



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 17th January, 2017**

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 Director of Law 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. VARIOUS LOCATIONS NW8, NW6, W9 WITHIN NORTH WESTMINSTER INCLUDING PRINCE ALBERT ROAD, LONDON | (Pages 9 - 62) |
| 2. 33 GROSVENOR PLACE, LONDON, SW1X 7HY | (Pages 63 - 108) |
| 3. 35 - 43 LINCOLN'S INN FIELDS, LONDON, WC2A 3PP | (Pages 109 - 152) |
| 4. 18, 20-24 BROADWICK STREET AND 85 BERWICK STREET, LONDON, W1F 8JB | (Pages 153 - 178) |
| 5. 1 CHILTERN STREET, LONDON, W1U 7PA | (Pages 179 - 200) |
| 6. 84 - 86 GREAT PORTLAND STREET, LONDON, W1W 7NR | (Pages 201 - 220) |
| 7. 55 SHEPHERD MARKET, LONDON, W1J 7PU | (Pages 221 - |

8.	25 - 26 ALBEMARLE STREET, LONDON, W1S 4HX	228) (Pages 229 - 248)
9.	6 - 14 MANDEVILLE PLACE, LONDON, W1U 2BE	(Pages 249 - 276)
10.	40 BEAK STREET, LONDON, W1F 9RQ	(Pages 277 - 296)
11.	57 BROADWICK STREET, LONDON, W1F 9QS	(Pages 297 - 322)
12.	449 OXFORD STREET, LONDON, W1C 2PS	(Pages 323 - 336)
13.	18 - 22 CRAVEN HILL, LONDON, W2 3EN	(Pages 337 - 358)
14.	COMPASS HOUSE, 22 REDAN PLACE, LONDON, W2 4SA	(Pages 359 - 376)

Charlie Parker
Chief Executive
9 January 2017

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 17th January 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN NO(s) : 16/04837/FULL Regent's Park	Various Locations NW8, NW6, W9 Within North Westminster Including Prince Albert Road London	Erection of 26 sets (1, 2 or 3 poles) of 5.5m high supporting poles (black colour coated steel poles) and linking wires (clear nylon filament) associated with the creation of an Eruv (continuous boundary designated in accordance with Jewish law) within the north of Westminster around and including St John's Wood NW8, Maida Vale, Westbourne Green and Little Venice W9, Prince Albert Road and vicinity NW8 and Randolph Gardens and vicinity NW6.	
<p>Recommendation For the Committee's consideration:</p> <p>1.</p> <p>a) Does the Committee consider that the advantages to parts of the Jewish community, outweigh the harm caused by additional street clutter and street pruning and harm to the setting of heritage assets.</p> <p>b) Does the Committee consider that poles (TBC- I will update this) require further changes and these can be dealt with by an amending condition.</p> <p>2. Subject to 1. above, grant permission subject to an amending condition to secure amendments under 1b above, and subject to the completion of a s106 legal agreement to secure:-</p> <p style="padding-left: 40px;">I. Maintenance Strategy for poles and wire. II. Cost of maintenance of street trees III. Applicant to take on public liability.</p> <p>3.If the S106 legal agreement has not been completed within six weeks from of the date of the Committee's resolution then:</p> <p>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</p> <p>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.</p>				
Item No	References	Site Address	Proposal	Applicant
2.	RN NO(s) : 16/08369/FULL	33 Grosvenor Place London SW1X 7HY	Redevelopment behind retained facades of existing office building (Class B1) to create medical clinic (Class C2), including alterations to the existing northern, southern and eastern elevations: partial demolition and redevelopment of the existing western	

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	Knightsbridge And Belgravia		elevation along with additional alterations including the creation of a servicing and delivery bay; minor excavation at basement level including provision of lift pits and water attenuation tanks; demolition and redevelopment of the existing fifth floor level; addition of roof top extension at sixth floor level for plant machinery; infill of the existing atria; and other associated alterations.	
<p>Recommendation</p> <p>1. Grant conditional permission subject to a S106 legal agreement to secure:</p> <ul style="list-style-type: none"> i) A contribution to the Council's carbon off-setting fund of £642,600; ii) An Operational Management Plan (including the setting up of a Community Liaison Group and detailed emergency services and valet/car parking strategy); iii) Highway works surrounding site; iv) A contribution of £75,000 towards the Transport for London safety scheme; v) A Travel Plan; vi) The provision of employment, training and local procurement opportunities; vii) Monitoring costs. <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <ul style="list-style-type: none"> 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 the 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. 				
Item No	References	Site Address	Proposal	Applicant
3.	<p>RN NO(s) : 16/09110/FULL 16/09111/LBC</p> <p>St James's</p>	35 - 43 Lincoln's Inn Fields London WC2A 3PP	Partial demolition, refurbishment and redevelopment of the Royal College of Surgeons (Barry Building: 39-43 Lincoln's Inn Fields) to provide new accommodation for the College (Class D1); including alterations at roof level and a new building comprising 2 levels of basement, ground and six upper floors, set behind the retained front facade and range of the Barry Building. Installation of associated plant and equipment; alterations to the front forecourt of the building to provide level access and cycle parking; and associated works.	
<p>Recommendation</p> <ul style="list-style-type: none"> 1. Grant conditional permission including a Grampian Condition to secure mitigation measures for the failure of the development to provide adequate on site carbon reductions. 2. Grant conditional listed building consent. 3. Agree the reasons for granting conditional listed building consent as set out in informative 1 of the draft decision letter. 				

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Item No	References	Site Address	Proposal	Applicant
4.	RN NO(s) : 16/09526/FULL West End	18, 20-24 Broadwick Street And 85 Berwick Street London W1F 8JB	Demolition of 20-24 Broadwick Street & 85 Berwick Street and partial demolition of 18 Broadwick Street and redevelopment of the site to provide new buildings comprising three basement levels, ground floor and first to eighth floor levels in connection with the use of the buildings for retail (Class A1) at part basement and ground and a hotel (Class C1) with associated bar and restaurant facilities including terraces at sixth and seventh floor levels; installation of plant at basement level and on the rear elevation at first to sixth floor levels. Installation of a partially retractable roof over the bar area at eighth floor level.	
Recommendation Refuse permission – height and bulk and mass of the roof extension and the height, bulk and design of the extensions to 18 Broadwick Street.				
Item No	References	Site Address	Proposal	Applicant
5.	RN NO(s) : 14/11804/FULL Marylebone High Street	1 Chiltern Street London W1U 7PA	Variation of Conditions 1, 8, 9, 23, 26 and 31 of planning permission dated 8 December 2014 (RN: 14/08741) for use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; NAMELY; ; to vary the wording of Condition 8 to remove reference to a bar and identify the areas of the hotel to which non-resident hotel guests can have access to and remain on the premises after 2400 hours; to revise Condition 9 to refer to an updated Management Plan; to vary condition 23 (to clarify the areas of the hotel restricted by the capacity condition) and revisions to Conditions 1, 26 and 31 to refer to an updated drawing number for a revised Ground Floor plan.	
Recommendation 1. Grant conditional permission subject to a deed of variation to the existing legal agreement dated 18 December 2014 to refer to this new permission. 2. If the legal agreement has not been completed within six weeks of the date of the Committee 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				

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	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.			
Item No	References	Site Address	Proposal	Applicant
6.	RN NO(s) : 16/08770/FULL West End	84 - 86 Great Portland Street London W1W 7NR	Installation of low level ductwork around the roof at rear third floor level; plant screening around low level ductwork; raising of existing central plant enclosure screen; installation of boiler flue at rear third floor roof level alterations to parapet walls and associated works.	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
7.	RN NO(s) : 16/09864/TCH 16/09865/LBC West End	55 Shepherd Market London W1J 7PU	Use of an area of public highway measuring 18.9m x part 3.5m for the placing of 15 tables and 37 chairs and installation of timber decking, planters with awning support stations and glazed screens, timber trellis and free-standing external heaters and lighting in connection with the use of the public highway for the placing of tables and chairs.	
Recommendation 1. Refuse permission-design. 2. Refuse listed building consent-harm to listed building.				
Item No	References	Site Address	Proposal	Applicant
8.	RN NO(s) : 16/10126/FULL West End	25 - 26 Albemarle Street London W1S 4HX	Use of the ground and basement floors as a restaurant (Class A3), installation of plant at rear first floor level and roof level with a high level extract duct on the rear elevation. Installation of two high level gas flues on the rear elevation and a replacement rooflight at rear first floor level.	
Recommendation Grant conditional permission.				

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Item No	References	Site Address	Proposal	Applicant
9.	RN NO(s) : 16/10598/FULL Marylebone High Street	6 - 14 Mandeville Place London W1U 2BE	Extension and reconfiguration of ground and lower ground floors of the Hotel to create additional floorspace beneath a new atrium for conference and event purposes; creation of new retail unit and a reconfiguration of existing restaurant facing Marylebone Lane with alterations to the ground floor facades; amalgamation of a 1 and 2 bed residential unit at first floor level of No 4 & No 6 Mandeville Place and a rear first floor extension to create a family sized residential unit. Use of ground and lower ground floors of No.4 Mandeville Place as Class D1.	
Item No	References	Site Address	Proposal	Applicant
10.	RN NO(s) : 16/07669/FULL West End	40 Beak Street London W1F 9RQ	Variation of Condition 1 of planning permission dated 06 June 2015 (RN: 15/04904/FULL) for the demolition of the existing building and redevelopment to provide a new five storey building (plus basement) for use as Class A3 restaurant at part of ground and basement floors and Class B1 offices at part basement, part ground and first to fifth floors. Creation of terrace at roof level and plant. Excavation of existing basement by one metre; namely, to allow amendments to windows at fourth floor level, revised mullions to shopfront at ground floor level, reduction of width of corner artwork, extended projecting nib at ground floor level, dry riser inlet / entry panel shown; white glazed brickwork incorporated within plant enclosure (to match courtyard) and increase the height of restaurant awnings.	
Item No	References	Site Address	Proposal	Applicant
11.	RN NO(s) : 16/08557/FULL	57 Broadwick Street London W1F 9QS	Variation of Conditions 1, 16, 21 and 22 of planning permission dated 29 April 2016 (RN: 15/07957/FULL) alterations and extensions to the existing building including erection of single storey extension at roof	

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	West End		<p>level to enlarge fourth floor level and extensions at ground, first, second and third floor levels on north (Broadwick Street), south and west (Marshall Street) elevations to provide ancillary car / cycle parking, ancillary plant and retail (Class A1) at basement level; part retail (Class A1), part dual / alternative retail (Class A1) and / or cafe / restaurant (Class A3), part office entrance (Class B1) and part residential entrance (Class C3) at ground floor level; dual / alternative office (Class B1) and / or retail (Class A1) use at first floor level and installation of plant at rear first floor level; office (Class B1) with rear terraces at second and third floor level; part office (Class B1) with front terraces and two flats (Class C3) with terraces at fourth floor level and installation of kitchen extract plant to fourth floor roof. (Land use swap with Shaftesbury Mansions, 52 Shaftesbury Avenue); namely to vary the approved plans of waste and recycling/cycle parking and residential parking, relocation of substation from basement level to ground floor level.</p>	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to a deed of variation to the original S106 dated 29 April 2016 to ensure that all the previous planning benefits are secured.</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p>a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefit listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;</p> <p>(b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefit which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>				
Item No	References	Site Address	Proposal	Applicant
12.	RN NO(s) : 16/10374/FULL	449 Oxford Street London W1C 2PS	Use of part basement, ground and first floors as a composite use comprising car showroom and retail (sui generis).	
<p>West End</p> <p>Recommendation</p> <p>Refuse permission - loss of retail floorspace.</p>				

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Item No	References	Site Address	Proposal	Applicant
13.	RN NO(s) : 16/04185/FULL 16/04186/LBC Lancaster Gate	18 - 22 Craven Hill London W2 3EN	Internal and external works of repair and alteration comprising extensions to the rear of the buildings at lower ground and ground floor, rebuilding of the mansard roof storey, insertion of a passenger lift within No.20, landscaping to the rear garden and use of the three buildings as 24 self-contained residential apartments (Class C3).	
Item No	References	Site Address	Proposal	Applicant
14.	RN NO(s) : 16/09616/FULL Lancaster Gate	Compass House 22 Redan Place London W2 4SA	Removal of roof level plant enclosures and replacement with a roof level extension to form an additional residential flat with external terraces.	

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 th January 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road, Regent's Park, Bryanston & Dorset Square, Church Street, Little Venice, Maida Vale, Harrow Road, Westbourne.	
Subject of Report	Various Locations NW8, NW6, W9 Within North Westminster London.		
Proposal	Erection of 26 sets (1, 2 or 3 poles) of 5.5m high supporting poles (black colour coated steel poles) and linking wires (clear nylon filament) associated with the creation of an Eruv (continuous boundary designated in accordance with Jewish law) within the north of Westminster around and including St John's Wood NW8, Maida Vale, Westbourne Green and Little Venice W9, Prince Albert Road and vicinity NW8 and Randolph Gardens and vicinity NW6.		
Agent	Mr Daniel Rosenfelder		
On behalf of	United Synagogue Trusts Ltd		
Registered Number	16/04837/FULL	Date completed	15 July 2016
Date Application Received	23 May 2016		
Historic Buildings Grade	Poles 1A and 1B cross Warwick Avenue and are located adjacent to the Grade II listed Warwick Avenue Bridge and outside of the Grade II* listed Junction House. Pole 37B is located adjacent to Grade II* Crockers Folly PH on Cunningham Place.		
Conservation Areas	Many poles are located within the St John's Wood Conservation Area, Maida Vale Conservation Area and the Regent's Park Conservation Area.		

1. RECOMMENDATION

For the Committee's consideration:

1.

a) Does the Committee consider that the advantages to parts of the Jewish community, outweigh the harm caused by additional street clutter and street pruning and harm to the setting of heritage assets.

b) Does the Committee consider that poles 1A/B, 2A/B, 25B, 27A, 33A/B, 37B and 39C and require further changes and these can be dealt with by an amending condition.

2. Subject to 1. above, grant permission subject to an amending condition to secure amendments

under 1b) above, and subject to the completion of a s106 legal agreement to secure:-

- I. Maintenance Strategy for poles and wire.
- II. Cost of maintenance of street trees
- III. Applicant to take on public liability.

3.If the S106 legal agreement has not been completed within six weeks 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.

2. SUMMARY

Planning permission is sought for the erection of 51 poles on the public highway within north Westminster. These poles are associated with the creation of an ERUV (a continuous boundary designated in Jewish Law) which would enable members of the Jewish community that observe the Sabbath, to carry personal effects within the public domain of the ERUV. The proposal has brought about considerable and mixed representations from within and outside of Westminster. Councillors from Abbey Road, Regent's Park and Bryanston and Dorset Square Wards and the St John's Wood Society and Paddington Waterways and Maida Vale Society have all raised objection to the proposal on various grounds including the principle.

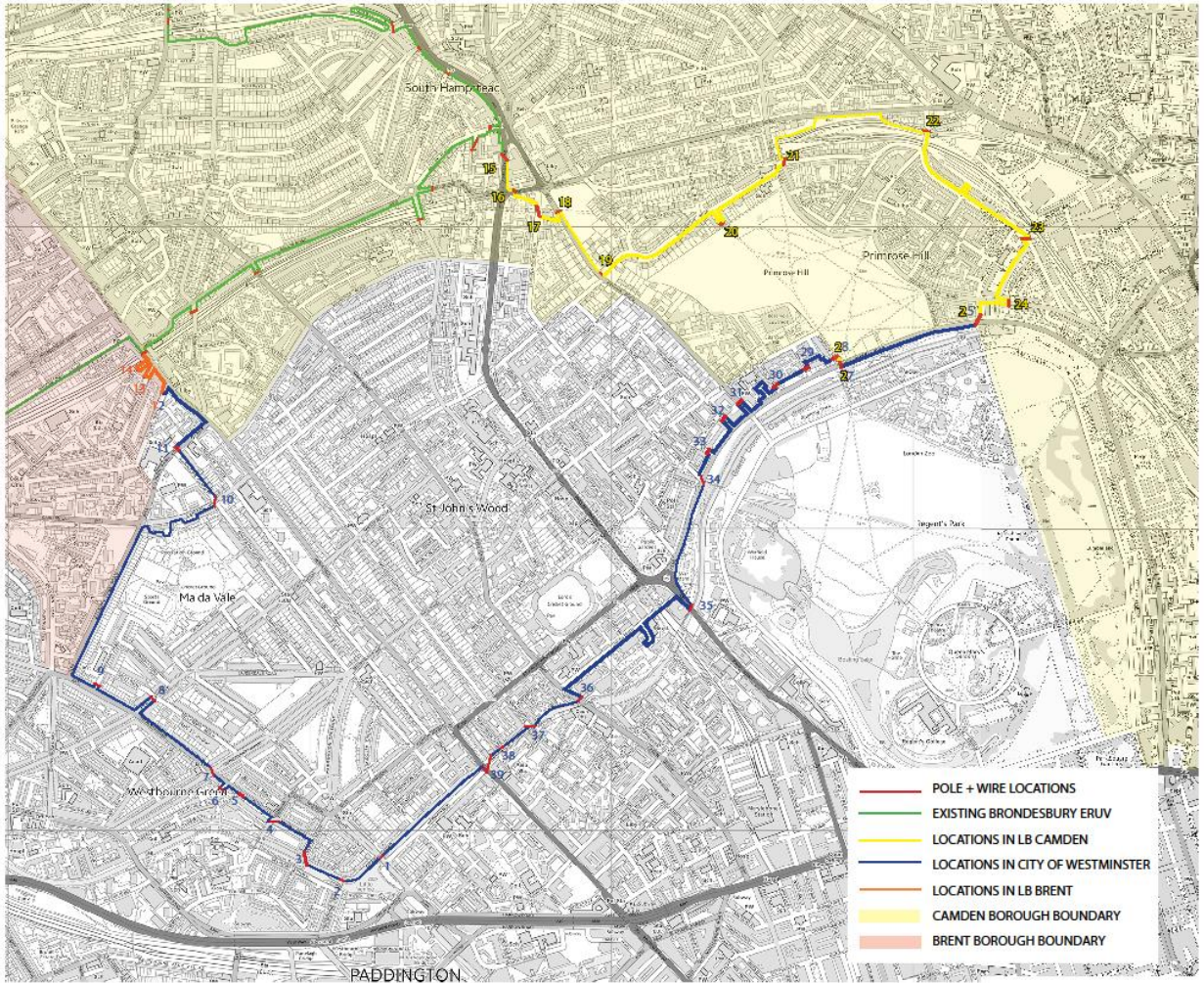
Considerable representations of both objection and support have been received on various grounds including social cohesion and street clutter and heritage impact.

The key issues in this case are:-

1. The effect of the proposed poles and wires on the character and appearance of the street scene, the character and appearance of the St John's Wood, Maida Vale and Regent's Park conservation areas and on the setting of listed buildings.
2. The effect of the proposed poles on the pedestrian highway
3. The effect of the proposal on street trees
4. The impact of the proposal on social cohesion

The principle of the poles on the highway is undesirable contrary to policy to reduce street clutter and the proposal is also considered to result in harm (less than substantial) to heritage assets and affect pedestrian highway. However a number of poles that are of particular concern could be relocated to less harmful locations and an amending condition is therefore recommended to secure this. The public benefits of the proposal to members of the Jewish community could be considered to outweigh the identified harm and provide exceptional circumstances in which to depart from policy. Therefore subject to the relocation of some poles and the completion of a S106 to ensure all costs associated with the proposal are met by the applicant, a favorable recommendation is made.

3. LOCATION PLAN- Various locations within North Westminster.



4. PHOTOGRAPHS

Location 25 Prince Albert Road



Location 1 Blomfield Road



Location 39 Edgware Road



Location 37 Crocker's Folly PH



5. CONSULTATIONS

Ward Councilors

Abbey Road Ward Councillors Hall, Warner & Freeman

Objection, introduces street clutter and detrimental visual impact, impact on car parking and trees and wildlife.

Installation of poles and wire into the public realm contrary to policy DES7 for the following reasons: 1) addition of street furniture 2) impact on conservation areas 3) impact on setting of listed buildings; 4) impact on Bridges & Regents Park. A large number of black steel poles will have a negative visual impact and do not enhance the local environment in Westminster.

The City Council has worked hard over many years at significant cost to tax payers to clear streets of unnecessary clutter and reversing this trend is contrary to policy, to the benefit of a small private group with no desirable function to the greater public good. City Council has a duty under national legislation to promote good relations between persons of different racial groups and obligations under local policy to safeguard public realm. Altering the public realm to accommodate the private religious beliefs of any one group is not conducive to a harmonious, inclusive, open and tolerant society that has always prevailed in St John's Wood. Lines of division or exclusivity may lead to disharmony and misunderstanding in acutely sensitive times and given rise to further requests from other groups that would be hard to resist.

The applicant has stated that around 8,700 people will benefit from an Eruv in North Westminster. Whilst many will continue to walk to their place of worship, with the restriction on use of transport lifted (within the Eruv) many may be encouraged to use a car which raises concern given that Abbey Road Ward has no parking enforcement at the weekends and which frequently puts a strain on limited residents parking, especially around Abbey Road and Grove End Road. It is likely that parking enforcement will have to be introduced.

Many poles lie in close proximity to trees which raises concern about impact on wildlife.

Regent's Park Ward Councillor Rigby

Objection, introduction of poles on the street will have a negative visual impact and will do nothing to enhance St John's Wood and is contrary to policies on street clutter and preserving and enhancing the character and appearance of conservation areas. Proposal would be detrimental to good relations and social cohesion. We need to create a harmonious, open and inclusive society which has always been the case in NW8 where opinions and religious beliefs sit side by side. Do not want to create a division or upset this harmony especially at this very sensitive time.

Bryanston & Dorset Square Ward Councillor Alexander

No objection, if it can be realised without the installation of extra street furniture as the City Council has been removing obstructions on the footway to make it safer for pedestrians and to improve sightlines for all drivers.

Church Street Ward Councillors

Any response to be reported verbally.

Little Venice Ward Councillors

Any response to be reported verbally.

Maida Vale Ward Councillors

Any response to be reported verbally.

Westbourne Ward Councillors

Any response to be reported verbally.

Greater London Authority

The application does not raise any strategic planning issues given the scale and nature of the submission.

Transport For London (arboriculturalist)

Comment. There are two TFL street trees on Edgware Road (No.39) on the junction with Aberdeen Place. The tree on the south side has been reduced and regrowth would impede the installation of cabling between the poles. The tree on the north side would also require some minor works to facilitate any cable installed between the trees. Pruning works are recommended which would also be beneficial for the maintenance of the highway.

Historic England

Do not wish to offer any comments on this occasion. This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

The Royal Parks

Any response to be reported verbally.

Regents Park Conservation Area Advisory Committee

Any response to be reported verbally.

Canal & River Trust

No objection in principle. The poles are not proposed on the Canal & River Trust Land, and in principle we have no issues with the application. However query whether pole (1A) which is proposed to be located outside of Junction House (Grade II listed and owned by Canal & River Trust), could be relocated to the other side of the road. Also wonder if there had been any concerns raised about birds or bats flying into the clear filament wire.

Natural England

No comments to make. Application is not likely to result in significant impacts on statutory designated nature conservation.

Thames Water Utilities Ltd

Any response to be reported verbally.

London Borough of Camden

Any response to be reported verbally.

London Borough of Brent

Any response to be reported verbally.

St John's Wood Society

Objection. Proposal is socially divisive within diverse local community and contrary to policy to reduce street clutter. The Society values the desirable, multicultural, multi-faith and economically diverse community and are working hard through neighbourhood planning to achieve a high level of social cohesion and to better embrace our inherent diversity. Regents Park ward profile is more ethnically diverse than the city as a whole and is ranked in the top 2% of ethnically diverse communities in England.

As evidenced by the larger number of objection the application had proved to be socially divisive within our diverse local community. The City Council has a clear policy to declutter public realm and which this proposal is contrary to and is particularly applicable within or on the border of conservation areas where street clutter can be detrimental to the character of the area. Request that additional weight is given to comments from residents within the boundaries of the proposed ERUV.

Paddington Waterways & Maida Vale Society

Objection. Overall the proposal is harmful to the conservation area and would undermine social cohesion policy. Contrary to policy on reduction of street furniture and clutter and poles are visually intrusive against a number of properties and assets and are therefore considered harmful to the conservation area. The proposal to install new street furniture rather than make use of the existing increases both visual and physical clutter on the pavement. A number of proposed locations are considered to cause significant harm (1a/b; 2a/b; 3a/b; 4a/b; 5a/b; 6a/b, 7a/b, 8a/b, 9a/b, 10b; 11a; 39 a/c) to footway widths and or heritage asset and street scape. Fully committed to supporting social cohesion, which is relevant to the society's area as home to people from a wide range of communities, who coexist successfully in a faith neutral context. This is in contrast to bordering areas which typically have characters defined by particular community groups. The society believes that no individual group should have an enhanced presence in the area. Suggest that any structure artefact or activity which extends the footprint of a particular faith group beyond existing places of worship, meeting places or schools, should be avoided.

The St Marylebone Society

Defer to conservation officer.

North Paddington Society

Any response to be reported verbally.

Highways Planning

Refuse on transportation grounds. The proposal represents poles on the highway, which is contrary to the City Council's Westminster Way and policies S41, TRANS3 and DES7, which seek to provide a clutter free environment that puts the pedestrian first and secures an improved environment for pedestrians given that the primary function of the highway is the free and unobstructed movement of the highway users.

The majority of poles are located on the back edge of the footway, whereas the majority of supporting infrastructure street furniture (signage, street trees, litter bins) is located near the kerb edge. It is difficult to agree that the proposal complies with Westminster transportation and street scape policies in certain locations (1a, 2a/b, 3b, 4a, 6b, 11b, 12a, 25b, 27a, 28b, 29a, 30a, 33b, 39a, 39c).

There is also no guarantee (in the absence of site survey of underground conditions) that each pole can be installed as shown. The application would also need to secure a license under the Highways Act for structures to be positioned within the highway Authority may not support any licensing application under the Highways Act to install the structures.

Arboricultural Officer

Comment. The proposal will affect a large number of highway trees. The tree pruning required is similar to that carried out for normal highway tree maintenance but the frequency may increase, with the associated cost to the City Council and disruption whilst taking place. The cumulative effect on highway tree maintenance, any disruption that causes and the resultant need to prune protected trees is not desirable and does not benefit the wider community.

Any works would require permission as tree pruning is not proposed as part of this application.

Conditions would be required to secure an arboricultural method statement for tree protection during installation and excavation. It may also be appropriate to secure a section 206 arrangement for ongoing tree pruning costs related to the Eruv poles.

Cleansing

No objection.

Designing Out Crime Officer

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1577 Total No. of replies: Numerous responses from 894 addresses

No. of objections: Numerous responses from 339 addresses

No. in support: Numerous responses from 545 addresses

Neutral: 10

The City Council consulted neighbouring properties which adjoin the proposed location of the erection of a pole and wire and displayed a site notice near each of these locations. It is noted that a number of representations in support of the proposal appear to have been received from addresses outside of Westminster.

Objections

Principle

- The Right of the Common Man is at the heart of British justice and rests on our age-old belief that all people should level in freedom within the law (English Law not religious law).
- Contrary to every tenet of our culture
- Unnecessary addition that Jewish law has done without for many years
- No religion should be able to disrupt the general area in this way.
- We live in a secular society, religion should be expressed at home and place of worship
- A permanent structure in the community is not appropriate
- The Jewish laws should be altered not the secular society they live in
- Judaism allows for an evolving interpretation of its laws.
- Would lead to a segregation of a multi-cultural society
- Will cause anti-semitism and alienate other cultures and religions that enjoy the area and that Londoners consider is one of the special features of our society.
- Resent being made to live in a zone indentifiably associated both in situ on and on public record, with any religious grouping
- The transient sopund of the call to prayer is never permitted from the mosque, even on the holiest days.
- Not advisable in strong presence of Muslims given atrocities in other countries.
- It's a device for evading strict rules
- Breaches Human rights
- Is archaic and not supported by all Jews
- This is a multi-faith society where no one minority or majority should be gaining advantage
- Sets a precedent for other religious groups.
- Will only benefit a small minority yet impact is experienced by all symbolically and visually
- Less diversity, more ghettoisation
- If the applicants want to be governed by religious law they should move to such a location.
- Poles have heavy religious overtones
- Does not contribute to cohesive society
- Projection of minority beliefs on public space

- Some members of the Jewish community do not share these beliefs
- Favour neutrality of the public space
- Do not want my property within a designated religious area
- Resentment could lead to violence
- Has no place in this country
- Current British law is based on Christian values not Jewish law.
- Conflicts with secular approach maintained by the UK government and will open up a pandoras box for other outlandish requests based on Sharia law and Hinduism law.
- They should adapt their lifestyle to integrate into Christian society and not the other way round
- Minority groups should not have special visual privileges
- Public spaces are for everybody
- Would divide and split the community
- Living in the dark ages this is the 21st century
- Totally unnecessary
- Will become a terrorism target
- Application concerned with religious avoidance not practice
- The Eruv is not merely notional
- Offensive to other religious groups
- Very close to Regent's Park mosque and they may ask to call to prayer.
- St John's Wood has had 3 synagogues for the past 50 years and an Eruv was never deemed necessary for a fair and peaceful practice of Judaism.
- Questionable as to whether Equality Act applies in this case – as an artificial ruse to facilitate non observance of religion.
- Breeds segregation.
- No relevance to 99.9% of residents

Design and conservation

- Unacceptable on aesthetic grounds
- Unacceptable impact on conservation areas
- Impact on listed buildings along the route
- Impact on Crocker's Folly PH a Grade II* listed building
- Do not want more street furniture
- The introduction of metal structures which are meaningless for the vast majority of people is inconsistent with how the environment is managed.
- Could set a precedent for other street furniture
- Ugly and unsightly 5.5m high poles
- Clutter on streets
- Want to keep the beauty and historical character of our neighbourhood
- Impact on canals and canal bridges, Little Venice, Regents Park and Primrose Hill
- Will disfigure the London landscape
- Physical intrusion
- Impact on ambience of area including areas of historical value.
- Hideous poles and wires
- Incongruous
- Impact on views within conservation areas.
- We go the trouble and expense to bury electricity, telephone and cables

Highways

- This is public land and a religious group should not command right over it.
- Less street furniture helps people with limited mobility
- Street clutter is challenging for older citizens, mobility scooters, buggies
- Wire will impact on vehicles
- Neighborhood is already over-burdened with street furniture
- Impact on air ambulance
- Traffic hazard

- Impact on pedestrian highway
- Poles do not perform a function
- Currently all poles fulfill some essential purpose to safety, traffic regulation, or information for the good of all

Environmental

- Detrimental impact on trees within our conservation areas and some subject to tree preservation orders
- Impact on tree and hedge maintenance, building site works and access points
- Wires pose a hazard to birds and bats
- Hazard in bad weather

Other

- Who will pay for all of this
- Everyone should have been consulted
- Consultation process questionable
- Poor timing of application during summer
- Suspiciously co-ordinated- looking weight of comments in a short period claiming to support the application.
- Many representations of support do not bother to comment properly and is probably a campaign by the local synagogue.
- Why can't the area just be on a map/phone app and not require the poles and wires.
- Will negatively affect house prices as it will only attract Jewish buyers
- Concerned about maintenance
- Why don't we put the poles and wires around the M25 where it would not be so detrimental.
- Assume applicant accepts all liability for removing graffiti, repainting poles, reinstating, broken wire, road closures for maintenance, compensation in the event of injury

Support

Principle

- Will assist members of the synagogue in the area that have young families, elderly or disabilities and enhance their quality of life.
- Vital lifeline for community
- Will enhance the religious and cultural life and diversity of the borough and neighbouring boroughs.
- Benefits outweigh impact of street furniture
- No negative impact on other communities
- No planning grounds to without permission
- Similar proposals have been implemented in other locations in London and around the world
- Granting Eruv would be a clear demonstration of tolerance and inter faith co-operation.
- Other Eruvs are unobtrusive and respectful and have not had a detrimental impact
- Allows more active life in the local community
- Poles have no religious significance
- No change to social cohesion, population trend or community relations
- Will not create a ghetto
- Will enable greater social interaction
- Will enhance family life

Design

- Special care has been taken to minimize the impact of the poles.
- Poles virtually invisible /discreet once installed.
- No adverse impact
- Respects London's architecture

Other

- No adverse impact on neighbours amenities, road access, servicing or aesthetics or any local services.

PRESS ADVERTISEMENT / SITE NOTICE: Yes (various locations)

6. BACKGROUND INFORMATION

6.1 The Application Site

This application seeks planning permission for development which will take place on a number of sites which are not contiguous. The application site consequently comprises of 26 locations within the north of Westminster, which are predominantly public highway (apart from 4A). Many of the locations fall within the St John's Wood Conservation Area, Maida Vale Conservation Area or Regent's Park Conservation Area. Some locations are close to Regent's Canal and the Grand Union Canal and some are located adjacent to Grade II * and Grade II Listed Buildings. Most of the locations are within residential areas, although some are outside of commercial properties.

6.2 Recent Relevant History

London Borough of Camden

Pending applications:-

2016/1436/P Camden Eruv (Belsize Park, Hampstead (including south and west)

2016/2892/P Camden section of North Westminster Eruv.

Camden website indicates that these applications have not been determined.

London Borough of Brent

Granted application on 21.08.2014. 14/1252 Brondesbury Eruv (Brondesbury, Cricklewood, West Hampstead, Queens Park, Willesden, Kilburn).

7. THE PROPOSAL

7.1 Summary of proposal

A single application has been submitted for planning permission for physical works of development necessary to create what is known as an 'Eruv'. The physical works comprise the erection of a number of sets of poles (joined by wires) on the pedestrian highway located within the north of Westminster. In some cases a pole within Westminster is proposed to be joined by a wire to a pole within Camden or Brent.

A total of 26 "sets" of poles are proposed comprising one, two or three poles joined by a nylon wire, a total of 51 poles. The poles are predominantly 5.5m high to straddle a vehicular highway, however where they cross only a pedestrian footpath the poles and wire are 3.3m high. The poles are cylindrical in shape and constructed of galvanized steel and colour coated black. The wire is 0.5mm nylon fishing line.

NB/ It is noted that the location of some of the poles on the plans do not always match the photographs submitted by the applicant and do not always reflect the current street furniture arrangement. Furthermore the applicant has sought to submit amendments to the original submission during the course of the application in response to representations made by various parties and including two additional locations, however these amendments have not yet been formally accepted or consulted upon, but will be referenced in this report.

8. DETAILED CONSIDERATIONS

8.1 Key issues

As a notional or symbolic boundary, the Eruv itself is not a structure which requires planning permission, but the poles and wire required to create the Eruv do require planning permission. The key issues in the determination of this application are:-

- The effect of the proposed poles and wires on the character and appearance of the street scene, the character and appearance of the St John's Wood, Maida Vale and Regent's Park conservation areas and on the setting of listed buildings.
- The effect of the proposed poles on the pedestrian highway
- The effect of the proposal on street trees
- The impact of the proposal on social cohesion.

Each element of the proposed development (each of the poles and wire) has been considered on its site specific merits in relation to development plan and national policy on design, conservation areas, listed buildings, highways, trees and any other relevant issues.

8.2 What is an Eruv?

An Eruv is a notional boundary recognized by Jewish law, within which activities normally prohibited during the Sabbath, are permitted. It is a legal 'fiction' which transforms a public place into a private domain by enclosing the area inside the boundary.

The Sabbath is a day set apart by Jewish law from the working week, in which family time and spiritual pursuits are emphasized and weekday activities associated with work area prohibited.

Within an Eruv those following Jewish law are able to carry certain items and perform certain activities that are otherwise prohibited on the Sabbath (the observance of the Sabbath is from sunset on Friday until nightfall on Saturday). This includes carrying personal effects (handkerchiefs, keys, spectacles) or pushing items or carrying out certain activities in places that are considered a public domain and certain activities including using transport, pushing wheelchairs, using pushchairs, walking sticks etc. which would otherwise be prohibited.

Physically an Eruv can be formed by the existing environment and natural boundary features like buildings, fences, walls, but where this is breached by roads, it is necessary to enclose these "gaps" by the erection of a notional gateway in the form of poles linked by a wire. The Eruv then allows those following Jewish law to move freely within the Eruv on the Sabbath to pursue social, communal and leisure activities.

8.3 Who could benefit from the Eruv?

The creation of the Eruv would therefore benefit members of the (Jewish) community who observe the Sabbath and in particularly those with disabilities and the elderly that require physical aids to go outside and those with small children using prams or carrying babies.

The applicant has indicated that this application has been submitted on behalf of the United Synagogue, which is the central body of traditional Judaism in England, but with the initial impetus for the proposal from the St John's Wood Synagogue, Grove End Road (the flagship member of the United Synagogue), which has a congregation of 3,500 (1,300 adult members including 500 'family members';, children and non-members). The applicant also suggests that members of other synagogues in the local area would also benefit from the ERUV as detailed below.

The Spanish & Portuguese Synagogue, Lauderdale Road has a community of 1,500 (600 adult members including 250 'family members'; children and non-members). 'Anshei Shalom' Grove End Road is a predominantly young congregation with a community of 750 (300 adult members including 120 'family members'; children and non-members).

The ‘Saatchi Synagogue, Andover Place, has a community of 500 (200 adult members including 90 ‘family members’; children and non-members). ‘New London Synagogue’, Abbey Road, has a community of 2,300 (850 adult members). ‘Chabad’ Synagogue, Fairfax Road, Harringay, has a community of 175 (70 adult members including 35 ‘family members’; children and non-members). The applicant therefore suggests that overall the number of persons who could benefit from the ERUV is around 8,700.

The City Council’s most up to date data is sourced from the 2011 census and a breakdown of Westminster’s residents by religion, which indicates that there were 7,237 Jewish residents, of which the largest proportion reside in Abbey Road and Regent’s Park wards (1,564 and 1,042 respectively) and which accounts for 2% of Westminster’s population.

The applicant also suggests that based on the 226,841 population of the City of Westminster (Office of National Statistics 2013, updated 2011 census figures), allowing for say 80% of the total being resident within the City Westminster, this application will benefit approximately 3.8% of the local population – and approximately double that percentage if the above-mentioned concentration within North Westminster is taken into account. The applicant also suggests that this figure excludes many residents from other adjoining boroughs, some of which have approval for an ‘eruv’ as well as tourists who will all benefit from inclusive accessibility to social, leisure, community and religious participation for all members of the communities regardless of any special mobility or care needs.

These figures are useful in so far as they indicate the number of residents within Westminster of Jewish faith and the number of members of the synagogues in the locality. However from the representations received during this application, it appears that some Jewish people within Westminster and the locality do not agree with the need for the ERUV, and or do not observe the Sabbath and would therefore not benefit from the proposal. The above figures should therefore be viewed with this in mind. Furthermore, it is unclear as to the number of more vulnerable members of the community (those with small children, elderly and disabled and other with limited mobility) that would particularly benefit from the ERUV.

The size of the Jewish religious group in the area and the requirements of their religious observance are noted. The religious need for the proposal is understood and it is acknowledged that the proposal would benefit this particular part of the community and would be particularly beneficial to more vulnerable members of that community including the elderly, those with disabilities and those with young children, reducing the religious social inequalities.

8.4 Assessment

The table below sets out the key points relating to the location of each of the poles and is followed by a detailed pole by pole assessment.

Table 1

Pole no.	Street	No. of poles	Hgt (M)	Wire length	Conservation Area	Listed Building/ Canal Bridge	Existing & proposed footpath width (M)	Trees	Residential property
1A/ B	Blomfield Road /Warwick Avenue	2	5.5	22	Maida Vale	Junction House Grade II listed. Canal Bridge	2.10-1.80 2.85-2.55	Future pruning	No
2A/	Westbourne	2	5.5	16	Maida Vale		2.10-	Current &	No

B	Terrace Road Bridge					Canal Bridge	1.80 1.97 – 1.67	future pruning	
3A/ B	Blomfield Road/Clifton Villas	2	5.5	26	Maida Vale		0.80- 0.50 1.90-1.60	Tree already regularly pruned	Yes b
4A/ B	Formosa Street	2	5.5	22	Maida Vale		Not highway/ private land	Excessive and future pruning of Pear tree	Yes a/b
5A/ B	Shirland Road	2	3	5	No		2.50- 2.20 2.50- 2.20 Pedestrian Alleyway	Tree already regularly pruned	No
6A/ B	Braden Street	2	5.5	14	b Maida Vale		1.90-1.60 1.15-0.85	Private tree future pruning	No
7A/ B	Sutherland Avenue (junction with Shirland Road)	2	5.5	34	Maida Vale		3.50-3.20 4.00-3.70	Future pruning	Yes a/b
8A/ B	Delaware Road /Widley Road	2	5.5	36	Maida Vale		2.65- 2.35 2.60- 2.30	Future pruning of Plane & Alder from time to time.	Yes a/b
9A/ B	Essendine Road	2	3.3	18	No		2.80-2.50 2.80-2.50	Future pruning of Plane tree from time to time	Yes a/b
10A /B	Randolph Avenue (junction with Carlton Vale)	2	5.5	51	10a Maida Vale	TPO Holm Oak	3.20- 2.90 2.70- 2.40	Current & future pruning to Alder & London Plane & private Holm Oak	Yes a/b
11A /B	Kilburn Park Road	2	5.5	36	No		3.07- 2.77 2.60-2.30	Future pruning of Plane trees	Yes a
12A	Oxford Road Linked with pole in Brent	1	5.5	14	No		2.10-1.80	Future pruning of Alder	Yes a

								& Estate trees (Lime & pine)	
25B	Prince Albert Road (junction with St Mark's Square). Linked with pole in Camden	1	5.5	28	Regents Park		1.70-1.40	No works	No
27A	Prince Albert Road (junction with Ormonde Terrace). Linked with pole in Camden	1	5.5	17	Regents Park		1.80-1.50	Future pruning of private Lime trees	No
28B	Ormonde Terrace. Linked with pole in Camden	1	5.5	10	No		1.98-1.68	No trees	Yes
29A /B	Wells Rise	2	5.5	16	No		1.80-1.50 2.70-2.40	Future pruning of Whitebeam & apple trees	Yes a/b
30A /B	Titchfield Road	2	5.5	15	No		1.55-1.25 2.60-2.30	Current and future pruning to Pear tree	Yes a/b
31A /B	Avenue Road	2	5.5	17	No	TPO sycamore	2.40-2.10 2.50-2.20	Current and future pruning to private sycamore tree.	Yes b
32A /B	Townshend Road	2	5.5	16	No	TPO cedar	n/a 2.10-1.80	Future pruning of Cedar tree after 10 years	Yes a/b
33A /B	Eamont Street	2	5.5	16	No		3.00-2.70 1.90-1.60	Future pruning to a silver Birch Tree	Yes a/b
34A /B	Charlbert Street/Prince Albert Road	2	5.5	43	Regents Park		2.10-1.80 2.40-2.10	Current and future	Yes a

								pruning to plane tree.	
35A /B	Park Road	2	5.5	24	35a - Regents park	a - Adj canal	TFL	Future pruning of plane trees in 10 years	Yes b
36A /B	Lisson Grove	2	5.5	24	No	b – adj canal	5.00-4.70 4.00-3.70	Current & future pruning to plane trees	No
37A /B	Cunningham Place	2	5.5	33	37b – St John's Wood	Crockers Folly PH Grade II * listed	3.60-3.30 3.70-3.40	Future pruning of plane tree	No.
38A /B	Northwick Terrace	2	5.5	17	St John's Wood	TPO cherry	2.20-1.90 3.30-3.00	Current and future pruning of the apple and private cherry	Yes a/b
39A /B/C	Edgware Road. TFL Road and trees	3	5.5	9 &45	St John's Wood/Maida Vale		1.70-1.40 1.10-0.80	Current & future tree pruning to plane trees.	
Total of 26 sets of 1,2 or 3 poles		Total of 51 poles							

8.5 Assessment of individual poles

8.5.1 Poles 1A & B Warwick Avenue/Blomfield Road

These cross Warwick Avenue and are immediately adjacent to the grade II listed Warwick Avenue Bridge; and pole 1A would also be directly outside the grade II listed Junction House, within the Maida Vale Conservation Area. These poles would have a harmful (Less than substantial) impact on the setting of these listed buildings which has brought about objection from the Paddington Waterways and Maida Vale Society (PWMVS) and Canal & River Trust on heritage grounds and would be additional street clutter within the conservation area.

Pole 1A outside of Junction House would reduce the available pedestrian highway further from 2.1m to 1.8m which is regrettable, but the pavement in this location is already compromised by the tree. Pole 1B would maintain adequate footpath of 2.55m.

There is a London Plane street tree in the footpath of Blomfield Road, which would overhang pole 1A and which is likely to require future pruning to prevent conflict with pole and wire.

It is not considered that the poles in this location, some distance from residential windows would result in any significant adverse impact on residential amenity.

The applicant has during the course of the application submitted an alternative location for these poles relocating them to Warwick Avenue.

This is a preferred location, but has not yet been formally accepted or consulted upon. As an alternative location is available, the relocation of poles 1A and 1B is recommended to seek to overcome the harm set out above, and this can be overcome by an amending condition.

8.5.2 Poles 2A & B Westbourne Terrace Road Bridge

These cross the bridge within the Maida Vale Conservation Area and would be additional street clutter within the conservation area and have brought about objection from the PWMVS on heritage grounds.

Poles 2A & 2B would reduce the available pedestrian footway to 1.8m and 1.67m respectively, which is regrettable, but the pavement width in this location has already been compromised.

The false Acacia tree on the canal side would overhang pole 2A and is likely to require future pruning to prevent conflict with the pole and wire.

It is not considered that the poles in this location some distance from residential windows would result in any significant adverse impact on residential amenity.

During the course of the application, the applicant has submitted an alternative location for these poles, relocating them to Warwick Place. This is a preferred location, but has yet been formally accepted or consulted upon. As an alternative location is available, the relocation of poles 2A and 2B is recommended to seek to overcome the harm set out above and objections raised and this can be overcome by an amending condition.

8.5.3 Poles 3A & 3B Blomfield Road /Clifton Villas

On Blomfield Road the pole is located adjacent to a brick boundary wall and joins with the pole located on Clifton Villas, adjacent to the low boundary to the side curtilage of No.57 Blomfield Road. The poles would be additional street clutter within the Maida Vale Conservation Area and have brought about objection from the PWMVS on heritage grounds.

There is currently no real footway in the location of the brick boundary wall on Blomfield Road and the 80cm footway would be reduced to 50cm. On Clifton Villas the footway would be reduced from 1.9m to 1.6m. Whilst regrettable, the pavement width in this location is already compromised.

There is a private Lime Tree within the curtilage of No.27 Clifton Villas which is the subject of a Tree Preservation Order (TPO) which is likely to require future tree pruning to prevent conflict with the pole 3b and wire.

Given the juxtaposition of pole 3B to the windows of 57 Blomfield Road and 27 Clifton Villas and the distance of pole 3A from residential properties it is not considered that the poles in this location would result in any significant adverse impact on residential amenity.

8.5.4 Pole 4A & 4B Formosa Street

These cross Formosa Street and would be additional clutter within the Maida Vale Conservation Area and has brought about objection from the PWMVS on heritage grounds.

Pole 4A appears to be on private land. Pole 4B would maintain adequate footpath of over 2m.

Pole 4A would be located adjacent to a Chanticleer Pear street tree (bigger than that shown in the applicant's submission) and this pear tree would require excessive pruning to facilitate the pole and is likely to require future tree pruning to prevent conflict with the pole and wire. Pole 4B would be located between two semi mature street Lime Trees, would be sufficient distance from these trees so as not to affect them.

It is not considered that the poles in this location would result in any significant adverse impact on residential amenity.

8.5.5 Poles 5A & 5B Shirland Road

These cross the pedestrian path leading from Shirland Road and would be additional clutter within the street scene, outside of a conservation area and have brought about objection from the PWMVS on townscape grounds.

Pole 5A would be located in front of a private cherry tree within the curtilage of Amberley Estate and is not considered to be affected by the propose pole and wire.

Over 2m of unobstructed footpath would be maintained.

It is not considered that the poles in this location would result in any significant adverse impact on residential amenity.

8.5.6 Poles 6A & 6B Braden Street

These cross the road and would result in additional clutter within the street scene and Maida Vale Conservation Area (pole 6B falls within the conservation area) and has brought about objection from the PWMVS on heritage and townscape grounds.

The Elm and False Acacia street trees on the corner of Braden Street and Shirland Road are not affected by the proposed poles and wire. However a private London Plane Street within the rear curtilage of No.4 Shirland Road is likely to require future tree pruning to prevent conflict with the pole 6A and wire.

The poles would reduce the pedestrian footway to 1.65m and 0.85m which is regrettable, but the pavement width is already compromised in this location.

It is not considered that the poles in this location would result in any significant adverse impact on residential amenity.

8.5.7 Poles 7A & 7B Shirland Road/ Sutherland Avenue

These diagonally cross Shirland Road at the junction with Sutherland Avenue from outside of No.60 Shirland Road to outside of No.86/88 Sutherland Avenue and would create additional clutter within the Maida Vale conservation Area and has brought about objection from the PWMVS on heritage grounds.

There is a young plane street tree outside of 86/88 Sutherland Avenue which is likely to require future tree pruning to prevent conflict with pole 7B and wire. The pole may also interfere with maintenance of the hedge in this location.

Over 2m of unobstructed foothpath would be maintained.

It is not considered that the poles in this location would result in any significant adverse impact on residential amenity.

8.5.8 Pole 8A & 8B Delaware Road/Widley Road/Elgin Avenue

These cross Elgin Avenue from adjacent to the side elevation of No.142 Elgin Avenue (which fronts Delaware Road) to adjacent to the side of Westside Court, No.107-113 Elgin Avenue (which fronts Widely Road) and would create additional clutter within the Maida Vale Conservation Area and have brought about objection from the PWMVS on heritage grounds.

There is a London Plane street tree adjacent to No.142 Elgin Avenue on Delaware Road, but this tree is not considered to be affected by pole 8A. The London Plane and Alder street trees close to pole 8B are likely to require future pruning from time to time to prevent conflict with pole 8B and wire.

Over 2m of unobstructed footpath would be maintained.

It is not considered that the poles in this location would result in any significant adverse impact on residential amenity, however it is noted that the pole is in close proximity to a first floor balcony to 142 Elgin Avenue and the pole could be considered to give easier climbing access to this property.

8.5.9 Poles 9A & 9B Shirland Road /Essendine Road

These cross Essendine Road from adjacent to the flank of No.169 Shirland Road to adjacent to the flank of No.171 Shirland Road and would create additional clutter within the street, outside of a conservation area and has brought about objection from the PWMVS on townscape grounds.

There is a London Plane street tree adjacent to the rear garden of 169 Shirland Road close to pole 9A which is likely to require future pruning from time to time to prevent conflict with pole 9A and wire.

Over 2m of unobstructed footpath would be maintained.

It is not considered that the poles in this location would result in any significant adverse impact on residential amenity, however it is noted that the pole is in close proximity to a first floor flat roofs to 169 & 171 Shirland Road and the poles could be considered to give easier climbing access to these flat roofs.

8.5.10 Poles 10A & 10B Randolph Avenue

These diagonally cross Randolph Avenue, at the junction with Carlton Vale from adjacent to the flank of the surgery on Carlton Vale to adjacent to the flank of 12 Carlton Vale, and would create additional clutter within the Maida Vale Conservation Area and has brought about objection from the PWMVS on heritage grounds.

An Alder street tree is located in Randolph Avenue and a London Plane Street tree on the corner of Randolph Avenue and Carlton Vale. A Holm Oak Private tree is located within the front curtilage of No.12 Carlton Vale and is the subject of a Tree Preservation Order. The Alder tree will need to be pruned to facilitate pole 10A and its wire. All three trees will require future pruning (including Holm Oak if not pruned for other reasons) to prevent conflict with poles 10A & B and its wire.

Over 2m of unobstructed footpath would be maintained.

It is not considered that the poles in this location would result in any significant adverse impact on residential amenity.

8.5.11 Poles 11A & 11B Kilburn Park Road

These cross Kilburn Park Road from adjacent to the flank of Torridon House to adjacent to the brick boundary wall with St Augustine's CE Primary School and would create additional clutter within the street outside of a conservation area and has brought about objection from the PWMVS on townscape grounds.

There are two London plane street trees, one on each side of Kilburn Park Road which are likely to require future tree pruning to prevent conflict with poles 11A & 11B and its wire.

Over 2m of unobstructed footpath would be maintained.

It is not considered that the poles in this location would result in any significant adverse impact on residential amenity.

8.5.12 Pole 12A Oxford Road (Close to Kilburn High Road)

This is located on south side of Oxford Road and is joined by a wire to a proposed pole on the opposite side of Oxford Road within the London Borough of Brent.

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The pole would create clutter in the street outside of a conservation area.

There is an Alder Street Tree on Oxford Road and a Lime tree and Pine tree within the curtilage of Tollgate Estate, which are likely to require future pruning to prevent conflict with the pole and wire.

The pavement would be reduced to 1.8m, which in this location, whilst regrettable is considered acceptable.

It is not considered that the poles in this location would result in any significant adverse impact on residential amenity.

8.5.13 Pole 25B Prince Albert Road

This is located on Prince Albert Road adjacent to a Zoo building, opposite the junction of St Mark's Square and is joined by a wire to a proposed pole on the opposite side of Prince Albert Road within the London Borough of Camden. In addition a clear polycarbonate sheet (864x 200x 9mm) spanning between top and bottom rails is proposed to be fixed to both sides by means of cable ties to the existing railings, although it is unclear as to why this is necessary. The pole and additional polycarbonate sheet would create clutter within the Regent's Park Conservation Area.

A Norway maple tree is located adjacent to the Zoo building and close to the pole, but the tree and pole are unlikely to conflict.

The pole is close to one of the main pedestrian routes to London Zoo and would reduce the available pedestrian footway to 1.4m, due to the proximity of the pole to other existing street furniture

It is considered that the location of this pole and need for the polycarbonate sheet requires relocation /further consideration, and this can be overcome by an amending condition.

It is not considered that the poles in this location would result in any significant adverse impact on residential amenity.

8.5.14 Pole 27A Prince Albert Road (junction with Ormonde Terrace)

This pole is located on Prince Albert Road, opposite the junction of Ormonde Terrace and is joined by a wire to a proposed pole on the opposite side of the road outside Primrose Hill Lodge within the London Borough of Camden, and would create clutter within the Regent's Park Conservation Area.

There are two middle aged Lime trees within the Zoo grounds which are likely to require future pruning to prevent conflict with the pole and wire.

The pavement would be reduced to 1.5m, due to the proximity to an existing lamp post and could be overcome by a minor relocation of the pole.

It is not considered that the poles in this location would result in any significant adverse impact on residential amenity.

It is considered that the location of this pole requires relocation and this can be overcome by an amending condition/

8.5.15 Pole 28B Ormonde Terrace

This pole is located on Ormonde Terrace adjacent to the flank of Kings Court and adjacent to the pedestrian gate and would create clutter within the street, outside of a conservation area.

There are no trees in this location that are affected by the proposal.

The pavement would be reduced to 1.68m which is regrettable, but not unacceptable in highway terms.

Whilst there are windows in the flank of King's Court, given the location of the pole in relation to the windows it is not considered that the pole in this location would result in any significant impact on residential amenity.

8.5.16 Pole 29A & 29B Wells Rise

These poles cross Wells Rise adjacent to the flanks of Consort Lodge and St James Close and would create clutter within the street outside of the conservation area.

There is a young whitebeam street tree near pole 29A to Consort Lodge and a mature pillar apple in front of pole 29b to St James Close. When the young whitebeam tree grows it is likely to require future pruning to prevent conflict with pole 29A and its wire.

The pavement would be reduced to 1.5m by pole 29A, due to a tree pit, however whilst regrettable is not unacceptable in this location. The pavement to pole 29B would be maintained at over 2m.

Whilst there are windows in the flank of Consort Lodge and St James Close, given the location of the pole in relation to the windows it is not considered that the pole in this location would result in any significant adverse impact on residential amenity.

8.5.17 Pole 30A & 30B Titchfield Road

These poles cross this road adjacent to the flank of Primrose Court and Stockleigh Hall and would create clutter within the street outside of a conservation area.

There are two Chanticleer Pear street trees one on each side of the road. The tree adjacent to Stockleigh Hall will require pruning to facilitate the development and also future periodic pruning to prevent conflict with pole 30B and its wire.

The pavement would be reduced to 1.25m by pole 30A, due to an existing tree pit, which is regrettable, but not unacceptable in this location. Pole 30B would maintain 2m of pavement.

Pole 30A is adjacent to a brick flank wall of Primrose Court and pole 30B is separated from windows of Stockleigh Hall from its landscaped curtilage and it is therefore not considered that the pole in this location would result in any significant adverse impact on residential amenity.

8.5.18 Pole 31A & 31B Avenue Road

These poles cross Avenue Road adjacent to Saint Christinas Catholic School and London House and would create clutter within the street outside of a conservation area.

There is a private sycamore tree which is the subject of a Tree Preservation Order located adjacent to the school and a mature London Plane street tree on the opposite side of the road. Some pruning of both of these trees will be required to facilitate the development together with future pruning to prevent conflict with both poles and wire.

Over 2m of unobstructed pavement would be maintained.

It is not considered that the poles in this location would result in any significant adverse impact on residential amenity.

8.5.19 Pole 32A & 32B Townshend Road

These poles cross Townshend Road, adjacent to vehicular access to London House and adjacent to the flank of Viceroy Court and would create clutter within the street, outside of a conservation area.

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1

There is a mature Cedar tree located within the curtilage of London House and a young cherry tree within the curtilage of Viceroy Court. As the Cedar tree continues to grow it may require further pruning in the long term (in around 10 years).

Pole 32B would reduce the pavement to 1.8m, which is not unacceptable in this location. Pole 32A would not affect pavement width.

It is not considered that the poles in this location would result in any significant adverse impact on residential amenity.

8.5.20 Poles 33A & 33B Eamont Street

These poles cross Eamont Street and would create clutter within the street outside of a conservation area.

There are two young Himalayan birch street trees on the north side of the road and the closest one is likely as it grows to require future pruning to prevent conflict with the wire.

Pole 33B would reduce the pavement to 1.6m which is regrettable but not unacceptable in this location. Pole 33A would maintain over 2m of unobstructed pavement.

Both poles are outside of and very close to residential windows which causes amenity concerns, however it is likely that this could be overcome by a slight adjustment to the location of these poles.

8.5.21 Poles 34A & 34B Charlbert Street/Prince Albert Road

These poles are joined by a diagonal wire from adjacent to the flank of Park View on Charlbert Street to adjacent to the hedge on Prince Albert Road and would create clutter within the St John's Wood Conservation Area and the Regent's Park Conservation Area.

There is a Whitebeam street tree on Charlbert Street and a London Plane street tree on Prince Albert Road. Whilst the Whitebeam would not be affected by the proposal, the London Plane tree will require future pruning to prevent conflict with the pole and wire.

Pole 34A would reduce the pavement to 1.8m which is regrettable but acceptable. Pole 34B maintains over 2m of unobstructed pavement.

It is not considered that the poles in this location would result in any significant adverse impact on residential amenity, however it is noted that the pole is in close proximity to a first floor window within Park View which could give easier climbing access.

8.5.22 Poles 35A & 35B Park Road

These poles are joined by a wire across Park Road, adjacent to the high brick wall to and adjacent to the entrance down to the Grand Union Canal, outside of a residential building and would create clutter within the Regent's Park Conservation Area.

There is a private London Plane tree within the curtilage of Grove House on the east side of Park Road and young London Plane street tree on west side of Park Road. Neither tree would be affected by the proposal in the short term, however given the growth of Plane Trees they are likely to require pruning in the long term (in around 10 years).

This highway is part of the Transport for London Road Network and Transport for London has not raised concern on highways grounds.

It is not considered that the poles in this location would result in any significant adverse impact on residential amenity, however it is noted that pole 35B could be considered to give easier climbing access over the boundary wall of this property.

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8.5.23 Poles 36A & 36B Lisson Grove.

These poles cross Lisson Grove adjacent to the boundary brick wall to St John's Wood Sub-station and adjacent to the pedestrian path within the Wharnccliffe Gardens Estate, and would create clutter within the street outside of a conservation area.

There is a mature London Plane street tree on the east side of Lisson Grove and a London Plane tree at the entrance to the pedestrian alleyway /path within the estate. Both trees require pruning to facilitate the development as well as future pruning to prevent conflict with the poles and wires.

Over 2m of unobstructed pavement would be maintained.

It is not considered that the poles in this location would result in any significant adverse impact on residential amenity

NB/It is noted that the applicants plan and photo of pole 36A do not match in this case.

8.5.24 Poles 37A & 37B Cunningham Place/ junction with Aberdeen Place

These poles cross Cunningham Place from adjacent to the pedestrian alleyway/path and St Johns Wood sub-station to adjacent to and in front of Crockers Folly PH a Grade II* listed building, and would create clutter within the St John's Wood Conservation Area.

Pole 37B would be sited directly adjacent to the recently restored grade II* listed Crocker's Folly. This would have a harmful impact on this ornate façade and given the relief and modelling of the façade, it is likely that the pole would need to be set further from the building to avoid projecting elements, which would only further aggravate its impact. The application refers to a 1m high 100 fin at the rear of the pole. It is not clear what this means and if indeed it means there is a physical connection to the building. If so, this would require listed building consent. The degree of harm caused is considered to be less than substantial, so the public benefits would need to be weighed against the harm, bearing in mind the statutory duty to give special regard to the desirability of preserving listed buildings and their settings. For the above reasons it is considered that this pole requires relocation, and this can be secured with an amending condition.

There is a London Plane street tree outside of 10A Cunningham Place which will require future pruning to prevent conflict with pole 37B and its wire. There is also a young birch street tree in the vicinity which is not affected by the proposal.

Two meters of unobstructed pavement would be maintained and there are no objections on highways grounds.

NB/It is noted that the applicants plan does not reflect the current street furniture arrangement.

8.5.25 Poles 38A & 38B Northwick Terrace

These poles cross Northwick Terrace at its junction with Aberdeen Place would create clutter within the St John's Wood Conservation Area.

There is a private cherry tree which is subject of a Tree Preservation Order within the curtilage of No.1 Northwick Terrace and there is also a Pillar Apple Street tree on the west side of Northwick Terrace. The Apple tree may require pruning to facilitate the development and both trees will require future pruning to prevent conflict with the poles and wire.

Pole 38A would reduce the pavement to 1.9m due to the proximity of a lamp post, which is regrettable but accepted in this location. Pole 38B would maintain over 2m of unobstructed pavement.

It is not considered that the poles in this location would result in any significant adverse impact on residential amenity.

NB/It is noted that the applicants plan does not reflect the current street furniture arrangement which includes a lamp column and the photograph is not up to date.

8.5.26 Poles 39A, 39B & 39C Aberdeen Place, Edgware Road/Maida Vale, Maida Avenue

These poles are joined by wires from Aberdeen Place, to the corner of Maida Avenue and its junction with Edgware Road/Maida Vale, adjacent to Café Laville and would create clutter within the St John's Wood Conservation Area and the Maida Vale Conservation Area, which has brought about objection from the PWMVS on heritage grounds.

There are three London Plane street trees on Aberdeen Place and one in Maida Avenue. The trees in Aberdeen Place with require pruning to facilitate the development and future pruning of the trees is required to prevent conflict with poles and wires.

Edgware Road/Maida Vale is part of the Strategic Road Network and two trees on Edgware Road are Transport for London trees and their arboriculturalist has indicated that pruning of these trees would be required to facilitate the development together with future pruning of the trees to prevent conflict with the poles and wires.

Pole 39C would reduce the pavement to 0.80m due to a traffic sign close to the pedestrian crossing, which is unacceptable in highways terms. As such it is considered that this pole requires relocating.

It is not considered that the poles in this location would result in any significant adverse impact on residential amenity.

During the course of the application, the applicant has submitted an alternative location for these poles, relocating poles B and C. This is a preferred location from a highways perspective, but has yet been formally accepted or consulted upon. As an alternative location is available, the relocation of poles 39 A and 39B is recommended to seek to overcome the harm set out above. This can be secured by an amending condition.

NB/It is noted that the applicants plan and photograph no not match in this case and does not reflect the current street furniture arrangement.

8.5.27 Additional poles

During the course of the application the applicant has submitted proposals for two further locations of poles on Randolph Avenue (40A/40B) and Randolph Road (41A/41B) now required due to the relocation of poles 1A/1B and 2A/B from the Canal Bridges. These additional locations have not yet been formally accepted or consulted upon and it is therefore recommended that details are sought by an amending condition.

8.6 Overall Townscape and Design impact

The proposal raises a conflict with policy DES 7 Townscape management of our UDP which seeks to ensure the highest standards in all townscape details and generally seeks to resist the proliferation of clutter both on buildings and in the street. This approach is expanded upon in the supplementary planning document 'Westminster Way – Public Realm Strategy, Design Principles and Practice'. It is the conflict with this policy that has brought about many objections including from five Ward Councilors, the St John's Wood Society, PWMVS and a number of residents together with the impact on heritage assets.

Part B of the policy deals with street furniture and states: "Where the placement of street furniture requires planning permission, it shall be of a suitable standard and design, accord with the patterns of items already in use and generally be sited so as to be visually unobtrusive, having regard to the character and quality of the existing townscape.

The supporting text states that the City Council will resist the proliferation of clutter both on buildings and in the street by using all its available powers and identifies the potential for street furniture to result in visual clutter, confusion and a general air of untidiness if it is not carefully designed and sited. It states that whilst the provision of “street amenities” is to be welcomed, in some sensitive locations there are already so many individual items that further structures cannot be accommodated without harming the environment. It goes on to state that in conservation areas street furniture can be particularly discordant unless it is designed and sited with respect to the particular character of the area.

The proposed poles are located across a number of different locations and set near to or seen against buildings. Whilst in itself, the pole is similar in design to other street furniture (street lamps), they appear more prominent given the City Council’s little other street furniture on the highway apart from street lights. Furthermore the poles are proposed to be located to the rear of the pavement (close to properties) whereas the City Council’s street furniture is located to close to the kerb as a result of aiming to reduce street clutter. The poles, due to the nature of the proposal are located in exposed and prominent locations like Canal Bridges. As such the introduction of these poles, with their connecting wires will inevitably result in additional street clutter.

In addition there are substantial lengths of the ERUV boundary which are located either within the St John’s Wood Conservation Area, Maida Vale Conservation Area or Regent’s Park Conservation Area. The addition of street clutter to these conservation areas cannot be regarded as anything other than having a harmful impact on these areas. The degree of harm is certainly less than substantial and in such cases the public benefits of the scheme need to be weighed against the harm, bearing in mind the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Locations for the proposed poles are sensitive locations falling within conservation areas, adjacent to listed buildings, canals and canal bridges and many lie adjacent to residential properties.

In some cases the proposed poles would directly affect the setting of listed buildings and these are commented on as follows:

Poles 1A and 1B. These cross Warwick Avenue and are immediately adjacent to the grade II listed Warwick Avenue Bridge; and pole 1A would also be directly outside the grade II listed Junction House, which has brought about objection from the Canal and River Trust as owns of Junction house. These poles would have a harmful impact on the setting of these listed buildings. The applicant has during the course of the application submitted an alternative location for these poles relocating them to Warwick Avenue. This is a preferred location, but has not yet been formally accepted or consulted upon. As an alternative location is available, the relocation of poles 1A and 1B is recommended to seek to overcome the harm set out above, and this can be overcome by an amending condition.

Pole 37B. This would be sited directly adjacent to the recently restored grade II* listed Crocker’s Folly PH. This would have a harmful impact on this ornate façade and given the relief and modelling of the façade, it is likely that the pole would need to be set further from the building to avoid projecting elements, which would only further aggravate its impact. The application refers to a 1m high 100 fin at the rear of the pole. It is not clear what this means and if indeed it means there is a physical connection to the building. If so, this ought to require listed building consent. In this case it appears that there may be an alternative and relocation of this pole is recommended.

In both listed building cases, the degree of harm caused is again considered to be less than substantial, so the public benefits would need to be weighed against the harm, bearing in mind the statutory duty to give special regard to the desirability of preserving listed buildings and their settings.

8.7 Overall impact on trees

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The proposal will affect a large number of highway trees as detailed earlier in this report. Highway trees are generally crown lifted to 5m to clear vehicles, however given that the pole &

wire are proposed at 5.5m, the crown of affected trees will need to be lifted to 6m to allow for variation in wind, rain and tree growth. The amount of future pruning required is a little more than would be carried out for normal highway tree maintenance and whilst not desirable is not considered to have a significantly detrimental impact on the visual amenities that the trees provide. However the frequency of pruning/highway tree maintenance is likely to increase, resulting in a small increase in cost to the City Council as well as increased disruption while tree works are taking place. Younger trees and newly planted trees are likely to be affected to a larger degree until they can grow sufficiently to 'overtop' the poles and wire. The proposal will also require the pruning of privately owned trees either and or in the future and some are subject to Tree Preservation Orders and any works to such trees will require consent of the City Council as well as the consent of the owner.

It is recommended that the cost to the City Council of the additional tree pruning resultant from the proposal should be met by the applicant. Furthermore conditions will be required to secure an arboricultural method statement to ensure tree protection during installation. Subject to the above, the proposal is considered to satisfy policy ENV16 (Trees and Shrub cover) of our UDP and S38 (Biodiversity and Green Infrastructure) of our City Plan.

8.8 Overall impact on Highways

Policy TRANS3 (Pedestrians) of our UDP and S41 (Pedestrian Movement and Sustainability) of our City Plan, seeks to prioritise pedestrian movement and ensure pedestrian and highway safety. Some of the poles are proposed to be located where they would reduce the width of unobstructed pavement so as to be unacceptably detrimental to pedestrian movement and accessibility for all and it is recommended that these poles (25B, 27A, 39C) are relocated. A number of other poles would reduce the unobstructed pavement width to less than the recommended 1.8m-2m, which is regrettable, but not considered to be unacceptable in pedestrian highway safety terms.

Notwithstanding this planning application, the applicant would need to obtain a license under the Highways Act for the installation of the poles and for the wire to overhang the highway. The proposed pole foundation is 500mm diameter and 1.2 deep and the suitability of the proposed locations in terms of underground obstruction including utilities etc. will need to be considered at a later date under highways works.

Concern has been raised as to the potential for the proposal to increase demand for on street parking on the Sabbath, due to the ability to drive within the ERUV. However whilst car parking within the area may increase there is no evidence to suggest that it would be so significant to make the application unacceptable on such grounds.

8.9 Overall impact on Residential amenity

Policy ENV13 (protecting amenities, daylight, sunlight and environmental quality) and S29 of our City Plan seeks to protect and improve the residential environment and residents amenities. Apart from location 33 whereby the poles are recommended to be relocated for amenity reason, the remaining 49 poles are not located in close proximity to residential windows such that it is considered that they would have a detrimental impact on the amenity enjoyed by those residents.

8.10 Other issues

8.10.1 Impact on birds and bats

Concerns have been raised with respect to birds or bats flying into the clear filament wire by the Canals and River Trust, Abbey Road Ward Councilors as well as within some representations.

Natural England has indicated that it is unlikely that the proposal would result in significant impacts on statutory designated nature conservation in accordance with policy ENV17 (Nature Conservation) of our UDP and S36 and S37 of our City Plan.

8.10.2 Crime and security

Some poles (9A/B and 34A/B) are located close to flat roofs/walls which could be considered to potentially give easier climbing access to properties, however whilst the Metropolitan Police Designing Out Crime Officer has been consulted, no response has been received to date and any response will be reported verbally. The applicant is to be advised to liaise with the owners of these adjacent properties and to consider the use of anti-climb paint.

The Crime and Disorder Act 1998 (Section 17) puts a duty on relevant authorities (including local authorities) to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area and such issues are set out in policy S29 (Health Safety and Wellbeing) of our City Plan. Representations of objection have cited this Act and have raised concern at the potential for the proposal to raise religious tension. Whilst the Designing out Crime Officer has been consulted, no response has been received to date and any response received will be reported verbally.

8.10.3 Health & Safety

It is not considered that the proposal would result in any significant health and safety issues. The proposed wires are to be checked at least once a week by the applicant for the purpose of ensuring the poles and wires are in place for the ERUV and use on the Sabbath, and any breakages will be repaired by the applicant.

8.11 Social Cohesion as a material planning consideration

Legislation and policy

The Town and Country Planning Act 1990 states that in dealing with an application for planning permission, the authority shall have regard to the provisions of the development plan, so far as material to the application and to any other material considerations. Courts are the arbiters of what constitutes a material consideration and they have held that the Government statements of planning policy are material considerations.

Policy SOC1 of our UDP seeks to protect and improve social and community facilities.

Policy S34 of our City Plan relates to the protection and provision of social and community facilities and the supporting text to this policy states that "As Westminster grows and changes, social and community facilities must be provided to meet the changing needs of the City's diverse facilities.

National Planning Policy Framework March 2012 sets out the Governments planning policies for England. Social infrastructure is a component of all three dimensions of sustainable development; economic, social and environmental.

Diversity and Equality in Planning – A Good practice guide (ODPM 2005). The guide advises that diversity issues may be material considerations in planning policies and decisions and seeks to ensure that the use and development of land takes account of the needs of different cultures and faiths and promoting social cohesion. It suggests that it would be material to have regard to the size of a particular religious group in any area, and the land use requirements that their religious observance are likely to generate.

The London Plan (March 2016) includes relevant chapters and text including Chapter 3 London's People which among other things states that the document seeks to ensure that London's people and communities have the homes, opportunities, facilities and social infrastructure they need to support a good and improving quality of life.

Paragraph 3.2 states that the Mayor is committed to securing a more inclusive London which recognizes shared values as well as the distinct needs of the capital's different groups and communities, particularly the most vulnerable and disadvantaged. Paragraph 3.5 states that it is important that the needs of all in society, such as faith groups, are addressed. Policy 3.16 Protection and Enhancement of Social Infrastructure states that London requires additional and enhanced social infrastructure provision to meet the needs of its growing and diverse population

and that development proposals which provide high quality social infrastructure will be supported in light of local and strategic social infrastructure needs assessment.

Policy 7.1 Lifetime Neighbourhoods states that development should enable people to live healthy, active lives; should maximise the opportunity for community diversity, inclusion and cohesion; and should contribute to people's sense of place, safety, and security. Places of work and leisure, streets, neighbourhoods, parks and open spaces should be designed to meet the needs of the community at all stages of people's lives, and should meet the principles of lifetime neighbourhoods. One of the three principles that frame the concept of lifetimes neighbourhoods is as a place where people at all stages of their lives belong to cohesive community which fosters diversity, social interaction and social capital.

Mayor of London's Social Infrastructure SPG May 2015 – provides guidance to support London Plan policies including policy 3.16.

Mayor of London- Equal Life Chances for All July 2014 is the Mayor's equality framework which aims among other things to seek to influence discussions about equality and diversity at local, national and international levels.

Equality Act 2010- Section 149 places a duty on public bodies to have due regard to the need to eliminate discrimination and promote equality and to foster good relations between different groups when discharging its functions.

Human Rights Act 1998 makes it unlawful for any public body to act in a way which is incompatible with the Convention, unless the wording of any other primary legislation provides no other choice.

Assessment in relation to this proposal

The proposal has generated very strong feeling in in the local community of both opposition and support as to the principle of the creation of the notional boundary (ERUV) created by the poles and wires and to their impact (positive or negative) on social cohesion. Abbey Road Ward Councillors Hall, Freeman and Warner, and Regents Park Ward Councillor Rigby are of the view that altering the public realm to accommodate private religious beliefs of any one group is not harmonious to the inclusive, open and tolerant society that has always prevailed in St John's Wood and may lead to disharmony. The St John's Wood Society and PWMVS are of the view that the proposal is socially divisive. These views are supported by a number of the third party representations.

In contrast, Bryanston and Dorset Square Ward Councillor Alexander, has no objection to the proposal on this ground, a view also supported by a number of third party representations who consider that the proposal would positively impact on social cohesion resulting from members of the community being able to interact with the wider community on the Sabbath.

The City Council's development plan policies make little explicit reference to this issue. However social cohesion and inclusion and diversity and equality issues are issues which strategic and national policy provides reference. The use and development of land should take account of the needs of different cultures and faiths and promoting social cohesion. As such it is considered that the spatial needs of a particular religious group may be considered as a material planning consideration.

The poles and wires have no obvious religious appearance and the poles are similar in appearance to standard lamp posts and pedestrian and vehicular movement throughout the area would remain as per the existing situation. Thus physically the development is not considered to create any negative impact on social cohesion. It is considered that once installed the poles and wire would become part of the fabric of the area and in the absence of any obvious religious manifestations would not negatively impact on social cohesion.

It is not considered that any one group would be disadvantaged by the proposal, however those members of the Jewish community outlined above would benefit from the proposal. Notwithstanding the objections raised to the potential negative impact on social cohesion from a human perspective, in the absence of evidence to suggest other existing Eruv's have had such a negative impact on social cohesion, the conclusion is that social cohesion would not be negatively impacted upon. For these reasons it is not considered that the application would raise issues under the Equalities or Human Rights Act in which to take an alternative view.

8.12 Whether identified harm of proposal is outweighed by benefits to part of the Jewish community.

It is recognised that the poles and wires represent additional street clutter which is in principle contrary to policy, it is also recognized that the poles and wire would result in less than substantial harm to heritage assets as detailed in this report. As such it must be considered as to whether the public benefits of the proposal outweigh this harm.

It is acknowledged that the harm identified would be to the locality and the public's use of this area. However this has to be weighed against the positive public benefits which the proposal would provide. In this case, the public benefits are to members of the Jewish community (which is of not insufficient scale) and in particular those more vulnerable members including the elderly, those with physical disabilities and those with children and which would be invaluable in enabling them to fully participate within the local community during the Sabbath. The proposal would make for an inclusive environment for them regardless of faith, age or disability, making a positive impact on social cohesion. This social infrastructure would also address the needs of a growing and diverse population. As such in this particular case it is considered that the public benefits resultant from the proposal can be considered to outweigh the identified less than substantial harm and provide exceptional circumstances to depart from policy.

9.0 Economic Considerations

The proposal would require initial and ongoing pruning of street trees and maintenance of the poles and wire which could have financial implications for the City Council. However the applicant is proposing to fund this ongoing cost and this is to be secured by a S106 legal agreement.

The applicant is also proposing to take on public liability associated with the poles and wires.

10. London Plan

This application raises no strategic issues.

11. National Policy/Guidance Considerations

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

12. Planning Obligations

A legal agreement is to secure Maintenance Strategy for poles and wire, cost of maintenance of street trees, applicant to take on public liability.

13. Environmental Impact Assessment

The scheme is not of sufficient scale to require an Environmental Impact Assessment.

14. Community Infrastructure Levy

The scheme is not CIL liable (Mayoral or Westminster City Council).

15. BACKGROUND PAPERS

1. Application form and plans and photographs of location of each set of poles.
2. Letter from Greater London Authority dated 03.08.2016
3. Email from Transport for London Arboriculturalist dated 24.08.2016
4. Letter from Historic England dated 25.07.2016
5. Email from Canal and River Trust dated 09.08.2016
6. Email from Natural England dated 12.08.2016
7. Response from The St Marylebone Society, dated 9 August 2016
8. Response from Paddington Waterways and Maida Vale Society dated 05.09.2016
9. Email from The St John's Wood Society dated 21.10.2016
10. Email from Abbey Road Ward Councillors Hall, Warner and Freeman.
11. Letter from Regents Park Ward Councillor Rigby dated 12.09.2016
12. Email from Bryanston and Dorset Square Ward Councilor Alexander
13. Memo from Highways Planning Manager dated 27.09.2016
14. Memo from Tree Section dated 09.08.2016
15. Memo from Cleansing officer dated 28.07.2016
16. Response from the occupier of Top flat 5 Abbey Gardens dated 30.08.2016
17. Response from the occupier of 6 Abbey Gardens dated 29.08.2016
18. Response from the occupier of Flat 2, 14 Abbey Gardens dated 04.09.2016
19. Response from the occupier of 25 Abbey Gardens dated 29.08.2016
20. Responses (x2) from the occupiers of 30 Abbey Gardens dated 19.09.2016, 09.12.2016
21. Response from the occupier of 37 Abbey Gardens dated 30.08.2016
22. Response from the occupier of 45 Abbey Gardens dated 18.09.2016
23. Response from the occupier of 50 Abbey Gardens dated 29.08.2016
24. Response from the occupier of 30 Abbey Road dated 28.08.2016
25. Responses (x2) from the occupier of 56 Abbey Road dated 28.08.2016, 02.12.2016
26. Responses (x3) from the occupiers of 64 Abbey Road dated 02.09.2016 & 05.09.2016, 30.11.2016
27. Responses (x3) from the occupiers of 66 Abbey Road dated 28.08.2016, 28.11.2016
28. Response from the occupier of 69a Abbey Road dated 28.08.2016
29. Responses (x3) from the occupiers of 11 Abercorn Place dated 30.08.2016 & 02.09.2016, 24.11.2016
30. Responses (x2) from the occupier of 14a Abercorn Place dated 15.08.2016, 06.12.2016
31. Response from the occupier of 9 Abercorn Mansions, 17 Abercorn Place dated 30.08.2016
32. Response from the occupier of 15 Abercorn Mansions, Abercorn Place dated 29.08.2016, 23.12.2016
33. Response from the occupier of 20a Abercorn Place dated 29.08.2016
34. Responses (x2) from the occupier of 26 Abercorn Place dated 31.08.2016 23.11.2016
35. Response from the occupier of 29 Abercorn Place dated 20.11.2016
36. Response from the occupier of 31 Abercorn Place dated 11.09.2016
37. Response from the occupier of 36a Abercorn Place dated 30.08.2016
38. Response from the occupier of 1 Abercorn Walk dated 01.09.2016
39. Response from the occupier of 14 Aberdeen Court dated 27.07.2016
40. Response (x2) from the occupiers of 6 Acacia Gardens dated 27.08.2016
41. Responses (x4) from the occupier of 7 Acacia Road dated 30.08.2016 & 02.09.2016, 20.11.2016
42. Response from the occupier of 43 Acacia Road dated 26.08.2016
43. Response from the occupier of 1a Henry House, Allitsen Road dated 08.09.2016
44. Response from the occupier of 14 Culworth House, NW 80-86 Allitsen Road dated 08.09.2016
45. Response from the occupier of 94a Allitsen Road dated 10.11.2016
46. Response from the occupier of Garden Flat 5 Alma Square dated 07.12.2016
47. Responses (x2) from the occupiers of 18 Alma Square dated 06.09.2016, 22.11.2016
48. Response from the occupier of 18a Alma Square dated 20.11.2016
49. Responses (x2) from the occupier of 26 Alma Square dated 07.09.2016 & 27.10.2016

50. Response from the occupier of 27 Alma Square dated 06.09.2016
51. Response from the occupier of 37 Alma Square dated 29.11.2016
52. Response from the occupier of 9 Aquila Street dated 16.08.2016
53. Response from the occupier of 10 Aquila Street dated 16.08.2016
54. Response from the occupier of 14 Aquila Street dated 27.08.2016
55. Responses (x2) from the occupier of 16 Aquila Street dated 28.08.2016, 20.11.2016
56. Responses (x2) from the occupier of 22 Aquila Street dated 01.09.2016, 21.11.2016
57. Response from the occupier of Flat 6a Ashworth Mansions dated 31.07.2016
58. Response from the occupier of Basement flat 1 Ashmore Road dated 28.08.2016
59. Responses (x2) from the occupier of 16 Avenue Close, Avenue Road dated 26.08.2016, 06.12.2016
60. Response from the occupier of 39 Avenue Close, Avenue Road dated 28.09.2016
61. Response from the occupier of 43 London House, Avenue Road dated 05.09.2016
62. Responses (x4) from the occupier of 4 Heron House, Barrow Hill Road dated 28.08.2016, 31.08.2016, 01.09.2016, 07.09.2016
63. Responses (x2) from the occupier of 2 Mallard House, Barrow Hill Estate dated 03.09.2016, 05.12.2016
64. Response from the occupier of 4 Starling House, Barrow Hill Estate dated 27.08.2016
65. Response from the occupier of 39 Belgrave Gardens dated 23.11.2016
66. Responses (x2) from the occupiers of Flat c, 39 Belgrave Gardens dated 08.09.2016, 30.11.2016
67. Response from the occupier of 61A Belsize Park dated 08.09.2016
68. Responses (x2) from the occupiers of Birch Vale Court dated 07.12.2016
69. Response from the occupier of 8 Birch Vale Court dated 29.08.2016
70. Response from the occupier of (No. not given) Blenheim Road dated 29.08.2016
71. Response from the occupier of 5 Blenheim Road dated 15.08.2016
72. Response from the occupier of 6 Blenheim Road dated 12.08.2016
73. Responses (x2) from the occupier of 17 Blenheim Road dated 31.08.2016, 21.11.2016
74. Response from the occupier of 28 Blenheim Road dated 01.11.2016
75. Response from the occupier of 16 Blomfield Road dated 28.11.2016
76. Responses (x2) from the occupier of 26 Blomfield Road dated 08.09.2016, 20.11.2016
77. Response from the occupier of 39 Blomfield Road dated 12.08.2016
78. Response from the occupier of 41 Blomfield Road dated 15.08.2016
79. Responses (x3) from the occupiers of 45a Blomfield Road dated 15.08.2016 and 06.09.2016, 21.11.2016
80. Response from the occupier of 46 Blomfield Road dated 06.09.2016
81. Responses (x2) from the occupiers of 47 Blomfield Road dated 02.08.2016 & 16.08.2016
82. Response from the occupier of 48 Blomfield Road dated 27.07.2016
83. Responses (x2) from the occupier of 51 Blomfield Road dated 06.09.2016, 07.12.2016
84. Response from the occupier of 53 Blomfield Road dated 15.08.2016
85. Response from the occupier of Ground floor 53 Blomfield Road dated 15.08.2016
86. Response from the occupier of Garden flat 55 Blomfield Road dated 13.09.2016
87. Response from the occupier of 56 Blomfield Road dated 13.08.2016
88. Responses (x3) from the occupiers of 58 Blomfield Road dated 07.08.2016
89. Response from the occupier of 60 Blomfield Road dated 12.08.2016
90. Response from the occupier of 23 Dale House, Boundary Road dated 06.09.2016
91. Response from the occupier of 4 Browning Close dated 01.09.2016
92. Response from the occupier of 17 Carlton Hill dated 30.08.2016
93. Response from the occupier of 19 Carlton Hill dated 29.08.2016
94. Response from the occupier of 20 Carlton Hill dated 28.08.2016
95. Response from the occupier of 38 Carlton Hill dated 28.08.2016
96. Responses (x2) from the occupier of 6 Foss House, Carlton Hill dated 28.08.2016, 19.11.2016
97. Response from the occupier of 17 Carlton Hill dated 21.11.2016
98. Response from the occupier of 19 Carlton Hill dated 20.11.2016
99. Response from the occupier of 52 Carlton Hill dated 05.09.2016
100. Response from the occupier of 60 Carlton Hill dated 01.12.2016

101. Responses (x2) from the occupiers of 4 Knoll House, 77 Carlton Hill dated 29.08.2016, 24.11.2016
102. Response from the occupier of 12 Knoll House, 77 Carlton Hill dated 28.08.2016
103. Response from the occupier of 20 Knoll House, Carlton Hill dated 31.08.2016
104. Response from the occupier of 84 Carlton Hill dated 14.09.2016
105. Response from the occupier of (No. not given) Carlton Hill dated 30.08.2016
106. Responses (x2) from the occupiers of 6 Charles Lane dated 28.08.2016
107. Responses (x3) from the occupier of 10 Charles Lane dated 01.09.2016 & 05.09.2016, 21.11.2016
108. Response from the occupier of 57a Charles Lane dated 01.09.2016
109. Response from the occupier of 57b Charles Lane dated 27.08.2016
110. Response from the occupier of 1c Chippenham Mews dated 04.08.2016
111. Response from the occupier of 33 Circus Road dated 02.09.2016
112. Response from the occupier of 37 Circus Road dated 30.08.2016
113. Response from the occupier of 46 Circus Road dated 01.09.2016
114. Response from the occupier of flat 21 South Lodge, Circus Road 31.10.2016
115. Responses (x2) from the occupier of 48 South Lodge, Circus Road dated 09.08.2016, 28.11.2016
116. Response from the occupier of 56 Circus Road dated 29.08.2016
117. Responses (x2) from the occupiers of Flat 61, South Lodge, Circus Road dated 09.09.2016, 24.11.2016
118. Response from the occupier of 5 Clifton dated 01.09.2016
119. Response from the occupier of 11f Connaught House, Clifton Gardens dated 06.09.2016
120. Response from the occupier of 19 Clifton Gardens dated 13.09.2016
121. Responses (x3) from the occupier of 17 Clifton Hill dated 29.08.2016 (x2) & 03.09.2016
122. Response from the occupier of 27 Clifton Hill dated 05.09.2016
123. Response from the occupier of 33 Clifton Hill dated 31.08.2016
124. Response from the occupier of 50 Clifton Hill dated 15.12.2016
125. Responses (x2) from the occupier of 105 Clifton Hill dated 07.08.2016, 28.11.2016
126. Response from the occupier of 26 Cunningham Court dated 30.08.2016
127. Response from the occupier of 14 Cunningham Place dated 06.12.2016
128. Response from the occupier of 14C Cunningham Place dated 23.09.2016
129. Responses (x3) from the occupier of 15 Cunningham Place dated 05.09.2016, 20.09.2016 & 21.09.2016
130. Response from the occupier of 16 Cunningham Place dated 29.11.2016
131. Responses (x2) from the occupier of 17 Cunningham Place dated 05.09.2016, 28.11.2016
132. Response from the occupier of 1a Clive Court dated 03.09.2016
133. Response from the occupier of 29 Lapworth Court, Delamere Terrace dated 18.08.2016
134. Response from the occupier of 144 Elgin Avenue dated 26.07.2016
135. Response from the occupier of B 150 Elgin Avenue dated 07.08.2016
136. Responses (x3) from the occupier of 150b-150c Elgin Avenue dated 07.08.2016 and 10.08.2016, 02.12.2016
137. Responses (x2) from the occupiers of 8 Eamont Court, Eamont Street dated 28.08.2016
138. Responses (x2) from the occupiers of 221 Elgin Avenue (garden flat) dated 02.09.2016 & 05.09.2016
139. Responses (x2) from the occupier of 12 Elm Tree Road dated 30.08.2016, 20.11.2016
140. Responses (x3) from the occupiers of 18 Elm Tree Road dated 15.09.2016, 23.11.2016
141. Response from the occupier of 20 Elm Tree Road dated 05.09.2016
142. Response from the occupier of 10 Elnathan Mews dated 22.08.2016
143. Response from the occupier of 12 Elnathan Mews dated 21.08.2016
144. Response from the occupier of 13 Elnathan Mews dated 22.08.2016
145. Response from the occupier of 28 Elnathan Mews dated 20.08.2016
146. Response from the occupier of 29 Elnathan Mews dated 21.08.2016
147. Response from the occupier of 4 Elnathan Mews dated 22.08.2016
148. Response from the occupier of 48 Elnathan Mews dated 21.08.2016

149. Response from the occupier of 15 Elsworthy Road dated 26.08.2016
150. Response from the occupier of 60 Elsworthy Road dated 29.07.2016
151. Response from the occupier of Garden Flat 3 Essendine Road dated 18.08.2016
152. Response from the occupier of 78 First Avenue dated 29.08.2016
153. Response from the occupier of 4 Browning House, 19-21 Formosa Street dated 05.09.2016
154. Response from the occupier of 58 Goldney Road dated 02.08.2016
155. Response from the occupier of 53 Gresham Gardens dated 27.07.2016
156. Response from the occupier of 19a Grove End Road dated 30.08.2016
157. Response from the occupier of 31 Grove End Road date 08.09.2016
158. Responses (x2) from the occupier of 12 Barbara Brosnan Court, 46 Grove End Road dated 28.08.2016, 21.11.2016
159. Responses (x2) from the occupier of 74 Grove End Road dated 10.09.2016 & 17.09.2016
160. Response from the occupier of 8a Grittleton Road dated 30.09.2016
161. Response from the occupier of Flat 1, 14 Hall Road dated 31.08.2016
162. Response from the occupier of 14 Hamilton Close dated 24.11.2016
163. Response from the occupier of 16 Hamilton Close dated 20.11.2016
164. Response from the occupier of 1 Hamilton Gardens dated 29.08.2016
165. Response from the occupier of 3 Hamilton Gardens dated 29.08.2016
166. Responses (x2) from the occupiers of 6 Hamilton Gardens dated 29.08.2016, 21.11.2016
167. Responses (x2) from the occupiers of 12 Hamilton Gardens dated 29.08.2016 & 30.08.2016
168. Responses (x2) from the occupiers of 14 Hamilton Gardens dated 29.08.2016 & 31.08.2016
169. Response from the occupier of 17 Hamilton Gardens dated 29.08.2016
170. Response from the occupier of Garden Flat, 38 Hamilton Gardens dated 29.08.2016
171. Response from the occupier of 42 Hamilton Gardens dated 29.08.2016
172. Responses (x3) from the occupier of Flat 5, 46-47 Hamilton Gardens dated 11.08.2016, 15.08.2016 (x2)12.09.2016
173. Response from the occupier of 16 Hamilton Close dated 08.08.2016
174. Response from the occupier of (No.not given) Hamilton Terrace dated 05.09.2016
175. Responses (x2) from the occupiers of 7 Hamilton Terrace dated 30.08.2016 & 31.08.2016
176. Responses (x2) from the occupiers of 9 Hamilton Terrace dated 13.09.2016, 14.12.2016
177. Response from the occupier of 10 Hamilton Terrace dated 29.08.2016
178. Responses (x2) from the occupier of 11 Hamilton Terrace dated 29.08.2016, 21.11.2016
179. Responses (x3) from the occupiers of 16 Hamilton Terrace dated 30.08.2016, 22.11.2016
180. Responses (x2) from the occupier of 17a Hamilton Terrace dated 16.09.2016, 28.11.2016
181. Responses (x2) from the occupiers of 21 Hamilton Terrace dated 29.08.2016 & 06.09.2016
182. Response from the occupier of 22 Hamilton Terrace dated 01.09.2016
183. Response from the occupier of 25 Hamilton Terrace dated 01.10.2016
184. Responses (x2) from the occupier of 29 Hamilton Terrace dated 09.09.2016, 20.11.2016
185. Response from the occupier of 32 Hamilton Terrace dated 08.09.2016
186. Response from the occupier of 34 Hamilton Terrace dated 08.08.2016
187. Responses (x2) from the occupiers of 44 Hamilton Terrace dated 31.08.2016 & 02.09.2016
188. Response from the occupier of 51 Hamilton Terrace dated 30.08.2016
189. Responses (x4) from the occupiers of 87 Hamilton Terrace dated 01.09.2016, 28.11.2016
190. Responses (x2) from the occupiers of 95a Hamilton Terrace dated 05.09.2016, 13.12.2016
191. Response from the occupier of 97 Hamilton Terrace dated 05.09.2016
192. Response from the occupier of 120 Hamilton Terrace dated 29.08.2016
193. Response from the occupier of 124 Hamilton Terrace dated 31.08.2016
194. Responses (x2) from the occupiers of 136 Hamilton Terrace dated 05.09.2016
195. Responses (x2) from the occupier of 1c Hill Road dated 02.09.2016, 24.11.2016
196. Response from the occupier of Upper flat, 4 Hill Road dated 05.09.2016
197. Responses (x2) from the occupiers of The Studio, 7 Hill Road dated 29.08.2016, 21.11.2016
198. Responses (x2) from the occupiers of 10 Hill Road dated 05.09.2016, 21.11.2016
199. Responses (x3) from the occupiers of Garden Flat, 12 Hill Road dated 29.08.2016, 19.11.2016
200. Response from the occupier of 18 Hill Road dated 01.09.2016

201. Response from the occupier of 8 Castleford Court, Henderson Drive dated 05.09.2016
202. Response from the occupier of 26 Kingsland London dated 28.08.2016
203. Responses (x2) from the occupiers of 21 Lanark Road dated 01.08.2016 & 04.08.2016
204. Responses (x2) from the occupier of 29 Lancaster Grove Flat C dated 22.12.2016
205. Response from the occupier of 45 Lauderdale Road dated 10.08.2016
206. Response from the occupier of 248 Lauderdale Mansions, Lauderdale Road dated 28.07.2016
207. Response from the occupier of (Address not given) Little Venice dated 29.07.2016
208. Response from the occupier of 5 Loudoun Road dated 15.08.2016
209. Responses (x3) from the occupiers of 13 Loudoun Road dated 29.08.2016 (x2) & 01.09.2016
210. Response from the occupier of 22 Loudoun Road dated 28.08.2016
211. Response from the occupier of 68 Loudoun Road dated 05.09.2016
212. Responses (x2) from the occupier of 76 Loudoun Road dated 30.08.2016, 21.11.2016
213. Response from the occupier of 92 Loudoun Road dated 06.09.2016
214. Response from the occupier of 122 Loudoun Road dated 18.09.2016
215. Responses (x3) from the occupiers of 128 Loudoun Road dated 10.09.2016, 30.11.2016
216. Response from the occupier of 130 (Flat B) Loudoun Road dated 28.08.2016
217. Responses (x2) from the occupiers of 136 Loudoun Road dated 28.08.2016, 22.11.2016
218. Response from the occupier of Stafford House, Maida Avenue dated 01.08.2016
219. Response from the occupier of 8 Stafford House, Maida Avenue dated 22.08.2016
220. Response from the occupier of 24 Maida Avenue dated 02.10.2016
221. Response from the occupier of 26 Cunningham Court Maida Vale dated 19.11.2016
222. Response from the occupier of 34 Maida Vale dated 15.08.2016
223. Response from the occupier of Flat 76 Lauderdale Mansions dated 01.09.2016
224. Response from the occupier of 1 Marlborough Hill dated 28.08.2016
225. Responses (x2) from the occupier of 35 Marlborough Hill (Flat 4) dated 28.08.2016, 19.11.2016
226. Responses (x2) from the occupiers of 41c Marlborough Hill dated 28.08.2016 & 30.08.2016
227. Response from the occupier of 4 New House, 46 Marlborough Place dated 29.08.2016
228. Response from the occupier of 53a Marlborough Place dated 01.09.2016
229. Response from the occupier of 15 Tower Court Mackennal Street dated 11.08.2016
230. Response from the occupier of 91 Townshend Court, Mackennal Street dated 31.08.2016
231. Response from the occupier of 104 Mackennal Street dated 29.08.2016
232. Response from the occupier of 2 Melina Place dated 11.08.2016
233. Responses (x3) from the occupiers of 6 Melina Place dated 09.08.2016 (x2) & 01.10.2016
234. Responses (x2) from the occupier of 7 Melina Place dated 10.08.2016, 24.11.2016
235. Response from the occupier of 9 Montpelier Terrace dated 01.09.2016
236. Responses (x2) from the occupier of 4 Heron House, Newcourt Street dated 12.09.2016 & 29.10.2016
237. Responses (x2) from the occupier of 12a Newcourt Street dated 16.09.2016, 30.11.2016
238. Responses (x2) from the occupier of 4 Norfolk Road dated 29.07.2016, 21.11.2016
239. Response from the occupier of 14 Norfolk Road dated 31.08.2016
240. Response from the occupier of Flat a, Northwick Terrace dated 19.08.2016
241. Response from the occupier of 49 Clifton Court, Northwick Terrace dated 09.08.2016
242. Response from the occupier of 68 Clifton Court, Northwick Terrace dated 08.08.2016
243. Response from the occupier of 68 Clifton Court, Northwick Terrace dated 08.08.2016
244. Response from the occupier of (No. not given) Nugent Terrace dated 07.09.2016
245. Response from the occupier of 3 Ordnance Hill dated 30.08.2016
246. Response from the occupier of 7 Ordnance Hill dated 30.08.2016
247. Response from the occupier of 13 Ordnance Hill dated 31.08.2016
248. Response from the occupier of 15 Ordnance Hill dated 27.08.2016
249. Response from the occupier of 19 Ordnance Hill dated 29.08.2016
250. Responses (x2) from the occupier of 21 Ordnance Hill dated 03.09.2016, 19.11.2016
251. Response from the occupier of 23 Rossetti House, 59 Ordnance Hill dated 29.08.2016
252. Response from the occupier of (No. not given) Ormonde Terrace dated 27.08.2016
253. Response from the occupier of (No. not given) Ormonde Terrace dated 27.08.2016
254. Response from the occupier of (No. not given) Ormonde Terrace dated 06.09.2016
255. Response from the occupier of 4 Ormonde Terrace dated 28.08.2016

256. Responses (x2) from the occupiers of 29 Ormonde Terrace dated 27.08.2016 & 28.08.2016
257. Response from the occupier of 33 Ormonde Terrace dated 28.08.2016
258. Response from the occupier of 49 Ormonde Terrace dated 10.09.2016
259. Response from the occupier of 51 Ormonde Terrace dated 28.08.2016
260. Responses (x2) from the occupier of 54 Ormonde Terrace dated 04.09.2016, 28.11.2016
261. Response from the occupier of 62 Ormonde Terrace dated 29.08.2016
262. Response from the occupier of 65 Ormonde Terrace dated 26.08.2016
263. Response from the occupier of flat 84, 125 Park Road dated 11.08.2016
264. Responses (x2) from the occupier of 7 Stockleigh Hall Prince Albert Road dated 30.07.2016, 05.12.2016
265. Response from the occupier of 6 Primrose Court, Prince Albert Road dated 26.07.2016
266. Response from the occupier of 8 Primrose Court, Prince Albert Road dated 27.07.2016
267. Response from the occupier of 52 Viceroy Court, 58-74 Prince Albert Road 11.08.2016
268. Response from the occupier of (No.no given) Viceroy Court dated 28.07.2016
269. Response from the occupier of Flat 30, The Terraces, 12 Queen's Terrace dated 25.07.2016
270. Response from the occupier of 71 Randolph Avenue dated 06.09.2016
271. Response from the occupier of Ground floor 71 Randolph Avenue dated 06.09.2016
272. Response from the occupier of 105c Randolph Avenue dated 21.08.2016
273. Response from the occupier of 14h Randolph Crescent dated 11.10.2016
274. Responses (x2) from the occupier of 12 Randolph Road dated 28.09.2016, 23.11.2016
275. Response from the occupier of 20 Randolph Road dated 02.08.2016
276. Response from the occupier of 23 Robin House dated 05.09.2016
277. Response from the occupier of 10 Ryder's Terrace dated 31.08.2016
278. Responses (x3) from the occupiers of 2 Rudgwick Terrace, Avenue Road dated 28.09.2016, 30.11.2016
279. Response from the occupier of Flat 1, 17 St Ann's Terrace dated 27.08.2016
280. Responses (x2) from the occupiers of 26 St Ann's Terrace dated 14.09.2016, 24.11.2016
281. Responses (x2) from the occupier of 28b St Edmunds Terrace dated 05.09.2016, 23.11.2016
282. Responses (x2) from the occupier of Flat 9, Regents Heights, 35 St Edmunds Terrace dated 26.08.2016, 21.11.2016
283. Response from the occupier of 39 St James 's Close, Prince Albert Road dated 30.08.2016
284. Response from the occupier of 49 St Mary's Mansions dated 07.09.2016
285. Response from the occupier of Flat B, 60 St John's Wood High Street dated 27.08.2016
286. Response from the occupier of Penthouse, St John's Wood Court, St John's Wood Road dated 18.08.2016
287. Responses (x2) from the occupier of Flat 2 Eagle House, St John's Wood Terrace dated 07.09.2016, 20.11.2016
288. Response from the occupier of Flat 4 Eagle House, 1 St John's Wood Terrace dated 29.08.2016
289. Response from the occupier of Flat 5 Eagle House, 1 St John's Wood Terrace dated 27.08.2016
290. Response from the occupier of 3a St John's Wood High Street dated 13.09.2016
291. Response from the occupier of 9 St John's Wood Park dated 26.07.2016
292. Response from the occupier of 17 St John's Wood Terrace dated 01.09.2016
293. Response from the occupier of 19 St John's Wood Terrace dated 28.08.2016
294. Response from the occupier of 27a-29a St John's Wood High Street dated 29.08.2016
295. Response from the occupier of 86a St John's Wood High Street dated 30.08.2016
296. Responses (x3) from the occupier of 100A St John's Wood High Street dated 28.11.2016, 01.12.2016
297. Response from the occupier of 95 St John's Wood Terrace dated 01.09.2016
298. Response from the occupier of 97 St John's Wood Terrace dated 27.08.2016
299. Response from the occupier of 6 Hanover House, St John's Wood High Street dated 05.09.2016
300. Response from the occupier of 5 Park Lodge, St John's Wood Park dated 15.08.2016
301. Response from the occupier of Pennyford Court, St John's Wood dated 29.08.2016
302. Responses (x2) from the occupier of 122 Lords View St John's Wood Road dated 11.08.2016, 07.12.2016
303. Response from the occupier of St Marylebone Almshouses, 80 St John's Wood Terrace dated 08.09.2016

304. Response from the occupier of 1a St James's Terrace Mews St John's Wood dated 26.08.2016
305. Response from the occupier of 250 Salmon Street dated 30.08.2016
306. Response from the occupier of 97 Saltram Crescent dated 26.08.2016
307. Responses (x3) from the occupiers 86 Scott Ellis Garden dated 01.09.2016, 13.12.2016
308. Response from the occupier of 241 Scott Ellis Garden dated 31.08.2016
309. Response from the occupier of 290 Scott Ellis Gardens dated 02.09.2016
310. Response from the occupier of Flat 14 Searle House dated 28.08.2016
311. Response from the occupier of 95 Eamont Court Shannon Place dated 29.08.2016
312. Response from the occupier of Flat 3 75 Shirland Road dated 29.08.2016
313. Response from the occupier of 75 Shirland Road dated 30.08.2016
314. Responses (x3) from the occupiers of 142 Shirland Road dated 09.10.2016 & 10.10.2016, 12.12.2016
315. Responses (x2) from the occupiers of 7 Springfield Road dated 28.08.2016, 19.11.2016
316. Response from the occupier of 11 Springfield Road dated 01.09.2016
317. Response from the occupier of 15 Springfield Road dated 05.09.2016
318. Responses (x2) from the occupier of 19 Springfield Road dated 02.09.2016, 23.11.2016
319. Response from the occupier of 21 Springfield Road dated 28.08.2016
320. Response from the occupier of 27 Springfield Road dated 30.08.2016
321. Response from the occupier of 6 Starling House dated 29.08.2016
322. Response from the occupier of Flat 4 88 Sutherland Avenue dated 03.08.2016

323. Response from the occupier of 121 Sutherland Avenue dated 30.7.2016
324. Response from the occupier of 151 Sutherland Avenue dated 01.09.2016
325. Responses (x2) from the occupier of 188a Sutherland Avenue dated 07.08.2016, 21.11.2016
326. Responses (x2) from the occupiers of 200 Sutherland Avenue dated 21.08.2016 & 22.08.2016
327. Response from the occupier of 3 Titchfield House, Titchfield Road dated 27.08.2016
328. Responses (x3) from the occupiers of 5 Titchfield House, Titchfield Road dated 05.09.2016, 07.12.2016
329. Response from the occupier of Flat 6 Townshend Court dated 30.08.2016
330. Response from the occupier (No. not given) Townshend Road dated 22.08.2016
331. Responses (x2) from the occupier of 38 Townshend Road dated 02.09.2016, 20.11.2016
332. Responses (x3) from the occupiers of 51 Townshend Road dated 28.08.2016, 20.11.2016
333. Response from the occupier of 55 Townshend Road dated 28.08.2016
334. Response from the occupier of 43 Warrington Crescent dated 06.09.2016
335. Responses (x2) from the occupier of 56c Warrington Crescent dated 05.09.2016, 28.11.2016
336. Response from the occupier of 21b Warwick Avenue dated 15.08.2016
337. Response from the occupier of 36 Warwick Avenue dated 21.09.2016
338. Response from the occupier of 82d Warwick Avenue dated 06.09.2016
339. Response from the occupier of 15 Well Road dated 13.10.2016
340. Response from the occupier of 4 Wellington House dated 08.08.2016
341. Response from the occupier of 17c Westbourne Terrace Road dated 08.08.2016
342. Response from the occupier of Flat 5, 105 Westbourne Terrace dated 20.11.2016
343. Responses (x2) from the occupier of 1 Woronzow Road dated 10.09.2016, 22.11.2016
344. Response from the occupier of 2a Woronzow Road dated 29.08.2016
345. Response from the occupier of 10 Woronzow Road dated 31.08.2016
346. Responses (x2) from the occupier of 11 Woronzow Road dated 30.08.2016, 05.12.2016
347. Response from the occupier of 28 Woronzow Road dated 28.08.2016
348. Response from the occupier of 90 Wymering Mansions, Wymering Road dated 10.10.2016
349. Response from the occupier of (incomplete address) Flat 1 27a-29a London dated 29.08.2016
350. Response from the occupier of (incomplete address) St John's Wood dated 30.08.2016
351. Response from the occupier of 24 Boulevard Princesse Charlotte Monte- Carlo.

353. Response from the attendee of Shomrei Synagogue London dated 08.09.2016
354. Response from the occupier of Flat 12A Abbey Court, Abbey Road dated 29.08.2016
355. Response from the occupier of Flat 21 Abbey Court dated 30.08.2016
356. Responses (x3) from the occupiers of 12 Abbey Gardens dated 31.07.2016, 14.08.2016, 15.08.2016
357. Response from the occupier of 13 Abbey Gardens dated 29.08.2016
358. Responses (x3) from the occupiers of 21 Abbey Gardens dated 26.07.2016, 28.07.2016, 10.08.2016
359. Response from the occupier of 44 Abbey Gardens dated 04.09.2016
360. Response from the occupier of 47 Abbey Gardens dated 26.07.2016
361. Responses (x3) from the occupiers of Flat 56 Abbey House, 1a Abbey Road dated 26.07.2016, 29.07.2016, 17.08.2016
362. Responses (x2) from the occupiers of 17 The Galleries, 9 Abbey Road dated 27.07.2016 & 19.11.2016
363. Response from the occupier of 16 Casterbridge, Abbey Road dated 05.12.2016
364. Response from the occupier of 20 Abbey Road dated 26.07.2016
365. Responses (5) from the occupiers of 23 Abbey Road dated 26.07.2016, 30.08.2016, 05.09.2016 & 05.12.2016
366. Response from the occupier of 32 Abbey Road dated 31.08.2016
367. Responses (x2) from the occupier of 32D Abbey Road dated 03.08.2016
368. Response from the occupier of 40 Abbey Road dated 30.08.2016
369. Responses (x2) from the occupier of 47 Neville Court, Abbey Road dated 18.10.2016 & 19.11.2016
370. Response from the occupier of 69 Neville Court, Abbey Road dated 30.08.2016
371. Response from the occupier of 86 Neville Court, Abbey Road dated 04.09.2016
372. Response from the occupier of 3 Abercorn Cottages, Abercorn Place dated 30.08.2016
373. Response from the occupier of 4b Abercorn Place dated 26.07.2016
374. Response from the occupier of 19 Abercorn Place dated 26.07.2016
375. Response from the occupier of Flat 3, 23 Abercorn Place dated 01.09.2016
376. Response from the occupier of 75 Abercorn Road dated 27.07.2016
377. Response from the occupier of 2 Abercorn Walk dated 01.09.2016
378. Response from the occupier of Flat 1, 67 Aberdare Gardens dated 02.09.2016
379. Response from the occupier of Flat 2, 77 Aberdare Gardens dated 26.07.2016
380. Response from the occupier of 6 Aberdare Gardens dated 30.08.2016
381. Response from the occupier of 25 Aberdeen Place dated 07.09.2016
382. Responses (x2) from the occupiers of 26 Aberdeen Place dated 26.07.2016
383. Response from the occupier of 4b Abercorn Place dated 11.08.2016
384. Responses (x3) from the occupiers of 1 Acacia Place dated 15.08.2016, 30.08.2016(x2)
385. Responses (x2) from the occupiers of 3 Acacia Road dated 31.08.2016
386. Responses (x2) from the occupiers of 6 Acacia Road dated 26.07.2016, 27.07.2016
387. Responses (x2) from the occupiers of 8 Acacia Road dated 11.12.2016
388. Response from the occupier of 19 Acacia Road dated 15.08.2016
389. Responses (x2) from the occupiers of 35 Acacia Road dated 10.08.2016
390. Responses (x2) from the occupiers of 43 Acacia Road dated 30.08.2016
391. Response from the occupier of 43a Acacia Road dated 29.07.2016
392. Response from the occupier of 185 Adelaide Road dated 30.08.2016
393. Responses (4) from the occupiers of 27 Agamemnon Road dated 30.08.2016 & 31.08.2016
394. Response from the occupier of 47 Agecroft Road East Manchester 28.07.2016
395. Response from the occupier of 4C Albert Terrace dated 30.08.2016
396. Response from the occupier of 74 Aldenham Road Cushey dated 31.08.2016
397. Response from the occupier of 1 Alleyn Place, Westcliffe-On -Sea dated 30.11.2016
398. Response from the occupier of 210 All Souls Avenue Kensal Rise date dated 02.09.2016
399. Response from the occupier of 8 Alma Square dated 26.07.2016
400. Response from the occupier of 1 Alport Way Boreham Wood dated 02.09.2016
401. Response from the occupier of Flat 8 Alvanley Court dated 26.07.2016
402. Response from the occupier of 148 Anson Road dated 30.08.2016

403. Response from the occupier of The New House Arkwright Road dated 30.08.2016
404. Responses (x2) from the occupiers of 14 Arkwright Road dated 30.08.2016, 30.11.2016
405. Response from the occupier of 46 Armitage Road dated 15.08.2016
406. Responses (2) from the occupiers of 9 Ashworth Road dated 26.07.2016 & 30.08.2016
407. Response from the occupier of 3 Rudgwick Terrace, Avenue Road dated 20.11.2016
408. Response from the occupier of 15 London House, 7-9 Avenue Road dated 26.07.2016
409. Response from the occupier of 14 Avenue Close dated 26.07.2016
410. Response from the occupier of 19 Avenue Close dated 26.07.2016
411. Response from the occupier of 3 Rudgwick Terrace dated 26.07.2016
412. Response from the occupier of 2 Aquila Street dated 31.08.2016
413. Response from the occupier of 17 Bancroft Avenue dated 05.08.2016
414. Response from the occupier of 12 Basing Hill dated 26.07.2016
415. Responses (x2) from the occupiers of 4 Belgrave Mansions, Belgrave Gardens dated 28.10.2016.
416. Response from the occupier of Flat 4, 7 Belgrave Gardens dated 27.07.2016
417. Response from the occupier of 7 Belgrave Mansions, Belgrave Gardens dated 27.07.2016
418. Response from the occupier of 18 Belgrave Gardens dated 28.10.2016
419. Response from the occupier of Flat 5, 19 Belgrave Gardens dated 26.07.2016
420. Response from the occupier of 19 Belgrave Gardens dated 31.08.2016
421. Responses (x2) from the occupier of 6a Belsize Park Gardens dated 02.12.2016
422. Response from the occupier of 12 Blenheim Road dated 20.11.2016
423. Response from the occupier of 109 Berkeley Court, Baker Street dated 31.08.2016
424. Response from the occupier of 15 Berridge Mews dated 31.08.2016
425. Response from the occupier of 35c Belsize Avenue dated 27.07.2016
426. Response from the occupier of Garden flat 29 Belsize Crescent dated 01.09.2016
427. Responses (x3) from the occupiers of 97 Belsize Land dated 26.07.2016, 30.08.2016,
428. Response from the occupier of Flat 5, 28 Belsize Park dated 27.07.2016
429. Response from the occupier of 42 Belsize Park dated 01.08.2016
430. Response from the occupier of 6a Belsize Park Gardens dated 30.08.2016
431. Response from the occupier of 10 Belsize Park Gardens dated 29.07.2016
432. Response from the occupier of Belsize Park dated 31.08.2016
433. Response from the occupier of Flat 3, 60 Belsize Road dated 18.09.2016
434. Responses (x2) from the occupiers of 118 Belsize Road dated 26.07.2016, 28.07.2016
435. Response from the occupier of 3 Biddulph Road dated 26.07.2016
436. Response from the occupier of 4 Biddulph Road dated 30.08.2016
437. Response from the occupier of 12 Biddulph Road dated 28.07.2016
438. Response from the occupier of 12 Blenheim Road dated 26.07.2016
439. Responses (3) from the occupiers of 3 Bolton Road dated 26.07.2016, 27.07.2016, 05.12.2016
440. Response from the occupier of 31 Boreham Holt Elstree dated 08.08.2016
441. Response from the occupier of 27 Dale Boundary Road dated 30.08.2016
442. Response from the occupier of 9 Boundary Road dated 09.09.2016
443. Response from the occupier of 43 Boundary Road dated 31.08.2016
444. Response from the occupier of 32 Bournehall Avenue Bushey dated 30.08.2016
445. Response from the occupier of 29 Boyton House dated 04.09.2016
446. Response from the occupier of 53 Brampton Grove dated 29.08.2016
447. Response from the occupier of Flat 35 Raffles House, Brampton Grove dated 03.08.2016
448. Responses (x2) from the occupiers of 9 Briary Close dated 29.07.2016, 05.09.2016
449. Responses (x2) from the occupier of 12 Briary Close dated 27.07.2016, 01.09.2016
450. Response from the occupier of Top floor flat, 47 Broadhurst Gardens dated 05.09.2016
451. Response from the occupier of 1 Brockley Hill House, Brockley Hill, Stanmore dated 24.08.2016
452. Response from the occupier of 21A Brondesbury Park dated 27.07.2016
453. Response from the occupier of 24 Bronwen Court dated 26.07.2016
454. Response from the occupier of 22 Broomsleigh Street dated 05.09.2016
455. Response from the occupier of 15 Brunswick Avenue dated 07.09.2016
456. Response from the occupier of 2 Brunswick Place dated 02.08.2016

457. Responses (x2) from the occupiers of 23 Princess Court, Bryanston Place dated 28.07.2016
458. Responses (x2) from the occupier of Flat 3, 27 Cadogan Gardens SW3 dated 30.08.2016
459. Responses (x2) from the occupier of 267A Camden High Street Camden Town dated 27.07.2016, 01.09.2016
460. Response from the occupier of 45 Campden Hill Court, Campden Hill Road dated 30.08.2016
461. Response from the occupier of Flat 9 Stirling Mansions, 12 Canfield Gardens dated 11.08.2016
462. Responses(x2) from the occupier of Flat 1 60 Canfield Gardens dated 26.07.2016, 02.12.2016
463. Response (x2) from the occupiers of 81 Canfield Gardens dated 27.07.2016, 31.07.2016
464. Response from the occupier of 101 Canfield Garden dated 01.08.2016
465. Response from the occupier of 105 Canfield Gardens dated 16.09.2016
466. Response from the occupier of 56 Marlborough Mansions, Cannon Hill dated 20.11.2016
467. Responses (x3) from the occupiers of 50 Cardinal Avenue Boreham Wood dated 10.08.2016, 30.08.2016, 02.12.2016
468. Response from the occupier of 28 Carlingford Road dated 01.09.2016
469. Response from the occupier of 3 Carlton Hill dated 28.07.2016
470. Responses (x3) from the occupiers of 30 Carlton Hill dated 15.08.2016, 30.08.2016, 31.08.2016
471. Response from the occupier of 33 Carlton Hill dated 31.08.2016
472. Responses (x2) from the occupier of 43 Carlton Hill dated 26.07.2016, 27.10.2016
473. Response from the occupier of Basement flat 63 Carlton Hill dated 31.08.2016
474. Response from the occupier of 65 Carlton Hill dated 02.09.2016
475. Response from the occupier of Flat 15 Knoll House, 77 Carlton Hill dated 01.09.2016
476. Response from the occupier of 12 Carlton Vale dated 06.09.2016
477. Response from the occupier of 17 Carol Street dated 29.07.2016
478. Response from the occupier of 8 Caroline Court dated 27.07.2016
479. Response from the occupier of 16 Casterbridge dated 10.08.2016
480. Response from the occupier of 3a Tudor Court, Castle Way Hanworth dated 30.08.2016
481. Response from the occupier of 24 Cato Street dated 26.07.2016
482. Response from the occupier of 3 Cavendish Avenue dated 02.12.2016
483. Responses (x2) from the occupier of 18 Cavendish Avenue dated 14.08.2016, 25.11.2016
484. Response from the occupier of 3 Chalton Drive dated 26.07.2016
485. Response from the occupier of 19 Chalton Drive dated 22.12.2016
486. Response from the occupier of Flat 2, Chandos Street dated 28.07.2016
487. Response from the occupier of 70 Chapel Lane Hale Barns Cheshire dated 01.09.2016
488. Response from the occupier of Flat 6 Charlbert Court, Charlbert Street dated 31.08.2016
489. Response from the occupier of 50 Charlbert Road, Chalbert Court dated 05.09.2016
490. Response from the occupier of 50 Charlbert Court, Charlbert Street dated 31.08.2016
491. Response from the occupier of 56 Charlbert Court dated 02.12.2016
492. Response from the occupier of 106 Chatsworth Road dated 30.08.2016
493. Response from the occupier of 19 Chester Terrace dated 10.08.2016
494. Responses (x2) from the occupier of 22 Cholmeley Crescent Highgate dated 27.07.2016, 19.11.2016
495. Response from the occupier of 1 Clarendon Mews Borehamwood dated 26.07.2016
496. Responses (x2) from the occupiers of Chester House, Clarendon Place dated 06.09.2016
497. Response from the occupier of 9B2 Parsons House, Claybrook Road Hammersmith dated 27.07.2016
498. Response from the occupier of 34 Cleveland Square dated 28.07.2016
499. Response from the occupier of 36 Connaught Drive dated 28.10.2016
500. Responses (x4) from the occupiers of 7F Connaught House, Clifton Gardens dated 27.07.2016, 27.10.2016, 22.11.2016, 24.11.2016.
501. Response from the occupier of 9 Connaught House, Clifton Gardens dated 28.07.2016
502. Response from the occupier of 20 Clifton Gardens dated 10.08.2016
503. Responses (x2) from the occupier of 7 Clifton Hill dated 27.07.2016, 05.12.2016
504. Response from the occupier of 29 Clifton Hill dated 01.09.2016
505. Responses (x2) from the occupiers of 47 Clifton Hill dated 05.09.2016
506. Responses (x2) from the occupier of 72 Clifton Hill dated 26.07.2016, 05.12.2016
507. Response from the occupier of 93 Clifton Hill dated 10.08.2016

508. Responses (x3) from the occupiers of 15 Colenso Drive dated 126.07.2016, 9.11.2016, 02.12.2016
509. Responses (x2) from the occupiers of 17 South Lodge, Circus Road dated 26.07.2016, 30.08.2016
510. Response from the occupier of 31 Circus Road dated 29.07.2016
511. Responses (x2) from the occupiers of 44 Circus Road dated 31.08.2016, 01.09.2016
512. Responses (x3) from the occupiers of 52 Circus Road dated 27.07.2016, 05.09.2016.
513. Response from the occupier of Flat 5 Circus Lodge Circus Road dated 26.07.2016
514. Response from the occupier of Flat 76 South Lodge Circus Road dated 26.07.2016
515. Response from the occupier of Flat 3 65 Compayne Gardens dated 30.08.2016
516. Responses (x2) from the occupiers of 86G Compayne Gardens dated 21.08.2016
517. Response from the occupier of 3 Connaught Square dated 31.08.2016
518. Response from the occupier of 14 Cosort Lodge dated 05.12.2016
519. Responses (x2) from the occupiers of 18 Cumberland Terrace dated 07.08.2016, 31.08.2016
520. Responses (x2) from the occupier of 18 Cunningham Place dated 31.08.2016, 02.12.2016
521. Response from the occupier of 11 Defoe House dated 31.08.2016
522. Response from the occupier of 5 Denning Close dated 25.08.2016
523. Responses (x2) from the occupiers of 6 Denning Close dated 27.07.2016, 01.08.2016
524. Response from the occupier of 32 Denning Road dated 30.08.2016
525. Responses (x2) from the occupier of 30 Dorset Square dated 10.08.2016, 05.12.2016
526. Response from the occupier of 14 Downshire Hill dated 09.09.2016
527. Response from the occupier of 15a Dyne Road dated 30.08.2016
528. Response from the occupier of Flat 38 Eamont Court dated 30.08.2016
529. Response from the occupier of 18 Eastholm dated 30.08.2016
530. Response from the occupier of 1C Ecclesston Square dated 29.07.2016
531. Responses (x2) from the occupier of 192 Edgwarebury Lane Edgware dated 27.07.2016
532. Response from the occupier of 16 Eldon Grove dated 30.08.2016
533. Response from the occupier of 3 Ashworth Mansions Elgin Avenue dated 30.08.2016
534. Response from the occupier of 104A Elgin Avenue Maida Vale dated 27.07.2016
535. Response from the occupier of 2 Eilersly Road Edinburgh dated 30.08.2016
536. Response from the occupier of 5 Elm Tree Close dated 31.07.2016
537. Responses (x2) from the occupiers of 6 Elm Tree Road dated 13.09.2016
538. Response from the occupier of 10 Elm Tree Road dated 29.08.2016
539. Responses (x3) from the occupiers of 20 Elnathan Mews dated 26.07.2016, 02.12.2016
540. Response from the occupier of 41 Elsworthy Road dated 31.08.2016
541. Responses (x3) from the occupier of Embassy House London dated 26.07.2016, 08.12.2016
542. Response from the occupier of 98 Eassendine mans Maida Vale dated 10.08.2016
543. Response from the occupier of 28 Eton Court Eton Avenue London dated 27.07.2016
544. Response from the occupier of 65 Eton Avenue Flat 5 London dated 28.07.2016
545. Response from the occupier of 16 Eton Villas London dated 31.08.2016
546. Response from the occupier of 2 Exeter Road dated 10.08.2016, 16.12.2016
547. Response from the occupier of 10 Exeter Road dated 31.08.2016
548. Response from the occupier of 38 Fairfax Road London dated 22.08.2016
549. Response from the occupier of 19 Fairhazel Gardens London dated 26.07.2016
550. Response from the occupier of 37 Fairhazel Gardens London dated 09.08.2016
551. Responses (x2) from the occupiers of 99 Fellows Road London dated 29.07.2016, 30.08.2016
552. Responses (x3) from the occupiers of Ferncroft Avenue London dated 31.08.2016
553. Response from the occupier of Flat 4 Avenue Mansions Finchley Road dated 30.08.2016
554. Response from the occupier of 20 Athena Court, 2 Finchley Road dated 26.07.2016
555. Response from the occupier of Flat 19 Arkwright Mansion, 206 Finchley Road dated 30.08.2016
556. Response from the occupier of Flat 9, 769 Finchley Road London dated 26.07.2016
557. Response from the occupier of Flat 4 Avenue Mansions Finchley Road London dated 26.07.2016
558. Responses (x5) from the occupiers of 1834 Eire Court London dated 26.07.2016, 25.08.2016, 02.12.2016
559. Response from the occupier of 9 Eyre Court 3-21 Finchley Road London dated 31.08.2016

560. Responses (x2) from the occupier of 71 Eyre Court 3-21 Finchley Road dated 28.07.2016, 23.11.2016
561. Response from the occupier of Apsley House Flat 26, 23-29 Finchley Road London dated 31.07.2016
562. Responses (x2) from the occupier of Flat 8 Alvaney Court, 250 Finchley Road dated 27.07.2016, 08.12.2016
563. Response from the occupier of 4 Avenue Mansions Finchley Road London dated 26.07.2016
564. Responses (x2) from the occupiers of 19 Fitzjohns Avenue London dated 12.08.2016, 15.08.2016
565. Response from the occupier of Flat 1 55 Fitzjohns Avenue London dated 31.08.2016
566. Response from the occupier of Flat 3 Fitzjohns Avenue Hampstead dated 27.07.2016
567. Responses (x3) from the occupier of 71A Fitzjohns Avenue London dated 27.07.2016, 05.12.2016
568. Responses (x3) from the occupiers of 109 Francklyn Gardens London dated 26.07.2016, 31.08.2016, 23.11.2016.
569. Response from the occupier of 16 Frognaal Gardens Flat 2 dated 22.12.2016
570. Response (x2) from the occupiers of Garden Cottage, Garden Road dated 27.07.2016, 29.08.2016
571. Response from the occupier of 11 Gladys Road London dated 10.08.2016
572. Response from the occupier of 51 Gloucester Place Mews dated 28.07.2016
573. Response from the occupier of 12 Golders Manor Drive London dated 15.08.2016
574. Response from the occupier of 34A Goldhurst Terrace London dated 30.08.2016
575. Response from the occupier of 101 Goldhurst Terrace London dated 30.08.2016
576. Response from the occupier of Flat 2, 121 Goldhurst Terrace dated 28.10.2016
577. Response from the occupier of 134 Goldhurst Terrace London dated 30.08.2016
578. Response from the occupier of 191C Goldhurst Terrace London dated 31.08.2016
579. Response from the occupier of 215 Goldhurst Terrace dated 30.08.2016
580. Responses (x3) from the occupiers of 14 Grange Gardens Pinner dated 31.08.2016
581. Response from the occupier of one Great Cumberland Place London dated 26.07.2016
582. Response from the occupier of 118 Great Portland Street London dated 26.07.2016
583. Response from the occupier of 68 Greencroft Gardens London dated 26.07.2016
584. Response from the occupier of 112 Greencroft Gardens London dated 10.08.2016
585. Response from the occupier of 23 Greenhill London dated 01.09.2016
586. Response from the occupier of 6 Green Walk London dated 27.07.2016
587. Response from the occupier of 53 Gresham Gardens London dated 10.08.2016
588. Response from the occupier of 24 Greville Place Lavington Flat 9 London dated 15.08.2016
589. Responses (x2) from the occupier of 30 Greville Road London dated 12.08.2016, 05.12.2016
590. Response from the occupier of 6 Grittleton Road London dated 31.08.2016
591. Responses (x2) from the occupiers of Flat 72 Grove End Gardens Grove End Road London dated 31.10.2016
592. Responses from the occupiers of Flat 132 Grove End Gardens 33 Grove End Road dated 05.12.2016
593. Response from the occupier of 1C Grove End House Grove End Road London dated 30.08.2016
594. Response from the occupier of Flat 10 Grove End Gardens, 33 Grove End Road dated 31.08.2016
595. Response from the occupier of 132 Grove End Gardens , 33 Grove End Road dated 05.09.2016
596. Response from the occupier of 161 Grove End Gardens London dated 31.08.2016
597. Response from the occupier of 180 Grove End Gardens London dated 03.09.2016
598. Response from the occupier of 188 Grove End Gardens, Grove End Road London dated 30.08.2016
599. Responses (x2) from the occupiers of 245 Grove End Gardens London dated 13.09.2016
600. Response from the occupier of 281 Grove End Gardens dated 30.08.2016
601. Responses (x2) from the occupiers of 284 Grove End Gardens London dated 26.07.2016, 29.07.2016
602. Response from the occupier of 311 Grove End Gardens, Grove End Road London dated

- 30.08.2016
603. Responses (x2) from the occupiers of Flat 315 Grove End Gardens London dated 31.08.2016
604. Response from the occupier of Flat 701 Grove End Gardens 33 Grove End Road London dated 27.07.2016
605. Response from the occupier of 8 Grove End Road London dated 26.07.2016
606. Response from the occupier of 23A Grove End Road London dated 27.07.2016
607. Response from the occupier of 33 Grove End Road London dated 11.08.2016, 16.12.2016
608. Responses (x3) from the occupiers of 37-41 Grove End Road London dated 26.07.2016, 27.07.2016
609. Responses from the occupier of 72 Grove End Road London dated 30.08.2016, 31.08.2016, 05.12.2016
610. Responses (x2) from the occupiers of 27 Grove Hall Court Hall Road 27.07.2016, 28.07.2016
611. Response from the occupier of 105 Grove Hall Court Hall Road dated 01.09.2016
612. Response from the occupier of 127 Grove Hall Court Hall Road dated 07.12.2016
613. Responses (x2) from the occupier of 130 Grove Hall Court Hall Road dated 26.07.2016, 08.08.2016, 21.11.2016
614. Responses (x2) from the occupiers of 131 Grove Hall Court Hall Road dated 26.07.2016, 27.07.2016
615. Response from the occupier of 132 Grove Hall Court Hall Road dated 26.07.2016
616. Response from the occupier of 179 Grove Hall Court Road dated 02.12.2016
617. Responses (x2) from the occupier of 12 Hamilton House 1 Hall Road 26.07.2016, 20.11.2016
618. Response from the occupier of 15 Hamilton House 1 Hall Road dated 30.08.2016
619. Response from the occupier of Flat 37 Hamilton House 1 Hall Road dated 30.08.2016
620. Response from the occupier of 16 Hall Road dated 30.08.2016
621. Responses (x2) from the occupier of 17 Hall Road Flat 26 dated 05.09.2016, 05.12.2016
622. Response from the occupier of Flat 36 17 Hall Road dated 01.09.2016
623. Response from the occupier of 55 Hamilton London dated 26.07.2016
624. Response from the occupier of 35 Hamilton Gardens dated 30.08.2016
625. Response from the occupier of 41 Hamilton Gardens dated 27.07.2016
626. Response from the occupier of 48 Hamilton gardens dated 10.08.2016
627. Responses (x2) from the occupiers of Ground floor flat Hamilton Terrace dated 10.08.2016
628. Response from the occupier of 55 Hamilton Terrace dated 26.07.2016
629. Response from the occupier of 62 Hamilton Terrace dated 30.08.2016
630. Response from the occupier of 75 Hamilton Terrace dated 31.08.2016
631. Responses (x2) from the occupier of The Garden Flat 76 Hamilton Terrace dated 10.08.2016, 02.12.2016
632. Responses (x2) from the occupiers of 81 Hamilton Terrace dated 31.08.2016, 03.09.2016
633. Responses from the occupier of 98 Hamilton Terrace dated 26.07.2016, 01.08.2016, 02.12.2016
634. Response from the occupier of The garden flat 118 Hamilton Terrace dated 27.07.2016
635. Response from the occupier of 121a Hamilton Terrace dated 29.08.2016
636. Responses (x2) from the occupier of 127 Hamilton Terrace dated 26.07.2016, 05.12.2016
637. Responses (x3) from the occupiers of FFF 147 Hamilton Terrace dated 26.07.2016, 10.08.2016, 17.08.2016
638. Response from the occupier of 152 Hamilton Terrace dated 30.08.2016
639. Responses (x2) from the occupiers of 24 Harley Road dated 26.07.2016
640. Response from the occupier of 108 Harley Street dated 07.09.2016
641. Response from the occupier of 209 Harrow Road date 29.08.2016
642. Response from the occupier of 23 Hawksmoor Harris Lane Shirley dated 27.07.2016
643. Response from the occupier of 100 Hawtrey Road dated 27.07.2016
644. Response from the occupier of 33 Hazelmere Road dated 28.07.2016
645. Response from the occupier of Healthfield Gardens 30 dated 08.08.2016
646. Response from the occupier of Flat 1 Ashby Lodge 134 Hendon Lane dated 30.08.2016
647. Response from the occupier of 6 Henstridge Place dated 31.08.2016
648. Response from the occupier of 14 Henstridge Place dated 26.07.2016
649. Responses (x2) from the occupiers of 42 Highfield Avenue dated 26.07.2016, 10.08.2016

650. Response from the occupier of 65 Highfield Gardens dated 27.07.2016
651. Response from the occupier of 71 Highfield Gardens dated 31.08.2016
652. Response from the occupier of Hendon Park Lodge Highwood Hill dated 30.08.2016
653. Response from the occupier of 47a Hillfield Road West Hampstead dated 28.07.2016
654. Response from the occupier of 75 Hillfield Road dated 31.08.2016
655. Response from the occupier of 5 Highwood Grove dated 27.07.2016
656. Response from the occupier of 16a Hill Road dated 26.07.2016
657. Response from the occupier of 2 hillside Close dated 28.07.2016
658. Responses (x2) from the occupier of 11 Hilltop Hale dated 01.09.2016,
659. Response from the occupier of 3 St James Mansions Hilltop Mansions dated 3.08.2016
660. Response from the occupier of 1 Hocroft Road dated 27.07.2016
661. Response from the occupier of 45 Holders Hill Avenue dated 10.08.2016
662. Response from the occupier of 24 Hornby Close dated 01.09.2016
663. Response from the occupier of 5 Hudson Close dated 09.09.2016
664. Responses (x2) from the occupiers of 6 Hudson Close dated 01.09.2016
665. Responses (x5) from the occupiers of 9 Hyde Park Gardens dated 27.07.2016, 10.08.2016, 05.12.2016, 06.12.2016
666. Responses (x4) from the occupiers of 13 Ingram Avenue dated 29.08.2016, 22.12.2016
667. Response from the occupier of 55 Iverson Road dated 02.12.2016
668. Response from the occupier of 117 King Henery's Road dated 01.09.2016
669. Responses (x2) from the occupier of 126 King Henry's Road dated 29.08.2016
670. Response from the occupier of 29 Lancaster Grove dated 26.07.2016
671. Response from the occupier 6 Langford Place dated 26.07.2016
672. Response from the occupier of 109 Lauderdale Mansions Lauderdale Road dated 10.08.2016
673. Response from the occupier of 320 Lewis Avenue Woodmere dated 04.08.2016
674. Responses (x2) from the occupiers of 3a Linhope Street dated 10.08.2016
675. Responses (x2) from the occupiers of 16 Linhope Street dated 26.07.2016, 28.07.2016
676. Response from the occupier of 25 Linstead Street dated 26.07.2016
677. Response from the occupier of Flat 5, 49 Lisson Grove dated 28.07.2016
678. Response from the occupier of 267 Lonsdale Road dated 06.12.2016
679. Response from the occupier of 20 Loudoun Road dated 01.09.2016
680. Response from the occupier of 35 Loudoun Road dated 16.11.2016
681. Response from the occupier of Flat 3.2 52 Lymington Road The pulse apartment dated 30.08.2016
682. Response from the occupier of 15 Lyndale Avenue dated 08.09.2016
683. Responses (x2) from the occupiers of Flat 16 Southbury 144 Loudoun Road dated 28.07.2016
684. Responses (x2) from the occupier of 43 Belvedere Court, 115 Lyttleton Road dated 12.08.2016, 29.11.2016
685. Response from the occupier of Flat 5 Tower Court Mackennal Street dated 30.08.2016
686. Response from the occupier of 24 Magnolia Court Harrow dated 26.07.2016
687. Response from the occupier of 34 Maida Vale dated 14.08.2016
688. Response from the occupier of 3 Brymcourt 96 Maida Vale dated 05.08.2016
689. Response from the occupier of 18 Manor Hall Avenue dated 31.08.2016
690. Response from the occupier of 26 Manor Hall Avenue dated 31.08.2016
691. Response from the occupier of 15A Maresfield Gardens dated 27.07.2016
692. Response from the occupier of 49b Maresfield Gardens dated 27.07.2016
693. Response from the occupier of 24 Marlborough Place dated 21.11.2016
694. Response from the occupier of 28 Marlborough Place dated 30.08.2016
695. Response from the occupier of 18 La Residence 38A Marlborough Place dated 10.08.2016, 02.12.2016
696. Responses (x2) from the occupiers of 39 Marlborough Hill Flat 3 dated 26.07.2016, 28.07.2016
697. Responses (x2) from the occupiers of Flat 7C, 55 Marlborough Hill dated 17.08.2016, 16.09.2016
698. Response from the occupier of 56 Marlborough Mansions dated 26.07.2016
699. Response from the occupier of 64 Marlborough Place dated 11.08.2016
700. Responses (x2) from the occupier of Basement 81A Marylands Road dated 26.07.2016,

05.12.2016

701. Response from the occupier of 80 Harley House, Marylebone Road dated 27.07.2016
702. Response from the occupier of Flat 56, Harley House Marylebone Road dated 09.08.2016
703. Response from the occupier of 24 Berkeley Court, Marylebone Road dated 28.07.2016
704. Response from the occupier of 23 Mayfield Gardens Hendon dated 10.08.2016
705. Response from the occupier of Maygrove Road dated 26.07.2016
706. Responses (x2) from the occupiers of 28 Meadowbank dated 08.08.2016
707. Response from the occupier of 61B Messina Avenue dated 27.07.2016
708. Response from the occupier of 79a Messina Avenue West Hampstead dated 26.07.2016
709. Response from the occupier of 36 Millway Mill Hill dated 26.07.2016
710. Responses (x2) from the occupiers of 59A Mill Lane dated 10.08.2016, 25.08.2016
711. Response from the occupier of 26 Neeld Crescent dated 01.08.2016
712. Response from the occupier of 1 Heatherwood House 28 Neatherhall Gardens dated 28.10.2016
713. Response from the occupier of 7 Neville Drive dated 26.07.2016
714. Responses (x2) from the occupiers of 10 Neville Drive dated 10.08.2016
715. Response from the occupier of 6 Norfolk Road dated 26.07.2016
716. Response from the occupier of 12A Norfolk Road dated 05.09.2016
717. Response from the occupier of 25 Norfolk Road dated 29.08.2016
718. Response from the occupier of 28 Norfolk Crescent dated 26.07.2016
719. Response from the occupier of Flat 23 Northways College Crescent dated 26.07.2016
720. Response from the occupier of 26 Northways College Crescent dated 26.07.2016
721. Response from the occupier of 5 Northwick Close dated 15.08.2016
722. Responses (x2) from the occupiers of Flat 19 14 Northwick Terrace dated 26.07.2016, 30.08.2016
723. Responses (x2) from the occupiers of 97 Clifton Court Northwick Terrace dated 27.07.2016
724. Responses (x2) from the occupiers of 2 Nutley Terrace dated 01.09.2016
725. Responses from the occupier of 5 Ordnance Mews dated 26.07.2016
726. Response from the occupier of 53 Ormonde Terrace dated 09.09.2016
727. Response from the occupier of 77 Paliament Hill dated 26.07.2016
728. Response from the occupier of 23 Park Avenue Finchley Central dated 22.11.2016
729. Response from the occupier of 16 Park Crescent dated 31.08.2016
730. Response from the occupier of 23 Park Avenue dated 06.09.2016
731. Responses (x3) from the occupiers of Flat 5 Abbey Lodge Park Road dated 27.07.2016
732. Response from the occupier of 54 Abbey Lodge dated 01.09.2016
733. Response from the occupier of 4 Hanover Gates Mansions Park Road dated 30.08.2016
734. Response from the occupier of Pavilion Apartments dated 26.07.2016
735. Response from the occupier of 210 Pavilion Apartments dated 26.07.2016
736. Response from the occupier of 15 Pembroke Gardens dated 31.08.2016
737. Response from the occupier of 5a Plympton Street dated 31.07.2016
738. Response from the occupier of Portland House dated 30.08.2016
739. Response from the occupier of 8H Portman Mansions Porter Street dated 30.08.2016
740. Response from the occupier of Flat 6 Hillview, 2-4 Primrose Hill Road dated 27.07.2016
741. Response from the occupier of Prince Albert Road dated 31.08.2016
742. Response from the occupier of 19 Prince Albert Road dated 29.07.2016
743. Response from the occupier of 5 imperial Court Prince Albert Road dated 30.08.2016
744. Response from the occupier of 39 Imperial Court, Prince Albert Road dated 30.08.2016
745. Response from the occupier of 13 St James Close, Prince Albert Road dated 10.08.2016
746. Response from the occupier of 85 Oslo Court, Prince Albert Road dated 02.09.2016
747. Response from the occupier of 14 Consort Lodge, 34-35 Prince Albert Road dated 30.08.2016
748. Response from the occupier of 39 Viceroy Court Prince Albert Road dated 26.07.2016
749. Response from the occupier of Flat 4 19 Prince Albert Road dated 21.11.2016
750. Response from the occupier of 51 Prince Albert Road dated 29.07.2016
751. Response from the occupier of 77 Princes Park Avenue dated 24.08.2016
752. Response from the occupier of 14 Princes Lodge, 34-35 Prince Albert Road dated 26.07.2016
753. Response from the occupier of Washington Penthouse 51 Prince Albert Road dated 30.07.2016
754. Response from the occupier of 97 Priory dated 26.07.2016

755. Response from the occupier of The Attic 117 Priory Road dated 31.08.2016
756. Response from the occupier of 74 Queensborough Terrace Flat 1 dated 26.07.2016
757. Response from the occupier of 27 Queens Grove 27 Queens Grove dated 30.08.2016
758. Response from the occupier of 32 Queens Grove dated 26.07.2016
759. Response from the occupier of 41 Queens Grove dated 30.08.2016
760. Response from the occupier of 13 Beatrice Court, 15 Queens Road dated 01.09.2016
761. Response from the occupier of 6 The Terraces, 12 Queens Terrace dated 05.12.2016
762. Responses (x3) from the occupiers of Flat 30 The Terraces, 12 Queens Terrace dated 25.07.2016, 02.12.2016
763. Response from the occupier of basement flat 74 Randolph Avenue dated 27.07.2016
764. Response from the occupier of 79 Randolph Avenue dated 26.07.2016
765. Responses (x2) from the occupiers of 80F Randolph Avenue dated 27.07.2016
766. Response from the occupier of 80j Randolph Avenue dated 27.07.2016
767. Responses from the occupier of 110 Randolph Avenue dated 26.07.2016, 20.11.2016
768. Responses (x2) from the occupiers of 114 Randolph Avenue dated 27.07.2016, 12.08.2016
769. Responses (x2) from the occupiers of 122 Randolph Avenue dated 31.08.2016
770. Response from the occupier of 5 Randolph Road dated 31.08.2016
771. Response from the occupier of 11 Ranulf Road dated 16.09.2016
772. Response from the occupier of 25 Ravenscroft Avenue dated 26.07.2016
773. Response from the occupier of Suite 38 Rayne House dated 01.09.2016
774. Responses (x2) from the occupiers of Flat 4 2 Redcliffe Square dated 31.08.2016, 01.09.2016
775. Responses (x2) from the occupiers of 26 Redington Road dated 27.07.2016, 01.09.2016
776. Response from the occupier of 37A Redington Road dated 30.08.2016
777. Responses (x2) from the occupiers of 70 Regents Park Road dated 31.08.2016, 05.09.2016
778. Response from the occupier of 32 Renters Avenue dated 31.08.2016
779. Responses (x2) from the occupier of 1 Rose Garden Close Edgware dated 11.08.2016
780. Response from the occupier of 7 Rowan Walk dated 10.08.2016
781. Response from the occupier of 3 Rudgwick Terrace Avenue Road dated 17.09.2016
782. Response from the occupier of 19 St Cuthberts Road dated 01.09.2016
783. Response from the occupier of 1 Ormonde Court St Edmunds Close dated 30.08.2016
784. Responses (x2) from the occupier of Flat 6 7-8 St Edmunds Terrace dated 05.09.2016, 05.12.2016
785. Response from the occupier of 1 Barrie House, 29 St Edmunds Terrace dated 29.08.2016
786. Response from the occupier of 19 Barrie House 29 St Edmunds Terrace dated 28.10.2016
787. Response from the occupier of 20 Barrie House 29 St Edmunds Terrace dated 30.08.2016
788. Responses (x2) from the occupiers of 50 St Edmunds Terrace dated 29.08.2016, 30.08.2016
789. Responses (x2) from the occupiers of 37 Kendal Steps St Georges Fields dated 10.08.2016
790. Responses (x3) from the occupiers of 13 St James Close dated 26.07.2016, 30.08.2016
791. Response from the occupier of Flat 19 St Marys Mansions St Marys Terrace dated 30.08.2016
792. Response from the occupier of Penthouse a St Johns Wood Court dated 31.08.2016
793. Response from the occupier of Flat 6, 27a St Johns Wood High Street dated 27.07.2016
794. Responses x2) from the occupiers of 69-71 St Johns Wood High Street dated 17.08.2016, 30.08.2016
795. Response from the occupier of 102a St Johns Wood High Street dated 30.08.2016
796. Response from the occupier of 14 St Johns Wood Park dated 20.11.2016
797. Responses (x4) from the occupiers of 26 St Johns Wood Park dated 26.07.2016, 27.07.2016, 02.12.2016, 07.12.2016
798. Response from the occupier of Flat 69 Boydell Court, St Johns Wood Park dated 31.08.2016
799. Response from the occupier of 14 Sheringham St Johns Wood Park dated 26.07.2016
800. Responses (x2) from the occupier of 30 Sheringham St Johns Wood Park dated 26.07.2016, 11.08.2016
801. Response from the occupier of 79 Sheringham St Johns Wood Park dated 30.08.2016
802. Response from the occupier of 5 Walsingham St Johns Wood Park dated 26.07.2016
803. Response from the occupier of 29 Walsingham St Johns Wood Park dated 31.07.2016
804. Response from the occupier of 40 Walsingham St Johns Wood Park dated 30.08.2016
805. Response from the occupier of 52 Walsingham St Johns Wood Park dated 04.11.2016

806. Response from the occupier of 106 Lords View St Johns Wood Road dated 10.08.2016
807. Response from the occupier of 120 Lords View St Johns Wood Road dated 28.07.2016
808. Response from the occupier of 34 St Johns Wood Road dated 29.07.2016
809. Response from the occupier of 21 Abbey Court St Johns Wood dated 30.08.2016
810. Response from the occupier of 4 Harrow Lodge St Johns Wood Road dated 06.09.2016
811. Response from the occupier of 24 Harrow Lodge St Johns Wood Road dated 26.07.2016
812. Response from the occupier of 57 St Johns Wood Court, St Johns Wood Road dated 30.08.2016
813. Response from the occupier of 10 St Johns Wood Terrace dated 06.09.2016
814. Response from the occupier of 9 Sands Court Great Neck dated 31.08.2016
815. Response from the occupier of 25 Saville Row dated 28.07.2016
816. Response from the occupier of 5 Townshend Court, Shannon Place dated 06.09.2016
817. Responses (2) from the occupier of 55a Sherriff Road dated 11.08.2016, 06.12.2016
818. Response from the occupier of 10 Shirehall Close dated 28.07.2016
819. Response from the occupier of 31 Shirehall Park Hendon dated 15.08.2016
820. Response from the occupier of 77 Shirehall Park Hendon dated 01.09.2016
821. Response from the occupier of 19-20 Shroton Street dated 05.12.2016
822. Response from the occupier of Siri Road Chelsea Gatineau Quebec dated 26.07.2016
823. Responses (x2) from the occupier of 24 Sneyd Road dated 30.08.2016, 07.12.2016
824. Responses (x2) from the occupiers of 8 Springfield Road dated 31.08.2016
825. Response from the occupier of 12 Springfield Road dated 27.07.2016
826. Responses (x2) from the occupiers of 37 Springfield Road dated 26.07.2016, 14.08.2016
827. Response from the occupier of 38 Springfield Road dated 30.08.2016
828. Response from the occupier of 44 Springfield Road dated 08.12.2016
829. Response from the occupier of 53 Springfield Road dated 27.07.2016
830. Responses (x3) from the occupier of 65 Springfield Road dated 26.07.2016, 29.08.2016, 05.12.2016
831. Response from the occupier of Somerset Road dated 28.07.2016
832. Response from the occupier of Flat 11 Wavereley Court 41-43 Steele Road dated 01.09.2016
833. Response from the occupier of 3 Starling House dated 01.09.2016
834. Responses (x2) from the occupier of 95a Sutherland Avenue dated 26.07.2016, 22.12.2016
835. Response from the occupier of 112 Sutherland Avenue dated 31.08.2016
836. Response from the occupier of 124 Sutherland Avenue dated 27.07.2016
837. Response from the occupier of 168 Sutherland Avenue dated 26.07.2016
838. Response from the occupier of 177 Sutherland Avenue dated 26.07.2016
839. Response from the occupier of Swallow House dated 29.08.2016
840. Response from the occupier of Telephone House 2-4 Temple Avenue dated 27.07.2016
841. Response from the occupier of Stoneways Tenterden Grove dated 05.09.2016
842. Response from the occupier of 41 The Drive dated 26.07.2016
843. Response from the occupier of 8 the Lane dated 10.08.2016
844. Response from the occupier of 27 The Little Boltons dated 31.08.2016
845. Response from the occupier of 20 The Marlowes St Johns Wood dated 26.07.2016
846. Responses (x2) from the occupier of Flat 30 The Terraces dated 25.07.2016
847. Response from the occupier of Flat 6 Titchfield House, Titchfield Road dated 02.08.2016
848. Response from the occupier of 80 Townshend Court, Townshend Road dated 26.07.2016
849. Response from the occupier of 3 Upper Belgrave Street dated 31.08.2016
850. Responses (x2) from the occupiers of 19 Upper Wimpole Street dated 28.07.2016
851. Responses (x6) from the occupiers of 2 Vale Close dated 26.07.2016
852. Response from the occupier of 3 Vale Close dated 09.12.2016
853. Responses (x2) from the occupiers of 4 Vale Close dated 27.07.2016, 20.11.2016
854. Response from the occupier of 9 Vale Close dated 31.08.2016
855. Response from the occupier of 5 Venables Street dated 12.11.2016
856. Response from the occupier of Flat 2, 11 Warrington Crescent dated 02.12.2016
857. Response from the occupier of 83a Warrington Crescent basement dated 30.08.2016
858. Response from the occupier of Flat 54 Walsingham Gardens dated 31.08.2016
859. Response from the occupier of Flat 1 Walpole Court St Johns Wood dated 15.08.2016
860. Response from the occupier of 40 Walsingham St Johns Wood Park dated 26.07.2016

861. Response from the occupier of Flat 2 11 Warrington Crescent dated 26.07.2016
862. Response from the occupier of 83 Warrington Crescent dated 10.08.2016
863. Response from the occupier of 40F Warwick Avenue dated 26.07.2016
864. Response from the occupier of 14 Weech Road dated 14.09.2016
865. Response from the occupier of 6 Wellgarth Road dated 18.08.2016
866. Response from the occupier of 62 Welbeck Street dated 28.07.2016
867. Response from the occupier of 5A Wellington Place dated 29.08.2016
868. Response from the occupier of 29 Boyton House Wellington Road dated 04.09.2016
869. Response from the occupier of Flat 31 Reynolds House Wellington Road dated 26.07.2016
870. Response from the occupier of 55 56 Wellington Road dated 10.08.2016
871. Response from the occupier of Flat 76 Wellington Court 56-57 Wellington Road dated 26.07.2016
872. Response from the occupier of 3 Wells Rise dated 25.07.2016
873. Response from the occupier of 99 West End Lane dated 26.07.2016
874. Response from the occupier of 129 West End Lane Flat 2 dated 26.07.2016
875. Response from the occupier of Flat 1 22 West Heath drive dated 27.07.2016
876. Response from the occupier of Manor House West Heath Close dated 30.08.2016
877. Response from the occupier of 207 West Heath Road dated 27.07.2016
878. Response from the occupier of 9 Oak Lodge 67 West Heath dated 30.08.2016
879. Responses (x2) from the occupiers of Flat 12 Dudley House Westmoreland Street dated 31.08.2016
880. Response from the occupier of 1 White Orchards N2 dated 27.07.2016
881. Response from the occupier of 1 Wildwood Rise dated 26.07.2016
882. Response from the occupier of 24 Wimole Street dated 26.07.2016
883. Response from the occupier of 66 Wimpole Street dated 27.07.2016
884. Response from the occupier of Flat B 33-35 Winchester Road dated 27.07.2016
885. Response from the occupier of 37 Woodburn Close dated 26.07.2016
886. Response from the occupier of 20 Woodstock Close dated 31.08.2016
887. Response from the occupier of 21 Woronzow Road dated 10.08.2016
888. Response from the occupier of 17 Worsley Crescent Marton Middlesbrough Teeside dated 10.08.2016
889. Response from the occupier of 9 York Terrace West dated 05.09.2016
890. Response from the occupier of Av Du Domaine 185/41 Brussels dated 31.08.2016
891. Response from the occupier of 3 London dated 27.07.2016
892. Response from the occupier of Not spec London dated 31.08.2016
893. Response from the occupier of NA NA dated 22.10.2016.
-
894. Response from the occupier of 50 Abbey Gardens dated 29.08.2016
895. Response from the occupier of 1 Abercorn Cottages, Abercorn Place dated 31.08.2016
896. Response from the occupier of 32 Averdeen Place dated 12.12.2016
897. Response from the occupier of Chester House, Claredon Place dated 05.12.2016
898. Response from the occupier of 50 Acacia Road dated 30.08.2016
899. Response from the occupier of 7 Allande Avenue dated 06.08.2016
900. Response from the occupier of 124 Hamilton Terrace dated 30.08.2016
901. Resp Response from the occupier of 94 St John's Wood Terrace dated 17.08.2016
onse from the occupier of 128 Loudoun Road dated 10.09.2016
902. Response from the occupier of 94 St John's Wood Terrace dated 17.08.2016
903. Response from the occupier of 80 Harley House, Marylebone Road dated 31.08.2016.
-
904. Response from the occupier of Flat 6, Bradman House dated 28.12.2016
905. Response from the occupier of 20 Alma Square dated 23.12.2016
906. Response from the occupier of 16 Hamilton Terrace dated 03.01.2017
907. Response from the occupier of 9 St John's Wood Park dated 28.12.2016
908. Response from the occupier of 37 Fairfield Gardens dated 03.01.2017
909. Response from the occupier of Flat 8 Alvaney Court, 250 Finchley Road dated 03.01.2017

910. Response from the occupier of 55-67 Wellington Road dated 03.01.2017

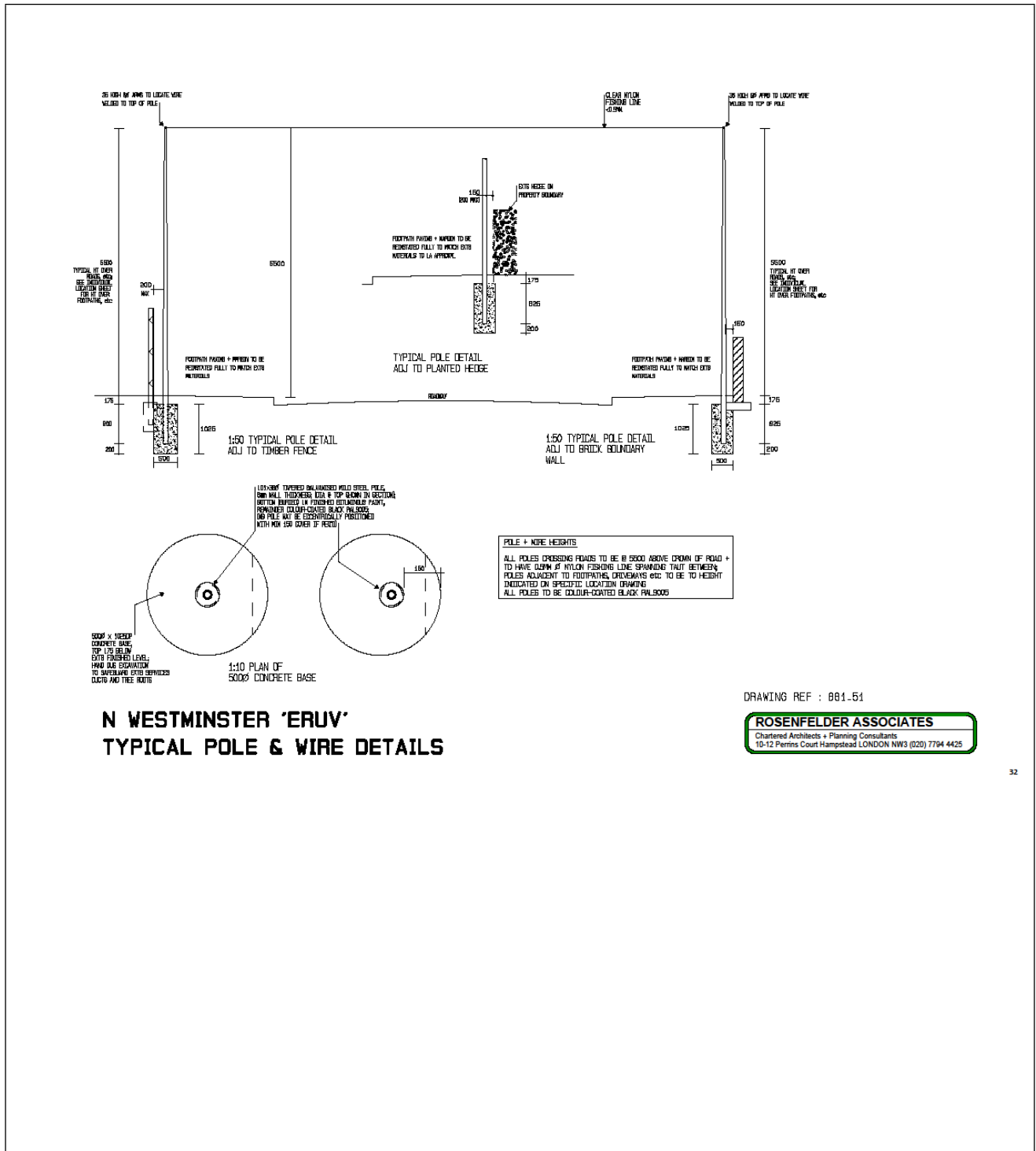
Selected relevant drawings

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

Item No.
1

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

10. KEY DRAWINGS (see background papers for full set)



DRAFT DECISION LETTER

Address: Various Locations NW8, NW6, W9 Within North Westminster Including, Prince Albert Road, London,

Proposal: Erection of 26 sets (1, 2 or 3 poles) of 5.5m high supporting poles (black colour coated steel poles) and linking wires (clear nylon filament) associated with the creation of an Eruv (continuous boundary designated in accordance with Jewish law) within the north of Westminster around and including St John's Wood NW8, Maida Vale, Westbourne Green and Little Venice W9, Prince Albert Road and vicinity NW8 and Randolph Gardens and vicinity NW6.

Plan Nos: DETAILED LOCATION OF POLES REV A; MAP OF LOCATION OF POLES; DESIGN & ACCESS STATEMENT REV A.

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641 2929

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

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

Reason:

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

- 2 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- a. Relocation of poles 1A/B
- b. Relocation of poles 2A/B
- c. Relocation of pole 25B
- d. Relocation of pole 27A
- e. Relocation of 33A/B
- f. Relocation of 37B
- g. Relocation of 39B/C
- h. Additional location 40A/B
- i) Additional location 41A/B
- j) Amended drawings to accurately reflect current on-site circumstances including existing street furniture.

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:

In order to minimise the impact of the proposal on heritage assets, pedestrian safety and amenity grounds in accordance with Policies DES9, DES10, ENV13 and TRANS3 of the Unitary Development Plan that we adopted November 2007 and policies S25, S41 and S29 of Westminster's City Plan: Strategic Policies that we adopted July 2016.

- 3 You must apply to us for approval of a management statement explaining the measures you will take to protect the trees on or near to the site. You must not start any demolition, site clearance or

building work, and you must not take any equipment, machinery or materials for the development onto any of the sites, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

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

- 4 Any work under near trees must not damage the branches of the tree or the roots over 24mm in diameter. If you uncover any roots of this diameter, you must adapt the foundation design or location to retain them.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Some poles (9A/B and 34A/B) are located close to flat roofs/walls which could be considered to potentially give easier climbing access to properties. You are advised to liaise with the owners of these properties and to consider the use of anti-climb paint.
- 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. Maintenance Strategy for poles and wire.
 - II. Cost of maintenance of street trees
 - III. Applicant to take on public liability.
 (I55AA)
- 4 Condition 3 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:

- * the order of work on the site, including demolition, site clearance and building work;
 - * who will be responsible for protecting the trees on the site;
 - * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
 - * how you will deal with accidents and emergencies involving trees;
 - * planned tree surgery;
 - * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
 - * how you will remove existing surfacing, and how any soil stripping will be carried out;
 - * how any temporary surfaces will be laid and removed;
 - * the surfacing of any temporary access for construction traffic;
 - * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
 - * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
 - * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
 - * the place for any bonfires (if necessary);
 - * any planned raising or lowering of existing ground levels; and
 - * how any roots cut during the work will be treated.
- 5 To avoid any doubt: The majority of trees affected by the Eruv are growing within conservation areas and a number are included in Tree Preservation Orders. The consent of tree owners and the City Council will be required before carrying out any tree pruning to install the Eruv or maintain it. You must write giving us six weeks' notice if you want to cut, move or trim any of the trees in conservation areas and you must obtain written permission before you prune any part or remove any tree that is subject of a Tree Preservation Order.
- 6 Some of the trees affected by the proposal are on private land and the consent of the owner will be required to prune a tree even if a conservation area notification is made or consent to work on a protected tree has been granted.

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Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	33 Grosvenor Place, London, SW1X 7HY,		
Proposal	Redevelopment behind retained facades to create a medical clinic (Class C2), including alterations to the existing northern, southern and eastern elevations; partial demolition and redevelopment of the existing western elevation along with additional alterations including the creation of a servicing and delivery bay; minor excavation at basement level including provision of lift pits and water attenuation tanks; demolition and redevelopment of the existing fifth floor level; addition of roof top extension at sixth floor level for plant machinery; infill of the existing atria; and other associated alterations.		
Agent	DP9		
On behalf of	Cleveland Clinic		
Registered Number	16/08369/FULL	Date amended/ completed	26 August 2016
Date Application Received	26 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	Not located in conservation area.		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure:</p> <ul style="list-style-type: none"> i) A contribution to the Council's carbon off-setting fund of £642,600; ii) An Operational Management Plan (including the setting up of a Community Liaison Group and detailed emergency services and valet/car parking strategy); iii) Highway works surrounding site; iv) A contribution of £75,000 towards the Transport for London safety scheme; v) A Travel Plan; vi) The provision of employment, training and local procurement opportunities; vii) Monitoring costs. <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p>

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 the 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.

2. SUMMARY

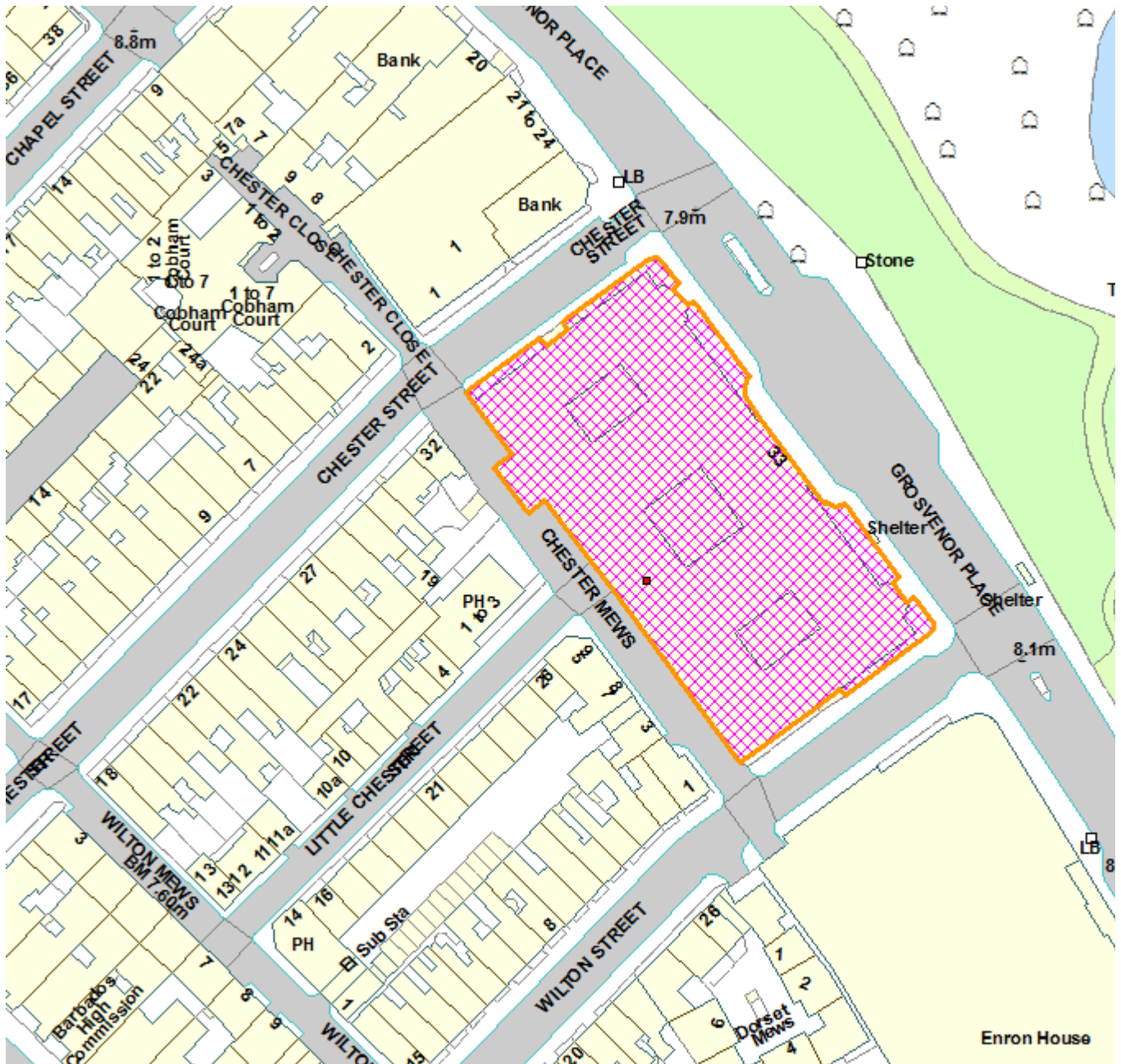
33 Grosvenor Place is an unlisted building which is located adjacent to the Belgravia Conservation Area. Permission is sought for the redevelopment of the existing office building (Class B1) behind retained facades to create a 205 bed private medical clinic (Class C2). Works include external changes to the elevations, an infill extension and third and fourth floor levels to the western facade, redevelopment of the existing fifth floor level, addition of a roof top extension at sixth floor level for plant and minor excavation at basement level.

The key issues for consideration in this case are:

- *The impact of the proposals on the character and appearance of the area;
- *The impact of the proposals on the amenity of neighbouring occupiers;
- *The impact of the proposals on the surrounding highway network.

There have been a number of strong objections to the scheme from neighbouring residents and the Belgravia Society. For the reasons set out in the main report, the proposals are considered acceptable in land use, amenity and design terms and comply with the City Council's policies as set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan). It is recommended that conditional planning permission be granted subject to a legal agreement securing the items listed within Section 8.10 of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

HISTORIC ENGLAND

This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

ENVIRONMENT AGENCY

Any response to be reported verbally

TRANSPORT FOR LONDON

No objections to the principle of the scheme, their comments have been summarised as follows:

- No car parking is proposed on site. Instead, it is proposed to lease up to fifty spaces in private car park. TfL would want to see levels of car parking and the distance between the site and car parks minimised. The level of off-site parking secured will need to be capped.
- To facilitate the valet parking service, waiting restrictions with the layby on Grosvenor Place would need to be changed. This would need to be secured as part of a Section 278 agreement and in principle this is acceptable.
- It is noted that the largest mode share for patients and visitors is taxi. As such is considered necessary that a taxi rank form part of the proposals, this could potentially be provided within the layby on Grosvenor Place.
- Cycle parking is to be provided in accordance with London Plan Standards, this is supported.
- Trip generation is proposed on a first principles basis, and compares to the existing use of the site. This seems appropriate and it is accepted that the amount of peak hour trips the site generates is likely to reduce.
- A Travel Plan should be secured and monitored through a section 106 agreement.
- The measures set out within the Delivery and Servicing Plan (DSP) seem well judged and appropriate for the use, and we would recommend that the DSP is secured as part of the section 106 agreement.
- A construction management plan has been provided as part of the application, which is welcomed. It may be sensible to ensure that construction vehicles only use Chester Street, Wilton Street and Chester mews in one direction.
- TfL is currently progressing a road safety scheme along Grosvenor Place, the applicant has agreed in principle that the development should make a contribution of £75,000.

THAMES WATER

Any response to be reported verbally.

METROPOLITAN POLICE

Security has been considered in this application. It is recommended that where a door has access control then security certificated doors are fitted.

WESTMINSTER SOCIETY

No objection. The society has commented that the location of the application is not in their area of major interest and are content to leave any response to the Belgravia Residents Association.

BELGRAVIA SOCIETY

The society objects on the grounds that the proposals would result in the irreplaceable loss of a large office building, negatively impact upon the quiet residential area and the amenity of neighbours, result in overdevelopment, highway impacts, poor design and negative visual impact.

In the event that the planning committee is minded to grant permission the society suggested a number of conditions which are included in the background papers.

BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported verbally.

BELGRAVIA NEIGHBOURHOOD FORUM

Any response to be reported verbally.

THE ROYAL PARKS

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Acceptable on transportation grounds subject to securing cycle parking, off-street servicing, a servicing management plan, highways works and valet parking plan.

CLEANSING MANAGER

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

BUILDING CONTROL

The structural method statement is considered to be acceptable.

ARBORICULTURAL MANAGER

No objection subject to a condition to safeguard street trees during construction.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 307 Total No. of replies: 57

Objections received from and on behalf of neighbouring residents on some or all of the following grounds.

Land use

- Loss of office space and jobs.
- Loss of historic culture and neighbourhood feeling in Belgravia.
- The building will be operated 24 hours a day, 7 days a week which will fundamentally change the nature of the area.
- This is an office and residential area. Hospital uses should be contained within established medical areas such as the De Walden Estate/ Harley Street.

Design

- Rebuilding the roof and alterations to the western elevation would affect the architectural coherence of the building. This would have an adverse effect on the Belgravia Conservation Area, the views of local residents and the settings of nearby Listed Buildings.

Amenity

- West facing windows will be used 24/7 for bedrooms, affecting the privacy of residents on Chester Mews.
- Increase in noise and air pollution from increase in traffic.
- There will be ambulances arriving day and night.
- Increased height and bulk would result in a loss of light to properties on Wilton Street and Little Chester Street.
- Foot traffic and loiterers would create noise.
- Having a 24 hour staff and cycle entrance in residential streets is not acceptable.
- The servicing hours are too early and too long.
- Overdevelopment of the site.

Highways

- Changes to traffic patterns and overall look and feel of the neighbourhood will be dramatically altered.
- Increased levels of cars dropping off and picking up clients and waiting around will have a detrimental impact.
- Inadequate parking and pay and display bays to support the development.
- No contract agreed between the developer and car park operator and therefore no guarantee off-site parking will be supplied.
- Wilton Mews and little Chester Street will become rat runs and waiting areas for drivers. A number plate recognition system should be installed.
- No control on the number of beds. Internal floor space could be reconfigured to accommodate additional beds, thereby generating additional traffic without requirement for planning permission.

Other

- The proposed excavation would undermine the foundation of the terrace and damage properties.
- Reduction in property values.
- Security threat to the local area and Buckingham Palace.
- Impact of construction on narrow surrounding streets.
- The substances stored on site for medical use pose a threat because they are highly explosive/flammable.
- The site could be a terrorist target.
- The applicant should be bound to landscape the whole area surrounding the back of the building with trees and other plants.
- Concerns about the extent of the public consultation undertaken by the applicant.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

33 Grosvenor Place is an unlisted office building (Class B1) which was developed behind retained façades in the 1990s and is located in the Core Central Activities Zone (Core CAZ). The building covers an entire city block bounded by Grosvenor Place, Chester Street, Wilton Street and Chester Mews. It comprises of basement, lower ground, ground and five upper storeys with plant at roof level. The primary pedestrian entrance is from Grosvenor Place with secondary entrances from Wilton Street and Chester Street. Vehicular access for underground parking is from Chester Mews.

The surrounding area has a mixed-use character with commercial uses along Grosvenor Place, a high density of residential properties to the west and Buckingham Palace Gardens to the east.

6.2 Recent Relevant History

On 10th January 1991 permission was granted to rebuild offices behind retained facades (RN: 90/05551). Condition 3 of this permission was varied on 27th July 2015 to allow part of the existing basement car parking to be used for cycle parking, lockers and shower facilities (RN: 15/04675).

On 24th June 2015 permission was granted for alterations to the Grosvenor Place and Chester Street entrances, installation of a louvered screen to the third floor terrace on the Chester Mews elevation, creation of a doorway to the third floor terrace and associated landscaping. (RN: 15/04674)

7. THE PROPOSAL

The application seeks permission to redevelop the existing office building behind retained facades to create a private medical clinic operated by Cleveland Clinic. The applicant describes the operation as a non-profit, international, multispecialty, academic medical centre.

The redeveloped building would comprise of six storeys above basement and lower ground floor levels. The proposals include external changes to the buildings fenestration, an infill extension and third and fourth floor levels to the western facade, the rebuilding of the fifth floor level and erection of a roof top extension for plant. The basement level would also be extended beneath the building, with lift pits and water attenuation tanks excavated below.

The clinics reception area would be at ground floor level, accessed from Grosvenor Place, along with an ancillary gift shop and restaurant/staff dining area. To the rear off Chester Mews there would be an internal loading bay and cycle store provided at ground floor level. In order to accommodate the internal loading bay, changes to the parking layout on Chester Mews and Chester Street would be required. The new layout would not result in the loss of existing on-street parking spaces.

On the lower ground and basement floors, operating theatres, staff areas, diagnostics imaging and plant machinery is proposed. The upper floors will provide further medical facilities and patient rooms.

No on-site parking would be provided, however it is proposed that 50 car parking spaces will be provided off-site at nearby car parks, facilitated by a valet service with pick-up and drop-off from Chester Street and the layby on Grosvenor Place. Additionally, the applicant has agreed to provide a 0.7m footway on the east side of Chester Mews where there currently is only a kerb edge.

The applicant has submitted an initial operational statement, however it is recommended that the operation of the medical clinic be strictly controlled by legal agreement, to minimise disruption to surrounding residents and the highway network.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed scheme would convert the existing office building into a 205 bed private medical clinic, increasing the floorspace of the building from 29,502 sq m to 31,147 sq m (GEA). The operator would be Cleveland Clinic, who provide an integrated healthcare delivery system with hospitals, clinics and wellness centres in North America and the Middle East, employing over 3,400 staff physicians in 140 medical specialties. The proposed clinic would be their first in Europe.

Objections on land use planning grounds have focused on the loss of office floorspace and jobs and the suitability of introducing a new medical clinic in what objectors consider to be a residential and office area.

Loss of office use

The existing B1 office accommodation will be replaced by a medical clinic (Class C2). Policy S20 of the City Plan July 2016 resists the loss of offices to residential use but there is no policy that resists the loss of existing office space to another commercial use in this location. The clinic would be an employment-generating use creating approx. 562 jobs. Additionally, the applicant has offered to provide a training and local employment strategy to be secured by legal agreement. The loss of the existing office accommodation is therefore acceptable in principle.

New Medical Clinic Use

Policy S6 of the City Plan states that the Core CAZ is an appropriate location for a range of commercial and cultural uses. It encourages the growth of commercial uses in recognition of the significant contribution Westminster makes to London's world city status and the UK economy.

Policy S34 relates to social and community infrastructure and is applicable because private medical facilities are considered to be a social and community use as well as being commercial uses. With regard to the provision of new social and community infrastructure, the policy states that:

“New social and community facilities will be encouraged throughout Westminster and will be provided on large scale development sites.”

The medical clinic would provide 205 beds and is expected to receive around 45 daily inpatient arrivals, the maximum number of staff working at any given time is expected to be around 562 employees.

The proposals include the provision of a restaurant/staff dining area and gift shop at ground floor level, these will not be accessible directly from the street or open to the general public and are therefore considered to be ancillary to the medical clinic use.

Objectors are concerned that providing a facility that will be operational at all times would intensify the use of the site to an unacceptable degree and be detrimental to the amenity of the surrounding residents. A number have suggested that the clinic would be better situated within the Harley Street Special Policy Area. The applicant has advised that sites within this area were considered but ultimately were unable to meet Cleveland Clinic's operational needs.

The nearest residential properties to the site are located on Chester Street, Chester Mews and Wilton Street, with commercial uses along Grosvenor Place. The applicant has submitted an operational statement, which seeks to minimise disruption to surrounding residents, setting out the following:

- Visitor hours will be 06:30 – 21:30 from Monday to Sunday.
- In order to minimise noise disturbance to nearby residential properties, staff will enter and exit the Clinic from the Grosvenor Place entrance between the hours of 20:30 - 07:00. Visitors will do the same during the hours of 06:30 - 08:00 and 20:30 - 21:30.
- The Clinic will be monitored by CCTV and served by a 24 hour security team.
- Smoking in the vicinity of the building will be monitored and managed by the Operational Management Team.
- A Travel Plan will be implemented, encouraging staff to travel to and from work by public and sustainable means of transport.
- A valet parking service will be available to patients, visitors and staff.
- Deliveries will take place between Monday to Friday between 07:30 and 19:30 and on Saturday between 08:00 and 11:00.
- No blue light emergency services will be provided.

It is proposed the operation of the medical clinic be controlled by legal agreement and a condition is recommended to ensure that an updated servicing management plan is submitted. This will ensure that the highway network, amenity of neighbouring residents and the quality of the surrounding environment is adequately safeguarded. The servicing and highways implications of the development are detailed later in this report.

8.2 Townscape and Design

The building was originally constructed between 1956-58 by Wimperis, Simpson and Fyffe. It is a grand Neo-Classical 1950's office block, constructed of Portland Stone. The building was substantially redesigned behind the retained façade between 1991 and 1993. Although not currently situated in a conservation area, the building is included in the proposed extensions to the Belgravia Conservation Area, which has been widely consulted on but is not currently formalised.

Plan Form

The works propose to infill the internal courtyard of the existing building, which was added as part of the 1990's works. This infill and the other internal alterations are not considered to harm the character of the building or area and are therefore considered acceptable as they have no impact on its external appearance. The infilled courtyards provide the additional floor area required for the proposed use.

The works also include the regularisation of the lower ground and basement level to form two full storeys. A further second basement is also proposed, however this consists of small penetrations that are necessary to accommodate the equipment/ plant required for the proposed use. The basement levels are retained under the footprint of the building, which occupies an entire street block.

At lower ground floor level a large amount of plant is to be located within the lightwells. The details proposed are rather vague and the exact appearance and scale of the proposed units is unclear. The principle of locating some plant within the lightwell is considered acceptable and therefore details of these are to be secured by condition.

Roof Level

The works propose to remove the existing fifth floor and to rebuild the roof with an increase in height. The proposed fifth floor will mimic the appearance of the existing incorporating double columns set in front of a glazed façade behind. Above, the new roof creates a clear termination to the building and replaces the existing non original roof form. The roof covering will be semi permeable to allow air into the plant space behind, although this will not be readily visible from ground level. A sample of the roof finish is requested as part of a condition to confirm its appearance. A further condition is recommended to specify the finished details of the roof (including the terminations at the corners, ridge etc.).

Whilst the roof height is an increase over the existing, the additional height, given the scale and location of the building is not considered out of place or harmful to its appearance. The original sculptures are to be retained and there has been discussion with regards to the design of the plinth on which the sculptures are positioned. Alternative designs have been considered however the original design has been retained as it was considered the most honest and allowed the sculptures to be read as features of the roof, rather than the plinth itself.

East Elevation

The front elevation of the building is to be altered at Ground level to provide a welcoming entrance and to remove the existing steps. The entrance will be in approximately the same position as existing and will incorporate large glass panels and doors within the existing openings. The use of large areas of glass in this location is considered consistent with the office uses that occupy the majority of the adjacent buildings. Details of the doors are to be secured by way of condition. The wall located on either side the entrance has been slightly amended to include a curve instead of the originally submitted angular design. This is considered to form a more welcoming entrance that is better suited to the new use of the building.

North and South Elevations

On both of these elevations the existing porches are to be slightly increased in size to create more usable entrance/ exits to and from the building. They are to follow the simple glazed aesthetic of the East elevation, and compliment the simple lines of the host building.

West Elevation

The west elevation sees the most alteration with the service entrance accommodated within the centre of the façade at ground floor level and the first floor windows removed to allow for plant equipment to be located behind. Also the second, third and fourth floor fenestration is to be rebuilt as part of an extension. At these levels the existing building is set back, which the extension seeks to slightly infill, although it remains set behind the line of the main façade. This elevation is principally the service entrance of the building currently and as proposed. The alterations are not considered to harm the overall appearance and as such are considered acceptable. Details of the vehicular entrance shutters are to be secured by way of condition.

Windows and Doors

New windows and doors are proposed throughout, which are to be a powder coated metal system (bronze coloured). The existing windows are not original and the proposals are considered to add interest to the elevations. Generally the fenestration pattern of the windows is to be retained, although simplified to allow additional light into the rooms. Details should be secured as part of a condition.

Views

The proposed roof level alterations will impact on the existing views of the site, including views from the gardens of Buckingham Palace. However, these are considered to be minor and of no greater harm. The most effected view is from Little Chester Street, where the increase in height is most noticeable. The increase in height has been carefully designed to limit its impact and the benefits provided from the reordering of the fenestration and public art are considered to alleviate its impact. It is recommended that the public art is secured by condition.

8.3 Residential Amenity

Policy ENV13 of the UDP stats that the Council will resist proposals that would result in a loss of daylight/sunlight, particularly to existing dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing.

Sunlight and Daylight

The applicant has carried out an assessment considering the impact upon the surrounding residential accommodation located to the south and west of the site, along Chester Street, Chester Mews and Wilton Street. The methodology with set by the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice".

The BRE guidelines suggest that a 27% Vertical Sky Component (VSC) is indicative of a 'good level' of daylight. The BRE guidelines state that daylight levels may be adversely affected if the VSC measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value. Should windows achieve sufficient levels of VSC

they are seen as compliant in terms of daylight. The analysis shows that the scheme demonstrates full BRE compliance for all relevant windows and habitable rooms for the surrounding residential properties, including those on Wilton Street and Little Chester Street.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. All windows which face within 90 degrees of due south have been tested and found to be fully compliant with BRE guidance.

Sense of Enclosure

The proposals would increase the height and bulk of the building by extending the fifth floor outwards by 0.5m on the west elevation, the partial infill of the existing set back of the west elevation at third and fourth floor level and the addition of a roof top extension at sixth floor level which increases the height of the building by 1.8m (not including the existing plant room which reduces the height increase to 0.6m). The increase in height and additional bulk is modest for a building of this existing scale and it is considered that the resulting relationship between the extended building and neighbouring residential buildings would not lead to an unacceptable increase in sense of enclosure.

Privacy

Policy ENV13 seeks to resist development which would result in an unacceptable degree of overlooking.

An objection has been received from the residential occupier of 5 Chester Mews raising concerns that the new use and associated operating hours could lead to a loss of privacy. In order to address these concerns, the applicant has introduced blind windows at first floor level and a condition is recommended to ensure that these remain in perpetuity. The applicant has also accepted a condition ensuring that the lower half of the second floor windows on the western elevation will not be clear glass and will be fixed permanently shut.

A further condition is recommended to prevent the flat roofs at third and fifth floor levels on the west elevation being used for sitting out or for any other purpose except escape in an emergency.

8.4 Transportation/Parking

Car Parking and Traffic

The site has excellent access to public transport and the applicant considers that the majority of patients, visitors and staff will travel sustainably either by public transport, cycling or by foot. A Travel Plan will be secured and monitored through the legal agreement in consultation with Transport for London.

There have been a large number of objections that the proposals will lead to increased traffic in the surrounding area, leading to air and noise pollution, and that there will not be sufficient parking to support the development. The applicants Transport Assessment shows that the trip generation of the proposed clinic is comparable to that of the existing office use and is likely to lead to an overall net reduction in peak hour trips. Objectors have

submitted their own transport statement outlining perceived inaccuracies in the submitted Transport Assessment and Travel Plan. These points have been addressed by the applicants transport consultant in the response note dated 13 December 2016, using data from the Councils most up to date parking survey (2015). The Highways Planning Manager is satisfied with the conclusions of the response note and has raised no objection.

It is recommended that a condition restricting the number of medical beds to 205 is imposed to prevent a further intensification of the buildings use and any associated traffic.

No car parking will be provided on site, with the existing basement car park (31 Spaces) to be converted into operational space. A total of 50 car parking spaces will be provided off-site at nearby car parks, facilitated by a valet service with pick-up and drop-off from Chester Street and the layby on Grosvenor Place. Objectors have raised concerns that nearby streets will become waiting zones for drivers and that there will be more cars loitering in the area. The applicant states that the clinics Operations Management Team will have the following responsibilities:

- Undertake valet parking duties, ensuring that cars are removed from the dedicated valet parking lay-bys outside of the Clinic immediately and taken directly to the identified car park and then returned at the requested time.
- Ensure that the pick-up and drop-off areas identified are constantly monitored to ensure no unnecessary extended waiting of vehicles occurs.
- Be on site at all times to monitor chauffeur driven cars associated with the clinic to ensure they do not wait on Chester Street, Wilton Street and Chester Mews.

The valet service is supported in principle and it is recommended that this be controlled and monitored by legal agreement. Transport for London has requested that the number of parking spaces be capped at 50.

Cycle Parking

131 cycle parking spaces are to be provided in accordance with London Plan standards, with a dedicated entrance from Chester Mews. Parking will be at ground floor, with stairs and a lift to shower and changing facilities at basement level.

Servicing and Deliveries

It is proposed that all servicing will take place off-street, via an internal loading bay accessed from Chester Mews. This is considered to be an improvement on the existing servicing and delivery arrangements for 33 Grosvenor Place, which take place on-street from Chester Mews.

The proposed servicing hours are between 07:30 and 19:30 on Monday to Friday and between 08:00 and 11:00 on Saturday. No servicing is proposed on Sundays. Neighbouring residents have objected to these hours stating that they are too early and too long. The Belgravia Society has requested that servicing hours be restricted between 08:00 and 18:00 Monday to Friday and between 08:00 and 13:00 on Saturday and not at all on Sunday and Bank Holidays.

Given that there are currently no servicing restrictions associated with the existing use and recommended conditions securing a detailed Servicing Management Strategy (including

an assessment of delivery noise), it is considered that the proposed servicing hours would not give rise to an unacceptable loss of residential amenity sufficient to justify refusing permission.

Highways Works

In order to accommodate the internal loading bay, changes to the parking layout on Chester Mews and Chester Street will be required. These changes will not result in a loss of existing parking spaces and the works are to be secured by legal agreement.

The applicant proposes a section of footway on the east side of Chester Mews measuring 0.7m in width. This section of highway currently has no consistent footway provision and its introduction improving pedestrian safety is welcome. The Highways Planning Manager has no objection to this and it is also recommended to be secured through legal agreement.

8.5 Economic Considerations

The development will have a beneficial economic effect through additional local spending during construction and during the occupation of an enlarged commercial use.

On appropriate larger scale developments, Policy S19 in the City Plan seeks to encourage contributions towards initiatives that provide employment, training and skills development for local residents and ensure that local people and communities benefit from opportunities which are generated from development. In accordance with Policy S19, the applicant has offered to provide employment, training and local procurement opportunities. This provision is welcome and is to be secured via legal agreement.

8.6 Access

The development has been designed to conform with Part M of the Building Regulations. The proposed development retains the three existing pedestrian entrances, with visitor and patient entrances proposed from Chester Street and Grosvenor Place and a staff entrance from Wilton Street. All entrances will have level access and internal lifts provide access to all floors.

To minimise noise disturbance to local residents, it is proposed that staff will enter and exit the clinic from the Grosvenor Place entrance between the hours of 20:30 - 07:00. Visitors will do the same between the hours of 06:30 - 08:00 and 20:30 - 21:30. These access arrangements will be controlled by legal agreement.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant machinery is sought within the new sixth floor roof extension, at lower ground and basement levels and at first floor level. The exact locations, orientation and type of plant have not yet been determined. Accordingly, further information is required to demonstrate that the proposals can meet the City Council's policies for noise. To address this, a condition has been recommended requiring a supplementary acoustic report to be approved before work starts on this part of the development. Environmental Health officers are satisfied with this approach.

Air Quality Assessment

The applicant has submitted an air quality assessment, which concludes that there will be a net reduction in the number of deliveries/ servicing activities but there is expected to be an increase in larger vehicle types visiting the site.

The development is proposing the location of a sensitive receptor into an area of existing high ambient annual mean NO₂ concentrations. Mitigation measures include the careful siting of plant and exhausts, provision of mechanical ventilation for comfort cooling and a travel plan. It is recommended that a travel plan is secured by legal agreement.

The submitted air quality assessment concludes that the operational phase of the development will be air quality neutral. Environmental Health officers are satisfied with the conclusions of the report and as such the development is in line with policy S31 which seeks to minimise static and traffic based sources of air pollution in developments.

Refuse /Recycling

The Council's cleansing manager has no objections to the storage provision for clinical waste, standard waste and recycling material at ground floor level. A condition is recommended to ensure that the waste store is provided and that the waste generated is managed and collected in accordance with the submitted site waste management plan.

Trees

The applicant has proposed the planting of trees on the public highway along Chester Mews, however this would cause highway obstruction. On this basis, a condition is recommended requiring this element be removed. A further condition is recommended to protect the existing street trees on Wilton Street during construction works.

Sustainability

The applicant has submitted an Energy Statement and Sustainability Statement that sets out the energy performance and sustainability of the proposed development. The proposed building would achieve a BREEAM "Very Good" rating and would achieve a carbon dioxide saving of 18% relative to 2013 Building Regulations. This energy performance is to be achieved through reductions in energy demand, primarily through use of energy efficient building fabric, a Combined Heat and Power system and the provision of approx. 734m² of photovoltaic panels at roof level. The applicant has demonstrated that a district heating connection is not possible. A condition is recommended to ensure that a minimum BREEAM score of 65 is achieved.

Given that the proposals involve the retention of the existing northern, southern, eastern facades and part retention of the western façade, the level of carbon dioxide savings is considered to be acceptable. The level does fall below the minimum 35% level of savings set out in Policy 5.2 of the London Plan. As such, in accordance with London Plan guidance, this shortfall in the energy performance is to be mitigated by the provision of a financial contribution of £642,600 to the carbon off-setting fund, which will be used towards other carbon reduction measures elsewhere in the City.

Subject to the recommended condition and the financial contribution to the carbon off-setting fund, the proposed development accords with Policies S28, S39 and S40 in the City Plan and the London Plan.

8.8 London Plan

This application does not raise any significant strategic issues and is not referable to the Mayor. Where relevant, considerations involving London Plan policies are dealt with in other sections of this report.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

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

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

In this case it is considered necessary to have a S106 legal agreement to secure the following:

- i) A contribution to the carbon off-setting fund of £642,600;
- ii) Operational management plan (including the setting up of a Community Liaison Group and detailed emergency services and valet/car parking strategy);
- iii) Highway Works surrounding site;
- iv) A contribution of £75,000 towards the Transport for London safety scheme;
- v) A Travel Plan;
- vi) Provision of employment, training and local procurement opportunities;
- vii) Monitoring costs.

The City Council adopted its own Community Infrastructure Levy Charge (CIL) on the 1st May 2016. It is estimated that the charge for this development would be £293,000 for Westminster CIL and £26,000 for the Mayoral CIL.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Construction impact

Strong objections have been made to the disruption that would be caused during construction works. Objections have been received on grounds that the proposed works would result in a lengthy construction process, create general noise and disturbance and that there would be particular problems with increased traffic congestion (objectors refer to the narrowness of the surrounding streets, increase in air pollution and safety of local children).

Whilst sympathetic to objectors concerns, disruption from building works is not justifiable grounds for refusing planning permission. The proposals will be subject to the Council's recently adopted Code of Construction Practice which will help ensure that the impacts of the development process are monitored by the Councils Environmental Inspectorate team and mitigated as far as reasonably possible.

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 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. A condition to secure this is recommended. A further condition is also recommended to control the hours of construction works, particularly noisy works of excavation, which will not be allowed on Saturdays.

Basement excavation

An objector has raised concerns that the proposed excavation would undermine the foundation of a neighbouring terrace and damage properties.

In November 2016 the Council formally adopted the latest version of Westminster's City Plan which includes the Basements Revision and the Mixed Use Revision.

While the Building Regulations determine whether the detailed design of buildings, their layout and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework (NPPF) March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Relevant Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. For the reasons cited above the structural integrity of the development during the construction process is not controlled through the planning system but through Building Regulations and the Party Wall Act.

As highlighted above, the structural method statement has been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision notice. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

The proposals are considered to be in accordance with City Plan Policy CM28.1.

Crime and security

Concerns that the proposals would create a security threat to Buckingham Palace and the surrounding area have been raised by objectors. A Crime Prevention Statement has been submitted by the applicant, prepared in consultation with the Metropolitan Police Services for Counter Terrorism and the Royal Protection Service. The Metropolitan Police have been consulted as part of this application and have raised no objection to the proposals.

Radioactive substances/ Nuclear Medicine

The applicant has confirmed that they do not plan to provide nuclear medicine within the clinic. Notwithstanding the current position, under the Environmental Permitting Regulations (formerly the Radioactive Substances Act) anyone who keeps and uses radioactive materials and/or accumulates and disposes of radioactive waste needs a permit issued by the Environment Agency.

Property Values

Loss of property values is not a material planning consideration.

Public consultation

The applicant has provided a statement of community involvement, which documents a number of meetings with local stakeholders at pre-application stage and provides responses to comments/questions that were raised. The applicant has confirmed that public consultation continued throughout the application process.

In accordance with our Statement of Community Involvement (adopted January 2007, the City Council sent over 300 letters in September 2016 notifying local residents about the application and again on the 9th of November 2016 following the submission of further information (demolition drawings). The application has been advertised in the local newspaper and site notices erected on site.

Community Liaison Group

At the request of the Belgravia Society, the applicant has agreed to set up a Community Liaison Group to maintain dialogue with the local community about the ongoing management of the building once it is operational. This will be secured by legal agreement.

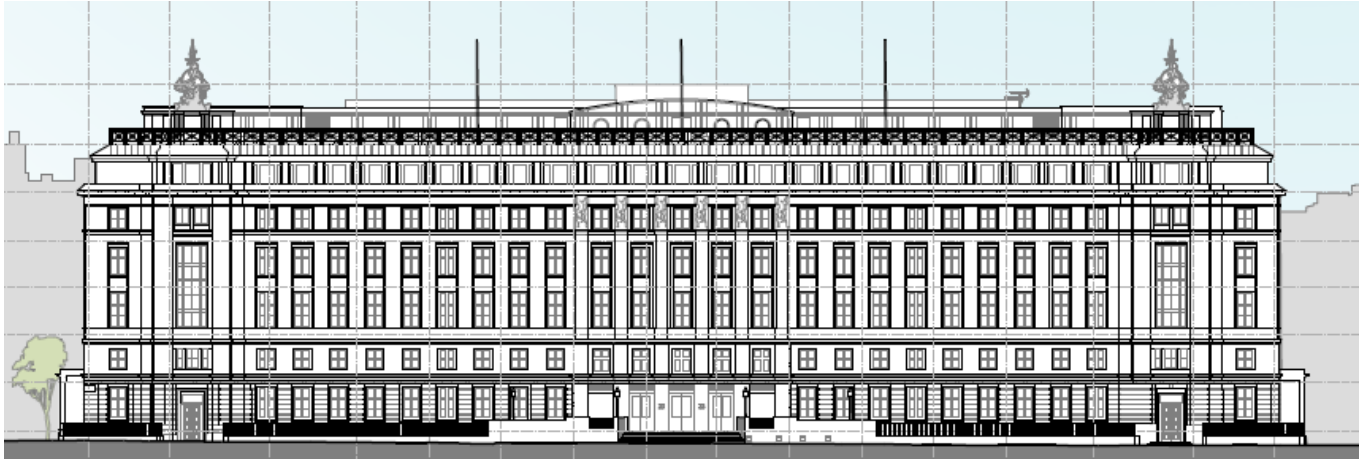
9. BACKGROUND PAPERS

1. Application form.
2. Response from Historic England dated 13 September 2016.
3. Response from Transport for London dated 14 December 2016.
4. Response from Westminster Society dated 13 September 2016.
5. Response from Belgravia Society dated 22 December 2016.
6. Response from Metropolitan Police dated 12 September 2016.
7. Response from Cleansing dated 16 September 2016.
8. Response from Tree Section dated 4 October 2016.
9. Response from Environmental Health dated 14 October 2016.
10. Response from Highways Planning Manager dated 17 November 2016.
11. Response from Building Control dated 9 December 2016.
12. Letter from occupier of 6 Little Chester Street dated 19 September 2016.
13. Letters from occupier of 5 Chester Mews dated 24 September and 20 November 2016.
14. Letters from occupier of 1 Wilton Street dated 27 September and 13 December 2016.
15. Letter from occupier of 5 Little Chester Street dated 30 September 2016.
16. Letter from occupier of 4 Wilton Street dated 2 October 2016.
17. Letter from occupier of 7 Chester Street dated 2 October 2016.
18. Letter from occupier of 6 Chester Street dated 3 October 2016.
19. Letter from occupier of 19 Chester Street dated 3 October 2016.
20. Letter from occupier of 17 Wilton Street dated 6 October 2016.
21. Letter from occupier of 21 Chester Street dated 8 October.
22. Letter from occupier of 17 Wilton Street dated 10 October 2016.
23. Letter from occupier of Flat 1, 11 Chester Street dated 14 October 2016.
24. Letter from occupier of 8 Wilton Street dated 5 November 2016.
25. Letter from occupier of Wilton Street dated 9 November 2016.
26. Letter from occupier of 7 Wilton Street dated 11 November 2016.
27. Letter from occupier of 17 Wilton Street dated 22 November 2016.
28. Letter from occupier of 2 Chester Street dated 22 November 2016.
29. Letter from occupier of 2 Flat 2 Chester Street dated 22 November 2016.
30. Letter from occupier of 2 Wilton Street dated 24 November 2016.
31. Letter from ADL Transportation Ltd dated 25 November 2016.
32. Letter from occupier of 98 Ebury Street dated 1 December 2016.
33. Letter from occupier of 5 Little Chester Street dated 9 December 2016.
34. Letter from occupier of 3 Wilton Mews dated 5 December 2016.
35. Letter from occupier of 3 Wilton Mews dated 5 December 2016.
36. Letter from occupier of 12 Chester Street dated 11 December 2016.
37. Letter from occupier of 9 Little Chester Street dated 11 December 2016.
38. Letter from occupier of 12, Groom Place dated 12 December 2016.
39. Letter from occupier of 16 Groom Place dated 12 December 2016.
40. Letter from occupier of 91 Elizabeth Drive dated 12 December 2016.
41. Letter from occupier of 5 Chester Street dated 12 December 2016.
42. Letter from occupier of 14, Wilton Street dated 13 December 2016.
43. Letter from occupier of 2 Chester Street dated 13 December 2016.
44. Letter from occupier of 16 Groom Place dated 13 December 2016.
45. Letter from occupier of 19 Wilton Street dated 14 December 2016.
46. Letter from occupier of 23 Eaton Place dated 15 December 2016.
47. Letter from occupier of 11 Eaton Place dated 16 December 2016.
48. Letter from occupier of 7 Upper Belgrave Street dated 16 December 2016.

49. Letter from occupier of 16 Groom Place dated 17 December 2016.
50. Letter from occupier of 3 Lowndes Place dated 19 December 2016.
51. Letter from occupier of 24 Chapel Street dated 19 December 2016.
52. Letter from occupier of 7 Upper Belgrave Street dated 19 December 2016.
53. Letter from occupier of 16 Eaton Place dated 20 December 2016.
54. Letter from occupier of 7 Upper Belgrave Street dated 20 December 2016.
55. Letter from occupier of 22 Chester Street dated 22 December 2016.
56. Letter from occupier of 23 Eaton Place dated 23 December 2016.
57. Letter from occupier of 23 Wilton Street dated 23 December 2016.
58. Letter from occupier of 5 Wilton Street dated 24 December 2016.
59. Letter from occupier of 46 Lower Belgrave Street dated 27 December 2016.
60. Letter from occupier of 4 Wilton Street dated 29 December 2016.
61. Letter from occupier of 28 Chester Street dated 30 December 2016.
62. Letter from occupier of Flat 3 109 Eaton Square dated 30 December 2016.
63. Letter from occupier of 86 Eaton Square dated 30 December 2016.
64. Letter from occupier of 69A Elizabeth Street dated 31 December 2016.
65. Letter from occupier of 20 Chester Street dated 2 January 2016.
66. Letter from occupier of 26 Chester Street dated 5 January 2016.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk

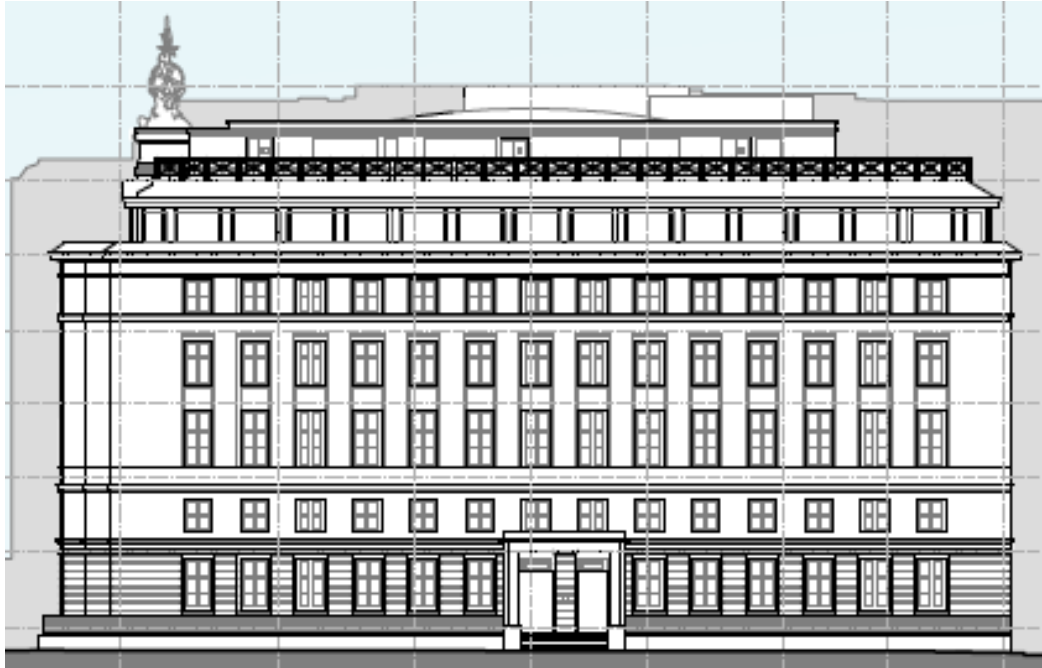
Existing East Elevation



Proposed East Elevation



Existing North Elevation



Proposed North Elevation



Existing West Elevation



Proposed West Elevation



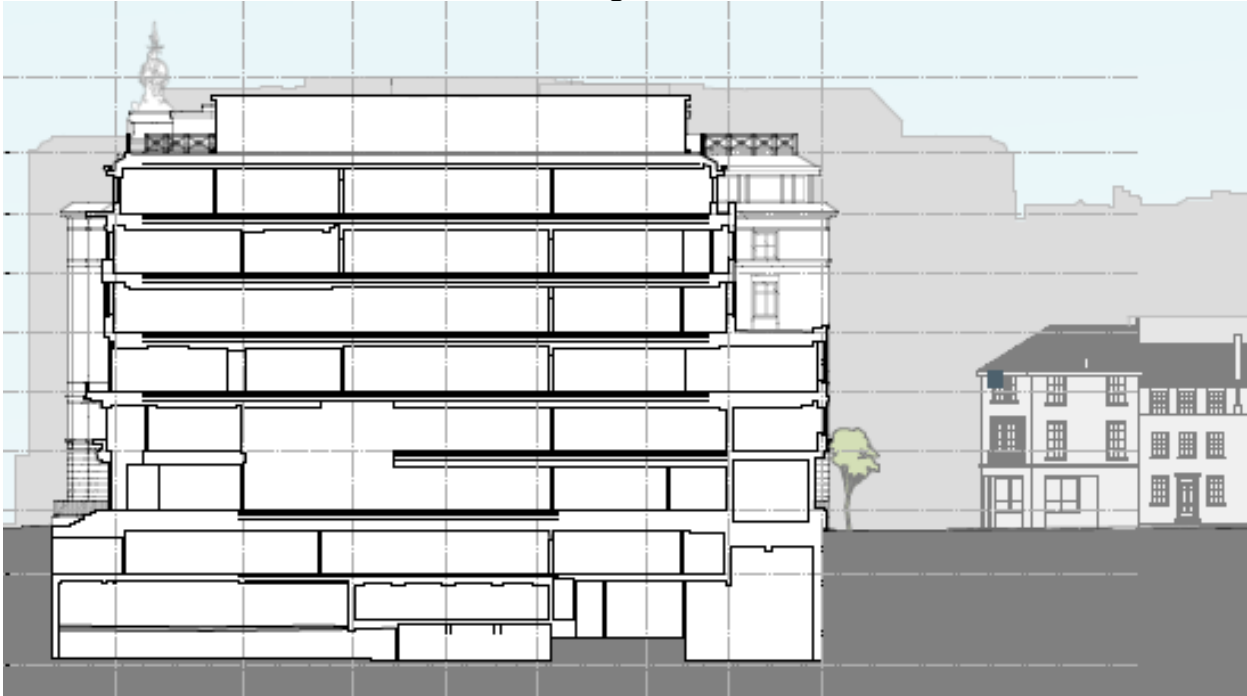
Existing South Elevation



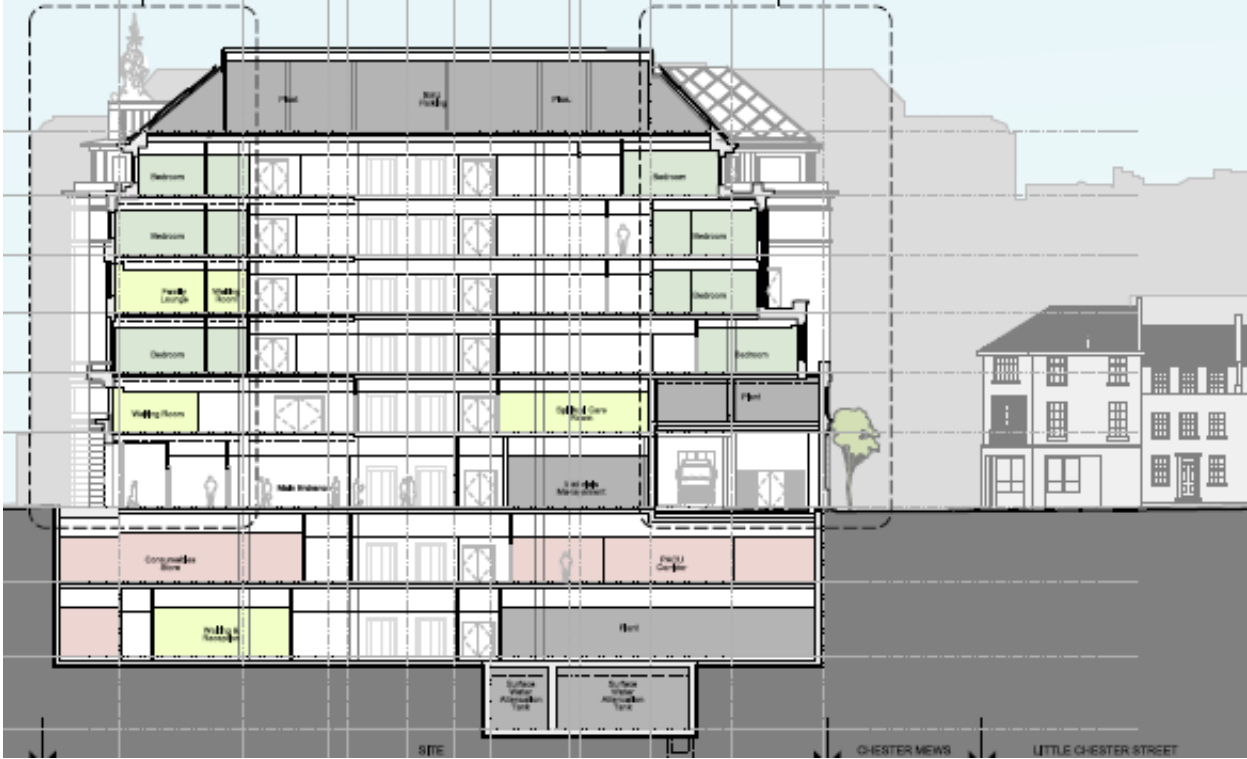
Proposed South Elevation



Existing Section



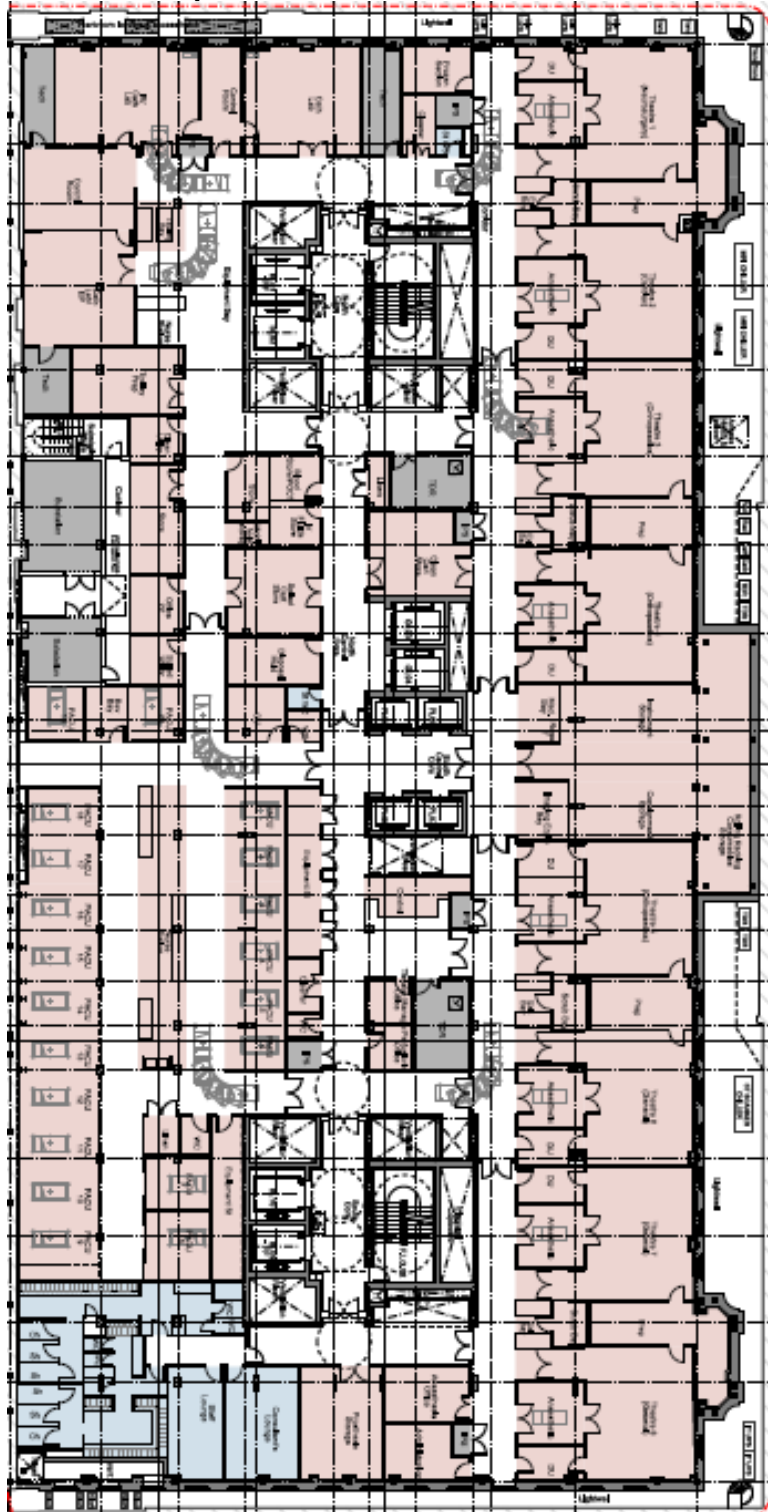
Proposed Section



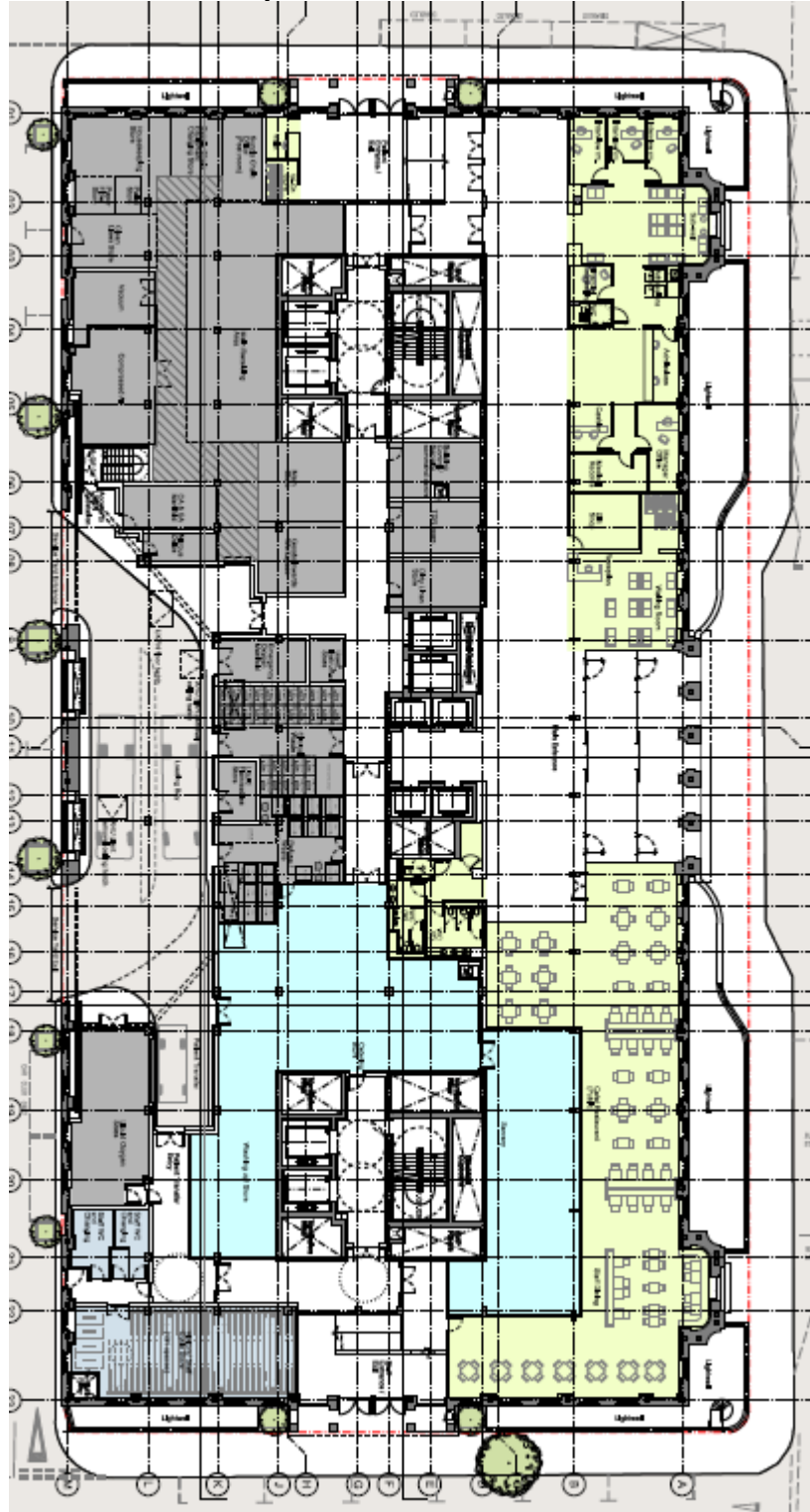
Proposed Basement Floor Plan



Proposed Lower Ground Floor Plan



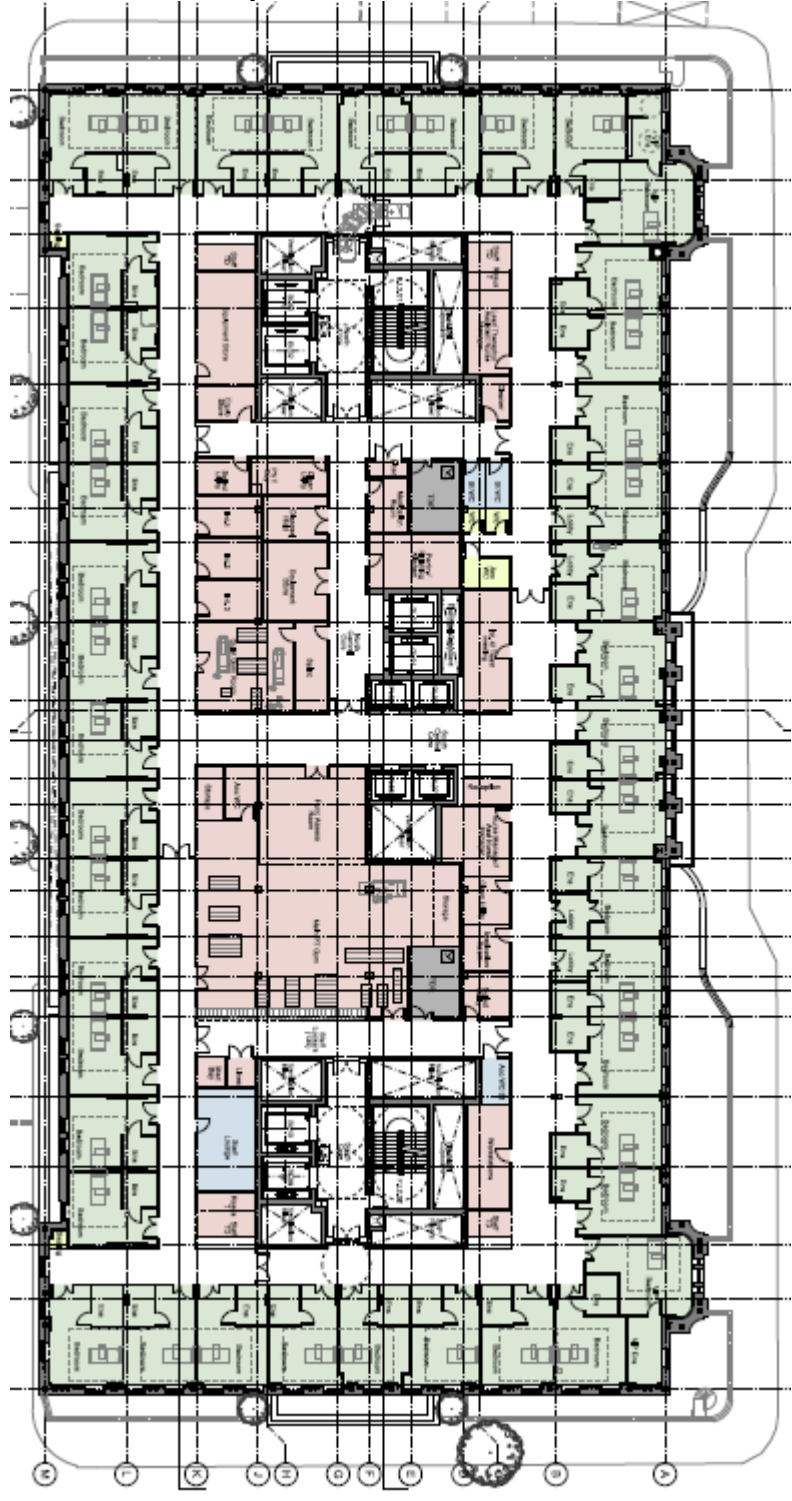
Proposed Ground Floor Plan



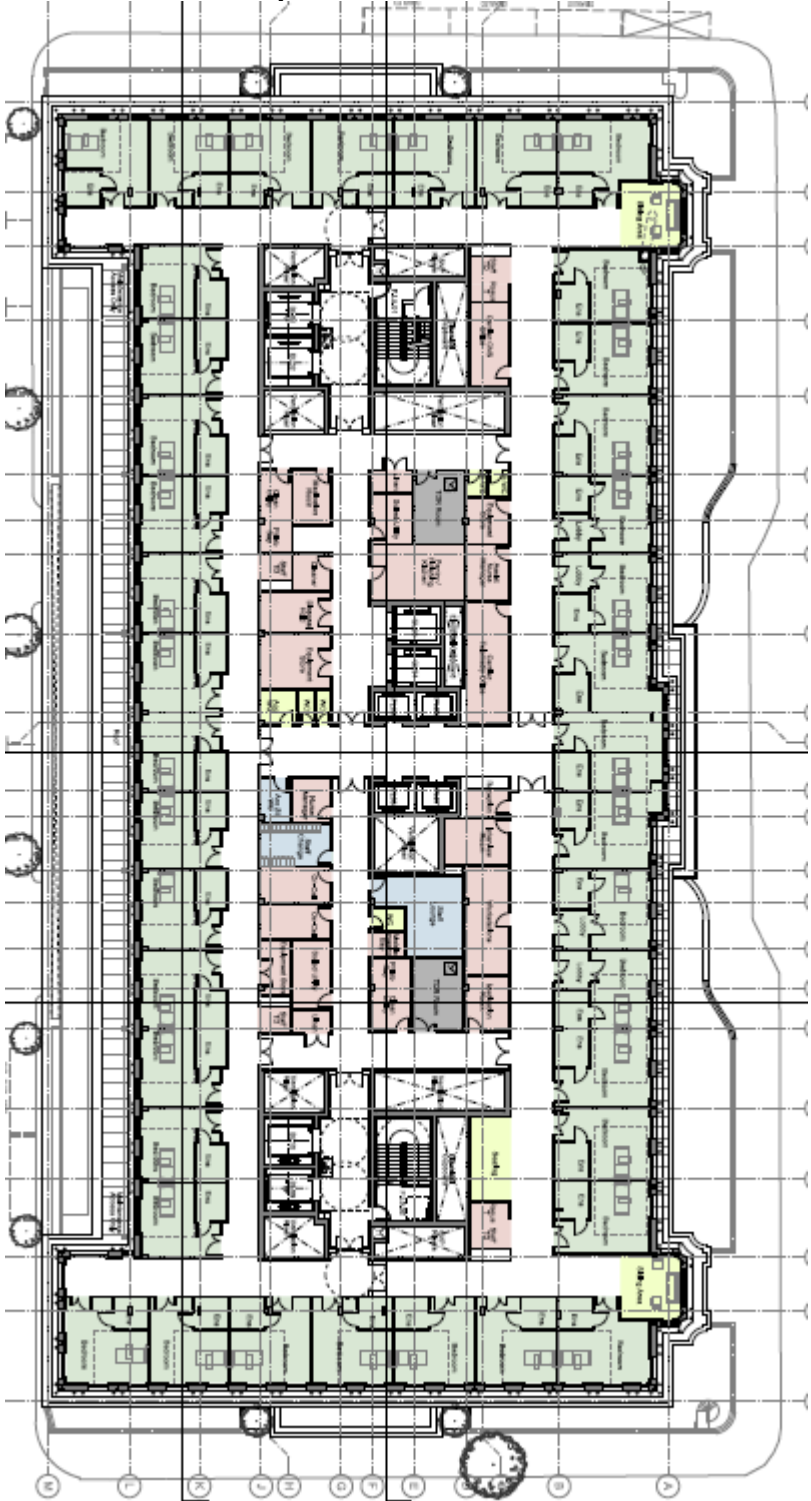
Proposed First Floor Plan



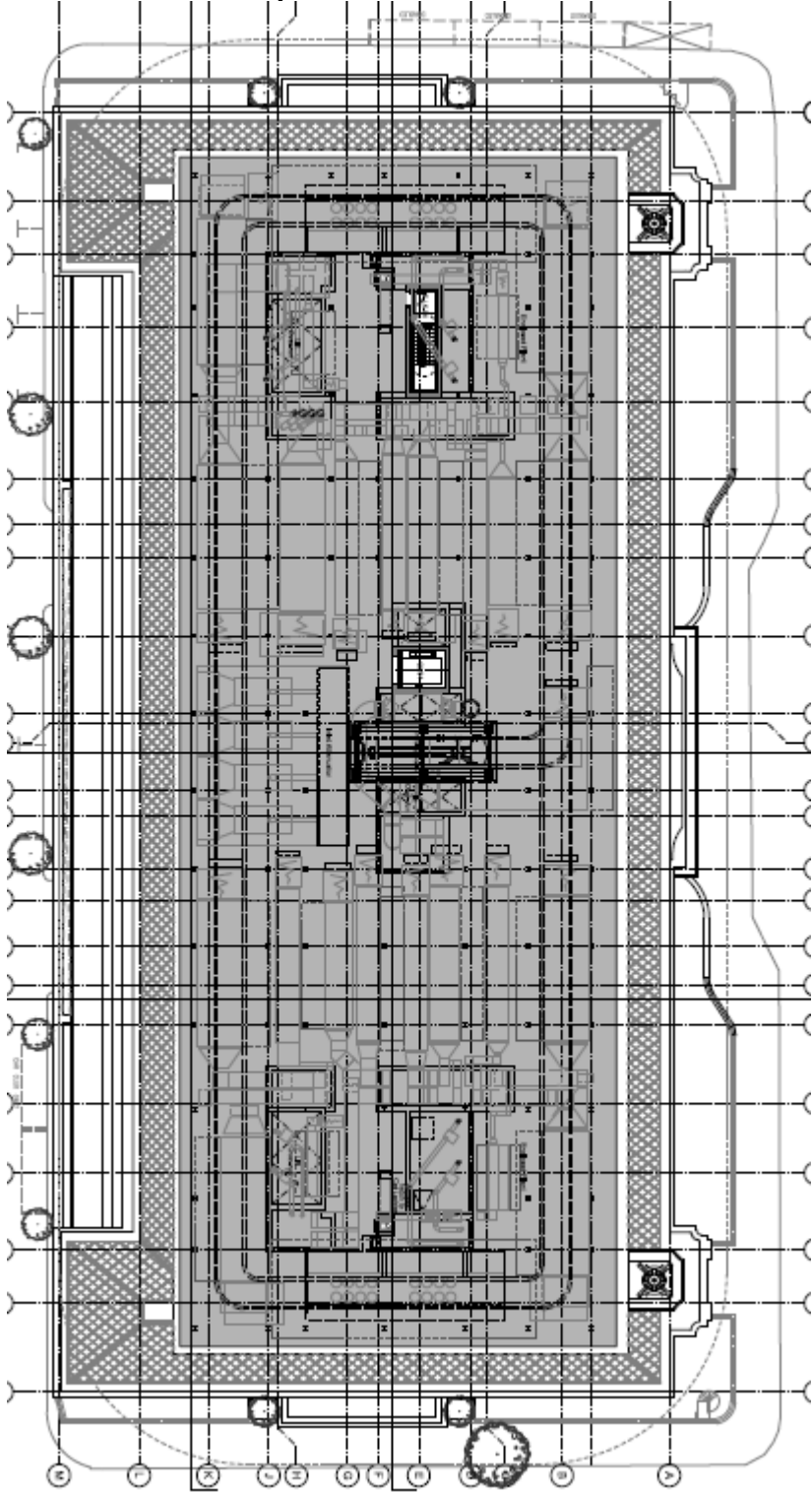
Proposed Second Floor Plan



Proposed Fifth Floor Plan



Proposed Sixth Floor Plan



DRAFT DECISION LETTER

Address: 33 Grosvenor Place, London, SW1X 7HY,

Proposal: Redevelopment behind retained facades to create a medical clinic (Class C2), including alterations to the existing northern, southern and eastern elevations; partial demolition and redevelopment of the existing western elevation along with additional alterations including the creation of a servicing and delivery bay; minor excavation at basement level including provision of lift pits and water attenuation tanks; demolition and redevelopment of the existing fifth floor level; addition of roof top extension at sixth floor level for plant machinery; infill of the existing atria; and other associated alterations.

Plan Nos: 1402-A-020; 097; 098; 099; 100 Rev.A; 101 Rev.A; 102 Rev.A; 103 Rev.A; 104 Rev.A; 105 Rev.A; 106 Rev.A; 107 Rev.A; 200 Rev.A; 201 Rev.A; 202 Rev.A; 203 Rev.A; 204; 250 Rev.A; 251 Rev.A; 252 Rev.A; 253 Rev.A; 300 Rev.A; 301 Rev.A; 302 Rev.A; 303 Rev.A; 304 Rev.A; 305 Rev.A; 310 Rev.A; 311 Rev.A; 312 Rev.A; 313 Rev.A; 33GP-PLP-22-SX-A-250-006; 33GP-WSP-06-M3-M-570112; 7245-SK-30 Rev.F; Site Waste Management Plan (Operational Waste Strategy) dated August 2016.

For information:

Design and Access Statement dated December 2016; Planning Statement dated October 2016; Operational Statement dated August 2016; Energy Statement August 2016; Sustainability Statement dated August 2016; Drainage Strategy dated August 2016; Flood Risk Assessment dated August 2016; Acoustic Report dated August 2016; Transport Assessment dated August 2016; Travel Plan dated August 2016; Outline Construction Management Plan dated August 2016; Outline Construction Logistics Plan dated August 2016; Delivery and Servicing Management Plan dated August 2016; Air Quality Assessment dated August 2016; Statement of Community Involvement dated August 2016; Daylight and Sunlight Report dated 8 August 2016; Crime Prevention Statement dated August 2016; Historic Environment Assessment dated August 2016; Preliminary Ecological Appraisal; Townscape, Heritage and Visual Assessment Addendum dated December 2016; Response Note from WSP-PB dated 13 December 2016.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

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

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

Reason:

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

- 2 You must apply to us for approval of samples of the facing materials you will use, including glazing, and 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 (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 3 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

- i) Windows,
- ii) Doors,
- iii) Service entrance shutters,
- iv) Roof terminations.

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 works according to the approved details.

Reason:

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

- 4 Notwithstanding the approved drawings and information, detailed drawings and specification for all plant equipment/ grills/ louvres etc. to be located within the lower ground floor lightwell must be submitted. 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 works according to the approved details.

Reason:

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

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

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

- o between 08.00 and 18.00 Monday to Friday; and

- o not at all on Saturdays, Sundays, bank holidays and public holidays.

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

Reason:

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)

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

- 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 (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

- 10 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 7 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 (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 11 Prior to the occupation of the development you shall submit and have approved in writing by the local planning authority a detailed servicing management strategy for the development to include an assessment of delivery noise combined with mechanical services, noise from doors and gates and activity and noise from trolleys and human voices. All servicing shall be undertaken in accordance with the approved strategy 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 (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 12 The development hereby approved shall achieve a Building Research Establishment rating of 'very good' or higher (or any such national measure of sustainability for house design that replaces that scheme of the same standard). Within six months of completion of the development a copy of a Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification, confirming that the development as built has achieved the targeted level, shall be submitted to and approved by us. You must then not remove any of these features.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 13 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 (November 2016). (R44AC)

- 14 The provision for the storage of clinical waste, waste and recyclable material, as shown on drawing numbered 1402-A-100 Rev.A, is to be made permanently available and used for no other purpose (C14DC)

Reason:

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

- 15 Waste generated on site must be managed and collected in accordance with the site waste management plan (operational waste strategy) produced by WSP- Parsons Brinckerhoff dated August 2016.

Reason:

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

- 16 All servicing must take place off-street from the internal loading bay accessed from Chester Mews. Servicing must not take place outside the following hours: 07:30 and 19:30 hours on Monday to Friday; 08:00 and 11:00 hours on Saturday; and not at all on Sunday.

Reason:

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

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

- 18 The medical clinic will provide no more than 205 medical beds.

Reason:

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

- 19 You must apply to us for approval of a scheme of public art as described in the Planning Statement dated October 2016.

You must not start work on the public art until we have approved what you have sent us. Prior to occupation you must carry out the public art scheme according to the approved details.

You must then maintain and retain the approved public art in situ for the life of the development. (C37AB)

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)

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

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 21 You must not use the flat roofs at third and fifth floor level on the west elevation for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

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

- 22 The glass put in the lower half of the second floor windows on the western elevation facing Chester Mews must not be clear glass, and you must fix them permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant parts of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

- 23 The blind windows shown at first floor level on the west elevation in drawing no. 1402-A-203 Rev.A shall be retained for the life of the development.

Reason:

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

- 24 Notwithstanding what is shown on the approved drawings the proposed street trees on Chester Mews are not approved by this permission.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered

to the applicant at the validation stage.

- 2 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)

- 3 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, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 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)

- 5 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)

- 6 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.

- 7 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.

- 8 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.

- 9 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)

- 10 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990.

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Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	35 - 43 Lincoln's Inn Fields, London, WC2A 3PP.		
Proposal	Partial demolition, refurbishment and redevelopment of the Royal College of Surgeons (Barry Building: 39-43 Lincoln's Inn Fields) to provide new accommodation for the College (Class D1); including alterations at roof level and a new building comprising 2 levels of basement, ground and six upper floors, set behind the retained front façade and front range of the Barry Building. Installation of associated plant and equipment; alterations to the front forecourt of the building to provide level access and cycle parking; and associated works.		
Agent	Gerald Eve LLP		
On behalf of	The Royal College of Surgeons		
Registered Number	16/09110/FULL and 16/09111/LBC	Date amended/ completed	21 September 2016
Date Application Received	21 September 2016		
Historic Building Grade	II Star		
Conservation Area	Strand		

1. RECOMMENDATION

1. Grant conditional permission including a Grampian Condition to mitigate the shortfall of the development's on-site carbon reductions.
2. Grant conditional listed building consent.
3. Agree the reasons for granting conditional listed building consent as set out in informative 1 of the draft decision letter.

2. SUMMARY

The Royal College of Surgeons (RCS) occupies the interconnected Barry and Nuffield buildings on the south side of Lincoln's Inn Fields. The RCS no longer consider that the buildings in their current form serve either their current or future needs due to factors including the inefficient layout, level of upkeep required and the visitor experience offered by the Hunterian Museum.

The intention is to provide a new Headquarters building on the site of the Barry building, while retaining the front range of rooms and demolishing the rear part of the building largely constructed in the 1950s following severe WW2 bomb damage. The Nuffield building would then be sold/leased to another occupier whilst the RCS functions are consolidated into the new Barry building.

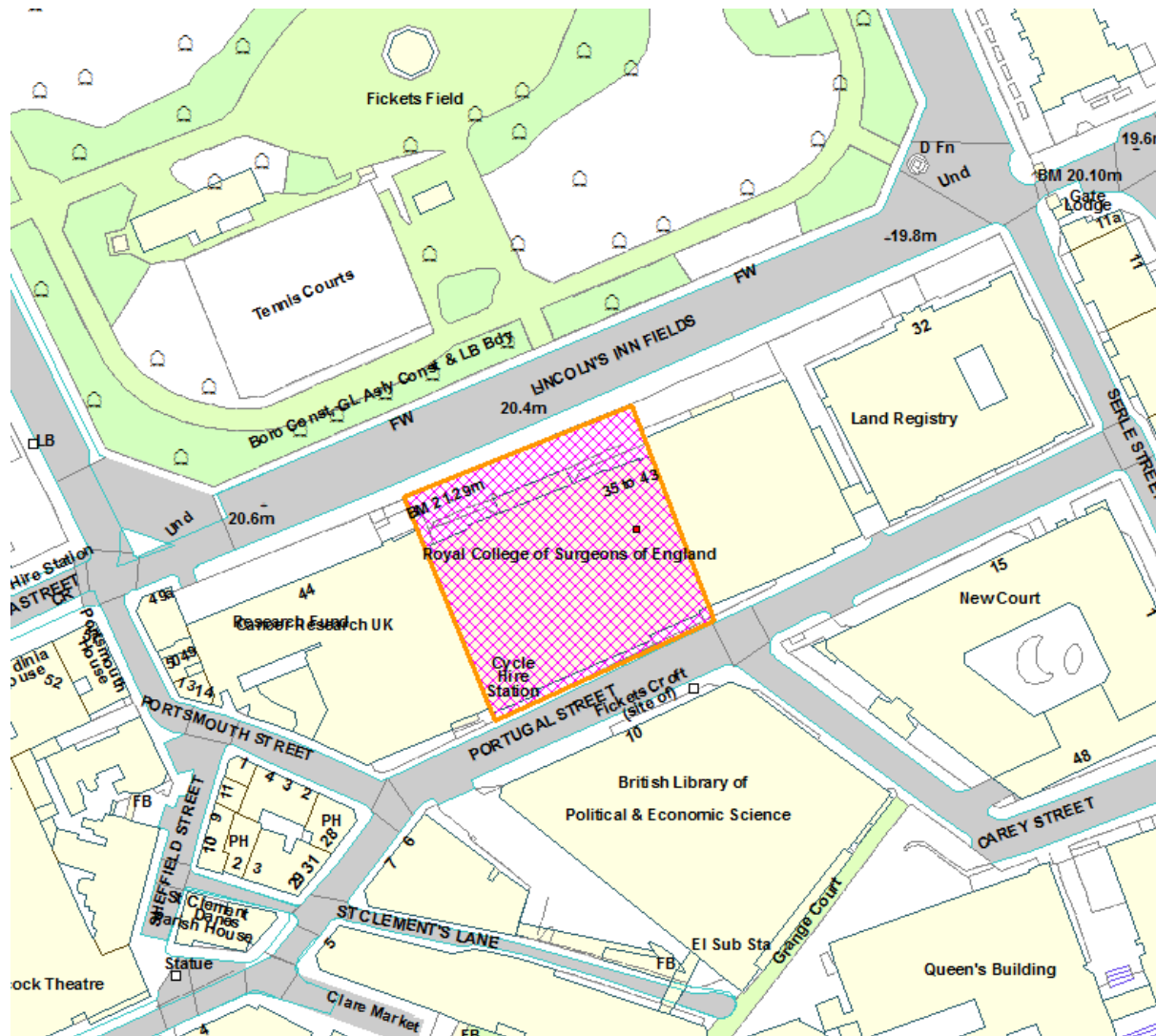
Objections have been received from national conservation bodies including the Twentieth Century Society, the Georgian Group and the Victorian Society as well as some Members of the RCS itself. Historic England support the proposals.

The key considerations are as follows:

- The impact of the proposed demolition, other alterations and new build on the special architectural or historic interest of the listed building;
- The impact of the proposed demolition, other alterations and new build on the character and appearance of the Strand Conservation Area.
- The design of the replacement building;
- Whether the scheme's public benefits would significantly and demonstrably outweigh any identified harm to the heritage assets.

Whilst it is acknowledged that there will be some harm caused to the listed building, it is judged to be less than substantial. There is considered to be sufficient public benefit which outweighs the harm caused. It is not considered on this occasion that the objections to the loss of historic fabric and impact on the building are sustainable. The application is recommended for approval subject to the conditions as set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Long view from Lincoln's Inn Fields



Barry Building

5. CONSULTATIONS

HISTORIC ENGLAND

No objection – authorisation received to determine as seen fit.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to conditions.

TWENTIETH CENTURY SOCIETY

Objection – the substantial harm caused to the heritage is not justified. The post war reconstruction and restoration of the bomb damaged areas was done at a time when resources were scarce and the restoration showed great attention to detail and incorporated historic fabric where possible. The redevelopment would see the destruction of two important chapters in the Institution's history – Barry's concept and the skill of it's post war restoration.

VICTORIAN SOCIETY

Objection – stripping out the stair hall would undo the careful and admirable work carried out in the 1950s, stripping the Grade II* listed building of a layer of its interest. The impact of such extensive demolition, particularly of the stair hall, would be both major and detrimental. Consider the public benefits to be minimal.

GEORGIAN GROUP

The demolition of the existing staircase and inner vestibule cause an unjustifiable level of harm to the building without a clear demonstration that other options are not viable.

COUNCIL FOR BRITISH ARCHAEOLOGY

Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

LONDON BOROUGH OF CAMDEN

No objection.

CITY OF LONDON

No comment.

TRANSPORT FOR LONDON

Objection on the basis of the provision of too little cycle parking.

WESTMINSTER SOCIETY

Support the proposals - the retention of the front facade of the Barry Building is to be welcomed as are the access improvements. The proposals have to be viewed in the light of the extensive wartime damage to the site and these proposals would serve to enhance the work undertaken by the Royal College.

CLEANSING

Whilst the waste management strategy is good, the applicant must revise the basement plan to show separate secure clinical waste storage and restaurant waste.

ENVIRONMENTAL HEALTH

No objection in relation to the proposed plant, air quality report or construction management plan, subject to the City Council's standard conditions.

HIGHWAYS PLANNING MANAGER

The provision of lockers for foldable Brompton style cycles is not supported. However the overall cycle parking provision is just about sufficient. Request a servicing management plan.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 86

Total No. of replies: 6

No. of objections: 6

No. in support: 2

Objections received on the following grounds:

Impact on historic building

- The rebuilt elements of the buildings following war damage are worthy of preservation and should not be demolished.
- The alterations and demolition proposed are without any public benefit.
- The building is held in great esteem by surgeons worldwide and the current plans are 'close to vandalism'.
- The current building including the 1950s reconstructed elements offers an "integrated architectural masterpiece which has given us a versatile and prestigious headquarters to allow us not only to demonstrate our heritage and history but also carry out the ceremonial, administrative, professional and social functions of the College".

Other

- The loss of the crystal gallery in the Hunterian Museum – this element has only been open since 2004 and is a major contributor to the success of the museum.
- The loss of the education facilities is also unnecessary as they have only been operational for 5 years.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

RE-CONSULTATION FOLLOWING REVISIONS TO STAIR COMPARTMENT, ROOF EXTENSION AND LANDSCAPING

COUNCIL FOR BRITISH ARCHAEOLOGY (London and Middlesex Archaeological Society)

Object to the removal of the Barry stair and the re-ordering of some major spaces

ANCIENT MONUMENTS SOCIETY
Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS
Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY
Any further response to be reported verbally.

GEORGIAN GROUP
Any further response to be reported verbally.

VICTORIAN SOCIETY
Any further response to be reported verbally.

HISTORIC ENGLAND
Any further response to be reported verbally.

6. BACKGROUND INFORMATION

6.1 The Application Site

The RCS occupies the Barry Building and Nuffield Building on the south side of Lincoln's Inn Fields, with a rear façade to Portugal Street. The Barry building is Grade II star listed. It is internally linked to the adjacent unlisted Nuffield Building. The site is within the Strand Conservation Area and is close to the borough boundaries with the London Borough of Camden and the City of London. The Bloomsbury (Camden) and Chancery Lane (City of London) Conservation Areas are adjacent / close to the application site. This application relates to the Barry Building only.

The Barry Building comprises two levels of basement, ground floor and six upper storeys. It has been the subject of extensive rebuild and alterations behind the front range of rooms during the 1950s as a result of bomb damage during the second world war.

The site includes the internationally renowned Hunterian Museum, which is currently located on the first floor.

In terms of the surrounding area, the building immediately to the west has recently been acquired by the LSE (formerly occupied by Cancer Research UK), and the building immediately to the east is also occupied by the LSE (formerly the Land Registry). To the rear of the site, on Carey Street, is a development site currently under construction to provide up to 202 flats.

6.2 Relevant History

The principal building of the RCS, the Barry Building, was originally built for the then recently formed College in 1806-13, designed by George Dance the Younger. It has acted the College's home ever since, and this is an important element of the site's

historic significance. The main façade is now in two parts – the western section (Barry Building) comprises a stone/stucco façade with a central portion redesigned by Charles Barry (c. 1833) incorporating the partially rebuilt portico by Dance, and a later (late 19C) wing by Stephen Salter. There were further alterations and additions to this facade during the 1930s.

Following extensive bomb damage in 1941, only the front range of the Barry building remained intact. The remainder of the site was redeveloped in the 1950s and 60s – the Nuffield building was completed in the mid-1950s, followed by the rear sections of the Barry building. The postwar reconstruction was designed by Alner W Hall with Sir Edward Maufe.

The most recent permissions over the last 10 years have largely related to improving level access to the Barry building, new plant rooms and small infill extensions. Amongst these, 12/06327/FULL and 12/06328/LBC were approved in October 2012 for a new disabled access ramp to the front of the building. This is of some relevance to this current application, in relation to the acceptability of the ramp which forms part of this application.

7. THE PROPOSAL

The key element of the proposal is the demolition of the post war sections of the Barry building behind the retained front range of historic rooms. A new building comprising ground, two basement levels and seven upper floors is arranged around a central atrium and new main staircase. The retained front range, including the historic library, reading rooms, entrance hallway and front façade would be repaired and refurbished. A new roof storey is set back from the front elevation and replaces the existing. The proposed elevation to Portugal Street provides a more active street frontage, and the Hunterian Museum and a new café are relocated to the ground floor with direct access from Portugal Street. The historic main entrance onto Lincoln's Inn Fields would remain a primary formal entrance to the building, acting as a central axis through the building with the new atrium and Portugal Street entrance.

The proposals consolidate the RCS accommodation, consolidating the core uses and functions of the RCS into only the Barry building, and would enlarge the Hunterian Museum in a new, more prominent and easy to access ground floor location. In order to undertake the works, the RCS will move all of its activities to the Nuffield Building; the Barry building will then be redeveloped and the RCS will move back following completion. The Nuffield building will then be vacant, and sold/leased to another party to help fund the redevelopment.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Background

The "Royal College of Surgeons in London" was established in 1800 and accommodated in the building at Lincoln's Inn Fields, completed in 1813. The building was constructed to house John Hunter's Museum, the Library, lecture theatre and Court of Examiners Room. The Royal College of Surgeons of England (RCS) is a professional membership

organisation and registered charity, it's mission is to advance surgical care for the benefit of patients and the public. It has around 20,000 members in the UK and internationally and supports them by improving skills, knowledge, developing policy and guidance. It provides courses and examinations for surgeons. It also acts as a custodian for the Hunterian Museum collection, library and archives (designated by Arts Council England as being of international scientific and cultural significance).

The RCS contains many functions within the Barry and Nuffield buildings. These are primarily educational facilities including lecture theatres, surgical teaching rooms, a mortuary, library, archives, conference facilities and offices for the RCS and associated professional institutions. The Hunterian Museum is open to the public, located at part first and second floors. There is also a publicly accessible café at basement level. Some overnight accommodation and a gym is contained in the Nuffield building at part ground to fourth floors – this has evolved from the student accommodation provided in what was known as the Nuffield College of Surgical Sciences when it was completed in the 1950s. The overnight accommodation is still used by RCS members, but the college states there is now significantly less need for this as students and researchers receive most training from universities and hospital trusts rather than from the college; there is also more limited demand for external residential courses that were previously provided.

The college consider 1950s/60s structures to be inefficient and do not serve their needs very well; they are expensive to run and maintain. They state that they are now in a position where the key RCS functions can be accommodated in one modern, efficient building. Essentially, with a redeveloped and restored Barry building, the Nuffield building is surplus to requirements.

The compromises and inefficiencies presented by the current buildings are well understood and evident from any site inspection. Floorplates are at different levels, circulation is inefficient and confusing, there is single glazing and little insulation. There is a shared delivery facility for goods and cadavers.

The RCS are clear in their application submissions that they cannot continue operating as existing over the two buildings without significant change. The RCS board of trustees has explored several options in terms of future accommodation, including moving out of London. Their preferred option is to remain in the Barry building (thus keeping the historical association with the site), retaining the front range and redeveloping the rear part of the building to form a modern headquarters.

Proposed layout

The front range of the Barry building will retain the library as existing at first and second floors, along with the RCS Archive and offices. Education facilities (exam rooms/lecture theatre/surgical skills centre) are consolidated at sub-basement, basement and first floors. Office space is located at second to fifth floors. The central atrium provides flexible space and break out areas; there is a conference facility at sixth floor level with a small roof terrace to the Lincoln's Inn Fields elevation. The Hunterian Museum and café are located at ground floor level and will provide a highly visible presence on the Portugal Street elevation.

In terms of access to the Hunterian Museum Collection during construction, the RCS states that it will appoint a partner museum that is itself internationally renowned

(although there is no confirmation of the identity of the organisation), where a significant proportion of the Hunterian Museum collection will be stored. The applicant states that there are items within the Hunterian Collection that are very sensitive from a human tissue perspective or are too fragile to move which will remain in storage within the Nuffield Building until they can be installed within the new building. Similarly, the intention is for the library and archive collections to be stored during construction works in an alternative specialist library.

The existing/proposed floorspace is set out below:

GEA of the Barry and Nuffield building as existing = 25,537 sqm with a net internal area of 12,758 sqm

GEA of the retained Barry building including new build = 16,337 sqm with a net internal area of 10,957 sqm.

Although in absolute terms, there is a loss of floorspace to the RCS, there is no overall loss of education/institutional use in planning terms as the Nuffield Building remains albeit with a different owner or occupier.

The RCS is a renowned national and international institution containing both educational and cultural functions – such uses are afforded protection under S27 and S34 of the City Plan, COM6 and SOC 1 of the UDP. Policy SOC 3 of the UDP is supportive of the provision of new educational facilities.

The continued use of the building by the RCS as its original commissioning organisation is a notable part of its historic significance, and the continued presence of the RCS in the Barry building is welcomed. The alterations to the layout of the publicly accessible facilities (Hunterian Museum and café) are considered to be an improvement over the current layout; they are larger and certainly more 'public facing', providing more animation to the Portugal Street façade. They provide significant public benefit.

Objectors are concerned over the replacement/loss of more recently completed areas of the building including the Crystal Gallery within the Hunterian Museum and the education suite that has only recently been operational. These concerns are well understood given that at the time they were significant projects for the RCS. However, these areas of the building are not protected in planning terms given that no change of use to the building is occurring and there is no historic significance attached to these modern additions.

8.2 Townscape, Heritage and Design

Legislation and Policy

The relevant legislation, policy and guidance which applies to a proposal of this nature is extensive and has been explained to Committee in the past in relation to other major heritage applications, but it is considered worthwhile to re-state some of the key legislative requirements, and some of the key policies and guidance which are relevant to this case as follows.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states 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 states 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 states 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.

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.

Policy DES 9 of the UDP aims to preserve or enhance the character or appearance of conservation areas and their settings.

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.

The significance of the existing, and the impact of its partial demolition

Being a Grade II* listed building within a conservation area, the special architectural and historic significance of the site and the positive contribution that it makes to the character and appearance of the conservation area must, as set out above, be given special consideration and great weight when determining applications affecting the site or its setting. What this means in effect is that development proposals which would harm the listed building’s architectural or historic significance, or that of the conservation area, may only lawfully be permitted if significantly and demonstrably outweighed by public benefits which would be secured by the development proposed. The greater the harm caused, the greater and more definitive the benefits must be.

The special architectural and historic significance of the listed building is almost completely contained within the front range of the building, which is all that was left standing after the wartime bomb. This section of the building is of very high architectural and historic interest, and is proposed by the application to be preserved complete, including a comprehensive scheme of repairs (which can be secured by condition). The alterations proposed to this part of the building relate mainly to the abutment with the existing rear part which would be demolished, and afterwards with the new building, which is discussed below in relation to the proposed demolition and new build proposals.

Also proposed to this part of the building is a new entrance ramp to the front portico. Planning permission and listed building consent were granted in 2012 for a new ramp spanning the lightwell to the right of the portico (RN: 12/06327/FULL and 12/06328/LBC). This is however only given limited weight because, not only have the consents since expired, but it was granted at a time when the site's overall re-development, as is now proposed, was not for consideration and as such this appeared to be the only option for providing any level access to the building. The current development provides alternative means of access from the new Portugal Street entrance (which will be in effect become the most regularly used by the public) and as such the circumstances for consideration are now very different.

The manner in which the new proposal would stand in front of the original front lightwell railings and would project forwards of the front of the portico, encroaching into the open spatial character of the front yard, would harm the significance of the building's principal elevation. An amending condition for alternative means of providing level access to this side of the building is therefore recommended, and has been accepted by the applicant in principle. Whilst the importance of equal access is given significant weight, the relevant Building Regulations and legislation make it clear that heritage impacts can be grounds for providing a sub-optimum arrangement, such as concealed platform lifts, or limited accessibility on this side of the building given that the new Portugal Street façade would have a very good level of accessibility.

At roof level, a new roof extension is proposed to replace the existing poorly designed modern mansard which sits behind the main bottle balustrade parapet, providing a new function space for the college overlooking Lincoln's Inn Field. The size and form of this extension is considered to be acceptable, and would not unacceptably alter the silhouette of the building. Its design is however considered to be too dominated by glass, which would risk visually harmful levels of daytime reflectivity and night-time illumination which would harm the appearance of the façade, particularly from high or more distant viewing points. Whilst the applicant has stated this would have minimal visibility from the ground, this is not fully accepted due to the amplifying effects that glass reflections and illumination can have, particularly through a visually permeable parapet line, in an area not characterised by large areas of high level glazing or illumination. An amending condition is therefore recommended to seek further amendments to this design, towards a more solid mansard-like appearance, less dominated by glazing.

The bomb damage received by the building during WW2 effectively destroyed the rear sections of the Barry Building, and as a result those sections were completely rebuilt following the war.

In doing this, the central lobby and main ground to first floor staircase were rebuilt to closely replicate Barry's original designs, but the central rear entrance from Portugal Street, through which the public would have entered to view surgery as 'theatre'.

The rebuild was not, as implied by some of the received objections, exemplary in terms of new construction quality and was in fact very limited in terms of the quantity of original fabric re-used, including the staircase which is otherwise the best of the attempts at replicating Barry's designs. Upon closer inspection it becomes evident that these sections are a replica ensemble and possess no real historic character – only architectural character. Despite these limitations, the central lobby and staircase do preserve the relationship and means of access between the ground floor entrance and the first floor library, and so hold some historic value in terms of how they tell the story of the building and Barry's architectural ensemble of principal rooms. The proposed demolition of the central lobby and staircase will represent some loss of architectural and historic significance, causing some harm to the special architectural and historic interest of the listed building.

The rest of the rear part of the building was rebuilt to a new design and layout of mixed architectural quality. There are some rooms on the ground floor towards the back of the building of good architectural quality, namely the Council Room, and two interlinked Committee Rooms. These contain good 1950s panelling (not Barry panelling as implied by some objectors) and some historic fireplaces salvaged from the bomb damage. These rooms are considered to contribute some low to moderate architectural value to the overall listed building, but are not of such interest that they would deserve listing in their own right. They would however justify being salvaged in part or whole, with the panelling and fireplaces reused as part of the site's redevelopment.

The rest of the 1950s building, including the Lecture Theatres, surgical education facilities and back-of-house offices are of no architectural or historic significance, some of them dating from as recently as the 2000s. In fact, the building suffers from a poorly laid out plan, which is not only functionally limiting for the College but also severely prejudices the qualities of the better rooms to such a degree that it becomes evidently of very little overall architectural significance.

The applicant's current demise also includes the Nuffield Building to the east of the Barry Building, which was built as part of the postwar rebuild and was designed by the same architects. During the course of the application process it was accepted by Historic England that, whilst it is internally linked to the Barry Building, it does not form a part of the Grade II Star listing of the College and is therefore not listed. The applicant does however propose to salvage some elements of the Nuffield Building which were retrieved from the wartime damage and/or are part of the College's collection of artefacts.

Summarising the above paragraphs regarding the proposed demolition work, whilst both the rear part of the Barry Building and the Nuffield Building were designed by an architect team of relative postwar note, they are not considered to be a good example of their work, nor otherwise of 'special architectural or historic interest' in their own right. The 1950s work does contribute some positive elements to the story of the site, and is in parts of good architectural quality in its own right, but its demolition is considered in principle to be acceptable subject to the comparative merits of the proposed

replacement construction and alterations to the retained historic parts, and also subject to a condition securing the salvage and reuse of key items within the new and retained parts of the building.

The new design

The design of the proposed new rear part of the building is the result of a detailed design exercise by the College's architects. It is designed to combine the college's various functions for the future, including significantly an enlarged and much improved position and layout of the Hunterian Museum, which will now be more evidently a focus of the site. The design of the proposed rear façade is considered to be of a very high quality of architecture in its own right, and one which relates to the site's history through the reintroduction of a public entrance onto Portugal Street, and through the spacing of bays. Whilst an overtly modern design its proportions are a sound interpretation of architectural principles, and the proposed materiality would give good individuality and create a new second identity and public face to the site. The scale of the façade is large, but is consistent with the existing and emerging local context. Its scale and bulk would be suitably adapted across the plan of the site to avoid presenting above the roofline of the original façade when viewed from Lincoln's Inn Field.

Internally the new atrium would be a notable expansion upon the existing central lobby space and so does not fully compensate for the loss of intimacy that would be caused by this departure in character. Similarly, the historic relationship between the main entrance lobby and the first floor library, whilst in a very similar position and layout, would also lose some of the intimacy and spatial character which characterises this part of Barry's design. This is harmful but is partly mitigated by the introduction of a new modern design of staircase which repeats the same classical proportions, shape and prominence as the existing, but interpreted to a good new design. Whilst this does not completely mitigate for the loss of the existing replica of Barry's staircase, it does provide partial compensation for it, and will be in itself a new feature of significant architectural quality, individual to the College.

Conservation / design balance

When considering the overall effects of development on a heritage asset it is necessary to consider the balance between positive and negative effects, in order to reach an overall conclusion of whether the scheme is harmful, neutral or beneficial. The overall planning balance is discussed later in this report.

Aside from those which are proposed to be resolved through amending conditions, the proposal's negative effects on the significance of the listed building can be summarised thus:

- The loss of the rebuilt main staircase and central lobby;
- Some 'decompression' of the historic relationship between the main entrance and first floor library;
- The loss of the 1950s Council Room and Committee Rooms.

These effects have no impact on the conservation area as they are all internal. There is therefore no harm caused to the conservation area.

The positive, mitigating or compensatory effects of the proposals can however be summarised as follows:

- Preservation and reinforcement of the College's and the Museum's future use of the site;
- Introduction of an improved quality of architecture towards the rear of the site, including internally when compared to the 1950s work;
- Positive relationship between new and old, particularly around the new main staircase compartment;
- Comprehensive refurbishment of the retained historic parts of the site;
- The reuse of key historic internal features and the best of the 1950s work within the new development.

These positive effects relate both to the listed building, and to the conservation area.

Taking into account the mitigating and compensating effects that the positive aspects noted above, it is considered that the proposals overall would still cause some harm to the significance of the listed building; under the terms of the NPPF (see above) this would not exceed 'less than substantial' harm, and must therefore be considered against Paragraph 134 (the balance between less than substantial harm and the wider public benefits of the scheme).

The proposals are considered to cause no harm to the significance of the conservation area, or of other nearby heritage assets such as adjacent conservation areas or nearby listed buildings, other than in terms of the contribution which the appearance of the College façade makes to the setting of Lincoln's Inn Fields (Bloomsbury Conservation Area, Camden) and which can be resolved through the proposed amending condition for the roof extension and means of providing level access.

8.3 Residential Amenity

Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Sunlight and Daylight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant Point 2 has carried out the necessary tests using the methodology set out in the BRE guidelines on the nearest residential properties at 48 Carey Street. The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution available to windows in these properties. Sunlight is also assessed.

The results in the report show that there will be some minor alterations to the levels of daylight received, but any losses to both daylight and sunlight are within the 20% tolerance allowed for by the BRE guidelines and as such are not considered to be a material impact.

Sense of Enclosure

The replacement building fronting Portugal Street is very similar in bulk to the existing building. It is not considered that the small increase in bulk will have any material impact upon the 'sense of enclosure' experienced by any nearby residents facing the site.

Privacy

The proposed elevation to Portugal Street contains a high degree of glazing although the elevation itself is no closer to other properties than existing. Despite the new glazing, it is not considered that the relationship with neighbouring buildings would afford an unacceptable degree of overlooking to sensitive windows.

The application is considered to have an acceptable impact on the amenity of surrounding properties, and accords with S28 of the City Plan and ENV13 of the UDP.

8.4 Transportation/Parking

Car Parking

Limited car parking exists within the Lincoln Inn Field forecourt area. The proposal rationalises this to improve the entrance and accessibility for all users. The reduction in car parking for non-residential uses is supported by TRANS21 and TRANS22 and welcomed.

The site is also within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the change of use on parking levels will be minimal.

Cycle Parking

A proposed 86 cycle parking spaces are located within the basement. 36 cycle lockers for folding bicycles would also be provided on each of the 4 office floors – storage for folding cycles is not counted towards overall cycle provision in terms of our policy. Cycle parking must be suitable for use by all types of bicycle, in addition to being secure, accessible, weatherproof and within the development site. This type of proposed provision limits future occupiers to owning folding bikes which is unrealistic and restrictive. Despite this, broadly the quantum and quality of the basement cycle parking is considered acceptable for this specific proposed use.

The provision of cyclist support facilities, including lockers and showers, is welcomed. The provision of short stay cycle parking within the forecourt area is welcomed.

Servicing

S42 and TRANS20 require off-street servicing. An off-street servicing area is provided, which the applicant indicates can accommodate up to refuse vehicles. This provision is welcomed.

Vehicles will have to reverse into the loading bay. This is considered acceptable, given the existing highway layout and proposed levels of servicing.

Given the layout of the off-street servicing bay, level of servicing and mix of types of uses within the proposed building, it is recommended that a Servicing Management Plan is developed and secured. This will minimise the impact on other highway users (including pedestrians).

A 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.

8.5 Economic Considerations

The economic benefits generated are welcomed.

8.6 Access

The new building and refurbished front range would be fully accessible to those with disabilities, with level access proposed as part of the scheme in accordance with Policies TRANS27 and DES1 in the adopted UDP.

8.7 Other UDP/Westminster Policy Considerations

Plant

New plant is located at roof level. Environmental Health officers have reviewed the acoustic report supplied with the application, and consider that the plant is likely to be able to operate within acceptable noise limits given the proximity of other noise sensitive windows. It is recommended the standard noise conditions are attached.

Refuse /Recycling

Policy ENV12 requires the provision of suitable facilities for waste storage and recycling in new developments. Refuse storage is provided at basement level and the detailed layout has been revised in response to the comments of the Cleansing officer. The storage will be secured by condition.

Landscaping

Some alterations to the forecourt fronting Lincoln's Inn Fields are proposed, largely to accommodate disabled parking and level access arrangements. The associated hard and soft landscaping is considered to be a significant improvement over the current appearance of the forecourt. A condition is recommended requiring the landscaping to be completed within one planting season of completing the development.

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

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

The applicant has submitted an energy strategy setting out the measures incorporated into the proposed development in the context of sustainable design principles.

In terms of addressing the GLA's 'energy hierarchy', the applicant commits to maximising the energy performance through passive measures within the design including insulation and high performance facades to the new build, with additional insulation where appropriate on the listed structure, along with secondary glazing.

In terms of how energy is provided to the site, it is proposed to use a gas fired combined heat and power system.

The energy strategy has explored various options for the use of renewable technologies. It is proposed to use an array of photovoltaic panels at roof level. If the measures described above are implemented, then the applicant states there will be an overall carbon saving of 29% over baseline carbon emissions per year.

Even with the CHP and renewable technologies, the development fails to achieve the target set out in the London Plan. Policy 5.2 of the London Plan states:

"The carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere".

It is therefore appropriate in this case to secure a carbon-offset contribution which the City Council's energy officer has advised should be £29,520.

The development is targeting BREEAM 'excellent'.

Air Quality

The applicants have submitted an air quality assessment. It identifies short term impacts from construction (dust/particulates) which can, to a degree, be managed. In the longer term, the impact of energy plant emissions is likely to be negligible. Environmental Health officers are satisfied with the conclusions of the report and as such the development is in line with policy S31 which seeks to minimise static and traffic based sources of air pollution in developments.

8.8 London Plan

The application is not referable to the Mayor of London under the provisions of the Town and Country Planning (Mayor of London) Order 2008.

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 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.

The proposed use is non-chargeable under Westminster CIL. Under Regulation 43 of the CIL Regulations, development by charities for charitable purposes is exempt from Mayoral CIL providing various conditions set out in the Regulations are met. Under normal circumstances, the application of this floorspace would prompt a Mayoral CIL payment of approximately £157,000. It is up to Westminster as collecting authority to make a decision regarding its status under Regulation 43.

It is recommended that a Grampian style condition is used to require a scheme to offset the development's shortfall in relation to the carbon saving requirements of policy 5.2 of the London Plan.

8.11 Environmental Impact Assessment

It is not considered that the proposal warrants an Environmental Statement (ES) under the EIA Regulations (2011). The applicant has submitted various studies relating to the principal environmental issues raised by the development. The issues raised can reasonably be dealt with by conditions attached to the permission. The principal environmental effects requiring further clarification or work through conditions and mitigation are outlined in paragraph 8.7.

8.12 Other Issues

Basement excavation

The proposals involve the excavation of a larger sub-basement than currently exists. The applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred.

The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Construction impact

A condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00

on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

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. The new Code of Construction Practice was adopted in July 2016 and the applicant is required to sign up to it. Compliance is monitored by the Environmental Inspectorate. A condition is recommended requiring the applicant to provide evidence of compliance with the CoCP before starting work.

The LSE (who own 44 Lincoln's Inn Fields and intend to redevelop at a similar time to the RCS) are concerned over potential construction impacts and the effect on their own development at No. 44 and their wider student body.

Archaeology

In line with Policy DES11, an archaeological mitigation strategy has been prepared and agreed in principle with officers and English Heritage. The archaeological investigation can be secured by condition.

Length of planning permission

The applicants have requested a 5 year permission (the usual time a planning permission remains extant is 3 years). The applicant's justification for this is that this time is needed to ensure sufficient funding is in place to implement the project. Given the charitable status of the RCS and complexities of the project, on this occasion it is considered appropriate to issue a five year permission.

8.13 Conclusions

As set out above, it is acknowledged there is some harm to the listed building as a result of the proposed development. This harm is, however, judged to be 'less than substantial' and the wider public benefits of the scheme are considered to have been well demonstrated to significantly outweigh this harm. These benefits include the retention and restoration of the original Grade II star Barry building and the provision of a well-designed efficient headquarters building with good environmental performance. The proposals enable the RCS to continue to function from this site at the heart of a cluster of teaching hospitals/research institutions, whilst retaining their historic connection with the site which is a significant benefit by itself. The Hunterian Museum is increased in size and moved to a far more prominent, 'public facing' position at street level, along with the café accessed directly from Portugal Street. The servicing from Portugal Street is significantly improved with a new street level servicing area within the curtilage of the building. There is also landscaping and new visitor cycle parking provision to the Lincoln's Inn Fields forecourt.

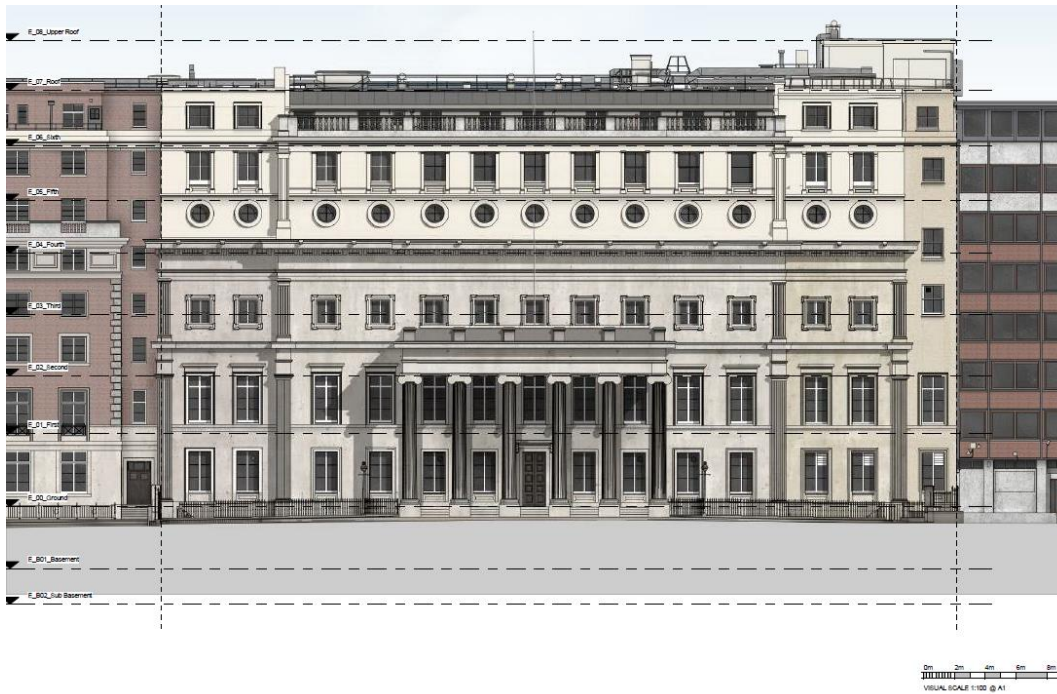
The application is therefore considered acceptable in the context of the NPPF (in particular paragraph 134), the London Plan and Westminster's planning policies, subject to the conditions as set out in the draft planning and listed building decision letters.

9. BACKGROUND PAPERS

1. Application form.
2. Response from Westminster Society dated 4 October 2016.
3. Response from Transport for London dated 5 October 2016.
4. Response from Environmental Health dated 6 October 2016
5. Memorandum from Cleansing dated 10 October 2016.
6. Letter from the City of London dated 11 October 2016.
7. Letter from Historic England, dated 13 October 2016.
8. Letter from Historic England (Archaeology) dated 20 October 2016.
9. Memorandum from the Highways Planning Manager dated 21 October 2016.
10. Letter from the Twentieth Century Society dated 24 October 2016.
11. Letter from the LSE dated 31 October 2016.
12. E-mail from the Georgian Group dated 8 November 2016.
13. E-mail from the occupier of 61 Lincoln's Inn Fields, dated 8 November 2016.
14. Letter from London Borough of Camden dated 10 November 2016.
15. Letter from the Victorian Society dated 16 November 2016.
16. E-mail from the London and Middlesex Archaeological Society dated 13 December 2016.
17. Objection from the occupier of 79 Graham Road, Malvern dated 19 December 2016.
18. Objection from the occupier of Seatonden Ickham Canterbury dated 19 December 2016.
19. Objection from the occupier of 47 Red Lion Street, London dated 21 December 2016.
20. Objection from the occupier of Springfield House, Rise Road, Skirlaugh, Hull dated 22 December 2016.
21. Objection from the occupier of 1 Kern Terrace, Stratford Upon Avon dated 5 January 2017.
22. Objection dated 5 January 2017 (address unknown).
23. Letters from Gerald Eve dated 30 November 2016 and 5 January 2017.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk



Existing Lincoln's Inn Fields elevation

**Hawkins
Brown**

Project
Royal College of Surgeons of
England
39-43 Lincoln's Inn Fields

Drawing
North Elevation - Existing

Scale @ A1
1 : 100

Date
21.09.16

Drawn By
KKS

Checked By
AW

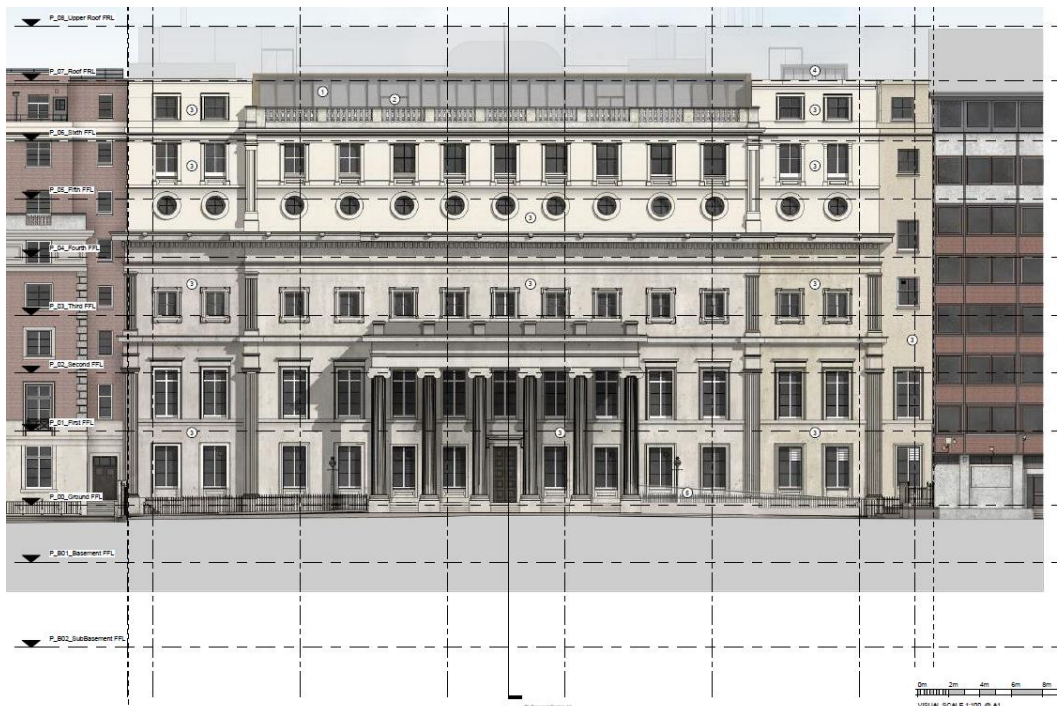
Job Number
1604

Status
S4

Purpose of Issue
PLANNING

Drawing No.
R05P2020-HB-A3-ZZ-EL-A-PL02_001

Rev
00



Proposed Lincoln's Inn Fields elevation

© Drawings prepared by a qualified architect and agreed
with Westminster City Council

4. Existing outline retained and refurbished
5. Glass balustrade and handrail to stepped access
walkway, inboard of stairs, retained retaining

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39-43 Lincoln's Inn Fields

Drawing
North Elevation - Proposed

Scale @ A1
1 : 100

Date
25.11.16

Drawn By
RB

Checked By
AW

Job Number
1604

Status
S4

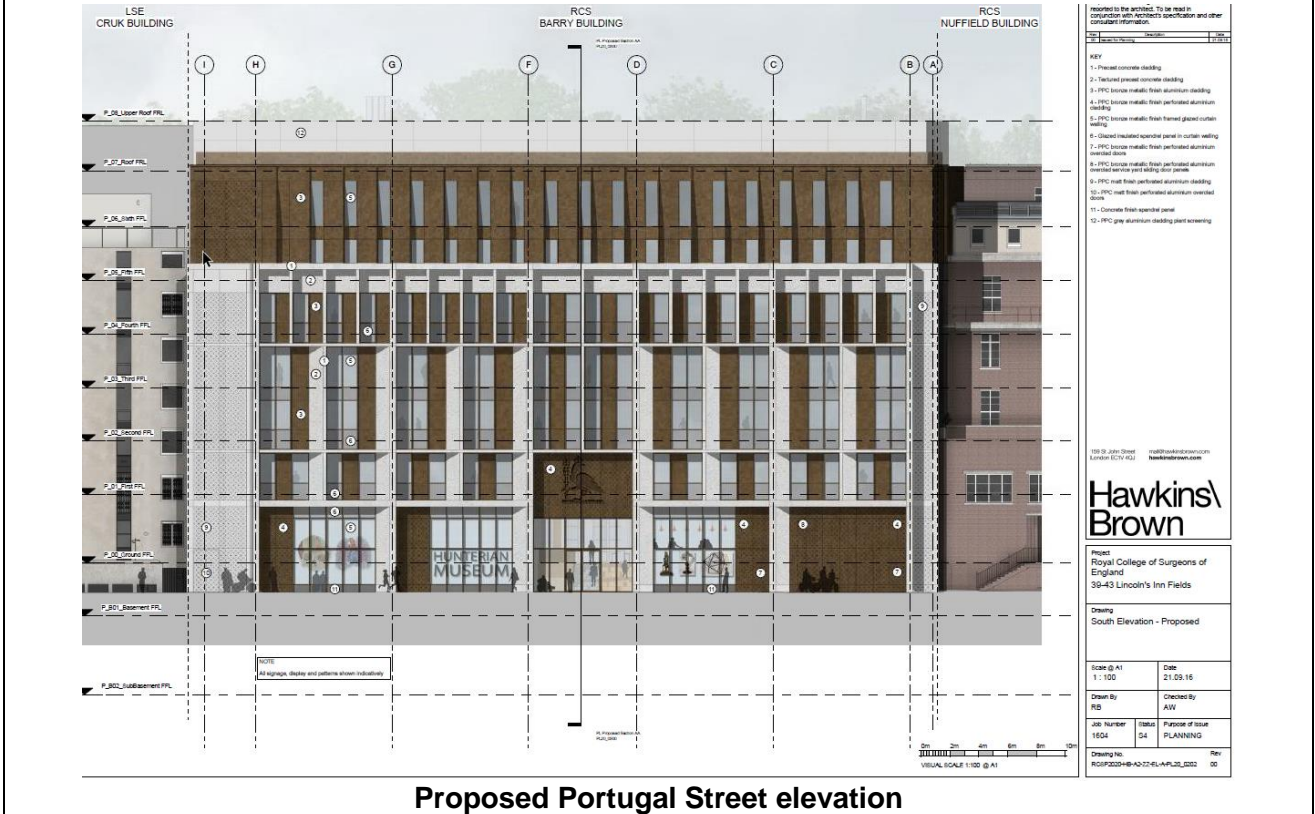
Purpose of Issue
PLANNING

Drawing No.
R05P2020-HB-A3-ZZ-EL-A-PL02_001

Rev
01



Existing Portugal St elevation



Proposed Portugal Street elevation

100 St. John Street
London EC1A 4JQ
t: 020 7626 2000
www.hawkinsbrown.com

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Drawing
South Elevation - Existing

Scale @ A1 1:100	Date 21.09.16
Drawn By KKG	Checked By AW
Job Number 1604	Issue 04
Purpose of Issue PLANNING	

Drawing No.
RCS/2016-08-A3-02-01-A1-PL06_0002

Rev
02

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Drawing
South Elevation - Proposed

Scale @ A1
1:100

Date
21.09.16

Drawn By
RB

Checked By
AW

Job Number
1604

Issue
04

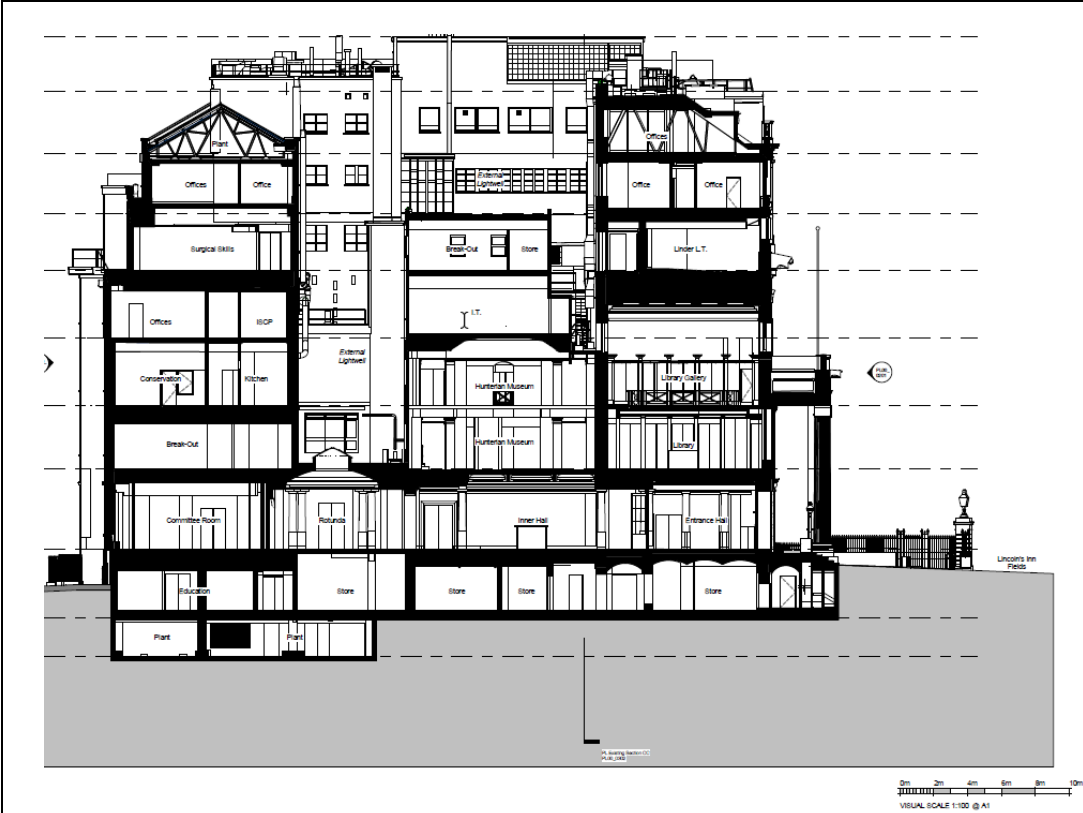
Purpose of Issue
PLANNING

Drawing No.
RCS/2016-08-A3-02-01-A1-PL06_0002

Rev
02

KEY

- 1 - Perforated concrete cladding
- 2 - Natural painted concrete cladding
- 3 - PVC bronze metallic finish perforated aluminium cladding
- 4 - PVC bronze metallic finish perforated aluminium cladding
- 5 - PVC bronze metallic finish framed glazed curtain walling
- 6 - Glazed insulated operable panel in curtain walling
- 7 - PVC bronze metallic finish perforated aluminium vertical blind
- 8 - PVC bronze metallic finish perforated aluminium vertical blind and 400x600 panel
- 9 - PVC matt finish perforated aluminium cladding
- 10 - PVC matt finish perforated aluminium vertical blind
- 11 - Concrete floor installed panel
- 12 - PVC grey aluminium cladding panel screening



Existing Section AA

109 St. John Street
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hawkinsbrown.com

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Drawing
Section AA - Existing

Scale @ A1 1:100	Date 21.09.16
Drawn By KKZ	Checked By AW
Job Number 1604	Status 04
Purpose of Issue PLANNING	

Drawing No.
RCS2020-HB-A3-02-06-A-PLD_0000



Proposed section AA

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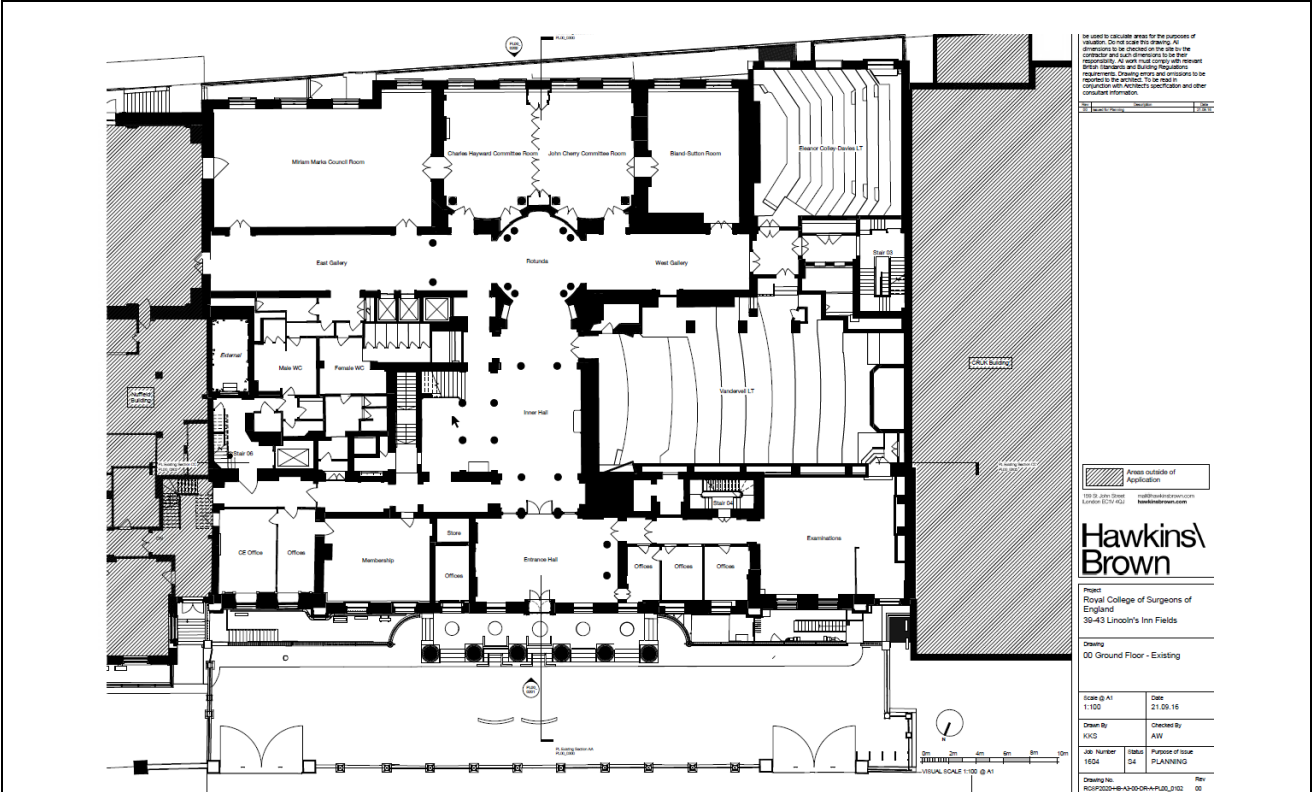
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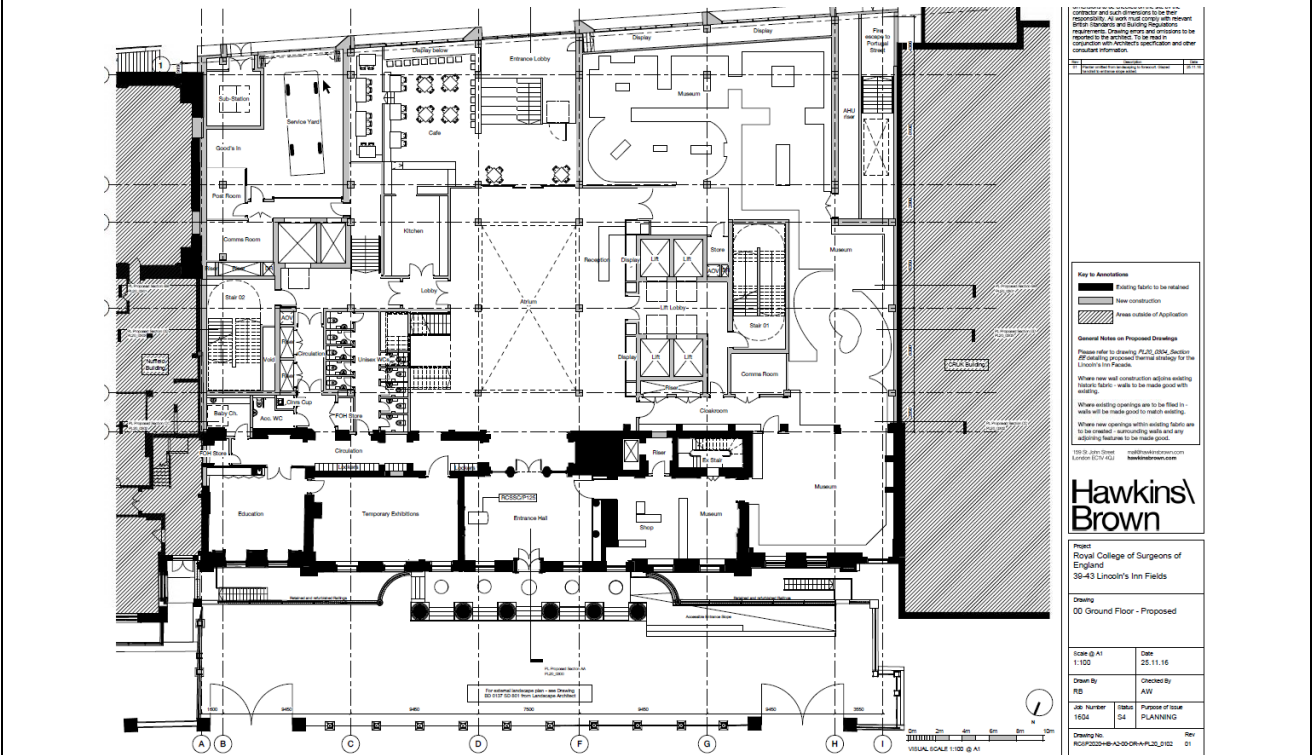
Drawing
Section AA - Proposed

Scale @ A1 1:100	Date 25.11.16
Drawn By RB	Checked By AW
Job Number 1604	Status 04
Purpose of Issue PLANNING	

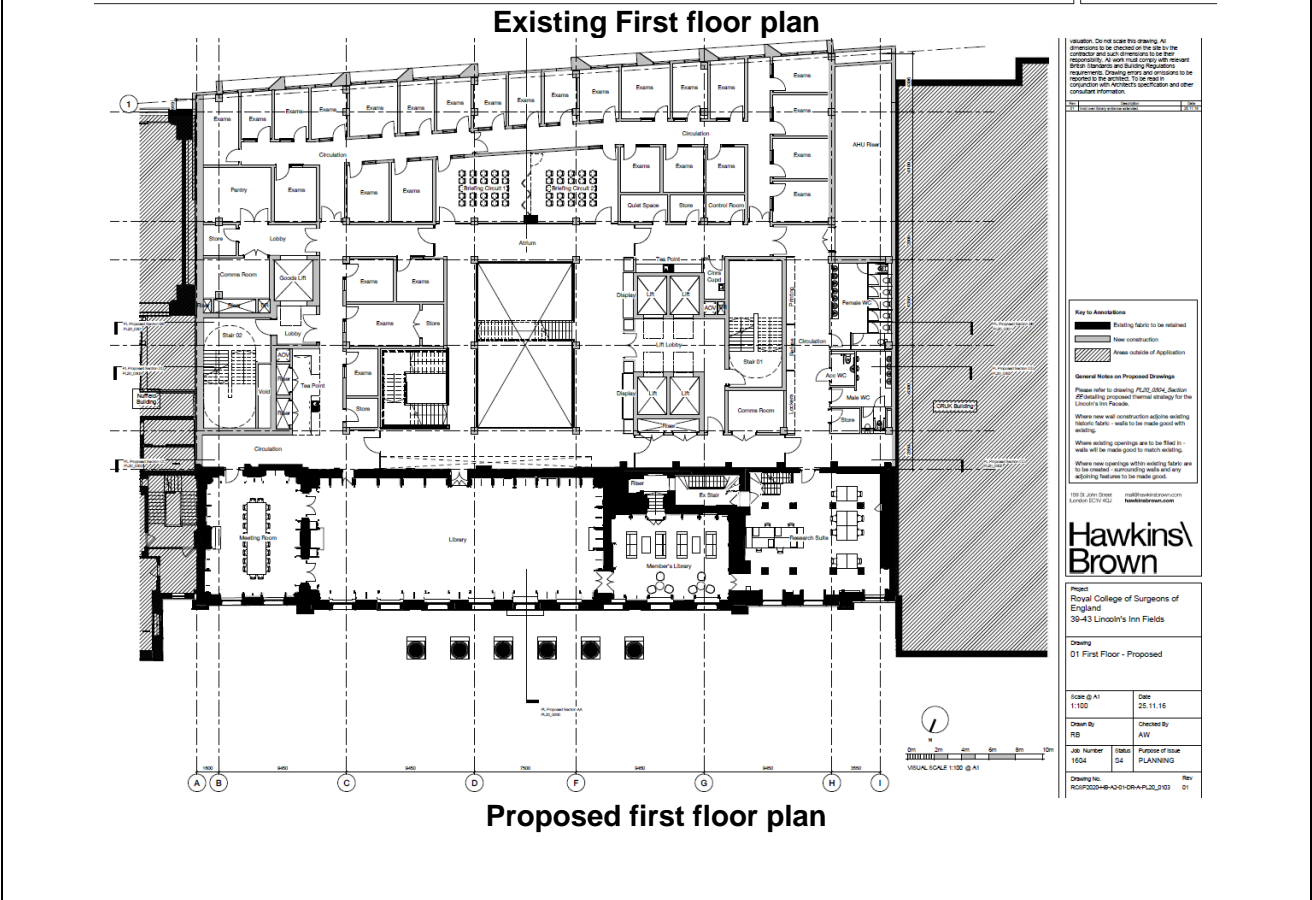
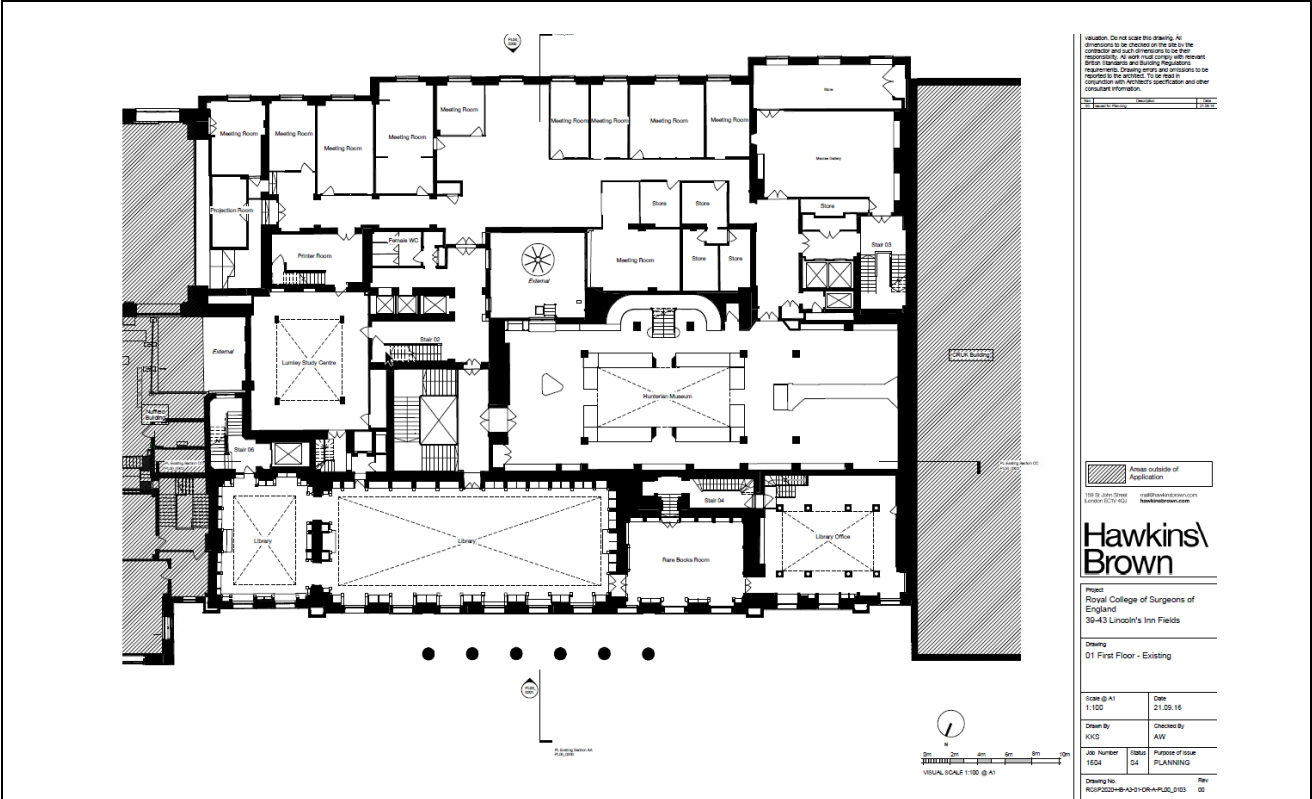
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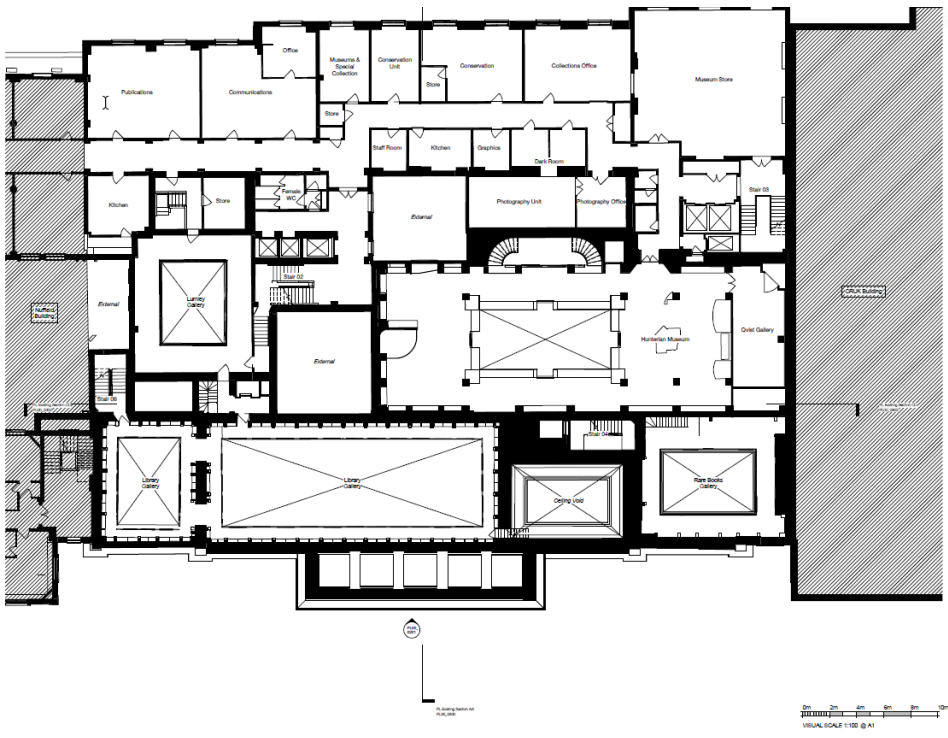


Existing ground floor plan



Proposed ground floor plan





British Standards and Building Regulations requirements. Drawing errors and omissions to be reported to the architect. To be used for construction purposes only. For more information, contact the architect.

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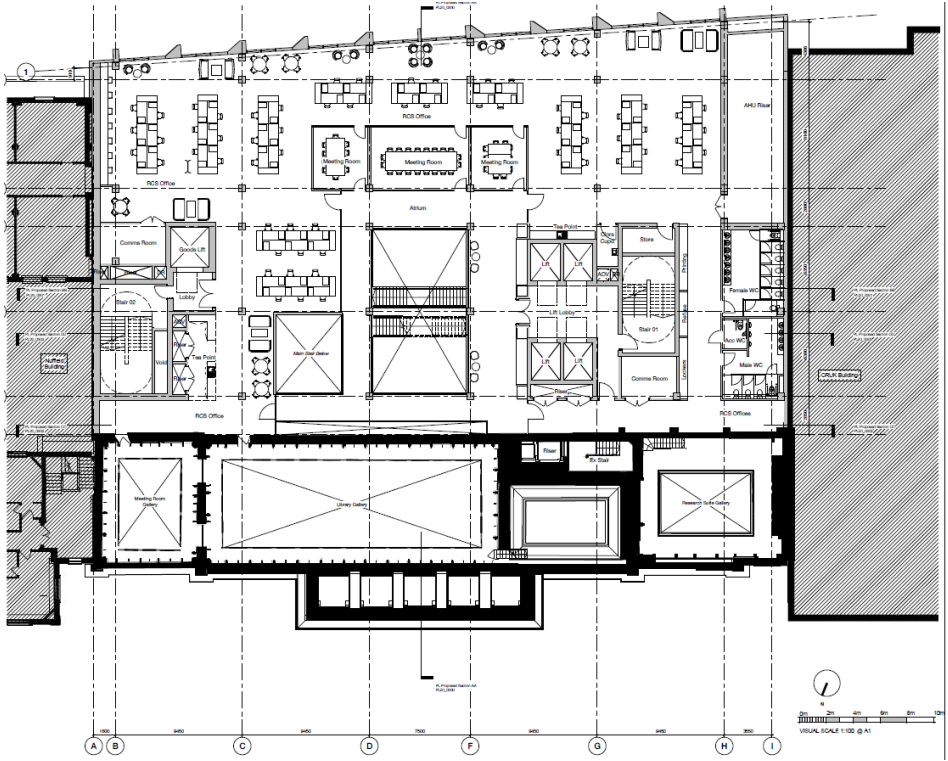
Hawkins Brown

Project
Royal College of Surgeons of England
39-43 Lincoln's Inn Fields

Drawing
02 Second Floor - Existing

Scale @ A1 1:100	Date 23.09.16
Drawn By KKS	Checked By AW
Job Number 1604	Status PLANNING
Drawing No. R0410204-03-02OR-PL_02	Rev. 01

Existing second floor



Do not scale this drawing. All dimensions to be checked on site by the contractor and submitted to the architect for approval. All work must comply with relevant requirements. Drawing errors and omissions to be reported to the architect. To be used for construction purposes only. For more information, contact the architect.

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Project
Royal College of Surgeons of England
39-43 Lincoln's Inn Fields

Drawing
02 Second Floor - Proposed

Key to Annotations

- Existing fabric to be retained
- New construction
- Areas outside of Application

General Notes on Proposed Drawings

Please refer to drawing PL02_02A_02A_02A for details of proposed new construction for the ground floor.

Where new wall construction is shown, existing fabric - walls to be made good with existing.

Where existing openings are to be filled in, walls will be made good to match existing.

Where new openings within existing fabric are to be formed, structural walls and any existing features to be made good.

Scale @ A1 1:100	Date 25.11.16
Drawn By RB	Checked By AW
Job Number 1604	Status PLANNING
Drawing No. R0410204-03-02OR-PL_03	Rev. 01

Proposed second floor

DRAFT DECISION LETTER

- Address:** 35 - 43 Lincoln's Inn Fields, London, WC2A 3PP,
- Proposal:** Partial demolition, refurbishment and redevelopment of the Royal College of Surgeons (Barry Building: 39-43 Lincoln's Inn Fields) to provide new accommodation for the College (Class D1); including alterations at roof level and a new building comprising 2 levels of basement, ground and six upper floors, set behind the retained front facade and range of the Barry Building. Installation of associated plant and equipment; alterations to the front forecourt of the building to provide level access and cycle parking; and associated works.
- Plan Nos:** Site Plan; RCSP2020-HB-A3-B2-DR-A-PL00_0100/rev 00; RCSP2020-HB-A3-B1-DR-A-PL00_0101/rev 00; RCSP2020-HB-A3-00-DR-A-PL00_0102/rev 00; RCSP2020-HB-A3-01-DR-A-PL00_0103/rev 00; RCSP2020-HB-A3-02-DR-A-PL00_0104/rev 01; RCSP2020-HB-A3-03-DR-A-PL00_0105/rev 00; RCSP2020-HB-A3-04-DR-A-PL00_0106/rev 00; RCSP2020-HB-A3-05-DR-A-PL00_0107/rev 00; RCSP2020-HB-A3-06-DR-A-PL00_0108/rev 00; RCSP2020-HB-A3-07-DR-A-PL00_0109/rev 00; RCSP2020-HB-A3-ZZ-SE-A-PL00_0300/rev 00; RCSP2020-HB-A3-ZZ-SE-A-PL00_0302/rev 00; RCSP2020-HB-A3-ZZ-EL-A-PL00_0200/rev 01; RCSP2020-HB-A2-ZZ-EL-A-PL00_0201/rev 00; RCSP2020-HB-A3-ZZ-EL-A-PL00_0202/rev 00; RCSP2020-HB-A3-B2-DR-A-PL01_0100/rev 00; RCSP2020-HB-A3-B1-DR-A-PL01_0101/rev 00; RCSP2020-HB-A3-00-DR-A-PL01_0102/rev 00; RCSP2020-HB-A3-01-DR-A-PL01_0103/rev 00; RCSP2020-HB-A3-02-DR-A-PL01_0104/rev 00; RCSP2020-HB-A3-03-DR-A-PL01_0105/rev 00; RCSP2020-HB-A3-04-DR-A-PL01_0106/rev 00; RCSP2020-HB-A3-05-DR-A-PL01_0107/rev 00; RCSP2020-HB-A3-06-DR-A-PL01_0108/rev 00; RCSP2020-HB-A3-07-DR-A-PL01_0109/rev 00; RCSP2020-HB-A3-ZZ-EL-A-PL01_0201/rev 00; RCSP2020-HB-A3-ZZ-EL-A-PL01_0202/rev 00; RCSP2020-HB-A3-ZZ-SE-A-PL01_0300/rev 00; RCSP2020-HB-A3-ZZ-SE-A-PL01_0302/rev 00; RCSP2020-HB-A2-B2-DR-A-PL20_0100 rev00; RCSP2020-HB-A2-B1-DR-A-PL20_0101 rev01; RCSP2020-HB-A2-00-DR-A-PL20_0102 rev01; RCSP2020-HB-A2-01-DR-A-PL20_0103 rev01; RCSP2020-HB-A2-02-DR-A-PL20_0104 rev01; RCSP2020-HB-A2-03-DR-A-PL20_0105 rev00; RCSP2020-HB-A2-04-DR-A-PL20_0106 rev00; RCSP2020-HB-A2-05-DR-A-PL20_0107 rev00; RCSP2020-HB-A2-06-DR-A-PL20_0108 rev01; RCSP2020-HB-A2-07-DR-A-PL20_0109 rev02; RCSP2020-HB-A2-08-DR-A-PL20_0110 rev02; RCSP2020-HB-A2-ZZ-EL-A-PL20_0200 rev00; RCSP2020-HB-A2-ZZ-EL-A-PL20_0201 rev01; RCSP2020-HB-A2-ZZ-EL-A-PL20_0202 rev00; RCSP2020-HB-A2-ZZ-SE-A-PL20_0300 rev01; RCSP2020-HB-A2-ZZ-SE-A-PL20_0301 rev01; RCSP2020-HB-A2-ZZ-SE-A-PL20_0302 rev01; RCSP2020-HB-A2-ZZ-SE-A-PL20_0303 rev01; RCSP2020-HB-A2-ZZ-SE-A-PL20_0304 rev00; BD0137SD101 R06; BD137SD801 R09.

Supporting information:

Planning Statement (Gerald Eve, September 2016); Design and Access Statement (Hawkins\Brown et al); Statement of Need (RCS); Heritage and Townscape Statement (Montagu Evans); Statement of Community Involvement (RCS); Structural Report (AECOM); Acoustic Report (AECOM); Daylight/Sunlight report (Point 2); Transport Assessment (AECOM); Travel Plan (AECOM); Waste Management Strategy (AECOM); Construction Management Statement (Wates);

Sustainability Appraisal (AECOM); Energy Statement (AECOM); Archaeological Desk Based Study (MoLA); Air Quality Impact Assessment (AECOM); Ventilation/extraction statement (AECOM).

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

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

- 3 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

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

- 4 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 Strand Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 a detailed materials specification of the facing materials you will use, to include samples and on-site sample panels as applicable, 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 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 Strand Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 details as set out below of the following parts of the development:

- (a) New windows, doors and rooflights / lanterns (drawn elevations and sections at 1:5);
- (b) Overall external profile through the new rear elevation and front roof extension (drawn elevations and sections at 1:20);
- (c) Masonry cleaning (detailed written specification and record of site trial for our inspection);
- (d) New external ramps / platform lifts (drawn elevations, plans and sections at 1:20, plus manufacturers details as applicable);
- (e) New external lighting (overall key plans and elevations, drawn / product specification of light fittings, plus specialist lighting design proposal with written and photographic record of site trial);

You must not start any work on these parts of the development until we have approved what you have sent us. The information submitted must correlate with the approved plans, and be shown in context with surrounding fabric.

You must then carry out the work according to these approved details. (C26DB)

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 Strand Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 Notwithstanding the submitted drawings, you must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- (a). Means of level access from Lincolns Inn Fields, not including a ramp in front of the front area railings;
- (b). Design of front elevation of new roof extension, to be based on a solid mansard roof design;

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

- 8 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;

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

Reason:

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

- 9 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.

- 10 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 4 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 (November 2016), by contributing to reducing excessive ambient noise levels.

- 11 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the building. You must not use the waste store for any other purpose. (C14CD)

Reason:

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

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

- 13 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.

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

- 15 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

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

- 16 You must carry out the landscaping work shown on the drawings within one planting season of completing the development (or within any other time limit we agree to in writing). (C30DA)

Reason:

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

- 17 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved in writing by the City Council as local planning authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake 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 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

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

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason:

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

- 18 No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved in writing by the City Council as local planning authority. 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 protect the archaeological heritage of the City of Westminster and 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 Strand Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 11 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 19 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following.

Mitigation for the shortfall in on-site carbon savings.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:

To make sure that the development provides the planning benefits that have been agreed and as required by policy 5.2 of the London Plan and the Mayor's Supplementary Planning Guidance on Sustainable Design and Construction (2013).

- 20 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 (November 2016). (R44AC)

- 21 The development shall be begun before the expiration of five (5) years from the date of this permission.

Reason:

To meet the requirements of the Town and Country Planning Act 1990. (R01BA)

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 In relation to condition 7, a revised basement plan should be submitted to show separate stores for clinical waste and restaurant waste.
- 3 A Servicing Management Plan 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.
- 4 In relation to condition 13, you are advised that 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 Under Section 8(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, you cannot demolish a listed building unless you have given Historic England the opportunity to

make a record of the building. You must give given Historic England at least 30 days' notice before you start demolition work. And within that period you must allow its officers reasonable access to the building. Historic England's address is:

Historic England, Architectural Investigations Section
1 Waterhouse Square
138-142 Holborn
London
EC1 2ST

I enclose their form for you to report the demolition. (I60AA)

- 6 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)
- 7 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.

- 8 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.

DRAFT DECISION LETTER

- Address:** 35 - 43 Lincoln's Inn Fields, London, WC2A 3PP,
- Proposal:** Partial demolition, refurbishment and redevelopment of the Royal College of Surgeons (Barry Building: 39-43 Lincoln's Inn Fields) to provide new accommodation for the College (Class D1); including alterations at roof level and a new building comprising 2 levels of basement, ground and six upper floors, set behind the retained front facade and range of the Barry Building. Installation of associated plant and equipment; alterations to the front forecourt of the building to provide level access and cycle parking; and associated works. Restoration and refurbishment of the main facade including cleaning; installation of secondary glazing; refurbishment of the retained building; and associated internal alterations.
- Plan Nos:** Site Plan; RCSP2020-HB-A3-B2-DR-A-PL00_0100/rev 00; RCSP2020-HB-A3-B1-DR-A-PL00_0101/rev 00; RCSP2020-HB-A3-00-DR-A-PL00_0102/rev 00; RCSP2020-HB-A3-01-DR-A-PL00_0103/rev 00; RCSP2020-HB-A3-02-DR-A-PL00_0104/rev 01; RCSP2020-HB-A3-03-DR-A-PL00_0105/rev 00; RCSP2020-HB-A3-04-DR-A-PL00_0106/rev 00; RCSP2020-HB-A3-05-DR-A-PL00_0107/rev 00; RCSP2020-HB-A3-06-DR-A-PL00_0108/rev 00; RCSP2020-HB-A3-07-DR-A-PL00_0109/rev 00; RCSP2020-HB-A3-ZZ-SE-A-PL00_0300/rev 00; RCSP2020-HB-A3-ZZ-SE-A-PL00_0302/rev 00; RCSP2020-HB-A3-ZZ-EL-A-PL00_0200/rev 01; RCSP2020-HB-A2-ZZ-EL-A-PL00_0201/rev 00; RCSP2020-HB-A3-ZZ-EL-A-PL00_0202/rev 00; RCSP2020-HB-A3-B2-DR-A-PL01_0100/rev 00; RCSP2020-HB-A3-B1-DR-A-PL01_0101/rev 00; RCSP2020-HB-A3-00-DR-A-PL01_0102/rev 00; RCSP2020-HB-A3-01-DR-A-PL01_0103/rev 00; RCSP2020-HB-A3-02-DR-A-PL01_0104/rev 00; RCSP2020-HB-A3-03-DR-A-PL01_0105/rev 00; RCSP2020-HB-A3-04-DR-A-PL01_0106/rev 00; RCSP2020-HB-A3-05-DR-A-PL01_0107/rev 00; RCSP2020-HB-A3-06-DR-A-PL01_0108/rev 00; RCSP2020-HB-A3-07-DR-A-PL01_0109/rev 00; RCSP2020-HB-A3-ZZ-EL-A-PL01_0201/rev 00; RCSP2020-HB-A3-ZZ-EL-A-PL01_0202/rev 00; RCSP2020-HB-A3-ZZ-SE-A-PL01_0300/rev 00; RCSP2020-HB-A3-ZZ-SE-A-PL01_0302/rev 00; RCSP2020-HB-A2-B2-DR-A-PL20_0100 rev00; RCSP2020-HB-A2-B1-DR-A-PL20_0101 rev01; RCSP2020-HB-A2-00-DR-A-PL20_0102 rev01; RCSP2020-HB-A2-01-DR-A-PL20_0103 rev01; RCSP2020-HB-A2-02-DR-A-PL20_0104 rev01; RCSP2020-HB-A2-03-DR-A-PL20_0105 rev00; RCSP2020-HB-A2-04-DR-A-PL20_0106 rev00; RCSP2020-HB-A2-05-DR-A-PL20_0107 rev00; RCSP2020-HB-A2-06-DR-A-PL20_0108 rev01; RCSP2020-HB-A2-07-DR-A-PL20_0109 rev02; RCSP2020-HB-A2-08-DR-A-PL20_0110 rev02; RCSP2020-HB-A2-ZZ-EL-A-PL20_0200 rev00; RCSP2020-HB-

A2-ZZ-EL-A-PL20_0201 rev01; RCSP2020-HB-A2-ZZ-EL-A-PL20_0202 rev00; RCSP2020-HB-A2-ZZ-SE-A-PL20_0300 rev01; RCSP2020-HB-A2-ZZ-SE-A-PL20_0301 rev01; RCSP2020-HB-A2-ZZ-SE-A-PL20_0302 rev01; RCSP2020-HB-A2-ZZ-SE-A-PL20_0303 rev01; RCSP2020-HB-A2-ZZ-SE-A-PL20_0304 rev00; BD0137SD101 R06; BD137SD801 R09.

Supporting information:

Planning Statement (Gerald Eve, September 2016); Design and Access Statement (Hawkinset al); Statement of Need (RCS); Heritage and Townscape Statement (Montagu Evans); Archaeological Desk Based assessment (MoLA).

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

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

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

Reason:

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

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

Reason:

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

- 3 You must apply to us for approval of a detailed materials specification of the facing materials you will use, to include samples and on-site sample panels as applicable, 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. (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 Strand Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 details as set out below of the following parts of the development:
- (a) New / altered windows, doors and rooflights / lanterns (drawn elevations and sections at 1:5);
 - (c) Overall external profile through the new rear elevation and front roof extension (drawn elevations and sections at 1:20);
 - (d) Overall internal profile through new atrium and first to upper floors staircase (drawn elevations and sections at 1:20, with balustrade details at 1:10);
 - (e) New principal ground to first floor staircase, compartment and galleries / bridge links (drawn elevations and sections at 1:20, with balustrade detail at 1:10);
 - (f) Schedule and specification of repairs to retained Barry facade, roof, library rooms, internalised rear facade, front railings, gate piers and lanterns (fully detailed written specification, to include detailed condition survey and drawings as applicable);
 - (g) Masonry cleaning (detailed written specification and record of site trial for our inspection);
 - (h) New external ramps / platform lifts (drawn elevations, plans and sections at 1:20, plus manufacturers details as applicable);
 - (i) New external lighting (overall key plans and elevations, drawn / product specification of light fittings, plus specialist lighting design proposal with written and photographic record of site trial);
 - (j) New internal floor finishes to ground floor principal entrance lobbies and atrium and first floor gallery spaces (detailed written and photographic materials specification with key plans and sections at 1:50).

You must not start any work on these parts of the development until we have approved what you have sent us. The information submitted must correlate with the approved plans, and be shown in context with surrounding fabric.

You must then carry out the work according to these approved details. (C26DB)

Reason:

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

- 5 Notwithstanding the submitted drawings, you must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
- (a) Means of level access from Lincolns Inn Fields, not including a ramp in front of the front area railings;
 - (b) Design of front elevation of new roof extension, to be based on a solid mansard roof design;
 - (c) Details of the salvage and reuse of internal building elements including measures to secure and protect the removed elements during construction (fully detailed schedule of significant interiors, and detailed drawn and written proposals for their integration into the new or retained sections of the building);
 - (d) Retention of the Hunter Memorial in a prominent and central part of the building at ground floor level.

Submitted information should include a written narrative and justification of the process of amendment, and should be cross-referenced with relevant details to be covered by other conditions imposed on this consent.

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

- 6 No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved in writing by the City Council as local planning authority. 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 protect the archaeological heritage of the City of Westminster and 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 Strand Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 11 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 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)

- 2 Under Section 8(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, you cannot demolish a listed building unless you have given Historic England the opportunity to make a record of the building. You must give given Historic England at least 30 days' notice before you start demolition work. And within that period you must allow its officers reasonable access to the building. Historic England's address is:

Historic England, Architectural Investigations Section
1 Waterhouse Square
138-142 Holborn
London
EC1 2ST

I enclose their form for you to report the demolition. (I60AA)

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 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	18, 20-24 Broadwick Street And 85 Berwick Street, London, W1F 8JB,		
Proposal	Demolition of 20-24 Broadwick Street and 85 Berwick Street and partial demolition of 18 Broadwick Street and redevelopment of the site to provide new buildings comprising three basement levels, ground floor and first to eighth floor levels in connection with the use of the buildings for retail (Class A1) at part basement and ground and a hotel (Class C1) with up to 69 bedrooms, with associated bar and restaurant facilities including terraces at sixth and seventh floor levels; installation of plant at basement level and on the rear elevation at first to sixth floor levels. Installation of a partially retractable roof over the bar area at eighth floor level.		
Agent	Gerald Eve		
On behalf of	Broadwick Street Holdings Ltd.		
Registered Number	16/09526/FULL	Date amended/ completed	6 October 2016
Date Application Received	4 October 2016		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

1. Refuse planning permission – height and bulk and mass of the roof extension and the height, bulk and design of the extensions to 18 Broadwick Street.

2. SUMMARY

The application site comprises of 18, 20 – 24 Broadwick Street and 85 Berwick Street, these are unlisted buildings located within the Soho Conservation Area and the Core Central Activities Zone. 20-24 Broadwick Street and 85 Berwick Street are linked internally and wrap round 18 Broadwick Street. This building comprises basement, ground and first to sixth floor levels and there is a large plant enclosure at main roof level which extends across both buildings. 18 Broadwick Street is situated on the Broadwick Street and Berwick Street and comprises basement, ground and first to fifth

floor levels. This building is considered to make a positive contribution to the Soho Conservation Area.

Permission is sought for the demolition of all of the buildings, with the exception of the retained façade at ground to third floor level of No.18. The proposed redevelopment would provide three basement levels with ground to eighth floor levels at 20-24 Broadwick Street and 85 Berwick Street and ground to sixth floor levels at 18 Broadwick Street. The building would be used for retail purposes at part basement and ground floor levels on the corner of the site and as a hotel comprising 69 bedrooms in the remainder of the building. The hotel reception at ground floor level will include a café/bar area, with further lounge/bar areas at lower ground floor. Restaurant and bar areas are also located at seventh and eighth floor level and would be open to visiting members of the public. Terraces are proposed at sixth floor level in association with guest rooms and at seventh floor level in association with the restaurant. A retractable roof is proposed over part of the eighth floor restaurant with the remainder of the main roof area being used as a green roof. Plant is proposed to be installed within the basement levels of the property and on the rear of the building at first to sixth floor levels.

The key issues for consideration are:

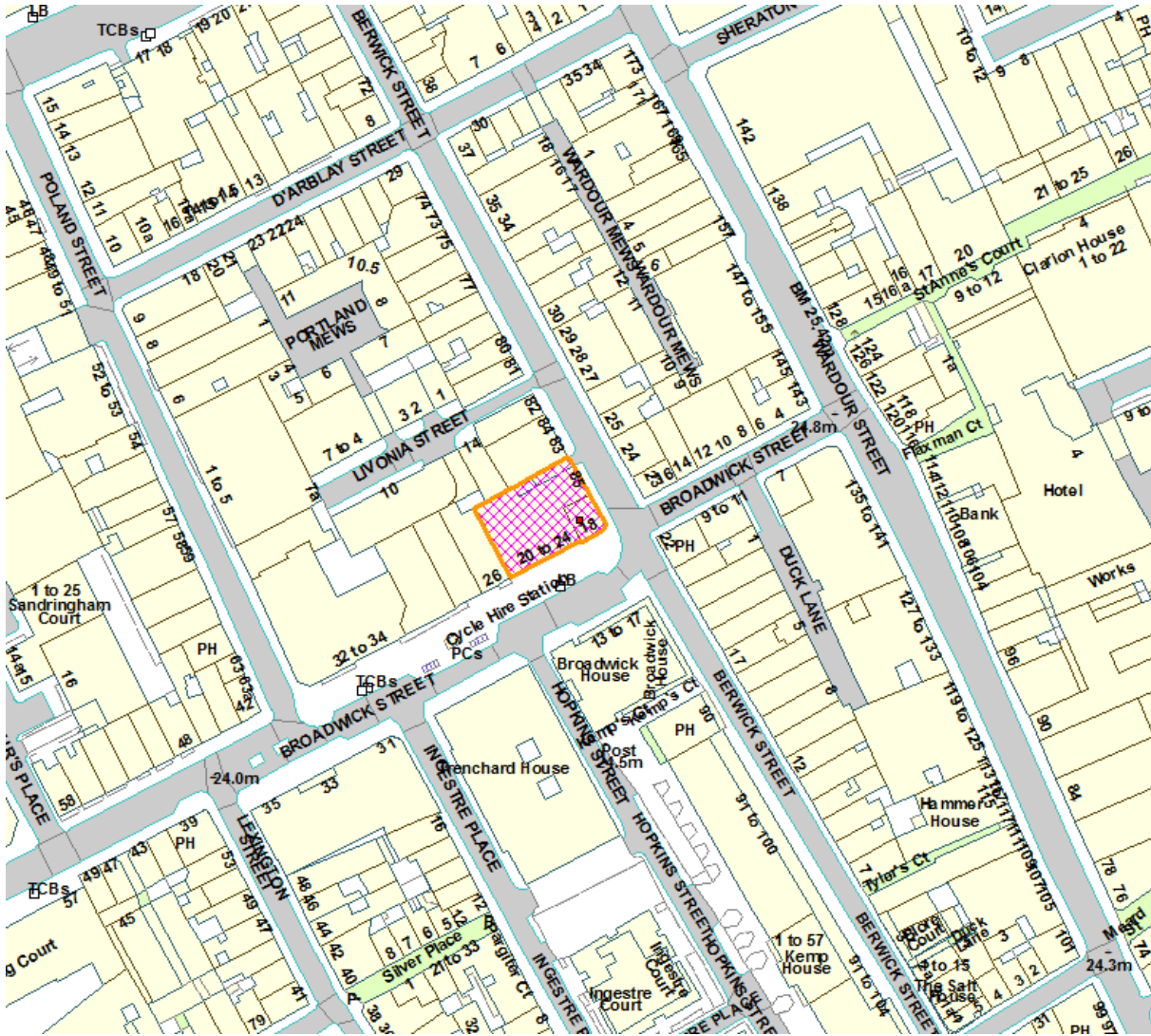
- The impact of the height, bulk and massing of the proposed building in design terms;
- The impact of the proposed building on neighbouring residential amenity;
- Highways implications resulting from the proposed on-street servicing of the hotel use; and
- The impact of the large ancillary entertainment spaces and terraces on the amenity of nearby sensitive occupiers.

The redevelopment of the site and the loss of the current lawful office accommodation to provide a new hotel is considered acceptable in principle. The provision of ancillary restaurant and café functions within the hotel which are open to visiting members of the public are considered acceptable at this location within the Core CAZ and if the application was recommended for approval relevant conditions to protect residential amenity in the vicinity would have been attached to the decision.

The applicant is not providing off-street servicing for the new hotel, and information has been provided to show that the expected servicing and delivery requirements can be sufficiently accommodated through on-street provision with relevant safeguards in place to ensure the hotel operation is not detrimental to other road users and highway movements.

The scheme is however considered unacceptable in design terms in relation to the height and bulk of the new building and the appearance of the terraces on Broadwick Street and Berwick Street. The height, bulk and design of the extensions to 18 Broadwick Street would also harm the appearance of the building and wider Soho Conservation Area. The proposal is therefore considered contrary to the relevant policies in Westminster's City Plan and the Unitary Development Plan (UDP) is recommended for refusal on this basis.

3. LOCATION PLAN



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4. PHOTOGRAPHS



20-24 Broadwick Street



18 Broadwick Street



View from 20 Ingestre Place (former Trenchard House)

18 Broadwick Street and 85 Berwick Street



Amalco House

20-24 Broadwick St



5. CONSULTATIONS

HISTORIC ENGLAND (CONSERVATION AREA)

Authorisation to determine as seen fit.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to a condition requiring the submission of an archaeological assessment and relevant monitoring during excavation.

SOHO SOCIETY

Objection on the following grounds

- Loss of office (Class B1) floorspace in the Core Central Activities Zone;
- The scale and height of the proposal is detrimental to the appearance of the Soho Conservation Area;
- The openable elements and terraces at seventh floor level will generate noise disturbance to neighbouring sensitive occupiers;
- The restaurant and bar provision is 'out of scale' with the amount of proposed bedrooms and would result in additional 'entertainment' floorspace in the West End Stress Area; and
- Servicing will result in increased congestion in surrounding streets.

BUILDING CONTROL

No objection.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

HIGHWAYS PLANNING

Concerned that there is no off-street servicing provision for the development, however on balance given the existing situation, an objection is not raised.

CLEANSING

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 186

No. of objections: 2

No. of support: 1

Objections on the following grounds:

Amenity

- Loss of daylight / sunlight to neighbouring properties.
- Detrimental impact from the introduction of new entertainment uses.
- Noise impact from the retractable roof.
- Increased building height will block private views.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises 20 – 24 Broadwick Street and 85 Berwick Street and 18 Broadwick Street. All the buildings are unlisted situated within the Soho Conservation Area, the Core Central Activities Zone (Core CAZ), the West End Stress Area and the West End Special Retail Policy Area.

20-24 Broadwick Street and 85 Berwick Street are linked internally on all floor levels and wrap around 18 Broadwick Street which is located on the corner of the site and is a separate building. The main building comprises basement, ground and first to sixth floor levels. There is large plant room at roof level which effectively adds an additional storey to the building. Part of the ground floor area is currently used as two separate retail units, one fronting Broadwick Street and the other Berwick Street (although the applicant contends the retail unit fronting Broadwick Street is office accommodation). The remainder of the building is used for office (Class B1) purposes.

18 Broadwick Street is situated on the corner of Broadwick Street and Berwick Street comprises basement, ground and first to fifth floor levels. The ground and basement floors are used as a retail unit and the upper floors are in use as offices.

The nearest residential is located to the rear of the application site within Livonia Street. Other residential properties are located within 16 Broadwick Street, 22 Berwick Street and within the recently completed Trenchard House (78 residential units) development to the south west of the application site.

6.2 Recent Relevant History

20-24 Broadwick Street and 85 Berwick Street

Planning permission was granted on the 15 June 2015 for the redevelopment of 20-24 Broadwick Street and 85 Berwick Street, including the creation of new facades and extensions at main roof level, installation of plant in the basement and at main roof level with associated screening and creation of Juliet balconies at first to sixth floor levels and terraces at sixth, seventh and eighth floor levels all in connection with the use of part basement and ground floor levels as retail accommodation (Class A1) and part basement and ground and the first to eighth floor levels as residential accommodation (Class C3) comprising 24 residential units with associated waste storage and cycle parking.

The S106 legal agreement secured the following:

- a) the payment of £2,768,00 towards the City Council's affordable housing fund (index linked and payable on commencement of development);
- b) parking mitigation payment of £20,000 and car club membership for each flat for 25 years; and
- c) S106 monitoring contribution.

This permission has not been implemented.

20-24 Broadwick Street

Planning permission was granted on the 25 January 2010 for the use of ground floor as retail (Class A1) and alterations to the shopfront.

The City Council considers that this permission was implemented. The applicant does not agree and considers the lawful use is for office purposes.

18 Broadwick Street

Planning permission was granted on the 21 March 1988 for the erection of double storey mansard roof for office use.

7. THE PROPOSAL

Permission is sought for the demolition of the buildings with the exception of the first to third floor elevation of 18 Broadwick Street. The proposed building comprises three basement levels, ground and first to eighth floor levels. The building will be used as a 69 bedroom hotel with ancillary café, restaurant and bar areas. Part of the basement and ground floor would be used as a separate retail unit with frontages on Berwick Street and Broadwick Street.

A lounge area is proposed at lower ground floor level, with a bar/café at ground floor level within the hotel lobby. A restaurant and bar is proposed at seventh and eighth floor levels, a terrace associated with the restaurant is proposed at seventh floor level and a retractable roof is proposed over part of the eighth floor bar.

Plant is proposed both within the basement of the property and to the rear of the property at first to sixth floor levels.

Land use table

Use	Existing	Proposed	+/- difference
Office	2,867m ²	0m ²	-2,867m ²
Retail	408m ²	245m ²	-163m ²
Hotel	0m ²	4,384m ²	+4,384m ²
Restaurant/bars (ancillary)	0m ²	733m ²	+733m ²
Total	3,275m ²	4,629m ²	+1,354m ²

8. DETAILED CONSIDERATIONS**8.1 Land Use****Office use**

The part basement, part ground and the upper floors of all the properties currently have lawful use as office accommodation (Class B1).

The City Council does not have any policies restricting the loss of office accommodation to other appropriate commercial uses and the change of use is therefore acceptable in principle. The Soho Society have objected to the loss of office accommodation in the Core CAZ and commented that the City Council policies seek to protect office floorspace where the proposed change of use is to residential accommodation. As this is not the case in this instance the change of use is acceptable and the objection on these grounds is not considered sustainable.

It is noted that permission was granted in June 2015 for the redevelopment of 20-24 Broadwick Street and 85 Berwick Street from office accommodation to residential flats. Whilst this consent has not been implemented it is still extant and would have resulted in the loss of all the office floorspace at the site.

Retail

Planning permission was granted in January 2010 for the use of ground floor of 20-24 Broadwick Street for retail purposes (Class A1). The applicant contends that this permission was never implemented. However, the City Council considers that the permission was implemented and a retail unit opened and operated from the site for a short time. Although it is noted that currently the unit is in use as offices. The applicant was advised that if they had sufficient evidence to show the approved retail unit was never implemented that they should apply for a Certificate of Lawfulness to regularise the use. However, this was not forthcoming. Considering the City Council position that the 2010 permission was lawfully implemented the proposal results in the loss of 163m² of retail floorspace.

The property is located within the West End Special Retail Policy Area and the Core CAZ. Policies S21 of the City Plan and SS5 of the UDP seek to protect and increase retail floor space, S21 states that 'existing retail will be protected throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let.'

Policy SS5 of the UDP seeks to resist the loss of retail floorspace within the Central Activities Zone. The policy states that A1 uses at ground, basement or first floor level in the CAZ will be protected and the introduction of non-A1 uses will only be granted where they would not be detrimental to the character and function of the area or to the vitality or viability of a shopping frontage. Policy SS5 (C) states that proposals for non-A1 uses must not: i) lead to, or add to, a concentration of three or more consecutive non-A1 uses and ii) cause or intensify an existing overconcentration of A3 and entertainment uses in a street or area.

The existing retail floorspace on the corner of Broadwick Street and Berwick Street will be retained. The retail frontage of this unit will be increased through the removal of the existing car park entrance on Berwick Street and the internal floorspace will be greater through the removal of the existing structural columns. This is considered to be an improvement and is welcomed.

In relation to the loss of the retail unit at ground floor level within 20-24 Broadwick Street, it is considered that the eastern end of the street, close to the junction with Berwick Street, has very little retail character with offices being the predominant use. It is noted that the redevelopment of the adjoining building to the west (Amalco House) will provide a mixture

of retail and restaurant uses at ground floor level as will the redevelopment of Trenchard House further to the west and on the south side of the street.

Whilst the existing retail accommodation at 18 Broadwick Street will be retained (and improved) in the current proposal, it is acknowledged that the proposal would result in three consecutive non-A1 uses at ground floor level (taking account of the ground floor layout of the redeveloped Amalco House), which would be contrary to UDP Policy SS5. However, as detailed above, this stretch of Broadwick Street does not have a strong retail character or function which would be detrimentally impacted by the loss of the retail floorspace.

It is further noted the retail unit in 20-24 Broadwick Street was only granted consent in January 2010 and is currently being unlawfully utilised as office accommodation so the unit does not have a longstanding retail function. Therefore the loss of the retail floorspace is considered acceptable.

Hotel

Policies S23 of the City Plan and TACE2 of the UDP relate to the introduction of new hotel uses and state that new hotels are acceptable within the Core CAZ and are directed to streets which do not have a predominantly residential character, provided there are no adverse environmental and traffic impacts and there are adequate on-site facilities for guests including any coach and taxi pick-up and drop off points.

It is not considered that this is a predominantly residential area with a mix of both office and residential accommodation on the upper floors of neighbouring buildings and given the central location in the Core CAZ this is considered an appropriate location for a new hotel.

The proposed hotel would provide 69 bedrooms. At ground floor level there would be an ancillary café within the hotel lobby, a lounge area at lower ground floor level, and a restaurant and bar at seventh and eighth floor levels. All of the ancillary facilities will be open to visiting members of the public. Taking into account the location of the hotel on a commercial street in the Core CAZ it is not considered necessary to condition the use of the ancillary restaurant / café areas to hotel guests only. It is also considered that as the proposal results in the loss of retail floorspace the provision of facilities serving visiting members of the public is welcomed.

Ancillary restaurant/bar facilities

The new restaurant, bar and lounge areas, although ancillary to the main hotel use, could be used by both hotel guests and members of the public and the proposal must therefore be considered with regard to the City Council entertainment policies. The total entertainment floorspace would be 733m². It is also important to note that the proposed entertainment cannot be used as a single entertainment space as it is spread over the lower ground, ground, seventh and eighth floor levels.

Policy S24 of Westminster's City Plan states that 'new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact residential amenity, health and safety, local environmental quality and the character and function of the area'. The policy also

states that new large scale late night entertainment uses measuring in excess of 500m² (GEA), will not generally be appropriate within Westminster.

UDP Policies TACE8-10 are applicable to entertainment uses and aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, whilst acknowledging that they provide services to people living in, working in and visiting the City and contribute to its role as an entertainment centre of national and international importance. Due to the size of the potential entertainment floorspace proposed (being 733m²), the application must be determined against the requirements of Policy TACE10 of the UDP. Policy TACE10 relates to entertainment uses which will only be permissible in exceptional circumstances.

The site is located within the Core CAZ which is identified within Policy S6 of the City Plan as being an appropriate location for a range of commercial uses and within the designated West End Stress Area.

There are a number of other 'entertainment' type premises in the vicinity including:

- the new 'Ivy Cafe' premises within Amalco House adjoining the application site has recently being granted a license to open between 08:00 and 00:00 Monday to Thursday, 08:00 to 00:30 Friday and Saturday and 08:00 till 23:00 on Sundays.
- The Yauatcha restaurant at 14-17 Broadwick Street, opposite the application site has a license to open between 08:00 and 01:00 daily and
- the restaurant at 21 Berwick Street is licensed to open from 07:00 till 00:00 Thursday to Saturday, 07:00 till 23:30 Monday to Wednesday and 10:00 till 22:30 on Sundays.

The Soho Society has objected to the amount of new entertainment floorspace within the hotel as they consider the proposed restaurant/bar uses will have a cumulative impact on the West End Stress Area and result in a detrimental effect upon nearby residential occupiers. Objections have also been received from neighbouring residential occupiers on the potential for noise disturbance from customers using the restaurant terraces and noise escape from the eighth floor bar.

The applicant has confirmed that the hotel and the ancillary entertainment uses will be subject to a very high degree of management. An Operational Management Plan has been submitted which includes door staff being stationed on the main entrance to manage people entering and leaving the premises and to deal with requests for transport. Furthermore, the applicant has stated that as the site is within the Core CAZ with very few noise sensitive properties in the vicinity that the application is consistent with Policy TACE10.

The seventh floor restaurant would have a capacity of 140 (80 internal covers and 60 on the terrace). The eighth floor bar area would have a maximum capacity of 230. 80 covers are proposed in the ground floor lobby café / bar. This allows for a maximum capacity across the 'entertainment' areas in the hotel of 450 (this figure does not take into account the lounge area at lower ground floor level so there is the potential for this figure to be greater).

The proposed opening hours are:

- Seventh floor restaurant 07:00 until 00:00 on Sunday to Thursday and until 00:30 on Friday and Saturday;
- The lower ground floor lounge, the ground floor café and eighth floor bar would be open from 08:00 until 00:00 Sunday to Thursday and until 00:30 on Friday and Saturday.

The proposed hours to visiting members of the public would be in line with the core hours set out in the UDP and are considered to be similar with other entertainment uses in the area. The hotel reception would be open 24 hours a day and room service would be available to guests staying in the hotel at any time. The applicants have confirmed that the lounge area at lower ground floor would not be used as a nightclub.

The restaurant terrace is proposed to be open from 07:00 until 22:00, it is considered that anyone using the terrace early in the morning is likely to be a hotel guest having breakfast and this is unlikely to create high volumes of noise. The design of the seventh and eighth floors includes a high degree of openable elements. To ensure that noise escape is minimised, these openable elements are proposed to be closed at 22.00. The objections on noise grounds from the Soho Society and neighbouring residents are not considered sustainable to justify a reason for refusal.

It is acknowledged that the entertainment floorspace within the hotel would be large, however this could not be used as a single entertainment unit, as it is spread over various floors in the hotel. Taking this into account and considering the requirements of the Operational Management Plan it is not considered the proposal would have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality. Whilst the objections from the Soho Society are noted, for the reasons detailed above the proposal would not have a detrimental impact upon residential amenity in the vicinity and the application could not be refused on the grounds of a cumulative impact and is in accordance with Policy TACE 10.

8.2 Townscape and Design

The site comprises two buildings, with two street frontages, on the north side of Broadwick Street and on the west side of Berwick Street. The buildings are not listed but lie within the Soho Conservation Area. The larger building was built in the late 20th century and is of little townscape value. The more attractive corner building dates from the nineteenth century and makes a positive contribution to the character and appearance of the conservation area

Demolition

It is proposed to demolish all of the modern building and demolish and redevelop the corner building behind its retained facades. This is acceptable in principle.

Height and Bulk

On Broadwick Street the proposed building has a brick façade seven storeys high, with a two storey roof slightly recessed from the facade. The height of the facade is taller than the recently completed development to the west (Amalco House) and would create an uncomfortable architectural relationship with this building, but this poor architectural relationship is harmed further by the proposed roof storeys.

The proposed roof storeys will be highly visible in views from street level, from Broadwick Street and Berwick Street (from east, west, north and south) and also from the upper floors of many adjacent buildings. The proposed height and bulk are significantly greater than the redevelopment proposals approved in June 2015. The massing of this approved scheme was carefully negotiated by officers in accordance with the concerns of the committee expressed at the time. The building currently proposed is significantly taller (at least 2 metres) and the upper floors are not as recessed from the street facades when compared to the previously negotiated approved scheme (approximately 4 metres compared to 7 metres approved).

The architectural relationship of the proposed height and bulk to the recently completed building on Broadwick Street and the lower, existing historic buildings to the north and east on Berwick Street and Broadwick Street is poor. The proposed roof storeys are much too prominent in these views and the disparity between the proposed buildings and the adjacent buildings, in terms of height and bulk, is very visible. The proposal would fail to preserve or enhance the character and appearance of the conservation area. Harm would be caused to the Soho Conservation Area, the heritage asset.

The facades of the new building are clad in textured, black brickwork, with multi-pane steel windows. On Broadwick Street the central three bays project forward. This would normally be considered contentious and unacceptable, but given that the existing building has a curved projecting bay, it is acceptable in this case. On Berwick Street a simpler design is proposed. This is acceptable in this context.

The two roof storeys have been designed in an Art Deco style, with a gold effect cornice and etched glass curtain walling. This is a dramatic top to the building, somewhat at odds with the semi-industrial style of the street facades. This design approach could be acceptable, but only if the massing of the building was reduced by one storey. A two storey roof could be acceptable, if one storey was removed from the street façade.

The Soho Society has objected to the scale and height of the proposed building and the detrimental impact this will have on the appearance of the Soho Conservation Area. As detailed above the objections on these grounds is considered sustainable and the application is recommended for refusal on these grounds.

18 Broadwick Street

The existing building is five storeys high, with a mansard roof above the parapet level. The proposal adds another sheer storey, with an unconventional steeply pitched roof above. This is not a traditional London mansard roof, not least because it is not set behind a parapet. The sheer storey and roof extension add unacceptable bulk to the retained facades, making the building appear top heavy, and diminishing the quality of the existing façade. Its contribution to the character and appearance of the Soho Conservation Area is diminished. Again, harm is caused to the heritage asset.

Design Conclusion

It is considered that the proposal will cause harm to the character and appearance of the Soho Conservation Area, primarily because of its height and bulk. It is contrary to the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4 and DES 9.

As stated above, the proposals could be made much more acceptable if one storey were to be removed. The applicants have declined to revise the scheme in this way.

Archaeology

Historic England have requested that if the application is recommended for approval conditions are imposed requiring the submission of a desk based assessment of the archaeological significance of the site and methodology of site investigation and recording by a competent person during excavation works. Further to this, detail is required on the post-investigation assessment and analysis of anything found on the site. Had the application been recommended for approval a condition would have been attached as requested.

8.3 Residential Amenity

Sunlight and Daylight

Policy ENV13 of the UDP states that 'the City Council will normally resist proposals that result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. In cases where the resulting level is unacceptable, permission will be refused.' Policy S29 of the City Plan states that 'the Council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment.'

A Daylight and Sunlight Assessment has been submitted which assesses the impact of the proposal on neighbouring sensitive windows in accordance with the Building Research Establishment (BRE) Guidelines. The BRE Guidelines state that daylight to living rooms, kitchens, and bedrooms should be assessed but bathrooms, toilets, storerooms and circulation areas and garages need not be analysed.

The windows included in the assessment are existing residential flats within a building to the north of the application site at 14 Livonia Street, to the east of the site at 16 Broadwick Street, 22 and 25 Berwick Street and within the recently completed redevelopment of Trenchard House to the south west of the site.

The applicant has considered the impact of the additional bulk on the Vertical Sky Component (VSC) available to these windows. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidelines advise that the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

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 proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the occupants of the existing building are likely to notice the loss of sunlight.

14 Livonia Street

In relation to the daylight and sunlight received by the existing maisonette at third and fourth floor levels; there is a slight improvement to the levels of sunlight due to the proposed building being further set back than the existing situation. However, there are losses to daylight greater than the BRE guidance received by both windows with reductions to 0.70 and 0.73 of their former value. However, these levels are currently very low and only reduce by 1.51% and 2.29%. These levels are considered acceptable in this Central London location.

25 Berwick Street

Of the six windows tested, all comply in terms of daylight. However, two of the windows breach the BRE guidelines in terms of annual sunlight hours with reductions of 0.75 and 0.76 of their former value. The winter sunlight levels are still compliant with the BRE guidance. Both of these windows serve bedrooms which are not afforded as much protection at living rooms or kitchens and the reductions are considered acceptable.

16 Broadwick Street

An objection has been received on the grounds of the loss of daylight and sunlight to residential windows.

Of the eight windows tested, four would lose daylight levels in excess of the BRE guidance with reductions to between 0.74 and 0.78 of their former value, with anything below 0.8 being noticeable. The rooms served by these windows are dual aspect, so the rooms are served by windows which are not affected by the development. In terms of sunlight, one window does not comply the BRE guidance, by being 0.79 of its former value (there is no reduction in the levels of winter sunlight hours). This is a minor breach in the annual sunlight levels. As the reductions are only slightly in excess of the BRE guidelines, the most affected room is a bedroom, and the rooms are dual aspect, it is not considered a refusal on these grounds could not be sustained.

There are minor losses to daylight and sunlight to the windows within Trenchard House and 22 Berwick Street, but these do not breach the guidelines within the BRE and are therefore acceptable

Privacy and Increase Sense of Enclosure

Policies ENV13 of the UDP and S29 of the City Plan seek to protect residential amenity and ensure that new developments do not result in a 'significant increase in the sense of enclosure or overlooking' to neighbouring residential or sensitive buildings. Terraces are proposed in connection with the hotel bedrooms at sixth floor level on Broadwick Street and Berwick Street. A terrace is also proposed associated with the restaurant use at seventh floor level, this terrace wraps around the front of the building and is set back on the Berwick Street elevation and the rear elevation.

The previously consent permission allowed terraces (associated with the residential flats) at sixth, seventh and eighth floor levels with Juliet balconies on the front elevation of the property facing Broadwick Street at first to fifth floor levels and on the rear elevation at first to sixth floor levels.

The sixth and seventh floor terraces will increase the amount of overlooking to properties on the opposite side of Broadwick Street, including the new residential properties within

Trenchard House. The properties in Trenchard House also have terraces on the front elevation and in these circumstances the mutual overlooking is considered acceptable.

Due to height of the terraces on Berwick Street it is not considered that it will lead to a loss of privacy to the existing residential unit in Livonia Street or to the properties opposite in Berwick Street.

An objection has been received from an occupier of new residential units within Trenchard House on the grounds that the proposal is taller than the existing building and could block their view. The loss of view is not a planning matter. However, it is not considered that the development would result in an increase sense of enclosure to surrounding sensitive occupiers such that it would be contrary to the City Council policies.

8.4 Transportation/Parking

Off Street Parking

There is an existing vehicle ramp to the basement from Berwick Street, where there are approximately five car parking spaces which are used for commercial parking. It would appear that additional areas of the basement were historically used as car parking but have recently been converted to storage areas. As part of the proposals the off-street car parking would be removed. It is considered that the impact on parking levels as a result of the new hotel use would be minimal. The reduction in non-residential car parking is considered acceptable and complies with Policies TRANS21 and TRANS22 of the UDP.

Servicing

No off-street servicing is proposed for the new hotel use and it will rely on on-street servicing. The Highways Planning Manager has raised concern over this aspect of the proposals considering that the scheme is for the redevelopment of the site. The Soho Society has also raised concern that the servicing for the hotel will lead to increased congestion in the vicinity. The applicant states that there is no existing off-street servicing facility and the existing parking/storage area at basement level is not suitable for servicing. The existing office accommodation receives 15 deliveries per day, and this will increase to 18 deliveries per day for the proposed hotel. Limited information has been provided to substantiate these claims but they would appear comparable with similar sized hotels.

Following concern expressed during the course of the application the back of house holding area has been increased at ground floor level. It is also proposed to remove the existing dropped kerb and reinstate the pavement on Berwick Street (adjacent to where the ramp is to be removed) which will allow for the creation of additional on-street parking.

The Highways Planning Manager has stated that the proposal is not considered to improve the current servicing arrangements and therefore is not consistent with the policies in the City Plan and UDP. However, the given the existing situation with regard to servicing and the creation of additional on-street parking facilities, the Highway Planning Manager has not raised an objection on these grounds. A condition would have been applied to any approval requiring the submission of a more robust Servicing Management Plan once the hotel operator had been selected. The objection from the Soho Society is not considered sustainable to justify a reason for refusal on these grounds.

Cycle Parking

To accord with the requirements of the London Plan two cycle parking spaces would need to be provided in association with the retail units and four cycle parking spaces would be required in association with the hotel. The applicant is proposing the provision of twelve cycle parking spaces in the basement of the hotel and there would also be shower and changing facilities for staff. The Highways Planning Manager has requested conditions be attached to any approval requiring the submission of detailed drawings to show the provision of this cycle parking as they consider the allocated space quite small for the parking of twelve bikes. It is also not clear whether there is access to the cycle parking from the retail units. Had the application been recommended for approval a condition would have been attached requiring the submission of further details in relation to the cycle storage and its provision in perpetuity.

Other Transportation Issues

The front facade of the building partially oversails the public highway, however this is set back from the kerb edge and allows for the required 2.6m vertical clearance. An oversailing licence would be required and this could be dealt with via an informative.

Some of the doors are shown as opening outwards over the public highway, this is contrary to the Highways Act (s153) and Policy TRANS3 and therefore if recommended for approval a condition would have required all doors to open inwards.

Policies TRANS6 and TRANS22 of the UDP require hotels to have provision for coach arrivals and departures. The applicant maintains that coaches will not be associated with this particular hotel, although no evidence is provided for this conclusion. The hotel operator could change over time and the hotel could attract coach activity. Therefore further information will need to be provided as to procedures to manage coach activity to ensure minimal disruption is caused to other highway users. The Highways Planning Manager has requested a revised Operational Management Plan be conditioned on any approval to consider the management of coach and taxi activity.

8.5 Economic Considerations

Any economic benefits of the proposal are welcomed.

8.6 Access

Currently level access is provided to the retail unit fronting Berwick Street but there is a small step to access the retail unit fronting Broadwick Street and to access the office entrance.

The proposed scheme provides for level access to the ground floor of the hotel which in turns has lifts to the seventh and eighth floors for level access into the restaurant and bar areas. There are seven wheelchair accessible guestrooms at first floor level in the hotel with are all compliant with Part M of the Building Regulations. Level access will also be provided into the retail accommodation.

The improvements to the accessibility of the building are noted and welcomed.

8.7 Other UDP/Westminster Policy Considerations

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

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

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.

A background noise assessment has been carried out at the property to assess the existing noise situation and the location for proposed plant has been shown on the submitted drawings, however the exact plant specification has not yet been finalised. For a scheme of this size it is considered acceptable to condition the submission of a supplementary acoustic report once the plant has been finalised to show that the installed plant will be compliant with the City Council standard criteria for noise levels at the nearest sensitive properties. The Environmental Health Officer has not raised an objection to this approach subject to conditions.

Refuse /Recycling

Following negotiation during the course of the application amended drawings have now been submitted which show acceptable waste (both general and food) and recycling storage facilities for the hotel operation. If recommended for approval a condition would have been imposed to ensure the waste / recycling facilities were provided in accordance with the approved plans and retained as shown.

The Cleansing Officer has requested further detail in relation to the waste / recycling storage facilities for the retail accommodation. A condition could have been applied requiring this information.

Biodiversity

A green roof area is proposed over most of the main roof area which is welcomed in biodiversity terms. The submission of a management plan and species list would have been conditioned as part of any approval.

Sustainability

The applicant is targeting a BREEAM rating of 'Excellent' for the redeveloped building and this is welcomed.

The energy strategy for this application makes carbon reductions from the 2010 baseline figure of 32.7% through 'lean' and 'green' aspects of the energy hierarchy. It is noted that no renewable energy sources are proposed as part of the scheme, as the flat roof area is utilised as a green roof.

London Plan

Policy 4.5 of the London Plan considers the provision of 'London's visitor infrastructure' and states that the mayor and boroughs will, 'support London's visitor economy and stimulate its growth, taking into account the needs of businesses as well as leisure visitors and seeking to improve the range and quality of provision especially in outer London'. Part b of the policy also states that boroughs should 'seek to achieve 40,000 net additional hotel bedrooms by 2036, of which 10 per cent should be wheelchair accessible.'

8.8 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.

8.9 Planning Obligations

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

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

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

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

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

1. All highway works immediately surrounding the site required for the development to occur, including changes to on-street restrictions, reinstatement of redundant vehicle crossovers (or portion of) new vehicle crossovers and associated work (legal, administrative and physical)

Changes to on-street restrictions (to be agreed as part of detailed design) including the relocation of any on-street parking bays, with no loss in number. The Traffic Management Order alterations need to be confirmed prior to commencement of development and the stopping up order progressing.

The estimated CIL payment is £66,717 for the Mayoral CIL and £219,600 for the Westminster CIL, resulting in a total requirement of £286,317.

8.10 Environmental Impact Assessment

Not applicable for the size of the development.

8.11 Other Issues

Basement

The proposal includes the excavation of two new sub basements and therefore the application must be considered with regard Policy CM28.1 of the City Plan. As the site is a commercial building in the Core CAZ Part A of the policy applies. This means there is no restriction on the depth or extent of the basement excavation provided it complies with the relevant stipulations of the policy. This requires all basement developments to have regard to the site specific requirements and a structural methodology statement to be submitted in support of the development. This documentation has been submitted to the City Council and Building Control have confirmed they are satisfied with the information provided.

Further the applicant must also confirm they will sign up to the City Council's Code of Construction Practise to mitigate construction impacts upon the highway and amenity within the vicinity. This issue is considered in the section below.

The impact of the basement upon the heritage asset has been addressed above in the design section of the report. The proposed excavation of two new basement levels in the proposal is therefore considered compliant with the relevant requirements of Policy CM28.1 of the City Plan.

Construction impact

The Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on construction 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. The applicant provided evidence that they will sign up to the Code of Construction Practice and a condition would be applied to any permission to ensure that was the case with any development.

9. BACKGROUND PAPERS

1. Application form
2. Response from Environmental Health, dated 13 October 2016
3. Response from Historic England (Listed Buildings / Conservation Areas), dated 14 October 2016
4. Response from Building Control dated 17 November 2016
5. Response from the Soho Society dated 21 November 2016
6. Response from the Cleansing Manager dated 23 November 2016
7. Response from Historic England (Archaeology), dated 30 November 2016
8. Response from the Highways Planning Manager dated 14 December 2016
9. Letters from occupier of Apartment 13, 20 Ingestre Place, dated 20 October 2016 and 12 December 2016
10. Letter from occupier of 16 Broadwick Street, London, dated 13 October 2016
11. Letter from occupier of 82 Berwick Street, London, dated 13 December 2016

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

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

10. KEY DRAWINGS

EAST ELEVATION

WEST ELEVATION

MATERIALS & FINISHES

1	CE01	BRICK - RED
2	CE02	CONCRETE/STONE/BRICK FACED
3	CE03	CONCRETE/STONE - YELLOW
4	CE04	BRICK - LIGHT/CREAM FACED
5	CE05	CONCRETE
6	CE06	CONCRETE/STONE - RED/WHITE
7	CE07	CONCRETE/STONE - RED/WHITE FACED
8	CE08	CONCRETE/STONE - RED/WHITE FACED
9	CE09	CONCRETE/STONE - RED/WHITE FACED
10	CE10	CONCRETE/STONE - RED/WHITE FACED
11	CE11	CONCRETE/STONE - RED/WHITE FACED
12	CE12	CONCRETE/STONE - RED/WHITE FACED
13	CE13	CONCRETE/STONE - RED/WHITE FACED
14	CE14	CONCRETE/STONE - RED/WHITE FACED
15	CE15	CONCRETE/STONE - RED/WHITE FACED
16	CE16	CONCRETE/STONE - RED/WHITE FACED
17	CE17	CONCRETE/STONE - RED/WHITE FACED
18	CE18	CONCRETE/STONE - RED/WHITE FACED
19	CE19	CONCRETE/STONE - RED/WHITE FACED
20	CE20	CONCRETE/STONE - RED/WHITE FACED

REARDONSMITH ARCHITECTS
10-11 The Leathemans, Market Street, London SE1 1SR
020 7759 9100
www.reardonsmith.com

Client: BROADWICK STREET HOLDINGS LTD
Project: 20-24 BROADWICK STREET
Title: PROPOSED ELEVATION EAST

Rev: 001/001 Date: 01/10/2016 Drawn By: AT
Date: 10/05/2016 Scale: 1:100 Checked By: AS
Drawing No: A440-20-01 Rev: 02

WEST ELEVATION

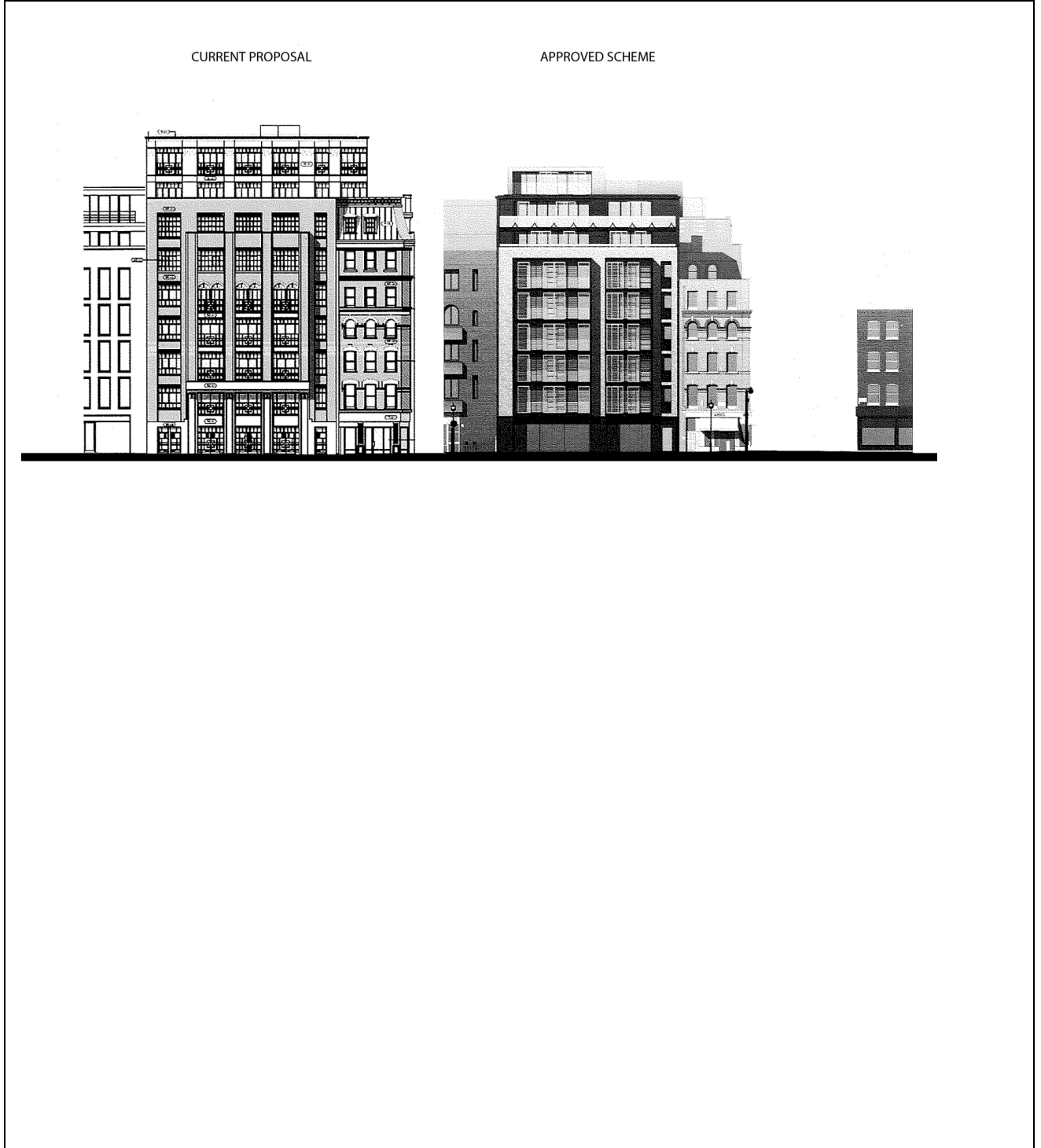
MATERIALS & FINISHES

1	CE01	BRICK - RED
2	CE02	CONCRETE/STONE/BRICK FACED
3	CE03	CONCRETE/STONE - YELLOW
4	CE04	BRICK - LIGHT/CREAM FACED
5	CE05	CONCRETE
6	CE06	CONCRETE/STONE - RED/WHITE
7	CE07	CONCRETE/STONE - RED/WHITE FACED
8	CE08	CONCRETE/STONE - RED/WHITE FACED
9	CE09	CONCRETE/STONE - RED/WHITE FACED
10	CE10	CONCRETE/STONE - RED/WHITE FACED
11	CE11	CONCRETE/STONE - RED/WHITE FACED
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13	CE13	CONCRETE/STONE - RED/WHITE FACED
14	CE14	CONCRETE/STONE - RED/WHITE FACED
15	CE15	CONCRETE/STONE - RED/WHITE FACED
16	CE16	CONCRETE/STONE - RED/WHITE FACED
17	CE17	CONCRETE/STONE - RED/WHITE FACED
18	CE18	CONCRETE/STONE - RED/WHITE FACED
19	CE19	CONCRETE/STONE - RED/WHITE FACED
20	CE20	CONCRETE/STONE - RED/WHITE FACED

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Client: BROADWICK STREET HOLDINGS LTD
Project: 20-24 BROADWICK STREET
Title: PROPOSED ELEVATION WEST

Rev: 001/001 Date: 01/10/2016 Drawn By: AT
Date: 10/05/2016 Scale: 1:100 Checked By: AS
Drawing No: A440-20-01 Rev: 02



DRAFT DECISION LETTER

- Address:** 18, 20-24 Broadwick Street And 85 Berwick Street, London, W1F 8JB,
- Proposal:** Demolition of 20-24 Broadwick Street & 85 Berwick Street and partial demolition of 18 Broadwick Street and redevelopment of the site to provide new buildings comprising three basement levels, ground floor and first to eighth floor levels in connection with the use of the buildings for retail (Class A1) at part basement and ground and a hotel (Class C1) with associated bar and restaurant facilities including terraces at sixth and seventh floor levels; installation of plant at basement level and on the rear elevation at first to sixth floor levels. Installation of a partially retractable roof over the bar area at eighth floor level.
- Reference:** 16/09526/FULL
- Plan Nos:** Structural Methodology Statement (1512 - 27th September 2016)), Construction Management Plan (September 2016), Hotel Operational Management Plan, Servicing Management Plan (September 2016), Energy Strategy Report (September 2016), Acoustic Report (16360-R01-B), Transport Statement (September 2016), BREEAM Pre-Assessment (September 2016), Drawings: A-HW-525-03 Rev02, A-HW-505-01 Rev02, A-HW-501-01 Rev02, A-HW-504-01 Rev02, A-HW-500-01 Rev02, A-HW-525-02 Rev02, A-HW-5B1-01 Rev02, A-HW-502-01 Rev02, A-HW-507-01 Rev02, A-HW-506-01 Rev02, A-HW-525-01 Rev02, A-HW-503-01 Rev02, A-HW-525-04 Rev02, A-HW-200-01 Rev06, A-HW-200-02 Rev05, A-HW-250-03 Rev08, A-HW-109-01 Rev09, A-HW-250-01 Rev08, A-HW-250-04 Rev02, A-HW-250-02 Rev07, A-HW-250-03 Rev08, A-HW-1B3-01 Rev11, A-HW-1B2-01 Rev12, A-HW-1B1-01 Rev11, A-HW-101-01 Rev10, A-HW-106-01 Rev10, A-HW-102-01 Rev05, A-HW-103-01 Rev05, A-HW-104-01 Rev10, A-HW-105-01 Rev10, A-HW-107-01 Rev10, A-HW-108-01 Rev11, A-HW-109-01 Rev09, A-HW-100-01 Rev12.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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

Because of its height and bulk, the new building would harm the appearance of the terraces on Broadwick Street and Berwick Street, and fail to maintain or improve (preserve or enhance) the character and appearance of the Soho Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

Reason:

Because of their height, bulk and design, the extensions to 18 Broadwick Street would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Soho Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 5 and

DES 6, and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 th January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	1 Chiltern Street, London, W1U 7PA,		
Proposal	Variation of Conditions 1, 8, 9, 23, 26 and 31 of planning permission dated 18 December 2014 (RN: 14/08741) for use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; NAMELY; to vary the wording of Condition 8 to remove reference to a bar and identify the areas of the hotel to which non-resident hotel guests can have access to and remain on the premises after 2400 hours; to revise Condition 9 to refer to an updated Management Plan; to vary condition 23 (to clarify the areas of the hotel restricted by the capacity condition) and revisions to Conditions 1, 26 and 31 to refer to an updated drawing number for a revised Ground Floor plan.		
Agent	CBRE		
On behalf of	Chiltern Firehouse Hotel		
Registered Number	14/11804/FULL	Date amended/ completed	25 November 2016
Date Application Received	28 November 2014		
Historic Building Grade	Grade II		
Conservation Area	Portman Estate		

1. RECOMMENDATION

1. Grant conditional permission subject to a deed of variation to the existing legal agreement dated 18 December 2014 to refer to this new permission.
2. If the legal agreement has not been completed within six weeks of the date of the Committee 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.

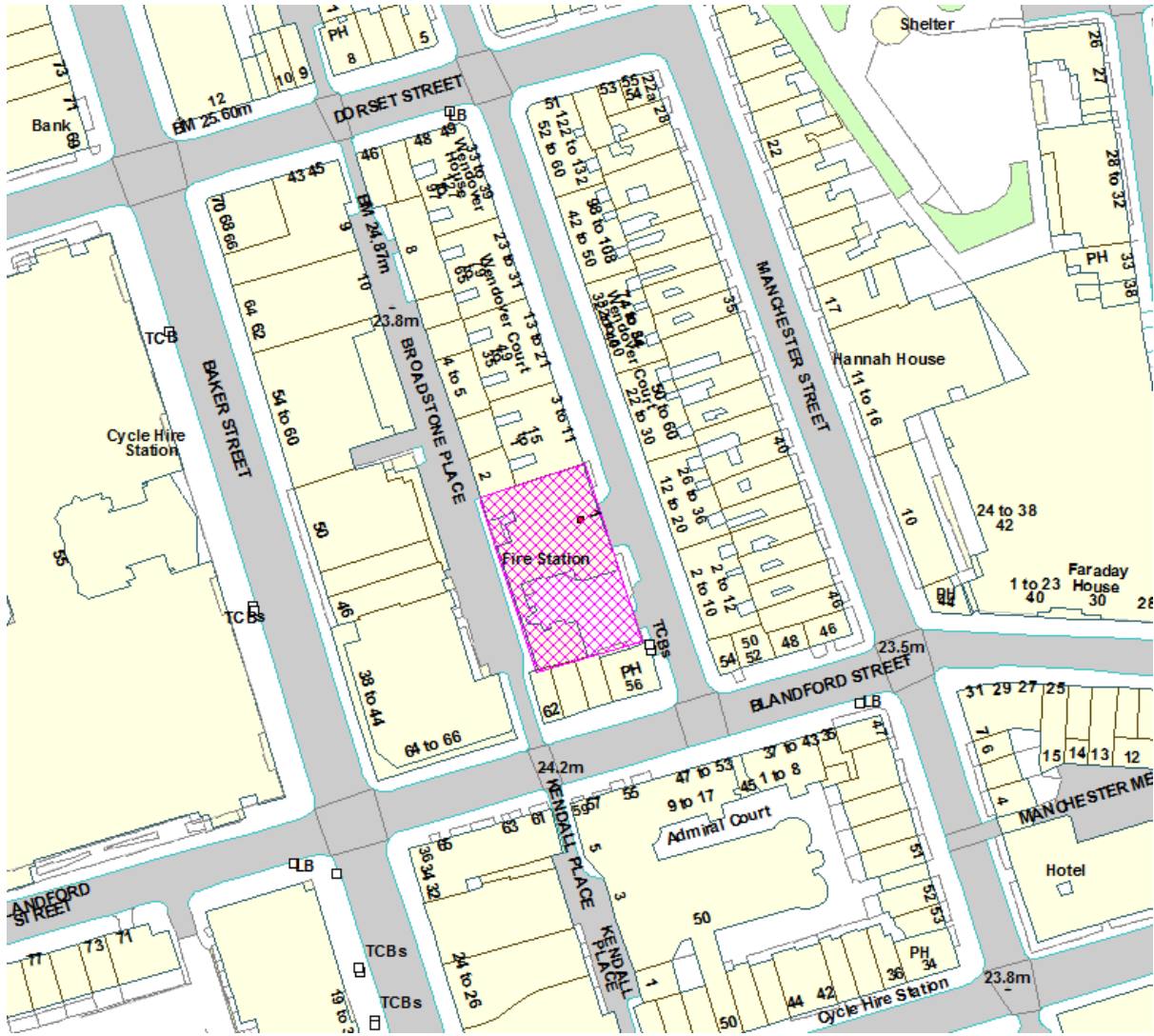
2. SUMMARY

The application concerns the Firehouse Hotel, Chiltern Street which, following a permission originally granted in 2009, has been in operation as an hotel since April 2014. Conditions were attached to that permission which limit capacity, the hours that the courtyard area may be used for drinking and dining, and to ensure compliance with the hotel's operational management plan. Condition 8 restricts access by non-resident guests to the hotel's restaurant, function and bar areas between the hours of 07:00 and 24:00. This application seeks to vary that condition to enable non-resident guests to have access to the hotel's reception and lobby areas beyond midnight, to update the management plan (Condition 9), to vary the capacity condition (to refer to the revised ground floor plan) and to update drawing numbers (Conditions 1, 26 and 31).

The key issue for consideration is the effect of these revisions on the amenity of nearby residents.

Objections have been received from a number of adjoining residential occupiers based on these concerns. In this case, the hotel currently operates with a reception and lobby area that lawfully enables non-resident guests to stay beyond midnight. The hotels Premises Licence also allows the hotel lobby and reception areas to open (for pre-booked private functions) until 01:00. Given that the hotel has been operating with areas that lawfully enable non-resident guests to stay beyond midnight, and with the submission of a revised management plan that imposes additional conditions on the operation of the hotel, approval is recommended.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Broadstone Place

5. CONSULTATIONS

Original Application

MARYLEBONE ASSOCIATION
Object to the re-wording of Condition 8

HIGHWAYS PLANNING MANAGER
No objections raised

ENVIRONMENTAL HEALTH
Objects on the grounds of noise nuisance, and consider the application premature in the absence of a Noise Mitigation Policy.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 291; No. of objections: 11

Eleven letters of objections raising all or some of the following concerns:

- * the hotel currently opens beyond their permitted hours and causes noise disturbance
- * any extension of the nightclub activities would result in increased nuisance
- * there is frequent loud music audible from 1am to 4am with guest and non-guest activity
- * noise is not just late at night but early in the morning with deliveries
- * objects to a 24/7 operation for non-residents
- * noise from parties and music is clearly audible on multiple nights
- * events are not consistent with the commitments made by the operator
- * the arrival and departure of guests and non-guests on Broadstone Place generates disturbance to residents with bedrooms facing Broadstone Place
- * the management plan should not be caveated to enable every key control measure to be varied without consultation
- * the hotel is a major destination for celebrities and paparazzi causing disturbance to local residents
- * increase in traffic flow at all hours with private drivers waiting both on Chiltern Street and Broadstone Place
- * the hotel operates as a hospitality venue, outdoor and indoor bar, nightclub and restaurant for non-resident customers and is not consistent with the clear commitments made by the operator when the original application was made for a 'boutique hotel' 'selling sleep'

Re-consultation following receipt of revised Management Plan

ENVIRONMENTAL HEALTH
No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 11;

6 number of objections raising all or some of the following concerns:

- * Use of the hotel areas for non-residents will cause extra noise and nuisance to residents in a formerly quiet and extremely narrow street.
- * Noise and general activity levels have greatly increased in Broadstone Place since the Hotel opened.
- * Loud cars and their stereos are a regular disturbance
- * Broadstone Place appears to have become a destination for people to congregate, and drink
- * Chiltern Street is regularly congested with hire cars and taxis piling up outside the hotel, causing noise and a hazardous environment for pedestrians. An extension of the bars opening hours will only add to this situation.
- * The application would enable non-resident guests to remain in all parts of the hotel, including the restaurant and potentially the courtyard

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises the former Manchester Square Fire Station, a Grade II listed building within the Portman Estate Conservation Area. It is located on the west side of Chiltern Street and adjoins Wendover Court, a block of flats to the immediate north. The rear elevation backs onto Broadstone Place.

The building was purpose built as a fire station in 1889 and since February 2014 the building has been in use as a hotel.

6.2 Recent Relevant History

30 April 2009 – Planning permission granted for the use of the fire station as a 33 bedroom hotel (Class C1). Construction of new five storey building in yard, glazed rear rooflight and single storey rear extension at ground floor level and part two and three storey rear extensions at first floor level and above and new part basement excavation. Associated internal and external works. (Part of land use swap with Nos. 48, 58 and 63 Gloucester Place and 15-16 Fitzhardinge Street)

19 August 2011- Planning permission granted for the use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations.

15 May 2013 – Planning permission granted for variation of planning permission dated 19 August 2011; namely for minor internal alterations at ground to third floor, alterations to glazing at basement to third floor, raising parapet wall at ground and first floor (south elevation), addition of rooflight at first floor, double glazed windows within doors to terrace at second floor, repositioned roof access hatch at fourth floor (roof), flue at roof

level within recessed dormers (north west corner), omission of louvred roof grille, window cill dropped to create doors at basement and ground floor.

December 2014 – Planning permission granted for variation of the permission dated 15 May 2013; namely to revise the wording of Condition 26 to allow revisions to access/egress arrangements to enable public access/egress from Broadstone Place.

Premises Licence

In April 2014 the hotel was granted a Premises Licence which allows the restaurant to open to non-resident guests until 01:00 and the hotel bar, lobby and function room to open (for pre-booked private functions) until 01:00. This license has subsequently been renewed.

7. THE PROPOSAL

The application seeks to vary Condition 8 which restricts access by non-resident guests to the hotel's restaurant, function and bar area between the hours of 07:00 and 24:00. This application seeks to vary that condition to enable non-resident guests to have access to the hotel's reception and lobby areas beyond midnight, to update the management plan (Condition 9) to vary the capacity condition (Condition 23 - to refer to the revised ground floor plan) and to update drawing numbers (Conditions 1, 26 and 31).

8. DETAILED CONSIDERATIONS

8.1 Land Use

In land use terms, the principle of the hotel in this location has been accepted by Committee and has been considered to be in line with the policies as set out in the Unitary Development Plan (UDP) and the City Plan.

8.2 Townscape and Design

No external alterations are proposed and therefore there are no design issues for consideration.

8.3 Residential Amenity

The original permission was subject to a condition that prohibited non-resident guests from staying in the hotel's restaurant, function and bar area beyond midnight. The intention of this condition was to prevent non-resident hotel guests from being in the front of house areas of the premises after midnight. In 2010 a revised application was approved which also made revisions to the front of house areas which enlarged the hotel's lobby and reception areas, and since then, the applicant has argued that Condition 8 does not apply to these areas. Non-resident guests have therefore been lawfully able to stay in these areas on a 24/7 basis (subject to the terms of the current Premises Licence). The plans now delineate a larger lobby and reception area and the current application has therefore been submitted to clarify the areas where non-hotel residents can stay beyond midnight. Despite the concerns raised, this application does not include the hotel's restaurant, which fronts onto Chiltern Street. The restaurant, and

the hotel's function room, at the rear of the premises, as in the original permission are only open to non-resident guests from 07:00 to midnight.

The main issues arising from the application are amenity related in terms of any potential noise and disturbance arising from the use of the hotel's lobby bar and reception area after midnight.

When the hotel was first opened it attracted a number of high profile guests and subsequently generated a high interest from the paparazzi resulting in general noise, disturbance and the subsequent use of bright camera flashes when a celebrity was spotted entering or leaving the premises. Since then, the hotel now actively discourages guests who court paparazzi attention, have introduced new policies including closing the main entrance gates onto Chiltern Street from 11.30 (and 10.30 on Sundays) and all guest egress after that time is via the exit onto Broadstone Place which is less residential in character.

The current applicant has also been subject to considerable negotiation particularly in relation to the submitted management plan which now includes the following measures:

- Door staff and bellmen ensure guests leave the premises quietly and disperse promptly to avoid impacting on local residents
- If complaints are received CCTV footage is reviewed to identify the source of complaint and appropriate action taken
- Hotel staff offer to call for cars and taxis on behalf of guests and guests are encouraged to wait inside the hotel rather than waiting on the street
- The hotel has employed a dedicated member of staff to act as a 'traffic liaison' who is a constant outside presence on Broadstone Place from 11pm onwards to engage and build up a rapport with drivers and to ensure all hotel staff enter and leave the premises as quietly as possible
- Door staff ask all vehicles waiting for any time on Chiltern Street and Broadstone Place to turn off their engines
- Staff are trained to be mindful of all anti-social behaviour on the street including instances unrelated to the Firehouse
- All guests are pre-registered so that their arrival can be anticipated and managed
- Local residents have been given direct contacts for senior members of staff and are able to contact them on a 24 hour basis
- Monthly meetings with a local residents liaison group are held where residents are able to raise concerns
- All references to enable the plan to be amended without the need for re-consultation have been deleted

In addition, the Council has already granted the applicant a Premises Licence (initially in April 2012, and again in December 2014, in February 2015 and in November 2015) allowing the hotel lobby and reception areas to open (for pre-booked private functions) until 01:00. Residents of the hotel, their guests and patrons of the hotel proprietor's guest list can also remain within the hotel lobby bar (up to a maximum of 25 persons) on a 24/7 basis. The current application has been submitted to enable the planning application to align with the approved Premises Licence.

In support of their application, the applicant cites a number of considerations:

- High profile guests who court paparazzi attention are asked not to return
- The Firehouse manager has built up a relationship with local residents over the last 3 and a half years and meets with them on a monthly basis and is available by telephone or email 24 hours a day. They have all been given her personal telephone number which they are encouraged to use anytime of the day and night. The manager reaches out to all new neighbours when they are made known to her and is in constant contact with the rest of the local community.
- 60% of all guests are loyal, regular or repeat guests who are aware of the hotel's procedures/restrictions
- The management plan has been updated on review of current practices in conjunction with Environmental Health and Licensing Officers
- Staff are employed to provide a 24 hour presence at the hotel and have built up a dialogue with taxi drivers

These points are noted and are considered to be material to varying degrees. It is also acknowledged that when the hotel first opened, numerous complaints were made to the Council's Noise Team, however, in the last 6 months only 6 complaints, from one objector, have been received, and only 6 letters of objection have been received to the revised application. It is considered that this gives some indication that the premises are being run effectively and with respect for neighbouring residents.

The premises have also been regularly monitored by the Council's City Inspectors who have reported that the hotel appear to fully comply with the procedures in their management plan as little disturbance and activity has been noted on Chiltern Street after midnight. However, the main source of activity after midnight when the restaurant closes, and when non-residents exit after leaving the lobby/reception area, is at the rear onto Broadstone Place. This is however predominantly commercial in character and the closest residential properties to the rear of the hotel are the flats on the upper floors of 44 Baker Street and the flats at the rear of Wendover Court. However, none of the mews buildings on Broadstone Place are within residential use.

Residents within the flats at the rear of Wendover Court have raised objections about the amount of activity and noise disturbance in Broadstone Place and as a result the Management Plan has been amended to include the requirement for the hotel to employ a dedicated member of staff to act as 'traffic liaison' and to be a constant presence outside on Broadstone Place from 11pm onwards. Following a recent inspection over the Christmas period, the City's Licensing Inspectors have reminded the hotel of the need to comply with this requirement. Whilst it is clear that not all traffic noise can be eliminated entirely on Broadstone Place, with a traffic liaison employee in place, noise from guests leaving after 11pm can be monitored by the hotel and the impact on local residents minimised.

The approved Premises Licence also imposes additional restrictions relating to the numbers of non-resident guests who can stay on the premises after 01:00 and this is limited only to guests of hotel residents and patrons of the hotel proprietor's guest list (up to a maximum of 25 persons). Notwithstanding the concerns received from residents, given the limited number of residential properties in Broadstone Place, the limited

capacity after 01:00, and with the measures set out in the revised management plan, and subject to appropriate controls it is not considered that the proposals could be refused as a result of adverse noise disturbance.

8.4 Transportation/Parking

Not relevant.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The premises provide level access from the street and a wc is provided at basement level, which is accessible by lift and suitable for disabled users.

8.7 Other UDP/Westminster Policy Considerations

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

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

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

The original permission was subject to a legal agreement which secured:

- i) A financial contribution of £377,325 towards public realm works;
- ii) A financial contribution of £194,102 towards the City Council's affordable housing fund;
- iii) The residential uses (and retention of) at 48, 58 and 63 Gloucester Place and 15 to 16 Fitzhardinge Street prior to the occupation of the hotel;
- iv) Retention of the school use at Bryanston Square;
- v) The permanent retention of the use of the hotel function room (free of charge) for local residents' use;
- vi) Public access to the hotel;
- vii) A parking mitigation payment of £9,000.
- viii) A Crossrail contribution of £67,020 as agreed between the applicant and TfL.

Whilst the financial payments have all been paid, a deed of variation to the original agreement will be required to secure the matters set out in iii) to vi) above.

A CIL payment is not liable.

8.11 Environmental Impact Assessment

The application does not prompt a requirement for an environmental statement.

9. BACKGROUND PAPERS

1. Application form
2. Memorandum from Environmental Health dated 4 February 2015
3. Response from Marylebone Association, dated 16 February 2015
4. Memorandum from Highways Planning dated 28 April 2015
5. Letter from occupier of Flat 8, Wendover Court, dated 14 February 2015
6. Letter from occupier of 41 Wendover Court, Chiltern Street, dated 5 February 2015
7. Letter from occupier of 10 Wendover Court, Chiltern Street, dated 8 February 2015
8. Letter from occupier of Flat 26 Wendover Court, Chiltern Street, London, dated 3 February 2015
9. Letter from occupier of 56 Wendover Court, Chiltern Street, dated 5 February 2015
10. Letter from occupier of 53A Blandford Street, London, dated 13 February 2015
11. Letter from occupier of 48 Blandford Street, London, dated 2 March 2015
12. Letter from occupier of 15 Wendover Court, Chiltern Street, dated 14 February 2015
13. Letter from occupier of 45 Wendover Court, Chiltern Street, dated 15 February 2015
14. Letter from occupier of 11 Admiral Court, 45 Blandford Street, dated 15 February 2015
15. Letter from occupier of 34 Wendover Court, Chiltern Street, dated 23 February 2015

COMMENTS RECEIVED FOLLOWING RE-CONSULTATION

1. Letter from occupier of 9 Wendover Court, Chiltern Street, dated 16 October 2016
2. Letter from occupier of 34 Wendover Court, Chiltern Street, dated 7 October 2016
3. Letter from occupier of 10 Wendover Court, Chiltern Street, dated 5 October 2016
4. Letter from occupier of 26 Wendover Court, Chiltern Street, dated 4 October 2016
5. Letter from occupier of 45 Wendover Court, Chiltern Street, dated 27 September 2016
6. Letter from occupier of 15 Wendover Court, Chiltern Street, dated 31 October 2016
7. Memorandum from Environmental Health dated 9 January 2017

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: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

DRAFT DECISION LETTER

Address: 1 Chiltern Street, London, W1U 7PA,

Proposal: Variation of Conditions 1, 8, 9, 23, 26 and 31 of planning permission dated 18 December 2014 (RN: 14/08741) for use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; NAMELY; to vary the wording of Condition 8 to remove reference to a bar and identify the areas of the hotel to which non-resident hotel guests can have access to and remain on the premises after 2400 hours; to revise Condition 9 to refer to an updated Management Plan; to vary condition 23 (to clarify the areas of the hotel restricted by the capacity condition) and revisions to Conditions 1, 26 and 31 to refer to an updated drawing number for a revised Ground Floor plan.

Reference: 14/11804/FULL

Plan Nos: DA/CS/PL/ 101 Rev AD

Case Officer: Josephine 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 basement excavation 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 basement excavation 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. (C11BA)

Reason:

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

- 3 You must carry out the work in accordance with the details approved under 12/11691/ADFULL approved on 20.12.2012, 11/09854/ADFULL approved on 28.11.2011 and 11/11918/ADFULL approved on 21.8.2012

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 carry out the work in accordance with the materials approved under 11/11116/ADFULL approved on 01.12.2011

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 carry out the work in accordance with the materials approved under 11/11116/ADFULL approved on 01.12.2011

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 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. (C26PA)

Reason:

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

- 8 Non resident hotel guests shall not be allowed access to or to remain on the premises within the hotel restaurant and function room except between the hours of 07.00 and 24.00

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 (November 2016) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 9 You must carry out the measures included in your management plan dated 25 November 2016 at all times that the hotel is in use. (C05KA)

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 (November 2016) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 10 You must install the ventilation measures approved under RN 11/11148/ADFULL prior to the occupation of the hotel. You must not change it without our permission.

Reason:

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

- 11 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f)

Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 13 You must operate the plant/machinery in accordance with the supplemental noise report approved under RN 14/00780/ADFULL at all times that the plant is in use.

Reason:

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

- 14 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number DA/CS/PL/103 revision P. You must clearly mark them and make them available at all times to everyone using the hotel. (C14FB)

Reason:

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

- 15 You must install the acoustic measures according to the works approved under RN 11/08504/ADFULL prior to the occupation of the hotel.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 16 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 CS40 of our Core Strategy that we adopted in January 2011 and in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 17 All servicing must take place between 08:00 and 18:00 on Monday to Saturday and not at all on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building

Reason:

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

- 18 You must carry out the measures in your Servicing Management Plan approved under RN 13/11973/ADFULL at all times that the hotel is in use.

Reason:

To ensure that the servicing facility operates as designed and does not impact on the safety or operation of the highway as set out in CS41 of our Core Strategy that we adopted in January 2011 and in Policy TRANS 20 of our Unitary Development Plan that we adopted in January 2007.

- 19 You must hang all doors or gates so that they do not open over or across the road or pavement, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

- 20 All restaurant windows/doors on the Chiltern Street frontage shall be closed between 2000 hours each day and 0800 hours the following morning.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and of our Unitary Development Plan that

we adopted in January 2007. (R12AC)

- 21 The courtyard area shall not be used for outside dining/drinking between 21:00 hours each day and 09:00 hours the following morning.

Reason:

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

- 22 You must carry out the measures in your Travel Plan approved under 13/11973/ADFULL at all times that the hotel is in use.

Reason:

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

- 23 You must not allow more than 250 customers in the front of house areas at any one time.

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 (November 2016) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 24 The existing firestation lantern and the firestation sign at second floor level on the Chiltern Street frontage shall be retained in situ unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 25 The plant area at basement level shall be reserved for plant only and not be used for any front of house activities.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 26 Public access/egress (for guests and non-resident patrons) shall only be through the courtyard entrance on Chiltern Street and the three entrances on Broadstone Place as respectively marked hotel entrance and secondary hotel entrance(s) on Plan no DA/CS/PL/ 101 Rev AD. The door leading from the kitchen

area onto Chiltern Street shall be for means of escape only.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 27 The occupation of the premises for hotel purposes shall not begin until the parking bays on Broadstone Place have been replaced to the satisfaction of the Local Planning Authority.

Reason:

To provide parking spaces for people using the development as set out in CS 41 of our Core Strategy that we adopted in January 2011 and Policies STRA 25, TRANS 21 and TRANS 22 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 28 All existing original windows shall be retained in situ in the listed building. Double glazed windows shall not be installed within the listed building.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 29 You must not use the first floor roof (marked as terraced area on your drawing no. DA/CS/PL 104 Rev P) for sitting out or hotel guest use, unless we have given our approval beforehand. You can however use the roof for maintenance or means of escape purposes.

Reason:

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

- 30 No music or amplified sound played within the restaurant shall be audible outside the premises at any time.

Reason:

To protect neighbouring residents from noise nuisance, as set out in CS23, CS28 and CS31 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 31 You must only use the area shown as restaurant on the ground floor plan DA/CS/PL/ 101 Rev AD as a sit-down restaurant with waiter service. You must not use any part of the restaurant as a bar or bar area, or for any other purposes, including any other 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 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 (November 2016) and TACE TACE9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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

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Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	84 - 86 Great Portland Street, London, W1W 7NR,		
Proposal	Installation of low level ductwork around the roof at rear third floor level; plant screening around low level ductwork; raising of existing central plant enclosure screen; installation of boiler flue at rear third floor roof level; and alterations to parapet walls and associated works.		
Agent	Gerald Eve LLP		
On behalf of	Knighton Estates Limited		
Registered Number	16/08770/FULL	Date amended/ completed	4 October 2016
Date Application Received	12 September 2016		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone and Harley Street		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

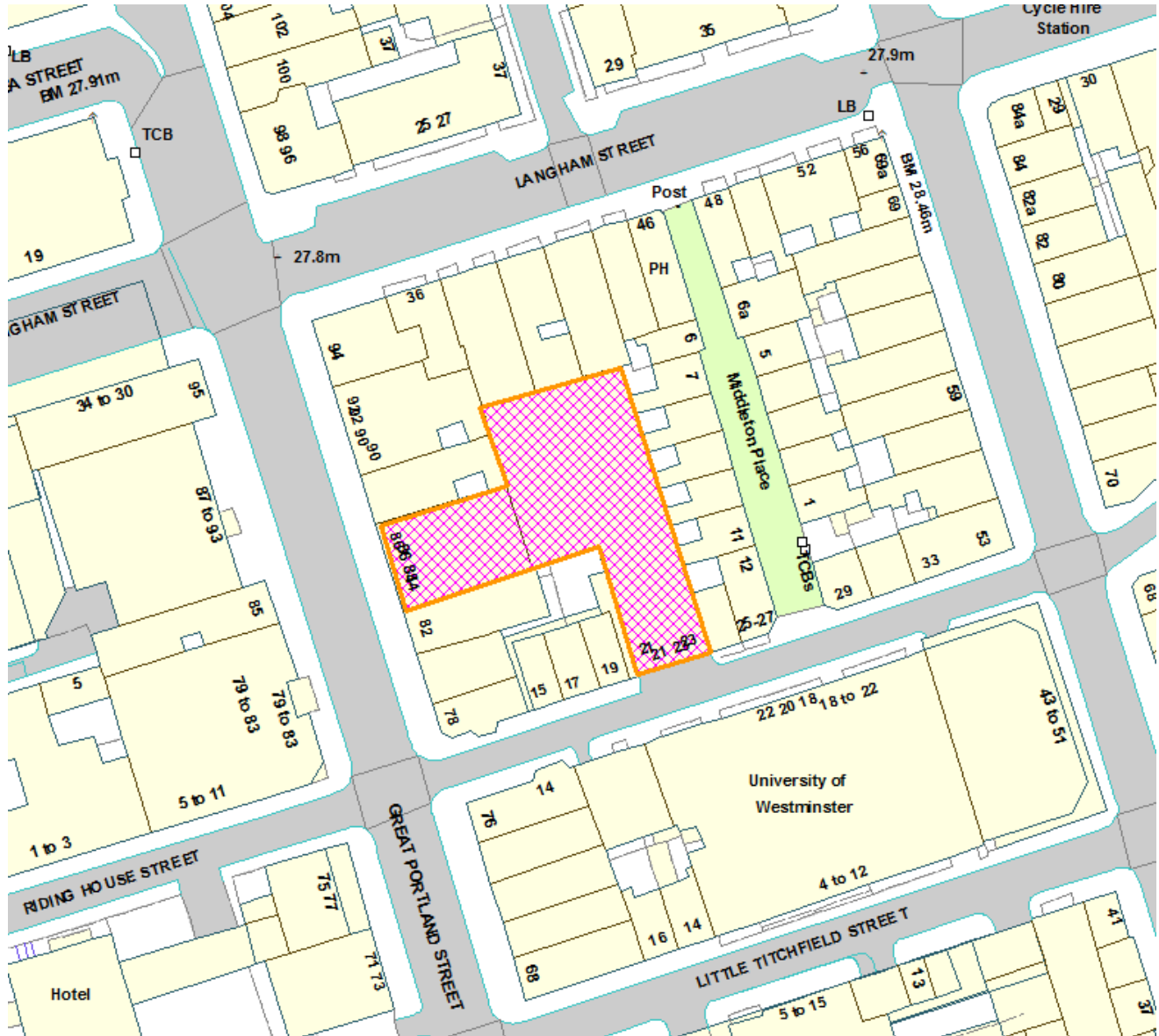
This site was considered by Planning Applications Committee in August 2015 (as part of a land use package with Tasman House, 59-65 Wells Street): planning permission was granted for use of first to fifth floors of 84-86 Great Portland Street as 6 residential flats with plant at roof level and new front façade on the Great Portland Street elevation and other associated external alterations, and (of specific relevance to the current application) works to extend the existing building to the rear to provide additional office accommodation and other associated external alterations, including plant at third floor/roof level. This rear part of the building occupies the centre of the block bounded by Great Portland Street, Langham Street, Middleton Place and Riding House Street.

The works to implement this approval are well advanced. Planning permission is being sought now because, although ducting was shown on the approved roof plans, it was accidentally omitted from the elevations and the true extent of the ducting was therefore not fully appreciated at that time. The main works now proposed are the installation of the low level ductwork around the roof at rear third floor level, to be screened with a new low level (1.1m high) plant screen around the perimeter of the roof to visually screen the ducting. It is also proposed to raise the central plant structure and enclosure screen (approximately 600mm), because it has proved necessary to provide it with a supporting steel framework. Other minor works include the installation of boiler flue and alterations to parapet walls.

The latest application has given rise to a considerable number of objections from residents who live in buildings around the perimeter of the block. The planning objections include concerns about the amenity implications of the changes, including loss of light and noise nuisance, and impact on the approved green roof. There are also strong concerns about the applicant's request to amend/extend works for which they have already had approval ('planning creep'), the large number of applications to this site and others in the block, the large amount of planning documents, and that some of the works (on the current application site and other unrelated properties) have not been carried out in accordance with previous permissions. These concerns are shared by all three ward councillors.

The key planning issue is considered to be the potential impact on the amenity of neighbouring residential properties. However, for the reasons set out in the main report, there is not considered to be any material loss of amenity arising from these works. The objectors' frustrations about new planning applications and issues with other planning permissions for other buildings in the block are noted but this in itself does not justify refusal of the current application.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Street elevation



Central block (before works commenced)



5. CONSULTATIONS

WARD COUNCILLORS FOR WEST END:

COUNCILLOR JONATHAN GLANZ

- Strongly supports the concerns and objections of the residents with regard to the adverse effect on their amenity;
- has been on a full site visit with the applicant – thinks that the plant should be fully screened (which may help to minimise some of the adverse visual aspects) and properly tested to ensure that it continues to comply with the Council's restrictions in relation to noise levels;
- asks for confirmation that the proposed plant screen will not adversely affect daylight to habitable rooms.

COUNCILLOR PAUL CHURCH

Supports the concerns of local residents and objects to the application on the grounds of residential amenity/that it is unneighbourly, and asks that it is decided by Committee rather than under delegated powers.

COUNCILLOR GLENYS ROPERTS

Supports the concerns of local residents about developers coming back for new permissions to change and extend initial permissions.

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Comments on the revised noise impact assessment submitted by the applicant [which looks at nearer noise sensitive properties than those originally assessed] – advises that the proposed plant is likely to comply comfortably with the Council's standard noise level criteria.

MIDDLETON PLACE RESIDENTS ASSOCIATION

Raise objections to the large amount of documents associated with the site and departures from the original plans including the addition of a toilet block, replacement of skylights with large new structures that negatively impact on neighbouring properties, balconies that differ from those originally proposed, loss of areas of proposed green roof and the externalising of ductwork, flues and venting, and continued applications.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 80:

Representations received on behalf of 19 residents/12 properties raising objections on some or all of the following:

- Noise nuisance/pollution;
- Failure to include some neighbouring properties in the acoustic report [subsequently rectified];
- Adverse impact of additional plant/ductwork for the approved green roof, and loss of amenity benefits of the green roof for neighbours;

- Request that the plant screen is covered by a green roof/wall;
- Proposed plant/ducting should be internal – complaint that the applicant apparently advised local residents at pre-application stage that the ducting would be within the building;
- Adverse impact of plant ductwork and screening on visual amenity, including visibility of ducting behind the screening from upper floors of surrounding properties and raising the height of the parapet walls to accommodate changes to plant;
- Relocation of the boiler flue to a position that is more visually intrusive for neighbours;
- The proposed screening rises the height of the building and causes loss of daylight and sunlight to neighbouring properties (including impact on an external courtyard);
- Adverse impact on the setting of adjoining listed buildings and the conservation area;
- centralized plant should be kept at approved height, rather than allowing taller equipment;
- Proposals are different from the original permission;
- Complaints about aspects of the original permission for this site and other applications to surrounding properties including installation of balconies, a large amount of scaffolding, light pollution, questions about the replacement skylights approved on the original application, and failure to provide translucent 'fritting' to the monopitched glazed roof that faces the rear of 42 Langham Street;
- The applicant has not directly informed neighbouring residents of the proposed changes;
- Large number of applications/paperwork, including changes to schemes already approved ('planning creep'), causing confusion to neighbours.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is located on the east side of Great Portland Street and is bounded by Langham Street to the north, Middleton Place to the east and Riding House Street to the south. The immediate vicinity includes a diverse mix of buildings and uses including retail, offices and residential accommodation.

84-86 Great Portland Street is an unusual site, comprising two linked, but distinctly different, buildings. The building fronting Great Portland Street is a relatively conventional modern six storey office building, comprising a basement level and ground plus five storeys. It was previously in office use (Class B1).

The front building leads through to a sizeable rear extension (referred to as the 'rear' or 'central' building) which occupies the centre of the Great Portland Street/Riding House Street/Middleton Place block. This building provides basement, ground and two upper floors and was used as offices until vacated by the previous tenant in late 2014.

The site sits across the boundary of two Conservation Areas. 84-86 Great Portland is located within the Harley Street Conservation Area, the rear building is located within the East Marylebone Conservation Area. Although the application buildings are not listed, there are a number of Grade II listed buildings in close proximity to the site (94 Great Portland Street, Nos. 38 to 42 Langham Street, and Nos. 78-80 Great Portland Street).

The site is within the Marylebone and Fitzrovia part of the Central Activities Zone, and within the Great Portland Street "Named Street" as defined by Westminster's City Plan. It is also within the Protected Vista of Primrose Hill to the Palace of Westminster.

The application site is part of a wider development site controlled by Great Portland Estates, including Nos. 78-82, 88 and 90-92 Great Portland Street and 15-23 Riding House Street. These properties have been the subject of separate development proposals (the cumulative impact of which is part of local residents' complaints) summarised as follows:

Nos. 78-82: Housing, including affordable housing, in connection with the redevelopment of St Lawrence House, 30 Broadwick Street;

Nos. 84-86: Housing, and refurbished/renewed office space, in connection with the redevelopment and extension of Tasman House, Wells Street;

No. 88: Affordable housing, in connection with the redevelopment of 35-50 Rathbone Place; and

Nos. 90-92: Affordable housing, in connection with the redevelopment of Hanover Square (part of the Crossrail over station development).

6.2 Recent Relevant History

In September 2015, planning permission was granted for the use of first to fifth floors of 84-86 Great Portland Street as 6 residential flats (Class C3) with plant at roof level and new front façade on the Great Portland Street elevation and other associated external alterations; works to extend the existing building to the rear to provide additional office accommodation (Class B1) and other associated external alterations to include plant at roof level, a sedum roof and replacement entrance at ground floor level to 21-23 Riding House Street. This was linked to a redevelopment at Tasman House, 59-65 Wells Street, forming part of a land use package with that site.

7. THE PROPOSAL

The works to implement the September 2015 approval are well advanced. Planning permission is being sought now because, although ducting was shown on the approved roof plan [though not in any great detail], it was, according to the applicant, incorrectly and accidentally omitted from the elevations. The true extent of these works was therefore not fully appreciated at the time the case was originally considered, though the applicant argues that both officers and members were aware of the ductwork when making their original decision.

The current proposal also amends the layout of the ductwork and includes some other minor changes, all of which can be summarized as follows:

- Low level ductwork on the roof of the central block, mostly running around its perimeter, to provide air intake and discharge serving the centralized plant equipment. The applicant advises that the ducting is necessary to provide an air supply to the interior of the building, to ensure that it can continue to be used as employment space, and needs to be external rather than internal;
- Low level screening (1.1m) around the perimeter of the roof of the central block to mask the ductwork and improve the visual appearance and outlook. The screen will comprise a perforated trapezoidal cladding panel and will be power-coated light grey;
- The approved centralized plant structure and its acoustic screening is to be increased in height by 460mm (to a total height of 2.6m above the parapet). The applicant advises that during the initial design stages it was anticipated that the existing roof structure had the inherent strength to withstand the weight of the plant equipment, so the plant equipment could be mounted directly on the roof. It subsequently emerged that the existing roof structure could not support the load of the plant and a steel frame platform is required to better distribute the weight and transfer the load down the existing columns. Whilst the plant itself does not change in size, this means that it is raised by the height of the supporting steelwork below it.

Additionally, it has not been possible to strip off and replace some of the existing finishings on the roof, meaning that a new roof finish has had to be installed on top of the existing, which also adds slightly to the overall height.

- A boiler flue is to be installed in the central block section at the rear of 21-23 Riding House Street, reaching a height of 1m above third floor roof level;
- The skylight parapet wall on the link between the front and rear parts of the site is being raised by 0.5m to allow a small skylight to slope and enable run-off;
- A lower parapet wall (at the rear of 88 Great Portland Street) is to be raised to provide a 1.1m parapet height to allow safe roof access.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The current application has no land use implications and does not change the approved office accommodation (approximately 2,100 sqm GEA). It is noted that the applicant states that the size and location of the external ductwork on the roof of the central block is necessary to provide adequate ventilation for the refurbished office accommodation, which extends to basement level and has relatively deep floorplates.

8.2 Townscape and Design

Notwithstanding the objections that have been received on visual amenity grounds, the proposed changes are considered to be acceptable. The works are wholly confined to the centre of the block, so they will not be visible from any public view points and therefore have no adverse impact on the wider public realm.

Nevertheless, it is accepted that the works will be visible from numerous private vantage points within buildings surrounding the centre of the block. However, the works are considered to be relatively minor and arguably the most visible structure (the 1.1m high screen around the perimeter of the roof) has been proposed at the suggestion of officers to be more visually acceptable than the ducting itself. This is supported by Cllr Glanz (who has been given a full tour of the site by the applicant). The screen will be a light grey colour to provide a uniform visual appearance.

As one objector states, the ducting may be visible behind the screening in some very high level locations (the top floors of some neighbouring properties), but this is not considered to be so visually intrusive as to warrant a refusal.

There has been an objection to the increased height of the main plant structure in the centre of the roof. However, the increase is considered to be modest (460mm) and as explained in Section 7, is mainly due to the need to provide structural support for the equipment. An objection to a boiler flue (at the rear of 21-23 Riding House Street) being visually intrusive is noted but again this is a small alteration that in the overall context of the works is considered to be acceptable.

The extent of the works is not considered to be so excessive as to have a materially adverse impact on the character and appearance of the conservation areas or neighbouring listed buildings.

Accordingly the objections on these grounds are not considered to be sustainable.

The applicant's arguments are noted that their overall proposals for the central block (including new windows and white render approved originally) will improve its appearance and the outlook from the surrounding properties

8.3 Residential Amenity

Noise and Vibration from mechanical plant

Objections have been raised that the proposals will lead to noise nuisance or noise pollution. The applicant has provided an updated acoustic report [subsequently revised to take account of the residential properties in Middleton Place]. This has been assessed by the Council's Environmental Health officer who confirms that the plant should operate within the normal stringent constraints required by Council policy. This will be secured by condition, along with standard the condition preventing any vibration.

As a safeguarding measure it is proposed to also have a condition requiring a supplementary acoustic report demonstrating that the plant operates in accordance with these conditions. The applicant has advised that the low level ductwork itself will not generate noise – it is not mechanical plant but connects the central plant enclosure on the roof with the office accommodation.

The objections to noise nuisance are therefore not considered to be sustainable.

Sunlight and Daylight

There have been objections that the proposals will lead to losses of daylight and sunlight, namely from the screening around the perimeter of the roof and the increased height of the centralised plant.

Policy ENV 13 seeks to protect existing premises, particularly residential properties, from a material loss of daylight and sunlight, as a result of new development. Policy S29 of the City Plan aims to improve the residential environment whilst UDP Policy ENV13 seeks to protect and improve residential amenity, including sunlighting and daylighting to existing properties. Principally the policy seeks to ensure good lighting levels for habitable rooms, which are bedsits, living rooms, studies and kitchens (if they include dining space and are more than 12.6m²).

In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. Council policy refers to an assessment of the Vertical Sky Component (VSC) as the primary test. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves a figure of 27% or more, then enough skylight should still be reaching the window and there will be the potential to provide good levels of daylight. It is suggested that reductions from existing values of more than 20% would be likely to be noticeable to occupants of the affected rooms. The area lit by the window is likely to appear more gloomy and electric lighting will be needed for more of the time. Consequently, BRE guidelines suggest that any reduction below the 27% threshold should be kept to a minimum.

As a general rule, rooms to dwellings or non-domestic buildings which have a particular requirement for sunlight, should still receive enough sunlight if the affected windows receive more than a quarter of Annual Probable Sunlight Hours, (25% APSH) including at least 5% of APSH during the winter months. Any reduction in sunlight below these levels should be kept to a minimum. If the available sunlight hours are both less than the amount given and less than 20% of their former value, either over the entire year or during the winter months, then occupants of these rooms will notice the loss of sunlight. Sunlight to kitchens and bedrooms is considered less important than that to main living rooms although, in all cases, care should be taken not to block too much sun.

A daylight and sunlight report has been submitted which assesses the most sensitive of the surrounding residential properties. It does not include some windows (e.g. the rear windows of the second and third floor maisonettes in 15-19 Riding House Street) because these are below the 25 degree line at which the BRE guidance advises that further assessment may be necessary. (This is on the basis that any development below the 25 degree line relevant to a neighbouring window is unlikely to have a substantial effect of the diffuse skylight enjoyed by the neighbour's window). An officer site visit to one of these maisonettes has also ascertained that the impact on daylight to this property is minimal.

Of the windows that have been assessed, most only lose a small percentage of daylight, and all losses are well within the 27% maximum recommended by the BRE guidelines. In Middleton Place the greatest VSC loss is 5.30% to the rear ground floor window of No. 8; in Langham Street the greatest VSC loss is 5.19%, to the rear first floor of No. 36. There have been strong objections to the proposals from the occupier of 42 Langham Street, a single occupation as offices on basement and ground floor and residential

accommodation from first floor and above: the largest VSC loss to this property is 2.28% to the rear first floor kitchen within the original building. Although the modern dining extension at the rear first floor has not been assessed, this is largely glazed (including a partially glazed roof) and it is clear from an officer's site visit that the impact on daylight will be minimal.

The greatest VSC loss (10.86%) is actually to rear first floor of the applicant's own property at 90-92 Great Portland Street (being converted to housing) but this is also within acceptable limits.

With regard to sunlight, nearly all losses are minimal and within acceptable limits. The one exception is 10 Middleton Place, where there is a reduction in winter sunlight from 2 to 1 Annual Probable Sunlight Hours. However, this is no different from the approved scheme.

In conclusion, the impact of the low level screen and increased height of the centralised plant is considered to be minimal as measured by the Council's standard criteria and not material worse when compared with the original approved scheme. It is important to note that the daylight to a number of neighbouring rear windows is already limited by the height of the existing buildings that make up the block. The objections on these grounds cannot therefore be sustained.

Sense of Enclosure

The screen will be visible from a number of windows around the site and arguably might be considered to increase the sense of enclosure to some windows. However, the screen is set back from the outer edge of the wall by approximately 800mm and the nearest windows are approximately 10m away and it is not considered that there would be any material impact on the sense of enclosure to these neighbouring windows. It is considered that the visual benefits of screening the ductwork overcomes any potential increased sense of enclosure.

The extent of screening has been amended slightly at officers' request: it is not now proposed to install the screening on the link block connecting the central building to the rear elevation of 84-86 Great Portland Street. No plant or ducting is proposed on this part of the roof and therefore the screen is not necessary. This will remove the proposed stretch of plant screen when viewed from some of the rear windows in 17-19 Riding House Street.

8.4 Transportation/Parking

There are no highways implications arising from the proposals.

8.5 Economic Considerations

It is noted that the applicant states that the ducting is necessary to provide an air supply to the interior of the building, to ensure that it can continue to be used as employment space and that it needs adequate ventilation equipment as part of the modern office space.

8.6 Access

There are no access implications arising from these changes.

8.7 Other UDP/Westminster Policy Considerations

Green roof

There have been objections to the impact of the works on the approved green/sedum roof. The applicant has stated that the approved roof plan showed the ductwork above areas of the green roof and that there is no material reduction in the size of the proposed green roof as originally permitted.

The provision of the screening will undoubtedly reduce the visual benefits of the green roof, hiding this in many views from neighbouring properties as much as it will hide the ductwork. Although this is unfortunate it does not justify refusal of the current proposals. There could still be biodiversity benefits if this area is more of a 'brown/living roof' than a 'green/sedum roof' (e.g. providing a habitat for insects beneath the ductwork). One suggestion that the plant screening is covered with a green wall/roof is not considered to be practical and would give rise to excessive maintenance requirements.

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

This application does not trigger any planning obligations nor is it CIL liable.

8.11 Other Issues

A considerable number of the objections refer to the large number of applications to this site and others in the block, the large amount of planning documents, and that permission is being sought for changes to works already approved ('planning creep'). Whilst sympathetic to the residents' concerns that there have been a number of applications for several buildings in the block in which they live, this is often the case and whilst unfortunate this does not justify refusal of an application. There is arguably a benefit in the current situation in that the applicant has sought to actively engage with the residents and carry out the developments in a co-ordinated manner: if the buildings were in different ownerships with different applicants, works might have been carried out more haphazardly over a greater period of time with less liaison with the residents.

There have also been complaints that some of the works (on the current application site and other unrelated properties) have not been carried out in accordance with previous permissions, for example balconies on the rear of 82, 88 and 90-92 Great Portland Street,

and the roof lights at the rear of the current application site (backing on to Middleton Place). An initial review of the works indicates that they are in accordance with the relevant planning permissions. Objectors have been advised to register formal complaints with the Council's Planning Enforcement Team for proper investigations to be carried out if they have reason to believe that unauthorised works have been carried out. There is ongoing discussions with the architects about mismatched brickwork to the rear of some of the properties in Great Portland Street.

With regard to concerns about light pollution, the applicant has advised that the completed development will be fitted with occupancy sensors which should ensure that lights are not left on at night. It should be noted that the original building on the site had a number of large windows and was not subject to any planning controls with regard to light pollution.

There has been a complaint that the large glazed monopitch (which faces the rear of the Langham Street properties) has not been made partially obscure, as required by the planning permission. However, the works are ongoing and the applicant has confirmed that the obscuring film will be provided before the building reaches practical completion in due course.

Recently a large scaffold structure has appeared on the roof of the central building, which has triggered concerns. The applicant advises that it is required to enable the lifting of a stair rooflight glass to their roof locations, which are both very large units (2.5m x 2.4m in size and approximately 400Kgs in weight). It is understood the initial plan was to use a crane to install these glass units but it did not have sufficient reach to access the relevant locations. The scaffolding is only temporary and is likely to be removed by the end of January, once construction on the relevant parts of the development has been completed. As with any building project, there will inevitably be some temporary structures.

Some objectors refer to not being directly consulted by the applicant about the latest changes, or when they have been consulted previously on other matters, the applicant has done something different from what they allegedly said they would do. This is a private matter between the residents and the applicant, and Council officers cannot answer for the applicant on discussions that they have not been privy to.

9. CONCLUSION

The mistakes in the original application in not fully showing the extent of required ducting around the roof of the central building is most unfortunate. However, it is a common occurrence that as the detailed design of developments progress, changes are required, and not only to correct mistakes. Residents' concerns about the cumulative impact of these works, and other developments within their block, are understandable, but this in itself does not justify refusing the current application. The proposed changes are considered to be relatively modest and for the reasons outlined above, are considered to be acceptable, subject to conditions.

10. BACKGROUND PAPERS

1. Application form and letter from Gerald Eve dated 13 December 2016
2. Emails from Cllr Jonathan Glanz dated 24 November and 7 December 2016
3. Emails from Cllr Paul Church dated 21 October and 24 November 2016

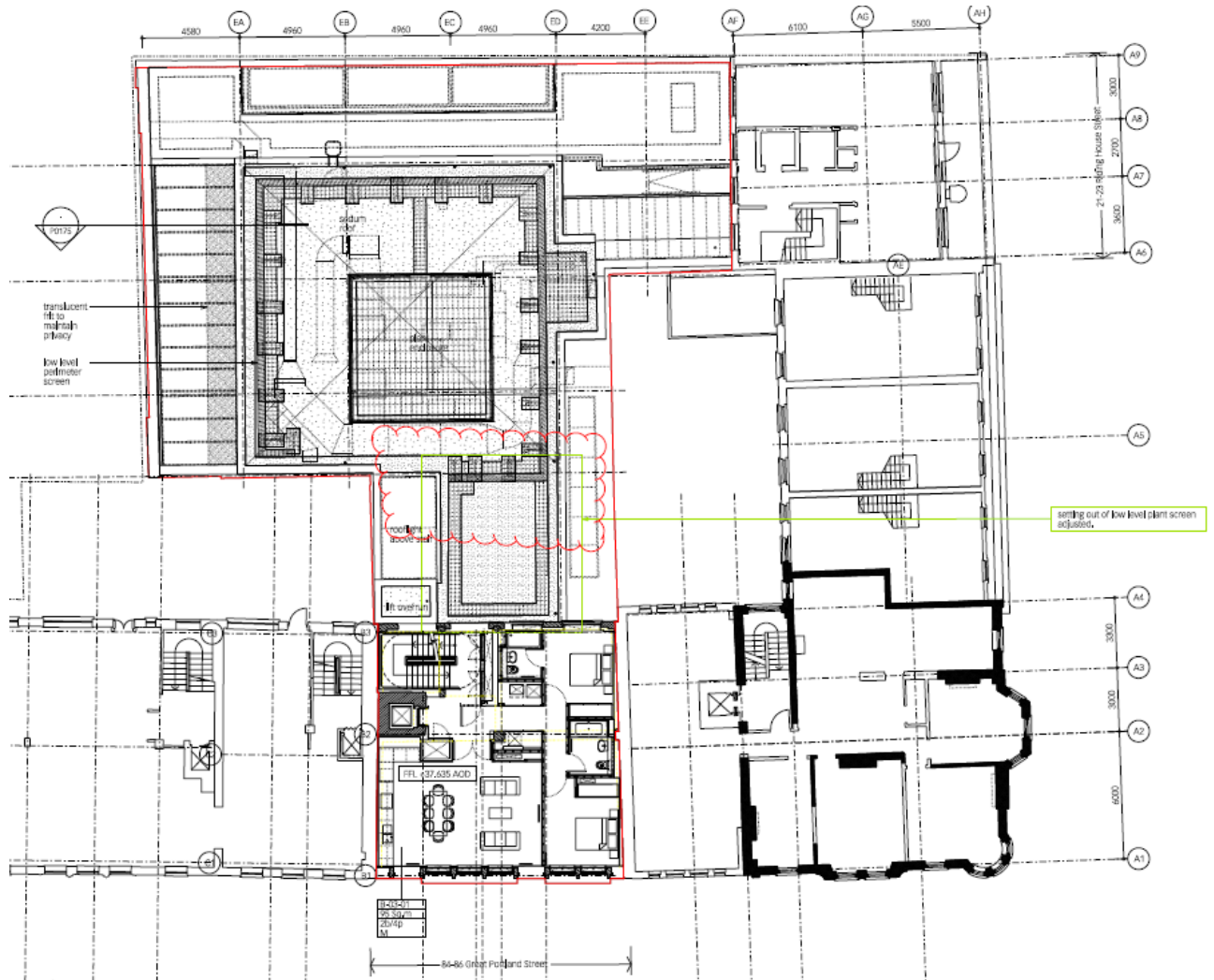
4. Email from Cllr Glenys Roberts dated 27 November 2016
5. Memorandum from Crossrail and Environmental Sciences Team dated 22 November 2016
6. Email and representation on behalf of Middleton Place Residents Association dated 18 October and 23 November 2016
7. Emails from residents of 19 Riding House Street dated 25 October and 23 November 2016
8. Emails/representations from the occupier of 1st floor flat, 44 Langham Street dated 21 October, 23 November 2016 and 3 January 2017
9. Emails from residents in Middleton Place [full address not given] dated 23 November 2016
10. Emails from residents of 7 Middleton Place dated 23 November 2016
11. Email from residents in 8 Middleton Place dated 23 November 2016
12. Representation for the occupier, Second Floor Flat, 44 Langham Street dated 18 October 2016
13. Representation from the occupier of Flat 2, 19 Riding House Street, dated 18 October 2016
14. Letter and representation from the occupier of 42 Langham Street, dated 20 and 27 October 2016

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

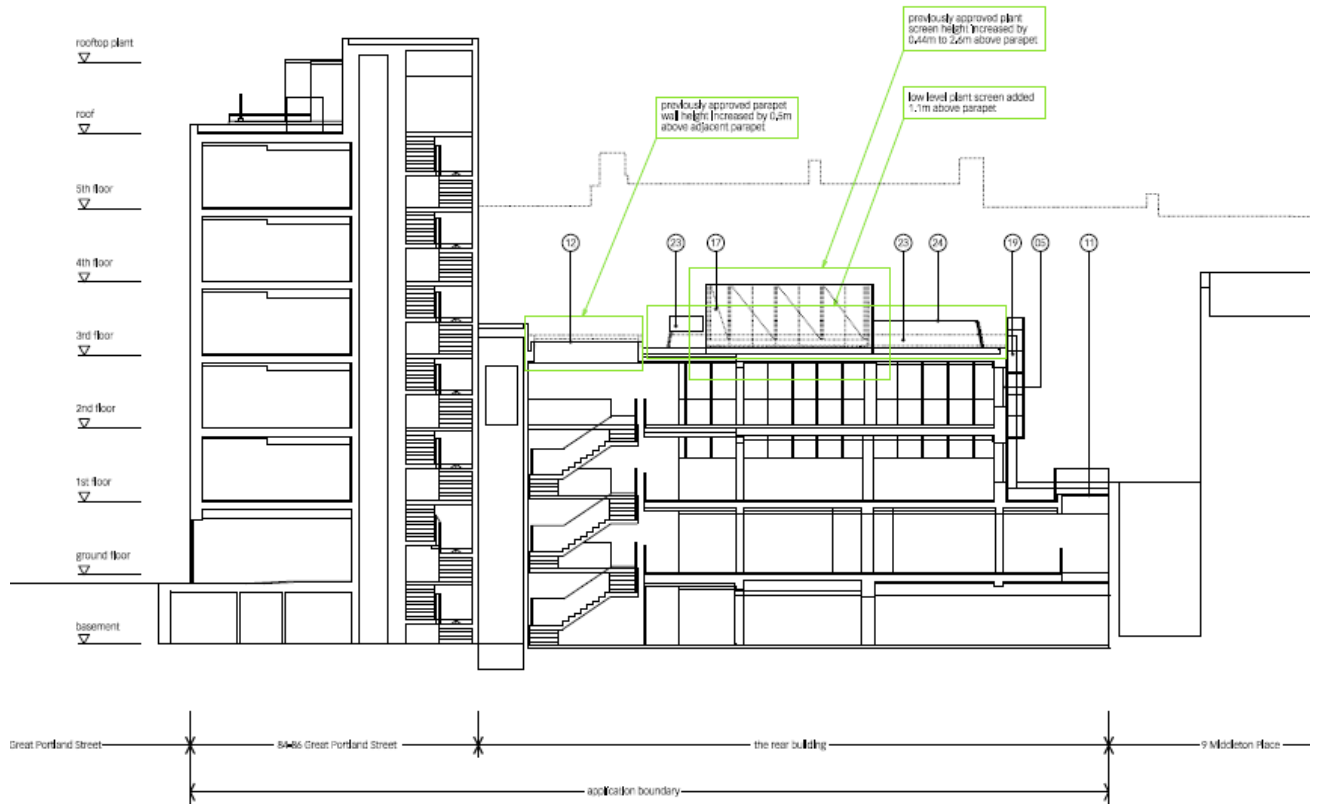
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

11. KEY DRAWINGS

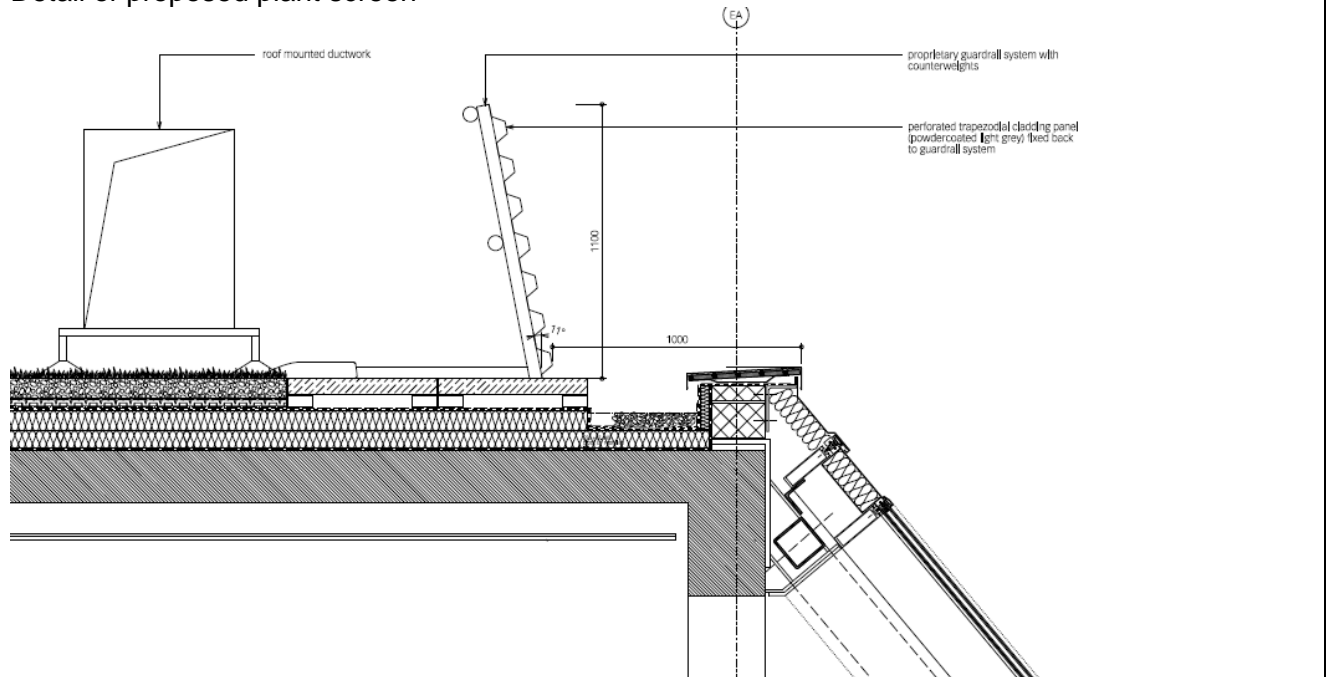
Proposed roof plan



Proposed long section



Detail of proposed plant screen



DRAFT DECISION LETTER

Address: 84 - 86 Great Portland Street, London, W1W 7NR,

Proposal: Installation of low level ductwork around the roof at rear third floor level; plant screening around low level ductwork; raising of existing central plant enclosure screen; installation of boiler flue at rear third floor roof level; alterations to parapet walls and associated works.

Reference: 16/08770/FULL

Plan Nos: 0946_P0105 Rev F, 0946_P0106 Rev F, 0946_P0151 Rev C, 0946_P0152 Rev F, 0946_P0153 Rev D, 0946_P0154 Rev E, 0946_P0155 Rev D, 0946_P0156 Rev F, and 0946_P0175.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 The plant screen around the perimeter of the roof and the boiler flue shall be painted (or similarly treated) light grey and shall thereafter be permanently retained that colour.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone/Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 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: , 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: , o 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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 4 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency

auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 5 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.

- 6 You must not use any of the areas of flat roof of the rear part of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of

Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 7 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant and any associated ductwork will comply with the Council's noise and vibration criteria as set out in Conditions 4 and 5 of this permission. You must not occupy 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 (November 2016), by contributing to reducing excessive ambient noise levels.

- 8 You must put up the plant screens shown on the approved drawings before you use the machinery or occupy the building. You must then maintain the plant screening in the form shown for as long as the machinery and low level ductwork remains in place.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone/Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 You must apply to us for approval of details of a biodiversity management plan in relation to green/sedum roof (though this should include alternative provision of a 'brown' or 'living' roof should this be more appropriate). You must not occupy the development until we have approved what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details no later than six months of the first occupation of the building.

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are reminded of the need to comply with the terms and conditions of the planning permission dated 29 September 2015, reference 15/02730/FULL.

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 17 January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	55 Shepherd Market, London, W1J 7PU		
Proposal	Use of an area of public highway measuring 18.9m x 3.5m for the placing of 15 tables and 37 chairs and associated timber decking, planters with awning support stations and removable glazed screens, timber trellis and free-standing external heaters and lighting in connection with the existing ground floor use.		
Agent	Mr Daniel Rinsler		
On behalf of	5 Hertford Street Ltd		
Registered Number	16/09864/TCH 16/09865/LBC	Date amended/ completed	15 October 2016
Date Application Received	15 October 2016		
Historic Building Grade	Grade 2		
Conservation Area	Mayfair		

1. RECOMMENDATION

Refuse permission and listed building consent – design grounds
--

2. SUMMARY

The site comprises a group of listed buildings which together form a block bounded by Trebeck Street, Hertford Street, Shepherd Street and Shepherd Market. Since July 2012 the buildings have been operating as a prestigious private members club, known as '5 Hertford Street'. Prior to this the buildings had been vacant and derelict for over 10 years.

Temporary permission was initially granted for tables and chairs on the Shepherd Market frontage on timber decking on 20 September 2012. Subsequently permission was granted again on 16 April 2013 and on 24 July 2014. The latest permission granted on 11 August 2016, permits the tables and chairs on the decking and the associated structure to remain in place until 31 August 2018. Listed building consent was also granted on the same date for the awning support stations and decking.

Although the provision of decking is contrary to UDP policies DES7 (E) DES 9 and DES 10, the committee recognised that external tables and chairs are part of the distinctive character of Shepherd

Market. Furthermore without the proposed decking it would not be possible to use the area for external dining. Permission was therefore granted.

Permission is again sought for the tables and chairs on the decking along with the associated structures and listed building consent for the structures. However, the current applications seek to introduce demountable frameless glass panels on all sides of the structure between the timber posts. The proposed glass panels would be secured within a channel integrated within the vertical circular posts and upstand planters. The applicant advises that the demountable glass panels would only be retained during inclement weather and would provide greater comfort to external diners.

The key issue for consideration is one of design and the impact that the provision of the glass screens would have on the appearance of the Grade 2 listed buildings, and the Mayfair Conservation Area.

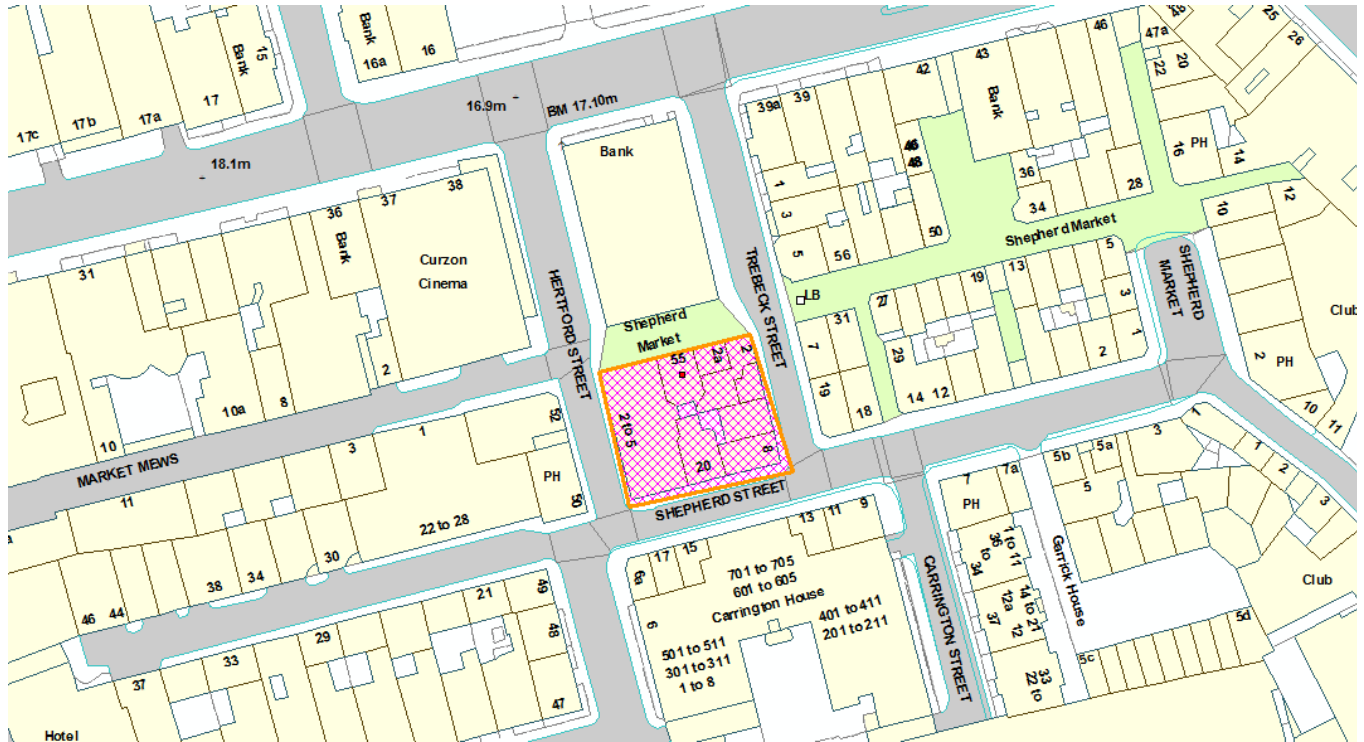
Shepherd Market is 6.2m wide from building line to building line. The tables and chairs occupy an area of 3.5m, leaving an area 2.7m free and unobstructed. The Highways Planning Manager objected to previous applications and again maintains an objection to the latest application on the grounds that the proposal does not comply with Westminster Way public realm strategy, which states that as a general principle streets should not have more than half their width taken over for commercial activities. Whilst this objection is noted, the area proposed remains as previously permitted. The principle of tables and chairs in the area proposed has been firmly established and this remains acceptable in principle.

As stated the salient point for consideration is the impact that the provision of the glazed screens would have in design terms. The erection of glazed screens would effectively enclose the space in front of the listed buildings, thereby creating what is in effect a single storey extension in front of the building line, on the public highway. The enclosure of this forecourt area changes its character significantly. It is considered that this is an unacceptable alteration to the front of these listed buildings and it will harm their appearance and their special architectural and historic interest.

Such 'extensions' in front of buildings, on the public highway, are not a feature of the Mayfair Conservation Area or indeed of any conservation area in the City of Westminster. It is considered that the proposed works will harm the appearance of the street, and fail to preserve or enhance the character and appearance of this part of the Mayfair Conservation Area.

The proposals are contrary to the City Council's urban design and conservation policies as set out in the City Plan and in chapter 10 of the Unitary Development Plan; policies DES 1, DES 5, DES 7, DES 9 and DES 10 are all applicable.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Shepherd Market (top)

View from Market Mews (below)



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES:
No response received

HIGHWAYS PLANNING MANAGER:
Objection, obstruction on the highway

CLEANSING
No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 32
Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form
2. Memorandum from Cleansing dated 3 November 2016
3. Memorandum from Highways Planning Manager dated 30 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: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk.

7. KEY DRAWINGS

Proposed Elevation 1:50

Proposed Plan 1:50

Proposed Section 1:25

Proposed Planter and Removable Glass Screen

LINE OF NEIGHBOUR'S PROPERTY

Notes

1. Existing circular decorative posts act as support stations to the temporary glazing

2. Removable sliding glazed wind protection screen

15.95

Revision Schedule		
Rev	Date	Description

PLANNING

BLAIR ASSOCIATES

Project: 5 Hertford Street

Drawn by: Proposed Elevation & Plan

Issue	Checked	Approved	Date Issued
1/17			25.10.2018
Project No:	2	09/2018/010	
Project Name:			

DRAFT DECISION LETTER

Address: 55 Shepherd Market, London, W1J 7PU

Proposal: Use of an area of public highway measuring 18.9m x 3.5m for the placing of 15 tables and 37 chairs and associated timber decking, planters with awning support stations and removable glazed screens, timber trellis and free-standing external heaters and lighting in connection with the existing ground floor use. , ,

Reference: 16/09864/TCH

Plan Nos: 1496-P-003

Case Officer: Mike Walton

Direct Tel. No. 020 7641 2521

Recommended Condition(s) and Reason(s)

Reason:

- 1 Because of its detailed design and materials of construction the covered area with glazed screens would harm the appearance and special architectural interest of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 5, DES 7, DES 9, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (X17AC)

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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

DRAFT DECISION LETTER

Address: 55 Shepherd Market, London, W1J 7PU

Proposal: Installation of timber decking, planters with awning support stations and removable glazed screens, timber trellis and free-standing external heaters and lighting in connection with the use of the public highway for the placing of tables and chairs.

Reference: 16/09865/LBC

Plan Nos: 1496-P-003

Case Officer: Mike Walton

Direct Tel. No. 020 7641 2521

Recommended Condition(s) and Reason(s)

- Reason:
- 1 Because of its detailed design and materials of construction the covered area with glazed screens would harm the appearance and special architectural interest of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area. This would not meet 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. (X17CB)

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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Agenda Item 8

Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 th January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	25 - 26 Albemarle Street, London, W1S 4HX,		
Proposal	Use of the ground and basement floors as a restaurant (Class A3), installation of plant at rear first floor level and roof level with a high level extract duct on the rear elevation. Installation of two high level gas flues on the rear elevation and installation of a replacement rooflight at rear first floor level.		
Agent	Daniel Rinsler & Co		
On behalf of	Aldwych Properties		
Registered Number	16/10126/FULL	Date amended/ completed	4 November 2016
Date Application Received	21 October 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional planning permission.
--

2. SUMMARY

25-26 Albemarle Street is an unlisted building located in the Mayfair Conservation Area and the Core Central Activities Zone but outside of any designated stress area. The building comprises basement, ground and first to fourth floor levels, with a retail unit at basement and ground floor levels (last occupied by a hairdressers) and office accommodation on the upper floors.

Planning permission is sought for the change of use of the retail floorspace to a restaurant, with a high level extract duct and gas flues on the rear elevation to terminate at main roof level. At rear first floor level it is proposed to install new plant and replace a roof light.

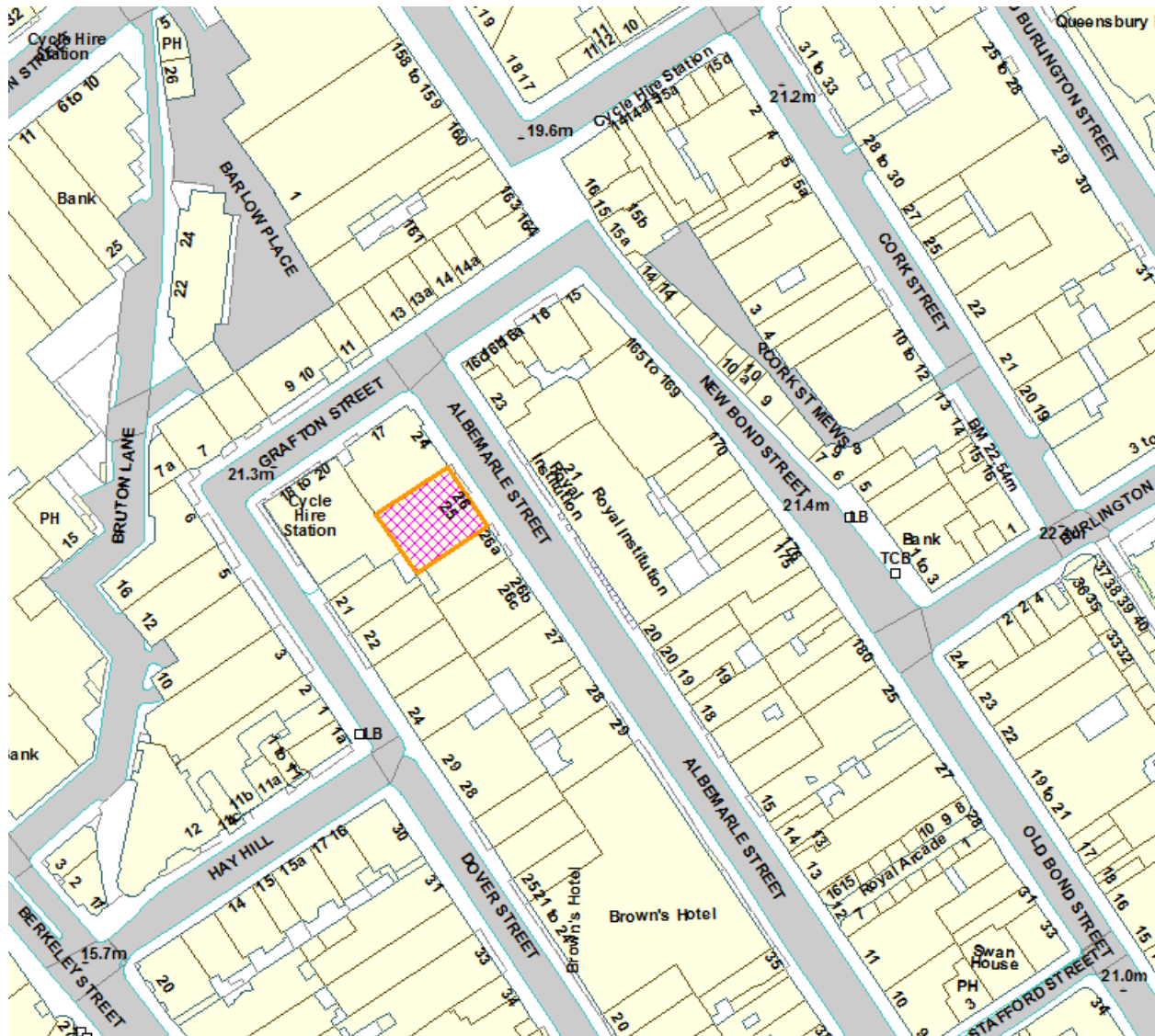
The key issues are:

- The loss of existing retail accommodation.
- The impact of the proposed restaurant on the amenity of nearby sensitive occupiers.

The loss of the retail accommodation is considered acceptable in this instance taking into account the

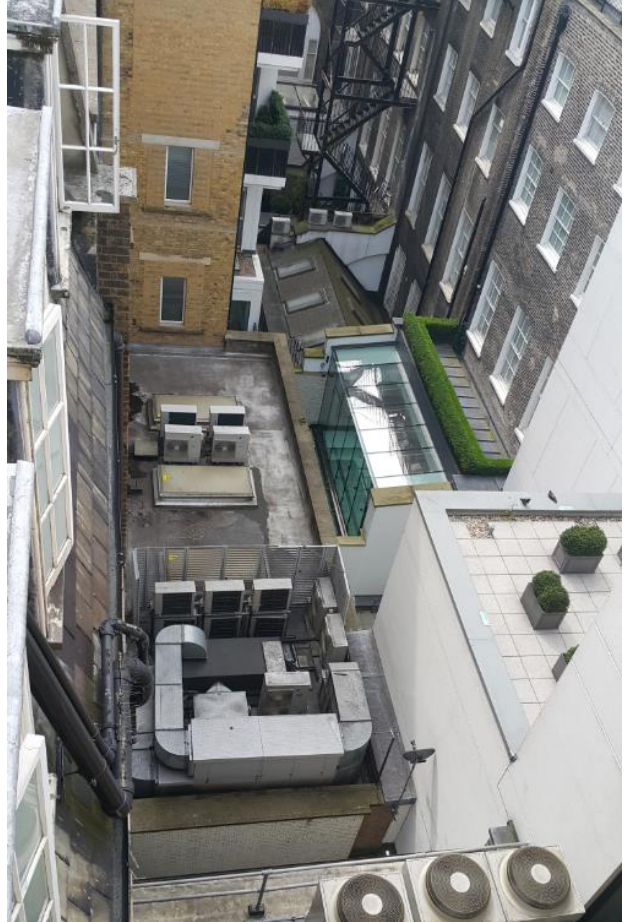
built form of the property and its location. Subject to appropriate conditions it is also considered the proposed restaurant use will be acceptable in terms of its impact upon residential amenity in the vicinity. The proposal is therefore considered acceptable in land use, transport, design and amenity terms. The application is recommended for conditional approval being in compliance with the relevant Unitary Development Plan (UDP) and City Plan policies.

3. LOCATION PLAN



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PHOTOGRAPHS



4. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S
Any response to be reported verbally.

ENVIRONMENTAL HEALTH
No objection subject to conditions.

HIGHWAYS
No objection subject to conditions.

CLEANSING
No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 60
Total No. of replies: 30; No. of objections: 0

30 letters of support on the following grounds:

* Improved vitality of the street and the area.

*The existing shopfront and window arrangement of the unit mean it is inappropriate for a retail use.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

25-26 Albemarle Street is an unlisted building located in the Mayfair Conservation Area and the Core Central Activities Zone. The property is located outside of the designated stress areas and the West End Special Retail Policy Area and comprises basement, ground and first to fourth floor levels. There is a retail premises (Class A1) at basement and part ground floor level which was previously occupied by a hairdressers but is now vacant, the upper floors (with ground floor entrance) are utilised as office accommodation (Class B1). The building is located on the western side of Albemarle Street at the northern end near the junction with Grafton Street.

5.2 Recent Relevant History

None relevant.

6. THE PROPOSAL

The existing retail premises are currently vacant but were previously occupied by Michael John hairdressers until they vacated on 19th July 2016. Permission is sought to change the premises to a restaurant use and install a high level extract duct to serve the kitchen with two gas flues to serve internal fires on the rear elevation of the property. The kitchen

extract duct would run to the main roof level of the property and would terminate above the height of the roof of the adjoining building to the south (26a Albemarle Street).

At rear first floor level, there is an existing roof lantern serving the retail unit which is to be replaced and enlarged and it is also proposed to install plant on this flat roof area.

The change of use of the retail floor space to restaurant results in an entertainment use measuring 614 m² (GEA)

	Proposed restaurant incorporating basement and ground floor level
Total A3 Floorspace (m ²)	614m ²
No. of covers in restaurant	120
Hours of Operation	10.00 to 00.00 Monday to Thursday, 10.00 to 00.30 Friday, Saturday and Sundays before a Bank Holiday, 12.00 to 23.00 on Sundays.
Ventilation arrangements	Full height kitchen extract duct and associated plant
Refuse Storage arrangements	To be stored within separate refuse and recycling storage areas at basement level.

7. DETAILED CONSIDERATIONS

7.1 Land Use

Loss of retail accommodation

The ground and basement floors are considered to be in lawful retail use (Use Class A1).

Policy S21 of the City Plan states that 'existing A1 retail will be protected throughout Westminster except where the Council considers that the unit is not viable, as demonstrated by long term vacancy despite reasonable attempts to let'. The supporting text advises that this approach will ensure that the needs of customers and retailers across the city are met through the retention of the number of shops and overall amount of retail floorspace.

Policy SS5 of the UDP also seeks to resist the loss of retail floorspace within the Central Activities Zone; outside of the Prime Shopping Frontages the policy aims to encourage a balanced mix of appropriate street level activities, whilst maintaining and safeguarding residential communities.

In support of the proposal the applicant has argued that a number of former restaurants in Albemarle Street have recently changed to retail accommodation using permitted development rights resulting in a lack of entertainment facilities to complement the retail provision in the vicinity. Further they consider the lightwell at the front of the property prohibits the unit having a 'traditional' shopfront as required by certain retailers and this has also been noted in some of the letters of support of the application which have been

received. Whilst this argument is of some merit, in this location popular with luxury, 'destination' retailers it is not considered a 'traditional shopfront' would be essential to enable a viable retailer to occupy the retail unit. The applicant has also provided an assessment of the viability of the unit submitted by Savills who marketed the unit for retail purposes when the hairdressers wanted to surrender the lease on the property. The information submitted by Savills is not a full marketing report for the property and is more a commentary on the retail market in Albemarle Street and how a high end restaurant in the street would be complimentary to the luxury offering in the vicinity. As such the City Council has not had the document independently assessed and little weight can be attached to the information provided in the document besides the general assessment of the area.

The unit is located at the northern end of Albemarle Street, close to the junction with Grafton Street, this part of the street does not have such a strong retail character compared to the southern end of the street which is closer to Piccadilly, and a large part of the frontage on the opposite side of Albemarle Street is dominated by the Royal Institution. The adjoining property to the north is a retail jewellery store on the junction with Grafton Street, the neighbouring property to the south is in use as residential flats, and this adjoins a restaurant. Browns Hotel is further south along Albemarle Street on the western side and also takes up a large part of the street frontage which further breaks up the retail character and function at this end of the street.

It is acknowledged that the proposal would result in three consecutive ground floor premises on the western side of Albemarle Street in non-A1 use, contrary to Part C of Policy SS5. However, Policy SS5 does allow for some flexibility for the introduction of a non-A1 use where it would not be detrimental to the character or function of the area. As set out above, given its location, it is not considered that the loss of the unit would undermine the function of the area, and for this reason it is not considered the loss of retail floor space can be resisted in this instance.

Proposed restaurant use

This application proposes a new restaurant premises at part basement and ground floor levels measuring 614m². The proposal must therefore be considered against the relevant City Council policies relating to entertainment uses. Policy S24 of Westminster's City Plan states that 'new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact residential amenity, health and safety, local environmental quality and the character and function of the area'. The policy also states that new large scale late night entertainment uses measuring in excess of 500m² (GEA), will not generally be appropriate within Westminster.

Policy TACE 10 of the UDP is also applicable and this states that entertainment uses over 500m² will only be permissible in exceptional circumstances'.

The site is located within the Core CAZ which is identified within Policy S6 of the City Plan as being an appropriate location for a range of commercial uses. The immediate vicinity is characterised mainly by commercial uses with most of the neighbouring buildings in use as office accommodation on the upper floors and retail / restaurants on the lower floor

levels. The nearest residential accommodation are the five flats in the adjoining building to the south (No. 26A). It is noted that no objections have been received to the current application from the occupiers of these flats. Besides these flats, Council records indicate the next nearest residential units are at 13 Grafton Street being a distance of approximately 40 m away.

The 'exceptional' circumstances the applicant has put forward are primarily with regard to the location of the premises within the Core CAZ but outside of a designated Stress Area, the type of use proposed with a high degree of management and that there are very few sensitive properties in the vicinity. It is acknowledged that there are very few residential properties in the vicinity of the premises (with the exception of the neighbouring property to the south) and this is reflected in the fact that no objections have been received to the application.

The applicant has also referenced a number of other properties along Albemarle Street (further south) where over the past few years the occupiers have exercised their permitted development rights to change from a restaurant / café use to retail accommodation. Whilst this is noted, there is no policy justification for alternative retail units to be changed to restaurant use, unless the application forms part of a formal land use swap.

The applicant has also provided an Operational Management Plan which they consider could be conditioned and is tailored to reduce noise and disturbance for residential occupiers in the vicinity, through controls on deliveries and customers entering and leaving the premises. There will be a qualified person at the door of the premises at all times to ensure customers leave the premises quickly and quietly and to ensure no vehicles are left idling in the street or parked inappropriately. Staff will also seek to ensure taxis are booked prior to customers leaving the premises.

For these reasons detailed above, the applicant considers that the proposals would have a limited impact and that this constitutes 'exceptional circumstances' under Policy TACE 10. Conditions are proposed requiring the restaurant operation to accord with the Operational Management Plan and the Servicing Management Plan which have been submitted to ensure that the operation and servicing of the unit does not negatively impact upon the amenity of residents in the vicinity. Conditions are also proposed to ensure that there is no takeaway service provided from the property or a home delivery service which might result in increased vehicular movements. A condition is also proposed to ensure that any music played in the premises is not audible externally or within adjacent premises.

The opening hours of the premises are proposed as 10:00 till 00:00 Monday to Thursday, 10:00 till 00:30 Friday, Saturday (and Sundays before a Bank Holiday) and 12:00 till 23:00 on Sundays. These proposed opening hours are considered reasonable and accord with Paragraph 8.88 of the UDP which states; 'as a general rule, the Council expects that, in entertainment uses in predominantly residential areas, it will impose planning conditions that no customers will be allowed to remain on the premises after midnight on Sundays to Thursdays, and after 00.30 on the following morning on Friday and Saturday nights'. The applicant has requested 120 covers, which again is considered modest and a condition is proposed to ensure this is the case.

The applicant has advised that part of the concept of the new restaurant premises involves the introduction of new wines and some wine tasting sessions taking place at the premises and it is noted there is a large wine cellar proposed in the basement. The wine cellar could accommodate up to ten people for informal wine tasting before lunch or dinner as people choose a wine to have with their meal. It is also proposed to have supplier / producer sampling sessions with 30-50 participants, which would take place either before lunch or dinner and approximately 10 times in a year. It is considered at this scale the proposed wine tasting and producer events are ancillary to the main proposed function of the premises as a restaurant (Class A3). An informative is proposed to advise the applicant the proposal has been determined on this basis and any greater level of wine tasting / sampling would not be considered an ancillary function to the main restaurant use and may constitute a sui generis use of the premises.

Environmental Health consider the proposed high level extract duct suitable to enable the discharge of cooking odours without detriment to neighbouring residential amenity.

There are a number of other 'entertainment' type premises in the vicinity including the Isabel restaurant two doors along at 26c Albemarle Street which has a license to open between 09:00 and 01:30 Monday to Saturday and 12:00 and 23:00 on Sundays. The Chor Bizarre restaurant at 16 Albemarle Street has a license to open between 10:00 and 01:00 Monday to Saturday and 12:00 and 00:00 on Sundays whilst the Albemarle Club at 36 Albemarle Street is licensed to be open between 09:00 and 06:00 Monday to Saturday.

Whilst it is acknowledged that the restaurant premises constitute a large entertainment premises, the number of covers (120) is relatively modest, and the hours of use accord with the City Council 'core hours'. Taking this into account and considering the stipulations in the Operational Management Plan which details a high degree of management and control at the premises it is not considered the proposal would have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality. In these circumstances, the application is recommended for conditional planning approval.

It is also acknowledged that the proposed operation would help generate further passing trade for neighbouring businesses being a 'destination' in its own right as opposed to reliant on passing trade which should further support the growth of this part of Albemarle Street. A number of the letters received in support of the application have commented on the benefits to the area which might result from the operation of the restaurant and the increased footfall in Albemarle Street being of benefit to nearby businesses. The principle of the proposed restaurant premises is therefore considered to be in accordance with UDP Policy TACE10 and City Plan Policy S24.

7.2 Townscape and Design

The primary design implications of the proposal is the effect of the new extract duct, and gas flues, on the rear and at roof level of the building and the surrounding Mayfair Conservation Area.

The building currently has a large flat topped mansard with air handling units and a large water tank toward the front elevation. The rear of the property has been modernised whilst the front elevation retains a traditional appearance. The new proposed duct is large and will project quite some distance above the top of the mansard. It is however set towards

the rear and the southern partition wall. Provided it is clad in brick slips it will have the appearance of a more traditional chimney, especially in long views. A condition requiring the gas flues to the rear to be similarly treated but these are much smaller and do not rise to a height above that of existing flues.

Window valances and an entrance canopy are shown on the proposed front elevation, but to date no detailed drawings have been provided to demonstrate whether these would be acceptable in design terms. An amending condition is proposed to exclude these from this permission. A separate application would be required for these canopies.

In design terms the proposals are acceptable and in accordance with DES1; DES6; DES9; S25; S28 and the NPPF.

7.3 Residential Amenity

The acoustic report includes an assessment of the acoustic properties of the new proposed rooflight at rear first floor level and the expected external noise levels generated by the internal activity within the restaurant. It concludes noise levels at the nearest sensitive window, being in the first floor at 26a Albemarle Street would be compliant with the City Council criteria. In order to achieve this, a condition is imposed which requires the rooflight to be non-openable.

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 resulting from plant.

An acoustic report has been submitted in relation to the installation of the high level extract duct at the rear of the property and the condenser units located on the flat roof area at rear first floor level with regard the potential noise and vibration impacts of the operation. The nearest residential windows affected by the first floor plant are at first floor level in 26a Albemarle Street, whilst the windows affected by the extract operation are at fourth floor level in 26a. Background noise levels have been measured in both locations to allow accurate design criteria to be measured. It has been demonstrated that noise from the duct and associated equipment will be compliant with the City Council requirements at these windows and this has been considered acceptable by Environmental Health. Conditions are proposed in relation to the noise and vibration levels from the plant and the installation of the specified associated acoustic mitigation measures.

The acoustic report demonstrates that the ducting is compliant with the City Council noise criteria over a 24 hour period and as some of this is used for ventilation / refrigeration it is not considered appropriate to condition the hours of use of the plant.

7.4 Transportation/Parking

Servicing from the street is considered acceptable subject to a condition requiring the submission of a Servicing Management Plan to ensure that the servicing does not negatively impact upon the highways network to the detriment of other users.

Cycle parking would be provided in the basement for four cycle parking spaces which accords with the requirements of the London Plan. The cycle parking provision would be secured by condition.

7.5 Economic Considerations

No economic considerations are applicable for a development of this size.

7.6 Access

Currently there is no level access to the property and despite being informed that the City Council would welcome the installation of a permanent ramp over the lightwell to allow for level access to the property the applicant has declined to provide this. They consider ramped access would look unsightly and is unsuitable for a 'prestigious venue', instead the applicant proposes the provision of a portable ramp in the property which could be temporarily installed to provide level access. Whilst clearly this would prove an added inconvenience for anyone in a wheelchair the application could not be reasonably refused on these grounds alone.

An accessible wc is provided at ground floor level.

7.7 Other UDP/Westminster Policy Considerations

Waste / Recycling

Following negotiation sufficient provision is now shown on the drawings for the provision of waste (including food waste) and recycling materials. A condition is proposed to ensure these facilities are provided and retained if the permission is implemented.

7.8 London Plan

This application raises no strategic issues.

7.9 National Policy/Guidance Considerations

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

7.10 Planning Obligations

Planning obligations are not relevant in the determination of this application and as the application is for a change of use without additional floor area, the proposal does not attract CIL.

7.11 Environmental Impact Assessment

Not applicable for a scheme of this scale.

8. BACKGROUND PAPERS

1. Application form
2. Response from Environmental Health dated 23 November 2016
3. Response from the Highways Planning Manager dated 13 December 2016
4. Response from the Cleansing Manager dated 14 December 2016
5. Letter from occupier of 18-20 Grafton Street, London, dated 30 November 2016
6. Letter from occupier of 14 St George Street, London, dated 28 November 2016
7. Letter from occupier of J R J Group, 61 Conduit Street, dated 28 November 2016
8. Letter from occupier of Queensbury House, 3rd Floor, dated 28 November 2016
9. Letter from occupier of EPIC UK Ltd, 3 Burlington Gardens, dated 28 November 2016
10. Letter from occupier of 10 New Burlington Street dated 28 November 2016
11. Letter from Castleforge Partners, 36 Dover Street, London, dated 28 November 2016
12. Letter from occupier of Vogue House, 1 Hanover Square, received 29 November 2016
13. Letter from occupier of Marlborough Fine Art (London) Limited, dated 29 November 2016
14. Letter from Conde Nast International, 25 Maddox Street, dated 29 November 2016
15. Letter from occupier of 40 New Bond Street, London, dated 29 November 2016
16. Letter from CERNO CAPITAL, 34 Sackville Street, dated 29 November 2016
17. Letter from occupier of 36 Dover Street, London, dated 29 November 2016
18. Letter from occupier of Clerville Investment Management, 14 - 15 Conduit Street, dated 29 November 2016
19. Letter from The Ritz London, 150 Piccadilly, dated 29 November 2016
20. Letter from dsam partners, 14-15 Conduit Street, London, dated 29 November 2016
21. Letter from occupier of 7 Clifford Street, London, dated 29 November 2016
22. Letter from occupier of 180 New Bond Street, London, dated 30 November 2016
23. Letter from LMR Partners, 55 New Bond Street, received 30 November 2016
24. Letter from occupier of 50 New Bond Street, London dated 30 November 2016
25. Letter from the occupier Penthouse 9, Savile Row, London, dated 30 November 2016
26. Letter from occupier of New West End Company, 3rd Floor, dated 1 December 2016
27. Letter from Lombard Odier, 3 Old Burlington Street, London, dated 5 December 2016
28. Letter from occupier of 41 Dover Street, London, received 5 December 2016
29. Letter from occupier of 16 Conduit Street, London, W1S 2XL dated 12 December 2016
30. Letter from occupier of Hauser & Wirth, 23 Savile Row, dated 29 December 2016
31. Letter from Graff, 28-29 Albemarle Street, London, W1S 4JA dated 29 December 2016
32. Letter from occupier of 18-20 Grafton Street, London, undated.
33. Letter from 26 Dover Street, London, undated.
34. Letter from occupier of 178 New Bond Street dated 21 December 2016
35. Letter from occupier of 3 Logan Place dated 21 December 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: JO PALMER BY EMAIL AT jpalm@westminster.gov.uk

9. KEY DRAWINGS

1 Proposed Basement GA Plan
Scale: 1:500

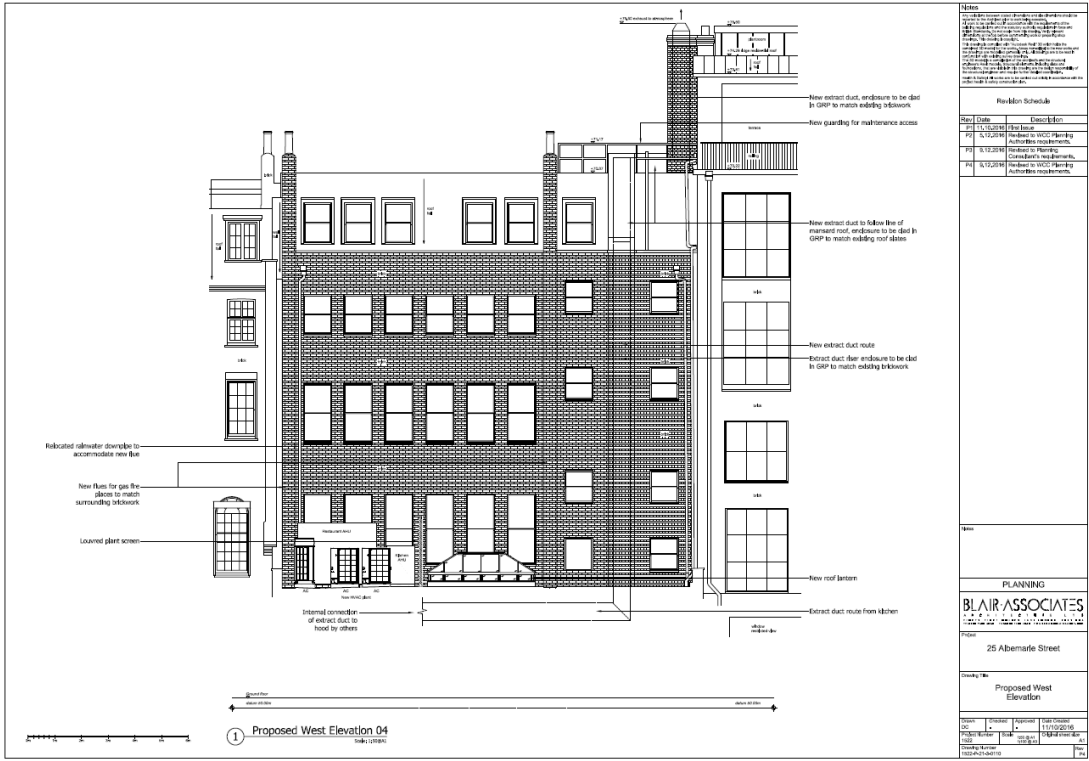
Notes:
- WCs do not comply with BS 6843
- Male WCs require:
 2 WCs
 1 urinal
 3 wash basins
- Female WCs require:
 3 WCs
 3 wash basins

Labels: LOOKER ROOM, BOY LOBBY, LIFT, STORE, W.C., FEMALE, MALE, LOBBY, STAIRS, HATCHER, NEW STAIRCASE, NEW PARKING, WINE CELLAR, REFUSE STORE, CYCLE STORE, PLANT, WINE CELLAR, 30/35 THE WINE LABOUR SCREEN AND DOOR.

1 Proposed Ground Floor GA Plan
Scale: 1:500

Notes:
- COA WC
- DUMB WAITERS
- New kitchen extract
- New staircase

Labels: ALBEMARLE STREET, RESTAURANT, BAR, RECEPTION, STAIRS, LIFT, PLANT, W.C., DUMB WAITERS, NEW KITCHEN EXTRACT, NEW STAIRCASE, NEW DOOR.



Revision Schedule	
Rev.	Description
01	Issue for GRP
02	Revised to match GRP
03	Revised to match GRP
04	Revised to match GRP
05	Revised to match GRP
06	Revised to match GRP
07	Revised to match GRP
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DRAFT DECISION LETTER

Address: 25 - 26 Albemarle Street, London, W1S 4HX,

Proposal: Use of the ground and basement floors as a restaurant (Class A3), installation of plant at rear first floor level and roof level with a high level extract duct on the rear elevation. Installation of two high level gas flues on the rear elevation and installation of a replacement rooflight at rear first floor level.

Reference: 16/10126/FULL

Plan Nos: Operational Management Plan, Servicing Management Plan, Acoustic Report (7666/AAR Rev1), Drawings: 1522-P-20-3-0090 RevP3, 1522-P-20-3-0100 RevP3, 1522-P-20-3-0110 RevP1, 1522-P-21-3-0100 RevP3, 1522-P-21-3-0110 RevP4, 1522-P-22-3-0090 RevP4, 1522-P-27-3-0120 RevP4.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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

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

non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application; ; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; ; (c) Manufacturer specifications of sound emissions in octave or third octave detail; ; (d) The location of most affected noise sensitive receptor location and the most affected window of it; ; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; ; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; ; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; ; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; ; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 5 You must install the acoustic mitigation measures as detailed in the approved acoustic report at the

same time as the plant is installed. These mitigation measures must thereafter be retained in place for as long as the plant is in operation.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R41BB)

- 6 You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 7 You must not allow more than 120 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 8 You must not play live or recorded music within the restaurant premises that will be audible externally or in the adjacent properties.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 9 The high level extract ducting shown on the approved drawings shall be fully installed before the restaurant use commences and thereafter maintained for as long as the Class A3 restaurants are in operation.

Reason:

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

- 10 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours:

10.00 to midnight Monday to Thursday,
10.00 to 00.30 Friday, Saturday and Sundays before a Bank Holiday; and
12.00 to 23.00 on Sundays.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 11 The restaurant use hereby approved must be operated in accordance with the submitted Servicing Management 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 (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)
- 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 (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)
- 13 You must operate the restaurant use hereby approved in accordance with the stipulations of the submitted Operational Management Plan.
- Reason:
To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)
- 14 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1522-P-20-3-0090 Revision P3. You must clearly mark them and make them available at all times to everyone using the premises. (C14FB)
- Reason:
To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)
- 15 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)
- Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)
- 16 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)
- Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras

10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 17 Any external plant that is to be removed must be removed along with associated pipework and fixtures / fittings before the plant hereby permitted is installed.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 18 Notwithstanding the details shown on the approved drawings, the rear extract duct and gas flues must be clad in brick or slate slips to match the existing adjoining brickwork and roofslates as appropriate. The brick/slate slips must be installed at the same time as the flues / duct are installed and maintained in situ for as long as the plant remains in place.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 19 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.

- 20 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 as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 21 The proposed rooflight at rear first floor level shall be non-openable and the acoustic attenuation measures as outlined in the acoustic report by RBA Acoustics, dated 10th November 2016 shall be installed prior to commencement of the use of the restaurant.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 22 Notwithstanding the details shown on the approved drawings, this consent does not authorise either the entrance canopy or window valances. You must apply for planning permission for these

works.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions 3 and 5 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 You are advised that the described level and function of wine sampling / tasting at the property is considered to be ancillary to the main function of the premises as a restaurant (Class A3), however, if this described operation were to change in the future to place greater emphasis on wine sampling / tasting then it may be considered that a change of use of the premises has occurred for which planning permission would be required. The City Council will take appropriate enforcement action to prevent any unauthorised change of use of the premises.
- 4 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.
- 5 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)
- 6 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.

- 7 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

- 8 Kitchen Extract Informative:, - The kitchen extract ducts should be designed to discharge vertically at highest roof level and clear of all existing and proposed windows in the vicinity. We accept systems with a flue height level which is higher than any building within 20 metres of the building housing the commercial kitchen. , - A scheme of odour reduction will need to be incorporated together with full height discharge if there are surrounding premises that are between 20 m - 50 m distance and which are also higher than the discharge point of the building housing the commercial kitchen., - All odour producing processes/cooking must be placed under the extract canopy hood in the kitchen to avoid low level odour escape from kitchen windows and doors., - All kitchen extract ducts must be fitted with doors/hatches for cleaning and maintenance at approximately 3 metre intervals and also complying with the H & S safe access standards (Informative 180CB).

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	6 - 14 Mandeville Place, London, W1		
Proposal	Extension and reconfiguration of ground and lower ground floors of the Hotel to create additional floorspace beneath a new atrium for conference and event purposes; creation of a new retail unit and a reconfiguration of existing restaurant facing Marylebone Lane with alterations to the ground floor facades; amalgamation of a 1 and 2 bed residential unit at first floor level of No 4 & No 6 Mandeville Place and a rear first floor extension to create a family sized residential unit. Use of ground and lower ground floors of No.4 Mandeville Place as Class D1.		
Agent	Savills		
On behalf of	Mandeville Court Limited		
Registered Number	16/10598/FULL	Date amended/ completed	17 November 2016
Date Application Received	4 November 2016		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission subject to a deed of modification to the original legal agreement dated 2 July 1982 to enable the ground and lower ground floors of 6 Mandeville Place to be used for hotel purposes.

2. SUMMARY

This application relates to the Mandeville Hotel, a 142 bedroomed hotel located at the junction of Mandeville Place and Hinde Street. The proposals for this site involve alterations and extensions to create additional floorspace for conference and event purposes, the creation of a new retail unit and reconfiguration of an existing restaurant facing Marylebone Lane. The proposals also include the amalgamation of two flats at 4-6 Mandeville Place and use of the ground and lower ground floors of No. 6 as hotel accommodation.

The key issues are:

- * The impact of the proposals in land use terms.
- * The impact of the external alterations on the character and appearance of the Harley Street

Conservation Area.

* The impact of the proposed conference use and the relocated restaurant use on neighbouring residential amenity

The relocation of the existing restaurant and the principle of additional space for functions and events in this area of the CAZ is considered acceptable, and subject to conditions controlling the operation and management of the event space and the restaurant, it is considered that these elements of the proposal would neither adversely impact on the character and function of the area, the surrounding road network, residential amenity, or the character and appearance of the Harley Street Conservation Area.

The amalgamation of two flats in 4-6 Mandeville Place to create a single family dwelling complies with policy and although the loss of two flats at ground and lower ground floors of 6 Mandeville Place would ordinarily be contentious in land use terms, these floors have been in long term hotel use since the 1980's and with the uplift of residential at first floor, and the other benefits of the scheme, it is not considered that the application could be refused on the grounds of loss of residential floorspace. Use of these floors for hotel purposes will require a deed of modification to a 1982 legal agreement.

The application is considered to accord with land use, design, amenity and highways policies and is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

No objections raised.

HIGHWAYS PLANNING

Objects to the loss of the off-street servicing facility, requests an updated Servicing Management Plan and updated Operational Management Plan (to include procedures for managing coaches and taxis) and requests that further cycle parking provision and waste storage for the retail units is secured by condition.

ENVIRONMENTAL HEALTH

No objections raised.

CLEANSING

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 182; No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to the Mandeville Hotel, a 142-bedroomed hotel, located at the junction of Mandeville Place and Hinde Street. The main part of the hotel is accommodated in converted and interlinked 19th century properties on the eastern side of Mandeville Place. The hotel was extended in the 1960s to incorporate a rear annex which fronts onto Marylebone Lane. The rear annex comprises an eight storey tower and a two storey podium element which sits over a ground floor retail unit running from Hinde Mews through to Jason Court. The tower element lies directly over the hotel's small rear servicing area off Hinde Mews.

Mandeville Place is predominantly commercial in character, although there are 17 flats within the adjoining property to the south, No. 2-6 Mandeville Place. At the rear, the majority of the properties fronting Marylebone Lane are within retail use at basement and ground floors with flats above.

The site lies within the Core Central Activities Zone (CAZ) and is located within the Harley Street conservation area.

6.2 Recent Relevant History

In July 2015 planning permission was granted for alterations and extensions to the rear annexe building comprising two storey infill extension at ground and mezzanine levels,

two storey extension at the podium element, front and side extensions to tower element and a ninth floor roof extension to provide 38 additional bedrooms at upper floor levels (Class C1) and a flexible commercial unit (Use Class A1/A2/A3) at ground and mezzanine floor level. Relocation of plant to podium and tower roof. This application has yet to be implemented.

In February 1999 planning permission was granted for the use of the ground and lower ground floors of 4 Mandeville Place as a physical exercise and rehabilitation studio (Class D1). This application has been implemented.

In December 1980 planning permission was granted (as part of a land use swap with 78/80 Wigmore Street) for the use of the basement and ground floors of 6 Mandeville Place as two flats. This permission was subject to a legal agreement requiring these floors to be retained in residential use. In October 1990 planning permission was subsequently refused for the continued use of the ground floor of No. 6 as offices ancillary to the hotel on the grounds of loss of residential accommodation.

7. THE PROPOSAL

The proposals involve the following works:

- A single storey extension within the central courtyard of the hotel and reconfiguration of the ground and lower ground floors to create additional floorspace for conference and event purposes. The proposed event space incorporates the rear part of a former pilates studio (Class D1) at lower ground floor level at 4 Mandeville Place and;
- The creation of a new retail unit and reconfiguration of the existing restaurant facing Marylebone Lane with alterations to the ground floor facades;
- Amalgamation of a 1 and 2 bed residential unit at first floor level of No 4 & No 6 Mandeville Place and a rear first floor extension to create a family sized unit.
- Use of ground and lower ground floors of No.6 Mandeville Place as hotel space (Class C1.)

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals involve the following alterations in floorspace:

Use		Existing	Proposed	Change
C3 Residential	6 Mandeville Place	189	0	-144
	1 st floor 4-6 Mandeville Place	230	275	
A1 Retail		0	233	233
C1 Hotel		1,715	1,954	+239
A2 Printing shop		362	362	-362
A3 Restaurant		505	500	-5
D1 Pilates studio		324	287	-37

8.1.1 Hotel extension

The hotel currently provides space at basement and ground floor levels for meetings, receptions and events ancillary to the hotel. The proposal involves the reconfiguration of this space together with the creation of an additional 239 sqm for events, conferences and functions.

Policies UDP TACE 4 and Westminster's City Plan Policy S23 are relevant. Policy S23 states that new conference facilities will be directed to the Core Central Activities Zone. It also states that proposals to improve the quality and range of (existing hotels) will be encouraged but acknowledges that conference facilities are only appropriate in those areas that are very commercial in character as they generate significant activity. TACE 4 of the Unitary Development Plan (UDP) is similarly worded, however, it also refers to the fact that planning permission for conference and related facilities will only be granted where such proposals would not have any adverse effects on residential amenity or the character and function of residential areas.

The site lies within the Core Central Activities Zone (CAZ), and whilst there are residential properties at the rear of the site, the main entrance to the hotel is onto Mandeville Place which does not have a predominantly residential character. The principal of additional space for functions and events is considered to be in accordance with adopted policy subject to amenity considerations which are detailed below.

The policy also recognises that new conference facilities provided within existing hotels can generate large increases in traffic. The transport impacts of the extended hotel are also set out below.

8.1.2 Relocation of existing restaurant

The site contains an existing restaurant which is located at basement level and accessed from Jason Court. The existing restaurant is 505sqm but is located in a discrete location entirely at basement level and some distance from the nearest residential accommodation. It is currently occupied by Levant and operates with late night opening hours until 02:00 Mondays to Saturdays and 01:00 on Sundays.

Adopted UPD Policy TACE 10 applies to proposals for entertainment uses in the city and states that permission will be granted for proposals only in exceptional circumstances where they exceed 500sqm. Policy S24 is similarly worded.

The proposals seek to reconfigure the existing restaurant and locate some 145sqm of restaurant floorspace to ground floor level directly opposite residential accommodation in Marylebone Lane. The remainder of the restaurant floorspace would remain at basement level retaining both the kitchen, and the full height extract ducting, in their current locations. Whilst locating a large restaurant close to residential accommodation would ordinarily be contentious, in this instance the reconfigured restaurant would, at 500 sqm, be smaller in size than that existing, and in addition, the applicant has agreed to conditions that would reduce the hours of opening until midnight Mondays to Saturdays and until 23:00 on Sundays.

In addition, conditions are proposed to ensure that the restaurant would essentially be a sit-down restaurant with any ancillary bar limited to a small part of the premises (i.e. 15%) to be used only by diners before, during and after meals. Entrance doors would be required to be self-closing to minimise noise escape. An operational management statement (OMS) has been submitted and this will be secured by condition to ensure that the impact of the restaurant use is minimised. With these conditions in place, it is considered that there is no conflict with Policies TACE 10 and S24.

8.1.3 New Retail unit

Policy SS4 (UDP) requires development schemes in existing shopping frontages to include 'shop type premises' at street level. Policy S21 of the City Plan directs new retail floorspace to the designated shopping centres. At present the site includes a large ground floor Class A2 unit at No.21-27 Marylebone Lane which has a mezzanine level across the majority of the unit. This unit is occupied by the commercial printers 'Hobs'. Policy S21 protects existing non-A1 uses from changing to uses that do not serve visiting members of the public. In this case, the printing use is replaced with a restaurant, as set out above, and a new retail unit facing Marylebone Lane and Jason Court and therefore these new uses would accord with Policy S21. This new retail unit provides 150sqm (GEA) of floorspace.

The proposed retail unit is in addition to the small retail unit proposed as part of the consented scheme at ground and mezzanine level under the existing void beneath the tower facing Marylebone Lane. This unit provides 83sqm (GEA) of Class A1/A3 restaurant floorspace. The drawings again show this unit to be re-provided, and it is again considered to remain acceptable against the adopted policy framework.

Taking both together, the development site will bring forward a total of 233sqm (GEA) of new retail floorspace in Marylebone Lane. It is considered that, this proposal will activate the existing blank frontage and provide an appropriate street level frontage that would attract visiting members of the public and enliven this part of Marylebone Lane.

8.1.4 Amalgamation of residential units

The proposal also involves the amalgamation of two flats at first floor at 4 and 6 Mandeville Place. The flat at No. 6 is a one-bed unit and that at No. 4 is a two-bed unit. The proposals would provide a single three-bed unit. The amalgamated flat would also be extended to provide an additional 45 sqm of residential floorspace.

Policy S14 of the City Plan states that all residential uses, floorspace and land will be protected. Proposals that would result in a reduction in the number of residential units will not be acceptable, except where:

- the council considers that reconfiguration or redevelopment of affordable housing would better meet affordable housing need;
- a converted house is being returned to a family-sized dwelling or dwellings; or
- two flats are being joined to create a family-sized dwelling.

The proposal complies with Policy S14 as the proposed amalgamation of the two flats will create a family sized unit (3+ bedrooms).

8.1.5 Loss of residential accommodation

The application also involves the use of the basement and ground floor levels of 6 Mandeville Place for hotel purposes, comprising some 189 sqm in floor area. In 1982, these floors were subject to a land use swap with former residential accommodation at 78/80 Wigmore Street and are subject to a legal agreement that require these floors to be used only for residential use. However, it would appear that the land use swap never took place and the applicant claims that these floors have been in hotel use since at least 1989. This appears to be the case, as in 1990 planning permission was refused for the use of the ground floor of No.6 for office purposes ancillary to the hotel. The application was refused on the grounds of loss of residential floorspace but it appears that enforcement action was never pursued against the loss of this accommodation.

Whilst the loss of residential floorspace is contentious in land use terms, given the length of time that these floors have been in hotel use, the uplift of 45 sqm of residential now proposed at first floor, and the other benefits of the scheme, it is considered that it would be difficult to insist that the clauses within the 1982 legal agreement should now be complied with.

A deed of modification is required to remove these clauses within the legal agreement that require these floors to be used only for residential purposes.

8.1.6 Loss of D1 floorspace

The proposals involve the loss of part of the rear basement level of 4 Mandeville Place which was last used as a pilates studio, a Class D1 community use. Some 37sqm of this unit would be incorporated into the new conference facility and therefore the application needs to be considered under Policy SOC1 of the UDP and S34 of the City Plan which protect existing social and community facilities.

Policy S34 states that all social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider. In all such cases the council will need to be satisfied that the overall level of social and community provision is improved and there is no demand for an alternative social and community use for that floorspace. In those cases where the council accepts a loss or reduction of social and community floorspace the priority replacement use will be residential.

The ground and lower ground floors of No. 4 are now empty and the former pilates studio have relocated. The space in question that is to be removed is a rear basement office, but some 287sqm of D1 space would be retained. The applicant has submitted a supporting statement from commercial property consultants who conclude that the loss of a small portion of the basement level is not significant to the overall attractiveness of the unit particularly as the ground floor space is unaffected. Whilst the loss of 37sqm of Class D1 floorspace is contrary to Policy S34, given the very minor loss involved, and the amount of D1 space retained, the loss in this case is considered acceptable.

8.2 Townscape and Design

The hotel podium and tower are post-war structures of no design merit, totally out of character with the scale and appearance of the surrounding streets and conservation area and highly obtrusive in views along Marylebone Lane. Consequently, the Harley Street Conservation Area Audit designates the building as a negative feature.

The application involves new shopfronts onto Marylebone Lane and recladding the podium in brickwork. These elements of the scheme are similar to the extant permission and once again are considered acceptable.

There is also no objection in design and heritage asset terms to the proposed glazed rooflight over the internal yard or the extension to the first floor flat. The detailed design of the rooflight accords with the style and period of the building and it will maintain the character and appearance of the surrounding conservation area when seen in private views from neighbouring properties. This accords with UDP policies DES 1, DES 5 and DES 9.

8.3 Residential Amenity

8.3.1 Sunlight and Daylight

UDP Policy ENV 13 aims to protect and improve residential amenity, including the sunlighting and daylighting to existing properties. Part (E) of the policy aims to resist new developments that would materially worsen sunlighting and daylighting levels for residential occupiers. Principally, the policy seeks to ensure good lighting levels for habitable rooms, which are bedsits, living rooms, studies and kitchens (if they include dining space and are more than 12.6m²). In implementing Policy ENV 13 the lighting levels advised in publications by the Building Research Establishment (BRE) with regard to natural lighting values are used.

The closest residential properties to this site are the 17 flats within 2-6 Mandeville Place which overlook the internal lightwell and face the podium at the rear. The applicant has submitted a detailed daylight and sunlight report by Delva Patman Redler Surveyors which assesses the impact of the development on these surrounding properties.

The infilling of the internal lightwell and the extension to the first floor flat would have no demonstrable impact on daylight or sunlight levels to the adjoining and adjacent flats in 2-6 Mandeville Place.

8.3.2 Impact of extended conference use

Policy TACE 4 recognises that Central London has the largest demand for conference and related facilities and anticipates an increase in demand. The policy identifies environmental problems associated with large numbers of people arriving and leaving together.

Policy S 29 of the City Plan states that the Council will resist proposals that result in an unacceptable material loss of residential amenity Policy S 32 states that the City Council will work to reduce noise pollution. Policy ENV 6 of the UDP states that the City Council

will require operational measures to minimise and contain noise from developments to protect noise sensitive properties.

The hotel already operates with a small conference facility at basement level which can accommodate between 20 to 40 people which operates until midnight daily. The reconfiguration of this space together with the creation of an additional 239 sqm would accommodate up to 140 people and operate until midnight Sundays to Thursdays and until 01:00 on Fridays and Saturdays. The applicant envisages that the space would be used on Mondays to Thursdays for meetings and conferences and on Fridays to Sundays for evening dinner parties, weddings and similar events with one to two events each weekend. The application therefore has the potential of the arrival and departure of larger volumes of people and it is therefore necessary to ensure that the activities associated with the use would not cause unreasonable disturbance for local residents due to the comings and goings of guests, or from activity taking place within the building, especially in the later evening and at weekends. Activity resulting from social events, can often be accompanied by loud voices, and noise from car and taxi pick-ups (horns, doors slamming, idling engines etc) which are a source of unacceptable disturbance for residents, particularly at quieter times.

In support of their application, the applicants have provided an Operational Management Statement (OMS) that sets out how the space will be used and managed.

- Each guest will be greeted by the reception team at the Mandeville Place entrance and taken through to the event space upon confirmation of their reservation.
- For each event a member of the reception team will be employed to control guests whilst they exit and enter the hotel.
- Conference and meeting style events held in the event space will be accessed via the Mandeville Place entrance.
- The entrance to Jason Court will only be utilised in the event that two separate, smaller events make use of the conference facility at the same time or in the event that a private dinner or party is hosted by the hotel.
- In the event that the Jason Court access is used to serve the Event Space, a member of staff will control and direct guests towards Wigmore Street for the purpose of leaving the area.
- The applicant operates a taxi ordering service that would collect guests directly either from the main entrance on Mandeville Place or from Wigmore Street. There would be no need for guests to congregate on the pavement to hail taxis.
- The hotel does not market itself to coach parties. In the unlikely event that a coach party does arrive, the coach will be instructed to drop off and collect guests from the single yellow outside of the main hotel entrance.
- All deliveries will be kept to a minimum, also to a specific time and date to minimize disruptions that may occur.
- No rubbish including bottles will be moved, crushed, removed or placed in outside area prior to collection.
- The Owner shall provide local residents living within 100 metres with a telephone hotline available when events are being held.

The hotel currently operates with a late night licence until 01:00 and whilst the Council's 24 Hour Noise Team have received complaints over the years regarding disposal of waste, noisy air conditioning equipment and noise from bottle crushing and refuse compressors, no complaints have been received regarding noise from customers leaving the venue or from noise from events or from parties visiting the hotel's restaurant and bar. The current application has not attracted any letters of objection. To address the concerns raised previously to the Noise Team, the application now proposes a dedicated internal waste store, in place of the external wheelie bins that the hotel currently use, and the OMS has been updated to limit the hours that staff access the waste store.

The applicant has also submitted an acoustic report that assesses the potential noise break-out from the proposed atrium. The report sets out that the atrium could be used for events with either soft/background music or live music/dancing using a PA system. As the nearest residential windows to the new atrium are the flats at first floor at 6 Mandeville Place overlooking the atrium a sealed triple glazed unit is proposed to limit noise break-out. Environmental Health consider that even with events with live music/dancing that the requirements of the Council's standard condition that restricts noise from internal activity to be 10dB below the minimum external background levels can be met.

Environmental Health have also requested conditions requiring the bedrooms from the proposed first floor flat to be relocated away from the proposed atrium, and conditions limiting hours when deliveries, servicing and bottle crushing can take place. It is considered that, subject to these conditions, and to operational conditions restricting operating hours and capacity; a requirement for the atrium roof to be fixed shut, and preventing noise outbreak from the premises that the proposals would not have an adverse impact upon the amenities of local residents.

8.3.3 Plant

The relocated restaurant would be served by the existing full height extract duct that terminates at roof level on the tower building. The enlarged event space would be served by the existing hotel kitchen and therefore no new extract ducting is required to serve the event space. Environmental Health officers are satisfied that the proposals would not result in any adverse odours or amenity impact on adjoining residential occupiers.

The application is therefore considered to comply with Policies S29, S32, ENV13, ENV6 and ENV7.

8.4 Transportation/Parking

The existing hotel has 142 rooms and provides on-site hotel restaurant and bar facilities. No parking facilities are provided for the hotel and the applicant has indicated that the majority of patrons arrive by public transport. An NCP car park is located on Welbeck Street and three taxi drop-off points are located on Mandeville place immediately outside the hotel. Servicing for the hotel is currently via a small service area on Hinde Mews (under the undercroft to the tower building). Servicing also currently takes place from Marylebone Lane (for refuse and linen collections) and from Hinde Street (for food and drink deliveries).

Strategic Plan Policy S41 and TRANS 20 of the UDP require off-street servicing for new developments, and the existing off-street servicing area currently provides access for small vehicles and vans. As part of the 2015 permission this servicing area was to be partly infilled beneath the undercroft to the tower building. Whilst the Highways Planning Manager has once again objected to the loss of the off-street servicing facility, this part of the application is identical to the approved scheme.

The Highways Planning Manager also initially raised concerns on the basis that the submitted Servicing Management Plan (SMP) was inadequate and did not indicate how processes or deliveries will be managed. The SMP has however since been revised and now sets out how deliveries and servicing requirements will be managed including timings of deliveries. This will be secured by condition.

There is no requirement for off-street parking provision for the proposed hotel extension, however, TACE 2 ordinarily requires space for coach parking where significant amounts of new visitor accommodation are proposed. Whilst no facilities are proposed for coach parking, the applicant indicates that the hotel does not market itself to coach parties, and do not actively encourage them. The applicants consider that this will not change in the future as a result of the application proposals. Cycle parking is also required under UDP Policy TRANS10. The application has been amended and now provides 12 cycle spaces, but 4 of these spaces are uncovered Sheffield stands within Hinde Mews and outside the application site. The Highways Planning Manager has been re-consulted on these revisions and his comments on the acceptability of these spaces will be reported verbally at the committee meeting.

8.5 Economic Considerations

The economic benefits of the application are welcomed.

8.6 Access

The proposed development has been designed to meet the requirements of Part M of the Building Regulations and incorporates the principles of inclusive design. All building entrances on the site are level with the public pavement.

8.7 Other UDP/Westminster Policy Considerations

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice

[Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

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

Refuse /Recycling

A dedicated waste storage area is provided within Hinde Mews which provides adequate facilities for waste and recycling facilities for the enlarged hotel and relocated restaurant. These facilities will be secured through condition

Sustainability

The application is supported by way of an Energy Statement which demonstrates that features can be incorporated into the building design. In total the development can achieve a 24.2 % reduction in CO2 emissions. As the proposals seek to alter an existing building and propose a small uplift in floorspace overall, the opportunities for savings are limited and in this respect the savings made are considered reasonable.

8.8 London Plan

The proposal accords with London Plan policies to provide additional visitor accommodation and convention facilities and the provision of entertainment and retail uses which are valuable parts of London's economy.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The applicant is seeking to vary a 1982 legal agreement that requires the ground and basement floors of 6 Mandeville Place to be used for residential purposes. The proposed variation is considered acceptable for the reasons set out in 8.1.5 above.

The applicant estimates the Westminster CIL payment at £41,925 and the Mayoral CIL at £10,225.

8.11 Environmental Impact Assessment

The application is not a sufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

None relevant

9. BACKGROUND PAPERS

1. Application form
2. Letter from Marylebone Association dated 19 December 2016

3. Memorandum from Highways Planning Manager dated 7 December 2016
4. Memorandum from Cleansing Manager dated 20 December 2016
5. Memorandum from Environmental Health dated 21 December 2016

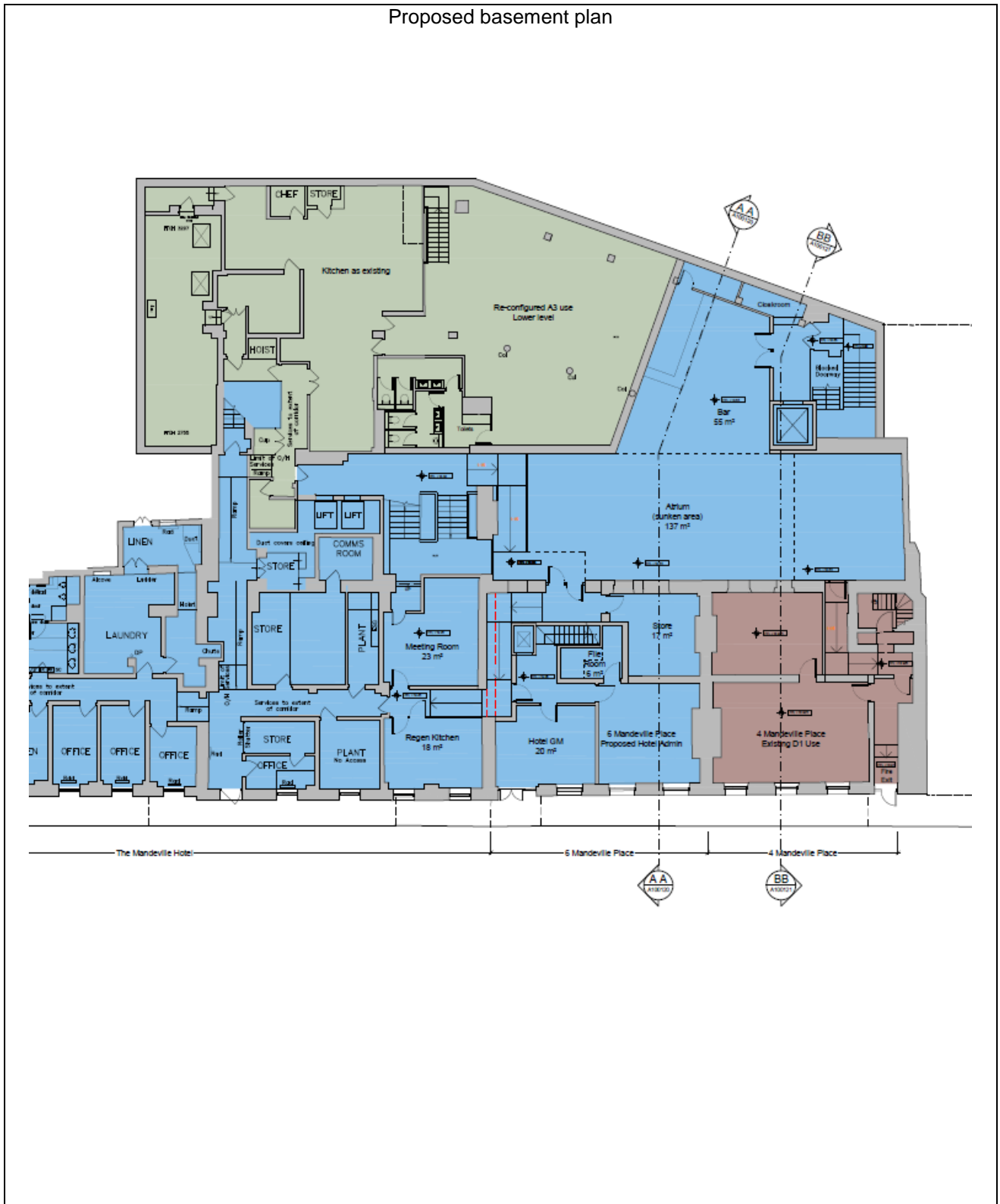
Selected relevant drawings

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

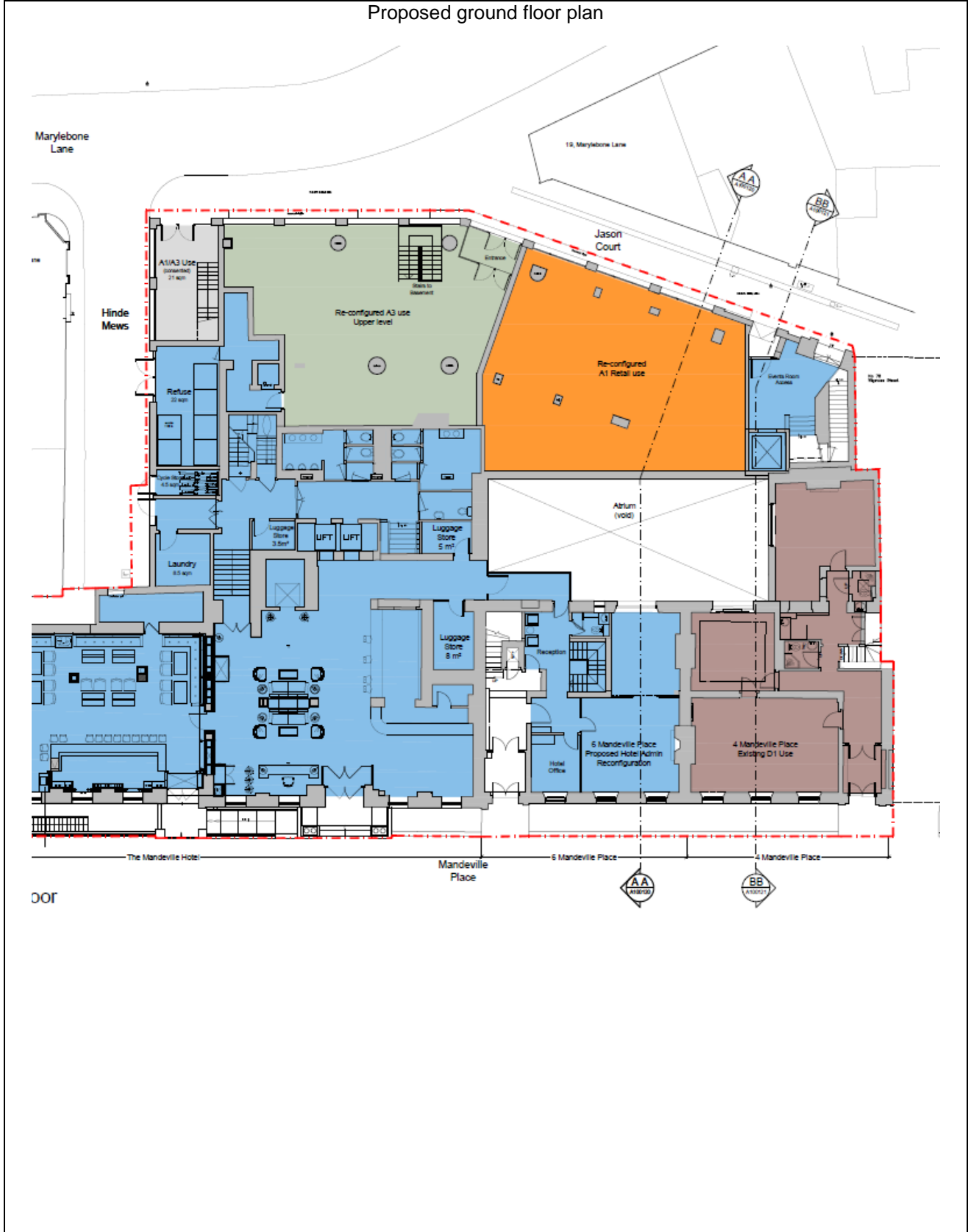
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

10. KEY DRAWINGS

Proposed basement plan



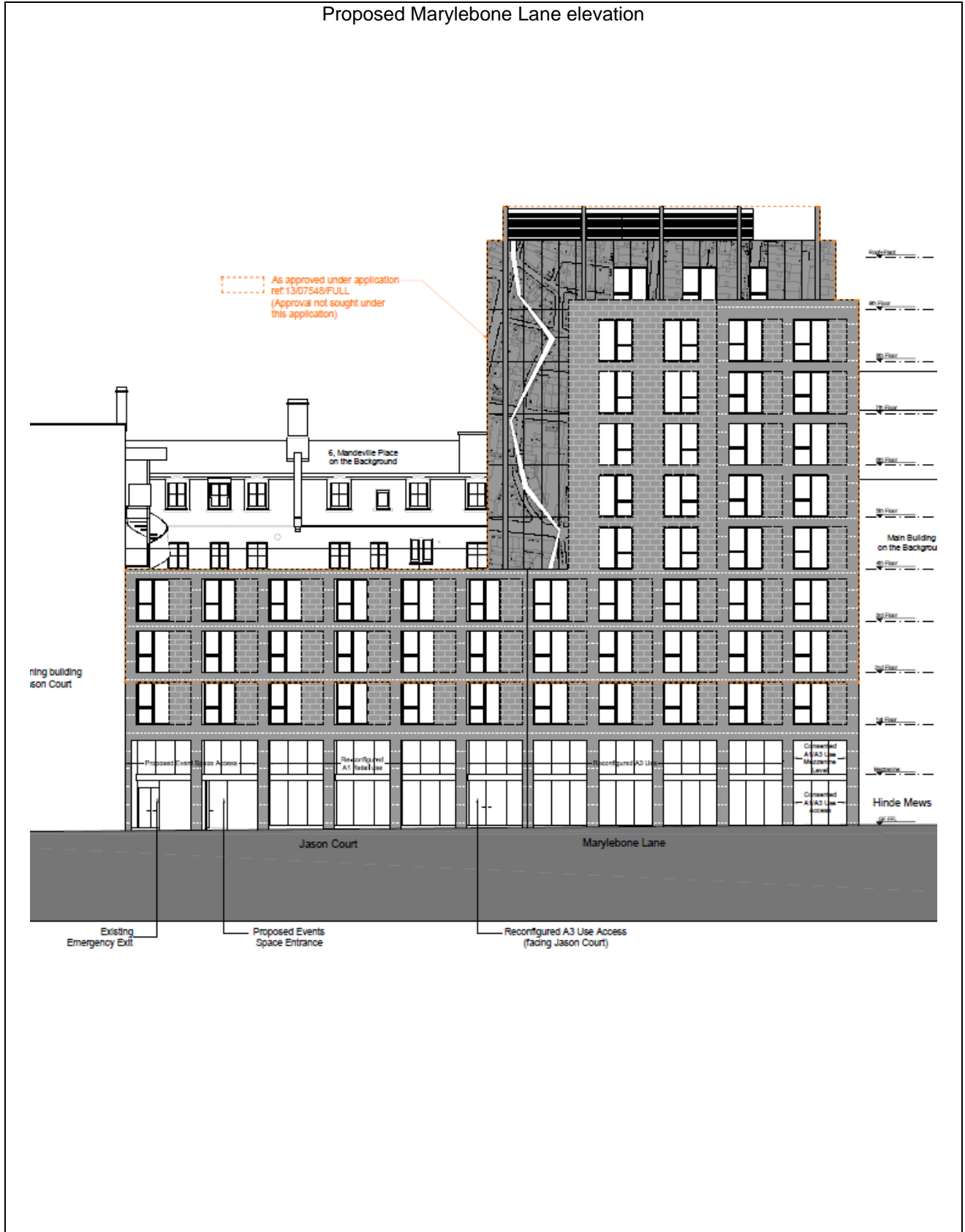
Proposed ground floor plan



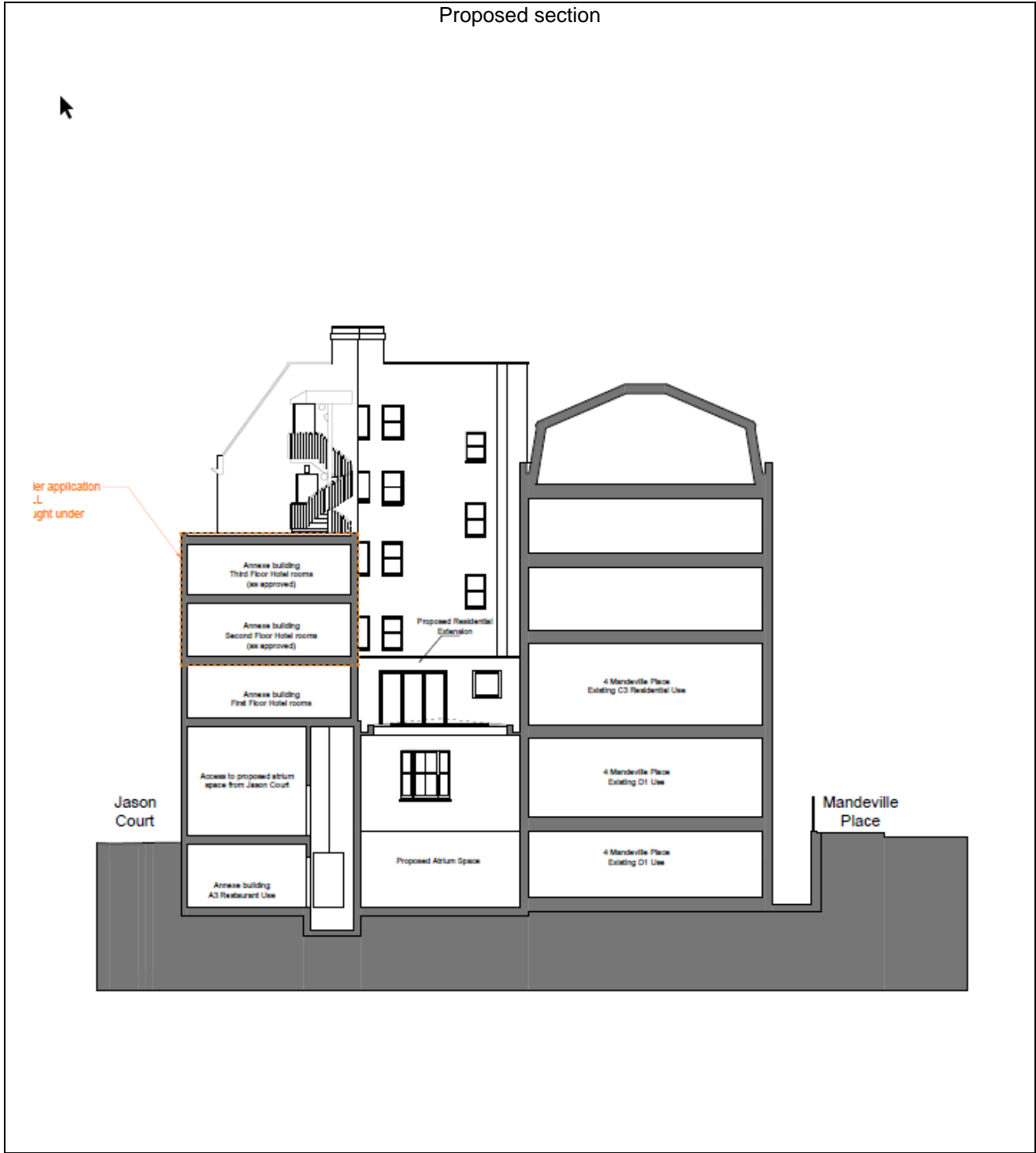
Proposed first floor plan



Proposed Marylebone Lane elevation



Proposed section



DRAFT DECISION LETTER

Address: 6 - 14 Mandeville Place, London, W1U 2BE,

Proposal: Extension and reconfiguration of ground and lower ground floors of the Hotel to create additional floorspace beneath a new atrium for conference and event purposes; creation of new retail unit and a reconfiguration of existing restaurant facing Marylebone Lane with alterations to the ground floor facades; amalgamation of a 1 and 2 bed residential unit at first floor level of No 4 & No 6 Mandeville Place and a rear first floor extension to create a family sized residential unit. Use of ground and lower ground floors of No.4 Mandeville Place as Class D1.

Reference: 16/10598/FULL

Plan Nos: 1190 A 100 001 P0, 002 P2, 003 P1, 004 P0, 110 P0, 120 P1, 121 P1, A 200 001 P0, 002 P0, Existing restaurant kitchen ventilation extract location drawing dated December 2016.

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:

*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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and

appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5 or 1:1 where appropriate) of the following parts of the development:
1. New windows,
 2. Shopfront,

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roofs, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 Notwithstanding the details shown on the approved plans, you must apply to us for approval of detailed drawings in plan at a scale of 1:50 of the layout of the proposed first floor flat. 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 these approved drawings.

Reason:

To ensure that the accommodation provided meets the City Council's normal standards and provides a high quality of amenity to future occupiers in accordance with S29 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 7 You must provide the waste store shown on drawing 1190 A 200 001 P0 before you use the relocated restaurant or event space. You must clearly mark it and make it available at all times to everyone using the hotel, restaurant and retail units. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 8 You must provide the waste store shown on drawing 1190 A 200 002 P0 before you use the flat at first floor level. You must clearly mark it and make it available at all times to everyone using the hotel, restaurant and retail units. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 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 All servicing shall be undertaken in accordance with the Servicing Management Plan dated 16.12.16 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 (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 11 You must carry out the development and provide all the energy saving and sustainability measures as detailed in the approved Energy Statement dated 4.11.16. You must not remove any of these features, unless we have given you our permission in writing.

Reason:

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

- 12 You must only occupy the reconfigured Class A3 restaurant, with the retained full height extract duct shown on your restaurant kitchen ventilation extract location drawing dated December 2016.

Reason:

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

- 13 The Class A3 use allowed by this permission must not begin until you have fitted self-closing doors at ground floor level onto Jason Court. You must not leave these doors open except in an emergency or to carry out maintenance. (C13MA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 14 You must carry out the measures included in your management plan dated 16 November 2016 at all

times that the relocated restaurant at 27 Marylebone Lane is in use.

Reason:

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

- 15 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the relocated A3 use. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet TACE 10 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 16 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours 08.00 to midnight Monday to Saturday and 10.00 - 23.00 on Sundays.

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 (November 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 17 You must carry out the measures included in your management plan dated 16 November 2016 at all times that the event space in the hotel is in use. (C05KA)

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 (November 2016) and TACE 4 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 18 You must not open the event space hereby approved to customers, and you must not allow customers on the premises, outside the hours 08.00 to 01:00 Thursday to Saturday and 08.00 - midnight on Sundays to Wednesday

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 (November 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 19 You must apply to us for approval of details of a strategy to mitigate light pollution of neighbouring sensitive properties prior to the use of the atrium commencing. Once these details have been approved the use must operate in accordance with the approved strategy for as long as the atrium is in use.

Reason:

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

- 20 (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 conference/event 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 conference/event 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 (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 21 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.

- 22 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.

- 23 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.

- 24 All servicing must take place between 07:00 and 19:00 hours only. Servicing includes loading and unloading goods from vehicles, putting rubbish outside the building, placing rubbish in external refuse areas and/or crushing bottles.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 25 The acoustic attenuation measures as outlined in the acoustic report by RBA Acoustics, dated 4th November 2016 reference 7618/AAR_2 shall be installed prior to commencement of the use of the atrium and restaurant.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 26 No live music shall take place or PA systems utilised in the restaurant area.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 27 The proposed atrium rooflight shall be non-openable and fixed shut at all times.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil, Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, Forms can be submitted to CIL@Westminster.gov.uk, **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 3 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)

- 4 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.

- 5 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.

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.
10

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	40 Beak Street, London, W1F 9RQ,		
Proposal	Variation of Condition 1 of planning permission dated 06 June 2015 (RN: 15/04904/FULL) for the demolition of the existing building and redevelopment to provide a new five storey building (plus basement) for use as Class A3 restaurant at part of ground and basement floors and Class B1 offices at part basement, part ground and first to fifth floors. Creation of terrace at roof level and plant. Excavation of existing basement by one metre; <u>namely</u> , to allow amendments to windows at fourth floor level, revised mullions to shopfront at ground floor level, reduction of width of corner artwork, extended projecting nib at ground floor level, dry riser inlet / entry panel shown; white glazed brickwork incorporated within plant enclosure (to match courtyard) and increase the height of restaurant awnings.		
Agent	Bidwells		
On behalf of	40 Beak Street Limited		
Registered Number	16/07669/FULL	Date amended/ completed	10 August 2016
Date Application Received	10 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

<p>1. Grant conditional permission, subject to a deed of variation to the original S106 dated 6 June 2015 to ensure that all the previous planning benefits are secured which, for the avoidance of doubt are:</p> <ul style="list-style-type: none"> * Provision of £1,040,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development); * The costs of monitoring the S106 agreement. <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p>a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefit listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;</p>

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

2. SUMMARY

The application site is situated on the corner of Beak Street and Bridle Lane and was originally built as a police section house. Planning permission was granted in June 2015 for the demolition of the existing building and rebuilding to provide a new five storey building (plus basement) for use as restaurant at part ground and basement floors and offices at part basement, part ground and first to fifth floors.

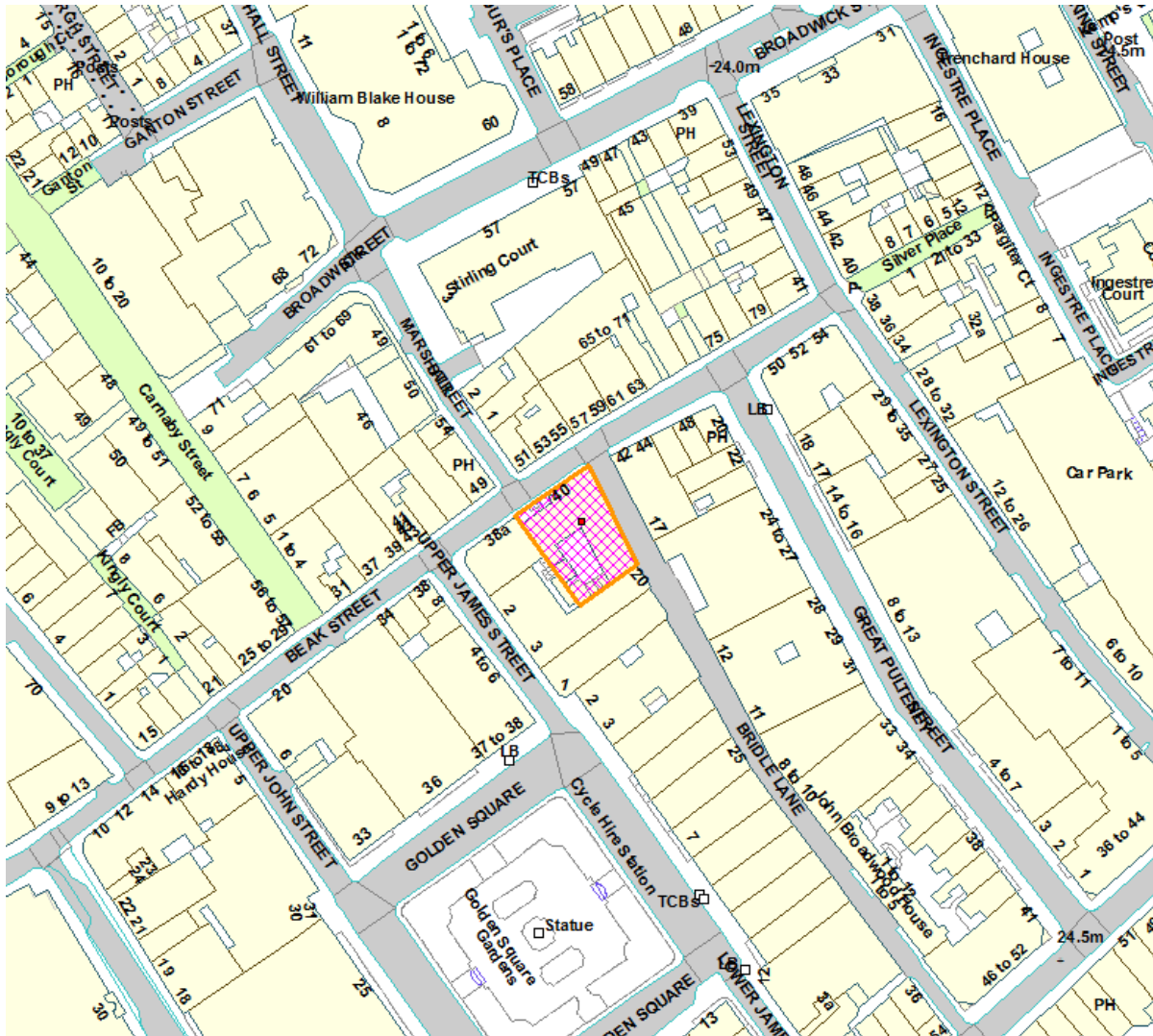
Permission is now sought for the variation of Condition 1 (under Section 73 of the Town and Country Planning Act) of the June 2015 consent for design alterations to the approved scheme. The proposed changes to the design of the new building are minor. They include a slight reduction in the width of the public art panel on the splayed corner, revised mullion design in the shopfronts, small changes to the projecting nibs on the facade at ground floor level, increased width of piers / pilasters at fourth floor level, raised cill / stallriser to shopfronts on Bridle Lane, height of shopfront awnings raised slightly, and the use of white glazed bricks to the plant enclosure on the roof. The changes to the area reserved for artwork and the changes to the cill heights on Bridle Lane are regrettable as they reduce the number of design benefits secured by the approved scheme. However, on balance, it is considered that these changes do not materially affect the design quality of the proposed building or its potential contribution to the character and appearance of the Soho Conservation Area.

The applicants requested that the application be considered under the new mixed use policy (adopted July 2016). This would result in a lesser affordable housing payment (£160,350). Condition 1 concerns drawing numbers and the S73 application requests the substitution of some of the approved drawings with new ones to allow for specified and distinct design changes. Neither the condition nor the design changes have anything to do with the provision (or non-provision) of residential accommodation in the approved scheme and it is inappropriate to use this procedure to re-visit this aspect of the approved scheme which is controlled not by condition but through a legal agreement. The applicants have now agreed to enter into a deed of variation to link this application to the extant legal agreement.

Subsequently, the applicants have requested that the affordable housing payment is made on first occupation of the building rather than commencement due to viability reasons. However, no viability report has been submitted to justify this departure from normal procedure, therefore the Deed of Variation will cover original planning benefits.

S73 applications, where there is no increase in floorspace, do not trigger a CIL payment.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Photo from 2012

5. CONSULTATIONS

SOHO SOCIETY

No objection

ENVIRONMENTAL HEALTH

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 21

No. of replies: 1 letter received from the commercial occupier of 1 Golden Square raising the following:

Other

- Noise and vibration during building works
- Rates revision during building works
- Increase in dust, air, traffic, hygiene pollution as a result of works in the area
- Road closures as a result of works
- Completion of works

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form
2. Response from Soho Society, dated 6 September 2016
3. Response from Environmental Health, dated 23 August 2016
4. Letter from occupier of 1 Golden Square, London, dated 12 September 2016

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

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

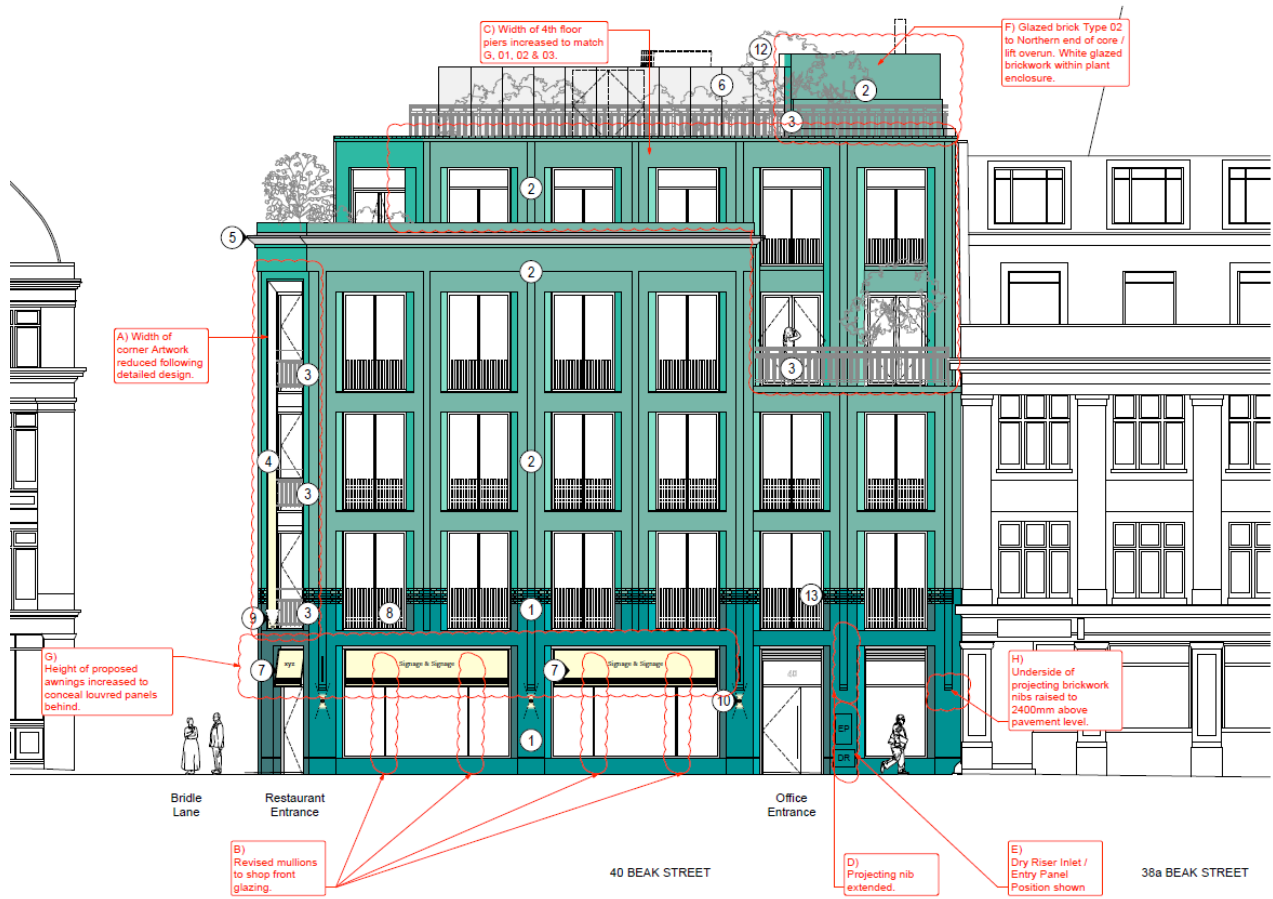
7. KEY DRAWINGS

Approved Beak Street elevation



<p>LEGEND</p> <p>011 Glazed Brickwork, Type 1 (Base)</p> <p>012 Glazed Brickwork, Type 2 (Body)</p> <p>030 Metal Balustrade</p> <p>041 Decorative Corner Window Reveal</p> <p>055 Decorative Cornice</p> <p>060 Acoustically Louvered Plant Enclosure</p>	<p>071 Restaurant Awnings</p> <p>080 Ceramic Fritting</p> <p>091 Dno. External Warm White LED Uplighters (To base of corner window reveal)</p> <p>103 External Warm White LED Light fittings</p> <p>111 Wall Mounted Awnings</p> <p>121 Brickwork, Type 1 (To Plank Wall)</p> <p>131 Transition between Glazes Type 1 & 2</p>	<p>PLANNING</p>	<p>Stiff + Trevillion Stiff + Trevillion Architects Ltd 16 Bedford Road London W1 3EG T +44(0)20 9945 5533 F +44(0)20 9945 5544 mail@stiffandtrevillion.com www.stiffandtrevillion.com</p>	<p>Project: 40 Beak Street LONDON, W1F 9RG</p>
				<p>000</p>

Proposed Beak Street elevation



<p>No. Date Revision Notes</p> <p>1 20/01/14 Multiple amendments as enclosed. See revision clouds.</p>	<p>LEGEND</p> <p>011 Glazed Brickwork, Type 1 (Base)</p> <p>021 Glazed Brickwork, Type 2 (Body)</p> <p>031 Metal Balustrade</p> <p>041 Decorative Corner Window Reveal</p> <p>051 Decorative Cornice</p> <p>061 Acoustically Louvred Plant Enclosure</p>	<p>071 Restaurant Awning</p> <p>081 Ceramic Fitting</p> <p>091 2in. External Warm White LED Lightings (To base of corner window reveal)</p> <p>101 External Warm White LED Light fittings</p> <p>111 Wall Mounted Aislings</p> <p>121 Brickwork, Type 1 (To Flank Wall)</p> <p>131 Transition between Glaze Type 1 & 2</p>	<p>PLANNING AS NOW PROPOSED</p> <p>0 1 5 M</p> <p>Stiff + Trevillion 30th Floor, Leadenhall Building 15 Abchurch Lane London EC3N 4AB T +44(0)20 9906 5500 F +44(0)20 9906 5440 info@stiffandtrevillion.com www.stiffandtrevillion.com</p>	<p>Project 40 Beak Street LONDON, W1F 9RG</p>
				<p>3814 ST-PR-03-100 P1</p> <p>Issue 1.00.00 Date: 20/01/14</p>

Approved Bridle Lane elevation




Service Entrances

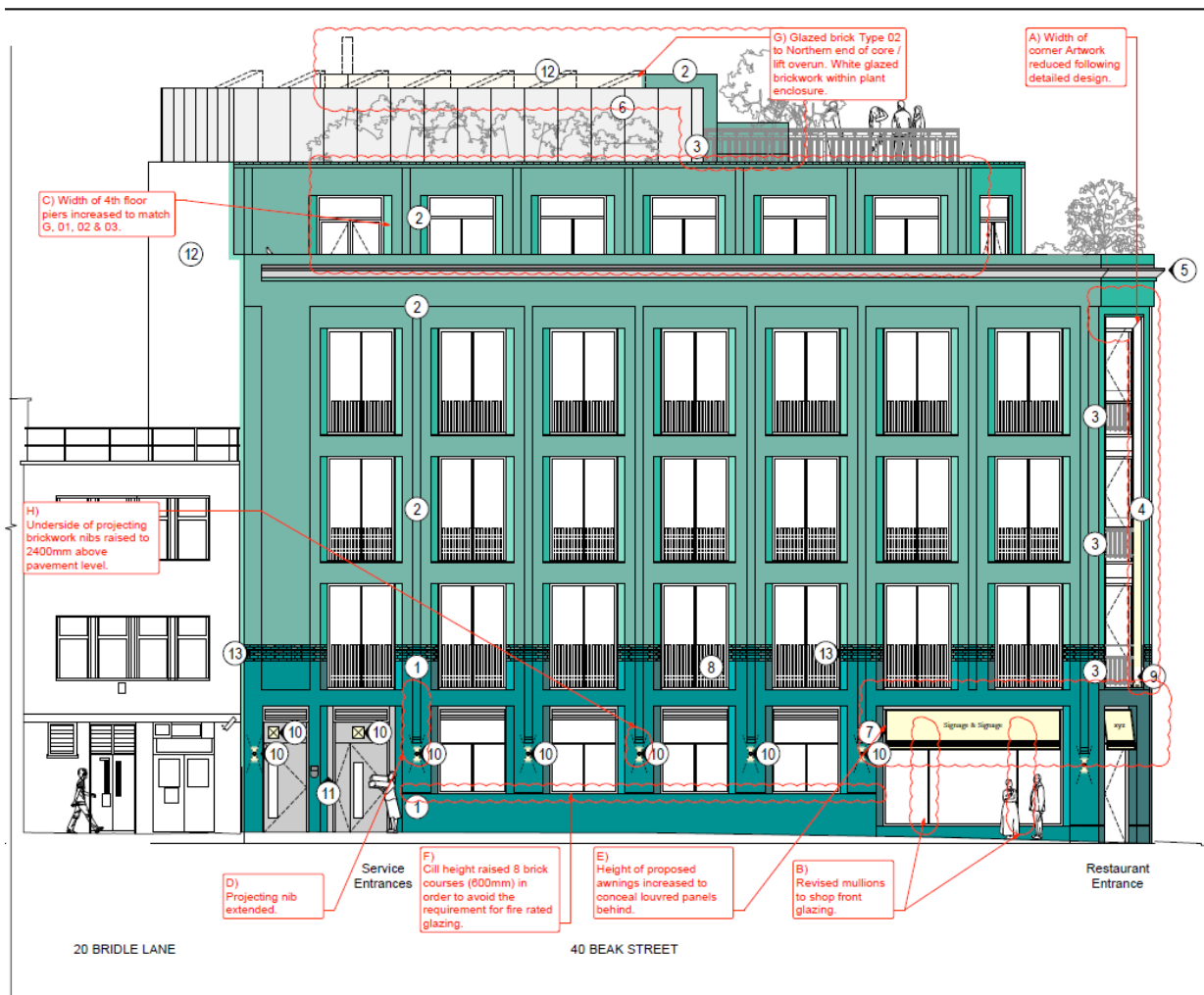
Restaurant Entrance

20 BRIDLE LANE

40 BEAK STREET

LEGEND 01 Glazed Brickwork, Type 1 (Base) 02 Glazed Brickwork, Type 2 (Body) 03 Metal Balustrade 04 Decorative Corner Window Reveal 05 Decorative Corniche 06 Acoustically Louvered Plant Enclosure 07 Restaurant Awnings 08 Ceramic Fritting 09 2nd External Warm White LED Uplighters (To base of corner window reveal) 10 External Warm White LED Light fittings 11 Wall Mounted Ashtrays 12 Brickwork, Type 1 (To Flank Wall) 13 Transition between Glazes Type 1 & 2	PLANNING 	Stiff + Trevillion <small>Stiff + Trevillion Architects Ltd</small> <small>15 Woodfield Road</small> <small>London W9 3SE</small> <small>T: +44(0)20 9943 2222</small> <small>F: +44(0)20 9943 4444</small> <small>mail@stiffandtrevillion.com</small> <small>www.stiffandtrevillion.com</small>	Project: 40 Beak Street LONDON, W1F 9RG
			Drawing: BRIDLE LANE ELEVATION AS PROPOSED Project No: 3814 Drawing No: ST-PR-03-101 Date: 14/03/2015

Proposed Bridle Lane elevation



revised. Additional ground floor window added. Facade amendment to 4 to 20 Bridle Lane.
is amended. See revision cloud.

LEGEND

01	Glazed Brickwork, Type 1 (Base)
02	Glazed Brickwork, Type 2 (Body)
03	Metal Balustrade
04	Decorative Corner Window Reveal
05	Decorative Cornice
06	Acoustically Louvred Plant Enclosure

07	Restaurant Awnings
08	Ceramic Tiling
09	2x2 External Warm White LED Uplighters (To base of corner window reveal)
10	External Warm White LED Light fittings
11	Wall Mounted Ashtrays
12	Brickwork, Type 1 (To Flank Wall)
13	Transition between Stages Type 1 & 2

PLANNING AS NOW PROPOSED



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Civil + Structural Engineers Ltd
15 Woodford Road
London W11 2JZ
T: +44(0)20 9040 0500
F: +44(0)20 9040 0444
info@stiff-trevillion.com
www.stiff-trevillion.com

Project: 40 Beak Street LONDON, W1F 7RG		
Drawing: BRIDLE LANE ELEVATION AS NOW PROPOSED		
Project No: 3814	Drawing No: ST-PR-03-101	Revision: P2
Scale: 1:50 & 1:20	Date: 14/07/2015	Printer: 01/01/2015

DRAFT DECISION LETTER

Address: 40 Beak Street, London, W1F 9RQ,

Proposal: Variation of Condition 1 of planning permission dated 06 June 2015 (RN: 15/04904/FULL) for the demolition of the existing building and redevelopment to provide a new five storey building (plus basement) for use as Class A3 restaurant at part of ground and basement floors and Class B1 offices at part basement, part ground and first to fifth floors. Creation of terrace at roof level and plant. Excavation of existing basement by one metre; namely, to allow amendments to windows at fourth floor level, revised mullions to shopfront at ground floor level, reduction of width of corner artwork, extended projecting nib at ground floor level, dry riser inlet / entry panel shown; white glazed brickwork incorporated within plant enclosure (to match courtyard) and increase the height of restaurant awnings.

Reference: 16/07669/FULL

Plan Nos: ST-PR-03-100 P1, ST-PR-03-101 P2, ST-PR-02-104 P1

16/00410/ADFULL

Construction Traffic Management Plan January 2016

15/11967/ADFULL

Building Contract dated 8 February 2016

15/12051/ADFULL

21334-09-AR-00-099D, 21334-09-AR-00-104D , 21334-09-AR-04-100A ,
3814-ST-PR-33-305-3 , 3814-ST-PR-74-322-4 , 21334-09-AR-00-101E ,
21334-09-AR-00-103D , 21334-09-AR-05-102A , 21334-09-AR-60-302 ,
21334-09-AR-60-304 , 21334-09-AR-60-305 , 3814-ST-PR-33-301-3 ,
21334-09-AR-00-100E , 21334-09-AR-00-105C , 21334-09-AR-04-101A ,
21334-09-AR-05-100A , 21334-09-AR-21-300 , 21334-09-AR-60-300 ,
21334-09-AR-60-301 , 3814-ST-PR-33-306-3 , 3814-ST-PR-74-320-4 ,
21334-09-AR-00-102C , 21334-09-AR-05-101A , 21334-09-AR-05-103 ,
21334-09-AR-21-301 , 21334-09-AR-60-303 , 21334-09-AR-60-306 ,
3814-ST-PR-33-302-3 , 3814-ST-PR-33-303-3 , 3814-ST-PR-33-304-3

15/04904/FULL

ST-EX-00-001, ST-EX-02-99, 100, 101, 102, 103, 104, ST-EX- 03-099, 100, 101,
ST-EX-04-100, ST-DM-00-000

ST-PR-02 -099 P1, ST-PR-02-100 P1, 101, 102, 103, 104, 105, ST-PR-03-099,
100, 101 P1, ST-PR-04-100

Noise impact assessment, Structural Statement (INFORMATION ONLY), Energy
assessment, transport statement

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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 basement excavation 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 basement excavation 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. (C11BA)

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 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 4 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours 08.00 to midnight Monday to Saturday and 08.00 - 23.00 on Sundays. (C12DC)

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: Strategic Policies adopted November 2013 and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 5 You must provide detailed drawings (plans and section/elevation) showing the full height kitchen extract duct indicated on your approved drawings. These details must be provided before the restaurant use commences and the approved duct shall thereafter be permanently retained for as long as the restaurant is in use.

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)

- 6 You must apply to us for approval of a management plan to show how you will prevent restaurant customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant 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.

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: Strategic Policies adopted November 2013 and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 7 The Class A3 use allowed by this permission must not begin until you have fitted self-closing doors within an enclosed lobby at the entrances. You must not leave these doors open except in an emergency or to carry out maintenance. (C13MA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 8 (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.

- 9 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.

- 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 carry out the development in accordance with the construction management plan details approved by the City Council as Local Planning Authority on 24 February 2016 under reference RN/16/00410/ADFULL or in accordance with other construction management plan measures as submitted to and approved by the City Council.

Reason:

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

- 12 You must carry out the demolition and development in accordance with the details approved by the City Council as Local Planning Authority on 1 March 2016 under reference RN:15/11967/ADFULL or in accordance with other demolition measures as submitted to and approved by the City Council

Reason:

To maintain the character of the Mayfair 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)

- 13 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 Soho 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)

- 14 You must provide the environmental sustainability features (environmentally friendly features), as set out in your energy report from GDM Partnerships before you start to use any part of the development.

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)

- 15 You must submit detailed drawings showing the layout of the restaurant uses before the restaurants are occupied. The drawings must include the entrances, kitchens, covers and bar areas.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Mayfair Conservation Area. This is in line with S25 of Westminster's City Plan (July 2016) and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 16 You carry out the development in accordance with the disability access details approved by the City Council as Local Planning Authority on 22 February 2016 under reference RN:15/12051/ADFULL or in accordance with other disability access measures as submitted to and approved by the City Council.

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 H 8 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20BC)

- 17 All servicing must take place between 06.00 - 08.30 on Monday to Saturday and 06.30 - 08.30 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

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

- 18 You must clad the western elevation in white glazed brick. You must apply to us for approval of a sample of the white glazed brick. You must not start work on the relevant part of the development until we have approved the sample. You must then clad the elevation in the brick we have approved and must not change it without our permission.

Reason:

To increase the reflectivity into the adjoining office windows.

- 19 The plant/machinery hereby permitted shall not be operated except between 08.00 hours and 00.00 (midnight) hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by

ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 20 You must not allow more than 125 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

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

Reason:

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

- 22 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development - typical facade details at all levels. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings. (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)

- 23 You must apply to us for approval of:

- a. Drawings showing typical details of the façade cladding (scales 1:20 and 1:5)
- b. A sample panel of glazed brick slips (measuring at least 1000 mm x 1000 mm)

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings and samples. (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)

- 24 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)

- 25 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme

- The extract duct to terminate above the roof level of the adjacent property (1 Upper James Street)

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.

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 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 8 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.

- 27 You must paint all new external ductwork black and keep them that colour. (C26EA)

Reason:

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

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

- 29 This permission must be commenced no later than 6 June 2018

Reason:

This permission authorises amendments to the original planning permission granted on 6 June 2015 (RN 15/04904/FULL) which must be commenced no later than the above date.

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), Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 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 Conditions 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. (I82AA)
- 4 In premises that are to be used for entertainment purposes, where there may be a risk to employees from their exposure to high noise levels, the design and layout must seek to minimise such exposure so far as is reasonably practicable. For further information and guidance, please see: www.hse.gov.uk/noise/musicsound.htm.
- 5 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.
- 6 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 7 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)
- 8 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)

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.
11

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	57 Broadwick Street, London, W1F 9QS,		
Proposal	Variation of Conditions 1, 16, 21 and 22 of planning permission dated 29 April 2016 (RN: 15/07957/FULL) alterations and extensions to the existing building including erection of single storey extension at roof level to enlarge fourth floor level and extensions at ground, first, second and third floor levels on north (Broadwick Street), south and west (Marshall Street) elevations to provide ancillary car / cycle parking, ancillary plant and retail (Class A1) at basement level; part retail (Class A1), part dual / alternative retail (Class A1) and / or cafe / restaurant (Class A3), part office entrance (Class B1) and part residential entrance (Class C3) at ground floor level; dual / alternative office (Class B1) and / or retail (Class A1) use at first floor level and installation of plant at rear first floor level; office (Class B1) with rear terraces at second and third floor level; part office (Class B1) with front terraces and two flats (Class C3) with terraces at fourth floor level and installation of kitchen extract plant to fourth floor roof. (Land use swap with Shaftesbury Mansions, 52 Shaftesbury Avenue); namely to vary the approved plans of waste and recycling/cycle parking and residential parking and relocation of the approved electricity substation from basement level to ground floor level.		
Agent	Rolfe Judd Planning Ltd		
On behalf of	Shaftesbury Carnaby Ltd		
Registered Number	16/08557/FULL	Date amended/ completed	6 September 2016
Date Application Received	6 September 2016		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

<p>1. Grant conditional planning permission, subject to a deed of variation to the original S106 dated 29 April 2016 to ensure that all the previous planning benefits are secured.</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p>a) The Director of Planning shall consider whether it would be possible and appropriate to issue the</p>
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permission with additional conditions attached to secure the benefit listed above. If so, 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 the proposals are unacceptable in the absence of the benefit which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The site is an unlisted building located in the Soho Conservation Area and the Core Central Activities Area at the junction of Broadwick Street and Marshall Street. The building comprises basement, ground and first to third floors (podium) with a tower element on part of the building. The tower is in use as residential flats and does not form part of the proposals. Planning permission was granted in April 2016 for the alterations and extensions of the podium element, to provide new office, residential, retail and restaurant uses, reconfiguration of the parking and servicing arrangements and the installation of plant.

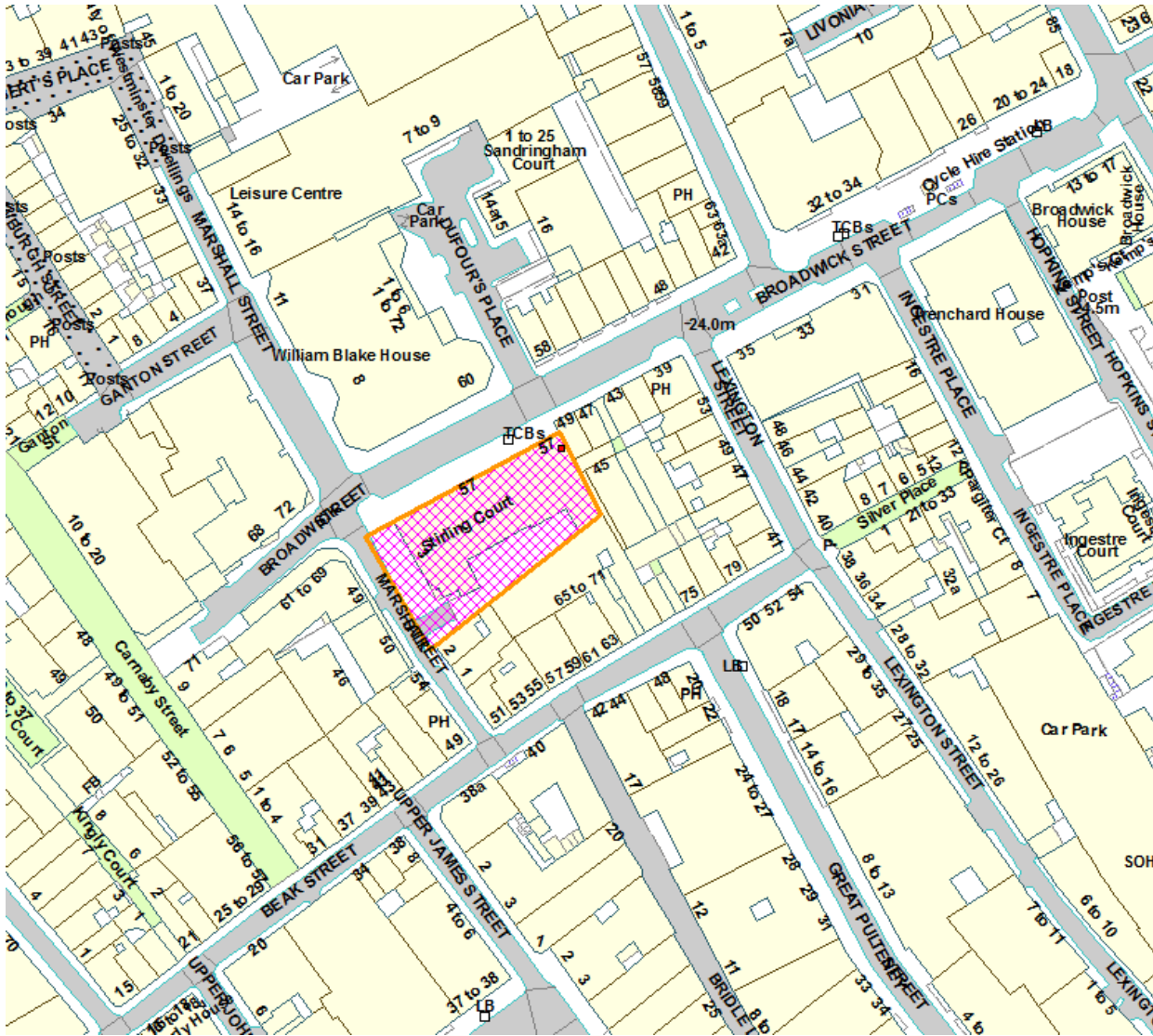
Since consent was granted, UK Power Network has confirmed that the approved position for their electricity substation is not suitable and the electricity substation needs to be relocated to the ground floor. Permission is sought for the variation to a number of conditions that were attached to the April 2016 consent, to allow for the changes required to the approved refuse arrangements, the car parking layout and cycle store.

The key issue for consideration is:

- The amenity and highways implications of the relocated waste / recycling store and the electricity substation.

The reconfiguration of part of the basement layout and the relocation of the waste store, electricity sub-station and cycle parking are acceptable in highways and amenity terms subject to appropriate conditions. The application is therefore recommended for approval being in compliance with the relevant policies of Westminster's City Plan (City Plan) and the Unitary Development Plan (UDP).

3. LOCATION PLAN



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4. PHOTOGRAPHS



Photo taken December 2016

5. CONSULTATIONS

SOHO SOCIETY

Notes the objections from the residential occupiers and requests permission is only granted if the residents are in agreement with the proposed works.

HIGHWAYS PLANNING

No objection subject to conditions.

CLEANSING

Objection – further details required on the residential and restaurant waste.

BUILDING CONTROL

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 163

No. of objections: 13

Objections on the following grounds:

Highways:

- Obstruction and inconvenience to residents accessing the basement car park from waste movements / servicing.
- Safety implications for pedestrian movement conflicting with movements of waste.
- Loss of residential car parking spaces in the basement.

Amenity:

- Noise disruption to residents from the waste movements and collection vehicles.
- Impact of the previously approved fourth floor extension on privacy and daylight / sunlight.
- Impact of the previously approved plant on noise levels in the vicinity.
- Noise implications from the electricity sub-station.

Other:

- Fire hazard from the waste store.
- Communication and lease issues between the freeholder/management company and residential occupiers.
- Additional changes to the original planning permission – namely not implementing the basement retail use.
- Discrepancies between the covering letter and the Waste Management Plan.
- Security implications of commercial occupiers having access to the basement.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

57 Broadwick Street is an unlisted building located within the Soho Conservation Area, the property comprises a podium and tower element and is located on the corner of Broadwick Street and Marshall Street. Planning permission was granted on the 29 April 2016 for the alterations and extensions to the podium section of the building. Consent was also granted for the change of use of part of the basement, ground and first floor office accommodation to provide new retail and restaurant units and the creation of two new residential units at fourth floor level. This planning permission is currently being implemented with construction works progressing on-site.

6.2 Recent Relevant History

A planning application was withdrawn on the 6 September 2016 for the 'variation of condition 1 of planning permission dated 26 January 2016 (RN15/07957); namely, to amend the basement layout.'

The application proposed a reduction in the number of residential car parking spaces in the basement which was considered unacceptable in highways terms and following these concerns being expressed to the applicant they withdrew the application before determination.

Planning permission was granted on the 29 April 2016 for alterations and extensions to the existing building including erection of single storey extension at roof level to enlarge fourth floor level and extensions at ground, first, second and third floor levels on north (Broadwick Street), south and west (Marshall Street) elevations to provide ancillary car / cycle parking, ancillary plant and retail (Class A1) at basement level; part retail (Class A1), part dual / alternative retail (Class A1) and / or cafe / restaurant (Class A3), part office entrance (Class B1) and part residential entrance (Class C3) at ground floor level; dual / alternative office (Class B1) and / or retail (Class A1) use at first floor level and installation of plant at rear first floor level; office (Class B1) with rear terraces at second and third floor level; part office (Class B1) with front terraces and two flats (Class C3) with terraces at fourth floor level and installation of kitchen extract plant to fourth floor roof. This application was subject to a S106 agreement to secure the following:

- a) the residential use at 52 Shaftesbury Avenue to be provided prior to the occupation of the office/retail/restaurant accommodation on site;
- b) works to the highway including the removal of street trees, phone box and other street furniture items prior to the commencement of development;
- c) replacement of street trees in the vicinity of the site;
- d) relevant costs for the stopping up of parts of Marshall Street and Broadwick Street; and
- e) costs of monitoring the S106 agreement.

A number of applications have been approved in relation to the discharge of conditions on the above planning permission including samples of facing materials and a Construction Management Plan.

Planning permission was refused on the 17th May 1984 for the use of part of the basement car park (approximately 25 car parking spaces) by residents of the area. An appeal against an enforcement notice was dismissed on the 6th February 1985.

7. THE PROPOSAL

Planning permission is sought for changes to the approved basement and ground floor layout. This is due to the requirements of the UK Power Network who have stated that the approved electricity substation must be at ground floor level rather than the approved position within the basement. The substation is therefore proposed to be relocated to the area where the office/retail refuse store was approved. The office/retail refuse store will now be positioned at basement level.

Some of the existing residents in the tower element of the building have leases for car parking spaces within the basement of the property. In the previous consent all fourteen residential car parking spaces in the basement were retained for residential use with one additional parking space for use in association with the approved residential accommodation. The applicant has stated that due to on-going discussions with some leaseholders it has not been possible to obtain the necessary consent to amend the basement parking layout to accord with the planning permission, therefore consent is sought to amend the layout of the basement with regard the location of the cycle parking, retail provision and access points.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal does not result in any changes relating to the land use of the approved development.

The applicant has stated that due to the on-going discussions with leaseholders in relation to the proposals at basement level, they are not proposing to immediately implement the retail accommodation at part basement level. An objection has been received that this therefore constitutes a new scheme and should be considered as a new application. However, it is possible for the applicant to not implement that part of the approval at the current time, no external alterations are required and it would just mean that section of the basement remaining as parking which was the previous layout. It would also have no implications in terms of the City Council policy requirements as the approved scheme involved a large uplift in the floorspace serving visiting members of the public being retail and restaurant accommodation and this would still be the case even if the change of use of part of the basement was not implemented. The application cannot be reasonably refused on these grounds and the submitted drawings still clearly show the change of use of the part basement to retail and this is still the applicant's intention if they can get the agreement of relevant leaseholders.

8.2 Townscape and Design

The alterations to the layout of the basement and ground floor will not be visible from public or private views and will have no implications on design grounds.

8.3 Residential Amenity

Objections have been received from surrounding neighbouring residents to the potential noise nuisance caused by the relocated electricity substation. The nearest residential windows are located within 1 Marshall Street. It is acknowledged that the electricity substation may have the potential to generate noise and cause disturbance. However, the substation is proposed to be located within a brick clad enclosure, within an area which is semi-enclosed due to the approved extensions to the rear of the building. Acoustic louvres are proposed to allow for ventilation and it is considered that the substation will be capable of complying with the City Council's standard noise conditions.

An informative is proposed to remind the applicant of the requirement to comply with this condition and that the requirements of the condition will also apply to the operation of the relocated substation. The objections on noise and disturbance grounds are noted, however due to its location in a semi-open space and within an enclosure, it is not considered that permission could be reasonably withheld on these grounds.

Objections have also been received from residents in relation to potential noise nuisance both from the movement of recycling / waste from the basement of the property for collection and the waste collection vehicles themselves. It is not considered the movement of waste from the basement to the ground floor would result in noise levels which would affect residential amenity with the nearest residential windows being at fifth floor level in the building. Also it is not considered that the proposal will result in any additional vehicle movements above that which has previously been approved. The objections on these grounds are not therefore considered sustainable.

An objection has been received relating to the single storey extension to the podium block at fourth floor level and the loss of daylight and sunlight and the impact of noise from plant. These elements of the scheme have already been assessed and approved and are not relevant to this application.

8.4 Transportation/Parking

Car Parking

Permission is sought for the reconfiguration of part of the basement including some residential parking spaces. As previously mentioned, the existing residents within the tower have a leasehold interest in some of the parking spaces. An agreement has not been reached between the freeholder and the leaseholders and some parking spaces are to be retained in their current (existing) form.

The April 2016 consent requires the provision of 15 car parking spaces in the basement (14 for existing residential occupiers who have a lease which includes a parking space) and one additional car parking space associated with the new residential accommodation. A condition was attached to the permission requiring that all the car parking shown on the drawings had to be provided and to be only allowed to be used in association with the residential flats. The applicant is still bound by the requirements of this condition.

Objections have been received to the application from residential occupiers concerned that there will be a possible reduction in the residential parking provision. This is not the case, 15 car parking spaces are still shown on the proposed drawings and this is consistent with the original approval.

Cycle Parking

As a result of the changes to the layout at basement level, the location of the cycle parking has altered. The number of cycle parking spaces remains the same as approved and this is considered acceptable.

Waste / Recycling Movements

The office/retail refuse store is proposed to be relocated to basement level. The waste will be taken to the ground floor loading bay area every day to be collected by the refuse trucks.

The proposed relocation of the office/retail waste and recycling store to the basement may result in some minor inconvenience to residents moving their cars when waste is being taken from the basement to ground floor for collection however, this is unlikely to prove a regular occurrence due to the small number of car parking spaces in the basement and the short timeframe required to move the waste to ground floor. Also any waste movements could be temporarily halted if a car needed to access / exit the car park. Objections have been received from residential occupiers on these grounds. The Highways Planning Manager has reviewed all the submitted information and considers the proposal acceptable in highways terms and it is considered that the proposal represents an improvement on the previous situation. As part of the original consent, a condition was attached requiring the submission of detailed servicing management strategies for both the retail and restaurant units to ensure servicing does not detrimentally impact upon residential amenity in the vicinity. The objections on these grounds are not considered to be sustainable to justify a reason for refusal.

An objection has been received commenting that the applicant's covering letter states that waste collection vehicles will come into the rear servicing yard, and the Waste Management Plan insinuates that waste will be taken to Marshall Street for collection. As stated in the covering letter there is no access possible south along Marshall Street to Beak Street for a waste collection vehicle so all waste collection vehicles will need to access the rear servicing yard from Marshall Street, to collect waste, this is the same as the existing situation, which is considered acceptable.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

The application does not result in any changes to the previously approved access arrangements.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The Cleansing Manager has confirmed that the proposed waste and recycling store in the basement for the office and retail accommodation is satisfactory. However, the Cleansing Manager has objected to the scheme stating that further details are required of the restaurant and residential waste stores. The approved restaurant waste store is located at rear ground floor level, although not annotated as such; this waste store is controlled by conditions. Similarly, a condition was attached to the original consent relating to the residential waste. As there are no alterations to these elements of the approved scheme the objection is not justified.

An objector has commented on the potential for the relocated waste store at basement level to present a fire hazard. The store will be constructed in accordance with Building Regulations and it is not considered the waste store at basement level represents any more of a fire risk than the waste store in its previous location at ground floor level. The objection on these grounds is not therefore considered sustainable.

Procedural Considerations

In granting a variation of condition application to an extant consent the same conditions must be applied to the new decision. Some conditions of the April 2016 consent have already been discharged in relation to the submission of a Construction Management Plan and samples of facing materials and bricks. These conditions have been amended to ensure compliance with the previously approved details. A condition is also proposed to ensure the permission is implemented within three years of the original planning permission.

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

A deed of variation to the original S106 is required to ensure that all previously secured heads of terms are adhered to for this new consent.

S73 applications, where there is no increase in floorspace, do not trigger a CIL payment.

8.11 Environmental Impact Assessment

An Environmental Impact Assessment is not required for this application.

8.12 Other Issues

Crime and Security

An objection has been received on the grounds that allowing people working in the retail and office accommodation access to the basement presents a security risk for residents accessing their cars. This situation is similar to the existing situation where there was commercial car parking alongside resident car parking and the objection is not justified.

A number of objectors have mentioned the on-going relationship between the freeholder, management company and individual residents and the level of communication to the residents in relation to the redevelopment proposals. These issues are not planning matters and the City Council has carried out all its statutory duties in relation to the advertising of the relevant applications. Whilst there may be an unfortunate break-down in the relationship between various interested parties this has no implication for the determination of the planning application.

9. BACKGROUND PAPERS

1. Application form
2. Response from the Cleansing Manager dated 23 September 2016
3. Response from Soho Society, dated 10 October 2016
4. Response from the Highways Planning Manager dated 4 November 2016
5. Letter from occupier of Flat 2, 61-63 Beak Street, dated 26 November 2016
6. Letters from occupier of Flat 3 and 4 Stirling Court, Marshall Street, dated 26 September 2016, 27 October 2016 and 8 November 2016
7. Letter from occupier of 5.2 Stirling Court, London, dated 28 October 2016
8. Letter from occupier of Stirling Court, London, dated 21 October 2016
9. Letter from occupier of Warhill, Bereligh (owner of two flats in Stirling Court), dated 1 October 2016
10. Letter from occupier of 6.5 Stirling Court, 3 Marshall Street, dated 26 September 2016
11. Letter from occupier of 61-63 Beak Street, London, dated 9 October 2016
12. Letter from occupier of Flat 10, Stirling Court, 57 Broadwick Street, dated 28 October 2016
13. Letters from occupier of Flat 3, 61-63 Beak Street, London, dated 26 November 2016 and 26 November 2016
14. Letter from occupier of Stirling Court, Marshall Street, dated 8 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: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

10. KEY DRAWINGS

Previously approved basement plan:



New proposed basement plan:



Previously approved ground floor plan:



New proposed ground floor plan:



DRAFT DECISION LETTER

Address: 57 Broadwick Street, London, W1F 9QS,

Proposal: Variation of Conditions 1, 16, 21 and 22 of planning permission dated 29 April 2016 (RN: 15/07957/FULL) alterations and extensions to the existing building including erection of single storey extension at roof level to enlarge fourth floor level and extensions at ground, first, second and third floor levels on north (Broadwick Street), south and west (Marshall Street) elevations to provide ancillary car / cycle parking, ancillary plant and retail (Class A1) at basement level; part retail (Class A1), part dual / alternative retail (Class A1) and / or cafe / restaurant (Class A3), part office entrance (Class B1) and part residential entrance (Class C3) at ground floor level; dual / alternative office (Class B1) and / or retail (Class A1) use at first floor level and installation of plant at rear first floor level; office (Class B1) with rear terraces at second and third floor level; part office (Class B1) with front terraces and two flats (Class C3) with terraces at fourth floor level and installation of kitchen extract plant to fourth floor roof. (Land use swap with Shaftesbury Mansions, 52 Shaftesbury Avenue); namely to vary the approved plans of waste and recycling/cycle parking and residential parking.

Reference: 16/08557/FULL

Plan Nos: Construction Management Plan (Revision 2) dated 26th May 2016, Acoustic Report dated 23rd April 2015, Acoustic Report dated 18th November 2015, Acoustic Report dated 6th January 2016, Transport Statement Rev2 dated 25 June 2015, Odour Report (J0029/1/F1) dated 24 April 2015, Drawings: 10324.40, T(SK)017 RevA, T(SK)016 RevA, T1(20)P00 RevT2, T1(20)P-1 RevT1, T1(20)P01 RevT4, T1(20)P02 RevT1, T1(20)P03 RevT1, T1(20)P04 RevT1, T(SK)056 RevA, T(SK)055 RevA, T(SK)054 RevA, T1(20)E01 RevT1, T1(20)E02 RevT1, T1(20)E03 RevT1, T1(20)E04 RevT1, T1(20)E05 RevT1, T1(20)E06 RevT1, T1(20)S01 RevT1, T1(20)S02 RevT2, T1(21) D01 RevT1, T1(21)D02 RevT1, T1(21)D03 RevT1, T1(21)D04 RevT1, Linear Bricks, supplier: EH Smith, manufacturer: San Marco (Italy), ref: MAAX M.106, size:490Lx40Hx115D; Blue Glazed Brick, supplier: EH Smith, manufacturer: San Marco (Italy), ref: Custom blue glaze; Light grey mortar colour, TSK062, Sample of White glazed linear brick: EH Smith Architectural Clay Products, manufacturer, ref: 151203 B Mortar Ref - CPI X14, size: 490Lx40Hx115D, and sample of Metal/Cladding and Windows sample in dark grey (anodized look): Alucobond, manufacturer, Insulated render / Knauf Conni 1.0 - White; Metal Cladding Colour Light Grey: Alucobond 103; Double Glazed Unit: Pilkington Suncool 60/31; Silver Grey linear brickwork (EH Smith Architectural Clay Products, Mortar Ref - Stebah Hellgrau size:215Lx65Hx100).

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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

- 3
- (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;

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

Reason:

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

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

Reason:

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

- 5 You must install the acoustic attenuation as detailed in the submitted acoustic information at the same time as the plant is installed. This must be maintained in this form for as long as the plant remains in situ.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 6 As detailed within the submitted acoustic information, all first floor plant / machinery hereby permitted (except the three units serving the restaurant) shall not be operated except between 07:00 hours and 23:00 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external

background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 7 You must apply to us for approval of detailed drawings and manufacturers specification of the following parts of the development - restaurant ducting terminus. 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 environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007.
(R13CC)

- 8 The restaurant extract duct shown on the approved drawings (with further details approved under Condition 7 of this permission) shall be fully installed before the restaurant use commences and thereafter maintained for as long as the premises are used as a Class A3 restaurant.

Reason:

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

- 9 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the proposed plant at fifth floor level will comply with the Council's noise criteria as set out in Condition 3 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 10 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.

- 11 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.

- 12 You must not sell any hot-food take-away or drink within either approved restaurant premises (Class A3), nor operate a delivery service, even as an ancillary part of the primary Class A3 use.

Reason:

We cannot grant planning permission for unrestricted restaurant uses (Class A3) because it would not meet Policy TACE9 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case.

- 13 The bar areas and bar seating in each of the restaurants, must not take up more than 15% of the floor area of the individual restaurant premises. You must use the bar (if provided) to serve restaurant customers only, before, during or after their meals.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Soho Conservation Area. This is in line with S24 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE9 of our Unitary Development Plan that we adopted in January 2007.

- 14 You must not play live or recorded music within either of the restaurant premises that will be audible externally or in the adjacent properties.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 15 You must not allow more than 150 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 16 Before anyone moves into the property, 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 property.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of

Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 17 Prior to the occupation of the restaurant / retail units, you shall submit and have approved in writing by the local planning authority detailed servicing management strategies for the individual retail / restaurant accommodation to include an assessment of delivery noise combined with mechanical services, servicing hours, noise from doors and gates and activity noise from trolleys and/or human voices. All servicing shall be undertaken in accordance with the approved strategies 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 (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 18 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours:

07:30 to 00:30 Mondays to Saturdays; and
07:30 to 00:00 (midnight) Sundays and Bank Holidays.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 19 You must apply to us for approval of detailed drawings showing the following alterations to the scheme:

The shopfronts on Broadwick Street to the restaurant and office accommodation must not be recessed. They must be flush with the front façade.

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 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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.
(R26BE)

- 20 You must apply to us for approval of an odour management plan setting out the specifications of the odour abatement system and the maintenance strategy of the kitchen extract system.

The agreed odour abatement system and maintenance strategy shall remain in place for as long as the restaurant remains in use. 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 environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

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

Reason:

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

- 22 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of the building.

Reason:

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

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

Reason:

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

- 24 The Class A1 retail use hereby approved shall only be used for non-food retailing.

Reason:

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

- 25 The terrace areas hereby approved associated with the office accommodation can only be used between the hours of 08:30 and 20:30 Monday to Friday. You can not use the terrace areas outside of these hours other than in the case of an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 26 The Class A3 use allowed by this permission must not begin until you have fitted self-closing doors at the Broadwick Street entrance. You must not leave these doors open except in an emergency or to carry out maintenance. (C13MA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 27 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application:

green roof areas / wildflower planting areas

You must not remove any of these features. (C43FA)

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 28 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof areas 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 (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 29 Access is only to be provided to the identified 'green roof -restricted access' areas for maintenance purposes. These roof areas are not to be used for any other purpose unless in the case of an emergency.

Reason:

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

- 30 You must construct the development in accordance with the facing materials and samples approved by the City Council as Local Planning Authority on the 1st June 2016, 17th August 2016 and 10th November 2016 under references 16/04607/ADFULL,

16/07763/ADFULL and 16/09701/ADFULL or in accordance with any other relevant details submitted to and approved by the City Council.

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 (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 31 You must apply to us for approval of sound insulation measures to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 10 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:

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.

- 32 You must carry out the demolition and construction works in accordance with the details approved by the City Council as Local Planning Authority on 26th July 2016 under reference 16/05268/ADFULL or in accordance with any other details submitted to and approved by the City Council.

Reason:

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

- 33 This permission must be commenced no later than 29.04.2019

Reason:

As required by s91 of the Town and Country Planning Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered

favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

2 You 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)

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.

4 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)

5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

6 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)

7 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.

- 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 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 10 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

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

- 11 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 12 Please read the following.
- * British Standard BS: 5837 (2005) and later revisions - Recommendations for trees in relation to construction
 - * National Joint Utilities Group guide NJUG 10 - Guidelines for the planning, installation and maintenance of utility services in proximity to trees (1995)
 - * Arboricultural Practice Note APN 1 - Driveways close to trees (1996), and the products available to provide hard surfaces close to trees. (I92AA)
- 13 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

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.

- 14 The odour management plan is likely to require the submission of manufacturer's specification and detailed plans of the following details:
- Grease filters;
 - Carbon filters with a residence time of at least 0.4 seconds;
 - Electrostatic precipitator;
 - UV light/Ozone;
 - All filters to have life monitoring package with safety cut-off features to stop the kitchen extract system from functioning should any of the installed odour abatement measures fail;
 - An updated odour report and risk assessment including the details of all neighbouring receptors and;
 - Any such features as recommended by the updated odour report section on 'Mitigation' (currently section 5)
 - Details of an automatic cut-off if the odour mitigation system fails.
- The maintenance strategy is likely to require the submission of the details:
- Details of cleaning and maintenance measures required for each component of the system;
 - Details of the minimum frequency at which the cleaning and maintenance measures shall be undertaken and;
 - Examples of schedules and checklists to demonstrate that the cleaning and maintenance has been undertaken.
- 15 You are advised that the noise from the operation of the relocated electricity substation is controlled via the requirements of Condition 3 of this permission. Any noise output in excess of the requirements of this condition will be the subject of appropriate enforcement action.

Item No.
11

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.
12

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	449 Oxford Street, London, W1C 2PS		
Proposal	Use of part basement, ground and first floors as a composite use comprising car showroom and retail (sui generis).		
Agent	DP9 Ltd		
On behalf of	Tesla		
Registered Number	16/10374/FULL	Date amended/ completed	3 November 2016
Date Application Received	31 October 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Refuse permission - loss of retail floorspace.

2. SUMMARY

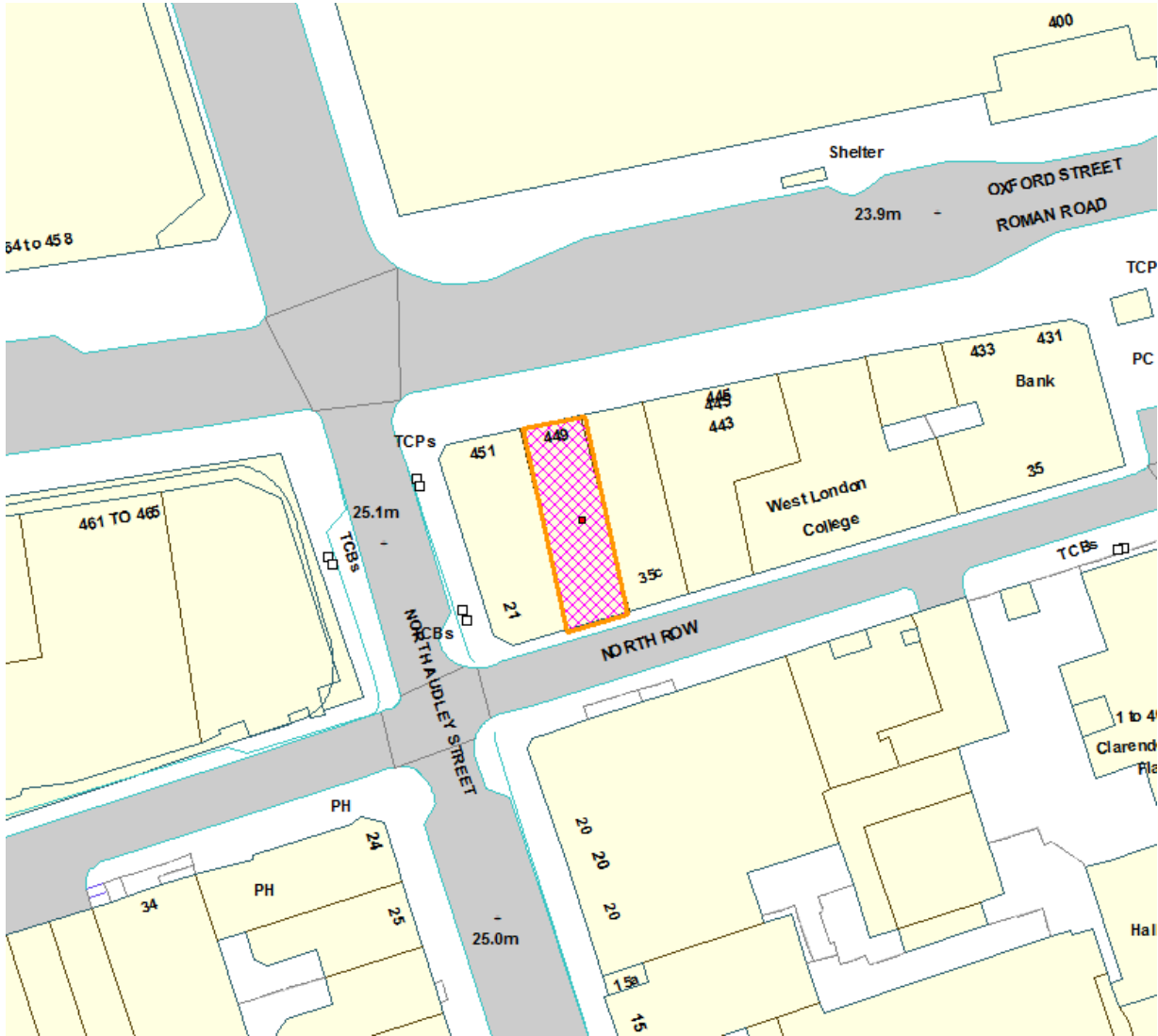
The application site comprises the front basement, ground and first floors of this unlisted building located within the Mayfair Conservation Area, the Core Central Activities Zone (Core CAZ), the West End Special Retail Policy Area and a Primary Shopping Frontage of the West End International Shopping Centre. The unit was last occupied by a gift shop (Class A1). Permission is sought for the use of the unit as a composite use comprising car showroom and retail (sui generis).

The key issue in this case is:

* Whether the proposed change of use would harm the unique status and offer of the West End Special Retail Policy Area and harm the character and function of the West End International Shopping Centre as a result of the loss of retail (Class A1) floorspace within the Primary Shopping Frontage.

It is considered that the loss of the retail shop would harm the character and function, and therefore attractiveness, of the Primary Shopping Frontage of the West End International Shopping Centre through weakening the retail offer. This would inevitably harm the unique status and offer of the West End Special Retail Policy Area. The proposal is therefore contrary to City Plan Policies S7 and S21 and UDP Policy SS3. For this reason the application is recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

- Concern raised in respect to the lack of information regarding how cars would be delivered to and from the site and how often this would occur.
- If cars are changed no more than once a quarter advises that it would be difficult to object to this level of trip generation.
- Requests that a Service/Delivery Management Plan be secured by condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 13

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises the front basement, ground and first floors of an unlisted building located within the Mayfair Conservation Area. The unit comprises 399 sqm (GIA). The rear basement is occupied by a passport photograph studio (Class A2) with an entrance onto North Row and does not form part of the application site.

The site is located within the Core CAZ, the West End Special Retail Policy Area and a Primary Shopping Frontage of the West End International Shopping Centre. The site was last occupied by a gift shop (Class A1).

6.2 Recent Relevant History

Permission was granted on 16 May 1988 (Ref: 88/01443/FULL) for the use of the basement, ground, and first floors for retail purposes.

Permission was granted on 16 July 2014 (Ref: 14/03502/FULL) for the use of second and third floors as three residential flats (Class C3), together with minor external alterations. It is understood that the internal works to convert the upper floors to residential accommodation have recently been completed but that the flats are not yet occupied.

Permission was granted on 21 July 2014 (Ref: 14/03484/FULL) for, *inter alia*, the use of rear part of basement of No. 449 Oxford Street for financial and professional use (Class A2) (currently occupied by a passport photography studio) and for the use of first floor of No. 447 Oxford Street for retail purposes (Class A1). The loss of retail floorspace at basement level was deemed to be acceptable as overall the scheme resulted in a net increase 77sqm of retail floorspace. The delivery of the additional retail floorspace within

No. 447 Oxford Street prior to the commencement of the financial and professional use was secured by condition.

Planning permission was granted on 20 August 2014 (Ref: 14/05606/FULL) for the installation of replacement shopfronts at Nos. 443 – 449 Oxford Street.

A planning application (Ref: 15/07967/FULL) was submitted in August 2015 by Tesla Motors Limited for the installation of air conditioning units at the rear of the property and a change of use of the ground, basement and first floors from retail to a car showroom (a *sui generis* use). However, the application was amended in October 2015 so that it only sought planning permission for the installation of plant. This followed advice from officers that the loss of a retail unit in this location was unacceptable in principle. Permission was granted on 10 March 2016.

A subsequent application (Ref: 15/09563/FULL), also submitted by Tesla Motors Limited, seeking planning permission for a mixed use of part basement, ground and first floors of the property as a retail shop and car showroom (*sui generis*) was withdrawn on 14 December 2015 following an officer recommendation to the Planning Committee that the application be refused on the loss of retail floorspace grounds. Officers did not accept that the proposed use of the property was a composite use comprising a retail shop and car showroom. Rather, officers considered that the retail element of the proposed use was ancillary to the principal use proposed; namely as a car showroom / marketing suite (*sui generis*).

Despite Officer advice that the proposed use was not considered to fall within Class A1, an unauthorised material change of use took place on 16 December 2015 from a retail shop to a car showroom / marketing suite. This breach of planning control was reported to the City Council's Planning Enforcement Team for investigation. The applicant argued that, as cars were not being sold on site, there was no breach of planning control as the use would not constitute a use 'for the sale or display for sale of motor vehicles' which is specifically excluded from any of the classes within the Town and Country Planning (Use Classes) Order 1987 (as amended) by Article 3(6) of this Order.

Whilst the City Council accepted that no cars were being sold on site, a car and a car chassis are displayed prominently at ground floor level. The model of car on display in the property is clearly for sale, although not at the property. Regardless of whether the motor vehicle on display at the property is for sale or not, the list of uses provided within Section 3(6) of the Order is not exhaustive and does not mean that the use of a site for the display of motor vehicles that are not for sale cannot be considered a *sui generis* use. The Land Use Gazetteer (third edition) confirms that a 'motor vehicle dealer's display place (without sales)' is a *sui generis* use, as is a 'motor vehicle showroom' (with no mention of sales). Moreover, the main purpose of the use of the property is considered to be to showcase Tesla motor vehicles and promote the Tesla Motors brand on this busy international shopping centre location. The City Council therefore concluded that the property's primary use cannot be said to be within Class A1 (Shops).

In light of establishing a breach of planning control and, having taken into account the harm to the unique status and offer of the West End Special Retail Policy Area and harm the character and function and therefore attractiveness of the West End International Shopping Centre, an Enforcement Notice was served on 11 July 2016 and this took effect

on 16 August 2016. The Enforcement Notice required the following to take place by 16 November 2016:

1. Cease to use the Property as a car showroom/marketing suite; and
2. Remove any and all items brought onto the Property for the purposes of using it as a car showroom/marketing suite.

A site visit on 24 November 2016 confirmed that this Enforcement Notice had not been complied with.

7. THE PROPOSAL

The proposed use is described by the applicant as 'a composite use comprising car showroom and retail (A1/*sui generis*)'. In addition to the sale and display of cars from the site, the applicant also intends to display for sale a greater extent of merchandising and to display for sale the 'Tesla Powerwall' (a domestic battery for storing electricity generated by renewable energy (e.g. photovoltaic panels)). The layout of the unit is proposed to change from the current unauthorised use through:

- (i) The removal of the car chassis from the store;
- (ii) The relocation of the car for sale from front to rear ground floor level and its replacement with customer seating around table displays of merchandising;
- (iii) An increased amount of wall space dedicated to merchandising (four areas at ground floor level and two at first floor level); and
- (iv) The display for sale of the Tesla Powerwall (three are proposed to be displayed at ground floor level and two at first floor level).

For the reasons set out in Section 8.1.1 of this report, however, officers consider that the retail element of the proposed use is likely to be ancillary to the principal use proposed; namely, as a car showroom (*sui generis*).

As with many car showrooms in central London, customers will be able to configure and order their vehicles from the proposed store but will not drive them away on the day of purchase. Vehicles will be delivered to the customer once built. It is proposed that one car will be on display towards the rear of the ground floor level. Although not expressly stated in the application, the assessment of the application is based on the vehicle on display being changed approximately four times a year (as in the 2015 application).

Arrangements for test drives are yet to be confirmed other than the applicant states that they will not take place from the site.

Deliveries of merchandising and other supplies will be taken via the existing off-street servicing provided on North Row and North Audley Street.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Nature of the Proposed Use

It is well established that the primary uses of land often embrace one or more ancillary activities. Whether or not an activity is ancillary to a primary use is a matter of fact and degree, based on the individual circumstance of each case. Factors such as the floorspace dedicated to each use, the character of the planning unit and the revenue derived from each element are taken into account when making such an assessment.

As set out within Section 7 of this report, the applicant proposes to change the way that the unit currently operates (although this is unauthorised) through selling cars from the site; increasing the wallspace dedicated to the display for sale of merchandising; and through selling the Tesla Powerwall. For this reason, the applicant argues that the use of the unit will be a composite use comprising retail and car showroom.

As the applicant has not started selling the Tesla Powerwall which they state will enhance their retail offer, it is difficult to assess whether the uptake in retail goods would be sufficient to mean that the retail function of the unit will be anything other than ancillary to the primary use of the unit as a car showroom. On the basis of the information provided, officers consider it likely that the principal reasons for people visiting the store will be to purchase cars. Despite the relocation of the car from the front to the rear of the ground floor, it will still be clearly visible from the street and the customer seating (albeit around tables displaying merchandising) will appear as a waiting area of a car showroom rather than a shop. For these reasons, it is considered likely that the retail sales element will be no more than ancillary to this primary use. An informative is recommended to advise the applicant of the City Council's position on the description of the proposed use.

Policy Context

The London Plan (2016) (Table A2.1) identifies the West End as one of two international shopping centres in London (the other being Knightsbridge). The international shopping centres sit at the top of London's shopping hierarchy, being a globally renowned retail destination with a wide range of high-order comparison and specialist shopping with excellent levels of public transport accessibility. Oxford Street, Regent Street and Bond Street are the most important shopping frontages in the West End International Shopping Centre and are almost exclusively made up of retail units at basement and ground floor and a significant retail presence on the upper floors.

City Plan Policy S7 states that the unique status and offer of the West End Special Retail Policy Area will be maintained and enhanced. City Plan Policy S21 adds that existing A1 retail will be protected throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let. More specific policy for the site's location on a Primary Shopping Frontage of the West End International Shopping Centre is provided by UDP Policy SS3(B) which states planning permission will not, except in the most exceptional circumstances, be granted for a change of use from A1 use at basement, ground or first-floor level within the Primary Shopping Frontages. The supporting text to this policy states there will be very few circumstances that would allow an exception to UDP Policy SS3(B) (para. 7.29).

Loss of Retail Floorspace

Retaining retail floorspace within the Primary Shopping Frontages is of central importance to maintaining the West End Special Retail Policy Area's role at the top of London's retail hierarchy. The character and function of Oxford Street is almost exclusively made up of retail units. The loss of a retail unit in this prominent location would inevitably harm the Primary Shopping Frontages' character and function by weakening the retail offer and thereby reducing the attractiveness of the West End International Shopping Centre to shoppers. The applicant has submitted no evidence demonstrating that the unit is long-term vacant. Given its prime location it is considered to be extremely unlikely that the unit would not be attractive to a wide range of Class A1 retailers that would contribute to the character, function and attractiveness of the Primary Shopping Frontages of the West End International Shopping Centre.

The applicant has provided a proposed layout plan of the store and argues that only 21 sqm of the ground floor area will be dedicated to the selling of cars (i.e. 5% of the total floor area of the unit). The applicant argues that limiting the display to a single car, securing the proposed layout by condition or legal agreement, securing a retail display and by making the permission personal to Tesla constitute the most exceptional circumstances to justify the strong policies resisting the loss of retail floorspace in this location.

The argument that only 21 sqm of the ground floor will be used for car showroom purposes is considered to be fundamentally flawed. Inevitably, discussions between staff and customers relating to the purchase of cars will take place throughout the ground and first floors. It is considered likely that the majority of the ground and first floors will be dedicated to the sale of cars. Furthermore, granting a personal permission (rather than it running with the land) is not one that officers could support as there are not considered to be any exceptional circumstances to mean that the occupation of the unit by Tesla is acceptable whereby occupation by another car manufacturer would not be acceptable. In addition, the Government's Planning Practice Guidance states that a condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company.

In these circumstances, the applicant has not demonstrated that the most exceptional circumstances exist which would justify a departure from the strong adopted retail policies to protect retail floorspace in this location. Introducing a car showroom to Oxford Street would harm the unique status and offer of the West End Special Retail Policy Area and harm the character, function and attractiveness of the West End Special Retail Policy Area, contrary to City Plan Policies S7 and S21 and UDP Policies SS3. It is accordingly recommended that permission be refused.

8.2 Townscape and Design

No external alterations are proposed and therefore the proposal will not have an impact on the character and appearance of the Mayfair Conservation Area.

8.3 Residential Amenity

Late night deliveries of cars may cause some disturbance to the flats on the upper floors of the application site but such deliveries are common in a heavily commercialised street like Oxford Street. The addition of four late night deliveries per annum is unlikely to result in a material loss of amenity for neighbouring residents.

8.4 Transportation/Parking

In the 2015 application, the applicant proposed delivering and loading vehicles on Oxford Street outside of trading hours (i.e. between 22.00 and 06.00) four times a year. The area immediately in front of the site is available for loading between 21.00 and 07.00.

Details of how cars will be delivered to and from the site have not been submitted. The Highways Planning Manager considers that, provided cars are changed no more than once a quarter, it would be difficult to object to this level of trip generation. This is, however, subject to the applicant submitting a Service / Delivery Management Plan for the City Council's approval. This would need to include details setting out how cars will be transported to the site, how they will access the site without adversely affecting safe pedestrian and vehicular movement and how the surface of the pavement will be protected from damage during the process.

On the basis of this advice, had the application been acceptable in other respects, a pre-commencement condition would have been imposed securing such a Service / Delivery Management Plan.

8.5 Economic Considerations

The proposed car showroom's economic impact is not considered to be materially different from the lawful existing use as a retail unit.

8.6 Access

There is currently level access to the shop and this is not proposed to be altered. The applicant advises that the existing shopfront doorway is sufficiently wide (2.6m) to accommodate a motor vehicle.

8.7 Other UDP/Westminster Policy Considerations

None.

8.8 London Plan

The proposal 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

The proposal gives rise to no planning obligations.

8.11 Environmental Impact Assessment

The proposal is of insufficient scale to require the submission of an Environmental Assessment.

8.12 Other Issues

None.

9. BACKGROUND PAPERS

1. Application form
2. Memorandum from the Highways Planning Manager dated 15 November 2016.

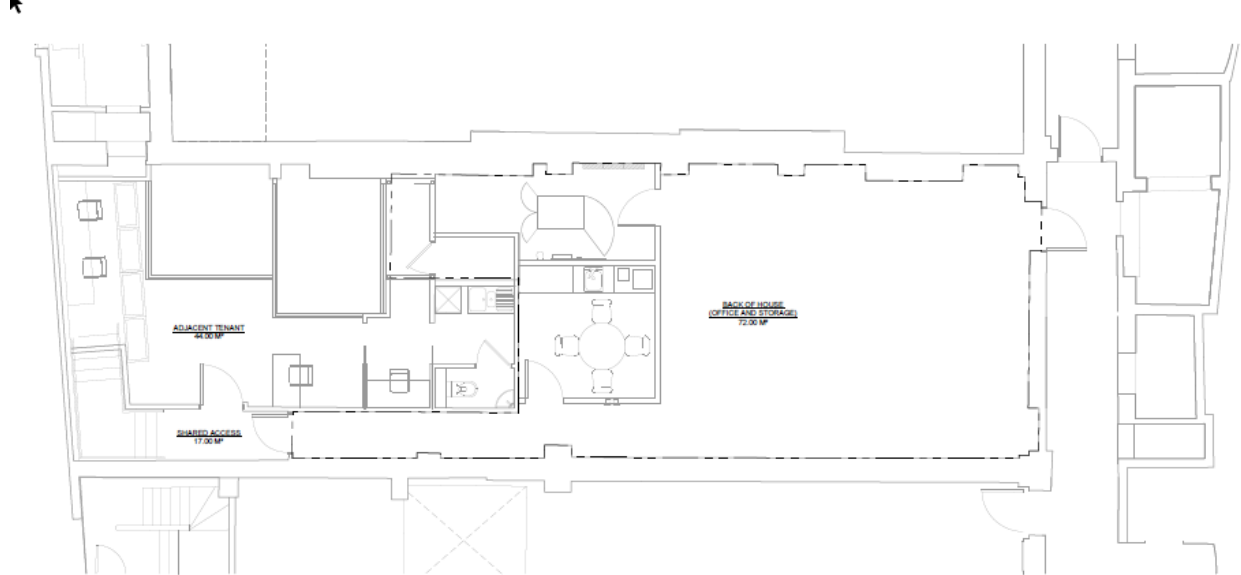
Selected relevant drawings

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

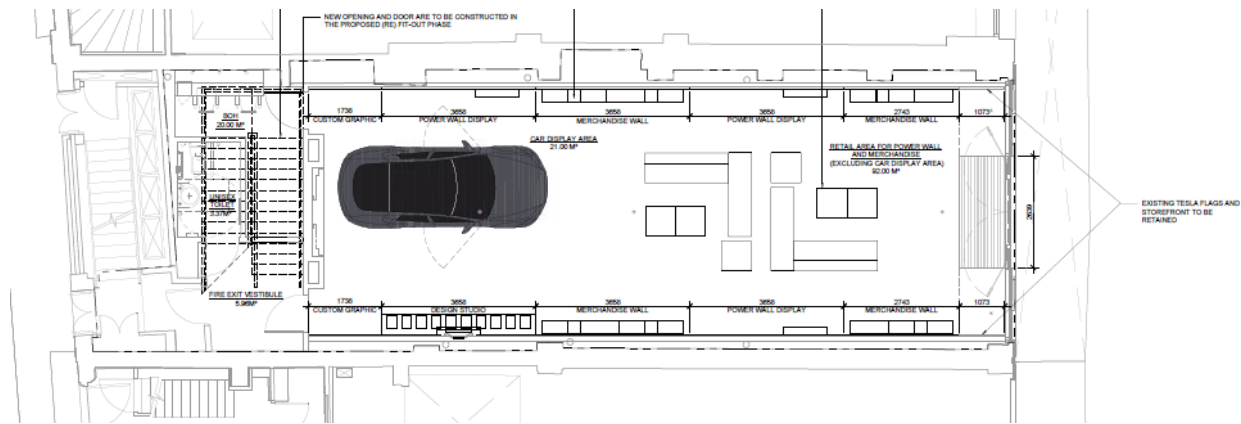
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT HMACKENZIE@WESTMINSTER.GOV.UK.

10. KEY DRAWINGS

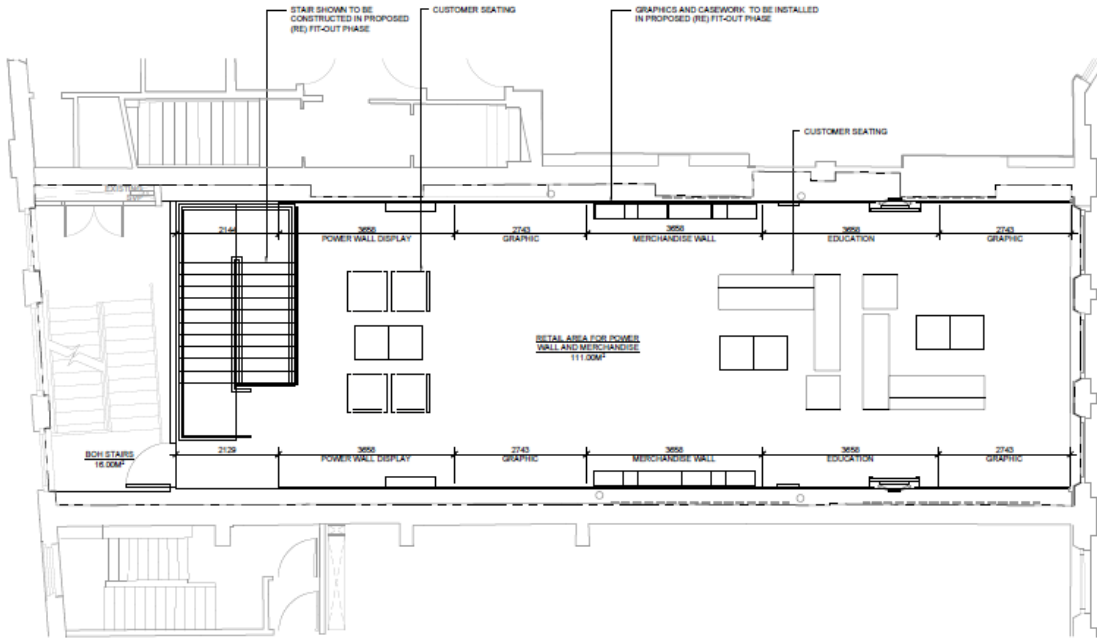
Proposed basement floorplan:



Proposed ground floorplan:



Proposed first floor plan:



DRAFT DECISION LETTER

Address: 449 Oxford Street, London, W1C 2PS,

Proposal: Use of part basement, ground and first floors as a composite use comprising car showroom and retail (sui generis).

Reference: 16/10374/FULL

Plan Nos: A-120, A-121 and A-122.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s)

Reason:

- 1 Your development would lead to the loss of a retail unit in the Primary Shopping Frontage of the West End International Shopping Centre, as defined in our Unitary Development Plan that we adopted in January 2007. This would harm the unique status and offer of the West End Special Retail Policy Area and harm the character and function and therefore attractiveness of the West End International Shopping Centre. This would not meet Policies S7 and S21 of our City Plan that we adopted in November 2016 and Policy SS3 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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.
- 2 Based on the information provided, you are advised that the City Council considers the use that has been applied for is a car showroom (sui generis) with ancillary retail sales and not a mixed car showroom and retail shop (sui generis).

Item No.
12

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.
13

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 January 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	18 - 22 Craven Hill, London, W2 3EN,		
Proposal	Internal and external works of repair and alteration comprising extensions to the rear of the buildings at lower ground and ground floor, rebuilding of the mansard roof storey, insertion of a passenger lift within No.20, landscaping to the rear garden and use of the three buildings as 24 self-contained residential apartments (Class C3).		
Agent	Mr Robert Winkley		
On behalf of	CHG Properties		
Registered Number	16/04185/FULL and 16/04186/LBC	Date amended/ completed	28 July 2016
Date Application Received	5 May 2016		
Historic Building Grade	Grade II		
Conservation Area	Bayswater		

1. RECOMMENDATION

1) Refuse permission – loss of residential units.
2) Refuse listed building consent – harm to plan form of buildings.

2. SUMMARY

<p>The application site contains three amalgamated Grade II Listed terraced properties located within the Bayswater Conservation Area.</p> <p>Planning permission and listed building consent are sought for internal and external works of repair and alteration comprising extensions to the rear of the buildings at lower ground and ground floor, rebuilding of the mansard roof storey, insertion of a passenger lift within No.20, landscaping to the rear garden and use of the three buildings as 24 self-contained residential apartments (Class C3).</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • The acceptability of the reduction in the number of residential units from 32 to 24; and • The impact of the works on the special architectural and historic interest of this Grade II listed building and the character and appearance of the Bayswater Conservation Area <p>The planning application is considered unacceptable in land use terms because the reduction in</p>
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residential unit numbers would be contrary to the NPPF and policy S14 of Westminster's City Plan and is therefore recommended for refusal.

The listed building consent application is considered unacceptable as the proposed works would result in unacceptable loss of historic fabric and harm to the layout and circulation space of this building, contrary to policies S25 and S28 of Westminster's City Plan and policy DES 10 of the UDP. It is therefore recommended that consent is refused.

4. PHOTOGRAPHS



5. CONSULTATIONS

LONDOIN UNDERGROUND LIMITED

Any response to be reported verbally.

ARBORICULTURAL MANAGER

No objection subject to conditions.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

HIGHWAYS PLANNING

Acceptable on transportation grounds.

ENVIRONMENTAL HEALTH

No objection, subject to conditions.

WASTE PROJECT OFFICER

No objection. Requests condition added to ensure waste and recycling provision made.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 69

Total No. of replies: 2

No. of objections: 2

In summary, the objectors raise the following issues:

- Loss of existing trees; and
- Resident of existing block stating that should planning permission be granted then they would lose their flat.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site contains three amalgamated Grade II Listed terraced properties located within the Bayswater Conservation Area. The building was listed in 2010. The property is currently in use as 32 residential flats.

6.2 Recent Relevant History

None relevant.

7. THE PROPOSAL

Planning permission and listed building consent are sought for internal and external works of repair and alteration comprising extensions to the rear of the buildings at lower ground

and ground floor, rebuilding of the mansard roof storey, insertion of a passenger lift within No.20, landscaping to the rear garden and use of the three buildings as 24 self-contained residential apartments (Class C3).

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal involves a reduction in the number of units at the property from 32 to 24.

National (chapter 6 of the NPPF) regional (policy 3.3 of the London Plan) and local policy (policy S14 of the City Plan) contain a very clear policy presumption that housing supply shall be increased and that increasing housing supply is the priority. The first sentence of the reasoned justification to policy S14 is particularly clear (i.e. "To achieve and exceed Westminster's housing targets it is necessary to protect existing housing and have housing as the priority use across the city"). The loss of units reduces the City Council's ability to meet these policy objectives and is resisted strongly in principle by these policies. Whilst policy S14 sets out several exceptions, none are applicable in this instance.

It is noted that the existing units, except for four studios units and one, one bed unit, are below the Nationally Described Space Standard (March 2015) ("the Standard") (i.e. 5 out of 32 existing flats). In comparison, the proposed development would have 18 out of 24 units that meet the Standard or six that do not (see table in section 10 for comparison). On this basis the applicant contends that this is the optimal number of units for the site, noting that policy S14 does not require maximisation of unit's numbers, only optimisation.

However, optimisation as defined within the London Plan and on which policy S14 is based refers to the density ranges contained within policy 3.4 of the London Plan. The proposed development would result in a density of 185u/ha as opposed to the existing density of 247 u/ha. This would fall below the relevant London Plan density level for this site (i.e. 215-405u/ha, Central Site, PTAL 6, 2.7-3.0 hr/unit), unlike the existing situation. Whilst it is recognised that density is a starting point for determining site potential, the proposed development also results in harm to this listed building (see below), indicating that the proposal is not the optimal use for this site in historic building terms.

Furthermore, the proposed units, despite having floor areas below the standard are historic and in officer's opinion provide an acceptable standard of accommodation. It was also clear during a site visit that there is a demand for the units as they have a very high occupancy rate. This is not unusual for such a building and were measuring historic flats by current standards the sole justification for allowing their loss this would jeopardise much of the housing stock within Westminster. They are also not subject to any Building Regulations or Environmental Health enforcement action that would indicate that they provide poor accommodation.

It is also noted that the proposed development provides only one "family sized unit" (i.e. a three or more bedroom unit). Accordingly, it does not meet the target set out within policy H5 of the UDP for 33% of units to be family sized. However, this policy expressly allows some flexibility in its application and in this instance it is recognised that the listed nature of the property places a number of constraints on how individual units can be subdivided into

multi room apartments while protecting the historic form of the building. Whilst regrettable, a reason for refusal on this basis would not be sustainable.

Overall, the loss of units proposed would be contrary to the NPPF, policies 3.3 and 3.4 of the London Plan and policy S14 of the City Plan.

8.2 Townscape and Design

To the front elevation a number of works are proposed which will together represent an upgrading of the appearance of the building. These include the restoration of a more convincingly original arrangement to the first floor balconies, the restoration of the front garden including new traditional railings, and the installation of new Victorian floor tiles to the front paths and threshold areas. These works are welcomed in design terms.

Two storey infill extensions to the rear of a listed building would not generally be considered acceptable, however in this case, the lower floor is set well down below garden level into a rear lightwell, and given this and that refurbishment works are also proposed to improve the condition and appearance of the rear elevation then overall the works to the rear are considered acceptable. They adopt a rendered form to help integrate with the character of the rear elevation, and whilst the design of the doors and windows is not assured or designed in sympathy with the building this would be resolved through a condition. The extensions and associated lightwells would encroach further out into the rear garden, though the garden grounds are large and the modest additional projection out of buildings and lightwells is not considered unacceptable in this context.

The application proposes to insert a new lift within no. 20 Craven Hill which rises from lower ground to fourth floor levels in a position within the main rear room to the building. This would cause significant harm to the character and fabric of the building. The plans submitted show that the lift would require the truncation of floor joists both to allow for the new shaft itself, but also to ground, first and second floors the arrangement of steel beams proposed would require either numerous truncations of the original floor joists throughout the main rear room at these floor levels or (if suspended below the relevant areas) projecting inappropriately down into rooms, resulting in the potential for a large scale rebuilding of the structure of the rear of the building at these floor levels and/or steel beams set into the volume of rooms within a listed building. This would result in a significant loss of original fabric and constructional integrity of the rear of this listed building. No original lathe and plaster finishes are apparent in these areas. However there are numerous suspended ceilings and thus any original plasterwork which does remain above the suspended ceilings would also be lost. Aside from the loss of fabric, the installation of a lift to the centre of the building would have a harmful effect on the appreciation of the still largely intact mid-19th century internal floor plan which has a still discernible sequence of rooms leading off from the landing to each floor level, and clear hierarchy of circulation routes with a grand staircase rising to second floor and secondary staircases elsewhere as the sole circulation route in the building. There are rear extensions to each building of more limited value to the significance of the listed building, and should a lift be desired these would appear more suitable locations rather than through the middle of a mid-19th century listed building.

Associated with the proposed lift, to second, third and fourth floor levels the application seeks to create a new door opening to each party wall to allow for a continuous corridor across the width of the three buildings connecting with the lift. The buildings currently have no openings in the party wall. There is no concern about the implications of the openings in the walls between the mansards at fourth floor level. However the new openings in the wall at second and third floor levels are more contentious as these are within the main original body of this Grade 2 listed mid-19th century building. Within these buildings the principal floor levels are clearly defined as ground to second floor levels, as these are the floor levels connected by the grand staircase rising from ground floor level. The spaces to second floor level are therefore of considerable importance to the original form of the building, and though they have had later subdivisions carried out principally to form bathrooms, their original form as an important floor level within these 19th century houses is still appreciable. The creation of a corridor through these three originally distinct and separate terraced properties greatly alters the appreciation of their sequence of spaces and circulation routes and their distinctness as three separate town houses, which is a key element of their character as listed buildings. Given the importance of the second floor level to the character of the building in this case, the openings to the party wall at this floor level are considered harmful to these listed buildings and are considered unacceptable.

The other internal alterations involve the creation of new partitions subdividing spaces which have already been subdivided and altered, and these other works are considered acceptable in principle. Had the listed building consent application been considered acceptable further details would have been sought with regards to any insulation proposed between flats to ensure there was no harm to any remaining original ceilings sited above the existing suspended ceilings.

Though it is not clear when the existing mansard structures were added to the building, they appear later additions to the building. They are higher than the existing roofs, and to the rear they adopt the same staggered footprint as the existing roofs. However, they generally conform to the City Council's guidance on mansard design and are considered acceptable. Plant equipment will be set into sunken wells in the centre of the mansards, though the equipment will not break the plane of the roof, and given this and the height of the buildings the equipment will not clutter the skyline.

Overall, it is recognised that some positive works are proposed, principally with the upper sections of the rear elevation and to the ground floor frontage. However, the works associated with the creation of a lift within the main body of the listed building at no. 20, and also the openings in the party wall between the three buildings, would have a significant harmful impact upon the character of these listed buildings to a level greater than any benefits accrued from other elements of the scheme and as such the application for listed building consent is considered unacceptable. The proposal would be against the advice set out in S25 and S28 of Westminster's City Plan and DES 10 of our Unitary Development Plan (UDP).

8.3 Residential Amenity

8.3.1 Sunlight and Daylight and Sense of Enclosure

The proposal is largely contained within the buildings existing envelope with the exception of the rebuilding of the existing mansard roof and rear extensions at lower ground and ground floor level. The changes to the mansard roof would not add any significant bulk or create any amenity issues to surrounding properties.

The rear extensions at lower ground and ground floor level are relatively minor infill extensions. There is a gap between the extensions and the neighbouring buildings. The boundary between 14-16 Craven Gardens is almost to the height of the proposed extension and together with the gap means that there is no significant impact in terms of sense of enclosure and loss of sunlight/daylight. The extensions are adjacent to the blank flank wall at its boundary with 42 Craven Hill Gardens so again would have no significant amenity impact.

8.3.2 Privacy

The proposal would not result in any increase in overlooking. It is recommended that a condition is attached to any permission ensuring that the flat roofs of the ground floor extensions are not used as terraces.

8.3.3 Noise/Plant

The City Council's Environmental Health officers has assessed the submitted acoustic report and have concluded that the proposed plant is likely to meet the Council's noise criteria and therefore has no objection to the proposal, subject to standard noise conditions and ensuring the noise attenuation measures proposed are installed prior to the plant is operated.

Overall, the amenity implications of the proposal are consistent with policies S29 of the City Plan and ENV13 of the UDP.

8.4 Transportation/Parking

Although the proposals are for a residential building without any car parking provision they involve a reduction in units. Accordingly, the proposal would not increase the demand for on-street parking and would not be contrary to Policy TRANS 23.

The applicant has stated that they intend to provide cycle parking for 30 cycles in accordance with London Plan minimum standards. This provision is welcomed and it is recommended that details are secured by condition should the application be approved.

The City Council's Waste Project Officer has stated that the proposed waste and recycling storage provision is inadequate. It is recommended that such provision is secured by condition should the proposal be considered acceptable in all other respects.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access arrangements will not be significantly altered by the proposal.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Trees

The proposal involves the removal of a large mature London plane tree in the rear garden of the property. A replacement tree and landscaping scheme has been proposed by the applicant. The Arboricultural Manager has assessed the submitted tree survey and arboricultural impact assessment and has no objection to the proposals subject to additional details being provided and tree protection and landscaping conditions being placed on any permission.

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 Community Infrastructure Levy

The proposal involves an increase of 180sqm in residential floorspace. Subject to any exemptions or relief that may be applicable, this would generate a Mayoral CIL liability of £11,543.60 and a Westminster CIL liability of £75,985.24 Westminster CIL.

9. BACKGROUND PAPERS

1. Application form
2. Response from EH Consultation, dated 13 July 2016
3. Response from Cleansing officer, dated 13 June 2016
4. Response from Highways Planning, dated 25 July 2016
5. Response from Arboricultural Section dated 31 August 2016
6. Letter from occupier of Flat 3, 20 Craven Hill , dated 22 June 2016
7. Letter from occupier of Craven Hill Gardens, London, dated 26 June 2016
8. Letter from occupier of Craven Hill Gardens, London, dated 26 June 2016
9. Letter from agent dated 25 July 2016

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

Item No.

13

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT NBARRETT@WESTMINSTER.GOV.UK

10. KEY DRAWINGS



Existing Front Elevation



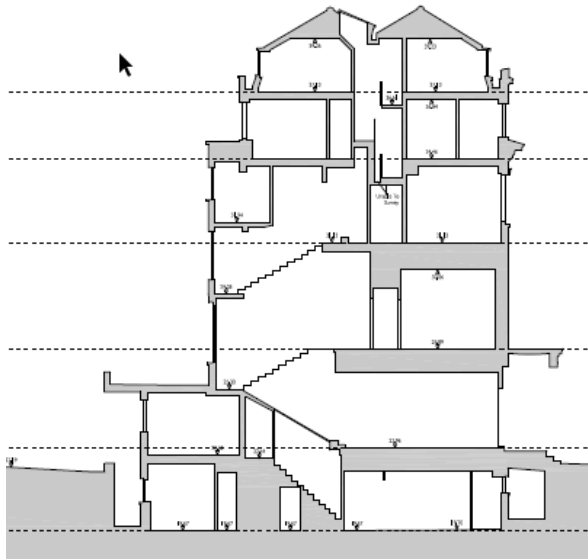
Proposed Front Elevation



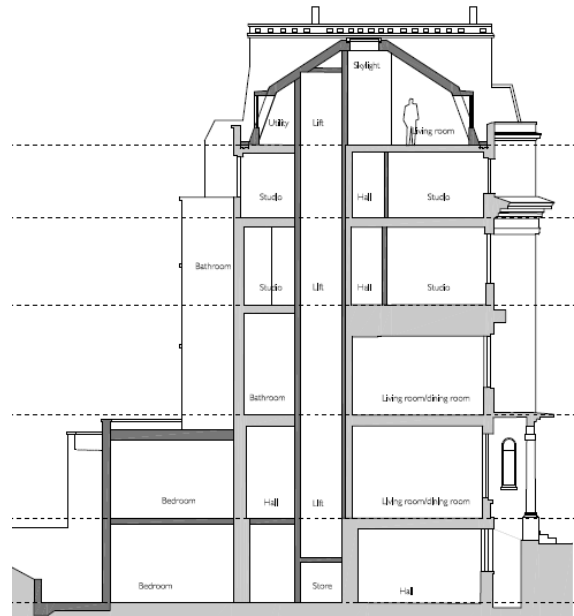
Existing Rear Elevation



Proposed Rear Elevation



Existing Section



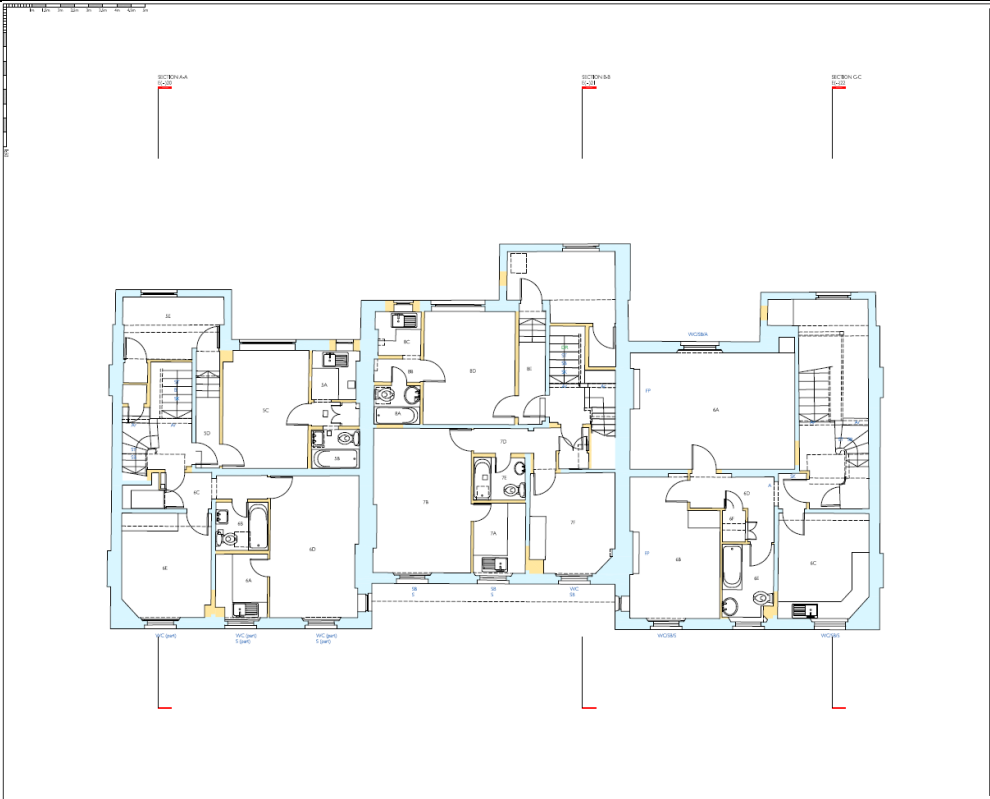
Proposed Section



Existing Ground Floor Plan



Proposed Ground Floor Plan



Existing Second Floor



Proposed Second Floor

	PROPOSED ACCOMMODATION	GIA Sq M	EXISTING ACCOMMODATION	GIA Sq M	LONDON PLAN GIA Sq M
STUDIOS					
	22-4	33	18-7	35	37
	22-5	39	18-8	38	37
	22-6	42	20-1	28	37
	20-8	42	20-3	32	37
	18-9	37	20-6	23	37
	18-10	31	20-9	32	37
	18-11	44	20-10	37	37
	20-16	27	22-1	32	37
	20-17	28	22-4	22	37
	20-20	23	22-7	37	37
	20-21	30	22-7a (office)	35	37
			22-8	37	37
			22-9	35	37
ONE BEDS					
	20-7	51	18-1	42	50
	22-12	65	18-2	47	50
	20-13	64	18-3	38	50
	18-14	65	18-4	40	50
	22-15	73	18-6	64	50
	18-22	72	20-2	49	50
	18-24	54	20-4	43	50
			20-5	42	50
			20-7	41	50
			20-8	34	50
			20-11	34	50
			20-12	31	50
			22-2	41	50
			22-3	41	50
			22-5	31	50
			22-6	42	50
			22-10	33	50
			22-11	29	50
TWO BEDS					
	22-1	96	18-5	65	70
	20-2	95	18-9	64	70
	18-3	97			70
	18-18	70			70
	22-19	72			70
THREE BEDS					
	20/22-23	100			95

Accommodation Schedule – Existing v Proposed

DRAFT DECISION LETTER 16/04185/FULL

Address: 18 - 22 Craven Hill, London, W2 3EN,

Proposal: Internal and external works of repair and alteration comprising extensions to the rear of the buildings at lower ground and ground floor, rebuilding of the mansard roof storey, insertion of a passenger lift within No.20, landscaping to the rear garden and use of the three buildings as 24 self-contained residential apartments (Class C3).

Reference: 16/04185/FULL

Plan Nos: E(--B1A; E(--00A; E(--01A; E(--02A; E(--03A; E(--04A; E(--01A; E(--05A; E(--10C; E(--11C; E(--20A; E(--21A; E(--22A; E(35)B1RevA; E(35)00RevA; E(35)01RevA; E(35)02RevA; E(35)03RevA; E(35)04RevA; P(--B1C; P(--00C; P(--01C; P(--02C; P(--03C; P(--04C; P(--05C; P(--10D; P(--11D; P(--20C; P(--21C; P(--22C; P(--23C; P(27)01C; P(27)02C; P(27)03C; P(35)B1RevB; P(35)00RevB; P(35)01RevB; P(35)02RevB; P(35)03RevB; P(35)04RevB; P(so)B1B; P(so)00B; P(so)01B; P(so)03B; P(so)04B; P(so)05A; P(so)10B; P(so)11B; Design and Access Statement by Trehearne Architects dated May 2016; Energy Efficiency Report by CBG Consultants dated 4 March 2016; Acoustic Report by Clarke Saunders Acoustics dated 29 March 2016; Heritage Statement by Heritage Collective dated May 2016; Mechanical and Electrical Building Services Report by CBG Consultants dated 24 March 2016; Planning Statement by Rolfe Judd Planning dated 6 May 2016; Statement of Community Involvement by Four Communications dated April; Structural Information Report by Bridges Pound dated 4 March 2016; Transport Statement by Caneparo Associates dated May 2016; Report on Window Condition by Earl Kendrick Associates dated 10 March 2016; Landscaping Plan by LaDellWood ref: 2249/16/B/1C; Tree Survey Report by LaDellWood dated May 2016; Supplementary Tree Report by LaDellWood (ref: 2249) dated 30 August 2016; Front Garden Excavation Drawing by Trehearne Architects (ref: 11730/PXX)

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

Recommended Condition(s) and Reason(s)

- 1 Your development would lead to a reduction in the number of residential units which would be contrary to the National Planning Policy Framework (March 2012), policies 3.3 and 3.4 of the London Plan (FALP - 2015) and policy S14 of Westminster's City Plan (November 2016). We do not consider that the circumstances of your case justify an exception to our policy.

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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance,

as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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 16/04186/LBC**Address:** 18 - 22 Craven Hill, London, W2 3EN,**Proposal:** Internal and external works of repair and alteration comprising extensions to the rear of the buildings at lower ground and ground floor, rebuilding of the mansard roof storey, insertion of a passenger lift within No.20, landscaping to the rear garden and use of the three buildings as 24 self-contained residential apartments (Class C3).**Reference:** 16/04186/LBC**Plan Nos:** E(--)B1A; E(--)00A; E(--)01A; E(--)02A; E(--)03A; E(--)04A; E(--)01A; E(--)05A; E(--)10C; E(--)11C; E(--)20A; E(--)21A; E(--)22A; E(35)B1RevA; E(35)00RevA; E(35)01RevA; E(35)02RevA; E(35)03RevA; E(35)04RevA; P(--)B1C; P(--)00C; P(--)01C; P(--)02C; P(--)03C; P(--)04C; P(--)05C; P(--)10D; P(--)11D; P(--)20C; P(--)21C; P(--)22C; P(--)23C; P(27)01C; P(27)02C; P(27)03C; P(35)B1RevB; P(35)00RevB; P(35)01RevB; P(35)02RevB; P(35)03RevB; P(35)04RevB; P(so)B1B; P(so)00B; P(so)01B; P(so)03B; P(so)04B; P(so)05A; P(so)10B; P(so)11B; Design and Access Statement by Trehearne Architects dated May 2016; Energy Efficiency Report by CBG Consultants dated 4 March 2016; Acoustic Report by Clarke Saunders Acoustics dated 29 March 2016; Heritage Statement by Heritage Collective dated May 2016; Mechanical and Electrical Building Services Report by CBG Consultants dated 24 March 2016; Planning Statement by Rolfe Judd Planning dated 6 May 2016; Statement of Community Involvement by Four Communications dated April; Structural Information Report by Bridges Pound dated 4 March 2016; Transport Statement by Caneparo Associates dated May 2016; Report on Window Condition by Earl Kendrick Associates dated 10 March 2016; Landscaping Plan by LaDellWood ref: 2249/16/B/1C; Tree Survey Report by LaDellWood dated May 2016; Supplementary Tree Report by LaDellWood (ref: 2249) dated 30 August 2016; Front Garden Excavation Drawing by Trehearne Architects (ref: 11730/PXX)**Case Officer:** Richard Langston**Direct Tel. No.** 020 7641 7923**Recommended Condition(s) and Reason(s)**

- 1 Because of the loss of historic fabric and impact upon the layout and circulation space to the building, the installation of a lift between lower ground and fourth floor levels and the associated structural works including steel beam insertion, and the openings in the party walls at second floor level, would harm the special architectural and historic interest of these grade 2 listed buildings. This would be contrary to policies S25 and S28 of Westminster's City Plan (November 2016) and DES 10 of our Unitary Development Plan that we adopted in January 2007 and the advice set out in paragraphs 6.18, 6.19, 6.20, 6.21, 6.33 and 6.34 of our 'Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings'.

Informative(s):

- 1 Though there is no requirement for a lift structure to the building, should one be desired you are advised to consider the options for a smaller lift car structure incorporated largely within one of the

rear extensions to these buildings, whilst ensuring the extension does not rise above rear parapet height to the main rear elevation, nor involve the associated openings to party walls at ground, first or second floor levels.

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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Item No.
14

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Compass House, 22 Redan Place, London, W2 4SA,		
Proposal	Removal of roof level plant enclosures and replacement with a roof level extension to form an additional residential flat with external terraces.		
Agent	Mr Patrick Reedman		
On behalf of	Compass House Ltd n/a		
Registered Number	16/09616/FULL	Date amended/ completed	11 October 2016
Date Application Received	7 October 2016		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site contains an unlisted building with facades onto Redan Place and Kensington Gardens Square with the former presenting a ground plus six storeys façade, with plant rooms at seventh floor level. The application site also includes the low rise ‘mews’ properties to the west and no.50 Kensington Gardens Square, which forms a matching pair with Compass House.

This site is located within the Westbourne Conservation Area. It is also immediately adjacent to the Bayswater and the Queensway Conservation Areas. Adjoining the application site and within Kensington Gardens Square, many of the buildings are grade II listed.

The applicant proposes a roof extension to provide a three bedroom flat. The works would involve modifying and enlarging the enclosed roof plant areas, currently located behind ‘turret’ features and enclosing the currently open area of roof plant.

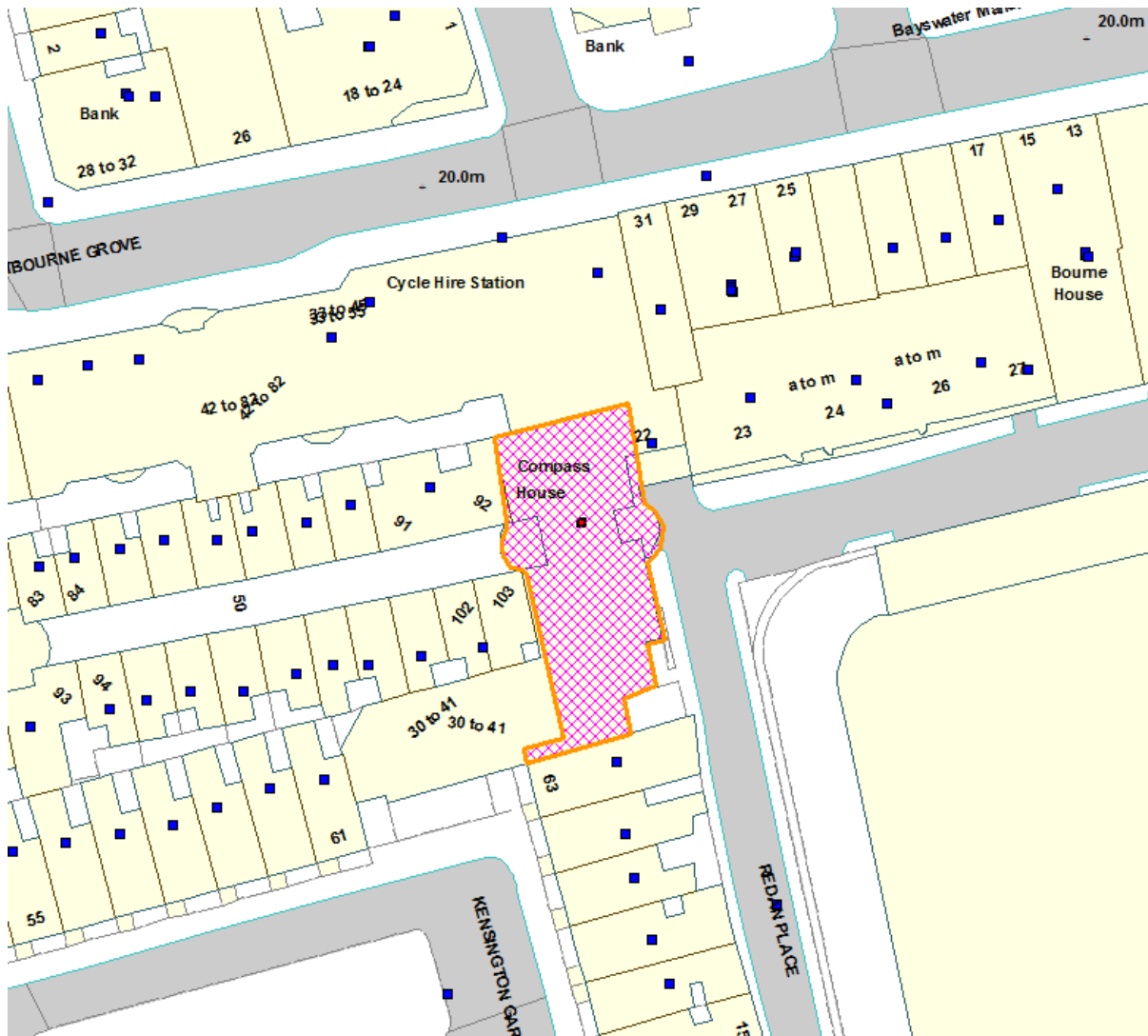
The key considerations are:

- The impact of the proposed extension on the character and appearance of the conservation

- areas and setting of nearby listed buildings;
- The impact on the amenity of neighbouring occupiers;
- The impact on carparking; and
- The impact of construction.

Objections to the proposal have been received. Notwithstanding these objections, the proposal is considered to be acceptable in accordance with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS



Redan Place View of Building



View of roof area from adjacent roof top.

5. CONSULTATIONS

WARD COUNCILLORS

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

No objection.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION.

Any response to be reported verbally.

WASTE PROJECT OFFICER

No objection, subject to conditions.

HIGHWAYS PLANNING MANAGER

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 82

Total No. of replies: 11

No. of objections: 9

No. in support: 2

In summary, the objectors raise the following issues.

- Existing construction works on-site have been disruptive and the proposal would prolong this;
- The roof extension would obstruct daylight and sunlight to neighbouring residents;
- The roof extension would block views for neighbouring residents;
- Removal of roof top plant would have a negative effect on the building; and
- Existing construction has meant that landlords have lost tenants or had to reduce rents.

In summary, the supporters raise the following issues.

- The proposal will add value to the block; and
- The height increase is relatively modest and would not result in significant light losses.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site contains an unlisted building with facades onto Redan Place and Kensington Gardens Square with the former presenting a ground plus six storeys façade, with plant rooms at seventh floor level. The application site also includes the low

rise 'mews' properties to the west and no.50 Kensington Gardens Square, which forms a matching pair with Compass House.

This site is located within the Westbourne Conservation Area. It is also immediately adjacent to the Bayswater and the Queensway Conservation Areas. Adjoining the application site and within Kensington Gardens Square, many of the buildings are grade II listed.

Until recently, this building contained offices. However, works are underway to convert it into 30 flats pursuant to prior approval application (see ref: 15/01148/P3JPA).

6.2 Recent Relevant History

15/01148/P3JPA

Use of ground, first, second, third, fourth, fifth and sixth floors from offices (Class B1a) to 30 residential units (Class C3). Application for prior approval under Part 3 Schedule 2 Class J of the Town and Country Planning (General Permitted Development) (England) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 and the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014.

Granted – 31 March 2015

15/08400/FULL

Installation of air cooled condenser units and a life-safety standby generator within the basement car park.

Granted – 04 November 2015

7. THE PROPOSAL

The applicant proposes a roof extension to provide a three bedroom flat. The flat would be located at the Redan Place end of the development. The works would involve modifying and enlarging the enclosed roof plant areas, currently located behind 'turret' features and enclosing the currently open area of roof plant. All these areas would be enclosed by a new roof structure, which would raise the height of the building and introduce a more prominent roof storey. The proposed flat would have a floor area of 248 square metres.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policies H3 of the Unitary Development Plan (adopted 2007) ("the UDP") and S14 of Westminster's City Plan (adopted November 2016) ("the City Plan") seek to encourage the provision of more residential floorspace including the creation of new residential units. Accordingly, the provision of the residential unit proposed is supported in principle.

The proposed unit also greatly exceed the minimum floor area for a three bedroom flat, as set out within the Nationally Described Space Standard (i.e. 95 sqm) and repeated in the London Plan (FALP – 2015). The proposed flat would also be triple aspect, ensuring satisfactory natural lighting levels, and would have a terrace and two balconies, ensuring that adequate outdoor amenity space is provided. As such, the proposed flat would provide an acceptable standard of accommodation.

8.2 Townscape and Design

The general form of the roof would be replicated with the same ‘turret’ style features re-instated. These would be clad in zinc, as would the rest of the new roof storey. A new roof terrace is proposed on the existing flat roof at the south end of the building, with an adjoining ‘terrace room’ structure, designed as a complementary addition to the remainder of the new roof structure. This new ‘terrace room’ is slightly lower in height than the main roof structure and its walls and roof are again clad in zinc. It is set well back from the main facades of Compass House.

While the proposed changes will alter the appearance of the rooftop storey to this property, increasing its size and footprint, the impacts of this are generally modest. The modifications retain the general character and form of the original design and in the choice of zinc as the main cladding material utilise a proven and durable roofing material. The proposed ‘terrace room’ does introduce additional bulk at roof level, but by virtue of its subordinate scale, set-back position and design (integrating with the rest of the roof structure), its visual impact on the surrounding area is very modest.

The proposed alterations are acceptable in design terms and would preserve the character and appearance of the conservation area and the setting of adjacent listed buildings and conservation areas.

The proposals would accord with policies S25 and S28 of our City Plan; and policies DES 1, DES 6, DES 9 and DES 10 of the UDP.

8.3 Residential Amenity

Several objectors have raised concerns with potential loss of light, outlook and privacy from the proposed development.

The applicant has provided a daylight and sunlight analysis that assesses the proposed development against the BRE publication ‘Site Layout Planning for Daylight and Sunlight’ (Second Edition) (published 2011). This analysis demonstrates that daylight and sunlight losses to all relevant properties will not exceed the standards contained within the BRE publication. Accordingly, daylight and sunlight losses would be acceptable and in accordance with policy ENV 13 of the UDP.

The proposed extension would have a relatively modest height of 2 to 3 m above the height of the existing buildings. It would also be set away from the existing roofs edges and would be partially screened from properties to the north and south by existing roofs. Accordingly, the proposed roof extension would not result in significant sense of enclosure for the occupants of surrounding properties.

The terraces proposed would not be located near any habitable room windows. The proposed flat would also have a similar outlook to existing flats within the building. Accordingly, the proposed flat would not result in unacceptable loss of privacy for neighbouring residents.

Given the above, the proposed development would not result in unacceptable loss of amenity and would be consistent with policy S29 of the City Plan and policy ENV 13 of the UDP.

8.4 Transportation/Parking

As was established under application ref: 15/08400/FULL, the applicant has a surplus of two spaces once the air-conditioning units permitted under that application are installed and the flat conversion permitted under application ref: 15/01148/P3JPA has been carried out. These two spaces would meet the on-site parking requirement for a three bedroom flat, as set out in policy TRANS23 of the UDP. A condition is recommended to secure the provision of these car parking spaces.

The Highways Planning Manager notes that it is unclear whether two secure cycle spaces, in accordance with policy 6.19 of the London Plan (FALP – 2015) have been provided for the proposed flat. A condition is recommended to secure the provision of these cycle spaces.

The Waste Project Officer is satisfied with the waste and recycling storage proposed. Conditions are recommended to secure the waste and recycling storage proposed.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposed flat would have level access from street level via the lifts proposed.

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

This development is not large enough to require submission of an Environmental Impact Assessment.

8.12 Other Issues

8.12.1 Construction Impact

Objections have been received from neighbouring properties regarding the impact of construction, including noise and traffic.

It is a long standing principle that planning permission cannot be refused due to the impact of construction. This is due to its temporary nature and the ability to control it by condition. Accordingly, a condition is recommended that limits the hours of construction. For a development of this scale, this is the maximum reasonable control that can be exerted under planning law.

Loss of rental income attributed to construction impact is not a material planning consideration.

8.12.2 Plant

Objectors are concerned with the potential relocation of plant from the roof to make way for the proposed flat.

The applicant has indicated that plant will be relocated to the basement level, as per application ref: 15/08400/FULL. All plant for the proposed flat will also be provided at basement level. A condition is recommended to prevent provision of additional plant on the roof.

9. BACKGROUND PAPERS

1. Application form
2. Memo from Highways Planning Manager, dated 9 November 2016.
3. Memo from Waste Project Officer, dated 4 November 2016.
4. Letter from Bayswater Residents Association, dated 28 October 2016.
5. Letter from occupier of 15 Young Street (Second Floor), Kensington, dated 23 November 2016
6. Letter from occupier of 47-49 Westbourne grove, London, dated 1 November 2016
7. Letter from occupier of Flat 10, 50 Kensington Gardens Sq, dated 2 December 2016
8. Letter from occupier of Flat 73, 47-49 Westbourne Grove, dated 18 November 2016
9. Letter from occupier of Flat 27, 50 Kensington Gardens Square, dated 3

- December 2016
10. Letter from occupier of Flat 38, 50 Kensington Gardens Sq, dated 2 December 2016
 11. Letter from occupier of Fl.30, 50 Kensington Gardens Square, dated 7 December 2016
 12. Letter from occupier of Mews House 97, 50 Kensington Gardens Square, dated 2 December 2016
 13. Letter from occupier of Mews House 94, 50 Kensington Gardens Square, dated 2 December 2016

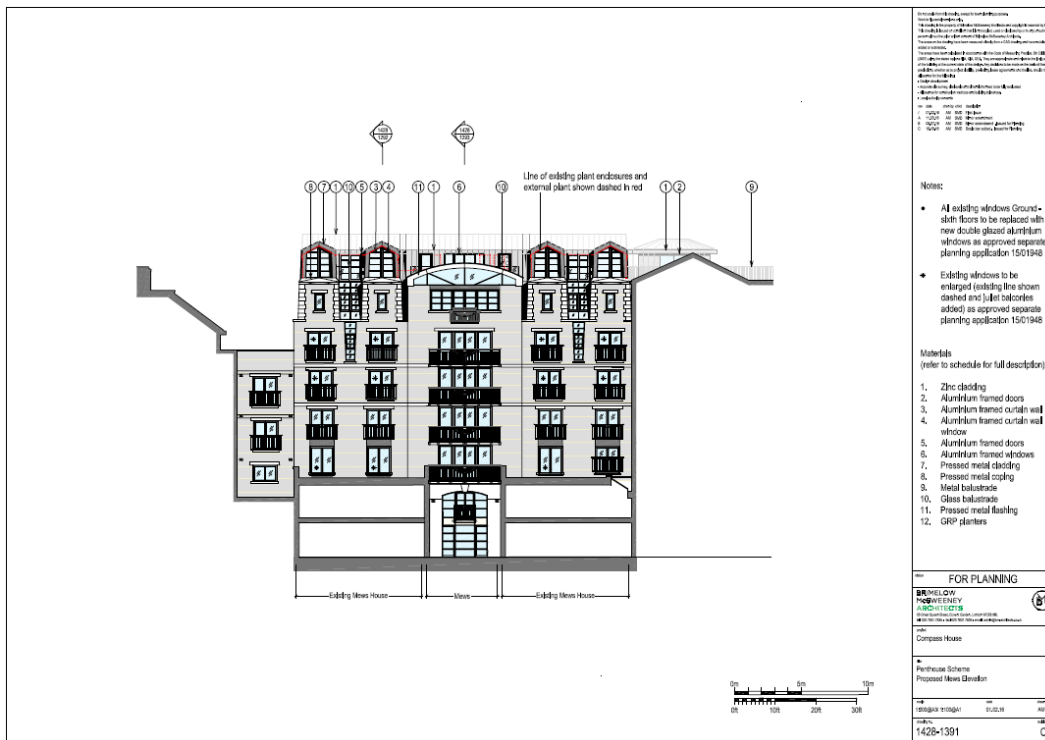
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT NBARRETT@WESTMINSTER.GOV.UK

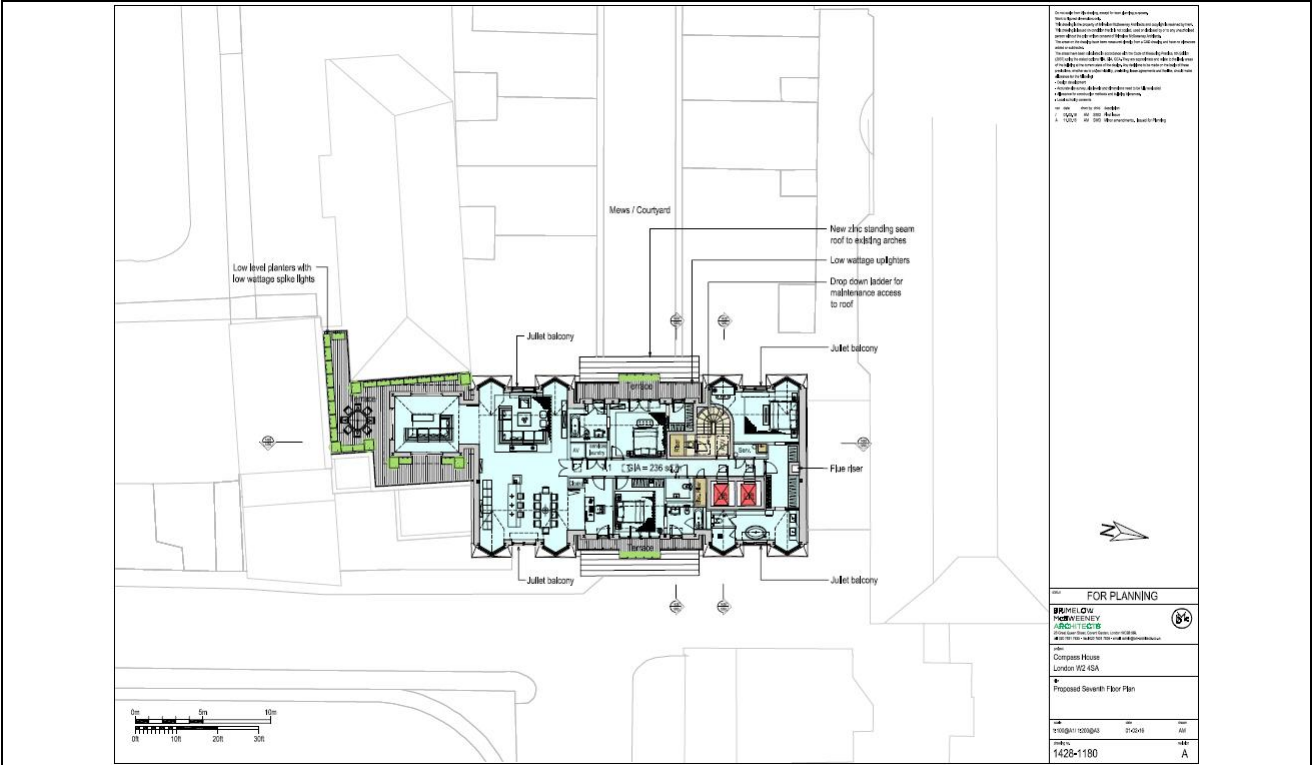
10. KEY DRAWINGS



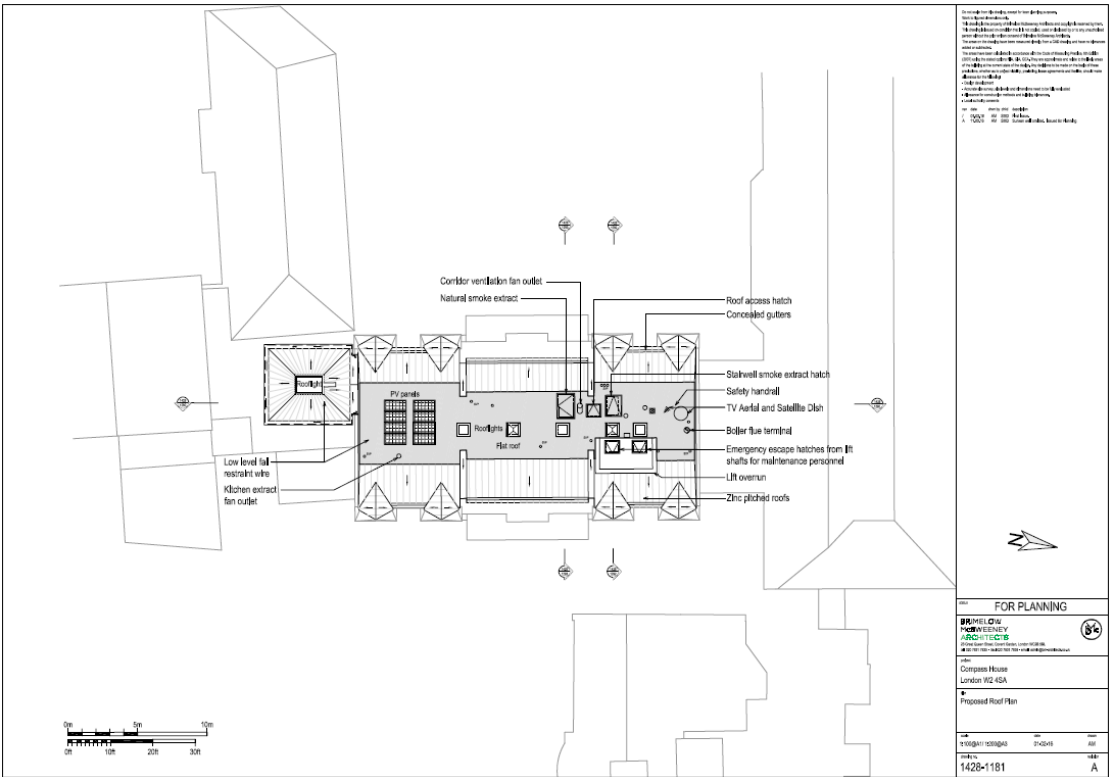
Proposed Redan Place Elevation



Proposed Rear Elevation



Proposed Floor Plan



Proposed Roof Plan



Visualisation from Redan Place

DRAFT DECISION LETTER

Address: Compass House, 22 Redan Place, London, W2 4SA,

Proposal: Removal of roof level plant enclosures and replacement with a roof level extension to form an additional residential flat with external terraces.

Reference: 16/09616/FULL

Plan Nos: 1428-0012 Rev A, 1428-0108 Rev G, 1428-0109 Rev F, 1428-0200 Rev C, 1428-0202 Rev B, 1428-0310 Rev D, 1428-0311 Rev D, 1428-0312 Rev C, 1428-0313 Rev C, 1428-0940, 1428-0941, 1428-0942 Rev A, 1428-0943 Rev A, 1428-0944 Rev A, 1428-0945 Rev A, 1428-1181 Rev C, 1428-1290 Rev C, 1428-1292 Rev B, 1428-1293 Rev C, 1428-1390 Rev C, 1428-1391 Rev C, 1428-1392 Rev B, 1428-1393 Rev B, 1428-1700 Rev A, 1428-1701 Rev C, 1428-1702 Rev A, 1428-1703 Rev B, 1428-1704 Rev B, 1428-1706 Rev C, 1428-1707 Rev B, 1428-1708 Rev A, Materials Schedule

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

- 3 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces. (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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must provide the two reserved car parking spaces shown on drawing no. 1428-1183. The reserved spaces shall only be used for the parking of vehicles of people living in the flat hereby approved.

Reason:

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

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

Reason:

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

- 8 You must provide the waste store shown on drawing 1428-1182 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flat. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 9 You must not use the roof of the permitted extension as a balcony or for any other purpose. You can however use the roof to escape in an emergency. (C21CA)

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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