adjacent plant to platforms 11 & 12.
4. The developer to Fund a transport study by a steering group comprising WCC, TFL, NR & Crossrail of traffic management and servicing associated with the site and in its vicinity. Including Eastbourne Terrace, Bishops Bridge (Harrow Road gyratory to Eastbourne Terrace), Praed Street (Craven Road to Norfolk Place), London

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Street (North), Winsland Street, Winsland Mews, Junction of London Street with South Wharf Road and proposed new road, Paddington Station Arrivals ramp. The findings of the study to be implemented in agreement with the City Council at the developers cost.

5. Developer to fund the cost of highways works immediately surrounding the site, required for the development to occur, and to mitigate the impact of the development.
6. Developer to submit a servicing management plan, to minimise servicing movements within the public realm, including the area of the Paddington Station Arrivals ramp, for approval by the City Council and thereafter to carry out the development in accordance with the approved plan.
7. Developer to provide at their own cost all of the public realm within the application site including associated street furniture, paving, landscaping, drainage, service diversions and thereafter maintain and manage the area including the area that is currently the Arrivals Road and allow 24 hours access for the general public via a walkways agreement.
8. Provision of vehicular and pedestrian public highway from Praed Street to Winsland Street prior to closure of London Street and thereafter with 24 hours access.
9. Provision of or cost of relocation/replacement/upgrade of east and west bound bus stops on Praed Street.
10. Provision of or cost of relocation/replacement of cycle docking station and provision of vehicular access to and from it to allow manual redistribution of bikes.
11. Provision of or cost of relocation/replacement and changes of on street car parking including blue badge car parking
12. Provision of or cost of relocation/replacement of motorcycle parking
13. Provision of Public Art to the value of no less than £2,000,000 (index linked)
14. Public access to Cube's rooftop restaurant (Class) and external terrace and provision of public viewing area at no cost to the public.
15. Financial contribution of £TBC as a payment in lieu of a mini recycling facility
16. Employment and Training Strategy
17. Cost on Monitoring the S106 legal agreement

3.If the S106 legal agreement has not been completed within 3 MONTHS from of the date of the Committee's resolution then:

- a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
- b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that 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.

4. Grant conditional listed building consent and agree the reasons for granting listed building consent.

5. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway. That the City Transportation Advisor (or other such proper officer of the City Council responsible for highway functions) be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the order as proposed if there are no unresolved objections to the draft orders. The applicant will be required to cover all costs of the Council in progressing the stopping up.

Item No	References	Site Address	Proposal	Applicant
2.	RN NO(s) : 16/00492/FU	Chesterfield Lodge 75 St John's	Demolition of existing building and the erection of a four storey building to accommodate 40 residential dwellings	

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	LL Abbey Road	Wood Terrace London NW8 6LF	(Class C3) and associated works including landscaping and the provision of car parking.(Revised Design)	
<p>Recommendation</p> <p>1. Subject to no new issues being raised when the consultation period on the revised proposal formally expires on 9 December 2016 resolve to grant conditional permission subject to the completion of a Section 106 legal agreement to secure the following :</p> <p>a) Ensure that the 44 flats provided are affordable units and remain as such.</p> <p>2. If the Section 106 legal agreement has not been completed by 6 February 2017 then</p> <p>a) The Director of Planning shall consider whether it will be possible and appropriate to issue the permission with an additional condition 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 proposal is unacceptable in the absence of the benefits which would of been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers</p> <p>3. Do Members agree that this proposal can be treated as an affordable housing credit to be secured by a Memorandum of Understanding (MOU) This Almshouses Memorandum of Understanding will set out the terms of this funding mechanism and shall be regarded as a material planning consideration from the date of this resolution and shall last for a period of ten years.</p>				
Item No	References	Site Address	Proposal	Applicant
3.	<p>RN NO(s) : 16/05216/FULL 16/05217/LBC</p> <p>St James's</p>	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. (ADDENDUM REPORT)	
<p>Recommendation</p> <p>For Committee's consideration:</p> <p>1. Do members consider that the additional set-backs proposed for the five storey residential building are sufficient to improve the amenity impact of the development to the residents in Artillery Mansions?</p> <p>2. Subject to 1 above, grant conditional permission subject to a S106 legal agreement to secure the following:</p>				

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- i. A replacement social and community facility with a minimum 256m2 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, including a Construction Access Plan for Artillery Mansions prior to commencement of development to ensure access is not affected during building works 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. Setting up a community liaison group;
- vii. 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.

Item No	References	Site Address	Proposal	Applicant
4.	RN NO(s) : 16/07451/FULL 16/07452/LBC West End	Claridges Hotel 47-57 Brook Street Mayfair London W1A 2JQ	Internal and external alterations including alterations to roof comprising removal of rooftop plant rooms and associated structures and construction of additional two storeys to provide 40 additional hotel bedrooms; alterations to elevations on Brook Street, Davies Street and Brook's Mews; and excavation at basement level to provide five new basement levels to provide ancillary restaurants/bars, function rooms, hotel leisure/spa facilities, ancillary and back of house spaces. (Linked to 16/07452/LBC).	
<p>Recommendation</p> <p>1. Grant conditional permission subject to the completion of a S106 agreement to secure:</p> <ul style="list-style-type: none"> a) A payment of £226,460 (index linked and payable prior to commencement of development) towards environmental improvement works to Brook's Mews or in the vicinity of the property (at the discretion of the Director of Transportation); b) Submission of details and provision of on-site public art (total value at least £200,000 excluding maintenance costs and design and commissioning fees); c) Collect a Crossrail contribution of £398,086 (less any CIL payment made) (index linked and payable prior to commencement of development); d) Secure all costs associated with the alterations to the parking bay on Brook's Mews (prior to commencement of development); and e) The costs of monitoring the S106 legal agreement. 				

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 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

2. If the S106 legal agreement has not been completed within 6 weeks of the date of this resolution, then:
- a) The Director of Planning shall consider whether the permissions can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however if not
- b. The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that 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.
3. Grant conditional listed building consent.
4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

Item No	References	Site Address	Proposal	Applicant
5.	RN NO(s) : 16/08018/FULL Marylebone High Street	Bird Street London	Installation of 5 new kiosks on the western side of Bird street and a replacement kiosk close to the junction with Oxford Street, and associated works to the highway.	
Recommendation Grant conditional permission for a temporary period of one year.				
Item No	References	Site Address	Proposal	Applicant
6.	RN NO(s) : 16/08729/FULL West End	Axtell House 23-24 Warwick Street London W1B 5NQ	Demolition of existing 4th to 6th floors and erection of new 4th to 6th floors, including provision of a roof top garden and terrace at 6th floor level all for office purpose. Relocation of plant to a 1st floor lightwell, replacement of windows to front elevation, alterations to rear elevation and new ground floor entrance.	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
7.	RN NO(s) :	The Colonnades	Variation of Conditions 16 and 17 of planning permission dated 9 October	

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16/09313/FULL (Application 1 16/09312/ADFU LL (Application 2) Bayswater	26 Porchester Road London W2 6ES	2014 (RN: 13/12442/FULL) for reconfiguration of the ground and first floors to provide a supermarket (Class A1) at part ground floor and first floor levels with three retail shop units (Class A1) and two restaurant/ cafe units (Class A3) at ground floor level, extension to Porchester Road and Bishop's Bridge Road elevations to infill existing colonnade and create entrance lobby to supermarket, infilling of basement vents to Bishop's Bridge Road, alterations to street facades, amendments to rear service yard, installation of mechanical plant and associated public realm works. NAMELY, to allow amalgamation of Units 4 and 5 facing Bishop's Bridge Road to form one retail unit for use as a mixed retail shop and restaurant use (Sui Generis) (Site also known as Unit 4, Bishop's Quarter, Bishop's Bridge Road).
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Recommendation

Application 1 (Variation of Conditions 16 and 17)

1. Grant conditional permission, subject to:
 - a) A deed of variation to ensure the continued provision of the following planning obligations that were secured with the original planning permission dated 9 October 2014:
 - i. Notice of commencement of development.
 - ii. Provision and adherence to a shop front and advertisement strategy.
 - iii. Provision of public realm improvements to all external parts of the application site.
 - iv. Provision of highway works, to include the replacement of the pavement of the public highway and reorganise street furniture and street signage in Porchester Road and Bishop's Bridge Road.
 - v. Provision, access and ongoing future maintenance of a publicly accessible disabled toilet.
 - vi. Provision, access and ongoing future maintenance of accommodation for 'recycling centre', including provision of sleeves to enclose Eurobins.
 - vii. Provision of financial contribution of £50,800 towards Crossrail prior to commencement of development.
 - viii. Provision of costs for monitoring of agreement.
2. If the S.106 planning obligation has not been completed by 17 January 2017 then:
 - a) The Director shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director is authorised to determine and issue such a decision under Delegated Powers; however, if not;
 - b) The Director shall consider whether 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 is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

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<p>Application 2 (Tables and Chairs on Forecourt)</p> <p>Approve details.</p>				
Item No	References	Site Address	Proposal	Applicant
8.	<p>RN NO(s) : 16/06894/CLEU D</p> <p>St James's</p>	<p>80 Jermyn Street London SW1Y 6JD</p>	<p>Lawful Development Certificate for a mixed use comprising retail, depository, research centre, archive library, consultancy, publishing, and conservation for historic tapestries, textile art and carpets at basement and ground level (sui generis).</p>	
<p>Recommendation Issue certificate.</p>				

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 6 th December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	Paddington Sorting & Delivery, 31 London Street, 128-142 Praed Street, London Street (partial), Winsland Mews (partial), Paddington Station Arrivals ramp and associated surrounds, London, W2 1DJ.		
Proposal	Demolition of existing buildings and mixed use redevelopment comprising a commercial cube providing up to 50,000 sqm (GEA) floorspace of office/commercial uses, retail and café/restaurant uses at lower levels and top floor level, a retail/restaurant building on Praed Street; a new major piazza including pedestrianisation of London Street, a new access road between Winsland Street and Praed Street, hard and soft landscaping, new underground station entrance and new Bakerloo Line Ticket Hall; and associated infrastructure and interface highway and transport works for underground connections, and ancillary works.		
Agent	Nia Fraser		
On behalf of	Great Western Developments Ltd.		
Registered Number	16/09050/FULL 16/09052/LBC	Date amended/ completed	19 September 2016
Date Application Received	12 September 2016		
Historic Building Grade	Grade I listed Wall located between arrivals ramp & London Street No.31 London Street unlisted building of merit.		
Conservation Area	Bayswater		

1. RECOMMENDATION

1. Grant conditional planning permission subject to the views of the Mayor of London, and subject to a S106 legal agreement to secure the following:-

1. a) Prior to commencement of development the developer to submit a schedule of works associated with the interface between Paddington Bakerloo Line and the development which must be agreed by the City Council (in consultation with TFL and LUL and Network Rail). The development must be carried out in accordance with the schedule of works agreed.

1. b) Prior to occupation of any of the buildings above ground level, the developer to carry out structural works and to construct the station box to the Bakerloo Line ticket hall and the fit out works to the unpaid side of ticket barriers including all escalators, steps and lift access from concourse level and London Street/Praed Street level, in accordance with the approved drawings, (unless otherwise agreed in writing by the City Council in consultation with TFL and LUL and Network Rail) and thereafter provide a 999 year lease at peppercorn rent to TFL/LUL for operation of the station and public access through and within the development to all public transport entrances/exits when public transport is operational.
2. The developer to pay £8.5m (index linked) towards Transport for London's delivery of fit out works (to paid side of ticket barriers) to the new Bakerloo Line ticket hall. To be paid to Transport for London on receipt of confirmation from Transport for London of their commitment to fund the remaining cost of fit out works and 3 months before the commencement of relevant fit out works.
3. The developer to meet the cost of funding the procurement, management and delivery (including all necessary consents) of the following works within Paddington Station, including namely; i) tunnels refurbishment, ii) redesign of servicing area to western end of platform 1; iii) removal and replacement of buffer stops and adjacent plant to platforms 11 & 12.
4. The developer to fund a transport study by a steering group comprising WCC, TFL, NR & Crossrail of traffic management and servicing associated with the site and in its vicinity. Including Eastbourne Terrace, Bishops Bridge (Harrow Road gyratory to Eastbourne Terrace), Praed Street (Craven Road to Norfolk Place), London Street (North), Winsland Street, Winsland Mews, Junction of London Street with South Wharf Road and proposed new road, Paddington Station Arrivals ramp. The findings of the study to be implemented in agreement with the City Council & TfL at the developers cost.
5. Developer to fund the cost of highways works immediately surrounding the site, required for the development to occur/mitigate the impact of the development.
6. Developer to submit a servicing management plan, to minimise servicing movements within the public realm, including the area of the Paddington Station Arrivals ramp, for approval by the City Council and thereafter to carry out the development in accordance with the approved plan.
7. Developer to provide and manage at their own cost all of the public realm works within the application site including associated street furniture, paving, landscaping, drainage, service diversions and thereafter maintain and manage the area including the area that is currently the Arrivals Road and allow 24 hours access for the general public via a walkways agreement to be submitted for approval.
8. Provision of vehicular and pedestrian public highway to the City Council's adoptable standard from Praed Street to Winsland Street prior to closure of London Street and thereafter with 24 hours access. Details to be agreed by the City Council.
9. Provision of or cost of relocation/replacement/upgrade of east and west bound bus stops on Praed Street to TfL satisfaction and in line with 4 above.
10. Provision of or cost of relocation/replacement of cycle docking station and provision of vehicular access to and from it to allow manual redistribution of bikes within the site to TfL satisfaction and in line with 4 above.

11. Provision of or cost of relocation/replacement and changes of on street car parking including blue badge car parking as part of 4 above
 12. Provision of or cost of relocation/replacement of motorcycle parking within the site as part of 4 above
 13. Provision of Public Art to the value of no less than £2,000,000 (index linked) and maintenance of public art thereafter at full cost to the developer.
 14. Provision and maintenance of public access to the Cube's rooftop restaurant (Class A3) and external terrace and provision of a free public viewing area (details to be agreed later) at no cost to the public.
 15. Financial contribution of £250,000 (index linked) as a payment in lieu of an on-site mini recycling facility
 16. Financial contribution of £250,000 (index linked as a payment in lieu of on-site social and community facility
 17. Employment and Training Strategy
 18. Cost of Monitoring the S106 legal agreement
- 3.If the S106 legal agreement has not been completed within 3 MONTHS from the date of the Committee's resolution then:
- a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that 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.
4. Grant conditional listed building consent and agree the reasons for granting listed building consent as set out in informative 1 of the draft decision letter.
- 5.That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway and creation of new public highway to enable this development to take place. That the Director of Planning, Executive Director of City Management , or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed if there are no unresolved objections to the draft orders. The applicant will be required to cover all costs of the Council in progressing the stopping up orders.

2. SUMMARY

Permission and associated listed building consent is sought for the redevelopment of the vacant Royal Mail site, Paddington Station arrivals ramp/road and surrounds to provide a 19 storey cube shaped building and a 2 storey Praed Street building of mixed commercial use and associated new road to replace London Street, together with the physical provision of a new London Underground Bakerloo line ticket hall and associated infrastructure and access as well as the provision of 1.3 acres of new public realm within the heart of Paddington.

This application follows two previous applications, one of which did not quite reach a decision and the other which was withdrawn by the applicant following significant opposition.

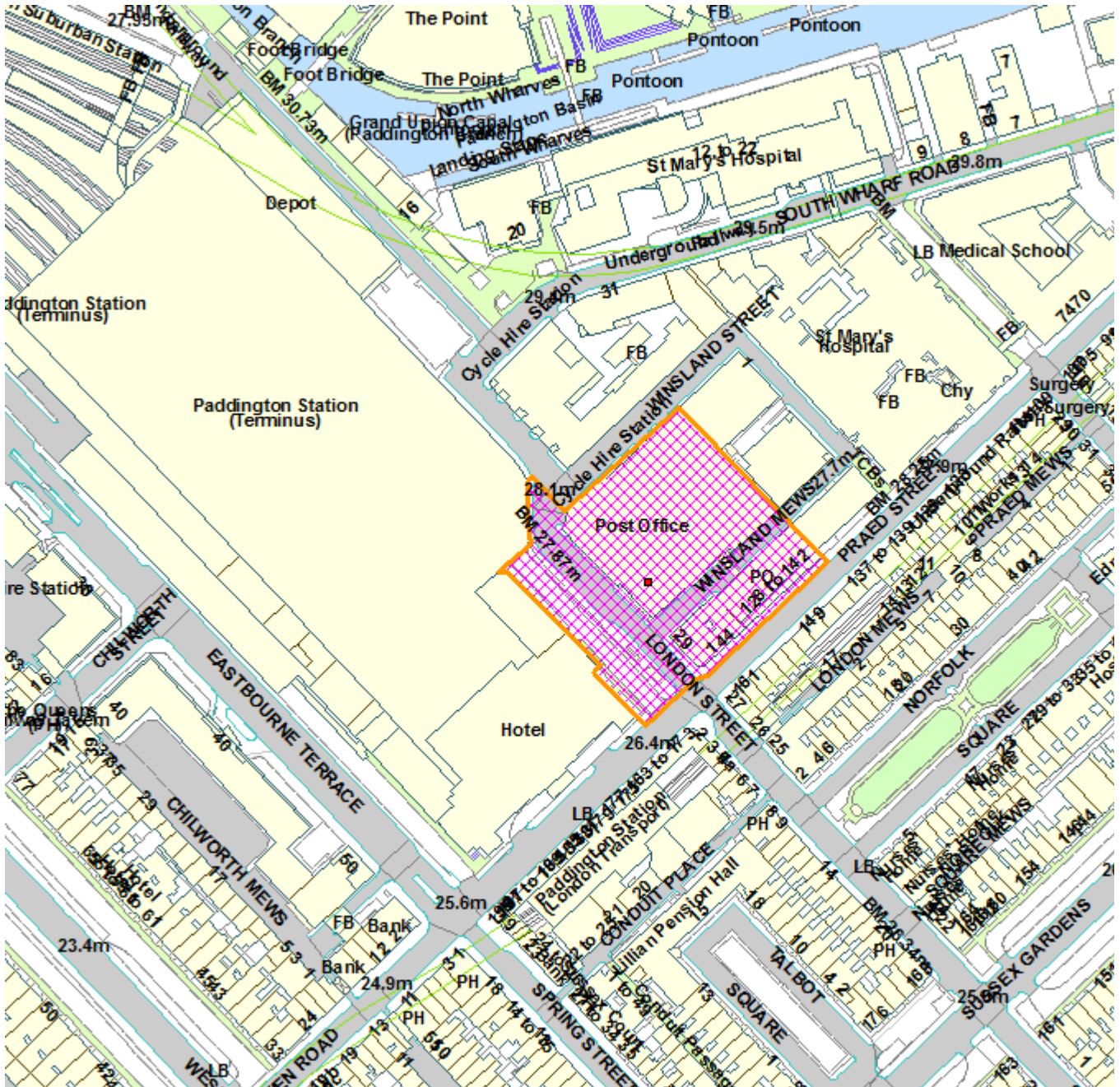
The proposal has the general support of the Mayor, Transport for London, Network Rail and London Underground Limited, on the basis that improvements to Paddington Station of this magnitude can only be delivered through redevelopment and the one off opportunity that this site and redevelopment brings. Local support comes from Councillor Alexander, the Hyde Park Estate Associations and other interested parties (residents, businesses and commuters).

In contrast, opposition of the proposal is made by Historic England, The Victorian Society, Save Britain's Heritage and local associations, Councillors Floru and Scarborough, South East Bayswater Residents Association, Bayswater Residents Association, NottingHill East Neighbourhood Forum and other interested parties (residents, businesses and commuters), principally on the impact that the proposed redevelopment would have on heritage assets, resultant from the demolition of the Royal mail sorting office building as an unlisted building of merit and the impact of the cube building on townscape including on the setting of listed buildings and the Bayswater conservation area. Associated with these objections is the view that the transport benefits proposed could be achieved without such detrimental impact upon heritage assets.

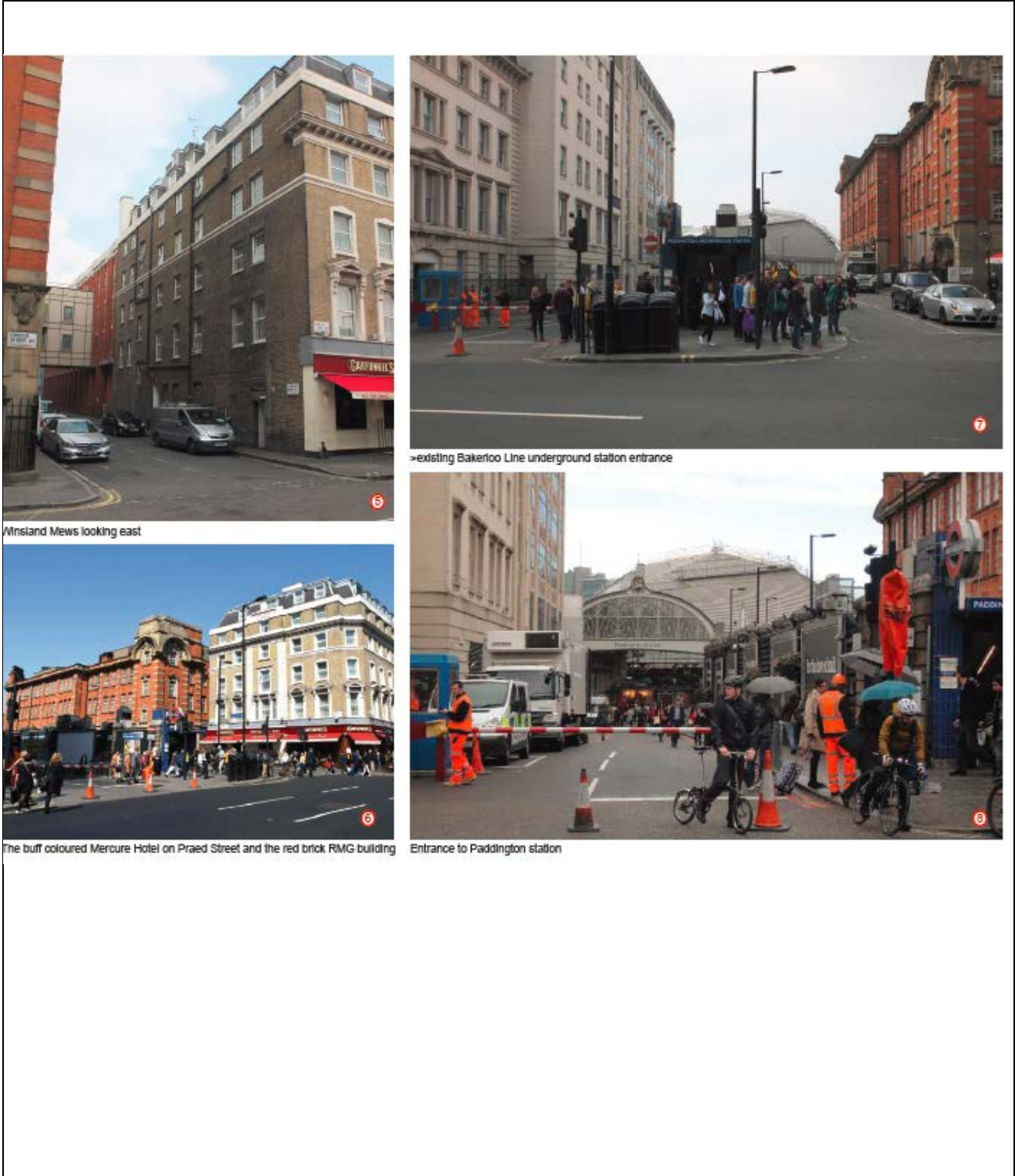
A further key objection has been raised by the London Ambulance Service and Imperial College Healthcare Trust, in relation to the potential impact of the new road (proposed to replace London Street) on ambulance journey times to St Mary's Hospital.

The proposal provides a unique opportunity to provide much needed strategic transport benefits and significant public realm improvements to Paddington and these substantial public benefits are considered to outweigh the acknowledged harm to heritage assets. Therefore, notwithstanding the objections raised, subject to appropriate conditions to provide further details and or mitigation on certain aspects of the development where necessary, together with planning obligations to be secured by way of a S106 legal agreement, the application is recommended favourably.

3. LOCATION PLAN



4. PHOTOGRAPHS



Winstan Mews looking east

->existing Bakerloo Line underground station entrance

The buff coloured Mercure Hotel on Praed Street and the red brick RMG building

Entrance to Paddington station

5. CONSULTATIONS

National Planning Casework Unit Department for Communities and Local Government
Acknowledge notification of EIA application, but have no further comment to make.

Greater London Authority

Generally acceptable in strategic planning terms. The proposed improvements to Paddington Station and the public realm are strategically vital to London and this interchange and strongly supported. The improvements to the station of this magnitude can only be delivered through the comprehensive redevelopment of this site and this is therefore a one-off opportunity to provide the additional station capacity and step free access that will be needed to support development in the area and the background growth in demand and to compliment the introduction of Crossrail services at Paddington. There remain some detailed issues that need resolution, particularly around the detailed design of the Bakerloo Station, cycle hire, bus stops and construction and regarding the new, temporary Blue Light route. TFL will continue to work with the applicant to resolve these and to ensure that any necessary clauses are incorporated into the planning or development agreements and would expect to be a signatory to the Section a106 agreement.

The principle of an office and retail led redevelopment of the site, in the Paddington Opportunity Area and within the Central Activities Zone, makes the best use of the site, and is consistent with the overall policy objectives for spatial development and regeneration, which supports London's World City status. The scheme meets the relevant guidance in relation to tall buildings and view management, demonstrating a high standard of design of architecture, materials and design that would make a positive contribution to the area and the scheme contributes to improving legibility and permeability of Paddington. Any harm to the significance of heritage assets their settings and townscape impacts, is outweighed by the significant public benefits of the scheme. Whilst consideration has been given to the accessibility and public realm requirements of this civic realm to ensure a fully inclusive scheme, further consideration would be expected at approval of condition and build out stage. The scheme exceeds carbon savings sought by the London Plan, however some minor technical details require confirmation and the strategy & sustainability measures should be secured by condition.

Historic England (HE) (Planning Application)

Objection. The proposals have a major harmful impact on the Bayswater Conservation Area because of their height, massing and design, all of which is very different from the prevailing historic and architectural character of the area. Particularly concerned about the loss of the Edwardian former Post Office Sorting Building, which has a Certificate of Immunity from listing but is locally listed and makes a positive contribution to this part of the conservation area. Whilst it is accepted that the proposals will deliver a variety of public benefits, Historic England are not convinced that these can only be achieved through the current approach rather than through a more contextual proposal that retains the most significant parts of the former Post Office Sorting Building currently on the site. Historic England is not able to support the proposals on the basis that they will cause harm to the conservation area and the settings of nearby listed buildings. The City Council should be convinced that the proposals have been clearly and convincingly justified, and the harm causes in necessary and outweighed by public benefits if minded to grant planning permission.

Historic England (Listed Building Application)

No comment. Application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Historic England (Archaeology)

The application lies in an area of archaeological interest whereby the archaeological interest of the site is primarily the 20th century Royal Mail underground railway remains under the existing basements and a 19th century reservoir which supplied the City of London. Archaeological conditions are therefore requested.

The Victorian Society

Objection. Proposal would cause substantial harm to the character and appearance of the Bayswater Conservation Area and would harm the setting of numerous listed buildings. Such a high level of harm has not been demonstrated to be strictly necessary in order to deliver the scheme's public benefits and therefore cannot be justified. Objection based on demolition of former sorting and delivery office, a locally listed building and impact of proposed cube building due to its height, architectural treatment and material on setting of listed buildings and the character and appearance of the conservation area.

Save Britain's Heritage

Objection. Proposal including demolition of unlisted building of merit and vastly oversized glass building would be in marked contrast to the characteristic of the conservation area and will cause substantial harm to designated and undesignated heritage assets in the immediate vicinity and further afield. Do not believe that the perceived public benefits outweigh the harm caused, or that they could not be delivered by a less harmful scheme. Application should be refused, but if granted would contravene significant parts of local and national planning policy and consider there to be strong grounds for it to be called in by the Secretary of State, or for judicial review. Recent and comparable legal rulings should be noted in respect of their assessment of substantial harm (Barnwell Manor, Smithfield General Market, The Strand). There are clear and convincing reasons for refusing this application, notably local and national planning policy and guidance and the objection from Historic England and numerous public objections.

Transport for London (TFL)

The application proposes a significant new area of public realm linking to a new underground station entrance and Bakerloo Line ticket hall and go beyond that previously envisaged through past planning applications, and will deliver a significant benefit to the travelling public. Due to TFL's lack of land holdings in the area, improvements to the station of this magnitude can only be delivered through a comprehensive redevelopment of this site that makes station improvements integral to its design and this planning application offers a one-off opportunity to provide the additional capacity that will be needed following the introduction of Crossrail services at Paddington. However some detailed issues need resolution, particularly around the definition of operational boundaries, fire safety, maintenance access, cycle hire, bus stops and construction. TFL expect to be a signatory to S106 agreement for this scheme.

TFL/LUL agree with the scheme proposals in principle and want to advance to design stage, but all parties acknowledge that the scheme is not far enough advanced to determine whether it meets LUL requirements completely and LUL have outlined detailed engineering design items that need to be addressed (including fire strategy) post planning permission.

The applicant is confident that all land is either owned by them or TFL or Network Rail. As such obligations have been agreed between the parties to seek the following: i) A Development agreement to agree scope and timing of works in relation to commencement ii) The developer to complete works in accordance with agreed specification and to the satisfaction of Westminster City Council, prior to occupation of development, with reference to a lease having been granted to TFL/LUL.

Network Rail (NR)

Supports the principle of the development due to i) opportunity to create enhanced entrance and setting to Grade I listed station; ii) potential creation of high quality public realm ; iii) early delivery of Bakerloo Line ticket hall and significantly improved access to it. NR can only provide a reasonable endeavours commitment to explore the possibility of reducing the use of the Arrivals Road as it remains unclear as to whether this is possible. NR still has strong reservations that significant extra capacity can be created in car park 1 and that the use of the tunnels is practical or feasible. A reduction of between 5-15% may be achievable, but would be introduced in a phased manner and subject to variables progressing, including satisfactory completion of car park 1 and tunnel works. There is a possibility that no significant reduction in the use of the arrivals road can be achieved. Important that all current deliveries using arrivals road including any predicted future increase is properly assessed post completion to ensure all measures are undertaken to ensure that it continues to operate in a safe and efficient manner for the operation of the station. A number of aspects of the station retail and retailers are impacted by the proposal and NR have been requested to change the delivery /servicing strategy of the station by requiring retailers to use the western side of the station , car park 1 and the Crossrail access, rather than the arrivals road. The effective management of the arrivals road is essential; with increased usage it will also be highly likely that that management and maintenance of car park 1 and the tunnels will be required. However the applicant has advised that they cannot fund the management in perpetuity. NR requests that the applicant is responsible for all reasonable costs for the management of arrivals road including vehicular access arrangements (via S106).

NR has discussed with the applicant the detailed arrangement required to mitigate the effects of future management (& construction) of the development and to facilitate the delivery of the following key enhancement works (fund in entirety, procure, manage and deliver; i) refurbishment of service tunnels beneath the station to provide additional route for retail and station deliveries; ii) redesign and improvement of servicing area located at the western end of Platform 1; iii) removal and replacement of the platform 11/12 buffer stops and adjacent plant to enhance passenger flows (to accommodate flows post completion of the development). NR requires a number of s106 obligations to be agreed by them as well as public realm strategy (drainage, lighting, signage, street furniture) and construction management details and temporary strategies. Suggests future project meeting/working party of all parties to discuss details to ensure that the station is operational and the arrivals road remain open 24/7.

London Underground Limited (LUL)

No comment, applicant is in communication with LUL engineers with regard to the development. Request condition is imposed to secure details of fire evacuation proposals and sustainable operations of the station system.

Crossrail (Planning Application)

The site is identified within the limits of land subject to consultation under the Safeguarding Direction and the entire site at 31 London Street is occupied by Crossrail until end of December 2018, with no provision in the Crossrail construction programme which permits shared occupation of any part of the development site during the construction works. The potential for early phased hand back (September 2017 and February-April 2018) of the site is being discussed with the applicant. Conditions and informatives requested relating to construction and concurrent method statements and concurrent method statement.

London Ambulance Service (LAS) NHS Trust

Concerns raised with respect to access route via proposed new road further east to replace the existing London Street. LAS are unable to support the access route proposed by the new road unless measures are in place to ensure the delivery of a new Winsland Street Road which is preferred. This is because it is considered that the proposed new road is worse than the existing constrained access arrangements. This is due to; increased journey times for ambulances resultant from; use of road by large vehicles servicing the hospital; concentration of parking, servicing, loading and access to Cube at the northern end of the road; two 90 degree turns in the road; capacity and functioning of servicing bay to the Cube questionable; and potential for these activities to cause congestions and delays. Also concerned about construction related impact and request that no construction traffic should be permitted to use the same route as emergency vehicles.

St Mary's hospital is one of four designated London Major Trauma units with over 30,000 patients conveyed to St Mary's Hospital during 2015/2016. St Mary's hospital provides pivotal and essential access to critical healthcare for LAS, in addition to being a designated receiving hospital during a declared major incident in the capital. Its location within a busy and constrained area with one way systems is a daily challenge. With 10-12 patients per hour conveyed to St Mary's unimpeded access is paramount. Patients conveyed to the Major Trauma unit are often accompanied by multiple emergency service resources (London Helicopter Emergency service (HEMS), Doctors and medical team, Metropolitan/British Transport police and LAS Incident Response officers).

Imperial College Healthcare NHS Trust

Objection. The proposed new road further east to replace the existing London Street would be detrimental to the hospital and would result in a worse access arrangement than currently exists. On this basis and the absence of evidence that this development and the hospital access can co-exist, the trust has no option but to object to the application. The Trust is supportive of the overall aim of regenerating the Paddington area and recognise the need for all key stakeholders to work to deliver this and has been in dialogue with the applicant since July 2016 regarding the replacement/diversion of London Street further east. The operational detriment to the hospital access is a potential risk to the long term future of the hospital to maintain its major trauma centre status. AECOM has undertaken a technical review of application on behalf of the trust. Increased journey times for ambulances resultant from; use of road by large vehicles servicing the hospital; concentration of parking, servicing, loading and access to Cube at the northern end of the road; two 90 degree turns in the road; capacity and functioning of servicing bay to the Cube questionable; and potential for these activities to cause congestions and delays. A Road safety audit should be undertaken and Praed Street junction modelled correctly, firm proposals should be sought for the bus stops on Praed Street and loss of parking fully considered.

The trust provides acute and specialist healthcare over five hospitals including St Mary's, which is one of London's four major trauma centre sites. The Trust published its clinical strategy in 2014 kick starting a programme of transportation to meet future health needs and the aim is to consolidate, renew and grow the services at St Mary's Hospital through a masterplan redevelopment scheme of its campus in phases, starting with a new outpatients building on the triangle site, for which a planning application will be submitted shortly.

Environment Agency (EA)

No comments, consider the proposal to be low risk in respect of environmental constraints. (Representation refers to correct application reference, but incorrectly refers to a EIA scoping consultation)

Thames Water (TW)

Conditions and informatives requested.

Canal & River Trust (CRT)

No comment

Natural England (NE)

No objection, unlikely to affect any statutorily protected site or landscapes. NE has not assessed this application for impacts on protected species and local authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site. Proposal may provide opportunities to incorporate features of benefit to wildlife (roosting opportunities for bats, bird nest boxes)

Designing Out Crime

The Crime prevention statement is at an adequate level and therefore acceptable.

Sport England (SE)

The proposed development is not considered to fall within SE statutory or non-statutory remit and upon which they would wish to comment, therefore no detailed response has been provided.

London Fire and Civil Defence Authority

Any response to be reported verbally

London Fire Brigade

Any response to be reported verbally

City of London Airport

Any response to be reported verbally

Heathrow Airport Safeguarding Team

Any response to be reported verbally

The Royal Parks

Any response to be reported verbally

Regents Park Conservation Area Advisory Committee

Any response to be reported verbally

Ancient Monuments Society

Any response to be reported verbally

Council for British Archaeology

Any response to be reported verbally

Design Council

Any response to be reported verbally

The Fountain Society

Any response to be reported verbally

The Georgian Group

Any response to be reported verbally

Society for the Protection of Ancient Buildings

Any response to be reported verbally

Twentieth Century Society

Any response to be reported verbally

Crown Estate Paving Commission

Any response to be reported verbally

Friends of Hyde Park & Kensington Gardens

Any response to be reported verbally

London Historic Parks and Gardens

Any response to be reported verbally

International Council on Monuments & Sites

Any response to be reported verbally

Battersea Park

Any response to be reported verbally

Belgrave Square

Any response to be reported verbally

Berkeley Square

Any response to be reported verbally

Buckingham Palace Gardens

Any response to be reported verbally

Eaton Square

Any response to be reported verbally

Eccleston Square

Any response to be reported verbally

Green Park

Any response to be reported verbally

Grosvenor Square

Any response to be reported verbally

Hyde Park

Any response to be reported verbally

Kensington Gardens

Any response to be reported verbally

Kensal Green (All Souls) Cemetery

Any response to be reported verbally

Lincoln's Inn Fields

Any response to be reported verbally

Manchester Square

Any response to be reported verbally

Portman Square

Any response to be reported verbally

Royal Hospital, Chelsea & Ranelagh Gdns

Any response to be reported verbally

St James's Park

Any response to be reported verbally

St James's Square

Any response to be reported verbally

The Gardens Trust

Any response to be reported verbally

The Temple (Inner & Middle Temple gdns)

Any response to be reported verbally

Victoria Embankment Gardens

Any response to be reported verbally

Victoria Tower Gardens

Any response to be reported verbally

Warwick Square

Any response to be reported verbally

London Rivers Association

Any response to be reported verbally

The London Society

Any response to be reported verbally

NHS Central London

Any response to be reported verbally

Westminster Primary Care Trust

Any response to be reported verbally

Metropolitan Police Service for TENs (for Licensing)

Any response to be reported verbally

Baker Street Quarter

Any response to be reported verbally

Heart of London Alliance

Any response to be reported verbally

New West End Company

Any response to be reported verbally

Victoria BID

Any response to be reported verbally

Harrow Road LARP Co-ordinator

Any response to be reported verbally

London Borough of Hammersmith and Fulham

No objection.

Royal Borough of Kensington & Chelsea

No objection

London Borough of Brent

Acknowledgement of request for formal observations

City of London

No observations in relation to this proposal.

London Borough of Lambeth

No objection

London Borough of Southwark

Acknowledgement of request for formal observations

London Borough of Tower Hamlets

No objection

London Borough of Camden

No objection

London Borough of Wandsworth

Any response to be reported verbally

All Ward Councillors:-**Councillor Alexander (Bryanston and Dorset Square Ward)**

Support. Originally sceptical, but evolution of scheme and public exhibitions now satisfied that the proposal responds to the comments and concerns of all interested parties. Street plan and traffic scheme seem to make sense given the expected footfall. Pleased that development will open the way for the long overdue regeneration of St Mary's Hospital. Appreciate lightness of proposed Cube and the spaciousness of the public realm areas which will make Paddington station a more welcoming and safer place.

Councillor Scarborough (Marylebone High Street Ward)

Objection. Agree with Historic England and others than have objected on grounds that this building does not fit in with the surrounding listed buildings and landscape. Regeneration of the area is required but there is not a coherent plan for this. Concerned about Blue light route and the access for emergency vehicles to St Mary's hospital which is of paramount importance and does not appear to have been fully resolved.

Councillor JP Floru (Hyde Park Ward)

Objection. Substandard and mediocre design, which does not comply with Westminster's design requirements. Massing is a monolithic unimaginative block and facade has nil merit. If allowed Westminster's design standards will become a laughing stock. We want landmarks not blobs. On related issues, proposal will give great public realm benefits and lift up entire neighbourhood, but it cannot be done with the mediocre design as it takes more away than it gives. Under no circumstance should the development of the site be made dependent upon any approval or agreement with the hospital, as this would be a bureaucratic nightmare which would take forever. This is separate to the traffic issue, which can no doubt be solved by Westminster traffic team.

Hyde Park Estate Association

Support. Paddington needs significant and iconic investment to enable the necessary improvements to the local infrastructure, business viability and resident opportunities that we seek. We are convinced that this development will bring a major and essential improvement to Paddington. To do this on the complex site will mean that a scheme of very significant size is going to be essential. We accept that this will inevitably mean the size of the proposed scheme will need to be large. Commercially it must also reflect the realities of the financial markets that will need to finance it - and the planning gain in transport infrastructure that it will support. Do not think that the Cube scheme will deleteriously effect or damage the importance of the Bayswater Conservation Area.

This scheme will encourage confidence in investment and has a huge national and regional importance. Residents are hugely encouraged by the many new commercial opportunities that will develop with the scheme, which will greatly enhance the amenities in Paddington.

Concerns and clarifications required with respect to i) integration of the development with intentions of the St Mary's Trust to redevelop the hospital and weakness of planning linkages between the two sites and the effect that this may have on the safe and appropriate access for ambulances and patients to the hospital during the development phase and in full operation. ii) Support the observations made by PRACT and the need for careful further review and working group on the possible changes and options in respect of traffic and road safety issues in the wider area (including bus networks, road usage, cycle and quiet highways).

Notting Hill East (Westbourne) Neighbourhood Forum

Objection. Without a policy setting out a framework the area how can any proposal be properly assessed? The documents are unreadable. If implied policy imposed would be looking for a ratio of garden/greening to building of perhaps 50%. Are we to assume repeat cubes are envisaged? Don't want such in our patch and feel the scale given the present configuration of the area. No such context for this sort of building which will look like a UFO and be unpleasant for neighbours. It is too high, by 45m or so, if it stepped back and went up it would be ok, with semi-public space on podium.

The St John's Wood Society

Comment. The significant improvements to public realm and infrastructure are appreciated as is the reduced height of the development. Query whether any affordable housing contribution is being linked to Chesterfield Lodge, the Alms Houses in St John's Wood.

The St Marylebone Society

Comment. Have discussed proposals with the applicant. Very significant improvements to public realm and infrastructure are appreciated. Committee had mixed views about the design of the cube, its bulk and the cladding design and transparency (or not) of it. Shifting London Street is ingenious and makes a much better public space.

Westminster Society

Comment. Relates to premises not in area of interest.

The Soho Society

No objection. The decrease in height of the development compared to the earlier proposal is welcomed.

Paddington Waterways & Maida Vale Society

Any response to be reported verbally

North Paddington Society

Any response to be reported verbally

South East Bayswater Residents Association (SEBRA)

Objection. Whilst scheme delivers significant public benefits (many of which are underground), these could be achieved without destruction of the existing royal mail sorting office building and without the imposition of a large and insensitive structure.

Cube is the wrong building for this location and would, due to the loss of the royal mail sorting office building and height and bulk of the proposed building, cause substantial harm to the character and appearance of the Bayswater Conservation Area as well as the setting of numerous listed buildings in the vicinity. Agree with objections raised by Historic England, The Victorian Society and Save Britain's Heritage. Would welcome a contextually appropriate development in this site, but his isn't it, the destructive effect of the Cube on the Bayswater conservation area is more devastating than the pole and would have a damaging effect on nearby buildings including listed building and royal parks. According to the UDP, there is no room for a tall building.

Concerned about access to St Mary's Hospital through the proposed new road, due to congestion in Praed Street and agree with concerns of PRACT on this and other transport issues including servicing vehicles waiting on Praed Street to access the public realm area and their use of the public realm area. Agree that a steering group should be set up to discuss various transport issues.

Any development should be planned in tandem with the proposed changed at St Mary's Hospital and permission only granted once a proper master plan has been established for the larger site.

Question whether the chairman of the planning committee has already made his mind up on the application, given recent press articles.

Bayswater Residents Association (BRA)

Objection. Application should be refused. Agree with concerns of SEBRA, The Victorian Society and Save Britain Heritage. Whilst scheme is outside of BRA area, members will be affected as the proposal will have a major impact on all residents in the Bayswater and Paddington areas.

Westbourne Neighbourhood Forum

Any response to be reported verbally

St. James's Conservation Trust

Any response to be reported verbally

Belgravia Residents Association

Any response to be reported verbally

Covent Garden Area Trust

Any response to be reported verbally

Covent Garden Community Association

Any response to be reported verbally

Fitzrovia Neighbourhood Association

Any response to be reported verbally

Grosvenor-Mayfair Residents Association

Any response to be reported verbally

Harrowby & District Residents Association

Any response to be reported verbally

Hanover Terrace Preservation Society

Any response to be reported verbally

Knightsbridge Association

Any response to be reported verbally

Leicester Square Association

Any response to be reported verbally

Marylebone Association

Any response to be reported verbally

Moreton Triangle Residents Association

Any response to be reported verbally

Oxford Street Association

Any response to be reported verbally

Pimlico FREDA

Any response to be reported verbally

Queen's Park Community Council

Any response to be reported verbally

Residents Society of Mayfair & St. James's

Any response to be reported verbally

The Regent Street Association Ltd

Any response to be reported verbally

Friends of Regents Park & Primrose Hill

Any response to be reported verbally

St Christopher's Place

Any response to be reported verbally

Thorney Island Society

Any response to be reported verbally

Paddington Residents Active Concern on Transport (PRACT)

Comment. Response covers only the transport and traffic aspects of the proposal. Normally expect public transport improvements to be financed by revenue from fare payers, not by planning gain. On this basis the planning gain would serve other users and could relate to a smaller building.

Seven key summary points raised:-

1. Improved access to the Bakerloo Line is welcome and urgently needed beneficiaries are mostly commuters and other travellers. LUL should clarify the mode for the two escalator banks and confirm fit out is funded and would be completed without delay.
2. In relation to Praed Street/London Street junction and traffic congestion, suggest kerb build out too large and will cause congestion, instead two eastbound lanes should be provided to allow a separate right turn lane, yellow boxes (to prevent taxis and private hire vehicles stopping) and measures to reduce risk of blockages and London Street should not be closed until these matters addressed. Lack of a master plan for the St Mary's Hospital is a major difficulty.
3. Concerned that Blue light vehicles may be impeded travelling east along Praed Street and turning from Winsland Street towards South Wharf Road.
4. Any separate east bound bus stops should be located closer to Paddington Station.
5. Additional motorcycle spaces (40) for the general public should be provided on or in the vicinity of the site.
6. Use of public realm space for deliveries should be controlled by wardens, restricted to daytime deliveries by authorised vehicles to the two hotels. Deliveries to the retail units within the Station should utilise alternative arrangements (via Car park at end of platform1) (works to which should be secured by legal agreement along. Preference that other night time station deliveries use Eastbourne Terrace and that incentives are given to encourage this.
7. Routes for construction vehicles should be provided and should avoid residential streets. Detailed comments on this issue and suggestion that there should be no commitment actual or implied to demolition as early as May 2017, unless there is agreement for inbound construction vehicles to use Eastbourne Terrace from the outset of demolition.

Environmental Sciences

Objection, unless measures secured by condition in respect of an Air quality mitigation abatement plan and vibration assessment from Bakerloo Line is required. Conditions recommended in relation to controlling noise from plant, operation of A3 restaurants (management plan, hours of use, servicing and deliveries, kitchen extract & control of hours of any events in the piazza (given not all events will require a licence).

Recommended condition to deal with potential land contamination (likely sources are made ground, two electrical substations) and an underground railway, asbestos)
Mitigation of construction impact required through a condition relating to WCC Code of Construction Practice for a Level 1 development including a Site Environmental Management Plan (SEMP) and Section 61 consent.

Highways Planning Manager

Acceptable, subject to conditions and informatives and obligations to be secured through a S106 legal agreement.

Projects Officer (Waste)

Objection. Development of this scale requires a mini recycling facility on site or off site in close proximity for public use or a payment in lieu for the City Council to provide facilities in the vicinity. Applicant would prefer to make a payment in lieu. However City Council would prefer the provision of the facility within the development given the nature and location of the development (transport interchange & on the go waste) to ensure as much waste is recycled.

Any provision further away is more likely to end up with more waste in general waste bins and street litter which would compromise our Clean Street policy and increase the cost to the council. The large waste store within basement 2 is large enough to accommodate all waste and recyclable material that will be generated by the development.

Energy Strategy Officer

Overall the energy strategy is fine and the target to reduce carbon emissions by at least 35% is met by energy efficient measures (even if CHP were omitted). Heating system for the development will be Combined Heat and Power (CHP) led and designed to facilitate a future connection to St Mary's Hospital site. Whilst the performance of two CHP's (this site and St Mary's hospital site) would be similar to a combined CHP system, the latter is desired because it would have the ability to include additional buildings (for greater carbon savings) and allow for wider choice of heating technologies in the future. Suggest CHP is omitted (with a cost saving of £400,000) in favour of an obligation to participate in a review of the opportunities for a heat network in the area and to connect to a wider heat network if shown to be viable. Also suggest an obligation requiring the developer to pay up to £400,000 for a connection to a heat network if this comes forward within 10 years of occupation. The sustainability strategy is fine and minimum target of BREEAM excellent is welcomed.

WCD Waste and Parks (Green Spaces)

The development is close to Norfolk Square Gardens and will add pressure on this small green space in terms of use and associated maintenance and repair. As such a financial contribution to this should be considered.

Arboricultural Officer

Tree planting within public realm is overambitious in terms of number of trees proposed. Concerned about conflict of some proposed trees with proposed glazed canopy which constrain spaces for trees to develop (single tree to Praed Street tree & three trees rear of Mercure Hotel). Green wall to Praed Street disappointing, as only climbing plant on cables and no details of irrigation and the glazed canopy over the terraced area would likely create adverse growing conditions for it. Sceptical of soil volume arrangements, with no details of sections to show how this would be arranged or definite soil depths, or below ground barriers to which would prevent soil being connected. Opportunity to utilise soil volumes below Praed Street to support nearby trees has not been taken. Artificial irrigation is proposed to the three trees to the rear of the Mercure Hotel, however all irrigation should be sustainable, paving to tree planting areas should be considered for maximum permeability to optimise tree growing conditions. Maintenance of shrub and planted areas required to avoid being a litter trap. Conditions recommended to secure; details of glazed canopy to account for tree canopies; details of a proper green wall; details of sustainable irrigation to all trees, shrubs and green wall; details of soil volumes; details of permeable paving around tree planting areas; details of suitable species, sizes, number and density of trees & shrubs.

Sport & Leisure

Any response to be reported verbally

Adult & Community Services

Any response to be reported verbally

Westminster Works

Any response to be reported verbally

Paddington Business Improvement District (Representing over 350 businesses located in the vicinity of Paddington Station).

Supports and welcomes overall application. The site is a critical one in the context of Paddington, key junction of Praed and London Street, adjacent to entrance/exit of Paddington Mainline Station and Bakerloo Underground line and is critical to the image and accessibility of Paddington. Any development will be visible to and impact on the high pedestrian and vehicular activity. This location can contribute radically to improving this part of Paddington's image and accessibility, both above and below ground, or the opportunity will be lost. This site offers best and only solution to extension of the ticket hall and improved external access to relieve congestion and improve public safety and the improved public realm and access to the station is desired, especially if improve dangerous 5 way junction. Imperative that Praed Street issues around carriageway and kerbside uses are resolved as already suffers congestion from buses and taxis and ensures that options for future improvements are keep open. The pedestrian experience (junctions, passage, crossing etc.) in the area generally requires consideration. Concerned at provision for motorcycles as some existing spaces are to be lost and there is increased demand for such parking. Propose that a sounding board is created (with PBID, TFL, HPEA, SEBRA, PWMVS and PRACT) to consider holistically known and forthcoming development and transportation issues (buses, taxis, loading, servicing) that are likely to impact on Praed Street including this application, St Mary's Hospital and 50 Eastbourne Terrace.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 4072

Total No. of replies: 196

No. of objections: 83

No. in support: 109

No. neutral/comment: 4

Objections

Design

- Cube is too high and too large for site
- Cube if a monster building
- Over dominant
- Over development
- Inappropriate scale
- Bulky glass box
- Dwarfs surrounding buildings
- Cousin of Euston Tower, resembles Kieran Timberlake's new American Embassy and Columbia University in New York which are not crystalline or floating
- Design is without architectural merit
- 1960's podium
- Generic not innovative
- Materials are abstract and modern in contrast to the surrounding buildings
- Not in keeping with the sensitive area
- No awareness of world class urban context
- No breathing space around the buildings
- No recognition of wider consent of Grade I listed station

- Inappropriate setting, height and scale
- Dominates skyline around
- Harm to heritage, loss of building, impact on conservation area
- Scale and sense of place is lost
- Loss of post office building
- Negative impact on surrounding area
- Blot on the landscape
- Carbuncle
- Public realm benefits are underground
- Mast is unnecessary, serves no practical purpose and would be hazardous to helicopters
- Reflection from glass
- Should not be seen from Kensington Gardens or Parks
- Levels and escalators inappropriate in this location

Land use

- Does not provided affordable housing for hospital and transport staff
- Does nothing for the local community
- Affordable housing is needed
- Not regenerative
- Will add nothing worthwhile to the area
- Missed opportunity to rejuvenate Paddington
- Not enough community benefit
- Soulless shopping mall
- Do not need any more office space
- Would like a boutique cinema or theatre
- Uses will obliterate local businesses

Amenity

- Loss of amenity
- Loss of sunlight
- Overshadowing
- Overshadows station
- Light pollution from glass
- Potential privacy/noise issues
- Rights to light and blocking of view from 11 Harbet Road
- Overheating of surrounding buildings
- Harm to residential integrity
- Any restriction on servicing the Hilton hotel from the piazza would be detrimental to the operation of the hotel.
- Impact on hotel guests from use of piazza (noise, lighting and disturbance)
- Impact on setting of Hilton hotel

Transport

- Impact on ambulance route for St Mary's Hospital
- Does not solve traffic congestion on Praed Street
- Traffic during construction
- Reduced quality of city scape for pedestrian and cyclists
- Transport improvements could be achieved without such harm

- Detrimental impact on traffic
- Increased traffic density
- Needs better facilities for cyclists
- Could connect with east west cycle super highway
- Foyer to Bakerloo line station unnecessary
- Detrimental impact operation Hilton Hotel which has right of access for servicing over the arrivals road and would therefore service from the public piazza.
- Conflict/safety of pedestrians and Hilton hotel servicing vehicles
- Impact on hotel during construction (transport, access, servicing, noise, vibration, heritage issues).

Other

- Missed opportunity
- Should be considered on its own merits and not compared to the pole.
- There are better options
- Outstanding issues due to complexity of site need resolving; hospital complex, transport hub, historic area, canal, water and sewerage, basement level structures and method statements; hydrology, suds, tunnels, archaeology.
- Public consultation a sham
- 450 Documents on website restricts engagement/missing documents
- Not a long term solution
- Positives do not outweigh negatives
- Merchant Square is enough
- Corporate greed
- Cube is poor substitute for the pole
- Construction vehicles should use Eastbourne Terrace and not Westbourne Terrace
- Contrary to planning policy.
- Impact on property and business of Hilton hotel
- Should generate some of its own electricity
- Pedestrians forced to walk past developer's shops and restaurants
- Crate streets completion threw up some innovative inspirational architecture
- Question pedestrian environment
- Should examine the viability report
- Planning permission is being bought
- Will add to pollution
- Comments on line fraudulently corrupted with support comments with no substance
- Lack of consultation with owner and operators of Hilton hotel

Support

Design

- Addresses problem of crowded space and messy area around the station
- Stylish
- Piazza atmosphere for commuters and visitors
- Will transform public realm
- Excellent pedestrian piazza
- Would link Paddington old and new.
- Renzo Piano is one of the great architects of our time.

Land use

- As the gateway to London from Heathrow, Paddington Station and its environs has been left behind.
- Provides strong link to transport network, excellent amenity and brings new commercial occupiers.
- Socially useful and economically beneficial
- Area long overdue for development as has been shown by Kings Cross
- Will lift area
- Increased office and shopping
- Creates more jobs
- Urgent need to improve Praed Street side of Paddington Station
- Site is critical to the improvement of the area
- Current retail is poor
- Fine examples of such as Canary Wharf and Kings Cross where redevelopment has acted as a catalyst for rejuvenation
- Brings jobs and leisure facilities
- Will become a destination for leisure and business
- Will create a vibrant mixed use destination

Amenity

- Provides more open space

Transport

- Proper entrance to Paddington Station
- Improved Bakerloo line entrance
- Better connectivity to the rail and underground stations
- Offers a solution to transport problems
- Improves local infrastructure

Other

- Consultation has been exemplary
- Having objected to the Pole, now support this
- Material benefit to the area
- Exciting
- Treat SEBRA's negative attitude with caution as is small mindedness
- Should welcome the investment
- Solution to anti-social behaviour
- Paddington entrance is a disgrace and this opens up the entrance
- Will lift image of Paddington
- Will increase time people stay in Paddington

PRESS ADVERTISEMENT / SITE NOTICE: Yes

NB/ It should be noted that consultation on this planning application was identical to that relating to the withdrawn 'Paddington Pole'.

6.0 BACKGROUND INFORMATION

6.1 The Application Site

The site comprises the former Royal Mail Group (RMG) post office building at 128-142 Praed Street and its former sorting office building to the rear, at 31 London Street, currently linked by a bridge across Winsland Mews. It also includes the section of London Street between Praed Street and Winsland Street, Arrivals Ramp/Road to Paddington Station and the wall which separates these two roads and which includes at its southern end the Praed Street entry and exit point to the Bakerloo Line ticket hall. The site is bounded by Praed Street to the south, Winsland Street to the north and parts of St Mary's Hospital to the east.

The former RMG buildings are unlisted and there is a Certificate of Immunity relating to these buildings which dates from 6 December 2013 and means that they cannot be listed for a period of five years from the date of the Certificate. The wall between London Street and Arrivals Road forms part of the grade I listed Paddington Station. All the application site lies within the Bayswater Conservation Area and the earlier phases of the former sorting office are identified as an unlisted building of merit within the conservation area.

6.2 Special site circumstances

The former sorting office building sits over a complex network of London Underground (LUL) and Royal Mail Group (RMG) tunnels. The Bakerloo Line ticket hall lies beneath London Street and the deeper Bakerloo Line tunnel runs north/south beneath London Street and passes beneath the south west corner of the application site. Even deeper below ground are the RMG's Mail Rail tunnels that form part of the underground mail distribution network that connects various sorting offices in London; these are accessed via a lift shaft from the basement of the existing building. In addition, there are a number of utilities located beneath London Street, Winsland Street and Winsland Mews.

The existing London Underground Bakerloo Line sits beneath London Street between No. 31 London Street and the access ramp into Paddington Station and the tunnels pass beneath the south west corner of No. 31 London Street. The Bakerloo Line station is already at the limits of operational capacity and is inadequate to deal with the further growth expected with crowding predicted to become severe by 2026. This application provides the opportunity to provide a new Bakerloo Line ticket hall with limited cost to TFL.

6.3 The Townscape

Within the immediate vicinity of the application site there are several listed buildings, notably the grade I listed Paddington Station, the grade II listed Hilton London Paddington (formerly the Great Western Hotel), the grade II listed Paddington Underground Station, the grade II listed Mint Wing (now part of St Mary's Hospital, but formerly a railway stables); and the grade II listed Clarence Wing of St Mary's Hospital. In addition, the Mercure Hotel at No.144 Praed Street is designated as an unlisted building of merit within the City Council's Bayswater Conservation Area Audit.

The wider townscape includes a large number of designated heritage assets, including a high volume of grade II listed terraces within the largely nineteenth century townscape of the Bayswater Conservation Area. Other conservation areas include the Hallfield Estate Conservation Area, the Westbourne Conservation Area and the Queensway Conservation Area, which lie to the west of the site; the Paddington Green Conservation Area and the Maida Vale Conservation Area, which lie to the north; the Royal Parks Conservation Area which lies to the south; and the Molyneux Street Conservation Area and the Portman Estate Conservation Area which lie to the east. Hyde Park and Kensington Gardens are both Grade 1 listed parks on Historic England's Register of Parks and Gardens. Finally, the Paddington Basin of the Grand Junction Canal lies to the north. This summary list of sites demonstrates that the application site sits amidst a townscape of high heritage value.

6.4 Land use and special policy area designations

No. 31 London Street is currently being used temporarily by Crossrail and the ground floor of the Praed Street Building is temporarily being used as exhibition space in connection with the applicant's consultation on their current proposals. The surrounding area is in mixed commercial and residential use and benefits from high levels of public transport accessibility with Paddington National Rail and Heathrow Express and Paddington Underground Stations (Bakerloo, District, Circle and Hammersmith and City Lines), and seven bus services (7,23,27,36,159, 205 and 436) and the future Cross rail link and station which give the site public transport accessibility level (ptal) rating of 6b which is the highest possible rating. There is also a taxi rank and Barclays Cycle Hire scheme nearby.

The site falls within the designated Paddington Special Policy Area and Opportunity Area (Strategic Site) and the North West Westminster Economic Development Area as well as the Mayor's Central Activities Zone (CAZ). Part of the site falls within Praed Street District Shopping Centre. The site also sits in between two designated opportunity sites; namely, St Mary's Hospital and Paddington Station of which there are planning briefs, which set out the strategic importance of this site as an opportunity to for the future expansion of the Bakerloo Line ticket hall.

The City Council's Paddington Station and Environs Planning Brief was adopted in September 2009 and was prepared in the context of development pressures focused around Paddington Station and the Crossrail works and is a material planning consideration. The brief makes specific reference to this application site "The Post Offices West London Mail Centre occupies a pivotal position between Paddington Station and St Mary's Hospital, above the Bakerloo Line ticket hall, giving it strategic transportation importance".

6.5 Relevant History

Certificate applications

Certificate of Lawful Existing Use issued on 19.01.2011 for Use of part ground floor of Block C as post office (Class A1) and the use of remainder of the site as a distribution centre (Class B8).(10/10328/CLEUD).

Applications not determined/Withdrawn

Withdrawn application on 05.02.2016 for Demolition of existing buildings and mixed use redevelopment of three new buildings including a residential tower providing between 329-349 units; commercial uses including retail, cafe/restaurant, and offices; a new major public piazza, re-profiled and re-aligned London Street, car parking and cycle parking, hard and soft landscaping, new underground station entrance, Bakerloo Line Ticket Hall and associated infrastructure and interface highway and transport works for underground and rail connections, and associated ancillary works. (EIA Application accompanied by an Environmental Statement). Site includes 31 London Street, 128-142 Praed Street, London Street, and Paddington Station Arrivals ramp and associated surrounds. (15/11219/FULL and 15/11220/LBC)

Permission resolved to be granted by Planning Applications Committee on 06.11.2012- for Retention of 1907 facade to London Street and demolition of rear buildings to allow the erection of an eight storey office (Class B1) building with ground floor retail and restaurant uses (Classes A1 and A3) and passive provision for the potential future extension of the Bakerloo Line underground ticket hall, the erection of two residential buildings seven to nine storeys in height between Winsland Street and Winsland Mews to provide 95 residential units (Class C3). Demolition of pedestrian link across Winsland Mews, conversion of building between Winsland Mews and fronting Praed Street, the erection of a roof extension, the infilling of the colonnade and re-cladding works to provide 34 residential units (Class C3) with ground floor retail and restaurant uses (Classes A1 and A3). Provision of 82 parking spaces, other associated work concerned with landscaping, servicing, plant accommodation and providing access. (11/04623/FULL & 11/04625/CAC). The S106 was to be in relation to the following:

- a) A financial contribution of £7.9m towards affordable housing in lieu of the on-site provision.
- b) The carrying out of the development with passive provision (special foundation design) to facilitate the potential expansion of the Bakerloo Line ticket hall.
- c) The cost of highways works immediately surrounding the site to facilitate the development including new or altered vehicular and pedestrian access points, reinstatement of pavement and dropped kerbs, including costs of traffic management orders etc.
- d) The cost of relocating the on-street motorcycle bays including changes to on-street restriction.
- e) 20 year Car Club Membership for each residential unit.
- f) A Servicing Management Strategy for the entire development.
- g) The cost of alterations and improvements to the bus stop and shelter outside of the site on Praed Street.
- h) The installation of a combined heat and power unit designed to allow future connection towards a decentralised energy system.

Whilst permission resolved to be granted by Planning Applications Committee on 06.11.2012- the S106 legal agreement was never completed and planning permission was consequently never issued.

Application for Retention of 1907 facade to London Street and demolition of buildings behind and associated demolition of two storey bridge link over Winsland Mews to rear of 128-142 Praed Street was no further actioned (14/11372/FULL).

Withdrawn application on 05.02.2016 for Demolition of the existing retaining wall between the station arrivals ramp and London Street and the pedestrian entrance stairs to the Bakerloo Line, along with blocking up of an existing access stair to the Bakerloo Line with the station concourse and the remodelling/resurfacing of the arrivals ramp associated with the comprehensive redevelopment proposals. (15/11220/LBC). (mistaken duplicate of 16/09052/LBC)

Temporary applications

Permission granted on 23.04.2012 for Temporary use of the building between 13 July - 14 September 2012 as a 'Staging Post' for the arrival and departure of media and technical officials in connection with the London 2012 Games. (12/00617/FULL)

Permission granted on 04.06.2013 for temporary use as a Theatre until 31 March 2014. (13/01429/FULL)

Permission granted on 04.02.2014 for temporary use as a Theatre from 1 April until 31 December 2014. (13/12869/FULL).

Permission granted on 03.11.2015 for use of ground floor of former post office building (128-142 Praed Street) from (Class A1) retail to public exhibition space (Class D1) for a temporary period of 3 years in connection with consultation on proposed redevelopment of the site. (15/07224/FULL)

Crossrail related applications

Request for approval of construction arrangements (temporary works) under Section 10(5) and paragraph 6 of Schedule 7 to the Crossrail Act (2008) (as applied by Article 18 and Schedule 6 of The Crossrail (Paddington Station Bakerloo Line Connection) Order 2014 for Road Transport, Handling of re-usable spoil and top soil, storage sites, artificial lighting, suppression of dust and mud on highway. Approval granted under schedule 7 of the Crossrail Act on 23.09.2015. (15/06222/XRCA)

EIA related applications

Request for Screening Opinion pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 in connection with the retention of 1907 facade to London Street and demolition of buildings behind and associated demolition of two storey bridge link over Winsland Mews to rear of 128-142 Praed Street. Assessed as not required on 04.12.2014. (14/11562/EIAOP).

Request for Scoping Opinion before a planning application is submitted to identify the information to be provided in an Environmental Impact Assessment, pursuant to Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, in connection with the proposed redevelopment of 31 London Street and surrounds. Issued observations on applicant's scoping report (15/10201/EIASCO).

Request for Scoping Opinion before a planning application is submitted to identify the information to be provided in an Environmental Impact Assessment, pursuant to Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, as amended 2015 in connection with the proposed redevelopment of 31 London Street and surrounds. Issued observations on applicant's scoping report (16/07283/EIASCO)

Other relevant applications/certificates

In November 2011 a Certificate of Immunity from Listing for five years was granted by English Heritage in respect of the Paddington Mail Centre and associated Mail Rail at No.31 London Street and Nos.128-142 Praed Street. Subsequently a further certificate was granted which expires on 5th December 2018.

Pending application/s

Pending planning application for permanent use of ground-floor of former post office building (128-142 Praed Street) from Class A1 retail to Class D1 (public exhibition space for the forthcoming redevelopment of the site) (16/08414/FULL)

7. THE PROPOSAL

7.1 Summary of proposal

Planning permission and listed building consent are sought for works of demolition and redevelopment. The development can be broken down into a number of key elements:-

- I. The demolition of the old Royal Mail PO and sorting Office at 31 London Street, 128-142 Praed Street (and bridge link) and the Grade II listed brick wall which sits between London Street and the arrivals ramp to Paddington Station and the existing London Underground entrance.
- II. The erection of a cube shaped building (The Cube) comprising a 14 storey cube shaped building plus 2 storey recessed roof, sitting on a 3 storey podium, below which are a further 3 lower floor levels (Paddington Station concourse, Bakerloo line ticket hall level; and a basement level below), providing a mixed use development of office, retail and restaurant uses (including rooftop restaurant and terrace) and new Bakerloo line ticket hall.
- III. The separate 2 storey building with external terrace for retail/restaurant purposes facing Praed Street and abutting the Mercure Hotel.
- IV. A new road to replace part of the existing London Street, connecting Praed Street and Winsland Street on the eastern side of the site.
- V. The provision of new public realm (1.35 acres), including a new piazza to the front of (span 4) Paddington Station.

7.2 Detailed description of proposed development

The main new building will comprise a 14 storey 'cube-shaped' office block (54.3m x 54.3m x 54.3m), sitting above a 3 storey podium, below which are 3 lower levels (Paddington Station Concourse Level; Bakerloo Line Ticket Hall Level; and a basement level below). Above the cubed office block sits a recessed two storey element comprising a rooftop restaurant with terrace and areas of plant. The height of the building will be 102.7m AOD, although a mast feature projects from the roof of the building and rises a further 42.3m, thus reaching a height of 145m AOD.

The lower three storeys (i.e. below street level of Praed Street / London Street) would extend beyond the footprint of the cube building and would provide new areas of public realm, retail activity and a major new interchange providing access to Paddington Station, the Underground network and the urban realm. The new basement level (which will also include a mezzanine floor) will contain 'back of house' facilities including plant, storage and cycle parking. The lowest publicly accessible level will be the Bakerloo Line Ticket Hall level. This will be accessed via escalators from Paddington Station Concourse level and the new ticket hall level space will contain a generous circulation space 15.5m by 56.5m (c.875m²), with retail units facing onto it on all sides. Natural light will be brought down to this level via the escalator openings and a centrally located lightwell. The circulation space will interface with a new ticket barrier line, beyond which will be new escalators and lifts to the Bakerloo Line Platforms, as well as connection to the old ticket hall area.

Above the ticket hall level will be the Paddington Station Concourse level, which because of the changing levels around the site, will include the new piazza level in front of Span 4 of Paddington Station, but will become a covered lower ground floor level towards the eastern end of the site. Like the ticket hall level below, this will have a large public circulation space, again with retail units facing onto it. Escalators from this level will link with the level below and will provide a new point of entry to the Underground network from Praed Street. Again the use of light shafts and escalator wells, will provide a visual connectivity between levels above and below.

The level identified as street level or ground level is effectively the existing Praed Street / London Street level, which, by removing the wall between London Street and Arrivals Road, will merge into a large open public space between the new Cube building and the existing hotel and station buildings. Hard and soft landscaping integrating steps and stairs will merge this level with the lower Concourse level. Large areas of open public space will also be formed in the area that is now Winsland Mews and on the site of the former Praed Street post office building. At the eastern end of the site a new road will be laid out which will connect Praed Street with Winsland Street, thus enabling the existing London Street part of the site, to become a primarily pedestrian area.

The ground and first floors of the Cube building will be predominantly retail providing a very active character to the base of the building, interfacing with the newly created public realm. The Winsland Street ground floor façade will have a more utilitarian character with the main loading bay access point located at this point.

A prominent set of escalators will rise on the west side of the Cube building and link the ground floor with the second floor of the Cube, which will be the main point of entry to the office floor space, which forms the predominant use within the Cube.

In addition to the new road and the public space, the former Praed Street facing post office building site, will be the location of a new access point into the lower levels of the development site, including access to the Underground and Paddington Station, in the form of escalator and lift entry. It is also proposed to erect a new building abutting the Mercure Hotel, which will address both Praed Street and the new public realm. This will be principally a two storey structure, with a taller element containing plant against the Mercure Hotel. The two storey-building will also feature a roof-top terrace and will be used to house retail units.

8. DETAILED CONSIDERATIONS

8.1 Land Use

This proposed mixed use development comprising office, retail and restaurant at this key strategic transport interchange, straddling Paddington Station and St Mary's Hospital opportunity sites and located within the Paddington Opportunity Area (POA), North Westminster Economic Development Area (NWEDA), Praed Street District Shopping Centre (partially) and the Mayor's Central Activities Zone (CAZ), is appropriate and complimentary in this location and meets the land use aims and objectives of our Unitary Development Plan (UDP), Westminster's City Plan (The City Plan) the London Plan, and the National Planning Policy Framework (NPPF).

A breakdown of the proposed mix of uses within the buildings is set out in the table below:-

Table 1 :- The Cube

Floor level	Use
Basement	Back of house; waste, cycle storage, plant.
Ticket hall level	Bakerloo line ticket hall & barriers Retail/Restaurant units
Concourse level	Retail/Restaurant units
Ground(street)	Retail/Restaurant units & Loading Bay to Winsland Street
1	Retail/Restaurant
2	Office entrance & Offices
3-16	Offices
17	Restaurant/External terrace/plant
18	Restaurant/plant
Roof	Photovoltaics/mast

Table 2:- Praed Street building

Level	Use
Ground (street)	Retail/Restaurant
1	Retail/Restaurant/plant
Roof	External terrace/canopy, green screen wall

8.1.1 Loss of Existing use

The Royal Mail Sorting Office and Post Office was found to be surplus to Royal Mail needs and was vacated in 2010 and the site subsequently sold. It has not therefore been used for such purposes for over 6 years. Its loss is therefore acceptable in principle in land use terms.

8.1.2 Proposed Office use

The proposal is an Office (Class B1) led scheme providing around 44,000m² (GEA) of office floor space within the Cube (over 15 floors), a significant uplift in floor space compared to the previous use of the site. The high quality, flexible floor space proposed encourages a range of offices and flexible workspaces with scope for large or small floor plates suitable for a range of future operators.

Paddington already makes a significant contribution to the office floor space and employment within Westminster and the office accommodation proposed under this application, especially the flexible large floor plates would continue this trend. It would significantly increase the office and employment opportunities and assist in making up for the loss of offices to residential within Westminster as a whole, in the recent past, which has resulted in demand outstripping supply. This new office floor space will make a significant contribution and will assist in improving low vacancy rates to enable movement and growth of businesses, a reduction in rental prices and encourage new businesses to locate in Paddington and Westminster. Occupiers will be further encouraged by the strategic transport improvements proposed and the significant improvements to public realm which collectively create an attractive location for businesses and their workers.

The Office sector is important to Paddington (as well as Westminster as a whole) as the sector accounts for over 50% of jobs in the Paddington area and within Westminster is of national and international importance. The significant increase in office floor space proposed will ensure sufficient supply for continued growth in this sector. The resultant growth in employment and jobs is welcomed.

The provision of significant office floor space in this location is supported by policies S1, S3, S12, S18, S20 of our City Plan, the London Plan and the economic objectives of the NPPF.

8.1.3 Proposed Retail /Restaurant use

The development proposes a total of 7,375m² (GEA) or 6,616m² (NIA) of Retail Class A1 and Restaurant (Class A3) floor space over four floor levels.

- I. The top 2 floors of the Cube is proposed as a restaurant (Class A3) with an external terrace and will most likely be a destination restaurant given its high level location and associated views.
- II. The street level retail is split between ground floor street level and upper street level (first floor). Within the Cube it is provided as mixed retail (Class A1) and restaurant (Class A3). The Praed Street building will also accommodate the same mix (A1/A3) over the same levels but is likely to be accommodated within smaller shop units to complement the existing character of units within Praed Street.
- III. The Concourse level is located underground at level -1, which is also Paddington Station entrance level and provides a link between Paddington Mainline Station and the proposed new London Underground Ticket Hall at level -2. The retail offer is proposed mainly as Retail (Class A1) “grab and go” style retail but with some Restaurant (Class A3) uses within a range of unit sizes, predominantly less than 250m², but with some larger units of 250-500m².
- IV. The Ticket Hall level is located underground at level -2 and the retail is located around the new entrance/exit barriers to the Bakerloo line ticket hall. Again these are proposed mainly as Retail (Class A1) “grab and go” style retail within a range of unit sizes, predominantly less than 200m², but no larger than 500m².

The introduction of a significant quantum of new retail floor space in this location particularly at a transport interchange and within special policy areas is generally acceptable in principle in land use policy terms subject to it not causing harm to the vitality and viability of the neighbouring centres.

The applicant has submitted a retail statement by Dalton Warner Davis in support of this proposal which considers the application proposals in terms of their compliance with national and local retail policies. The City Council instructed GVA Grimley to undertake an independent assessment of the retail impact of the proposed development on existing shopping provision in the area and in particular to provide advice as to whether the proposal would have any significant adverse impact on the vitality and viability of the three main shopping areas and centres in the catchment area of the development.

The findings of the independent review is that the proposed development will upgrade the retail offer in the area and provide a better transition between Paddington Station and the Praed Street district centre. Given the unique location of the proposed roof top restaurant it is more than likely to be a destination restaurant and the retail/restaurant units at ticket hall level are likely to cater to needs to travellers as a more ‘grab and go’ retail provision.

The remaining retail/restaurant provision at concourse level, ground and first floor within the Cube and within the ground and first floor Praed Street building are, due to their location likely to attract the broadest customer base (commuters, workers, residents). The applicant is seeking flexibility within these units with an allowance of a maximum 50% of the total retail/restaurant floor space (excluding the roof top restaurant to the cube) to be used for restaurant purposes.

The Praed Street district shopping centre is considered to display acceptable signs of vitality and viability and the environmental quality is functional and compromised by the busy Praed Street. The current offer, a range of A1-A5 uses, is focused around fast food restaurants. As new modern floor space in and around Paddington is more desirable, the older stock of units will have a secondary function. The Church Street District shopping area also displays acceptable signs of vitality and viability and is supported by its market. Its role and function is different to Praed Street and is predominantly aimed as meeting local day to day shopping needs. The Edgware Road District shopping area is busy and provides a predominantly specialist offer with a large number of Arabic restaurants and shisha bars, its environmental quality is also compromised by the busy Edgware Road. All three shopping areas within the vicinity of the site differ in character to one another and to the proposed retail provision within the development and all could benefit from investment into environmental improvements.

Given the nature of the existing shopping centres in the vicinity of the site compared to the scale and nature of shopping provision proposed, it is not considered that the existing shopping areas would experience any significant adverse impact on vitality or viability following from the new retail provision within the development.

Given the site's specific location, with regard to Paddington Station, District shopping centre, Paddington Opportunity Area and NWEDA, straddling two opportunity sites and within the Mayors CAZ, economic development and social regeneration are promoted and retail provision is directed to this location. For the reasons set out above, due to the location of the site and the scale, role and function of the proposed retail provision, the proposal is considered to be appropriate to the character and function of the area, would have no significant adverse impact on the vitality and viability of the existing designated shopping areas within the catchment of the site, and would serve the needs of current and future shoppers. As such the proposal satisfies policy SS4, SS5, SS6, SS11 of our UDP, S3, S12, S21 of our City Plan, the London Plan and paragraph 26 of the NPPF. A sequential retail impact assessment was not considered necessary due to proposal being specific to the Paddington Area on account of the proposed strategic transport benefits.

Notwithstanding GVA Grimleys independent conclusions as set out above, they have advised that the applicant should for the avoidance of doubt provide a supplementary clear statement of compliance with the NPPF (paragraph 26) in relation to whether the proposal could undermine the delivery of the retail provision at WestEnd Green. The applicant has subsequently provided this. Furthermore they recommend that the City Council consider a number of conditions to restrict the type, size and quantum split of A1/A3 floor space, to seek the provision of a supermarket and to seek financial contributions towards environmental improvements to the three existing district shopping centres within the vicinity of the site.

It is considered appropriate and necessary to restrict the rooftop restaurant to that use only and to restrict the maximum restaurant (Class A3) floor space within the development (excluding the rooftop restaurant) to 50%.

However whilst GVA Grimley recommend a restriction on the type of retail uses to A1 and A3 only to provide a level of protection to the existing Praed Street shopping centre, this is considered to be overly restrictive, as is the suggestion of controlling unit sizes throughout the development.

In addition, whilst they suggest that there may be merit in seeking a major food store within the development in order to meet a gap in the retail offer of Praed Street. Given the existence of Tesco Metro to the east, and Sainsbury and Marks and Spencer food stores within Paddington Station, it is not considered appropriate or necessary to secure a major food store by condition, but to let the market dictate the need for this.

Conditions are recommended to limit the quantum of A3 floor space, restrict the rooftop restaurant for such use and to require details of an operational management plan for the retail and restaurant uses. Subject to these the proposed retail and restaurant uses satisfy policies S3, S12, S18, S21 and S24 of our City Plan.

8.1.4 Mixed use policy & requirement for residential floor space

Policy S1 of our City Plan requires large office development of this size within the Paddington Opportunity Area to include residential floor space (on a cascade basis; on site, off site, by mixed use credits or as a payment in lieu of the residential floor space) in order to meet the City Council's mixed use objectives. The proposal would provide a net increase in office floor space of more than 50% of the existing building and would normally trigger a requirement for residential floor space or a payment in lieu of around £60m. However policy S3 of our City Plan which specifically relates to the Paddington Opportunity Area, states that within the opportunity area, the requirement for residential floor space as part of new commercial development may be applied more flexibly where the City Council considers this to be necessary in order to deliver substantial planned transport and or public realm improvements and are also of benefit to the local community.

The Paddington Opportunity area provides a significant opportunity for large scale regeneration and has emerging importance as an office location within London as the most appropriate location for large- floor plate office space. Whilst the delivery of residential floor space would help balance the mix of uses in the area, in the case of this particular site, due to its proximity and relationship with Paddington Station and London Underground, there is a unique opportunity to provide significant transport infrastructure in the form of a new Bakerloo line ticket hall as well as the provision of significant public realm as part of an holistic approach to the development of this site, in this unique location. Given the cost of providing the strategic transport benefits and public realm and the viability of the development which has been independently verified, it is considered that there are good reasons in this particular case in which to apply this mixed use policy flexibly and not to require residential floor space either physically or as a payment in lieu.

The St John's Wood Society and some third parties have questioned why the development does not include the provision of residential accommodation. However as set out above, the absence of residential accommodation has been justified in accordance with the relevant planning policy.

8.1.5 Social and community facilities

Given the location, scale and nature of the proposed development, new social and community facilities are encouraged under policies SOC1, SOC2 and SOC8 of our UDP and S34 of our City Plan to support the economic and social regeneration of the area.

Notwithstanding the applicant's consideration that the provision of proposed public realm and public access to the Cube's rooftop terrace are significant public benefits, they are offering a financial contribution of £250,000 towards new social and community facilities or funding towards existing facilities in lieu of on-site facilities. Furthermore they suggest that this could be directed towards local policing or the Paddington Community and Infrastructure Fund. The City Council is not aware of this fund, although there is the Paddington Social and Community Fund which it is proposed to direct the contribution to. Other funds in the location are PATS and PATEMS which are already addressed by the proposed transport study to be secured and the proposal itself

With regard to provision of childcare facilities, which are also sought as part of large office and retail developments, no such provision is proposed by the applicant on the basis that there are sufficient public and private facilities within a 1km catchment area of the site.

The provision of Public toilets are also sought in such schemes as this, however given the proximity of facilities within Paddington Station, which have recently been extended and upgrade, the absence of this provision is considered acceptable.

Given the viability of the scheme, and for the reasons detailed above, it is considered that the absence of these social and community facilities is justified in this particular case in light of relevant planning policy.

8.1.6 Economic benefits

The City Council's City Plan reflects the requirements to encourage sustainable economic development set out in this document and the recommendation is in accordance with the City Plan.

The applicant has submitted an economic assessment of the proposed development by Volterra, in support of the application. The conclusions of this report indicate that taking into account, direct and indirect employment opportunities during construction and once operational it is anticipated that the development will support over 4,000 additional jobs (Full Time Equivalent) across a range of sectors including office, retail, restaurant and support services. In addition, construction workers are expected to spend £1.2m per annum in the locality with permanent workers in the region of £5.8m per annum and £350m Gross Domestic Produce (GDP). Improvements to the Public Realm and strategic public transport is also likely to attract further investment into the area and aid the future growth of Paddington. Overall the proposal is considered to have significant positive economic impacts and meets the economic objectives of policies S3 and S12 of our City Plan.

The proposal will also contribute towards initiatives that provide employment, training and skills for local residents and this would be secured within the S106 legal agreement in accordance with policies S12 and S19 of our City Plan.

8.2 Strategic Transport

The existing London Underground Bakerloo Line sits beneath London Street between No. 31 London Street and the access ramp into Paddington Station and the tunnels pass beneath the south west corner of No. 31 London Street. Expansion of the Bakerloo Line facilities is a challenge as the existing ticket hall is physically constrained on all sides by operational rail infrastructure and existing buildings including listed buildings and main roads.

This site provides a unique opportunity to deliver the ticket hall improvements and following consultation it is clear from the representations received from all parties including the Greater London Authority, Transport for London, South East Bayswater Residents Association, Hyde Park Estate Association, Paddington Residents Active Concern on Transport and Paddington Business Improvement District among others that there is considerable support for the principle of providing the new Bakerloo Line ticket hall (notwithstanding objections to other aspects of the proposal). The proposed strategic transport improvements are supported in general and by policies S3, S43 of our City Plan.

The provision is also supported by The Paddington Station and Environs Supplementary Planning Document which references the site as of strategic transport importance and para 41 of the National Planning Policy Framework (NPPF) which states “Local Planning Authorities should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice.”

The following sets out the key development plan policies and material considerations in relation to this issue. There are very general policies relating to strategic transport infrastructure, but no specific policies within the UDP, City Plan or London Plan relating to this particular site. Westminster City Council’s ‘Paddington Station and Environs Planning Brief’ and ‘London Underground Paddington Bakerloo Line - Station capacity performance and the case for future upgrade’, do, however, make reference to this specific site.

The Town and Country Planning Act

Section 54A of the Act requires the City Council to determine planning applications in accordance with the Development Plan and any other material considerations.

City of Westminster Unitary Development Plan adopted January 2007

Policy TRANS5: Surface, Underground Railways and Trams aims to maintain and improve the quality, reliability and accessibility of rail transport. Part (A) states:- “The City Council will encourage and support improvements to the main line rail termini, Underground stations and associated interchange facilities, including improved access to and capacity of stations and interchanges. The Council will co-operate with the Department for Transport, National Rail, Transport for London, London Underground and other appropriate authorities in any studies undertaken with a view to improving such facilities and may seek to undertake such studies through agreements with developers”.

Paddington Station is identified as a key opportunity site for transport interchange, office, hotel and residential use.

City Plan

Policy S43- Major Transport Infrastructure states that the Council will support and promote improvements to transport infrastructure, including the public realm and servicing improvements necessary to mitigate the impacts of increased passenger numbers and integrate the infrastructure into the city and broader impacts of those Central London networks that impact on Westminster including Crossrail, including new stations at Paddington..., improvements to stations, prioritising access for all, reducing pedestrian congestion within and around the station and providing a safe, convenient and attractive environment, including Paddington and improvements to the public realm among other improvements.

The Paddington Station and Environs Planning Brief Supplementary Planning Document, adopted September 2009.

The brief was prepared in the context of development pressures around Paddington Station and in particular the Crossrail proposals. It states that the Post Office site has now been included in this Brief, given its capability of providing a strategic solution to Paddington Station, in the form of a new Bakerloo Line station. It goes on to state that the Post Office site occupies a key, pivotal position between Paddington Station and St Marys Hospital, above the Bakerloo Line ticket hall, giving it strategic transportation importance. Further, it states that any development of the Post Office site would have to be co-ordinated with proposals for Paddington Station, particularly in so far as the physical relationships, particularly at basement level, tie the sites (including Crossrail) together. Furthermore, it may, subject to precise proposals and agreement with LUL and Network Rail on the viability of the public transport benefits proposed, be appropriate to flex UDP policies.

The London Plan

Paddington is identified as an Opportunity Area and a major strategic transport hub in the London Plan.

Policy 6.2- Providing public transport capacity and safeguarding land for transport.

This states that the Mayor will work with strategic partners to: improve the integration, reliability, quality, accessibility, frequency, attractiveness and environmental performance of the public transport system. Co-ordinate measures to ensure that the transport network, now and in the future, is as safe and secure as reasonably practicable. Increase the capacity of public transport in London over the Plan period by securing funding for and implementing schemes and improvements. It goes on to state that development proposals that do not provide adequate safeguarding for the schemes should be refused. The Paddington Bakerloo Line ticket hall expansion is not explicitly referred to.

London Underground Paddington Bakerloo Line - Station capacity performance and the case for future upgrade December 2010.

This states that London Underground are concerned that the current Bakerloo Line station infrastructure is already at the limits of occupational capacity and is inadequate to deal with the further growth anticipated including that created by Crossrail.

The report highlights how passive provision (safeguarding) at Royal Mail Group site has the potential opportunity to significantly reduce future cost and construction impact of the capacity enhancement works and that London Underground consider the site as key to unlocking the expansion of the Bakerloo Line.

8.3 Public Realm

8.3.1 Details of public realm

The new development will have a transformational impact upon the townscape, the public realm and the setting to Paddington Station. The level identified as street level or ground level is effectively the existing Praed Street / London Street level, which, by removing the wall between London Street and Arrivals Road, will merge into a large open public space between the new Cube building and the existing hotel and station buildings. Hard and soft landscaping integrating steps and stairs will merge this level with the lower Concourse level.

Large areas of open public space will also be formed in the area that is now Winsland Mews and on the site of the former Praed Street post office building. At the eastern end of the site a new road will be laid out which will connect Praed Street with Winsland Street, thus enabling the existing London Street part of the site, to become a primarily pedestrian area.

The new public realm associated with these new buildings will be substantial, with the existing levels of Praed Street and Paddington Station Concourse level merging with the space around the new buildings. The intention of the scheme is to create a far more permeable, fully accessible and safe environment for pedestrians, which is more easily navigable and significantly improves circulation and way-finding in the immediate vicinity of Paddington Station. The current layout of Arrivals Road, London Street and the existing pedestrian/passenger experience is clearly inadequate and of low townscape quality – thus there is certainly considerable scope for enhancement.

The surfacing to this new space is to have a high quality palette of materials, currently proposed to be principally an English Pennine Stone. The new space will incorporate informal seating, in the form of stepped changes to levels; areas for tables and chairs associated with the new retail space; new lighting, tree planting, cycle parking and public art. Resolving drainage issues is a particularly important matter and the design intention is to fully incorporate drainage into the design effect.

The public realm would provide suitable microclimatic conditions all year round for its intended use and associated activities, with satisfactory pedestrian wind comfort levels and exposure to sunlight, both of which are of great important to the ambience of public realm spaces.

As a major railway interchange with high volumes of people using this area, there is a need to incorporate counter-terrorism measures into the scheme and one of these, at present, is the introduction of a bollard line on the south side of the site running between the Hilton Hotel and the Mercure Hotel. Other bollards lines will be introduced near the opening into Span 4, towards the western end of Winsland Street and in the south-east corner of the site around the new public realm formed by the newly created street.

However a tension between the creation of this new public realm and the formation of these security bollard lines will be a requirement to allow service vehicle access to service the Hilton Hotel, Paddington Station and the Mercure Hotel.

While the need to allow servicing access and indeed emergency access would appear to be unavoidable, this will create some conflict with an area which has been designed to prioritise pedestrian movement. Resolution of how the space and servicing within it are managed will be critical to the success of this new public realm.

With respect to the servicing associated with Paddington Station, the applicant has agreed to fund the cost of works to the station to facilitate the potential reduction in servicing activities associated with the station, that take place within the public realm area. This includes refurbishment of existing tunnels, the redesign of servicing area to western end of platform 1 and the replacement of buffer stops and adjacent plant to platforms 11 & 12. Network Rail has indicated that these works would have the potential to reduce vehicle movements in the area by between 5-15%.

The proposed public realm has been designed to incorporate soft landscaping in the form of trees and shrubs. The proposed landscaping design shows the following:-

- I) Informal group of seven trees adjacent to the proposed steps
- II) Informal group of six trees at the corner of Winsland Street and London Street.
- III) A single tree for the small area of open space adjacent to the escalator access to the underground on Praed Street with the potential of becoming a townscape feature.
- IV) Three trees are proposed at the rear of the Mercure Hotel
- V) Shrub/hedge planting to the proposed steps
- VI) Vertical greening to the roof of the Praed Street building adjacent to wall on the north east façade of the Mercure Hotel.

The proposed landscaping design is considered sensible to soften and define the public spaces; however there are a number of detailed practical matters that require further consideration. These include; potential conflict with canopies; soil volumes, permeable paving design around trees; sustainable irrigation and maintenance and species, sizes and density of trees and shrubs as well. It is recommended that these details are secured by condition in order to secure the best possible conditions for optimum good quality and appropriate soft landscaping for this important public realm.

Natural England has suggested that there is potential for bird and bat boxes to be incorporated into the scheme to encourage wildlife due to the increase in soft landscaping and this is proposed to be secured by condition.

Public art which can play a valuable role in enlivening the appearance of the physical environment is proposed within the development in accordance with Policy DES7 of our UDP which states that “the provision of public artwork, including sculpture, statuary and mural decoration will be encouraged where permission is sought for suitable schemes of development or redevelopment.” The strategy scope is to enhance the public realm through art. The scope includes the potential for different types of art, including static sculptural or 3D pieces that could be integrated into the fabric or elements of the buildings as well as light or sound based works.

These could include installations to retaining walls/escalator soffits, within paving, bespoke railings/screens. The applicant has confirmed that public art will be provided to the value of £2m which is considered to be appropriate for the scale of the development and the provision of new significant public realm. Full details will need to be required by condition and secured in a S106 legal agreement.

The provision of public realm, incorporating public art, green infrastructure and potential for biodiversity, and the improved physical connections it creates, meets the objectives of policies DES7, ENV4, ENV15, ENV16, EN17 of our UDP and S3, S12, S35, S38, S41, S43 of our City Plan.

8.4 Townscape and Design

8.4.1 Legislation and Policy

The relevant legislation, policy and guidance which apply to a proposal of this nature are extensive and a detailed description has been provided within the applicant's Environmental Statement (volume 3, appendix 5), but it is considered worthwhile to re-state some of the key legislative requirements; and some of the key policies and guidance:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 66 of the same Act indicates that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72 of the same Act indicates that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

In terms of the NPPF the key considerations are addressed in Chapter 12 with paragraphs 133 and 134 specifically addressing the issues of harm to designated heritage assets.

Policy S3 Paddington Opportunity Area - The site lies within the Paddington Opportunity Area and paragraph 3.14 of this policy states:

"Evidence indicates that there is very limited potential for the location of tall buildings within the Opportunity Area". The Opportunity Area has scope for the development of medium height large floorplate buildings in keeping with the larger buildings in the surrounding townscape. Permission has been granted for one significantly higher tall building of exceptional quality on Harrow Road between North Wharf Road and Harbet Road to act as a landmark for the Opportunity Area."

(ii – The High Building Study 2000)

The Reasoned Justification to the policy states:

“The redevelopment of sites in the Paddington Opportunity Area has established a general height and scale for new buildings reflecting that of the higher buildings in the surrounding area. The location identified for the tall building set out in the policy allows for the creation of a landmark building but without harm to the character of the surrounding townscape.”

This policy also seeks to provide: a range of office floor space; other uses to support the economic and social regeneration of the area; public transport and interchange improvements; public realm improvements; and new public open space.

Policies S25 and S28 of our City Plan are strategic policies which recognise the importance of Westminster’s historic townscape and the need to conserve it, and require exemplary standards of sustainable and inclusive urban design and architecture.

Policy DES1 of our UDP sets out principles of urban design and conservation to ensure the highest quality in the form and quality of new developments in order to preserve or enhance the townscape of Westminster.

DES 3 of the UDP relates to High Buildings and seeks to protect and enhance Westminster’s townscape, historic character and skyline.

DES 4 of the UDP sets out criteria to ensure the highest quality of new development in order to preserve or enhance Westminster’s townscape. The policy sets out considerations whereby new infill developments must have due regard to the prevailing character and quality of the surrounding townscape, particularly in conservation areas and conforms to or reflects urban design characteristics such as building lines, storey heights, massing, roof profiles and silhouettes of adjoining buildings, distinctive forms or architectural detailing prevalent in the local area, existence of set piece or significant building groups.

Policy DES 7 of the UDP seeks to ensure the highest standards of design in all townscape details, including encouraging the provision of public artwork for suitable schemes of redevelopment.

Policy DES 9 of the UDP aims to preserve or enhance the character or appearance of conservation areas and their settings and indicates that unlisted buildings of merit will enjoy a general presumption against demolition, but that demolition may be permitted if the proposed development will result in an enhancement of the conservation area’s overall character or appearance. This policy also seeks to protect the setting of conservation areas.

Policy DES 10 of the UDP seeks to ensure that planning permission is not granted for proposals which have an adverse impact on the setting of listed buildings.

Policy DES 12 of our UDP seeks to protect the integrity and appearance of Parks, Gardens and Squares. This includes protecting existing views out from parks.

Finally policy DES 15 seeks to protect Metropolitan and Local Views, and indicates that permission will not be granted for developments which would have an adverse impact upon important views of listed buildings, landmark buildings, important groups of buildings, monuments and statues, parks, squares and gardens, the Grand Union and Regent's Canal and the River Thames.

8.4.2 Demolition

One of the most direct impacts of the proposal will be the demolition of the former RMG buildings on the site and of the listed wall between London Street and Arrivals Road. In terms of the RMG buildings it is the loss of the 1907 Edwardian Baroque extension, designed by Jasper Wager, which is of greatest impact, with the remains of the earlier 1892 building being only fragmentary, and the remainder of the site including the building facing onto Praed Street dating from the 1980s and of no architectural merit. The Bayswater Conservation Area was extended in 2010 to include Paddington Station and the area to its east between Praed Street and South Wharf Road – thus including the application site and many of the earlier buildings that form part of St Mary's Hospital. The addendum audit for this extension identified the 1907 facade as an unlisted building of merit.

The notification report undertaken by English Heritage (now Historic England) which formed the basis for issuing a Certificate of Immunity from listing sets out why the building is not considered to be of listable quality, but also acknowledges that the 1907 façade is the most interesting part of the complex and worthy of inclusion within a conservation area. It is considered that the Edwardian Baroque façade does make a positive contribution to the conservation area and the townscape, as well as forming a component part of the area's railway history, with its use and form directly influenced by the presence of Paddington Station and thus it also contributes to the setting of the station.

The loss of the 1907 building will result in harm to the conservation area, eroding its historic and architectural interest, and also harm to the setting of the grade I listed Paddington Station. The degree of harm to these designated heritage assets is considered to be less than substantial, as the significance of the designated assets will to a large extent be retained. In these circumstances the NPPF at paragraph 134 requires that the harm should be weighed against the public benefits of the proposal. Similarly policy DES 9 of our UDP indicates that permission may be granted if the design quality of the proposed development results in an enhancement to a conservation area's overall character or appearance. The demolition of the 1980s part of the RMG buildings, including the building which faces onto Praed Street, is considered to be a potentially positive outcome. These 1980s part of the site are considered to make no positive contribution and their redevelopment offers the opportunity for significant enhancement.

With respect to the listed wall between London Street and Arrivals Road, this is listed as a curtilage structure which is also attached to the main station building. While a wall in this position has been here since the mid-nineteenth century, it is believed that the current wall was built in the early twentieth century, at the time that Span 4 was being constructed, c1914-16. The entry point into the Bakerloo Line is probably contemporary with the wall. The wall is considered to be a relatively utilitarian structure and the Underground entrance has been rather unsympathetically altered over the years. The loss of the wall and Underground entrance would result in a small degree of harm in terms of a loss of historic

fabric, but this harm would be in the category of less than substantial and the demolition of the Grade 1 listed wall has not brought about objection from Historic England.

Nevertheless, given the statutory duty, any harm to designated heritage assets carries considerable importance and weight, and it is against such harm that the merits of the redevelopment scheme, including its public benefits, must be balanced.

8.4.3 Proposed buildings

The Cube

In terms of the detailed design of the main Cube Building, the typical office facades (which will form the principal building material) will comprise a double-skin of glazing with a 450mm space between the two layers of glass. The inner layer of glazing will be on a 1.5m grid and will incorporate two sets of blinds (one internal and one on the external face of the inner skin) to allow some internal control of sunlight, but also the outer blinds are designed to be automatically controlled so that all blinds within each façade are raised or lowered at the same time, thus controlling light and sun levels into the building, as well as light from the building. The outer/external skin of glazing will be set out on a 750mm grid of narrow vertical aluminium mullions, which will project approximately 50mm in front of the glazing. The two skins will be connected by aluminium brackets and there will be a metal grate at each floor level, which effectively extrudes the line of the floor to the outer skin.

The outer skin of glass will be single-glazed and feature solar-control qualities as well as reflectivity qualities. The design intention is not to provide a mirror effect to the glass, but for an even reflective quality to be produced. The corners of the Cube will be detailed in a different fashion and will feature curved glass winter gardens, without the outer skin of glazing. These have the effect of defining and lightening the corners, and creating the appearance of the faces of the Cube floating, without touching one another.

The three storey base to the Cube containing the facades to the retail units and the office lobby areas, will be set back from the Cube above and will also be fully glazed and based on the 1.5m grid, featuring fins which will project approximately 400mm from the façade. Set at approximately the height of the upper retail floor ceiling i.e. approximately 8.8m above ground level, will be a substantial glass canopy, which will project from the façade of the 3 storey base by between 6m and 14m on all four sides of the building. The canopy will contain silk screened glazing on a steel frame supported by hangers. The canopy will drain back to a gutter by the façade. The primary purpose of the canopy is to ensure that the microclimate in the immediate vicinity of the development is comfortable.

The top two floors of the building which sit above the Cube and are set back from its edges, will contain a restaurant and plant. This top to the building will be set back over 9m from the façade below to the south and west-facing elevations, and will have a reduced set back of 4.4m on the north and east side. Where there is a greater set-back a rooftop terrace is proposed which will be contained by a glass balustrade and will include intermittent glass screens to reduce wind impacts at this height. It is also recommended that provision of a public viewing platform as an external terrace and or projecting glass box/structure to roof top restaurant to Cube building be secured by condition.

The restaurant is accessed by two feature lifts which rise externally on the west-façade. The lift shaft will be clad in low iron transparent glass, and the lift cars would be solid metal boxes, with one glazed side facing westward. The glass roof of the restaurant will

cantilever over its facades, providing a lid to this top storey and also referencing the glass facades of the Cube with their 'floating' edges. The top of the glass roof will feature photovoltaic cells, which will also provide a degree of shading.

Rising from the centre of the roof and extending a further 42.3m into the sky will be a mast feature. Constructed in a composite material the intention is for this to be a lightweight feature, tapering to a fin point, which will be capable of gently flexing in the wind.

The stated intention of the mast by the applicants is that it forms both a sculptural piece, articulating the roof and also as a way finding element "subtly announcing the presence of the Paddington Quarter from afar".

In the centre of the roof will be sited a building maintenance unit, which will allow access to the facades for cleaning/maintenance. When not in use this is recessed within a garage zone to the upper level of the roof, and thus will only be visible when in operation.

Praed Street building

The two storey Praed Street building will also be framed on a 750mm grid, to reference the Cube building, but the outer fins of this grid will be a thicker Portland Stone fin fixed to an external frame. A taller plant element of this building, running against the flank wall of the Mercure Hotel will be clad in Portland Stone, as will a planted screen wall also against the flank of the Mercure. The rooftop terrace of this small building will be covered by a glazed canopy roof, again featuring a silk screen treatment.

8.4.4 Impact of the Development on Heritage Assets and Townscape

The nature and scale of the development proposal, will result in the loss of heritage assets and will introduce a major change to the townscape. The new Cube building will be visible from a large number of vantage points, including designated heritage assets (conservation areas and Royal Parks) and will have a direct impact upon the setting of a large number of designated heritage assets (listed buildings, conservation areas and Royal Parks). The applicants have produced a detailed 'Heritage, Townscape and Visual Assessment' (Environmental Statement, Volume 3), including a series of 52 Accurate Visual Representations (AVRs) and the following paragraphs set out the main impacts of the development, considering them on an individual basis and cumulatively. It should be noted that the Townscape and Visual Impact Assessment that has been undertaken is unlikely to have captured and assessed every receptor point and so too in this report, is it acknowledged that a review of the impact on every element of townscape is not possible and in many cases not appropriate, as it would give rise to considerable repetition. It is thus intended to review the main impacts in detail and to summarise wider and replicating impacts. Two tables are also provided as an appendix to this report setting out the applicant's assessment of impacts and officers' commentary on this assessment.

8.4.5 The Bayswater Conservation Area and Nearby Listed Buildings

Aside from the demolition of the existing buildings/structures on the site, the replacement development will have a major impact on the character and appearance of the Bayswater Conservation Area.

The scale and detailed design of the Cube building will mean that it will be seen from many vantage points within the conservation area (AVRs 14, 16-26, 28, 30, 42-47 and 50-51 are the views which have been assessed within the applicant's impact assessment).

The size and height of the new Cube building will sharply contrast with the prevailing scale and character of the Bayswater Conservation Area. A large part of this conservation area contains townscape which dates from the nineteenth century, is primarily residential in character and reaches a maximum height of around ground plus 5 upper storeys. There are of course exceptions to this such as the residential tower blocks at 25 Porchester Place and Quadrangle Tower (both approximately 22 storeys), which have resulted in dramatic changes of scale in places. The part of the conservation area where the application site is located can be considered as having its own distinct character, in the sense that the buildings are generally of a larger scale and occupying larger building plots and have more of an institutional/commercial character, including Paddington Station and parts of St Mary's Hospital.

Probably for the most part, the new building will not be seen from within the conservation area, because of the relatively tight urban grid (eg. AVR 14), however, on some alignments and from non-street level views there will be a large number of cases where it will be seen. Examples of this are AVRs 18, 20, 21, 22, 26, 44-47 and 51, where the new building will be seen in direct contrast with the older, historic townscape. While the proposed development delivers many substantial benefits (discussed elsewhere in the report), the applicant's conclusion that the proposal will enhance local townscape character and cause no harm to the character and appearance of the conservation area but rather will be beneficial is not accepted.

In the views identified, which serve to illustrate the impact, it is considered that the proposed new Cube building does not complement or resonate with the prevailing character and appearance of the conservation area, but instead markedly contrasts with it. Some of the concerns expressed by Historic England (letter of 4 October 2016) are shared and it is considered that the proposal will have a harmful impact upon the character and appearance of the Bayswater Conservation Area, by virtue of its height, massing and design.

Also within the Bayswater Conservation Area are a large number of listed buildings and the applicant's impact assessment has focussed on 7 of the closest listed buildings to the site and considered the impact of the proposal on the setting of these listed buildings. The setting of a listed building is essentially the surroundings in which the building can be experienced and can include elements which are both positive and negative in their contribution to the significance of the asset. In the case of the proposed development it is considered that the proposal affects the setting of listed buildings in different ways, ranging from beneficial to harmful. An example of a harmful impact on setting would be the relationship of the new Cube building to the grade II Hilton London Paddington (formerly the Great Western Hotel). The listed hotel, built between 1851-3 to designs by P C Hardwick, forms a frontispiece to Paddington Station and its Praed Street façade, with prominent corner towers silhouetted against the sky, marks it as an imposing townscape building.

The proposed new Cube building, despite being set back from Praed Street, will challenge the landmark primacy of the hotel and in views such as AVRs 20-22, will form a backdrop to the hotel, eroding the silhouette qualities of the hotel. In contrast, the impact on the setting of the grade I listed Paddington Station is considered to be of a much lesser degree and in some aspects beneficial. It is considered that the station is a somewhat introspective building and much of its significance derives from its internal engineering and architecture. While there will be some detrimental impacts on its setting such as is shown in AVR 29, these are not considered to be particularly harmful; and with respect to the creation of a new piazza as a threshold to Span 4, there are elements of the scheme which will enhance the setting and allow a better appreciation of the building's significance.

In terms of other listed buildings, such as the Mint Wing, listed terraces in Norfolk Square and Westbourne Terraces and other listed nineteenth century terraces in the adjacent townscape, the impact on their setting, will be similar to that upon the Bayswater Conservation Area i.e. the new Cube building, where it can be seen in conjunction with these listed buildings, will introduce a scale and form of building, which sharply contrasts with the historic townscape and harmfully asserts itself into the setting of these listed buildings. It is considered that the degree of harm to these assets is in the category of being 'less than substantial'.

8.4.6 Wider Townscape Including Royal Parks and Other Conservation Areas

Beyond the immediate vicinity of the application site, the scale of the proposed development will mean it will be visible and have an impact on heritage assets and townscape at a greater distance from the site.

One of the more sensitive of these receptors will be the Royal Parks: Hyde Park, Kensington Gardens and Regent's Park, which are all Grade 1 parks on Historic England's Register of Parks and Gardens and are also conservation areas. AVRs 1-11, 15 and 52 (and Supplementary Views 11.1, 12.1, 13.1, 18.1, 19.1 and 26.1) demonstrate that the proposed development's impact on Regent's Park will be largely imperceptible. In terms of the impact on Hyde Park, the proposal will be seen between or above trees from some locations, with perhaps the views from the Parade Ground (AVR 6) and to the north of the Serpentine Gallery (AVR 4) being the most prominent. For the most part the new Cube building will not break above the tree line in views from Hyde Park, but where it will this occurs in places where other existing buildings do the same thing and/or where permission has been granted for schemes which do the same thing. Thus while the proposal adds to the larger scale townscape which can, or in the future will, be visible from the park, the degree of harm is considered to be minor and only from a limited number of locations. With respect to Kensington Gardens, the new Cube building will be below the tree line in views from the Round Pond (AVR 1) and near Kensington Palace (AVR 52) and as such the proposal is not considered to be harmful to its setting.

In terms of the impact on the setting of conservation areas further afield and indeed upon the setting of listed buildings further afield, there are occasions where the scale of the Cube building will be visible within these settings. In the case of conservation areas such as Hallfield Estate, Queensway and Westbourne which lie to the west of the development site, the impact is largely imperceptible. To the north from within the Paddington Green and Maida Vale Conservation Areas (AVRs 33-40), the impact will be minor, with limited views of the new development.

Perhaps the view from Warwick Avenue (AVR 38) is the worst case scenario and in this view the development would sit behind taller developments which have approval, such as 55-65 North Wharf Road (currently under construction).

Thus from these conservation areas the proposal is not considered to be harmful. To the east in the Molyneux Street Conservation Area and the Portman Estate Conservation Area (AVRs 12 and 13), the Cube building may be visible in some longer street grid vistas, such as looking west along Crawford Street (AVR 12), but as in this case, the new development is at some distance from the viewpoint (over 1km away) and does not introduce a discordant scale of development at this distance. Thus, again from these conservation areas the proposal is not considered to have a harmful impact.

Another heritage receptor of note is the Paddington Basin arm of the Grand Junction Canal and the new development will be seen in canal side vantage points such as AVR 31. The impact of the proposal on the canal is not considered to be harmful given the prevailing townscape character of the canal side at this point, namely an area of recent regeneration in the form of Paddington Basin and Paddington Central, where a number of large scale modern buildings have been built, or for which permission has been granted.

Thus in concluding this section, it is considered that the proposed development and principally the Cube building will have a visual impact on a wide area. It will also have an impact upon the setting of a number of listed buildings in the Bayswater Conservation Area and upon the character and appearance of the Bayswater Conservation Area. While for the wider area the impact is for the most part minor and not harmful, the proposal does begin to have adverse impacts on heritage assets at closer quarters and certainly within 700m radius.

8.4.7 Assessment of harm to heritage assets Vs public benefits

In terms of the degree of harm caused to the significance of the various heritage assets (designated and undesignated), Central Government's Planning Practice Guidance advises that in general terms substantial harm will be a high test and may not arise in many cases. The guidance indicates that it is the degree of harm to an asset's significance rather than the scale of development that is to be assessed. In terms of harm within conservation areas the guidance indicates that if an unlisted building is important or integral to the character or appearance of a conservation area, then its demolition is more likely to amount to substantial harm. Case law in this matter such as Bedford Borough Council v Secretary of State for Communities and Local Government and Nuon Uk Ltd, is also of some assistance, where substantial harm is referred to in the context of circumstances where the impact on significance is "serious such that very much, if not all, of the significance was drained away", or "an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated or very much reduced".

Historic England in their letter of 4 October 2016 describe the proposals as having "a major harmful impact on the Bayswater Conservation Area", although somewhat unhelpfully do not use the terminology of the NPPF and do not categorise the impact as falling into the category of either "substantial harm" or "less than substantial harm".

As indicated by the Planning Practice Guidance, it is a matter of judgement whether or not a proposal causes substantial harm or less than substantial harm, and indeed it is considered perfectly reasonable to conclude that within the parameters of the phrase “less than substantial harm”, some impacts can be more harmful than others. In the case of the current scheme, having given consideration to the significance of the Bayswater Conservation Area; and to the significance of the setting of various listed buildings, that while harm is caused to significance, that this harm falls into the category of being less than substantial.

By way of example to elucidate this assessment the proposed development will have a major impact on the townscape within its immediate vicinity, but the impact on the significance of the Bayswater Conservation Area will be localised and apparent from particular vantage points.

On the available evidence it would seem unlikely that the development would have an adverse impact on most of the squares which form the original layout of the townscape, or from many of the streets (due to the alignment of the street grid). Thus from many parts of the conservation area, the proposed development would make no change to the character or appearance of the conservation area. In the area closer to the site and particularly as a result of the demolition of the 1907 façade to the former sorting office and the demolition of the listed wall between Arrivals Road and London Street the harm in the form of physical harm and harm to setting would be far greater, but not so great that the significance of the Bayswater Conservation Area would be to a large extent destroyed. In a similar fashion, the setting of the Hilton London Paddington Hotel will be harmed, particularly in views from the west, where the new Cube building will loom behind the listed building and will have a major impact upon its silhouette. However, from other viewpoints, such as looking west along Praed Street, or looking north from London Street and Spring Street (south of Praed Street), the prominence of the listed façade onto Praed Street will still be evident as will the silhouette qualities of its profile. So while harm is caused, it is not of such a magnitude as to result in a complete loss or near complete loss of significance.

In cases where the degree of harm is considered to be less than substantial, paragraph 134 of the NPPF is of relevance and this indicates that the harm should be weighed against the public benefits of the proposal, including securing its [the designated heritage asset] optimum viable use.

The proposed development brings about a large number of public benefits including a new Bakerloo Line Ticket Hall; potential for large number of new jobs; new office and retail floor space; attendant economic benefits; potentially significant improvements to the public realm and rail/tube passenger interchange. Other aspects of the scheme are more ambiguous in terms of the public benefits that are delivered, for example, the design and scale of the new Cube building can be viewed as components which enhance the local townscape with a high quality new building, which appropriately landmarks a major London terminus, whereas an alternative view, expressed by objections to the scheme, regard the design and scale as having no public benefit, with only adverse effects. One noteworthy attribute of the site and the proposals as identified by the GLA in their Stage One response is set out by them as follows:

“The proposed improvements to Paddington station and the public realm around the site are strategically vital to London and this interchange and are strongly supported. This will deliver significant benefits for the travelling public and occupiers of the proposed development. Due to TfL’s lack of landholdings in the area, improvements to the station of this magnitude can only be delivered through the comprehensive redevelopment of this site, and this is therefore a one-off opportunity to provide the additional station capacity and step free access that will be needed to support development in the area and the background growth in demand and to complement the introduction of Crossrail services at Paddington...”

While such phrases as “one-off opportunity” can often be misplaced when describing the benefits of a development proposal and should be treated with a degree of scepticism, its application in this case, is not considered to be unreasonable, given the location of the application site relative to the Bakerloo Line ticket hall, the station, the hospital, Paddington Basin and Praed Street.

It is thus concluded that the scheme does deliver substantial public benefits and that these benefits are very unlikely to be capable of delivery by the utilisation of another site. In terms of the proposed development, it is evident that alternative forms of development might deliver the same package of benefits, such as the previously withdrawn scheme, which included a 72 storey residential tower. Similarly it would seem evident that some schemes could not deliver this package of benefits, such as the 2011 application.

The greatest level of criticism and objection, on heritage and design grounds, to the proposed new development and notably the Cube building, has been the scale, detailed design and materials of the new building, allied to the loss of the 1907 Edwardian Baroque façade.

The new building will unquestionably introduce a new landmark to the area and its high tech, modern design, will mark it out as a building which contrasts with much of its immediate townscape. It is evident that considerable attention to design detail has been given by the architects, who have an international reputation for designing and delivering striking and well executed contemporary architecture. Were the current proposal to be considered acceptable, it is considered vitally important that their association with the project is maintained throughout the delivery stage. That it is a well-executed and a functional high-performing new building, doesn’t of course tick all the boxes of good design and for many the concern will remain, that for all its architectural attributes, it is simply too big and of the wrong design for its location.

While the impacts of scale and design are considered to have an adverse impact on heritage assets and particularly the townscape of the Bayswater Conservation Area, which lies to the south, it should also be borne in mind that the site lies within the Paddington Opportunity Area and in this context its scale and modern design are far more complementary to new developments in this area, which lie to the north. At a height of 74.2m it is comparable to many of the buildings on the north side of Paddington Basin, as well as buildings currently under construction such as 55-65 North Wharf Road and Dudley House.

It is certainly the case, that for reasons of scale and materiality, the proposal is considered to have an adverse impact on a number of heritage assets and the degree of harm, using NPPF terminology, is considered to be less than substantial. Nevertheless given the statutory duty, notably s.66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, any harm must be given significant weight, when balancing against the public benefits.

The original planning resolution in 2012 related to a “façade retention scheme” which retained the façade to the Royal mail sorting office building and received a resolution to grant, but sought only to provide passive provision for the potential future expansion of the Bakerloo Line underground ticket hall, with no public realm improvements. Subsequent to the resolution parties could not agree on legal agreement matters and permission was never granted and the site sold.

The second application proposed the complete redevelopment of the site and its replacement with a 72 storey building “The Paddington Pole”, with associated strategic transport and public realm improvements. This brought about significant opposition on grounds of substantial harm to heritage assets given its far reaching impact on heritage assets (Listed buildings, conservation areas, Royal Parks) both from within and outside of Westminster.

This current application lies somewhere in between the two previous applications, by proposing the complete redevelopment of the site, but its replacement with a 19 storey building “The Paddington Cube” , with associated strategic transport and public realm improvements with more localised impacts on heritage assets, which officers have assessed as less than substantial. This scheme seeks to meet the challenge of providing strategic transport benefits associated with the provision of a new Bakerloo Line ticket hall and the creation of significant public realm which befits the site as one of London’s and Westminster’s major transport locations.

Notwithstanding the considered views of a number of consultees that the benefits of the proposal are questionable or are not so significant as to outweigh the harm to heritage assets. The many and varied benefits set out, including social, economic and regenerative benefits of the proposal are considered collectively to be substantial public benefits, which outweigh the less than substantial harm to heritage assets a view supported by the Mayor and a number of consultees.

8.6 Amenity

The proposed development is surrounded predominantly by non-residential uses including St Mary’s Hospital to the north and east, Paddington Station to the west and to the south the Mercure London Paddington Hotel. Opposite on the southern side of Praed Street are properties with retail uses at ground floor and residential above.

The closest residential properties are located within the upper floors of Praed Street and further south on London Mews, Norfolk Square and Sussex Gardens.

8.6.1 Daylight and sunlight

The applicant has submitted a Daylight and Sunlight analysis, of the potential impact of the development on the amount of daylight and sunlight received by a number of surrounding residential properties, the conclusions are set out below. In very broad terms the British Research Establishment (BRE) a guide to good practice (2011) (the guidelines) suggests that if vertical sky component (VSC) is greater than 27% then good levels of daylight will be received and that a 20% + reduction resulting in VSC of less than 27% will be noticeable to occupants. In sunlight terms, annual sun of 25% and 5% winter will achieve a good level of sunlight, with 20%+ reduction and loss of value of 4% being noticeable to the occupants.

In terms of the impact of the development, nineteen windows within Nos. 135, 137-139, 149, 151, 155, 157 and 161 Praed Street would see a reduction in daylight of more than 20% (between 20.03 and 32.53%), but would continue to receive daylight levels of between 17.27 and 23.57% VSC. Given that modest to high levels of daylight that would remain, this is not considered to be significant.

Two windows within No.2 London Mews would see a reduction in daylight of more than 20% (20.66-21.12%) but would continue to receive daylight levels of 17.51 and 21.32 % VSC. Given the low percentage loss and modest to high levels of daylight would remain, this is not considered to be significant.

Two windows within No.16 Norfolk Square would see a reduction in daylight of more than 20% (26.82 and 27.16%), but the existing levels (14.17 and 16.64 % VSC) are similar to the proposed levels (10.37 & 12.12 %VSC) and is not considered to be significant.

No residential properties would see a loss of sunlight.

For the reasons set out above, the proposed development is not considered to result in such a significant loss of daylight or sunlight to existing surrounding residential properties.

8.6.2 Sense of enclosure and privacy

The proposed Cube building is significantly higher than the surrounding existing residential properties, albeit it is set further away than the existing buildings on Praed Street which are to be replaced in part with a 2-storey building and public realm. Given the scale, height, bulk and design and proximity to residential properties taking into account the existing buildings, the proposal it is not considered to result in such a significant increase in sense of enclosure or loss of privacy to warrant withholding permission on this ground.

Whilst the proposed development will impact on views and outlook from surrounding commercial buildings (Hotels and Hospital), these uses are not afforded the protection given to residential properties and the objections raised by the owner of the hotel operators on grounds of loss of daylight is not sustainable.

8.6.3 Activity

Given the previous use of the site as a post office sorting office and counter service together with the existing uses and activities that take place in the locality associated with Paddington Station, London Underground, bus stops and district shopping centre, it is not considered that the activities associated with the proposed development would result in any significant detrimental impact on the amenities of residential occupiers within the vicinity of the site.

8.6.4 Summary of amenity impact

Whilst the proposal will result in some loss of daylight to residential properties located south of the site, it would not result in any other significantly adverse amenity impacts and overall is considered acceptable and in accordance with Policy ENV13 of our UDP and S29 of our City Plan.

8.7 Transportation

8.7.1 Previously existing use

The previously existing Royal Mail delivery and sorting office was a fairly intensive use of the site, employing 800 staff and operating over a 24 hour period with around 47 operational vehicles based on-site. The basement was accessed via Winsland Street with its exit to Winsland Mews and a service bay was accessed from London Street (reversing access only).

The applicant has submitted a Transport Assessment in support of their proposal which details the implications of their development in transport terms. An assessment on all transportation aspects of the development is set out below.

8.7.1 Servicing of the development

It is proposed to service the entire development (office, retail and restaurant space) off street from within the proposed ground floor internal loading bay accessed from Winsland Street.

The delivery bay within the Cube building is large enough to accommodate seven vehicles at a time, with a further waiting area to Winsland Street and is considered to be adequate to serve the development, subject to a servicing management plan to control the delivery times and to seek freight co-ordination. Notwithstanding the objections raised to the ability of the servicing bay to serve the needs of the development, the details of the provision off street servicing are considered to be satisfactory to the City Council's Highway Planning Manager, and satisfies policy S42 of the City Plan.

8.7.2 Use of public realm for servicing by existing uses

The existing arrivals ramp/road which leads from Praed Street to Paddington Station is the main pedestrian access to Paddington Station from the south and is controlled by Network Rail.

It also serves as a location for servicing of the adjacent 419 bedroom Hilton Hotel (which has a right of access over this area for servicing) as well as vehicles serving Paddington Station retail and related activities. It is understood that around 101 deliveries per day take place via the existing arrivals ramp/road, 75 of which are related to the station. There are clearly existing pressures on the use of this area by both vehicles and pedestrians, which is currently contained by the brick wall which separates the arrivals ramp/road from London Street, with vehicular access currently manned by a security barrier at the top of the arrivals ramp/road where it meets with Praed Street.

The proposal would remove the brick wall, relocate London Street to a new road further east within the site and open this area up as public realm space with a piazza. The scale of the public realm (1.3 acres) seeks to provide a feeling of space, cohesion and link between the new Cube development and Paddington Station. However it is necessary for the public realm area to continue to share its use by pedestrians with servicing vehicles for the Hilton hotel and Paddington station. This is obviously regrettable, given that it will impact on the quality of public realm to be provided.

However this is at present unavoidable, although measures have been put forward by the applicant to seek to assist Network Rail in reducing their need for vehicles to service from the public realm area. These measures are ; i) tunnels refurbishment, ii) redesign of servicing area to western end of platform 1; iii) removal and replacement of buffer stops and adjacent plant to platforms 11 & 12. Network Rail has noted that these measures could if implemented reduce vehicle movements by up to 15%.

A significant improvement, due to the opening up and enlargement of the area, is that servicing vehicles will now be able to turn within the area and access and leave the area in a forward direction, avoiding the need to undertake reversing manoeuvres, as is currently the case. These servicing activities will also take place along the western edge of the public realm, leaving other areas of public realm free from vehicular activities.

In the case of the Mercure Hotel, its servicing currently takes place on street from Winsland Mews via London Street. The proposal requires the Mercure Hotel to be serviced from within the south east corner of the site, requiring vehicles to reverse into or out of the site, which unfortunately is a retrograde step from the existing situation.

The continued need for a vehicle security barrier/s along Praed Street to control vehicle access into the site is currently indicated as a line of bollards set within the site. The functioning of this arrangement is challenging and will require further detail to ensure that its impact on traffic on Praed Street is minimised.

It is regrettable that it is not currently possible for the proposed public realm to be entirely free of vehicles, due to the challenges faced by essential servicing needs of the Paddington Station and adjacent hotels. However the scale and layout of the public realm is such that apart from the western edge and south east corner of the site, the remainder of the public realm area will not be shared with vehicles. Compared with the existing situation, notwithstanding the vehicle use set out above, is it considered that the quality of the public realm for pedestrians is a significant improvement on that which is currently offered and would not preclude further reduction in vehicular activities taking place, should the opportunity arise.

8.7.3 Impact on existing on street car, motorcycle and bicycle parking

The proposal encompasses Winsland Mews and part of London Street into its site. These roads currently accommodate car, motorcycle and bicycle parking. Whilst provision is made for the replacement of this parking, the proposal would result in the loss of some on-street car and motorcycle (7m) parking. This has brought about objection from some parties. However given the limitations on available space, the Highways Planning Manager whilst encouraging its re-provision has not raised objection on this ground.

The proposal would require the relocation of existing London Cycle Hire docking stations. TFL also seek an increase in the capacity (of 30 spaces) of the replacement facility and also raise concern in relation to the servicing of the docking station, given the tidal flow of use due to its location next to a transport hub. The applicant has indicated that the on-street loading bay on Winsland Street, could be used to drop off or pick up bicycles in order to address this concern.

Given the limitations and demand for space within the site and the provision of significant other types of cycle parking, no additional cycle docking capacity is proposed.

8.7.4 Cycle parking

A total of 653 cycle parking spaces are to be provided throughout the development, 529 for long-stay and 124 for short stay, which accords with London Plan standards. The arrangements for cycle parking are generally welcome and supported, subject to detailed design.

8.7.5 Buses/bus stops

It is accepted that the east/west bus stop located outside of the site on Praed Street is sited on a relatively narrow footway and heavily used, resulting in pedestrian congestion and blocking of the footway. The proposed Praed Street building is set back from the pavement as is the proposed southern public realm piazza with a new access route through the site at ground, concourse and ticket hall level providing access to both Paddington Station and London Underground.

TFL has recently released for consultation purposes, details of potential major changes to bus operations within the area due to many reasons, but including the opening of Crossrail at Paddington in the near future. It is accepted that these proposal are at consultation stage, but they indicate potential future changes and implications for Praed Street, including the potential removal of bus routes 23 and 332 (route 436 has already been removed).

It is also understood that there are proposals to replace the existing single bus stop outside of the site with two single bus stops in different locations, but further detailed discussions are expected to take place on this issue and the cost of the relocation of the bus stop would be funded by the applicant.

8.7.6 Taxis

The proposal does not make any provision for taxi pick up or drop offs as there is a large integrated facility within Paddington Station (north of the site) and would be difficult to incorporate within the development due to demands on space and the prioritisation of pedestrians. It is acknowledged that taxi activities associated with the station can cause problems and that the proposed development may add to further demand for taxi use, however for the reasons set out above, it is considered that the absence of a taxi rank is acceptable in this location. This is supported by TFL and our Highways Planning Manager.

8.7.7 Emergency services

The site and public realm would remain accessible for emergency vehicles as and when required.

8.7.8 Proposed changes to vehicular and pedestrian highway

The proposals seeks to remove London Street (in order to create the public realm area) and create a new two way road (to adoptable standard) located further east within the site to provide access from Praed Street to Winsland Street to serve the development itself and to provide access to South Wharf Road. This is acceptable in principle, although it is noted that concern has been raised with respect to the potential impact on the ambulance route to St Mary's hospital and to the potential impact on congestion in Praed Street.

It is acknowledged that Praed Street is a very busy road given its district shopping designation and location and proximity to Paddington Station, St Mary's Hospital, and Paddington Basin. It is predominantly two-way with one-way (west to east) at its eastern end with Edgware Road and it has competing demands from buses, taxis, cars, bicycles (and pedestrians) and operational vehicles associated with Paddington Station, surrounding commercial uses and St Mary's Hospital, including ambulances.

The London Ambulance Service (LAS) and NHS Trust have raised objection to the proposal on the ground that the new road creates a route that is worse than existing and has the potential to detrimentally impact on the journey of ambulances to St Mary's Hospital which is a designated London major trauma unit. This is due to; increased journey times for ambulances resultant from; use of road by large vehicles servicing the hospital; concentration of parking, servicing, loading and access to Cube at the northern end of the road; two 90 degree turns in the road; the questionable capacity and functioning of servicing bay to the Cube; and potential for these activities to cause congestions and delays.

Consequently The LAS state that they are unable to support the access route proposed by the new road, unless measures are in place to ensure the delivery of an alternative permanent new road on Winsland Street which they prefer and support.

In response, the applicant has indicated that of blue light ambulance journeys travelling to St Mary's hospital, that significantly more (four times as many) ambulances travel east west and that these journeys would be shortened (as the new road would be closer than London Street) and that this accounts for 80% of such journeys.

Furthermore, the applicant has suggested that the LAS has failed to acknowledge current congestion and activity which already occurs on London Street and its surrounds which must affect existing ambulance journey times or to acknowledge the improved accessibility of pedestrians to St Mary's hospital that the proposed development affords.

The creation of the proposed new road as part of this proposed development, whilst objectionable to the LAS and NHS, would not hinder them in bringing forward their own independent planning application for an alternative road within their own site. Such a new road, which is also located further east, is proposed as part of the St Mary's Hospitals own masterplan and would extend the existing Winsland Street, north and southwards to provide access from Praed Street to South Wharf Road. It should be noted that there is no in principle objection to this and that it would have some similar implications as this developments new road (with respect to Praed Street).

Further concerns have also been raised with respect to the potential for the proposed new road to place additional pressure onto a section of Praed Street (between London Street and the proposed new road) which is already very busy and subject to congestion generally from quantum of traffic and from the buses serving the bus stop. The highways planning manager has indicated that the number of vehicles involved are around 120 in the morning peak hour (or an average of two each minute).

The applicant's traffic modelling shows that individual junctions should work comfortably within capacity, but this part of Praed Street is likely to experience some degree of congestion. It has been suggested that further studies be undertaken to seek to address the issues raised with respect to Praed Street and surrounding road network (which may also be affected by changes to bus routes) and it is recommended that this be secured by way of a S106 legal agreement at cost to the applicant.

8.7.9 Access and inclusive design

The applicant has submitted a public realm accessibility report and inclusive access statement in support of the proposal. Given the changes in levels across the site accessibility is challenging, however connectivity within and through the site is greatly improved compared with that existing. The permeability of the site enables pedestrians easy access links between Paddington Station, London Underground, the public realm, the development and its offices, shops and restaurants (including roof top restaurant), Praed Street and northern part of London Street and onwards to the wider surrounds of Paddington, including St Mary's Hospital. Ramps, seat/steps, escalators and lifts provide alternative means of travel at various levels (street, concourse, ticket hall level), and both covered and open. Proposed hard landscaping (including shared surfaces), paving lighting and wayfinding are also proposed and are vital to inclusive design. Precise details will therefore need to be secured by condition in order secure access for all in accordance with policy S41 of the City Plan.

8.7.10 Waste and recycling

The provision is made within the site for the satisfactory storage of refuse and recyclables for all of the proposed uses and subject to this provision being retained in perpetuity, this accords with the requirements of Policy ENV12 of our UDP and S44 of our City Plan.

A redevelopment of this scale requires the provision of a mini recycling centre within the site (or appropriate contribution for off-site provision) to deal with the recycling demands of users of the development and public realm. The applicant has agreed to make a financial contribution of £250,000 for such provision which covers the cost of initial procurement, construction and on-going maintenance.

9.0 London Plan

The proposal raises strategic transportation issues and has significant implications for the London Plan. This application has been referred to the Mayor for London which means that once Westminster City Council has resolved to determine the application, that decision must be referred to the Mayor for his decision as to whether to direct refusal, take it over for his own determination or allow the Council to determine the application itself.

The Mayor has confirmed in his stage 1 letter that the application is generally acceptable in strategic planning terms, but there are elements than require addressing in order to ensure full compliance with the London Plan. A summary of the Mayor's (GLA) comments are set out in section 5 of this report.

10.0 National Policy/Guidance Considerations

National Planning Policy Framework (NPPF) introduced in March 2012 sets out the Government's planning policies for England and how these are expected to be applied and is a material consideration in planning decisions. It states that the purpose of the planning system is to contribute to the achievement of sustainable development through mutually dependant economic, social and environmental roles. Regard has been had to the content of this document in the assessment of this application. 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.

11.0 Package of planning benefits

The applicant has submitted a viability assessment by Gerald Eve in support of their proposal. The City Council instructed GVA Grimley to provide an independent review of the applicant's viability report. The conclusion of the independent advice is that the proposed scheme does not generate any surplus funds over and above the circa £83m cost of providing the Strategic transport improvements and provision of public realm. This is taking into account the additional contribution of Mayoral Cil/Crossrail £4.314,424m and Westminster CIL £4,514,250. Furthermore, the advice indicates that the applicant is taking a below standard profit (9.77%) in the anticipation of office rents growing/increasing in the near future and with the hope value of reaching standard industry profit (20%) at the time of development. As such the scheme has the potential to become viable with a 20% profit, if office rents were to increase by 15%. Even if this were to occur there would still be no surplus of funds available for other contributions.

In terms of planning benefits that the proposal would bring, these are summarised below:-

- Provision of new Bakerloo Line Ticket Hall & associated links and access arrangements.
- Financial contribution to TFL's fit out of their side of the ticket hall. (£8.5m- approximately half the anticipated total cost)
- Provision of 1.35 acres of Public Realm/piazza with soft landscaping and public art
- Funding of works to Paddington Station to minimise use of the public realm/piazza (Arrivals ramp/road) for servicing.
- Traffic management improvements in and around the site, including new road and public realm
- Public Access to Cube's roof top restaurant and associated external terrace and viewing platform.
- Provision of public art to the value of £2,000,000.
- Financial contribution towards social and community facilities
- Financial contribution towards mini recycling centre
- Associated economic, social and regenerative benefits

12.0 Community Infrastructure Levy

On 06 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;
- (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 the 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 that the overall delivery of appropriate development is not compromised.

From 06 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 06 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.

Westminster's Community Infrastructure Levy (CIL) came into effect on **1 May 2016**. This means any planning decision on or after 1 May 2016 will be liable to Westminster CIL *and* the Mayor of London's CIL.

It is estimated that the development would be liable, subject to any exemptions or relief that may be applicable for the following:-

- Westminster CIL £4,821,900
- Mayoral CIL £4,326,820 (treated as a credit to Crossrail contribution)

The draft 'Heads' of agreement are proposed to cover the following issues:

1. a) Prior to commencement of development the developer to submit a schedule of works associated with the interface between Paddington Bakerloo Line and the development to be agreed by the City Council and the development to be carried out in accordance with the schedule of works agreed.

1. b) Prior to occupation of any of the buildings, the developer to carry out structural works and to construct the station box to the Bakerloo Line ticket hall and the fit out works to the unpaid side of ticket barriers including all escalators, steps and lift access from concourse level and London Street/Praed Street level, in accordance with the approved drawings, unless otherwise agreed in writing by the City Council.

2. The developer to pay £8.5m (index linked) towards Transport for London's delivery of fit out works (to paid side of ticket barriers) to the new Bakerloo Line ticket hall. To be paid to Transport for London on receipt of confirmation from Transport for London of their commitment to fund remaining cost of fit out works and 3 months before commencement of works.

3. Cost of funding procurement, management and delivery, including all necessary consents, of the following works within Paddington Station i) tunnels refurbishment, ii) redesign of servicing area to western end of platform 1; iii) removal and replacement of buffer stops and adjacent plant to platforms 11 & 12.

4. The developer to Fund a transport study by a steering group comprising WCC, TFL, NR & Crossrail of traffic management and servicing associated with the site and in its vicinity. Including Eastbourne Terrace, Bishops Bridge (Harrow Road gyratory to Eastbourne Terrace), Praed Street (Craven Road to Norfolk Place), London Street (North), Winsland Street, Winsland Mews, Junction of London Street with South Wharf Road and proposed new road, Paddington Station Arrivals ramp. The findings of the study to be implemented in agreement with the City Council at the developers cost.

5. Developer to fund the cost of highways works immediately surrounding the site, required for the development to occur, and to mitigate the impact of the development.

6. Developer to submit a servicing management plan, to minimise servicing movements within the public realm, including the area of the Paddington Station Arrivals ramp, for approval by the City Council and thereafter to carry out the development in accordance with the approved plan.

7. Developer to provide at their own cost all of the public realm within the application site including associated street furniture, paving, landscaping, drainage, service diversions and thereafter maintain and manage the area including the area that is currently the Arrivals Road and allow 24 hours access for the general public via a walkways agreement.
8. Provision of vehicular and pedestrian public highway from Praed Street to Winsland Street prior to closure of London Street and thereafter with 24 hours access.
9. Provision of or cost of relocation/replacement/upgrade of east and west bound bus stops on Praed Street.
10. Provision of or cost of relocation/replacement of cycle docking station and provision of vehicular access to and from it to allow manual redistribution of bikes.
11. Provision of or cost of relocation/replacement and changes of on street car parking including blue badge car parking
12. Provision of or cost of relocation/replacement of motorcycle parking
13. Provision of Public Art to the value of no less than £2,000,000 (index linked) and maintenance of public art thereafter at full cost to the developer.
14. Public access to Cube's rooftop restaurant (Class A3) and external terrace and provision of public viewing area at no cost to the public.
15. Financial contribution of £250,000 as a payment in lieu of a mini recycling facility
16. Financial contribution of £250,000 as a payment in lieu of on-site social and community facility.
17. Employment and Training Strategy
18. Cost on Monitoring the S106 legal agreement

These are considered to be necessary to make the application acceptable in planning terms and to satisfy planning policy and directly relate to the development in scale and kind.

13.0 Environmental

13.1 EIA

The proposed development is considered to fall within the definition of a Schedule 2 pursuant to Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2015, development where an Environmental Impact Assessment is required to be submitted with the planning application (An EIA application) as the development is likely to have significant effect on the environment by virtue of factors such as its size, nature or location.

The applicant has submitted an Environmental Statement by WSP Parsons Brinckerhoff in support of their application together with subsequent supplementary information requests and clarification information. The submitted Environmental Statement has been critically reviewed and assessed by external consultants Land Use Consultants (LUC) on behalf of the City Council. Their assessment has considered whether the document is sound and in compliance with the EIA Regulations, EC Directives and UK case law, as well as assessing the findings of the document and any mitigation measures proposed.

Their initial review of the Environmental Statement identified a number of areas of the Environmental Statement which required the submission of further and additional clarifying information, which the applicant subsequently provided. LUC has confirmed that the ES is regulatory compliant and provides a satisfactory review of the impacts of the proposal. They do not identify any significant adverse environmental impacts as a result of the proposed development.

Notwithstanding the above conclusions a summary of key microclimatic issues is set out below.

13.2 Wind

The impact of the proposed development on pedestrian wind comfort has been assessed both for the period during construction and once the development is built and operational.

The assessment is based on the Lawson Comfort Criteria, which sets out six pedestrian comfort activity categories; (sitting; standing/entrances; leisure walking, business walking, and roadway/car park) reflecting that less active pursuits require calmer wind conditions for pedestrian comfort, together with a range of twelve wind conditions from calm to hurricane conditions.

The current wind comfort conditions existing at the site are suitable for sitting and standing /entrances throughout the winter and for sitting throughout the summer, apart from in one location(junction London Street/Winsland Mews) which is suitable for sitting and standing/entrances.

During construction works, specifically the latter stages of construction (once the building massing has been erected) there is the potential for moderately uncomfortable/unsafe wind conditions in one location half way along the proposed new Road (which joins Praed Street with Winsland Street).

However mitigation in the form of 2.5m high hoarding surrounding the site and controlling pedestrian and cycle access to the new road on particularly windy days would provide suitable mitigation during this temporary period.

The proposed development, once complete and operational, has been designed to incorporate wind mitigation measures (canopies, screens, trees, planting, railings etc.) in order to ensure pedestrian comfort. However one location half way along the proposed new Road (which joins Praed Street with Winsland Street), as in the case during construction, requires further mitigation which is likely to be in the form of a screen or green wall along the north eastern edge of the new access road within the site.

Apart from the location set out above, (point on new access road) which requires mitigation during construction as well as permanently on completion of the development, the only other location which requires mitigation against wind conditions, is the corners of the external terrace to the Cube's rooftop restaurant.

In all three cases set out above and also to ensure that the general measures incorporated into the overall design of the development are completed satisfactorily, a condition is recommended to secure details of all wind mitigation measures and for them to be subsequently implemented prior to occupation of the building/s, to ensure satisfactory wind comfort conditions.

Subject to the above, the proposed development would provide for a satisfactory wind comfort environment for its intended use and activities throughout the public realm area at street and concourse levels.

13.3 Overshadowing

The potential impact of the proposed development on overshadowing of the site itself and the surrounding public amenity areas has been assessed in line with the BRE guidelines for gardens and open spaces which recommends that at least half of the area should receive at least two hours of sunlight on 21 March (the equinox).

In terms of existing areas surrounding the site, the closest areas that could be considered as public amenity spaces are those to the north of the site within Paddington basin. The proposed development would cast a shadow over areas to the north during the morning of winter months and to the south at end the day. However these areas are already in shadow from existing buildings and overall the additional shadow is considered to have a minor impact.

As for the public realm proposed as part of the development, over 50% of the area would receive at least 2 hours sunlight in a day in accordance with BRE guidelines and would therefore receive satisfactory sunlight throughout the year.

13.4 Vibration

The City Council's Environmental Health Officer has requested a pre-commencement condition be imposed to secure a vibration assessment to set out if and how the proposed works would affect vibration levels from the Bakerloo line to existing receptors. Such a condition is imposed to ensure that the proposal would not result in any significant detrimental impact on existing receptors from any changes to vibration levels.

13.5 Air quality

The site is located within an area of poor air quality and as such an air quality mitigation and abatement plan is recommended and is therefore set out in a condition. This seeks to further improve air quality and requires details of air pollution mitigation and abatement measures and updated results of assessments.

13.6 Noise

The City Council's Environmental Health officer is satisfied that the proposal would subject to appropriate conditions, not have any significant detrimental impact on environmental noise.

Mechanical plant is proposed at various locations within the development and subject to conditions the operation of the plant is expected to satisfy the City Council's noise standards.

Potential noise from activity and plant associated with the commercial uses is proposed to be controlled through conditions requiring details of restaurant kitchen extract and an operational management plan. A restriction on the terminal hour (23.00) of any events held on the public realm/piazza is recommended on the basis that not all potential events would require a licence and would not therefore be controlled by licensing legislation.

Whilst an original concern was raised with respect to road traffic noise on Winsland Street, after further detailed review the requirement for a road traffic noise mitigation plan has been withdrawn. This is taking into account the benefits of the removal of London Street, and absence of residential properties on Winsland Street and lack of reasonable known mitigation measures.

13.7 Sustainability

The proposed energy and sustainability strategy for the development accords with City Council and the London Plan policies. Energy efficient measures and passive design features are incorporated into the development to reduce carbon emissions by at least 35% by energy efficient measures. The heating system for the development is Combined Heat and Power (CHP) led and designed to facilitate a future connection to St Mary's Hospital site, should this become available in the future.

The minimum target of BREEAM excellent is welcomed. Measures to reduce overheating are incorporated along with 1200m² of photovoltaics on the roof of the cube building. The site is within Flood zone 1 which is low risk of surface water flooding, however notwithstanding this a 370m² attenuation storage structure at concourse level is proposed to reduce surface water discharge rates by 50%. Both the Mayor and the Environment Agency are satisfied with the proposal in terms of energy and sustainability. The proposal is therefore acceptable in sustainability terms and in accordance with relevant policies.

13.8 Summary of key environmental issues

Overall the environment that the development would create is considered acceptable and satisfies policies ENV5, ENV6, ENV7, ENV13 of our UDP and S29, S30, S31, S32, S39 and S40 of our City Plan.

14.0 Other Issues

14.1 Archaeology

Historic England Archaeology has advised that the 20th century Royal Mail underground railway remains under existing basements and a 19th century reservoir which supplied the City of London. Both are examples of 19th and 20th century industrialisation and development of London. As such, they request pre commencement conditions to secure a written scheme of investigation in accordance with DES11 of our UDP. Conditions are proposed to secure appropriate levels of recording to those elements of historic fabric which are to be removed.

14.2 Crime and disorder/ Counter Terrorism

Paddington Station is a key transport hub for London with associated significant number of people using it and passing through it on a daily basis, all year round. Its use is expected to grow and to increase with the opening of Crossrail. Furthermore the proposed mixed use development and public realm will also increase activity in and around the station and its surrounds. It is therefore vital that safety and security of the public is at the heart of the development.

The applicant has submitted a Crime Prevention Statement in support of the proposal. This states that through liaison with Counter terrorist security advisors, Metropolitan and British Transport Police Services, Network Rail security representatives and Transport for London, they have created an integrated security strategy which seeks to benefit Paddington Station and the public realm, occupiers of the development and the wider community, by seeking to design out crime and disorder and to seek to counter the risk of terrorism.

Based on guidance from the Secure By Design principles the integrated security measures seek to future proof the development through the use of psychological, physical, electronic and procedural barriers. The proposed public realm includes and will encourage increased natural surveillance, and access control, boundaries, bollards and cameras will give a feeling of safety. Integral landscape features such as the steps, street furniture, lighting and planting have been designed to have a dual role for security. The chosen materials (type of glass) and design (doors, access control) for the buildings also carry through the security strategy, as does the operation of the development. The Crime Prevention Design Advisor has confirmed that he is satisfied with the strategy and the proposal is considered to comply with policy ENV13 of our UDP and S29 of our City Plan.

14.3 Construction

A condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which will require the developer to provide a Site Environmental Management Plan (SEMP) and that the funding for the Environmental Inspectorate covers the demolition and construction phase for environmental and traffic monitoring of the development including the advice for the SEMP submission. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works.

The key issues to address in the COCP are; liaison with the public; general requirements; SEMP; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues. A Constructions and Logistics Plan and Delivery and Servicing Plan are requested by Transport for London and these plans would need to be secured through condition. Whilst a number of parties have raised concern with respect of construction matters, the COCP will seek to address these concerns.

14.4 Statement of Community Involvement

The applicant has submitted a statement of community involvement which sets out the applicant's engagement with the local community. They appointed HardHat to engage with local residents and stakeholders from March to September 2016 in relation to this particular application through a three phase engagement programme (understanding local opinion; presentation of initial proposals; presentation of final proposals). Communication was undertaken through, meetings, via post, emails, telephone, press and social media as well as through their project website and three public exhibitions.

15.0 Conclusion

The proposal provides a unique opportunity to provide much needed strategic transport benefits and significant public realm improvements to Paddington and these substantial public benefits are considered to outweigh the acknowledged harm to heritage assets. Therefore, notwithstanding the objections raised, subject to appropriate conditions to provide further details and or mitigation on certain aspects of the development where necessary, together with planning obligations to be secured by way of a S106 legal agreement, the application is recommended favourably.

16.0 BACKGROUND PAPERS

1. Application form
2. Officer's commentary on applicant's assessment of impact of the development on heritage assets and townscape (set out in 2 tables), as referred to in section 8 of the planning applications committee report.
3. Email from National Planning Casework Unit Department for Communities and Local Government dated 12.10.2016
4. Letter (Stage1) from Greater London Authority dated 07.11.2016
5. Letters from Historic England regarding Planning application dated 04.10.2016, Listed building application dated 27.09.2016 (x2) & email of 28.09.2016 & Archaeology dated 26.01.2016.
6. Letter from The Victorian Society dated 18.11.2016
7. Letter from Save Britain's Heritage dated 23.11.2016
8. Letter from Transport for London dated 19.10.2016, 11.11.2016 and 23.11.2016
9. Letter from Network Rail dated 15.11.2016 (including letter dated 08.09.2016)
10. Letters from London Underground Limited dated 13.10.2016 & 20.10.2016.
11. Emails from Crossrail regarding planning application date 30.09.2016 & listed building application dated 04.10.2016.
12. Letter from London Ambulance Service (LAS) NHS Trust dated 21.11.2016
13. Letter from Imperial College NHS Trust dated 24.11.2016
14. Letter from the Environment Agency dated 25.10.2016

15. Email from Thames Water dated 10.10.2016.
16. Letter from Canal & River Trust undated
17. Letter from Natural England dated 29.09.2016
18. Email from Designing out Crime Officer dated 04.10.2016.
19. Email from Sport England dated 30.09.2016
20. Response from London Borough of Hammersmith dated 07.11.2016
21. Response from London Borough of Camden dated 23.11.2016
22. Response from Royal Borough of Kensington & Chelsea dated 18.10.2016
23. Response from London Borough of Brent dated 07.10.2016
24. Response from City of London dated 11.10.2016
25. Response from London Borough of Lambeth dated 24.10.2016
26. Response from London Borough of Southwark dated 29.09.2016
27. Response from London Borough of Tower Hamlets
28. Response from Councillor Alexander dated 28.09.2016
29. Response from Councillor Scarborough dated 21.11.2016
30. Response from Councillor JP Floru dated 22.11.2016
31. Response from the Hyde Park Estate Association dated 21.11.2016
32. Response from Nottinghill East (Westbourne) Neighbourhood Forum dated 25.10.2016
33. Response from The St Marylebone Society dated 11.10.2016
34. Response from The St John's Wood Society dated 08.11.2016
35. Response from Westminster Society dated 04.10.2016
36. Response from The Soho Society dated 10.10.2016
37. Response from The South East Bayswater Residents Association dated 22.11.2016
38. Response from The Bayswater Residents Association dated 23.11.2016
39. Response from Paddington Residents Active Concern on Transport (PRACT) dated 24.10.2016, 14.11.2016, 20.11.2016 (x2) 27.11.2016.
40. Response from Paddington Now Business Improvement District dated 16.11.2016
41. Memo from Environmental Sciences dated 17.11.2016 and 25.11.2016
42. Memo from Highways Planning Manager dated 25.11.2016
43. Memo from Projects Officer (Waste) dated 11.10.2016 and 18.11.2016
44. Memo from Energy Strategy Officer dated 18.11.2016.
45. Memo from Aboricultural officer dated 21.11.2016
46. Email from WCD Waste and Parks (Green Spaces) dated 29.09.2016
47. Response from CMS Cameron McKenna LLP on behalf of Murigold, leasehold of Hilton Hotel (former Great Western Hotel Praed Street & Tournament House) dated 08.11.2016.
48. Response from the occupier of 15 Swift House, Albert Road dated 03.10.2016
49. Response from the occupier of Garden Flat 6 Alexander Street dated 10.10.2016
50. Response from the occupier of 372A Oxley Court, Alexandra Avenue Harrow dated 14.11.2016
51. Response from the occupier of Alswitha Terrace Winchester dated 31.10.2016
52. Response from the occupier of 36 Amies Street Battersea dated 21.11.2016
53. Responses (x2) from occupier of 80 Balcombe Street dated 07.11.2016 & 09.11.2016
54. Responses (x2) from the occupier of 38 Bark Place dated 09.11.2016 and 21.11.2016
55. Responses (x2) from the occupiers of 2 Bathurst Mews dated 29.09.2016 and 22.11.2016
56. Response from the occupier of 53a Bathurst Mews dated 21.11.2016
57. Responses from the occupiers of 110 Lace Market Studios 7 Belward Street Nottingham dated 13.10.2016
58. Response from the occupier of 85 Blackfriars Road undated
59. Response from occupier of 43 Blomfield Road dated 17.10.2016
60. Response from the occupier of 9 Booth Road dated 25.10.2016

61. Response from occupier of Flat 98 Gaydon House, Bourne Terrace dated 12.10.2016
62. Response from the occupier of 23 Bristol Gardens dated 03.10.2016
63. Response from the occupier of 95 Burnside Cambridge dated 10.10.2016
64. Response from the occupier of The Quadrangle, Cambridge Square, Paddington dated 14.10.2016
65. Response from the occupier of 27 Cannon Street St Albans dated 21.11.2016
66. Response from the occupier of 8 Caroline Place dated 10.10.2016
67. Response from the occupier of 55 Chepstow Place dated 31.10.2016
68. Responses (x2) from the occupier of 10a Chepstow Road dated 15.11.2016
69. Response from the occupier of 78 Chepstow Road dated 14.10.2016
70. Response from the occupier of 76 Cheviot Gardens London dated 25.10.2016
71. Response from the occupier of 19 Chilworth Mews dated 22.11.2016
72. Response from the occupier of 35 Chilworth Mews dated 06.10.2016
73. Response from the occupier of 7 Cleveland Gardens dated 03.11.2016
74. Response from the occupier of 20 Cleveland Terrace dated 21.11.2016
75. Response from the occupier of Flat 2, 31 Cleveland Square dated 03.10.2016
76. Response from the occupier of Flat 1, 24A Clifton Gardens dated 10.10.2016
77. Responses (x2) from the occupier of 16 Conduit Mews dated 03.10.2016 & 04.10.2016
78. Response from the occupier of 14 Connaught Street dated 28.11.2016
79. Response from the occupier of 28 Connaught Street dated 23.11.2011
80. Response from the occupier of 38 Connaught Street dated 23.11.2016
81. Response from the occupier of 41-43 Connaught Street dated 28.11.2016
82. Response from the occupier of 48B Connaught Street dated 28.11.2016
83. Response from the occupier of 20 Courtnell Street dated 03.10.2016
84. Response from the occupier of 4 Craven Hill Gardens dated 04.11.2016
85. Response from the occupier of 12 Craven Hill Mews dated 14.10.2016
86. Responses (x2) from the occupiers of 21 Craven Hill dated 10.10.2016 and 28.11.2016
87. Response from the occupier of 2 Craven Hill Mews dated 22.11.2016
88. Response from the occupier of 1-3 Craven Road dated 26.10.2016
89. Response from the occupier of 16 Craven Road dated 26.10.2016
90. Response from the occupier of 56 Carroll House, Craven Terrace dated 28.11.2016
91. Response from the occupier of 103 Curzon Street Reading dated 13.10.2016
92. Response from the occupier of 10 Derby Road dated 28.11.2016
93. Response from the occupier of 69 Dorchester Way dated 28.11.2016
94. Response from the occupier of 15C Durants Park Avenue Enfield dated 23.11.2016
95. Response from the occupier of 25B Durham Terrace dated 14.10.2016
96. Response from the occupier of 97 Eastbourne Mews dated 07.11.2016
97. Response from the occupier of 201-203 Edgware Road dated 03.11.2016
98. Response from the occupier of 216 Edgware Road dated 18.11.2016
99. Response from the occupier of 236 Edgware Road dated 14.11.2016
100. Response from the occupier of 66 Elgin Avenue dated 23.11.2016
101. Response from the occupier of 40 Esmond Road dated 28.10.2016
102. Response from the occupier of Grange Barns Farm Lane Leighterton dated 21.11.2016
103. Response from the occupier of 21 Fairmead Road dated 21.11.2016
104. Response from the occupier of 73 Farringdon Road dated 24.11.2016
105. Response from the occupier of 1 Forge Close Chipperfield dated 23.11.2016
106. Response from the occupier of 1 Fulton Mews dated 10.10.2016
107. Response from the occupier of 40 Gaffon Street dated 28.10.2016
108. Response from the occupier of Knapps Cottage, Gardeners Lane Upper Basildon

- dated 23.11.2016
109. Responses (x2) from occupier of Flat 2, 13-14 Gloucester Square dated 24.10.2016 & 28.10.2016
 110. Response from the occupier of (No. not given) Gloucester Terrace dated 07.11.2016
 111. Response from the occupier of 12 Combe House, Great Western Road dated 10.10.2016
 112. Response from the occupier of 32 Grosvenor Park Road Walthamstow dated 18.11.2016
 113. Response from the occupier of 32 Exeter House, Hallfield Estate dated 14.11.2016
 114. Response from the occupier of 60 Winchester House, Hallfield Estate dated 10.11.2016
 115. Response from occupier of 7 Orpheus House, 427A Harrow Road dated 17.10.2016
 116. Response from occupier of Flat 503 Marshall Building 3 Hermitage Street dated 17.10.2016
 117. Responses (x2) from the occupiers of Flat 37, 11 Harbet Road dated 14.11.2016 and 15.11.2016
 118. Response from the occupier of Flat 40, 11 Harbet Road dated 17.11.2016
 119. Response from the occupier of 17 Hardwicke Road dated 28.10.2016
 120. Response from the occupier of 49 Hereford Road dated 21.11.2016
 121. Responses (x2) from the occupier of 186 Holly Lodge Mansions Highgate dated 21.11.2016 and 24.11.2016
 122. Response from the occupier of 149 Hurlingham Road dated 21.11.2016
 123. Response from the occupier of 14 Hyde Park Gardens Mews dated 03.10.2016
 124. Response from the occupier of 20 Hyde Park Square dated 04.10.2016
 125. Response from the occupier of Room F, Block D, Unite Students, 1 International Way Stratford dated 03.11.2016
 126. Response from the occupier of Knights Close, Ball Hill Newbury dated 23.11.2016
 127. Response from the occupier of 10 Ladbroke Walk dated 03.10.2016
 128. Responses (x2) from the occupiers of flat 5, 14 Lancaster Gate dated 21.11.2016
 129. Response from the occupier of Flat 9 33 Lancaster Gate dated 03.11.2016
 130. Response from the occupier of 20 Lancaster Mews dated 24.11.2016
 131. Response from the occupier of 30 Lancaster Mews dated 10.10.2016
 132. Response from the occupier of Far Gate, 169A Leckhampton Road Cheltenham dated 03.10.2016
 133. Response from the occupier of 3-4 London Street dated 25.10.2016
 134. Response from the occupier of 19 London Street dated 25.10.2016
 135. Response from the occupier of 20 London Street dated 25.10.2016
 136. Response from the occupier of 2 Lea Business Park, Lower Luton Road, Harpenden dated 22.11.2016
 137. Response from the occupier of 35 Lynwood Close dated 25.10.2016
 138. Responses (x3) from the occupiers of Flat 12 Lampard House, 8 Maida Avenue dated 28.09.2016 & 03.10.2016
 139. Response from the occupier of 322 Ada Court, 10-16 Maida Vale dated 14.11.2016
 140. Response from the occupier of Flat 27, Braemar House, 135 Maida Vale dated 14.11.2016
 141. Response from the occupier of Flat 229 Dibdin House Maida Vale dated

- 12.10.2016
142. Response from the occupier of Flat 4 Manning House dated 04.10.2016
143. Response from the occupier of 6 Massingberd Way dated 28.10.2016
144. Response from the occupier of 27 Burnham Court, Moscow Road dated
10.10.2016
145. Responses (x2) from occupier of 13 Norfolk Place dated 17.10.2016
146. Response from the occupier of St Davids Hotel, 14-20 Norfolk Square dated
25.10.2016
147. Response from the occupier of 69 Westbourne Court, Orsett Terrace dated
10.10.2016
148. Response from the occupier of 7 Park Mount dated 21.11.2016
149. Response from the occupier of Cherwell House, Penfold Street dated 20.10.2016
150. Response from the occupier of 64 Porchester Terrace dated 21.11.2016
151. Response from the occupier of 68 Porchester Terrace dated 10.10.2016
152. Response from the occupier of 512 Balmoral Apartments, 2 Praed Street
14.10.2016
153. Response from the occupier of 61 Praed Street, unit 108 dated 03.11.2016
154. Response from the occupier of 63 Praed Street dated 28.10.2016
155. Response from the occupier of 71 Praed Street dated 28.10.2016
156. Response from the occupier of Tulsi News, 87 Praed Street dated 26.10.2016
157. Response from the occupier of 93 Praed Street dated 28.10.2016
158. Response from the occupier of 107 Praed Street dated 28.10.2016
159. Response from the occupier of London Town Hotels (Mercure) 144 Praed Street
dated 25.10.2016
160. Response from the occupier of 195 Praed Street dated 25.10.2016
161. Response from the occupier of 9 Crastock Court, Queens Gardens dated
02.11.2016
162. Response from the occupier of 41 Queens Gardens dated 10.10.2016
163. Response from the occupier of 17 Radnor Mews dated 18.11.2016
164. Response from the occupier of 11 Radnor Road Queens Park dated 28.10.2016
- 165.
166. Response from the occupier of 177C Randolph Avenue dated 24.10.2016
167. Response from the occupier of Round Hill House, Fawley, Henley-On –Thames
dated 05.10.2016
168. Response from the occupier of 13 St Michaels Street dated 12.10.2016
169. Response from the occupier of 42a St Michaels Street dated 03.10.2016
170. Response from the occupier of 17 St Stephens Gardens dated 03.10.2016
171. Response from the occupier of 26 Sale Place dated 03.11.2016
172. Response from the occupier of 116 Saltram Crescent dated 28.11.2016
173. Response from the occupier of 134 Selbert Road dated 22.11.2016
174. Response from the occupier of 3 Sheldon Square dated 10.10.2016
175. Response from the occupier of 357 Sherrard Road Manor Park dated 17.11.2016
176. Responses (x2) from the occupiers of 18 Shillibeer Place dated 29.09.2016 &
14.10.2016
177. Response from the occupier of 10 Spring Street dated 25.10.2016
178. Response from the occupier of 38 Spring Street dated 14.11.2016
179. Response from the occupier of 80 Star Street dated 21.11.2016
180. Response from the occupier of 19 Sussex Court Spring Street dated 13.10.2016
181. Response from the occupier of 121 Devenport, 23 Southwick Street dated
11.10.2016

182. Responses (x2) from the occupiers of 31 Southwick Street dated 03.11.2016 & 04.11.2016
183. Response from the occupier of 2A Stanwick Road dated 25.10.2016
184. Response from the occupier of 21 Star Street dated 13.10.2016
185. Response from the occupier of 14 Storksmead Road, Edgware dated 26.10.2016
186. Response from the occupier of 19 Strachan Crescent Dollar dated 06.10.2016
187. Response from the occupier of Flat 33 Cambridge Court, 2 Sussex Gardens dated 26.10.2016
188. Response from the occupier of Ventures Hotel, 12-20 Sussex Gardens dated 25.10.2016
189. Response from the occupier of Rhodes Hotel, 195 Sussex Gardens dated 25.10.2016
190. Response from the occupier of Lancaster Court Hotel, 202-204 Sussex Gardens dated 25.10.2016
191. Response from the occupier of 223 Sussex Gardens dated 25.10.2016
192. Response from occupier of 239 Sussex Gardens dated 17.10.2016
193. Response from the occupier of Basement flat, 19A Sutherland Place dated 04.10.2016
194. Response from the occupier of Abbey Court Hotel, 2-4 Talbot Square dated 25.10.2016
195. Response from the occupier of 2d The Glebe, Blackheath dated 21.11.2016
196. Response from the occupier of The Heights, Frognal dated 21.11.2016
197. Response from the occupier of 47 Tierney Road dated 14.11.2016
198. Response from the occupier of 61 Townsend Road dated 26.10.2016
199. Responses (x3) from occupier of 17 Upper Mall Hammersmith dated 10.10.2016 (x2) & 17.10.2016
200. Response from the occupier of 85A Warrington Crescent dated 03.10.2016
201. Response from Westbourne Gardens dated 28.11.2016.
202. Response from the occupier of 25 Keyham House, Westbourne Park Road dated 14.10.2016
203. Response from the occupier of 33 Westbourne Park Road dated 21.11.2016
204. Responses x2) from the occupiers of 22 Westbourne Park Villas dated 31.10.2016
205. Response from occupier 58 Westbourne Park Villas dated 18.10.2016
206. Responses (x2) from occupier of 60 Westbourne Park Villas dated 11.11.2016 & 14.10.2016
207. Response from the occupier of Kallias Hotels Ltd, 12 Westbourne Street dated 25.10.2016
208. Responses (x2) from The Royal Park Hotel, 3-5 Westbourne Terrace dated 25.10.2016
209. Response from the occupier of Flat 22, 29 Westbourne Terrace dated 26.10.2016
210. Response from the occupier of Flat 4, 36 Westbourne Terrace dated 09.10.2016
211. Response from the occupier of 45 Westbourne Terrace dated 22.11.2016
212. Response from occupier of second floor flat 45 Westbourne Terrace dated 21.11.2016
213. Response from the occupier of 50 c Westbourne Terrace dated 16.11.2016
214. Response from the occupier of 64 Westbourne Terrace dated 02.11.2016
215. Response from the occupier of flat 1 64 Westbourne Terrace dated 05.10.2016
216. Response from the occupier of 84 Westbourne Terrace dated 10.10.2016
217. Responses (x5) from the occupier of 98 Westbourne Terrace dated 29.09.2016 & 27.10.2016, 14.11.2016

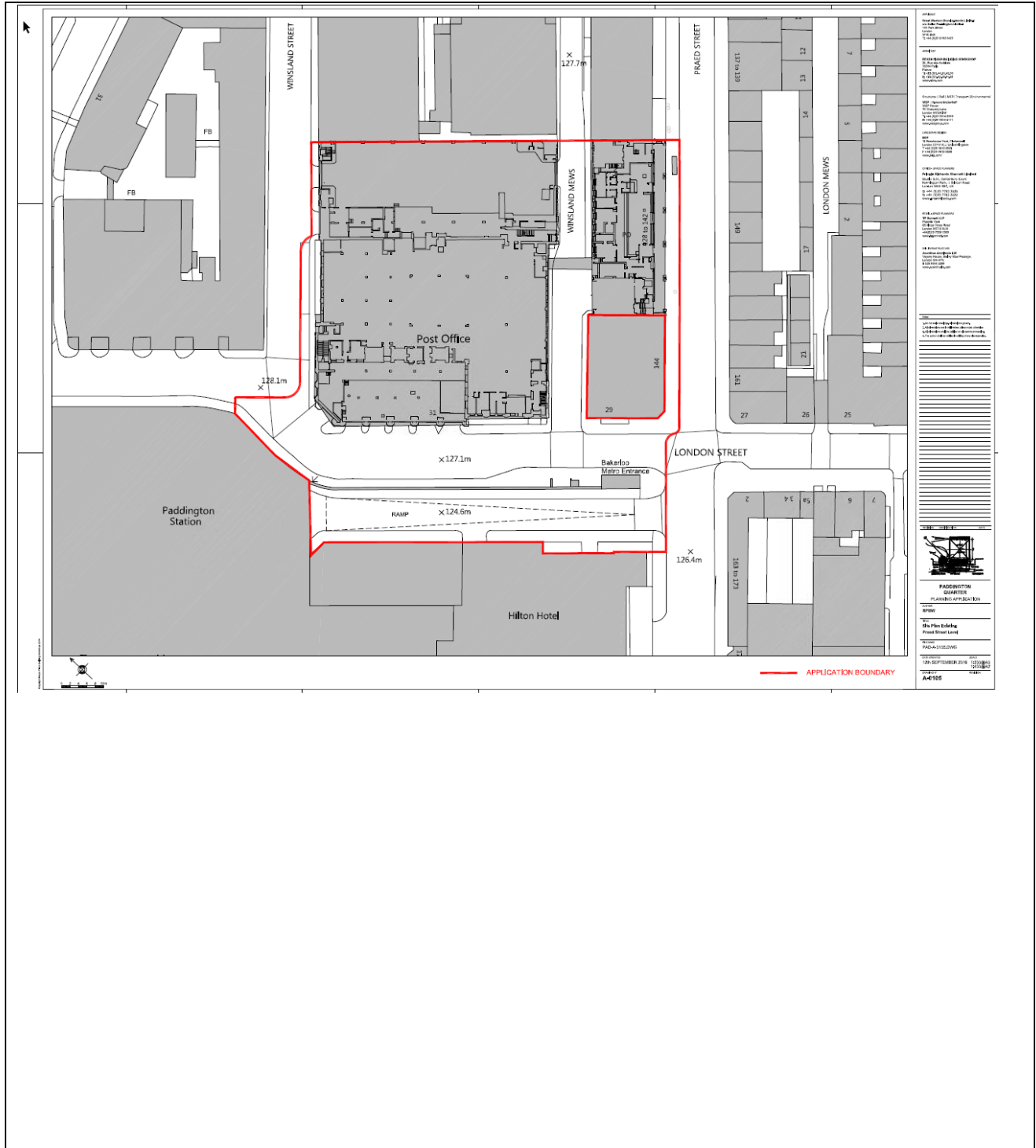
- 218. Response from the occupier of Flat 5, 105 Westbourne Terrace dated 21.11.2016
- 219. Response from the occupier of garden flat 5 Westgate Terrace dated 20.10.2016
- 220. Response from SH Architect Ltd London dated 11.10.2016
- 221. Response from (Address not given) dated 10.10.2016
- 222. Pro-Forma Response from occupier of 37 Clifton Gardens dated 30.09.2016
- 223. Pro-Forma Response from occupier of Flat 3, 130 Rickmansowrth Road Watford dated 30.09.2016
- 224. Pro-Forma Response from occupier of 53A Bathurst Mews dated 30.09.2016
- 225. Pro-Forma Response from occupier of 17 Chilworth Mews dated 30.09.2016
- 226. Pro-Forma Response from occupier of 2-4 Talbot Square dated 21.09.2016
- 227. Pro-Forma Response from occupier of 168-174 Sussex Gardens dated 21.09.2016.
- 228. Anonymous response undated.

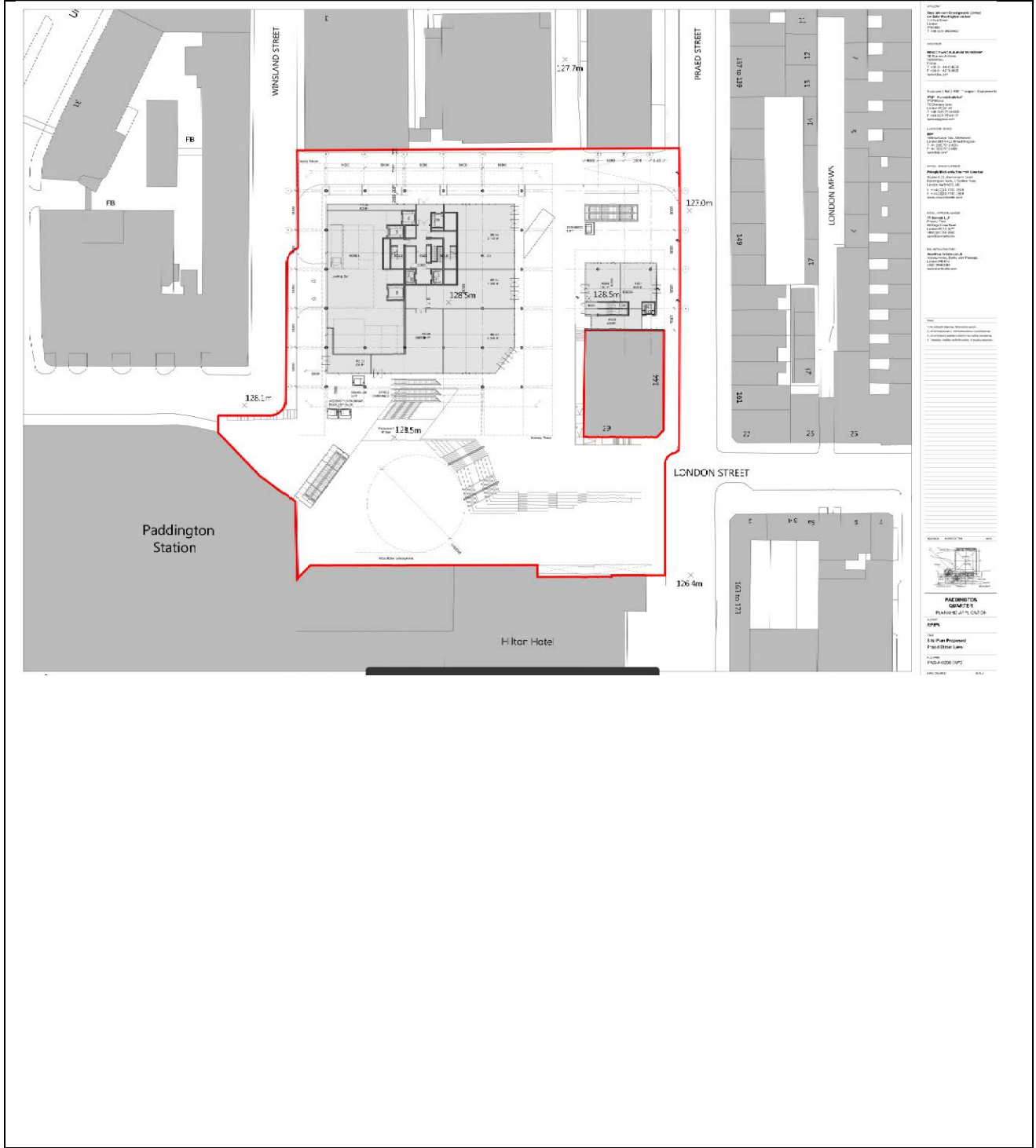
Selected relevant drawings

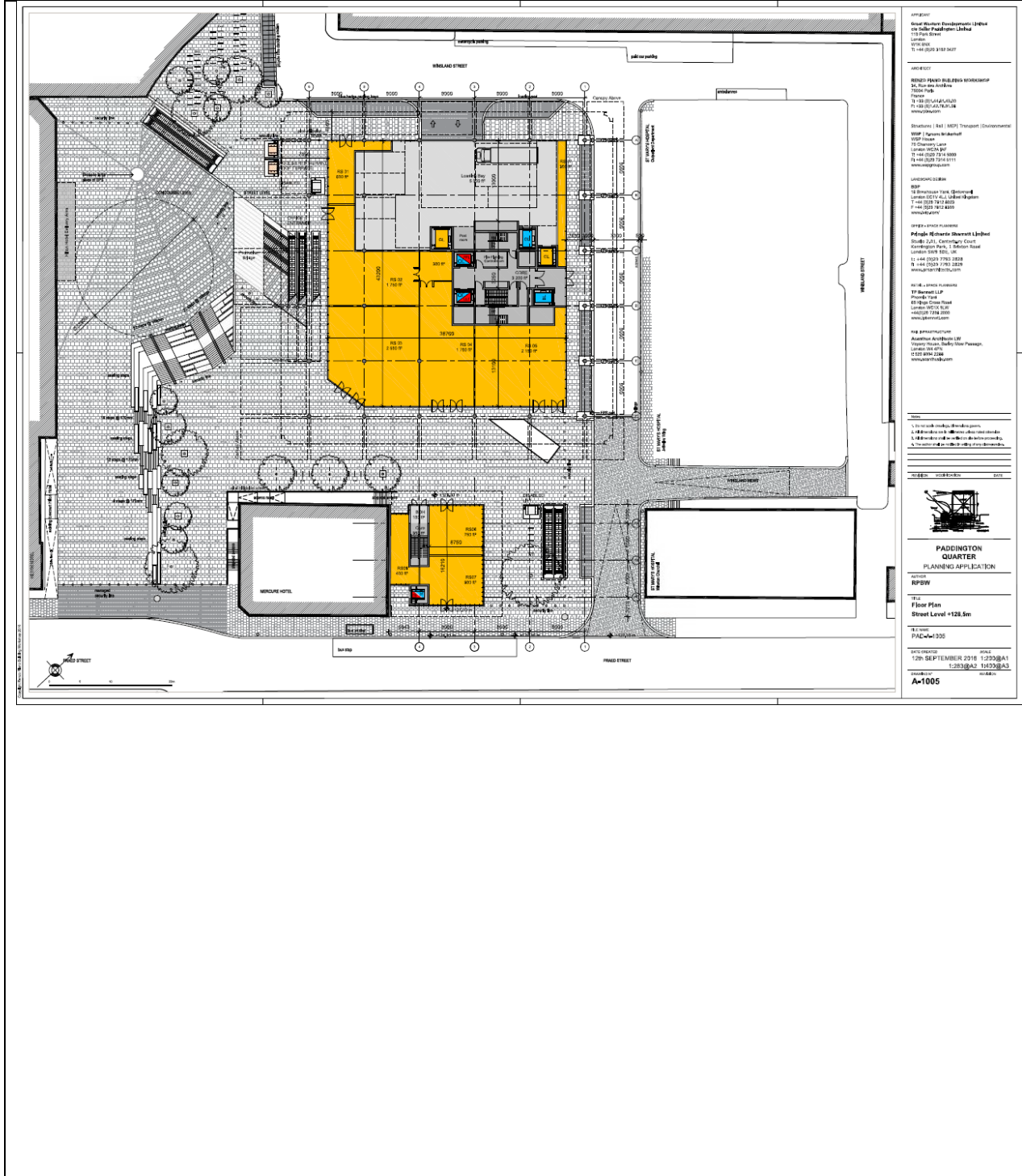
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk

9. KEY DRAWINGS







ARCHITECT
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Tel: +44 (0)20 734 1400
www.rhsworkshop.com

STRUCTURAL ENGINEER
SMEP Engineering
120, Cannon Lane
London, EC1A 3DF
Tel: +44 (0)20 734 1400
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MECHANICAL ENGINEER
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www.perez-rodriguez.com

MECHANICAL ENGINEER
P&P Engineering LLP
40, Kings Cross Road
London, WC1X 9LH, UK
www.pandp.com

MECHANICAL ENGINEER
Austrian Architects Ltd
100, Victoria Road, Brompton
London, W14 9NS
www.austrianarchitects.com

Notes:
1. In accordance with the plans.
2. All dimensions are in millimeters unless otherwise stated.
3. All dimensions are in millimeters unless otherwise stated.
4. The location of the building is shown in the accompanying plan.

NO: 2016-00000000-0000

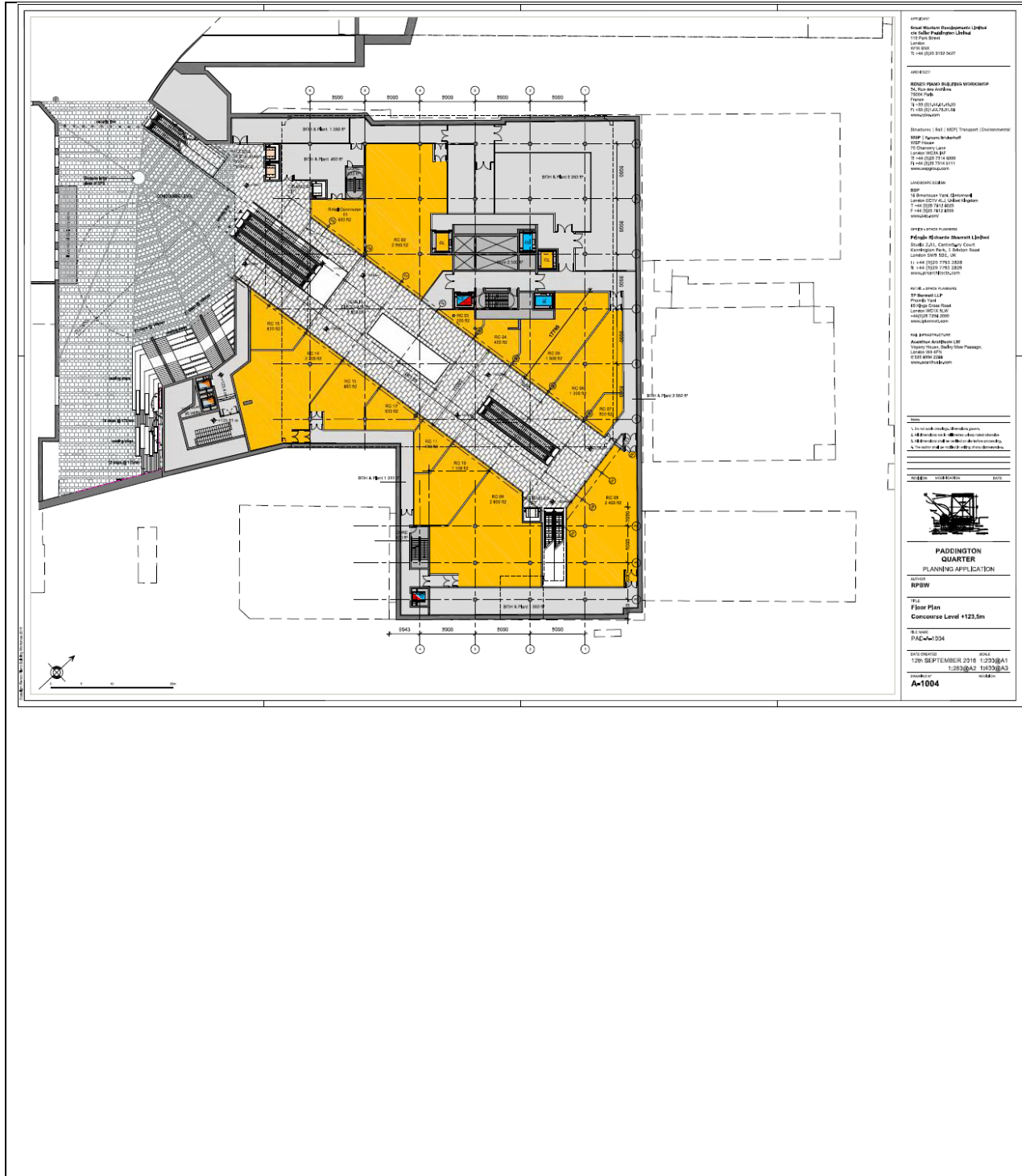

PADINGTON
QUARTER
PLANNING APPLICATION

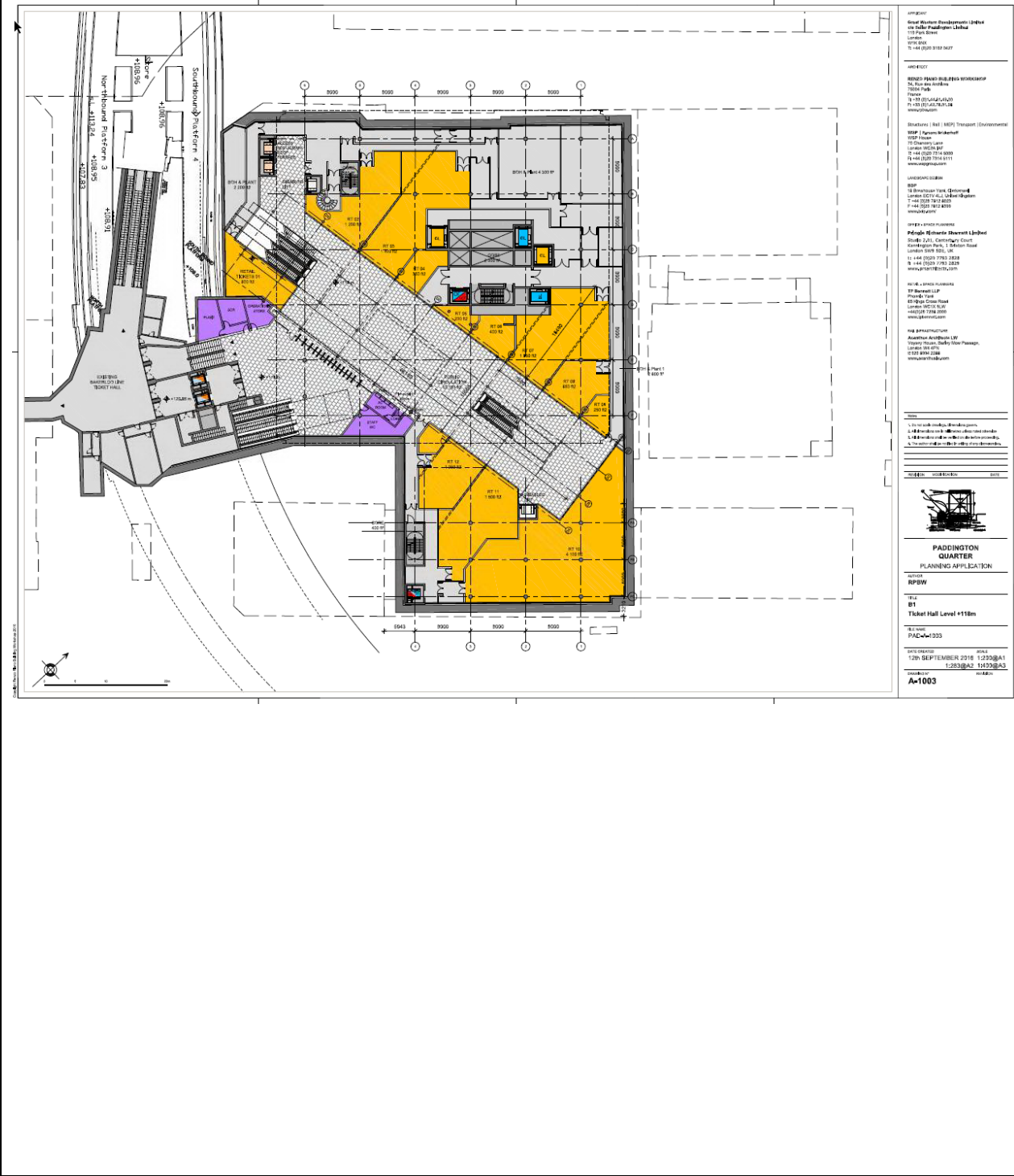
PROJECT
RPSW

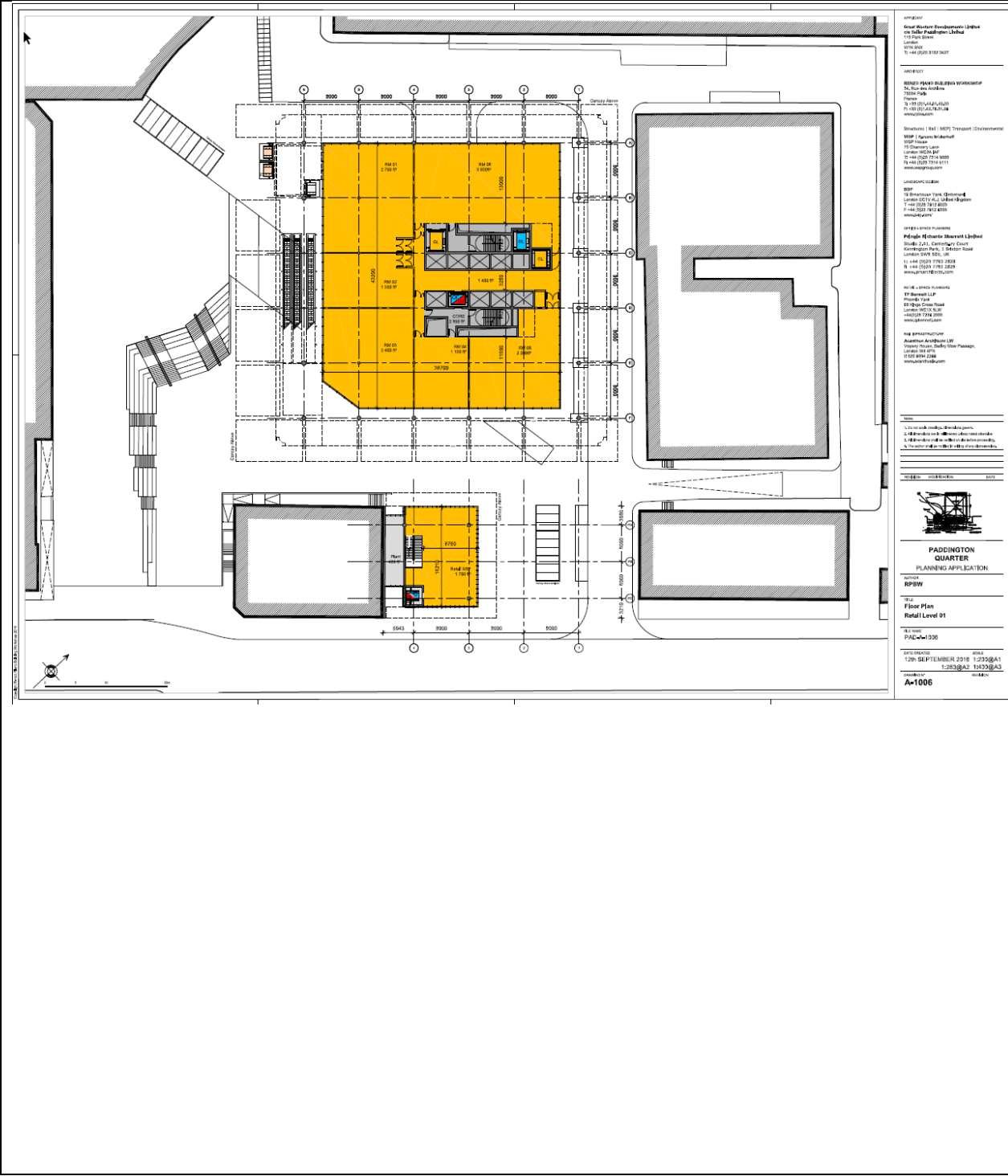
TYPE
Floor Plan
Street Level +128.5m

BY: [Signature]
DATE: 12th SEPTEMBER 2016 1:23:00@A1
1:23:00@A2 1:23:00@A3

SCALE
A=1005







General Notes:
 1. The drawings shall be read in conjunction with the Bill of Materials (BOM) and the Specification.
 2. All dimensions shall be in millimeters unless otherwise stated.
 3. The drawings shall be read in conjunction with the Bill of Materials (BOM) and the Specification.
 4. The drawings shall be read in conjunction with the Bill of Materials (BOM) and the Specification.
 5. The drawings shall be read in conjunction with the Bill of Materials (BOM) and the Specification.
 6. The drawings shall be read in conjunction with the Bill of Materials (BOM) and the Specification.
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 9. The drawings shall be read in conjunction with the Bill of Materials (BOM) and the Specification.
 10. The drawings shall be read in conjunction with the Bill of Materials (BOM) and the Specification.

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 9. The drawings shall be read in conjunction with the Bill of Materials (BOM) and the Specification.
 10. The drawings shall be read in conjunction with the Bill of Materials (BOM) and the Specification.



PADDINGTON QUARTER
 PLANNING APPLICATION

Project Name:
 Retail Level 01

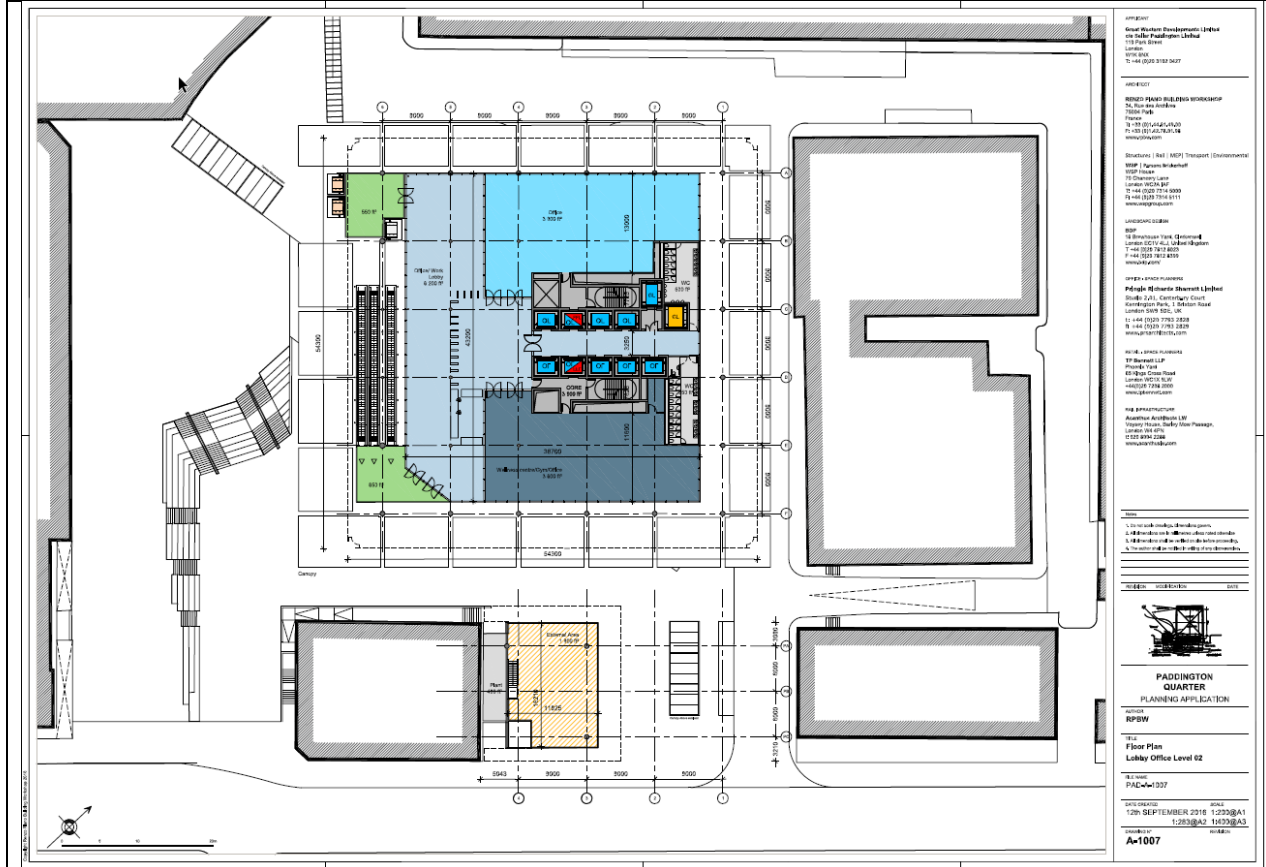
Scale:
 1:100

Revision:
 A-1006

Date:
 12th SEPTEMBER 2018 13:03@A3

Drawn by:
 1283@A3 1403@A3

Check by:
 1403@A3



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STRUCTURAL ENGINEER
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Structural | Mechanical | MEP | Transport | Environment
SWR (Specialist Work Room)
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 Fax: +44 (0)20 7714 6111
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 Fax: +44 (0)20 7714 6111
 www.charterhouse.com

1. This plan shall be read in conjunction with the attached documents.
 2. All dimensions are given in millimeters unless otherwise stated.
 3. All dimensions are to the center line of walls unless otherwise stated.
 4. The location of the building shall be shown on the attached map.

01.0000 00.0000 01.0000 01.0000 01.0000 01.0000 01.0000 01.0000

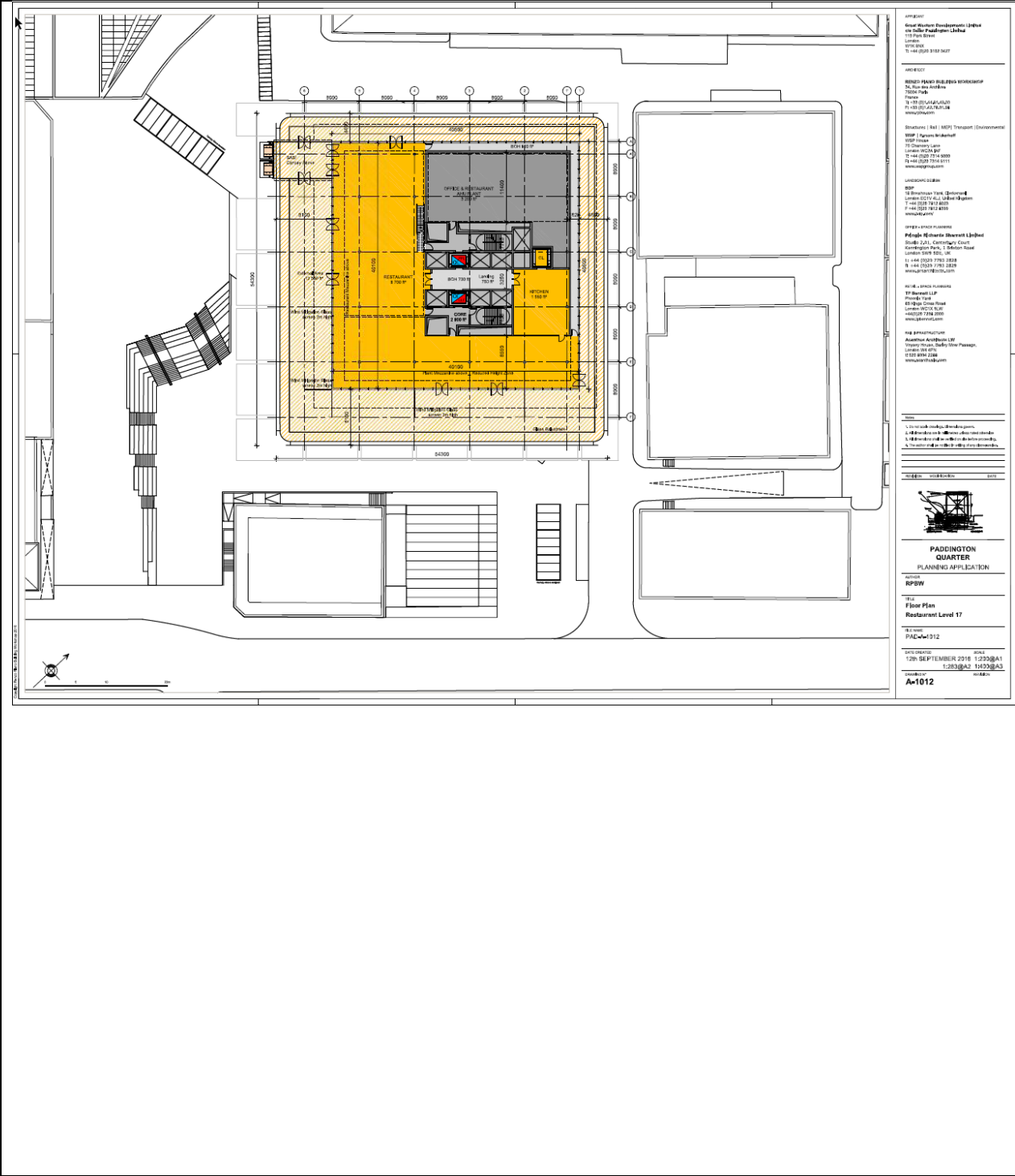
DRAWING: 110-02-0000-01

PADDINGTON QUARTER
 PLANNING APPLICATION

PROJECT: RPSW

FILE: Floor Plan
 Lobby Office Level 02

DATE: 12/09/2016
 DATE CREATING: 12th SEPTEMBER 2016 1:25:50 AM
 DATE PLOTTING: 1:26:30 AM '16
 DRAWN BY: A1007



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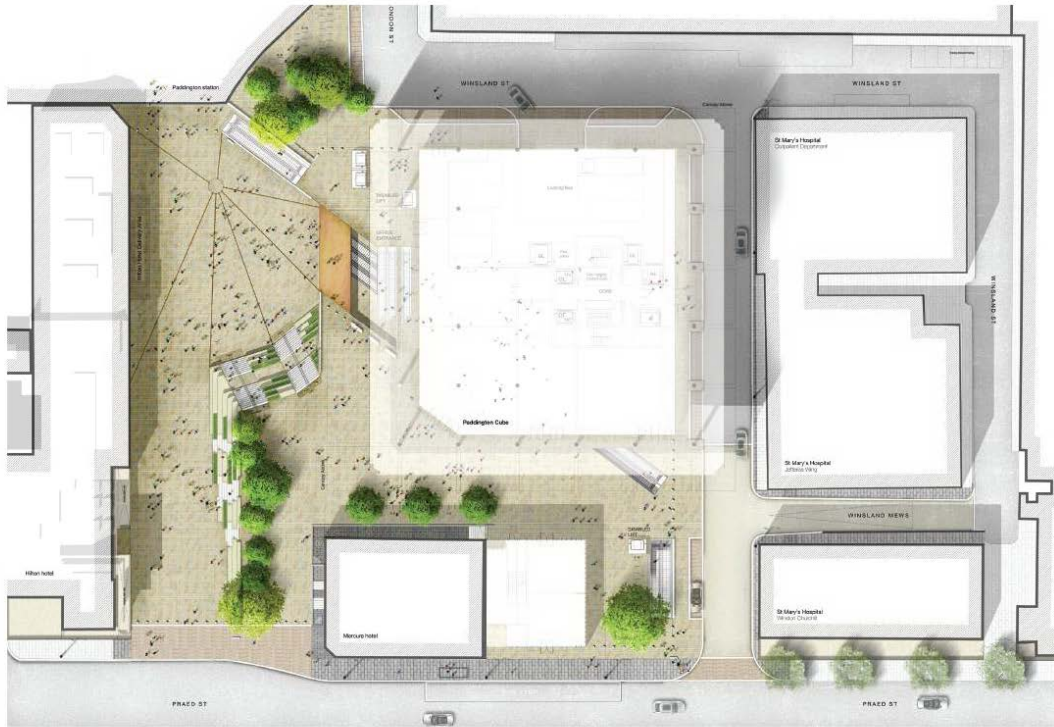
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 Tel: +44 (0)20 7744 8100
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DRAWING NO: 17-01-01-01-01-01-01
 DATE: 12/09/2018
 SCALE: 1:100

PADDINGTON QUARTER
 PLANNING APPLICATION
 REF: 17/01010/1
 TITLE: Floor Plan
 Restaurant Level 17
 DRAWN BY: PAC-w/12
 DATE: 12/09/2018
 17/01010/1
 12/09/2018 12:03:01
 1:203@A2 1:403@A3
 A-1012



Street Level Public Realm Plan

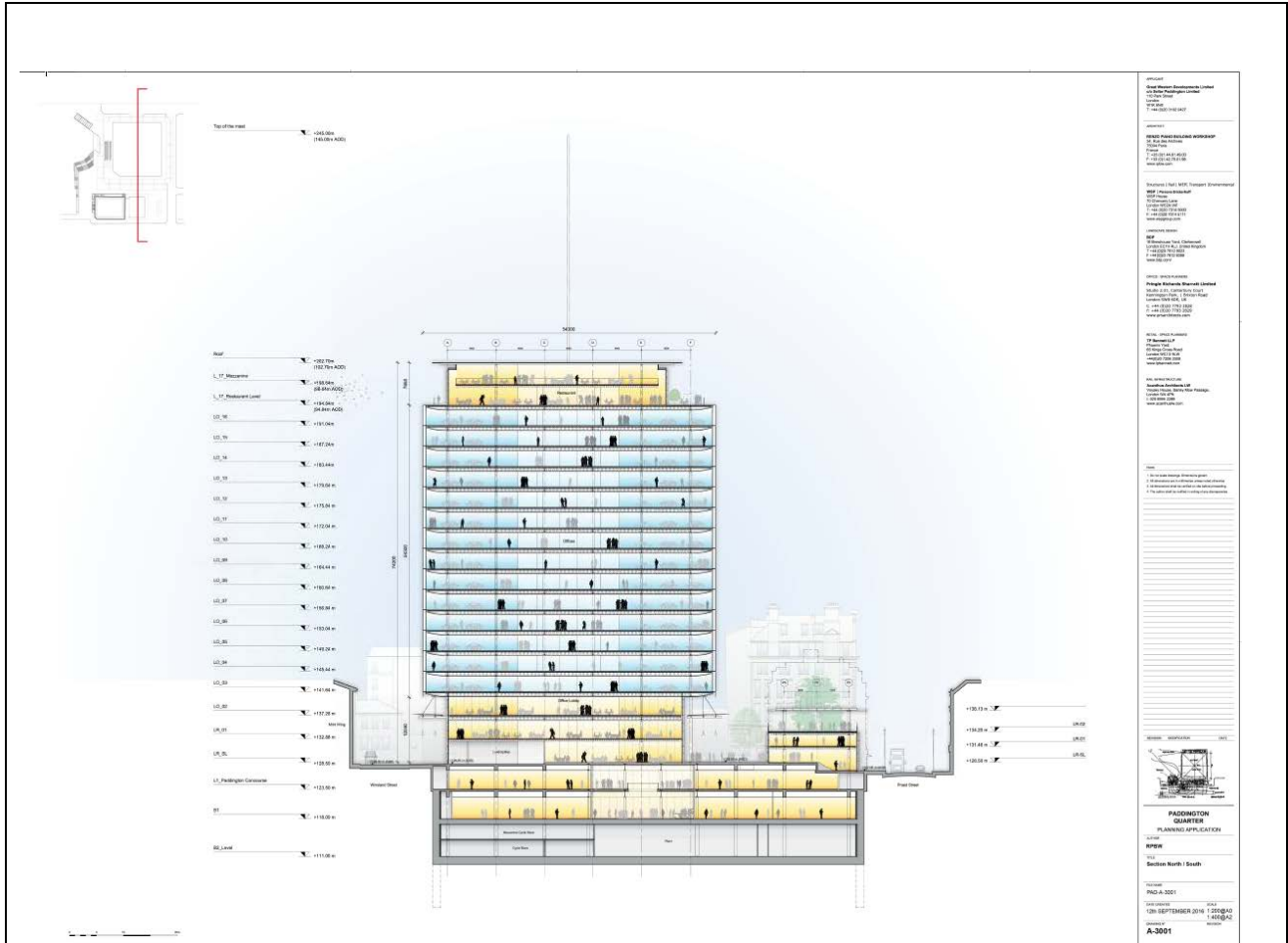


Concourse level view looking east towards the Bakerloo Line entrance



View looking north with London Street and station arrivals ramp





Praed Street building - proposed view with piazza



Arrivals Ramp - CGI (View from Praed Street)



The Cube - CGI (View from London Street)

DRAFT DECISION LETTER

Address: Paddington Sorting & Delivery, 31 London Street, London, W2 1DJ,

Proposal: Demolition of existing buildings and mixed use redevelopment comprising a commercial cube providing up to 50,000 sqm (GEA) floorspace of office/commercial uses, retail and café/restaurant uses at lower levels and top floor level, a retail/restaurant building on Praed Street; a new major piazza including pedestrianisation of London Street, a new access road between Winsland Street and Praed Street, hard and soft landscaping, new underground station entrance and new Bakerloo Line Ticket Hall; and associated infrastructure and interface highway and transport works for underground connections, and ancillary works.(EIA Application accompanied by an Environmental Statement). Site includes 31 London Street, 128-142 Praed Street, London Street, Paddington Station Arrivals ramp and associated surrounds.

Reference: 16/09050/FULL

Plan Nos: A-0101 A-0102 A-0103 A-0104 A-0105 A-0106 A-0107 A-0201 A-0202 A-0203 A-0204 A-0205 A-0206 A-0207 A-0208 A-0209 A-0210 A-0211 , A-0212 A-0301 A-0302 A-1001 A-1002 A-1003 A-1004 A-1005 A-1006 A-1007 A-1008 A-1009 A-1010 A-1011 A-1012 A-1013 A-1014 A-1101 A-1501-A A-1501-B A-1502-A A-1502-B A-1503-A A-1503-B A-1504-A A-1504-B A-1505-A A-1505-B A-1506-A A-1506-B A-1507-A A-1507-B A-1508-A A-1508-B A-1509-A A-1509-B A-1510 A-1511 A-1512 , A-1513 A-1514 A-3001 A-3002 A-3101 A-3102 A-4001 A-4002 A-4003 A-4004A-4005 A-4006 A-4501 A-4511A-4521 A-4531 A-4541 A-4551 A-4561 A-4611 A-4612 A-4613 A-4614 A-4621 A-4622 A-4631 A-4641 A-4651 A-4652 A-4653 A-4661 A-4662 A-4663 A-4664 A-4671 , LD-5001 LD-5011 LD-5012 LD-5021LD-5022 LD-5031 , Environmental Statement Volume 1 (Main Text), Environmental Statement Volume 2 (Technical Appendices), Environmental Statement Volume 3 (Heritage, Townscape and Visual Impact Assessment); Environmental Statement Volume 4 (Non-Technical Summary); Design and Access Statement; Public Realm Strategy; Energy Statement; Sustainability Statement, Transport Assessment; Waste Management Strategy Planning Statement; Construction Management Plan; Basement Impact Assessment; Crime Prevention Statement; Statement of Community Involvement; Economic Assessment; Executive Summary Heritage Statement; Outline Drainage Strategy; Public Realm Accessibility, Retail Statement.

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641 2929

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

Reason:

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

- 4 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)

- 5 No development shall take place, including any works of demolition, until the following plans, have been submitted to and approved in writing by the City Council as local planning authority, in liaison with Transport for London:-, a) Delivery and Service Plan, b) Construction Logistics Plan, , These documents should detail the traffic impact resulting from construction vehicles and delivery and servicing vehicles on the Strategic Road Network) 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:

In order to appropriately manage any potential adverse effects on the local road network and the adjacent bus stop, as requested by Transport for London.

- 6 None of the development hereby permitted shall be commenced until construction method statements have been submitted to and approved in writing by the Local Planning Authority which demonstrate:, , (i) Complete Compatibility with Crossrail works programmes. , (ii) Adequate protection of the remaining structures and infrastructure on site. , (iii) How the works accommodate the proposed location of the Crossrail structures including tunnels, , shafts and temporary works. , (iv) The mitigation of the effects on Crossrail construction, current or planned, of ground movement , arising from development., , The development shall be carried out in all respects in accordance with the approved design and method statements. ,

Reason:

All this to ensure that delivery of the Crossrail and the Bakerloo Line Link works is not impeded or compromised and as requested by Crossrail Limited.

- 7 None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, including works to construct Crossrail Paddington Station, the construction of the Crossrail structures and tunnels is not impeded.

Reason:

All this to ensure that delivery of the Crossrail and the Bakerloo Line Link works is not impeded or compromised and as requested by Crossrail Limited.

- 8 The development hereby permitted shall not be commenced until fire evacuation proposals and sustainable operations of the station systems in consultation with London Underground) have been submitted to and approved in writing by the local planning authority which incorporated the following issues:, , a) In order to ensure that the development proposed delivers an operationally

safe station the development must work with London Underground and the London Fire Brigade to ensure that fire evacuation provision is compliant with London Underground and legislative requirements., , b) In order to ensure the future sustainable operation of the station systems to be provided or altered by the proposed development and minimise disruption during future maintenance the developer must ensure that maintenance access to meet London Underground's requirements is incorporated into the design of the development., , c) Transport for London consent to Development Agreement.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure , in accordance with London Plan as requested by London Underground Limited.

- 9 **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)

- 10 An air pollution mitigation and abatement plan providing details of the air pollution mitigation and abatement measures and updated results of the air quality neutral assessment shall be submitted to and approved by the local planning authority. You must then carry out the work according to the details approved before the buildings are occupied and thereafter retain and maintain.

Reason:

To ensure that the development complies with the building emissions benchmark for Nitrogen Dioxide and does not adversely affect air quality and required by policy ENV5 of our Unitary Development Plan that we adopted January 2007 and S31 of our City Plan: Strategic Policies that we adopted November 2016.

- 11 Prior to commencement of any demolition or construction works a Vibration assessment shall be provided to show the potential for changes to the area brought about by the development to affect existing receptors and vibration levels in the area. Any mitigation measures must be identified , implemented and thereafter retained in situ.

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.

- 12 No demolition shall take place until a written scheme of historic building investigation (Wintertree Software Inc.) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the Wintertree Software Inc., no demolition or development shall take place other than in accordance with the agreed Wintertree Software Inc., which shall include the statement of significance and research objectives, and: , A. The programme and methodology of historic building 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 Wintertree Software Inc..

Reason:

To avoid damage to any archaeological remains on site 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. (R32AC)

- 13 No demolition or development shall take place until a stage 1 written scheme of investigation (Wintertree Software Inc.) has been submitted to and approved by the local planning authority in writing. For land that is included within the Wintertree Software Inc., no demolition or development shall take place other than in accordance with the agreed Wintertree Software Inc., and the programme and methodology of site evaluation and the nomination of a competent person/s organisations to undertaken the agreed works., , If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 Wintertree Software Inc. shall be submitted to and approved by the local authority in writing. For land that is included within the stage 2 Wintertree Software Inc. , no demolition /development shall take place other than in accordance with the agreed stage 2 Wintertree Software Inc. which shall include: , , A. The statement of significance and research objectives, the programme and methodology of site 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 stage 2 Wintertree

Software Inc..

Reason:

To avoid damage to any archaeological remains on site 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. (R32AC)

- 14 (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 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.

- 15 (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 commercial 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 commercial 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.

- 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 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 14 and 15 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.

- 18 You must apply to us for approval of details of the energy centre flue/s , 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. (C14BB)

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)

- 19 You must apply to us for approval of details of the ventilation system for the restaurants (Class A3) to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the restaurant use/s 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 the public realm and the people in the development and

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)

- 20 Details of the final wind mitigation measures proposed for the development shall be submitted for approval by the City Council and thereafter implemented and maintained as such, unless agreed in writing by the City Council. These measures shall include:-, , A. Wind mitigation measures already incorporated into the design of the development, but which may be subject to detailed design or other changes through conditions , including canopies, screens, trees, planters as referred to in section 10.7.32 Environmental Statement Volume 1., , B. Details of wind mitigation measures (which may include a 2.5m high hoarding and measures to control pedestrian and cycle access during high wins) to be implemented during temporary construction period, in respect of the wind conditions along the proposed new access road (which links Praed Street to Winsland Street). , , C. Details of permanent wind mitigation measures (which may include screen/green wall along the north eastern edge of the new access road (which links Praed Street to Winsland Street), in respect of the wind conditions along that road., , D. Details of wind mitigation measures (which may include screens, balustrade, planters), in respect of the wind conditions to the corners of the external terrace to the Cube's rooftop restaurant.

Reason:

To ensure a satisfactory environment for the general public in accordance with S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 21 You must apply to us for approval of samples of the facing materials you will use, including glazing, portland stone 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 this part of the Bayswater 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)

- 22 You must apply to us for approval of samples of the facing materials you will use both for the new buildings and for the new public realm, including hard landscaping, and elevations and 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 this part of the Bayswater 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)

- 23 You must apply to us for approval of 3m x 3m sample panels (or typical fabricated bay) of the following parts of the development: , i) glazed cladding system for the Cube Building, including integrated blinds; , ii) Portland stone cladding system for the Praed Street building including the plant facade- typical limestone facework, typical brick facework (for each brick type). , , The samples should demonstrate the all elements of facade articulation, jointing 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 samples.

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 Bayswater 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)

- 24 You must apply to us for approval of full details of the following parts of the development: , i) full details of all new escalators, including treatment to exposed soffits; , ii) full details, including finish details of the new 'panoramic' lifts and lift shaft on the West side of the Cube building; , iii) full details, including finish details of public lifts and lift shafts accessible from 'Street level'; , iv) finished appearance of integrated blinds and internal blinds; , v) finished appearance of internal ceilings, including office lighting details, of the office floor levels of the Cube building; , vi) shopfronts, including indicative locations and design principles for display of all signage; , vii) all wind mitigation measures, during both construction and operational phases, associated with controlling wind microclimate; , viii) typical external railings / balustrades / screens; , ix) the new bridge structure carrying 'Street level' over 'Concourse level'; , x) interfaces with landscaping; , xi) ventilation and other services terminations; , xii) external lighting, xiii) location and appearance of CCTV cameras. , , You must not start work on these parts of the development until we have approved what you have sent us. , You must then carry out the work according to these approved drawings.

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 Bayswater 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)

- 25 You must apply to us for approval of full details including samples of materials of the following parts of the development: , i) the treatment to the flank party wall of the Mercure Hotel where it is exposed by the abutting new Praed Street building; , ii) the treatment of the exposed west-facing party wall facades of the St Mary's Hospital buildings (Churchill Building, Jefferiss Wing and Main Outpatients Building). , You must not start work on these parts of the development until we have approved what you have sent us. , You must then carry out the work according to these approved drawings.

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 Bayswater 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)

- 26 The following design details must be provided as part of the construction phase and maintained: , i) the stonework for the Praed Street building shall utilise Portland Stone; , ii) the winter gardens to the corners of the Cube building shall feature curved glass and not framed or faceted glass.

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 Bayswater 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)

- 27 The building maintenance unit(s) shall be positioned in the parked and hidden position at all times 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 this part of the Bayswater 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)

- 28 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials

on the roof, except those shown on the approved drawings. (C26PA)

Reason:

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

- 29 You must apply to us for approval of detailed drawings of the hard landscaping scheme including: , i) details of the surfacing of any part of the site not covered by buildings; , ii) details of all lighting to new public realm; , iii) details of all new bollards; , iv) benches, informal seating structures; , v) cycle parking. , , 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 according to these approved drawings within 6 months of completing the development (or within any other time limit we agree to in writing).

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 Bayswater 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)

- 30 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:- , Provision of public viewing platform as an external terrace and or projecting glass box/structure to roof top restaurant to Cube building. , , 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 ensure that the proposal incorporates a high level viewing area which is accessible to the general public, in accordance with policy S3, S12, S18, S21 and S24 of our City Plan: Strategic policies, that we adopted 2016

- 31 You must apply to us for approval of samples of the paving and other materials, including planters and other street furniture not otherwise specified by other conditions of this consent, for the public realm areas. 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 using the materials that we, approve. (C26BB)

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 Bayswater 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)

- 32 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 in its entirety and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Bayswater 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)

- 33 You must apply to us for approval of a scheme of public art as outlined in your design and access statement (page 80) and in your Public Realm Strategy Document (pages 40-47). You must not start work on the superstructure of the development 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 unless we have give you our written approval beforehand.

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)

- 34 No tables and chairs shall be placed outside of the restaurant, retail or office premises hereby approved within the hard or soft landscaping of the public realm without our written approval. You must apply to us for approval of the location, number, appearance, hours of use and location of storage for any tables and chairs and associated non-fixed structures, such as enclosure around tables and chairs or sun shades, that you propose to place within the hard or soft landscaping comprising the public realm. You must not place the table and chairs or associated structures outside the premises until we have approved what you have sent us. You must then place the tables and chairs in the locations we approve in accordance with the details of their use and appearance that we approve.

Reason:

To prevent obstruction to pedestrian movement across the site, protect the amenity of the public realm and ensure that the appearance of the tables and chairs and associated structures are appropriate in accordance with and DES1, DES7, ENV6, TRANS3, TACE2 of our, Unitary Development Plan we adopted in January 2007 and S3, S12, S41 of our Strategic Plan adopted 2016.

- 35 Prior to commencement of below ground works, you must apply to us for approval of detailed drawings/documents of the following:- , A. A planting scheme which includes the number, size, species and position of trees and shrubs. , B. The relationship between proposed trees and glass canopies., C. Soil depth and volume for each proposed tree and details of permeable paving around base of each proposed tree., D. Full details of the construction method, layout and species for the vertical greening to proposed screen on roof of Praed Street building., E. Maintenance regime, F. Sustainable irrigation and rainwater harvesting., , 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 planting within one planting season 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 5 years of planting them, you must replace them with trees of a similar size and species. (C30BB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Bayswater 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)

- 36 You must apply to us for approval of a Public Realm strategy for the public realm area. This must include details of the following:-, a) Details of type and hours of public events , b) Details of maintenance , c) Details of street cleaning, d) Details of drainage, lighting, street furniture, crowd control, pedestrian flow, smokers, station and LUL, crossrail evacuation, development evacuation, signage, telecommunication, wayfinding, rail replacement, hostile vehicle mitigation. , , You must not occupy any part of the development until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area including the general public's use of the public realm. This is as set out in S24, S29 and S32 of Westminster's City Plan and ENV 6, ENV13 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 37 The operation of the Restaurant and Retail floor space shall be carried out in accordance with the

following:-, , a) The rooftop restaurant shall only be used as a restaurant within Class A3 and for no other use within the Town and Country Planning Use Classes Order 2016., b) The retail floor space shall only be used for restaurant (Class A3) or retail (Class A1) purposes and for no other use within the Town and Country Planning Use Classes Order 2016 and subject to c) below., c) No more than 50% of the Retail/Restaurant floor space (excluding the roof top restaurant) shall be used for restaurant purposes (Class A3).

Reason:

To ensure that the proposal incorporates a roof top restaurant with public access , provides a significant and satisfactory amount of retail (Class A1) floor space and protects the vitality and viability of the existing Praed Street District shopping centre, in accordance with policy S3, S12, S18, S21 and S24 of our City Plan: Strategic policies, that we adopted 2016

- 38 You must apply to us for approval of an operational management plan for the Retail (Class A1) and Restaurant (Class A3) uses . This must include details of the following:-, , a) Hours of the operation, staff and customers. , b) Details of all servicing to use the internal loading bay accessed from Winsland Street,including hours of servicing, staffing process, internal storage locations, scheduling of deliveries., c) No home deliveries option., d) Procedure to minimise impact on residential amenity and environmental quality., e) Details of public access and access control arrangements for the rooftop restaurant., f) Details of location and number of tables and chairs and their overnight storage (where applicable). , g)Capacity, covers, ancillary bar, control of smoking areas, door supervision, queuing, take, away, contact details for complaints., h) operation in accordance with waste strategy, , You must not start any the retail/ restaurant 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 any retail/ restaurant is in use. (C05JB)
- 39 The roof level restaurant (Class A3) and associated public viewing platform as an external terrace and or projecting glass box/structure to roof top restaurant to Cube building. (to be approved under condition 30) must be completed and made ready for use by the public before any of the commercial floor space within the Cube building is first occupied, unless otherwise agreed by us in writing.

Reason:

To ensure that public access is provided to the top of the building in accordance with DES3 in, our Unitary Development Plan that we adopted in January 2007

- 40 You must apply to us for approval of a Servicing Management Plan for the servicing of the development itself. The plan should identify process, storage locations, scheduling of deliveries and staffing. In particular this should give further comfort over how the developer would ensure that :-, o No more than eight servicing vehicles would arrive at any one time, o The doors to the servicing area would be opened prior to vehicles' arrival (so that, for example, a 10m rigid vehicle did not arrive and have to wait on the highway for the doors to open, and block the

carriageway) , o Freight is consolidated as far as possible, , The plan must be approved prior to occupation of any part of the development and followed/maintained for life of development, unless revised strategy is approved (in writing) by the Local Planning Authority.

Reason:

To ensure that all of the uses within the building are appropriate serviced in accordance with TRANS20 and in the Unitary Development Plan we adopted in January 2007 and S42 of our City Plan: Strategic Policies that we adopted 2016.,

- 41 The loading bays hereby approved shall be maintained with a clearance height of 4.5 metres above each loading bay and you must only use the loading bays shown on drawing A1005 for the purpose of servicing the uses within the development hereby approved. You must make the loading bays available before first occupation of any use within the development and you must permanently retain them and make them available at all times to occupiers of the development for servicing purposes, unless otherwise agreed by us in writing.

Reason:

To ensure that the commercial uses within the building are appropriate serviced in accordance with TRANS20 and in the Unitary Development Plan we adopted in January 2007 and S42 of our City Plan: Strategic Policies that we adopted 2016.

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

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 43 Before anyone uses within the development begin , you must provide the separate stores for waste and materials for recycling shown on the approved drawings. You must clearly mark them and make them available at all times to everyone using the development;. (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)

- 44 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

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 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 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)

- 46 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)

- 47 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., , Development in accordance with the approved energy strategy , Vertical greening to roof of two storey Praed Street building, Photovoltaic's, Compliance with BREEAM excellence, Rainwater harvesting, 370m2 water attenuation storage structure at concourse level., Bio diversity improvements including bird and bat boxes, , 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)

- 48 You must apply to us for approval of detailed drawings indicating the location and number of bird and bat boxes within the landscaping of the development hereby approved. You must not start work on this part of the development. You must then carry out the works in accordance with the details we approve prior to the occupation of the building.

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. (R43AB)

- 49 Before you begin to use the buildings, you must apply to us for approval of a Travel Plan. The Travel Plan must include details of: (a) A comprehensive survey of all users of the buildings; (b) Details of local resident involvement in the adoption and implementation of the Travel Plan; (c) Targets set in the Plan to reduce vehicle journeys; (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the new 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:

In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2, TRANS 3 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007. (R45AB)

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 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the following:-, , 1. a) Prior to commencement of development the developer to submit a schedule of works associated with the interface between Paddington Bakerloo Line and the development which must be agreed by the City Council (in consultation with TFL and LUL and Network Rail). The development must be carried out in accordance with the schedule of works agreed., , 1. b) Prior to occupation of any of the buildings above ground level, the developer to carry out structural works and to construct the station box to the Bakerloo Line ticket hall and the fit out works to the unpaid side of ticket barriers including all escalators, steps and lift access from concourse level and London Street/Praed Street level, in accordance with the approved drawings, (unless otherwise agreed in writing by the City Council in consultation with TFL and LUL and Network Rail) and thereafter provide a 999 year lease at peppercorn rent to TFL/LUL for operation of the station and public access through and within the development to all public transport entrances/exits when public transport is operational. , , 2. The developer to pay £8.5m (index linked) towards Transport for London's delivery of fit out works (to paid side of ticket barriers) to the new Bakerloo Line ticket hall. To be paid to Transport for London on receipt of confirmation from Transport for London of their commitment to fund the remaining cost of fit out works and 3 months before the commencement of relevant fit out works. , , 3. The developer to meet the cost of funding the procurement, management and delivery (including all necessary consents) of the following works within Paddington Station, including namely; i) tunnels refurbishment, ii) redesign of servicing area to western end of platform 1; iii) removal and replacement of buffer stops and adjacent plant to platforms 11 & 12. , , 4. The developer to fund a transport study by a steering group comprising WCC, TFL, NR & Crossrail of traffic management and servicing associated with the site and in its vicinity. Including Eastbourne Terrace, Bishops Bridge (Harrow Road gyratory to Eastbourne Terrace), Praed Street (Craven Road to Norfolk Place), London Street (North), Winsland Street, Winsland Mews, Junction of London Street with South Wharf Road and proposed new road, Paddington Station Arrivals ramp. The findings of the study to be implemented in agreement with the City Council & TfL at the developers cost., , 5. Developer to fund the cost of highways works immediately surrounding the site, required for the development to occur/mitigate the impact of the development., , 6. Developer to submit a servicing management plan, to minimise servicing movements within the public realm, including the area of the Paddington Station Arrivals ramp, for approval by the City Council and thereafter to carry out the development in accordance with the approved plan. , , 7. Developer to provide and manage at their own cost all of the public realm works within the application site including associated street furniture, paving, landscaping, drainage, service diversions and thereafter maintain and manage the area including the area that is currently the Arrivals Road and allow 24 hours access for the general public via a walkways agreement to be submitted for approval. , , 8. Provision of vehicular and pedestrian public highway to the City Council's adoptable standard from Praed Street to Winsland Street prior to closure of London Street and thereafter with 24 hours access. Details to be agreed by the City Council., , 9. Provision of or cost of relocation/replacement/upgrade of east and west bound bus stops on Praed Street to TfL satisfaction and in line with 4 above. , , 10. Provision of or cost of relocation/replacement of cycle docking station and provision of vehicular access to and from it to allow manual redistribution of bikes within the site to TfL satisfaction and in line with 4 above., , 11. Provision of or cost of relocation/replacement and changes of on street car parking including blue badge car parking as part of 4 above, , 12. Provision of or cost of relocation/replacement of motorcycle parking within the site as part of 4 above, , 13. Provision of Public Art to the value of no less than £2,000,000 (index linked), , 14. Provision and maintenance of public access to the Cube's rooftop restaurant (Class A3) and external terrace and provision of a free public viewing area (details to be agreed later) at no cost to the public., , 15. Financial contribution of £250,000

(index linked) as a payment in lieu of on-site a mini recycling facility , , 16. Financial contribution of £250,000 (index linked as a payment in lieu of on-site social and community facility , , 17. Employment and Training Strategy, , 18. Cost of Monitoring the S106 legal agreement

- 3 The proposed development needs to take account of the construction of the TWA Order 2014. The Crossrail (Paddington Station Bakerloo Line Connection) Order 2014. The Crossrail (Paddington Station Bakerloo Line Connection) Order 2014 ("the Order") was made under the Transport and Works Act 1992 by the Secretary of State for Transport on 18 February 2014 and came into force on 11 March 2014. Please note that the entire site at 31 London St is occupied by Crossrail (the BLL contractor and LUL) and will remain so until end December 2018. There is no provision in the Crossrail construction programme which permits shared occupation of any part of the development site during the construction works. Please note however, that Crossrail is in discussions with the Developer (GWD/Sellar) to explore the option of an early phased hand-back of the building. If agreement is reached, an early hand back would be dependent on completion of Crossrail works and not dependent on a fixed date. Based on the current construction programme, early hand-back of phase 1, the rear third of the building, could occur in September 2017 with phase 2, the remainder of the building, in Feb to April 2018.
- 4 Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 5 With reference to condition 4 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 6 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)
- 7 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., , 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, , Phone: 020 7641 2000, , Our Environmental Health Service may change the hours of working we have set out in

this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 8 You may need separate licensing approval for the 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)
- 9 Condition 9 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below., , Contaminated Land Officer, Environmental Health Consultation Team , Westminster City Council, Westminster City Hall, 64 Victoria Street, London SW1E 6QP , , Phone: 020 7641 3153 , (I73AB)
- 10 As this development involves demolishing commercial, institutional or public buildings, you should consider if there is any contaminated land from previous activities on the site. For example, this building may contain asbestos materials or hydrocarbon storage tanks associated with the heating system., , Your investigation should follow the advice 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 can get a copy from our environmental health consultation team at the address given below., , A full site investigation would involve the following stages., , Step 1: Desktop study, Step 2: Detailed site investigation, Step 3: Remediation strategy, Step 4: Validation report (after completion), , If you want our contaminated land officer to comment on your investigation reports, please send them to: , , Contaminated Land Officer, Environmental Health Consultation Team , Westminster City Council, Westminster City Hall, 64 Victoria Street, London SW1E 6QP , , Phone: 020 7641 3153, (I73BA)
- 11 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 12 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. , , 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.

- 13 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.
- 14 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following. , * Window cleaning - where possible, install windows that can be cleaned safely from within the building. , * Internal atria - design these spaces so that glazing can be safely cleaned and maintained. , * Lighting - ensure luminaires can be safely accessed for replacement. , * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission). , More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm. , , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 15 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.
- 16 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public. , Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm. , The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>; , , BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of

sanitary and associated appliances , BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)

- 17 The air quality mitigation and abatement plan must contain the following:, Further monitoring is undertaken to refine the assessment of NOx, Updating of air quality neutral assessment with specific information on the boilers., Details of measures to protect existing and proposed receptors from air quality impacts, Any other such appropriate mitigation and abatement measures.
- 18 With respect to proposals for public art, you are advised that while the principle of an art screen, as detailed on page 42 of the Public Realm Strategy document may well be worth exploring and be acceptable, that we would strongly resist an art screen which would double as an actual railway departures board or be used to display advertisements.
- 19 You are advised that the existing water supply infrastructure has insufficient capacity to meet, the additional demands for the proposed development. Thames Water have therefore, recommend that the development should not be commenced until an impact study of the, existing water supply infrastructure has been submitted to and agreed with Thames Water. This, study should determine the magnitude of any new additional capacity required in the system, and a suitable connection point.
- 20 Thames Water also recommend the installation of a properly maintained fat trap on all catering establishments.They further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel.Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321.
- 21 You are advised that Thames Water request that the applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the, sewerage network may surcharge to ground level during storm conditions.
- 22 With regard to surface water drainage Thames Water advise that 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 Thames Water recommend 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 Ground Water. Where the developer proposes to discharge to a, public sewer, prior approval from Thames Water Developer Services will be required. Thames, Water Developer Services can be contacted on 0845 850 2777.

- 23 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 24 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)
- 25 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)
- 26 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)
- 27 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 28 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)
- 29 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)

- 30 The term 'clearly mark' in condition 43 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 31 You are encouraged to consider whether the decorative railings to the Front of 31 London Street could be capable of being re used within the development.

DRAFT DECISION LETTER

Address: Paddington Station, Praed Street, London, W2 1RH,

Proposal: Demolition of the existing retaining wall between the station arrivals ramp and London Street, and the pedestrian entrance stairs to the Bakerloo Line, along with the blocking up of a existing access stair to the Bakerloo Line within the station concourse and the remodelling/resurfacing of the arrivals ramp. All associated with the comprehensive redevelopment proposals at 31 London Street under reference 16/09050/FULL.

Reference: 16/09052/LBC

Plan Nos: A-0150 (Site Plan Existing), A-0301 (Demolition of Existing Bldg London Street), A-0302 (Demolition of Existing Bldg Praed Street 128-142 / Retaining wall / Bakerloo Entrance), A-1004 (Floor Plan - Concourse Level), A-1005 (Floor Plan - Street Level), Design and Access Statement, Public Realm Strategy, Executive Summary Heritage Report,

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641 2929

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 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 historic building 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 mitigate the loss of historic fabric as set out in S25 of our City Plan (July 2016) and DES 10 and DES 11 of our Unitary Development Plan that we adopted in January 2007.

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 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 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 6 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	Chesterfield Lodge, 75 St John's Wood Terrace, London, NW8 6LF,		
Proposal	Demolition of existing building and the erection of a four storey building to accommodate 44 residential dwellings (Class C3) and associated works including landscaping and the provision of car parking.		
Agent	Mr Graham Oliver, Gerald Eve		
On behalf of	The Trustees of the St Martin in the Fields Almshouse Charity		
Registered Number	16/00492/FULL	Date amended	9.11.2016
Date Application Received	20 January 2016		
Historic Building Grade	Unlisted		
Conservation Area	Outside a Conservation Area, although the boundary of the St John's Wood Conservation Area lies to the east.		

1. RECOMMENDATION

1. Subject to no new issues being raised when the consultation period on the revised proposal formally expires on 9 December 2016, resolve to grant conditional permission
2. Do Members agree that this proposal can be treated as an affordable housing credit to be secured by a Memorandum of Understanding (MOU). This Almshouses Memorandum of Understanding will set out the terms of this funding mechanism and shall be regarded as a material planning consideration from the date of this resolution and shall last for a period of ten years.

2. SUMMARY

This proposal relates to the redevelopment of Chesterfield Lodge a two storey almshouse comprising of 19 flats built in the late 1970's which is located just outside the St John's Wood Conservation Area. It is proposed to demolish the existing building and erect a new four storey building comprising of 44 residential flats for the St Martins-in-the-Fields Almshouse Charity (SMFAC) to provide subsidised rented social housing for the elderly and keyworkers.

The planning application has been amended in respect of the detailed design of the new building, and to alter the materials from re-constituted stone to brickwork .As a result of a number of changes to the internal layout , the number of affordable flats for rent has increased from 42 to 44(26 x 1 bedroom 1 person flats, 8x 1 bed 1 person studio and 8x 1bed 2 person flats)

Objections have been received from Councillor Karen Scarborough (as a Trustee of the neighbouring St Marylebone Almshouse) and local residents. The objections relate to the over development of the site, the height and design of the new four storey building, the loss of residential amenity and lack of car parking. The Council's Arboricultural Officer also objects to the removal of two trees (oak and a birch) fronting onto St John's Wood Terrace. The St John's Wood Society generally supports the proposal but raise concerns regarding it being used as an affordable housing credit.

This application when originally submitted was intended to be the off -site affordable housing for the No 31 London Street development (known as the 'Paddington Pole') which was later withdrawn. Although a fresh application has been submitted for redevelopment of No 31 London Street (Ref 16/09050/FULL) this application no longer proposes an off-site residential component, therefore, this proposal to redevelop Chesterfield Lodge is now a stand-alone planning application, and the applicant is requesting whether the City Council will treat this scheme as an affordable housing credit. The applicant has put forward a funding mechanism in a Memorandum of Understanding (MOU) which will allow monies in lieu of affordable housing from other developments to contribute towards the delivery of the Almshouse redevelopment.

The key issues are:

- The acceptability of the proposal in land use terms.
- Whether the proposal represents an overdevelopment of the site.
- The lack of family sized housing and whether the circumstances of this case allow policy H5 to be applied more flexibly.
- The scale and massing of the new four storey building, and its overall design quality and its impact on the setting of the St John's Wood Conservation Area.
- The impact on the amenities of adjoining residents, in particular to the St Marylebone Almshouses, Turner House, 33-35 Townshend Road and houses in Woronzow Road in terms of their daylight, sunlight, outlook and privacy, and whether these breaches of daylight and sunlight are outweighed by the benefits of providing additional social housing.
- The impact on on-street parking in the vicinity, given only 3 off street car parking spaces are being provided, and whether there is sufficient capacity on street to accommodate the parking demands a development of this nature and size may generate .
- The loss of existing trees and whether this loss be mitigated by replacement planting.
- And whether Members agree to this scheme being used as an affordable housing credit which other future developments can draw down against controlled with a Memorandum of Understanding.

Overall, there are no objections in principle to the demolition and redevelopment of this site, and this

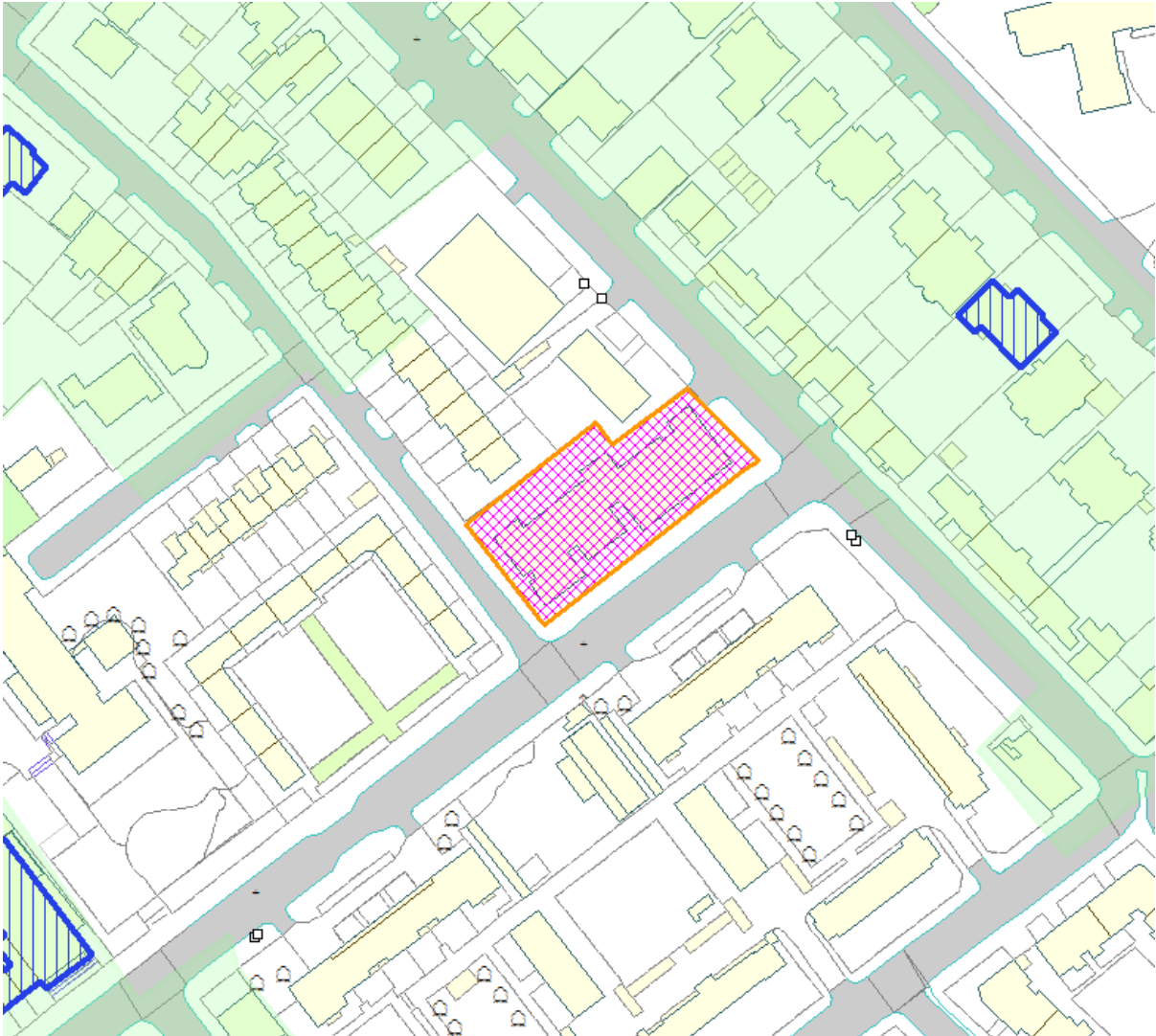
proposal will create an uplift in the number of affordable units, and therefore meets a specified housing need .It is accepted that the residential mix comprising of 1 bedroom(1 and 2 person) flats and 1 person studios fail to meet the Council's policy H5 in terms of family sized units, but given these flats are aimed at the elderly and key workers, it is considered that this policy can be applied flexibly in this case, and this proposed mix is appropriate in this case.

Despite the objections received, the proposed four storey building is considered appropriate in townscape terms, and the detailed design and use of materials have been amended following discussions with officers to ensure a high quality replacement building which will not harm the setting of the adjacent conservation area .It is accepted that the new building will affect the daylight/sunlight, outlook and privacy of neighbours and that a number of properties will experience losses in excess of the BRE guidelines. However, it is considered that on balance these losses are outweighed by the benefits of providing additional affordable housing in the borough.

The Highways Planning Manager advises that there is on street parking capacity to accommodate the parking needs this proposal may generate, and therefore the proposal complies with policy TRANS 23.The loss of the existing two trees is regrettable , but it is considered that this loss could be compensated by replacement planting and better landscaping.

The City Council does not have a current adopted policy to allow this development to be treated as an affordable housing credit, although the Council has accepted credits in respect of The Passage in Victoria. Officers consider that this innovative funding would enable the provision of additional affordable housing units which would otherwise not be delivered. Therefore Members views are sought as to whether in granting this scheme, they are content for this scheme to be an affordable housing credit. This credit will be a material planning consideration and last for 10 years from the date of this resolution.

4.1 LOCATION PLAN



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PHOTOGRAPHS



Taken on the corner of St John's Wood Terrace and Townshend Road



Taken from St John's Wood Terrace looking east

4. CONSULTATIONS

COUNCILLOR KAREN SCARBOROUGH :(written in as a trustee of the St Marylebone Almshouses) on the grounds that they have not been notified of the planning application.

HISTORIC ENGLAND: no comments to make.

ST JOHN'S WOOD SOCIETY: We do not object to the re-development of this site in principle and we consider that the proposed building has architectural merit.

Raise the following concerns:

- i) Request that the case officer ensures that loss of amenity, in particular to the elderly residents of the St Marylebone Almshouse and the pupils of Robinsfield School, is mitigated during demolition and construction by carefully controlling the hours of work and the direction of construction traffic.
- ii) Cycle Superhighway 11, if implemented as proposed, will cause significant disruption to traffic in the area and this needs to be carefully considered along with the impact of the St John's Wood Square development on Ordnance Hill, HS2 development at Swiss Cottage and the recently approved 24 storey tower development at 100 Avenue Road.
- iii) There will be overlooking and loss of light issues for neighbours on Woronzow Road.
- iv) Query the parking provision.
- vi) This application raises a number of issues about the acceptability of using this site as a credit against the currently withdrawn "Paddington Pole "site and we ask that Members views are sought on this. The existing Almshouse is occupied by beneficiaries of the St. Martin in the Fields Almshouse Charity which is administered, through its Trustees, under a scheme approved and sealed by the Charity Commissioners. It does not operate in the same way as affordable housing. The sole aim of the Trustees is to provide as good accommodation as possible for those eligible under the Scheme and the existing building's main function is to operate as an Almshouse. We consider that any planning permission for a replacement building on this site should condition that an equal part of the new building will continue to be run as an Almshouse under the Charity's scheme so as to safeguard the interests of current and future needy and vulnerable elderly residents of Westminster. We do not consider that this application should be viewed only in terms of affordable housing provided by a developer to obtain planning permission for a scheme elsewhere.

ARBORCULTURAL MANAGER : Object to the removal of two trees of high amenity value –the oak(No 2) on the corner of St John's Wood Terrace and Townshend Road and the birch(No 3) on St John's Wood Terrace .Both trees are of high amenity value and not protected by a Tree Preservation Order .Both merit a Tree Preservation Order, and the loss of these trees would cause detriment to the appearance of a well tre-ed character of St John's Wood and cause harm to the character and appearance of the adjacent St John's Wood Conservation Area .Recommend refusal of permission. Without a TPO the trees could be removed at any time .The overall scale of tree loss and the lack of space in the proposed development is dismal and if intend to recommend approval, recommend conditions.

CLEANSING : Request revisions to the ground floor layout to address storage capacity for recyclable materials, general waste and food waste , distance to travel to the bins is 41 m which is in excess of 30 m recommended as the maximum travel distance .

AFFORDABLE HOUSING MANAGER: To be reported verbally.

ENVIRONMENTAL HEALTH: No objections subject to conditions.

HIGHWAYS PLANNING MANAGER: There is capacity on street to accommodate the additional parking demands this application will generate and the proposal will not breach policy TRANS 23 .Insufficient cycle parking which fails to meet London Plan standards and this needs to be addressed by the applicant and/or by condition .

METROPOLITAIN POLICE DESIGNING OUT CRIME OFFICER: Requested to look at the original design by Council officers to advise on the bi-folding/concertina doors into the residential apartments .Requested more information from the agent. Although the immediate area is not subject to high levels of crime, the surrounding streets do suffer from significantly more crime and therefore request a planning condition to cover Secure by Design (SBD) accreditation.

THAMES WATER: No response received.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 306

Total No. of replies: 12

No. of objections: 11

No. in support: 1

The grounds of objection are summarised below:

Land Use

Whilst welcome the principle of development, the proposal will harm local residents. Increasing from 19 to 42 habitable units is a massive over-development of this small site. Not clear what type of accommodation is being proposed, is it to create more dwellings for elderly or are these family dwellings?

Townscape/Design

- The proposed height is unsuitable for the area and its neighbours and not in keeping with the area .
- Its scale is overpowering and overshadows neighbouring two storey houses in Woronzow Road and Henstridge Place.
- Proposal will not add to the street scene and provides no environmental benefits. Development should be restricted to two storeys and be for fewer units.
- The proposed design has garage doors at ground floor which are out of keeping .

Amenity

- Loss of light to the St Marylebone Almshouses. Applicant's Daylight and Sunlight calculations underestimate the losses of light, privacy and overall amenity to residents in these flats. Proposal should be lower at 2 storeys to protect light.
- Loss of light to the rear garden of No 2 Woronzow Road new building will cast a shadow over the garden. Result in the loss of morning sunlight to rear garden and new building will cast a significant shadow over the garden.

- Loss of light to residents in Turner House, in particular on the second floor. Disagree with the applicant's Daylight and Sunlight Report as light will be severely affected and suggest their assessment is inconclusive.
- Overlooking into rear garden of No 2 Woronzow Road, the proposed balconies on the rear garden will cause loss of privacy.
- Loss of privacy to residents in Turner House.
- Loss of view and outlook for residents in Turner House .The proposal will reduce views of skyline and no longer be able to see the greenery of Primrose Hill.
- Loss of privacy and residents in Turner House, will be able to see directly into the new flats.
- Impact on the quality of life for residents of the St Marylebone Almshouses who are elderly.
- There should be no Saturday working.

Transportation

- Concerned about increased parking pressures generated by the proposal. Increased volumes of traffic generated by the additional units.
- Adverse impact on on-street parking of a development of this scale, existing provision is already overstretched, especially at the weekends when residents lose their right to park and pressures from parking associated with visitors to Regents Park, Lords and St John's Wood .
- There should be at least two underground parking spaces per flat.
- The applicants Construction Management Plan (CMP) proposes significant volume of construction traffic turning off Wellington Road into St John's Wood Terrace past the shops, and this route is already congested.
- Site workers should be encouraged to use public transport.
- Suggest build a lower ground floor level to provide underground parking for the new flats.

Other Matters

- The Trustees of the St Marylebone Almshouses and a resident in Woronzow Road have not been consulted.
- Proposal does not appear to address the impact on the welfare of the elderly residents in respect of hours of building work and heavy traffic.
- Loss of property values.
- Demolition and construction noise will affect residents for over a year .Increased traffic associated with construction and pressure on limited residents parking bays.
- Elderly residents and those staying at home with small children will be the most affected by construction noise, and potentially cause health problems for residents.
- Many of the background papers are not on line.
- Suggest that the existing building is refurbished and upgraded rather than redeveloped.

One letter of support from a resident in Abbey Gardens.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Revised Design (increased number of units from 42 to 44 as a result of internal changes, changes to the elevations, materials and revised refuse arrangements)

COUNCILLOR KAREN SCARBOROUGH: To be reported verbally

ST JOHN'S WOOD SOCIETY: To be reported verbally.

CLEANSING MANAGER: No objections subject to a condition.

HIGHWAYS PLANNING MANAGER: To be reported verbally

METROPOLITAN POLICE DESIGNING OUT CRIME OFFICER: To be reported verbally

ADJOINING OWNERS/OCCUPIERS: No consulted 318 No Replies 6
4 objections and 2 letters in support received to date
Grounds of objection are as follows:

Design

- The proposed four storey building is too high and not in keeping with the feel of the neighbourhood.
- Agree that the existing buildings are ugly but hope that Westminster has a far reaching view for provision of housing rather than slavishly allowing more high rise buildings in already built up areas.

Amenity

- Results in the loss of light and outlook to neighbours
- Proposed balconies will overlook the gardens in Woronzow Road.

Traffic /Parking

- During construction of our roads will be the subject to more lorries and vans and be for more than one year.
- No parking being provided .Although the existing residents are aged and therefore do not have cars, the new residents will own cars and therefore potentially 40 cars which will need to be accommodated on the street. Strongly object unless sufficient underground parking is provided
- The use of underground parking is crucial but will not mitigate the increased use of roads which are increasingly busy .This, alongside the redevelopment of the Barracks will change forever the area and not for the better.

Other Matters

- Not enough time to view the revised documents .

ADVERTISEMENT/SITE NOTICE: Yes the advertisement in the local paper expires on 9 December 2016, 3 days after the Committee date)

3. BACKGROUND INFORMATION

3.1 The Application Site

This application site comprises of 19 residential flats (Class C3) in a two storey brick building known as Chesterfield Lodge located on the north side of St John's Wood Terrace between its junctions with Townshend Road to the east and Woronzow Road to

the west .The building which dates from the late 1970's is occupied by the beneficiaries of St Martins in the Fields Almshouses Charity (SMFAC). There are currently 16 one bedroom flats and 3 studio flats which are rented at subsidised rental levels to the elderly and keyworkers, in addition to communal ancillary facilities such as residents lounge and laundry facilities.

The application site is located outside a conservation area, although the boundary of the St John's Wood Conservation Area lies immediately to the east of the application site the surrounding buildings are mixed in terms of their style and height. To the south is Turner House as seven storey block of 42 flats .To the east and west are more domestic properties of two and three storeys in height in Townshend Road and Woronzow Road and the architecture is varied .Immediately to the west are the attractive two storey St Marylebone Almshouses which were originally built in 1836 and rebuilt in 1965 .At the rear of the application site are the three storeys houses and gardens in Woronzow Road and the four storey block of flats at No's 33-35 Townshend Road.

There are two vehicular access points, one in Townshend Road to the east and Woronzow Road to the west, which provide limited off-street parking for staff. The application site has a PTAL rating of 3, and St John's Wood Underground Station is a short distance away approximately 5 minutes away, and there are bus routes to the south along Prince Albert Road and to the west in Wellington Road. The application lies outside the Central Activities Zone (CAZ).

3.2 Recent Relevant History

The existing building was approved on 15 December 1977 and was for the redevelopment of No's 69-77 St John's Wood Terrace to provide 30 one bedroom sheltered housing units plus ancillary accommodation .It appears over the years, internal alterations have taken place in the building to amalgamate a number of these smaller flats into larger flats, and there are currently 19 units on site .These internal works although resulted in a reduction in the number of units did not require planning permission at the time the works took place and are lawful.

Permission granted in 2001 for replacement of existing windows with aluminium windows, replacement of four ground floor doors with windows and minor alterations to first floor window openings.

4. THE PROPOSAL

This proposal is for the demolition of the existing building comprising of 19 flats(1509 sq.m GIA) and the erection of a four storey building to accommodate 44 residential dwellings(approximately 3,513 sq.m, representing an uplift of floorspace just over 2,000 sq.m / 25 additional residential units)

SMFAC is one of the oldest charities in the country and has provided almshouses for elderly people since the sixteenth century. It is a means tested charity which seeks to provide accommodation in Westminster for people who cannot afford their own home. The existing accommodation in Chesterfield Lodge was originally intended to house poor elderly spinsters and widows who are residents in the City of Westminster .In 2006, the

scheme was varied to allow elderly men and couples who have either lived or worked in Westminster to apply for residency under certain circumstances. The charity has recently widened its remit to accommodate key workers such as health workers and teachers. The existing flats are rented at subsidised rents.

This planning application when it was originally submitted to the City Council was linked to the application at No 31 London Street (known as the Paddington Pole Ref 15/11219/FULL). It was anticipated that the redevelopment of Chesterfield Lodge would be the off-site affordable housing provision for this mixed use development and be funded by the Paddington developer (approximately £12m) however the planning application for the Paddington Pole was later withdrawn.

A fresh planning application has been submitted for this redevelopment of No 31 London Street (Ref 16/09050/FULL) which is due to be considered by Planning Committee on 6 December 2016. The Paddington developer is no longer offering a financial contribution towards off site affordable housing. The developer states that it is not viable to do so and policy S3 in the City Plan allows the requirement for residential floorspace to be applied more flexibly in the Paddington Opportunity Area where the Council considers that this is necessary in order to deliver substantial planned public transport and/or public realm improvements which are also of benefit to the local community.

This revised application is now a stand-alone application by SMFAC, and the applicants are proposing a funding mechanism to allow this planning application to redevelop the Almshouses to be used as an affordable housing credit.

The proposed new building is conceived as 4x four storey villas which largely follow the footprint of the existing building. Each villa is separated by a recessed glass link which houses the main circulation spaces and three lifts which serve each floor. Each flat is independent with the exception of the shared access and staircase; social and administrative functions, the communal laundry and external garden spaces, the flats on the upper levels will have an enclosed bay window which provides an extension of the living area and also an external balcony.

The existing vehicular crossover in Woronzow Road will be retained and will serve 1 staff parking and a visitor/delivery/maintenance parking bay, and the existing Townshend Road vehicular access will provide access for staff parking space, a total of 3 spaces. There is also cycle spaces proposed and a mobility scooter store which can accommodate 6 scooters and charging equipment. A new substation is also proposed to serve the new building.

The application has been amended; as a result of a number of changes to the internal layout the number of residential units has increased from 42 to 44 (8x1 bedroom 2 person flats; 26x1 bedroom 1 person flat and 8x 1 bedroom 1 person studio flats)

The main changes relate to the external appearance of the building. It was originally proposed that the building be clad in reconstituted stone cladding and this has been replaced with a pale buff grey brickwork with traditional lime mortar joints. The brickwork will be composed a subtle range of tonal variations with different use of bonds. Bay windows and balconies are proposed to the front elevation.

The originally submitted scheme had a curved roof form to each villa, and following discussions with officers, the design has been amended with more traditional hipped roofs which sit behind the parapet walls. As a result of these changes, there has been a slight reduction in the height of the roofs by 150mm and a reduction of 500mm from the height of the two rooftop plant rooms. The previously proposed lift over runs have been omitted. The applicant has also included an additional refuse store to address the comments made by the Cleansing Manager.

5. DETAILED CONSIDERATIONS

5.1 Land Use

It is recognised that the SMFAC is not registered with the Homes and Community Agency (HCA) or as Private Registered Provider, but the Charity does deliver affordable housing on a voluntary basis. The tenants are chosen by the Charity on the basis that their needs are not met by the market. They are people in housing need, either residents of the City Council, or employees who have worked in the City of Westminster for 10 years or more. The Charity not only provides low cost social housing for elderly people in housing need but also accommodates key workers such as health workers and teachers.

This proposal will not only replace the 19 existing units which are substandard but also increase the number of residential units. The applicant has confirmed that prior to construction works taking place, alternative accommodation will be offered for the existing tenants.

The proposal is 100% affordable housing for rent, which meets policy s16 in the City Plan, and H4 in the UDP. The formal views of the Affordable Housing Manager are awaited on the revised proposal and will be reported verbally to Members.

It has been raised with the applicant whether they are willing to enter a legal agreement to ensure that at least 19 units be offered to the elderly, but the applicant is unable to enter into a S106 legal agreement which ties them down to nominating 19 of the new homes to a specific group in the future, however they remain committed to continue with their charitable objective of providing all their new housing to individuals in need of affordable housing.

Affordable Housing Credit

The City Council does not currently have a formalised credit policy in the City Plan, but a possible credit system to deliver affordable housing was published for public consultation in 2015 Booklet No 17. Credit schemes have been carried out in Westminster on an ad-hoc basis (such as the Passage in Victoria which was agreed by the Planning and City Development Committee on 7 May 2013) and are provided for in the London Plan.

Affordable housing credits are where affordable housing is built and are used against a planning requirement generated by a later scheme elsewhere in the City. Credits can be an innovative funding mechanism and be material planning considerations. Such credits are normally controlled by a Memorandum of Understanding (MOU) and normally last for a period of ten years.

The applicant has submitted a draft MOU which is set out in the Background Papers. This MOU will cover the total costs of the development minus the contribution costs of the applicant and this will need to be independently assessed by a consultant appointed by the City Council and paid for by the applicant. The credit will be based on the Council's affordable housing contribution formulae applicable at that time and the credit will be expressed as currency and not as an equivalent number of housing units which can be purchased by developers and used to off-set the requirement for affordable housing for future residential and commercial developments.

It is recognised that the Charity is not a traditional Registered Provider of affordable housing, and the City Council will not have any nomination rights. However the Charity does deliver affordable housing on a voluntary basis. The tenants are chosen by the Charity based on their needs, residents or employees which have worked in Westminster for 10 years or more. The Charity has been providing affordable housing for people in need for many centuries. The build quality of the current building is poor and the Charity are spending significant sums on repairing and maintaining the building and the building's failing services and fabric means that the up-keep is becoming increasingly disproportionate to the Charity's revenue. An affordable housing credit will allow the delivery of 44 new affordable units and without this credit these new units will not be delivered and the existing 19 units will become obsolete.

Therefore Members views are sought whether this scheme could be treated as a credit secured by a MOU using the Council's affordable housing financial contribution formulae. These credits are expressed as currency and not as an equivalent number of housing units which could be purchased by developers and used to offset the requirement for affordable housing.

Residential Mix

The originally submitted scheme for 42 flats (8x1 bed 2 person, 30x1 bedroom 1 person and 4x studio flats). The revised scheme has increased the number of flats by two to 44 and as a result the mix has changed to 8x1 bedroom 2 person flats; 26x1 bedroom 1 person flat and 8x 1 bedroom 1 person studio flats.

The proposed mix is not in accordance with policy H5 in the UDP which seeks that 33% of units to be family sized 3 bedrooms or more. The applicant argues that this is an unique proposal providing almshouses accommodation for single or couple occupancy, and this type of housing plays a key and important role within the affordable housing sector as recognised by London Plan policy 3.8 which states that consideration should be given to housing types and sizes that meet an identified need.

The proposal given that it will continue to provide accommodation for older people and key workers is considered to address a particular housing need. St John's Wood is characterised by a high proportion of family housing and it is considered that this proposal represents an exceptional circumstance to allow this policy to be applied flexibly.

Standard of Residential Accommodation

The proposed new flats are designed to a high standard, and in terms of their size exceed the London Plan minimum size standards. The 1 bedroom 1 person studio flats range in size from 46.2 to 52.5 sq.m, and the 1 bedroom 1 person flats range from 43.2

to 48.9 sq.m .The London Plan advises that the minimum size for 1 bed 1 person studio is 39 sq.m , and all the 1 person units are in excess of this size.

The London Plan advises that a 1 bedroom 2 person flats should be a minimum size of 50 sq.m and the proposed flats range from 62 to 67.9 sq.m. in excess of London Plan requirements. A detailed schedule of the proposed flats is set out in the Background Papers.

There is a communal garden area at the rear and many of the flats will have private amenity space in the form of balconies to the units on the first to third floors. There is also a large communal lounge/dining room, a laundry, and meeting rooms available to the residents.

Environmental Health have raised that there is the potential for noise transmission between the communal areas such as the hall and laundry on the ground floor and the flats above and this has not been addressed in the applicant's noise report and this will need to be controlled by condition .

In respect of lighting levels to the proposed residential accommodation, the majority of the flats will receive good levels of daylight and sunlight, but there are three rooms which fall just short of the BRE guidance, two are ground floor and serve a lounge windows and one first floor serving a bedroom .This respects a very small percentage of the habitable rooms in this development, and the overall daylight amenity is good.

Density

A number of the objections received cite that the proposed redevelopment represents a gross over development of the site and fewer flats should be provided .The originally submitted proposal for 42 units will provide 74 habitable rooms across a site area of 0.19 hectare. This equates to a density range of 389 habitable rooms per hectare (h.r.h). The revised scheme for 44 units has resulted in 78 habitable rooms and increased the density to 411 hrh .

The designated range for this part of St John's Wood in the adopted UDP is 120-350 h.r.h and the London Plan identifies that densities of 200-450 habitable rooms is considered acceptable in urban areas with a PTAL rating of .3.

This proposal at 411hrh is above the City Council's suggested density range but within the London Plan's range .Therefore this density of development is considered acceptable, and therefore the objections received on overdevelopment grounds cannot be supported.

5.2 Townscape and Design

Demolition of the Existing Building

The applicant argues that the existing building constructed in the late 1970's is in a poor condition, is costly to repair and is substandard in terms of the size of the flats which now fail to meet London Plan space standards .

In design terms, the existing brick building is not considered to be of any architectural merit, and there are no objections to its demolition , nor will its demolition have an

adverse impact on the setting of the adjoining St John's Wood Conservation Area. The key issues are the height, massing and design quality of the replacement building in terms of its visual impact on the street scene and whether it will preserve or enhance the setting of the adjacent St John's Wood Conservation Area (the designated heritage asset.)

Massing of the New Building

Objections have been raised to the proposal on grounds of its increased bulk and height, the four storey building is considered to be too high and out of context with the surrounding domestic townscape, and any redevelopment should be for a lower building. The objectors do not consider that the revised design has overcome their initial objections that the proposal is not in keeping with the local area.

The Council's policies relating to new infill developments are set out in policy DES 4 of the UDP and in determining this application regard has also been had to policies DES1 and DES9, and policies S25 and S28 in the City Plan and the advice set out in the NPPF.

This site is located outside the St John's Wood Conservation Area albeit is clearly visible from views within the conservation area in Townshend Road. It is considered that the surrounding townscape is varied, ranging from the seven storey post war Council block Turner House, the 4 storey block of flats at No's 33-35 Townshend Road, the two and three storey townhouses in Townshend Road and Woronzow Road and the two storey St Marylebone Almshouses. It is not a unified townscape of significant quality. In areas of low quality varied townscape, policy DES4 requires that new developments should positively improve the quality of the area. The opportunity exists to generate new compositions and points of interest. High quality innovative modern architecture may be acceptable in such locations provided that it respects the scale and form of their surroundings.

The proposed almshouses follows a similar footprint to the existing building retaining the existing walled garden. The proposed new building is two storeys higher than the existing building and is broken down into 4x four storey villa blocks (ground and three upper floors) which seek to mediate between the varying scales of the surrounding residential developments. The form of the new building is influenced by the typical semi-detached St John's Wood villa which is characteristic of the area, and the aim of the applicant is to create a new almshouse form which is a series of related houses with separate entrances, rather than a single institutional building. The massing of the new building is broken down by the recessed links with a filigree of bay windows and balconies as decorative elements add visual interest to the elevations. These enclosed bay windows and balconies also provide solar shading to the front elevation which faces south.

It is accepted that the proposal is two storeys taller than the St Marylebone Almshouses and one storey higher than the three storeys houses in Woronzow Road, but along this part of St John's Wood Terrace, there is scope to increase height when looking at the prevailing heights/storeys and massing of adjacent buildings which include the 7 storey Turner House opposite. Therefore in townscape terms, there are no objections in principle to a 4 storey replacement building and its rectangular form.

Officers did have concerns regarding the originally submitted curved roof forms as they were not considered to be a characteristic feature of St Johns' Wood .The design has been amended to tapering hipped roofs which define each villa set behind a parapet, and this has resulted in a very small reduction in height by 150mm .This new hipped roof form helps to reduce the perceived mass of the new building when viewed from the surrounding streets .The proposed two roof plant rooms which are set well back from the front elevation in order to reduce their visual impact have been reduced in height by 0.5 m and the projecting lift overruns have been deleted .

Detailed Design/Use of materials

Officers raised initial concerns to the detailed design in respect of the proposed use of reconstituted stone cladding and the curved roof forms and the solidity of the elevations and the fully glazed links.

Given the prevailing material in this part of St John's Wood is brick, the applicant was requested to amend the materials to brick. It is proposed to use a buff/grey traditional brickwork with lead roofs which will assist in replicating a domestic scale .It is proposed to use the brick in different ways to express different structural components of the building , through the use of different bonds which will provide visual interest and ornament to the building .A lighter-weight filigree of painted steel and brickwork will be used for the ornate balconies to the front façade of the building .The glazed link spaces have been amended to introduce more solidity.

New boundary treatment is being proposed with a low plinth wall with railings above and new landscaping to the front and rear garden areas .

It is considered that the revised brick building will now sit comfortably within its surroundings and create points of visual interest in the local townscape .It is considered to be a much superior building architecturally than the building it replaces, and will enhance the character and appearance of the adjoining Conservation Area.

The revised proposal therefore accords with policies DES1, DES4 and DES9 in the UDP and S25 and S28 in the City Plan .

5.3 Residential Amenity

A number of objections have been received from neighbouring flats and houses on the grounds that the proposed 4 storey building will result in a material loss of daylight and sunlight. Policy ENV13 in the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly residential dwellings and that development should not result in significant increase sense of enclosure , overlooking or cause unacceptable overshadowing .Policy S29 in the City Plan also aims to protect the amenity of residents from the effects of development .The application site is located in a residential street characterised by houses and flats , and given that neighbours overlook a two storey building , any proposal to erect a higher building will affect neighbours light and outlook . In assessing the impact , in addition to visiting some of the affected properties regard has also been had to the advice set out in the Building Research Establishment's publication 'Site Layout planning for daylight and sunlight(second addition 2011) The applicant has also undertaken a daylight and sunlight assessment in accordance with the BRE Guidelines .This assessment was based on the originally proposed scheme , the revised scheme has resulted in small reductions in the height of the new building.

Sunlight and Daylight

Turner House is a 7 storey block of flats located on the opposite side of St John's Wood Terrace, and a total of 56 windows which face north have been tested by the applicant in terms of their loss of daylight.

In testing losses of daylight, the Vertical Skylight 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. If the VSC achieves 27% or more, the BRE Guide advises that the windows have the potential to provide good levels of daylight. However, if 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 times (i.e. a loss of 20%) of its existing values, then the reduction in daylight to that room will be noticeable. For the purposes of assessing light, the City Council only takes into account those windows serving habitable rooms, and will also take into account if a room is served by other secondary windows.

The No Sky Line (NSL) is also 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. The BRE advises that a room may be adversely affected if the area of the room beyond the NSL is less than 0.8 times its former value.

The applicant's daylight and sunlight report advises that 48 of the 56 windows in Turner House will pass the skylight visibility (VSC) and daylight distribution, and losses will be within 0.8 times the existing values in accordance with the BRE guidelines. Therefore the objection received on grounds of loss of daylight to the second floor of Turner House cannot be supported.

The worse affected windows are those located on the ground floor and first floors which serve small kitchens. These windows already have fairly low baseline VSC figures to start with given their location under walkways and balconies, therefore any further diminution of daylight will be expressed as high percentage losses above 20%. The table below sets out these losses.

Table 1: Loss of Daylight to Turner House

Window	Room	Existing VSC	Proposed VSC	Loss of VSC	% Loss
W7/60 Ground	Kitchen	11.86	7.66	-4.20	35.41
W14/60 Ground	Kitchen	13.30	8.88	-4.42	33.23
W15/60 Ground	Kitchen	11.85	8.91	-4.41	33.11
W22/60 Ground	Kitchen	11.85	8.08	-3.77	31.81
W4/61 First	Kitchen	12.48	8.96	-3.52	28.21
W11/61 First	Kitchen	13.99	10.29	-3.70	26.45
W12/61 First	Kitchen	13.98	10.31	-3.67	26.25
W18/61 First	Kitchen	12.16	9.04	-3.12	25.66

It is recognised that these 8 kitchen windows will experience losses of daylight in excess of the BRE Guidelines. However given that Turner House is located 32 metres away

from the application site and the worse affected windows are located under walkways and balconies, therefore it is not considered that these losses are so material to warrant refusal of permission. In terms of daylight distribution (NSL) to these rooms there is no alteration with the development in place.

St Marylebone Almshouses

This two storey building is located to the west of the application site and there are a number of windows in the side elevation at ground, half landing level and first floor facing onto Woronzow Road which will be affected by the new four storey building .These windows serve kitchens, bathrooms and hallways There are 36 windows serving 31 rooms, and in respect of daylight and sunlight assessment non- habitable rooms such as bathrooms and hallways are not tested.

There are a number of windows which will experience losses of daylight ranging from 20-25% of their former value, and as set out in the table below, these windows receive a high level of daylight. A number of the affected flats have been inspected, given the objections received. .

Table 2 Loss of Daylight St Marylebone Almshouses

Window	Room	Existing VSC	Proposed VSC	Loss VSC	%Loss
W2/80		31.36	24.86	-6.50	20.73
W3/80		31.33	24.85	-6.48	20.68
W4/80		31.37	25.05	-6.32	20.15
W1/81		25.42	19.53	-5.89	23.17
W2/81		25.41	19.22	-6.19	24.36
W3/81		25.39	19.46	-5.93	23.26
W4/81		25.41	19.82	-5.59	22.00

The losses of daylight to these windows is just in excess of the BRE Guidelines and the affected rooms will continue to receive VSC values of between 19.22 and 25.05% and relatively good daylight distribution levels for sheltered accommodation .Although objections have been raised to the proposal on loss of daylight grounds, it is not considered that these objections can be supported.

2-4 Woronzow Road

These three storey houses are located directly to the north of the application site .No 2 has a conservatory extension to the side of the house which is very close to the rear garden boundary with Chesterfield Lodge . The conservatory due to its close proximity will be affected in terms of loss of daylight, sunlight and outlook. The applicant's Daylight and Sunlight Report has tested this conservatory structure in terms of its loss of daylight, and whilst the losses to this glazed structure vary between 17-46% reductions in daylight, overall given that it is fully glazed structure the loss of daylight is not considered to be so severe to warrant refusal .

33-35 Townshend Road

This is a 4 storey block of flats, and the majority of the rear facing windows will comply with the BRE Guidelines in terms of their loss of daylight. There are a number of windows which will experience losses of more than 20% and these are set out in the table below.

Table 3 Loss of Daylight to 33-35 Townshend Road

Window	Existing VSC	Proposed VSC	Loss of VSC	% Loss
W4/500	29.96	22.81	-7.15	23.87
W6/500	29.28	20.32	-8.96	30.60
W6/501	33.40	23.18	-10.22	30.60
W6/ 502	35.89	26.59	-9.30	25.91

Despite the losses, it is not considered that the losses are so great to warrant refusal of permission, as the windows will still receive good levels of daylight for a suburban central London location. The worst affected room's daylight distribution levels will be reduced by 5.5% which is within the BRE guidelines.

Other properties

Losses of daylight to No's 1, 2 a, 4, 4A and 6 Woronzow Road are within the BRE guidelines and the same comment applies to No's 34, 36, 36 a, 38, 40 and 42 Townshend Road. There the impact on these houses will be within acceptable limits and accord with policy.

Sunlight

Windows which face within 90 degrees of due south are tested in respect of their loss of sunlight. The BRE Guidelines use Annual Probable Sunlight Hours (APSH) as a method for calculating sunlight levels when a 25 degree section line is breached. The BRE recommends that the APSH in the proposed situation should be at least 25% of the annual total of which 5% should be in the winter months. When the proposed value falls short of this standard the reduction should be within 0.8 times its former value and the BRE advises that sunlight to living rooms is the most important.

In respect of the loss of sunlight, the worst affected property is No 2 Woronzow Road and in particular its conservatory extension. This conservatory will lose a significant amount of its APSH with the development in place. This loss of sunlight will be noticeable by the occupant of this house, and there will also be loss of sunlight to the rear garden. This loss of sunlight is not ideal especially when coupled with an increase in the sense of enclosure to this house. However, the loss of sunlight to this house has to be weighed against the benefits of providing more affordable housing on this site, and it is considered on balance that these losses of sunlight to this house are acceptable.

In respect of the flats at No's 33-35 Townshend Road, the rear windows have also been tested, and 21 of the 24 rooms will be fully BRE compliant. The remaining three ground and first floor windows will experience reductions to their levels of winter sunlight in breach of the BRE guidance. The worst affected windows will lose between 25% to 87% of their winter sunlight, but these windows currently receive low levels of winter sunlight and therefore the proposed reductions in sunlight will be expressed as high percentage figure. These rooms, however will retain total ASPH levels in excess of 28% which is above the recommended limit.

Sense of Enclosure

The worst affected properties are the Almshouses flats whose windows are in the side elevation which overlook the application house, the houses in Woronzow Road whose gardens are adjacent the site and the flats in 33-35 Townshend Road which are located to the east of the application site. It is accepted that these neighbouring residents will be

affected in terms of their outlook as a result of the four storey building. However , it is not considered that their outlook will be so adversely affected to justify the refusal of permission on this ground alone , and again this has to weighed against the overall public benefits this scheme will generate.

Privacy

Objections have been raised on the loss of privacy to residents in Turner House .Given that 32 metres separate the proposed new building from Turner House there will be no material loss of privacy to these residents and the proposal complies with policies S29 and ENV13.

In respect of loss of privacy to St Marylebone Almshouses, the side elevation of the new building has limited openings; and again given the distance that separate these buildings, it is not considered to result in a material loss of privacy .

At either end of the new building at the rear are the enclosed bay windows and balconies and given their position there will be no direct overlooking into 2 Woronzow Road or 33-35 Townshend Road . There are balconies proposed to the rear elevation of the rest of the building , and it is accepted that they will afford views into neighbouring gardens and windows in Woronzow Road, the rear windows and communal rear garden of 33-35 Woronzow Road .It is recognised that some of these will be oblique views but there will be direct overlooking into the rear garden . It is considered that additional screening could be created by the erection of trellis panels to the existing garden walls and more robust planting to the boundaries .

5.4 Transportation/Parking

Car Parking

Objections have been received to the lack of car parking for the proposal, and local residents are naturally concerned about the increased pressure on on-street parking.

There are currently no off street parking for existing residents in Chesterfield Lodge and the applicant advises that current residents do not own cars due to their economic circumstances and due to their age and do not have any residents parking permit .There is only one residents parking permit at the property.

The applicant's Transport Assessment states that this residential development will be car free and that non car ownership will be a condition of tenancy for future residents The City Council planning policies do not support car free developments, and although the applicant has given an undertaking in the tenancy agreements that tenants will not be able to have a car, the City Council in dealing with this application has to take into account that given the nature of the proposal which includes key workers(who may be car owners) this is likely to result in additional demand on on-street residents parking bays .

The proposed development will have three off-street car parking spaces, which two spaces will be used by members of staff (warden and a clerk) and one visitor/disabled space

Policy TRANS 23 states that for any new residential development including residential extensions and conversions, the City Council may take into account the likelihood of additional demand for on-street parking arising from the development .The City Council will normally consider there to be a serious deficiency where additional demand would result in 80% or more of the available parking spaces being occupied during the day(i.e. parking bays) or at night(i.e. parking bays and single yellow lines) in the vicinity of the development .

The Highways Planning Manager advised in respect of the original proposal that 42 affordable flats is likely to result in 14 car parking spaces .In respect of the availability of on street car parking within 200m radius of the site , the most recent car parking survey (2015) revealed an occupancy rate of Residents Bays and Shared Use Bays of 73.6% (consisting of 186 Residents and 45 Shared Use Bays of which 135 and 35 were occupied respectively) .The Highways Planning Manager considers there is capacity on street to cope with the additional demands this development may generate without breaching the 80% threshold set out in policy TRANS 23 .In addition, the site is well served by public transport .

At night time, pressure on residents and shared bays increases to 86.1 % but residents can also park free of charge on metered bays and single yellow lines and therefore this figure reduces to 60% also below the 80% threshold.

The revised scheme incorporates two additional units but again there is capacity on street to accommodate any additional parking demands. The formal views of the Highways Planning Manager in respect of the revised scheme will be reported verbally to Committee

Whilst it would have been preferable to accommodate more off street parking than the 3 spaces currently being proposed , it is recognised that this is a relatively small site and the need to maximise the number of affordable units whilst at the same time preserving the amenities of neighbouring residents and providing outdoor amenity space .The proposed level of parking is considered appropriate and it is not considered that any additional mitigation measures such as car club membership are required .

Traffic Generation

A number of objectors have raised the increased traffic generated by a development of this size and nature .The applicant's Transport Assessment advises that there will be a negligible impact on the local highway network and the Highways Planning Manager concurs with this view. There is off street parking proposed to accommodate staff and visitor parking and servicing requirements. It is not considered that servicing will have any adverse impact on the operation of the local highway network and will accord with policies TRANS20 and S42 .

No changes are proposed to the existing Townshend Road vehicular access, and in order to ensure that a large car and delivery /maintenance vehicle, it is proposed to extend the current dropped curb southwards for a distance of approximately 8.5 m .This extended drop kerb will not affect the existing street tree or impact on on-street parking as due to the limited width of the carriageway, it is only possible to park on one side of the road.

Refuse collection will remain on street on the same basis as the existing building. It is accepted that during the construction, there will be increased vehicular movements and the routes for construction vehicles will be addressed in the CMP, which will also take into account other developments taking place such as St John's Wood Barracks.

Cycle Parking

The Highways Planning Manager advises that a cycle rack (10 spaces) at the rear of the building was not large enough to accommodate the cycle needs of future residents and significantly below the London Plan standards of 1 cycle space per residential unit of 1 bedroom or fewer and 2 spaces per unit of 2 bedrooms or more. It is considered that amended increased cycle parking provision could be addressed by condition.

Other Highways Issues

It was raised with the applicant by officers whether the keep clear area in St John's Wood Terrace could be replaced with residents parking bays. However, the applicant wishes to retain this facility for drop off in case of an emergency.

Public Transport

It is not considered that a development of this scale will have any adverse impact on public transport.

5.5 Economic Considerations

The proposal will increase the amount of low cost affordable housing available for keyworkers in Westminster and this is of economic benefit to the City.

5.6 Access

There is level threshold access and three lifts providing access to all floors, with communal facilities provided at ground floor. A total of 6 units (14%) will be provided a wheelchair adaptable which is in excess of the policy H8 which requires 10%. There is also a designated disabled parking space, and the drop off facility at the front in St John's Wood Terrace remains.

5.7 Other UDP/Westminster Policy Considerations

Air Quality

It is not considered that a development of this size will have any adverse impact on air quality.

Land Contamination

Environmental Health has advised that this area has high levels of lead in gardens and recommend that an informative is added regarding unexpected contamination. Given the existing building was built in the late 1970's; it is not considered necessary to impose a land contamination condition and deal with this by way of an informative.

Substation

A substation is proposed within the building and Environmental Health recommends that a condition is attached requiring confirmation that the required electromagnetic frequency levels will be in line with current guidance in order to safeguard the amenities of future and neighbouring residents.

Noise/Plant

Environmental Health are satisfied that plant associated with the new building will comply with the Council's Noise standards, however given the detailed design has not been fully resolved at this stage, it is recommended to impose the standard noise conditions and a supplementary acoustic report condition, in order to protect the amenities of surrounding residents. This supplementary acoustic condition will also address low frequency noise from the substation within the new building.

Given the new building faces south, the issue of possible overheating has been raised given that the original design included a large amount of glazing, especially given that a number of future occupants will be elderly. The revisions to the design are considered to mitigate against overheating to the flats on the upper floors and all flats will benefit from opening windows.

Refuse /Recycling

The Cleansing Manager has raised an objection to the refuse and recycling arrangements, but again this can be reserved by condition. The applicant has submitted a revised layout and the Cleansing Manager is withdrawn his objection.

Trees/Biodiversity

The Arboricultural Officer objects to the loss of two trees, an oak on the corner of St John's Wood Terrace and Townshend Road and a birch on the St John's Wood Terrace. These two trees are considered to be of high amenity value, but given that neither tree is located within a Conservation Area or protected by a Tree Preservation Order, the applicant could remove the trees at any time. The Arboricultural Officer considers these trees merit protection by a Tree Preservation Order (TPO) as their loss would be detrimental to the character of this part of St John's Wood and the adjacent conservation area.

It is accepted that these trees do have amenity value, and their loss as part of this development is regretted. However, it is considered that this loss could be compensated by replacement planting (to be secured by condition) and the loss of these trees has to be viewed in the light of the overall benefits of providing affordable housing.

The revised application includes the removal of another street tree in Woronzow Road T13 (crab apple) which is good specimen and there is no reason to agree to its removal. The street tree is not part of the red line of the application site and the applicant is being advised that the removal of this tree has not been agreed by the City Council.

It is considered that the currently submitted landscaping scheme is a bit sketchy and the applicant is being advised by informative that more work is required to reach a standard acceptable, and to consider more robust tree planting along the frontage to compensate for the two trees being lost. Conditions are also recommended to secure bird and bat boxes, and the applicant will need to ensure that the trees to be retained are protected during the building works, and for the street trees to be protected.

Sustainability

Policy S28 in the City Plan requires development to incorporate exemplary standards of sustainable and inclusive urban design and architecture. Policy S40 considers renewables. The design of the scheme has sought to maximise its environmental

performance, and the applicant's Energy Assessment seeks to achieve CO2 reductions of more than 35% over Building Regulations Part L 2013 and the design of the new building incorporates measures to minimise water use and urban drainage. Sustainable drainage will be incorporated during the detailed design stage and this is considered to address Council policy and London plan policies. The scheme therefore accords with City Council policies.

5.8 London Plan

This application raises no strategic issues.

5.9 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.

5.10 Planning Obligations/Community Infrastructure Levy(CIL)

It is not considered that a planning obligation is required having regard to policy S33 in the City Plan.

If Members do agree to grant conditional permission, the next issue is whether there is an agreement for this scheme to be treated as an Affordable Housing Credit, and securing this credit via Memorandum of Understanding. The applicant's draft MOU is set out in the Background Papers.

This MOU will set out the precise terms of the funding mechanism to be put in place to enable monies in lieu of affordable housing to contribute to the delivery of the Almshouses redevelopment .It is anticipated that the current costs of this development is approximately £12 million, although it still needs to be fully costed .

The MOU will cover the following key points

- a) The project will be fully costed by the applicant and will include all contingencies and fees but exclude land values and development profit
- b) The total cost will be evaluated by independent consultants appointed by the Council and paid by the applicant
- c) The applicant will provide evidence of the funding gap by showing what funds are available from other sources
- d) The agreed total costs(ATC) will be total cost minus the contribution by the applicant and will be the full amount available for offsets .In such a case, the estimated capital costs of developing and improving the facility and the services offered by that facility could be converted into a credit using the Council's affordable housing contribution formulae .these credits expressed as currency and not as number of housing units could be purchased by developers and used to offset the requirement for affordable housing , as dictated by Council planning policies, for future residential development
- e) The ATC will be index linked
- f) Landowners and developers would make contributions to the ATC which would be regarded as a contribution offset and will register this contribution with the Council
- g) Where the Council agrees after the proper appraisal of any development by a contributor that a commuted sum is appropriate, this sum may be drawn down in part against the ATC.

- h) The development intending to draw down against the ATC can be situated anywhere in Westminster.
- i) The offsets can be traded between contributors.
- j) The memorandum talks effect from the date of the Committee resolution and lasts as a material consideration for 10 years
- k) The applicant will pay all reasonable monitoring costs of the City Council with monitoring undertaken in the same way as a formal S106 resolution.

Community Infrastructure Levy

The City Council adopted its own Community Infrastructure Levy on 1 May 2016 and is chargeable on the uplift in residential floorspace .Various forms of affordable housing may be eligible for relief from both the Mayor's and Westminster City Council CIL .

This site is located in Prime Residential Area of Westminster and CIL is currently £550 per sq.m and the CIL payment would be in the region of £1,102, 200 and the Mayor's CIL approximately £100,200 but as this scheme is for affordable housing, the development will be eligible for relief .All reliefs must be applied before the commencement of development and the applicant is being reminded of this by way of an informative.

5.11 Environmental Impact Assessment

This scheme is not of sufficient scale to require an Environmental Impact Assessment (EIA)

5.12 Other Issues

A number of the objectors have requested that the scheme is redesigned to accommodate basement/lower ground floor so that more car parking can be provided for the 44 flats .As set out in Section 6.4 of this report, there is the capacity on-street to accommodate the parking demands this affordable housing development will generate. The provision of additional on-site parking will considerably increase the construction costs and affect the overall viability and deliverability of this affordable housing scheme. Given the Highways Planning Manager is satisfied that there is the capacity on street and the very low car ownership levels a development of this type will generate the provision of additional off street parking is not necessary. Therefore these objections cannot be supported.

Construction impact

It is recognised that the demolition of the existing building and the construction of the new building poses amenity issues for the neighbouring residents and in particular the elderly residents in St Marylebone Almshouses .The applicants have submitted an outline Construction Management Plan to mitigate the impact on surrounding residents .Although this proposal does not include a basement , given the unusual circumstances of elderly residents next door, it is considered necessary to reserve this CMP with a condition. The applicant is being advised by way of an informative to discuss possible quieter working times with the Board of Trustees for the St Marylebone Almshouses before any construction takes place on site.

The applicant's state in the Design and Access Statement that to ensure a high quality finish and to reduce construction time, off-site fabrication is to be used.

Crime and security

The Designing Out Crime Officer in respect of the original design was asked to comment on the originally proposed bi-folding/concertina doors to the residential apartments. As a result, the detailed design of the ground floor was amended to remove these bi-folding doors.

Although the immediate area is not the subject of high levels of crime, the surrounding streets do suffer significantly more crime, the Designing Out Crime officer has requested that a planning condition be imposed to ensure Secure By Design (SBD).

Conflict of Interest

The St John's Wood Society have raised a possible conflict of interest in respect of Councillor Freeman given he is a Ward Councillor and Chairman of the Chesterfield Lodge Almshouses and Chairman of the Planning Committee .This application is being reported to Committee No 1 and Councillor Freeman does not sit on this Committee .Nor has Councillor Freeman made any formal representations in respect of this planning application .Therefore it is not considered there is any conflict of interest.

Lack of Public Consultation

Councillor Scarborough has raised the lack of public consultation with residents of the St Marylebone Almshouse flats, however neighbour letters were sent to all these flats. The applicant has also undertaken consultation with the local community in advance of submitting the planning application which is set out in their Statement of Community Involvement.

In respect of the revised planning application, over 300 letters have been sent to neighbouring residents .The revised application has been advertised in the local newspaper and site notices erected on site .The advertisement does not expire in the local newspaper until 9 December 2016 which is three days after the Committee date. If any comments are received after the Committee date which are not already addressed in this report, this application may need to be reported back to Committee in January 2017.

Loss of property values is not a ground to refuse planning permission.

6. BACKGROUND PAPERS

1. Application form
2. Email from Councillor Scarborough dated 1.3.2016 and responses from the Council dated 1.3.2016
3. Response from Historic England (Listed Builds/Con Areas), dated 9 February 2016
4. Responses from St John's Wood Society dated 10 March 2016 including copy of St Martin-in-the-Fields Almshouse Charity Beneficiary's Handbook
5. Response from Environmental Health dated 29 February 2016
6. Response from Cleansing dated 15 February 2016
7. Response from Highways Planning Manager dated 29 April 2016
8. Response from Arboricultural Officer dated 22 April 2016
9. Response from Metropolitan Police Designing Out Crime Officer dated 10 March 2016
10. Email from 38 Townshend Road, London NW8 , dated 9 February 2016
11. Email from 2 Woronzow Road London NW8 dated 22 February 2016

12. Email from 13 Turner House, St. John's Wood Terrace NW8 ,dated 21 February 2016
13. Email from 6 Melina Place, London NW8 , dated 1 March 2016
14. Email from 5 Henstridge Place, St John's Wood,NW8 dated 2 March 2016
15. Email from 21 St Marylebone Almshouses, 80 St John's Wood Terrace, dated 27 February 2016
16. Email from 4 Woodside Avenue, London(on behalf of the Trustees of St Marylebone Almshouses at No 80 St John's Wood Terrace) dated 9 March 2016
17. Email from Flat 21, Cruickshank House, London NW8 dated 9 February 2016
18. Email from 7 Melina Place St John's Wood London NW8 (Former Chairman of the Board of St Marylebone Almshouses) dated 12 March 2016
19. Email from 19 St Marylebone Almshouses 80 St John's Wood Terrace London NW8 dated 10 March 2016.
20. .Email from 20 Turner House Townshend Estate London NW8 dated 16 May 2016.
21. Letter in support from 30 Abbey Gardens London NW8 dated 20 April 2016

Revised Scheme

22. Email from 51 Townshend Road London NW8 dated 20.November 2016
23. Email from 38 Townshend Road London NW8 dated 20.November 2016.
24. Email from 46 Townshend Road London NW8 dated 22 November 2016
25. Letter in support from 26 St Ann's Terrace London NW8 dated 21 November 2016
- 26 Schedule of the Proposed Units submitted by architect .
- 27.Letter in support from 30 Abbey Gardens London NW8 dated 21 November 2016.
- 28 Memorandum from Cleansing Manager dated 21 November 2016.
- 29.Email from 4 a Woronzow Road London NW8 dated 24 November 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 RUPERT HANDLEY ON 020 7641 2497 OR BY EMAIL AT rhandley@westmsinter.gov.uk

7. KEY DRAWINGS



Visual of the front elevation (draft version)



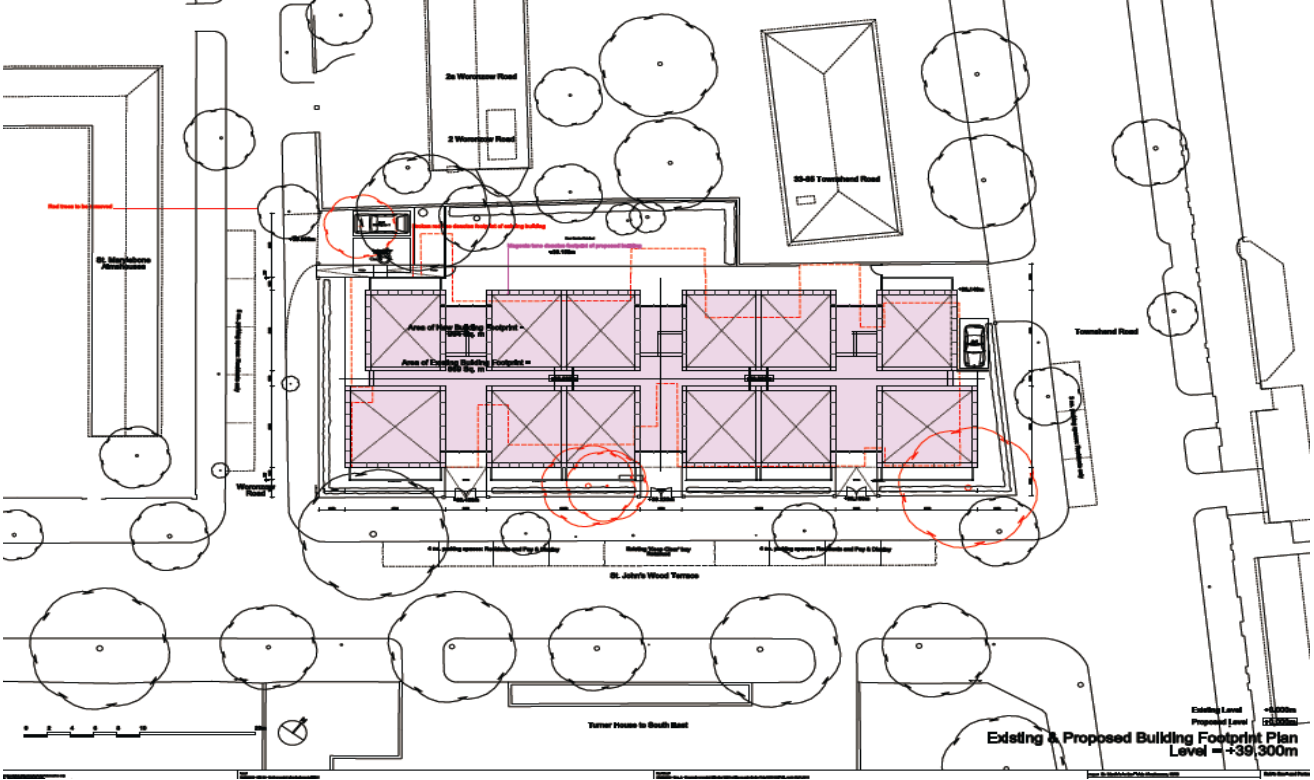
Visual from St John's Wood Terrace /junction with Woronzow Road looking east (draft version)

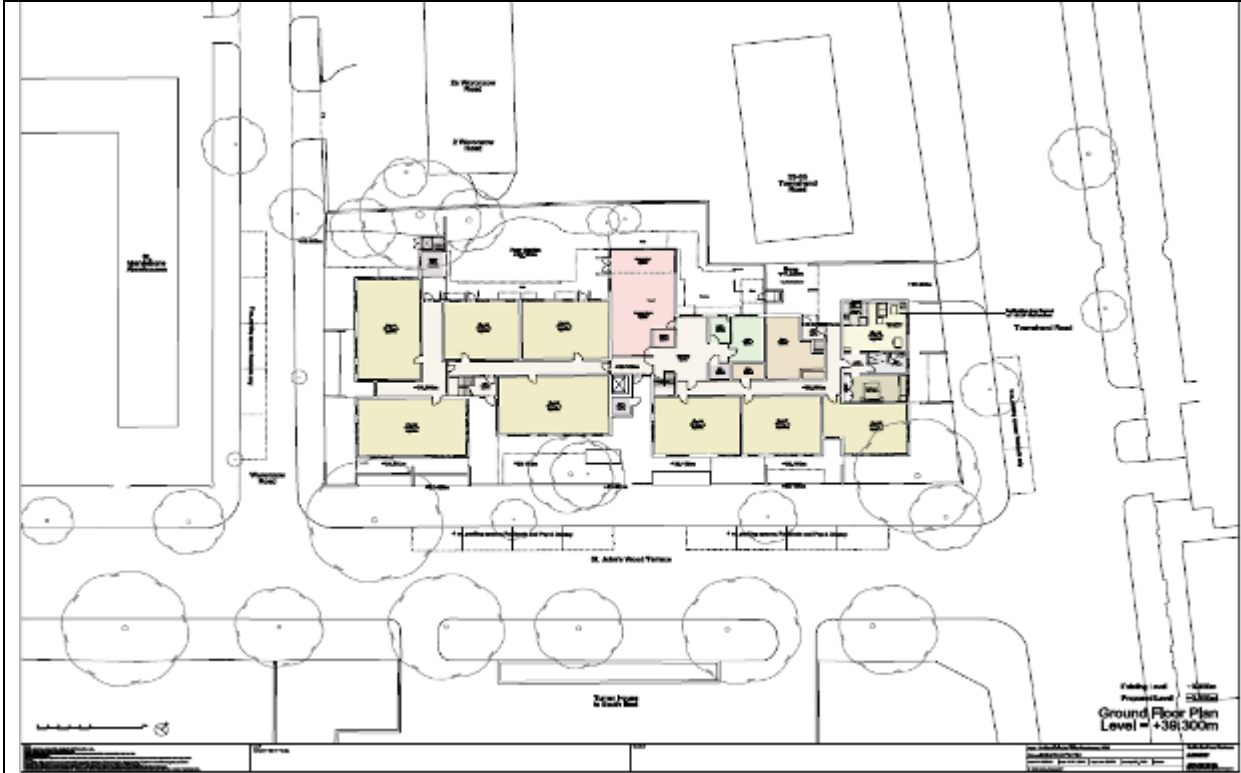
Detailed elevation(in part)



sketch of typical Villa front Facade to St. John's Wood Terrace

Existing and Proposed Footprint Plans (new building in pink)



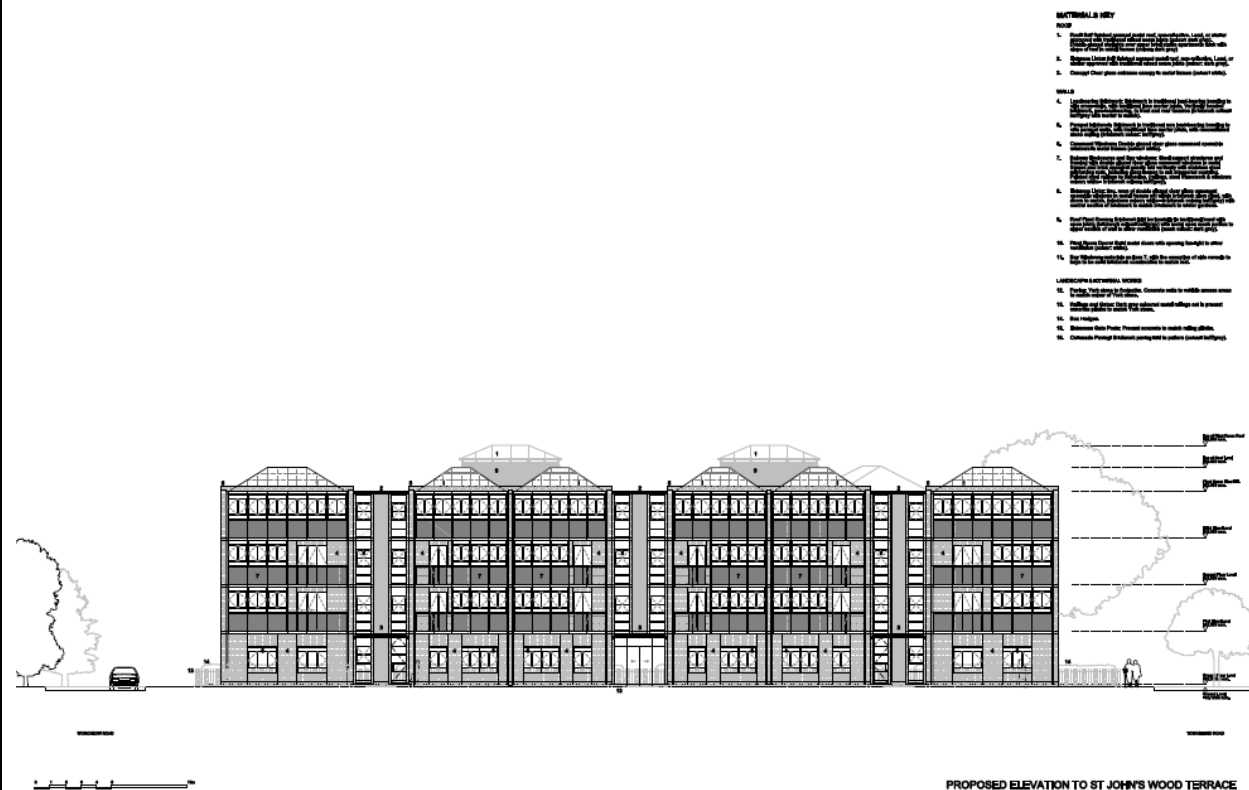


Existing ground floor plan

Existing Front Elevation



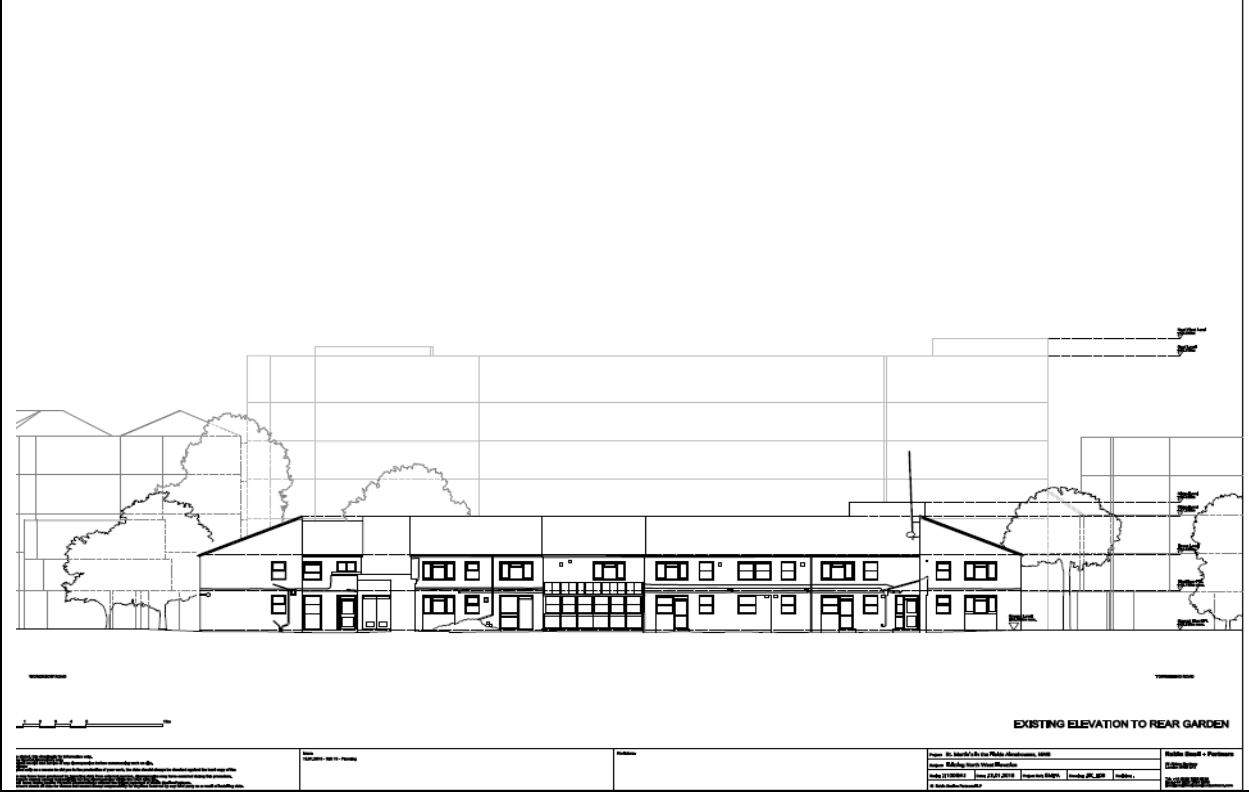
Proposed Front Elevation



- MATERIALS KEY**
- 1. Light Grey Concrete Blockwork (Standard) (Standard)
 - 2. Dark Grey Concrete Blockwork (Standard) (Standard)
 - 3. Light Grey Concrete Blockwork (Standard) (Standard)
 - 4. Dark Grey Concrete Blockwork (Standard) (Standard)
 - 5. Light Grey Concrete Blockwork (Standard) (Standard)
 - 6. Dark Grey Concrete Blockwork (Standard) (Standard)
 - 7. Light Grey Concrete Blockwork (Standard) (Standard)
 - 8. Dark Grey Concrete Blockwork (Standard) (Standard)
 - 9. Light Grey Concrete Blockwork (Standard) (Standard)
 - 10. Dark Grey Concrete Blockwork (Standard) (Standard)
 - 11. Light Grey Concrete Blockwork (Standard) (Standard)
 - 12. Dark Grey Concrete Blockwork (Standard) (Standard)
 - 13. Light Grey Concrete Blockwork (Standard) (Standard)
 - 14. Dark Grey Concrete Blockwork (Standard) (Standard)
 - 15. Light Grey Concrete Blockwork (Standard) (Standard)
 - 16. Dark Grey Concrete Blockwork (Standard) (Standard)
 - 17. Light Grey Concrete Blockwork (Standard) (Standard)
 - 18. Dark Grey Concrete Blockwork (Standard) (Standard)
 - 19. Light Grey Concrete Blockwork (Standard) (Standard)
 - 20. Dark Grey Concrete Blockwork (Standard) (Standard)

Client: [Client Name]	Project: [Project Name]	Date: [Date]	Scale: [Scale]
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Existing Rear Elevation



EXISTING ELEVATION TO REAR GARDEN

Client: [Client Name]	Project: [Project Name]	Date: [Date]	Scale: [Scale]
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Proposed Rear Elevation

PROPOSED ELEVATION TO REAR GARDEN

NOTES

1. All work shall be in accordance with the approved plans and specifications.
2. All materials shall be of the highest quality and shall be approved by the architect.
3. All work shall be completed within the specified time frame.
4. All work shall be done in accordance with the applicable building codes and regulations.
5. All work shall be done in accordance with the applicable safety regulations.
6. All work shall be done in accordance with the applicable environmental regulations.
7. All work shall be done in accordance with the applicable fire safety regulations.
8. All work shall be done in accordance with the applicable accessibility regulations.
9. All work shall be done in accordance with the applicable energy efficiency regulations.
10. All work shall be done in accordance with the applicable sustainability regulations.

LEGEND

1. All work shall be in accordance with the approved plans and specifications.
2. All materials shall be of the highest quality and shall be approved by the architect.
3. All work shall be completed within the specified time frame.
4. All work shall be done in accordance with the applicable building codes and regulations.
5. All work shall be done in accordance with the applicable safety regulations.
6. All work shall be done in accordance with the applicable environmental regulations.
7. All work shall be done in accordance with the applicable fire safety regulations.
8. All work shall be done in accordance with the applicable accessibility regulations.
9. All work shall be done in accordance with the applicable energy efficiency regulations.
10. All work shall be done in accordance with the applicable sustainability regulations.

SCALE

1" = 10'-0"

PROPOSED ELEVATION TO REAR GARDEN

<p>PROJECT INFORMATION</p> <p>Project Name: [REDACTED]</p> <p>Project Address: [REDACTED]</p> <p>Project Owner: [REDACTED]</p> <p>Project Manager: [REDACTED]</p>	<p>DESIGNER INFORMATION</p> <p>Designer Name: [REDACTED]</p> <p>Designer Address: [REDACTED]</p> <p>Designer Phone: [REDACTED]</p> <p>Designer Email: [REDACTED]</p>	<p>DATE AND TIME</p> <p>Date: [REDACTED]</p> <p>Time: [REDACTED]</p>	<p>REVISIONS</p> <p>Revision 1: [REDACTED]</p> <p>Revision 2: [REDACTED]</p>
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DRAFT DECISION LETTER

- Address:** Chesterfield Lodge, 75 St John's Wood Terrace, London, NW8 6LF,
- Proposal:** Demolition of existing building and the erection of a four storey building to accommodate 44 residential dwellings (Class C3) and associated works including landscaping and the provision of car parking.
- Reference:** 16/00492/FULL
- Plan Nos:** Covering letter dated 20.1.2016 ,Planning Statement dated 19th January 2016 , , Daylight and Sunlight Report , Construction Management Plan dated 18.1.2016;Noise Impact Assessment dated 18.1.2016 ;Transport Assessment dated 18.1.2016 Energy Statement dated 18.1.2016 ;Arboricultural Report , Statement of Community Involvement
Existing Drawings
SK-SP02 , SK_P01 ;SK-P02, SK-P00, SK-P01, SK-E01, SK-E02, SK-E03,,SK_E04
- Revised covering letter dated 10 November 2016, Revised Design and Access Statement Rev A 18TH November 2016 ; Proposed drawings: SK_ P20 REV A
SK_SP12 REV A ; SP-P13 REV E;SP-SP14 REV B ; SK_P10 REV H ; SK-P11REV H;SK_P12 REV H ; SK_P13 REV H ;SK-P14 REV H;SK-P15 REV H; SK_D11 REV C SK_E 11 REV J ; SK_E 12 REV H ; SK-E13 REV H ; SK_E14 REV H ; SK_S11 REV H ;SK_S12 REV H; SK_D12 REV A ; SK-D13

Case Officer: Amanda Coulson

Direct Tel. No. 020 7641 2875

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

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

Reason:

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

- 2 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 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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 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 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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 5 You must apply to us for approval of detailed drawings at a scale 1:20 of the following parts of the development
- i) Entrance canopy.
 - ii) New casement windows including the projecting bays and balconies
 - iii) Roof top plant room
 - iv) Boundary treatment including new railings
 - v) a communal satellite dish

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 6 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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 7 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, or permitted under Condition 5 (v).

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)

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

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

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

Reason:

To maintain the character and setting of the adjoining St John's Wood 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)

- 9 The new building shall be designed to achieve optimum energy performance and will incorporate the design features set out in the Energy Statement dated 18th January 2016, unless an alternative scheme has been submitted to and approved by the City Council as local planning authority .

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)

- 10 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 one planting season 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 5 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)

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number SK_P10 Revision H. 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 (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.

- 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 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 12 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 situation 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.

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

Reason:

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

- 16 At least three months prior to occupation , detailed drawings of a revised cycle parking in accordance with London Plan standards and parking for mobility scooters shall be submitted to and approved by the City Council as local planning authority .The approved cycle parking and mobility parking shall be provided prior to occupation and shall not be removed unless agreed by the City Council.

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.

- 17 The residential flats hereby approved must not be occupied until you have carried out and sent us a post-commissioning Electro Magnetic Frequency(EMF) exposure survey in respect of the proposed substation and we have approved the details of the survey in writing following consultation with Environmental Health .The post-commissioning EMF exposure survey must demonstrate that EMF levels are in line with current guidance .

Reason:

To safeguard the future occupants of the flats and to ensure that EMF exposure levels are within acceptable limits.

- 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 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.

- 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 **Pre Commencement Condition.** You must apply to us for approval of details of a security scheme for the new flats You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved details before anyone moves into the building. (C16AB)

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (July 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 21 Details of the mobility scooter store and charging points will need to be submitted to and approved by the City Council three months prior to occupation .
The approved scooter store shall be provided prior to occupation and shall be retained unless approved by the City Council as local planning authority.

Reason:

To ensure adequate mobility scooter provision to meet the requirements of future elderly residents within this development .

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

Responsibility to pay the levy runs with the ownership of the land, unless another party has

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

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

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

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

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

- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 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)
- 5 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)
- 6 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)
- 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 or visit www.ccscheme.org.uk.

- 8 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.
- 9 Conditions 12 and 13 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 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 You are advised that according to Environmental Health this area is known to have high levels of lead in rear gardens. As the proposed end use is residential with soft landscaping, there may be unexpected contamination. 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)

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 6 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	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.		
Agent	Miss Fiona Flaherty		
On behalf of	.		
Registered Number	16/05216/FULL and 16/05217/LBC	Date amended/ completed	9 June 2016
Date Application Received	3 June 2016		
Historic Building Grade	II		
Conservation Area	Broadway And Christchurch Gardens		

1. RECOMMENDATION

For Committee's consideration:

1. Do members consider that the additional set-backs proposed for the five storey residential building are sufficient to improve the amenity impact of the development to the residents in Artillery Mansions?
2. Subject to 1 above, grant conditional permission subject to a S106 legal agreement to secure the following:
 - i. A replacement social and community facility with a minimum 256m² 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, including a Construction Access Plan for Artillery Mansions

prior to commencement of development to ensure access is not affected during building works 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. Setting up a community liaison group;
- vii. 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.

2. SUMMARY

This application was reported to the Planning Applications Committee on the 15 November 2016 where members deferred the application for the applicant to:

- consider setting back the proposed five storey residential building to improve the amenity to the residents in Artillery Mansions.
- consider establishing a community liaison group during development.
- ensure that disabled access to the adjoining site at Artillery Mansions is not affected whilst works take place.

The applicant has submitted revised drawings that show changes to the massing at first, second, third and fourth floors at the north-west corner of the proposed rear block.

An additional set back of approximately 2.7m at first floor level, 1.9m at second floor and 1m at third and fourth floor is now proposed. With these set-backs the applicant has provided dimensioned plans that show the minimum separation distance between Artillery Mansions and the proposed new building to be 7050mm at first, second and third floor levels. However at second floor level the massing of the proposed building has increased replacing part of a previously proposed terrace. As the additional bulk in this location has changed the outlook from this terrace, the metal privacy screen is no longer required and has been removed.

The applicant has agreed to engage further with the local community and to set up a community liaison group. It is recommended that this could form part of the s106 legal agreement.

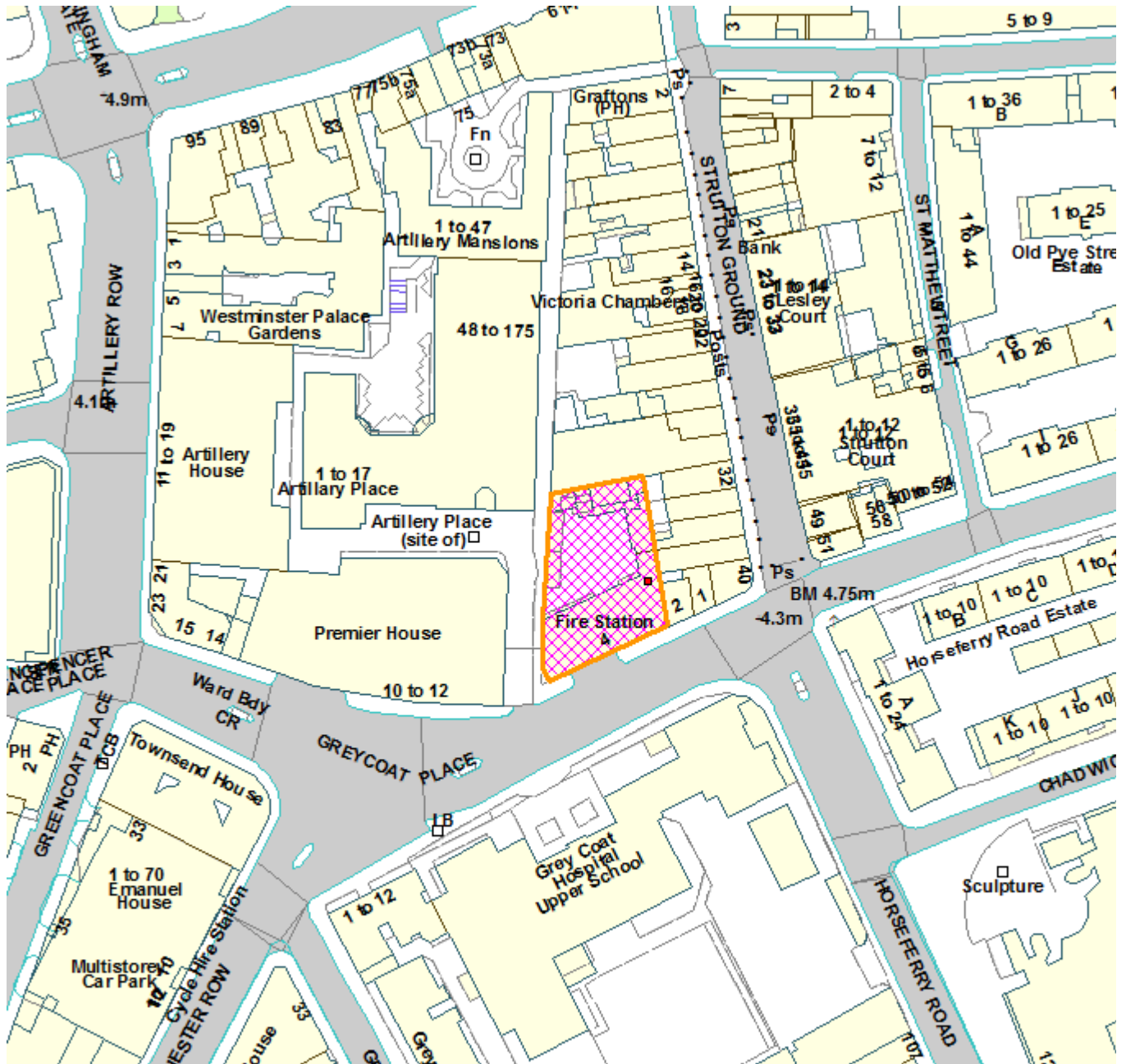
The applicant has confirmed that the vehicle access to Artillery Mansions will be permanently maintained during construction works which is welcome. To ensure this, it is recommended that a construction access plan for Artillery Mansions is secured as part of the s106 legal agreement.

Item No.

3

It is noted that a green roof is now proposed in addition to the solar panels at roof level to the proposed rear building. It is recommended that full details are secured by condition.

3. LOCATION PLAN



4. PHOTOGRAPHS



Front Elevation onto Greycoat Place



Rear view



Existing buildings at the rear of the fire station

5. CONSULTATION

An additional 25 letters of objection have been received since the publication of the original report. These were provided as background papers to members of the committee. The letters are not considered to raise any matters additional to those that have already been considered in the report to the Planning Applications Committee dated 15 November 2016 or formed part of the officer's presentation.

Re-consultation letters were sent to all those who responded to the Council's consultation exercise.

No. Re-consulted: 32

Total No. of replies: 0

Any responses received from the re-consultation will be reported verbally at committee.

6. 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.
28. Letter from occupier of 121 Artillery Mansions, 75 Victoria Street London, dated 07 November 2016
29. Letter from occupier of Artillery Mansions London, dated 07 November 2016

30. Letter from occupier of 16 Artillery Mansions, 75 Victoria Street London, dated 07 November 2016
31. Letter from occupier of 130 Artillery Mansions, 75 Victoria Street London, dated 07 November 2016
32. Letter from occupier of 57 Artillery Mansions, 75 Victoria Street London, dated 07 November 2016
33. Letter from occupier of 81 Artillery Mansions, 75 Victoria Street London, dated 07 November 2016
34. Letter from occupier of 148 Artillery Mansions, 75 Victoria Street London, dated 07 November 2016
35. Letter from occupier of 138 Artillery Mansions, 75 Victoria Street London, dated 07 November 2016
36. Letter from occupier of 102 Artillery Mansions, 75 Victoria Street London, dated 08 November 2016
37. Letter from occupier of 6 Artillery Mansions, 75 Victoria Street London, dated 08 November 2016
38. Letter from occupier of 9 Artillery Mansions, 75 Victoria Street London, dated 08 November 2016
39. Letter from occupier of 121 Artillery Mansions, 75 Victoria Street London, dated 08 November 2016
40. Letter from occupier of 86 Artillery Mansions, 75 Victoria Street London, dated 08 November 2016
41. Letter from occupier of 141 Artillery Mansions, 75 Victoria Street London, dated 09 November 2016
42. Letter from occupier of 100 Artillery Mansions, 75 Victoria Street London, dated 09 November 2016
43. Letter from occupier of 125 Artillery Mansions, 75 Victoria Street London, dated 10 November 2016
44. Letter from occupier of 107 Artillery Mansions, 75 Victoria Street London, dated 11 November 2016
45. Letter from occupier of 111 Artillery Mansions London, dated 11 November 2016
46. Letter from occupier of 150 Artillery Mansions, 75 Victoria Street London, dated 13 November 2016
47. Letter from occupier of 79 Artillery Mansions, 75 Victoria Street London, dated 13 November 2016
48. Letter from occupier of 28 Strutton Ground, London, dated 13 November 2016
49. Letter from occupier of 116 Artillery Mansions, 75 Victoria Street London, dated 14 November 2016
50. Letter from occupier of 121 Artillery Mansions, 75 Victoria Street London, dated 14 November 2016
51. Letter from managing agent of Artillery Mansions London, dated 14 November 2016
52. Letter from Cameron Jones Planning, dated 14 November 2016
53. Letter from Turley, dated 15 November 2016
54. Letter from Cameron Jones Planning, dated 17 November 2016
55. Letter from Turley, dated 22 November 2016
56. Letter from occupier of 116 Artillery Mansions London, dated 24 November 2016
57. Cutbacks massing document and views from Artillery Mansions, dated 24 November 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: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk

7. KEY DRAWINGS



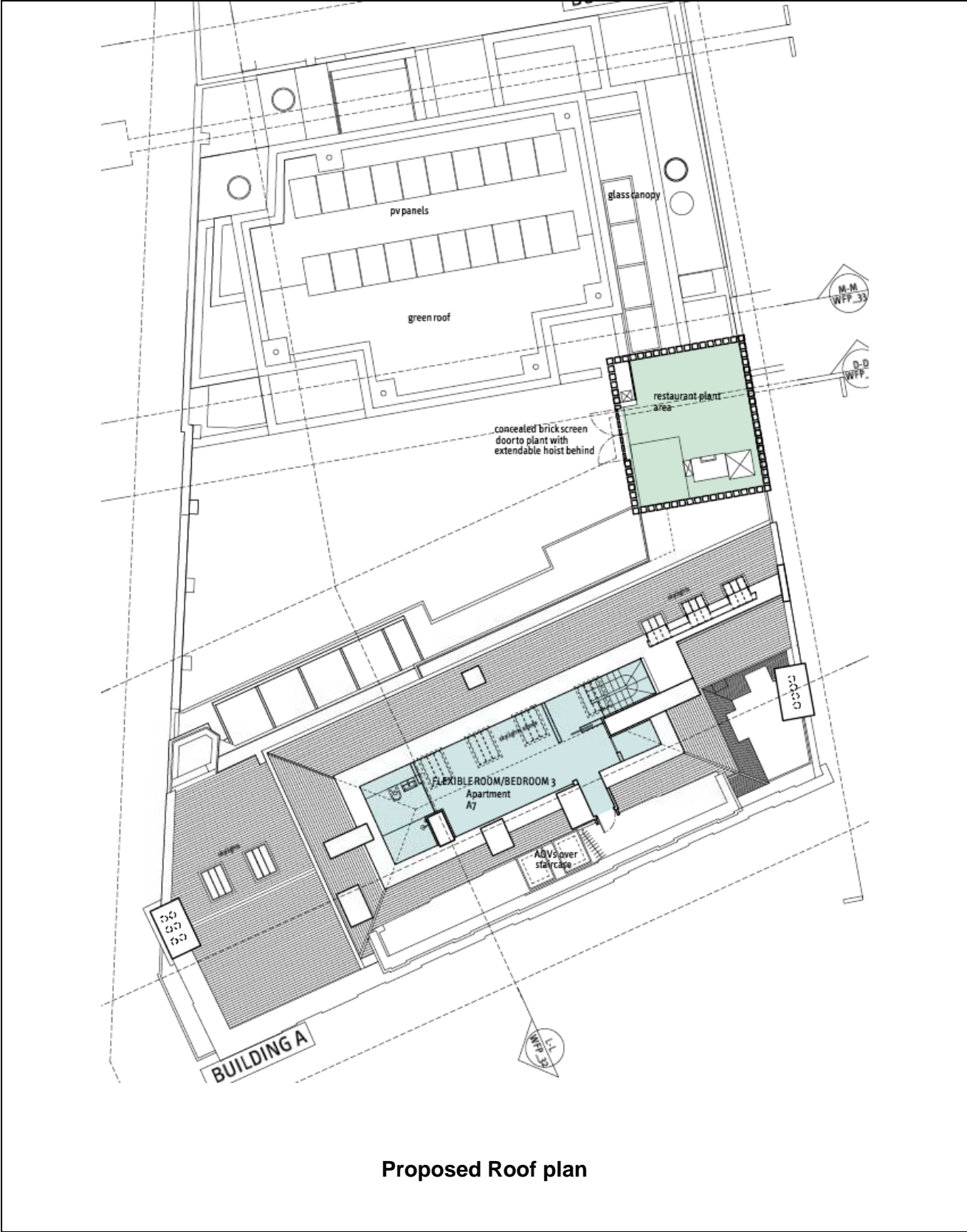


Proposed Second Floor

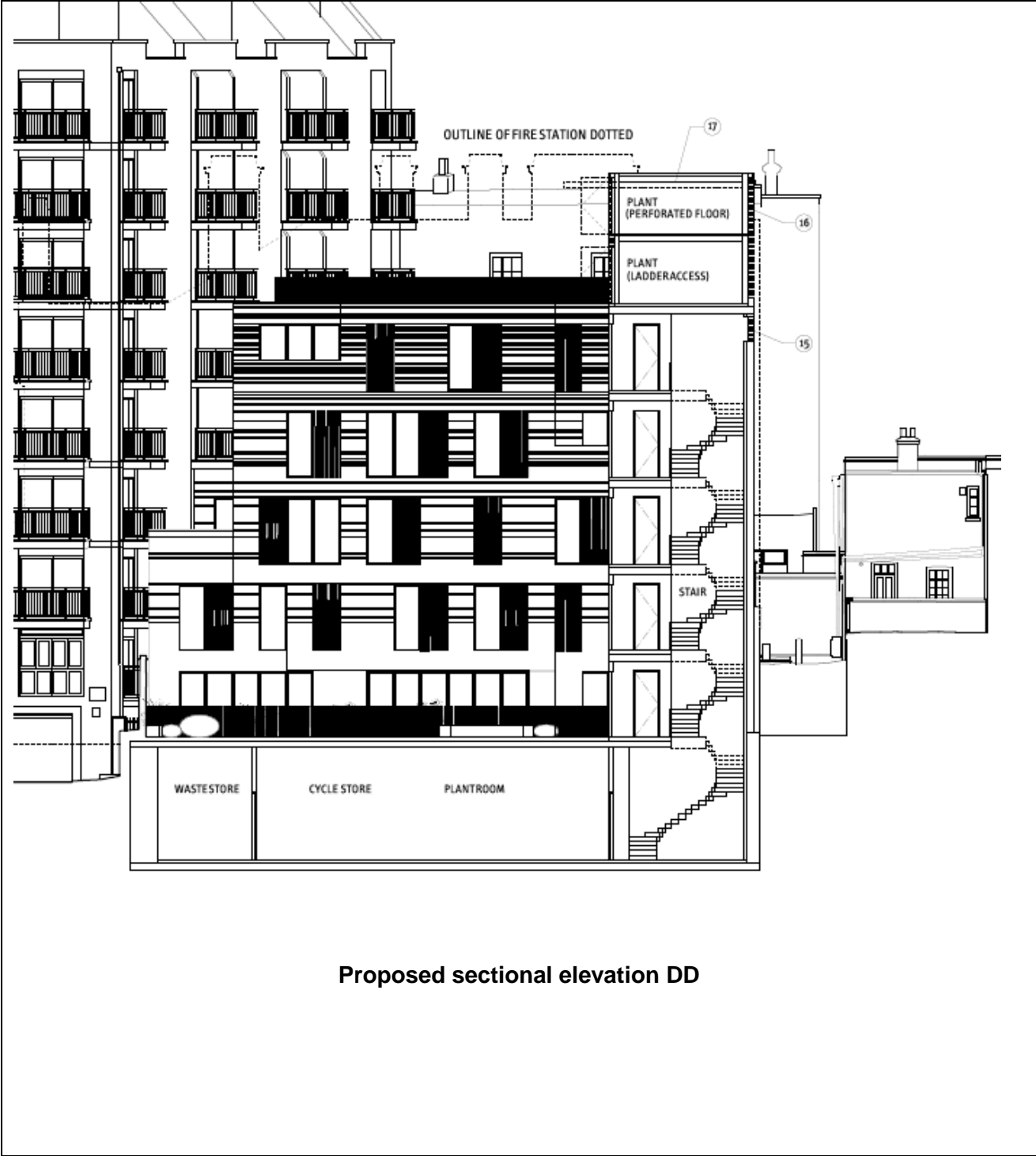


Proposed Third floor

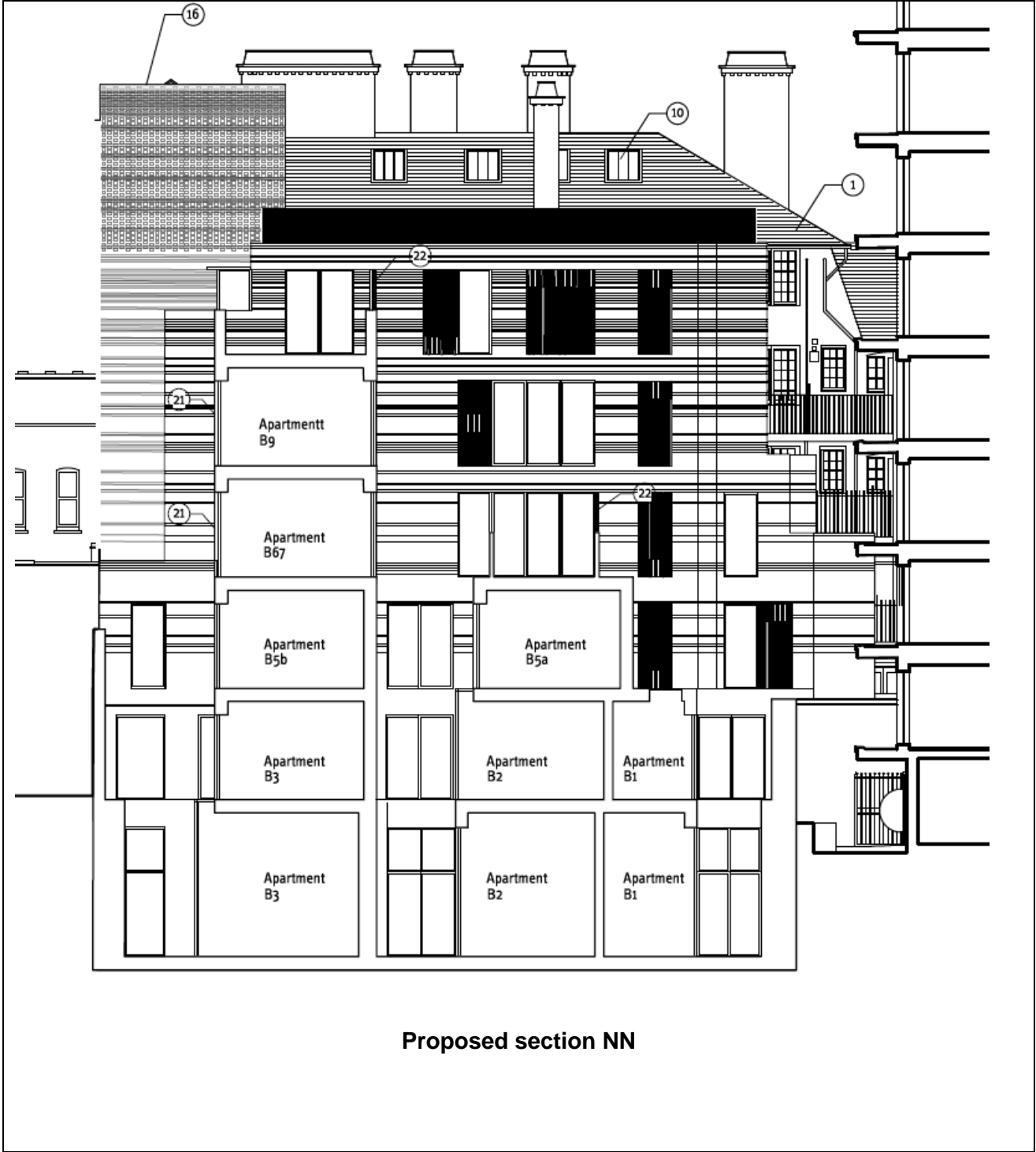




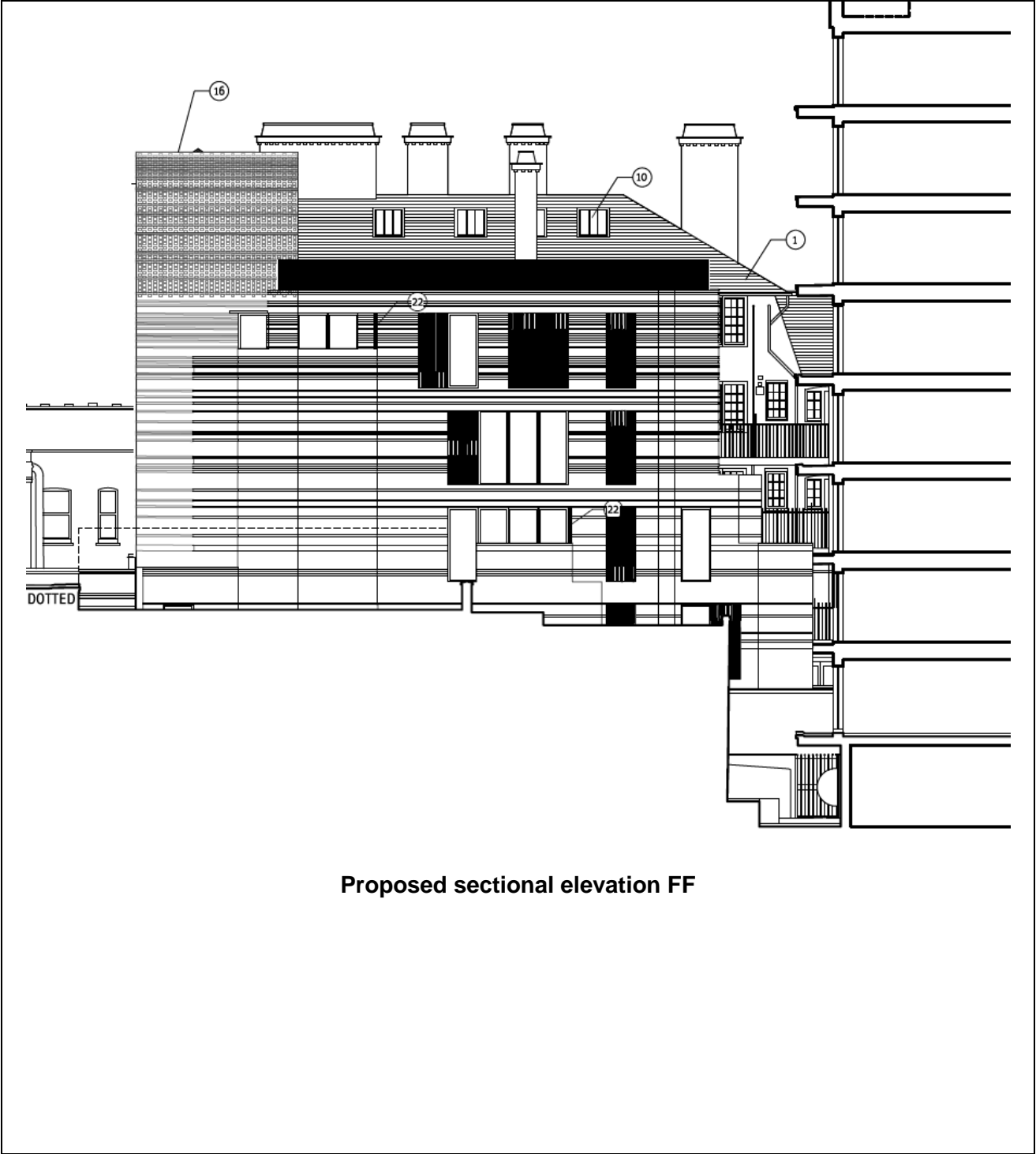
Proposed Roof plan



Proposed sectional elevation DD



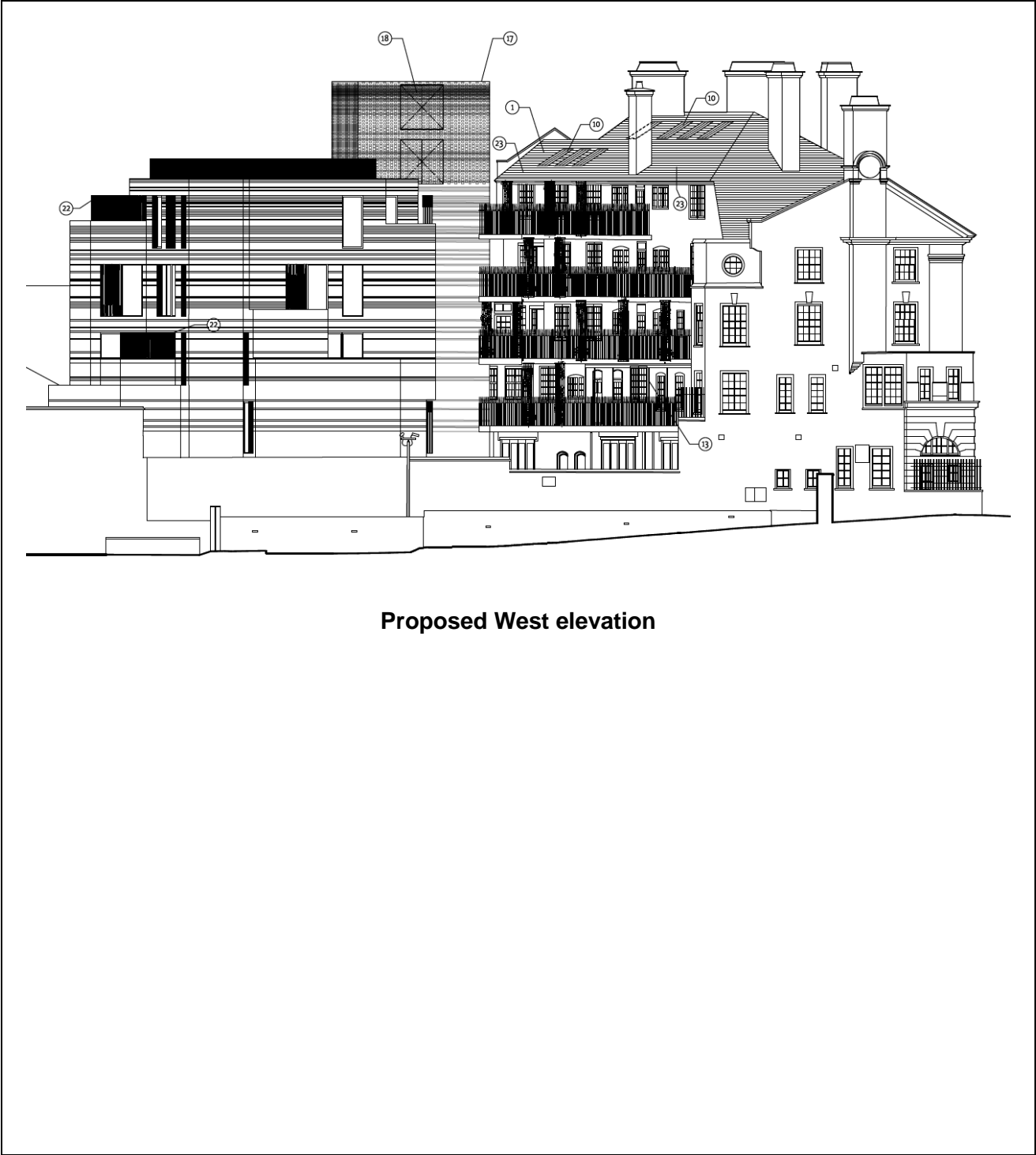
Proposed section NN



Proposed sectional elevation FF



Proposed sectional elevation LL



Proposed West elevation

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; 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 B; WF-P_19 A; WF-P_20 A; WF-P_21; WF-P_22; WF-P_23; WF-P_24 A; WF_25 B; WF_26 B; WF-P_27 A; WF-P_31; WF-P_32 A; WF-P_33 A; WF_34 B; 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: ,
- 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 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 (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 restaurant (class A3) 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 Condition 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.

- 32 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 roof. 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)

- 33 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details 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)

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, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 3 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 social and community facility with a minimum 256m² floorspace (gross external area) to be provided elsewhere in the City, ii. Payment of £500,000 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 including a construction access plan for Artillery Mansions 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; , v. Highway works surrounding the site required for the development to occur; vi. Setting up a community liaison group; vii. 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 or 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 or visit 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. , ,
 - 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)

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.



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (1)** held on **Tuesday 15th November, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Robert Davis, MBE, DL (Chairman), Susie Burbridge, Tim Mitchell and Jason Williams

1 MEMBERSHIP

- 1.1 It was noted that Councillor Jason Williams had replaced Councillor David Boothroyd.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Robert Davis declared that any Members of the Majority Party who had or would make representations on the applications on the agenda were his friends. He also advised that in his capacity as Deputy Leader and Cabinet Member for Planning it was inevitable and part of his role that he got to know, meet and talk to leading members of the planning and property industry including landowners and developers and their professional teams such as architects, surveyors, planning consultants, lawyers and public affairs advisers as well as residents, residents associations and amenity groups. It was his practice to make such declarations. He stated that it did not mean that they were his personal friends or that he had a pecuniary interest, but that he had worked with them in his capacity as Cabinet Member for Planning.
- 2.2 Councillor Davis explained that all four Members of the Committee were provided a week before the meeting with a full set of papers including a detailed officer's report on each application together with bundles of every single letter or e-mail received in respect of every application including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at the meeting in the officers presentation or by Members of the Committee, because of the need to get through a long agenda, it did not mean



that Members had ignored the issue as they will have read about it and comments made by correspondents in the papers read prior to the meeting.

- 2.3 Councillor Davis also declared that in his capacity as the Cabinet Member for the Built Environment with specific responsibility for planning he regularly meets with developers as part of the City Council's pre-application engagement with applicants. This was wholly in accordance with normal protocols and the terms set out in the Localism Act 2011 and as amplified in the Communities and Local Government Act Guidance document "A Plain English Guide to the Localism Act". Councillor Davis added that the meetings held with applicants and in some case objectors too were without prejudice and all parties were advised that a final formal decision was only taken when all the facts were before him and his Committee through the normal planning application process.
- 2.4 Councillor Davis wished to declare that in his capacity as Cabinet Member he knew a number of the directors of planning consultancy companies in Westminster. The planning consultancy companies were representing the applicants on a number of items on the current agenda, including Four Communications, Belgrave, DP9, Gerald Eve and Turleys.
- 2.5 Councillor Davis then made the following further declarations as they related to the specific applications on the agenda:

Item 1: That he knows the Directors of Qatari Diar and had received hospitality from them in the past. He also knows the Directors of Four Communications, Gerald Eve and the Grosvenor Estate who hold land interests in the area. He also declared that he knows the Architects for the scheme and had held meetings with the applicants in relation to the application. A plaque bearing his name was located on the Embassy building.

Item 2: That he knows the Directors of Belgrave and Alchemy and that he had attended meetings with the applicant.

Item 3: That he knows the Directors of Four Communications and had held a meeting with the applicant.

Item 4: He knows the Directors of Turleys and Four Communications. He also knows the Directors of Berkeley and has received hospitality from them. Some of the Directors from Berkeleys had made bids for auction items at a gala dinner arranged by the Sir Simon Milton Foundation. He had held meetings with the applicants in relation to the site and had chaired the committee meeting that had considered an application for the adjacent site.

Item 5: He knows the Directors of DP9, Four Communications and the Architect for the scheme. He has also held meetings with the applicants regarding the proposal.

Item 6: He knows the Directors of Four Communications and had held meetings with the applicants in relation to the application.



2.6 Councillor Tim Mitchell declared that any Members of the Majority Party who had or would make representations in respect of the applications on the agenda were his friends. He also advised that in his capacity as a Councillor for St James's Ward, and as Cabinet Member for Finance responsible for the City Council's property portfolio, he regularly met with members of the planning and property industry as well as residents' associations and amenity groups. He also knew planning consultancy companies that were representing the applicants on a number of items on the current agenda, including DP9, Turleys, Belgrave, Four Communications and Gerald Eve.

2.7 Councillor Mitchell then made the following further declarations as they related to the specific applications on the agenda:

Item 1: That he had sat on the committee that had previously considered applications for the site. That he knows Directors of Qatari Diar and the Grosvenor Estate.

Item 2: That the site is located in his ward. He had received representations from both the applicant and the objectors to the application.

Item 4: That he had sat on the committee that had considered the application for the adjacent site.

2.8 Councillor Susie Burbridge declared that any Members of the Majority Party and Minority Party who had or would make representations on the applications on the agenda were her friends. She advised that she was Deputy Cabinet Member for Housing, Business and Economic Regeneration. She further advised that she sometimes met people from the property industry but had not been contacted by anyone in relation to the applications on the agenda. She declared in respect of Item 4 that she had sat on the committee that had considered an application for the adjacent site.

2.9 Councillor Williams declared that he has regularly met the Directors of Qatari Diar as they own the former Chelsea Barracks site which is located in his ward. He also declared that the Grosvenor Estate have property holdings in his ward. However, he had not discussed the application with either party.

3 MINUTES

3.1 **RESOLVED:** That the minutes of the meeting held on 18 October 2016 be signed by the chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 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

- C. Amending condition 29 to require mature trees to replace those which are shown to be removed or transplanted.
 - D. Amending condition 34 to require the removal of security apparatus and the roads to be re-opened before works commence on the building.
 - E. Limiting the production of a travel plan to staff only.
 - F. Amending condition 25 which requires approval of a revised strategy for managing VIPs arriving at and departing from the building so that proposals avoid the use of the rear of the building.
2. That conditional listed building consent be granted.
 3. That the reasons for granting listed building consent as set out in Informative 1 of the draft be agreed.

2 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.

Additional representations were received from Bruce Rayner (undated), Mr Toshimichi and Fay Okita (undated), Suzie Rogers (undated), Andrew Good (undated), Derek Butler (undated), Guido Contesso (undated), Dr John Temple (undated), Tim Benton (undated), Michael O'Brien (undated) and Charles Rose (7.11.16).

Late representations were received from Firstport (14.11.16), Charles Rose (14.11.16), Emmett de Monterey (11.11.16), Cameron Jones Planning (14.11.16), Delva Patman Redler (9.11.16), Clare Annamalai (13.11.16), Stewart Marshall and Paul Manning (undated), Susan Timbrell (13.11.16), Michael Clements (13.11.16), Jonathan Jempson (11.11.16), Rozanne Thomas (10.11.16), Martin Fricker (9.11.16), Antoine and Maximilienne Dupont-Madinier (9.11.16) and Turley Associates (15.11.16).

The presenting officer tabled a revised table that related to the results of the Sunlight assessment for affected properties in Strutton Ground and Artillery Mansions that was set out on page 82 of the report. This included the results for those properties in Artillery Mansions with balconies in place and without balconies.



RESOLVED:

That determination of the application be deferred for the applicant to:

1. Consider setting back the proposed five storey residential building to improve the amenity to the residents in Artillery Mansions.
2. Consider establishing a community liaison group during development.
3. ensure that disabled access to the adjoined site is not affected whilst works take place.
4. Agree that the £500,000 contribution in lieu of the provision of social and community facility on-site is index linked.

3 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 concealed roof terraces and landscaped areas to the front on Chilworth Mews.

The presenting officer tabled the following correction to the report and amendments to conditions in the draft decision letter:

Amendments in Bold

1. AMEND paragraph 8.10 (page 152) to state the following:

*"The estimated Mayoral CIL and the estimated Westminster Council CIL payment is £687,557.48. **This site is also within an area subject to the Crossrail Planning Obligation and a "top up" payment (i.e. the difference between the Mayoral Cil and Crossrail Planning Obligation) is also payable. This payment is estimated to be £130,490 (pre-indexation) and it is recommended that this is secured by condition. It should be noted that the above figures are subject to any exemptions or relief that may be applicable**"*.

REASON: The report omits mention of the Crossrail Planning Obligation which is applicable given this sites location.

2. AMEND condition 13 (page 164) as follows:
"{b Pre Commencement Condition}. You must not start work on the site until we have approved appropriate arrangements to secure the following.
i. Unallocated parking;



Agenda Item 2

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	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.		
Agent	Miss Fiona Flaherty		
On behalf of	.		
Registered Number	16/05216/FULL and 16/05217/LBC	Date amended/ completed	9 June 2016
Date Application Received	3 June 2016		
Historic Building Grade	II		
Conservation Area	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 256m² (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 256m² 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

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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.

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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.

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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

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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. .

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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
Fire station (sui generis)	1552	0	-1152
Residential	119	3054	+2935
Restaurant	0	571	+571
Total	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

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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 500m2 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.

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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 1000m² 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.

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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.

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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

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

Window/room	Existing VSC	Proposed VSC	VSC Loss (%)
Artillery Mansions			
1 st floor, bedroom window 8 (without balconies)	12.9	10	2.9 (22.5)
	13	10.1	2.9 (22.3)
1 st floor, living room window 9 (without balconies)	9.8	5.1	4.7 (48)
	18.6	11.4	7.2 (38.)
1 st floor, living room window 10 (without balconies)	12.4	4.6	7.8 (62.9)
	21.2	11.5	9.7 (45.8)
2 ^d floor, bedroom, window 17 (without balconies)	29.8	23.3	6.5 (21.8)
	30	23.5	6.5(21.7)
2 ^d floor, living room, window 18 (without balconies)	21.1	12.9	8.2 (38.9)
	30	20.1	9.9 (33)
2 ^d floor, living room, window 19 (without balconies)	20.8	11.3	9.5 (45.7)
	29.8	18.9	10.9 (36.6)
2 ^d floor, living room, window 20 (without balconies)	10.8	8	2.8 (25.9)
	17.7	14.8	2.9 (16.4)
3 ^d floor, living room, window 17 (without balconies)	23.7	15.6	8.1 (34.2)
	32.8	24.1	8.7 (26.5)
3 ^d floor, living room, window 18 (without balconies)	23.5	14	9.5 (40.4)
	32.6	22.8	9.8 (30.1)
4 th floor, living room, window 17 (without balconies)*	26.1	20.1	6.0 (23)
	34.9	28.91	6 (17.2)
4 th 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
26 Strutton Ground				
1 st floor, habitable room, room 11	15	2	14 (6.67)	1 (50.0)
28 Strutton Ground				
1 st floor, unknown, room 10	21	3	1 (66.67)	19 (9.52)
2 nd floor, unknown, room 11	21	4	20 (25)	3 (4.76)
30 Strutton Ground				
2 nd floor, kitchen, room 9	18	2	15 (16.67)	0 (100)
2 nd floor, unknown, room 10	15	2	13 (13.33)	0 (100)
32 Strutton Ground				
1 st floor, kitchen, room 6	12	0	1 (91.97)	0 (0)
1 st floor, unknown, room 7	1	0	0 (100)	0 (0)
2 nd floor, bedroom, room 7	20	1	7 (65.0)	0 (100)

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

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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

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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

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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 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.

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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

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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 175m² 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 477m² 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

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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.

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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 NO₂ 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_x 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

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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.

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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.

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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.

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Agenda Item 4

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 6 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Claridge's Hotel, 47-57 Brook Street, Mayfair, London, W1A 2JQ		
Proposal	Internal and external alterations including alterations to roof comprising removal of rooftop plant rooms and associated structures and construction of additional two storeys to provide 40 additional hotel (Class C1) bedrooms; alterations to elevations on Brook Street, Davies Street and Brook's Mews; and excavation at basement level to provide five new basement levels to provide additional hotel floorspace (Class C1) in the form of ancillary restaurants/bars, function rooms, hotel leisure/spa facilities, ancillary and back of house spaces.		
Agent	Blair Associates Architecture Ltd		
On behalf of	Claridge's Hotel Ltd		
Registered Number	16/07451/FULL 16/07452/LBC	Date amended/ completed	22 August 2016
Date Application Received	21 July 2016		
Historic Building Grade	Grade II		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Grant conditional permission subject to the completion of a S106 agreement to secure:
 - a) A payment of £226,460 (index linked and payable prior to commencement of development) towards environmental improvement works to Brook's Mews or in the vicinity of the property (at the discretion of the Director of Transportation);
 - b) Submission of details and provision of on-site public art (total value at least £200,000 excluding maintenance costs and design and commissioning fees);
 - c) Collect a Crossrail contribution of £398,086 (less any CIL payment made) (index linked and payable prior to commencement of development);
 - d) Secure all costs associated with the alterations to the parking bay on Brook's Mews (prior to commencement of development); and
 - e) The costs of monitoring the S106 legal agreement.
2. If the S106 legal agreement has not been completed within 6 weeks of the date of this resolution, then:

a) The Director of Planning shall consider whether the permissions can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however if not

b. The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that 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.

3. Grant conditional listed building consent.

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

2. SUMMARY

Claridge's Hotel occupies 47-57 Brook Street and comprises of two distinct buildings; the red brick 'Victorian Wing' and to the east the 'Art Deco Wing' (Ballroom Wing). The building faces onto Brook Street, Davies Street and Brook's Mews with Brook Street providing the main hotel entrance and Brook's Mews providing the servicing entrance. It is a Grade II listed building located within the Mayfair Conservation Area and Core Central Activities Zone (Core CAZ).

Planning permission and listed building consent are sought for the same alterations approved by the City Council in December 2007 and again in December 2010 except with the addition of five basements below the 'Ballroom Wing' to provide ancillary accommodation below ground floor level. The works previously approved and for which permission and consent are again sought comprise of internal and external alterations including alterations to roof comprising removal of rooftop plant rooms and associated structures and construction of additional two storeys to provide 40 additional hotel bedrooms and alterations to elevations on Brook Street, Davies Street and Brook's Mews.

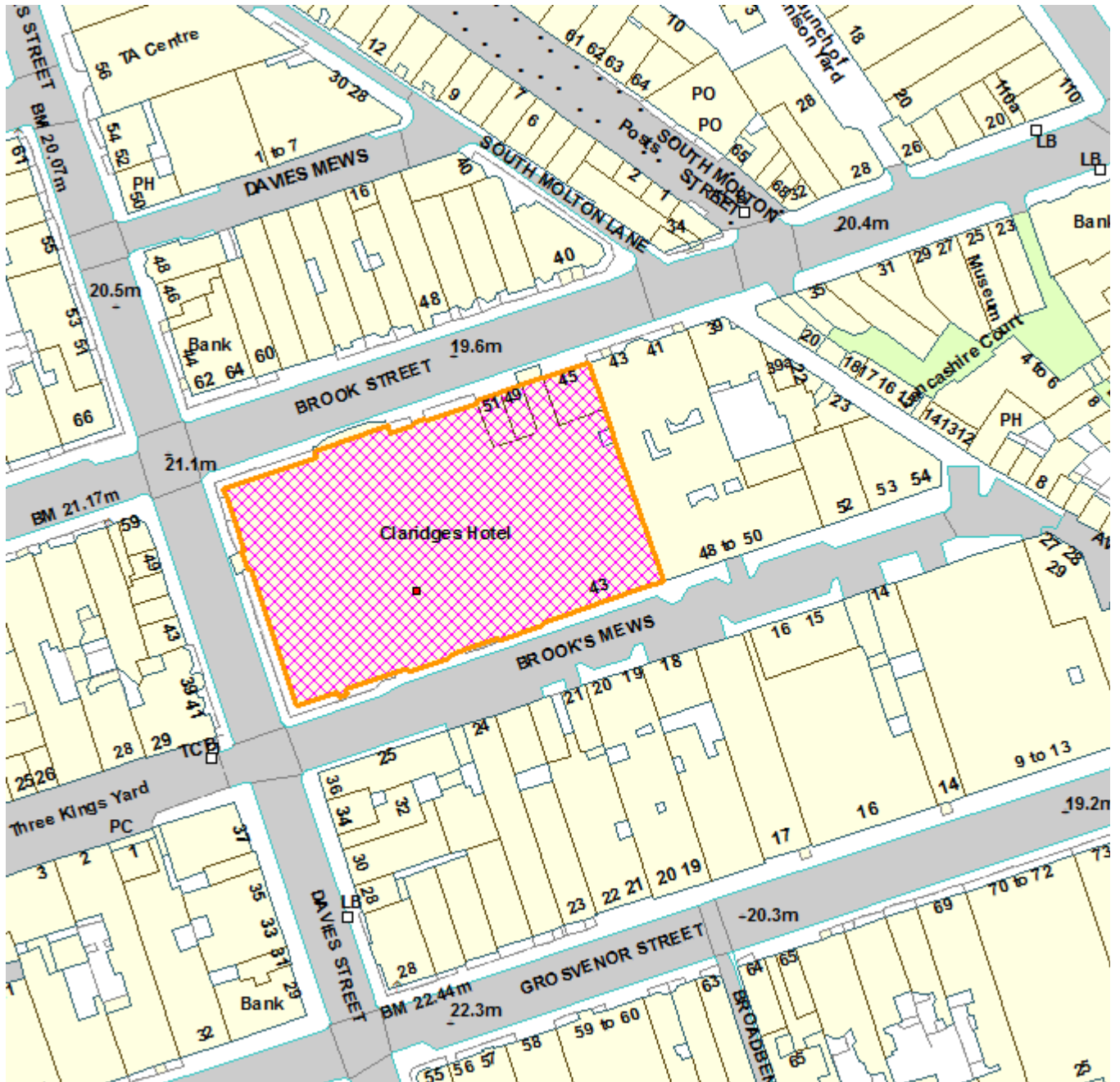
The key issues for consideration are:

- * The impact of the extensions to the hotel upon the amenities of neighbouring residents.
- * The impact of the works upon the special interest of the listed building and the character and appearance of the conservation area.

The proposal would result in relatively modest additions to the existing large hotel located within the Core CAZ. The proposals would result in an uplift of commercial floorspace in accordance with City Plan and UDP policies. This could all be achieved without material harm to other concerns including surrounding residential amenity.

The application is considered acceptable in land use, amenity, design and conservation terms, and highways terms and is in accordance with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan).

3. LOCATION PLAN



4. PHOTOGRAPHS

Photograph 1. View of Hotel on Brooks Street and Davies Street



Photograph 2. Construction vehicle making a visit to the entrance of the excavation site on Brook's Mews



Photograph 3. Looking east down Brook's Mews



Photograph 4. Typical plant located on the roof



5. CONSULTATIONS

HISTORIC ENGLAND

Authorisation provided for the Council to determine the application as it sees fit.

GREATER LONDON AUTHORITY

Application does not trigger referral to the Mayor

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

BUILDING CONTROL

The method of construction is the same as previously applied for, but deeper. The design will need to be in much greater detail, but essentially the structural method is quite conservative (it will be slow) and acceptable in principle.

CLEANSING

No objection

ENVIRONMENTAL HEALTH

No objection regarding plant installation and applicant has agreed to enter into the Code of Construction Practice and subject to other conditions.

HIGHWAYS PLANNING OFFICER

No objections subject to conditions

DESIGNING OUT CRIME OFFICER

Any response to be reported verbally

TRANSPORT FOR LONDON

No objections subject to an updated Traffic Management Plan (TMP)

TWENTIETH CENTURY SOCIETY

Any response to be reported verbally

THE VICTORIAN SOCIETY

Any response to be reported verbally

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally

COUNCIL FOR BRITISH ARCHAEOLOGY

The proposed construction was viewed as serious and would require the hotel to be closed for some time. It was acknowledged that the additional storeys would tidy up the roof space. The committee resolved that there was strong opposition to create five new basement levels.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally

THE GEORGIAN GROUP

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 598, Total No. of replies: 6

No. of Comment: 1

Concerns are raised regarding the duration and impact of construction on the local road network and excavation activities. Suggest that a Traffic Plan is submitted to demonstrate the impact of construction traffic.

No. of objections: 4, on some or all of the following grounds:

Amenity

- Loss of daylight and sunlight to neighbouring properties from the bulk and height of the roof extension
- Loss of privacy to bedrooms of surrounding neighbouring properties

Construction impacts

- Increase in traffic, deliveries and rubbish and noise
- Impact on trade to local businesses from noise, vibrations and road closures during the construction process
- Noise generation- contractors have repeatedly violated allowed working hour and weekend restrictions during past renovation projects with little or no consequence
- Buildings and in particular listed buildings will suffer irreparable damage, sustaining cracking and ancillary damage

Increase in hotel capacity

- Increase in local traffic, road access and already limited residential parking.

Environmental impacts

- Impact on water table and air pollution

No. in support: 1

Generally in support of the application but raised concern in respect to the possible closure of Brooks Mews for deliveries and asked whether neighbours will be given warning.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

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

Claridge's Hotel is a Grade II listed building within the Mayfair Conservation Area which faces onto Brook Street, Davies Street and Brook's Mews. Brook Street provides the main hotel entrance and Brook's Mews provides the servicing entrance.

The Hotel comprises of two distinct buildings; the earlier of these is the red brick, purpose built hotel occupying the western part of the site (the Victorian Wing) which dates to 1895-8 and comprises basement, ground and mezzanine plus five upper storeys (the fifth and sixth floors are set within a double height roof structure). To the east of the Victorian Wing is the Art Deco Wing (Ballroom Wing) which has an extension to the original hotel added in 1930-31. This part of the hotel is red and buff brick with Portland stone cladding in part with granite and marble dressings. The Art Deco (Ballroom Wing) comprises basement, ground floor (and mezzanine) and seven upper floors. The upper three floors are progressively set back on both the Brook Street and Brook's Mews elevations.

The hotel is 5* with 203 bedrooms, including 67 suites, with ancillary dining and drinking facilities, function rooms, ballrooms and shops.

The surrounding area is in mixed use although commercial (office uses) are predominant. The site is located within the Core Central Activities Zone (Core CAZ).

6.2 Recent Relevant History

On 6 December 2007 planning permission and listed building consent were granted for alterations including the erection of two additional floors to provide 40 additional hotel bedrooms and excavation at basement level to provide new plant room.

Permission and consent were granted on 7 December 2010 to allow an additional two years to commence the above permission / consent.

Works are being undertaken at site to implement the 2010 permission; however they have not been completed.

7. THE PROPOSAL

Planning permission and listed building consent are now sought for the same alterations previously approved except with the addition of five basements below the Art deco Wing to provide ancillary accommodation below ground floor level.

Each basement shall be arranged thus:

Basement 1- pool/sauna/treatment rooms/changing rooms and conference rooms/offices

Basement 2- meeting rooms and gym, bakery and chocolatier

Basement 3- staff facilities including kitchen and changing area, laundry, guest luggage storage areas and wine stores

Basement 4 and 5- Plant room

The works previously approved comprise of internal and external alterations including alterations to roof comprising removal of rooftop plant rooms and associated structures and construction of additional two storeys to provide 40 additional hotel bedrooms; alterations to elevations on Brook Street, Davies Street and Brook's Mews.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing hotel floorspace is 23,188m² (GIA). The scheme would result in an additional 6,526 m² (GIA).

Floor	Gross External Area (m ²) as existing	Gross External Area (m ²) as proposed	Gross Internal Area (m ²) as existing	Gross Internal Area (m ²) as proposed
Basement -5	0	850	0	778
Basement -4	0	850	0	778
Basement -3	0	850	0	778
Basement -2	0	850	0	778
Basement -1	0	850	0	778
Lower Ground	3,600	3,550	3,518	3,468
Ground Floor	3,300	3,250	3,218	3,168
Mezzanine	1,150	1,100	1,100	1,050
First Floor	2,600	2,600	2,518	2,518
Second Floor	2,700	2,650	2,618	2,568
Third Floor	2,700	2,650	2,618	2,568
Fourth Floor	2,500	2,500	2,420	2,420
Fifth floor	2,400	2,400	2,320	2,320
Sixth Floor	2,050	2,200	2,000	2,150
Seventh Floor	850	1,750	800	1,700
Eighth Floor	50	1,300	40	1,194
Ninth Floor	20	750	18	700
TOTAL	23,920	30,950	23,188	29,714

Mixed Use Policy

The revised policy S1 (Mixed Use in the Central Activities Zone) adopted in July 2016 requires the provision of residential to offset increases in offices (Class B1) but not other commercial uses. This change in policy approach means that the scheme does not require the provision of residential floorspace.

Increase in Hotel

Policy S23 (Hotels and Conference Facilities) of the City Plan state that hotels are important to support the visitor and business economy. Existing hotels will be protected where they do not have significant adverse effects on residential amenity and where proposals to improve the quality and range of hotels will be encouraged.

Policy TACE 2 of the UDP states that within the Core CAZ, extensions to existing hotels will be granted 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 setting down and picking up of visitors by taxis and coaches.

The hotel is located in the centre of Mayfair in an area mixed use in character. The nearest residential are located in the upper floor of 56-58 and 60 Brook Street to the north, 32 Davies Street/25 Brooks Mews and 23 Brooks Mews to the south and 39-41 Davies Street to the west of the hotel.

The existing large hotel comprising 203 guest rooms is a longstanding use that has been operating without complaints. The scheme would result in the provision of 40 additional bedrooms amounting to a 20% increase. The basements will provide additional back of house areas which are currently located in cramped locations and provide additional back of house functions and facilities expected of a leading hotel.

There is no on-site parking available on site and this will be retained. The main entrance to the hotel and ballroom entrances are on Brook Street. Davis Street provides the main entrance to restaurants and a secondary entrance. All servicing for the hotel and restaurants takes place on Brook's Mews. No change is proposed servicing arrangements.

Guests usually arrive at the hotel via taxi chauffeur drive car, public transport or on foot. Staff usually walk, cycle or use public transport. Cycle parking will be provided within the fifth floor basement.

The extension to the existing hotel within the Core CAZ is considered to be acceptable as it would not result in a significant intensification of the existing hotel use. There would be no significant increase in either vehicular or pedestrian movements as a result of the proposal which is considered acceptable in principle in accordance with City Plan policy S23 and UDP policy TACE 2

8.2 Townscape and Design

Claridge's Hotel building dates from 1895-98 with various alterations and extensions carried out between 1909 and 1931. It was refurbished in 2000 and, as set out above, approval was given for major alterations and extensions in 2007 and again in 2010.

All the earlier facades are of red brick with the twentieth century alterations and additions being of red brick and Portland stone with some granite and marble details. The rear façade to Brooks Mews is red brick. The roof is of blue/grey slate and accommodates a lot of mechanical plant.

Internally, there are many features of interest including the main staircase, ballroom etc. and the building is well described in the Survey of London and Statutory List entry.

Approval is now sought for the same alterations previously approved except with the addition of more accommodation below ground within the area of piles beneath the 1930s part of the building. These additional storeys below ground will not be externally visible; their main impact is on the hierarchy of the building.

In heritage asset terms, the proposed 5-storey sub-basement will have a neutral impact on the hierarchy of the building. The floors will contain a pool, spa, conference room, gym, staff facilities and plant, and their repetitive nature is characteristic of the original early twentieth century upper floors of this part of the building.

The principal benefit of the new plant rooms at sub-basement levels 4 and 5 will be to free space at roof level and to allow removal of many obtrusive external ducts associated with the air-conditioning crudely retrofitted to the building in the last half of the twentieth century.

The other alterations and extensions to the building remain acceptable and the scheme as a whole accords with the NPPF, will maintain the special interest of the building and the character and appearance of the Mayfair Conservation Area. The alterations also accord with UDP policies DES1, DES 5, DES 6, DES 9, DES 10 and the city council's 'Repairs and Alterations to Listed Buildings' and 'Development and Demolition in Conservation Areas' supplementary planning guidance.

8.3 Residential Amenity

Sunlight and Daylight

A daylight and sunlight assessment has been submitted with the application which assesses the impact of the development with regard to BRE guidelines for daylight and sunlight to new and existing developments. When the application was last considered no significant amenity issues in terms of daylight and sunlight to surrounding residential properties were identified.

The residential properties that were assessed previously include 32 Davies Street/25 Brook's Mews, 56-58 and 60 Brook Street and 23 and 50 Brook's Mews. It was noted that under previous applications 39-41 Davies Street was considered to be a commercial property and as such, was not assessed for daylight and sunlight. This property has now been identified as being in residential use and an additional report assessing the impacts on daylight and sunlight on this property has been provided.

Objections citing loss of daylight/sunlight have been received from an occupier within one of the flats at 32 Davies Street.

Daylight

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. For buildings that neighbour a new development, the guidance suggests that daylight will be adversely affected by the development if its windows achieve a VSC below 27% and have their levels reduced to less than 0.8 times their former value.

The reports demonstrate that the windows serving the objectors' properties at Davies Street and the remaining windows in surrounding residential properties achieve compliance with the BRE guidelines in respect of VSC assessment. The objections on the

losses to daylight levels at neighbouring properties cannot be supported and the proposed scheme is unlikely to have a material impact upon the living conditions of neighbouring occupiers in terms of daylight.

Sunlight

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the level of sunlight received is below 25% (and 5% in winter), the loss is greater than 20% either over the whole year or just during winter months and the loss over the whole year exceeds 4%, then the loss would be noticeable.

The report demonstrates that the windows serving these properties at Brook Street achieve compliance with the BRE guidelines in respect of sunlight. Whilst an objection also refer to loss of sunlight, as the tested windows are north facing they are not required to be analysed for the purposes of sunlight under the BRE guidelines.

Sense of Enclosure

The roof extension would be visible from surrounding neighbouring properties along Davies Street, Brook Street and Brook's Mews. An objection has been received from a resident within number 32 Davies Street. The extension have been previously allowed and give the distance of the objector's property and the limited height increase compared to existing, it is not considered that the proposed extension would cause significant harm to offer a reason to refuse the application in terms of the sense of enclosure.

Overlooking

The objector residing within 32 Davies Street also objects on the grounds of overlooking from the new windows in the proposed extension. This element of the scheme remains as previously consented, and given the height at which the new windows will be installed and the distance to the objector's property, it is not considered that this additional overlooking would not be harmful to the extent that permission could be withheld.

8.4 Transportation/Parking

Objections have been raised that the proposed development will result in increase to local traffic, road access particularly in locations that are already subject to limited residential parking.

Trip Generation

The proposed development is unlikely to have a significantly detrimental impact on the safety or operation of the highway network, despite the increase in floorspace. It is noted however that there may be change in the profile (time and type of trips) and a site wide operation management plan is recommended to be secured by condition to assist in coordinating, managing and minimising any change in activity patterns.

Servicing

The current hotel is serviced directly from Brook's Mews. The location of the servicing access is to be relocated towards the junction of Davis Street. While the current servicing access is directly adjacent to a stretch of single yellow line, the proposed new access will be adjacent to on-street residential parking bays.

The applicant has suggested that a bollard be placed at a corner of the parking bay to protect vehicles that are parked there. It is unclear if the foundations could be achieved given structures and underground services, and it would add street clutter.

The applicant also suggests that the existing bay would be shortened by 1m (approx.), creating a section of additional single yellow line between the likely parked location of a servicing vehicle and a parked vehicle and parked vehicle reducing potential for conflict or damage by goods being transferred. It is accepted that such a reduction would not reduce the potential number of vehicles that could park within the existing bay.

It is recommended that the costs of securing the necessary traffic management orders and the changes to on-street restrictions in Brook's Mews without reduction in the number of car parking spaces to accommodate the new servicing entrance location are secured via legal agreement.

The operator of the hotel will remain, however as the servicing arrangements are being altered, it is recommended that a servicing management plan for the hotel will be secured by condition. On this basis the scheme is considered acceptable in highways terms.

Cycle parking

Based on the proposal, overall the London Plan would require the provision of 22 cycle parking spaces. The plans indicate that 29 cycle parking spaces would be provided within the fifth floor basement. The cycle parking provided will encourage sustainable transport modes by staff.

The proposal is consistent with the London Plan (2016) and a condition is recommended to ensure that they are provided and retained.

Development under the Highway

TRANS19 restricts the lateral and vertical extent of new or extended basement areas under the adjacent highway so that there remains a minimum vertical depth below the footway or carriageway of about 900 mm and the extent of the new or extended basement area does not encroach more than about 1.8 m under any part of the adjacent highway.

The submitted drawings indicated alterations to the existing vaults and basement under the highway. Technical approval will also be required and the applicant shall be advised via informative.

On this basis of the above, the scheme is considered acceptable in highways terms, subject to conditions.

8.5 Economic Considerations

Any economic benefits of an extension to the existing hotel are welcomed.

8.6 Access

Access to the hotel will remain as existing; with Brook Street providing the main hotel entrance and Brook's Mews provides the servicing entrance.

8.7 Other UDP/Westminster Policy Considerations

Noise

An objection has been received from a neighbouring occupier who is concerned with the noise from an increase in the occupancy of the hotel. The roof extension will provide a 20% increase in guest accommodation and the basement will provide back of house, plant and other ancillary hotel functions.

The extension of the hotel is not considered to represent a significant intensification of the existing hotel use and can be accommodated within this urban location.

Plant

The application has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

Whilst a large proportion of level plant is to be relocated to basement level, the plans indicate some plant is to be retained at roof level. The details of plant specification are not yet known, but the application is supported by a noise report.

A condition is recommended to requiring a supplementary acoustic report with acoustic specifications for the plant/ducting and details of noise/vibration attenuation measures to be submitted.

The plans do not indicate the location of CHP flues, and to ensure adequate dispersal, the CHP flues should terminate at a height of 3m above the roof ridge level and the kitchen extract flue should terminate at either chimney height or 1m above the roof ridge level. Conditions are recommended to be imposed to require these details by way of conditions.

Refuse /Recycling

The applicant will provide a central waste and recycling storage facilities for the hotel within the existing lower ground floor, which is near this refuse area has capacity to accommodate the waste and recycling for the hotel.

Sustainability

The applicant has submitted an Energy and Sustainability Statement. The intention of energy efficient measures, upgrading of equipment and introduction of renewable

systems is recognised to provide a contribution to on-site renewable energy. An area of green roof is to be provided, full details of which will be secured by condition.

Public Art

The application also involves the provision of public art to be located externally on the eastern facing flank wall, where the current vertical riser shafts are located. The work of art is likely to be of louvre style screens in an art deco fashion. Details are secured by condition and legal agreement.

8.8 London Plan

The proposal is not referable to the Mayor. The application does not raise any 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 proposed planning obligation requirements in both these cases are considered to meet these tests.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the 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 that the overall delivery of appropriate development is not compromised.

The City Council's Planning Obligations Supplementary Planning Guidance (SPG) sets out in detail the scope and nature of obligations to which certain types of development will be typically subject. In this case, the principal 'Heads of Terms' of the legal agreement are proposed to cover the following issues;

- a) A payment of £226,460 towards environmental improvement works to Brook's Mews or in the vicinity of the property (at the discretion of the Director of Transportation);
- b) Submission of details and provision of on-site public art (total value at least £200,000);
- c) Collect a Crossrail contribution of £398,086 (less any CIL payment made)

- d) Secure all costs associated with alterations to the Parking Bay on Brook's Mews.
- e) The costs of monitoring the legal agreement.

The hotel is willing, in line with the previous permission and legal agreement to continue to provide a contribution to the environmental improvement works (a) to Brook's Mews or another location within the vicinity of the site, at the discretion of the Director of Transportation. This is driven by the hotel willing to improve the local environment for neighbouring residents. This offer is on the basis that it shall not carry any material weight in the determination of the planning application, but shall be secured via a legal agreement as previously undertaken.

Officers consider that these 'heads' satisfactorily address the City Council policies, the Supplementary Planning Guidance and the CIL Regulations.

The estimated CIL payment is:

Mayoral CIL:	£397,998.21 (index linked)
<u>WCC CIL:</u>	<u>£1,305,200.00 (index linked)</u>
Total:	£1,703,198.21 (index linked)

8.11 Environmental Impact Assessment

The proposal is of insufficient scale to require the submission of an Environmental Statement.

8.12 Other Issues

Basement

The site's location within the Core CAZ 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 A and 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 and a double height basement has been permitted and is under construction.

The information provided with the application indicates that the basement construction will be undertaken by hand digging deep piles. As a result only small amounts of soil can be removed per day, keeping site traffic to a minimum. The foundations, beams and piles are being constructed beneath the existing raft foundations meaning that the hotel is supported until the new foundations are fully complete. The excavation method does not disturb the existing hotel allowing the hotel to stay open. This is the type of construction currently used to construct the approved scheme. The structural method will be slow; it is anticipated that the construction of the basement will take 5 years.

It is noted that the depth reached by the foundations under this application would be the optimum depth for any future structure of the hotel.

The City Council's District Surveyor has no objection in principle to the proposed development; the method of construction is the same as previously applied for, but deeper.

The impact of the basement upon the heritage asset has been addressed above in this report.

For these reasons the proposed basement is considered to accord with City Plan Policy CM28.1

Construction impact

A number of objections have been received on the ground that the construction works will be disruptive to local residents and businesses.

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.

The construction phase is predicted to generate approximately 6 – 8 return trips per day on a typical weekday over the 36 month construction period and emissions from non-road mobile machinery are considered to be localised and temporary during the construction period. There are potential impacts from dust and also from increases in particulate concentrations, at levels which might exceed the 24 air quality objective.

The air quality assessment concludes that the residual impact (post mitigation) will be negligible to slight adverse, which is not a significant impact. Examples of mitigation measures are detailed within the report. Mitigation measures will be required to be detailed within the Site Environmental Management Plan as required by the COCP.

Energy

The energy assessment considers the new energy centre will be more efficient and less polluting than the existing thus leading to a net benefit.

Air Quality

The development proposals are assessed to be air quality neutral for building, energy centre and transport emissions.

9. BACKGROUND PAPERS

1. Application form
2. Response from Historic England (Listed Builds/Con Areas), dated 30 August 2016
3. Response from Greater London Authority, dated 4 October 2016
4. Response from Cleansing - Development Planning, dated 7 November 2016
5. Response from Environmental Health, dated 7 November and 21 November 2016
6. Response from Highways Planning dated 18 November 2016
7. Response from Building Control, dated 15 November 2016
8. Response from Transport For London - Borough Planning, dated 19 May 2016
9. Response from Council for British Archaeology dated 5 October 2016
10. Letter from occupier of 42 Brook Street, London, dated 9 September 2016
11. Letter from occupier of Savile Club, 69 Brook Street, dated 8 September 2016
12. Letter from occupier of 33 Grosvenor Street, London, dated 13 September 2016
13. Letter from occupier of 6-7 Avery Row, Lon, dated 27 August 2016
14. Letter from occupier of Hush, 8 Lancashire Court, Brook Street, dated 12 September 2016
15. Letter from occupier of 32 Davies Street, London, dated 14 September 2016

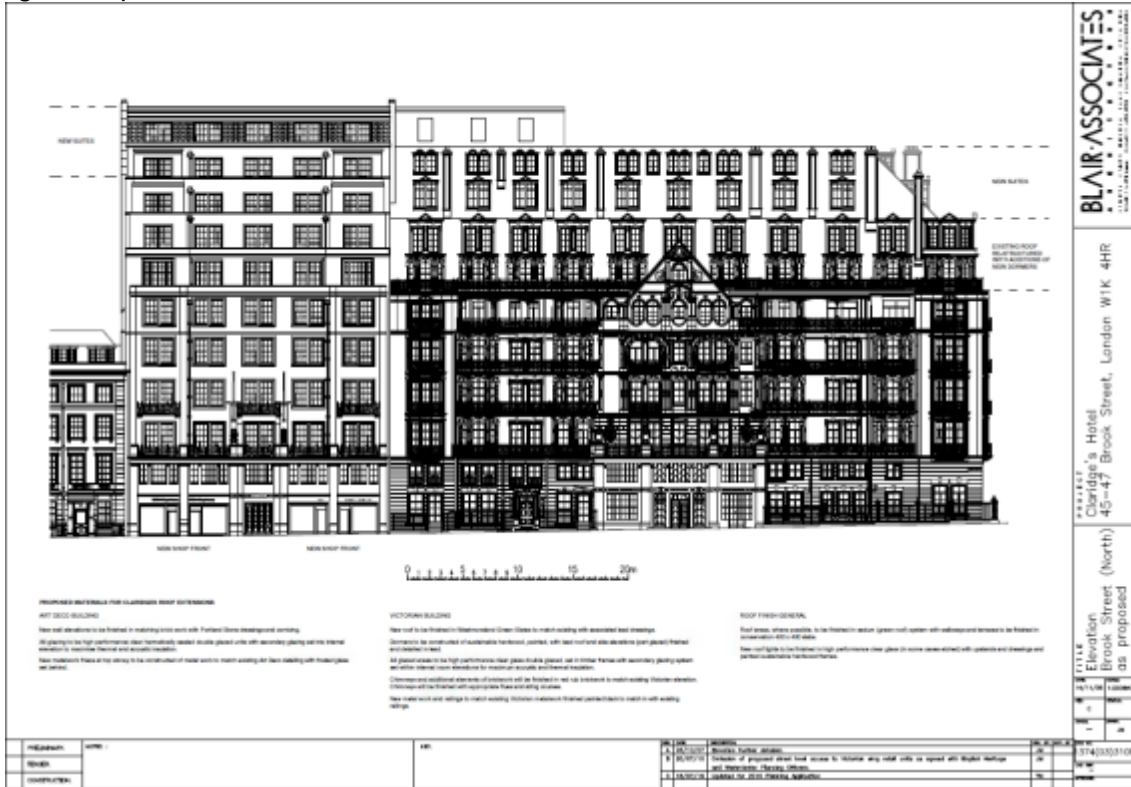
Selected relevant drawings

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

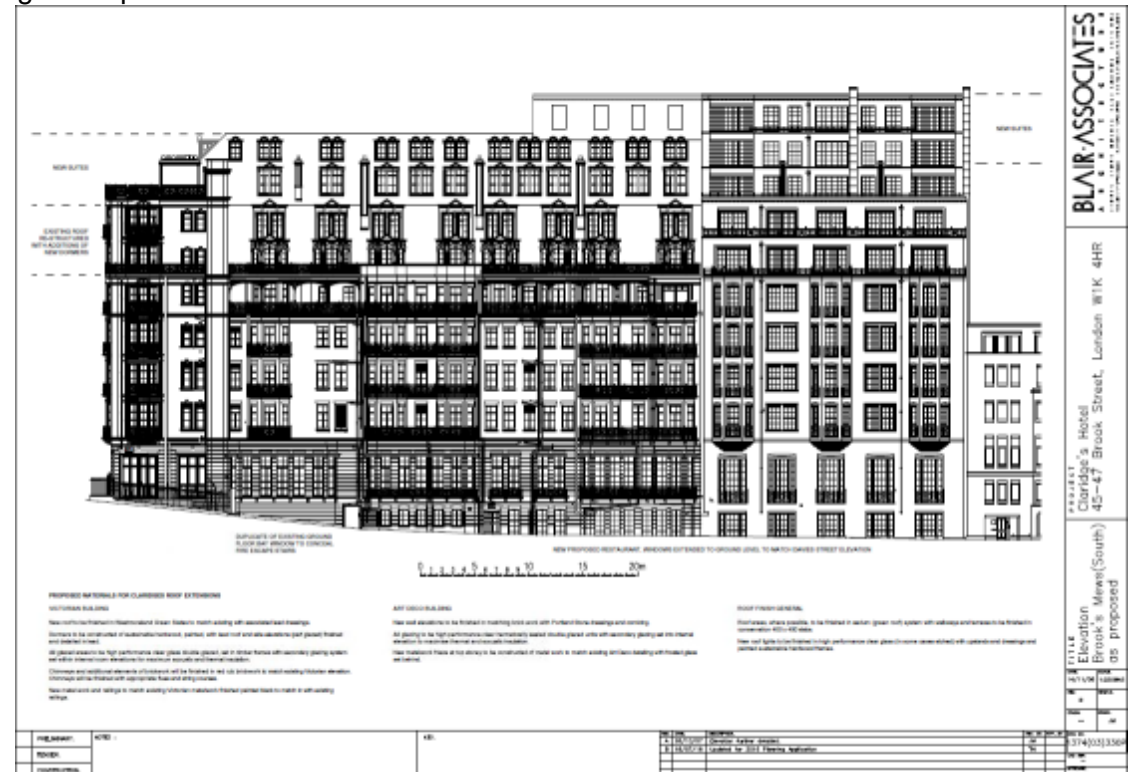
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

10. KEY DRAWINGS

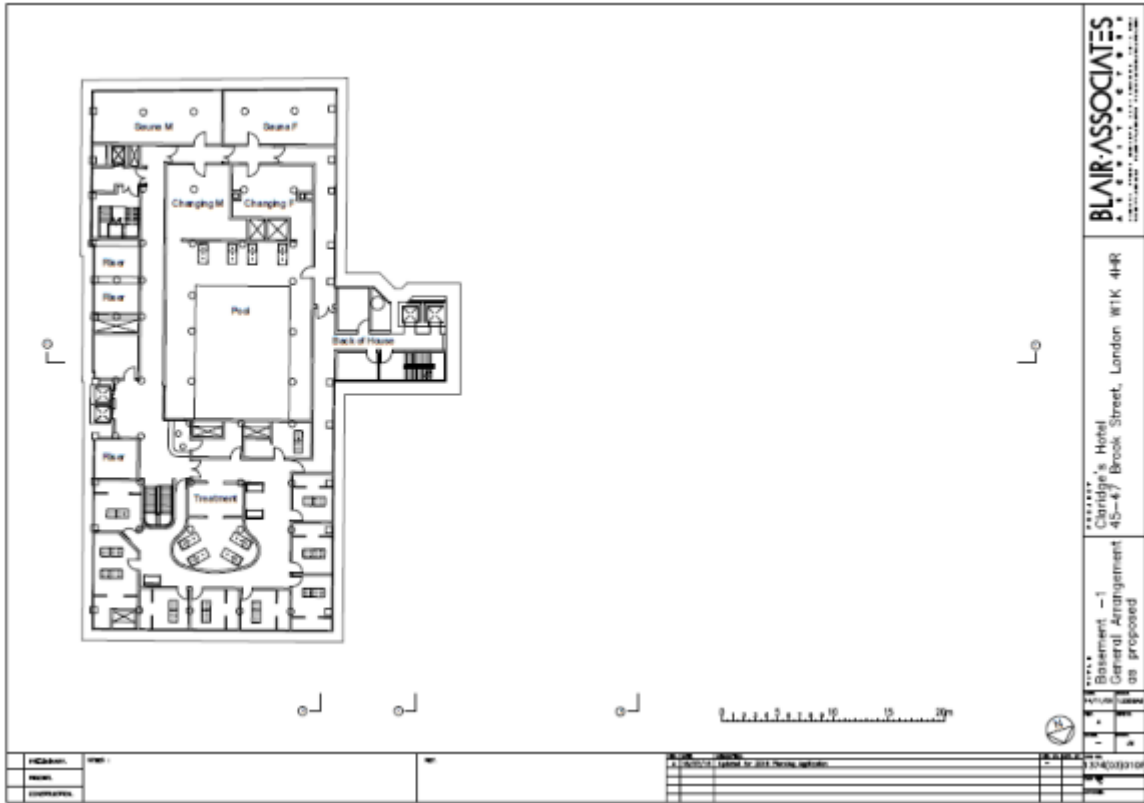
Drawing 1. Proposed Brook Street elevation



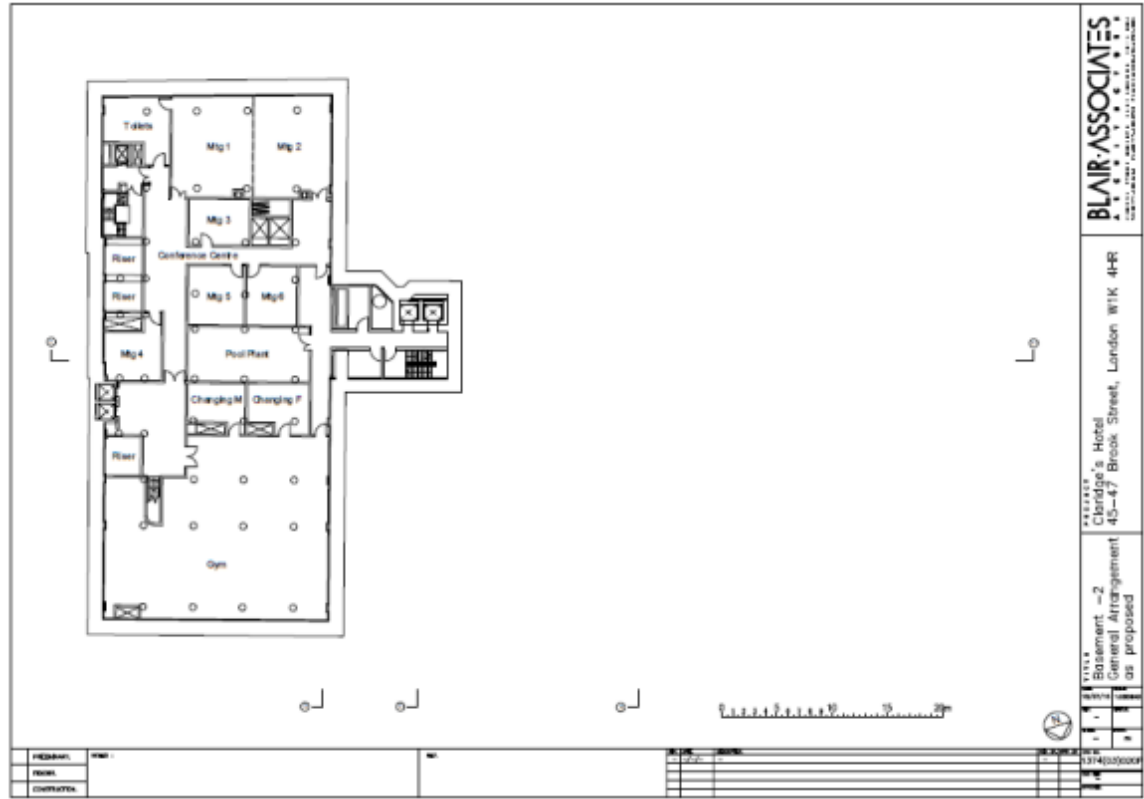
Drawing 2. Proposed Brook's Mews elevation



Drawing 3. Proposed general arrangement Basement -1



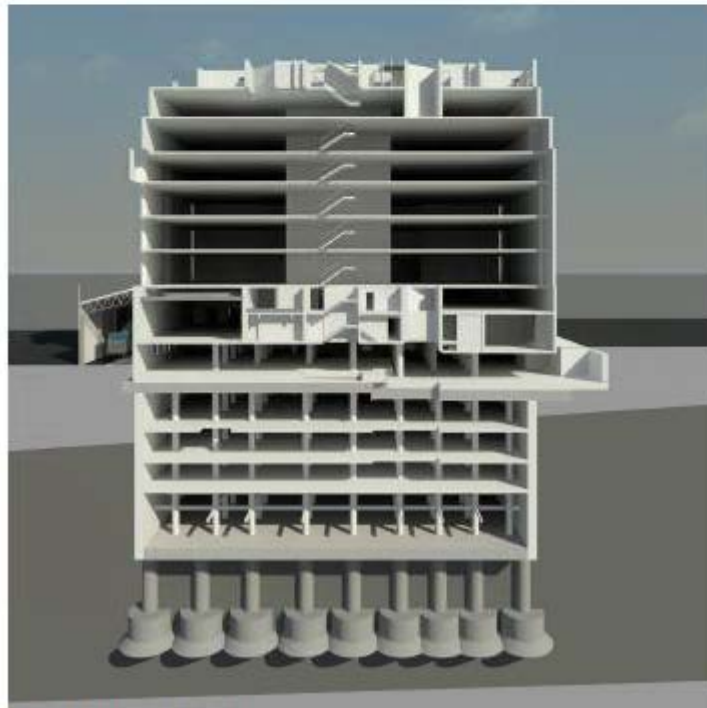
Drawing 4. Proposed general arrangement Basement -2



Drawing 5. Current consented substructure and proposed sub-basement substructure.



Current Consented Substructure



Proposed Sub-Basement Substructure

DRAFT DECISION LETTER

Address: Claridge's Hotel, 47-57 Brook Street, Mayfair, London, W1A 2JQ,

Proposal: External alterations including alterations to roof comprising removal of rooftop plant rooms and associated structures and construction of additional two storeys to provide 40 additional hotel (Class C1) bedrooms; alterations to elevations on Brook Street, Davies Street and Brook's Mews; and excavation at basement level to provide five new basement levels to provide additional hotel floorspace (Class C1) in the form of ancillary restaurants/bars, function rooms, hotel leisure/spa facilities, ancillary and back of house spaces.

Reference: 16/07451/FULL

Plan Nos: 1374(03)010P; 1374(03)020P; 1374(03)030P; 1374(03)040P; 1374(03)050P; 1374(03)090P Rev B; 1374(03)100P; 1374(03)105P; 1374(03)110P; 1374(03)120P; 1374(03)130P; 1374(03)140P; 1374(03)150P; 1374(03)160P; 1374(03)170P; 1374(03)180P; 1374(03)090P; 1374(03)195P; 1374(03)210P Rev A; 1374(03)220P Rev A; 1374(03)230P Rev A; 1374(03)240P Rev A; 1374(03)310P Rev C; 1374(03)311P Rev A; 1374(03)320P Rev B; 1374(03)321P Rev A; 1374(03)330P Rev A; 1374(03)331P Rev B; 1374(03)340P Rev A; 1374(03)341P.

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 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)

- 3 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)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing for the roof extensions. You must not start any work on these parts of the development until we have approved what you have sent us, You must then carry out the work according to these approved samples.

Reason:

To protect the special architectural or historic interest of this listed 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must apply to us for approval of sample panels of brickwork for both the Victorian Wing and the Ballroom Wing which shows the colour, texture, face bond and pointing. 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 samples. (C27DB)

Reason:

To protect the special architectural or historic interest of this listed 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

6 You must apply to us for approval of detailed drawings of the following parts of the development:

- i) all new doors and windows, including the whole dormer structure where relevant (elevations at 1:20; and detailed sections at 1:1);
- ii) detailed section through new fifth floor brick dormers, showing relationship with floors immediately above and below (section at 1:20);
- iii) the new Brook Street shopfronts (elevations at 1:20; and detailed sections at 1:5);
- iv) new railings (elevations at 1:10);, v) brick detailing to tops of extended chimney stacks (elevations at 1:20, details at 1:5);
- vi) public art.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved drawings.

Reason:

To protect the special architectural or historic interest of this listed 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

7 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the living roof to include construction method (with a recommended substrate depth of between 90mm - 140mm), 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)

8 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 listed 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.
(R26FD)

- 9 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To protect the special architectural or historic interest of this listed 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.
(R26FD)

- 10 You must provide the waste store shown on drawing Lower Ground Floor General Arrangement as proposed (137(03)090P) before the additional 40 bedrooms hereby approved are occupied. You must clearly mark it and make it available at all times to everyone using the hotel. 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.

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)

- 11 You must apply to us for approval of a Servicing and Operational Management Plan for the hotel to demonstrate management of the servicing requirements of the hotel and management and access arrangements for the ancillary restaurants. You must not occupy the hotel extension until we have approved what you have sent us. You must then manage the servicing requirements for the hotel and ancillary restaurants in accordance with the approved Plan.

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)

- 12 You must apply to us for approval of details of the construction of the roof top plant screen including details of the sound attenuation measures and a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in condition 13 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 put up the plant screen shown on the approved drawings before you occupy the hotel. You must then maintain it in the form shown for as long as the machinery remains in place.

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 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 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 All restaurant windows/doors in the Brook's Mews frontage shall be closed between 23.00 and 08.00 hours each day.

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)

- 16 You must provide each cycle parking space shown on the approved drawing Basement -5 General Arrangement as proposed (1374(03)050P) before the additional 40 bedrooms hereby approved are occupied. 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.

- 17 You must provide the environmental sustainability features as set out in the Energy and Sustainability Statement dated December 2015 before the additional 40 bedrooms hereby approved are occupied.

Reason:

To make sure that the development provides the environmental sustainability features included in your application, as set out in Policy S28 of the City Plan adopted July 2016.

- 18 You must apply to us for approval of details of the CHP flue, 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. (C14BB)

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)

- 19 You must apply to us for approval of details of the kitchen extract flue 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)

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, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. This agreement relates to:
 - a) A payment of £226,460 (index linked and payable upon commencement of development) towards environmental improvement works to Brook's Mews or in the vicinity of the property (at the discretion of the Director of Transportation);
 - b) Submission of details and provision of on-site public art (total value at least £200,000 excluding maintenance costs and design and commissioning fees) (payable upon commencement of development);
 - c) Collect a Crossrail contribution of £398,086 (less any CIL payment made)
 - d) Secure all costs associated with the alterations to the Parking Bay on Brook's Mews.
 - e) The costs of monitoring the S106 legal agreement.

- 4 With reference to condition 2 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.

- 5 Conditions 13 and 14 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)

- 6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 7 The applicant will need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (afoster1@westminster.gov.uk) in Westminster Highways Infrastructure and Public Realm to progress the applicant for works to the highway.
- 8 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact: , Thames Water Utilities Ltd, Development Planning, Maple Lodge STW, Denham Way, Rickmansworth, Hertfordshire, WD3 9SQ, Tel: 01923 898072, Email: Devcon.Team@thameswater.co.uk

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

DRAFT DECISION LETTER

Address: Claridge's Hotel, 47-57 Brook Street, Mayfair, London, W1A 2JQ,

Proposal: Internal and external alterations including alterations to roof comprising removal of rooftop plant rooms and associated structures and construction of additional two storeys to provide 40 additional hotel bedrooms; alterations to elevations on Brook Street, Davies Street and Brook's Mews; and excavation at basement level to provide five new basement levels to provide ancillary restaurants/bars, function rooms, hotel leisure/spa facilities, ancillary and back of house spaces. (Linked to 16/07451/FULL).

Reference: 16/07452/LBC

Plan Nos: 1374(03)010P; 1374(03)020P; 1374(03)030P; 1374(03)040P; 1374(03)050P; 1374(03)090P Rev B; 1374(03)100P; 1374(03)105P; 1374(03)110P; 1374(03)120P; 1374(03)130P; 1374(03)140P; 1374(03)150P; 1374(03)160P; 1374(03)170P; 1374(03)180P; 1374(03)090P; 1374(03)195P; 1374(03)210P Rev A; 1374(03)220P Rev A; 1374(03)230P Rev A; 1374(03)240P Rev A; 1374(03)310P Rev C; 1374(03)311P Rev A; 1374(03)320P Rev B; 1374(03)321P Rev A; 1374(03)330P Rev A; 1374(03)331P Rev B; 1374(03)340P Rev A; 1374(03)341P.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

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 You must apply to us for approval of samples of the facing materials you will use, including glazing for the roof extensions. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved samples.

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 STRA 28, STRA 29, DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AB)

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

Reason:

To 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 STRA 28, STRA 29, DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AB)

- 4 You must apply to us for approval of detailed drawings of the following parts of the development:.,
- i) all new doors and windows, including the whole dormer structure where relevant (elevations at 1:20; and detailed sections at 1:1);
 - ii) detailed section through new fifth floor brick dormers, showing relationship with floors immediately above and below (section at 1:20);
 - iii) the new Brook Street shopfronts (elevations at 1:20; and detailed sections at 1:5);
 - iv) new railings (elevations at 1:10);
 - v) brick detailing to tops of extended chimney stacks (elevations at 1:20, details at 1:5);
 - vi) new secondary glazing,
 - vii) public art.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved drawings.

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 STRA 28, STRA 29, DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AB)

- 5 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 Mayfair Conservation Area. This is as set out in STRA 28, STRA 29, DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AB)

- 6 You must apply to us for approval of full details including drawings, specification and maintenance programme of the following parts of the development - the new green roofs. You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these approved details.

Reason:

To 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 STRA 28, STRA 29, DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AB)

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 and 2.4 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)

Item No.
4

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.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 6 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	Bird Street, London W1		
Proposal	Installation of 5 new retail kiosks (Class A1) on the western side of Bird Street and a replacement kiosk (Class A1) close to the junction with Oxford Street, and associated landscaping works to the highway.		
Agent	Atkins Ltd		
On behalf of	New West End Company		
Registered Number	16/08018/FULL	Date amended/ completed	19 August 2016
Date Application Received	19 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

Grant conditional permission for a temporary period of 1 year.

2. SUMMARY

The application which is made on behalf of New West End Company (NVEC) will provide temporary design alterations to Bird Street, which aim to enliven the street, making it more inviting to pedestrians with improved access between Oxford Street and the streets to the north. The aim being that scheme would act as 'an oasis' for visitors who want break from the activity on Oxford Street.

Permission is sought for the installation of five new street trading kiosks on the eastern pavement, four of the kiosks would be used for retail purposes (Class A1) and one as ancillary refuse storage. The scheme also includes the removal and replacement of an existing kiosk close to the junction with Oxford street and landscaping works including pedestrianisation of the street.

The key issues for consideration are :

- * The impact on the character and function of the area;
- * The impact on residential amenity;
- * The impact in design terms.

The scheme is considered to be acceptable in principle and the aim to add vibrancy to this side street north of Oxford Street is welcomed. Given that the scheme would result in only 4 new street trading kiosks selling goods and the operating times would be limited to between 10am and 8pm on Monday to Saturday and 11am and 7pm on Sunday, it is not considered that any additional activity would be so great that it would result in noise nuisance to residents opposite.

The design of the kiosks which are influenced by origami bird shape are considered acceptable and would add visual interest to the eastern side of the street.

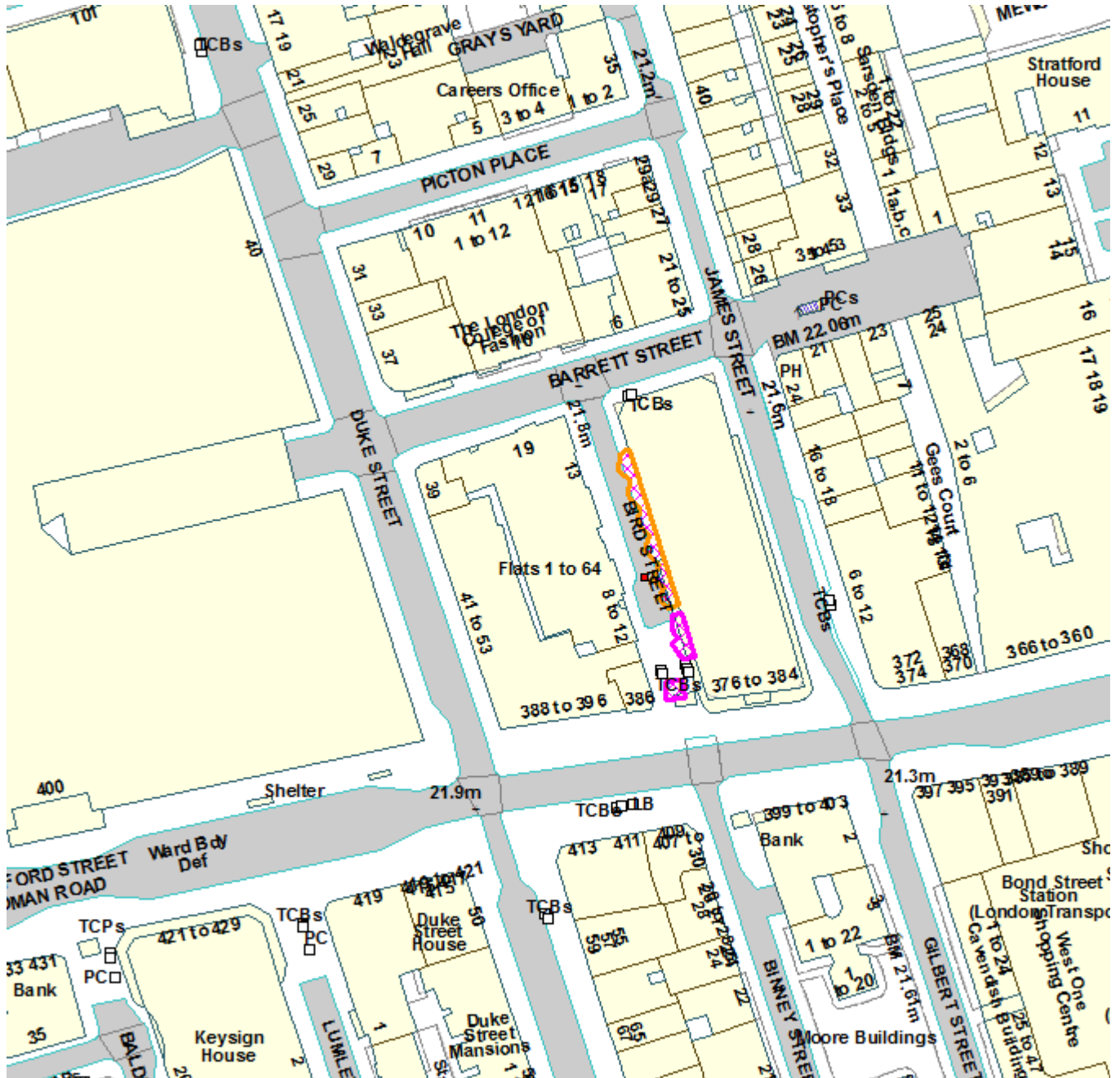
Some aspects of the scheme are however contentious. Objections have been received from residents and the City Council's Arboricultural Officer to the loss of two Maple trees at the southern end of the street, particularly as the proposal is for a temporary period. The applicant advises that the removal of the trees is essential to the scheme. Although regrettable it is not considered that the loss of the trees is so harmful that it warrants the scheme to be refused.

The loss of vehicular drop off outside the Phoenix residential block during the operating hours is also of a concern. This would be inconvenient to residents and is regrettable however again it is considered that it does not justify withholding permission.

The proposed new sculptured set of stalls and associated landscaping works would be considered to be acceptable on a temporary basis of 1 year. This will enable the impact to be monitored.

The alterations to the street require a Traffic Management Order (TMO) and licensing approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION:

Any response to be reported verbally.

METROPOLITAN POLICE:

Any response to be reported verbally.

LONDON FIRE AND CIVIL DEFENSE AUTHORITY:

Any response to be reported verbally.

ARBORICULTURAL OFFICER:

Objection to the loss of 2 trees, and unsuitable landscape treatment

CLEANSING:

Objection the proposal does not allow 2m clearance as required by Westminster Way to enable street cleansing

HIIGHWAYS PLANNING MANAGER:

Objection, canopies are unacceptably low (only 3m and should be at least 5.3m) and would prevent emergency vehicles accessing the street. The main kiosk doors open over the highway and would result in an obstruction. No information is provided regarding how the existing carriageway is used. Vehicular access to the Phoenix apartment block would be lost. Details have not been provided how utilities would be accessed under the highway.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 74

Total No. of replies: 21

No. of objections: 21

21 Objections received raising some or all of the following issues:

Noise nuisance associated with increased activity (potential to attract buskers) and setting up and closing the stalls. Increase in anti-social behaviour. Existing anti- social behaviour in Bird Street could be reduced without the proposed kiosks by removing recessed fire exit doors of the Gap building (eastern side of the street);

Outdoor seating would result in noise nuisance (previously refused in connection with the ground floor restaurant);

Loss of privacy;

Increase in refuse;

Nuisance from smoking;

Proposed lighting would result in glare to residential properties, and would add to security issues encouraging people to linger in the vicinity;

Access

Loss of vehicular access to the Phoenix residential building on the western side of the street which will result in the loss of i) disabled access ii) emergency service vehicles iii) vehicular drop off to 35 flats;

Loss of trees

Would be harmful to the area, making the Reiss department store more visible from Oxford Street does not justify the loss of the trees;

Design

Inaccurate to describe the elevations as predominantly blank facades (the western side of Bird Street is not);

Other issues

The scheme should not adversely impact on existing trader

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Bird Street is a short relatively narrow street on the northern side of Oxford street linking Oxford Street and Barrett Street. The site is at the western end of Oxford Street close to Selfridges department store. Bird Street is not within a Conservation Area but is located within the Core Central Activities Zone and the West End Special Retail Policy Area.

The eastern side of the street has a blank ground floor façade of a large department store occupied by GAP. The western side comprises the return frontage of a retail store, the entrance to the Phoenix residential building and a restaurant. Reiss department store is situated at the northern end of the street on Barrett Street. At the southern end of the street there is a street trading kiosk flanked by two trees with cycle parking and five telephone boxes all located on a short pedestrianised section of the street. Vehicular access is from the north off Barrett Street with no vehicular access from Oxford street. The carriageway is narrow with a vehicular drop off bay directly outside the residential building.

6.2 Recent Relevant History

A number of temporary permission have been granted for a single Heritage style kiosks facing Oxford Street on Bird Street since 2002.

10 Bird Street (located on the western side of the street) on 25 September 2007 permission was refused for the placing of 12 tables and 24 chairs in between existing trees in connection with a ground floor restaurant use on the grounds that the tables and chairs would result in an obstruction to pedestrian movement and noise and disturbance to residents above (RN 07/06909/FULL).

7. THE PROPOSAL

Permission is sought for a pilot scheme to provide temporary alterations to Bird Street for 1 year. The scheme seeks permission for the installation of 5 new kiosks on the eastern side of Bird Street, a replacement kiosk close to the junction with Oxford Street, and associated landscaping works.

Four of the new kiosks on the eastern side of the street and the replacement kiosk close to Oxford Street will all be used for retail purposes. The kiosk at the northern end of the street would be used for refuse storage purposes. Initially the design of the kiosks included canopies that extended across the width of the street just over 3m high. This has subsequently been amended increasing the height of the canopies to 4m.

Proposed landscaping works include removal of existing trees at the southern end of the street.

Trees along the western footway will remain with new demountable seating installed in between. An area towards the southern end of the street will be covered with artificial grass.

The landscaping includes the use of innovative materials and functions to respond to micro climatic conditions and generate energy through a new technology. This includes embed pavegen technology into the footway to generate energy through pedestrian movement, and count pedestrian flows. Gas Phase Advanced Oxidation (GPAO) units will be installed within the temporary seating structures as part of a trail to investigate potential for cleaning the air and improving air quality. The works include the removal of three bicycle stands and five telephone boxes

In addition to planning permission the kiosks will require street trading licences and landscaping works will require a Traffic Management Order under separate Highways legislation.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal aims to transform the street to provide into an improved route for pedestrians and make Bird Street more inviting route north of Oxford Street. The aim is

to provide an oasis for visitors to Oxford Street to take time out from the hustle and bustle of shopping.

Strong objections have been received from residents of the Phoenix an apartment block of 35 flats on the western side of the street. These objections are summarised in Section 5 of this report. The main reasons for objection are that, rather than reducing anti-social behaviour, the scheme would increase activity with a resultant increase in anti-social behaviour and noise nuisance. Furthermore restricting vehicular access to Bird Street would hinder emergency vehicles and result in significant nuisance to residents.

A management plan has been submitted which covers

- i) Build and Maintenance
- ii) Security
- iii) Kiosk Management
- iv) Kiosk Content
- v) Cleaning
- vi) Opening times and
- vii) Special Events

All maintenance will be managed by New West End Company (NVEC). With regards to security, NVEC have a security team who will work closely with the Metropolitan Police. Weekly assessments will be carried out to ensure that anti -social behaviour is not increasing. NVEC will maintain a daily dialogue with kiosk holders to ensure that the pilot is run to the best possible standard. All kiosk content will be agreed as part of the licence application. With regards to cleaning, NVEC will continue to provide a street cleansing service via Veolia on top of the City Council's regular service. The cleaning will include three times a day waste pick up, daily clean of the astro turf, once a week soft wash of the timber painted surface and graffiti cleaning (if required). A bin store is provided as part of the scheme. No cooking or hot food will be sold from the kiosks. The proposed opening times are 10am to 8pm on Mondays to Saturday and 11am to 7pm on Sundays. Any special events would be subject to licensing control.

The management plan is considered to be robust and adherence to the plan would ensure that kiosks operate without harm to the locality. Given that operational hours are limited to between late morning and evening, coupled with the fact that there will only be four new trading kiosks it is not considered that the increased activity would present a noise problem or nuisance to residents in the street.

8.2 Townscape and Design

The kiosks will be located against the blank wall of the building on the east side of the street. This is a modern building which has a blank facade to Bird Street and makes little contribution to the character and appearance of the conservation area. The kiosks will bring street level activity.

The design of the temporary kiosks takes inspiration from an origami bird shape. They extend to a maximum of 4.25 metres from pavement level. The width of the kiosk varies from 3.5 meters to 9 metres. They are made of painted timber with translucent polycarbonate (plastic) doors. Another, free standing, kiosk is proposed at the junction with Oxford Street. These are unusual, interesting designs for street trading.

It is considered that these kiosks will enliven the east side of Bird Street and, whilst they would not be acceptable on a permanent basis, they are considered acceptable for a temporary period.

8.3 Residential Amenity

The proposed kiosks and other works would not result in a significant increase in bulk and mass and would not result in a material loss of light or enclosure to properties in the vicinity.

An objection has been received that the scheme would result in a loss of privacy. There would however be no material increase in overlooking.

8.4 Transportation/Parking

All servicing would take place from Bird Street prior to the 10am opening.

The Highways Planning Manager advises that details have not been provided how utilities companies would access plant under the highway. However this is something which is more appropriately considered under the Traffic Management Order.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The Highways Planning Manager has objected that proposed canopies which project across the highway are unacceptably low (only 3m) and would prevent emergency vehicles accessing the street. In response to this the application has been amended and the canopies have been raised to 4m in height. Objections were received from residents that fixing the canopies to their building is unacceptable. The revision which increases the height of the canopies means that they would be attached to first floor residential windows. Whilst this would not result in a material loss of light or enclosure it does appear unneighbourly. However this is not a planning matter and raises ownership issues.

Residents of the Phoneix apartment block have objected to the loss of vehicular drop off outside their building during the operating hours. This is regrettable however it is not considered that permission could be refused on this basis.

8.7 Other UDP/Westminster Policy Considerations

Existing Kiosk

An objection has been received on behalf of the existing street trader that the scheme would be harmful to trade. The existing stall is however being replaced as part of the scheme. Permission could not therefore be refused for this reason. The objection essentially raises ownership issues and not planning issues.

Trees

The Arboricultural Officer objects to the loss of two Maple trees at the southern end of the street, particularly as the proposal is for a temporary period. In the light of this a request was made that the application should be amended to retain the trees. The applicant advises that the removal of the trees is essential to ensure improved visibility along Bird Street from Oxford Street and that the success of the scheme depends upon the loss of the trees. Although removal of the trees is regrettable it is not considered that permission should be refused on this basis.

External Seating

The proposed landscaping includes seating between the trees on the western side of the street. Objections have been received that this would result in noise nuisance. The objectors refer to the fact an application for tables and chairs was previously refused due to potential increased noise nuisance. This refused scheme was for 12 tables and 24 chairs and would be much more intensively used than the proposed seating. Given the limited seating proposed it is not considered that its use would result in significant noise problems. This aspect of the application is considered to be 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

Not applicable

8.11 Environmental Impact Assessment

Not applicable

9. BACKGROUND PAPERS

1. Application form and Management Plan
2. Letter from occupier of Flat 24 The phoenix, Bird street, dated 29 August 2016
3. Letter from occupier of 2 phoenix, 8 bird street, dated 31 August 2016
4. Letter from occupier of Flat 29, Phoenix, dated 28 September 2016
5. Letter from occupier of Flat 40, Phoenix, dated 28 September 2016
6. Letter from occupier of Highrise Ltd, The Esplanade, dated 28 September 2016
7. Letter from occupier of West End Street Trading Association, The Old Vicarage, dated

28 September 2016

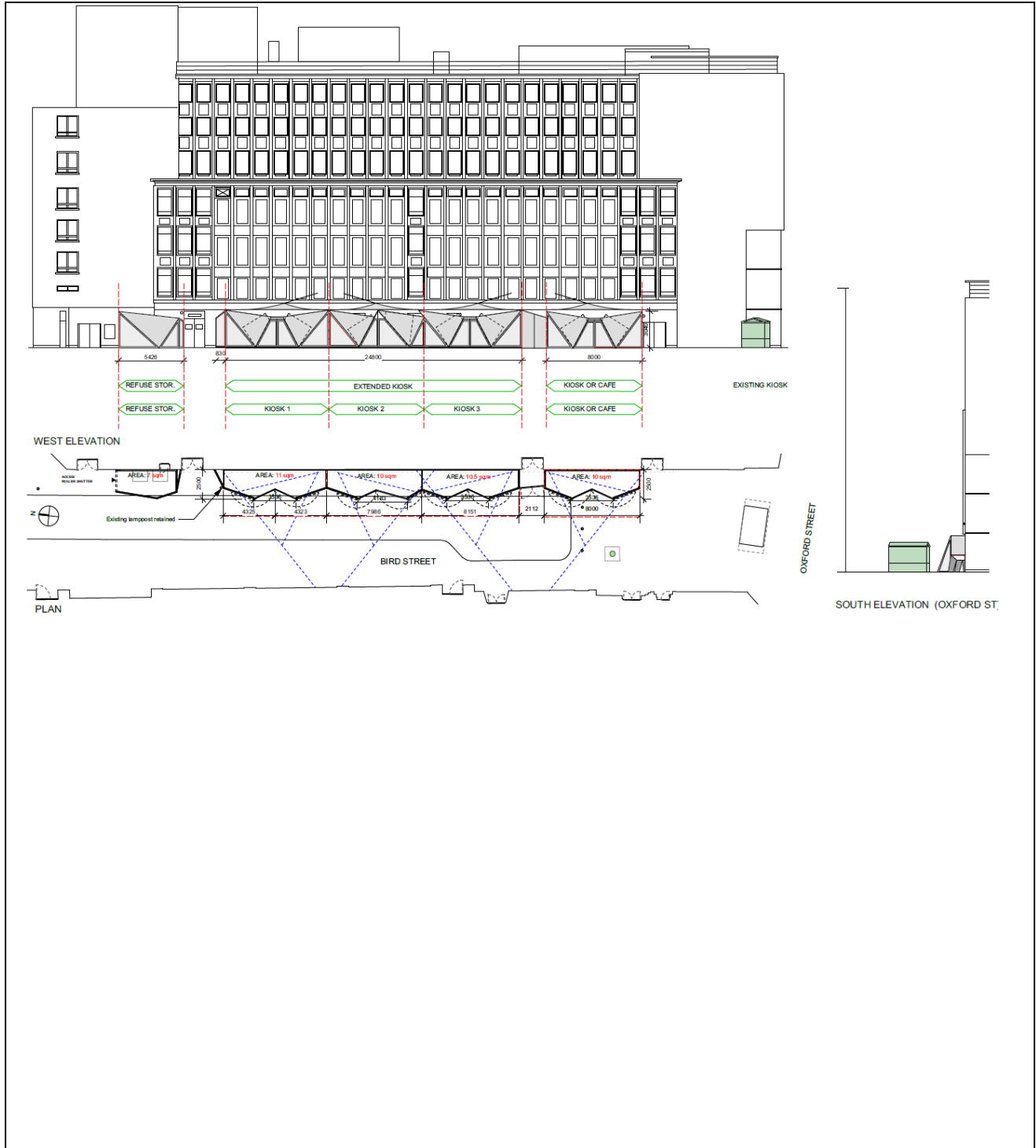
8. Letter from occupier of Flat 24, Phoenix, dated 28 September 2016
9. Letter from occupier of Flats 56 And 57, Phoenix, dated 28 September 2016
10. Letter from occupier of Flat 1, The Phoenix, dated 28 September 2016
11. Letter from occupier of Flat 61, Phoenix, dated 28 September 2016
12. Letter from occupier of Flat 5, Phoenix, dated 28 September 2016
13. Letter from occupier of Flat 19, Phoenix, dated 28 September 2016
14. Letter from occupier of Flat , Phoenix, dated 28 September 2016
15. Letter from occupier of Flat 8, Phoenix, dated 28 September 2016
16. Letter from occupier of Flat 10, Phoenix, dated 28 September 2016
17. Letter from occupier of Flat 60, Phoenix, dated 28 September 2016
18. Letter from occupier of Flat 16, Phoenix, dated 28 September 2016
19. Letter from occupier of Flat 30, Phoenix, dated 28 September 2016
20. Letter from occupier of flat 35 the Phoenix, bird street, dated 29 August 2016
21. Letter from occupier of Flat 38 the phoenix, Barratt street, dated 29 August 2016
22. Letter from occupier of Blue Legend Asset Corp, Flats 49 & 53, dated 26 September 2016
23. Memorandum from Cleansing dated 5 September 2016
24. Memorandum from Highways Planning Manager dated 11 November 2016
25. Memorandum from Arboricultural Officer dated 25 November 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: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Bird Street, London

Proposal: Installation of 5 new kiosks on the western side of Bird street and a replacement kiosk close to the junction with Oxford Street, and associated landscaping works to the highway.

Reference: 16/08018/FULL

Plan Nos: NWECBS-ATK-L-0001 (Site plan), A 001, A003, A004, B 001,

Case Officer: Mike Walton

Direct Tel. No. 020 7641 2521

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 The kiosks hereby approved shall be operated in accordance with Management Plan received on 25 October 2016

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, of our Unitary Development Plan that we adopted in January 2007.

- 3 The kiosks hereby approved shall only be open to customers between the following times :, , Monday to Saturday 10:00 to 20:00 hours;, Sunday 11:00 to 19:00

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, of our Unitary Development Plan that we adopted in January 2007.

- 4 The street trading kiosks and associated works allowed by this permission can continue until 6 December 2017. After that, the use must end and you must remove structures from the highway. You must then

return the land to its previous condition and use. (C03DA)

Reason:

So we can assess the effect of the scheme and make sure that it complies with policies S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, 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 You will have to apply separately for a licence for street trading kiosks.
- 3 You are advised that works to the highway will require separate approval under the Traffic Management Act 2004

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 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 6 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Axtell House, 23-24 Warwick Street, London, W1B 5NQ		
Proposal	Demolition of existing 4th to 6th floors and erection of new 4th to 6th floors, including provision of a roof top garden and terrace at 6th floor level; all for office (Class B1) purpose. Relocation of plant to a 1st floor lightwell, replacement of windows to front elevation, alterations to rear elevation and new ground floor entrance.		
Agent	Rolfe Judd Planning Ltd		
On behalf of	Estates & Agency Property Investment Company Ltd.		
Registered Number	16/08729/FULL	Date amended/ completed	20 September 2016
Date Application Received	9 September 2016		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

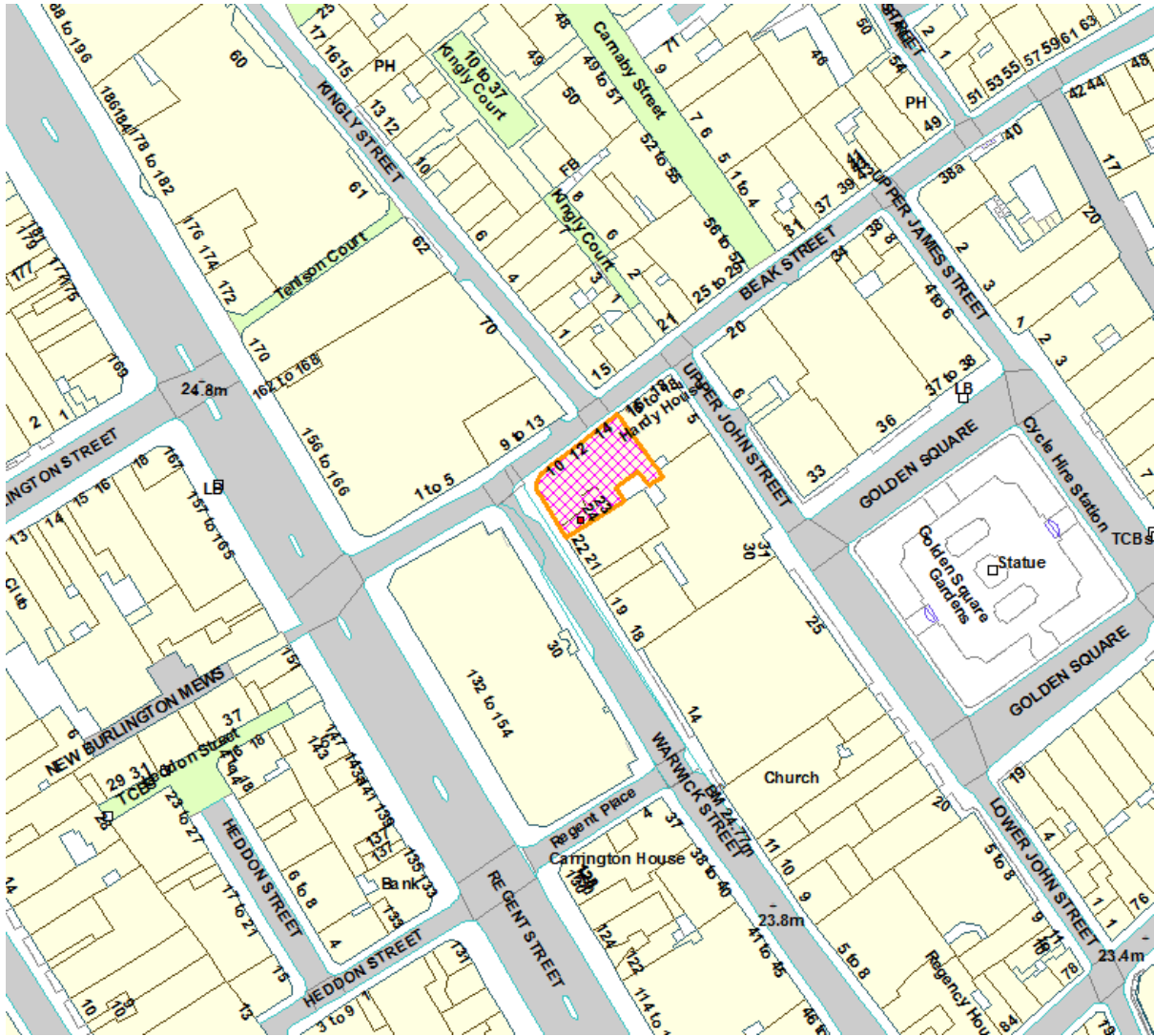
The proposals involve a 7-storey building on the south side of Beak Street at its junction with Warwick Street. The proposals involve replacement roof extensions, new windows, relocated plant and a roof terrace all for office purposes.

The key issues for consideration are:

- The impact of the roof extensions and alterations on the character and appearance of the Soho Conservation Area.
- The impact on surrounding amenity

The proposals are considered acceptable and are in line with the policies set out in Westminster's City Plan and the Unitary Development Plan (UDP).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Suggests that changes to the design would improve the contribution of this building to the conservation area. The corner feature window on the sixth floor is unnecessary and distracts from the existing heritage features on the lower floors. As an unlisted building of merit, this building contributes to the quality of conservation area. The extension above it should not detract from these features. The window should therefore be of the same design as the others on that floor.

ENVIRONMENTAL HEALTH

No objections raised.

ADJOINING OWNERS/OCCUPIERS

No. consulted: 282; No. responses: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Axtell House, 23-24 Warwick Street, is located on the south side of Beak Street at its junction with Warwick Street. The building occupies a prominent position closing the vista south down Kingly Street and is visible in views east along Beak Street from Regent Street. The building is ground and basement plus six upper storeys and is located in the Soho Conservation Area. Axtell House is noted as being an unlisted building of merit in the conservation area audit and it makes a positive contribution to its surrounding area.

The building is in use as bar at basement and ground floors and in lawful office use on the upper floors. Access to the upper office floors is via a separate access on Warwick Street.

6.2 Recent Relevant History

Certificate of Lawful Use granted on 12th October 1999 for the use of the sixth floor as offices (Class B1).

Planning permission granted 25th October 1999 for external alterations including a new entrance canopy, air-conditioning plant at rear 1st floor and roof level, an extension of the rear escape stair, new vent grilles in windows, plus new 5th floor WC and 6th floor motor room extensions.

7. THE PROPOSAL

The proposals involve the demolition of the upper floors from fourth to sixth floor levels and the rebuilding of these upper floors all for office purposes providing an additional 203sqm of office floorspace. The proposals also involve the relocation of existing plant to a rear first floor lightwell, the replacement of windows to the front elevation, alterations to

the rear elevation and a new ground floor office entrance. A roof top garden and terrace at 6th floor level all for office purposes are also proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The uplift of office floorspace is in accordance with Policy S20 and, as the increase in floorspace is less than 400sqm (203sqm), there is no requirement for the equivalent amount of residential floorspace.

8.2 Townscape and Design

The proposal involves the removal of the existing post war roof storeys which do not relate sensitively to the early twentieth century facades. New roof storeys of modern design are proposed, and these are clearly not in the style of the existing building, but they do relate reasonably well to the facades below. There is an increase in height and bulk which is visible in a number of street level views. However, this is a relatively modest increase and is acceptable given the relation to the taller buildings to the west and north.

The Soho Society has no objection in principle but is concerned about the large glazing on the corner. Whilst their concern is noted, the applicant has declined to make any revisions and it is considered that this is not harmful such that it should be refused or required to be amended by condition.

Nevertheless there are two aspects of the scheme which should be controlled by amending condition. These relate to the unacceptable use of glass balustrades at roof level and the demolition of the existing original entrance door on Warwick Street. The latter contributes positively to the appearance of the building and its contribution to the character and appearance of the Soho Conservation Area and it should be retained and reused.

Overall it is concluded that this is a high quality scheme which will contribute positively to the character and appearance of the Soho Conservation Area. The scheme complies with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 6 and DES 9.

8.3 Residential Amenity

The application involves rebuilding the upper floors, but the re-built floors will be both taller and bulkier than the existing with the rebuilt sixth floor being 1.55m higher than the existing plant room and 4.3m higher than the existing fifth floor. Council records indicate that the nearest residential properties are located at 6 Upper John Street some 23m from the application site on the opposite side of Upper John Street. Given the relatively small increase in bulk and mass and its positioning away from residential windows, it is not considered that there would be a material loss of daylight or sunlight.

The proposal also involves the provision of a terrace at sixth floor level and a roof terrace which replaces an existing roof terrace. The terrace at roof level is set back from the facades of the building and includes planting to limit any future overlooking. Given the

proximity of the proposed residential, it is considered that a terrace in this location is acceptable, subject to a condition limiting the hours when the terrace can be used.

8.4 Transportation/Parking

The site is in a highly accessible location and it is considered that the minor uplift in office floorspace will have only a minimal impact on parking levels, trip generation and site servicing. The application is acceptable in highways terms.

Nine secure cycle parking spaces are provided for the extended offices in the basement accessed from the ground level via stairs with a bike wheel ramp. These spaces will be secured by condition.

8.5 Economic Considerations

The economic benefits of the increase in office floorspace are welcome.

8.6 Access

The main office entrance is constrained by an existing step and therefore a managed mobile ramp system is proposed at the reception.

8.7 Other UDP/Westminster Policy Considerations

None.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The submitted energy statement sets out the proposed upgrades to the existing building services including lighting, heating and cooling by replacing existing systems with modern equipment. Renewable technologies will include the installation of air source heat pumps and planting at roof level is proposed thereby increasing the site's contribution to the biodiversity of the area when compared with the existing situation. These measures will be secured by condition.

8.12 Other Issues

Plant

Plant area is proposed in the first floor rear lightwell. The site is located within an area in which existing ambient noise levels are above WHO guideline levels. The plant is proposed to operate 24 hours a day and Environmental Health consider that the plant is likely to comply with the design level criterion.

Construction impact

The proposal is not a major development and the application does not involve the construction of an additional basement. It is therefore a Level 3 scheme for the purposes of the Code of Construction Practice. The application is supported by a construction management strategy, however given the new arrangements concerning the Code of Construction Practice this will not be secured by condition. The impacts of the construction will be a matter for the Environmental Inspectorate.

9. BACKGROUND PAPERS

1. Application form
2. Response from Soho Society, dated 10 October 2016
3. Response from Plant And Equipment, dated 11 November 2016

Selected relevant drawings

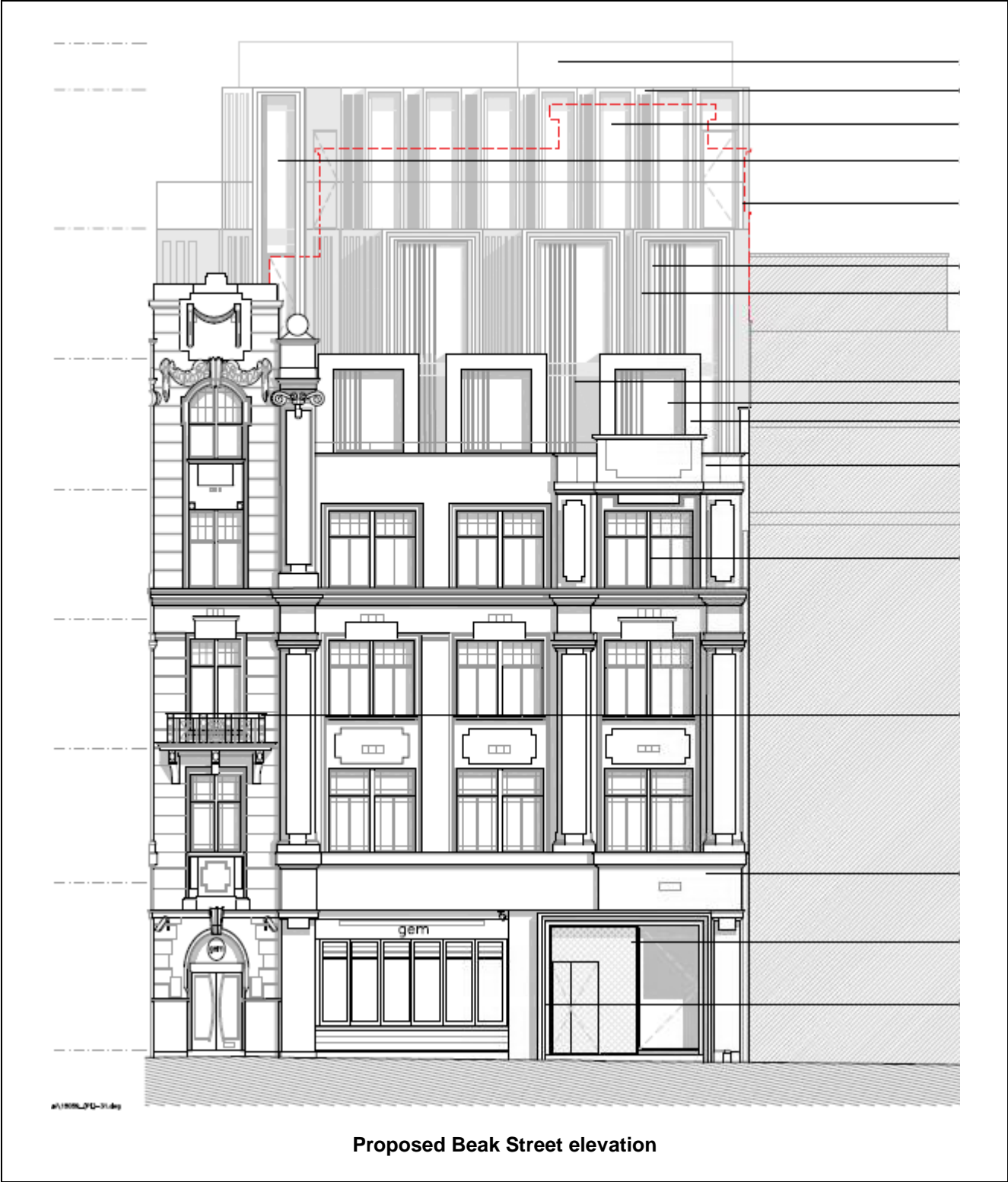
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

10. KEY DRAWINGS



Proposed front elevation



DRAFT DECISION LETTER

- Address:** Axtell House, 23-24 Warwick Street, London, W1B 5NQ,
- Proposal:** Demolition of existing 4th to 6th floors and erection of new 4th to 6th floors, including provision of a roof top garden and terrace at 6th floor level all for office purpose. Relocation of plant to a 1st floor lightwell, replacement of windows to front elevation, alterations to rear elevation and new ground floor entrance.
- Reference:** 16/08729/FULL
- Plan Nos:** 15059_(PL)-18(1), 19(1), 20(1), 21(1), 22(1), 23(1), 24(1), 25(1), 26(1), 27(1), 28(1), 29(1), 30(1), 31(1), 32(1)
- Case Officer:** Jo Palmer **Direct Tel. No.** 020 7641 2723

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.
- Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.
- You must carry out piling, excavation and demolition work only: ,
- o between 08.00 and 18.00 Monday to Friday; and ,
 - o not at all on Saturdays, Sundays, bank holidays and public holidays. ,
- Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)
- Reason:
To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (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)

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 Soho 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 apply to us for approval of detailed drawings showing the following alteration to the scheme.
1. The glass balustrades at sixth floor and roof level shall be set back to reduce their visual impact from street level.
 2. The existing original entrance on Warwick Street shall be retained.
- 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 Soho 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 put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace or sixth floor balcony. (C26NA)

Reason:

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

- 7 (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.

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

Reason:

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

- 9 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.

- 10 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 15059_(PL)-19(1). 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)

- 11 You can only use the approved terrace and balcony areas between the hours of 08:00 to 21:30 Monday to Friday and 09:00 to 21:00 on the weekends, Bank Holidays and public holidays. You cannot use the terrace areas outside of these hours other than in the case of an emergency.

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 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 You must apply to us for approval of detailed drawings in relation to the proposed roof landscaping proposals to include detailed planting layout and species. 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 details.

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)

- 13 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 Soho 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)

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

New windows in the original (existing) facades (Typical details)

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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho 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 (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 Conditions 7&8 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. (182AA)
- 3 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.

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 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 6 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	The Colonnades, 26 Porchester Road, London, W2 6ES,		
Proposal	<p>Application 1 Variation of Conditions 16 and 17 of planning permission dated 9 October 2014 (RN: 13/12442/FULL) for reconfiguration of the ground and first floors to provide a supermarket (Class A1) at part ground floor and first floor levels with three retail shop units (Class A1) and two restaurant/cafe units (Class A3) at ground floor level, extension to Porchester Road and Bishop's Bridge Road elevations to infill existing colonnade and create entrance lobby to supermarket, infilling of basement vents to Bishop's Bridge Road, alterations to street facades, amendments to rear service yard, installation of mechanical plant and associated public realm works. NAMELY, to allow amalgamation of Units 4 and 5 facing Bishop's Bridge Road to form one retail unit for use as a mixed retail shop and restaurant use (Sui Generis) (Site also known as Unit 4, Bishop's Quarter, Bishop's Bridge Road).</p> <p>Application 2 Details of the location, number, appearance, hours of use and location of storage of tables and chairs and associated non-fixed structures such as enclosures or barriers around tables and chairs or sun shades to be placed on the forecourt of the building pursuant to Condition 20 of planning permission dated 9 October 2014 (13/12442/FULL) (Site also known as Unit 4, Bishop's Quarter, Bishop's Bridge Road).</p>		
Agent	GL Hearn		
On behalf of	BMO Developments Ltd.		
Registered Number	16/09313/FULL (Application 1) & 16/09312/ADFULL (Application 2)	Date amended/completed	28 September 2016
Date Application Received	28 September 2016		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Application 1 (Variation of Conditions 16 and 17)

1. Grant conditional permission, subject to:

a) A deed of variation to ensure the continued provision of the following planning obligations that were secured with the original planning permission dated 9 October 2014:

- i. Notice of commencement of development.
- ii. Provision and adherence to a shop front and advertisement strategy.
- iii. Provision of public realm improvements to all external parts of the application site.
- iv. Provision of highway works, to include the replacement of the pavement of the public highway and reorganise street furniture and street signage in Porchester Road and Bishop's Bridge Road.
- v. Provision, access and ongoing future maintenance of a publicly accessible disabled toilet.
- vi. Provision, access and ongoing future maintenance of accommodation for 'recycling centre', including provision of sleeves to enclose Eurobins.
- vii. Provision of financial contribution of £50,800 towards Crossrail prior to commencement of development.
- viii. Provision of costs for monitoring of agreement.

2. If the S.106 planning obligation has not been completed by 17 January 2017 then:

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

Application 2 (Tables and Chairs on Forecourt)

Approve details.

2. SUMMARY

The application site comprises part of the ground floor of The Colonnades shopping frontage, which on Bishop's Bridge Road forms part of the Secondary Frontage of the Porchester Road Local Centre. The site is also located within the Queensway/ Bayswater Stress Area.

Application 1 seeks permission for variation of Conditions 16 and 17 of planning permission dated 9 October 2014 (RN: 13/12442/FULL), which granted permission for reconfiguration of the ground and first floors of the retail frontages of the Colonnades at the junction of Bishops Bridge Road and Porchester Road. The approved scheme principally sought to provide a larger supermarket premises

(Class A1) at part ground floor and first floor level, with the ground floor retail accommodation reconfigured to provide three retail shop units (Class A1) and two restaurant/ cafe units (Class A3). This permission has been implemented and the shop units to which this permission relates have been created at ground floor level.

The current application (Application 1) seeks to vary the aforementioned conditions to allow amalgamation of Units 4 and 5 at ground floor level facing Bishop's Bridge Road so that they would comprise a single mixed use retail shop and restaurant use (Sui Generis), rather than a small retail shop unit (Class A1) and a larger restaurant unit (Class A3), which was the arrangement of uses that was previously approved.

Application 2 seeks approval of details of the location, number, appearance, hours of use and location of storage of tables and chairs and associated non-fixed structures pursuant to Condition 20 of the planning permission dated 9 October 2016. The tables and chairs proposed would be placed on the forecourt area of The Colonnades in Bishop's Bridge Road in relation with the mixed retail shop and restaurant use that is proposed by Application 1.

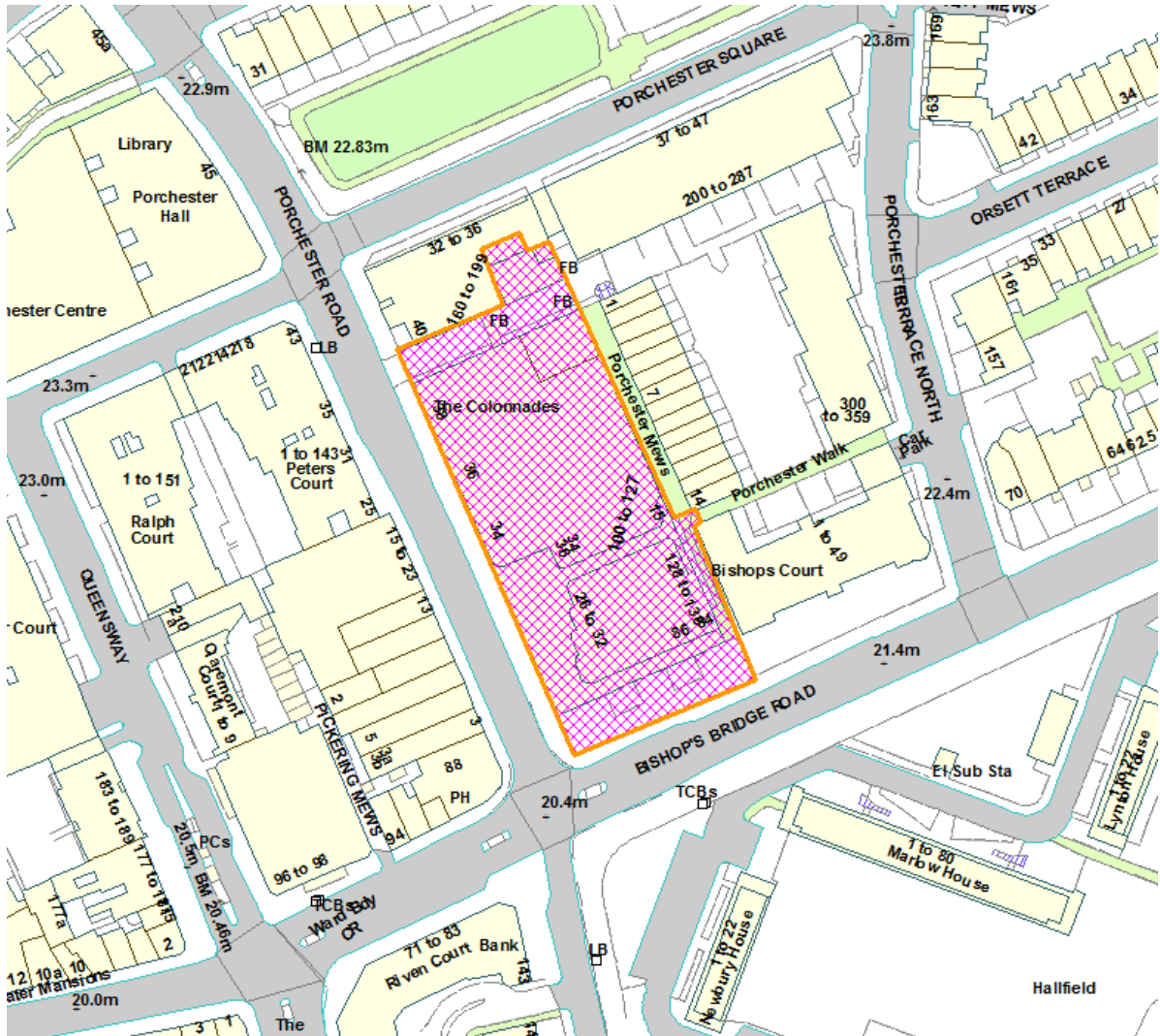
The key issues in these cases are:

- The acceptability of losing the existing self contained Class A1 retail shop use within the Secondary Frontage of the Porchester Road Local Centre.
- The impact of the proposed tables and chairs on the amenity of neighbouring residents.
- The impact of the proposed tables and chairs on the operation of the public highway.

Given the applicant's proposal to provide a dedicated retail shop area within the combined unit, which is to be secured by condition, it is considered that the use of Units 4 and 5 (as numbered in the previously approved scheme) as a mixed retail shop and restaurant use is acceptable in land use terms and would not harm the retail character and function of the Porchester Road Local Centre. As such, Application 1 is recommended for approval.

Given the limited hours of use proposed, the external tables and chairs proposed in Application 2 would not harm the amenity of neighbouring residents or the operation of the public highway. Therefore this application is also recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from corner of Bishop's Bridge Road and Porchester Road.



View of Bishop's Bridge Road frontage (Units 4 and 5 are the two left hand glazed frontages).

5. CONSULTATIONS

Application 1 (Variation of Conditions 16 and 17)

WARD COUNCILLORS (BAYSWATER)

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

CLEANSING MANAGER

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 245.

Total No. of replies: 1.

No. of objections: 1.

No. in support: 0.

One email received raising objection on all or some of the following grounds:

- Noise and disturbance and anti social behaviour from late and early morning operating hours. Notes that Bishops Court has habitable rooms, including bedrooms facing the application premises.
- Opening hours should be strictly regulated.

ADVERTISEMENT/ SITE NOTICE: Yes.

Application 2 (Tables and Chairs on the Forecourt)

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

CLEANSING MANAGER

No objection.

DESIGNING OUT CRIME ADVISOR

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 163.

Total No. of replies: 2.

No. of objections: 2.

No. in support: 0.

Two emails received raising objection on all or some of the following grounds:

- Late opening hours would harm the amenity of neighbouring residents in terms of noise disturbance.
- Previous tenants of The Colonnades, prior to its refurbishment, opened late and caused noise disturbance to neighbouring properties.
- Concerned that previous issues with noise disturbance will recommence.
- Noise disturbance from music and as a result of alcohol license.
- Note proximity of habitable rooms, including bedrooms, in Bishop's Court to application site.
- Opening hours should be strictly regulated.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises part of the ground floor of The Colonnades shopping frontage, the Bishop's Bridge Road facade of which forms part of the Secondary Frontage of the Porchester Road Local Centre. In addition, the site is located within the Queensway/ Bayswater Stress Area when considering the impact of new entertainment uses.

The application relates to Units 4 and 5 of the reconfigured shopping frontages of The Colonnades, which have been formed on site following construction works in 2015 and early 2016, but have yet to be occupied. As approved the lawful use of Unit 4 (the smaller unit) is as a retail shop (Class A1), whilst the lawful use of Unit 5 is as a restaurant (Class A3). The previously approved ground floor plan is provided in Section 10 of this report.

The building within which the retail units are located is not listed, but is within the Bayswater Conservation Area.

The tables and chairs proposed by Application 2 would be located on the private forecourt of The Colonnades and would not be on the public highway.

6.2 Recent Relevant History

6.2.1 Reconfiguration of The Colonnades Retail Floorspace

9 October 2014 – Permission granted for reconfiguration of the ground and first floors to provide a supermarket (Class A1) at part ground floor and first floor levels with three retail shop units (Class A1) and two restaurant/ cafe units (Class A3) at ground floor level, extension to Porchester Road and Bishop's Bridge Road elevations to infill existing colonnade and create entrance lobby to supermarket, infilling of basement vents to Bishop's Bridge Road, alterations to street facades, amendments to rear service yard, installation of mechanical plant and associated public realm works (13/12442/FULL).

The above permission was granted following completion of a S106 agreement to secure the following planning obligations (i) provision and adherence to a shop front and advertisement strategy; (ii) provision of public realm improvements to all external parts of

the application site; (iii) provision of highway works; (iv) provision, access and ongoing future maintenance of a publicly accessible disabled toilet; (v) provision, access and ongoing future maintenance of accommodation for a 'recycling centre'; and (vi) provision of financial contribution of £50,800 towards Crossrail.

20 October 2015 – Application refused for use of Unit 2 (a Class A1 unit facing Porchester Road) as mixed gym, shop and juice bar (Sui Generis) (15/06926/FULL). Application refused by the Planning Applications Committee on grounds of loss of retail shop use from within the Core Frontage of the Porchester Road Local Centre.

6.2.2 Previous Tables and Chairs Permissions

23 August 2001 – Permission granted for one year for use of the public highway to the Bishop's Bridge Road frontage (7.2m x 5.5m) for the placing of 10 tables and 24 chairs with sun umbrellas in connection with Pizza Express at corner of Bishop's Bridge Road and Porchester Road (01/01745/TCH). Permitted hours were between 11.00 and 23.00 hours daily.

Above permission in connection with Pizza Express premises was renewed in 2002 (02/06226/TCH), 2004 (04/02907/TCH), 2006 (06/04305/TCH) and 2007 (07/04693/TCH).

19 September 2007 – Permission granted for a one year period for placing of 6 tables and 24 chairs in front of the Berdees café premises at No.84 Bishop's Bridge Road next to Bishop's Court in an area measuring 5.5 metres (deep) and 5.7 metres (width). Permitted hours were between 08.00 and 23.00 hours daily.

15 July 2010 – Application refused for use of the public highway (7.7m x 5.6m) for the placing of 10 tables and 20 chairs and installation of open canopy (3m x 6m x 2.5m) in connection with Marhba cafe and restaurant (located in former Pizza Express premises). Proposed hours were between 0900 and 0000 hours Monday to Sunday (09/07428/TCH). Permission refused on noise amenity grounds due to the hours of use proposed.

4 April 2011 – Application refused for use of the public highway in an area measuring 7.7m x 5.6m for the placing of 10 tables and 20 chairs in connection with Marhba Cafe and Restaurant between the hours of 09.00 and 23.00 daily. Permission refused on late night noise and disturbance grounds (10/08481/TCH).

3 January 2012 - Appeal against the City Council's decision of 4 April 2011 was allowed and tables and chairs were permitted on the highway for a one year period between 09.00 and 23.00 hours daily.

29 October 2013 – Permission granted for a one year period for the use of an area of pavement measuring 7.7m x 5.6m for the placing of 10 tables and 20 chairs in connection with Marhba Cafe and Restaurant between the hours of 09.00 and 23.00 daily (13/02378/TCH).

7. THE PROPOSAL

7.1 Application 1 (Variation of Conditions 16 and 17)

The application seeks permission for variation of Conditions 16 and 17 of planning permission dated 9 October 2014 (RN: 13/12442/FULL), which granted permission for reconfiguration of the ground and first floors of the retail frontages of the Colonnades at the junction of Bishops Bridge Road and Porchester Road. The approved scheme principally sought to provide a larger supermarket premises (Class A1) at part ground floor and first floor level, with the ground floor retail accommodation reconfigured to provide three retail shop units (Class A1) and two restaurant/ cafe units (Class A3). This permission has been implemented and the shop units to which this permission relates have been created at ground floor level to the Bishop's Bridge Road frontage of the site.

The current application seeks to vary the aforementioned conditions to allow amalgamation of Units 4 and 5 at ground floor level facing Bishop's Bridge Road so that they would comprise a single mixed use retail shop and restaurant use (Sui Generis), rather than a small retail shop unit (Class A1) and a larger restaurant unit (Class A3), which was the arrangement of uses that was previously approved.

The application has been submitted by restaurant management company AAYA, which operates the Turkish restaurant brand 'Babaji'. Subject to the outcome of this application AAYA intend to open a branch of 'Babaji' at The Colonnades in Units 4 and 5. AAYA advise that to date only one 'flagship' branch of 'Babaji' has been opened on Shaftsbury Avenue, with a second 'flagship' branch due to open in Dubai in December 2016. To provide a retail shop element to the operation, the applicant advises that the branch at The Colonnades would include a baklava shop that provides a range of baklava and associated products. The retail area would be located at the front of the combined unit and would ensure the retail shop element of the use has a presence immediately behind the shop front. The applicant's description of the proposed use is provided in the background papers for information.

7.2 Application 2 (Tables and Chairs on Forecourt)

Application 2 seeks approval of details of the location, number, appearance, hours of use and location of storage of tables and chairs and associated non-fixed structures pursuant to Condition 20 of the planning permission dated 9 October 2016. The tables and chairs proposed would be placed on the forecourt area of The Colonnades in Bishop's Bridge Road in relation with the mixed retail shop and restaurant use that is proposed by Application 1.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Change of Use of Units 4 and 5 (Application 1)

The scheme previously approved in October 2014 sought to provide a balance of retail shop (Class A1) and restaurant uses (Class A3) at ground floor level within the Core Frontage (to Porchester Road) and Secondary Frontages (to Bishop's Bridge Road) within the Porchester Road Local Centre. To achieve this, of the five ground floor units three

were proposed to be Class A1 retail shop units and two were proposed to be Class A3 restaurant units.

The current application seeks to amalgamate the smallest of the retail shop units (Unit 4) in to the neighbouring restaurant unit (Unit 5), which are on the Bishop's Bridge Road frontage of the site within the Secondary Frontage of the Local Centre.

The applicant proposes to retain a retail shop function within the area of the approved Unit 4. The retail shop function would comprise a shop selling varieties of baklava that will be baked on the premises, with display shelving and a retail sales counter. The applicant advises that the retail shop offering would be not dissimilar to a patisserie. The baklava retail shop would complement the intended use of the restaurant floor area (within the area of Unit 5) as a Turkish restaurant.

As the proposed mixed use would retain a retail shop function within the area previously approved as a self-contained retail shop unit, it is considered that the proposed use would retain sufficient retail character and function within the Secondary Frontage of the Local Centre so as not to undermine the vitality and viability of the centre. The proposal would not result in the loss of any local convenience shops and would not result in more than three non-A1 units located consecutively in a frontage as the eastern most unit to the Bishop's Bridge Road frontage has a lawful use as a Class A1 retail shop.

Conditions are however recommended to prevent the use of the retail shop area (marked in grey on the submitted plans) as additional restaurant seating and to require the provision of a retail display in the windows of the retail shop part of the mixed use. Subject to these conditions it is considered that the mixed retail shop and restaurant use proposed is acceptable and would accord with Policy SS7 in the UDP and S21 in the City Plan.

The application site is located within the Queensway/ Bayswater Stress Area, within which additional controls are placed on entertainment premises, including restaurants. However, the floor area proposed for restaurant use would be no greater than that previously approved in October 2014 and therefore there would be no material increase in noise and disturbance from persons entering and leaving the premises as a result of the current proposal. For this reason the proposed use is considered to accord with Policy TACE9 in the UDP and S24 in the City Plan.

8.1.2 Provision of Tables and Chairs (Application 2)

The principle of providing tables and chairs has been established in land use terms by the planning application dated 9 October 2014 (13/12442/FULL), subject to the details of the tables and chairs being agreed pursuant to Condition 20. Indeed, prior to redevelopment of The Colonnades, there had been a long history of tables and chairs being placed on the previously larger forecourt of the site in Bishop's Bridge Road, as well as part of the public highway. It should be noted that prior to reconfiguration of The Colonnades, the City Council as local planning authority had no control over the tables and chairs placed on the private forecourt and these were often used late into the night.

Condition 20 of the October 2014 permission states:

'No tables and chairs shall be placed outside of the retail units hereby approved on the forecourt of the building (where it does not form part of the public highway) without our written approval. You must apply to us for approval of the location, number, appearance, hours of use and location of storage for any tables and chairs and associated non-fixed structures such as enclosures or barriers around tables and chairs or sun shades that you propose to place on the forecourt of the building. You must not place the table and chairs or associated structures outside the retail units until we have approved what you have sent us. You must then only place the tables and chairs in the locations we approve in accordance with the details of their use and appearance that we approve.'

The current approval of details application (Application 2) proposes the placement of 16 tables and 32 chairs between the fixed planters outside Units 4 and 5. The applicant proposes that the tables and chairs would be placed on the forecourt and in use between 08.00 and 22.30 hours Monday to Saturday and between 09.30 and 22.30 hours on Sundays and Bank Holidays. The external tables and chairs are to be stored within the premises outside of these hours. The impacts of the proposed tables and chairs on the amenity of neighbouring residents and the operation of the public highway are considered in Sections 8.3 and 8.4 of this report.

8.2 Townscape and Design

Application 1 does not raise any design considerations.

The tables and chairs and other furniture proposed as part of Application 2 are of a good standard and would not detract from the appearance of this building or the character and appearance of the Bayswater Conservation Area.

8.3 Residential Amenity

The closest residential properties to the application sites (Applications 1 and 2) are on the upper floors of The Colonnades and to the east along Bishop's Bridge Road, where Bishop's Court forms the neighbouring building.

In terms of Application 1, the proposed mixed use would not increase the restaurant area used for seating relative to that previously approved in 2014 and therefore the degree of noise and disturbance generated by customers entering and leaving the premises would not be materially greater than would be the case under the 2014 permission. As such, the proposed missed use forming Application 1 would accord with Policies ENV6 and TACE 9 in amenity terms.

In terms of Application 2 (tables and chairs), as noted in Section 8.1.2, prior to reconfiguration of the Colonnades the private forecourt of the site in Bishop's Bridge Road was used to place a significant number of tables and chairs outside a lawful restaurant unit at the corner of Bishop's Bridge Road and Porchester Road (which was occupied by Pizza Express and the Marhba café), without the need for planning permission. As a consequence these uncontrolled tables and chairs were often used late into the night causing noise disturbance to neighbouring residents. Tables and chairs were also permitted on the public highway, in addition to those on the private forecourt that did not require planning permission, and these were controlled by condition to use between 09.00 and 23.00 hours daily.

Set in this context, Condition 20 of the October 2014 permission offers the opportunity to control the tables and chairs on the retail forecourt in Bishop's Bridge Road going forward, which was not previously within the gift of the City Council as local planning authority. As such, concerns that the tables and chairs would cause significant late night disturbance, as was the case prior to reconfiguration of The Colonnades, cannot be supported as the hours of use of all the tables and chairs would be subject to planning control.

The applicant proposes the use of the forecourt to provide 16 tables and 32 chairs within an area defined by existing fixed planters. The tables and chairs would be used by diners at the restaurant element of the proposed mixed use and the opening hours would be between 08.00 and 22.30 hours Monday to Saturday and between 09.00 and 22.30 hours on Sundays and Bank Holidays. The external tables and chairs would be stored within the application premises outside of these hours.

In the context of the previous history of external tables and chairs to this frontage of the site and as all the tables and chairs would be subject to planning control, it is considered that the hours of use of the tables and chairs that are proposed are acceptable in amenity terms and would not cause significant noise disturbance to neighbouring residents. As such, objections on noise disturbance grounds cannot be supported and the proposal would accord with Policies ENV6 and TACE11 in the UDP and S32 in the City Plan.

8.4 Transportation/Parking

The change of use proposed by Application 1 would not have any significant impact on the highway network. Given there would be no increase in the floor area available within the mixed use unit for restaurant covers. The servicing of the combined unit would be serviced via the servicing bay accessed via Porchester Road, as was envisaged during the original application.

The tables and chairs proposed in Application 2 would be located on private forecourt and would not narrow the available width of public highway along Bishop's Bridge Road. Consequently the proposal accords with the guidance in the Supplementary Planning Document 'Westminster Way' and Policy TRANS11 in the UDP in terms its impact on the public highway.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

The retail unit and forecourt area benefit from level access from the public highway and therefore the applications do not raise any significant access concerns.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

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

As set out in the recommendation in Section 1 of this report, should the committee resolve to grant conditional permission for Application 1, it is necessary for a deed of variation to be completed to ensure the continued provision of the planning obligations secured by the original permission. The heads of terms of the original S106 agreement dated 9 October 2014 (as amended by a previous deed of variation dated 4 September 2015) are as follows:

- ix. Notice of commencement of development.
- x. Provision and adherence to a shop front and advertisement strategy.
- xi. Provision of public realm improvements to all external parts of the application site.
- xii. Provision of highway works, to include the replacement of the pavement of the public highway and reorganise street furniture and street signage in Porchester Road and Bishop's Bridge Road.
- xiii. Provision, access and ongoing future maintenance of a publicly accessible disabled toilet.
- xiv. Provision, access and ongoing future maintenance of accommodation for 'recycling centre', including provision of sleeves to enclose Eurobins.
- xv. Provision of financial contribution of £50,800 towards Crossrail prior to commencement of development.
- xvi. Provision of costs for monitoring of agreement.

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

Application 1 (Variation of Conditions 16 and 17)

- 1. Application form.
- 2. Memo from the Cleansing Manager dated 21 October 2016.
- 3. Email from occupier of 17 Bishops Court, 76 Bishops Bridge Road dated 10 October 2016.
- 4. Supporting letter from the applicant (AAYA) dated 27 September 2016.

Application 2 (Tables and Chairs on Forecourt)

1. Application form.
2. Memo from the Cleansing Manager dated 12 October 2016.
3. Email from the occupier of 25 Bishops Court, 76 Bishops Bridge Road dated 25 October 2016.
4. Email from the occupier of 17 Bishops Court, 76 Bishops Bridge Road dated 30 October 2016.

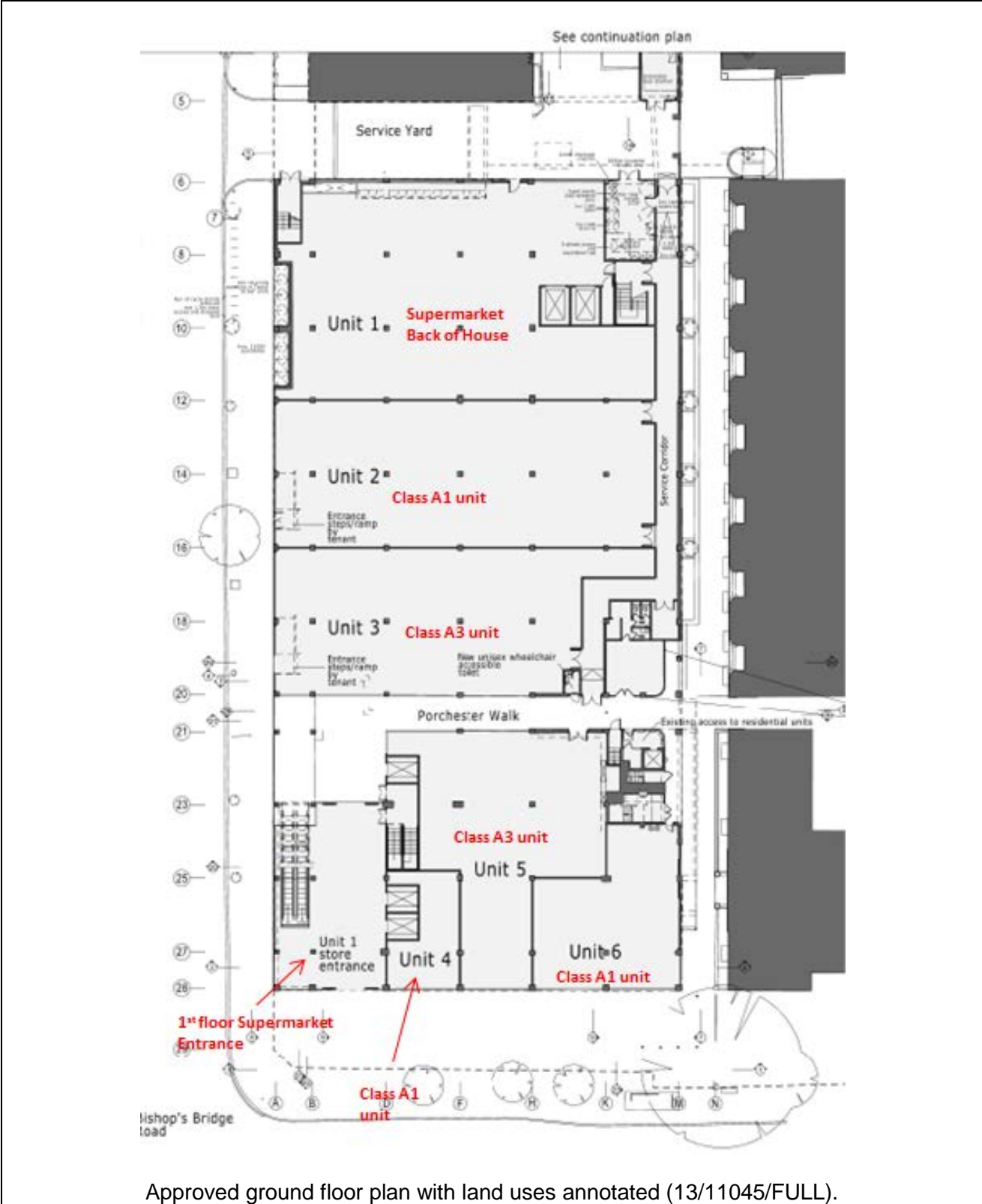
Selected relevant drawings

As approved and as proposed floor plans and tables and chairs plans.

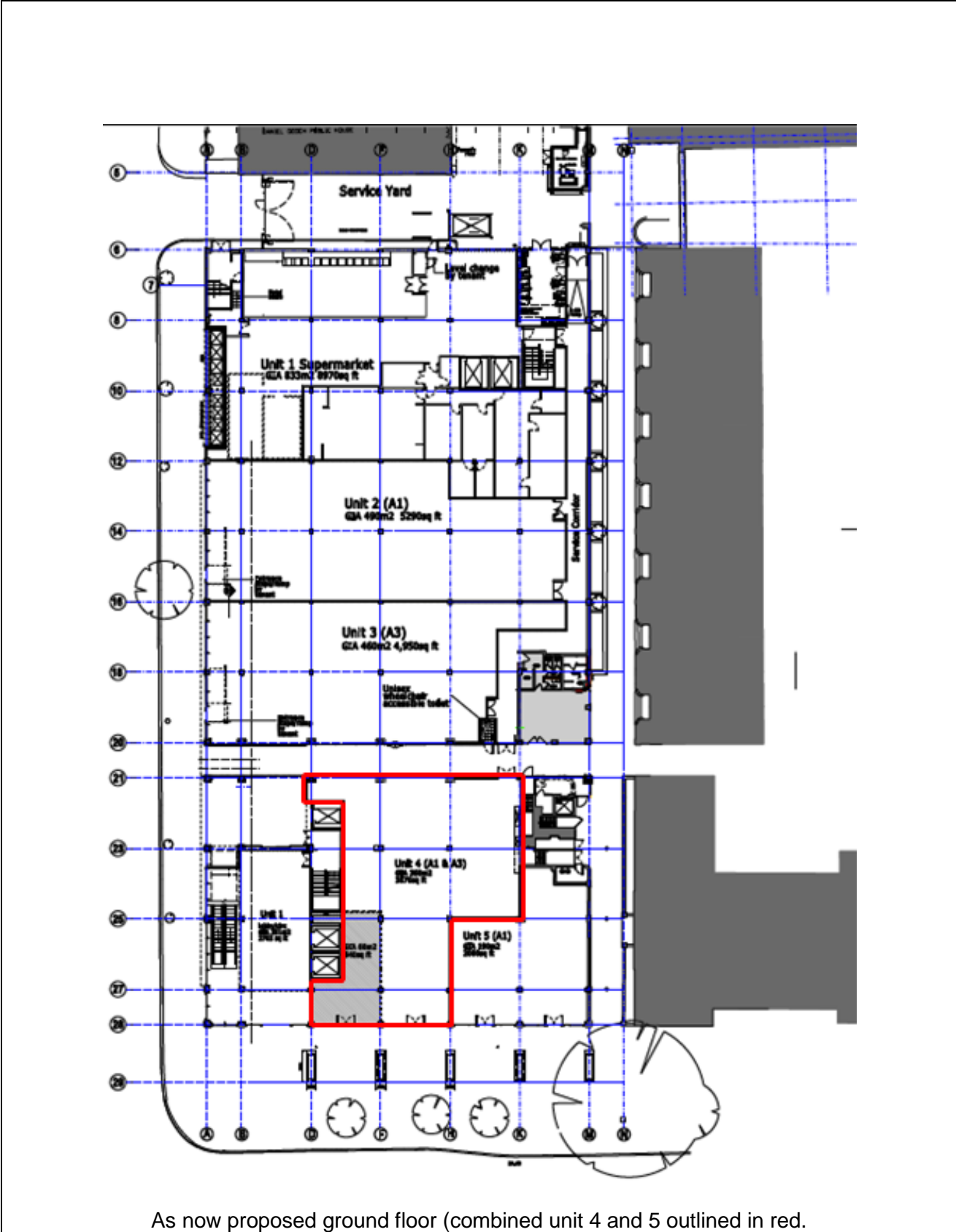
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk.

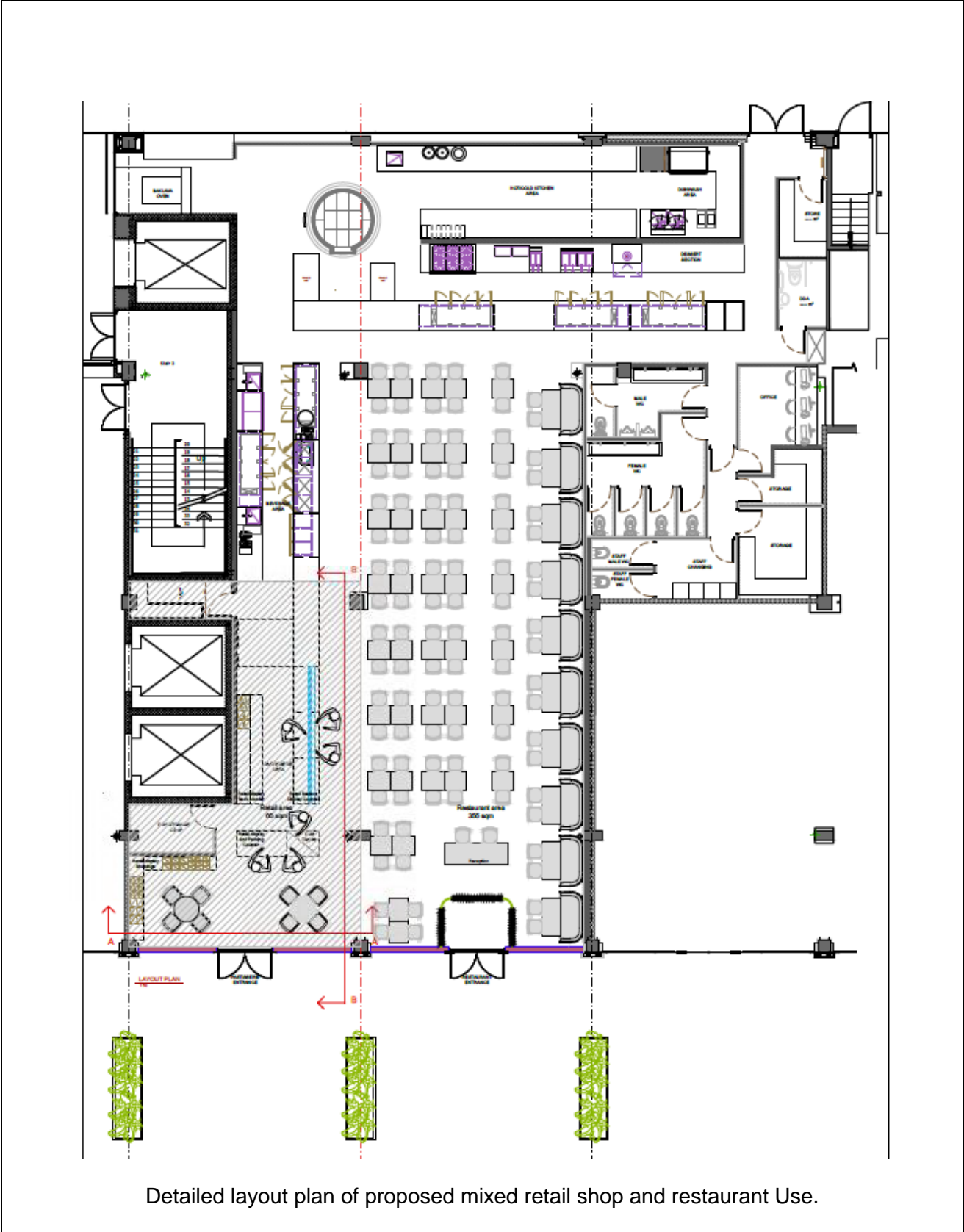
10. KEY DRAWINGS



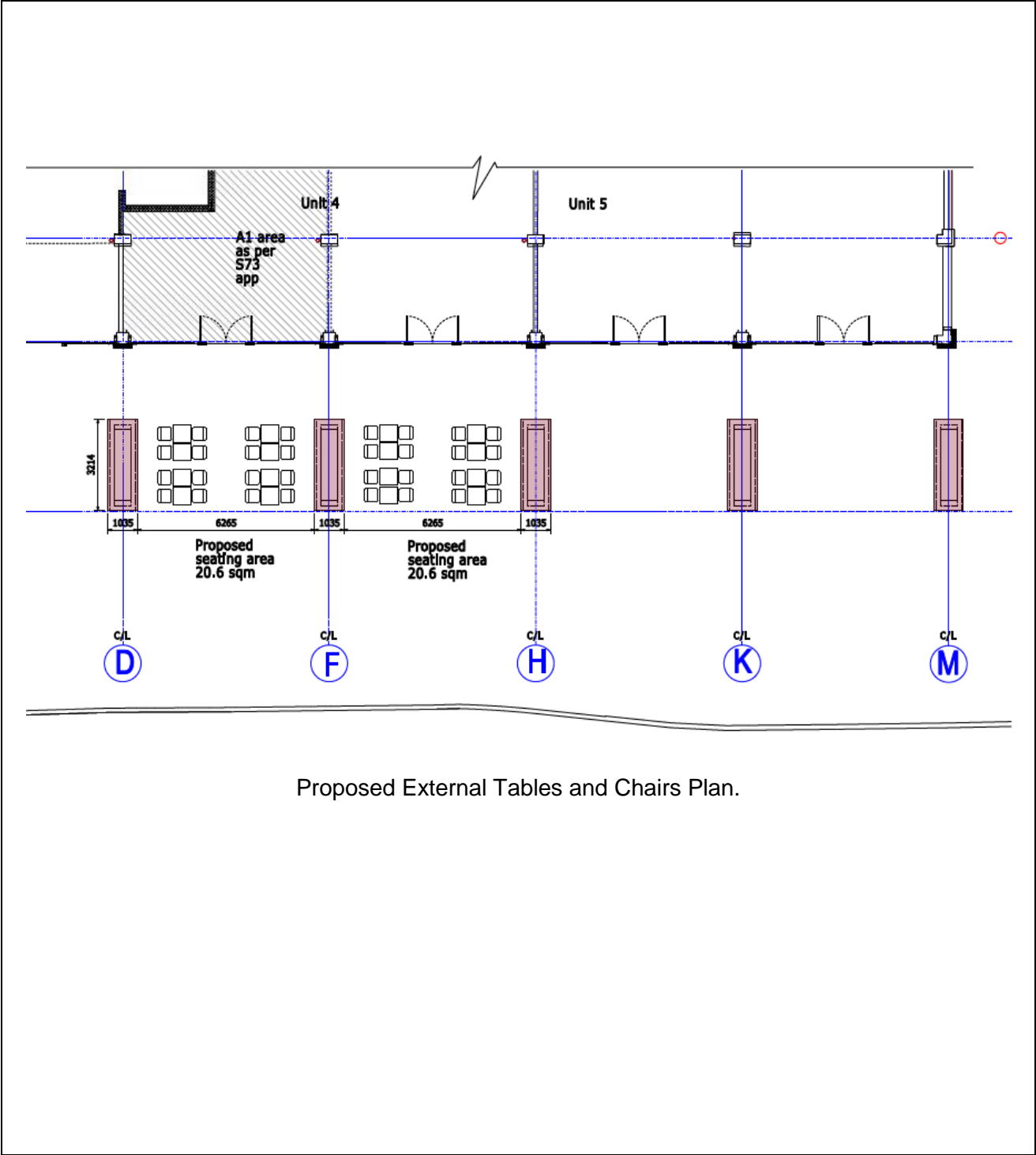
Approved ground floor plan with land uses annotated (13/11045/FULL).



As now proposed ground floor (combined unit 4 and 5 outlined in red).



Detailed layout plan of proposed mixed retail shop and restaurant Use.



Proposed External Tables and Chairs Plan.

DRAFT DECISION LETTER – APPLICATION 1 (VARIATION OF CONDITIONS 16 AND 17)

Address: The Colonnades, 26 Porchester Road, London, W2 6ES,

Proposal: Variation of Conditions 16 and 17 of planning permission dated 9 October 2014 (RN: 13/12442/FULL) for reconfiguration of the ground and first floors to provide a supermarket (Class A1) at part ground floor and first floor levels with three retail shop units (Class A1) and two restaurant/ cafe units (Class A3) at ground floor level, extension to Porchester Road and Bishop's Bridge Road elevations to infill existing colonnade and create entrance lobby to supermarket, infilling of basement vents to Bishop's Bridge Road, alterations to street facades, amendments to rear service yard, installation of mechanical plant and associated public realm works. NAMELY, to allow amalgamation of Units 4 and 5 facing Bishop's Bridge Road to form one retail unit for use as a mixed retail shop and restaurant use (Sui Generis) (Site also known as Unit 4, Bishop's Quarter, Bishop's Bridge Road).

Reference: 16/09313/FULL

Plan Nos: **Drawings and Documents Previously Approved under RN: 13/12442/FULL:** 10 Rev.03, 11 Rev.03, 12 Rev.04, 13 Rev.02, 14 Rev.03, 16 Rev.09, 17 Rev.13, 18 Rev.07, 19 Rev.06, 26 Rev.02, 34 Rev.03, 36 Rev.01, 37 Rev.03, 38 Rev.06, 41 Rev.01, 42 Rev.01, 43 Rev.01, 44 Rev.05, 45 Rev.01, 46 Rev.03, 48 Rev.02, 50 Rev.01, 52 Rev.01, 53 Rev.01, 54 Rev.01, 56 Rev.01, 57 Rev.01, 58, 59, Design and Access Statement, Supporting Planning Statement dated December 2013, Consultation Statement and Transport Statement dated 11 December 2013 (Issue 3/ Ref: TR8131062/RH/DW/006) as amended by TR8130862/SP02 Rev.C, TR8130862/SP03 Rev.C and additional parking occupancy data provided in email from GL Hearn dated 4 March 2014. **As Amended by Drawings and Documents Hereby Approved:** AAYA-180-I-101, AAYA-180-I-102, 468, 469, Ground Floor - Layout Retail Area drawing (unnumbered), Supporting Letter from AAYA dated 27 September 2016 (setting out proposed retail shop use) and Planning Statement by GL Hearn dated 28 September 2016.

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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 carry out the development in accordance with the facing materials that we approved on 11 February 2015 (14/12071/ADFULL), 13 July 2015 (15/02293/ADULL and 15/03869/ADFULL).

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 Bayswater 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 carry out the development in accordance with the details of new shopfronts and associated framing, ground level uplighters to facades, the recycling centre recess/ enclosure to Porchester Road elevation and recycling centre shutters that we approved on 13 July 2015 (15/03869/ADFULL) and 30 November 2015 (15/06305/ADFULL).

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 Bayswater 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 illuminate Porchester Walk and install CCTV in accordance with the Lighting strategy and details of CCTV we approved on 13 July 2015 (15/03869/ADFULL) and you must permanently retain and maintain the lighting and CCTV to Porchester Walk in accordance with the approved details.

Reason:

To prevent anti-social behaviour, maintain the safety of pedestrians and make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan adopted July 2016 and DES 1, DES5, DES9 and TRANS3 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be

intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application;; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 7 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.

- 8 You must carry out the development and install the mechanical plant in accordance with the supplementary acoustic report and noise attenuation measures that we approved on 30 November 2015 (15/06305/ADFULL). If any attenuation measures were approved, you must install these in accordance with the details we approve prior to occupation of the new retail units and thereafter permanently retain and maintain the attenuation measures in the approved locations.

Reason:

To maintain the appearance of the building and the Bayswater Conservation Area in accordance with Policies DES1, DES5, DES6 and DES9 in our Unitary Development Plan that we adopted in January 2007 and Policies S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 9 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.

- 10 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.

- 11 You must provide the reconfigured service yard area shown on the approved plans prior to occupation of the new retail units. Thereafter you must only use the service yard area to service the retail units hereby approved and the residential accommodation within the Colonnades. (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)

- 12 You must permanently operate the development and manage the service yard in accordance with the Servicing Management Plan that we approved on 11 February 2015 (14/12071/ADFULL), unless or until we approve an alternative Servicing Management Plan in writing.

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)

- 13 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)

- 14 You carry out the development in accordance with the hard landscaping scheme for the surfacing of any part of the site not covered by buildings that we approved on 10 February 2015 (14/12605/ADFULL).

Reason:

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

- 15 You must provide the publicly accessible disabled toilet at ground floor level, as shown on drawing 17 Rev.12 prior to occupation of the new and enlarged retail units. Thereafter the toilet must be permanently retained and maintained in this location and it must be open accessible from the public highway and available for public use between 07.30 and 23.00 daily.

Reason:

To provide safe and secure public toilet facilities in accordance with Policies DES1, SOC8 and TRANS3 in our Unitary Development Plan that we adopted in January 2007 and Policy S41 in Westminster's City Plan that we adopted in July 2016.

- 16 You must use Unit 3 (as annotated on drawing 468) only for restaurant/ cafe use within Class A3 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).

Reason:

To maintain the character, function and vitality of the Core Frontage and Secondary Frontage of

Porchester Road Local Centre in accordance with Policies SS7, SS11 and TACE9 in our Unitary Development Plan that we adopted in January 2007 and Policies S21 and S24 in Westminster's City Plan that we adopted in July 2016.

- 17 You must use Units 1, 2 and 5 (as annotated on drawing 468) only for retail shop 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).

Reason:

To maintain the character, function and vitality of the Core Frontage and Secondary Frontage of Porchester Road Local Centre in accordance with Policies SS7, SS11 and TACE9 in our Unitary Development Plan that we adopted in January 2007 and Policies S21 and S24 in Westminster's City Plan that we adopted in July 2016.

- 18 Customers shall not be permitted within the ground floor level retail shop units (Units 2 and 5) before 07.00 or after 23.00 Monday to Saturday (not including bank holidays and public holidays) and before 10.00 or after 18.00 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 19 Customers shall not be permitted within the restaurant/ cafe unit (Unit 3) and mixed retail shop and restaurant unit (Unit 4) before 08.00 or after 23.30 Monday to Saturday (not including bank holidays and public holidays) and before 09.00 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 adopted July 2016 and ENV 6, ENV 7, SS7 and TACE9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 20 No tables and chairs shall be placed outside of the retail units hereby approved on the forecourt of the building (where it does not form part of the public highway) without our written approval. You must apply to us for approval of the location, number, appearance, hours of use and location of storage for any tables and chairs and associated non-fixed structures such as enclosures or barriers around tables and chairs or sun shades that you propose to place on the forecourt of the building. You must not place the table and chairs or associated structures outside the retail units until we have approved what you have sent us. You must then only place the tables and chairs in the locations we approve in accordance with the details of their use and appearance that we approve.

Reason:

To prevent obstruction to pedestrian movement across the site, protect the amenity of neighbouring

residents and ensure that the appearance of the tables and chairs and associated structures are appropriate in accordance with S28, S32 and CS41 of Westminster's City Plan that we adopted in July 2016 and DES1, ENV6 and TRANS3 in our Unitary Development Plan we adopted in January 2007.

- 21 All of the retail units hereby approved shall achieve a BREEAM 'Very Good' rating or higher (or any such national measure of sustainability for commercial design that replaces that scheme of the same standard). Within 3 months of occupation of each of the retail units you must submit to us for our approval a copy of a Building Research Establishment (or equivalent independent assessment) Final Post Construction Stage Assessment and Certificate, confirming that the retail units, when built, have achieved a BREEAM 'Very Good' rating or higher.

If the submitted assessment does not demonstrate that the retail units have achieved a BREEAM 'Very Good' rating or higher, you must also submit to us for our approval a report that sets out remediation measures that are to be carried out so that the retail units will achieve this rating or higher. The submitted remediation report (if required) must also provide a time frame within which the specified remediation works will be carried out. You must not carry out any remediation works until we have approved the remediation report. You must then carry out the remediation works in accordance with the remediation report that we approve.

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 that we adopted in July 2016. (R44AC)

- 22 You must provide the recycling centre (annotated 'Relocated recycling bins' on drawing 17 Rev.13) at ground floor level prior to occupation of the new and enlarged retail units. Thereafter the recycling centre must be permanently retained in this location.

Reason:

To provide suitable waste and recycling facilities in this part of the City in accordance with Policy ENV12 in our Unitary Development Plan that we adopted in January 2007 and Policy S44 in Westminster's City Plan that we adopted in July 2016.

- 23 You must carry out the development in accordance with the waste and recycling storage for the supermarket (Unit 1) that we approved on 13 July 2015 (15/02293/ADFULL). You must then provide the stores for waste and materials for recycling according to these details prior to occupation of the supermarket (Unit 1) and thereafter permanently retain them for the storage of waste and recycling from the operation of the supermarket. (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)

- 24 Prior to occupation of the ground floor retail units (Units 2 to 5 as shown on drawing 468) you must provide

the store for waste and materials for recycling shown on drawing number 17 Rev.13. You must clearly mark them and make them available at all times to everyone working in these retail units. (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)

- 25 Prior to occupation of the retail units you must provide the storage area within the service yard for residential waste and materials for recycling shown on drawing number 17 Rev.13. You must clearly mark this area and make it available at all times to everyone living in the residential part of the Colonnades. (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)

- 26 Notwithstanding the drawings approved on 9 October 2014 (13/12442/FULL), in accordance with the non-material amendment approved 9 February 2015 (15/00810/NMA), you must not form any windows in the eastern elevation of the supermarket at first floor level (Unit 1) or the ground floor retail unit (Unit 5 - as numbered on drawing 468).

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)

- 27 Customers shall not be permitted within the retail supermarket unit (Unit 1) before 07.00 or after 23.00 Monday to Saturday (not including bank holidays and public holidays), before 10.00 or after 18.00 on Sundays and before 08.00 or after 20.00 on bank holidays and public holidays.

Reason:

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

- 28 You must use Unit 4 (as annotated on drawing 468) only for mixed retail shop and restaurant use (Sui Generis) and for no other use. The area shaded grey on drawings 468 and AAYA - 180- I - 101 shall only be used for the retail sale of goods and shall not be used to provide restaurant covers.

Reason:

To maintain the character, function and vitality of the Secondary Frontage of Porchester Road Local Centre in accordance with Policies SS7, SS11 and TACE9 in our Unitary Development Plan that we adopted in

January 2007 and Policies S21 and S24 in Westminster's City Plan adopted in July 2016.

- 29 You must not occupy Unit 4 for mixed retail and restaurant use until a detailed scheme for the shop windows of the retail shop part of the unit (where shaded grey on drawing 468) has been submitted to and approved in writing by the local planning authority. The scheme shall include the area immediately behind the windows, shall not include any obscured glass and shall define any display panels within the windows. The development shall thereafter be carried out in accordance with the approved scheme and no further modifications shall be made.

Reason:

To protect the appearance and character of the shopping street and to maintain the retail character and function of the Porchester Road Local Centre as set out in SS7 of our Unitary Development Plan that we adopted in January 2007 and S21 in Westminster's City Plan that we adopted in July 2016. (R26IA)

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 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 notice of commencement, a shop front and advertisement strategy, public realm improvements, highway works, provision of a publicly accessible disabled toilet, provision of a recycling centre, financial contribution towards Crossrail and monitoring costs.
- 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 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)
- 5 You are reminded that tables and chairs placed on the public highway (i.e. not on the private forecourt) in connection with retail units require the benefit of planning permission.

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

DRAFT DECISION LETTER – APPLICATION 2 (EXTERNAL TABLES AND CHAIRS)

Address: The Colonnades, 26 Porchester Road, London, W2 6ES,

Proposal: Details of the location, number, appearance, hours of use and location of storage of tables and chairs and associated non-fixed structures such as enclosures or barriers around tables and chairs or sun shades to be placed on the forecourt of the building pursuant to Condition 20 of planning permission dated 9 October 2014 (13/12442/FULL) (Site also known as Unit 4, Bishop's Quarter, Bishop's Bridge Road).

Reference: 16/09312/ADFULL

Plan Nos: 460 Rev.02, 461 Rev.02, 462 Rev.02, 463, 464 Rev.01, 465 Rev.06, 466 Rev.02, 467, 468, 469 , AAYA Example Furniture Sheet and Planning Statement from GL Hearn (as amended in terms of hours of use by email from Catriona Fraser of GL Hearn dated 22 November 2016).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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

- 1 This permission fully meets Condition 20 of the planning permission dated 9 October 2014. (I11AA)
- 2 For the avoidance of doubt the tables and chairs permitted on the forecourt in Bishop's Bridge Road have been approved on the following basis:
 - a) They are to be placed in the locations shown on drawing 462 Rev.02.,
 - b) The tables and chairs are only to be used by customers of the restaurant element of the mixed use within Units 4 and 5.
 - c) The tables and chairs may only be used between the hours of 08.00 and 22.30 hours Monday to Saturday and between the hours of 09.00 and 22.30 on Sundays and Bank Holidays.
 - d) The tables and chairs are removed from the forecourt and stored with the premises outside of the hours of use specified in (c).

Any change in the operation of the tables and chairs from the summary above will necessitate a further application for approval of details of tables and chairs pursuant to Condition 20 of the planning permission dated 9 October 2014.

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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.

Agenda Item 8

Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 6 th December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	80 Jermyn Street, London, SW1Y 6JD,		
Proposal	Lawful Development Certificate for a mixed use comprising retail, depository, research centre, archive library, consultancy, publishing, and conservation for historic tapestries, textile art and carpets at basement and ground level (sui generis).		
Agent	Savills		
On behalf of	Users Group of the Franses Tapestry Archive		
Registered Number	16/06894/CLEUD	Date amended/ completed	22 July 2016
Date Application Received	20 July 2016		
Historic Building Grade	Unlisted		
Conservation Area	St James's		

1. RECOMMENDATION

Issue certificate.

2. SUMMARY

This application for a Lawful Development Certificate has been submitted by the Users group of the Franses Tapestry Archive. The application relates to the existing use of the premises at 80 Jermyn Street.

The key issue is whether the applicant has demonstrated on the balance of probabilities that the lawful use of the site is a mixed use comprising retail, depository, research centre, archive library, consultancy, publishing, and conservation for historic tapestries, textile art and carpets at basement and ground level (sui generis).

A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the use described in this application is lawful. Planning merits are not relevant to the consideration of this particular application.

In this case, it is recommended to issue a Lawful Development Certificate because sufficient evidence has been submitted to demonstrate that, on the balance of probability, the use of 80 Jermyn Street has been as a mixed use comprising retail, depository, research centre, archive library, consultancy, publishing, and conservation for historic tapestries, textile art and carpets at basement and ground level (sui generis) continuously for ten or more years prior to the date of receipt of the application.

Accordingly, it is recommended to issue a Lawful Development Certificate because sufficient evidence has been submitted to demonstrate that, on the balance of probability, the use of 80 Jermyn Street has been a mixed use comprising retail, depository, research centre, archive library, consultancy, publishing, and conservation for historic tapestries, textile art and carpets at basement and ground level (sui generis) continuously for ten or more years prior to the date of receipt of the application.

3. LOCATION PLAN



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4. PHOTOGRAPHS















5. REPRESENTATIONS RECIEVED

WESTMINSTER SOCIETY:

The Westminster Society has been in correspondence with the applicant, fully supports this application and recommends that the certificate be issued.

CAVENDISH HOTEL (THE ASCOTT LIMITED):

It is clear that the premises have not been used for the purposes set out within the CLEUD application and accompanying statutory declaration for a continuous period of more than 10 years. The premises have been used for primary retail (Class A1) use with associated ancillary storage and archive facility as per the lawful use and lease of the premises. Accordingly, the CLEUD application should be refused as the balance of evidence indicates that there has been no established change of use.

6. BACKGROUND INFORMATION

6.1 The Application Site

S Franses Ltd occupies the basement and ground floor of 80 Jermyn Street on the corner with Duke Street St. James.

The building is not listed but is located within the St. James's Conservation Area and the St. James's Special Policy Area within the Core Central Activities Zone.

6.2 Recent Relevant History

80 Jermyn Street

Planning permission was refused on 15 June 1988 for the change of use of the premises from Class A1 retail to Class A3 wine bar/restaurant (ref. 88/01058/FULL).

80 – 81 Jermyn Street

An application for 'Use of part of the ground floor and part basement levels of 80 - 81 Jermyn Street for retail purposes (Class A1). Alterations to the ground floor facade on the Duke Street and Jermyn Street elevations including new access to new retail unit, shopfront alterations; and associated external works' (15/11669/FULL) was withdrawn on 23 November 2016.

7. THE PROPOSAL

This application for a lawful development certificate seeks to demonstrate that the lawful use of 80 Jermyn Street is a mixed use comprising retail, depository, research centre, archive library, consultancy, publishing, and conservation for historic tapestries, textile art and carpets at basement and ground level (sui generis).

The application has been submitted on behalf of the 'Users Group of the Franses Tapestry Archive' (a group of concerned researchers and users who use the Franses Tapestry Archive and came together specifically to preserve the use and access to the Archive and Library in its current location).

8. DETAILED CONSIDERATIONS

8.1 Considerations

The statutory framework covering "lawfulness" for lawful development certificates is set out in section 191 of the Town and Country Planning Act 1990 ("the 1990 Act"). Under s. 191(2) of the 1990 Act, development is lawful if no enforcement action may be taken in respect of it (either because it did not require planning permission or because the time limits for taking enforcement action have expired), and it does not constitute a contravention of any of the requirements of an enforcement notice then in force.

Under section 171B of the 1990 Act, the time limit for taking enforcement action against a material change in use, other than change of use to a dwelling house, is 10 years. Therefore, in the context of the current application, the 10 year rule would apply.

A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the matters specified in the application are lawful. Planning merits are not relevant to the consideration of this particular application, and the local planning authority is under a duty to issue a certificate if it has been provided with information satisfying it of the lawfulness of the existing use.

In dealing with a Lawful Development Certificate, the burden of proof rests with the applicant, and the standard of proof is on the 'balance of probabilities'. The NPPG states that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

The Applicant's Evidence

The applicant asserts that the lawful use of the premises is a mixed use comprising retail, depository, research centre, archive library, consultancy, publishing, and conservation for historic tapestries, textile art and carpets at basement and ground level (sui generis).

The applicant has submitted the following evidence in support of their application:

1. Application form;
 - The application form confirms the lawful development certificate is being sought on grounds the use began more than 10 years before the date of this application.
2. Site location plan;
3. Statutory Declaration by Ms Barbara Swirski dated 20 July 2016 (with attachments including floorplans and photos)
 - This declaration is made by the former in-house solicitor of S Franses Ltd who now represents the 'Users Group of the Franses Tapestry Archive'.
 - The declaration describes the nature of the activities for the basement and ground floor and confirms that these have subsisted for more than 10 years.
 - The declaration is supported by floorplans and photographs showing that the premises is laid out with areas designated for retail storage and display; depository; archive library; and areas for provision of services, advice and information.
 - The declaration sets out that the retail areas of the business represent about 30% of the floorspace, whilst the other areas of the business floorspace is to provide a depository, archive/ library and other services associated with historic tapestries, textile art and carpets from the Middle Ages onwards.
4. Letter from Savills on behalf of the applicant dated 20 July 2016 which describes the application and the use of 80 Jermyn Street.

The applicant seeks to both describe the use and demonstrate the premises at 80 Jermyn Street has been used as a mixed use comprising retail, depository, research centre, archive library, consultancy, publishing, and conservation for historic tapestries, textile art and carpets at basement and ground level (sui generis).

The applicant confirms the site has been in continuous use as a mixed use comprising retail, depository, research centre, archive library, consultancy, publishing, and conservation for historic tapestries, textile art and carpets at basement and ground level (sui generis) since it opened in 1991.

The applicant describes the various activities which comprise the use as follows:

- i. The Temperature Controlled Depository.
 - Allows safe storage of 100s of privately owned works;
 - Contains important holdings tapestries and needlework, second only to the National Collection at the Victoria and Albert Museum.
- ii. The Archive Library.
 - Founded in 1987 and moved to 80 Jermyn Street in 1991;

- Largest tapestry archive in world with over 200,000 cross referenced images of European tapestries;
- Contains 2 x study/ reading areas with photocopying facilities and microfilm readers for scholars;
- Library of reference books begins with title from 1840 and includes 1000s of out of print titles as well as the very latest publications;
- 3,500+ academic articles and scholar journals from the 19th century onwards;
- 1000s of auction titles and sales records which allow accurate and up to date appraisals/ valuations and to successfully identify works that have been stolen;
- Collection of images by the Art Loss Register to assist with identifying stolen works;
- Collection of Dealer's records acquired from world's leading dealers from last 120 years.

iii. Advice, services and information.

- Valuations for inter museum loans for exhibitions worldwide insured by govt. indemnity, example of recent cases are Boston Museum of Fine Arts, the Metropolitan Museum of Art, and the National Trust;
- Expert reports provided including valuations for the Acceptance in Lieu Scheme for the Arts Council on behalf of HRMC and valuations for Heritage Lottery Grants;
- Assistance provided to arrange loans for major exhibitions;
- Academic catalogues published in-house including design layout and photography;
- Lighting and photo equipment used for record purposes;
- Restoration and repair services and general advice and information relating to specific antique fabrics, tapestries, and textiles.

iv. Commercial Gallery.

- Sales are mostly to museums and collectors;
- Museum representatives, private clients or their interior designers will discuss their needs and items of potential interest will be shown;
- Sales are almost exclusively by prior appointment;
- Retail stock stored on specially designed pull-out screens in the ground and basement.

In summary, the applicant asserts that 80 Jermyn Street comprises of a composite of uses and should be considered sui generis.

The City Council's records

The Council's records indicate a planning application was refused on 15 June 1988 for the change of use of the premises from Class A1 retail to Class A3 wine bar/restaurant (ref. 88/01058/FULL).

This gives an indication that the lawful use of the unit was Class A1 retail in 1988.

Representations received/ other evidence

The landlord (The Ascott Limited) who acquired the Cavendish Hotel in 2012 has provided the following evidence to contest the issuing of a Lawful Development Certificate.

- i. Email from Gerald Eve on behalf of The Cavendish Hotel Ltd (part of The Ascott Limited) dated 27 October 2016;
 - Consider the lawful use of unit to be Class A1 given the lawful use would have been Class A1 in 1991 and there has been no planning applications to change the use of the unit since;
 - Consider Class A1 use is supported by the principal lease granted in 1991 which contained a clause that states the tenant could not:

“use or permit or suffer to be used the demised premises or any part thereof otherwise than as a shop with showroom and ancillary office use for the retail trade or business of dealers in oriental carpets tapestries needlework antique furniture or works of art”.
 - The photographic evidence supplied with the statutory declarations demonstrate that as recently as September 2015 was not being used as a depository or archive library, but was being used for the storage of wine;
 - The extensive archive at 80 Jermyn Street is an ancillary function of the primary retail use of the premises and required to enable the business to prove the provenance of the items it buys and to guarantee the authenticity of what it sells;
 - The alleged number of visits to the archive is very low (averaging around four per week);
 - Services provided are on a commercial basis, not as a community benefit ; and
 - The applicant has previously described the use as a Class A1 retail gallery in an objection to our current application for the site (ref. 15/11669/FULL).
- ii. Statutory declarations and supporting photographs by Stephen Harvey, Rebecca Catherine Hollants Van Loocke, and Charles Batchelor dated 25 October 2016;
 - The declarations are provided by the Regional Maintenance Manager UK responsible for the real estate assets of The Ascott Limited within the UK (Stephen Harvey); the Regional General Manager UK and Ascott Director (Rebecca Catherine Hollants Van Loocke); and a property advisor to The Ascott Limited (Charles Batchelor).
 - In summary, the declarations all confirm that they have all visited the premises in 2015 and noticed large quantities of wine stored in the basement.

Applicant’s response to representations received

The applicant has provided the following in response to the landlord’s objection:

- i. Email from Savills on behalf of the applicant dated 15 November 2016; and
- ii. Statutory declaration by Simon Sidney Franses dated 14th November 2016.

The content of the response is summarized below:

- Comments on the planning history and lease are irrelevant as the test for a Lawful development certificate is for the 10 years prior to the application;
- The storage of wine for the refreshment of clients is an entirely normal aspect of dealing in very valuable works of art and should be regarded as ancillary to the retail use component of the mixed ‘sui generis’ use;

- The landlord does not dispute services are provided beyond the sale of carpets/ tapestries;
- The landlord does not know the ownership of the stored carpets/ tapestries and cannot dispute the existence of the depository use;
- The landlord does not know what the archive library contains or how it is arranged;
- The landlord is in no position to compare the usage of the archive library for the purpose of proving provenance with usage by researchers;
- Many objections to the associated planning application confirm usage of the archive library which is not ancillary to retail activity;
- The applicant's objection to the associated planning application referring to the use of the unit as Class A1 was never intended as an authoritative statement of the use nor should it be taken as such;
- The landlord's comments and conclusions confirm they have no understanding of the applicant's unique or specialized business.

Determination of the Application

The key issue is whether the applicant has demonstrated, on the balance of probabilities, that the lawful use of the site is a mixed use comprising retail, depository, research centre, archive library, consultancy, publishing, and conservation for historic tapestries, textile art and carpets at basement and ground level (sui generis).

Following a site visit, officer's observations of the current operation indicate a mixed use comprising retail, depository, research centre, archive library, consultancy, publishing, and conservation for historic tapestries, textile art and carpets at basement and ground level (sui generis).

Contrary to the objections received from the landlord, the non-retail uses of the site are not considered to be ancillary to the retail use because they are neither incidental, nor ordinarily incidental, to that use. For example, the archive and the depository uses plainly also include uses which are independent from the retail use of the site. It is considered that the components of the existing use of the site fall outside the scope of a Class A1 retail use, and more properly comprise a mixed sui generis use of the premises as a whole.

The applicant has submitted two statutory declarations with supporting documentary and photographic evidence confirming that the existing sui generis use has continued, uninterrupted, for more than 10 years prior to submission of the applications (since at least 1998). This evidence is considered sufficiently precise and unambiguous to justify the grant of a certificate. Moreover, it is considered that the local planning authority has no sufficient evidence, including that submitted by the landlord, to contradict or otherwise make the applicant's version of events less than probable.

The statutory declarations submitted by the landlord principally relate to short site visits carried out between 23 July 2015 and 4 September 2015. These visits did not involve an inspection of the entire premises and they were not intended to ascertain the existing use of the premises. In contrast, the applicant has a much more detailed knowledge of the use of the site throughout the last 10 years, and therefore the applicant's evidence regarding the nature and different components of that use is preferred.

Observations regarding the storage of cases of wine are not considered to indicate an interruption of the existing sui generis use. The statutory declaration from Mr Franses confirms that wine has been stored at the site since 1998 for the purposes of entertaining clients, and there is no evidence to contradict or dispute this. On balance, this use is considered to be ancillary to the retail component of the mixed sui generis use, rather than comprising a further additional element of the mixed sui generis use.

Accordingly, it is recommended to issue a Lawful Development Certificate because sufficient evidence has been submitted to demonstrate that, on the balance of probability, the use of 80 Jermyn Street has been a mixed use comprising retail, depository, research centre, archive library, consultancy, publishing, and conservation for historic tapestries, textile art and carpets at basement and ground level (sui generis) continuously for ten or more years prior to the date of receipt of the application.

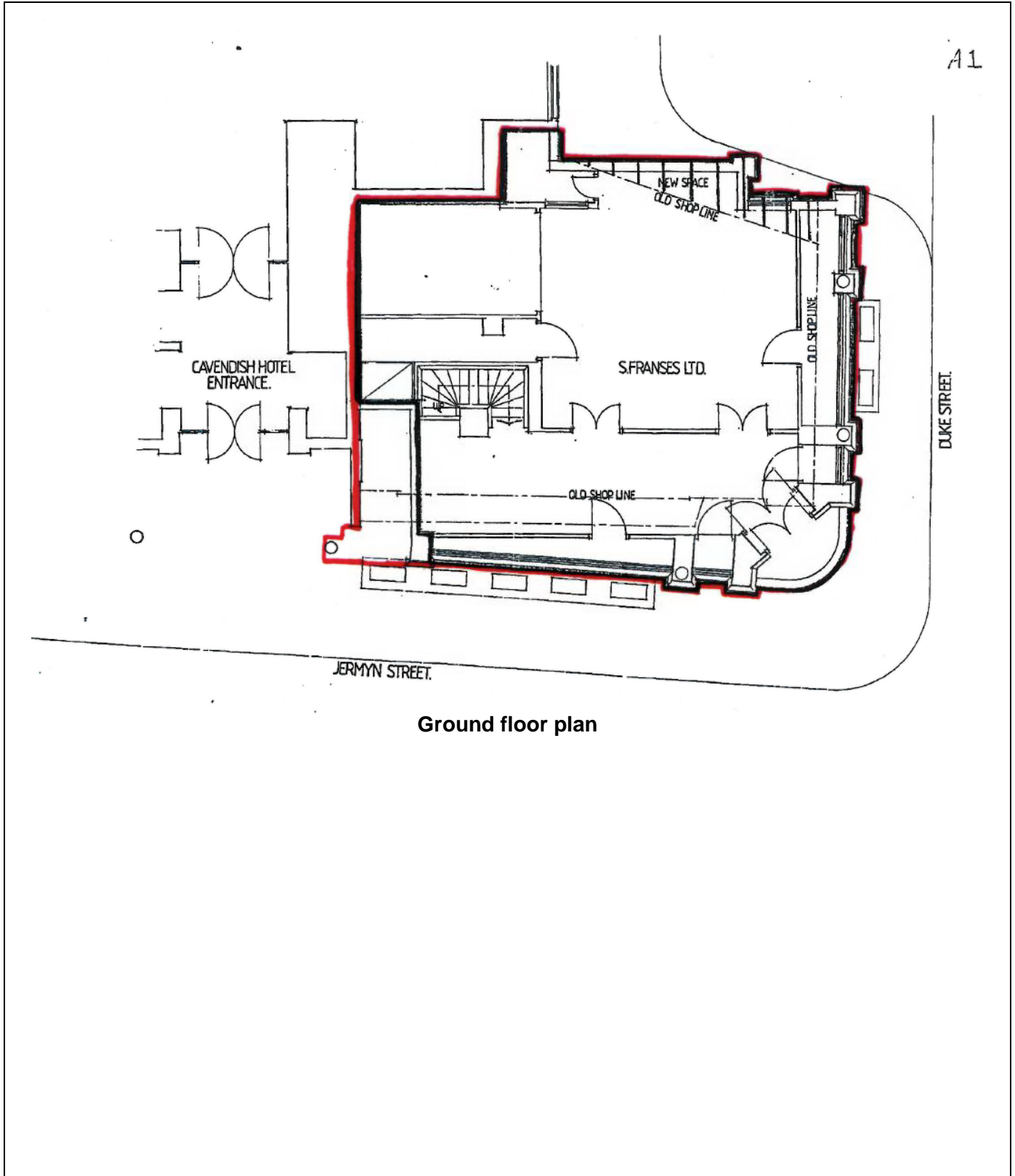
9. BACKGROUND PAPERS

1. Application form.
2. Letter from Savills on behalf of the applicant dated 20 July 2016.
3. Statutory Declaration by Ms Barbara Swirski dated 20 July 2016 (with attachments including floorplans and photos).
4. Email from Gerald Eve on behalf of The Cavendish Hotel Ltd (part of The Ascott Limited) dated 27 October 2016.
5. Statutory declarations and supporting photographs by Stephen Harvey, Rebecca Catherine Hollants Van Loocke, and Charles Batchelor dated 25 October 2016.
6. Email from Savills on behalf of the applicant dated 15 November 2016; and
7. Statutory declaration by Simon Sidney Franses dated 14th November 2016.

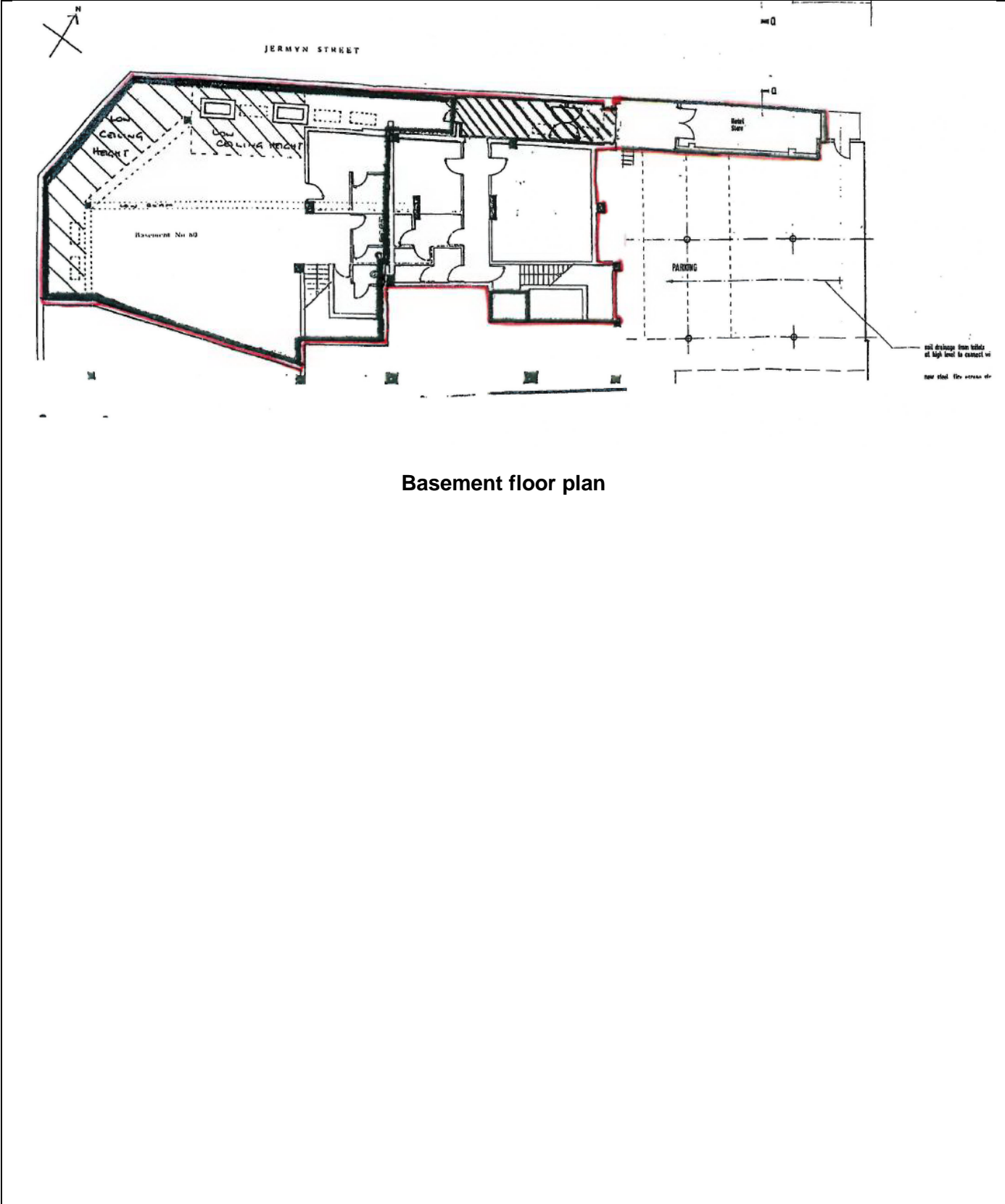
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VINCENT NALLY BY EMAIL AT VNALLY@WESTMINSTER.GOV.UK

10. KEY DRAWINGS



Ground floor plan



Basement floor plan

DRAFT DECISION LETTER

Address: 80 Jermyn Street, London, SW1Y 6JD,

Proposal: Lawful Development Certificate for a mixed use comprising retail, depository, research centre, archive library, consultancy, publishing, and conservation for historic tapestries, textile art and carpets at basement and ground level (sui generis).

Reference: 16/06894/CLEUD

Plan Nos: Location Plan; Basement and Ground Floor Plans; Statutory Declaration by Ms Barbara Swirski dated 20 July 2016; Letter from Savills dated 20 July 2016; Statutory Declaration by Simon Sidney Franes dated 14 November 2016.

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

Recommended Condition(s) and Reason(s)

The City Council is satisfied that, on the balance of probability, 80 Jermyn Street has been a mixed use comprising retail, depository, research centre, archive library, consultancy, publishing, and conservation for historic tapestries, textile art and carpets at basement and ground level (sui generis) for a continuous period of at least 10 years prior to the date of the application.

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.