



City of Westminster

# Committee Agenda

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

Meeting Date: **Tuesday 25th April, 2017**

Time: **6.30 pm**

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

Members: **Councillors:**

Richard Beddoe (Chairman)  
Susie Burbridge  
Ruth Bush  
Tim Mitchell

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

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



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

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

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

## **AGENDA**

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

#### **1. MEMBERSHIP**

To note any changes to the membership.

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

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

#### **3. MINUTES**

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

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

Applications for decision

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

- |   |                          |
|---|--------------------------|
| <b>1. DEVELOPMENT SITE AT LAND BOUNDED BY DRURY LANE, DRYDEN STREET, ARNE STREET AND SHELTON STREET, LONDON</b> | <b>(Pages 5 - 46)</b>    |
| <b>2. 18 ST PETERSBURGH PLACE, LONDON, W2 4LB</b>   | <b>(Pages 47 - 72)</b>   |
| <b>3. 283 - 329 EDGWARE ROAD AND 5 NEWCASTLE PLACE, LONDON, W2 1DH</b>  | <b>(Pages 73 - 120)</b>  |
| <b>4. WESTMINSTER CITY HALL, 64 VICTORIA STREET, LONDON, SW1E 6QP</b>   | <b>(Pages 121 - 136)</b> |
| <b>5. 61 EATON MEWS NORTH, LONDON, SW1X 8LL AND 94 EATON PLACE, LONDON, SW1X 8LW</b>                            | <b>(Pages 137 - 168)</b> |
| <b>6. 80-81 JERMYN STREET, LONDON, SW1Y 6JF</b>   | <b>(Pages 169 - 186)</b> |

**Charlie Parker  
Chief Executive  
13 April 2017**

# Agenda Annex

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 25th April 2017  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN NO(s) : 16/12200/FULL  St James's	Development Site At Land Bounded By Drury Lane, Dryden Street, Arne Street And Shelton Street London	Demolition and redevelopment of site, including facade retention of 30-35 Drury Lane, 2 Dryden Street and 4-10 Dryden Street, for mixed use development comprising retail, restaurant and cafe uses at ground and basement level (Classes A1/A3), office (class B1) at first to fifth floor level, rooftop plant, basement cycle parking and associated works.	
Item No	References	Site Address	Proposal	Resolution
2.	RN NO(s) : 16/10334/FULL  Lancaster Gate	18 St Petersburg Place London W2 4LB	Demolition of existing mews building at 32 St Petersburg Mews and construction of new mews building with link extension to 18 St Petersburg Place. Excavation of basement beneath 18 St Petersburg Place and part of the rear courtyard garden with associated landscaping plus associated alterations to rear façade of 18 St Petersburg Place.	
Item No	References	Site Address	Proposal	Resolution
3.	RN NO(s) : 16/12162/FULL  Little Venice	283 - 329 Edgware Road And 5 Newcastle Place London W2 1DH	Variation of Condition 1 of the planning permission granted 27 January 2017 (ref: 16/07226/FULL) for a redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A2, A3, A4 and B1), up to 672 residential units (including 130 affordable housing units), landscaping and associated car and cycle parking. NAMELY, amendment to the façade of Block A, and ground floor arrangement of Block A including residential drop off and ancillary residential uses, with associated amendment to landscaping plan.	

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	<p>the application site;</p> <p>f) Provision of a financial contribution of £200,000 (index linked) towards an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site;</p> <p>g) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street and Edgware Road;</p> <p>h) Provision of a financial contribution of £200,000 (index linked) toward possible road widening to be undertaken by TFL on Edgware Road;</p> <p>i) Provision of lifetime car club membership (25 years) for each residential unit in the development;</p> <p>j) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat);</p> <p>k) Compliance with the Council's Code of Construction Practice and a contribution of £20,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction;</p> <p>l) Provision of a financial contribution of £1,100,000 (index linked) toward public art associated with the development site and its maintenance;</p> <p>m) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS). In the event that the, CSDHS does not go ahead, installation of CHP plant on-site;</p> <p>n) Offering local employment opportunities during construction; and</p> <p>o) Payment of cost of monitoring the agreement (£15,000).</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee 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 benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>
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Item No	References	Site Address	Proposal	Resolution
4.	<p><b>RN NO(s) :</b> 17/01119/COFUL</p> <p>St James's</p>	<p>Westminster City Hall 64 Victoria Street London SW1E 6QP</p>	<p>Variation of condition 1 of planning permission dated 30 August 2016 (16/06056/COFUL) for 'External alterations to the north, south and western ground and sub-mezzanine floor elevations and associated public realm works; replacement windows on all upper floor elevations; louvre panel strips on the east and west upper floor elevations; and enclosed plant room, open top plant and louvered screen at roof level, namely to allow design changes including an increase in height of the consented louvered plant screen, provision of four new flues at roof level, and changes to the design of the lift shaft overruns.</p>	
<p><b>Recommendation</b> Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.</p>				

Item No	References	Site Address	Proposal	Resolution
5.	<p><b>RN NO(s) :</b> 16/10393/FULL 17/02550/LBC</p> <p>Knightsbridge And Belgravia</p>	<p>61 Eaton Mews North London SW1X 8LL</p> <p>94 Eaton Place London</p>	<p>Demolition of the existing two storey mews at 61 Eaton Mews North including rear ground floor wing extension beneath the first floor projection of 94 Eaton Place and provision of a new mews building comprising of new basement, ground (including rear ground floor extension beneath the first floor projection of 94 Eaton Place), first and mansard storeys with mechanical plant and enclosure within</p>	

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		SW1X 8LW	the rear mansard roof; rear terrace at first and second floor level.	
<p><b>Recommendation</b>                  1. Grant conditional permission and conditional listed building consent.                  2. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.</p>				
Item No	References	Site Address	Proposal	Resolution
6.	<p><b>RN NO(s) :</b>                      16/10648/FULL</p> <p>St James's</p>	81-84 Jermyn Street London SW1Y 6JF	Alterations to shopfront including new entrance doors and pilasters on Jermyn Street elevation, amendments to the entrance door on the corner of Jermyn Street and Duke Street St. James's, and amendments to windows on Duke Street St. James's elevation.	
<p><b>Recommendation</b>                  Grant conditional permission.</p>				

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# Agenda Item 1

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 April 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Development Site At Land Bounded By Drury Lane, Dryden Street, Arne Street And, Shelton Street, London, WC2</b>		
<b>Proposal</b>	Demolition and redevelopment of site, including facade retention of 30-35 Drury Lane, 2 Dryden Street and 4-10 Dryden Street, for mixed use development comprising retail, restaurant and cafe uses at ground and basement level (Classes A1/A3), office (class B1) at first to fifth floor level, rooftop plant, basement cycle parking and associated works.		
<b>Agent</b>	Mr James McAllister-Jones		
<b>On behalf of</b>	Helical Bar (Drury Lane) Limited		
<b>Registered Number</b>	16/12200/FULL	<b>Date amended/ completed</b>	22 December 2016
<b>Date Application Received</b>	22 December 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	No's. 30-35 Drury Lane and 2-10 Dryden Street - Covent Garden Conservation Area  No's. 26-29 Drury Lane outside conservation area.		

## 1. RECOMMENDATION

Refuse permission – design (scale, bulk and massing) and highways (lack of off-street servicing).
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## 2. SUMMARY

<p>The application relates to a complete city block bounded by Drury Lane, Dryden Street, Arne Street and Shelton Street (a pedestrian alleyway), located on the border with the London Borough of Camden. Permission is sought for the redevelopment of the site behind the retained facades of 30-35 Drury Lane and 2-10 Dryden Street, for office use (class B1) with flexible retail, restaurant and cafe uses at ground floor level.</p>
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The key issues for consideration are:

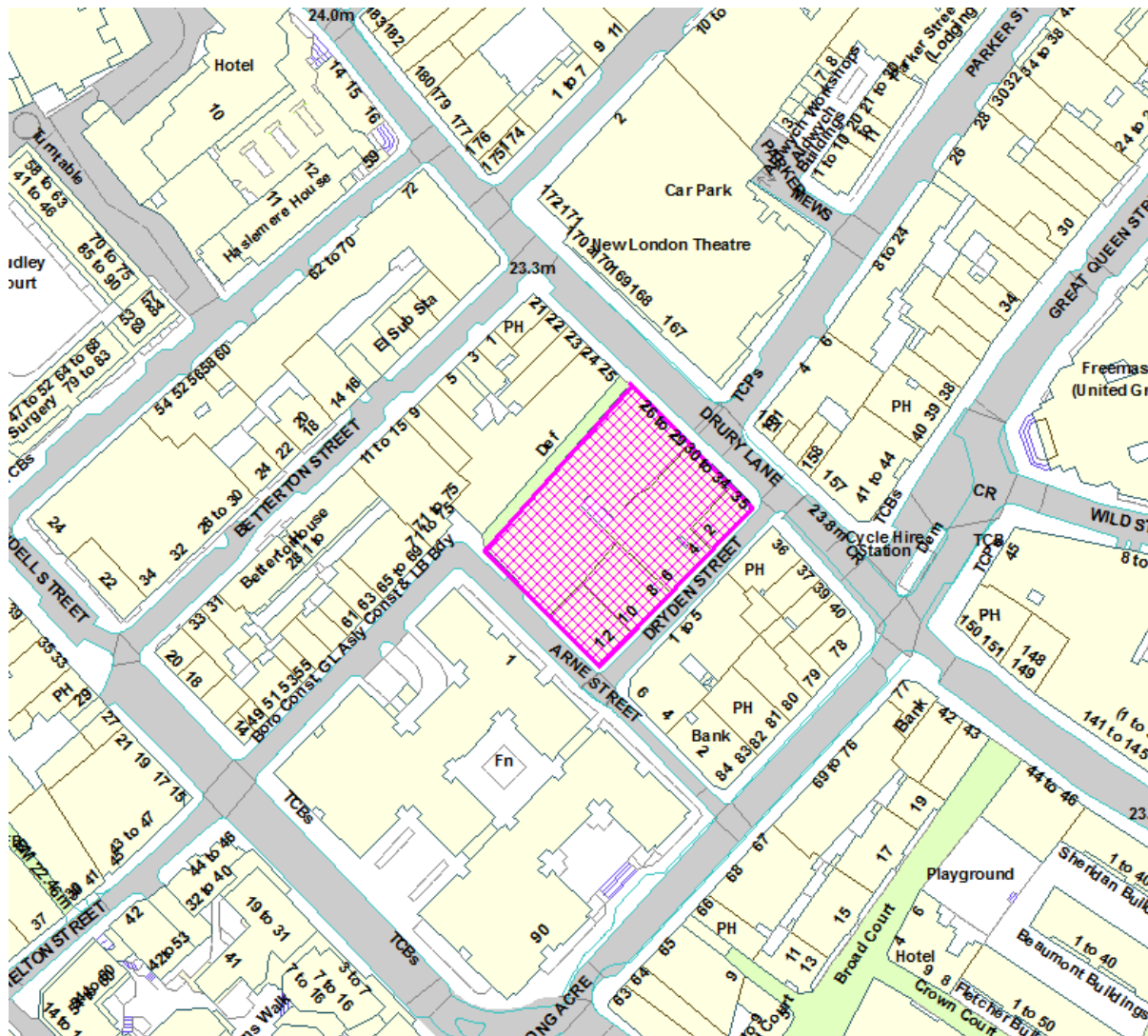
- The impact of the proposals on the character and appearance of the buildings and the conservation area.
- The landuse implications of the proposal;
- The impact of the proposals on the amenity of surrounding residents; and
- The impact of the proposal on the surrounding highway network.

The proposal would provide high quality office accommodation and new retail frontage , however, other policy objectives are challenged. The proposed building would significantly alter the contribution which this city block makes to the character of the area, the Covent Garden Conservation Area, and to the setting of Seven Dials. The public benefits of the scheme would not adequately mitigate or compensate for the more significant issues of scale, bulk and massing of the proposed building.

No replacement off-street servicing is provided which would have an adverse impact on the surrounding highway network and the safety of pedestrians. Accordingly it is recommended that the application be refused on design and highway grounds.



### 3. LOCATION PLAN



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4. PHOTOGRAPHS



26-29 Drury Lane (above) & 2-12 Dryden Street (below)





26-29 Drury Lane (above) & 12 Dryden Street (below)



## 5. CONSULTATIONS

### HISTORIC ENGLAND

Previous concerns raised in relation to the residential scheme with regards to the proposed scale and massing of the additional storeys remain.

A key change with the latest proposals is the alteration of the floor plates and massing of the development in association with the change to office use. The additional height and massing proposed causes concern due to the visual impact in wider townscape views. The proposal will have a top heavy appearance detracting from the proportions and hierarchy of the street frontages. This additional bulk and dominance would conflict with the traditional scale and grain currently characterising the site. These proposals would result in some harm being caused to the special character and appearance of the conservation area. In line with paragraph 132 of the NPPF, the Council will need to weigh up any harm identified with the wider public benefits of the proposals.

### HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to conditions.

### LONDON BOROUGH OF CAMDEN

Any response to be reported verbally.

### COVENT GARDEN AREA TRUST, COVENT GARDEN COMMUNITY ASSOCIATION AND SEVEN DIALS TRUST

This is the second time the three organisations have jointly objected to planning proposals for this site. Welcome the continued use of the site as office (B1) and the subsequent retention of employment uses, however, the height and bulk of the scheme has increased, which further compounds the impact of the proposed development on the character and setting of the conservation area. The consented scheme should not be seen as a precedent.

The current proposals for extensive demolition behind “retained facades” achieve only a minimal increase in square footage. A conservation-based scheme with additional mansard storeys could achieve equal or greater square footage and thus comply with the growth agenda set in the NPPF and accommodate small- and medium-sized businesses, typical of Covent Garden. Covent Garden is a successful example of economic regeneration through active conservation of the built environment precisely because developments such as the one proposed in this application have not been permitted.

In accordance with the NPPF the Council must weigh the harm to the conservation area against any wider public benefits that would result from the scheme. The applicant has not identified any public benefits and the character and appearance of the area must prevail.

The proposals are highly unsympathetic to the character, including architectural design, scale and materials, of the area and fail to improve or maintain (enhance or preserve) the conservation area.

The modern design and materials of 26-29 Drury Lane clashes with the surrounding buildings and the proposed additional storey makes the building stand out. The proposed Shelton Street frontage with louvre panels at ground level creates a fortress feel and does not result in a connection with the streetscape.

Whilst the applicant proposes retaining elements of the historic façades of the remaining buildings, they will be substantially altered and dwarfed by additional storeys that undermine the traditional proportions and historic elevations that typify this part of the conservation area. The additions above the “retained façades” are not in keeping with the character and appearance of the streetscape and fail to relate to the scale, height, detailing and materials of the existing buildings. The excessive scale and design would seriously harm the particular architectural and historic interest and significance of the surviving, original street-elevations, their contribution to the character, appearance and significance of the Covent Garden Conservation Area itself.

The proposed additional floors at 30-35 Drury Lane-2 Dryden Street are more in keeping with the existing façades, however, will result in a building with much more bulk and is not discreet, or a subservient addition to the original building. Additional storeys at 4-10 Dryden Street add substantial height and bulk to the existing and consented schemes.

The height massing and bulk remain incongruent with the character and heritage of the setting, and looks alien to its surroundings.

Such a large mixed use development will have significant servicing and delivery needs. Servicing the development will result in an even greater impact on local narrow streets, particularly Arne, Shelton and Dryden streets.

#### THE VICTORIAN SOCIETY

Raise an objection. The proposal would cause serious harm to the character and appearance of the Covent Garden Conservation Area and the setting of neighbouring conservation areas. 30-35 Drury Lane, 4-10 and 12 Dryden St and 26-29 Drury Lane, with its four-bay return along Shelton Street, all possess character and make a positive contribution to the area's architectural richness. The total demolition of 26-29 Drury Lane would harm the setting of the various conservation areas and should at least have its façade retained as part of any redevelopment.

Object to the excessive roof extensions, which would so starkly and harmfully betray the block, transforming it into a single superblock. The ‘new’ block would be entirely and damagingly at odds with the prevailing character of the area. The roof extensions would be visually prominent and would contrast unhappily with the typology of the street frontages and domestic scale and character of the Conservation Area. The proposed scheme pays insufficient regard to the significance of the buildings and the special interest of the Conservation Area. Contrary to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the NPPF.

ENVIRONMENT AGENCY

Any response to be reported verbally.

#### CRIME PREVENTION DESIGN ADVISOR

No objection.

#### BUILDING CONTROL

Any response to be reported verbally.

#### ENVIRONMENTAL HEALTH

Clarification required as to whether a combined heat and power plant will be installed. The air quality assessment concludes the development proposals are air quality neutral.

The Council's standard noise conditions are recommended to control noise from plant. Two commercial kitchen areas are proposed with dedicated riser route for the kitchen extract system up to roof level. Details should be secured by condition.

The development is a level 1 development under the Code of Construction Practice (COCP) and the appropriate condition should be applied. The submitted construction management plan does not provide sufficient information to fulfil the requirements of a Site Environmental Management Plan. Therefore a revised document will be required. A condition requiring contaminated land remediation is also recommended.

#### HIGHWAYS PLANNING MANAGER

No car parking is proposed which is consistent with UDP policies TRANS21 and TRANS22. Cycling provision is acceptable.

No off street servicing is provided and the existing off street servicing bay is removed, contrary to adopted policy. Inadequate information to demonstrate that on street servicing is capable of occurring without significant impact on other highway users. Reliance on the extant permission at 90 Long Acre (with off street servicing) being implemented to free up on-street space on Arne Street to cope with servicing.

#### CLEANSING

A waste store at ground floor level is large enough to accommodate the waste expected from the development. The proposed redevelopment should be redesigned to accommodate off-street servicing or the waste store relocated so that waste can be loaded directly from the waste store onto the waiting refuse vehicle in order to reduce the amount of time it will be obstructing the public highway.

#### ARBORICULTURAL MANAGER

There are no trees affected or proposed to be planted as part of the application.

A green roof is proposed at fifth floor level which includes troughs around the parapet and a sedum style roof covering. There is insufficient soil on the structure for more biodiverse roof landscaping like a brown roof or a roof meadow. The green roof substrate and structure is inadequate to provide the biodiversity and environmental benefits in terms of species and rainwater attenuation suggested. The absence of sustainable irrigation sources is contrary to Council policy which encourages the

provision of green infrastructure and biodiversity. More substantial, biodiverse and sustainable roof planting could be achieved.

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

No. Consulted: 133  
 Total No. of replies: 4  
 No. of objections: 3  
 No. in support: 1

One letter of support has been received from a resident in Floral Street on the grounds that the development will enhance Covent Garden for residents and workers.

Objections have been received from 2 residents and the Donmar Warehouse Theatre on the following grounds:

##### Design

- Deplore the unnecessary destruction of fine Victorian buildings which are in keeping with those nearby. The demolition of so much character is unjustified.
- Making the assumption that retaining facades makes wholesale demolition of the rest of any historic building justifiable is wrong and not supported by any Conservation and planning policy.
- The buildings are all full of character, inside and out, and were built for light industrial and retail purposes and are of particular townscape value.
- The proposal is to drop a bulky contemporary "City" office building into a Conservation Area in the middle of Covent Garden. The new building pays scant homage to its surroundings except for retaining building facades in Dryden Street and Drury Lane.
- The height of the proposed new facade is too great for the size of the streets.
- The proposed building is of an excessive scale, too high and bulky for the surrounding townscape and will dominate the immediate area.
- Excavating 2.2 metres below the existing basement level is excessive and cannot be justified.

##### Landuse

- There is nothing wrong with the existing collection of buildings, almost all of the space is currently occupied offering character Victorian space or loft style warehouse accommodation typical throughout Covent Garden. A fabulous working environment that has generous floor to ceiling heights, robust cast iron columns, exposed brickwork, traditional timber floors and excellent natural light.
- It is likely that the small retailers currently present which serve the local community (e.g. the newsagents) will be priced out.
- Covent Garden does not need any more restaurants and cafes, the servicing of which causes noise, traffic problems and pollution.
- Dryden Street is very narrow and a flexible retail, restaurant or café unit is likely to shatter the peace of the street from the use and servicing. Long occupational hours of use seem more appropriate for the Drury Lane frontages.
- The introduction of large retail, restaurants and café premises into Dryden Street and Arne Street is inappropriate for a quiet peaceful backwater.

- One of the Donmar's most critical operations within Dryden is the rehearsal studio, designed specifically to prevent standard street noise from entering. It is important for studios to be protected from excessive noise and vibration.

#### Amenity

- The daylight, sunlight and overshadowing study confirms a large number of rooms in the Donmar Warehouse will be affected by the development beyond BRE guidance.

#### Highways

- Traffic and congestion from servicing vehicles.
- Proposed A3 uses will bring servicing traffic into narrow back streets.

#### Other

- Noise and disturbance during construction. Construction traffic should be banned from entering the site from Arne Street or Dryden Street.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application relates to a complete city block bounded by Drury Lane to the east, Dryden Street to the south, Arne Street to the west and Shelton Street to the north (a pedestrian alleyway connecting Drury Lane to Arne Street). It is located on the border with the London Borough of Camden which runs along the middle of Shelton Street and Drury Lane.

Only the southern part of the site is located within the Covent Garden Conservation Area (No's. 30-35 Drury Lane and the Dryden Street properties). Nos. 26-29 Drury Lane are not within the conservation area boundary. The Seven Dials Conservation Area, in the London Borough of Camden, wraps around the north and east of the site. The site lies within the Core Central Activities Zone, West End Special Retail Policy Area; and the West End Stress Area.

The site comprises three existing buildings which are in a mix of office and retail uses:

#### **30-35 Drury Lane and 2-6 Dryden Street**

Constructed in the mid- nineteenth century, the buildings comprise four retail units (class A1) at ground floor level along Drury Lane (561sqm GIA), with offices (class B1) on the upper floors accessed from Dryden Street (1,842 sqm GIA).

#### **26-29 Drury Lane**

Built in 1915, following extensive bomb damage in World War II the building was subject to substantial repair and extensions. The building is currently in office use (class B1) occupied by King's College (4,690 sqm GIA) providing back of house administration functions. It is understood that the facilities provided are to be relocated to the Kings College, Aldwych campus.



**4-10 & 12 Dryden Street**

A mid nineteenth century building substantially altered externally and internally, used for light industrial and then office use. The building is currently occupied by a mix of multi-let employment spaces (1,901 sqm GIA).

An existing servicing entrance is located on Arne Street.

**6.2 Recent Relevant History**

There was a resolution to grant planning permission at Committee in April 2016 for the demolition and redevelopment of the site in buildings ranging from 5 to 7 storeys (plus roof top plant enclosures), including facade retention of 30-35 Drury Lane, 2 Dryden Street, 4-10 Dryden Street and 12 Dryden Street, to provide retail and restaurant/cafe uses at ground and basement level (Class A1/A3), 68 residential units (Class C3), cycle parking, basement car park and associated landscaping works.

This application is subject to a S.106 agreement which has not been signed to date and the planning permission has not therefore been issued.

**7. THE PROPOSAL**

Planning permission is sought for the demolition and redevelopment of the site, including the facade retention of 30-35 Drury Lane and 2-12 Dryden Street, to provide a building of basement, ground and five upper floors with a rooftop plant enclosure.

Flexible retail, restaurant and cafe uses (Class A1/A3) are proposed at part basement and ground floor level with retail frontage to all street elevations, and office use (class B1) at first to fifth floor level. The main office entrance is located mid-way along Dryden Street.

The existing basement level is proposed to be deepened by approximately 2.2 metres to enable the provision of plant rooms and basement cycle parking, shower/changing room and locker facilities.

**8. DETAILED CONSIDERATIONS**

**8.1 Land Use**

The buildings are currently occupied and in office use (class B1) with retail at ground floor level. The existing, consented and proposed land uses can be summarised as follows:

Use	Existing (Sqm GIA)	Consented (Sqm GIA)	Proposed (Sqm GIA)
Office	8,162	0	9,515 (+1,353)

Retail/restaurant (class A1/A3)	833 (retail/A1 only)	1,770	1492 (+659)
Residential	0	9,413	0
Total	8,995	11,183	11,007 (+2,012)

(Applicant's calculations)

**Office use**

The site is located in the Core Central Activities Zone (CAZ). Policy S1 of Westminster's City Plan adopted November 2016 relates to mixed uses in the CAZ and encourages development which promotes Westminster's World City functions, manages its heritage and environment and supports its living, working and visiting populations. The policy goes on to state that developments in the core CAZ where the net additional floorspace (of all uses) is less than 30% of the existing building floorspace, no residential floorspace will be required.

Policy S20 relates to offices and states that the Council will seek to exceed its target for additional B1 office floorspace capacity. This policy has introduced a new office protection approach and seeks to restrict the loss of office space to housing within the CAZ.

The proposal will result in an increase in office floorspace of approximately 1,353sqm. The provision of additional office floorspace is considered acceptable in landuse terms and it will not trigger the requirement for new residential floorspace.

Concern has been raised that the proposal will result in the loss of medium scale office floorspace which is characteristic of the kind of businesses in Covent Garden and a similar uplift in office floorspace (which the applicant confirms is 7.2%) could be achieved through extension and refurbishment of the existing buildings. There are currently no council policies which protect small/medium scale office uses and a refusal on these grounds could not therefore be sustained.

It should be noted that the applicant has made a late informal offer in response to the comments raised by CGAT, CGCA and SDT about the loss of 'Covent Garden style office space', whereby they would use the proposed ground floor retail unit on the corner of Arne Street and Dryden Street to provide a self-contained B1 unit of 320sqm; and that the upper floors be marketed in units of around 500sqm in order to attract small/medium office occupiers. No details or plans have been submitted to indicate how this could be achieved within the office layouts proposed, or how it could be secured. This would not overcome other fundamental objections to the scheme (see section 8.2 below), and on the basis that no formal submission of this nature has been received or consulted on, it is not considered further in this report.

**Retail/Restaurant uses**

There are four existing retail units (class A1) along the Drury Lane frontage. The proposed development includes the provision of three retail units (1492sqm), one unit behind the retained façade at the corner of Drury Lane and Dryden Street over ground and basement level (776 sq. m GIA), with two further units proposed to have flexible retail/restaurant/café (class A1/A3) use, one on the corner of Dryden Street and Arne (320 sq. m GIA) and the other on the corner of Drury Lane and Shelton Street (396 sq. m GIA).

The site falls within the West End Special Retail Policy Area. Policy S7 of Westminster's City Plan (November 2016) relates to the West End Special Retail Policy Area and seeks to prioritise improved retail space; appropriate retail growth; improved pedestrian environment; development of oasis areas of rest, including seating areas and A3 café and restaurant uses where appropriate; and improved linkages to and from surrounding retail areas and visitor attractions.

Policy S6 of the City Plan and SS4 of the UDP encourage new retail floorspace in the CAZ. Policy SS4 states that development schemes in areas that would benefit from more shops or services must include an appropriate number of shop type premises at street level. Policy SS5 of the UDP relates to non-A1 town centre uses at basement, ground and first floor level within the CAZ and states that they will only be granted where the proposal would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality.

Policy TACE 9 of the UDP relates to restaurant/café uses within the CAZ and West End Stress Area with a gross floorspace of between 150m<sup>2</sup> and 500m<sup>2</sup> respectively. This policy aims to ensure that restaurant and bar uses have no adverse effect upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking and traffic; and no adverse effect on the character and function of the area.

The use of 1492sqm as retail is in accordance with policy S6 and S7 of the City Plan and SS4 of the UDP. The retail frontage on the site is proposed to be increased from 66m to 128m with active street frontage/shopfronts introduced to all street elevations. The increase in retail floorspace (659sqm) and frontage will enhance the character and vitality of the area.

Objections have been received on the grounds that the small retailers currently present will be lost. It is regrettable that the applicant has not made provision for the units to be divided into smaller units should the need arise, however, it is not considered that the application could be refused on this basis.

The proposed flexible retail units (retail, restaurant or café use) are below 500 sqm and therefore the scale of the units are considered appropriate for restaurant/café use. The applicant has made provision for a full height kitchen extract duct from the flexible retail units up to the roof of the building.

Objections have been received to the introduction of a restaurant use on the corner of Dryden Street and Arne Street on the grounds of noise disturbance to the Donmar Theatre and nearby residential accommodation. The 2016 residential scheme contained a flexible retail/restaurant unit in the same location as that proposed and it is

not considered that the application could be reasonably be refused on this basis. Were the application to have been considered acceptable in other respects, conditions would have been recommended to limit the hours of opening of any A3 uses to between 08.00 and midnight; to secure a management plan for the restaurant uses to protect the amenity of surrounding residents; and to control internal noise to prevent noise outbreak from the units.

## 8.2 Townscape and Design

### The Site / Assessment of Significance

The southern half of the site is within the Covent Garden Conservation Area, whilst the northern half of the site is outside of it. The Seven Dials Conservation Area in the London Borough of Camden adjoins the city boundary on the northern / eastern boundaries of the site.

None of the buildings on the site are listed, nor are they considered to be of a listable degree of architectural or historic significance. All of those within the conservation area make a positive contribution to it and are therefore, despite the absence of a Conservation Area Audit, considered to be 'unlisted buildings of merit'. Behind their facades they are significantly altered and of no real merit. The buildings outside of the conservation area are considered to have some, but quite limited architectural merit, and a very small degree of historic significance. They are not considered to be worthy of inclusion within the Conservation Area.

Opposite the site, to the south across Dryden Street is a Grade II listed building, nos. 36 to 40 Drury Lane (formerly The Marlborough Public House). The site falls within its townscape setting in terms of the building's primary significance as a London public house surrounded by development of a similar scale and type.

The site currently consists of four buildings or groups of buildings, all of which are attached in a continuous block with two shared lightwells and no private or public amenity spaces.

- **26-29 Drury Lane.** Architecturally two buildings dating from 1915 but now conjoined internally as one. The property fronts onto Drury Lane and a short stretch of Shelton Street, but with a more utilitarian 20<sup>th</sup> century warehouse character forming the larger part onto Shelton Street and Arne Street. Originally warehouses and showrooms for seed merchants, now offices used by Kings College. Outside of the conservation area, and with a low level of individual architectural and historic significance. Proposed for complete demolition and redevelopment.
- **30-35 Drury Lane and 2 Dryden Street.** Fronting Drury Lane and Dryden Street, these are the main public face of the application site, are within the conservation area (CA) and date from the 1890s. Originally showrooms, warehousing and offices, and now offices. Of a medium but not special level of individual architectural or historic significance, and

makes a positive contribution to the CA. Proposed for demolition and redevelopment behind retained and extended facades.

- **4-10 Dryden Street.** Fronting Dryden Street, these former houses / shops also of the 1890s, are now offices and are within the conservation area. Of a medium but not special level of individual architectural or historic significance, and makes a positive contribution to the CA. Proposed for demolition and redevelopment behind retained and extended facades.
- **12 Dryden Street.** Fronting Dryden Street and forming its corner with Arne Street. A former chapel dating from 1841, converted to a warehouse in the late 19<sup>th</sup> century, now offices and within the conservation area. Of a medium but not special level of individual architectural or historic significance, and makes a positive contribution to the CA. Proposed for demolition and redevelopment behind retained and extended facades.

### Legislation, policy and guidance

When determining applications affecting the setting of a listed building, or for development within a conservation area, the decision-maker is required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard / attention to the desirability of preserving the setting of the listed building, and of preserving or enhancing the character and appearance of the conservation area.

Sections 7 and 12 of the NPPF require that great weight be placed on design quality and on the preservation of designated heritage assets. Paragraph 133 makes it clear that 'substantial harm' must only be approved in exceptional circumstances in return for substantial public benefits and subject to various tests. Paragraph 134 meanwhile requires a similar but proportionate assessment of 'less than substantial harm' against public benefits; 'less than substantial' should not be confused with 'acceptable' harm.

Together the above statutory and national policy basis equates to a strong presumption against harm, which may only be permitted if the harm caused would be significantly and demonstrably outweighed by public benefits which could only be achieved through allowing that harm.

Locally, UDP Policies DES 1 (urban design / conservation principles), DES 4 (infill development), DES 5 (alterations and extensions), DES 6 (roof alterations / extensions), DES 9 (conservation areas) and DES 10 (listed buildings) apply to the consideration of the application proposals, whilst S26 and S28 of the City Plan provide the strategic basis for the application. Relevant London Plan (2016) Policies include 7.4 (Local Character), 7.6 (Architecture), 7.7 (Location and design of tall and large buildings), and 7.8 (Heritage assets and archaeology).

No Conservation Area Audit has been carried out for Covent Garden. Relevant local guidance exists within the council's 'Design Matters in Westminster' Supplementary

Planning Guidance (SPG) (2001), and 'Development and Demolition in Conservation Areas' SPG (1996).

The Covent Garden Area Trust has published their own 'Environmental Study' which is given material weight by the council in determining relevant applications. The current version is mostly related to public realm measures and is generally focused upon the core piazza and surrounding streets. It does not give guidance of any real relevance to this scheme. Similarly the Seven Dials Trust has published and is currently reviewing their own 'Renaissance Study' although the current version does not include the assessment of buildings within the City of Westminster's area. Whilst the merits of this document are noted, it is not a statutory planning document and has not been adopted by either the City Council or the London Borough of Camden, and should be given no weight with regards to this current scheme.

### **The 2016 Residential Proposal**

As stated in section 6.2 above, in April 2016, the Council resolved to grant planning permission for the redevelopment of the site for a mixed residential and retail scheme. The current scheme's design is an evolution of that scheme's design, by the same architects and developer. The main design changes can be summarized as follows:

<b>Design element</b>	<b>2016 residential-led scheme</b>	<b>Current office-led scheme</b>	<b>Effect of change</b>
<b>Overall site plan</b>	Three separate cores, set around central open courtyard	Single central core, infilled block.	Merges five separate roof-forms into one large roofscape
<b>Roof form</b>	Varies according to each of 5 'building designs'. Maximum height: Tallest section contained to north-eastern corner of site only.	Maximum height: More unified range of roof heights, spread over two-thirds of site. Tallest section spans whole site.	Notably greater high level bulk and unified built form above retained and new facades. Visible from Drury Lane and Parker Street. Also visible across wide area from high level private views of Covent Garden roofscape.
<b>Storey heights</b>	Lower floor-to-ceiling heights; seven storeys overall.	Taller floor-to-ceiling heights, maximum six storeys	Subtle changes to building proportions and vertical rhythm.
<b>Floorplates</b>	Multiply divided	Large open plan from first floor upwards	Some visibility externally through windows of large singular internal spaces.
<b>Permeability</b>	Gated entrance to central courtyard onto Dryden Street	Glazed entrance to triple-height office reception onto Dryden	Removes locally characteristic view of central courtyard.

Design element	2016 residential-led scheme	Current office-led scheme	Effect of change
		Street	Displays evidence at street level of single office entity behind retained facades.
<b>Retained facades</b>	All within CA retained and extended upwards.	All within CA retained, and extended upwards.	Very minor increases in heights.
<b>Shopfronts</b>	Design improvements to shopfronts of 30-35 Drury Lane retained facades required by amending condition	Design improvements to shopfronts not included.	Limits regeneration benefits of scheme. If minded to approve, amending condition required again.

### The Proposal

Nos. 26-29 Drury Lane (outside of the conservation area) would be demolished completely, and replaced with two new buildings.

The new building forming the corner of Drury Lane and Shelton Street, an adaptation of the previous 2016 proposal, would be a bold modern design faced with a black artificial stone cladding moulded to mimic the folds of theatre curtains up to 3rd floor level (above ground). Above this, two further storeys would be contained within tiered mansard roofs, with a further set-back plant storey terminating the building. This is an increase of one storey plus plant storey when compared with the 2016 residential scheme.

The new building towards the rear, forming the corner of Arne Street and Shelton Street, would rise to six storeys (23.5m high from pavement) and would be built of a dark brown brick arranged in vertical piers, with inset warehouse style windows. It would have a modern design, reminiscent of Covent Garden warehouses. The design of this block has been adapted from the 2016 scheme with fewer but taller storeys, so producing an equal overall height. Its elevation facing Arne Street has also been broadened, to omit the spandrel linking section which formerly separated it from 12 Dryden Street. This has caused some loss of vertical proportionality, which degrades the success of the design.

Nos. 30 to 35 Drury Lane and 2 Dryden Street would be extended upwards with a new attic storey, similar to that which exists historically to the adjacent listed building to the south of the site, with a new mansard storey above. Above this would extend the site-wide upper mansard and set-back plant storey. This is an increase of one storey plus plant over the residential scheme. The attic storey would be generally consistent with the architectural character of the existing elevation, being built of brick with stone details. The new lower mansard would have a generally traditional character, and would include dormers behind a parapet. The upper mansard would be taller, and

contiguous with that extending over the rest of the site. No other alterations are proposed to this façade.

Nos. 4 to 10 Dryden Street would be extended upwards with a new traditionally designed mansard behind the existing parapet, concealing a high level rooflight. Above this, set behind the mansard, would be two additional set back sheer storeys above which would be the site-wide upper mansard and plant storeys. This is a change from the residential scheme, which included a central courtyard where the upper sheer storeys would now sit, which benefited the scheme by separating this frontage from the taller parts of the site.

No. 12 Dryden Street, the former chapel / warehouse, would be extended upwards in brick by two-storeys, sheer apart from a set-back on both the Dryden Street and Arne Street elevations at the upper level. The lower of the two new storeys would build upon the architecture of the retained façade below, whilst the upper most storey would be a modern design built of reconstituted stone piers dividing narrow windows. On top of that again, as with other elevations, would be a plant storey, set slightly back from the roof edge.

#### **Heritage impacts and design merit overall**

Objections have been received regarding the loss of the existing buildings, including from the local amenity groups who consider that they are of good architectural and historic merit, including internally. Historic England has raised concerns, however, considers the principle of demolition and redevelopment behind retained facades to be acceptable.

The buildings which are proposed for demolition are all outside of the conservation area and their exclusion from it is considered to remain reasonable. They are not harmful to the character of the area but they only have a low level of individual architectural or historical merit which has been diminished by modern alterations and substantial post-war rebuilds. It must also be noted that demolition outside of a conservation area does not in itself require planning permission. For these reasons the extent of complete demolition proposed is considered to be acceptable in principle, subject to the comparative architectural merits and townscape impacts of their proposed replacements.

The buildings proposed for redevelopment behind their retained facades make a positive contribution to the conservation area, but they are not of a listable quality. What limited internal features which might remain are quite dispersed amongst extensive modern interventions, meaning that there is no cohesive internal architectural character of sufficient significance to be described as 'special', and therefore would not satisfy the very stringent modern criteria for listing. It should also be noted that, being unlisted, internal alterations cannot be controlled through the planning process. Whilst the loss of these rearward parts of the buildings is regrettable, it is considered to be acceptable in principle subject to how the retained facades are treated.



The proposal to retain long lengths of façade on three sides of the block aids the success of the façade retention by ensuring that all lower public facades within the conservation area would remain historic, rather than exposing modern flanks or rear elevations to public view. The upward extension of retained facades is always contentious, but can be successful on some occasions. This was considered acceptable with the residential scheme.

The received objections also make reference to the proposed new designs, both of the new facades outside of the conservation area, and the alterations / extensions proposed for the retained facades. Historic England has not objected on this basis, other than insofar as it applies to scale, bulk and massing (see below).

The architectural design of the new and altered facades has degraded since the residential scheme as a result of its adaptation to office uses.

Both of the completely new buildings, to the north of the site, have lost some of the elegance of the previous scheme, with poorly defined transitions between apparent facades, and a loss of proportionately or varied storey heights; this is reflective of the proposed singular internal use as one office block. The level of detailing remains apparently good, with high quality brickwork, artificial stone walling and details, and metal windows and roofing.

The proposed extension of the retained facades is generally acceptable, adapting the character of those elevations in an acceptably similar way to the residential scheme. The loss of the open archway from Dryden Street is regrettable however, and the appearance through windows of a large reception characteristic of a large scale office block, and the bulkheads of the new office floors behind the apparently modest scale of Dryden Street would be incongruous and would betray the efforts to conceal what would lie behind the retained façade.

Whilst, in strictly external terms, up to roof parapet level the designs remain acceptable they are not of exceptional quality and certainly do not match up to the elegance of last year's residential scheme.

The principal area of change to the design of the buildings is however in the significant increase in scale, bulk and massing at high level. The loss of the central courtyard has caused the tallest parts of the development, previously contained to the north-east corner, to spread across most of the site, spanning the differing façade treatments below. This betrays the previously commendable efforts to define five separate building groups, displaying above them one singular office roofscape significantly out of character with the fine-grain of Covent Garden, both in terms of elevations and roofscape. The unified storey heights also contribute towards this evidence of internal singularity.

From various street level viewpoints the high level bulk would be visible, appearing as a discordant office block 'ziggurat' roofline over the traditional frontages below. From the north on Drury Lane the scale would be particularly significant, as too would it be from Parker Street. From the south, the additional upper mansard level would poke above the lower mansard.

It is also important and well established that private views should be considered as a part of an area's character. In this respect, the scheme would be visible from surrounding and longer distance properties, affecting the appreciation of the area's character for those residents. Replacing a fine-grained existing roofscape would be a large and bulky office block roof, apparently alien to the otherwise well set out elevations below. Whilst these views would include the also large forms of 90 Long Acre or the New London Theatre, those are evidently anomalous to the otherwise tight-knit roofscape of Covent Garden. It is an area characterised by small units, both residential and commercial, providing good evidence of the area's historic origins as a central urban area of industrial and commercial activity. It has weathered the introduction of modern office uses well, merging these well into the existing building stock, or into the prevailing fine grained pattern of development.

No harm would be caused to the setting of the adjacent listed building of 36-40 Drury Lane, because the contribution which setting makes to its significance would not be altered as a result of the new development. It would remain a central city context, and the scale, bulk and proportions of the proposals would not detract from the prominence of the listed building in views in which it makes a significant contribution.

### **Design, Townscape and Heritage conclusion**

The received objections have been considered and given weight, both with regards to the loss of the existing buildings (both entirely outside of the CA and behind retained facades within the CA) and with regards to the proposed new designs.

It is considered that the harm caused by the current proposals, whilst not 'substantial' would nevertheless be significant and permanent. They would significantly alter the contribution which this city block makes to the character of Covent Garden, and to the setting of Seven Dials.

The design benefits of the scheme would not adequately mitigate or compensate for the more significant issues of scale, bulk and massing discussed above.

Having regard to Paragraph 134 of the NPPF, and the statutory requirement to pay special regard to the character and appearance of the conservation area, the benefits which the scheme would introduce (see below), would need to be significant, and well demonstrated in order to allow the council to approve the scheme.

### **Consideration of public benefits/Conclusion**

The key planning benefits put forward by the applicant arising as a result of the proposed development can be summarised as follows:

- The existing office floorspace is tired and inefficient, with uneven floor levels and multiple cores and access points to different offices. The proposal will replace the existing office and retail floorspace with new modern office floorspace with coherent layouts and regular retail units.
- 9,615 sq. m of modern office floorspace in the Covent Garden area, which will contribute towards meeting Westminster's economic targets, bringing new occupiers to the area and providing a home for those looking to expand/upgrade.
- Modern, highly specified office space makes higher occupational densities possible which can lead to lower costs per desk (even if the rent per sq ft is higher).
- The proposed office floorplates provide flexibility to provide space for a variety of office occupiers, with the ability to sub-divide floors to accommodate smaller companies, or larger to encourage expanding businesses to stay within the Covent Garden area.
- Retention of historic facades which contribute to the Conservation area,
- High-quality design which will enhance the setting and appearance of the conservation areas.
- Significant improvements to the ground floor of the site, including increased legibility, new retail frontages and improved pedestrian experiences at street level.
- Energy efficiency measures to minimise carbon emissions and target BREEAM 'excellent' rating.

The buildings are fully occupied and it cannot therefore be argued that the development is required to bring the buildings into use. The 2016 residential scheme established what the council considered to be the maximum scale, bulk and massing permissible for the site. Whilst the proposals will result in a number of public benefits, most notably an increase in office and retail floorspace in accordance with policies S1, S20, and S7 of the City Plan, it is not considered to outweigh the significant and permanent harm caused to the conservation area. The scale, bulk and massing of the proposed building would significantly alter the contribution which this city block makes to the character of Covent Garden, and to the setting of Seven Dials (as discussed in detail above). Accordingly it is recommended that the application be refused on design grounds.

### **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 existing buildings have differing heights between four and five storeys, with some rooftop structures. The proposed buildings will substantially increase the height, mass and bulk across the site. The surrounding streets are narrow with Drury Lane approximately 12m wide, Dryden Street approximately 6m-7m wide, Arne Street approximately 7.5- 8.5m wide, and Shelton Street (passage) approximately 2.2m-3.2m wide.

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 consultants Delva Patman Redler have carried out the necessary tests using the methodology set out in the BRE guidelines. Daylight and sunlight tests have been carried out on the nearest, most affected residential properties in 158-159 Drury Lane, 36 Drury Lane, 23 Drury Lane, 22 Drury Lane, 1-5 Dryden Street, Betterton House 17-29 Betterton Street (which has external walkways to the entrances to the flats on the rear elevation – overlooking the application site), 1, 3 and 5 Betterton Street. The report also assesses the impact on the consented redevelopment scheme at 90 Long Acre.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with reductions of over 20% of existing daylight (VSC) levels likely to be noticeable. Of the 68 rooms tested, the daylight report shows that 25 rooms within 36 Drury Lane, 1-5 Dryden Street; Betterton House, 3 and 5 Betterton Street will experience some transgressions outside the BRE guidelines. These windows serve living rooms, kitchens and bedrooms and will experience losses of between 24.39% and 52%. The biggest losses are to bedroom windows which are not main habitable rooms and it is not considered that a refusal on the grounds of loss of daylight to these rooms could be sustained. The results of the VSC assessment for each main habitable room (living rooms and kitchens) are shown in the table below (excluding Betterton House, which is considered separately).

<b>Property</b>	<b>Existing VSC</b>	<b>Proposed VSC</b>	<b>% loss VSC</b>
<b>36 Drury Lane</b>			
<b>Third floor living room</b>	33.56	24.45	28.86% (average)
Window 1	33.86	23.51	
Window 2			

<b>1-5 Dryden Street</b>			
<b>Third floor kitchen</b>			
Window 1	33.31	21.24	36.48% (average)
Window 2	33.28	21.14	
window 3	33.27	21.05	
<b>Third floor living room – contains 8 windows, two unaffected</b>			
	33.23	20.95	28.26% (average)
	33.19	20.84	
	33.16	20.72	
	33.11	20.59	
	33.05	20.46	
	33.01	20.32	
<b>Third floor living room</b>			
6 windows, 2 unaffected	31.93	18.25	28.72% (average)
	31.26	17.53	
	28.92	13.70	
	22.20	17.55	
<b>3 Betterton Street</b>			
First floor Kitchen	18.20	12.10	33.50%
Second floor Kitchen	21.31	14.50	31.96%
Third floor Kitchen	25.35	18.67	26.35%

As can be seen from the table, the proposal will result in a material worsening of daylight standards to these properties. Whilst these daylight losses are regrettable, the retained VSC levels are not uncommon in a close urban environment and it is not considered that a refusal on the grounds of loss of daylight to these properties could be sustained. It is worth noting that the residential scheme on this site considered by Committee in 2016 resulted in similar impacts on daylight.

Betterton House is a residential block to the north west of the site comprising ground and four upper floors, the upper two floors of which rise above the height of the buildings fronting Shelton Street. The front doors to these flats are on the rear elevation of the building facing south-east with walkways/balconies that overhang each floor. Existing VSC levels to the third and fourth floor windows are already low (ranging from 0.38 to 12.55) and the low starting point significantly exacerbates the percentage losses (with remaining VSC levels between 0.10 and 9.58). The BRE guidelines acknowledge that existing windows with balconies above them typically receive less daylight, and that even a modest obstruction opposite may result in a large relative impact on the VSC. The guidance recommends an additional calculation of the VSC without the balcony in place. The applicant has therefore carried out a further test which shows that without balconies in place VSC levels would be fully compliant with the BRE targets. On this basis, it is not considered that the proposal will result in a significant worsening of daylight standards to Betterton House.

The applicant has also assessed the impact of the development on the consented development at 90 Long Acre which includes 119 flats. The proposal will result in a loss of daylight to 16 living rooms at first to fifth floor levels in excess of BRE guidelines. The biggest impacts will be to windows serving balconies set back behind the building line, however, the majority of these rooms (at second floor level and above) are served by a further window to the building frontage which will retain VSC levels between 10.91 and 26.21 which are considered acceptable levels in an urban location. Four flats (two at first, one at second and one at third floor level) have living rooms served by one window and will experience losses up to 60% with retained VSC levels of between 3.78 and 9.76. These levels fall at the extreme of what can reasonably be considered acceptable even for a Central London location. However, on the basis that there is no guarantee that this development will be implemented and the 2016 residential scheme for the site (granted subject to completion of a s.106 agreement) allowed a building of a similar height and bulk to the Arne Street frontage, it is not considered that a refusal on the loss of daylight to 90 Long Acre could be sustained.

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. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

Of the properties assessed (53 rooms in total) eight rooms, all within Betterton House, will experience a loss of sunlight in excess of BRE guidelines. The assessment has also been carried out with the removal of the exiting walkways to these properties, which shows that the proposals would comply with the BRE guidelines. On this basis, it is not considered that the application could reasonably be refused on the grounds of loss of sunlight to these properties.

### **Sense of Enclosure**

The additional bulk of this scheme when compared to the 2016 residential scheme is most significant to the south west side of the site. The additional 5<sup>th</sup> floor, whilst set back from Drury Lane will be particularly apparent in views from residential properties on Dryden Street and those facing Shelton Passage (i.e. Betterton House) as well as the flats contained in the permitted scheme at 90 Long Acre. Whilst there will be some additional 'enclosure' as a result of the bulk at fifth floor level, given the established pattern of development in this area with narrow, relatively enclosed streets, it is not considered that the proposals would result in a degree of enclosure to existing residential windows sufficient to justify refusing the application on amenity grounds.

### **Privacy**

The building line will remain as existing, albeit with increases in height. The upper floors are in office use and it is not considered that the proposal will result in any significant overlooking/loss of privacy to surrounding buildings. Accordingly the proposal is considered acceptable in amenity terms.

#### **8.4 Transportation/Parking**

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

No car parking is proposed which is consistent with UDP policies TRANS21 and TRANS22.

The London Plan Policy would require 104 cycle parking spaces for the office use and 6 spaces for the retail uses. 120 cycle parking spaces are proposed for the office use and 46 spaces for the retail uses. The cycling provision and ancillary facilities including showers and lockers are welcomed.

S42 and TRANS20 require adequate off-street servicing provision. The existing site has an off-street servicing area, accessed from Arne Street. The proposal removes this and provides no off-street servicing area, with all servicing proposed on-street. No holding areas have been provided at ground level for servicing activity including storage for deliveries or bin holding areas. Whilst a waste store has been provided, it is not directly accessible from the street and would not therefore enable waste to be loaded directly onto the waiting refuse vehicle, thus increasing the time it will be obstructing the public highway.

There would appear to be no physical constraint to re-providing on-site servicing, given the level of proposed demolition. Providing off-street servicing would improve the highway environment for pedestrians and other highway users. Given the proposed demolition of the majority of the site and surrounding highway layout, the lack of off-street servicing provision for the proposed development will have a significantly detrimental impact on highway users and is contrary to S41, S42 of the City plan and TRANS3 and TRANS20 of the UDP.

#### **8.5 Access**

Level access is proposed into each of the uses at ground floor level with lift access to basement level and the upper floors. Lift lobbies, corridors and thresholds will comply with the Disability Discrimination Act.

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

##### **Plant**

Plant is proposed at basement level and within a plant enclosure at main roof level. Were permission to have been considered favourably, conditions would have been recommended to secure full details of plant and a supplementary acoustic report when plant has been selected, location and hours finalised, and the attenuation measures available to confirm compliance with the Council's standard noise condition.

##### **Refuse /Recycling**

A central waste store is proposed at ground floor level with separate waste and recycling storage which is large enough to accommodate the waste expected from the development. (See section 8.4 above in relation to refuse collection).

### **Trees/Biodiversity**

There are no existing trees on or surrounding the site and no trees are proposed to be planted.

A landscaping element is proposed where the building steps back at fifth floor level above the Chapel building (12 Dryden Street). The proposed landscaping follows the line of the building and comprises low level trough planters set behind the perimeter parapet wall and a sedum style roof covering of approximately 140 sqm. The applicant states that the planters will contain a native mix of plants to benefit a range of wildlife species. Two bird boxes are also proposed.

The Arboricultural Manager has raised concern that there is insufficient soil on the structure for more biodiverse roof landscaping like a brown roof or a roof meadow and remains unconvinced that the proposed landscaping would support a good wildlife mix. The green roof will also have limited capacity to attenuate storm water and the planters would need to be irrigated. No details of rainwater storage or landscaping irrigation measures have been provided. Had the application been considered acceptable in other respects further details would have been sought in respect of landscaping and landscape maintenance.

### **Sustainability**

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable design and inclusive design and architecture. Policy S39 states that major development should be designed to link to and extend existing heat and energy networks in the vicinity, except where the City Council considers that it is not practical or viable to do so. 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 and Sustainability Statement in support of their application. It is proposed to deliver a 35% improvement in carbon emissions based on the current Building Regulations (2013). It achieves this through passive design features, energy efficient technology and renewable energy in the form of air source heat pumps and photovoltaic panels (3.9%). The development has also been designed to enable future connection to a district heating network should the opportunity arise.

There appears to be space available on the roof to install more photovoltaics and had the scheme been considered acceptable, a condition would have been recommended to secure a revised roof design to maximise the installed capacity of photovoltaics.

The applicant has carried out a BREEAM New Construction (2014) Pre-assessment with a target rating of 'Excellent'. Were permission to have been granted this could have been secured by condition.



### **8.7 London Plan**

This application raises no strategic issues.

### **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**

Had the application been considered acceptable in other respects a section 106 legal agreement would have been sought to secure highway works.

The estimated CIL payment is: £473,277.31 (£136,444.84 Mayoral CIL and £336,832.47 Westminster City Council CIL).

### **8.10 Environmental Impact Assessment**

Prior to the submission of the previous planning application for the residential scheme a request for an Environmental Impact Assessment (EIA) Screening Opinion regarding the proposed development was submitted pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2011 (as Amended 2015). The Council determined that the proposed scheme was not a development falling within Schedule 1 or 2 of the EIA Regulations and an EIA would not be required to be submitted to accompany the planning application. As the current proposals reflect the same principles as the residential scheme, this scheme would not require an EIA to accompany it.

Environmental/sustainability issues have been covered in sections 8.7 above.

### **8.11 Other Issues**

#### **Construction impact**

Had the application been considered acceptable in other respects a condition would have been recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which will require the developer to provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition and construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works.

The key issues to address in the COCP are; liaison with the public; general requirements; SEMPs; construction management plans; employment and skills; traffic

and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues.

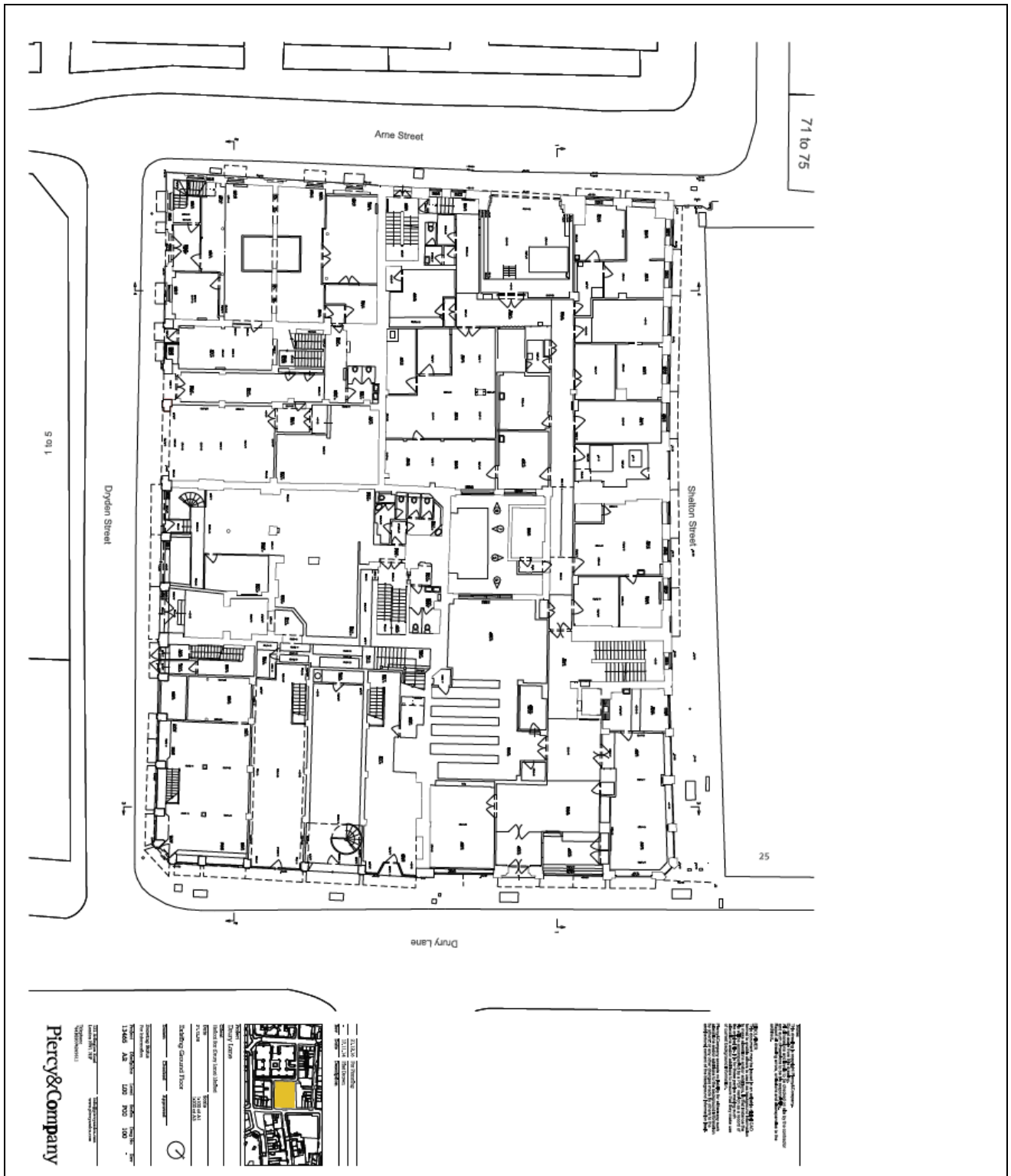
## 9. BACKGROUND PAPERS

1. Application form
2. Response from Covent Garden Area Trust, dated 15 February 2017
3. Response from Covent Garden Community Association, dated 15 February 2017
4. Response from Historic England dated 25 January 2017
5. Response from Historic England (Archaeology) dated 8 February 2017
6. Letter from Victorian Society dated 16 March 2017
7. Memorandum from Highways Planning Manager dated 11 April 2017.
8. Memorandum from Cleansing dated 24 January 2017 and 20 March 2017.
9. Memorandum from Environmental Health dated 7 April 2017.
10. Memorandum from Arboricultural Officer dated 3 March 2017.
11. E-mail from Crime Prevention Design Advisor dated 7 February 2017.
12. Letter from occupier of 3 Dryden Street, Covent Garden, dated 7 February 2017
13. Letter from occupier of 26/28 Neal Street, Covent Garden, dated 9 February 2017
14. Letter from occupier of 41 Floral street, Covent Garden, dated 20 March 2017
15. Letter from occupier of Flat 3, 80 Long Acre, dated 5 February 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 LOUISE FRANCIS BY EMAIL AT [lfrancis@westminster.gov.uk](mailto:lfrancis@westminster.gov.uk).

10. KEY DRAWINGS





DRURY LANE ELEVATION

01.12.16	Per Planning
17.11.14	Final Design
REV	Date Description

Project: Drury Lane  
 Client: Richard Roe Drury Lane Ltd  
 Date: 21.08.16 Scale: 1:500 (at A1)  
 Drawing: 13465 AR LXX P00 120

Existing Drury Lane Elevation

Drawn: [Signature] Checked: [Signature] Approved: [Signature]

Working Block: For Information

Project:	13465	AR	LXX	P00	120
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137 Piercy & Company  
 London W1X 7BP  
 Telephone: +44(0)2076505111  
 www.piercyandcompany.com

**Piercy & Company**



DRYDEN STREET ELEVATION

01.12.16	Per Planning
17.11.14	Final Design
REV	Date Description

Project: Drury Lane  
 Client: Richard Roe Drury Lane Ltd  
 Date: 21.08.16 Scale: 1:500 (at A1)  
 Drawing: 13465 AR LXX P00 121

Existing Dryden Street Elevation

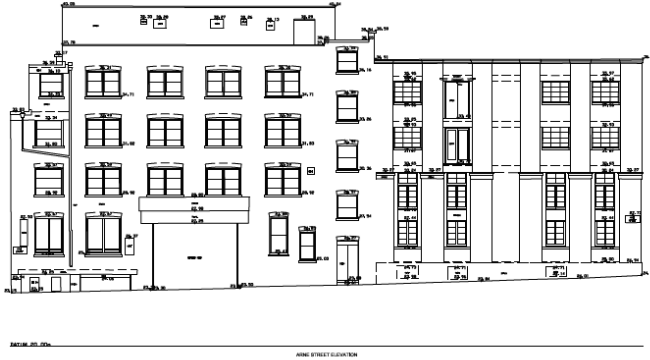
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Working Block: For Information

Project:	13465	AR	LXX	P00	121
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01.12.16 For Planning  
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 01.12.16 For Review

Project: Drury Lane  
 Client: National Ice Drury Lane Ltd  
 Date: 21.12.16  
 Scale: 1:100 (of A1)  
 1:500 (of A2)

Drawing Name: Existing Arise Street Elevation

Status:  Checked  Approved

Drawing Status: For Information  
 Project: 13465  
 Discipline: AR  
 Level: LXX  
 Issue: P00  
 Draw No: 123

TPC Engineering Ltd  
 London, W1V 7DP  
 Telephone: +44(0)2074944611  
 www.piercyandcompany.com

**Piercy&Company**



01.12.16 For Review  
 01.12.16 For Review  
 01.12.16 For Review

Project: Drury Lane  
 Client: National Ice Drury Lane Ltd  
 Date: 21.12.16  
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Drawing Name: Existing Sharon Street Elevation

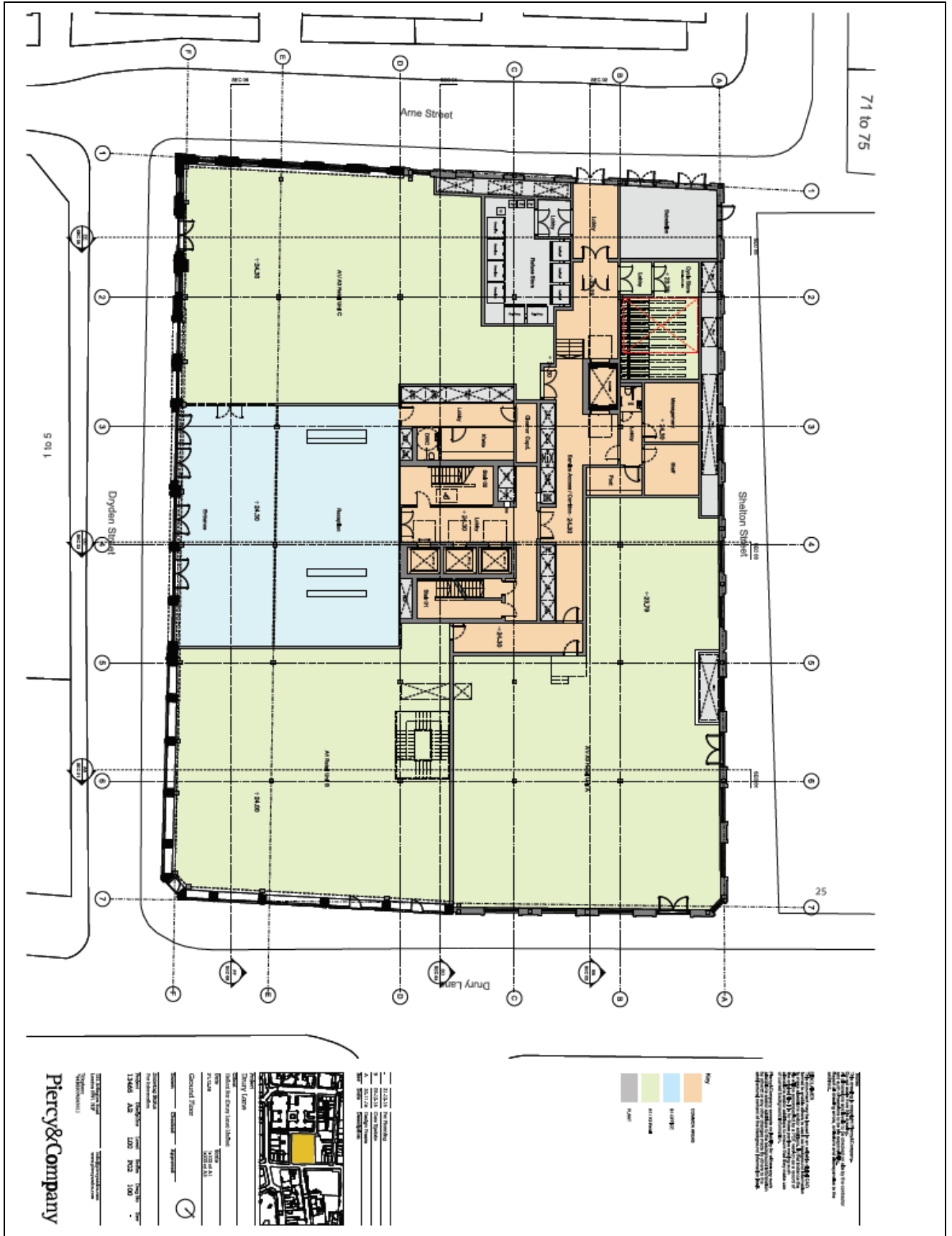
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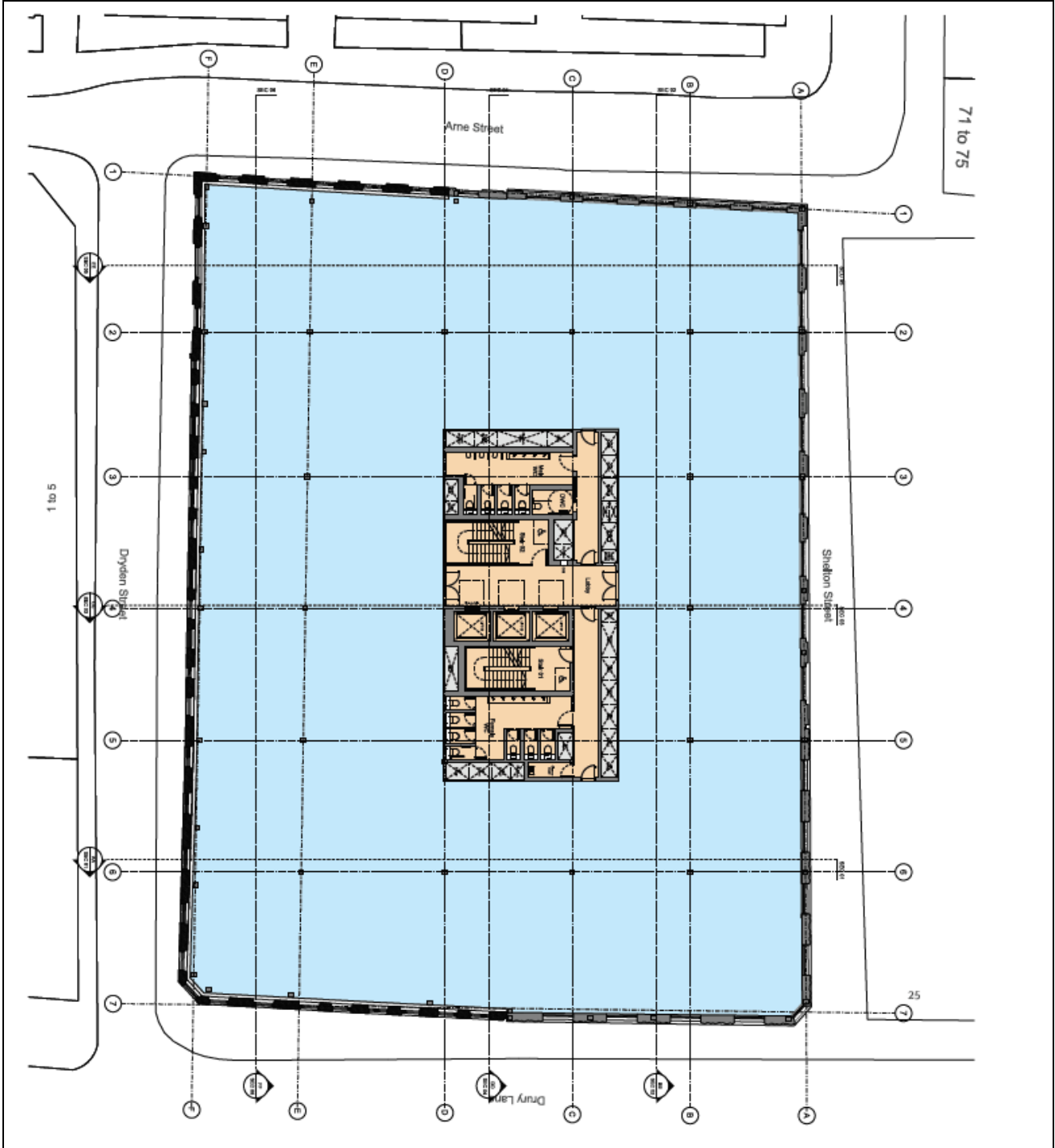
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 Project: 13465  
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 Project Address: [Blank]  
 Project Number: [Blank]  
 Project Date: [Blank]

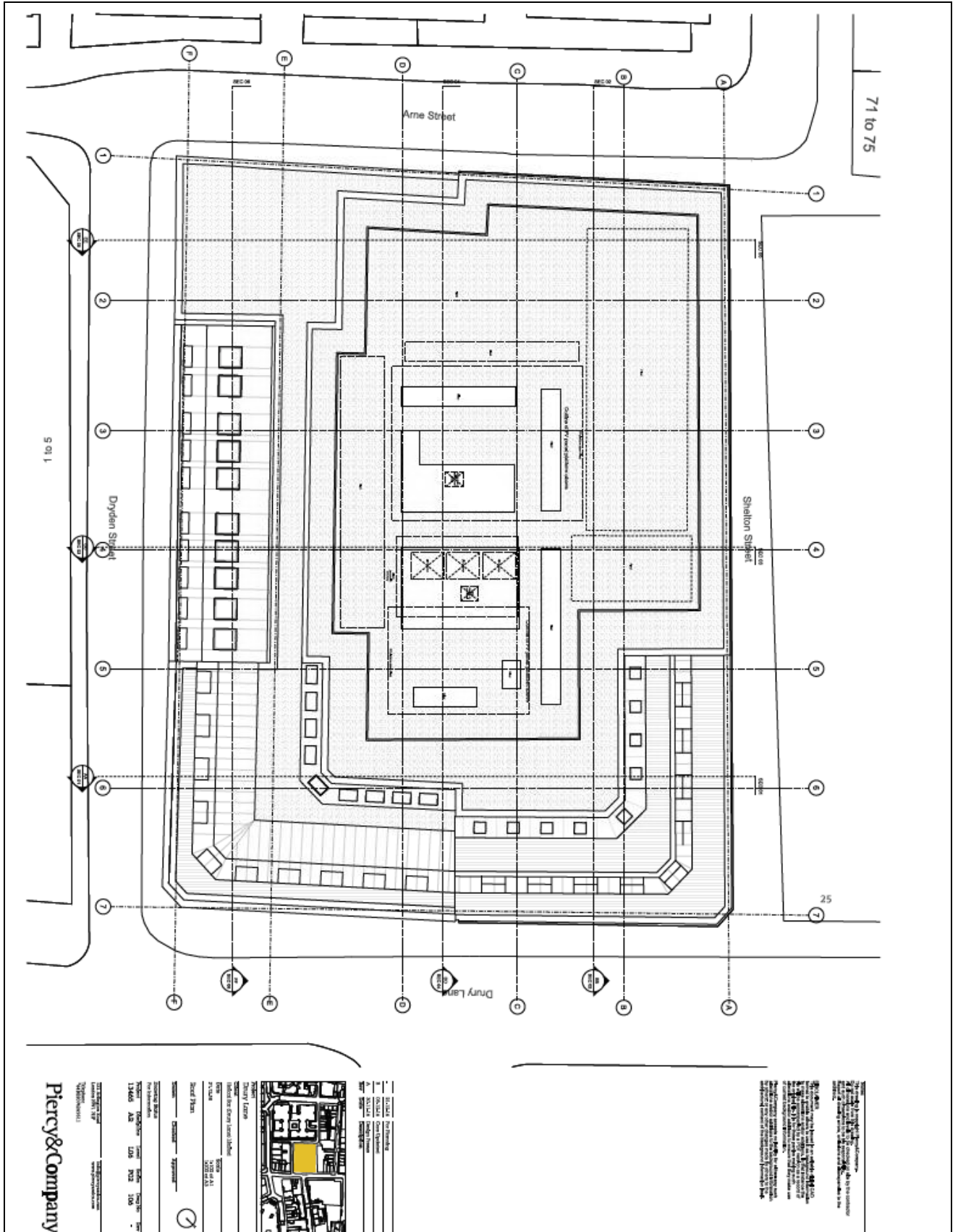


Scale: 1/8" = 1'-0"



NOTES:  
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 2. ALL WALLS ARE 12" THICK UNLESS OTHERWISE NOTED.  
 3. ALL FLOORS ARE 4" THICK UNLESS OTHERWISE NOTED.  
 4. ALL CEILING ARE 8" THICK UNLESS OTHERWISE NOTED.  
 5. ALL ROOFS ARE 6" THICK UNLESS OTHERWISE NOTED.  
 6. ALL STAIRS ARE 36" WIDE UNLESS OTHERWISE NOTED.  
 7. ALL ELEVATORS ARE 36" WIDE UNLESS OTHERWISE NOTED.  
 8. ALL DOORS ARE 36" WIDE UNLESS OTHERWISE NOTED.  
 9. ALL WINDOWS ARE 36" WIDE UNLESS OTHERWISE NOTED.  
 10. ALL VENTILATION UNITS ARE 36" WIDE UNLESS OTHERWISE NOTED.



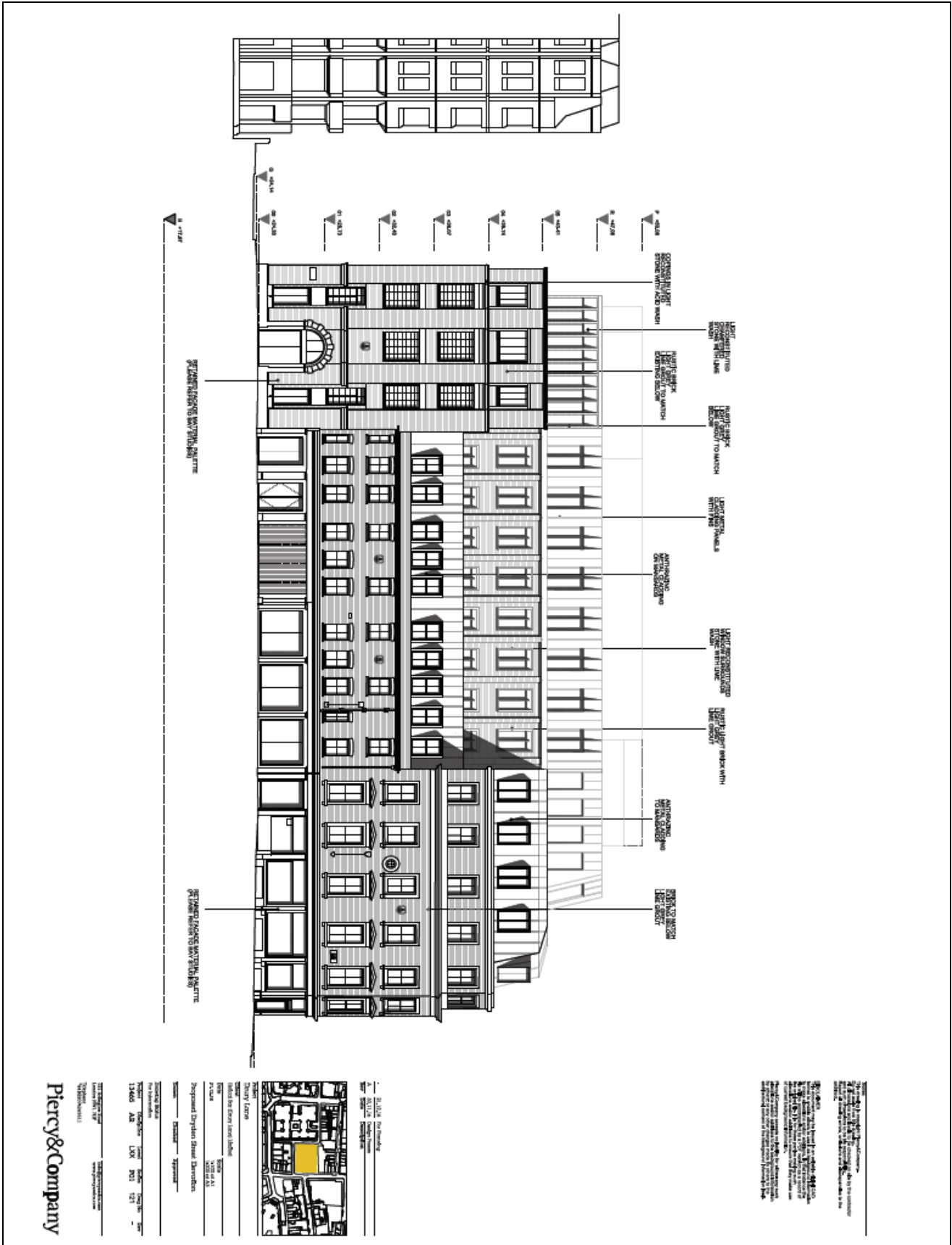


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2. ALL WALLS ARE 12" THICK UNLESS OTHERWISE NOTED.  
3. ALL DOORS ARE 36" WIDE UNLESS OTHERWISE NOTED.  
4. ALL WINDOWS ARE 48" WIDE UNLESS OTHERWISE NOTED.  
5. ALL CEILING HEIGHTS ARE 10' UNLESS OTHERWISE NOTED.  
6. ALL FLOOR FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.  
7. ALL ELECTRICAL AND MECHANICAL SYSTEMS ARE TO BE DETERMINED BY THE ARCHITECT.  
8. ALL MATERIALS AND FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.  
9. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND REGULATIONS.  
10. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING CODES AND REGULATIONS.



**Percy & Company**  
Architects  
13465 Ave. L25 P.O. Box 100  
L2R 4K1  
Tel: (416) 491-1111  
www.percyandcompany.com





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3. ALL MATERIALS TO BE APPROVED BY THE ARCHITECT.  
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**DRAFT DECISION LETTER**

**Address:** Development Site At Land Bounded By Drury Lane, Dryden Street, Arne Street And, Shelton Street, London, ,

**Proposal:** Demolition and redevelopment of site, including facade retention of 30-35 Drury Lane, 2 Dryden Street and 4-10 Dryden Street, for mixed use development comprising retail, restaurant and cafe uses at ground and basement level (Classes A1/A3), office floorspace at first to fifth floor (Class B1) level, rooftop plant, basement cycle parking and associated works.

**Reference:** 16/12200/FULL

**Plan Nos:** 13465-AR-L00-P00-010; 13465-AR-L00-P00-020; 13465-AR-L-1-P00-099; 13465-AR-L00-P00-100; 13465-AR-L01-P00-101; 13465-AR-L02-P00-102; 13465-AR-L03-P00-103; 13465-AR-L04-P00-104; 13465-AR-L05-P00-105; 13465-AR-LXX-P00-120; 13465-AR-LXX-P00-121; 13465-AR-LXX-P00-122; 13465-AR-LXX-P00-123; 13465-AR-L-1-P01-099; 13465-AR-L00-P01-100; 13465-AR-L01-P01-101; 13465-AR-L02-P01-102; 13465-AR-L03-P01-103; 13465-AR-L04-P01-104; 13465-AR-L05-P01-105; 13465-AR-LXX-P01-120; 13465-AR-LXX-P01-121; 13465-AR-LXX-P01-122; 13465-AR-LXX-P01-123; 13465-AR-S-01-130; 13465-AR-S-02-131; 13465-AR-S-03-132; 13465-AR-S-04-133; 13465-AR-L-1-P02-099; 13465-AR-L00-P02-100; 13465-AR-L01-P02-101; 13465-AR-L02-P02-102; 13465-AR-L03-P02-103; 13465-AR-L04-P02-104; 13465-AR-L05-P02-105; 13465-AR-L06-P02-106; 13465-AR-LXX-P02-120; 13465-AR-LXX-P02-121; 13465-AR-LXX-P02-122; 13465-AR-LXX-P02-123; 13465-AR-L07-P02-130; 13465-AR-L07-P02-131; 13465-AR-L07-P02-132; 13465-AR-L07-P02-133; 13465-AR-L07-P02-134 and 13465-AR-L07-P02-135. Documents for information only: Design and Access Statement dated 21.12.16; Planning Statement dated February 2017; Built Heritage Statement dated December 2016; Air Quality Assessment dated February 2017; Preliminary Ecological Appraisal dated December 2016; Historic Environment Desk Based Assessment dated February 2017; Daylight, Sunlight and Overshadowing Study dated December 2016; Noise Impact Assessment dated 15 December 2016; Transport Assessment dated 14 February 2017; Preliminary Environmental Risk Assessment dated December 2016; Energy and Sustainability Assessment dated December 2016; Ventilation and Extraction Statement dated December 2016; Office Marketing Report dated 21 December 2016; Construction Management Plan dated December 2016; and Structural Methodology Statement dated December 2016.

**Case Officer:** Julia Asghar

**Direct Tel. No.** 020 7641 2518

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

- Reason:
- 1 Because of its scale, bulk and massing, the proposed redevelopment behind and above the retained and new facades would harm the appearance of these buildings and fail to maintain or improve (preserve or

enhance) the character and appearance of the Covent Garden Conservation Area. For the same reasons it would also fail to maintain or improve (preserve or enhance) the setting of the neighbouring Seven Dials Conservation Area (London Borough of Camden). This would not meet S25 and S28 of Westminster's City Plan (November 2016) and Policies DES 1, DES 4, and DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. The public benefits which the proposals would secure would not significantly or demonstrably outweigh the harm which it would cause and therefore the proposals would also be contrary to Paragraph 134 of the National Planning Policy Framework. (X16AD)

Reason:

- 2 The proposal involves the loss of an existing off-street servicing area and provides no replacement off-street servicing provision. In this location, the stopping of service vehicles on the highway is likely to have an adverse impact on traffic flows and cause an unacceptable obstruction on the surrounding highway network to the prejudice of the safety and free flow of others including pedestrians. This would not meet S41 and S42 of Westminster's City Plan (November 2016) and TRANS 3 and TRANS20 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.

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

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# Agenda Item 2

Item No.
2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 <sup>th</sup> April 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>18 St Petersburg Place, London, W2 4LB</b>		
<b>Proposal</b>	Demolition of existing mews building at 32 St Petersburg Mews and construction of new mews building with link extension to 18 St Petersburg Place. Excavation of basement beneath 18 St Petersburg Place and part of the rear courtyard garden with associated landscaping plus associated alterations to rear façade of 18 St Petersburg Place.		
<b>Agent</b>	Mr Tom Sweetman		
<b>On behalf of</b>	Arsenal Limited		
<b>Registered Number</b>	16/10334/FULL	<b>Date amended/ completed</b>	11 April 2017
<b>Date Application Received</b>	28 October 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

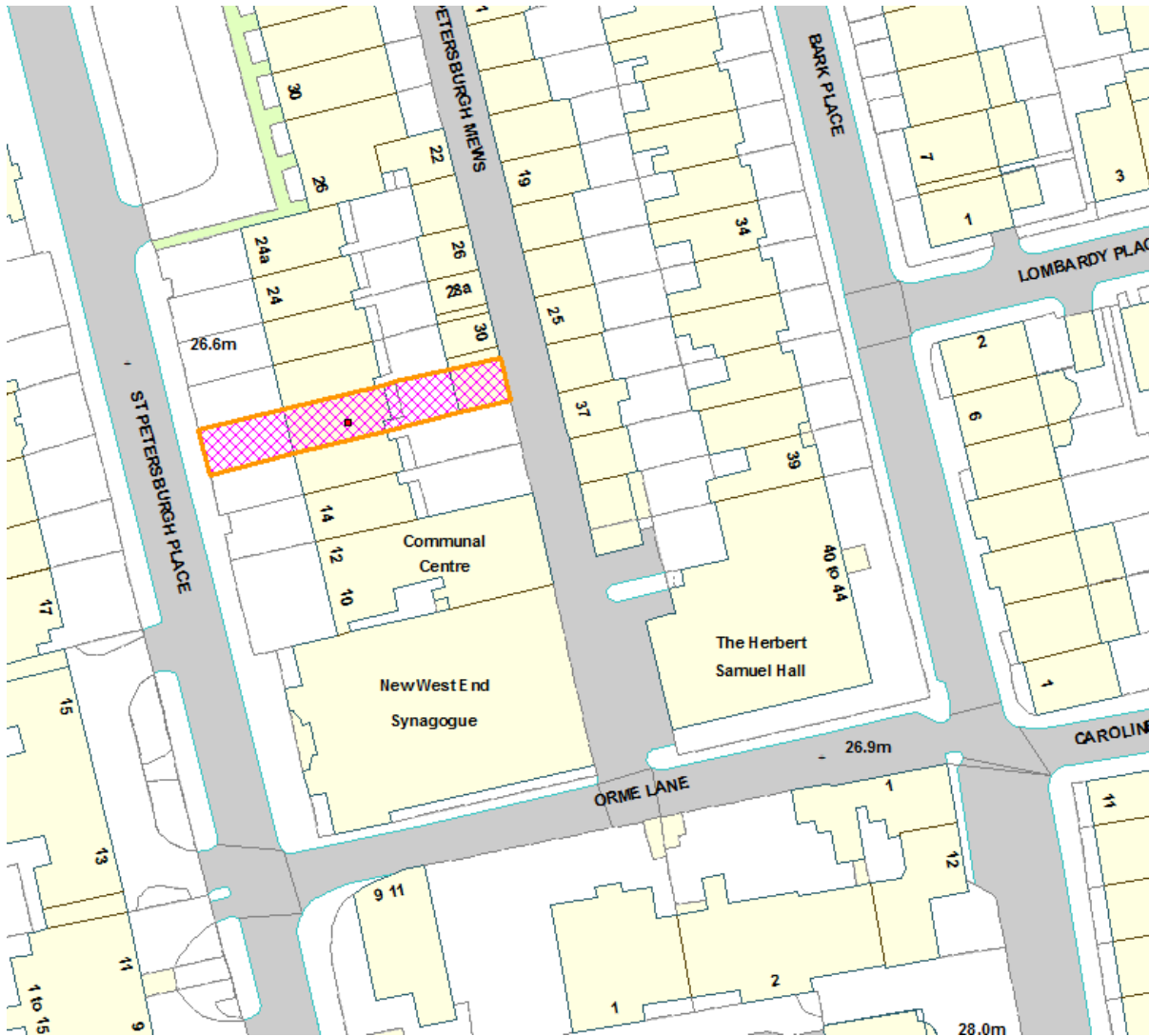
Permission is sought for the redevelopment of the existing 3-storey mews building involving the construction of a new mews building with link extension to the main house with accessible roof terrace, together with the excavation of a basement beneath the main house and part of its rear courtyard garden with associated landscaping and associated alterations to the rear façade of the main house.

The key issues are;

- \* The principle of the redevelopment of the mews building.
- \* The impact of the new mews building and other enlargements and alterations upon the character and appearance of the unlisted building of merit and the Bayswater Conservation Area.
- \* The impact of the new mews building and other enlargements and alterations upon the amenity of neighbouring residential occupiers.
- \* Compliance with the adopted basement policy CM28.1

Objections have been received from the South East Bayswater Residents Association, the Bayswater Residents Association and surrounding neighbours on a number of grounds including ; the principle of redevelopment of the mews building, design, residential amenity and compliance with the basement policy. Notwithstanding the objections raised, the proposal complies with the relevant policies within the City Plan and UDP and is therefore recommended favourably, subject to conditions.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

**View down St Petersburg Mews, No. 32 in foreground**



Existing view from St Petersburg Mews looking north

**View from rear of 32 St Petersburg Mews looking at rear elevation of 18 St Petersburg Place and neighbours**



**View from lower ground level of 18 St Petersburg Place toward rear of mews building**



**View from first floor of existing mews building looking down to courtyard of 18 St Petersburg Place and No. 20 St Petersburg Place**



## 5. CONSULTATIONS

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

- \* Application is speculative overdevelopment.
- \* Supports detailed objections of neighbours, in particular of contravention with basement policy with regards to;
  - Exceeding 50% basement restriction.
  - Single storey basement only.
  - Leaving a margin of undeveloped land.

### BAYSWATER RESIDENTS ASSOCIATION

- \* Overdevelopment, refurbishment of mews building less disruptive.
- \* Facing materials of reconstructed mews building out of keeping with other mews houses.
- \* Basement exceeds 50% policy restriction.
- \* Narrow Mews location cause of disruption during construction.
- \* Support neighbours detailed objections.

### PLANT AND EQUIPMENT

No objection

### BUILDING CONTROL

- \* Construction Methodology reasonable.
- \* Plans do not comply with fire safety (approve document Part B).

### HIGHWAYS PLANNING

No objection, however car parking space too narrow and no details of bicycle parking.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 38

Total No. of replies: 25 (some multiple replies, total of 18 different addresses)

No. of objections: 18

No. in support: 0

### Design and townscape

- \* Basement does not comply with policy CM28.1 basement policy;
  - Mews house is a latter addition to site (post 1948), and therefore not part of the 'original building'. As a result existing basement beneath mews property has already used up half of the sites 'garden land' (defined in policy glossary as site curtilage minus envelope of original building) and therefore further basement incursions to the garden would breach the 50% limit set by the policy.
  - Proposed basement plant room constitutes double basement.
  - No margin of undeveloped land provided.
  - Insufficient vertical soil depth provided above basement to accommodate landscaping.

- \* In heritage terms, existing mews building of more interest than proposed building.
- \* Demolition of mews building unnecessary.
- \* Replacement mews building, by virtue of materials, not in keeping with character.
- \* Proposed glazed extensions to 18 St Petersburg Place not in keeping with historic character.
- \* Rooftop plant unacceptable and eyesore to surrounding properties.
- \* Mews house historically formed garden for 18 St Petersburg Place and contained two mature trees.

#### Amenity

- \* Second floor terrace to reconstructed mews building results in overlooking of mews properties to the rear and beyond to rear facades of properties on Bark Place. Obscure glazing therefore required.
- \* Rear facing windows on redeveloped mews building to be obscure glazed as per permission at No. 26 – 28 St Petersburg Mews
- \* High level terrace proposed to rear of St Petersburg Place results in overlooking.
- \* BRE report prepared by GIA inadequate. Data collated prior to site visit. Inaccurately shows roof of No 32 St Petersburg Mews. Identifies potential losses of light to Nos. 23, 25 and 29 St Petersburg Mews but fails to provide accurate figures.
- \* Extensive glazing and bronze cladding source of solar glare. Blackout blinds should be conditioned.
- \* Air conditioning plant should be housed internally, noise likely to disturb neighbours.
- \* Acoustic report prepared in relation to proposed rooftop plant fails to include survey data for environment between host buildings and mews properties.

#### Construction Impact

- \* How will construction related impacts on surrounding residents be monitored, for example engines idling, vibration risks, overflow of work materials, vehicles sticking to identified routes etc...
- \* Orme Lane closed from January 2017, proposed vehicular route via Orme Lane not therefore practical.
- \* Largest vehicle (rigid lorry carrying maximum 10 tonne load) not suitable for cobbled lane which has 7.5 tonne road restriction, risk to subterranean railway bridge.
- \* Details relating to offloading spoil to smaller vehicle to act as intermediary between site and larger vehicle parked elsewhere not contained within construction management plan despite discussions between architect and residents prior to application.
- \* Designation of St Petersburg Mews as main point for accessing construction site inappropriate given narrow width of mews, and will result in congestion and disruption to residents on St Petersburg Mews.
- \* Suspension of parking spaces.
- \* Air and noise pollution during construction, and smoking cigarettes on Mews.
- \* Scaffolding oversailing narrow Mews road.
- \* Construction vehicles would obstruct security cameras for Synagogue.
- \* Inappropriate access route, heavy lorries cause damage to neighbouring properties.
- \* No details of turning circles for vehicles.
- \* Large delivery vehicles unlikely to be able to use Orme Lane egress.
- \* No timescale provided as to duration of development.

\* Development likely to clash with others taking place in same period at 2 Orme Square and 34 Bark Place.

\* Access for emergency vehicle impeded.

Other

\* Speculative application – applicants not residents of address.

\* Providing greater linkage between main and mews house prevents future separation and use as two separate family sized dwellings.

\* Historic title deeds contain restrictive covenants that prevent development of site as proposed.

\* Front garden owned by 20 St Petersburg Place and not part of property.

\* Statements regarding existing garden depth in comparison to neighbours garden incorrect.

\* Pre application consultation between architect and neighbours revealed concern for proposals and notes in Design and Access Statement inaccurate.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

This application site comprises of 18 St Petersburg Place, a five storey unlisted building of merit and its rear 3-storey mews house, No. 32 St Petersburg Mews. The buildings are located within the Bayswater Conservation Area. The house and its mews are a single planning unit with the mews ancillary to the use of the main house as a single family dwelling house.

### **6.2 Recent Relevant History**

07/02619/FULL (32 St Petersburg Mews)

Creation of basement under house, removal of balcony and stairs to rear elevation and replacement with Juliet balcony.

Granted 13.07.2007

## **7. THE PROPOSAL**

The proposal involves, the demolition of the existing 3 storey mews building at 32 St Petersburg Mews and the construction of new 4 storey mews building with a link extension to the main house at 18 St Petersburg Place, and the excavation of a basement beneath the main house at 18 St Petersburg Place and part of its rear courtyard garden, with associated landscaping and associated alterations to rear façade of the main house at 18 St Petersburg Place.

The proposal has been amended during the course of the application and the originally proposed roof top plant to the main house and the first floor rear balcony have now been omitted from the proposal on officers advice.



## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The Mews house and host building are established as a single dwelling. The proposed development would retain the use of these buildings as a single dwellinghouse. The principle of providing additional floorspace to enlarge the existing residential dwellinghouse is acceptable in land use terms and would accord with policy H3 in the Unitary Development Plan (UDP).

### 8.2 Townscape and Design

#### Demolition existing mews building

The existing mews building forms a pair with No. 30 St Petersburg Mews constructed in the 1960's. Their overall proportions and appearance, in term of width, height and elevation design treatment, with ground floor garage, lend these buildings a neutral character in terms of their contribution toward the character of the Mews and Conservation Area. As for the street in general, this section has a varied character in terms of elevation design treatment and materials, although there is a consistency in terms of scale and general proportionality of fenestration. On this basis, the demolition of No. 32 could be considered acceptable subject to the replacement building being of sufficient design quality in relation to the conservation area context.

#### Proposed development

The reconstructed mews building would occupy the same plot as the existing mews building it replaces with the addition of a lower ground floor rear projection to it. It would be two storeys in height plus a setback second floor, retaining the existing basement level granted planning permission 13.07.2007, comprising a total of four floors. The elevation design treatment facing St Petersburg Mews is considered appropriate, respecting the general proportions found in neighbouring buildings in terms of materiality (brick façade), fenestration and ground floor garage. Objections have been received in relation to the bronze cladding; however its application within the overall elevation design treatment is not objectionable given the varied character of the mews. Further details including samples will be secured through condition. As such subject to details of materials the reconstruction of the mews building is considered acceptable and accords with policies S25 and S28 of our City Plan and policies DES1, DES5, DES 9 of our UDP.

Other alterations are confined to the rear elevation of St Petersburg Place and the central courtyard between the two buildings, principally in connection with providing a link between St Petersburg Place and the reconstructed Mews building and a proposed basement beneath No. 18 St Petersburg Place and part of the rear courtyard area.

The proposed 'link extension' connecting the buildings takes the form of a single storey lower ground floor extension along the boundary with No. 16 St Petersburg Place, spanning approximately a third of the sites width. It connects with a proposed lower ground floor projection to the reconstructed mews building. These single storey enlargements form a perimeter around a central landscaped area. Their elevations facing the internal courtyard are glazed, with the roof treated with decking and functioning as a

raised terrace. Glazed balustrades are proposed on the perimeter of the terrace. In addition to this, the existing closet wing to 18 St Petersburg Place is altered by way of installation of a minimal single glazed element spanning lower ground to ground level.

These alterations represent a substantial re design of the rear courtyard area to facilitate internal connectivity between the two buildings. In terms of the overall scale and massing of lower ground floor extensions referred to as the 'link extension', given that they are limited to a single storey only at lower ground level, and retain an open landscaped courtyard area, the massing remains subservient to the main buildings and is not objectionable on these grounds.

In terms of detailed design, an extensive amount of glazing is proposed; within the closet wing to 18 St Petersburg Place and side elevations to the lower ground floor 'link extension' and associated glazed balustrades. This would have a striking appearance in relation to the host building 18 St Petersburg Place that has more traditional fenestration on its upper levels. Notwithstanding this, given the works are confined to lower ground and ground level with existing high boundary walls either side being retained, views of these alterations will be limited. In addition the structural glazed approach, with minimal window sections, means the glazing will not conflict with the established proportions of the host building. Details of glazing, including glazed balustrades will be sought through planning condition including samples. As such, objections received on grounds of design are not sustainable and the works are considered to comply with policies S25 and S28 of our City Plan and policies DES1, DES5 and DES 9 of our UDP.

The application had originally proposed the installation of 4 Mitsubishi outdoor air conditioning units with louvered screen to the roof of 18 St Petersburg Place. Following advice from Officers that this would be unsightly in the wider townscape, in particular from the flats opposite on St Petersburg Place, these were removed from the proposals.

### **Basement**

The proposed basement is located beneath the main house of 18 St Petersburg Place and part of its rear garden courtyard. Also at courtyard garden level the new mews house would have a larger footprint than existing extending into the garden, although notably this does not require excavation due to the level changes within the site. It has been considered in relation to the Basement Supplementary Planning Document (SPD), adopted October 2014, and the Basement Revision to the City Plan, Policy CM28.1.

Objections have been received from neighbouring residents on grounds that where the proposed basement extends into part of the rear garden (courtyard) area, this would result in more than 50% of the "garden land" being developed as a basement if considered in conjunction with the existing basement constructed beneath the mews building around 10 years ago. This is not however a correct interpretation of the policy. The "garden land" for the purpose of the policy is the central courtyard area between the two buildings only, and does not include the curtilage of the mews building as suggested. It is acknowledged the mews building was constructed after 18 St Petersburg Place, however it is an 'original building' in its own right and therefore not "garden land" as suggested. As such, in relation to the central courtyard area only, the basement occupies less than 50% of it and is therefore compliant with this part of the policy.

Other basement considerations are set out as follows;

Both the mews house and main house have existing and original basement/lower ground floor levels respectively, albeit at different levels. No further excavation is proposed beneath the mews house, just an extension of its footprint into the courtyard garden when it is rebuilt, which would not require further excavation as it is at courtyard garden level.

The basement proposed is single storey beneath the main house and part of the rear courtyard garden. Representations refer to a double storey basement however the proposed basement is located beneath an original lower ground level to 18 St Petersburgh Place so is not a two storey basement, whilst the link extension is a single storey lower ground floor extension and not considered as basement development.

The basement is predominantly proposed beneath existing lower ground floor of the main house of 18 St Petersburgh Place, with only a minor projection below the rear courtyard garden area to provide for a plant room. There would be no external manifestations of the basement. In terms of landscaping and drainage, the central courtyard area retained adjacent to the link extension would feature raised plant beds that incorporate vertical soil depth to enable meaningful planting to take hold pursuant to the policy... As such on the condition of further details of planting being secured through planning condition the proposed basement, with respect to its size, design and location, would comply with basement policy CM28.1 of the City Plan.

### **8.3 Residential Amenity**

#### **Privacy**

Objections have been received from occupiers of surrounding properties on grounds of increased overlooking and loss of privacy as a result of; the second floor and terrace of the Mews building, rear facing windows within the mews property, terrace on the roof of the lower ground floor extensions, and first floor balcony to rear of 18 St Petersburgh Place.

The proposed second floor to the Mews building is set back from the mews frontage. It accommodates a bedroom with en suite bathroom, and has a set of double doors that lead onto a small terrace. Given it is set back from the Mews building line, it respects the established relationship between facing habitable room windows on the Mews and would not therefore amount to material harm, whilst the separation of approximately 20m from the proposed second floor to the rear facades of properties on Bark Place would not cause material harm upon neighbours privacy in this location.

With regard to the views afforded to the rear from the mews property, toward the rear courtyards of 18 St Petersburgh Place and adjoining properties, neighbours have requested that any permission include conditions requiring glazing be obscured with restrictors as per planning permission granted for the redevelopment of the Mews property two doors down at Nos. 26 – 28 St Petersburgh Mews (03/05882/FULL). In the case of the No. 26 – 28 St Petersburgh Mews, the condition was imposed to protect the amenity of occupiers of No. 22 St Petersburgh Place who were different to those in the directly facing mews property. This is not the case in this application, as 18 St Petersburgh Place and 32 St Petersburgh Mews form a single dwelling. Notwithstanding this, given the significant increase in glazing to the rear façade of the proposed mews building and existing obscure

glazing within the existing mews building, it is considered necessary to impose conditions to require that windows within this façade be obscure glazed and fitted with restrictors.

With regard to the terraces proposed on the roof of the lower ground floor link extension, objectors have requested these be enclosed with screening 1.8m in height. The existing party walls provide adequate screening for these terraces whilst the proposed staircase to raised ground floor level includes a glazed balustrade and planting along its perimeter to restrict views. This is considered acceptable and sufficient as a means of safeguarding neighbouring amenity, subject to details of planting and screening that will be secured by condition.

The scheme originally proposed a first floor terrace to the roof of the closet wing of 18 St Petersburg Place. Following advice from Officers that this would unduly impact the amenity of neighbours, this has been removed from the proposals.

Other concerns raised relate to light pollution and glare as a result of the extensive use of glazing on the rear façade and linkage extension and the use of bronze cladding on the proposed mews house. With respect to the glazing, these concerns are acknowledged and it is recommended a condition is attached to obtain approval of details for measures to reduce light spill from the glazed rear façade, side elevation of extensions and fenestration on the rear façade of the Mews building.

### **Sunlight and Daylight/Sense of Enclosure**

The submitted daylight and sunlight report measures the impact of the proposed development, namely the reconstructed mews house, with respect to nearest affected windows. The report has been prepared in accordance with the methodologies prescribed by the Building Research Establishment (BRE) guidelines using the Vertical Sky Component (VSC) and the No Sky Line (NSL). The findings of the report are that none of the buildings assessed, including those nearest to the development (23, 25 and 29 St Petersburg Mews) will see alterations to their Daylight or Sunlight outside of the BRE guidelines as a result of the proposed development. As such objections raised in relation to the impacts upon daylight and sunlight are not sustainable.

With regards to sense of enclosure, the second floor of the Mews property is set back from the eaves and is no higher than the existing ridge line so is not considered to result in material harm in this respect.

### **8.4 Transportation/Parking**

The reconstructed mews property would retain a single garage space in accordance with the objectives of UDP policy TRANS23. Highways planning have recommended its width be no less than 2.8m as opposed to the 2.4m proposed in order comfortably function as a garage. The garage however utilises a partial open plan adjacent to the passenger door side which would allow access to parked vehicles so is therefore not objectionable. Highways planning requests for details of dedicated bicycle parking are not considered necessary given the property has adequate space to store bicycles.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

## **8.6 Access**

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

### **Updates to City Plan**

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015 and were adopted in July 2016, with subsequent revisions to the City Plan adopted November 2016. They are material planning considerations that full weight will be attached to in the determination of planning applications.

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

### **Basement structural issues**

With regard to basement structural impact, some concerns have been raised from adjoining occupiers in relation to potential risk of damages upon their property as a result of basement works and the reconstruction of the Mews property. To address this and the requirements of the basement SPD and policy, the applicant has provided a structural engineer's report explaining the likely methodology of excavation and underpinning. 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.

Building Control officers have reviewed the submitted details and note that the scheme proposed by the Engineer is reasonable, with detailed construction matters concerning soil profiles and final design for retaining walls to be dealt with through the Building Regulations process with the benefit of a soil investigation. This level of detail is considered acceptable for planning purposes, whilst detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control. Accordingly should permission be granted, the Construction Methodology will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

As such it is considered that the construction methodology and appendices have provided sufficient consideration of structural issues at this stage and this is as far as this matter can reasonably be taken as part of the consideration of the planning application.

### **Construction impact**

Concerns from adjoining occupiers have been expressed regarding construction related impacts and details contained within the submitted Construction Management Plan (CMP). These are set out in the consultation section of this report. The submission of a CMP is no longer a requirement through planning for schemes such as this, in accordance

with the adopted basement policy CM28.1. This policy instead requires applicants to supply a signed proforma to sign up to the requirements of the City Council's Code of Construction Practice. This requires the submission of a CMP in consultation with Environmental Health in due course and also a financial contribution to enable greater monitoring powers on behalf of the City Council during construction. Pursuant to this, a signed proforma has been supplied.

A CMP has been provided none the less and provides details of vehicular arrangements during construction, scheduling of deliveries and collections, and working practices. Concerns raised are acknowledged, however these detailed matters are to be dealt with through the approval of the CMP in consultation with Environmental Health. A condition of this permission requires that evidence of compliance with the Council's Code of Construction Practice be submitted for approval by the City Council prior to the commencement of any demolition or construction on site. As such given the application is accompanied by a signed pro forma, and a CMP which is for information purposes only, the application is considered to have provided an acceptable level of consideration of construction related impacts at this stage.

### **Sustainability**

Policy S28 of the City Plan requires applicants to demonstrate how their scheme incorporates elements of sustainable design through the submission of an Environmental Performance Statement. The submitted energy statement provides details of fabric standards for new building elements and other energy efficient measures such as mechanical ventilation and low energy lightbulbs. Notwithstanding the omission of the mechanical ventilation as set out above, this is considered acceptable at this stage with detailed specifications to be dealt in accordance with the Building Regulations.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

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

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on the applicant's floorspace figures, the estimated CIL payment would be £36,000 for Westminster's CIL (£400 per square metre in the Residential Core Area), and £4,500 for the Mayor's CIL (£50 per square metre in Zone 1). It should be noted though that this amount is provisional and may be subject to relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

### **8.11 Other Issues**

A number of points have been raised by neighbours which are not material planning considerations and fall outside of the remit of planning controls. These consist of; historic restrictive covenants contained within original title deeds, submission of application by a developer as opposed to a residential occupier and the identified site curtilage at the property frontage falling under different ownership from the applicant.

Concerns have been raised with regards to the weight of construction vehicles and their impact upon the tube line located beneath the north end of St Petersburg Mews. These are construction related details which will need to be supplied as part of discharging a condition of this permission to demonstrate compliance with the City Council's Code of Construction Practice.

### **Plant**

The application documents include an acoustic report prepared in relation to the proposed rooftop plant. These have been reviewed by the City Councils Environmental Health Officers whom raise no objections on noise and vibration grounds. Notwithstanding this, following advice from Officers, the rooftop plant has been removed from this proposal due to its impact on the townscape.

## **9. BACKGROUND PAPERS**

1. Application form.
2. Letter Bayswater Residents Association, dated 11 December 2016.
3. Letter from South East Bayswater Association, dated 12 December 2016.
4. Memo from Highways Planning, dated 29 November 2016.
5. Memo from Building Control, dated 10 April 2017.
6. Memo from Environmental Health, dated 10 April 2017.
7. Letter from occupier of 2 St Petersburg Mews, London, dated 9 December 2016
8. Letter from occupier of 2A St Petersburg Mews, London, dated 12 December 2016.
9. Letter from occupier of 3 St Petersburg Mews, London, dated 9 December 2016.
10. Letter from occupier of 6 St Petersburg Mews, London, dated 8 December 2016.
11. Letter from occupier of 19 St Petersburg Mews, London, dated 25 November 2016.
12. Letters (x2) from occupier of 24a St Petersburg Place, London, dated 1 December 2016.
13. Letter from occupier of Flat 3, 30-32 St. Petersburg Place, London, dated 5 December 2016.
14. Letter from occupier of 32 St. Petersburg Place, London, dated 6 December 2016.
15. Letters (x2) from occupiers of 33 Bark Place, London, dated 9 December 2016.
16. Letters (x4) from occupiers of 38 Bark Place and 31 St Petersburg Mews London, dated 29 November 2016, 09 December 2016, 10 December 2016.
17. Letter from occupier of 39 Bark Place and 33 St Petersburg Mews, London, dated 8 December 2016.
18. Letter from occupier of 3 Caroline Place, London, dated 6 December 2016.
19. Letter from occupier of 4 Caroline Place, London, dated 8 December 2016.
20. Letters (x2) from the occupier of 25 Caroline Place dated 6 December 2016.
21. Letter from occupier of 26 Caroline Place, London, dated 6 December 2016.
22. Letters (x2) from occupiers of 64 Porchester Terrace, London, dated 30 November 2016, 4 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: SAMUEL GERSTEIN EMAIL AT <a href="mailto:sgerstein@westminster.gov.uk">sgerstein@westminster.gov.uk</a>
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10. KEY DRAWINGS

Existing floor plans and Existing Section AA/18 St Petersburg Place Rear Elevation below

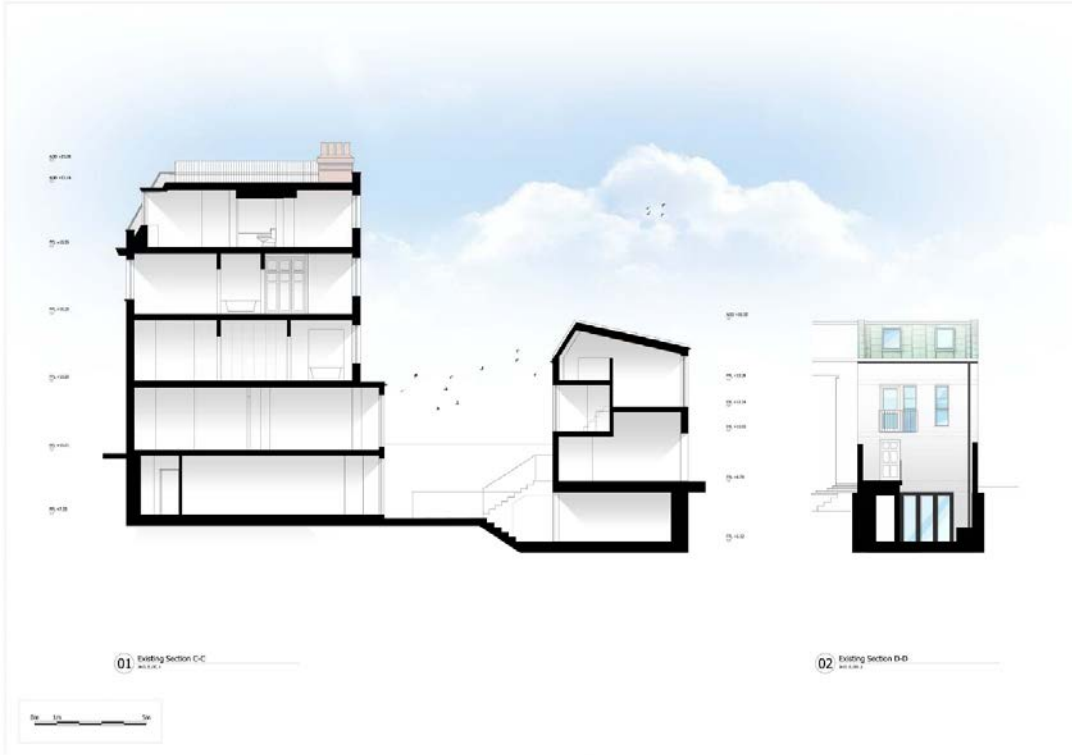


SQUIRE & PARTNERS Existing Plans | 1:1250A3 | JA12\_P\_AL\_001 | Reissued for Planning Check RB Rev A | 04/11/16 | 14057 - 18 St Petersburg Place, London, W2



SQUIRE & PARTNERS Existing Section AA BB | 1:1250A3 | JA12\_S\_AAB0\_001 | Reissued for Planning Check RB Rev A | 04/11/16 | 14057 - 18 St Petersburg Place, London, W2

**Existing Section CC/ 32 St Petersburg Mews Elevation and Existing 32 St Petersburg Mews elevation below**



SQUIRE & PARTNERS Existing Section CC DD | 1:1250A3 | JA12\_5\_CDD0\_001 | Reissued for Planning Check RB Rev A | 04/11/16 | 14057 - 18 St Petersburg Place, London, W2



**Proposed floor plans and proposed Section AA/ 18 St Petersburg Place Rear Elevation below**



SQUIRE & PARTNERS Proposed Plans | 1:1250A3 | 0200\_P\_AL\_001 | Reissued for Planning Check RB Rev B | 10/04/17 | 14057 - 18 St Petersburg Place, London, W2



SQUIRE & PARTNERS Proposed Section AAB0 | 1:1250A3 | 0200\_S\_AAB0\_001 | Reissued for Planning Check RB Rev B | 10/04/17 | 14057 - 18 St Petersburg Place, London, W2

**Proposed section CC/ 32 St Petersburg Mews rear elevation and proposed 32 St Petersburg Mews Elevation below**



SQUIRE & PARTNERS Proposed Section CC DD | 1:125QA3 | 0200\_S\_CCDD\_001 | Reissued for Planning Check RB Rev B | 10/04/17 | 14057 - 18 St Petersburg Place, London, W2



### Existing and proposed 32 St Petersburg Mews visual

7.5 Perspectives of Existing and Proposed



Existing view from St Petersburg Mews looking north



Proposed view from St Petersburg Mews looking north

**DRAFT DECISION LETTER**

- Address:** 18 St Petersburg Place, London, W2 4LB,
- Proposal:** Demolition of existing mews building at 32 St Petersburg Mews and construction of new mews building with link extension to 18 St Petersburg Place. Excavation of basement beneath 18 St Petersburg Place and part of the rear courtyard garden with associated landscaping plus associated alterations to rear façade of 18 St Petersburg Place.
- Plan Nos:** G100\_P\_00\_001 Rev A, G100\_XP\_RF\_003 Rev A, G100\_XP\_00\_003 Rev A, JA12\_P\_AL\_001 Rev A, JA12\_S\_AABB\_001 Rev A, JA12\_S\_CCDD\_001 Rev A, JA12\_B1\_E\_01\_002 Rev A, JA12\_B2\_E\_01\_002 Rev A, JA12\_D\_RF\_001, G100\_P\_RF\_003 Rev B, G100\_P\_00\_003 Rev A, G200\_P\_AL\_001 Rev B, G200\_S\_AABB\_001 Rev B, G200\_S\_CCDD\_001 Rev B, G200\_B1\_E\_01\_002 Rev B, G200\_B2\_E\_01\_002 Rev A, G200\_D\_RF\_001 Rev A, Energy Report prepared by Parsons Brickerhoff, Cover letter prepared by DP9 dated 28 October 2016, Daylight/Sunlight Report prepared by GIA, Design and Access Statement prepared by Squire & Partners, Acoustic Planning Report prepared by WSP

*For information only*

Basement Drainage Strategy (SUDS Report) prepared by Robert Bird Group,  
Construction Management Plan (incorporating CTMP) prepared by Arcadis

**Case Officer:** Samuel Gerstein **Direct Tel. No.** 020 7641 4273

**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 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 Bayswater 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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan November 2016 and DES 1, DES 4, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development:

- (a) All windows and external doors, including details of fixed glazing.
- (b) Brickwork detailing.
- (c) Glazed balustrade to roof terrace on link extension.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 6 You must apply to us for approval of a sample of the roof materials for the mews house. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to this sample. (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 Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan November 2016 and DES 1, DES 4, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 In relation to No 32 St Petersburg Mews, you must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building or erect any extensions without our permission. This is despite the provisions of Classes A, B and C of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (as amended) (or any order that may replace it). (C21EB)

## 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)

- 8 You must apply to us for approval of details of the following parts of the development - measures to reduce light spill from rear fenestration of the proposed mews house and from the double storey glazed facade to St Petersburg Place, and from the glazed facades to the lower ground floor single storey extensions. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details and retain them thereafter.

## 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)

- 9 You must not put clear glass in the windows at first and second floor level in the rear elevation of the reconstructed mews building which look out towards No. 18 St Petersburg Place and you must fix them with restrictors. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work until we have approved the sample. You must then install the type of glass we have approved and must not change it without our permission.

## 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)

- 10 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)

- 11 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs and details of permeable surfacing in the rear garden. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within the first planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that form part of the landscaping scheme that we approve, or find that they are dying, severely damaged or diseased within five year of planting them, you must replace them with trees of a similar size and species. (C30CB)

**Reason:**

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Bayswater Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (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)

- 12 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

**Reason:**

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

- 13 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved.

**Reason:**

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38, CM28.1 of Westminster's City Plan (November 2016), and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With reference to condition 10 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 3 You are advised that should any external mechanical plant equipment be required, an application for planning permission will be required.
- 4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

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

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

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

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

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

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 April 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Little Venice	
<b>Subject of Report</b>	<b>283 - 329 Edgware Road and 5 Newcastle Place, London, W2 1DH</b>		
<b>Proposal</b>	Variation of Condition 1 of the planning permission granted 27 January 2017 (ref: 16/07226/FULL) for a redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A2, A3, A4 and B1), up to 672 residential units (including 130 affordable housing units), landscaping and associated car and cycle parking. NAMELY, amendment to the façade of Block A, and ground floor arrangement of Block A including residential drop off and ancillary residential uses, with associated amendment to landscaping plan.		
<b>Agent</b>	Turley		
<b>On behalf of</b>	Berkeley Homes (Central London) Ltd		
<b>Registered Number</b>	16/12162/FULL	<b>Date amended/ completed</b>	27 January 2017
<b>Date Application Received</b>	21 December 2016		
<b>Historic Building Grade</b>	Unlisted (Listed buildings on adjacent sites at 17-18 Paddington Green, the Children's Hospital and St. Mary's Church)		
<b>Conservation Area</b>	Paddington Green (part of site only)		

## 1. RECOMMENDATION

1.	Grant conditional permission, subject to a deed of variation to the section 106 agreement for application ref: 16/07226/FULL to secure: <ul style="list-style-type: none"> <li>a) Provision of 130 affordable units on-site comprising 51 intermediate units and 79 social rented units. The affordable units to be provided at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 14 March 2016;</li> <li>b) Provision of a financial contribution of £631,000 (index linked) toward the provision of school places directed related to the occupancy of this development;</li> <li>c) Provision of a financial contribution of £863,630 (index linked) for the St Mary's Church and Churchyard Project, The Cockpit Theatre, Greenhouse Sport, Hall Park Estate Play Area and a new Community Pitch at Paddington Green School;</li> <li>d) Provision of a financial contribution of £100,000 (index linked) toward improvements to Paddington Green;</li> </ul>
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- e) Provision of a financial contribution of £18,000 (index linked) toward bus stop improvements around the application site;
- f) Provision of a financial contribution of £200,000 (index linked) towards an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site;
- g) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street and Edgware Road;
- h) Provision of a financial contribution of £200,000 (index linked) toward possible road widening to be undertaken by TFL on Edgware Road;
- i) Provision of lifetime car club membership (25 years) for each residential unit in the development;
- j) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat);
- k) Compliance with the Council's Code of Construction Practice and a contribution of £20,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction;
- l) Provision of a financial contribution of £1,100,000 (index linked) toward public art associated with the development site and its maintenance;
- m) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS). In the event that the, CSDHS does not go ahead, installation of CHP plant on-site;
- n) Offering local employment opportunities during construction; and
- o) Payment of cost of monitoring the agreement (£15,000).

2. If the S106 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 it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

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

The applicant proposes the following amendments to the development approved under application ref: 16/07226/FULL. The following amendments are proposed:

- Revision to the façade material on Block A (30 Storey Tower). The consented tower is clad primarily in red brick and the applicant proposes cladding it in a light coloured stone with a pinstripe of bronze;
- Revision to the ground floor layout of Block A the applicant proposes removing the consented porte-cochere on the Newcastle Place or southern elevation. This would be replaced with a vehicle drop off point on the northern side of the tower, facing the communal garden area;
- Reconfiguration of the ground floor of Block A and addition of a residents only cinema; and
- The addition of further soft landscaping on the Newcastle Place elevation following removal of the port-cochere.

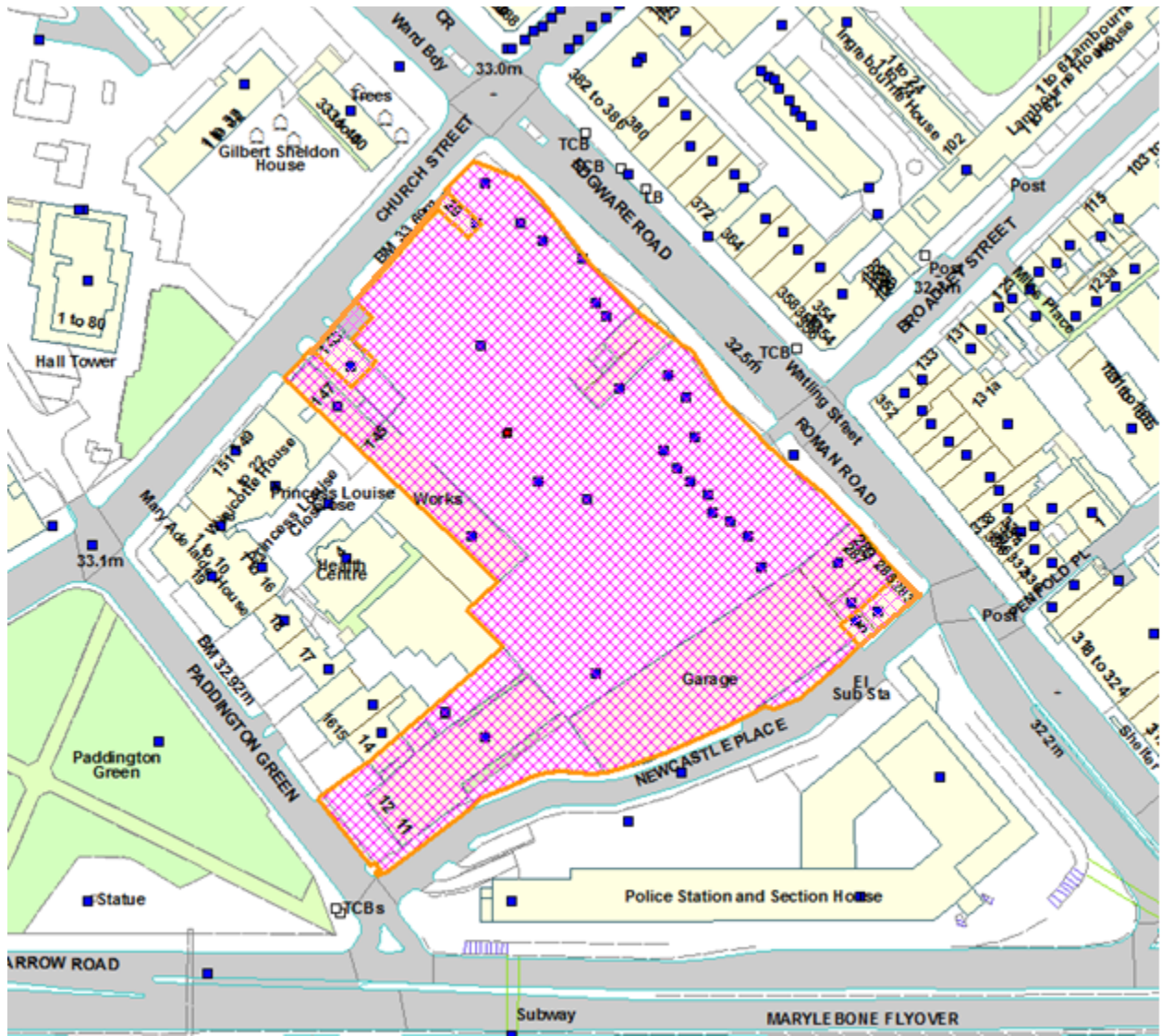
The key issues are:

- Impact of the façade changes on the character and appearance of the consented tower, the setting of adjacent heritage assets and views; and
- Impact on parking and highways from the amended drop-off location.

Objections have been received to the development, primarily to the height and bulk of the approved tower.

The proposals are considered to accord with City Council policies within the City Plan and Unitary Development Plan (UDP). The amendments would also result in a development that's scale and nature is not substantially different from the one which has been approved. Accordingly, it is recommended that conditional permission is granted subject to a Deed of Variation to the original legal agreement.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



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



View of application site at Church Street/Newcastle Place junction

## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY

Advise that the amendment does not give rise to any further strategic planning issues and direct the Council to determine the application without further reference to the GLA.

### LITTLE VENICE WARD COUNCILLORS

Any response to be reported verbally.

### CHURCH STREET WARD COUNCILLORS

Any response to be reported verbally.

### HYDE PARK WARD COUNCILLORS

Any response to be reported verbally.

### BAYSWATER RESIDENTS ASSOCIATION

No response received.

### HYDE PARK ESTATE ASSOCIATION

No response received.

### SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

No response received.

### HISTORIC ENGLAND

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

### HISTORIC ENGLAND (ARCHAEOLOGY)

The proposed amendments would have no further archaeological impact and no further conditions are necessary in regards to this application.

### ENVIRONMENT AGENCY

No response received

### LONDON UNDERGROUND LIMITED

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

### TRANSPORT FOR LONDON

Advise that they have no objections to the proposal.

### NATURAL ENGLAND

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

### SPORT ENGLAND

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

### THAMES WATER



No response received.

NATIONAL HEALTH SERVICE

No response received.

METROPOLITAN POLICE SERVICE

No response received.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Objection , the consented materials link the scheme with its surroundings , the change of materials accentuates the height of the tower and it is alien to the conservation area.

NOTTING HILL EAST NEIGHBOURHOOD FORUM

Object. How can you have a planning system in a democracy where on the one hand 29 storeys are accorded to one, whilst another 'one' living within a mile of this seemingly may not double glaze a sash window or build beyond three and half floors?

NORTH PADDINGTON SOCIETY

No response received.

PADDINGTON RESIDENTS' ACTIVE CONCERN ON TRANSPORT (PRACT)

No response received.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No response received.

MARYLEBONE ASSOCIATION

No response received.

THE ST MARYLEBONE SOCIETY

Defer to the City Council.

ST JOHN'S WOOD SOCIETY

Advise that they have no comment to make.

LONDON FIRE AND EMERGENCY PLANNING AUTHORITY (LFEP)

No response received.

PADDINGTON BUSINESS IMPROVEMENT DISTRICT

No response received.

CHURCH STREET LOCAL AREA RENEWAL PARTNERSHIP

No response received.

BUILDING CONTROL

Advise that they have no adverse comments.

WASTE PROJECT OFFICER

Object .

CHILDREN'S SERVICES

No response received.

CITYWEST HOMES

No response received.

PLANNING POLICY

No response received.

HIGHWAYS PLANNING MANAGER

No objection to moving of drop-off point. Objects to new servicing bay and has asked for it to be omitted.

AFFORDABLE HOUSING SUPPLY MANAGER

No response received.

ARBORICULTURAL MANAGER

No objection to the amendment in principle. Landscaping conditions should be re-imposed.

ADULT & COMMUNITY SERVICES

Any response to be reported verbally.

ENVIRONMENTAL HEALTH OFFICER

No response received.

WCC PARKS TEAM

Advise that they have no concerns with the proposal.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 5721

Total No. of replies: 2

No. of objections: 1

No. in support: 1

In summary, the objector raises the following issues:

- The area is over urbanised;
- The height of the building will affect neighbours amenities such as daylight, sunlight, privacy and noise;
- The number of residential units will negatively impact traffic, road access, parking and servicing; and
- Bulk and height of the development.

In summary, the supporter raises the following issues:

- Regeneration in area is needed; and
- Query whether the developer will have any initiatives for working with the existing

business community

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

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

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

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

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

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

### 6.2 Recent Relevant History

#### 15/11677/FULL

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

Application Permitted 28 April 2016

#### 16/06543/APAD

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

Application Permitted 5 August 2016

#### 16/08442/NMA

Amendments to planning permission dated 28 April 2016 (RN: 15/11677) for

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

Application Permitted 4 October 2016

#### 16/09486/ADV

Display of internally illuminated decorative hoarding around the site including the display of an internally illuminated digital LED advertisement unit on the Edgware Road elevation and decorative advertising mesh over work cabin within site.

Application Permitted 8 November 2017

#### 16/07226/FULL

Variation of Condition 1 of the planning permission granted 28 April 2016 (ref: 15/11677/FULL) for a redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A2, A3, A4 and B1), up to 652 residential units (including 126 affordable housing units), landscaping and associated car and cycle parking. NAMELY, incorporation of 283 Edgware Road into site, extension of Block B to provide 20 additional residential units (672 in total), with associated swap in housing tenure with Blocks E and F, associated amendments to permitted public realm and landscaping strategy.

Application Permitted 27 January 2017

#### 17/02701/NMA

Amendments to planning permission dated 27 January 2017 (RN: 16/07226) for: Variation of Condition 1 of the planning permission granted 28 April 2016 (ref: 15/11677/FULL) for a redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A2, A3, A4 and B1), up to 652 residential units (including 126 affordable housing units), landscaping and associated car and cycle parking, namely incorporation of 283 Edgware Road into site, extension of Block B to provide 20 additional residential units (672 in total), with associated swap in housing tenure with Blocks E and F, associated amendments to permitted public realm and landscaping strategy. NAMELY optimization of consented internal residential layouts to all floors of Block B and to vary the wording of planning conditions 49 and 34.

Under Consideration

## 7. THE PROPOSAL

The applicant proposes the following amendments to the development permitted under application ref: 16/07226/FULL:

#### Revision to Façade Material on Block A

The applicant proposes amending the primary material used on the façades of Block A, which is the 30 storey tower located at the southern end of the site. The consented

tower is clad primarily in red brick. The applicant proposes cladding it in a light coloured stone with a pinstripe of bronze. The applicant seeks this change to differentiate the tower from the red brick mansion blocks on-site.

#### Revision to Ground Floor Layout of Block A

The applicant proposes removing the consented porte-cochere on the Newcastle Place or southern elevation. This would be replaced with a vehicle drop off point on the northern side of the tower, facing the communal garden area. This drop-off area would be covered by a projecting canopy. A small servicing bay would also be added to the Newcastle Place elevation.

Removal of the porte-cochere creates additional floorspace (103 sqm) and enables reconfiguration within the ground floor of Block A. The consented resident's gym would be relocated from the northern side to the Newcastle Place side of the tower. The consented residents lounge would be reconfigured and orientated toward the new drop off area on the northern side of the tower. A resident's cinema would also be introduced, adjacent to the new drop-off area.

#### Landscaping Changes

The applicant also proposed further soft landscaping on the Newcastle Place elevation following removal of the port-cochere.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Scope of Consideration**

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

### **8.2 Land Use**

The ground floor area of Block A provides facilities ancillary to the residential flats within that block. To ensure that the new resident's cinema remains ancillary to the residential flats, a condition is recommended to prevent its use by the wider public. Accordingly, the proposal does not introduce any new uses to the site and is acceptable in land use terms.

### **8.3 Townscape and Design**

#### Revision to Façade Material on Block A

The approved development allowed for the use of brickwork as the principal facing material for the fins which were the main vertical element in the design composition of

Block A. The fins were to be framed to each side in reconstituted stone. The fins at ground to third floor levels of Block A (representing the defined base to the composition) were to be faced in complete bricks to ensure a high quality finish in these more publically visible areas. Above that level allowance was given for the use of brick slips. The brickwork to all floor levels was to be arranged in complete and simply detailed straight sections between the reconstituted stone edges to the fins. This current application seeks to vary the facing materials for these vertical fins to Block A, and now seeks instead an arrangement whereby the fins will be faced in stone, with a bronze feature detail to the centre of each fin. The fins will be more heavily modelled than was the case in the scheme previously approved.

As set out in the original Committee report, in the closer to middle distance views of the tower, the form, materials and architectural detailing of the elevations will be important in helping to inform the quality of the building and its visual impact. In views from a longer distance the appreciation is largely restricted to the basic form and silhouette of the building, although colour of materials can also play some significant part in the visual appreciation from distance. The form and silhouette of the building do not change in this scheme from that previously approved, with the principal change relating to the cladding materials and detailing.

With regards to the impression from a longer distance, the tower will remain visible in a significant number of views from the surrounding areas as demonstrated in the AVR (Accurate Visual Representations) submission included with the original scheme. These views include Hyde Park, Regents Park, the summit of Primrose Hill (with reference to the London Panorama from this point included in the London View Management Framework) and a variety of conservation areas in the wider surrounding area. In these views the change from a principally darker brickwork cladding to a light stone cladding for the fins of Block A would be anticipated to be apparent.

In consideration of the appropriateness of the change to stone in so far as it impacts on the longer views of Block A, it is recognised that there are a number of existing higher buildings (though all lower than Block A) within the surrounding area. Around the junction of Edgware Road and Marylebone Road/Harrow Road are the London Hilton Metropole building, Burne House and Capital House, with other existing tower blocks of Hall and Braithwaite towers, the tower to Paddington Police Station and Parsons House beyond to this section of Edgware Road. Although darker brickwork infill panels are used to Hall and Braithwaite towers within light grey framing, the strong impression of these buildings generally is that they have a principally lighter grey or brighter tone to their colouring, and that brickwork is used as a facing material principally only for the lower level streetscape buildings in the wider area. As demonstrated in the view studies, Block A will be visible in the context of these buildings in numerous longer views including in views from north and south on Edgware Road, from Kensington Gardens (view 23) where the tonally light tower of the Royal Lancaster Hotel is also prominent, from Hyde Park (especially view 26) and from Primrose Hill and other views. The proposed use of stone cladding to Block A therefore will allow it to reflect the principal tonal character of the higher buildings in the area to a greater degree than would brickwork, and as a result it will sit more comfortably in context with these surrounding higher buildings. It is recognised that it will differ from the design approach of 1 Merchant Square. However this would be no more so than the approved brickwork facing would have done.

The use of stone will also give a more defined and crisper visual aesthetic to the appearance of the building, in contrast to the greater texture and variation of colour found in brickwork, and this greater definition and the emphasis given more to its form rather than an emphasis of the textural qualities of the elevations is considered appropriate for a building of such considerable visual presence. As a building of very considerable scale, and one visible in long views from a wide range of views, the use of stone giving a visual distinction to the building is considered appropriate. As a visual aesthetic, stone also gives a somewhat grander appearance than brickwork which is commonly associated with terraced houses and mansion blocks, and for a building of such considerable scale and visual presence the use of stone is again considered appropriate. Officers also consider that a lighter colour will allow Block A to appear slightly less prominent when seen against the sky in the longer views than would the darker brickwork facing previously approved. Overall, the use of stone cladding would make Block A appear more recessive in these longer views and is therefore considered a positive change.

In the many medium to closer views, the change in material must be considered in terms of its appropriateness in its own right, in terms of how successfully Block A would integrate with the remainder of the West End Green development, and in terms of the specific stone chosen and how it is proposed to be detailed.

As originally approved, Block A was approved to be faced in brickwork to match the brickwork to be used on the rest of the West End Green development, and also in an effort to harmonise the Block more closely with the historic brick faced buildings within the Paddington Green Conservation Area on the east side of Paddington Green and on Church Street. The change to stone cladding will break that visual impression and as a result it would stand out as a more distinct structure less visually integrated to the West End Green development and less harmonious when seen in context with the adjacent conservation area buildings.

It is recognised that Block A in its currently proposed form will integrate less with the overall development, and will also integrate less with the buildings to the east side of Paddington Green and on Church Street which are characterised by their brick facing. The impression of this change will be very readily apparent in views from within Paddington Green Conservation Area especially, and also particularly from the north on Edgware Road. Notwithstanding this weakening of the visual link that a brickwork facing would have given, Block A would not have fully integrated into an overall cohesive impression with the lower height brick faced mansion blocks to the remainder of the West End Green development and the conservation area buildings nearby, irrespective of the choice of facing materials. It is also considered that, although brick facing is a traditional choice of material for mansion blocks throughout Westminster and though used in sections to Hall and Braithwaite towers, there is little precedent for the use of brick facing for such a large structure. Block A will still incorporate the same bronze framing to windows and other details which will be used to the remainder of the buildings on the West End Green site and which will still allow for some sense of a visual link between Block A and the remainder of the development. Although the change will represent some loss of visual integration between Block A and the mansion blocks, the impact is considered acceptable.

However, there are some concerns regarding the choice of stone and the detailing of the stone. The plans submitted show a proposal for the use of natural limestone to the ground and first floor levels only, with a matching precast stone to be used to the 28 floors above. Although samples have not been submitted as yet, precast stone could nonetheless be anticipated to be capable of closely following the colour of natural stone. It may not however follow the same weathering properties as natural stone or necessarily the same properties in terms of how it is appreciated in differing lighting conditions. Though there is an intermediate horizontal band above first floor level the clearest impression of the composition of Block A is that the base is four stories high. The proposed abrupt change between a use of natural stone at ground and first floors and the use of a precast stone to the remainder of the defined base and all the upper floors could provide a poorly unified appearance to the base of the composition with two differing materials used. As such, an amending condition is recommended requiring the use of natural stone to face the fins of the tower at ground to third floor levels (i.e. the entire base to Block A). The contrast with natural stone to the base and the use of what is considered an inferior material of precast stone to the upper floors would still be considered regrettable. However, there would at least be a natural and clear division between the base and the upper elements of the tower which would help incorporate the change in materials, and this approach would be in line with the principle from the previous approval where complete bricks were to be used to the base at ground to third floor levels, with brick slips used above.

A further concern relates to the detailing of the stonework proposed. Officers have sought detailed drawings to show how the stone is intended to be used around the quite notably modelled fin structure, although none have yet been submitted. Given the stepped arrangement of the fins, use of thinner sections of stone to clad the surface of the fins could give rise to numerous joints between the differing angles to the fins which might clutter their impression and weaken their architectural quality. Conditions are recommended to secure both samples of stone (both natural and precast) to ensure their appropriateness and also to secure mock ups and section drawings to show the detailing proposed for the fins. This will allow for a more in-depth consideration of these elements of the scheme at a later stage. An informative is also attached advising that the expectation is that sections of stone will be detailed to allow for the omission of inappropriate jointing between stone sections.

In itself, the projecting section of bronze incorporated to the centre of each fin allows for the integration of a feature of interest to the otherwise fully stone clad fins, and which would allow for an appropriate sense of vertical emphasis to the visual impression of the tower. In addition, during the course of the application process the applicants have clarified that the parapet will have a strongly defined termination to the facades, which would give an appropriate capping to the composition.

Overall, and mindful of the various policy, guidance and statutory tests as set out in the Committee report for the original approval, the proposed change to stone cladding is considered acceptable and in line with UDP policy DES3 which requires the quality of architectural design of high buildings to 'visibly contribute to the character of London as a World Class City'. The proposed development would be no more harmful to the character, appearance and/or setting of 17-18 Paddington Green (Grade 2 listed), the adjacent Children's Hospital building (Grade 2 listed) and the Paddington Green and Maida Vale Conservation Areas than the original permission.



### Relocation of Vehicle Drop-off Area and Removal of Porte-cochere

The area to the north side of Block A was described as being a 'Plaza' on the approved drawings, and conceived as a quieter more pedestrian focussed route in contrast to Newcastle Place on the south side of Block A. Whilst the increase in traffic around the northern side of the tower is to an extent to be regretted, it will nonetheless provide some greater animation of this part of the site which is set away from the public road of Newcastle Place and not on a direct route through the site. The approach would not unduly compromise the public realm around Block A and is considered acceptable.

Enclosure of the porte-cochere area would allow for a more continuous frontage to Newcastle Place and a greater degree of visual solidity to the base of the tower at this point. It would also provide a greater animation of the street scene given the gym use shown to the plans as being within this area. The pedestrian environment along Newcastle Place would also be improved through the removal of associated vehicular cross-over points to allow for accessing and exiting the porte-cochere.

The new drop-off area would include a canopy structure. This canopy is considered light weight and neatly detailed and incorporates bronze aluminium supporting fins which will sit comfortably with the appearance of Block A. It will provide some definition to the entrance into this large residential block and is considered appropriate.

Overall, relocation of the vehicle drop-off area and removal of the porte-cochere would be consistent with policy S28 of the City Plan and policies DES 1 and DES 3 of the UDP

#### **8.4 Residential Amenity**

The proposal does not involve any alterations to the height or bulk of Block A. The window and balcony arrangement also remains unchanged. Accordingly, the proposed amendments would not increase loss of light, sense of enclosure or overlooking beyond what has been approved previously. Accordingly, the proposal is consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

#### **8.5 Transportation/Parking**

The Highways Planning Manager has reviewed the proposal. He has no objection to moving the residential drop-off from the south to the north of the building as it utilises existing crossovers permitted under the original permission.

However, the new servicing bay proposed would reduce the footway width to virtually nothing on part of Newcastle Place. This servicing bay appears to also not be necessary given the width of Newcastle Place and the absence of any restrictions on on-street servicing. Accordingly, the Highways Planning Manager has requested removal of this servicing bay and the Committee will be updated verbally with the outcome of this request,

Subject to this servicing bay being removed, the proposal is consistent with policy TRANS 20 of the UDP.

#### **8.6 Economic Considerations**

The proposed amendment does not give rise to any further economic considerations.

#### **8.7 Access**

The proposed amendment would retain level access around Block A and would comply with policy DES1 of the UDP and policy S28 of the City Plan in terms of accessibility.

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

None.

#### **8.9 London Plan**

As a variation to a GLA referable development, the GLA were notified of the proposed amendment. They advise that the scale and nature of the proposals do not give rise to any new strategic planning issues and the City Council may proceed to determine the application without further reference to the GLA.

#### **8.10 National Policy/Guidance Considerations**

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

#### **8.11 Planning Obligations**

Should this amendment to the original permission be granted, a deed of variation to the original section 106 agreement will also be required to ensure that the planning obligations previously secured are also secured under this new permission. The draft 'Heads' of agreement are as follows:

- a) Provision of 130 affordable units on-site comprising 51 intermediate units and 79 social rented units. The affordable units to be provided at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 14 March 2016;
- b) Provision of a financial contribution of £631,000 (index linked) toward the provision of school places directed related to the occupancy of this development;
- c) Provision of a financial contribution of £863,630 (index linked) for the St Mary's Church and Churchyard Project, The Cockpit Theatre, Greenhouse Sport, Hall Park Estate Play Area and a new Community Pitch at Paddington Green School;
- d) Provision of a financial contribution of £100,000 (index linked) toward improvements to Paddington Green;
- e) Provision of a financial contribution of £18,000 (index linked) toward bus stop improvements around the application site;
- f) Provision of a financial contribution of £200,000 (index linked) towards an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site;
- g) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street and Edgware Road;

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

It should be noted that draft 'Head' c) has been amended from the previous permission. The amendment sought has been requested by the Director of Community Services to allow it to be used on alternative projects as the Adpar Street Play Project is not coming forward. The amendment sought would allow some of this sum to instead be used for a new play area at the Hall Park Estate and/or a new Community Pitch at Paddington Green School.

The additional floorspace created would also be Westminster CIL liable. Subject to any exemptions or relief that may be applicable, the estimated CIL payment is £50,435.62.

### **8.12 Environmental Impact Assessment**

Application ref: 15/11677/FULL and 16/07226/FULL were considered to be EIA development and were accompanied by Environment Statements (ES). This application is accompanied by a letter from Ramboll Environ who prepared the previous ES's. Ramboll Environ conclude that, due to the limited nature of the amendments proposed, the conclusions of the most recent EIA apply equally to the proposed amendments and that the conditions previously imposed provide sufficient mitigation for the environmental effect arising from the development. Officers concur with this assessment.

### **8.13 Other Issues**

The objector is concerned with urbanization of the area, loss of light, the bulk and height of the development and traffic generation. These are all matters related to the principle of the development and are not relevant to the more limited consideration of the alterations to Block A.

## **9. BACKGROUND PAPERS**

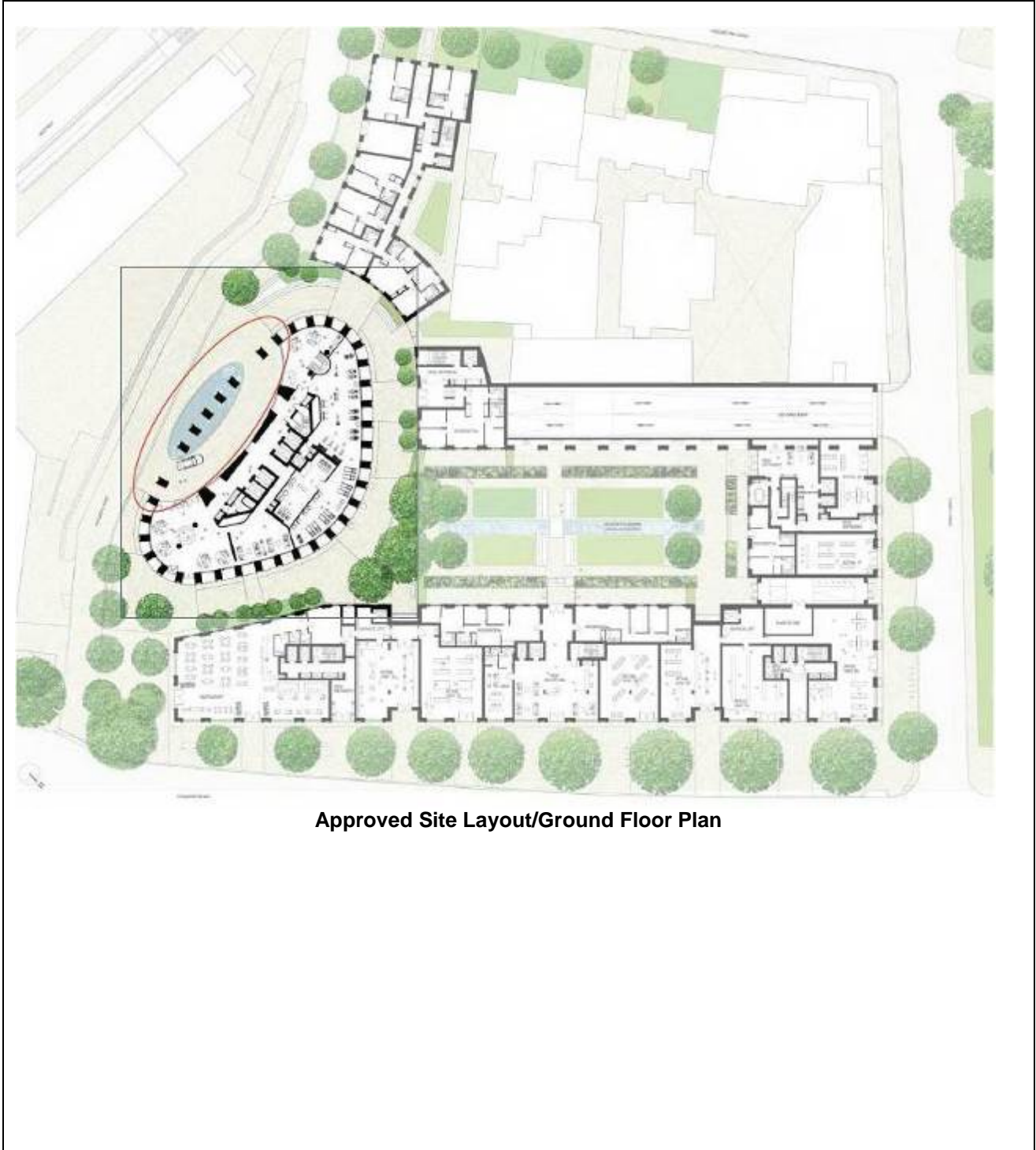
1. Application form
2. Response from the Greater London Authority, dated 24 March 2017

3. Response from Historic England (Archaeology), dated 24 February 2017
4. Response from Historic England (Listed Builds/Con Areas), dated 6 February 2017
5. Response from Sport England - London Region, dated 8 February 2017
6. Response from Natural England, dated 14 February 2017
7. Response from London Underground, dated 14 February 2017
8. Response from Transport for London, dated 8 February 2017
9. Response from Highways Planning Manager, dated 7 April 2017
10. Response from Arboricultural Manager, dated 21 March 2017
11. Response from Projects Officer (Waste), dated 13 February 2017
12. Response from Building Control - Development Planning, dated 23 February 2017
13. Response from WCC Parks, dated 6 February 2017
14. Response from Paddington Waterways and Maida Vale Society, dated 9 February 2017
15. Response from Notting Hill East Neighbourhood Forum, dated 2 March 2017
16. Response from The St Marylebone Society, dated 17 February 2017
17. Response from St John's Wood Society, dated 27 February 2017
18. Letter from occupier of 99 St Mary's Mansions, St Mary's Mansions, dated 12 February 2017
19. Letter from occupier of 37 George Peabody Court, 2 Burne Street, dated 10 February 2017

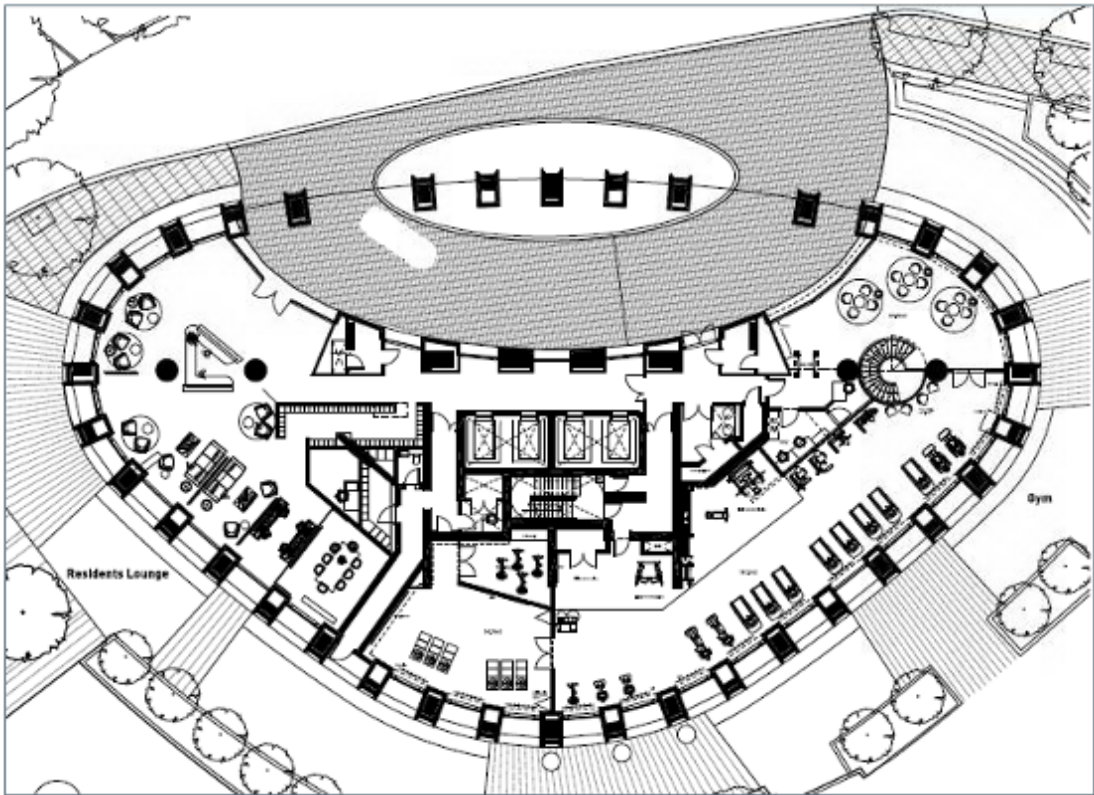
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT [NBARRETT@WESTMINSTER.GOV.UK](mailto:NBARRETT@WESTMINSTER.GOV.UK)

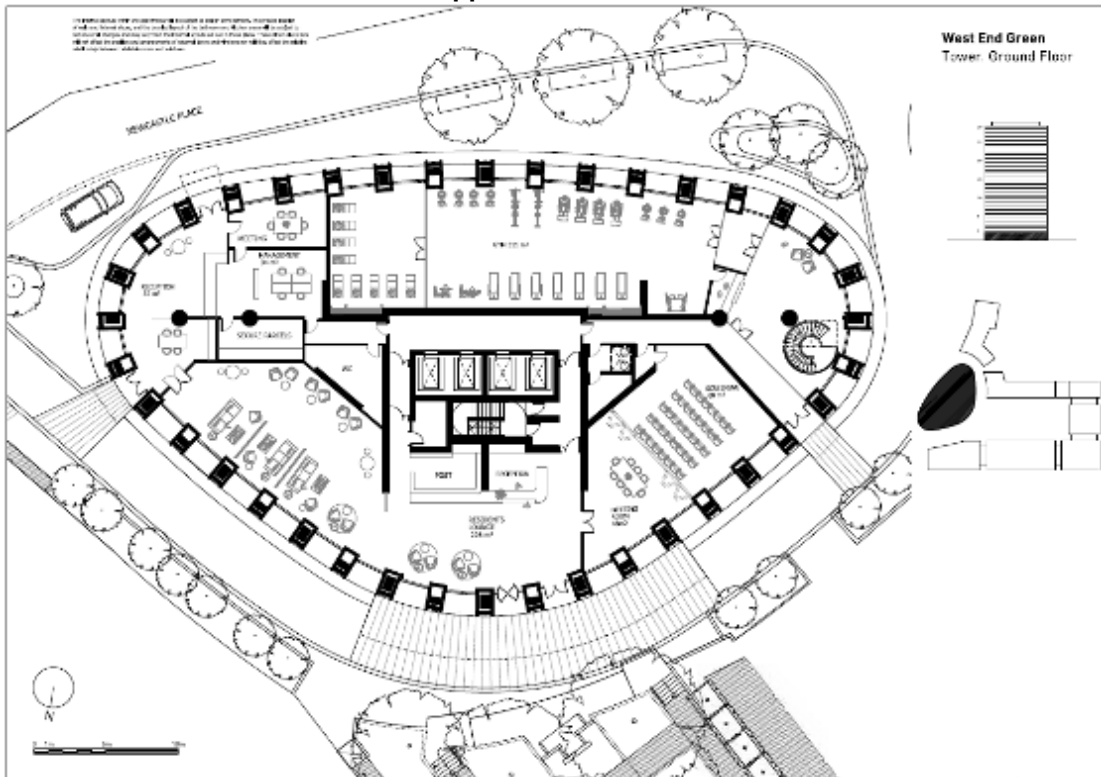
**10. KEY DRAWINGS**



**Approved Site Layout/Ground Floor Plan**



**Block A - Approved Ground Floor Plan**



**Block A- Proposed Ground Floor Plan**



Ref 2.5 Block A plan showing the consented layout



Ref 2.6 Perspective of consented Tower drop off facing onto Newcastle Place



Ref 2.7 Proposed Block A plan showing the amended layout



Ref 2.8 Perspective of proposed Tower drop off facing onto the courtyard garden

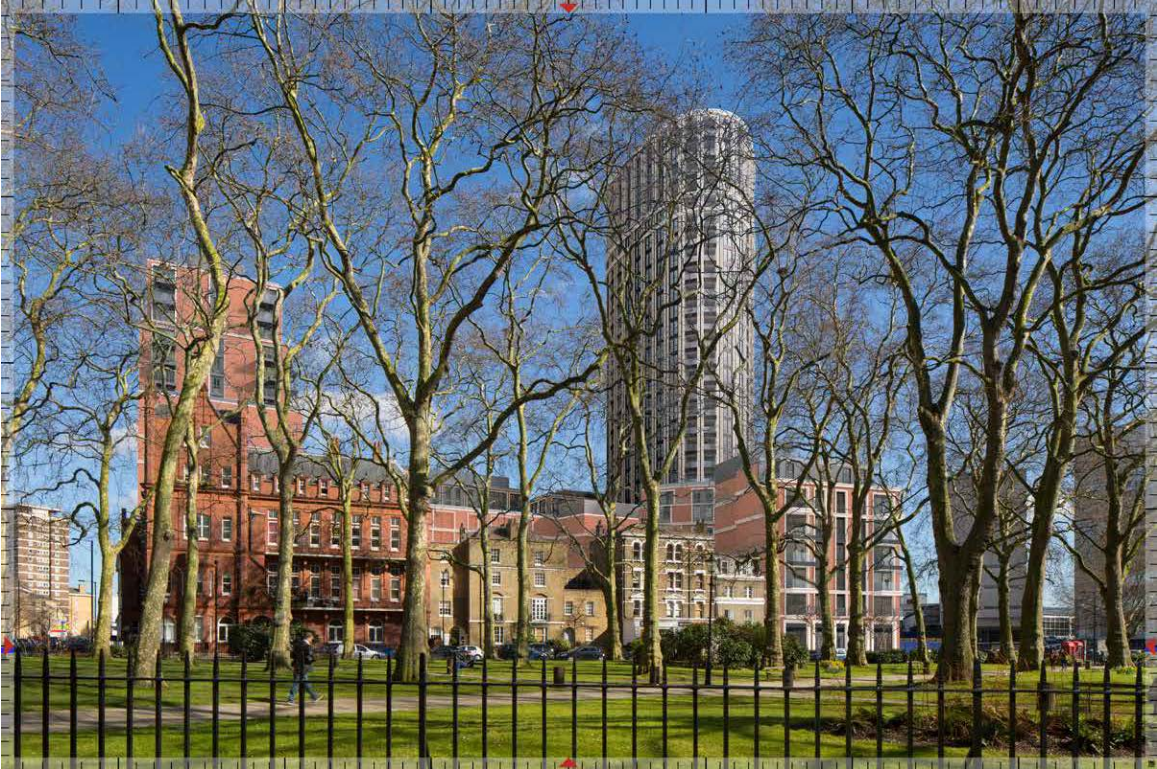
**Approved (top) and Proposed (bottom) Plans and Visuals of the Vehicle Drop Off Areas**



**Close-Up Visual of Approved (left) and Proposed (Right) Cladding**



**View of Approved Development from Paddington Green**



**View of Proposed Development from Paddington Green**



**DRAFT DECISION LETTER**

**Address:** Development Site At, 285 - 329 Edgware Road, London, W2 1DH,

**Proposal:** Variation of Condition 1 of the planning permission granted 27 January 2017 (ref: 16/07226/FULL) for a redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A2, A3, A4 and B1), up to 672 residential units (including 130 affordable housing units), landscaping and associated car and cycle parking. NAMELY, amendment to the façade of Block A, and ground floor arrangement of Block A including residential drop off and ancillary residential uses, with associated amendment to landscaping plan.

**Reference:** 16/12162/FULL

**Plan Nos:** Drawing numbers 0203\_JA12\_P\_00\_100 Rev B, 0203\_C645\_E\_N\_H\_001 Rev C, 0203\_C645\_P\_D\_T3\_001 Rev D, 0203\_C645\_P\_00\_100 Rev B, 0203\_C645\_E\_E\_H\_001 Rev B, 0203\_C645\_P\_D\_T4\_001 Rev C, 0203\_JA12\_P\_00\_001 Rev B, 0203\_C645\_E\_S\_H\_001 Rev C, 0203\_C645\_P\_D\_T5\_001 Rev D, 0203\_JA12\_P\_00\_002 Rev B, 0203\_C645\_E\_W\_H\_001 Rev B, 0203\_C645\_P\_E-F\_00\_001 Rev B, 0203\_JA12\_P\_00\_003 Rev B, 0203\_C645\_E\_NW\_H\_001 Rev B, 0203\_C645\_P\_E-F\_T1\_001 Rev C, 0203\_JA12\_P\_00\_004 Rev B, 0203\_C645\_P\_D\_TY\_T\_001 Rev B, 0203\_C645\_P\_E-F\_T2\_001 Rev C, 0203\_JA12\_E\_N\_001 Rev B, 0203\_C645\_P\_D\_TY\_T\_002 Rev B, 0203\_C645\_P\_E-F\_T3\_001 Rev C, 0203\_JA12\_E\_E\_001 Rev B, 0203\_C645\_P\_D\_TY\_T\_003 Rev C, 0203\_C645\_P\_E-F\_T4\_001 Rev C, 0203\_JA12\_E\_S\_001 Rev B, 0203\_C645\_P\_D\_TY\_T\_004 Rev B, 0203\_C645\_P\_E-F\_T5\_001 Rev C, 0203\_JA12\_E\_W\_001 Rev B, 0203\_C645\_P\_D\_TY\_T\_005 Rev B, 0203\_C645\_P\_E-F\_T6\_001 Rev C, 0203\_C645\_P\_D\_TY\_T\_006 Rev B, 0203\_C645\_P\_E-F\_T7\_001 Rev D, 0203\_C645\_P\_RF\_100 Rev C, 0203\_C645\_P\_D\_TY\_T\_007 Rev B, 0203\_C645\_P\_E-F\_T8\_001 Rev D, 0203\_C645\_P\_B1\_001 Rev D, 0203\_C645\_P\_D\_TY\_T\_008 Rev B, 0203\_C645\_P\_E-F\_T9\_001 Rev A, 0203\_C645\_P\_B2\_001 Rev D, 0203\_C645\_P\_00\_001 Rev C, 0203\_C645\_P\_D\_TY\_M\_001 Rev B, 0203\_C645\_P\_G\_00\_001 Rev A, 0203\_C645\_P\_TY\_001 Rev C, 0203\_C645\_P\_D\_TY\_M\_002 Rev B, 0203\_C645\_P\_G\_T1\_001 Rev A, 0203\_C645\_P\_RF\_001 Rev C, 0203\_C645\_P\_D\_TY\_M\_003 Rev B, 0203\_C645\_P\_G\_T2\_001 Rev A, 0203\_C645\_P\_RF\_003 Rev C, 0203\_C645\_P\_D\_TY\_M\_004 Rev B, 0203\_C645\_P\_H\_00\_001 Rev B, 0203\_C645\_E\_N\_001 Rev B, 0203\_C645\_P\_D\_TY\_M\_005 Rev B, 0203\_C645\_P\_H\_T1\_001 Rev C, 0203\_C645\_E\_N\_002 Rev B, 0203\_C645\_P\_D\_TY\_M\_006 Rev B, 0203\_C645\_P\_H\_T2\_001 Rev B, 0203\_C645\_E\_E\_001 Rev B, 0203\_C645\_P\_D\_TY\_M\_007 Rev B, 0203\_C645\_P\_H\_T3\_001 Rev C, 0203\_C645\_E\_E\_002 Rev B, 0203\_C645\_P\_A\_00\_001 Rev C, 0203\_C645\_P\_H\_T4\_001 Rev C, 0203\_C645\_E\_S\_001 Rev C, 0203\_C645\_P\_A\_T0\_001 Rev C, 0203\_C645\_E\_S\_002 Rev B, 0203\_C645\_P\_A\_T1\_001 Rev C, 0203\_C645\_P\_AP\_W\_001 Rev B, 0203\_C645\_E\_W\_001 Rev B, 0203\_C645\_P\_A\_T3\_001 Rev C, 0203\_C645\_P\_AP\_W\_002 Rev A, 0203\_C645\_E\_W\_002 Rev B,

0203\_C645\_P\_A\_T2\_001 Rev C, 0203\_C645\_P\_AP\_W\_003 Rev A, 0203\_C645\_S\_AA\_001 Rev B, 0203\_C645\_P\_A\_T4\_001 Rev C, 0203\_C645\_P\_AP\_W\_004 Rev A, 0203\_C645\_S\_BB\_001 Rev B, 0203\_C645\_P\_AP\_W\_005 Rev A, 0203\_C645\_S\_CC\_001 Rev B, 0203\_C645\_P\_A\_PH1\_001 Rev D, 0203\_C645\_P\_AP\_W\_006 Rev B, 0203\_C645\_S\_DD\_001 Rev B, 0203\_C645\_P\_A\_PH2\_001 Rev D, 0203\_C645\_P\_AP\_W\_007 Rev B, 0203\_C645\_P\_A\_PH3\_001 Rev D, 0203\_C645\_E\_S\_A\_001 Rev C, 0203\_C645\_P\_AP\_W\_008 Rev B, 0203\_C645\_E\_E\_B\_001 Rev B, 0203\_C645\_P\_B\_00\_001 Rev B, 0203\_C645\_E\_S\_B\_001 Rev B, 0203\_C645\_P\_B\_T1\_001 Rev D, 0203\_C645\_P\_AL\_01 Rev B, 0203\_C645\_E\_W\_B\_001 Rev B, 0203\_C645\_P\_B\_T2\_001 Rev D, 0203\_C645\_P\_AL\_02 Rev B, 0203\_C645\_E\_S/N\_B/C/D\_001 Rev B, 0203\_C645\_P\_B\_T3\_001 Rev D, 0203\_C645\_P\_AL\_03 Rev B, 0203\_C645\_P\_B\_T4\_001 Rev D, 0203\_C645\_P\_AL\_04 Rev B, 0203\_C645\_E\_E\_C\_001 Rev B, 0203\_C645\_P\_B\_T5\_001 Rev D, 0203\_C645\_P\_AL\_05 Rev B, 0203\_C645\_E\_W\_C\_001 Rev B, 0203\_C645\_P\_B\_T6\_001 Rev A, 0203\_C645\_P\_AL\_06 Rev B, 0203\_C645\_E\_N\_D\_001 Rev B, 0203\_C645\_P\_B\_T7\_001 Rev A, 0203\_C645\_E\_AL\_001 Rev B, 0203\_C645\_E\_E\_D\_001 Rev B, 0203\_C645\_P\_C\_00\_001 Rev B, 0203\_C645\_P\_00\_003 Rev C, 0203\_C645\_E\_W\_D\_001 Rev B, 0203\_C645\_P\_C\_T1\_001 Rev B, 0203\_C645\_P\_00\_004 Rev C, 0203\_C645\_E\_N\_EF\_001 Rev B, 0203\_C645\_P\_C\_T2\_001 Rev B, 0203\_C645\_P\_RF\_002 Rev B, 0203\_C645\_E\_E\_EF\_001 Rev B, 0203\_C645\_P\_C\_T3\_001 Rev B, 0203\_C645\_E\_S\_EF\_001 Rev B, 0203\_C645\_P\_C\_T4\_001 Rev B, 0203\_C645\_E\_W\_EF\_001 Rev B, 0203\_C645\_P\_C\_T5\_001 Rev C, 0203\_C645\_E\_N\_G\_001 Rev B, 0203\_C645\_P\_D\_00\_001 Rev B, 0203\_C645\_E\_E\_G\_001 Rev B, 0203\_C645\_P\_D\_T1\_001 Rev D, 0203\_C645\_E\_S\_G\_001 Rev B, 0203\_C645\_P\_D\_T2\_001 Rev D, 0203\_C645\_E\_W\_G\_001 Rev C; Environment Statement Volumes 1, 2 and 4B by Ramboll Environ (February 2016); Environment Statement Volume 3 (Planning Application Addendum) by Ramboll Environ (March 2016); Environment Statement Volume 3 (Planning Application Further Addendum) by Ramboll Environ (24 March 2016); Design and Access Statement by Squire and Partners (Rev B - February 2016); Amended Transport Assessment by Vectos (February 2016); Planning Statement by Turley (December 2015).

**AS AMENDED BY APPLICATION REF: 16/07226/FULL:**

Drawing numbers 0203\_02\_JA12\_P\_00\_10 0 Rev B, 0203\_02\_C645\_P\_D\_T00 Rev C, 0203\_02\_C645\_P\_00\_100 Rev D, 0203\_02\_C645\_P\_EF\_T00 Rev B, 0203\_02\_JA12\_P\_00\_001 Rev B, 0203\_02\_C645\_P\_EF\_T01 Rev C, 0203\_02\_JA12\_P\_00\_002 Rev B, 0203\_02\_C645\_P\_EF\_T02 Rev C, 0203\_02\_JA12\_P\_00\_003 Rev B, 0203\_02\_C645\_P\_EF\_T03 Rev C, 0203\_02\_JA12\_P\_00\_004 Rev B, 0203\_02\_C645\_P\_EF\_T04 Rev C, 0203\_JA12\_E\_N\_001 Rev B, 0203\_02\_C645\_P\_EF\_T05 Rev C, 0203\_JA12\_E\_E\_001 GA Rev B, 0203\_02\_C645\_P\_EF\_T06 Rev B, 0203\_JA12\_E\_S\_001 GA Rev B, 0203\_02\_C645\_P\_EF\_T07 Rev B, 0203\_JA12\_E\_W\_001 Rev B, 0203\_02\_C645\_P\_EF\_T08 Rev B, 0203\_02\_C645\_P\_EF\_T09 Rev B, 0203\_02\_C645\_P\_RF\_100 GA Rev C, 0203\_02\_C645\_P\_EF\_T10 Rev B, 0203\_02\_C645\_P\_RF\_001 GA Rev D,

0203\_02\_C645\_P\_RF\_003 GA Rev D, 0203\_C645\_P\_AP\_W\_002 Rev A,  
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 0203\_02\_C645\_P\_RF\_002 Rev C, 0203\_02\_C645\_P\_B\_T00 Rev B,  
 0203\_02\_C645\_P\_B\_T01 Rev C, 0203\_02\_C645\_P\_B\_T02 Rev C,  
 0203\_02\_C645\_P\_B\_T03 Rev C, 0203\_02\_C645\_P\_B\_T04 Rev C,  
 0203\_02\_C645\_P\_B\_T05 Rev C, 0203\_02\_C645\_P\_B\_T06 Rev C,  
 0203\_02\_C645\_P\_B\_T07 Rev C

**AS FURTHER AMENDED BY APPLICATION REF: 16/12162/FULL:**

Drawing numbers 0203\_C645\_E\_S\_A\_001 Rev G, 0203\_C645\_E\_S\_A\_002 Rev A,  
 0203\_04\_C645\_E\_N\_A\_001 Rev B, 0203\_04\_C645\_P\_D\_TY\_T\_001 Rev B,  
 0203\_04\_C645\_P\_D\_TY\_T\_002 Rev B, 0203\_04\_C645\_P\_D\_TY\_T\_003 Rev B,  
 0203\_04\_C645\_P\_D\_TY\_T\_004 Rev B, 0203\_04\_C645\_P\_D\_TY\_T\_005 Rev B,  
 0203\_04\_C645\_P\_D\_TY\_T\_006 Rev B, 0203\_04\_C645\_P\_D\_TY\_T\_007 Rev B,  
 0203\_04\_C645\_P\_D\_TY\_T\_008 Rev B, 0203\_04\_C645\_P\_D\_TY\_T\_009 Rev B,  
 0203\_04\_C645\_P\_D\_TY\_T\_010 Rev B, 0203\_04\_C645\_P\_00\_100 Rev B,  
 0203\_04\_C645\_P\_RF\_100 Rev B, 0203\_04\_C645\_P\_00\_001 Rev B,  
 0203\_04\_C645\_P\_TY\_001 Rev B, 0203\_04\_C645\_P\_RF\_001 Rev B,  
 0203\_04\_C645\_P\_A\_00\_001 Rev B, 0203\_04\_C645\_P\_00\_003 Rev B,  
 0203\_04\_C645\_P\_00\_004 Rev B, 0203\_04\_C645\_P\_RF\_002 Rev B; Document  
 titled "West End Green – 283-329 Edgware Road, London – Block A Minor Material  
 Amendment Application – Amendments Design Brochure", prepared by Squire and  
 Partners (dated December 2016); Document titled "West End Green – 283-329  
 Edgware Road, London – Block A Minor Material Amendment Application –  
 Addendum Design Brochure", prepared by Squire and Partners (dated April 2016);  
 Letter and attachments from Michelle Wheeler of Ramboll Environ (undated)

**Case Officer:** Nathan Barrett

**Direct Tel. No.** 020 7641 5943

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

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the

City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

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

Noisy work must not take place outside these hours. (C11AA)

Reason:

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

- 3 The development shall be carried out in accordance with the Piling Methodology approved pursuant to application ref: 17/00916/ADFULL.

Reason:

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

- 4 The development shall be carried out in accordance with the Construction Logistics Plan approved pursuant to application ref: 17/00887/ADFULL.

Reason:

To ensure that the construction logistics for the development minimise nuisance and disturbance in the interests of the amenities of neighbouring occupiers and of the area generally, and to avoid hazard and obstruction to the public highway. This is as set out in S29 of Westminster's City Plan (November 2016) and TRANS 2 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 5 The development shall be carried out in accordance with the Construction Management Plan approved pursuant to application ref: 17/00437/ADFULL.

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.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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)

- 7 You must apply to us for approval of full size benchmark mock ups of the following sections of the façades:

- The 'bronze feature rainscreen panel'
- The 'bronze coloured PPC Ventilation Grill'

The mock ups should demonstrate finished construction appearance/detailing, and should be constructed on site and retained on site as benchmarks to be replicated on the new building. You must not start any work on the relevant part of the development until we have approved the mock ups. You must then carry out the work according to the approved mock ups.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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)

- 8 Notwithstanding the 'brick façade panel' system referred to on the drawings, you must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

A revised form of external brick construction which incorporates brick facing as a continuous facing material without jointing between panels and avoids the use of brick panels or brick slips or other similar cladding systems at the following locations:-

- To ground to eight floor levels on Block B, C and D;
- To ground to fifteenth floor levels on Block E;
- To ground to tenth floor levels on Block F;
- To ground to sixth floor levels on Block G; and
- To the sheer elevations from ground to seventh floor levels on Block H.

You must not start work on these parts of the development until we have approved detailed drawings which show the revised construction and also show the location(s)/arrangements for movement joints in the brickwork, and a sample panel of the revised construction which also shows the colour, texture, face bond and pointing proposed. You must then carry out the work according to the approved sample and form of construction shown.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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)

- 9 Subject to condition 8, you must apply to us for approval of a sample of the 'brick façade panel system' which shows two separate panels (or sections thereof) including the joint detailing/gap proposed between the panels, and elevation drawings showing where the junctions between panels will be located with reference to other elevational features. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to this sample and elevation drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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)

- 11 You must apply to us for approval of detailed drawings and manufacturers specifications, including details of colour and finish, of the building maintenance unit proposed to main roof level of Block A, including drawings showing the unit in its fully retracted/parked position. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to the approved drawings / manufacturers specifications.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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)

- 12 The Building Maintenance Unit to main roof level of Block A shall be retained in its retracted/parked position within the plant enclosure (to the size and details submitted and approved in relation to condition 11) when not in use.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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)

- 13 A scheme for the installation and use of window washing and other external maintenance equipment, hoists and cradles etc. shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such equipment, including details of any edge protection to main roof levels. The approved scheme shall be implemented and maintained and the equipment shall thereafter be kept in its stored positions other than at those times when it is in use for the intended purpose.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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)

- 14 You must apply to us for approval of detailed plan/section/elevation drawings/manufacturers specifications (as appropriate) of the following parts of the development:-
- (A) External doors and windows (including reveal depth and detail);
  - (B) Balcony details, including external reveals inside balcony areas, balustrades and method of drainage;
  - (C) Shopfronts, including indicative locations for display of all external signage;
  - (D) Fixed canopies to ground floor (including underside of canopy);
  - (E) Fencing/railings to the southern end of the central garden square;
  - (F) Gates to vehicular entrances;
  - (G) Roof top plant and plant enclosures;
  - (H) Elevation of the Church Street facing sub-station façade and west facade to Block F;
  - (I) Typical bay elevations showing structural and cladding joints and detailing (to include details of each elevation to each building);
  - (J) Details of ventilation and other services termination at façade or roof;
  - (K) Details of any centralised satellite dish and TV system(s) to serve the development; and
  - (L) External integral lighting to buildings.
  - (M) Detailed drawing of the lighting to the base of the fins on Block A, showing the light fitting and how it integrates with the fin.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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)

- 15 You must apply to us for approval of a scheme of public art as described in the Design and

Access Statement. You must not start work on the public art until we have approved what you have sent us. Unless we agree an alternative date by which the public art is to be provided, you must carry out each part of the scheme of public art that we approve according to the approved details within six months of occupation of the most immediately adjacent building as part of the development. You must then maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To secure the offer of public art and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R26GC)

- 16 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

- Green roofs.

You must not remove any of these features.

Reason:

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

- 17 You must apply to us for approval of a roof plan showing the location of the plant room to the roof of block E. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to this drawing.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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)

- 18 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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 not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

Reason:



To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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)

- 20 You must put up any plant screens for the plant and machinery shown to main roof level of each of the buildings on the approved drawings, and to the details approved under the conditions of this permission, before you use that machinery. You must then retain and maintain it in the form shown for as long as the machinery remains in use.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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)

- 21 The development shall be carried out in accordance with the Written Scheme of Investigation (WSI) approved pursuant to application ref: 16/05016/ADFULL.

Post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material, shall be submitted to and approved by the local planning authority before completion of the development hereby approved.

Reason:

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

- 22 Customers shall not be permitted within the A1 and A3 premises before 0700 or after 2300 each day. (C12AD)

Reason:

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

- 23 For the A3 unit, you must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details.

Reason:

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

- 24 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if

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

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1 and 2 before any demolition or excavation work starts, and for phase 3 when the development has been completed.

Phase 1: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 2: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 3: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

Reason:

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

- 25 No tables and chairs shall be placed outside the ground floor retail and restaurant units unless separate permission has been given by the City Council as local planning authority.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 26 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. The landscaping strategy shall include measures to mitigate wind turbulence from the faces of the buildings hereby approved. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one year of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 27 All servicing must take place between 0700 and 2100 on Monday to Saturday and 0700 to 1900 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

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

- 28 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

- (g) The lowest existing 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.

- 29 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the residential use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the residential use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
  - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
  - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
  - (e) Measurement evidence and any calculations demonstrating that the activity complies with

the planning condition;

(f) The proposed maximum noise level to be emitted by the activity.

Reason:

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

- 30 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 31 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

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

- 32 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Conditions 30 and 31 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Particular attention shall be given to the issues of low frequency noise and vibration through Structure-Borne pathways and the design and mitigation shall also ensure that room modes (standing waves) are not created within the new residential dwellings as a result of low frequency noise from the substation.

Reason:

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

Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

- 33 The residential properties must not be occupied until a statement from a suitably qualified engineer to confirm that the Electro Magnetic frequency (EMF) levels associated with the substations are in accordance with current legal requirements and/or appropriate guidance.

Reason:

To ensure that the substations do not harm the health of future residents.

- 34 The design of the separating walls should be such that the received value in the residential habitable spaces, with music playing, should be 10 dB below that measure without music events taking place, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq & LMax in the octave bands of 63 Hz & 125 Hz.

Reason:

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

- 35 The spa, cinema and gym facilities within Block A and the basement levels shall only be used in an ancillary capacity to the residential uses.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted January 2007.

- 36 A scheme of mechanical ventilation incorporating appropriate air quality filtration should be provided to the residential properties. Details of the scheme must be submitted to and approved in writing by the local planning authority prior to the occupation of the residential units. The mechanical ventilation shall be installed and maintained in accordance with the approved scheme.

Reason:

To safeguard the living conditions of the occupiers of the residential units as set out in S31 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted January 2007.

- 37 Before occupation of the residential units, you must apply to us for approval of a Travel Plan. The Travel Plan must include details of:

(a) Targets and actions set out in the Travel Plan to reduce car journeys to the site;  
(d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Travel Plan are not being met over a period of 5 years from the date the buildings are occupied.

At the end of the first and third years of the life of the Travel Plan, you must apply to us for approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

Reason:

To safeguard the living conditions of the occupiers of the residential units as set out in S31 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted January 2007.

- 38 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the A3 unit from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy the A3 unit until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the A3 unit is in use. (C05JB)

Reason:

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

- 39 The development hereby approved shall not be occupied until a Delivery and Servicing Plan (DSP) has been submitted to and approved in writing by the City Council, in consultation with Transport for London. You must then carry out the development in accordance with the approved details.

Reason:

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

- 40 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. Car parking for each residential block shall be provided before that block is occupied.

Reason:

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

- 41 You must apply to us for approval of the following parts of the development:

- the location of 54 Electric Vehicle Charging Points within the basement parking level.

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

Reason:

To encourage sustainable transport, in accordance with policy 6.13 of The London Plan (FALP - March 2015).

- 42 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose. Cycle parking for each residential block shall be provided before that block is occupied.

Reason:

To provide cycle parking spaces for people using the development, as set out in policy 6.9 of The London Plan (FALP - March 2015).

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

Reason:

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

- 44 You must provide a headroom of at least 4.5 (clear unobstructed height above the floor surface level) across the full width of the entrance to the service bay, and throughout the service bay itself. (C23EA)

Reason:

To make sure that the service bay will be available for all types of vehicles for which it has been designed, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23BB)

- 45 The disabled parking spaces marked on the approved drawings shall be for the use of Blue Badge holders only (or any other scheme that may supersede it).

Reason:

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

- 46 You must apply to us for approval of measures (such as, but not limited to, CCTV and card access) to provide secure cycle parking within the basement levels. You must not use this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation.

Reason:



To ensure that the cycle parking spaces are secure, as set out in policy 6.9 of The London Plan (FALP - March 2015).

- 47 You must apply to us for approval of details of how waste and recycling is going to be stored and managed on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste and recycling store and manage waste in line with the approved details. You must not use the waste store for any other purpose.

Reason:

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

- 48 The retail (A1) units hereby approved shall only accommodate uses within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). You must not use it for any other purpose, including any change of use permitted by The Town and Country Planning (Use (General Permitted Development) (England) Order 2015 (or any order that may replace it).

Reason:

To ensure that the retail use secured and its associated benefit to the CAZ frontage and the streetscene are retained as set out in SS 4 and DES 9 of our Unitary Development Plan that we adopted in January 2007.

- 49 Before the development hereby approved is first occupied, a post-construction certificate shall be submitted to and approved in writing by the Local Planning Authority. This certificate shall demonstrate that the office and retail units have been constructed to meet BREEAM 2014 'Very Good'. You must then ensure that this standard is maintained thereafter.

Reason:

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

- 50 Before first operation of the energy centre, details of its long term operation and maintenance shall be submitted to and approved in writing by the local planning authority. The energy centre shall be operated and maintained in accordance with the approved details thereafter.

Reason:

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

- 51 You must apply to us for approval of details of children's playspace / equipment to be provided as part of the development. You must not start work on this part of the development until we have approved what you send us. You must then carry out the development in accordance with

the details we approve.

Reason:

To ensure that the development provides play and information recreation space for children in accordance with Policy SOC6 in the Unitary Development Plan we adopted in January 2007 and Policy 3.6 in the London Plan (with Further Amendments) published March 2015.

- 52 You must apply to us for approval of detailed drawings indicating the location, number and type of bird and bat boxes to be incorporated within the development. You must then install these boxes on the development in accordance with the details we approved. The boxes shall be installed prior to the occupation of the residential part of the development.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

- 54 This permission must be commenced no later than 27 April 2019.

Reason:

This permission authorises amendments to the original planning permission granted on 28 April 2016 (RN 15/11677/FULL) which must be commenced no later than the above date.

- 55 Notwithstanding the stone cladding system on Block A referred to on the drawings, you must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

Natural stone to be used to clad the fins at ground, first, second and third floor level on Block A, with precast stone above.

You must not start work on these parts of the development until we have approved detailed drawings which show the revised construction and also show the location(s)/arrangements for movement joints in the brickwork, and a sample panel of the revised construction which also shows the colour, texture, face bond and pointing proposed. You must then carry out the work according to the approved sample and form of construction shown.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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)

56 You must apply to us for approval of detailed section/elevation drawings of the following parts of the development:-

- (A) A sample bay section of the fins to Block A showing the detailing and arrangement of stonework where natural stone is used;
- (B) A sample bay section of the fins to Block A showing the detailing and arrangement of stonework where precast stone is used; and
- (C) Section drawing showing the detailing of stonework to the fins on Block A, showing each differing piece of stone to the exterior of the fin and the jointing between these sections.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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)

57 Except for any aircraft warning lights that may be necessary, exterior lighting to Block A shall be static and in white light only.

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)

#### **Informative(s):**

- 1 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [www.riskmanagement@thameswater.co.uk](mailto:www.riskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

- 2 The details required under condition 11 shall show the building maintenance unit as invisible from view from any street level location when in its retracted/parked position.
- 3 With regards to condition 13 and with reference to roof level maintenance, you are strongly advised to propose a fall-arrest system or other form of low profile installations allowing for fall protection avoiding any large fixed projecting structures or upstands to main roof level on all the buildings.
- 4 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.
- 5 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. (150AA)

- 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](http://www.hse.gov.uk/risk/index.htm).

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

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

\* Window cleaning - where possible, install windows that can be cleaned safely from within the building.

\* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.

\* Lighting - ensure luminaires can be safely accessed for replacement.

\* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

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

- 8 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

Regulation 6 (4) (a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

\* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;

\* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;

\* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;

\* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails

should be provided down the centre of particularly wide staircases where necessary;

\* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 9 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.
- 10 Our Environmental Health officers advise that, although it is not possible to be certain from your submitted plans, the scheme may not provide sufficient natural light into and a reasonable view from the main habitable rooms. You are recommended to refer to the Housing Health and Safety Rating System - Housing Act 2004 guidance to obtain full details about the requirement for natural lighting and reasonable view. The dwelling may therefore be considered for action under the Housing Act 2004 by our Residential Environmental Health team. In those circumstances, that team would have the power to require works to improve natural light and the view to the affected rooms (which may require planning permission) or alternatively, where this is not practicable, to prohibit the use of those rooms. For further advice, please contact:

Residential Environmental Health Team  
4th Floor East, Westminster City Hall  
64 Victoria Street  
London SW1E 6QP  
Website [www.westminster.gov.uk](http://www.westminster.gov.uk)  
Email [res@westminster.gov.uk](mailto:res@westminster.gov.uk)  
Tel : 020 7641 3003 Fax : 020 7641 8504

- 11 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team  
4th Floor East, Westminster City Hall  
64 Victoria Street  
London SW1E 6QP  
[www.westminster.gov.uk](http://www.westminster.gov.uk)  
Email: [res@westminster.gov.uk](mailto:res@westminster.gov.uk)  
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 12 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. If you find any unexpected contamination while developing the site, you must contact:

Contaminated Land Officer  
Environmental Health Consultation Team  
Westminster City Council  
Westminster City Hall

64 Victoria Street  
London SW1E 6QP

Phone: 020 7641 3153  
(I73CA)

- 13 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation. E.g. windows kept closed.
- 14 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 15 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)
- 16 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)
- 17 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 18 You are encouraged to work toward achieving Secure By Design Accreditation for this development and the inclusion of blast protection measures and protection from Vehicle Borne

Improvised Explosive Device (VBIED).

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

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

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

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

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

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

- 20 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- a) Provision of 130 affordable units on-site comprising 51 intermediate units and 79 social rented units. The affordable units to be provided at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 14 March 2016;
  - b) Provision of a financial contribution of £631,000 (index linked) toward the provision of school places directed related to the occupancy of this development;
  - c) Provision of a financial contribution of £863,630 (index linked) for the St Mary's Church and Churchyard Project, The Cockpit Theatre, Greenhouse Sport, Hall Park Estate Play Area and a new Community Pitch at Paddington Green School;
  - d) Provision of a financial contribution of £100,000 (index linked) toward improvements to Paddington Green;
  - e) Provision of a financial contribution of £18,000 (index linked) toward bus stop improvements around the application site;
  - f) Provision of a financial contribution of £200,000 (index linked) towards an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site;
  - g) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street and Edgware Road;
  - h) Provision of a financial contribution of £200,000 (index linked) toward possible road widening to be undertaken by TFL on Edgware Road;
  - i) Provision of lifetime car club membership (25 years) for each residential unit in the development;



- j) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat);
- k) Compliance with the Council's Code of Construction Practice and a contribution of £20,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction;
- l) Provision of a financial contribution of £1,100,000 (index linked) toward public art associated with the development site and its maintenance;
- m) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS). In the event that the, CSDHS does not go ahead, installation of CHP plant on-site;
- n) Offering local employment opportunities during construction; and
- o) Payment of cost of monitoring the agreement (£15,000).

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# Agenda Item 4

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 April 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Westminster City Hall , 64 Victoria Street, London, SW1E 6QP</b>		
<b>Proposal</b>	Variation of condition 1 of planning permission dated 30 August 2016 (16/06056/COFUL) for 'External alterations to the north, south and western ground and sub-mezzanine floor elevations and associated public realm works; replacement windows on all upper floor elevations; louvre panel strips on the east and west upper floor elevations; and enclosed plant room, open top plant and louvered screen at roof level, namely to allow design changes including an increase in height of the consented louvered plant screen, provision of four new flues at roof level, and changes to the design of the lift shaft overruns.		
<b>Agent</b>	Tom Rudd		
<b>On behalf of</b>	Mr Chris Bond		
<b>Registered Number</b>	17/01119/COFUL	<b>Date amended/ completed</b>	10 February 2017
<b>Date Application Received</b>	10 February 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	No		

## 1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
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## 2. SUMMARY

<p>The application site comprises City Hall which is a 22 storey office building (Class B1) dating from the 1960s. The site is located outside a conservation area. Part of the ground and basement floors of the building comprise Class A1 retail floorspace.</p>
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<p>Permission was granted in August 2016 for the refurbishment of the building including alterations to the ground floor entrance, replacement windows and stone cleaning and new roof top plant with louvered plant screen.</p>
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<p>Permission is now sought to vary Condition 1 of the 2016 permission to allow for design changes to the scheme. These changes are an increase in height of the approved louvered plant screen, provision of four new flues at roof level to serve plant and changes to the design of the lift shaft</p>
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overruns.

The key issues with this application are the impact of the proposals on the appearance of the building and wider townscape and the impact of the flues on air quality.

#### Plant Screen and Flag Poles

Permission has been granted for open top mechanical plant on the roof of City Hall which is to be hidden behind a louvred plant screen positioned around the perimeter of the roof. The current scheme seeks to increase the height of the approved plant screen by 1.9m. The applicant advises that following design development, the arrangement of plant anticipated in the 2016 permission is no longer feasible and there is a need for reconfigured and enlarged plant. The applicant states that all other options for intensification or relocation of plant elsewhere in the building, including rooftop, internal roof plantroom and basement plantroom have been explored and subsequently deemed unfeasible for technical reasons. To take account of the revised plant screen detail, it is also proposed to raise the height of the two flag poles on the roof of City Hall also by 1.9m.

#### Flues

The applicant advises that as the design has progressed a need has arisen for four flues at roof level. (2no 600mm diameter, 1no 400mm, and 1no 200mm). The flues will terminate two metres above the top level of the lift overrun to ensure compliance with Environmental Health legislation.

#### Lift Overrun

It is proposed to replace the lifts at City Hall with double decker lifts. As the design has progressed the applicant advises that the height of the lift overruns has had to increase by 0.9m to the north lift, and 1.14m to the main lift. The increased height also allows the roofs of the lift overruns to be maintenance free thus negating the need for permanent access ladders and guardrails.

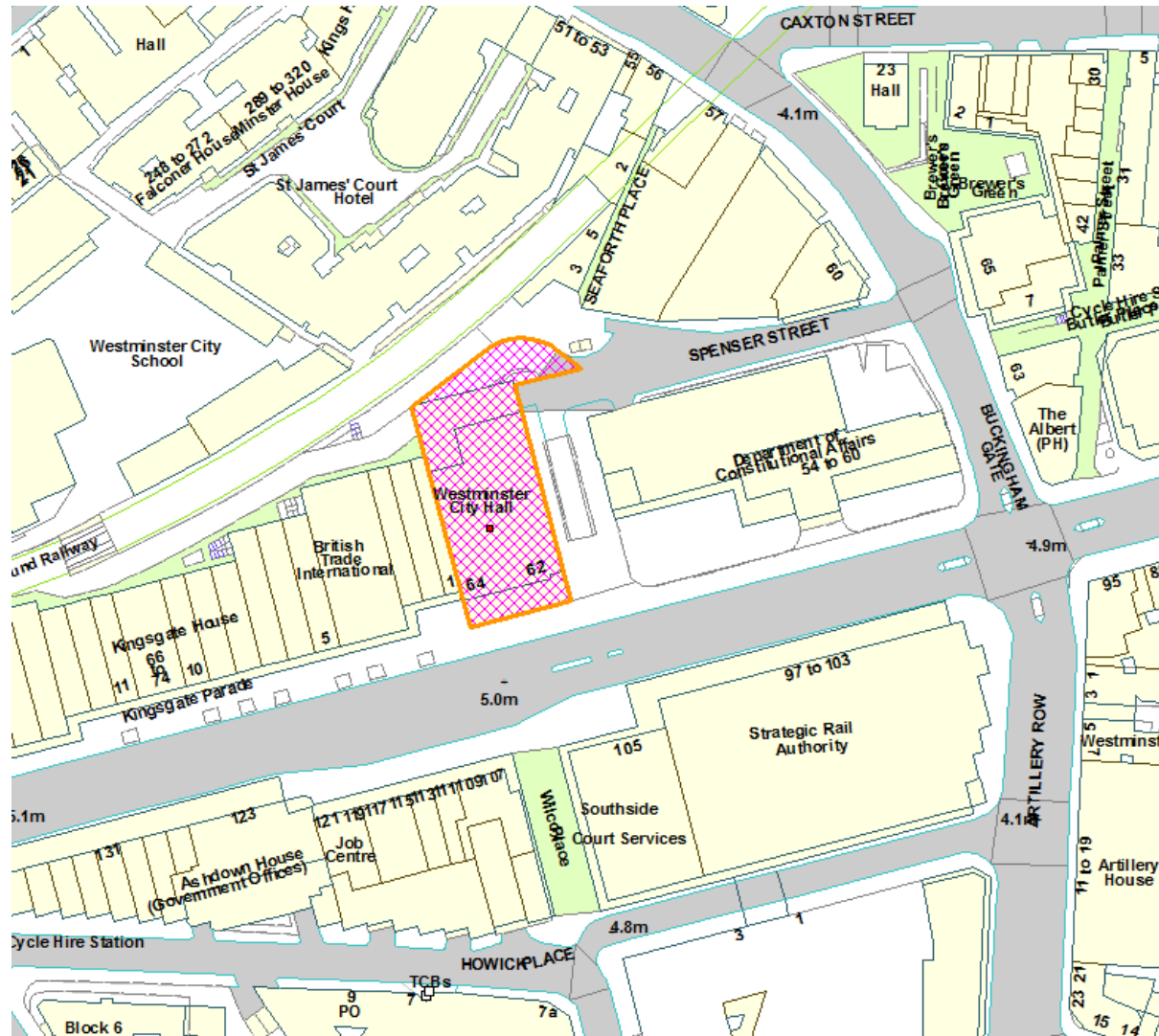
#### Assessment

The additional bulk at roof level from the larger plant screen, the lift overruns and the flues is unfortunate. However whilst these additional alterations at roof level (above what has already been approved) will be visible in long distance views, they will not have a significant impact on the appearance of the building or setting of neighbouring conservation areas. A visual impact study has been provided which demonstrates that there will be no impact on London Views Management Framework (LVMF) views 22A.1, 22A.2 and 22A.3 from Albert Embankment opposite the Palace of Westminster. The proposal is therefore considered to comply with policies S25, S26 and S28 of Westminster's City Plan and DES 6, DES 9 and DES 15 of our UDP.

As the flues at roof level will serve gas fired boilers and a combined heat and power unit the applicant has provided an Air Quality Assessment report. The assessment reviews existing air quality conditions in the vicinity of the site and the likely significant air quality impacts resulting from the proposed works. The report concludes that dispersion modelling of the gas-fired boilers and CHP shows that the impact of the emissions would be not significant at ground level or at height. Environmental Health has raised no objections to the scheme on environmental grounds. The proposal is therefore considered compliant with Policy S31 of Westminster's City Plan.

No representations have been received from neighbouring occupiers.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

Westminster Society  
No objection

Environmental Health  
No objection on noise or environmental grounds.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 115  
Total No. of replies: 0  
No. of objections: 0  
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 Recent Relevant History

External alterations to the north, south and western ground and sub-mezzanine floor elevations and associated public realm works; replacement windows on all upper floor elevations; louvred panel strips on the east and west upper floor elevations; and enclosed plant room, open top plant and louvered screen at roof level.  
Application Permitted 30 August 2016.

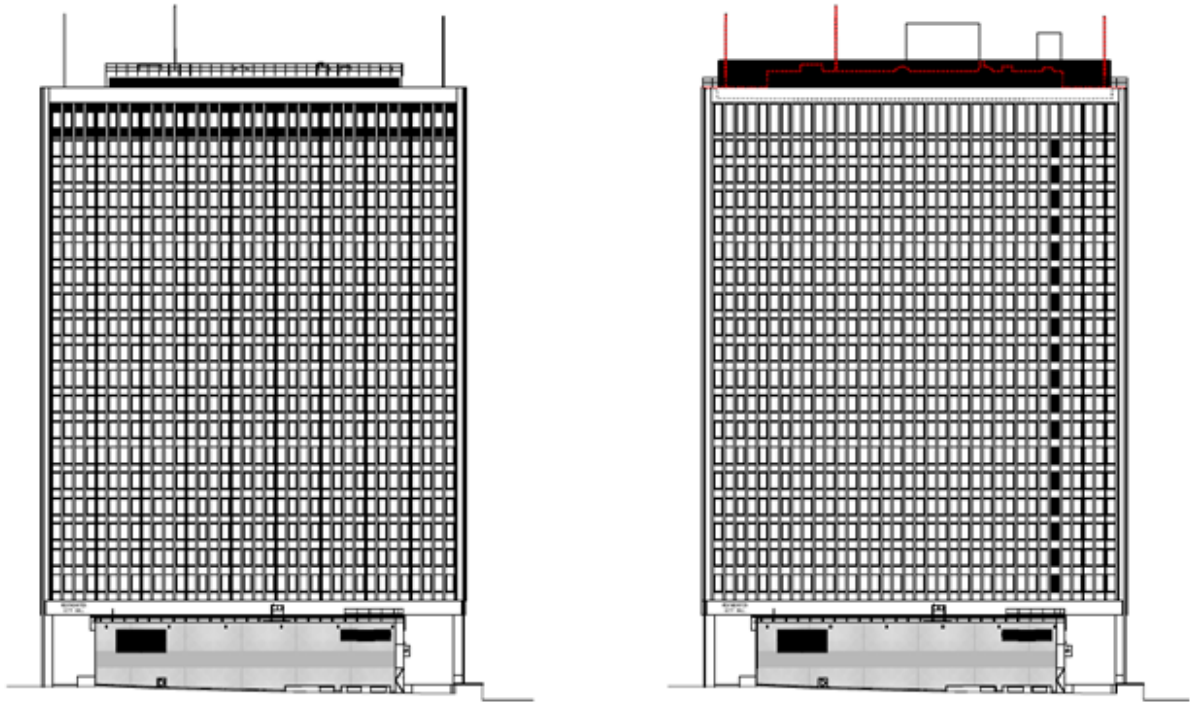
## 7. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society, dated 14 February 2017
3. Response from Environmental Health dated 28 March 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: LOUISE FRANCIS BY EMAIL AT [lfrancis@westminster.gov.uk](mailto:lfrancis@westminster.gov.uk)

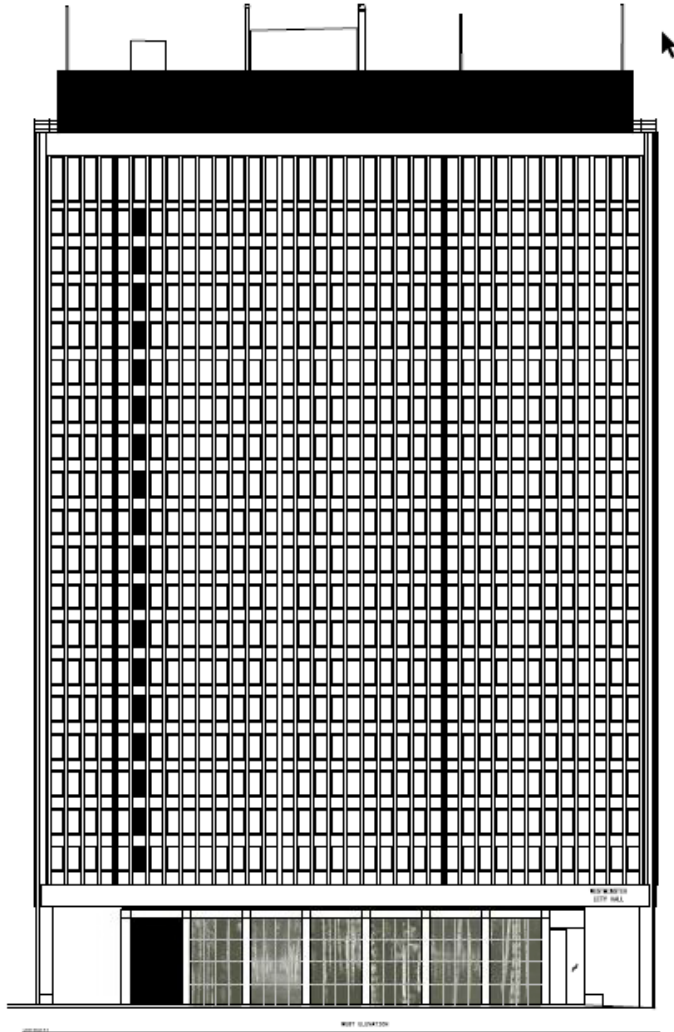
8. KEY DRAWINGS



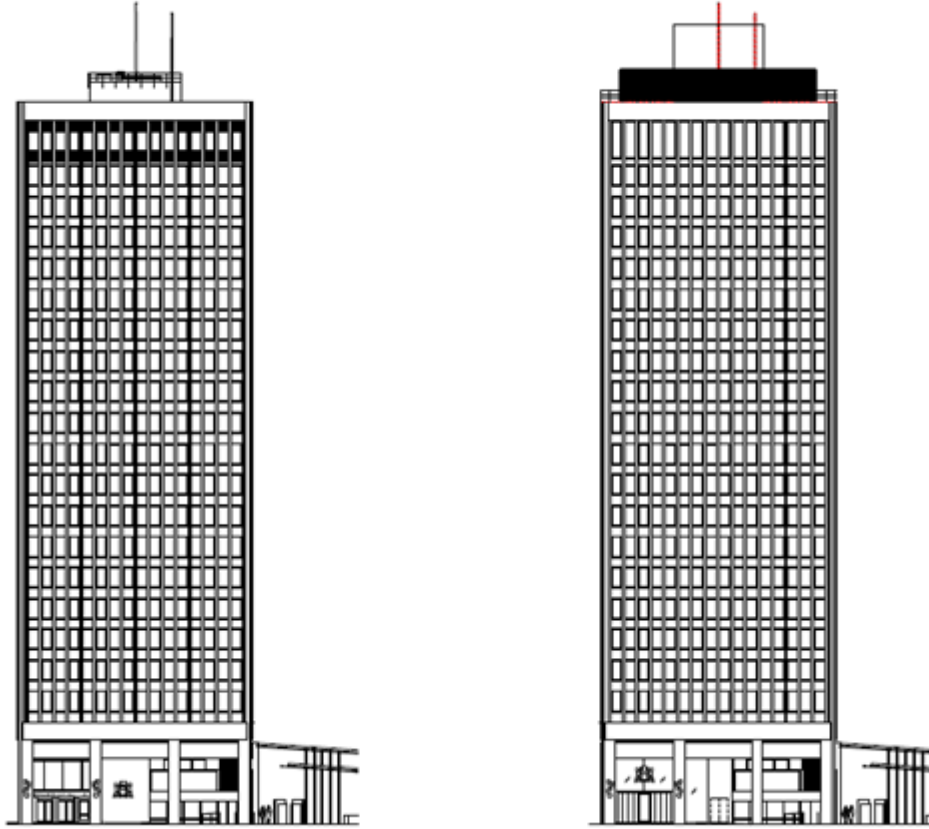
Existing west elevation (left)

Approved west elevation (right)



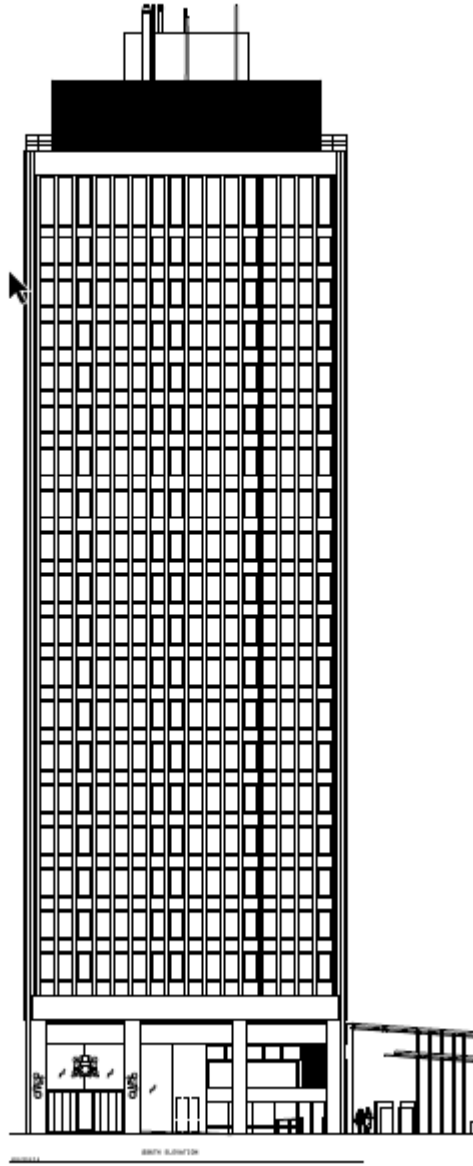


Proposed west elevation

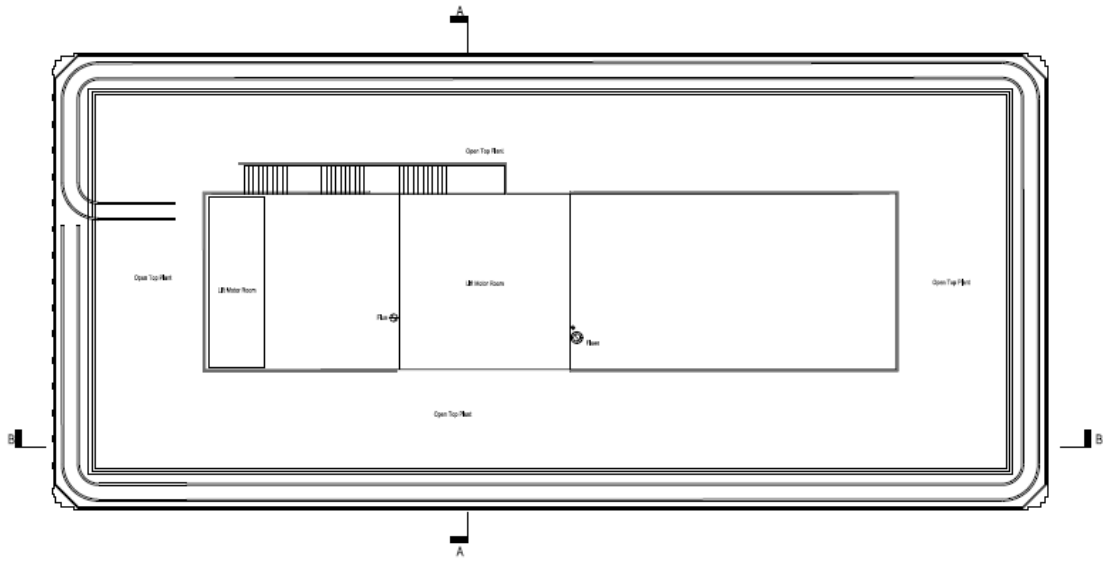


Existing south elevation (left)

Approved south elevation (right)



Proposed south elevation



Proposed roof plan

**DRAFT DECISION LETTER**

**Address:** Westminster City Hall , 64 Victoria Street, London, SW1E 6QP

**Proposal:** Variation of condition 1 of planning permission dated 30 August 2016 (16/06056) for the External alterations to the north, south and western ground and sub-mezzanine floor elevations and associated public realm works; replacement windows on all upper floor elevations; louvre panel strips on the east and west upper floor elevations; and enclosed plant room, open top plant and louvered screen at roof level. NAMELY, to allow design changes including an increase in height of the consented louvered plant screen, provision of four new flues at roof level, and changes to the design of the lift shaft overruns.

**Reference:** 17/01119/COFUL

**Plan Nos:** Location Plan - TP\_(00)AP001 C, TP\_(20)AS101C, TP\_(21)AD201 A, TP\_(20)AP121 B, TP\_(20)AE102 E, TP\_(20)AP122 D, TP\_(20)AE101 F., Air Quality Assessment - Ref 254595-00 (22/3/2017), Visual Impact Study (March 2017), Design and Planning Statement (February 2017) (part superseded),

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

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

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

Reason:

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

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

Reason:

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

Reason:

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

- 6 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 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:

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.

- 7 You must put up the louvred plant screen prior to the use of any mechanical plant in the open top plant area. Thereafter you must retain the plant screen for as long as the mechanical 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 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)

- 8 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)

- 9 You must safely remove and store both Westminster City Council crests and the blue plaque during building works and reinstate them on the ground floor front elevation prior to reoccupation of the building.

**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)

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

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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)

**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 advised that you may need to make an application for chimney height approval under the Clean Air Act 1993. You should contact [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk) for further advice about this.



Item No.
<b>4</b>

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 5

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 April 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>61 Eaton Mews North, London, SW1X 8LL and 94 Eaton Place, London, SW1X 8LW</b>		
<b>Proposal</b>	Demolition of the existing two storey mews at 61 Eaton Mews North including rear ground floor wing extension beneath the first floor projection of 94 Eaton Place and provision of a new mews building comprising of new basement, ground (including rear ground floor extension beneath the first floor projection of 94 Eaton Place), first and mansard storeys with mechanical plant and enclosure within the rear mansard roof; rear terrace at first and second floor level.		
<b>Agent</b>	Miss K Codrington		
<b>On behalf of</b>	Miss K Codrington		
<b>Registered Number</b>	16/10393/FULL 17/02550/LBC	<b>Date amended/ completed</b>	22 March 2017
<b>Date Application Received</b>	31 October 2016		
<b>Historic Building Grade</b>	94 Eaton Place – Grade II listed.		
<b>Conservation Area</b>	Belgravia		

## 1. RECOMMENDATION

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

## 2. SUMMARY

61 Eaton Mews North is a two storey mews house. The single family dwelling is not listed but is within the Belgravia Conservation Area.

The main area of works is to 61 Eaton Mews North, although part of the rear ground floor extension of the application property is located beneath an existing first floor projection which is within the demise of 94 Eaton Place, which is a Grade II listed building. 94 Eaton Place is a five storey building including lower ground floor level and comprises residential flats.

Planning permission and listed building consent are sought for the demolition of the existing two storey mews at 61 Eaton Mews North including rear ground floor wing extension beneath the first floor projection of 94 Eaton Place and provision of a new mews building comprising of new basement extension, ground (including rear ground floor extension beneath the first floor projection of 94 Eaton Place), first and mansard roof extension with mechanical plant and enclosure within the rear mansard roof. Terraces are proposed at rear first and second floor levels.

The key issues in this case are:

- \* The impact of the proposals upon the character and appearance of the Belgravia Conservation Area;
- \* The impact of the proposals upon the amenity of neighbouring residents.
- \* The impact of the proposals upon the Grade II listed building at 94 Eaton Place.

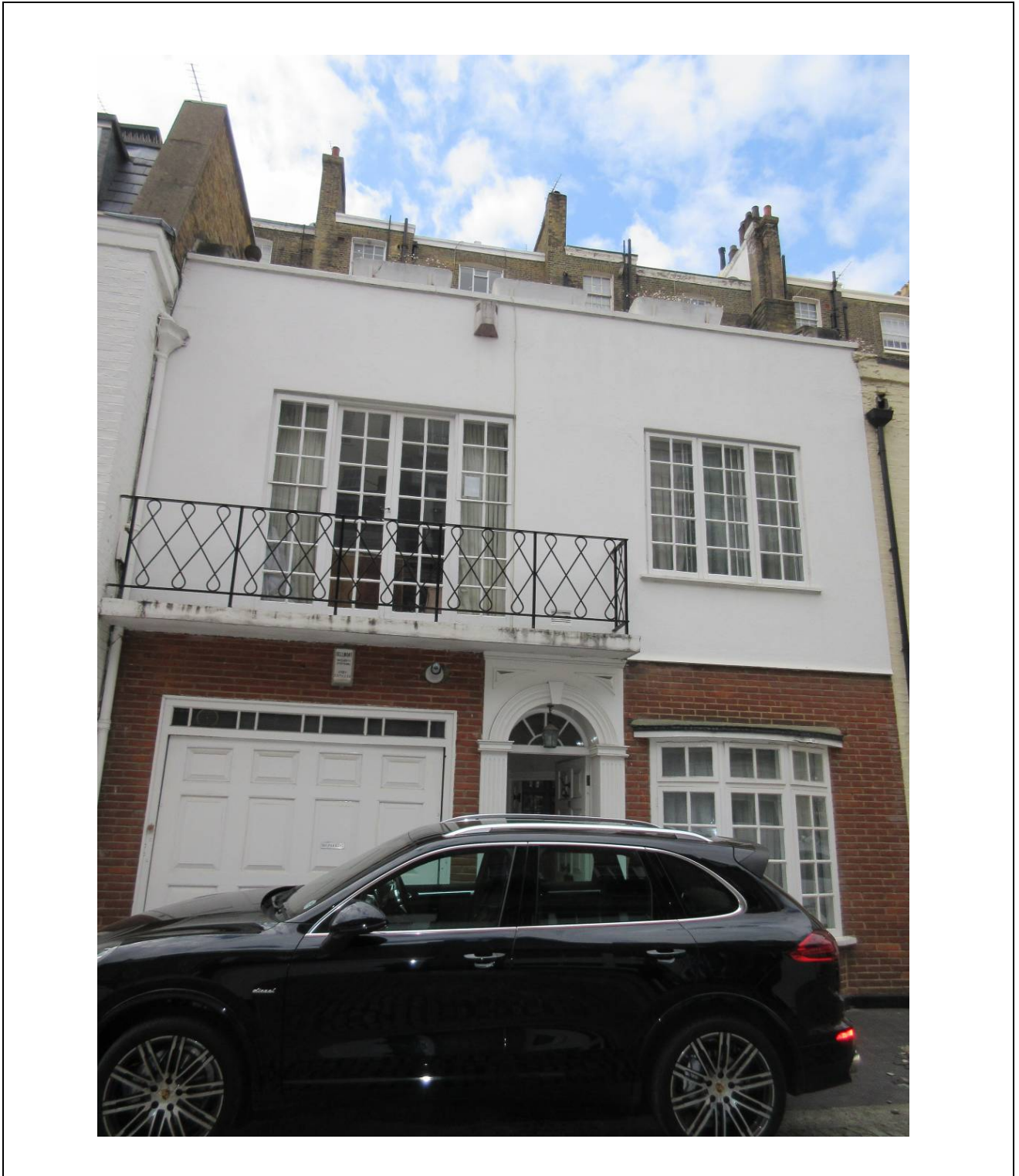
The proposals are considered to comply with the Council's policies in relation to amenity, design and conservation as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) and the applications are recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### BELGRAVIA RESIDENTS ASSOCIATION:

Any comments to be reported verbally.

### BELGRAVIA NEIGHBOURHOOD FORUM:

Any comments to be reported verbally.

### BELGRAVIA SOCIETY:

Any comments to be reported verbally.

### HIGHWAYS PLANNING:

No objection.

### BUILDING CONTROL:

The structural method statement is considered to be acceptable

### ENVIRONMENTAL HEALTH:

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 37

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Objections raised on the following grounds:

- Unsure whether No. 61 is physically attached to No. 60 or not.
- proposed demolition and basement construction would cause structural, as well as superficial damage to property.
- encroachment of basement into property.
- noise vibration and dust during course of works.
- disturbance of peaceful enjoyment caused by construction traffic.
- changes to water table.
- damage to historical and ambience of mews.
- length of construction works would affect peaceful enjoyment of property.
- impact of proposals on the adjoining properties.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

61 Eaton Mews North is a two storey single family dwelling. The application site is landlocked to the rear by 94 Eaton Place where there is a small courtyard serving the application property and separating it from the immediate rear of No. 94. Above the rear ground floor level the first floor storey with terrace over is within the demise of No. 94. The flat roof of the application property is accessed by an existing spiral staircase within the rear courtyard area.

No. 94 Eaton Place is Grade II listed. Given it is linked to the application site, an application for listed building consent for the works has also been submitted.

## **6.2 Recent Relevant History**

No recent planning history.

## **7. THE PROPOSAL**

Planning permission is sought for the demolition of the existing two storey mews at 61 Eaton Mews North including the rear ground floor wing extension beneath the first floor projection of 94 Eaton Place and provision of a new mews building comprising of new basement extension, ground (including rear ground floor extension beneath the first floor projection of 94 Eaton Place), first and mansard roof extension with mechanical plant and enclosure within the rear mansard roof. Terraces are located at rear first and second floor levels.

The planning application is also supported by a listed building consent application with regards to the proposed removal of the rear ground floor extension located beneath the existing first floor projection, which is within the demise of 94 Eaton Place (Grade II listed building).

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The proposals seek to create additional residential floor space through the provision of a new basement extension and mansard roof extension and associated works which are considered acceptable in terms of Policy S14.

### **8.2 Townscape and Design**

#### Demolition and replacement building

The proposal seeks to demolish the existing two storey mews and provide a replacement building comprising of a new basement level, ground, first floor and mansard level.

The proposed demolition of the existing building is assessed in terms of Policy DES 9 of the UDP. Part (B) states 'Planning applications involving demolition in conservation areas are assessed in terms of the following:



- 1) Buildings identified as of local architectural, historical or topographical interest in adopted conservation area audits will enjoy a general presumption against demolition,
- 2) Development proposals within conservation areas, involving the demolition of unlisted buildings, may be permitted

a) If the building makes either a negative or insignificant contribution to the character or appearance of the area, and/or b) If the design quality of the proposed development is considered to result in an enhancement of the conservation area's overall character or appearance, having regard to issues of economic viability, including the viability of retaining and repairing the existing building.'

Westminster's 'Demolition and Development in Conservation Areas' SPG states 'the City Council will seek the retention of buildings which in the opinion of the City Council make a significant contribution to the character and appearance of a conservation area.

Proposals involving the total loss of unlisted buildings will be considered against the following criteria:

1. The contribution the existing building makes to the character and appearance of the area, in relation to the potential contribution of the proposed replacement development and its anticipated ability to preserve or enhance the character or appearance of the area.
2. The condition of the existing building and its capacity for adaption.

The emerging Belgravia conservation area audit notes the building as neutral and therefore it is not considered to make a significant contribution to the area. The demolition is subject to the rebuilt mews being of greater or equal value to the conservation area than the existing. The original character of the mews area has been somewhat eroded over time. The existing front elevation of the building does not represent an original mews fenestration. The proposed front elevation whilst not overtly traditional is considered to be in keeping with the character of the area overall and is therefore considered to preserve the character and appearance of the conservation area. As such the demolition of the building conforms to the above policy.

The rear ground floor extends beneath the first floor projection of 94 Eaton Place. The existing first floor projection is to be retained during the proposed works. This part of the building is not considered to be of special historic significance but by virtue of it being demised to 94 Eaton Place conditions are recommended to ensure works to the area beneath the first floor projection are made good.

#### Basement extension

The proposal seeks to form a new basement extension which is to be created under the building footprint. This would also result in a lowered ground floor finished level in order to create a level access into the building. The proposals do not seek to extend the basement under the rear courtyard area.

The proposed basement has been amended following objections from the adjoining residential occupiers and is to be set inside the party wall with Nos. 60 and 62. A

ceiling void of 400mm is proposed to accommodate air ventilation ducting and equipment. This would result in the floor to ceiling height of the new basement ranging from 2.2 m to 2.7m. The works are considered to conform to the Policy CM28.1 and are therefore considered acceptable.

#### Mansard roof extension with rear terrace

The proposal seeks to erect a mansard roof extension and incorporate an area of terrace to the rear. The property is identified within the draft Belgravia Conservation Area Audit (2013) as a property where a roof extension 'may be suitable'. This site is one of only two properties in the mews that do not include a full mansard.

The character of the mews is such that a mansard is not considered to harm the appearance of the area and is therefore considered acceptable when taken in context of the neighbouring properties within the mews. Furthermore, the mansard would lead to the removal of the existing unsightly roof additions. The mansard has been designed to match those along the mews and conditions are recommended to secure details of the proposed windows and dormer construction.

#### Alterations to the Rear Elevation

At rear ground floor level the proposals seek to provide a small rear extension, which will reduce the size of the courtyard by a minimal amount. The proposed extension will be enclosed on all sides and will be positioned below the existing projecting balcony. The extension is considered to have no impact on the character of the building or conservation area as views of the extension are limited to private views from properties to the immediate rear of the site.

The proposed alterations to the window location and size are modest at first floor level.

New dormer windows are proposed within the rear part of the mansard extension. One of the dormers will comprise of a louvred dormer window, which will accommodate a condenser unit. The louvres within the dormer are unusual but have been amended to reflect the design of dormer windows. Given that the louvred dormer accommodating the condenser unit is to the rear of the building where there are minimal private views this is considered acceptable in this instance.

#### Alterations to front elevation

The proposals consist of a number of alterations to the front elevation. The proposed replacement garage doors include part glazed garage double doors, which is seen throughout mews streets. The doors are mostly solid which is considered to conform with the sites character.

The removal of the ground floor bay window and insertion of a new sliding sash timber window is considered acceptable in design terms with details to be secured by condition.

The erection of Juliette doors and balconies mimics the appearance of many of the neighbouring properties, with the doors now being an established part of the areas aesthetic.

The proposals seek to provide a full rendered front elevation, which would match those of the neighbouring properties. Whilst painted brick is generally the traditional finish, in this street the proposed render would not be out of place. Overall the proposed mews is considered acceptable in design terms and preserves the character and appearance of the conservation area.

### 8.3 Residential Amenity

Externally the mews building in terms of height and appearance will appear as a three storey building comprising of ground, first and new mansard roof level. The proposed basement extension, which has no external manifestation is located entirely beneath the footprint of the building and does not extend beyond the the rear courtyard area.

#### Sunlight and Daylight

Policy S29 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 and this is supported by saved Policy ENV 13 of the UDP. A daylight and sunlight report has been submitted with the application which has assessed the nearest affected windows in 94 Eaton Place and 49 Eaton Mews North.

The proposals do not have any material impact on daylight and sunlight received by neighbouring properties.

#### Sense of Enclosure

The existing building has an awkward relationship with No. 94 Eaton Place, as there is an existing infill extension at first floor level between the rear of No. 94 and the rear of the application site, which is within the demise of No. 94. This first floor extension serves a kitchen and has a single window within the side elevation. The existing building is separated from the rear of No. 94 Eaton Place by a small courtyard area.

The rear ground floor level will increase in depth from the existing situation by a further 1.2m and steps back at first floor level to the same line as the existing rear elevation. The new mansard extension is stepped back from the rear first floor elevation by 1m but includes a small terrace area. The proposed replacement building appears no higher than its neighbour at No. 60 which has an existing roof extension. There is no roof extension to No. 62. The nearest affected window to the proposals is the kitchen window within the side elevation of the first floor infill extension at No. 94 Eaton Place. However the extension at this level does not project further forward of the existing building line to cause a material sense of enclosure to this window.

#### Privacy

There already exists an element of mutual overlooking between the existing building and the rear of No. 94. The rear of No. 94 contains a column of windows from rear first to fifth floor level. Above the rear first floor infill extension there is a flat roof which has a door leading onto the flat roof area. It has not been possible to access the property to

verify the use of the rooms that these windows serve. However a check of planning records indicates that the arched windows at rear first and second floor level may serve bedrooms.

However as highlighted above there is already an element of mutual overlooking between the rear of No. 94 and the application site and vice versa. When using the existing rear spiral staircase to access the roof area this provides clear views into the kitchen at first floor level, and there are also views from the kitchen window to the rear of the application site and courtyard area.

The proposed rear elevation of the replacement building would provide a 'picture window' at rear ground floor level which will serve a dining room, which has views into the rear courtyard area. The window at rear first floor level will serve a bedroom with access onto a small balcony area. This arrangement is not dissimilar from the existing situation. At rear second floor level (mansard extension) there is a dormer window serving the staircase and a door (designed as a dormer window) which will serve the master bedroom and provide access onto a terrace. There is also another dormer which has been designed to accommodate the mechanical plant. The proposed location of the terrace follows the same line as the existing roof. Given that the existing roof had unrestricted access it is considered that the proposed terrace at second floor level is acceptable on balance as it serves to restrict the area of usable amenity space. It is not considered that the new windows and balconies/terrace on the rear elevation would cause an adverse impact on residential amenity to warrant a refusal of the application on these grounds.

#### **8.4 Transportation/Parking**

There are no changes to the existing highway infrastructure. The proposed building retains a single car parking space.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

#### **8.6 Access**

There is currently a step up into the dwelling house and the proposed redevelopment of the building would provide level access at ground floor level.

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

##### **Plant**

An air conditioning unit is proposed within the new roof extension. A noise assessment has been submitted which demonstrates that the proposed air conditioning unit is capable of compliance with the City Council's planning noise conditions and in accordance with Policy S32 of the Westminster Plan and ENV6 and ENV 7 of the UDP. Conditions are recommended to secure the operation of the air conditioning unit.

## 8.8 London Plan

This application raises no strategic issues.

## 8.9 National Policy/Guidance Considerations

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

## 8.10 Planning Obligations

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

The application is subject to borough and Mayoral CIL. The estimated payment is approximately £64,900 (Mayoral £6,457 and borough £58,450).

## 8.11 Environmental Impact Assessment

Not applicable.

## 8.12 Other Issues

### Basement

Objections have been raised by the adjoining owners on the grounds that the proposed basement and rebuilding of the mews property would cause structural problems to their properties.

Building Regulations determine whether the detailed design of buildings 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.

Officers consider that in 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. To address this, 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.

This report together with the objections raised concerning the method of excavation has been considered by Building Control officers who advised that the structural approach and consideration of local hydrology 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 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 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. A condition requiring more detailed site investigations to be carried out in advance of construction works commencing, together with the written appointment and agreement of a competent contractor to undertake the works is not therefore considered reasonable. On this basis the proposed basement extension complies with the requirements of Policy CM28.1.

#### Construction impact

Policy CM28.1 requires the application proposals to be accompanied by a signed proforma Appendix A which demonstrates that the applicant will comply with the relevant parts of the council's Code of Construction Practice (CoCP). This the applicant has done. A condition is recommended to ensure that the development complies with the CoCP, which will require the developer to provide a Construction Management Plan (CMP) and funding for the Environmental Inspectorate to monitor the construction phase of the development. The CoCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster. The key issues to address as part of the CoCP and production of a CMP are liaison with the public, general requirements relating to the site environment, traffic and highways matters, noise and vibration, dust and air quality, waste management and flood control.

Concerns have been raised by residents about the construction impact of the basement extension. However since the adoption of the City Council's basement policy the applicant will be required to address these concerns through the COCP and CMP.

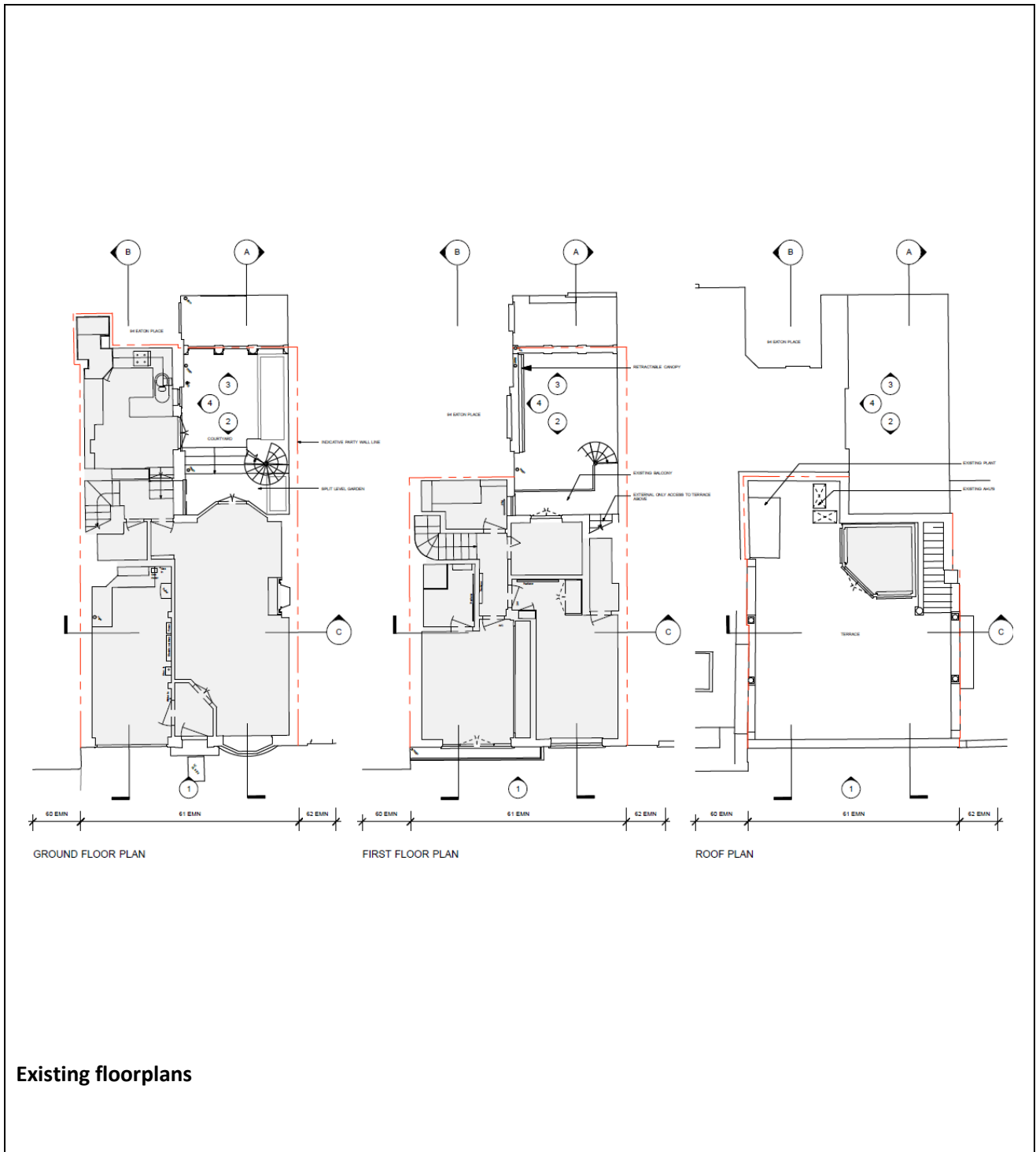
## 9. BACKGROUND PAPERS

1. Application form.
2. Memorandum from Highways Planning Manager dated 29 November 2016.
3. Memorandum from Crossrail and Environmental Sciences Team dated 29 November 2016.
4. E-mail from Building Control dated 13 March 2017.
5. E-mail from the residential occupier of 60 Eaton Mews North received 3 January 2017.
6. E-mail from the residential occupier of 62 Eaton Mews North (Embassy of Chile) received 6 January 2017.

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

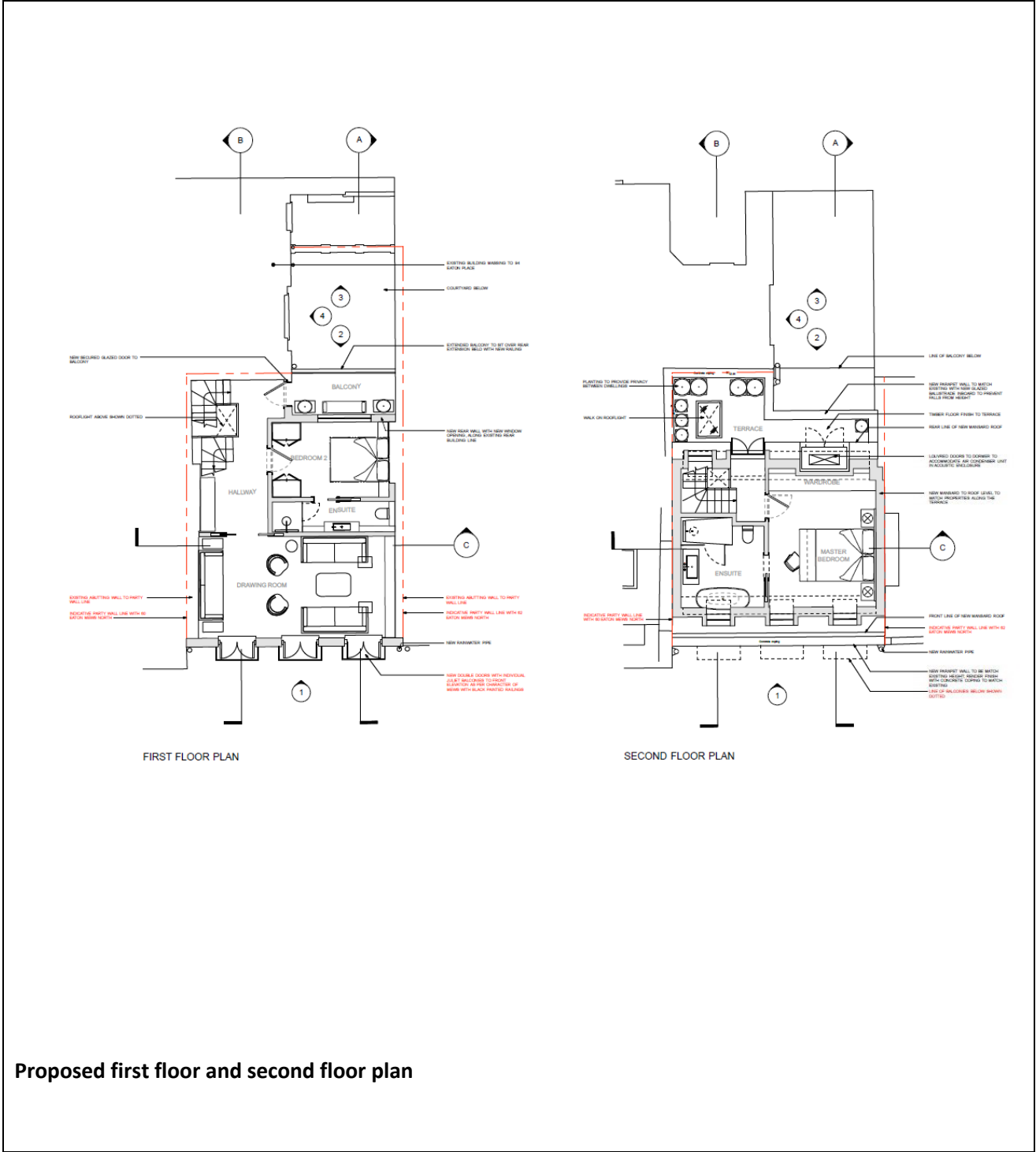
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT [lfrancis@westminster.gov.uk](mailto:lfrancis@westminster.gov.uk)

### 10. KEY DRAWINGS

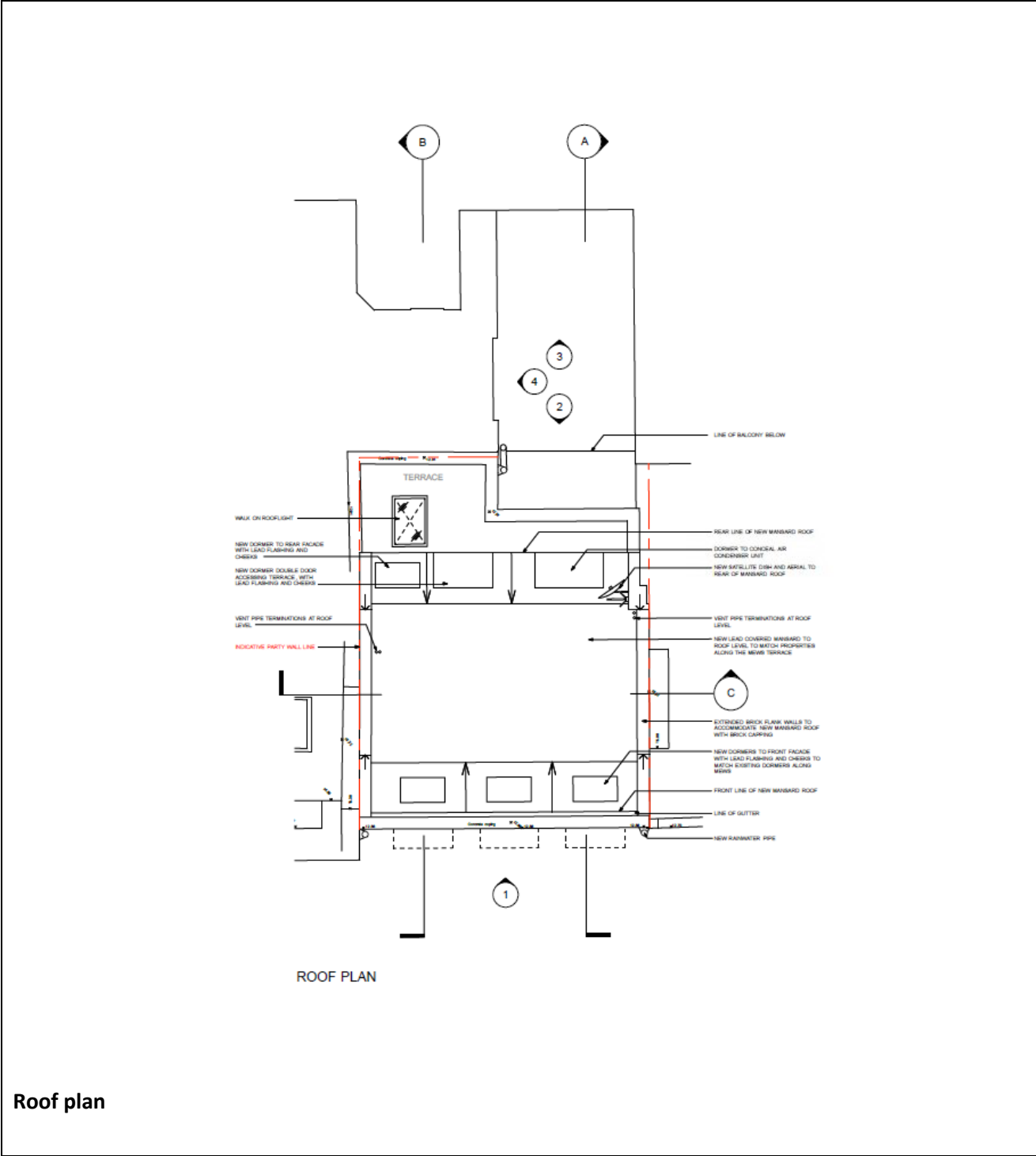




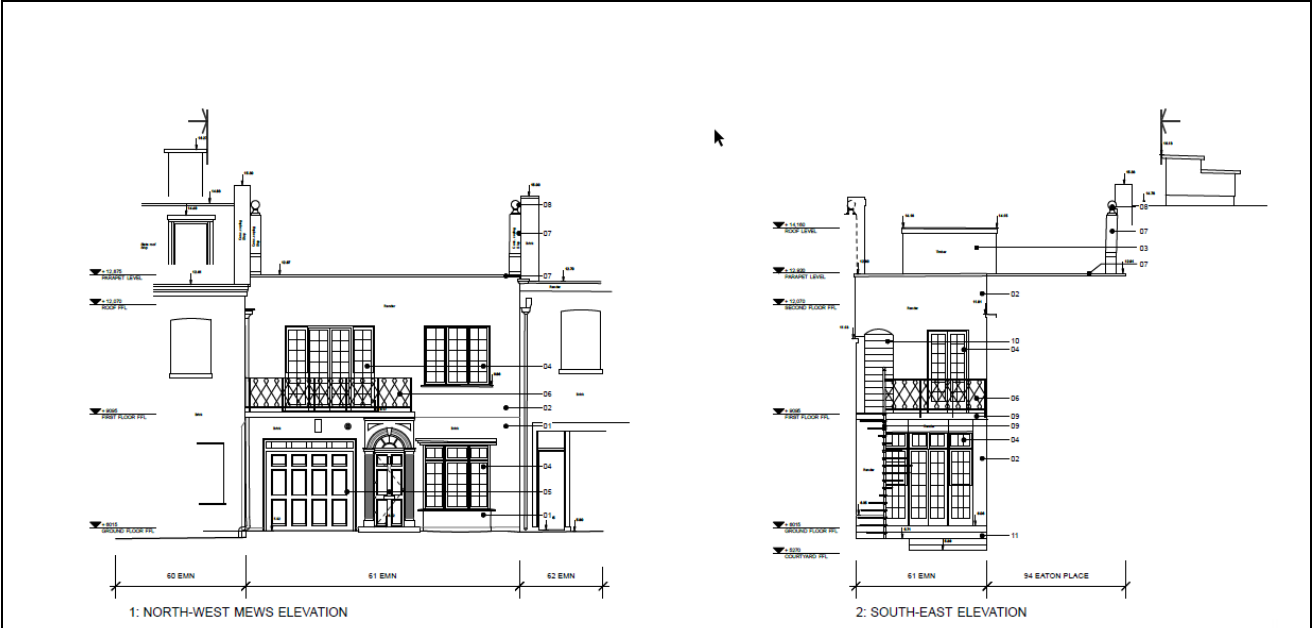




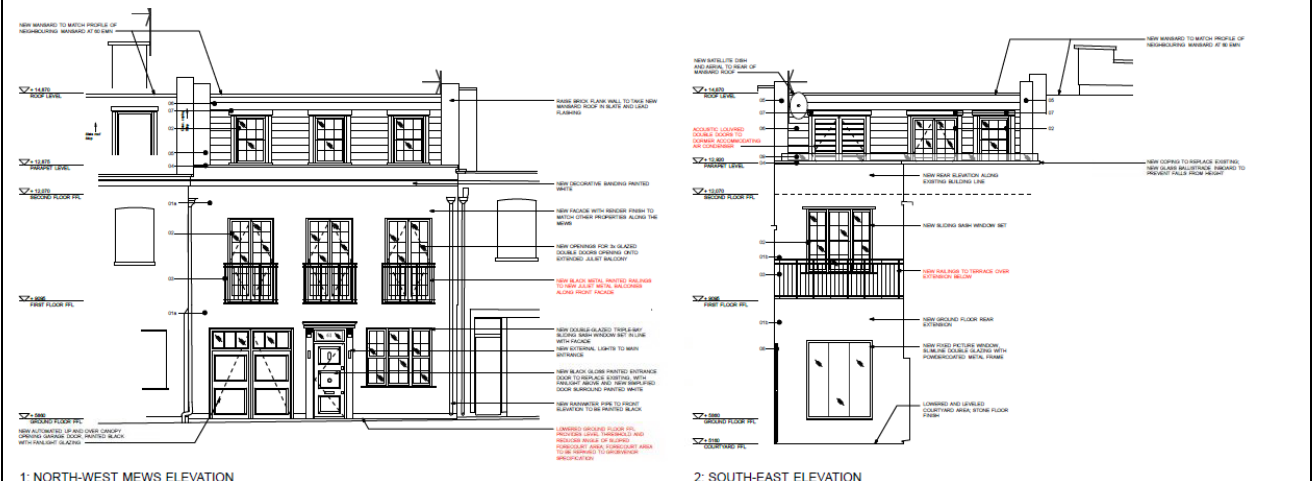
Proposed first floor and second floor plan



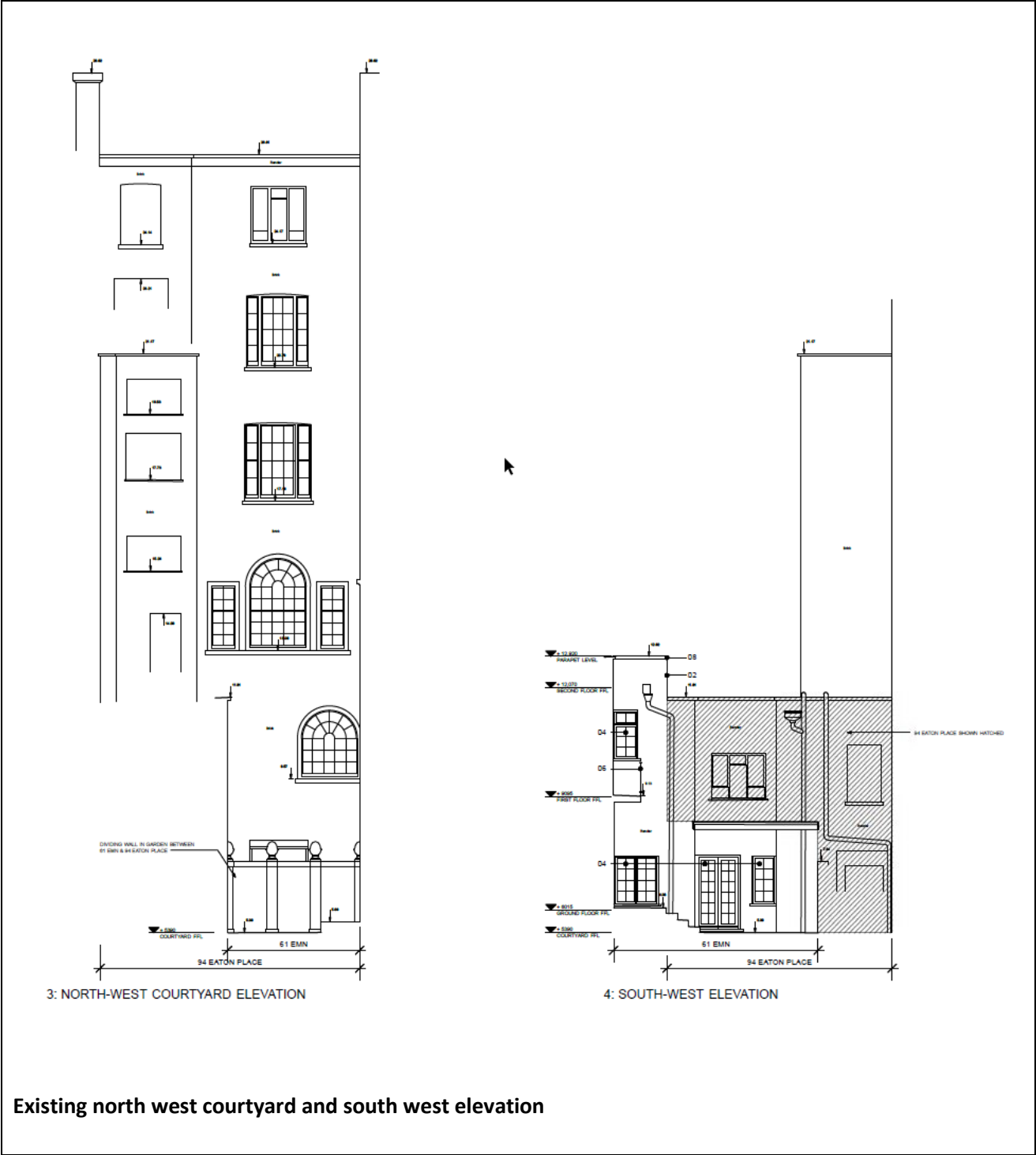
Roof plan



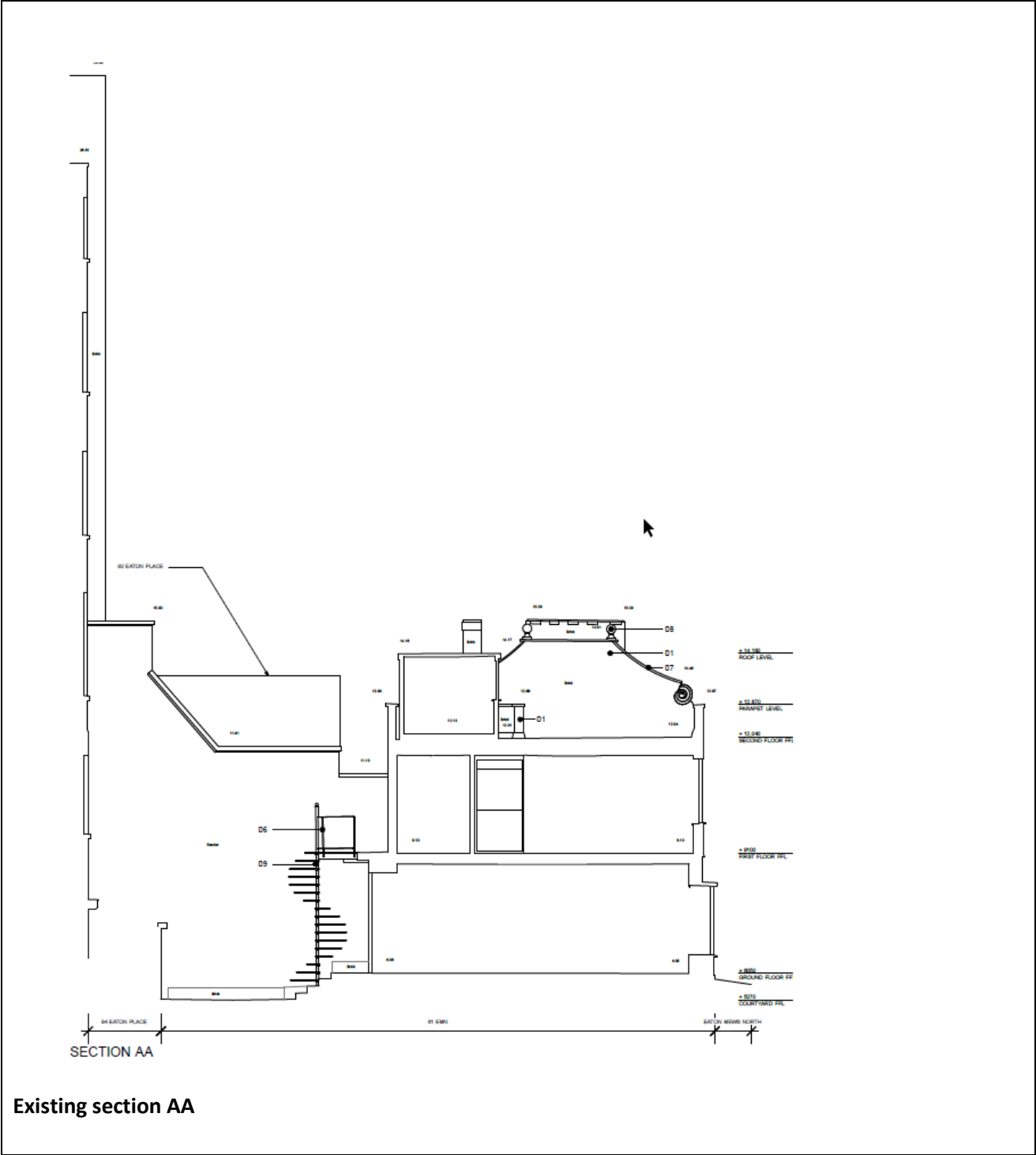
**Existing north west mews and south east elevation**

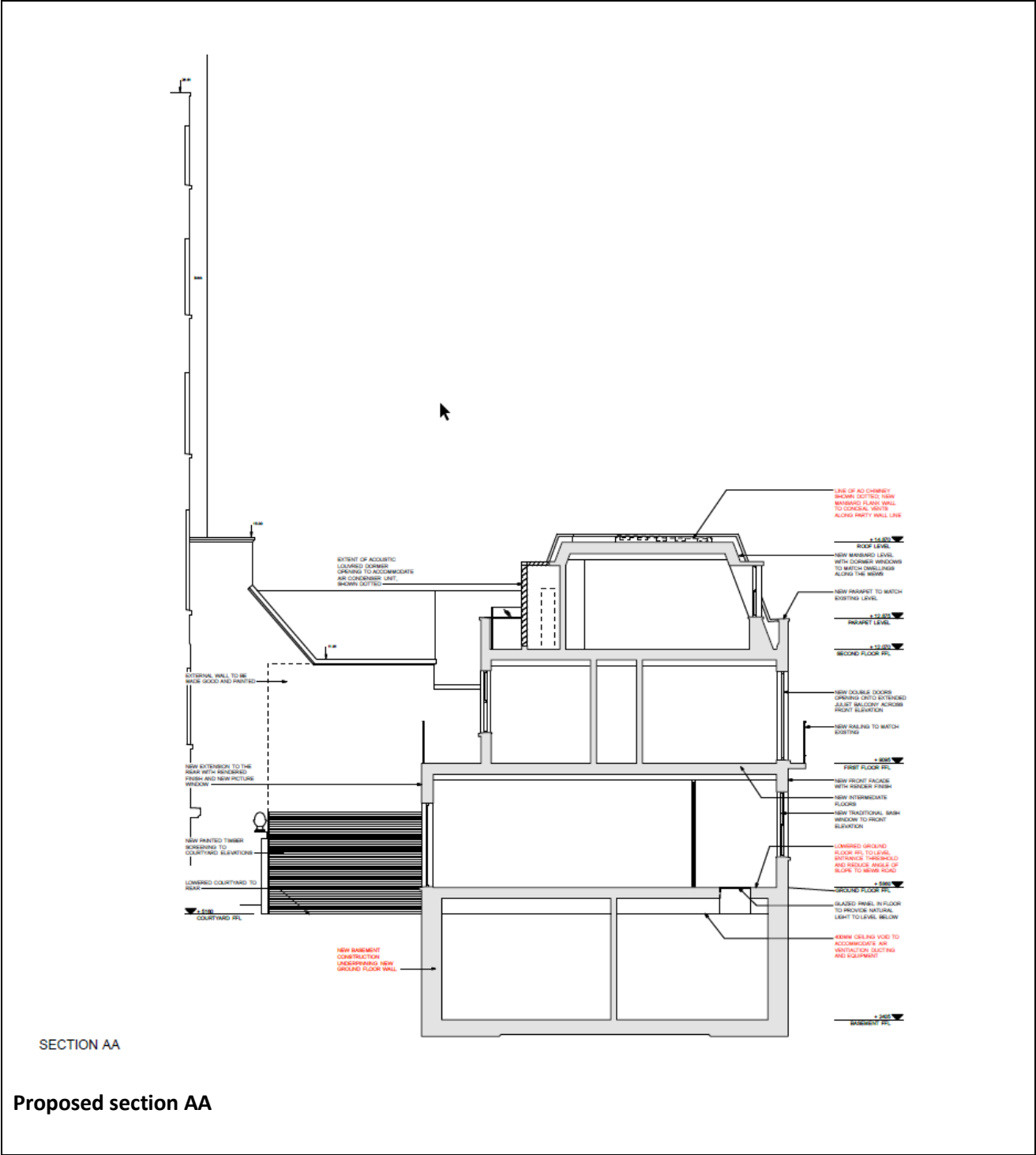


**Proposed north west mews and south east elevation**

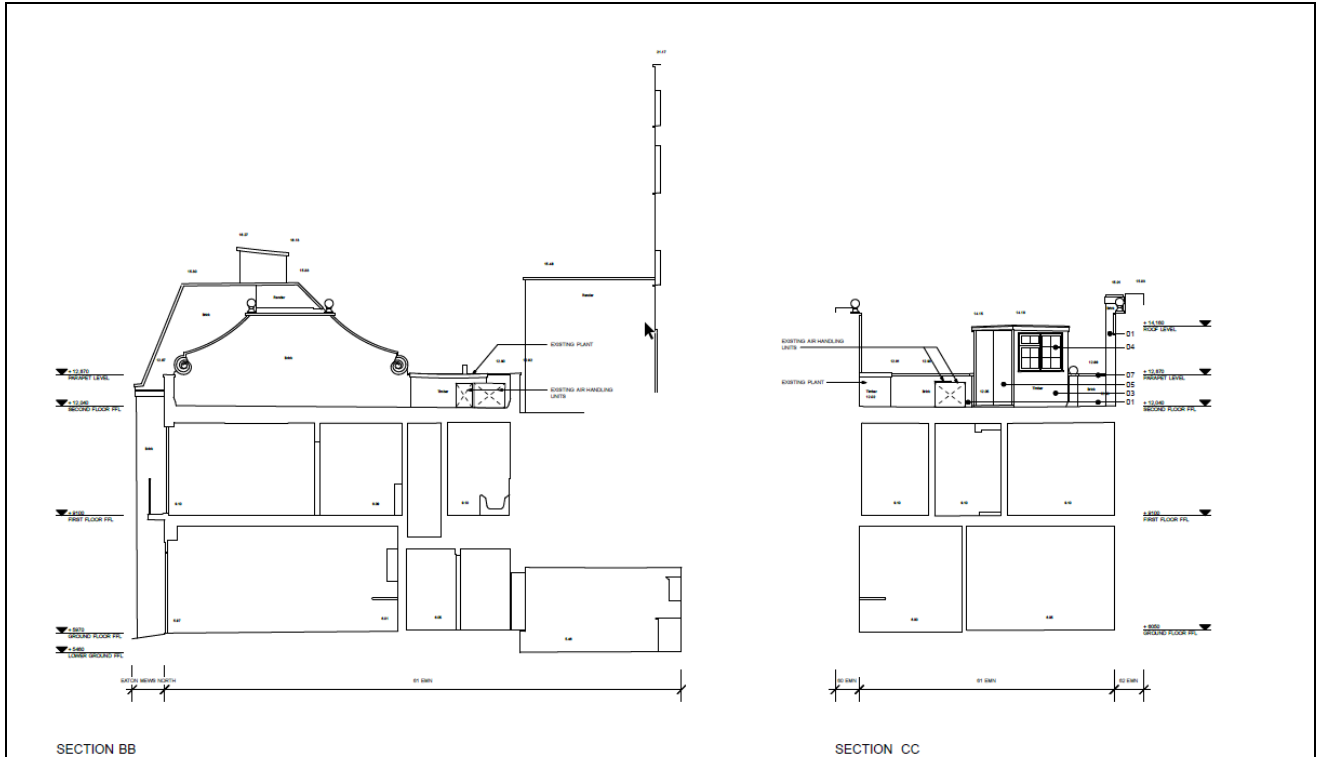




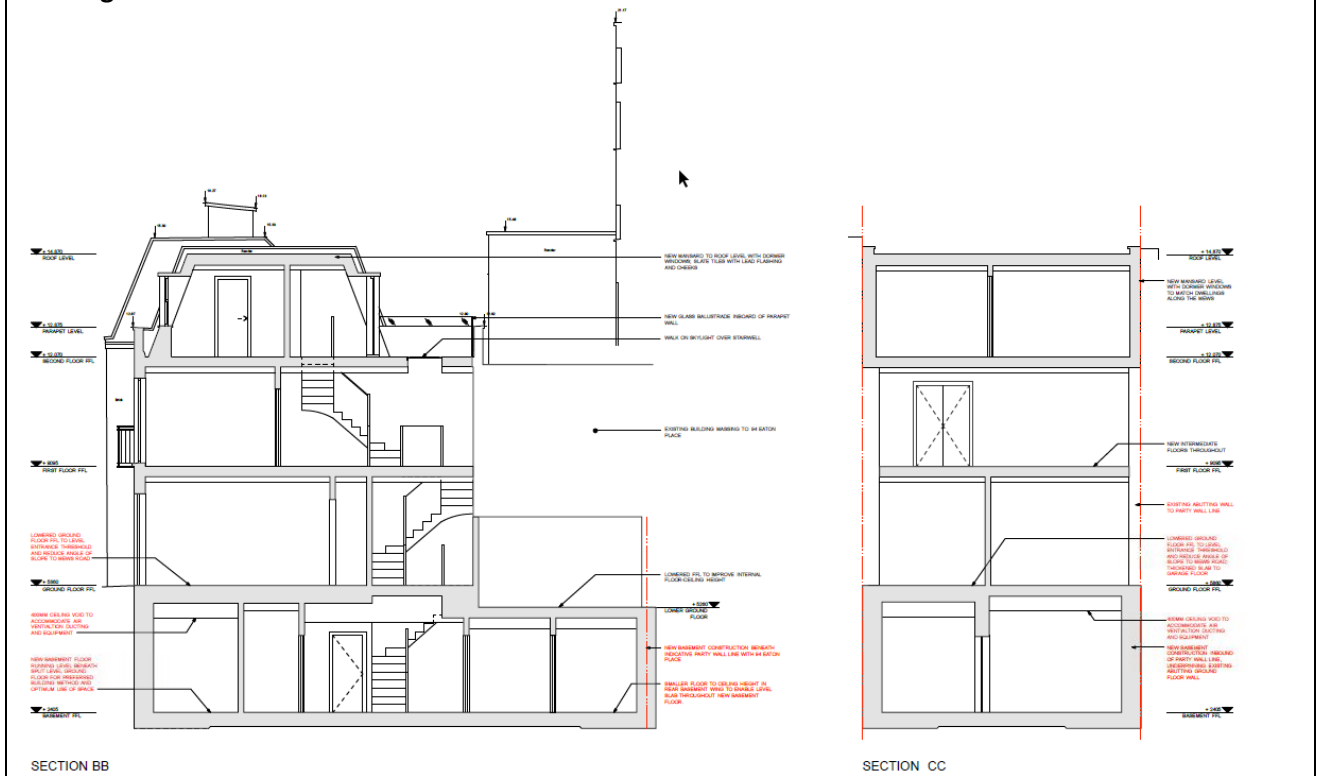








Existing section BB and CC



Proposed section BB and CC

**DRAFT DECISION LETTER**

- Address:** 61 Eaton Mews North, London, SW1X 8LL,
- Proposal:** Demolition of the existing two storey mews and provision of a new building comprising of basement, ground (including rear ground floor extension), first and mansard roof extension with mechanical plant and enclosure within the rear mansard roof.
- Reference:** 16/10393/FULL
- Plan Nos:** 3002 (PL)500, 3002 (PL)501, 3002 (PL)001, 3002 (PL)010, 3002 (PL)011, 3002 (PL)020, 3002 (PL)021, 3002 (PL)101, 3002 (PL)110, 3002 (PL)111, 3002 (PL)120, 3002 (PL)121, 3002 (PL)201 Rev. A, 3002 (PL)202 Rev. A, 3002 (PL)203 Rev. A, 3002 (PL)210 Rev. A, 3002 (PL)211 Rev. A, 3002 (PL)220 Rev. A, 3002 (PL)221 Rev. A, Daylight and Sunlight Report (3416-01-01) prepared by Jessop Associates dated 16 November 2016, Design and Access Statement with Planning Policies (Ref: 3002-PL-300) dated 31 October 2016, Design and Access Statement with Planning Policies - Supporting Images Appendix (Ref: 3002-PL-301) dated 31 October 2016 and Environmental Noise Assessment (103161.ph.Issue2) prepared by Acoustics Plus dated 31/10/2016., , For information purposes only: Basement Code of Construction Practice dated 04.11.16, Desk Study Ground Investigation and Basement Impact Assessment Report (Final v10 P9622J917) dated 25 October 2016 and Submission of Construction Management Plan.

**Case Officer:** Zulekha Hosenally

**Direct Tel. No.** 020 7641 2511

**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 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 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 Belgravia 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)

- 5 The new roof covering is to comprise of natural slates.

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 Belgravia 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 apply to us for approval of detailed drawings of the following parts of the development:
- i) Windows, including dormer construction;
  - ii) External doors, including garage; and
  - iii) Railings.

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

Reason:

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

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

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

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (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 The air condenser unit hereby approved must be accommodated within the acoustic enclosure as shown on the drawings hereby approved and in accordance with the mitigation measures set out in the Environmental Noise Assessment (103161.ph.Issue2) dated 31/10/2016, and retained as long as the unit remains in place.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (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 only use the garage for people living in this property to park their private motor vehicles.

**Reason**

To provide an off street parking space as required by TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions 7, 8 and 9 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 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.
- 4 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 5 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

- 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)

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

**DRAFT DECISION LETTER**

- Address:** 94 Eaton Place, London, SW1X 8LW,
- Proposal:** Demolition of the existing two storey mews at 61 Eaton Mews North including rear ground floor wing extension beneath the first floor projection of 94 Eaton Place and provision of a new mews building comprising of new basement extension, ground (including rear ground floor extension beneath the first floor projection of 94 Eaton Place), first and mansard roof extension with mechanical plant and enclosure within the rear mansard roof; rear terrace at first and second floor level.
- Reference:** 17/02550/LBC
- Plan Nos:** 3002 (PL)500, 3002 (PL)501, 3002 (PL)001, 3002 (PL)010, 3002 (PL)011, 3002 (PL)020, 3002 (PL)021, 3002 (PL)101, 3002 (PL)110, 3002 (PL)111, 3002 (PL)120, 3002 (PL)121, 3002 (PL)201 Rev. A, 3002 (PL)202 Rev. A, 3002 (PL)203 Rev. A, 3002 (PL)210 Rev. A, 3002 (PL)211 Rev. A, 3002 (PL)220 Rev. A, 3002 (PL)221 Rev. A, Design and Access Statement with Planning Policies (Ref: 3002-PL-300) dated 31 October 2016, Design and Access Statement with Planning Policies - Supporting Images Appendix (Ref: 3002-PL-301) dated 31 October 2016

**Case Officer:** Zulekha Hosenally

**Direct Tel. No.** 020 7641 2511

**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 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 Belgravia 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)



**Informative(s):**

1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -  
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building. In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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# Agenda Item 6

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 April 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>80 – 81 Jermyn Street, London, SW1Y 6JF</b>		
<b>Proposal</b>	Alterations to shopfront including new entrance doors and pilasters on Jermyn Street elevation, amendments to the entrance door on the corner of Jermyn Street and Duke Street St. James's, and amendments to windows on Duke Street St. James's elevation.		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	Cavendish Hotel London Limited		
<b>Registered Number</b>	16/10648/FULL	<b>Date amended/ completed</b>	19 December 2016
<b>Date Application Received</b>	8 November 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St James's		

## 1. RECOMMENDATION

Grant conditional permission.
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## 2. SUMMARY

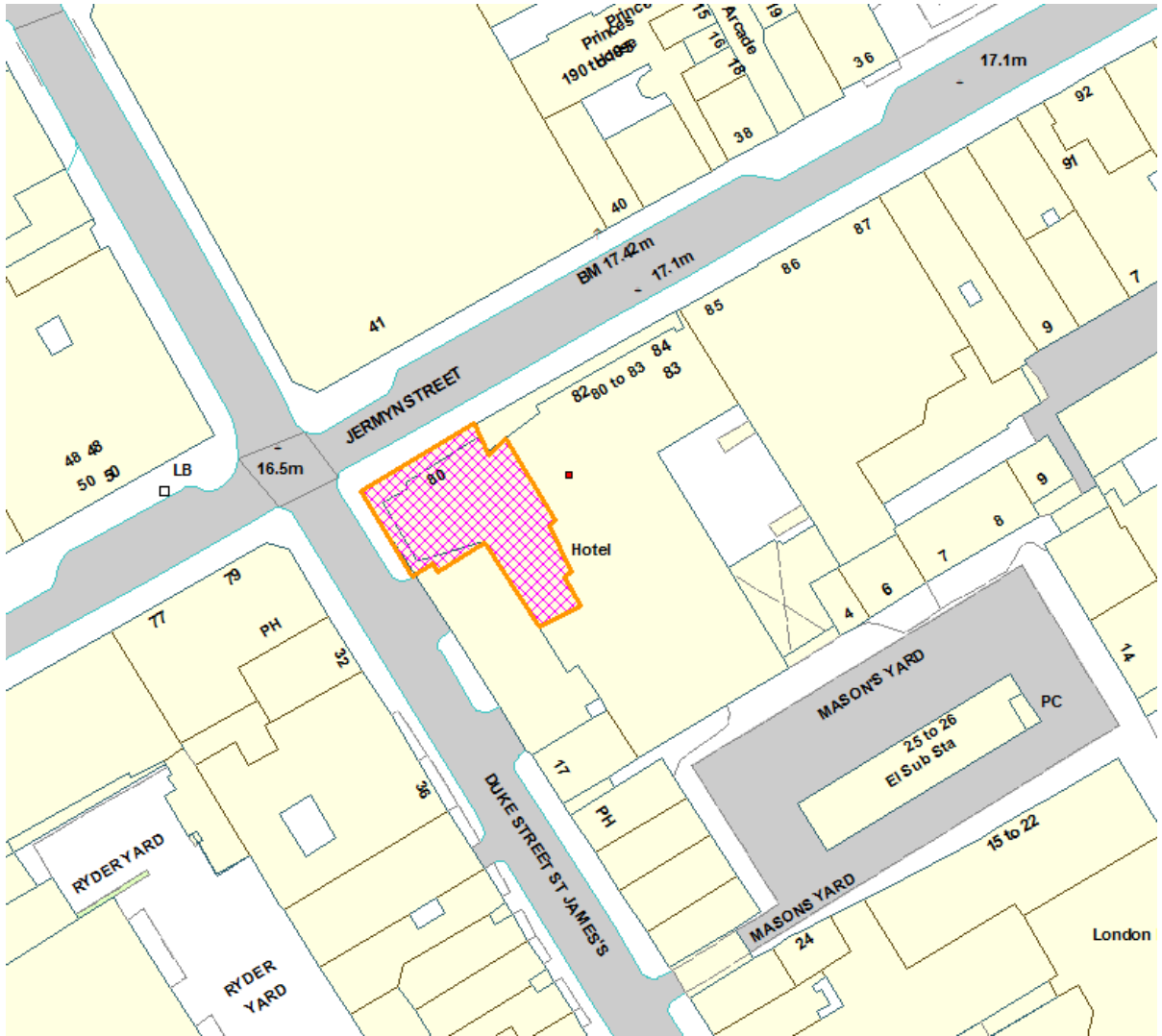
80 and 81 Jermyn Street are located within the footprint of The Cavendish Hotel, an unlisted building within the St James's Conservation Area and the St. James's Special Policy Area. 80 Jermyn Street is occupied by S Franses Ltd, a specialist in historic tapestries, textile art and carpets. 81 Jermyn Street is occupied by The Cavendish Hotel

This application has been submitted by The Cavendish Hotel London Limited. Planning permission is sought for alterations to the shopfront of 80 and 81 Jermyn Street, including new entrance doors and pilasters on the Jermyn Street elevation, amendments to the entrance door on the corner of Jermyn Street and Duke Street St. James's, and amendments to windows on Duke Street St. James elevation.

An objection has been received, on behalf of the existing occupier at 80 Jermyn Street, S Franses Ltd, principally on the grounds that the proposals would have an adverse impact on their existing use; and the underlying objective is to subdivide 80 Jermyn Street and create two units for retail use

The applicant has confirmed that this application relates solely to amendments to the shopfront and is not associated with any change of use of the premises. The proposal complies with the relevant design policies in the Unitary Development Plan (UDP) and City Plan and is recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



**Corner of Jermyn Street and Duke Street St. James's**



Jermyn Street Frontage



View down Jermyn Street

**Jermyn Street**



View down Duke Street



Hotel Entrance and Bar Windows

**Duke Street**

## 5. CONSULTATIONS

### WESTMINSTER SOCIETY:

No objection to the underlying concept of the proposed works. No comment on issues relating to landlord/tenant issues.

### HIGHWAYS PLANNING MANAGER:

No objection.

### ST. JAMES'S CONSERVATION TRUST:

Any response to be reported verbally.

### ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 18

No. of replies: 1

Objection on behalf of S Franses Ltd, occupant of 80 Jermyn Street on the following grounds:

- The application is contrived and misleading. The Cavendish Hotel is using the planning system as a vehicle to replace the occupant of 80 Jermyn Street. The objective is to create two units for A1 retail use.
- Adverse impact on existing use. Loss of the current bespoke shopfront would have an adverse impact on the business of S Franses Ltd and would be a loss to the St. James's Special Policy Area.
- The proposal would result in loss of the existing niche luxury and specialist retail and gallery floorspace (S Franses Gallery) within the St. James's Special Policy Area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

80 and 81 Jermyn Street are located within the footprint of The Cavendish Hotel building, which is an unlisted building located within the St James's Conservation Area, the Core Central Activities Zone, and the St. James's Special Policy Area.

The Cavendish Hotel occupies a prominent corner site on the southern side of Jermyn Street, at the junction with Duke Street St. James's. The building is a podium and tower construction, dating from the mid 1960s and formed of reinforced concrete clad in Portland Stone. The podium of the building comprises the ground and first floors, with a basement and sub-basement below, whilst the tower provides 14 floor levels.

80 Jermyn Street occupies part of the basement and ground floor on the corner with Duke Street St. James and is occupied by S Franses Ltd, a specialist in historic tapestries, textile art and carpets.



81 Jermyn Street is occupied by The Cavendish Hotel, and occupies part of the ground floor level (the remainder of the ground floor is occupied by retail units fronting Jermyn Street), with the main hotel reception entrance on Jermyn Street and the parking entrance and coach drop-off area located on the Duke Street St. James frontage.

## 6.2 Recent Relevant History

### 80 Jermyn Street

Lawful Development Certificate for a mixed use comprising retail, depository, research centre, archive library, consultancy, publishing, and conservation for historic tapestries, textile art and carpets at basement and ground level (sui generis) (16/06894/CLEUD).

Application Permitted 20 December 2016

## 7. THE PROPOSAL

The proposed development is for alterations to the elevations of 80 and 81 Jermyn Street. At 80 Jermyn Street, the alterations include new entrance doors and pilasters on the Jermyn Street elevation, and amendments to the entrance door on the corner of Jermyn Street and Duke Street St. James's. At 81 Jermyn Street, amendments are proposed to windows on part of the Duke Street St. James elevation.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The objection from the occupant of 80 Jermyn Street states that this application is misleading to claim that its purpose is to enhance the character and appearance of the street scene and the conservation area. The objection states further that the objective of The Cavendish Hotel is to subdivide 80 Jermyn Street to create two units for A1 use.

In respect of 80 Jermyn Street, a lawful development certificate was issued on 20 December 2016 for a mixed use comprising retail, depository, research centre, archive library, consultancy, publishing, and conservation for historic tapestries, textile art and carpets at basement and ground level (sui generis).

The lawful development certificate granted at 80 Jermyn Street certified the use as 'sui generis' and any material change of use would require planning permission.

The occupier of 80 Jermyn Street objects to the altered main window display fronting Jermyn Street which was specifically purpose built for S Franses Ltd to allow display of large tapestries. These concerns are understood however it is not considered that the altered shopfront display window will have a significant adverse impact on the existing use so as to justify refusal.

The applicant has confirmed that this application relates solely to amendments to the elevations and is not associated with any change of use of the premises or internal works.

## **8.2 Townscape and Design**

The site is a prominent unlisted building within the St James's Conservation Area. Proposed alterations include the introduction of new entrance doors and pilasters on the Jermyn Street elevation of the building as well as a replacement entrance door on the corner with Duke Street St. James's. Along the Duke Street St. James's facade proposals seek to introduce an additional shop frontage beneath the entrance canopy, to match the adjacent shop front details.

The proposed alterations are considered relatively minor and would replicate the current design approach and materials taken with the existing shop front. The addition of doors and the new glazing along Duke Street St. James's will not diminish the appearance of the building nor detract from the character and appearance of the St James's Conservation Area.

The proposals comply with design policies DES1, DES5, and DES9 of the UDP and S25 and S28 of the City Plan.

## **8.3 Residential Amenity**

The proposals are not considered to raise any residential amenity issues.

## **8.4 Transportation/Parking**

The proposals are not considered to adversely affect the surrounding highway network. A condition is recommended requiring that all doors or gates so that they do not open over or across the road or pavement.

## **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

## **8.6 Access**

The proposal will see access to 80 Jermyn Street improved with the introduction of an additional entrance, which is to provide step free access. The existing entrance on the corner of Jermyn Street and Duke Street St. James's will be retained.

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

Not applicable.

## **8.8 London Plan**

This application raises no strategic issues.

## **8.9 National Policy/Guidance Considerations**

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

### 8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application. The application is not CIL liable.

### 8.11 Environmental Impact Assessment

Not applicable in this case.

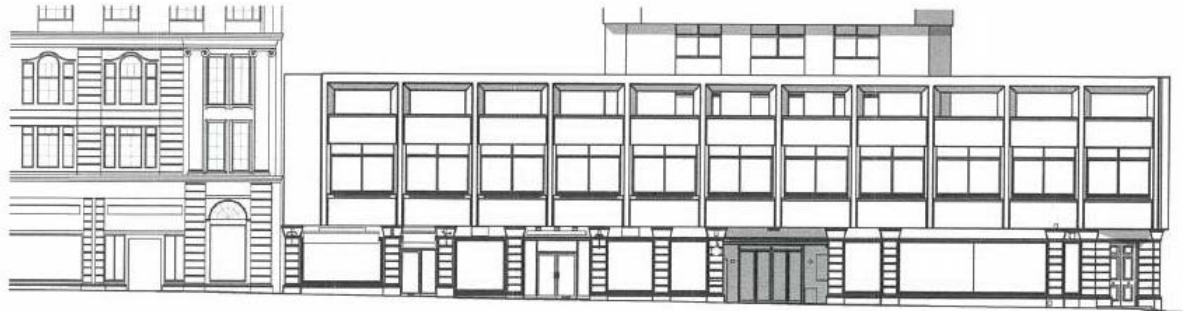
## 9. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society dated 14 March 2017
3. Response from Highways Planning Manager dated 05 January 2017
4. Letters from Savills on behalf of the occupier of 80 Jermyn Street dated 20 January 2017 and 27 February 2017
5. Letter from Gerald Eve LLP dated 10 February 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: LOUISE FRANCIS BY EMAIL AT [lfrancis@westminster.gov.uk](mailto:lfrancis@westminster.gov.uk)

10. KEY DRAWINGS



20.10.15 Existing Jermyn Street Elevation  
SCALE 1:200

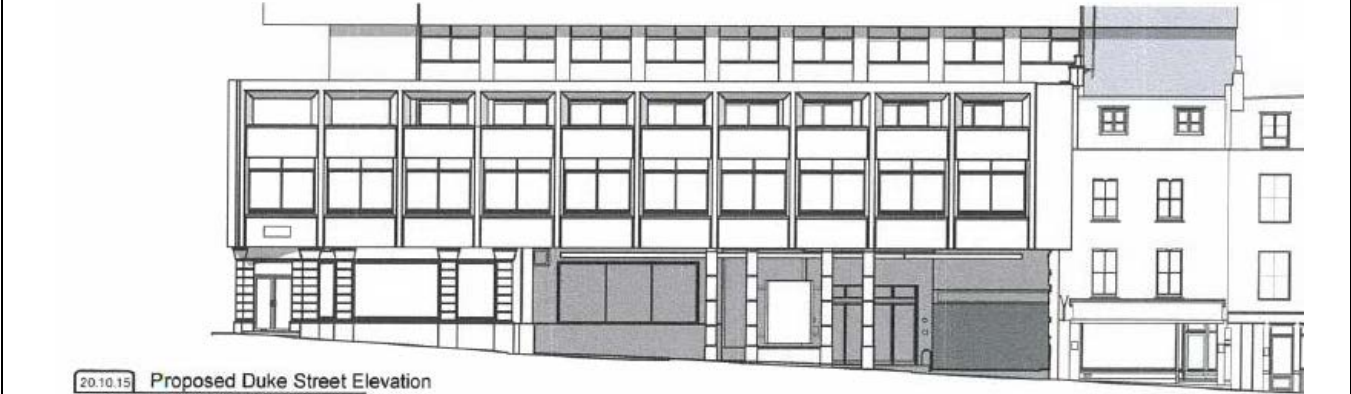


20.10.15 Proposed Jermyn Street Elevation  
SCALE 1:200

Existing and proposed Jermyn Street elevations

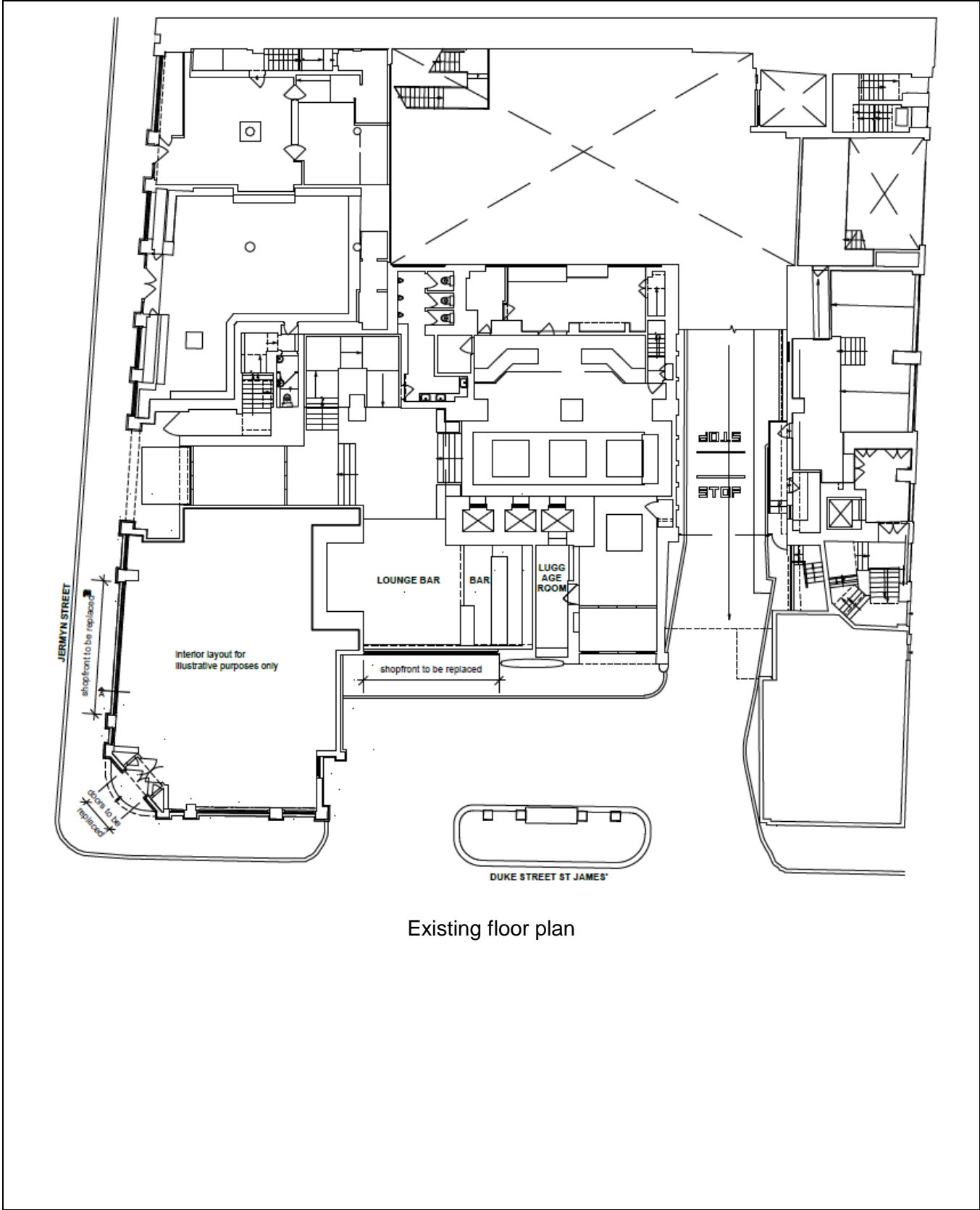


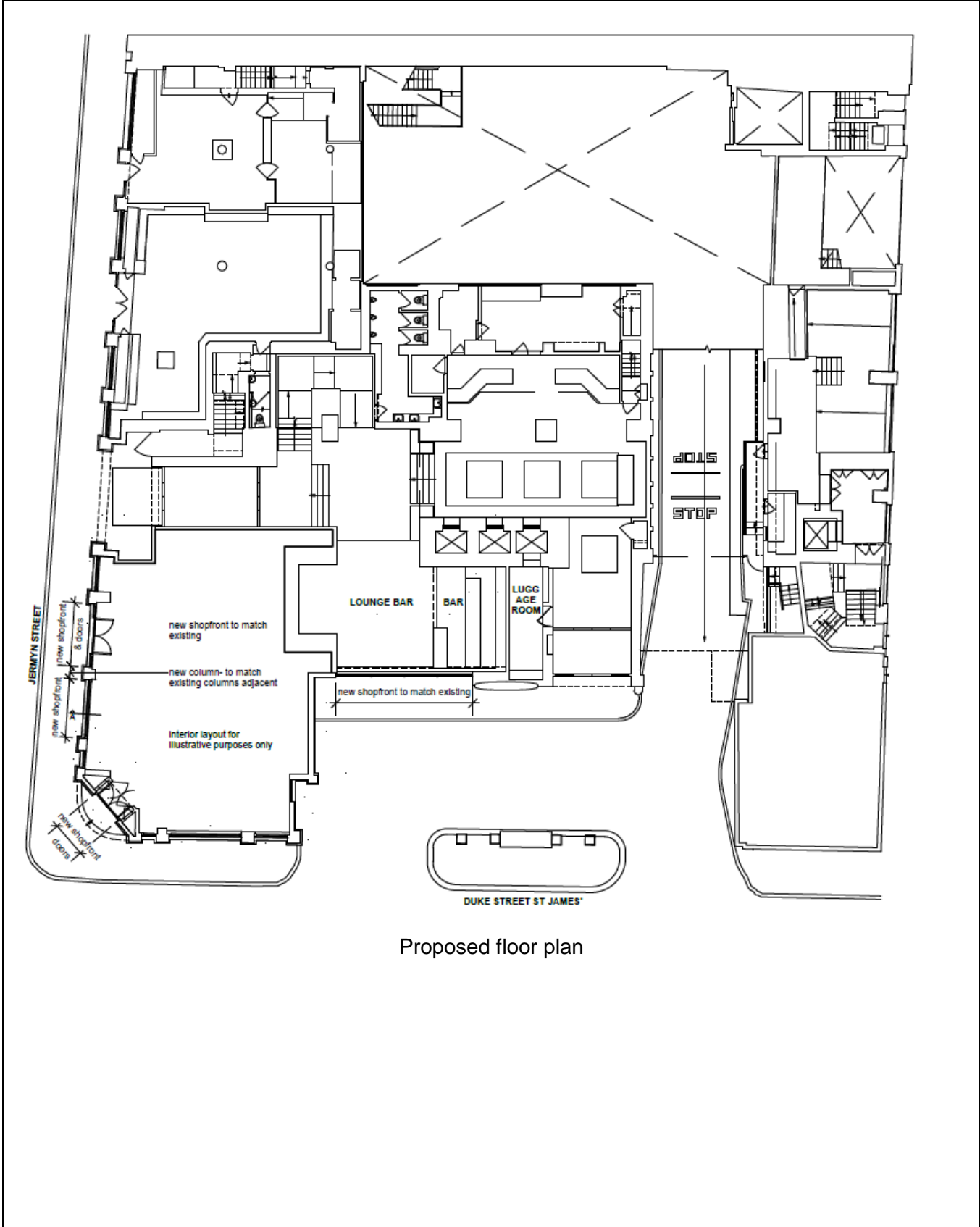
20.10.15 Existing Duke Street Elevation  
SCALE 1:200



20.10.15 Proposed Duke Street Elevation  
SCALE 1:200

Existing and proposed Duke Street St. James's elevations





Proposed floor plan



Existing Jermyn Street



Proposed Jermyn Street CGI





Existing Duke Street St. James's



Proposed Duke Street St. James's

**DRAFT DECISION LETTER**

**Address:** 80 - 81 Jermyn Street, London, SW1Y 6JF,

**Proposal:** Alterations to shopfront including new entrance doors and pilasters on Jermyn Street elevation, amendments to the entrance door on the corner of Jermyn Street and Duke Street St. James's, and amendments to windows on Duke Street St. James's elevation.

**Reference:** 16/10648/FULL

**Plan Nos:** 4009/PL 01B, 4009/PL2 01C, 4009/PL2 02C, A-R1-250-01, A-R1-251-02; Letters from Gerald Eve LLP dated 07 November 2016 and 10 February 2017.

**Case Officer:** David Dorward

**Direct Tel. No.** 020 7641 2408

**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 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 St. James's 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 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)

**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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