



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (1)

Meeting Date:

Tuesday 8th August, 2017

Time:

6.30 pm

Venue:

Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

Councillors:

Richard Beddoe (Chairman)
David Boothroyd
Susie Burbridge
Gotz Mohindra



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 from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



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

**Tel: 020 7641 2341; Email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|---|--------------------------|
| 1. DEVELOPMENT SITE AT CARRINGTON STREET CAR PARK, 51-53 BRICK STREET AND 1-6 YARMOUTH PLACE, LONDON | (Pages 7 - 62) |
| 2. DEVELOPMENT SITE AT 103-131 QUEENSWAY, 8-16 MOSCOW ROAD, 1, 3, 4A AND 6 SALEM ROAD AND 24 - 32 QUEEN'S MEWS, LONDON | (Pages 63 - 114) |
| 3. WELBECK STREET CAR PARK, WELBECK STREET, LONDON, W1G 0BB | (Pages 115 - 150) |
| 4. WILLIAM COURT, 6 HALL ROAD, LONDON, NW8 9PA | (Pages 151 - 204) |
| 5. ELLIOTT HOUSE, 1 MOLYNEUX STREET, LONDON, W1H 5HU | (Pages 205 - 228) |
| 6. MARATHON HOUSE, 200 MARYLEBONE ROAD, LONDON, NW1 5PW | (Pages 229 - 254) |

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| 7. | MARATHON HOUSE, 200 MARYLEBONE ROAD,
LONDON, NW1 5PW | (Pages 255 -
280) |
| 8. | MARATHON HOUSE, 200 MARYLEBONE ROAD,
LONDON, NW1 5PW | (Pages 281 -
304) |
| 9. | THE NATIONAL GALLERY, TRAFALGAR SQUARE,
LONDON, WC2N 5DN | (Pages 305 -
332) |
| 10. | 157 EDGWARE ROAD, LONDON, W2 2HR | (Pages 333 -
368) |
| 11. | 3 LUPUS STREET, LONDON, SW1V 3AS | (Pages 369 -
392) |
| 12. | 112 EATON SQUARE, LONDON, SW1W 9AE | (Pages 393 -
426) |

Charlie Parker
Chief Executive
31 July 2017

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Agenda Annex

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 8th August 2017
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 16/11248/FULL West End	Development Site At Carrington Street Car Park, 51-53 Brick Street And 1-6 Yarmouth Place London	Demolition of existing buildings on site and redevelopment to provide up to 30 residential units (Class C3), office floorspace (Class B1), gymnasium (Class D2), retail art gallery (Class A1), restaurant (Class A3) and retail (Class A1) floorspace; creation of a new pedestrian link through the site between Yarmouth Place and Carrington Street; erection of two buildings either side of the new pedestrian link between 4 and 8 storeys in height; excavation to create additional basement accommodation; provision of on-site car parking, cycle parking and delivery bay on Yarmouth Place; new landscaping including improvement works to Yarmouth Place; associated alterations.	
<p>Recommendation</p> <p>Site 1</p> <p>1. Grant conditional permission, subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i. A financial contribution of £2,320,551 (index linked) towards the affordable housing fund, payable on commencement of development. ii. Crossrail payment (currently calculated at £460,795.30 but will be reduced to approximately £0 following offset against Mayoral CIL as allowed by the SPG) iii. Walkways agreement to allow public access to the privately owned street linking Yarmouth Place and Carrington Street. iv. Highways works including provision of a footway linking the footway on Brick Street with the new street, tying in the new street with Carrington Street and Brick Street and resurfacing of Yarmouth Place v. S106 monitoring costs. <p>2. If the S106 legal agreement has not been completed within six weeks of the date of the Sub 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> <p>Site 2</p> <p>1. Grant conditional permission, subject to a S106 legal agreement to ensure the following: - Land use swap with Academy House (Site 2) to ensure that at least 1053sqm of residential floorspace is ready for occupation at Site 1 prior to the office floorspace in Academy House.</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</p>				

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<p>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>				
Item No	References	Site Address	Proposal	Resolution
2.	<p>RN(s) : 16/09461/FULL</p> <p>Lancaster Gate</p>	<p>Dev. Site At 103-131 Queensway, 8-16 Moscow Road, 1, 3, 4A And 6 Salem Road And 24 - 32 Queen's Mews London</p>	<p>Redevelopment comprising four phases:</p> <p>(i) Demolition of 127A-131 Queensway and replacement with a 5 storey plus basement building to provide ground and basement A1 and A3 units and 12 flats on the upper floors. use of first floor of Nos.115a, 117 and 119 Queensway as dentists surgery (Class D1)(relocated from No.129) and associated alterations to 103-131 Queensway, including replacement of shop fronts, demolition and replacement of 4th floor level of Nos.123-127 to provide 3 reconfigured flats at third floor level and 3 new flat at fourth floor level. Associated public realm improvement comprising widening of footpath of public highway outside Nos.127A-131 Queensway by setting back of shop units.</p> <p>(ii) Erection of mansard roof extensions to Nos.24-32 Queen's Mews and use as 3 flats at Nos.24-25 and 7 duplex flats over first and second floors at Nos.26-32.</p> <p>(iii) Demolition Nos.8-14 Moscow Road and 4a Salam Road and replacement with new building ranging between 4 and 6 storeys to Moscow Road, Salam Road and Queens Mews incorporating the existing building at No.16 Moscow Road and including basement car parking to provide an A1/A2/A3 unit at ground floor level to Moscow Road and 27 flats. Use of Nos.1-3 Salam Road as 3 dwellinghouses, with associated alterations, including addition of third floor roof extension and side extension. Alterations to the rear of Nos.103-131 Queensway along Queens Mews, including provision of green wall and provision of new public realm in Queens Mews.</p> <p>(iv) Erection of single storey roof extension to No.6 Salem Road for Class B1 use. Together with associated works including mechanical plant, cycle storage and waste storage, for each phase.</p>	
<p>Recommendation Does the Sub Committee agree that:</p>			<p>Page 2</p>	

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1. In light of the conclusions of the independent viability assessment, four affordable housing units should be provided on-site within the development and a financial contribution of £282,000 be made to the Affordable Housing Fund (subject to potential amendments dependent upon points 2 to 6 below).
2. The mix of unit sizes should be amended so that the scheme provides 33% of all units as family sized residential units containing 3 or more bedrooms.
3. The bulk and height of the rear element of the of the Moscow Road block, where it extends along the west side of Queens Mews, should be reduced and detailed design amended to lessen the impact of this part of the development on neighbouring residential properties in Salem Road and Queensway in terms of loss of daylight, increased enclosure and overlooking.
4. The design of the roof of the proposed Queensway block should be altered to include party wall upstands and chimney stacks, at intervals to replicate the party wall upstands and chimney stacks to the Edwardian properties in the same terrace to the south.
5. The detailed design of the rear of the Queensway block should be amended to reduce the size of the window openings so that they more closely replicate the dimensions of window openings found to the rear of buildings to the south in the same terrace.
6. A soil depth compliant with basement development policy in the City Plan adopted in November 2016 and the 'Basement Development' Supplementary Planning Document adopted in October 2014 should be provided where the basement floor of the Moscow Road block extends beyond the footprint of the proposed building.

Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 17/01930/FULL	Welbeck Street Car Park Welbeck Street London W1G 0BB	DEVELOPMENT SITE AT 74-77 WELBECK STREET AND 28-40 MARYLEBONE LANE - Demolition of the existing building and redevelopment to provide a new building comprising basement, lower ground floor, ground floor and first to ninth floor levels. Use of the building as an hotel with supporting facilities (Class C1) with publicly accessible restaurant/bar and café at part ground floor level, publicly accessible spa and guest business facilities at lower ground floor level, roof terrace, roof level plant and associated works.	
	Marylebone High Street			
Recommendation Grant conditional permission, subject to the views of the Mayor of London				
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 17/04663/FULL	William Court 6 Hall Road London NW8 9PA	Construction of 3 dwelling houses with associated amenity space in the grounds of William Court, 6 Hall Road to the rear, associated landscaping improvements, creation of additional cycle parking.	
	Abbey Road			
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 16/05715/FULL	Elliott House 1 Molyneux Street	Variation of Condition 1 of planning permission dated 29 April 2016 (RN: 15/08836/FULL) for, 'Demolition of building, re-creation of sub-basement, and erection	

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	Bryanston And Dorset Square	London W1H 5HU	of replacement building over sub-basement, lower ground, ground and part-four and part-five upper storeys to provide 32 car parking spaces (accessed by car lifts on Cato Street), cycle parking, plant, ancillary gym and refuse store at basement level; plant within lower ground floor vaults; and up to 32 flats (Class C3) over lower ground to fifth floor levels', in order to make the following amendments to the approved development: (i) The reduction in the footprint of the proposed new basement level so that it would no longer extends beneath the pavement vaults on Molyneux Street and Crawford Place; (ii) Reduction in the number of car parking spaces proposed from 32 to 31; (iii) Increase in the depth of the proposed new basement levels (in parts) in order to accommodate car stackers; (iv) Reduction in the number of car lifts from two to one; (v) Relocation of the proposed substation from rear lower ground floor level to a pavement vault on Crawford Place (and corresponding enlargement of Flat LG.2; (vi) Use of former car lift area on Cato Street as cycle store and refuse holding area; (vii) Reduction in the size of Unit 1.2; (viii) Increase in the number of cycle parking spaces from 66 to 70; (ix) Alterations to the railings at fourth floor level; and (x) Other alterations.	
<p>Recommendation</p> <p>1. Grant conditional permission subject to a deed of variation to the legal agreement to secure the following:</p> <p>(a) The applicant to comply with the Council's Code of Construction Practice, comply with the Site Environmental Management Plan (Revision 07) approved by the City Council on 19 August 2016 and provide a financial contribution of up to £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;</p> <p>(b) Unallocated parking;</p> <p>(c) Management and maintenance of the car lift and valet parking;</p> <p>(d) Cost of the works associated with the creation of two tree pits and the planting of least two new trees within the vicinity of the site.</p> <p>(e) Cost of widening the vehicular crossover on Cato Street and making good;</p> <p>(f) Cost of relocating a lamppost on Cato Street; and</p> <p>(g) Costs of monitoring the S106 agreement.</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p>a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>				
Item No	References	Site Address	Proposal	Resolution

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 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

6.	RN(s) : 17/01607/FULL Bryanston And Dorset Square	Marathon House 200 Marylebone Road London NW1 5PW	Erection of extensions to the podium level to provide four additional residential units, including terraces. Associated facade alterations.	
Recommendation Refuse permission design, harm to heritage assets; loss of amenity to existing residential flats.				
Item No	References	Site Address	Proposal	Resolution
7.	RN(s) : 17/01608/FULL Bryanston And Dorset Square	Marathon House 200 Marylebone Road London NW1 5PW	Erection of a sheer rooftop extension on existing tower to provide an additional residential unit, incorporating terraces and a plant room above.	
Recommendation Refuse permission – design, harm to heritage assets and failure to optimise the number of residential units on site				
Item No	References	Site Address	Proposal	Resolution
8.	RN(s) : 17/01609/FULL Bryanston And Dorset Square	Marathon House 200 Marylebone Road London NW1 5PW	Erection of a rooftop extension (incorporating setbacks) on existing tower at roof level to provide an additional residential unit. Plant room	
Recommendation Refuse permission - design and harm to heritage assets.				
Item No	References	Site Address	Proposal	Resolution
9.	RN(s) : 17/03151/FULL 17/03152/LBC St James's	The National Gallery Trafalgar Square London WC2N 5DN	Removal of existing structures and the erection of infill extensions to the Sunley and Belvedere lightwells, to provide additional Class D1 floorspace, and associated rooftop structures and other external and internal alterations.	
Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision notice.				
Item No	References	Site Address	Proposal	Resolution
10.	RN(s) : 16/11276/FULL	157 Edgware Road	Use of part basement, ground, first and second floors as a hotel Page 5 , external alterations to install	

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	Hyde Park	London W2 2HR	louvres to the front and rear elevations and installation of mechanical plant within an enclosure on flat roof above second floor level.	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
11.	RN(s) : 17/03181/FULL 17/03182/LBC Tachbrook	3 Lupus Street London SW1V 3AS	Demolition of existing and erection of replacement single storey rear ground floor extension, installation of replacement shopfront, installation of metal railings to front forecourt, installation of four air conditioning units and enclosure on flat roof of rear extension, all in conjunction with the use of the first to fourth floors as three residential units (2 x 1-bedroom studios and 1 x 2-bedroom) (Class 3) and the continued use of the basement and ground floor levels as restaurant (Class A3). Internal alterations.	
Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision notice.				
Item No	References	Site Address	Proposal	Resolution
12.	RN(s) : 17/03791/FULL 17/03792/LBC Knightsbridge And Belgravia	112 Eaton Square London SW1W 9AE	Demolition of rear extensions and erection of a new extension at the lower ground to the fourth floor levels, excavation of a basement to the rear of the main dwelling, replacement windows, and refurbishment of the front pavement vaults, and associated internal and external alterations in connection with the use of property as a single family dwelling house.	
Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision notice.				

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Development Site At Carrington Street Car Park, 51-53 Brick Street And 1-6, Yarmouth Place, London		
Proposal	Demolition of existing buildings on site and redevelopment to provide up to 30 residential units (Class C3), office floorspace (Class B1), gymnasium (Class D2), retail art gallery (Class A1), restaurant (Class A3) and retail (Class A1) floorspace; creation of a new pedestrian link through the site between Yarmouth Place and Carrington Street; erection of two buildings either side of the new pedestrian link between 4 and 8 storeys in height; excavation to create additional basement accommodation; provision of on-site car parking, cycle parking and delivery bay on Yarmouth Place; new landscaping including improvement works to Yarmouth Place; associated alterations.		
Agent	Savills		
On behalf of	Averdeen Oak Ltd and Croix Properties Inc		
Registered Number	16/11248/FULL	Date amended/ completed	26 May 2017
Date Application Received	25 November 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Grant conditional permission, subject to a S106 legal agreement to secure the following:

- A financial contribution of £2,320,551 (index linked) towards the affordable housing fund, payable on commencement of development.
- Crossrail payment (currently calculated at £460,795.30 but will be reduced to approximately £0 following offset against Mayoral CIL as allowed by the SPG).
- Walkways agreement to allow public access to the privately owned street linking Yarmouth Place and Carrington Street.
- Highways works including provision of a footway linking the footway on Brick Street with the new street, tying in the new street with Carrington Street and Brick Street and resurfacing of Yarmouth

Place

- S106 monitoring costs.

2. If the S106 legal agreements 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 comprises three buildings; Carrington Street Car Park, 51-53 Brick Street and 1-6 Yarmouth Place. Permission is sought to demolish all the buildings on site, a new street is proposed which will link Carrington Street to the north and Brick Street/Yarmouth Place to the south. New buildings either side of the new street are proposed comprising 4 to 8 storeys, these will be used for a mix of uses including offices, residential, retail, art gallery and a gym. Five basement levels are proposed under the whole site. A new off-street loading bay is proposed in Yarmouth Place. Access to the basement car parking is also accessed via Yarmouth Place.

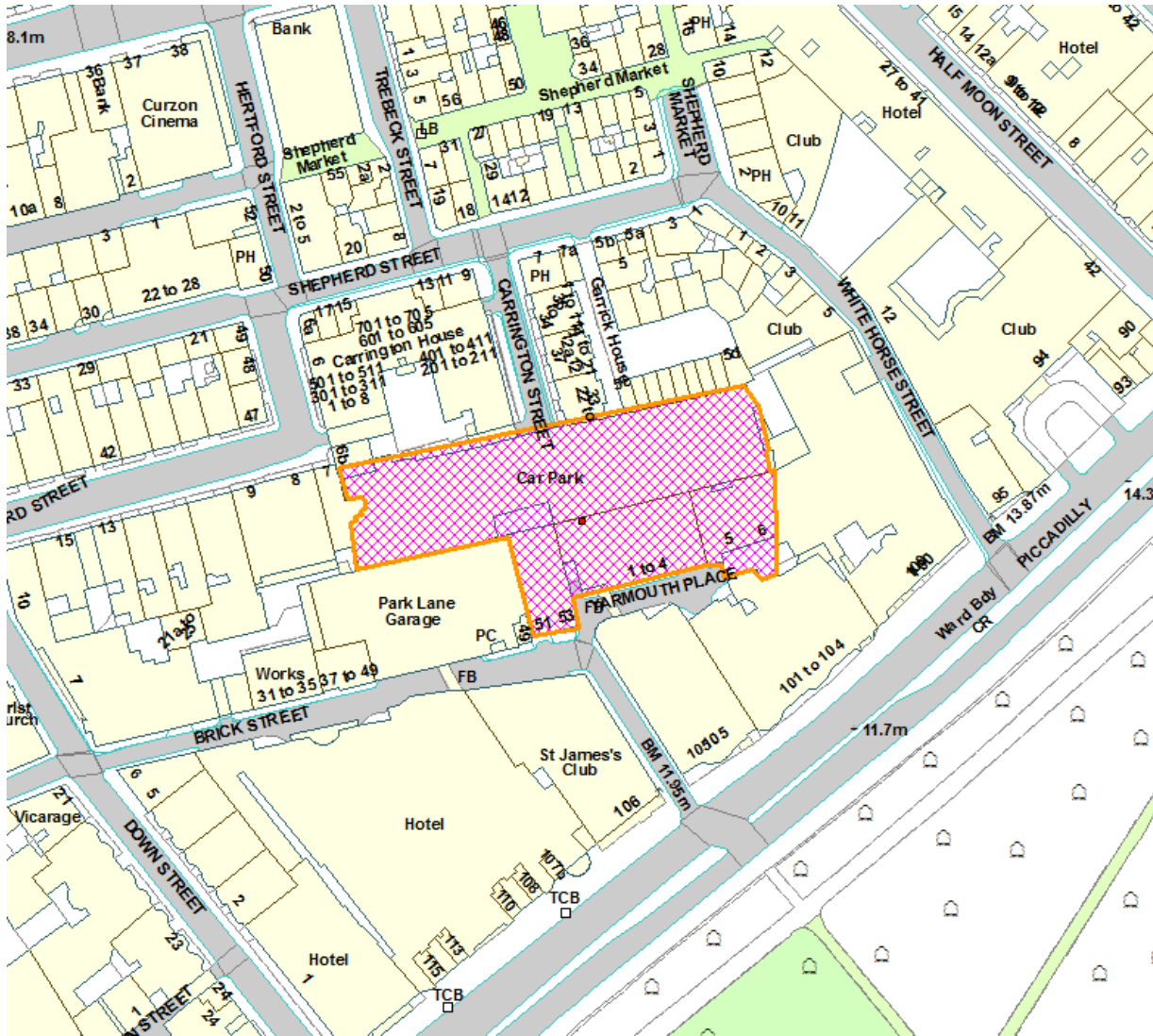
The key issues for consideration are:

- The lack of affordable housing on-site or off-site;
- The impact of the proposals on surrounding residential amenity;
- The impact of the proposals on the character and appearance of the Mayfair Conservation Area; and
- The introduction of a new servicing/loading bay to Yarmouth Place.

The proposal triggers a requirement to provide affordable housing on-site, off-site or a payment in lieu. The applicants have submitted a viability assessment and this has been assessed by independent consultants who have concluded that the proposal would not be viable with the inclusion of affordable housing on-site, off-site or a payment in lieu. Despite the conclusions of the viability consultants, the applicants have reconsidered their position in respect of an affordable housing contribution, given the Council's reinforced message over acquiring as much affordable housing as possible. Though it would expose them to a reduced profit below the industry norm and potentially greater financial risk, the applicant has volunteered to make a contribution of £2.25 million towards the affordable housing fund.

The proposals are considered comply with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan) and are therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Car Park entrance on Carrington Street



51-53 Brick Street



1-6 Yarmouth Place



5. CONSULTATIONS

COUNCILLOR ROBERTS

Any response to be reported verbally.

COUNCILLOR GLANZ

Any response to be reported verbally.

COUNCILLOR CHURCH

Any response to be reported verbally.

GREATER LONDON AUTHORITY

Do not wish to comment, proposed building height is under 30m.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Do not wish to offer any comments on this application.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection, subject to conditions.

THE ROYAL PARKS

Any response to be reported verbally

DESIGNING OUT CRIME

No objection – the overall design and layout are good from a security and safety perspective.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

No objection

CLEANSING

No objection

ENVIRONMENTAL HEALTH

No objection

BUILDING CONTROL

No objection

AFFORDABLE HOUSING SUPPLY MANAGER

Cannot support the scheme that does not provide affordable housing on-site

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1163

Total No. of replies: 28

No. of objections: 28

Land Use

- Proposed restaurant is too large

-

Amenity

- New pedestrian route will cause noise and disturbance especially late at night
- Loss of daylight and sunlight to existing residential windows
- Loss of daylight and sunlight to surrounding office windows
- Loss of privacy from proposed office terraces
- Loss of privacy from proposed office windows
- Increased sense of enclosure
- Proposal contrary to Policy ENV13

Design

- The height/bulk and massing of the scheme harms the character of this part of the Mayfair Conservation Area
- Overdevelopment of the site

Basement

- Proposal does not comply with the basement policy

Parking/Transportation

- New pedestrian route will cause an increase in traffic
- Loss of existing car park will have impact on on-street car parking in the area
- New loading bay and servicing bay in Yarmouth Place will have an impact on day to day operation of existing embassy

Other

- Lack of consultation carried out by the applicant prior to submission
- Noise, dust and disruption caused by building works
- Duration of the building works is excessive
- Carrington Street has suffered subsidence
- Impact on rights to light

PRESS ADVERTISEMENT / SITE NOTICE: Yes

REVISED SCHEME

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. of objections: 13

Design

- Height and bulk of the proposal is largely the same as the original application

Amenity

- Loss of daylight and sunlight

- Internal daylight levels for new residential units is not acceptable
- Impact of the new pedestrian route cause noise and disturbance
- overlooking

Land use

- Restaurant is too big, impact on noise and disturbance on nearby residents

Basement

- Extent and depth of the basement proposals, does not comply with policy

Parking/transportation

- New loading bay and servicing bay in Yarmouth Place will have an impact on day to day operation of existing embassy

Other

- Construction impact

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises three properties within the Mayfair Conservation area and the Core Central Activities Zone. These are:

1. Carrington Street Car Park comprising lower ground, ground and first floor level, which is rectangular in shape with the longest sides orientated east-west, therefore cutting across Carrington Street. The car park is only accessible via Carrington Street and contains 175 car parking spaces, with the top level being open. The car park shares boundary walls with a number of buildings surrounding the site.
2. 51-53 Brick Street is located to the south of the car park, on the corner of the junction with Yarmouth Place. The building is in use for office purposes at basement and ground floor level, with six residential flats on the upper five floors.
3. 1-6 Yarmouth Place is made up of two different buildings; 1-4 Yarmouth Place comprises ground and four upper floors whilst 5-6 Yarmouth Place comprises ground and two upper floors. These building are linked internally and are all in use for office purposes. These Yarmouth Place buildings are set back from 51-53 Brick Street, but they share a party wall. Yarmouth Place is a narrow dead-end road serving not only 1-6 Yarmouth Place but also the rear of the buildings on Piccadilly, including the Japanese Embassy. There is an area of hardstanding in front of 5-6 Yarmouth Place which is currently used for vehicle parking.

There is a levels change across the site, which means that ground floor level on Brick Street and Yarmouth Place equates to lower ground floor level on Carrington Street.

There are a number of taller buildings surrounding the car park site, some of which are in residential use. Carrington House is located to the north of the application site, and is a 7 storey residential mansion block formed in a 'U' shape with a number of windows

overlooking the application site. Another neighbouring residential building, Garrick House, is also located to the north of the car park but to the east side of Carrington Street. The front windows of this building directly overlook Carrington House, but they also have oblique views of the car park.

To the west of the site there is another large residential mansion block at 5 Shepherd Street, which is set away from the car park, and there are three new mews houses on the boundary of the site still under construction.

6.2 Recent Relevant History

Carrington Street Car Park

Planning permission was granted in 1967 to use the building as a 194 space car park. Conditions included that the roof space shall in no way be artificially illuminated and not used for the storage of motor vehicles or for any other purposes between the hours of 18.30 and 08.30.

Permission was refused 30.04.92 for the redevelopment to provide a 310 space public car park on five basement levels, with part five and part six storey structure over, comprising offices and 17 residential flats – Scheme was granted on appeal on 14.10.93

Planning permission was granted 22 March 2001 for the redevelopment of the existing car park to provide 203 space car park at part ground and 5 basement levels, construction of 8 4-storey town houses and a block comprising ground and 5 upper floors for use as 26 flats, use of ground floor of 51-53 Brick Street as vehicular access to car park.

100 Piccadilly and 5-6 Yarmouth Place

Planning permission was granted 22 December 2016 for the excavation of sub-basement, redevelopment of Nos. 5-6 Yarmouth Place, alterations and extension to provide enlarged sixth and new seventh floor storeys and installation of plant at basement, ground and fourth floor levels. Use of extended and altered building as 36 x flats (Class C3) (an additional 28 above existing), car / cycle parking and a shop (Class A1) or financial and professional institution (Class A2) at part ground floor level.

This consent was subject to a S106 agreement to secure the following:

- i) a contribution of £8.1 million to the City Council's affordable housing fund (less an agreed reduction for the Westminster CIL), with the contribution currently estimated to be £7,028,000) (index linked and payable upon the commencement of development);
- ii) Compliance with the City Council's Code of Construction Practice and submission of a SEMP (Site Environmental Management Plan) with an annual cost cap of £32,000;
- iii) Costs of highways works around the site to facilitate the development (including the creation of a new crossover);
- iv) Management and Maintenance Plans for the car lift and surface turntable in Yarmouth Place;
- v) Unallocated parking for the 31 new/reconfigured flats;
- vi) Monitoring costs.

This permission has not been implemented.

51-53 Brick Street and 1-4 Yarmouth Place

Planning permission was granted 11 August 2016 for the demolition of 51-53 Brick Street and 1-4 Yarmouth Place and the erection of a part 9/part 6 storey building for use as a 29 unit apart-hotel (Class C1) and 13 residential units (Class C3) with associated car park at basement level, hard landscaping and roof top plant areas.

This consent was subject to a S106 agreement to secure the following:

- i) A financial contribution of £414,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- ii) The completion of the residential accommodation within the development prior to the occupation of any part of the apart-hotel;
- iii) The provision of unallocated residential car parking;
- iv) Costs of highway works around the site to facilitate the development (including paving, dropped kerbs, raised crossing etc);
- v) Compliance with the City Council's Code of Construction Practice and submission of a SEMP to an annual cap of £25,000; and
- vi) The provision of car club membership for each of the thirteen residential units for a minimum of 25 years.

51-53 Brick Street

Permission was granted on 21 Jan 1960 for the erection of a building comprising basement car parking, offices at ground, first and second floor and 2 flats at third, fourth and fifth floors. Permission was granted on 5 November 1996 for conversion of the first and second floors to provide 4 flats. This permission was implemented.

7. THE PROPOSAL

Permission is sought for the comprehensive redevelopment of the car park site along with 51-53 Brick Street and 1-6 Yarmouth Place. A key part of the proposals is the creation of new pedestrianised passage to connect Carrington Street to Brick Street/Yarmouth Place, with new buildings placed on either side of the new street. Due to the levels change across the site, stairs and lift access are proposed to provide access from the new street to Brick Street/Yarmouth Place.

There would be three buildings to the east of the new passage of five to seven storeys, the upper floors of which will be used for up to 30 residential units. The ground floor on Yarmouth Place will be used as the car park entrance and the off-street loading bay. A retail unit and a restaurant unit are proposed on the northern part of the site. Although architecturally distinct from each other, the 3 buildings would be joined on all floor levels and will wrap around a new residential courtyard. The building on the boundary with the Garrick House and the new mews houses in Shepherd Street, will be set back at third floor level and above. Terraces are proposed at first floor level and above.

To the west of the new passage, the building comprises between five and six storeys above ground floor level. On Brick Street, the building will be cantilevered with the lower ground and ground levels set back and the first to six floor levels will be flush with the adjoining building at 37-49 Brick Street (Park Lane Garage). This building will be predominately used for office purposes. A gallery is proposed over ground and lower

ground floor levels. The extensions to the rear of the office building are stepped back from the rear of buildings on Hertford Street and Carrington House.

Five new basement levels (including a lower ground floor level) are proposed and these will extend across the whole site and will be used for a mix of uses including a restaurant, gym, gallery space, plant rooms and residential car parking,

The scheme was revised in May as follows:

- The office building has been set back from 7 Hertford Street;
- The rear office extension have been altered, with the first floor level now concealed behind the courtyard wall, and the fourth and fifth floor levels have been reduced and set back;
- The roof terraces to the rear of the office building have been removed;
- The fifth and sixth floor of the office building immediately adjacent to Carrington House have been reduced;
- The massing of the residential block on the eastern part of the site has been increased at first to fifth floor levels into the residential courtyard. The sixth floor level has also been extended north and eastwards.
- The Brick Street building will now be flush (first floor and above) with the adjoining building rather than being set back.

Land Use Table

	Existing	Proposed	+/-
Residential	979	7365*	+ 6386
Office	2836	4788*	+ 1952
Art Gallery (A1)	0	2396	+ 2396
Restaurant	0	728	+ 728
Retail	0	49	+ 49
Gym	0	2181	+ 2181
Car parking	5188	855	- 4333

(* includes the attributed plant and car parking figures to the office and residential figures)

8. DETAILED CONSIDERATIONS

8.1 Land Use

Land use credits/swap

The applicant wishes to register the net additional residential floorspace (6386sqm) as a residential credit. Policy CM47.2 requires residential floorspace to comply with Policy S16 before it can be agreed as a credit, so affordable housing must be provided to satisfy this policy. The proposal does not comply with Policy S16 as it does not provide affordable housing. The draft policy booklet that preceded the adopted City Plan policy stated that “if a credit scheme cannot deliver the actual affordable housing units required by policy, it is not appropriate for registration as a credit. This is particularly important in relation to housing type and mix, particularly in relation to affordable housing”. It is therefore recommended that the applicant’s request for the Council to accept a residential credit is declined.

Loss of car parking

The proposals include the loss of the public car park (175 spaces). UDP Policy TRANS25 (C) states that the City Council will normally permit the loss of public off-street parking, dependent on its level of use, availability of other nearby public car parks and the impact on local on-street parking facilities. The loss of the car park has not previously been considered, as the previous scheme included the re-provision of a public car park. Objections have been received on the loss of the public car park.

The applicant has provided evidence to show that the car park is significantly under-used with a peak time occupancy rate of approximately 34% and median occupancy at many times of the day considerably below this level. There is also availability of space in other car parks in the vicinity of the site (for example; Park Lane Hotel, Britannia Parking, London Hilton Hotel, London Chesterfield House). On this basis the loss of the car park is considered acceptable.

Other transportation/servicing/parking implications are discussed later in the report.

Office use

The proposal includes new office floorspace, which will be located to the west side of the new street. City Plan Policy S1 seeks to encourage development which promotes Westminster's World City functions, manages its heritage and environment and supports its living, working and visiting populations.

Policy S1 (3.A) applies to developments within the Core CAZ proposing net additional office floorspace, stating that where the proposed net additional floorspace is less than 30% of the existing building floorspace (of all uses), no residential floorspace will be required as part of the development. The net additional floorspace in this case is 14% of the existing floorspace on site (including the car park), and therefore there is no requirement under Policy S1 to provide additional residential floorspace.

Residential use

City Plan Policy S14 aims to protect all residential land. There are 6 existing residential units (2x1 bed, 2x2 bed, 1x3 bed and 1x4 bed units) amounting to 979m². As a result of the proposals there would be 24 additional residential units and a total of 6386m² of floorspace.

The proposed residential mix would be: 7x1 bed units (23%), 13x2 bed units (43%) and 10x3 bed units (33%). The provision of 33% of family sized accommodation complies with UDP Policy H5.

City Plan Policy S14 states that the number of residential units on-site should be optimised. The scheme provides 30 residential units with a range of unit sizes from 73 – 234 sqm.

	1 Bedroom		2 Bedroom			3 Bedroom	
Ground			175	150			
First	85		166	137	129	177	234
Second	85		166	137	129	176	234
Third	85	73	144			223	194
Fourth	85	73	144			188	197
Fifth	76		134	178		174	
Sixth			173			173	
Total	7		13			10	

A communal residential garden for all residents is proposed at ground floor level and 28 of the 30 proposed units will also have access to private balconies/terraces. This complies with UDP Policy H10 which seeks to ensure that large housing developments provide sufficient outdoor amenity space for the residents.

The submitted acoustic report has assessed the internal noise levels for the new residential flats. The new windows will include alternative forms of ventilation to allow the future occupiers to keep their windows shut, but still ventilate the flats. Environmental Health has confirmed that the proposals will comply with the standard noise conditions. A condition is recommended to ensure that all windows are capable of being opened.

Objections have been received that the proposed quality of residential accommodation is poor as the internal light levels do not meet BRE Guidelines. The submitted daylight and sunlight report has tested 44 rooms from lower ground to second floor level. The report indicates that;

- 14 out of 24 bedrooms exceed the 1% Average Daylight Factor (ADF) advisory target for these rooms;
- 2 of the 4 kitchens exceed the 2% ADF target for these rooms;
- 2 of the 4 living/diners exceed the 1.5% ADF target for these rooms; and
- 1 out of 8 living/kitchen/diners exceed the 2% ADF for these rooms.

Those rooms falling outside of the ADF targets are:

- 10 bedrooms fall below 1% ADF (0.39-0.92%)
- 2 kitchens fall below 2% (values from 1.37-1.91%)
- 2 kitchen/diners fall below 2% (1.44-1.53%)
- 2 living rooms fall below 1.5% (0.15-0.66%)
- 2 living/diners fall below 1.5% (0.24-0.62%)
- 7 kitchen/living/diners fall below 2% (0.58-1.64%)

The majority of rooms that do not adhere to the BRE advisory guidelines are located underneath projecting/recessed balconies. The provision of balconies inevitably affects daylight amenity. However, it is considered that the inclusion of private amenity space is a positive aspect for the residential units and is sufficient to outweigh the consequential reduction in internal daylight levels and it is considered that the internal light levels are therefore acceptable for this location.

Affordable housing

The net additional residential floorspace provision is 6386m², and under UDP Policy H4 and City Plan Policy S16, requires the provision of 25% on-site affordable housing, amounting to 1596.5sqm (20 flats). Where it is acknowledged as being impractical or inappropriate to provide affordable housing either on or off-site (on land nearby), the City Council may consider a financial contribution to the City Council's affordable housing fund in accordance with the adopted formula. For the amount of increased floorspace in this scheme, a policy compliant contribution would be £10,800,000.

It is considered that due to the reasonably large size of the site and the extensive redevelopment proposed the requisite affordable housing could be provided on-site or, given that the applicant owns a number of other buildings in the vicinity of site, another neighbouring building could be used for this purpose.

The City Council has appointed an independent viability expert to assess the proposals and advise on the matter. Two viability statements have been submitted, the first reflects the scheme as originally submitted and the second following the amendments to the scheme in May. When the viability issue was first addressed, the increase in residential floorspace was lower than currently being considered (increase of 6162sqm requiring onsite affordable housing of 1538sqm (19 flats) or, alternatively a payment in lieu of £10,368,000).

The Council's consultant agrees that the provision of on-site, off-site or a payment in lieu of affordable housing would severely undermine the economic viability of the proposals to the extent that no such provision can be required. This position is the same in the respect of the originally submitted viability report and as amended and re-submitted.

Despite the conclusions of the viability consultants, the applicants have reconsidered their position in respect of an affordable housing contribution, given the Council's reinforced message over acquiring as much affordable housing as possible. Though it would expose them to a reduced profit below the industry norm and potentially greater financial risk, the applicant has volunteered to make a contribution of £2.25 million towards the affordable housing fund.

Retail use

There is no existing retail floorspace on-site and the introduction of two retail units is proposed. An art gallery would be provided over the ground and lower ground floors, located on the west side of the new passage. A smaller retail unit is proposed at ground floor level on the east side of the street. The proposed retail floorspace is considered to be an important feature providing animation and enlivening the new passage, which will create a welcome connection between Shepherd Market and Piccadilly where street level activity will be essential to make it work. The enhancement of retail shopping provision in the Core CAZ is supported under City Plan Policy S6.

Restaurant

City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core CAZ, and the site is not located within a Stress Area where the introduction of new entertainment uses is considered a more sensitive issue.

The proposed restaurant, amounting to 728m², will largely be located at lower ground floor level, with a ground floor entrance and lobby area. As it is a 'large-sized' entertainment use UDP Policy TACE10 applies which requires the City Council to consider carefully the potential impact on residential amenity and environmental quality, taking into account the cumulative impact with other nearby entertainment uses, and the effect on the character and function of the area. City Plan Policy S24 states that new large scale late night entertainment uses over 500m² will not generally be appropriate within Westminster.

Objections have been received on the grounds that the proposed restaurant is inappropriate in this location due to its proximity to existing residential properties, that it abuts residential flats in Garrick House and that the noise and disturbance associated with the size of the restaurant will cause amenity problems.

The restaurant proposals are speculative with no end-user identified, and therefore it is not possible at this time to consider the likely impact by assessing the track record of the intended occupier. However, conditions could be used to control the opening times and activity to limit the impact. These conditions would ensure that the uses would essentially be sit-down restaurants with any ancillary bar limited to a small part of the premises (i.e. 15%) and the bar could only be used by diners before and after meals. The applicants have indicated that there would be a maximum of 125 covers and would be open until midnight, seven nights a week. It is considered that on Sundays an earlier closing time should be imposed (22.30)

The proposed retail unit provides a buffer between Garrick House and the restaurant entrance. Furthermore, all the restaurant seating is located at lower ground floor level, with only the entrance lobby at ground floor level. This will ensure that any noise outbreak will be minimal, a condition is recommended to ensure that the ground floor lobby does not contain any seating. Four skylights are proposed to provide natural light to the lower ground floor restaurant. The skylights form part of the proposed residential courtyard and it is considered necessary to protect the amenity of the future and existing residents that a condition is imposed to ensure that these skylights are non-openable. Carrington Street is predominantly residential with commercial activity on the junction with Shepherd Market. The restaurant will partially abut one of the lower ground floor flats in Garrick House. The lower ground floor plan shows that the toilets will be in this part of the restaurant. It is not considered that there will be noise transference between the walls. Standard noise conditions are proposed to protect the existing and proposed residents from noise created by the new uses. It is not considered that the new restaurant will have a cumulative impact on the area. It is considered that subject to restrictive conditions listed above that the restaurant is acceptable.

Gym

A gym (Class D2) is proposed over lower ground and two basement levels. Access will be gained from Yarmouth Place. City Plan policy S34 states that new social and community facilities will be encouraged throughout Westminster and will be provided on large scale developments. This will be a publicly accessible gym available to local residents and workers. The gym is proposed to be open from 06.00 – 23.00 Monday to Friday and 08.00 – 19.00 at the weekend. The 06.00 opening time is considered acceptable due to the entrance of the gym being situated away from the existing and proposed residential properties in Carrington Street. The proposed gym is therefore considered acceptable.

8.2 Townscape and Design

The site lies in the Mayfair Conservation Area, between Piccadilly and Shepherd Market. South of Piccadilly is Green Park, part of the Royal Parks Conservation Area, and a Grade 1 registered historic park. There are listed buildings adjacent at:

- Piccadilly: nos. 94 (former In and Out Club), 95, 96-97, 98-100 (former Badminton Club), 101-104, 105, 106 (St James's Club) and Park Lane Hotel (eastern block) – to the east and south of the site;

- Shepherd Market: nos. 1-4 White Horse Street, 1 Shepherd Street and 7 (public house) Shepherd Market – to the north of the site; and

- Hertford Street: nos. 8-9, 10, 11, 12, 13 and 45-46 – to the west of the site.

Demolition

The existing buildings on the site comprise: Carrington Street Car Park, 1-6 Yarmouth Place, and 51-53 Brick Street. None of these is considered to make a positive contribution to the character and appearance of the Mayfair Conservation Area and their demolition is considered uncontroversial in principle. Planning permission has previously been granted in 2015 for the redevelopment of the buildings at the southern end of the site, in Brick Street and Yarmouth Place. The car park was not included in that development.

Plan form

The area had been built up by the late eighteenth century and at this time Shepherd's Market was linked, via Carrington Street and a narrow alleyway, to Brick Street and Piccadilly. However, this link had been built over by the 1870's. The proposal to create a new pedestrian route, on a similar alignment to the eighteenth century route, through the site to link Piccadilly and Green Park with Shepherd Market is considered to be a significant public benefit in urban design terms.

The new route is lined with active frontages. On the east side are the entrances to the residential blocks, art gallery and offices, and the retail unit. On the west side are entrances to the gallery and the offices.

The change in level from Brick Street to Carrington Street is made with a new public staircase, and an accessible lift in the office building on the west side. The office building is recessed at street level on Brick Street, in order to allow room for vehicles accessing Yarmouth Place.

Height and bulk

A number of objections have been received to the height and bulk of the proposed buildings on-site, and that the proposed massing is inappropriate and does not preserve or enhance the Mayfair Conservation Area. The site is surrounded by buildings of varied height and bulk. An objection has also been received to the panels used for the buildings which may lead to a greater fire risk. To the south the buildings on Piccadilly are relatively tall, seven to nine storeys, with the exception of 106 Piccadilly, which is a four storey Georgian townhouse, listed Grade 1. Hertford House to the north west is another tall

building of nine storeys. The buildings to the north on the east side of Carrington Street are four storeys with a mansard roof.

The proposed buildings vary in height above street level. On Carrington Street they are five storeys rising to seven on the east side and six rising to seven on the west. The upper floors are set back so that on both sides of the new route the new buildings relate satisfactorily to the adjacent buildings in terms of their height and bulk.

The new buildings have limited impact on the setting of the listed buildings on Piccadilly and on the setting of Green Park. The Brick Street frontage of the development may be just visible in some views from the park, but the number of viewpoints is very limited, and in summer the tree canopies mean that visibility is negligible. It is considered that the new buildings will cause no harm to these heritage assets.

Design

The design of the buildings is modern, and varied according to the uses and locations. The brick faced buildings relate to the existing buildings immediately to the north. The stone facades are less 'contextural' but they break up the development by introducing architectural variety.

The office building on the west side has a bold framework of brick piers which reduce in width towards the top of the facades. Glazed brick panels above the windows enrich the facades. Horizontal emphasis is given by narrow stone bands. The base of the building is faced in natural stone, set in angled panels, with a double storey entrance to the offices.

The same treatment of stone panels is used on the south facing frontage of the office building, creating a modelled, somewhat sculptural, façade. This is a bold contemporary approach, but it is successful in this particular location, although it might not be in many other locations in the Mayfair Conservation Area. As the buildings are proposed to be built in natural materials it is not considered that they pose a fire risk. However, this will be closely scrutinised during Building Regulations approval.

The residential building on the east side of the new route is clad in similar stone panels to the office building. South of this, on the corner, the other residential building is a more conventional brick façade, with punched window openings lined with stone reveals, and enriched with metal balustrading. The roof is clad in Corten steel with modern dormer type windows.

Public art

On a development of this size it is appropriate to secure public art in some form in line with UDP policy DES 7, although the application does not include this. It is considered that this should be integrated in to the design of the buildings and not be a free standing in the public realm. It is recommended that a condition be added to the planning permission to require this.

It is considered that this is a high quality modern development which, subject to the use of high quality materials and details, will contribute positively to the character and appearance of the Mayfair Conservation Area. The scheme complies with the City Council's urban design and conservation policies, including City Plan policies S25 and S28, and UDP policies including DES 1, DES 4, DES 9, DES 10, DES 12 and DES 14. The

objections to the height, bulk and massing of the proposed scheme are therefore not considered sustainable to justify a reason for refusal.

Archaeology

The application site lies in an area of archaeological interest, Historic England have no objection to the proposal subject to conditions relating to archaeological material.

8.3 Residential Amenity

Daylight and Sunlight

Policy S29 of the City Plan aims to improve Westminster's residential environment. UDP Policy ENV13 aims to protect and improve residential amenity, including the level of sunlight and daylight received to existing properties.

The principal BRE methodology for the assessment of daylight values is 'vertical sky component' (VSC). This measures the amount of light reaching the outside face of a window. This has the advantage of enabling the impact to be assessed without accessing the affected properties. BRE guidelines principally seek to protect light to principal habitable rooms including living rooms, kitchen/dining rooms and, to a lesser extent, bedrooms. Under this method, a window achieving a VSC value of 27% is considered to be well lit. If, as a result of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly, depending on the given circumstances.

In respect of sunlight, the BRE guide suggests that if a living room has a main window facing within 90 degrees of due south then the sunlighting of the existing dwelling may be adversely affected if it receives less than 25% of annual probable sunlight hours (APSH) or less than 5% of APSH between September and March, and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of APSH.

The application is supported by a daylight and sunlight report based on guidance published by the Building Research Establishment (BRE). The report assesses the impact on the following properties:

Overview

The existing car park site is lower than the surrounding buildings, therefore any increase in height and bulk is likely to have a significant impact on neighbouring sunlight and daylight amenity. Officers considered at the time that the appeal scheme of 1995 comprised the maximum envelope acceptable for the site. However, that previous scheme was on a smaller site and for a different type of development not including the creation of a new passage. The applicants argue that due to the loss of floorspace through the creation of this new passage, additional height and bulk in excess to that granted in 1995 is required.

Carrington House

Carrington House

Carrington House is located to the north of the application site and contains 73 flats in a U-shaped building, with a courtyard situated in the middle. The residential windows

overlook the existing courtyard, the application site and Carrington Street. Officers have been able to access a number of these flats.

Objections have been received on behalf of all the residents of Carrington House on losses of daylight and sunlight to their window and also on the grounds that the applicant's comparative study with the 1995 scheme is flawed. They further state that as the 1995 scheme was never implemented and has expired, it cannot be a material consideration in the determination of this planning application.

Though the current application must be determined on its own merits, it is still reasonable to compare the daylight and sunlight results with the 1995 scheme to ascertain whether the losses are in excess to those granted previously.

As set out above, the scheme has been amended since its original submission. This followed officers advice that the losses of daylight, and in particular sunlight, were unacceptable and officers could not recommend the application favourably. The proposed office building has been amended to include greater set-backs and a reduction in bulk on the boundary with Carrington House.

Daylight

Most windows in Carrington House would retain VSC levels greater than 80% of their current value and would therefore meet BRE guidelines. Where there are reductions of more than 20%, these are not excessively above the BRE guidelines and in no instance would the loss be more than 30%, which is considered acceptable. Further, in comparing the proposed scheme with the 1995 consented scheme, some windows would lose less VSC than they would had that building been erected.

Sunlight

The impact on sunlighting levels on Carrington House's windows would be more marked. At present the windows at first floor level receive very good sunlighting levels for such a central urban location as they are largely unobstructed due to the lower height of the existing car park.

The table below shows existing and proposed sunlighting levels, and also a comparison with the previously consented but unimplemented scheme. There are some instances where there are multiple windows serving the one room. The orientation of the window is also indicated in brackets in the table. There are also some instances where there are no figures from the 1995 scheme as it appears that not all windows were analysed at the time.

Further, the table does not include figures for all the windows tested as sunlighting levels for those windows would be within the BRE guidelines.

Level	Window ref	Room	Consented						Proposed					
			Ex ASPH	Prop ASPH	% loss	Ex Win	Prop Win	% loss	Ex ASPH	Prop ASPH	% loss	Ex win	Pro win	% loss
Gnd														
Flat 2	W4 (s) W5 (s)	LD	19 22	15 16	21% 27%	6 10	2 4	67% 60%	20 23	16 15	20% 35%	7 11	3 4	71% 64%

	W6 (s) W7 (s)	LR	24 18	19 14	21% 22%	11 9	6 5	N/A n/a	24 17	18 15	25% 12%	11 8	4 6	64% n/a
	W9 (w)	Bed	14	11	21%	7	4	43%	13	12	8%	6	5	n/a
Flat 7	W10 (w)	DR	17	14	18%	6	3	50%	17	15	12%	6	4	33%
	W11 (w) W12 (s)	LR	19 28	15 19	21% 32%	5 6	1 0	80% 100%	19 28	16 19	16% 32%	5 6	2 0	60% 100%
Flat 6	W13 (w)	Bed	16	12	25%	0	0	-	16	14	12%	0	0	-
1st														
	W4 (s)	Kit	11	8	27%	5	2	60%	11	9	0.82	5	3	40%
Flat 102	W5 (s) W6 (e) W7 (e)	LR	46	34	n/a	12	5	n/a	46 15 11	30 7 6	n/a 53% 45%	12 4 3	3 0 0	75% 100% 100%
	W10	Bed	No figures	No fig					21	16	24%	8	3	62%
	W11	Bed	No figures						20	16	20%	10	6	n/a
Flat 100	W16 (w) W17 (w) W18 (s)	LD	14 20 37	12 17 24	14% 15% 35%	6 6 15	4 3 2	33% 50% 87%	15 20 37	13 18 25	13% 10% n/a	7 6 15	5 4 4	n/a 33% 73%
	W19 (w) W20 (w)	LD	25 26	19 14	24% 46%	7 5	1 0	86% 100%	25 26	19 18	24% 31%	7 5	1 0	86% 100%
2nd														
Flat 202	W4 (s)	Kit	11	9	18%	5	3	40%	12	10	17%	6	4	33%
	W6 (e)		No figures						17	11	35%	4	0	100%
202	W7 (e)	DR	No figures						15	11	27%	3	0	100%
Flat 210	W19 (w)	Bed	27	22	19%	8	3	62%	27	23	15%	8	4	50%
	W20 (w)	LR	32	22	31%	11	1	99%	31	23	26%	10	2	80%
3rd														
	W6 (e)	LR	No figures						29	24	17%	8	4	50%

(N/A – figures do not breach the BRE guidelines e.g the resultant figures do not drop below 25% for ASPH or 5% for winter sunlight.)

It is inevitable that the proposed development will have an impact on annual and winter sunlight levels, and although marked the resulting levels would not be unreasonable for a city centre location. It is also noteworthy that the losses would not exceed those allowed in the 1995 planning permission and in the majority instances the reductions would be less than that allowed in 1995. One room at first floor level (a living room to flat 102) would experience substantial losses of both annual and winter sunlight to its 3 window (up to 53% annual and 75% winter) which would be greater than that granted in 1995, but it is not considered reasonable to withhold planning permission because of the harm caused to the amenity of this flat given that overall the sunlighting levels remaining at Carrington House would still be considered good for this location.

Garrick House

Garrick House is a residential mansion block comprising 33 residential flats. This property is effectively divided into three properties with three separate entrances. Objections have been received on behalf of all the Garrick House residents on the grounds that the proposal will have an adverse impact on daylight and sunlight.

The flats in Garrick House are dual aspect and are typically arranged with the living rooms to the front overlooking Carrington Street with rear-facing windows serving bedrooms and bathrooms.

Daylight

The below table shows the current and proposed VSC levels and also a comparison with the 1995 consented scheme. The applicant's sunlight and daylight consultants have gained access to the majority of the flats within Garrick House, to identify the rooms served. They also amended the window references for the flats at lower ground, ground and first floor level. For the purposes of the table below, the updated window references are used, with the old window reference in brackets.

There are also some instances where there are no figures from the 1995 scheme as it appears that not all windows were analysed at the time.

Further, the table does not include figures for all the windows tested as daylighting levels for those windows would be within the BRE guidelines.

Level	Window Ref (old ref)	Room Use	Consent Ex VSC	Consent Pro VSC	%loss	Existing VSC	Proposed VSC	% loss
GND								
	W11 (W3)	Bed	5.78	5.00	13%	5.76	4.23	27%
	W12 (W4)	Bed	6.35	5.49	13%	6.14	4.42	28%
	W13 (W5)	Bed	7.00	6.03	14%	6.80	4.68	31%
	W14 (W6)	Bed	6.89	5.98	13%	6.71	4.46	34%
1st								
	W12 (W3)	LR	11.10	11.02	1%	10.56	10.33	2%
	W13 (W4)	LR	10.87	10.12	7%	10.74	8.90	17%
	W14 (W5)	LR	11.86	10.08	15%	11.88	8.24	31%
	W15 (W6)	LR	10.63	10.27	3%	10.21	9.45	7%
	W16 (W7)	LR	12.29	10.41	15%	12.08	8.62	29%
	W17 (W8)	LR	14.44	10.81	25%	14.36	8.12	43%
	W20 (W11)	LR	12.18	11.47	6%	12.10	8.60	29%
Rear	W21 (W12)	Bed	24.25	17.96	26%	24.25	16.25	33%
2nd								
	W2	LR	13.49	13.45	0	13.17	12.96	2%
	W3	LR	13.19	12.85	3%	13.13	11.48	13%
	W4	LR	13.68	12.81	6%	13.70	10.43	24%
	W5	LR	12.76	12.53	2%	12.48	11.79	5%
	W6	LR	14.39	13.26	8%	14.17	11.04	22%
	W7	LR	16.48	14.13	14%	16.26	10.42	36%
	W9	LR	19.91	15.33	23%	19.49	11.18	43%
	W10	Bed	No figs			27.06	22.18	18%
3rd								
	W5	LR	No figs			14.53	13.93	4%
	W6	LR	No figs			16.07	13.39	17%
	W7	LR	No figs			17.83	12.88	28%
	W9	LR	No figs			20.88	13.76	34%

4 th	W7	LR	No figs			24.57	19.11	22%
	W8	LR	No figs			25.15	19.17	24%

The windows closest to the boundary with the car park see losses above 20%. The table includes the figures of those windows closest to the boundary. Above first floor level there are bay windows with three windows serving the same room. One window in the bay faces towards the application site and these windows suffer a greater loss than the others. Taking the impact to those rooms as a whole it is considered that the losses in VSC are acceptable. The most adversely affected window is located at second floor level (W9) and serves a living room, and this window loses 33% of VSC which is greater than in 1995 consented scheme. This loss is as a result of the creation of the new street and the new office building opposite. However, taking the losses across the Garrick House as a whole, it is considered that the loss to this room is acceptable.

Sunlight

The table below includes the consented and proposed figures for Garrick House. Some of the existing figures have changed from the figures shown in the consented scheme, this is due to the daylight consultants gaining access to the flats and measuring the wall thicknesses. This has resulted in the point of measurement changing in some circumstances.

As with the table above there are also some instances where there are no figures from the 1995 scheme as it appears that not all windows were analysed at the time.

Further, the table does not include figures for all the windows tested as sunlighting levels for those windows would be within the BRE guidelines

Level	Window ref	Rm	Consented						Proposed					
			Ex ASPH	Prop ASPH	%	Ex Win	Prop Win	%	Ex ASPH	Prop ASPH	%	Ex win	Pro win	% loss
L														
G														
	W7 (W1)	LR	2	1	50%	1	0	100	11	9	18%	2	1	50%
	W8 (W2)	LR	5	3	40%	2	0	100	13	8	38%	1	1	0%
	W9 (W3)	LR	4	4	0%	0	0	-	9	6	33%	0	0	-
	W10 (W4)	LR	3	3	0%	0	0	-	5	2	60%	0	0	-
G														
	W5 (W33)		No fig	No fig	No fig	No fig	No fig	No fig	9	5	44%	5	1	80%
	W6 (W34)								11	7	36%	4	0	100%
	W7 (W35)	LR	No fig	No fig	No fig	No fig	No fig	No fig	9	4	56%	5	0	100%
	W8 (W36)	LR							10	6	40%	4	0	100%
	W11 (W3)	B	1	0	100%	1	0	100	6	3	40%	4	0	100%
	W12 (W4)	B	5	4	20%	1	0	100	16	9	44%	3	0	100%
	W13 (W5)	B	5	3	40%	2	0	100	9	3	0.33	0	0	-
	W14 (W6)	B	7	6	14%	1	0	100	11	6	0.55	1	0	100
1st														
	W1 (W30)		No fig	No fig	No fig	No fig	No fig	No fig	14	12	7%	3	2	33%

	W5 (W34)		No fig	No fig	No fig	No fig	No fig	No fig	17	13	24%	7	3	57%
	W6 (W35)		No fig	No fig	No fig	No fig	No fig	No fig	15	12	20%	6	3	50%
	W8 (W37)	LR	No fig	No fig	No fig	No fig	No fig	No fig	18	12	33%	8	2	75%
	W9 (W38)	LR	No fig	No fig	No fig	No fig	No fig	No fig	18	12	33%	8	2	75%
	W13 (W4)	LR	6	5	17%	2	1	50%	22	14	36%	10	2	80%
	W14 (W5)	LR	9	8	11%	4	3	25%	23	14	39%	11	3	73%
	W16 (W7)	LR	9	8	11%	3	2	33%	24	11	54%	11	1	99%
	W17 (W8)	LR	13	10	23%	5	2	60%	24	12	54%	11	1	99%
	W20 (W11)	LR	16	15	6%	0	0	-	19	10	47%	0	0	-
2nd														
	W31		No fig						18	16	11%	6	4	33%
	W32		No fig						16	14	12%	6	4	33%
	W34	LR	No fig						21	15	29%	9	3	67%
	W35	LR	No fig						19	13	32%	9	3	67%
	W3	LR	8	7	12%	2	1	50%	8	6	25%	2	0	100%
	W4	LR	11	9	18%	5	3	40%	11	6	45%	5	0	100%
	W6	LR	11	9	18%	4	2	50%	10	6	40%	3	0	100%
	W7	LR	16	13	19%	6	3	50%	15	8	47%	5	0	100%
	W9	LR	32	22	31%	13	3	77%	30	12	60%	11	0	100%
3rd														
	W27		No figures for 1995 scheme						22	21	5%	5	4	20%
	W30		No figures for 1995 scheme						23	22	4%	6	5	n/a
	W31		No figures for 1995 scheme						20	19	5%	4	3	25%
	W33	LR	No figures for 1995 scheme						24	20	13%	10	6	n/a
	W34	LR	No figures for 1995 scheme						23	18	22%	9	4	56%
	W3	LR	No figures for 1995 scheme						25	18	28%	12	5	n/a
	W4	LR	No figures for 1995 scheme						23	16	30%	10	3	70%
	W6	LR	No figures for 1995 scheme						27	18	33%	13	4	69%
	W7	LR	No figures for 1995 scheme						31	22	29%	14	5	n/a
	W9	LR	No figures for 1995 scheme						36	19	47%	15	1	99%
4th														
	W7*	LR	No fig						40	26	n/a	18	4	78%
	W8*	LR	No fig						44	29	n/a	18	4	78%

(N/A – figures do not breach the BRE guidelines e.g the resultant figures do not drop below 25% for ASPH or 5% for winter sunlight.

* Only included two windows at fourth floor level as the rest of the windows comply with BRE guidelines)

Several of the windows in Garrick House are adversely affected by the proposed development, with some windows losing all of their winter sunlight and these losses are greater than in the 1995 scheme. However, these windows face west towards Carrington House, not directly at the application site, and receive most of their views of the sun from that direction. These losses of sunlight to Garrick House must be balanced against the improvements the proposed scheme will have on this part of Mayfair. It is therefore considered that the public benefits of the scheme outweigh the losses of sunlight.

5 Shepherd Street

This is a residential mansion block with the main entrance on Shepherd Street. The rear elevation faces part of the car park site, but does not share a boundary with the application site.

No objections have been received from this property therefore the layout of the flats cannot be confirmed.

There are losses of VSC to some of the windows. However, these losses are within the BRE guidelines, ranging from 1-12%. The windows currently receive very good levels of AP SH, above that normally expected for this part of the city. There are losses to AP SH, but these losses are within BRE guidelines and not above 20%. In terms of winter sunlight, there are losses above 20% to six windows (ranging from 50-20%), but it is considered that as the levels of annual sunlight are not adversely affected, the reductions of winter sunlight are acceptable.

100 Piccadilly

100 Piccadilly is located close to the south east corner of the car park and is in the applicant's ownership. There are 11 flats within the upper floors of the building and there are residential windows overlooking the site. Of the 18 windows tested, one would not comply with BRE guidelines with a 34% loss of VSC. The same window also loses almost half of its existing AP SH and all of winter sunlight. The window serves a bedroom and these rooms are afforded less protection than other habitable rooms. The window will still retain a good level of daylight and AP SH and the loss is considered acceptable.

Four other windows lose winter sunlight over 20%. However, they all retain good levels of AP SH and in these circumstances the loss of winter sunlight is considered acceptable.

7 Hertford Street

This building is situated to the west of the application site with which it shares a boundary. This building is used for office purposes on the lower floors with one residential flat over fourth and fifth floor levels. The residential flat is triple aspect with windows facing north (over Hertford Street), south and east. The stair enclosure for the building projects from the side elevation towards the application site. Objections have been received on the grounds that there will be a loss of daylight and sunlight to the office and residential windows.

In terms of the residential windows, there are losses to VSC (ranging from 1-19%), and these are within BRE guidelines. The proposed sunlight levels are also within BRE guidelines.

The office windows have not been tested, UDP Policy ENV13 (E) aims to resist proposals which result in loss of daylight and sunlight particularly to existing dwellings and educational buildings. The BRE Guidelines state that *"the guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices"*. No details have been provided relating to the type of the offices occupying 7 Hertford Street, but it is noted that they are also triple aspect therefore receiving natural light from other windows not affected by the proposals.

Sense of Enclosure

UDP Policy ENV13 aims to ensure that new developments do not unacceptably increase overlooking of neighbouring residential properties or sense of enclosure due to overbearing proximity.

Objections have been received from the occupiers of Carrington Street, Garrick House, and 7 Hertford Street on the grounds that there will be an increase sense of enclosure as a result of the development. As the car park is a two storey building any increase in height and bulk will cause some degree of increased enclosure.

However, in the case of the proposed office building, it is set back from the boundary with Carrington House at second floor level and above. It is also set away from the residential windows at fourth and fifth floor levels in 7 Hertford Street. In terms of the residential building, this is set away from the boundary with Garrick House at second floor level and does not extend directly in front of the residential windows. The objections from Garrick House also state that by creating a new passage with buildings either side this will lead to an increase sense of enclosure. However, the windows on Garrick House already look directly onto Carrington House and it is not considered that the creation of the new passage would result in a situation significantly different that which already exists.

Privacy

Objections have been received from the occupiers of Carrington House on the grounds that there will be a loss of privacy as a result of the new windows and terraces proposed.

The office building is stepped back away from the boundary with Carrington House. The first floor level is concealed behind the courtyard wall and the second and third floor levels are set back from the boundary with Carrington House. Due to the distance between the windows it is not considered that there will be a materially harmful loss of privacy. The applicants have confirmed that terraces are not proposed, but a condition is recommended to ensure that the flat roofs created by the setbacks are not used as roof terraces.

Objections have also been received from 7 Hertford Street to the loss of privacy to the office and residential windows. As the proposed building is set back away from 7 Hertford Street it is not considered that there will be a material loss of privacy to the office or residential windows.

Pedestrian route

A number of objections have been received on the grounds that the new pedestrian route through the new passage will cause noise and disturbance to residents in Carrington Street due to an increase in activity from people using the new route.

It is not considered that the new pedestrian route will be any more disturbing for surrounding residents than the existing car park which operates 24 hours a day. Therefore the objections on the grounds that there will be more noise and disturbance are not considered to be a justifiable reason to withhold planning permission.

8.4 Transportation/Parking

The new passage is welcomed under UDP Policy TRANS3 which supports proposals for facilities which provide for improved pedestrian movement in the city.

Car Parking

Objections have been received to the loss of the off street public car park on the grounds that it will exacerbate traffic management problems in the area. The loss of the car park is considered acceptable and has been previously addressed in this report. The proposal includes off-street car parking for the residential parts of the proposed development, contained at the basement. Thirty-seven spaces are proposed for the 30 residential units, this is within the maximum standard as set out in UDP Policy TRANS23 and is therefore considered acceptable. These spaces will be conditioned to be only used by the residential occupiers of the building.

There are also 3 spaces for office use, and 20 spaces will be available to the public on a contract basis, which is considered acceptable given that the overall effect is a net loss of commercial public car parking.

Access to the car parking will be via two car lifts and the vehicles will be valet parked. The use of valet parking and an automated system will mean that the parking will be unallocated.

A Parking Management Plan is required to control precisely how the automatic system, valet parking and lift management will operate. This should include details of the lift maintenance to minimise downtime and include contingency arrangements in the event of a mechanical failure. This will be secured via S106.

Servicing

Strong objections have been received from the Embassy of Japan to the proposed location of the loading bay and servicing arrangements in Yarmouth Place. The Embassy currently uses Yarmouth Place/Brick Street for vehicular access for deliveries and diplomatic arrivals by car and has stated that any disruption to this access will compromise their diplomatic activities.

The proposed off-street servicing bay in Yarmouth Place is welcomed and is in line with City Plan Policy S42 and UDP Policy TRANS20. The service yard will accommodate vehicles up to 8m in length which will be able to enter and leave the service yard and Yarmouth Place in forward gear. The submitted Transport Statement estimates that 32 servicing vehicle visits per day with a likely maximum of four per hour. Vehicle tracking has been included within the Transport Statement to illustrate that an 8m vehicle can enter and exit the service yard and still be able to pass another such vehicle if one should be present within Yarmouth Place. The setting back of the lower ground and ground floor of 51-53 Brick Street should make access to and from Yarmouth Place easier and safer than the existing situation.

There is an extant permission for 100 Piccadilly and 5-6 Yarmouth Place, granted in December 2016 (see relevant history above). These proposals included off-street servicing, with a turntable on the private land outside 5-6 Yarmouth Place which would allow servicing vehicles to reverse into the ground level servicing bay and leave in forward gear. These proposals were considered acceptable due to the low number of traffic movements. As 1-4 Yarmouth Place and 51-53 Brick Street were not included in the

development site, no alterations were proposed to the entrance on Yarmouth Place/Brick Street to set back the lower floors. Even though the proposed number of traffic movements is greater than the 2016 scheme, the combination of the widened entrance and being able to turn off-site, means that it is considered that the proposed servicing arrangements are acceptable.

The submission of a Servicing Management Plan (SMP) is required by condition, this will control the spread of servicing vehicles across the day and to ensure that no more than one 8m vehicle tries to enter the servicing yard at any one time.

There are 53 cycle parking spaces for the residential part of the scheme, 49 for the office use and 20 for the other commercial uses and these are welcomed and will be secured by condition. Twelve cycle spaces are proposed to be installed on the new passage and they will provide short term cycle parking for visitors. A condition is recommended to ensure that these cycles spaces are provided and details of their exact location.

Recycling/Refuse

The Highways Planning Manager has concerns with the refuse arrangements for the development and has asked for clarification on whether the Council's standard refuse vehicle will be able to enter Yarmouth Place. The applicants have confirmed that the standard refuse vehicle cannot enter Yarmouth Place at the moment and it will not be able to enter once the development has been completed. It has been agreed to allow smaller refuse vehicles to deal with refuse from the site. On this basis the Highways Planning Manager and the Cleansing Manager have agreed to this approach.

The Cleansing Manager is satisfied that the refuse and recycling store is adequate and a condition is recommended to secure this facility.

Highways works

Additional highways works are required to ensure that the creation of the new street ties in with the existing streets and either end. It is also important to ensure that the existing pavement on Brick Street is continued round 51-53 Brick Street and links to the new street. For safety reasons, it is likely that this will need to be a pavement rather than shared surface. It is also proposed to resurface Yarmouth Place, these works are not detailed in the planning application but will be secured by S106 and dealt with under Highways legislation.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

Level access is provided to all the new uses, and lift will provide access to all floors of the building. The new pedestrian route includes stairs and lift access from Carrington Street to Brick Street/Yarmouth Place.

8.7 Other UDP/Westminster Policy Considerations

Basements

The proposal includes the excavation to create five sub-basement levels. Objections have been received to the extent of the basement excavation and non-compliance with City Plan Policy CM28.1. Objections have also been received to the impact of the basement excavations.

Policy CM28.1 requires that basement development be accompanied by a detailed structural methodology statement and a signed proforma Appendix A which demonstrates that the applicant will comply with relevant parts of the COCP. These have been submitted.

Part C (c) of the policy states that basement development to non-residential development adjoining residential properties where there is potential for an impact on those adjoining properties outside Core CAZ; will not involve the excavation of more than one storey below the lowest original floor level. Therefore, as the site is located within the Core CAZ, the excavation of more than one basement level complies with this section of the policy.

This impact of basement excavation is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the 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 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 the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures.

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

Flood Risk

The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. However, the proximity of the hidden River Tyburn close to the site's eastern boundary, will mean careful excavation will be needed to ensure it is not damaged.

Construction impact

A number of objections have been raised to the length of the construction period, the impact the construction will have on existing residents and businesses in the area and the associated noise/dust and disruption. Objections have also been received on the grounds that the portions of Carrington Street are already suffering from subsidence and therefore the road cannot deal with the construction traffic. Planning permission cannot reasonably be withheld on these grounds. Objections have also been received from the Embassy of Japan on the grounds that they will not be able to carry out their diplomatic function as they require uninterrupted access and this would be in breach of Article 22 Section 2 of the Vienna Convention on Diplomatic Relations.

A draft Construction Management Plan has been submitted by the applicants and comments have been made by neighbouring occupiers on its contents. The managing agents for Garrick House have commissioned their own CMP. Prior to June 2016, CMP's would have been secured by planning condition, however, this is now covered by the

Code of Construction Practice (COCP) and the Environmental Inspectorate. The COCP categorise developments into three levels, this scheme is a Level 1 development. Level 1 development will require the submission of a Site Environmental Management Plan (SEMP), but after consent is granted. It is important to note that planning have no role in determining what goes into the SEMP nor will it enforce compliance, this will exclusively be dealt with by the Environmental Inspectorate. Security concerns during the construction have been raised by a number of objectors, again this is not some planning can control during the construction process.

Hours of building and excavation work will be secured by condition. Therefore, it is considered that the concerns from objectors about the construction process are fully addressed.

Plant

New plant is proposed within the new basement levels and at roof levels. The acoustic report identifies the nearest noise sensitive windows being the proposed development itself, the existing residential dwellings along Carrington Street (Carrington and Garrick House) and 100 Piccadilly. At this stage the plant has not been selected, but Environmental Health officers have no objection to the proposal, subject to the standard noise conditions.

The proposed extract duct for the restaurant is not shown on the proposed plans, but the applications have confirmed that it will be routed internally from the kitchen at lower ground floor level to the riser adjacent to the southern lift core in the residential block. The duct is full height and will discharge adjacent to the lift overrun and within the roof plant enclosure. A condition is recommended to require the submission of full details of the extract duct.

Sustainability

Policy S40 requires all major development to maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions. The London Plan requires residential development to target 'Zero Carbon' and 35% below Part L 2013 for the non-domestic elements.

A CHP unit is proposed and this will act as the lead heat source, this provides a reduction of around 30% in carbon dioxide emissions. Photovoltaic panels are also proposed to the roof of the office block. The residential part of the development does not meet the 'Zero Carbon' target in the London Plan. The non-domestic part of the development achieves 36% reduction, therefore complying with the London Plan.

To address the shortfall the applicants are willing to contribute £70,551 to the carbon off-setting fund. However, as the proposal does not fully comply with the affordable housing policy, it is considered that the £70,551 be added to the affordable housing fund as this is considered to be a greater priority than carbon off-setting.

The submitted Sustainability Statement indicates that the gallery, gym, office and restaurant elements of the scheme will achieve a BREEAM Excellent rating. This is welcomed and secured by condition.

8.8 London Plan

The proposal is not referable to the Mayor, however it is considered that the proposal is broadly in line with the London Plan as addressed in the report.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

- The £2.25 million contribution to the affordable housing fund, in addition to this payment, it is considered that the £70,551 allocated to the Carbon off-setting fund be allocated to the affordable housing fund, resulting in a total of £2,320,551 million;
- Crossrail payment (currently calculated at £460,795.30 but will be reduced to approximately £0 following offset against Mayoral CIL as allowed by the SPG).
- Parking Management Plan;
- Highways works to include provision of a footway linking the footway on Brick Street with the new street;
- Highways works to tie the new street in with the existing highways at either end of the new street;
- Resurfacing of Yarmouth Place; and
- S106 monitoring costs

The estimated CIL payment is: £3,711,572

8.11 Environmental Impact Assessment

The proposal is of an insufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

Objections have been raised to the lack of consultation carried out by the applicants. The Statement of Community Involvement submitted by the applicants indicates that public consultation was carried out prior to the scheme being submitted. A letter drop to nearby residents and businesses advising of the two public exhibitions took place on two dates in June 2016 and one in September 2016. As this consultation is not carried out by the City

Council, the objections on these grounds are not considered sustainable to justify refusing the application.

Concern has been raised by 7 Hertford Street that the proposals should not prejudice any development potential. A planning application has not been submitted for this site and officers cannot take into account any pre-application discussions that may have taken place.

There is an existing agreement relating to the right to access of light and air relating to the any development of the car park site and 7 Hertford Street. The applicants have set the building back away from 7 Hertford Street, notwithstanding this; rights to light and air are private matters which fall outside of planning control. There are also existing fire escape stairs within the demise of 7 Hertford Street which provides access through the car park. Again this is a private matter between the two owners.

9. BACKGROUND PAPERS

1. Application form
2. Response from Environmental Health dated 1 December 2016
3. Response from Historic England (Archaeology) dated 16 December 2016
4. Response from Historic England (Listed Builds/Con Areas) dated 14 December 2016
5. Response from Designing Out Crime dated 22 December 2016
6. Responses from Building Control dated 7 March 2017 and 22 June 2017
7. Response from Highways Planning Manager dated 14 July 2017
8. Response from Cleansing dated 24 July 2017
9. Response from the Head of Affordable and Private Sector Housing dated 31 July 2017
10. Letter from occupier of 1a Shepherd Market, London, dated 6 December 2016
11. Letters from occupier of 18 Garrick House dated 12 December 2016 and 20 June 2017
12. Letter from occupier of Christ Church Mayfair, Down Street dated 15 December 2016
13. Letters from occupier of 101-104 Piccadilly (Embassy of Japan), London dated 19 December 2016 and 19 June 2017
14. Letters from occupier of 7 Hertford Street, London dated 21 December 2016 and 20 June 2017
15. Letter from occupier of 7 Hertford Street, London dated 21 December 2016
16. Letters from Orbition Estates (Management Company for Carrington House) dated 21 December 2016 and 21 June 2017
17. Letters from occupier of 47 Slough Road, Datchet dated 4 January 2017 and 13 March 2017
18. Letter from occupier of Fifth Floor, 105 Piccadilly dated 9 January 2017
19. Letters from occupier of Flat 27 Garrick House dated 10 January 2017, 19 June 2017
20. Letter from occupier of Flat 12a, Garrick House dated 12 January 2017
21. Letters on behalf of Garrick House Management Limited from City Planning Ltd, 40-41 Pall Mall, two dated 27 January 2017, and 20 June 2017
22. Letters from occupier of Flat 31, Garrick House dated 28 January 2017 and 18 June 2017
23. Letter from occupier of Flat 100 Carrington House dated 12 February 2017
24. Letters from occupier of 22 Stanhope Row dated 22 February 2017 and 21 June 2017
25. Letters from occupier of Flat 16 Garrick House dated 23 February 2017 and 28 June 2017

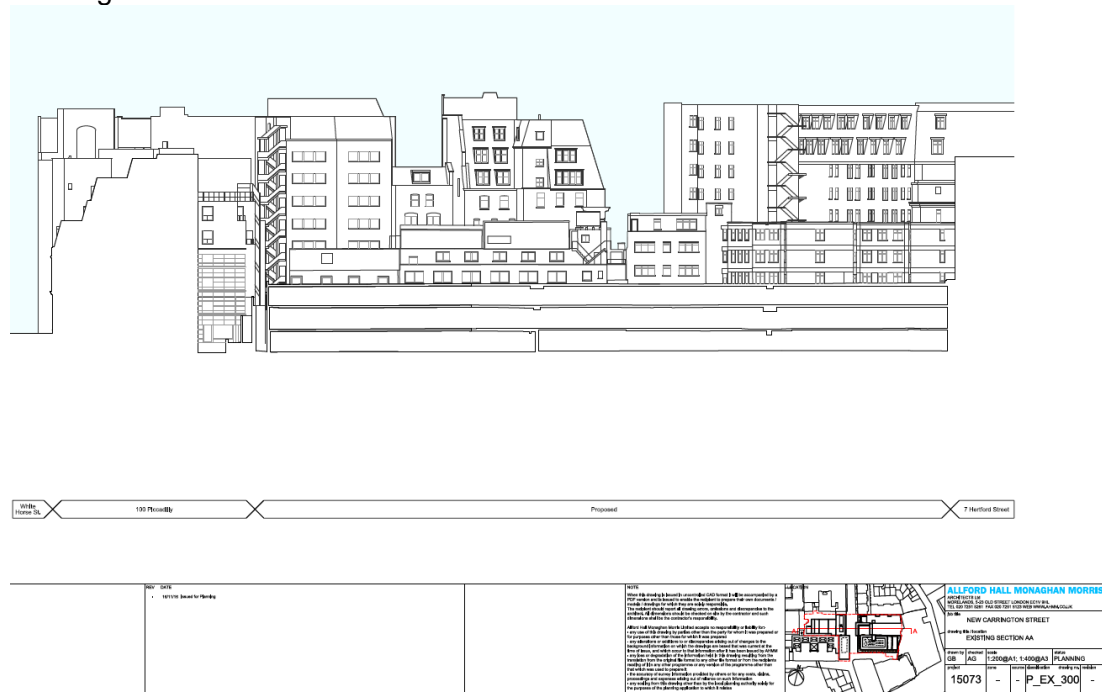
26. Letter from occupier of Flat 9, Garrick House dated 23 February 2017
27. Letter from occupier of 11 Garrick House, Carrington Street, dated 27 February 2017
28. Letters from occupier of Flat 17 Garrick House dated 27 February 2017 and 26 June 2017
29. Letter from occupier of 11 Ardmore Park Singapore dated 28 February 2017
30. Letter from occupier of Flat 26 Garrick House dated 28 February 2017
31. Letter from occupier of Flat 29 Garrick House dated 28 February 2017
32. Letter from occupier of Willow Farm, Paddock Lane, Arkley dated 28 February 2017
33. Letter from occupier of Flat 7 Garrick House dated 28 February 2017
34. Letters from occupier of Flat 32 Garrick House dated 1 March 2017 and 25 June 2017
35. Letter from occupier of Flat 19 Garrick House dated 5 March 2017
36. Letters from occupier of Flat 1 Garrick House dated 18 May 2017 and 16 June 2017
37. Letter from occupier of Flat 18 Garrick House, dated 20 June 2017

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

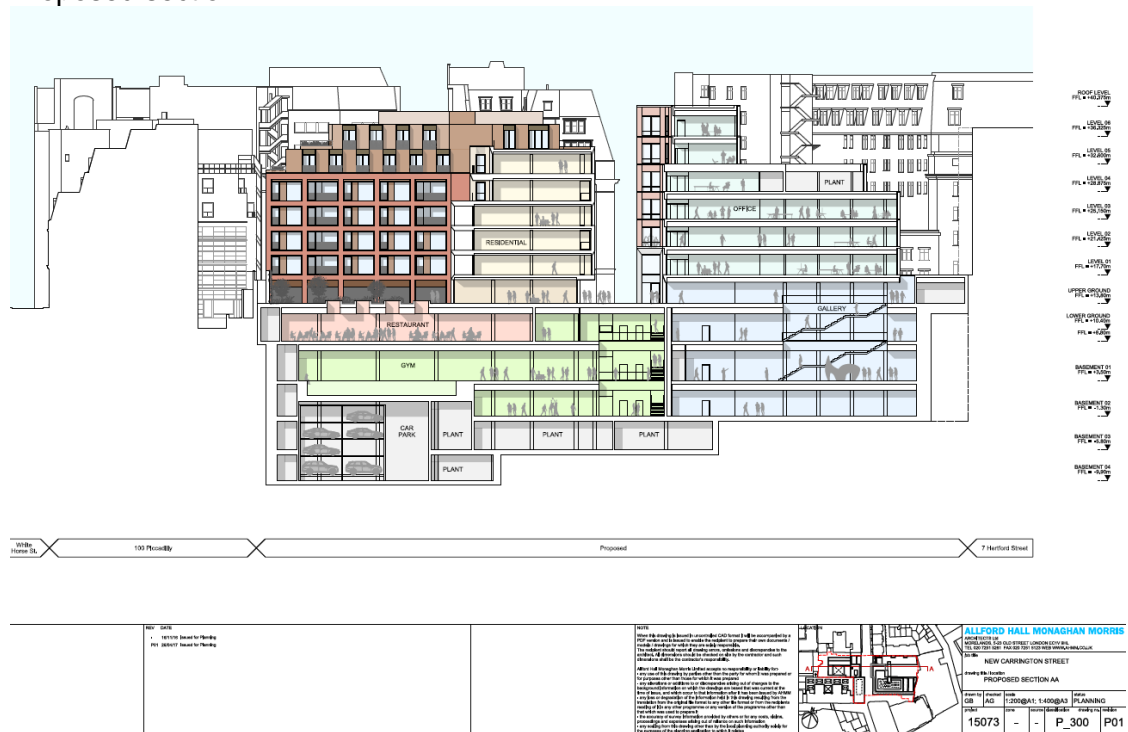
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk.

10. KEY DRAWINGS

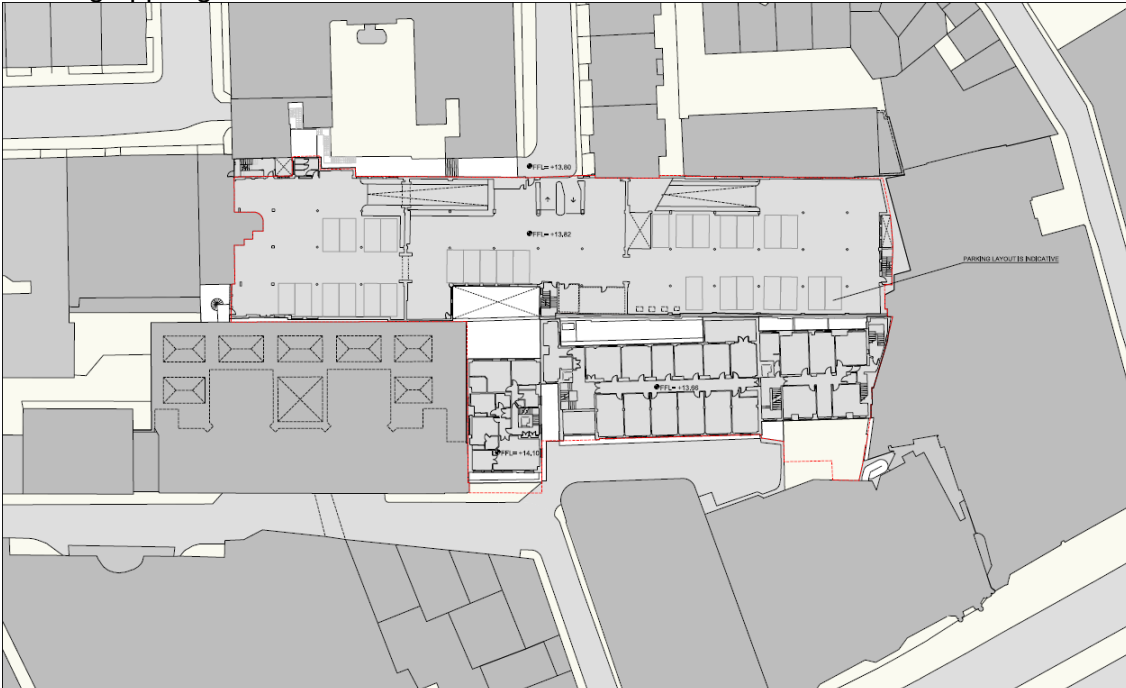
Existing Section



Proposed section



Existing upper ground floor



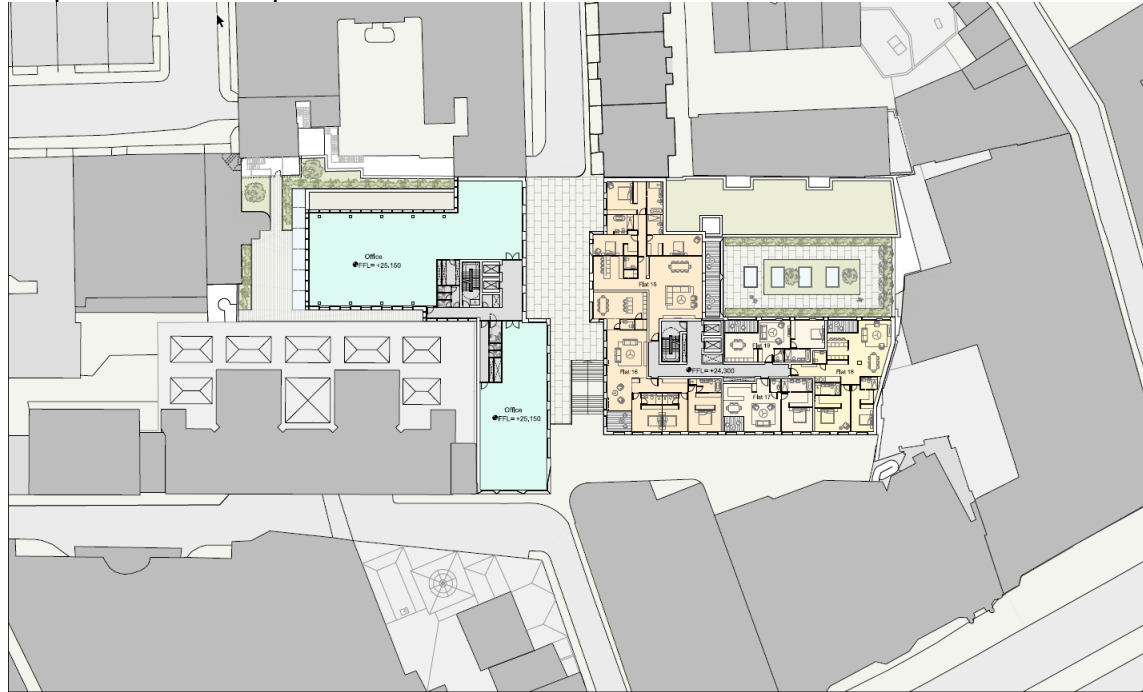
<p>NOTES</p> <p>1. ALL WORK TO BE IN ACCORDANCE WITH THE SPECIFICATION AND DRAWINGS.</p> <p>2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.</p> <p>3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.</p> <p>4. THE CONTRACTOR SHALL PROTECT ALL EXISTING SERVICES AND STRUCTURES.</p> <p>5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SAFETY AND SECURITY ON SITE.</p> <p>6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL WORK.</p> <p>7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE COMMUNICATIONS WITH ALL STAKEHOLDERS.</p> <p>8. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DOCUMENTATION OF ALL WORK.</p> <p>9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL WORK.</p> <p>10. THE CONTRACTOR SHALL MAINTAIN ADEQUATE COMMUNICATIONS WITH ALL STAKEHOLDERS.</p>	<p>15073 - P_EX_100</p>	<p>ALLFORD HALL MONAGHAN MORRIS</p> <p>NEW CARRINGTON STREET</p> <p>PROPOSED PLANNING</p> <p>UPPER GROUND FLOOR</p> <p>15073 - P_EX_100</p>
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Proposed upper ground floor



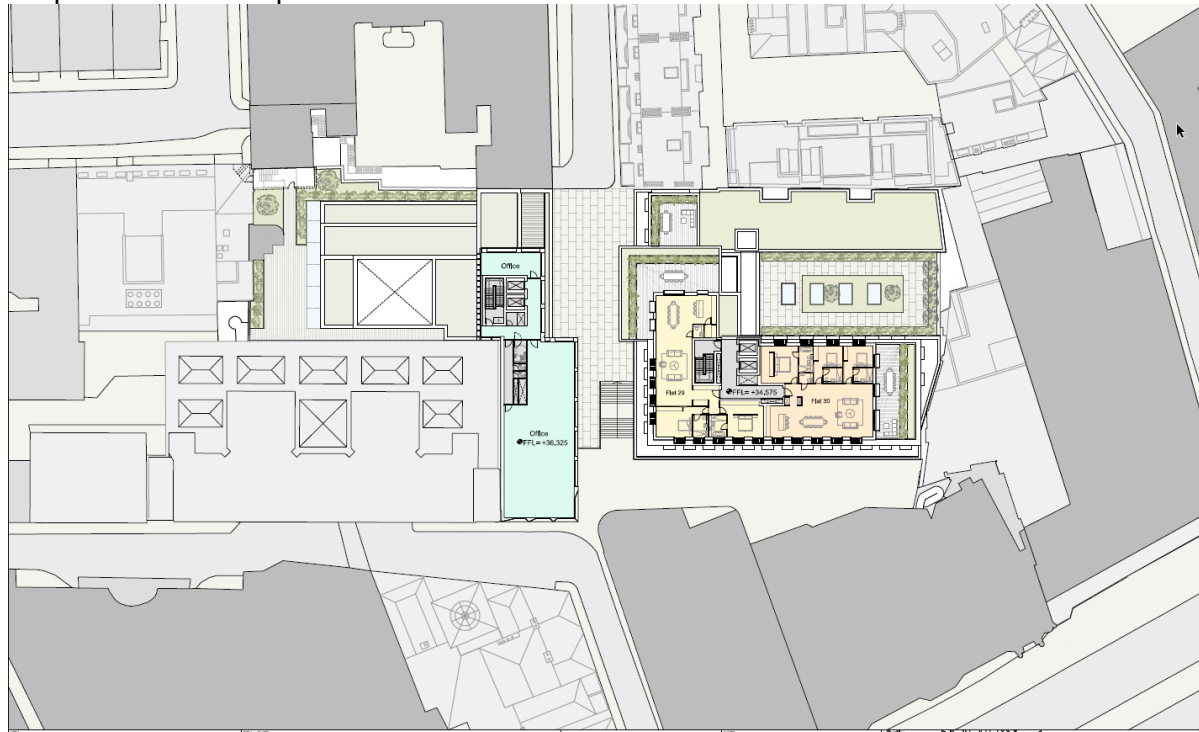
<p>NOTES</p> <p>1. ALL WORK TO BE IN ACCORDANCE WITH THE SPECIFICATION AND DRAWINGS.</p> <p>2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.</p> <p>3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.</p> <p>4. THE CONTRACTOR SHALL PROTECT ALL EXISTING SERVICES AND STRUCTURES.</p> <p>5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SAFETY AND SECURITY ON SITE.</p> <p>6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL WORK.</p> <p>7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE COMMUNICATIONS WITH ALL STAKEHOLDERS.</p> <p>8. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DOCUMENTATION OF ALL WORK.</p> <p>9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL WORK.</p> <p>10. THE CONTRACTOR SHALL MAINTAIN ADEQUATE COMMUNICATIONS WITH ALL STAKEHOLDERS.</p>	<p>15073 - P_100 P01</p>	<p>ALLFORD HALL MONAGHAN MORRIS</p> <p>NEW CARRINGTON STREET</p> <p>PROPOSED PLANNING</p> <p>UPPER GROUND FLOOR PLAN</p> <p>15073 - P_100 P01</p>
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Proposed third floor plan



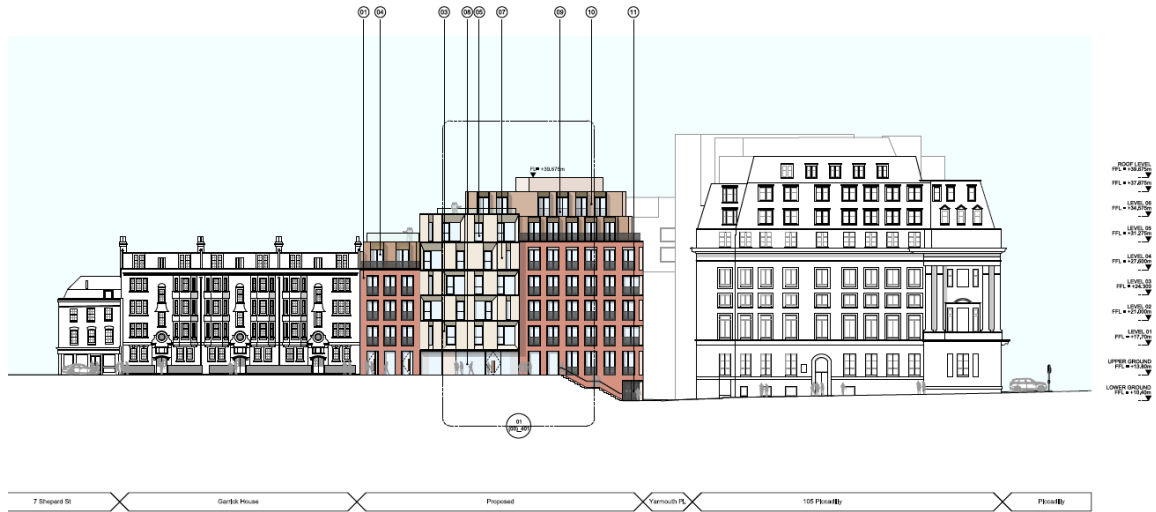
<p>KEY</p> <ul style="list-style-type: none"> 1 Bed Apartment 2 Bed Apartment 3 Bed Apartment 	<p>NOTES</p> <p>1. ALL FLOOR AREAS TO BE FINISHED TO THE FINISH LEVEL INDICATED ON THE PLAN.</p> <p>2. ALL ROOMS TO BE FINISHED TO THE FINISH LEVEL INDICATED ON THE PLAN.</p> <p>3. ALL ROOMS TO BE FINISHED TO THE FINISH LEVEL INDICATED ON THE PLAN.</p> <p>4. ALL ROOMS TO BE FINISHED TO THE FINISH LEVEL INDICATED ON THE PLAN.</p> <p>5. ALL ROOMS TO BE FINISHED TO THE FINISH LEVEL INDICATED ON THE PLAN.</p> <p>6. ALL ROOMS TO BE FINISHED TO THE FINISH LEVEL INDICATED ON THE PLAN.</p> <p>7. ALL ROOMS TO BE FINISHED TO THE FINISH LEVEL INDICATED ON THE PLAN.</p> <p>8. ALL ROOMS TO BE FINISHED TO THE FINISH LEVEL INDICATED ON THE PLAN.</p> <p>9. ALL ROOMS TO BE FINISHED TO THE FINISH LEVEL INDICATED ON THE PLAN.</p> <p>10. ALL ROOMS TO BE FINISHED TO THE FINISH LEVEL INDICATED ON THE PLAN.</p>	<p>ALLFORD HALL MONAGHAN MORRIS</p> <p>NEW CARRINGTON STREET</p> <p>THIRD FLOOR PLAN</p> <p>DATE: 15/03/2024</p> <p>SCALE: 1:100</p> <p>15073 - P_103 P01</p>
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Proposed sixth floor plan



<p>KEY</p> <ul style="list-style-type: none"> 1 Bed Apartment 2 Bed Apartment 3 Bed Apartment 	<p>NOTES</p> <p>1. ALL FLOOR AREAS TO BE FINISHED TO THE FINISH LEVEL INDICATED ON THE PLAN.</p> <p>2. ALL ROOMS TO BE FINISHED TO THE FINISH LEVEL INDICATED ON THE PLAN.</p> <p>3. ALL ROOMS TO BE FINISHED TO THE FINISH LEVEL INDICATED ON THE PLAN.</p> <p>4. ALL ROOMS TO BE FINISHED TO THE FINISH LEVEL INDICATED ON THE PLAN.</p> <p>5. ALL ROOMS TO BE FINISHED TO THE FINISH LEVEL INDICATED ON THE PLAN.</p> <p>6. ALL ROOMS TO BE FINISHED TO THE FINISH LEVEL INDICATED ON THE PLAN.</p> <p>7. ALL ROOMS TO BE FINISHED TO THE FINISH LEVEL INDICATED ON THE PLAN.</p> <p>8. ALL ROOMS TO BE FINISHED TO THE FINISH LEVEL INDICATED ON THE PLAN.</p> <p>9. ALL ROOMS TO BE FINISHED TO THE FINISH LEVEL INDICATED ON THE PLAN.</p> <p>10. ALL ROOMS TO BE FINISHED TO THE FINISH LEVEL INDICATED ON THE PLAN.</p>	<p>ALLFORD HALL MONAGHAN MORRIS</p> <p>NEW CARRINGTON STREET</p> <p>SIXTH FLOOR PLAN</p> <p>DATE: 15/03/2024</p> <p>SCALE: 1:100</p> <p>15073 - P_106 P01</p>
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Proposed east elevation



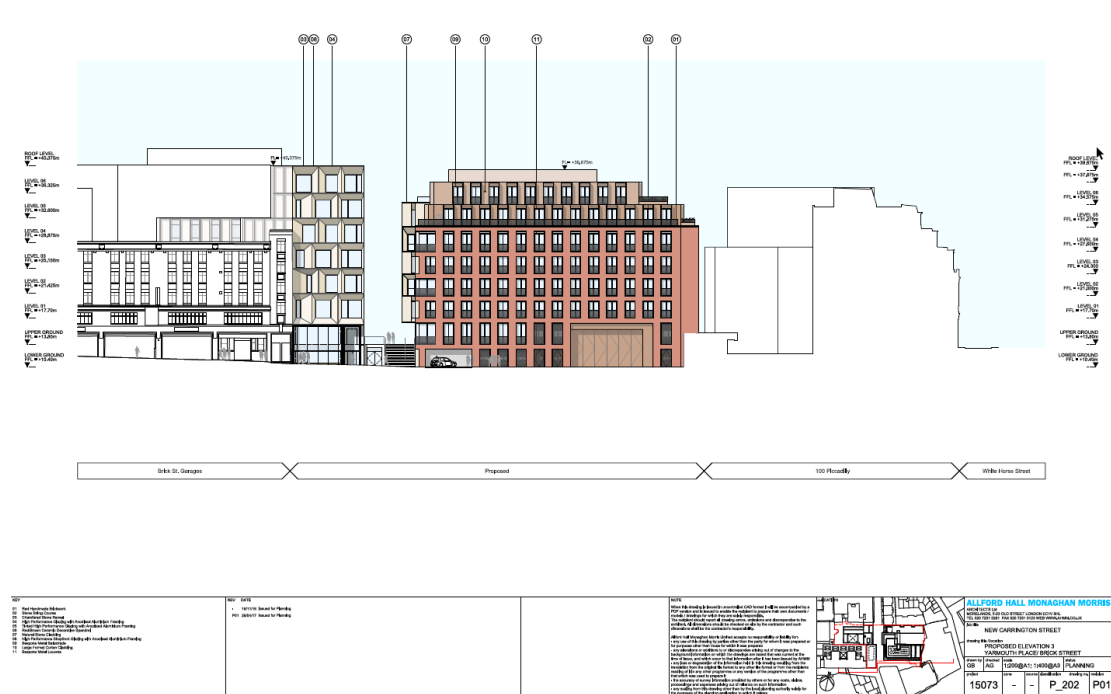
<p>DATE: 15/11/18 DRAWN BY: [Name] CHECKED BY: [Name]</p>	<p>NOTES: 1. This elevation is based on the proposed design and is subject to change without notice. 2. The proposed building is shown in red and is to be constructed in accordance with the proposed design. 3. The existing buildings are shown in black and are to be retained. 4. The proposed building is to be constructed in accordance with the proposed design and is subject to change without notice.</p>	<p>ALLFORD HALL MONAGHAN MORRIS ARCHITECTS 15073 - - P_201 P01</p>
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Proposed west elevation



<p>DATE: 15/11/18 DRAWN BY: [Name] CHECKED BY: [Name]</p>	<p>NOTES: 1. This elevation is based on the proposed design and is subject to change without notice. 2. The proposed building is shown in red and is to be constructed in accordance with the proposed design. 3. The existing buildings are shown in black and are to be retained. 4. The proposed building is to be constructed in accordance with the proposed design and is subject to change without notice.</p>	<p>ALLFORD HALL MONAGHAN MORRIS ARCHITECTS 15073 - - P_200 P01</p>
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Proposed Brick Street/Yarmouth Place



3D aerial view of proposals

DRAFT DECISION LETTER

Address: Development Site At Carrington Street Car Park, 51-53 Brick Street And 1-6, Yarmouth Place, London, ,

Proposal: Demolition of existing buildings on site and redevelopment to provide up to 29 residential units (Class C3), office floorspace (Class B1), gymnasium (Class D2), retail art gallery (Class A1), restaurant (Class A3) and retail (Class A1) floorspace; creation of a new pedestrian link through the site between Yarmouth Place and Carrington Street; erection of buildings either side of the new pedestrian link between 4 and 8 storeys in height; excavation to create additional basement accommodation; provision of on site car parking, cycle parking and delivery bay on Yarmouth Place; new landscaping including improvement works to Yarmouth Place; associated alterations.,

Reference: 16/11248/FULL

Plan Nos: P_010 P01, P_100 P01, P_101 P01, P_102 P01, P_103 P01, P_104 P01, P_105 P01, P_106 P01, P_107 P01, P_110 P02, P_111 P01, P_112 P02, P_113 P01, P_114 P01, P_200 P01, P_201 P01, P_202 P01, P_203 P01, P_204 P01, P_300 P01, P_301 P01, P_302 P01, P_400 P01, P_401 P01, P_EX_400

Addendum energy statement dated, Energy Statement Rev 3, Sustainability Statement Rev 1, Basement impact assessment dated November 2016 and Structural Method Statement dated November 2016 (INFORMATION ONLY)

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development - Typical façade details at all levels. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of detailed drawings of the following parts of the development - public art integrated into the buildings. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- 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)

- 8 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

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

Reason:

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

- 10 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:
- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
 - (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building. You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the Mayfair 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)

- 11 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 Mayfair 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)

- 12 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 13 You must not allow more than 125 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 14 Customers shall not be permitted within the:
Restaurant premises: - before 07.30 and after 00.00 (midnight) Monday to Saturday and - before 07.30 and after 22.30 on Sundays.
Gym premises - before 06.00 and after 23.00 Monday to Friday - before 08.00 and after 19.00 on Saturday and Sundays
Gallery - before 10.00 and after 19.00 Monday to Saturday (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, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 15 You must submit detailed drawings showing the layout of the restaurant use before the restaurant is occupied. The drawings must include, entrances, kitchen, covers and bar areas.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 16 You must provide detailed drawings (plans and section/elevation) showing the full height kitchen extract duct. These details must be provided before the restaurant use commences and the approved duct shall thereafter be permanently retained for as long as the restaurant is in use.

Reason:

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

Development Plan that we adopted in January 2007. (R14AC)

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

Reason:

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

- 18 The skylights in the residential courtyard must not be openable.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

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

Reason:

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

- 20 You must apply to us for approval of details of the position and number cycle stands in the new street. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle stands in line with the approved details prior to occupation. You must not use the cycle stands for any other purpose.

Reason:

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

- 21 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)

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

Reason:

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

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

Reason:

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

- 24 You must provide each car parking space (60) shown on the approved drawings - A maximum of 37 spaces must be allocated for residential use - A maximum of 3 spaces for office space; and - A maximum of 20 spaces for contract purposes.

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)

- 25 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not

be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 26 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.

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 28 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 25 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.

- 29 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 27 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

As set out in 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.

- 30 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 make sure that the development is completed and used as agreed, and to make sure that it meets H5 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

- 31 **Pre Commencement Condition.** You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods (BREEAM), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the environmental sustainability features referred to in the review before you start to use the building. You must then not remove any of these features. (C44BA)

Reason:

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

- 32 You must provide the environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in the submitted energy statement and sustainability statement. You must not remove any of these features. (C44AA)

Reason:

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

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

Reason:

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

- 34 You must provide at least 50sqm of photovoltaic panels as shown on drawing 15073 P_107 P01.

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)

- 35 You must not use the any roof (at first, second, third, fourth, fifth) of the office building to the west of the site for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

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

- 36 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 6 months of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within 1 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 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)

- 37 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology or site evaluation and the nomination of a competent person (s) or organisation to undertake the agreed works. , , If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which

have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the Stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include: , a) the statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works., b) the programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason:

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

- 38 No demolition shall take place until a written scheme of historic building investigation (WSI.) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI which shall include the statement of significance and research objectives, and , a) the programme and methodology of historic building investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; b) the programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.

This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

Built heritage assets on this site will be affected by the development. The planning authority wishes to secure building recording in line with the NPPF, and the publication of results in accordance with Section 12 of the NPPF.

- 39 You must provide the waste and recycling store shown on drawing P_112 P02 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 40 The restaurant ground floor lobby as shown on plan: P_100 P01 must not contain customer seating.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 41 You must apply to us for approval of details of the following parts of the development: - servicing management plan, 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. (C26DB)

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)

- 42 All residential windows must be capable of being opened.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

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

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.
- 2 With reference to condition 8 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 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)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 The term 'clearly mark' in condition 39 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would

require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 7 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to CIL@Westminster.gov.uk , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 8 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 9 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met: , , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0> . , , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 10 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- A financial contribution of £2,320,551 (index linked) towards the affordable housing fund, payable on commencement of development.
 - Crossrail payment (currently calculated at £460,795.30 but will be reduced to approximately £0 following offset against Mayoral CIL as allowed by the SPG).
 - Walkways agreement to allow public access to the privately owned street linking Yarmouth Place and Carrington Street.

- Highways works including provision of a footway linking the footway on Brick Street with the new street, tying in the new street with Carrington Street and Brick Street and resurfacing of Yarmouth Place
 - S106 monitoring costs. (I55AA)
- 11 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
 - 12 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
 - 13 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact: , Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, www.westminster.gov.uk, Email: res@westminster.gov.uk, Tel: 020 7641 3003 Fax: 020 7641 8504.
 - 14 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following. * Window cleaning - where possible, install windows that can be cleaned safely from within the building. * Internal atria - design these spaces so that glazing can be safely cleaned and maintained., * Lighting - ensure luminaires can be safely accessed for replacement. * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission). More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm. Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
 - 15 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
 - 16 In relation to Condition 37, written schemes of investigation will need to be prepared and

implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under Schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 17 In relation to Condition 38, the written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.

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

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Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB-COMMITTEE	Date 8 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Dev. Site At 103-131 Queensway, 8-16 Moscow Road, 1, 3, 4A And 6 Salem Road And, 24 - 32 Queen's Mews, London, W2		
Proposal	<p>Redevelopment comprising four phases:</p> <p>(i) Demolition of 127A-131 Queensway and replacement with a 5 storey plus basement building to provide ground and basement A1 and A3 units and 12 flats on the upper floors. use of first floor of Nos.115a, 117 and 119 Queensway as dentists surgery (Class D1)(relocated from No.129) and associated alterations to 103-131 Queensway, including replacement of shop fronts, demolition and replacement of 4th floor level of Nos.123-127 to provide 3 reconfigured flats at third floor level and 3 new flat at fourth floor level. Associated public realm improvement comprising widening of footpath of public highway outside Nos.127A-131 Queensway by setting back of shop units.</p> <p>(ii) Erection of mansard roof extensions to Nos.24-32 Queen's Mews and use as 3 flats at Nos.24-25 and 7 duplex flats over first and second floors at Nos.26-32.</p> <p>(iii) Demolition Nos.8-14 Moscow Road and 4a Salam Road and replacement with new building ranging between 4 and 6 storeys to Moscow Road, Salam Road and Queens Mews incorporating the existing building at No.16 Moscow Road and including basement car parking to provide an A1/A2/A3 unit at ground floor level to Moscow Road and 27 flats. Use of Nos.1-3 Salam Road as 3 dwellinghouses, with associated alterations, including addition of third floor roof extension and side extension. Alterations to the rear of Nos.103-131 Queensway along Queens Mews, including provision of green wall and provision of new public realm in Queens Mews.</p> <p>(iv) Erection of single storey roof extension to No.6 Salem Road for Class B1 use. Together with associated works including mechanical plant, cycle storage and waste storage, for each phase.</p>		
Agent	Montagu Evans		
On behalf of	GMS Estates		
Registered Number	16/09461/FULL	Date amended/ completed	14 October 2016
Date Application Received	16 September 2016		
Historic Building Grade	Unlisted		

Conservation Area

Queensway and Bayswater Conservation Areas

1. RECOMMENDATION

Does the Sub-Committee agree that:

1. In light of the conclusions of the independent viability assessment, four affordable housing units should be provided on-site within the development and a financial contribution of £282,000 be made to the Affordable Housing Fund (subject to potential amendments dependent upon points 2 to 6 below).
2. The mix of unit sizes should be amended so that the scheme provides 33% of all units as family sized residential units containing 3 or more bedrooms.
3. The bulk and height of the rear element of the of the Moscow Road block, where it extends along the west side of Queens Mews, should be reduced and detailed design amended to lessen the impact of this part of the development on neighbouring residential properties in Salem Road and Queensway in terms of loss of daylight, increased enclosure and overlooking.
4. The design of the roof of the proposed Queensway block should be altered to include party wall upstands and chimney stacks, at intervals to replicate the party wall upstands and chimney stacks to the Edwardian properties in the same terrace to the south.
5. The detailed design of the rear of the Queensway block should be amended to reduce the size of the window openings so that they more closely replicate the dimensions of window openings found to the rear of buildings to the south in the same terrace.
6. The rear (north elevation) of the mansard roof extension to No.24 Queens Mews should be amended from a sheer elevation to a pitched mansard roof slope to match the proposed roof extensions to the other buildings in Queens Mews.
7. A soil depth compliant with basement development policy in the City Plan adopted in November 2016 and the 'Basement Development' Supplementary Planning Document adopted in October 2014 should be provided where the basement floor of the Moscow Road block extends beyond the footprint of the proposed building.

2. SUMMARY

The application proposes a number of separate developments all located within the same street block. To Queensway it is proposed to demolish the existing buildings at Nos.127A-131 Queensway and replace them with a 5 storey plus basement building to provide ground and basement A1 and A3 units and 12 flats on the upper floors. This would also provide a widened footpath along the public highway in Queensway at the junction with Porchester Gardens. Also to the Queensway frontage of the site it is proposed to use of first floor of Nos.115a, 117 and 119 Queensway as dentists surgery (Class D1),

demolish and rebuild the 4th floor level of Nos.123-127 to provide 3 reconfigured flats and 3 new flats and alter and replace the shop fronts along the whole street block in Queensway.

The second element of the scheme comprises the erection of mansard roof extensions on Nos.24-32 Queen's Mews and use of the upper floors of the enlarged mews buildings as 3 flats at Nos.24-25 and 7 duplex flats over first and second floors at Nos.26-32.

The third element of the scheme proposes the demolition of Nos.8-14 Moscow Road and No.4a Salam Road and their replacement with new building ranging between 4 and 6 storeys, with facades in Moscow Road, Salam Road and Queens Mews. The proposed building would incorporate the retained existing building at No.16 Moscow Road and would provide basement car parking, a Class A1/A2/A3 retail unit at ground floor level in Moscow Road and 27 flats on the upper floors. In Salam Road it is proposed to use Nos.1-3 Salam Road as 3 dwellinghouses, with associated alterations to these buildings, including the addition of third floor roof extension and a side extension. This element of the scheme would also deliver alterations to the rear of Nos.103-131 Queensway along Queens Mews, including changes to the level of Queens Mews (to allow access to the basement car park) and provision of a green wall and new public realm in Queens Mews.

The final element of the scheme comprises the erection of single storey roof extension to No.6 Salem Road, to provide additional Class B1 floorspace on this site.

The key issues in this case are:

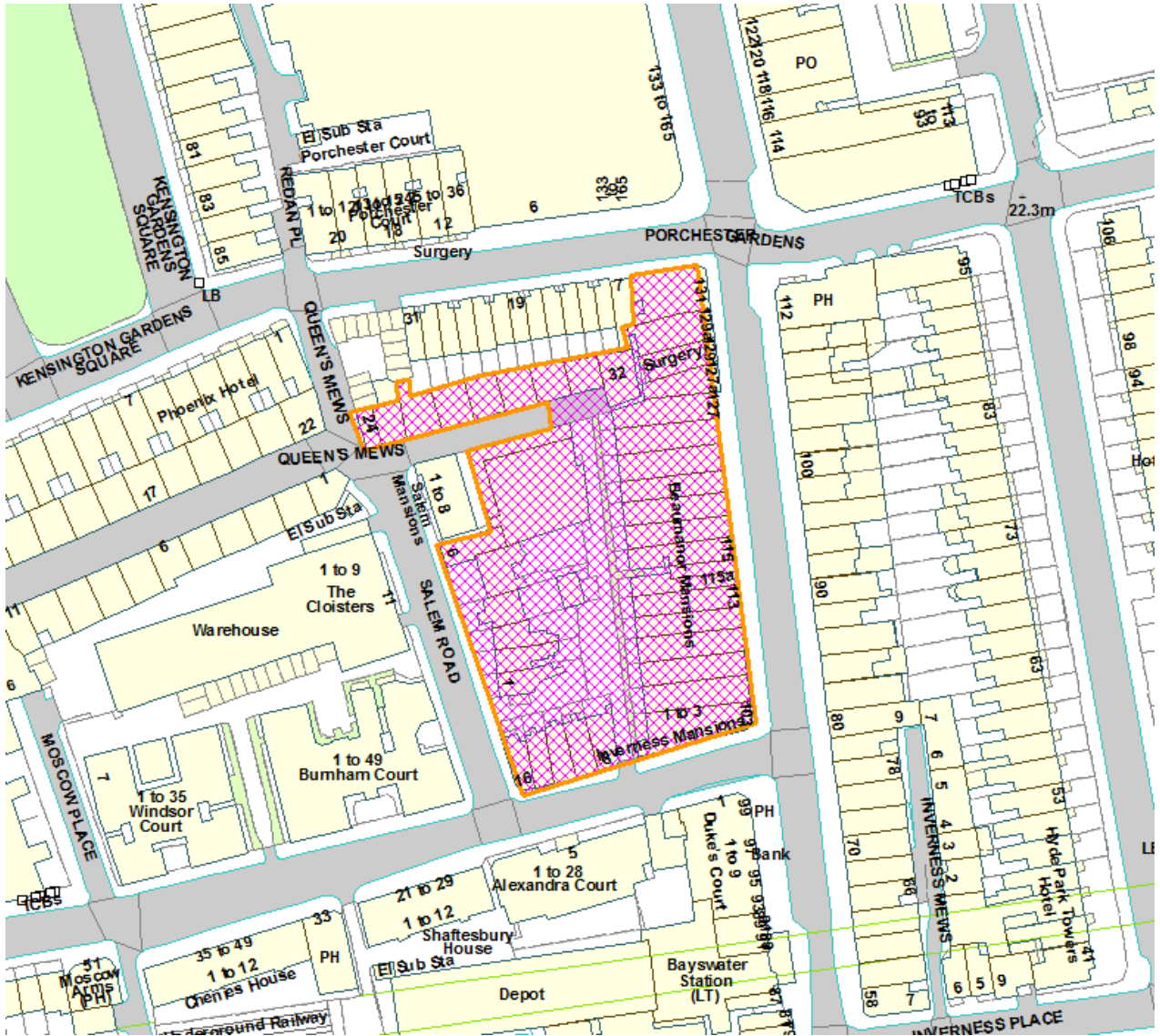
- The acceptability of the proposed affordable housing provision.
- The standard and mix of residential accommodation that would be provided.
- The acceptability of the substantial demolition proposed within the Queensway and Bayswater Conservation Areas.
- The impact of the proposed development on the character and appearance of existing the Queensway and Bayswater Conservation Areas.
- The impact of the proposed development on the setting of neighbouring listed buildings.
- The impact of the proposed development on the amenity of neighbouring residents.
- The acceptability of the proposed parking and servicing arrangements.
- The impact on trees on or close to the application site.
- The compliance of the development with the basement development policy in the City Plan.

Officers sought to negotiate amendments to the application in early 2017 and following discussions with the applicants, amendments were submitted to the initially submitted scheme, which were the subject of reconsultation in June 2017. However, the amendments made by the applicants to date have failed to adequately address many of the concerns initially expressed by officers and therefore a significant number of concerns remain, as captured in the officer recommendation in Section 1 of this report.

The Sub-Committee are therefore invited to consider whether they concur with officers that the scheme is currently unacceptable in affordable housing, land use, design, amenity and basement extent terms for the detailed reasons captured in the officer recommendation. The Sub-Committee's resolution will then inform future discussions between officers and the applicants on these aspects of the application, with the application being reported back to the Sub-Committee in due course for its further consideration and determination.

It should be noted that this report does not cover all aspects of the assessment of the application, but rather generally focuses on the aspects of the application where the Sub-Committee's views are being sought. Other aspects, such as energy strategy and sustainability, are to be reported to the Sub-Committee when the application is reported back for its further consideration in due course.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Northern end of Queensway terrace to be demolished and replaced (top) and view of whole Queensway terrace from southern end (bottom).



View of site in Moscow Road (top) and view along Queen's Mews from Moscow Road (bottom).



View of site looking north along Salem Road (top) and view along Queen's Mews from Salem Road (bottom).

5. CONSULTATIONS

5.1.1 Consultation on Initially Submitted Scheme (November 2016)

WARD COUNCILLORS (LANCASTER GATE)

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

Broadly support application. Currently examining the plans in detail and will provide further comments in due course. Have one initial concern regarding the raising of the height of the low rise terrace in Moscow Road and consider this will have an overbearing effect on the streetscape. It would be preferable to keep to the height of the present buildings in Moscow Road.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Strongly object on following grounds (further comments may be made in due course):

- Northern (side) and rear elevations of building proposed in Queensway at junction with Porchester Gardens are inappropriately detailed. North elevation is too messy and needs to be simplified. Rear elevation is totally wrong and opposed to balconies. The facades of the building should neighbour buildings in same terrace, including dividing parapet walls at roof level.
- Too many Class A3 uses in Queensway and therefore new A3 unit at corner of Queensway and Porchester Road should be resisted.
- Hours of opening for Class A3 uses should be limited to not more than licensing Core Hours.
- Proposed shop front fronts need traditional design in new block and some mechanism to improve shop fronts and signage in rest of units in Queensway. Design of shopfronts in Queensway should be varied though.
- Question what level of financial contribution is being offered towards public realm improvements in Queensway.
- Regret loss of existing buildings in Moscow Road as they have a lot of charm.
- New building proposed will spoil Salem Road street scene and if a replacement building is allowed it should be lower.
- Happy to have a Class A1/A2/A3 use in Moscow Road, but hours of opening need to be controlled to no more than licensing Core Hours and a shop front/ signage strategy should be required.
- Proposed hours of deliveries and refuse /recycling need to be controlled across the development.
- There should be controls on 'take away' sales and 'home deliveries' for the new Class A3 units.
- Trust there will be some affordable housing and controls on short term letting.

HEAD OF AFFORDABLE AND PRIVATE SECTOR HOUSING

Concerned about the lack of affordable housing provision associated with the development, including the lack of a payment in lieu of on-site provision. Note that the policy compliant level of on-site provision would be 1,320m² (circa 16 or 17 homes). Questions whether the applicant's financial viability assessment and the Council's own Independent Viability Consultant agree this position.

ARBORICULTURAL MANAGER

Note there are some small trees and shrubs in the front of Nos.3-5 Salem Road, but does not consider the impact on these trees is objectionable. Street trees are shown in Queensway, some shrub planting is proposed to the on the Salem Road frontage and a green roof and trees at the rear of Salem Road above basement car parking are proposed. Also proposed are green roofs on buildings in Queens Mews and Moscow Road and a green wall in Queens Mews. Objection to the amount of proposed landscaping that would be on top of or attached to the proposed building. Not acceptable to use potable water for irrigation and a sustainable a system of rainwater harvesting and storage needs should be provided. No objection in terms of the impact on surrounding trees, objection to tree protection and landscaping conditions. I would also urge conditions to establish details regarding the sustainability of the biodiversity features included in the proposal.

BUILDING CONTROL

No objection. Structural methodology is appropriate for the ground conditions that have been surveyed on this site.

CLEANSING MANAGER

No objection, subject to clarification as to where food waste would be stored for the Class A3 units proposed and to confirm the travel distance to the bin stores from the residential flats. This should not exceed 30 metres.

DESIGNING OUT CRIME ADVISOR

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Advice on likely fit out requirements for Class A3 food premises. No objection to ventilation from basement car park. Condition recommended to require submission of further assessment of the site in terms of possible contamination. No objection to principle of mechanical plant but details, including an acoustic report will be required by condition. Conditions recommended to ensure internal residential environment within the development is acceptable. Advice provided on the required kitchen extract ventilation for Class A3 units.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

HISTORIC ENGLAND

Objection raised on the following grounds and conclude that the planning benefits of the scheme do not outweigh the harm that would be caused:

- The proposals for replacement of Nos.123 - 131 Queensway would cause some harm to the special character and appearance of the Queensway Conservation Area. No objection per se to the replacement building, but object to the loss of existing multi-phased buildings. The phasing these buildings display is an important part of the reason for which they are considered to make a positive contribution to the conservation area; enabling an observer to understand and appreciate past patterns of use and development.

- The development in Moscow Road would result in the loss of buildings that make a strong positive contribution to the special character and appearance of the Bayswater Conservation Area. Replacement building with retained corner building at the junction with Salem Road would fail to match, or improve upon, the contribution made by the existing buildings and would permanently change the scale and grain, which are such an important feature of this site.
- The proposals to introduce mansard style roof extensions to Nos. 24 - 32 Queen's Mews would result in some harm to the character and appearance of the Bayswater Conservation Area. Mansard roofs are associated with purpose-built residential properties and are not traditionally a designed feature of historic stable mews buildings. Given the whole terrace does not currently have any extension at roof level, any extension at roof level would cause some harm and should be resisted.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection, but note that the site is within an area of archaeological interest and suggest a condition and informative to secure further written investigation and on site evaluation of any archaeology on the site.

LONDON UNDERGROUND

No objection, subject to condition to secure method statements that provide details of the piling rig and plant to be used on the southern section of the site and demonstrate that existing London Underground structures and tunnels below the site have been accommodated.

THAMES WATER

Objection unless a condition is imposed requiring further details of a drainage strategy to be submitted and approved prior to commencement of development. Informatives also recommended.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 514.

Total No. of replies: 8.

No. of objections: 6.

No. in support: 0.

8 objection letters/ emails received from 6 respondents raising objection on all or some of the following grounds:

Land Use

- A larger number of smaller residential units should be provided.

Design

- Loss of period buildings in Moscow Road and replacement with 'a block size structure killing off the intimate atmosphere of Moscow and Salem Road'.
- Object to provision of mansard roof extension on Nos.24-32 Queen's Mews.

Amenity

- Loss of daylight and sunlight from Moscow Road/ Queen's Mews development and roof extension to No.6 Salem Road.

- Note material losses of daylight, above BRE Guidelines, caused to properties opposite in Moscow Road.
- Increased sense of enclosure as a result of Moscow Road/ Queen's Mews development.
- Overlooking from rear windows and balconies of Moscow Road/ Queen's Mew development.
- Noise disturbance from rear courtyard access to Moscow Road/ Queen's Mews development.
- Increased overshadowing of neighbouring windows
- Ask that the planning officer visits neighbouring properties (properties in No.4 Salem Road were visited by the case officer).
- Loss of light to existing Queen's Mews flats if roof extension is built over existing skylight.

Highways/ Parking

- Increased pressure on parking in Queen's Mews if more residential accommodation provided.

Other Matters

- Adverse impact on biodiversity of neighbouring gardens.

ADVERTISEMENT/ SITE NOTICE: Yes.

5.1.2 Consultation on Revised Scheme (June 2017)

Amendments that were subject to reconsultation were comprise (i) additional information on shopfront replacement in Queensway; (ii) revised north and west elevation to Queensway block; (iii) amendments to detailed design of Queensway block in terms of window sizes and omission of rear balconies; (iv) removal of extensions from Nos.1-3 Salem Road to increase rear garden areas; (v) reduction in height of office roof extension at No.6 Salem Road by 300mm and alterations to detailed design; amendments to detailed design of Moscow Road block including additional windows; (vi) amendments to windows and rooflights to Queens Mews mews buildings.

WARD COUNCILLORS (LANCASTER GATE)

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION (SEBRA)

Concerns expressed on the following grounds:

- Cannot seem to find a cover letter or similar summarising the amendments made (this has since been provided to SEBRA by the case officer).
- Amendments to the north elevation of the Queensway block facing Porchester Gardens are an improvement, but note that some of their original concerns, such as roof ridges/ chimneys between each building have not been provided. Comment that it is essential these are incorporated.

- Note that there are no changes to the Moscow Road block in terms of its height, which SEBRA previously considered to be too high.
- Note there have not been any changes to the large block of flats (to the rear of the Moscow Road frontage, in middle of development).
- Is any affordable housing proposed on-site? Note policy requirement is for around 25-35% to be provided on-site and expect this form of provision.
- Support shop front strategy, but unclear how it will be delivered if some shop units have existing tenants.
- Consider that the applicant's record on the provision of shop front improvements is not good given various shop front alterations being carried out previously without permission.
- Note that one Class A1 unit and one larger Class A1 or A3 unit are proposed and this will increase non-A1 use in the District Centre.
- Question what are proposed hours of use will be for the retail units and suggest they should be no later than Licensing Core Hours.
- Question what are servicing arrangements (especially for A3 use) are as it would be located at the junction and there are possible public realm improvements proposed, which would widen pavement on west side of Queensway meaning servicing would need to be from the rear.
- New area of forecourt created by setting back of shop front should be controlled to prevent obstruction.
- Question how CIL would be paid on a scheme such as this where the development is split in to standalone sections.

HIGHWAYS PLANNING MANAGER

No objection in principle, subject to (i) car parking should be provided on an allocated basis; (ii) electric car charging points should be shown on plan and secured by condition; (iii) additional details of cycle parking should be provided, particularly in respect of commercial uses; (iv) set back of building line in Queensway and Porchester Gardens should be dedicated as highway; (v) would like to see reduction in reliance on on-street servicing for commercial uses; and (vi) not clear what the refuse storage arrangements for the Class B1 and D1 uses are and these should be clarified. Detailed comments provided, including suggested conditions and informatives.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 514.

Total No. of replies: 12.

No. of objections: 12.

No. in support: 0.

Twelve emails received raising objection on all or some of the following grounds:

Amenity

- Revised plans make no difference to the loss of light that would be caused to properties in Salem Road.
- Do not consider daylight and sunlight assessment that has been submitted to be accurate.
- Site visit should be undertaken by interested parties to see affected flats.

- Loss of daylight to flats in Alexandra Court as a result of building of increased height in Moscow Road.
- Design should be amended/ height of building facing Moscow Road reduced so there would not be a material loss of daylight to flats in Alexandra Court.
- Appreciate that development may improve the Queensway area, but this should not be at the expense of neighbouring occupier's amenity.
- Loss of sunlight to windows in Alexandra Court due to narrow width of Moscow Road.
- The loss of daylight to flats in Alexandra Court would exceed the Building Research Establishment (BRE) Guidelines when measured using the Vertical Sky Component (VSC) method of assessment.

Other Matters

- The submitted construction management plan would necessitate construction vehicles turning around in Moscow Road using the entrance to Queens Mews and this would cause noise and disruption for the occupiers of neighbouring properties.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises almost an entire street block bounded by Queensway, Moscow Road, Salem Road and Porchester Gardens. In Queensway the existing buildings are between four and five storeys in height above ground level and comprise retail uses at ground and basement levels, with residential accommodation on the upper floors. The red brick buildings to the southern end of the terrace form an early 20th Century Edwardian terrace, with the northern end of the terrace between No.127A to No.131 Queensway comprising a more irregular and smaller scale terrace of earlier 19th Century buildings that appear to be constructed pre 1870. This is with the exception of No.129, which is an Edwardian infill of the former Queensway entrance to east/ west section of Queen's Mews to the rear.

The parts of the terrace in Queensway that are proposed to be altered and extended or redeveloped currently comprise 14 residential flats on the upper floors (3x studio unit, 2x1 bedroom unit, 6x2 bedroom unit, 2x4 bedroom unit and 1x5 bedroom unit). At basement and ground floor levels the buildings are in use as a Class A1 retail shop at No.127A, a Class A1 hairdresser's salon at No.129, a Sui Generis mixed retail and treatment rooms use at No.129A and a Class A1 retail shop No.131. These retail units form part of the Core Frontage of the Queensway/ Westbourne Grove District Centre.

In Moscow Road the three storey stucco fronted buildings pre-date 1870 and represent one of the earliest phases of development within this part of Bayswater. The four storey stucco fronted building at the junction of Moscow Road (No.16) is a later 19th Century building. The buildings comprise retail uses at ground and basement levels comprising a Class A1 travel agents at No.8, a Class A3 restaurant at Nos.10-12, a Class A1 grocers at No.14 and another Class A1 grocers at No.16, with 9 residential units on the upper floors (6xstudio units, 2x1 bedroom units and 1x2 bedroom units). These retail units form part of the Core Frontage of the Moscow Road Local Centre.

Along Salem Road the proposed development involves alterations and extensions to Nos.1-3 and 6, as well as demolition of the two storey cottage building to the rear of No.4, which is in use as a 2 bedroom dwellinghouse known as No.4a. Nos.1-3 are a short terrace of three stucco fronted dwellinghouses, with various alterations to the side and rear elevations. These buildings are currently in use as two dwellinghouses (with 3 and 5 bedrooms respectively) and 2xstudio units and 1x1 bedroom unit). Like the smaller scale buildings in Moscow Road, this short terrace appears to date to the mid 19th Century and the earliest phase of development in this part of Bayswater, with the alignment of the terrace reflecting the original alignment of Salem Road, which has since moved slightly to the west.

No.6 is a three storey Class B1 office building set back from Salem Road, with a single storey entrance in Salem Road between No.5 Salem Road and Salem Mansions. Like the buildings around it on this part of the site, the building at No.6 Salem Road appears to date from the early part of the 20th Century. The larger three storey brick faced element of the building to the rear is largely obscured from public view in shorter views, but is visible in longer views along Queen's Mews and from Porchester Gardens.

Queen's Mews in its current arrangement appears to be an Edwardian arrangement, with the existing mews buildings along the northern edge of the east/ west section of the mews dating from the early 20th Century. The painted brick fronted buildings are limited to two storeys with flat roofs, rather than more traditional valley or hipped roofs, hidden behind the front parapet. The buildings contain a range of commercial uses at ground floor level, with 8 residential units on the upper floors comprising 4x1 bedroom units and 4x2 bedroom units.

The Queensway frontage of the site is located within the Queensway Conservation Area, with the remaining parts of the site to the west located within the Bayswater Conservation Area. None of the buildings on the site are listed, but there are a number of Grade II listed buildings to the north in Porchester Gardens, including the southern end of the Whiteley's former department store building, which directly faces the north eastern corner of the site at the junction of Queensway and Porchester Gardens.

Whilst none of the buildings on the site are statutory listed, the Queensway Conservation Audit (2008) identifies all of the buildings facing Queensway as Unlisted Buildings of Merit, with the exception of the building at the northern end of the terrace at No.131, which is identified as being of neutral impact on the character and appearance of the conservation area; albeit this assessment in respect of No.131 appears to have been reached on the misapprehension that it is a post war building, which is not the case.

In terms of land use, the Queensway frontage of the site forms part of the Core Frontage of the Queensway/ Westbourne Grove District Centre, whilst the frontage of the site in Moscow Road forms part of the Core Frontage of the Moscow Road Local Centre. Both frontages in Queensway and Moscow Road are located within the Queensway/ Bayswater Stress Area, within which greater controls are placed on new or expanded entertainment uses.

6.2 Recent Relevant History

None relevant to the site as a whole. Where there is relevant planning history relating to particular buildings within the application site, this is referenced in the main body of this report.

7. THE PROPOSAL

The application seeks approval of a scheme comprising a number of separate developments all located within the same street block. The applicant's intention is to build out the scheme, should permission be forthcoming, in a phased manner with separate elements being constructed independently of one another at different times; albeit the order in which the phases would be constructed has not been definitively confirmed by the applicant to date. Further discussion with the applicants on this issue is required to ensure that planning obligations, such as affordable housing, would be provided at the appropriate point in time during the implementation of the phased development.

To Queensway it is proposed to demolish the existing buildings at Nos.127A-131 Queensway and replace them with a 5 storey plus basement building to provide ground and basement A1 and A3 units and 12 flats on the upper floors. This would also provide a widened footpath along the public highway in Queensway at the junction with Porchester Gardens. Also to the Queensway frontage of the site it is proposed to use of first floor of Nos.115a, 117 and 119 Queensway as dentists surgery (Class D1), demolish and rebuild the 4th floor level of Nos.123-127 to provide 3 reconfigured flats and 3 new flats and alter and replace the shop fronts along the whole street block in Queensway, with the exception of a small number of shop units that already have good quality timber framed shop fronts, which are to be retained.

The second element of the scheme comprises the erection of mansard roof extensions on Nos.24-32 Queen's Mews and use of the upper floors of the enlarged mews buildings as 3 flats at Nos.24-25 and 7 duplex flats over first and second floors at Nos.26-32.

The third element of the scheme proposes the demolition of Nos.8-14 Moscow Road and No.4a Salam Road and their replacement with new building ranging between 4 and 6 storeys, with facades in Moscow Road, Salam Road and Queens Mews. The proposed building would incorporate the retained existing building at No.16 Moscow Road and would provide basement car parking, a Class A1/A2/A3 retail unit at ground floor level in Moscow Road and 27 flats on the upper floors.

In Salam Road it is proposed to use Nos.1-3 Salam Road as 3 dwellinghouses, with associated alterations to these buildings, including the addition of third floor roof extension and a side extension.

This element of the scheme would also deliver alterations to the rear of Nos.103-131 Queensway along Queens Mews, including provision of a green wall and new public realm in Queens Mews.

The final element of the scheme comprises the erection of single storey roof extension to No.6 Salem Road, to provide additional Class B1 floorspace on this site.

The overall floorspace changes proposed by the development are set out in Table 1 below.

Table 1 – Existing and Proposed Uses by Area (GIA)

	Existing GIA (m2)	Proposed GIA (m2)	+/-
Residential (Class C3)	2,571	6,577	+4,006
Office (Class B1)	247	448	+201
Retail (Classes A1-A3)	1,267	879	-388
Dentist (Class D1)	141	238	+97
Total	4,226 (Excluding existing Class B1 office floorspace at No.6 Salem Rd, which is to be retained, as no figures provided in application).	8,142	+3,916

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Proposed and Reconfigured Residential Use

The proposed development would deliver 4,006m² (GIA) of additional residential floorspace, an uplift from 2,571m² as existing to 6,577m² as proposed. The principle of providing additional residential floorspace in this location within the City, which is outside the Central Activities Zone, is acceptable in land use terms and in accordance with Policy S13 in the City Plan, provided the additional residential floorspace would not have a materially adverse impact on the provision of retail floorspace at ground and basement level within the Queensway/ Westbourne Grove District Centre and the Moscow Road Local Centre (see assessment of the retail elements of the scheme in Section 8.1.3).

At present, the buildings to be demolished and altered on the application site provide 37 residential units and therefore the scheme delivers an uplift of 21 residential units. These units are to be provided in the mix set out in Table 2.

Table 2 – Mix of Existing Residential Units on the Application Site

	Studio	1 Bed Units	2 Bed Units	3+ Bed Units	Total Units
Queensway Buildings	3	2	6	3	14
Moscow Road Buildings	6	2	1	0	9
Salem Road Buildings	2	1	2	2	6

Queens Mews Buildings	0	4	4	0	8
Total Units (%)	11 (30%)	9 (24%)	13 (35%)	5 (14%)	37

The proposed development, when all of its separate elements are considered in totality, would deliver 58 new residential units (an increase of 21 units), with the mix proposed as set out in Table 3.

Table 3 – Mix of Proposed Residential Units on the Application Site

	Studio	1 Bed Units	2 Bed Units	3+ Bed Units	Total Units
Proposed Queensway Block	0	10	8	0	18
Proposed Moscow Road Block	0	3	20	4	27
Extended & Altered Salem Road Properties	0	0	0	3	3
Extended Queens Mews Properties	0	1	5	4	10
Total Units (%)	0 (0%)	14 (24%)	33 (57%)	11 (19%)	58

The proposed units would all comply with the Government's 'Technical Housing Standards' (2015) and Policy 3.5 in the London Plan in terms of their GIA floor area. The proposed units would not be excessive in terms of their floor area and would therefore optimise the use of residential floorspace within the development in accordance with Policy S14 in the City Plan. In terms of daylight, the applicant has demonstrated that the levels of natural light within the proposed residential units would exceed the minimum standards set out in the Building Research Establishment (BRE) Guidelines (2011).

Access to the residential parts of the development is generally acceptable. The residential units within the Moscow Road block would be accessed from an entrance lobby on Salem Road, with occupants then required to exit the lobby into the external rear courtyard of the development to reach the three residential cores. This would require occupants to infrequently pass the windows of the ground floor units facing the courtyard. Whilst this relationship is not ideal and some form of private amenity space or defensible space in front of the ground floor units would be preferable; given the low footfall past the ground floor units and as the courtyard space is within the development itself, it is not considered that this access arrangement is objectionable.

Given the need to design new buildings on this site that sit within the historic townscape that surround it, the opportunity to provide balconies to the street facades of the buildings

is limited. Nevertheless, some of the residential units would be provided with external amenity space and given the constraints of the site the extent of external amenity space proposed is acceptable.

Accordingly, the standard of residential accommodation that would be provided by the proposed residential units is acceptable.

In terms of mix of units, Policy H5 in the UDP sets out that 33% of residential units within developments should be family sized and contain 3 or more bedrooms. The requirement for a reasonable proportion of family sized units in new developments is one that is consistently applied across the City; albeit with flexibility in busy and noisy locations, to ensure that all sizes of residential accommodation are provided to ensure flexibility in the City's housing stock, even where units of particular sizes may be less commercial desirable for developers to provide.

As existing, 14% of the units on the application site contain 3 or more bedrooms. Whilst this would rise to 19% of the units in the replacement residential accommodation, this would still fall substantially below the policy expectation of 33% of all new residential units. The applicants contend that they need to be able to match the mix of units within the development to the rental demand in the area (they intend to retain the units for rental purposes), which is different to that for units offered for sale. However, no substantive evidence of rental demand in the vicinity of the site is provided in the application to support this assertion and it is unclear if the applicant's concern relates primarily to the rental yield they can achieve from larger flats, rather than actual demand for them. The application site, though close to the Queensway/ Westbourne Grove District Centre is an appropriate environment for larger family sized accommodation and it is noted that the applicant does not argue that it is not.

In the context of the preceding paragraph, the mix of units proposed is considered to be unacceptable as currently proposed, as it would fail to deliver a range of housing sizes that would provide a flexible and responsive housing stock in this part of the City in accordance with Policy H3 in the UDP and S14 in the City Plan. However, given the very low existing level of family size housing on the site, officers consider that a revised scheme that provides a significantly higher proportion of 3 bedroom units, but not necessarily in full accordance with the threshold set out in Policy H5, may be difficult to resist. The Sub-Committee's views are therefore sought on the residential unit mix that is proposed.

8.1.2 Affordable Housing

The applicants initially submitted a viability assessment set out that they considered the development to be insufficiently viable, after payment of CIL and provision of planning obligations for public realm works (£750k) and car club membership (£24k), to provide any affordable housing, either on-site, off-site or as a payment in lieu of physical provision (note that the public realm works contribution suggested by the applicant cannot be accepted as public realm improvements are infrastructure that must be funded through the CIL).

The applicant's viability assessment has been independently assessed on behalf of the City Council by Carter Jonas. They conclude that with the adoption of allocated parking, the scheme can deliver either 4 on-site affordable housing units and a financial

contribution of £281,554 to the Affordable Housing Fund or a financial contribution of £2,298,060 to the Affordable Housing Fund. The policy presumption set out in Policy H4 in the UDP, S16 in the City Plan and the Interim Guidance Note on Affordable Housing (November 2013) is for the affordable housing provision to be provided on site. The applicant asserts that this would be unlikely to be attractive to an affordable housing provider/ registered social landlord (RSL), but to date no evidence of discussions between the applicant and any RSLs has been provided to substantiate this. Given two elements of the scheme comprise redevelopment of existing buildings, where affordable housing could be designed to be independently accessed, it is not considered that a convincing argument has been advanced to date as to why four affordable housing units could not be accommodated on site.

In the letter from Montagu Evans dated 26 July 2017 (see copy in the background papers), the applicants have offered to provide 'all of the units' (presumed to refer to all 58 units in the development) for a period of 15 years as Discounted Market Rent units in accordance with the Mayor's draft Supplementary Planning Guidance 'Affordable Housing and Viability' (2016) (i.e. to provide the development as a 'Build to Rent' scheme). This is though a draft SPG, issued for consultation, which has yet to be adopted by the Mayor and therefore has limited weight. Furthermore, the applicant has not specified the discounted market rent levels that are proposed (the draft Mayoral SPG expects the units to be let at the London Living Rent), how the units will be managed and the tenancy lengths proposed. Therefore a fresh viability assessment would be required in relation to this affordable housing offer. The Head of Affordable and Market Housing's comments have been sought on the applicant's 'Build to Rent' affordable housing offer and his will be reported verbally to the Sub-Committee.

8.1.3 Proposed Retail Uses

The proposed development would result in the loss of retail floorspace in both the Queensway/ Westbourne Grove District Centre and the Moscow Road Local Centre, as set out in Table 4.

Table 4 – Existing and Proposed GIA Retail Floorspace Figures

	Existing (m2)	Proposed (m2)	+/-	%
Queensway	904	715	-189	-21%
Moscow Road (figures exclude retained Class A1 unit at No.16)	363	161	-202	-55%
Total	1267	876	-391	-31%

In Queensway, whilst the overall quantum of retail floorspace would fall, the scheme would create two larger retail units and the loss in terms of net area would be less (130m²) as the layout and structure of the retail units within the proposed building would be more efficient. This is reflected in the net (NIA) area at ground floor level, which would increase from 421m² to 425m². On this basis the loss of GIA retail floorspace within the Queensway/ Westbourne Grove District Centre is acceptable in principle in land use terms.

In terms of the mix of uses proposed, one double fronted retail shop unit is proposed (Unit 1) and triple fronted café/ restaurant unit (Class A3) is proposed at the corner with Porchester Gardens. The existing parade currently comprises three Class A1 retail units and a Sui Generis mixed retail and treatment premises, which is vacant. The proposed retail uses would increase the non-A1 frontage within this section of the Core Frontage of the District Centre, but a large retail shop unit would be retained and overall this parade is predominantly comprised of Class A1 retail shops. The proposal wouldn't result in two consecutive non-A1 units in the parade or reduce the range of local convenience shops. Accordingly it is not considered that the proposed retail uses would harm the vitality or viability, or character or function of the parade, frontage or centre and they would accord with Policy SS6 in the UDP and S21 in the City Plan.

Subject to conditions to restrict hours of opening to the City Council's standard Core Hours for licenced premises and to control the hours of servicing, which is to be carried out at the rear in Queens Mews, it is not considered that the proposed 381m² Class A3 unit would have a significant impact on the amenity of neighbouring occupiers given that neighbouring residential windows above would be recessed from the shop frontage and the properties directly opposite are in use as a public house and a hotel. Accordingly, despite the location within the Queensway/ Westbourne Grove Stress Area, the proposed Class A3 unit would be in accordance with Policy TACE9 in the UDP and Policies S13 and S24 in the City Plan.

In Moscow Road the proposed redevelopment would replace the existing group of a Class A1 travel agents, double fronted Class A3 restaurant and two Class A1 grocers with a single retained Class A1 grocers shop and a 161m² Class A3 restaurant at ground floor level. The proposal would therefore result in the loss of 142m² of existing Class A1 floorspace in the Core Frontage of the Moscow Road Local Centre. However, whilst the loss of Class A1 floorspace within the Core Frontage would normally be resisted, in this case the travel agent use presents a dead frontage to the street and has previously been used between 2013 and 2015 as a Class A2 use for a temporary period of two years under permitted development (RN: 13/10744/TFU) and the other retail shop unit to be lost is a grocers, which replicates the retail shop use that is to be retained at No.16 Moscow Road. Accordingly, the losses of retail shop floorspace proposed would not result in any loss of local convenience shops that are not replicated within the retained retail offer within this parade.

To enable the provision of an increased quantum of residential floorspace on the upper floors of the site, it is accepted that some retail floorspace would need to be lost on the Moscow Road site to create a residential core to access the upper floors. In this context, given the assessment in the preceding paragraph, and as the proposed restaurant unit would be only 22m² larger than the existing restaurant on this site, the loss of Class A1 retail floorspace from the Core Frontage of the Local Centre is considered to be acceptable having regard to the potential wider benefits of the development in terms providing an increased quantum of residential accommodation (subject to resolution of concerns expressed elsewhere regarding the mix of units and delivery of affordable housing). For these reasons it is considered that an exceptional circumstance can be made for the loss of existing Class A1 floorspace and the proposal is therefore compliant with Policy SS7 in the UDP and S21 in the City Plan.

The proposed restaurant use in Moscow Road would be within the Queensway/ Westbourne Grove Stress Area, but would replace an existing lawful restaurant use in the same location with a similar floor area and therefore the provision of a replacement restaurant in this location is not objectionable in terms in terms of Policy TACE9 in the UDP and Policies S13 and S24 in the City Plan. Whilst the proposed restaurant would be serviced from Moscow Road, given this is the existing arrangement, this is not objectionable. The hours of opening would be limited by condition to the City Council's standard Core Hours for licenced premises and the hours of servicing would also be controlled to prevent late night and early morning servicing given that this activity would take place on-street, close to neighbouring residents.

Where the application recommended for approval, a condition would be recommended for both proposed restaurant uses to prevent the operation of delivery or collection services from the premises to prevent noise disturbance to neighbouring residents. A further condition would also be recommended to prevent the use of the Class A1 retail shop as a mini supermarket use, given the more intensive servicing requirements have, which has an adverse impact on the amenity of neighbouring residents.

8.1.4 Other Proposed Uses (Class B1 and Class D1 Floorspace)

Policy S20 in the City Plan directs office growth to the Opportunity Areas, Core Central Activities Zone, Named Streets and North Westminster Economic Development Area. The aim of the policy is to focus substantive office and other Class B1 floorspace growth within these areas and it does not specifically exclude consideration of new office floorspace in other locations. In this case the proposed office floorspace would comprise a modest 201m² extension to the existing established office accommodation at No.6 Salem Road. Given the limited additional floorspace proposed and as it would enlarge an existing office use, which is considered to supports the nearby District and Local Centres, the provision of additional office accommodation is considered acceptable.

Currently the existing building at No.129 includes a 141m² dentist's surgery at first and second floor levels, which is accessed from Queensway at ground floor level Relocation of Class D1 ok in District Centre given overall uplift in residential. Need to ensure new residential delivered before or concurrently with the relocated D1 and loss of existing residential. To facilitate the redevelopment of the buildings between Nos.127A and 131 Queensway, it is proposed to relocate the dentist's surgery to the first floor of Nos.115A, 117 and 119 Queensway, with access from Queensway via a doorway at No.119. The entrance and access to first floor level would be narrow and stepped and this is not ideal; however, this replicates the access arrangements to the existing surgery and therefore on balance the means of access is not considered to be objectionable. The proposed surgery would be increased in size to 238m² and the retention and enlargement of this social and community use would accord with Policies SOC1 and SOC4 in the UDP and S34 in the City Plan. The dentist surgery would displace an existing large family sized flat; however, this is acceptable given that there would be an overall uplift in residential floorspace across the development and as replacement family sized accommodation is to be provided elsewhere within the development (subject to resolution of officer's concern on the proposed unit mixed that are expressed elsewhere in this report).

Conditions would be necessary to prevent noise transference from the proposed dentist's surgery to neighbouring flats and to control the hours of opening.

8.2 Townscape and Design

8.2.1 Assessment of Existing Buildings

The application site straddles two conservation areas with Nos.103-131 Queensway facing onto Queensway and lying within the Queensway Conservation Area and the remainder of the site lying within the Bayswater Conservation Area. The buildings within the site are all unlisted and range in date from the early/ mid nineteenth century through to the early years of the twentieth century. Immediately to the north of the site lies the former Whiteley's department store which is a Grade II listed building; and also Porchester Court, which is a group of former terraced houses which are Grade II listed.

The proposal includes retention and alteration of Nos.103-127 Queensway, Nos.25-32 Queens Mews, Nos.1-3, No.6 Salem Road and No.16 Moscow Road. Whilst Nos.129-131A Queensway, Nos.8-14 Moscow Road and No.4A Salem Road are all proposed to be demolished. The conservation area audit for Queensway identifies Nos.103-129A Queensway as unlisted buildings of merit, while the Bayswater Audit (an older document) is less helpful and does not clearly identify the contribution made by individual buildings; however, on the basis of assessing these buildings using Historic England's Advice document 'Conservation Area Designation, Appraisal and Management', it is considered that all of the buildings on the site can be regarded as positive contributors to the conservation area and therefore unlisted buildings of merit.

When considered in design terms, the proposed development breaks down into a number of discreet component parts, which are considered in turn in the following sections.

8.2.2 Queensway Buildings

The proposal is to take the form and height of Nos.103-121 and to extend this across the rest of the street façade up the junction with Porchester Gardens. This would mean adding an extension at fourth floor level to Nos.123-127 and the demolition and rebuilding of nos. 129-131A. Nos.103-121 are a group of mansion block flats referred to as Beaumanor Mansions and Inverness Mansions, which date from the early twentieth century. While they have a broadly consistent appearance, closer inspection reveals slight differences in detailing and is a likely indicator of piecemeal development. All have projecting ground floor shop units and then rise to fourth floor height in red brick, there is a regular rhythm of canted bays (rising to second floor level at Nos.103-109; and then rising to third floor level at Nos.111-127) and eaves level pediments. The windows are all one-over-one white-painted timber sash windows. Above shopfront level there are no changes proposed to this group, although the drawings submitted to date (existing and proposed) are inaccurate and do not show the roof level chimney stacks and party wall upstands to all of the properties in this terrace giving a false impression of the degree of uniformity of the roofs of these buildings.

Nos.123-127 Queensway are of a similar design to Nos.103-121 in that they have projecting ground floor shop units with red brick upper floors with three-storey canted bays and white-painted sash windows. However, instead of a sheer fourth floor with pediment above these buildings have an attic fourth floor set within a pitched roof with pairs of

dormer windows. The proposal for this group is to remove the roof structure and re-build the fourth floor so that it matches the detailing of the group to the south.

Nos.127A-131 Queensway represent a more irregular and older end to this Queensway street block. They again have projecting shopfronts (slightly further forward than their neighbours to the south) and rise to third floor level in a mixture of styles. Nos.127A and 129A are in yellow stock brick with a first floor bay and stucco dressings and are probably of late nineteenth century date; No.129 has more similarities with the rest of the Queensway block being in red brick with a full height canted bay; while No.131 is a pair of probably nineteenth century buildings which have been heavily altered. The proposal in this case is to completely demolish this group and rebuild with the shopfronts brought back in line with the rest of the terrace to the south and for the upper floors to match the detailing of the rest of the block (i.e. red brickwork, three storey canted bays, white painted sash windows and terminating in brick pediments). The end façade to No.131, which faces onto Porchester Gardens has been amended during the course of the application and seeks to complement the front façade and features a central alignment of tripartite sash windows, with brick apron details, pilasters and string courses. The main walls will be clad in a terracotta panel featuring a relief pattern.

The rear of the Queensway block is faced in a yellow London stock brick and is more utilitarian in character with projecting closet wings that rise to third floor level. The alterations to Nos.123-127 broadly maintain the same architectural appearance but extend the closet wings to fourth floor level. The rear of Nos.127A-131 will be entirely new building and will be visible in views from Porchester Gardens. The rear façade will be flat with no projecting wings and will be faced in a yellow stock brick. The design has been amended during the course of the application and now features a series of vertical alignments of French doors with Juliette balconies; and with simple red brick detailing.

The other main proposal for the Queensway buildings is to replace or modify many of the shopfronts, so as to restore traditional detailing. The proposed changes to the shopfronts are intended to occur when opportunities arise when leases come up for renewal.

As described above, the proposals in Queensway will require the demolition of Nos. 127A-131, some of which are identified as unlisted buildings of merit within the Queensway Conservation Area Audit. Policy DES 9 of the UDP indicates that buildings, which are identified as having architectural or historic interest within adopted audits, will enjoy a general presumption against demolition. However, the policy acknowledges that the demolition of unlisted buildings may be permitted if the design quality of the proposed development would result in an enhancement of the conservation area's overall character or appearance.

In this case the proposed alterations and new building elements seek to complement and complete the Edwardian mansion block which occupies most of this street block. However, as Historic England have observed, while Nos.103-127 are of the same date and are "recognisably part of the same family", they do have subtle variations which provides a sense of rhythm and grain to the urban block. In terms of the overall character of the Queensway Conservation Area it does, for the most part, divide into two main building types: either Victorian terraces, which have a relatively fine grain; or larger and later twentieth century mansion blocks, often occupying whole street blocks. The proposed changes to the Queensway buildings have both harmful impacts and potentially

beneficial impacts. The loss of the buildings at the north end of the block and the erosion of fine grain that the variety of buildings provide is considered to have a harmful impact upon the character and appearance of the conservation area. In the terms of the NPPF that level of harm is considered to be less than substantial harm.

In terms of the replacement building, this would for the most part replicate the Edwardian detailing found elsewhere in the block, particularly to the Queensway and Porchester Gardens facades and thus in principle the design approach would not adversely affect the conservation area. However, there are elements of the proposed design which are unresolved and reduce the quality of the replacement building, most notably the design of the roof, which fails to include any chimney stacks or party wall upstands and thus appears as a single roof form. The impact of this is to introduce a very discordant roof form, which does not follow the regular rhythm of chimney stacks evident to the rest of the block and harmfully reduces the former plot width character and grain that is a characteristic of the urban block. While the introduction of chimney stacks and party walls would only have an aesthetic function, this does not devalue their importance.

The rear elevation to the new Queensway building could also benefit from further refinement. It is highly visible from Porchester Gardens and at present the design and size of the window openings still jar with the more scholarly treatment to the rest of the building.

Set against the harmful and unresolved elements of the Queensway part of the scheme, the intention to re-instate traditional shopfronts along this section of terrace is most welcome and could potentially lead to a notable enhancement of the conservation area. The detailing and strategy set out in the application documents is well-intentioned and acceptable in design terms. The one concern with this part of the scheme is that there is no clear timeframe for when these benefits could be delivered. It is suggested that these changes will occur when leases expire, but there is no clarity as to when and to what extent this will occur. As such, the benefits that these changes could deliver has to be considered in the context that they may not be deliverable for some time.

8.2.3 Moscow Road Buildings

This group of five buildings are likely to date from the mid-late nineteenth century, although map evidence would suggest they were altered during the late nineteenth century and early twentieth century, with changes to road layout and alignments. Nos. 8-14 have ground floor shop units with two upper floors, with stucco facades and tripartite sash windows. No.16 at the corner with Salem Road is taller (ground plus three upper storeys), but also has a stucco finish to the main facades. There is evidence that further alterations to these buildings have taken place in the twentieth century, with all having flat roofs and rear extensions. The proposed development would result in complete demolition of Nos.8-14 and retention and modification of No.16. The proposed replacement building would be broadly 'L'-shaped in plan form with an arm extending much further north, running parallel to the service road which runs north-south behind the Queensway buildings. This north-south wing of the new building will also require the demolition of No.4A Salem Road, which is a two storey detached brick cottage occupying a backland site to the rear of the properties in Queensway and Salem Road. The cottage would appear to be of mid-late nineteenth century date.

The new Moscow Road building presents a ground plus five upper storeys block towards Moscow Road, with the top, fifth floor, set back. It then progressively steps down in height as it extends northwards, terminating in a block with is ground plus three upper storeys, again with the top storey recessed.

The tallest, Moscow Road-facing block incorporates No.16 by extruding its height by a further storey and balances this with a chalk brick-faced brick bay at the eastern corner and together these frame a central grid of red brickwork behind which are a series of contained balconies, which have decorative metal balustrades and limestone reveals. A continuous limestone cornice and parapet unifies the elements. The set-back roof storey is clad in geometric metal panels. A series of new retail shopfronts will form the base to this block.

A new access road will run to the west of this new block and will ramp down to the new basement storey, allowing vehicle access into the proposed underground parking. Pedestrian access to the new building will be from Salem Road and will be via a new entrance pavilion which will sit between the rear of No.16 Moscow Road and No.1 Salem Road. An enclosed courtyard will then allow access into the individual blocks of the new Moscow Road building.

As the new building returns northward the chalk coloured brick of the Moscow Road frontage returns to distinguish the tallest block, the facing material then alternates as the building steps down in height, with a grey brick being the alternative cladding to the chalk brick. Each block has a set-back top storey and this is clad in the same geometric perforated metal panels as for the frontage block. The fenestration is regularly distributed and aligned and includes recessed balconies and winter gardens.

The buildings at Nos.8-14 Moscow Road are an example of one of the earliest phases of development in Bayswater and are consequently considered to make a positive contribution to the character and appearance of the Bayswater Conservation Area. No.16 is a later building (late 19th Century) relating to the realignment of Moscow Road, but it nonetheless makes a positive contribution. These assessments of the value of the existing buildings are shared by Historic England. Therefore, the complete demolition of Nos.8-14 Moscow Road and the partial demolition and substantial amendment and extension of No.16 Moscow Road would have a harmful impact upon the character and appearance of the conservation area. In the terms of the NPPF that level of harm is considered to be less than substantial harm. Policy DES 9 in the UDP states that demolition of unlisted buildings in a conservation area may be permitted if the design quality of the proposed development would result in an enhancement of the conservation area's overall character or appearance.

The demolition of No.4a Salem Road is less contentious in design terms. This building is set back from Salem Road behind No.5 Salem Road and is accessed from the service road behind the Queensway buildings. Given its location and simple form, notwithstanding the value attached to it by Historic England, it is considered to make a lesser contribution to the conservation area than the frontage buildings in Moscow Road and as such, its demolition is acceptable as part of an appropriate redevelopment scheme for the site.

The proposed development is considered to be of appropriate height and scale in design terms with the top storey recessed appreciably from the floors below. It would have a

height and scale to Moscow Road which would form a comfortable transition between the terrace facing Queensway to the east and Burnham Court to the west.

To the rear the bulk and height of the rear 'wing' running along the west side of the north-south service road is more challenging, but would be largely screened in public views by Queensway buildings and by the frontage buildings along Salem Road (Nos.1-6). There would be some limited views from Salem Road, but these would be limited to over the single storey entrance block proposed between the rear of No.16 Moscow Road and Nos.1-3 Salem Road. Given its limited visibility in public views it is not considered that the overall bulk, height and form of the Moscow Road block would harm the character and appearance of the conservation area.

The incorporation of the existing building at No.16 Moscow Road in to the proposed residential block is a particularly challenging architectural approach to redevelopment of the site and is one which the applicant has adopted in an apparent attempt to acknowledge the architectural and historic value of the existing frontage buildings on the site. Given the challenge this presents, the resultant street façade, incorporating the retained building at No.16, is a competent, coherent and ordered architectural composition. The chamfered corner of No.16 is mirrored at the south eastern corner of the proposed building, but without reliance on an exact copy of No.16 to the south eastern end of the front façade. The choice of materials and the detailed design of the front façade, as described previously in this section of the report, are successful in harmonising with the retained and extended building at No.16 without resorting to being a pastiche of it.

The rear 'wing' of the proposed block would be finished in varying grey brickwork with a simple regular pattern of windows and balconies. This order and palette of materials would be consistent with the front façade to Moscow Road and is considered to be appropriate in design terms.

The proposed residential entrance to the Moscow Road block would comprise a single storey structure between the rear of No.1-3 Salem Road and No.16 Moscow Road. This block replaces an existing open yard of little townscape value at ground floor level, albeit the yard does provide a townscape gap between the buildings in Moscow Road and Salem Road. However, by limiting the entrance block to a single storey the appreciation of this townscape gap would be retained, whilst also improving the street frontage in this part of Salem Road. Accordingly the entrance structure is not objectionable in design terms.

To facilitate access to the basement car park a reduction in the level of the service road is proposed, with resultant amendments to the rear of Nos.103 to 131 Queensway to maintain pedestrian access. The resultant appearance of this private road would be one which has a more evident character of a service road. However, the ramped north-south section of this road would be screened by a gate at its southern end and contained by buildings on either side. As such, it is not considered that this aspect of the scheme would detract significantly from the character and appearance of the area.

Overall in design terms, the proposed Moscow Road block is an appropriately scaled addition, having regard to the surrounding townscape in this part of the Bayswater Conservation Area. The principal street frontage elevations are well considered, having regard to the challenge of retaining and incorporating the existing building at No.16. While the replacement building is not considered to have a harmful impact upon the

conservation area, it must be remembered that the loss of the existing buildings does result in a degree of harm and therefore, in such circumstances, there remains a need to ensure that the public benefits of the scheme as a whole outweigh this harm.

8.2.4 Buildings at Nos.1-3 Salem Road

These buildings are a group of three terraced properties, which are brick built and three storeys in height. They are likely to date from the second half of the nineteenth century. The buildings appears to have been modified over time with ground floor bay windows added to the front and roofs which have certainly been recovered and may have been replaced as they are relatively flat in profile. There are also various rear and side extensions which have been added or altered over time. These houses form a group with Nos.4 and 5 Salem Road, although these other buildings appear to be of later date.

The proposals for this group involve demolition of the rear and side extensions / wings, the widening of No.1 so that it is the same width as the other two buildings in the terrace, the addition of a new full width ground floor extension and half-width first floor extension to each property, as well as a new mansard roof. All of the extensions are intended to be carried out in a traditional style with traditional materials.

The addition of a roof extension to this group of three buildings is considered to be acceptable given the degree of previous alteration they have undergone. Whilst the roof extension proposed would be sheer to the rear, it would be screened by the proposed Moscow Road block, such that in design terms the sheer brick elevation of the roof extension would not have a harmful impact on the character and appearance of the Bayswater Conservation Area. The mansard style front elevations of the roof extension would be appropriately detailed with the dormer windows aligned with the fenestration on the lower floors.

The proposed alterations to the rear and side elevations are also acceptable in design terms and would serve to 'tidy up' the elevations of the buildings. The altered facades would be finished in materials to match those used in the existing buildings.

8.2.5 Building at No.6 Salem Road

This large building on the south side of Queen's Mews appears to date from the early part of the twentieth century and is described as an Electricity Sub-Station on the 1950's Ordnance Survey map. It has an industrial character to it and is constructed in yellow stock brick with red brick and stone detailing. Its roof is slate clad and comprises a series of pitched roofs, with rooflights. The north-facing façade is arguably the most embellished including low-arched pediments and circular window openings. The entrance is via a single storey link structure with access from Salem Road. The proposal for this building is the addition of a set-back roof extension. The extension would be a contemporary addition with a powder-coated aluminium patterned cladding interspersed by large glazed openings. A perforated geometric patterned balustrade would contain a terrace area created by the set back.

The proposed roof extension would be a striking addition, deliberately at odds with the detailed design and materiality of the existing building. However, given the obvious light industrial character of the existing building, with traditionally detailed windows, but on a

larger than domestic scale, and the limited single storey scale of the proposed roof extension, it is not considered that it would appear out of place or out of scale with the host building. Rather the proposed roof extension would convey a commercial character, as per the existing building, but in a contemporary design language.

In terms of wider townscape impact, No.6 Salem Road is set back from Salem Road and whilst the proposed roof extension would be visible in glimpsed views from Salem Road and from Porchester Gardens, it would not be prominent and would not detract from the character and appearance of the Bayswater Conservation Area.

8.2.6 Buildings at Nos.24-32 Queens Mews

This is a group of nine mews buildings which date from the 1870's. The buildings are two storey in height, constructed in brick with large mews-style openings to the ground floor and smaller windows to the upper floor. A dentil cornice runs above the first floor windows. The mews properties have been altered over the years, with some poor-quality windows inserted and some non-traditional replacements to the large mews doors. The roofs also appear to have been replaced as all are now flat roofs with rooflights to some. The cobbled road surface in front of the mews adds considerably to their character.

The proposals for this mews are to add a mansard roof extension to the whole group. The mansard will be traditionally detailed in slate and lead, with dormer windows aligned with fenestration at first floor level and party wall upstands dividing the roof. Inappropriate modern doors and windows will be replaced with more traditionally detailed elements. The mansard roofs will be double-pitched to both front and rear, with the exception of Nos.24 and 25 where the rear is proposed as a sheer extension at roof level. It is also proposed to change the west-facing façade of No.24 by replacing the large ground floor opening with traditional sized openings.

The principle of adding mansard roof extensions to this terrace of mews buildings is acceptable in design terms given they lack historic roof forms and as the entire terrace is to be consistently altered and extended. Generally the design approach to the proposed mansard roof extensions and the front elevation alterations are acceptable and consistent with the Supplementary Planning Guidance document 'Mews – A Guide to Alteration'. However, the sheer northern rear elevation to No.24 is of concern as it presents a particularly stark and tall end wall that would be a prominent and discordant feature in views from Porchester Gardens over the low level garages adjacent to the site. It is considered that this would be harmful in views within this part of the Bayswater Conservation Area.

The applicant considers that the high sheer northern elevation is justified on the basis that the adjacent garages may be redeveloped in the future, thereby screening the northern elevation. However, officers consider that future redevelopment of the garages to the north cannot reasonably be relied upon and is therefore not a sufficient reason to allow a harmful sheer northern elevation to No.24 Queens Mews. The Sub-Committee's views on the acceptability of this aspect of the scheme are therefore sought.

8.3 Residential Amenity

8.3.1 Daylight and Sunlight

The proposed development would cause a material loss of light to a significant number of neighbouring windows using the Vertical Sky Component (VSC) method of assessment. The location of the materially affected windows is summarised in Table 5.

Table 5 – Locations of windows that would suffer a material loss of daylight and sunlight.

	No. of Windows Suffering a Material Loss of Daylight	Degree of Daylight Loss (max. percentage loss of existing VSC)
Nos.103 to 127 Queensway (rear elevation)	23	Up to 68%
No.4 Salem Road (rear elevation)	6	Up to 60%
No.5 Salem Road (rear elevation)	7	Up to 59%
Alexandra Court (front elevation)	50	Up to 42%
Burnham Court (front elevation, facing Salem Road)	5	Up to 25%
Total	91	

The submitted Daylight and Sunlight Report identifies that the increased bulk and massing of the proposed Moscow Road block would result in a material loss of daylight to 5 windows in Burnham Court. However, though the impact on the windows would be material in terms of daylight loss, it is their position, either at the back edge of the pavement or within a lightwell facing Salem Road that exacerbates the losses that they would suffer. Furthermore, the losses that would be caused to windows in Burnham Court would be between 21% and 25% of their existing VSC value, which is only marginally above the 20% VSC threshold below which the Building Research Establishment (BRE) Guidelines (2011) advise that daylight losses are unlikely to be noticeable to occupiers of the affected rooms.

To the rear of Nos.4 and 5 Salem Road the proposed Moscow Road block part of development would cause a material loss of daylight to 13 windows serving 9 rooms. To the rear of No.5 material losses would occur to the ground floor kitchen and living room windows, with the main living room window reduced from 24.28 VSC to 9.97 VSC (59% reduction). There would be similar reductions to the ground floor kitchen window, with losses of 50% and 53% respectively, resulting in VSC levels of 11.09 and 10.73. The impact on the principal first floor bedroom window would be significant with a reduction from 28.66 to 15.28 VSC, a reduction of 47%. Both this room and the ground floor living room would also suffer a material loss of daylight in terms of the extent of a room that will receive daylight at the working plane.

At No.4 Salem Road there are three flats, one on each floor. The top floor flat, though materially affected, would not lose such a significant proportion of its light (losses are limited to between 25% and 30%, with resultant VSC levels of 22 or more), and therefore permission could not be withheld on the basis of the impact on this flat in terms of daylight. The impact on the lower flats at ground and first floor level, which are well daylit at present, would be more severe. The rear kitchen and bedroom windows of the ground floor Flat (the bedroom is also used as a study/ office space) would suffer 60% and 53% reductions in VSC respectively with their resultant VSC levels reduced to 10.2 and 12.17. The losses at first floor level would be marginally less, owing to its more elevated position, with losses of VSC between 41% and 46% of existing VSC values. The applicant has carried out a No Sky Line assessment for the rooms served by the rear windows of No.4 Salem Road and the rooms at ground and first floor level would also suffer material reduction in the extent of a room that will receive daylight at the working plane, such that the impact of the development in terms of daylight loss would be readily apparent to the occupiers of these flats.

The proposed Moscow Road block would result in a material loss of daylight to 50 windows in the front elevation of Alexandra Court between ground and fourth floor level (between 9 and 11 windows on each floor). The affected windows on each floor level serve one kitchen/ living/ dining room to the east end of the front façade (three windows on each floor), with the other windows serving bedrooms. The percentage losses of existing VSC values would be relatively consistent across the whole front façade, with losses generally between 20% and 40%; albeit the resulting VSC levels on the upper floors would be greater than those on the lower floors. The impact would be greatest on the bedrooms that are directly opposite the main bulk of the proposed Moscow Road block, with the living/ kitchen/ dining room windows to the eastern end of the front elevation of Alexandra Court least affected. Given the proposed Moscow Road block would broadly mirror the height of Alexandra Court, with the exception of the set back roof storey at fifth floor level, and as the proposed building would be consistent with bulk and height of other street frontage blocks in the vicinity, it is not considered that permission could reasonably be withheld on the basis of the impact it would have on daylighting levels to Alexandra Court. Accordingly, it is not considered that the objections raised in specific reference to the impact on this neighbouring building cannot be supported.

The daylight losses that would be caused to the rear of Nos.103 to 127 Queensway would be primarily focused on the windows at first and second floor level, which are used as residential bedrooms and with a small number of kitchens. The windows at first floor level would be worst affected with significant material losses caused of between 30% and 67% to 12 windows serving 10 bedrooms. Of these, the greatest losses would be caused to the windows in the rear elevations of the closet wings, which would be closest to the rear 'wing' of the proposed Moscow Road block where it runs alongside the north-south service road to the rear of the terrace. The losses caused would leave the affected windows with low daylight level, with three bedrooms also suffering a significant a loss of light in terms of the 'No Sky Line' method of assessment (i.e. the extent of a room that will receive daylight at the working plane).

To the opposite side of Queensway, the properties on the east side of the street would be sufficiently distant from the enlarged replacement building at the northern end of the street block between Nos.103 to 131 so as not to suffer any material loss of daylight.

The roof extension to the roof of No.6 Salem Road would be sufficiently limited in height and set back from the rear elevation of Salem Mansions so as not to cause a material loss of daylight to the rear windows of flats in this neighbouring mansion block. Similarly the roof extensions to Nos.1-3 Salem Road would not have any materially adverse impact in daylight terms.

The proposed roof extensions to Nos.24-31 Queens Mews would not result in a material loss of daylight in terms of loss of VSC to the dwellinghouses to the rear at Nos.7-31 Porchester Gardens (i.e. all losses would be less than 20% of existing VSC values). The applicants have also assessed the rear windows of these properties in terms of No Sky Line and this confirms that whilst some minor loss of daylight received at the working plane within the rooms would be experienced, this would not be so significant so as to be noticeable to the occupants of these properties (i.e. the impact would be non-material).

In terms of loss of sunlight, the BRE Guidelines (2011) set out that if a living room window of an existing dwelling has a window facing within 90 degrees of due south and the proposed development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window, then the window should be tested to assess whether a material loss of sunlight would occur as a result of the development. In this case there are relatively few windows serving living rooms that face within 90 degrees of due south (for example the living room windows in Alexandra Court are north facing). Those which are would not suffer a material loss of sunlight having regard to the BRE test for sunlight loss (Annual Probable Sunlight Hours – APSH). As such, the impact of all parts of the proposed development in terms of sunlight loss is acceptable.

In summary, the Sub-Committee are specifically asked to consider whether they concur with officers that the impact of the development, principally the proposed Moscow Road block, on the daylight received by neighbouring windows to the rear of properties in Queensway and Nos.4 and 5 Salem Road is unacceptable.

8.3.2 Sense of Enclosure

The proposed Queensway block and associated alterations and extensions to the roof of adjoining buildings in the terrace would be sufficiently remote from neighbouring windows so as not to cause a material increase in enclosure.

Similarly the roof extensions proposed to Nos.24-31 Queens Mews would be sufficiently modest in height and scale and set back sufficiently from the rear windows of Nos.7-31 Porchester Gardens so as not to cause a materially increased sense of enclosure. The rear gardens of Nos.7-31 Porchester Gardens are already significantly enclosed by the blank rear wall of Nos.24-31 Queens Mews and the proposed roof extension would be set behind the existing parapet and sloped back from it, such that it would not worsen the existing relationship of the mews buildings and these neighbouring gardens.

The roof extension to the existing office building at No.6 Salem Road would be limited to a single storey and set back from the rear of Salem Mansions sufficiently to allow views from the rear windows of this neighbouring property to remain relatively unobstructed. As such, the roof extension to No.6 Salem Road would be acceptable in sense of enclosure terms.

Similarly, the roof extension to Nos.1-3 Salem Road would not significantly enclose any existing residential windows.

The impact of the proposed Moscow Road block is more contentious in sense of enclosure terms. The rear wing of this block running alongside the north-south service road would be between 4 and 6 storeys in height (between 12.1m and 18.2m above ground level), with the height stepping down to the north. Currently this part of the application site comprises ground level car parking, with a small mews scale dwellinghouse at No.4a Salem Road.

The rear of the proposed block would be 7.8m from the rear closet wings of the Queensway Terrace between Nos.103-119 Queensway (at first floor level) and 16m from the main rear elevation of this terrace. To the west, the 4-6 storey rear wing would be 7m from the rebuilt rear elevations of Nos.1-3 Salem Road, between 7.6 and 8.7m from the rear elevation of No.4 Salem Road and between 5.5 and 10m from the rear elevation of No.5 Salem Road. At these short distances and given the height and bulk of the proposed rear wing of the Moscow Road block, this element of the development would have a significant enclosing impact on the outlook from neighbouring residential windows. To the rear of existing residential properties it is considered that a reasonable degree of outlook should be maintained. In this case, the degree of the impact in terms of increased enclosure would be such that, whilst the windows affected are generally not living room windows (with the exception of one at No.5 Salem Road), it would be sufficiently severe so as to harm the amenity of the occupiers of these neighbouring properties.

Whilst the proposed Moscow Road block would also increase the sense of enclosure to properties opposite in Moscow Road (primarily Alexandra Court), the increased enclosure caused would serve to mirror the degree of enclosure caused to the application site by the existing properties opposite. Furthermore, the relationship that would be formed would be a common one where buildings face each other across a main street (i.e. excluding mews streets and service roads).

In terms of increased sense of enclosure, the Sub-Committee is therefore asked to consider whether they concur with officers that the bulk and height of the rear of the proposed Moscow Road block, and its relationship to the windows of neighbouring residential properties in Salem Road and Queensway, results in the occurrence of an unacceptably increased sense of enclosure.

8.3.3 Privacy/ Overlooking

In overlooking terms the proposed Queensway block would not cause a material increase in overlooking to neighbouring residential windows. To the front (east) and side (north) elevations, the building would be separated from its neighbours by the public highway, whilst to the rear the development will afford views on to the blank side and rear elevations of properties in Porchester Gardens and Queens Mews.

The proposed roof extensions to Nos.24-31 Queens Mews would not have any windows in their rear elevations and as such it would not give rise to any overlooking of the dwelling houses to the rear at Nos.7-31 Porchester Gardens. The dormer windows in the front elevation would look out on Queens Mews and the flank elevation of the office building at

No.6 Salem Road and therefore the dormer windows would not give rise to any significant increase in overlooking.

The proposed roof extension to the office building at No.6 Salem Road is proposed to have a terrace around it on all four sides. However, to the western elevation, facing the rear of Salem Mansions, this would give rise to overlooking of the windows in the rear elevation of this mansion block. Therefore should the application be recommended for approval in due course, a condition will be recommended to require the omission of the terrace to the western elevation and to ensure the windows in the western elevation are obscure glazed and fixed shut.

The proposed Moscow Road block is again more contentious than other elements of the scheme in overlooking terms. This is because the rear 4-6 storey wing along the north-south service road would be particularly close to existing residential windows on either side (see distances in Section 8.3.2) and at these short distances the proposed development would introduce multiple sources of overlooking, both from windows and terraces to existing windows in the rear elevations of properties in Salem Road and, to a lesser extent, Queensway. The impact in Salem Road would also be such, given the height and proximity of the development that it would result in overlooking to the remaining garden areas of Nos.4 and 5 Salem Road. Whilst Nos.1-3 Salem Road are to be heavily altered as part of the development, the close proximity between their remodelled rear elevations and the rear wing of the proposed Moscow Road block is also of concern in terms of the degree and proximity of overlooking between the two.

The impact in terms of overlooking is exacerbated by the lack of any architectural devices or modelling of the form of the proposed building to attempt to angle or screen windows and balconies within the proposed Moscow Road block such that they would not cause overlooking or at least had a lesser impact on the privacy of existing neighbouring properties.

To the front elevation of the proposed Moscow Road block the scheme would introduce additional windows and this would lead to a perception of increased overlooking in properties on the opposite side of Moscow Road. However, mutual overlooking at this distance across a public highway is typical and the overlooking that would be created would not therefore be so severe so as to warrant withholding permission.

As with the impact of the rear of the proposed Moscow Road block in terms of loss of daylight and increased sense of enclosure, the impact it has in terms of overlooking is considered to be significant and would be detrimental to the amenity of neighbouring occupiers, contrary to ENV13 in the UDP and S29 in the City Plan. The Sub-Committee are therefore asked to consider whether they concur with the concerns expressed regarding this aspect of the proposed development.

8.4 Transportation/Parking

8.4.1 Car Parking

The proposed basement floor below the Moscow road block would provide 26 off-street car parking spaces for residential occupiers of all parts of the proposed development. In

addition the applicant has offered life time (25 year) car club membership for each residential unit.

The most recent night time parking survey in 2015 indicates that parking occupancy of on-street residents parking within a 200 metre radius of the site is 61%. During daytime hours occupancy of on-street residents parking spaces is at 78%. At these levels and having regard to existing car ownership levels in this part of the City and the accessibility of public transport, the Highways Planning Manager is content that the number of parking spaces proposed would be sufficient if they were provided on an un-allocated basis, along with car club membership, to prevent additional pressure being placed on on-street parking spaces and this accords with Policy TRANS23 in the UDP.

As set out in Section 8.1.2, it is considered that having regard to the wider benefits of the scheme, in terms of improving development viability and consequently increasing the public benefit that can be achieved in terms of affordable housing provision, it is preferable for the car parking to be provided on an allocated basis (the Independent Viability Assessment concluded that unallocated parking would limit affordable housing provision to 2 on-site units and a financial contribution of £214,617, whilst allocated parking would increase affordable housing provision to 4 on-site units and a financial contribution of £281,554). Accordingly, whilst the Highways Planning Manager's desire for un-allocated provision of car parking is understood, it is considered that on balance the increased quantum of planning obligations that can be achieved by provision of parking on an allocated basis outweighs the marginal increase in pressure on on-street parking that this may result in.

No parking is proposed for the non-residential uses within the development and this is acceptable and in accordance with Policies TRANS21 and TRANS22 in the UDP.

The applicant proposes electric car charging points in accordance with the requirements of the London Plan (i.e. 20% active provision of EV points and 20% provision of passive EV points). Should the application be recommended for approval in due course, these will be secured by condition.

8.4.2 Cycle Parking

The applicant has undertaken to deliver cycle parking in accordance with the London Plan requirements and this undertaking is welcomed by the Highways Planning Manager. Policy 6.9 in the London Plan requires 1 cycle parking space for a 1 bedroom residential unit and 2 spaces per residential unit of 2 or more bedrooms and this equates to a minimum of 100 cycle parking spaces, which are indicated on the application drawings.

The location and number of commercial cycle parking spaces is less clear from review of the application drawings and further clarification on the number and position of the cycle parking spaces (both long and short stay spaces) will be secured from the applicants and reported to the Sub-Committee when the application is reported back to it in due course for its further consideration and determination.

8.4.3 Building Line/ Dedication of Highway

The proposed Queensway block includes setting the building line on Queensway and Porchester Gardens back in line with the existing parade of shops. This amendment is welcomed and would significantly improve the highway given the increased width of pavement passable by pedestrians in accordance with Policy S41 in the UDP and Policy TRAN3 in the UDP. Retaining a chamfered corner is also seen as advantageous in assisting with accommodating pedestrian flows.

The Highways Planning Manager considers that to ensure this benefit of the scheme is retained the area of the setback should be dedicated as highway prior to the first occupation of the development. However, the applicant does not propose dedication and instead wishes to retain this area as private forecourt as it would have a basement structure below it. Whilst the lack of a commitment to dedicate this land as public highway is regrettable, it is considered that the benefit sought by the Highways Planning Manager could be secured alternatively by a condition preventing tables and chairs or any other retail paraphernalia on the forecourt area so that pedestrians can utilise this additional footpath width past the site.

8.4.4 Servicing

The Highways Planning Manager has concerns regarding the means of servicing proposed for non-residential uses (retail and dentist surgery) to the Queensway and Moscow Road frontages of the site. However, whilst the Highways Planning Manager's servicing concerns are understood, the servicing arrangements proposed are not materially worse than the existing situation. The proposed Queensway block would be serviced from the service road/ Queens Mews to the rear; whereas the existing retail units in this location are serviced from Queensway. The other retail units in Queensway and the relocated dentist's surgery would be serviced from Queensway, but this is no different to the existing servicing arrangements for these uses.

The restaurant and retail shop in Moscow Road would be serviced from Moscow Road, but again, this is the same as the existing servicing arrangement for the current retail units in this frontage. Accordingly, where possible off-street servicing (i.e. on a private road – Queens Mews) has been incorporated and the applicant has sought to comply, where feasible, with policy. Nevertheless, given that the scheme will potentially introduce more intensively serviced uses, such as the enlarged dentists surgery in Queensway and restaurant in Moscow Road, which will rely on on-street servicing, it is recommended that a Servicing Management Plan that demonstrates that on-street servicing can be managed in a way as to minimise the impact on other highway users, including pedestrians, is secured by condition.

8.5 Economic Considerations

The economic benefits of the proposed development are welcomed, subject to the resolution of the outstanding areas of concern identified in the recommendation in Section 1 of this report.

8.6 Access

The proposed residential accommodation would benefit from level access in the two new build elements of the development (i.e. the new blocks to Queensway and Moscow Road)

and the office accommodation within the roof level office extension would be provided with lift access. The retail units will be provided with step free access from the public highway.

The replacement dentist's surgery would not be provided with step free access. However, as set out in Section 8.1.4, given this represents a replacement facility for an existing dental practice, which is currently accessible by stairs at first floor level, this access arrangement is not considered to be a ground on which permission could reasonably be refused.

Other elements of the scheme comprise refurbishment and extension of existing private housing stock and therefore the lack of step free access to these parts of the scheme, though regrettable, is not a ground on which permission could reasonably be withheld.

8.7 Other UDP/ Westminster Policy Considerations

8.7.1 Basement Development and Construction Impact

The proposed development includes a basement below the Moscow Road block to accommodate car parking and other ancillary space, such as plant and services.

The applicant has submitted a detailed structural method statement and Building Control are satisfied that this has appropriately assessed the ground conditions on this site and recommended the appropriate method of construction. The applicant is also content for a condition to be imposed, should the application be recommended favourably in due course, requiring compliance with the Code of Construction Practice adopted in July 2016 and for monitoring to be carried out at the applicant's expense. In addition, subject to a condition requiring further details of piling and basement design to satisfy London Underground, the proposed basement would not harm local infrastructure and the applicant has demonstrated that flood risk on the site would not be exacerbated.

In terms of archaeology, whilst the site is not within an Archaeological Priority Area, it is identified by Historic England as a site where archaeological remains of interest may remain in respect of a 19th Century Baptist Church. As per Historic England's recommendation a condition can be used to ensure the potential archaeological interest on this site is fully investigated.

For the reasons in the preceding two paragraphs, the proposed basement is considered to be compliant with Part A of Policy CM28.1 in the City Plan.

Parts B and C of Policy CM28.1 set out restrictions on the extent and design of basements to ensure that they do not harm the character and appearance of the area in which they are constructed and to ensure their design does not have any adverse environmental effects. Whilst the proposed basement would be compliant with many elements of Parts B and C of the policy, it would not be covered by any soil depth where it extends beyond the footprint of the proposed Moscow Road block (the policy compliant approach is the provision of 1m of soil and a 200mm drainage layer). As a result, the communal courtyard/ rear garden access area of the Moscow Road block would not be capable of supporting any substantive soft landscaping. As proposed, the landscaping in the scheme at ground level is limited to eight trees within small and shallow planters. The proposed planters would limit soil depth and volume for the proposed trees to a maximum of 0.6 x 1.0 x 1.0m

and the soil depth show is only 0.3m deep. The success of this approach is likely to be limited and the size of the trees that the planters would be able to support is unlikely to contribute significantly to the visual amenity of the area. The Arboricultural Manager has advised verbally that the canopy of trees in the planters is likely to be limited to approximately 1.2m. Accordingly, it is considered that the proposed basement would fail to comply with Parts (B) and (C) of Policy CM28.1 in the City Plan. The applicants argue in their letter dated 26 July 2017 that the provision of soil depth over the basement would necessitate additional basement excavation, resulting in longer construction times greater traffic movement and greater build costs. In light of the non-compliance with Policy CM28.1 and the applicant's position, the Sub-Committee's consideration of the acceptability of the proposed basement is sought.

8.7.2 Mechanical Plant and Ventilation

Environmental Health do not object to the proposed mechanical plant to be accommodated on the roofs of the new Queensway and Moscow Road blocks, subject to further details of the operational noise level of the mechanical plant being submitted pursuant to a condition once the mechanical plant to used has be specified.

Environmental Health note that the kitchen extract ducts should terminate 1m above the ridge height of the roof (there is a duct proposed in both the Queensway and Moscow Road blocks). In the case of the Queensway block, this could be incorporated into a chimney stack should the scheme be amended to incorporate chimney stacks and party wall upstands at roof level.

8.7.3 Waste and Recycling Storage

The Cleansing Manager is content that the proposed bin storage arrangements appear sufficiently large to accommodate the waste and recycling from the various elements of the proposed development, subject to a condition to secure further details of the commercial waste store and to confirm the travel distances for residents to their respective bin stores would be less than 30m. The proposed waste and recycling arrangements would therefore be compliant with Policy ENV12 in the UDP.

8.8 London Plan

This application does not raise any strategic issues and is not of a scale that is referable to the Mayor of London. Where relevant London Plan policies are referred to elsewhere in this report.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Given that the applicant has yet to make a detailed affordable housing offer that meets the Independent Viability Consultant's assessment of the scheme, it has not been possible to confirm the full package of planning obligations that are to be secured by a S106 agreement to mitigate the impacts of the development. It is likely that the following obligations will need to be secured to mitigate the impact of the development; however, it should be noted that the list below will be subject to further negotiation:

- Provision of affordable housing (subject to further negotiation with the applicant).
- Highway works to facilitate access to the development/ to accommodate the highway.
- Provision of support for employment, skills and training.
- Monitoring of the S106.

The estimated CIL liability for the development (including Mayoral and Westminster CIL), based on the applicant's floorspace figures, is £1,775,324. However, it should be noted this amount will be subject to any exemptions or reliefs that may be applied following determination of the planning application.

8.11 Environmental Impact Assessment

The energy strategy and sustainability of the development remain under consideration and will be reported to the Sub-Committee for its consideration when the application is reported back for its further consideration and determination in due course.

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

1. Application form.
2. Letter from Montagu Evans on behalf of the applicant dated 26 July 2016.

Responses to Consultation on Initially Submitted Scheme (November 2016)

3. Email from the Bayswater Residents Association dated 22 November 2016.
4. Email from the South East Bayswater Residents Association dated 13 December 2016.
5. Letter from Thames Water dated 19 October 2016.
6. Letter from London Underground dated 1 November 2016.
7. Email from Building Control dated 1 November 2016.
8. Memo from the Cleansing Manager dated 2 November 2016.
9. Letter from Historic England (Archaeology) dated 8 November 2016.
10. Letter from Historic England dated 16 November 2016.
11. Email from Environmental Health dated 24 November 2016.
12. Memo from the Arboricultural Manager dated 22 December 2016.
13. Email from the Head of Affordable and Private Sector Housing dated 4 January 2017.
14. Letter and email from the occupier of the Ground Floor Flat, 4 Salem Road dated 23 September 2016 and 21 October 2016.
15. Letter and email from the occupier of Flat 3, 4 Salem Road dated 26 September 2016 and 24 October 2016.

16. Email from the occupier of 29 Queens Mews dated 24 October 2016.
17. Email from the occupier of Flat 7, Alexandra Court, 5 Moscow Road dated 30 October 2016.
18. Email from the occupier of 6 Shaftesbury House, 23 Moscow Road dated 7 November 2016
19. Email from the occupier of Flat 15, Alexandra Court, 5 Moscow Road dated 16 November 2016

Responses to Consultation on Revised Scheme (June 2017)

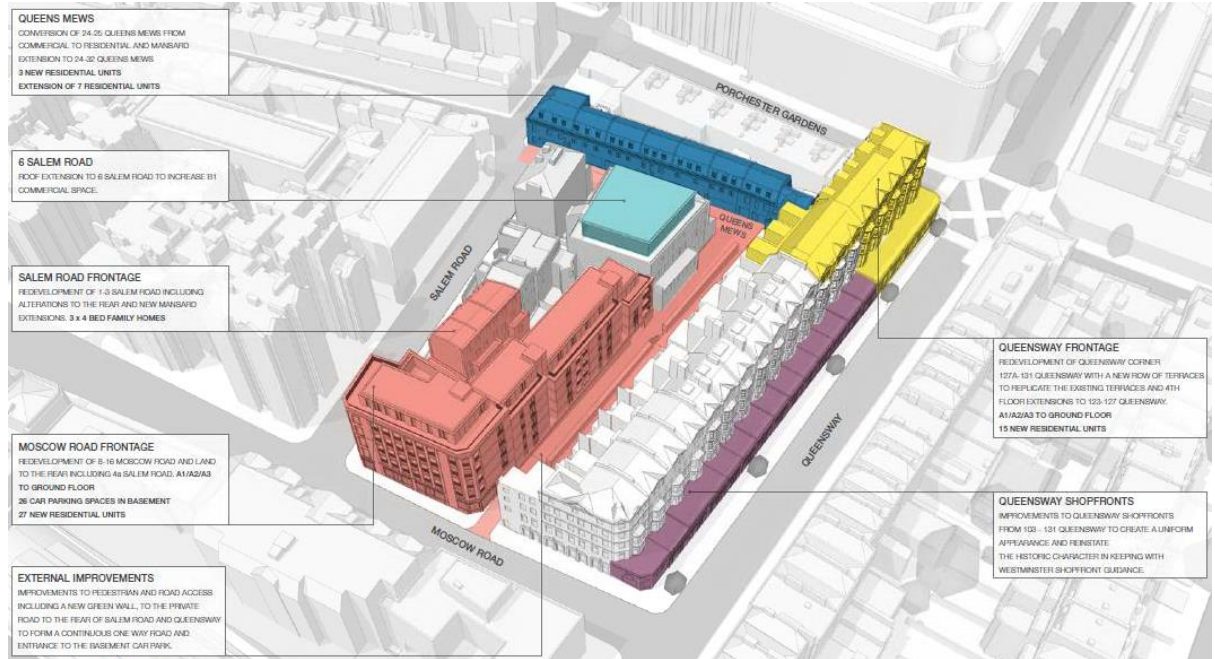
20. Email from the South East Bayswater Residents Association dated 25 June 2017.
 21. Memo from the Highways Planning Manager dated 31 July 2017.
 22. Email from the occupier of Flat 1, 4 Salem Road dated 26 June 2017.
 23. Email from the occupier of Flat 2, Alexandra Court, 5 Moscow Road dated 4 July 2017.
 24. Email from the occupier of 22 Alexandra Court, 5 Moscow Road dated 4 July 2017.
 25. Email from the occupier of 14 Alexandra Court, 5 Moscow Road dated 5 July 2017.
 26. Email from an occupier of 10 Alexandra Court, 5 Moscow Road, dated 5 July 2017.
 27. Email from an occupier of 10 Alexandra Court, 5 Moscow Road dated 5 July 2017.
 28. Email from the occupier of Flat 18 Alexandra Court, 5 Moscow Road dated 6 July 2017.
 29. Email from the occupier of Flat 3 Alexandra Court, 5 Moscow Road dated 7 July 2017.
 30. Email from the occupier of Flat 1, Alexandra Court, 5 Moscow Road dated 8 July 2017.
 31. Email from the occupier of 5 Moscow Road London, dated 13 July 2017.
 32. Email from the occupier of Flat 15 Alexandra Court, 5 Moscow Road dated 13 July 2017.
 33. Email from the occupier of 28 Alexandra Court, 5 Moscow Road dated 26 July 2017.
34. Letter on behalf of the applicant from Montagu Evans dated 26 July 2016.
35. Per unit floorspace schedule for all proposed residential units by Emrys Architects.

(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: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk.

10. KEY DRAWINGS

3D Development Overview



Queensway Block



Proposed Queensway elevation.

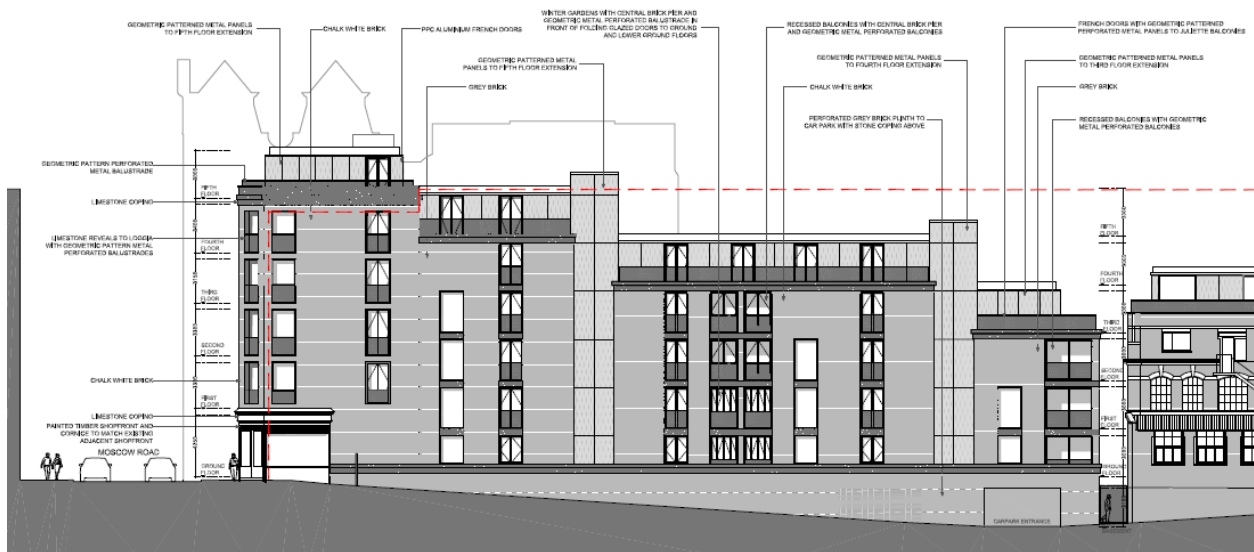
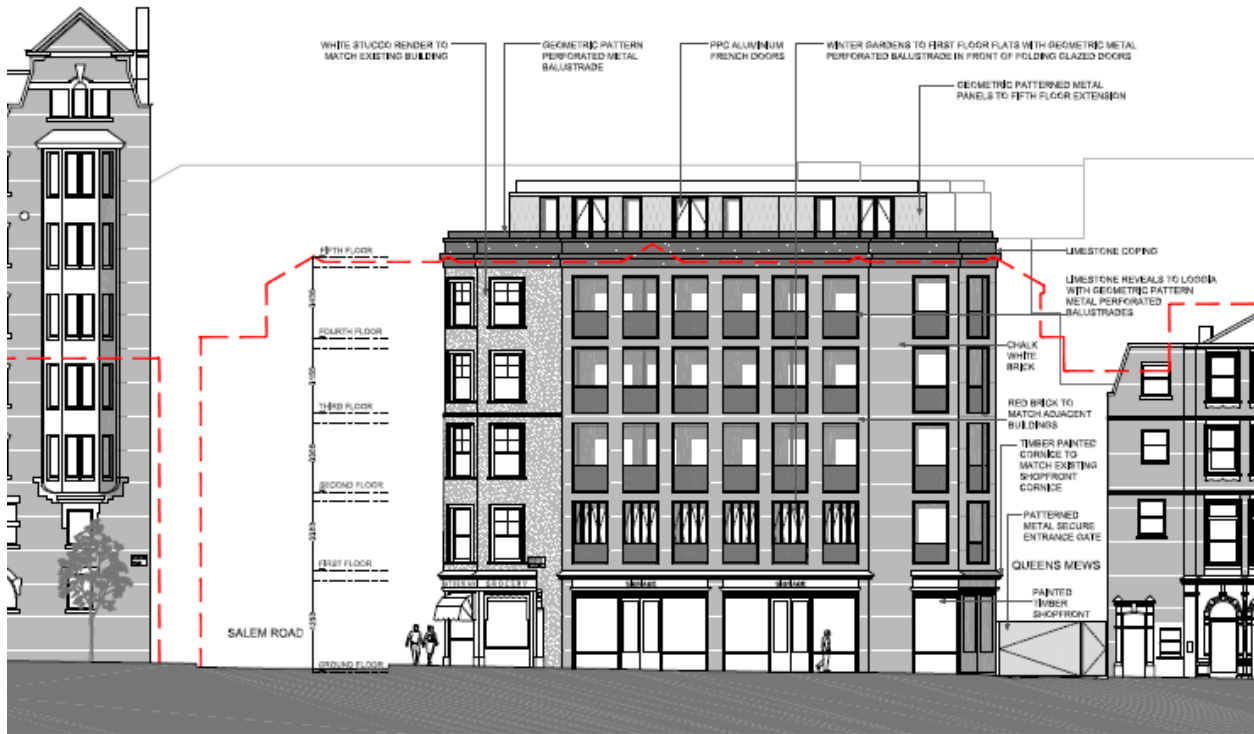


Proposed Porchester Gardens elevation (top) and proposed rear elevation (bottom).

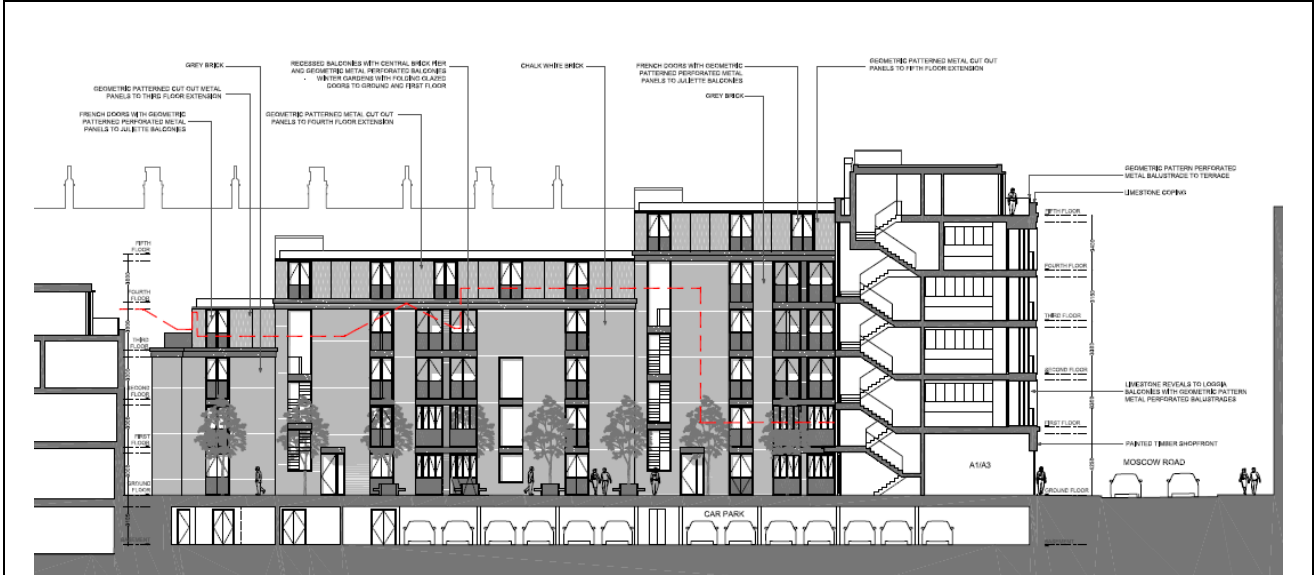


Photomontage of proposed Queensway and Porchester Gardens elevations (top) and photomontage of rear elevation (bottom).

Moscow Road Block



Proposed Moscow Road elevation (top) and Queens Mews elevation (bottom).



7.05.01 Moscow Road Bay Study

MATERIALS KEY

1. Limestone coping
2. Geometric pattern metal perforated balustrades
3. Geometric patterned cut out metal panels
4. Dark grey PPC aluminium French doors and window
5. Traditional white painted timber sash windows to match existing
6. White Stucco render to fourth floor extension to match existing
7. Limestone reveals to loggia
8. Red Brick to match existing buildings
9. Geometric metal perforated balcony balustrade
10. Existing shopfront painted



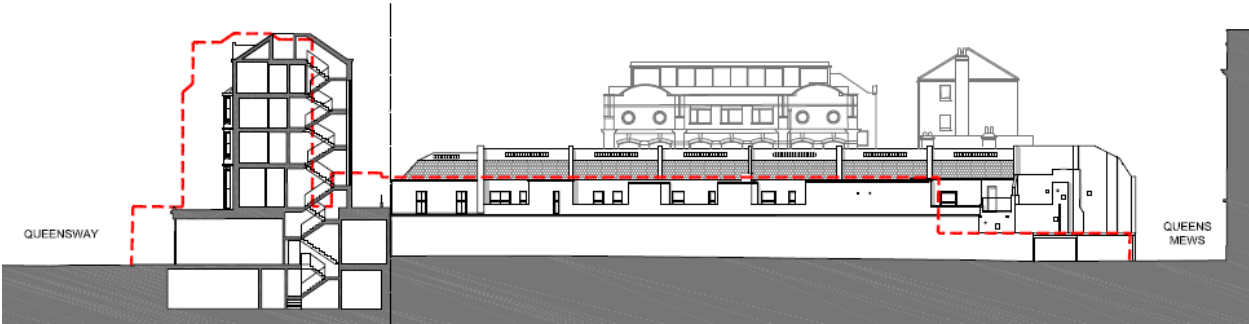
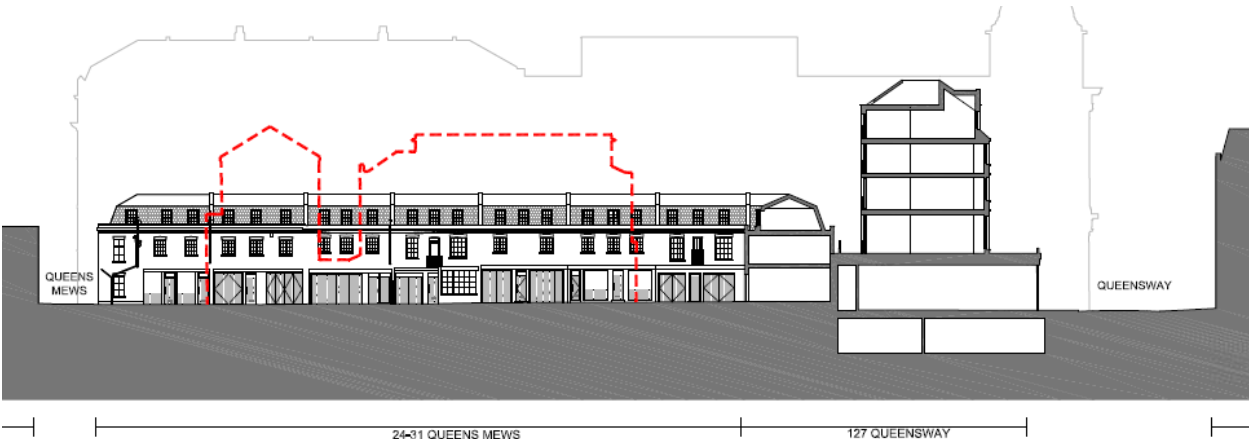
Fig 01 | Moscow Block Front Elevation

Proposed west elevation (top) and proposed front elevation with materials annotated (bottom).



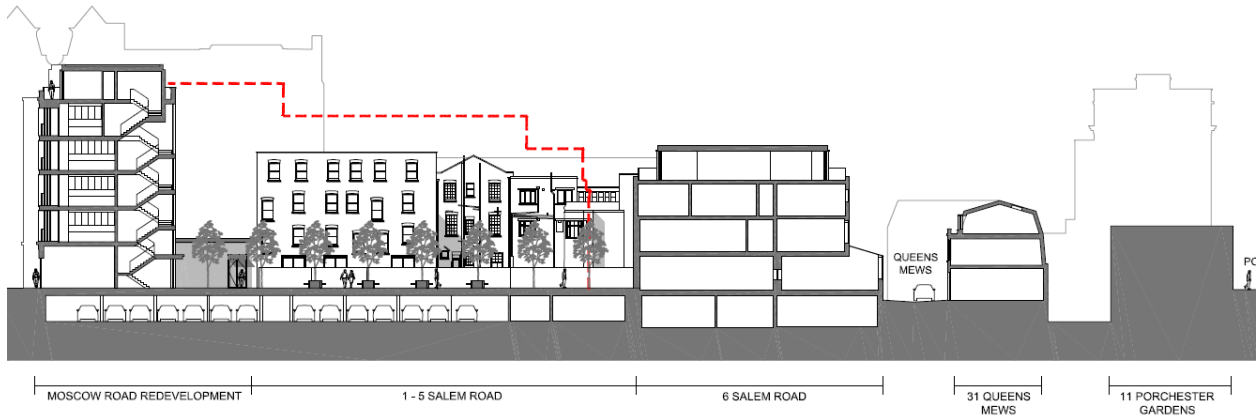
Photomontage of proposed Moscow Road elevation (top) and photomontage of proposed rear elevation (bottom).

Queens Mews Roof Extensions and Alterations



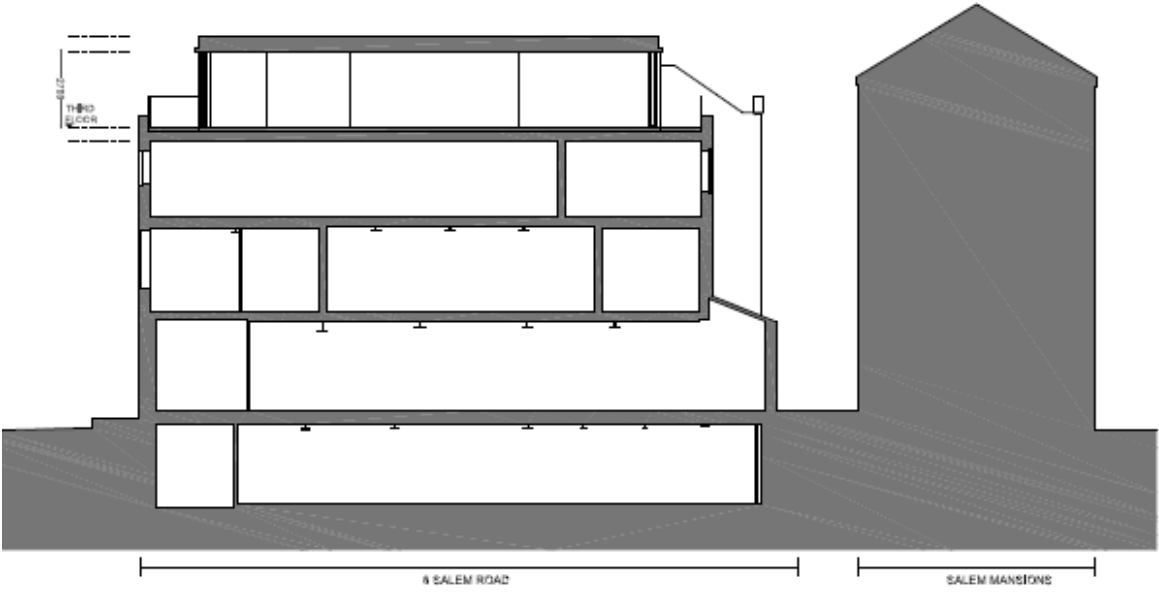
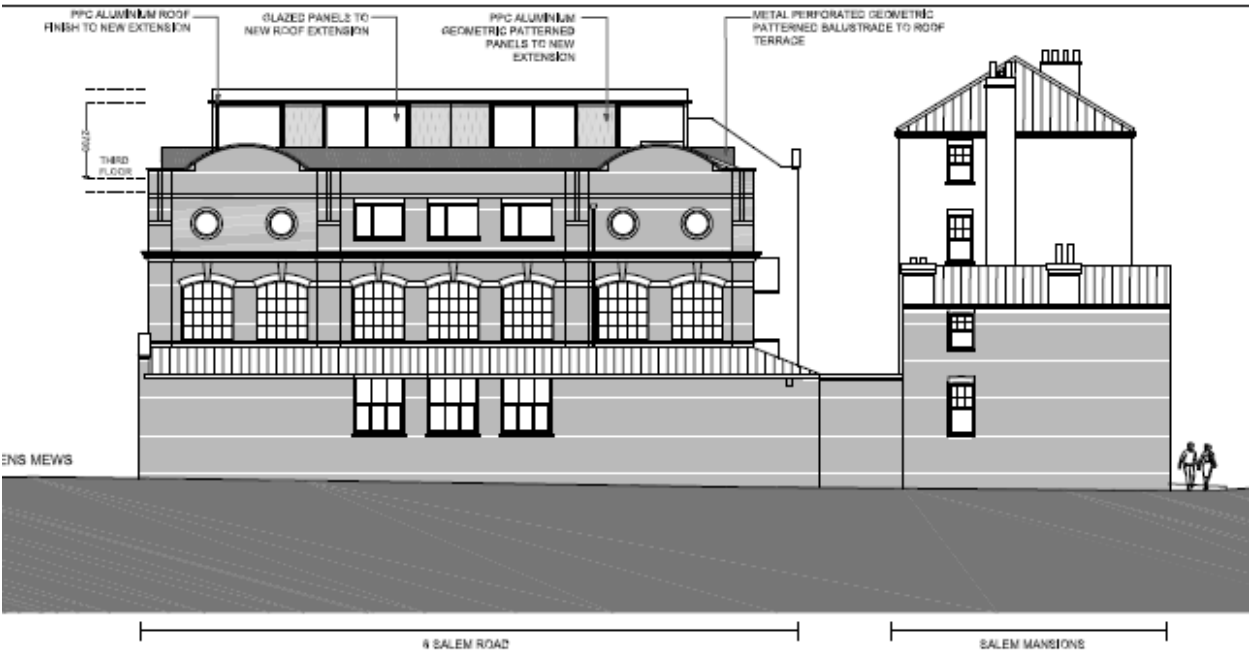
Proposed front and rear elevations.

Roof Extensions and Alterations to Nos.1-3 Salem Road



Proposed front and rear elevations (also showing Nos.1-3 in context with proposed Moscow Road redevelopment block).

No.6 Salem Road Office Roof Extension



Proposed north elevation (top) and proposed section (bottom).

DRAFT DECISION LETTER

- Address:** Dev. Site At 103-131 Queensway, 8-16 Moscow Road 1, 3, 4A And 6 Salem Road And, 24 - 32 Queen's Mews, London, ,
- Proposal:** Redevelopment comprising four phases: (i) Demolition of 127A-131 Queensway and replacement with a 5 storey plus basement building to provide ground and basement A1 and A3 units and 12 flats on the upper floors. use of first floor of Nos.115a, 117 and 119 Queensway as dentists surgery (Class D1)(relocated from the No.129) and associated alterations to 103-131 Queensway, including replacement of shop fronts, demolition and replacement of 4th floor level of Nos.123-127 to provide 3 reconfigured flats at third floor level and 3 new flat at fourth floor level. Associated public realm improvement comprising widening of footpath of public highway outside Nos.127A-131 Queensway by setting back of shop units. (ii) Erection of mansard roof extensions to Nos.24-32 Queen's Mews and use as 3 flats at Nos.24-25 and 7 duplex flats over first and second floors at Nos.26-32. (iii) Demolition Nos.8-14 Moscow Road and 4a Salam Road and replacement with new building ranging between 4 and 6 storeys to Moscow Road Salam Road and Queens Mews incorporating the existing building at No.16 Moscow Road and including basement car parking to provide an A1/A2/A3 unit at ground floor level to Moscow Road and 27 flats. Use of Nos.1-3 Salam Road as 3 dwellinghouses, with associated alterations, including addition of third floor roof extension and side extension. Alterations to the rear of Nos.103-131 Queensway along Queens Mews, including provision of green wall and provision of new public realm in Queens Mews. (iv) Erection of single storey roof extension to No.6 Salem Road for Class B1 use. Together with associated works including mechanical plant, cycle storage and waste storage, for each phase.
- Reference:** 16/09461/FULL
- Plan Nos:** 1310-0100-AP-000/PL01, 1310-0100-AP-101/PL01, 1310-0100-AP-102/PL01, 1310-0100-AP-103/PL01, 1310-0100-AP-104/PL01, 1310-0100-AP-105/PL01, 1310-0100-AP-106/PL01, 1310-0100-AP-107/PL01, 1310-0100-AP-202/PL01, 1310-0100-AP-203/PL01, 1310-0100-AP-302/PL01, 1310-0100-AP-303/PL01, 1310-0100-AP-304/PL01, 1310-0100-AP-305/PL01, 1310-0100-AP-306/PL01, 1310-0100-AP-402/PL01, 1310-0100-AP-403/PL01, 1310-0100-AP-404/PL01, 1310-0100-AP-405/PL01, 1310-0100-AP-501/PL01, 1310-0100-AP-502/PL01, 1310-0100-AP-503/PL01, 1310-0100-AP-504/PL01, 1310-0100-AP-601/PL01, 1310-0100-AP-602/PL01, 1310-0100-AP-603/PL01, 1310-0100-AP-604/PL01, 1310-0100-AP-605/PL01, 1310-0100-AP-606/PL01, 1310-0100-AP-607/PL01, 1310-0200-AP-101/PL02, 1310-0200-AP-102/PL02, 1310-0200-AP-103/PL02, 1310-0200-AP-104/PL02, 1310-0200-AP-105/PL02, 1310-0200-AP-106/PL02, 1310-0200-AP-107/PL02, 1310-0200-AP-108/PL02, 1310-0200-AP-202/PL02, 1310-0200-AP-203/PL02, 1310-200-AP-301/PL01, 1310-0200-AP-302/PL02, 1310-0200-AP-303/PL02, 1310-0200-AP-304/PL02, 1310-0200-AP-305/PL02, 1310-0200-AP-306/PL02, 1310-0200-AP-307/PL02, 1310-0200-AP-308/PL02, 1310-0200-AP-402/PL02, 1310-0200-AP-403/PL01, 1310-0200-AP-404/PL02, 1310-0200-AP-405/PL02, 1310-0200-AP406/PL02, 1310-0200-AP-500/PL02, 1310-0400-AP-001/PL02, 1310-0400-AP-002/PL02, 1310-0400-AP-003/PL02, 1310-0400-AP-004/PL02, 1310-0400-AP-005/PL02, 1310-0400-AP-101/PL02, 1310-0400-AP-102/PL02, 1310-0400-AP-103/PL02, 1310-0400-AP-104/PL02,

1310-0400-AP-105/PL02, 1310-0400-AP-106/PL02, 1310-0400-AP-107/PL02, 1310-0400-AP-108/PL02, 1310-0400-AP-109/PL01, 1310-0400-AP-110/PL02, 1310-0400-AP-111/PL02, 1310-0400-AP-112/PL02, 1310-0400-AP-113/PL02, 1310-0400-AP-114/PL02, 1310-0400-AP-115/PL02, 1310-0400-AP-116/PL02, 1310-0400-AP-117/PL02, 1310-0400-AP-118/PL02, Design and Access Statement dated 08.09.2016 (as amended by 'Planning Revisions document dated 31.03.2017, Heritage Statement dated October 2016, Historic Environment Assessment (August 2016), Planning Statement dated September 2016, Shopfront Design Code dated 31.03.2017, Drainage Strategy and SuDS Statement (August 2016 - Rev.-2), Air Quality Assessment (09.09.2016), Arboricultural Report (24 August 2016), Daylight and Sunlight Report dated 24 January 2017, Transport Statement dated September 2016, Acoustic Report dated 24 August 2016 (Version 02), Utility and Ventilation Extract Statement dated August 2016, Statement of Community Involvement dated August 2016 and Structural Statement dated August 2016.

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

Recommended Condition(s) and Reason(s)

N/A (Application reported for a Sub-Committee Steer).

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

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Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	Welbeck Street Car Park, Welbeck Street, London, W1G 0BB,		
Proposal	DEVELOPMENT SITE AT 74-77 WELBECK STREET AND 28-40 MARYLEBONE LANE - Demolition of the existing building and redevelopment to provide a new building comprising basement, lower ground floor, ground floor and first to ninth floor levels. Use of the building as an hotel with supporting facilities (Class C1) with publicly accessible restaurant/bar and café at part ground floor level, publicly accessible spa and guest business facilities at lower ground floor level, roof terrace, roof level plant and associated works.		
Agent	DP9		
On behalf of	Marylebone Lane LP		
Registered Number	17/01930/FULL	Date amended/ completed	8 May 2017
Date Application Received	3 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Subject to the views of the Mayor, grant conditional permission

2. SUMMARY

The application involves the NCP car park at the southern end of Welbeck Street and Marylebone Lane. Permission is sought for the demolition of the existing building, and the redevelopment of the site to provide a 10-storey (plus double basement level) hotel, with a publicly accessible restaurant, café, spa and guest business facilities.

The key issues in this case are:

- * The impact of the scheme on the character and appearance of the area
- * The principle of a hotel in this location and the loss of a public car park and redundant storage space
- * The impact of the scheme on the amenity of neighbouring occupiers
- * Servicing arrangements

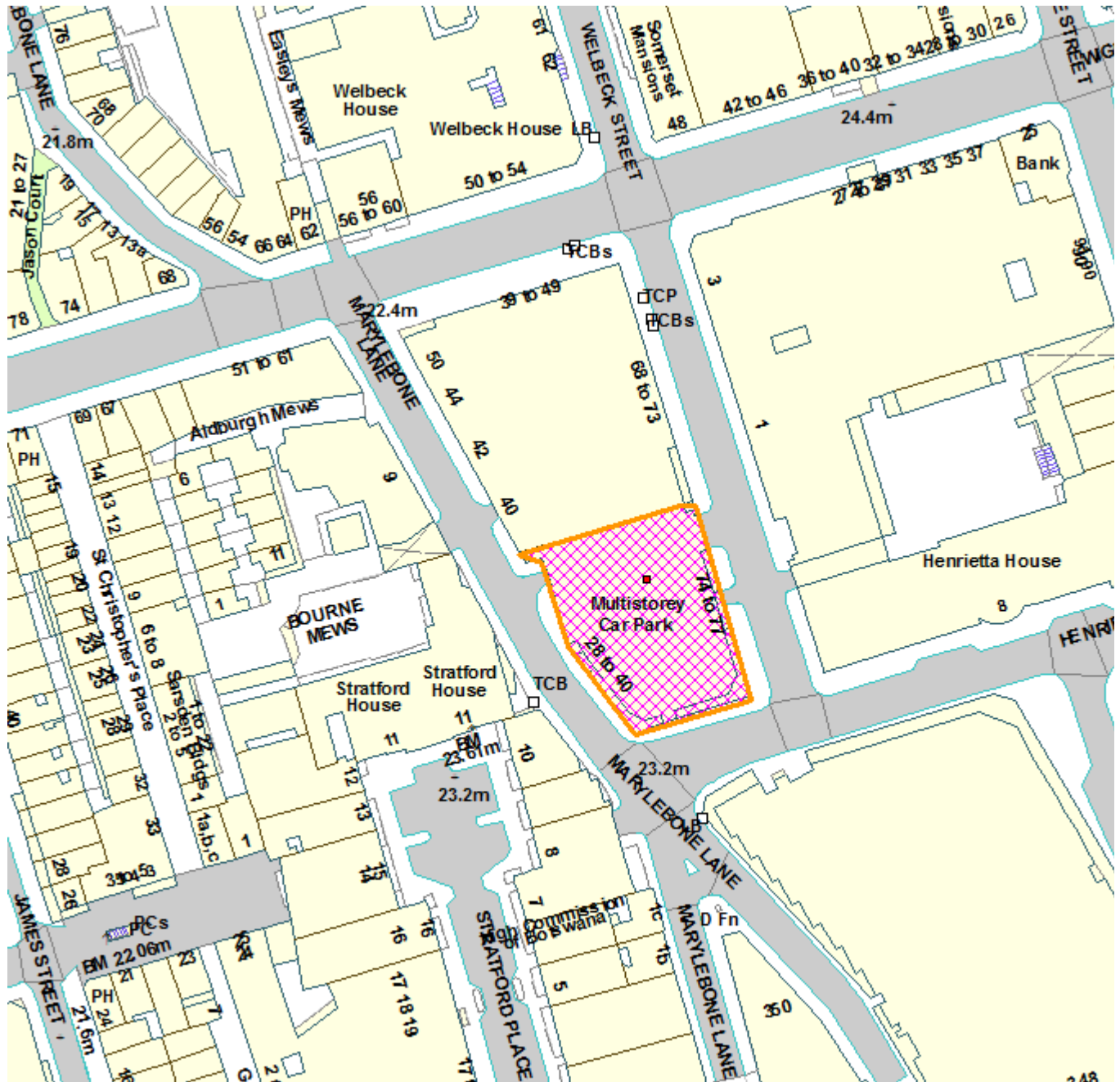
Whilst objections to the demolition of the existing building and to the height and bulk of the proposed

building have been received, the contribution of the existing building to the character and appearance of this part of the city is considered to be neutral and there is no objection in principle to its demolition. The proposed building is of significantly greater height and bulk than the existing car park, however, its massing is similar to the building to its immediate east and with the setting back of the upper floors, in the street level views, the visual impact of these floors is much reduced.

The design of the replacement building is modern, using coloured ceramic cladding in a banded pattern which is considered a bold, eye-catching design, of high quality and it is considered acceptable in this location.

The loss of the existing public car park complies with transport policies and the principle of hotel use is acceptable in land use terms. Subject to appropriate conditions controlling the hotel operation it is considered that the use would be neither harmful to residential amenity nor the character and function of the area. In other respects the scheme is considered to comply with policies set out in the City Plan and in the Unitary Development Plan (UDP).

3. LOCATION PLAN



4. PHOTOGRAPHS

View from Henrietta Place



View from Marylebone Lane



5. CONSULTATIONS

GREATER LONDON AUTHORITY

Supports the principle of a hotel redevelopment but considers that further sustainability commitments/clarifications are required, that cycle hire docking capacity should be increased, a taxi rank provided and drop off/pick up coach and loading/unloading arrangements should be clarified and secured.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objections raised subject to an archaeological condition being imposed.

LONDON UNDERGROUND LIMITED

No objections raised.

MARYLEBONE ASSOCIATION

Any comments to be reported verbally

BUILDING CONTROL

No objections raised.

HIGHWAYS PLANNING MANAGER

No objections raised.

ENVIRONMENTAL HEALTH

No objections raised.

CLEANSING

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 169

Total No. of replies: 3

Three letters of objection received on the following grounds:

Amenity

- * Loss of daylight, sunlight and rights to light to Oriental club residential bedrooms
- * Light pollution and overlooking

Design

- * Height should be no higher than the existing carpark
- * Existing building is unique and should be retained

Highways

- * Servicing strategies rely on as yet undetermined road-use strategies
- * Marylebone Lane is highly congested at peak times and weekends
- * Loss of car parking facilities

Other issues

* Lack of consultation

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is located at the southern end of Welbeck Street and Marylebone Lane, at the junction with Henrietta Place. It comprises an NCP Car Park, a restaurant which is currently occupied by Meat Liquor, and a nightclub occupied by SophistiCats. There is also some redundant storage space in the basement which was previously used by Debenhams. This space was linked to 1-2 Welbeck Street by an underground tunnel which has now been severed.

The existing car park provides 359 spaces. It is operated by NCP and takes its vehicular access from Marylebone Lane and Welbeck Street.

The site lies within the Core Central Activities Zone (CAZ) and the surrounding area has a mixture of mainly commercial uses. The buildings to the east of Marylebone Lane and along Henrietta Place and Welbeck Street are office and commercial buildings. Debenhams Department Store lies directly south of the site on Henrietta Place and the Oriental Club is directly opposite the site on the north side of Stratford Place. There are also residential properties near the site, including a new 7-storey residential development at 9 Marylebone Lane.

The site is not located within a Conservation Area but is located within the vicinity of the Stratford Place Conservation Area and the Harley Street Conservation Area. The site is also adjacent to a number of listed buildings, including Stratford House which is Grade I listed, and 2-7 and 8-10 Stratford Place which are Grade II listed.

6.2 Recent Relevant History

28th March 1968 – permission granted for the erection of a ten storey building on the sites of 30-40 Marylebone Lane, 14-15 Henrietta Place and 74-77 Welbeck Street for use as shops and storage in the basement, shops and public car park on the ground floor and a public car park on the upper floors and roof.

25 April 1995 – certificate of lawfulness granted for the existing use of the ground floor lobby and basement as a night club and discotheque with the ancillary sale of food and drinks.

23 October 2009 - certificate of lawfulness granted for use of part ground to eighth floor including the roof as a public car park

5 April 2011- permission granted for the dual/alternative use of the ground floor of 77 Welbeck Street for either continued restaurant (Class A3) use and/or retail (Class A1) use.

7. THE PROPOSAL

The application involves the demolition of the existing car park building and the redevelopment of the site to provide a 10-storey plus two basement level hotel. 206 guest bedrooms are proposed, with a publicly accessible restaurant and cafe at ground floor level and a spa and guest business facilities at lower ground floor level. Shiva Hotels are the intended hotel operator and have submitted an Operational Management Statement (OMS).

A new basement level is proposed to provide an area for plant, and back of house facilities including a canteen, stores, offices and housekeeping accommodation.

The entrance to the hotel is on Welbeck Street and a separate access is proposed on Henrietta Place to the restaurant/bar area. The upper levels contain the hotel bedrooms designed around the central courtyard and club lounge facilities, and a pool for hotel guests and private members are proposed at ninth floor level.

The existing and proposed land uses are summarised below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Public car park	11,344	0	-11,344
Nightclub	406	0	-406
Restaurant/bar	366	344	-22
Storage/retail	745	0	-745
Hotel	0	12,079	+12,079
Total	12,861	12,423	-438

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of public car park

The proposals involve the loss of an existing public car park (360 spaces). UDP policy TRANS 25 states that the council will usually permit the loss of public off-street parking. In determining such proposals, the Council will consider the need to reduce traffic levels and encourage more sustainable modes of transport, the average and peak usage of the car park, the availability of alternative, nearby public car parks; the impact on local on-street parking facilities; the impact on traffic and local residential amenity and any other factors considered relevant.

The applicant has provided evidence which indicates that the peak demand for the car park on weekdays is 75 spaces (21%) and on Saturdays is for 52 spaces (14%). There is availability within car parks within the vicinity of the site (for example Cavendish Square and the Harley Street car park on Queen Anne Mews). On this basis, the loss of the car park is considered acceptable.

The Oriental Club raise objections on the grounds that some of their members travel by car and suffer from mobility problems, but it is not considered that the application could be refused on this basis.

Other transportation and servicing issues are discussed in part 8.4 of this report.

New hotel use

Hotels are important to support the visitor and business economy, and they have strong links with other activities in central London such as shopping, theatre and other cultural and entertainment activities. In addition to providing 206 rooms, the hotel will provide a café and restaurant/bar which would also open to the public. The restaurant/bar and café areas are located on the ground floor with a capacity of up to 100 in the restaurant, 50 in the bar area and 45 in the café.

Policy S23 of Westminster's City Plan directs new hotels to the CAZ and to those streets which do not have a predominantly residential character. Policy TACE 2 of the UDP is also permissive towards new hotels in the CAZ that do not have a predominantly residential character where (i) no adverse environmental and traffic effects would be generated and (ii) adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and for taxis serving the hotel.

Notwithstanding the recent residential permission at 9 Marylebone Lane, Marylebone Lane and Welbeck Street are still predominantly commercial in character. In these circumstances, the introduction of a new hotel on this site is considered acceptable in principle in land use terms.

The application is supported by an Operational Management Statement which includes measures designed to ameliorate the impact of the hotel and entertainment uses on residents' amenities and local environment quality and this is discussed below. The impact of the proposals on traffic and parking is set out in section 8.4.

Operational Details

The intention is that Shiva Hotels would be the hotel operator. The applicant's stated aim is to create a 5 star hotel with a very high standard of internal design and décor. The hotel will comprise 206 bedrooms with a restaurant/bar and café occupying a large part of the ground floor.

The hotel would be open to guests 24 hours a day seven days a week. It is proposed that the café would be open to non-residents from 07:00 to 19:00 daily, the restaurant from 06.30 to 23.00 and the bar would be open until midnight.

New restaurant, bar and café use

Although the restaurant/bar and café would be an integral part of the hotel and under the same management, as is typical of a hotel of the nature proposed, these areas would be open to non-residents. Although these areas would not be operated as stand-alone facilities and would be ancillary to the primary hotel use (Class C1), the impact of these uses needs to be assessed against the City Council's entertainment policies.

In this instance, the site already contains an existing restaurant and nightclub and overall there would be a net loss of entertainment space compared to the lawful uses. UDP Policy TACE 9 states that within the CAZ permission will only be granted for restaurant uses (between 150m² and 500m²) where the City Council is satisfied that there is no

adverse effect on residential amenity or local environmental quality, and no adverse effect on the character or function of the area. In reaching decisions, the City Council will have particular regard to factors including the number of people on the premises, the opening hours, servicing and arrangements to safeguard amenity (such as means of extraction/ventilation etc). Policy S24 is similarly worded.

Given that the proposal involves the replacement of an existing restaurant from within the same site it is not considered that the proposed restaurant/bar use would have an adverse effect on the character or function of the area.

In terms of the impact of the use on residential amenity, despite the location of the restaurant within relatively close proximity to residential properties on the upper floors of the recent development at 9 Marylebone Lane no objections have been received to the introduction of the new restaurant/bar use. Given the location of hotel bedrooms directly above, it will be in the interests of the hotel to ensure that these areas are properly managed. Furthermore, the restaurant is intended as a sit-down facility with waiter service and no take away facilities, and the total capacity of all entertainment areas would be restricted to 195 (with the restaurant having 100 covers, the bar 50 covers and the café 45 covers).

The application is accompanied by an Operational Management Statement (OMS) that sets out the hours non-resident guests can use the restaurant and bar areas, a restriction on capacity of the front-of-house areas, the provision of door staff and 24 hour security, and the inclusion of a structure for liaison with local residents.

Loss of storage floorspace

The proposals also involve the loss of 745sqm of storage space which has historically been used by Debenhams as a satellite storage area for their retail goods. As such this space has been used as ancillary Class A1 retail space. However, the only means of access to this space is via an underground tunnel that linked the application site to 1-2 Welbeck Street on the opposite side of the street. This underground link has now been severed.

UDP SS5 states that A1 uses at ground, basement or first floor level in the CAZ will be protected. City Plan policy S21 seeks to protect existing retail uses throughout Westminster, except where it can be demonstrated that the unit is unviable through long term vacancy, despite attempts to let. Whilst the proposals would result in the loss of 745sqm of Class A1 retail floorspace, this space has never been used for active retail purposes, it is located entirely at basement floor and has no ground floor presence, and now that the underground link to this site and the main Debenhams store on Oxford Street has been severed, it is an entirely isolated space. Debenhams have been notified of the application and have not commented on the application.

The text to Policy SS5 also states that 'changes of use above, below or adjoining an A1 use should not jeopardise the long-term A1 use of a ground floor shop by, for example, diminishing essential ancillary storage/office space, or by reducing the size of a shop unit. Any of these will make it difficult to retain an A1 use in the ground floor unit.' In this regard, it is not considered that the loss of this space would have any material harm on local shopping character and function.

8.2 Townscape and Design

The Welbeck Street multi-storey car park was built between 1968 and 1970, designed by Michael Blampied and Partners. The striking, sculptural facade comprises interlocking precast panels which are supported on a system of precast concrete frames and columns at ground level. In 2015 the building was assessed by English Heritage (now Historic England), and it was concluded that the building did not meet their criteria for listing. It is not of special architectural and historic interest.

The building is not in a conservation area, but is to the east of the Stratford Place Conservation Area. Its contribution to the character and appearance of this part of the city is considered to be neutral and therefore it is not considered to be a heritage (designated or undesignated) asset. Objections to the loss of the building have been received, however, given its non-conservation area location, its demolition does not require planning permission. Its replacement with a new building which contributes positively to the area is acceptable in principle.

Plan form

The building follows the historic building lines, with active ground floor frontages, with glazed shopfronts, on all three facades; a hotel/café on Marylebone Lane, restaurant/bar on Henrietta Place and hotel reception on Welbeck Street. These frontages are a significant improvement on the existing building (which has rather dead street frontages), as they will bring life and activity to this part of the city, Marylebone Lane in particular. On Henrietta Place it is proposed to realign the pavement to create more space for pedestrians. This all amounts to a significant benefit in urban design terms.

Height and bulk

The proposed building is of significantly greater height and bulk than the existing car park and objections have been received on these grounds. It is 10 storeys above street level, with the top two floors set back from the parapet and a large pitched roof enclosing the plant space. The massing is similar to that of the building to the east on the opposite corner of Welbeck Street and Henrietta Place.

The setting back of the upper floors means that, in the street level views, the visual impact of these floors is much reduced. In views along Henrietta Place and from Oxford Street the massing appears acceptable. It is only in a limited number of views from the north (Marylebone Lane and Welbeck Street) that its greater height, in relationship to adjacent buildings to the north, is more apparent. However, it appears acceptable in the context of the taller buildings in Henrietta Place and at the southern end of Marylebone Lane. The top of the building is visible in some views from Stratford Place, within the Stratford Place Conservation Area, (above the roof of no. 10 Stratford Place) but this visual impact is limited and not harmful to the setting of the adjacent listed buildings or the conservation area.

Design

The design of the hotel building is modern, using coloured ceramic cladding in a banded pattern. The facade has strong verticals, in the form of triangular piers, and counterbalancing horizontals, and is capped by a projecting cornice. The set-back upper floors are more glazed and framed in metal. The pitched roof is to be clad in glazed ceramics. This is a bold, eye-catching design, of high quality and it is considered

acceptable in this location. The facade detailing and materials should be reserved matters if planning permission is to be granted.

It is concluded that this is a high quality building which will contribute positively to, and preserve and enhance, the character and appearance of the area. There is no harm to heritage assets. The scheme complies with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4 and DES 10.

8.3 Residential Amenity

The closest affected residential properties are within the recently completed development site at 9 Marylebone Lane to the north west of the site. There are also residential flats on the upper floors of 50 Marylebone Lane to the immediate north of the site and flats within 3 Welbeck Street to the north east of the site.

A daylight and sunlight report has been commissioned by Point 2 Surveyors which examines the impact on daylight and sunlight conditions to the adjacent residential properties. None of the adjacent or adjoining residential occupiers have raised objections on sunlight/daylight grounds but the occupier of the Oriental Club on Stratford Place has objected on the grounds that the proposals would impact on loss of light to bedrooms used by Club members. An additional sunlight/daylight report has also been provided which assesses the impact of the proposals on the Oriental Club.

Daylight

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

The sunlight/daylight assessment submitted with the application demonstrates that only one window within the recently completed 9 Marylebone Lane would be adversely affected by more than the 20% recommended in the BRE guidelines. This is a living/kitchen/dining room window that would experience a 46% loss in VSC contrary to BRE guidance. However, this window is within a room served by five other windows none of which would be adversely affected by the proposals. In addition, this one window has a low (less than 1% absolute) existing VSC value where any change translates to a technical breach of BRE guidelines.

All other surrounding residential windows are too far away to be affected by the proposed development.

Sunlight

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited and would be reduced by more than 20% as a result of a development, and has a 4% loss in total annual sunlight hours, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested, and living rooms and conservatories are considered to be the most important rooms to be protected – with kitchens and bedrooms less so.

Three windows within 9 Marylebone Lane would experience losses in breach of the BRE guidelines. Two of the windows are within a living/kitchen/dining room where there are four other windows which are unaffected by the proposals. The other window is also within a living/kitchen/dining room also served by five other windows none of which would be adversely affected by the proposals.

Impact on the Oriental Club

The Oriental Club on Stratford Place is a private members' club which provides dining and lounge/bar facilities and 40 members' bedrooms. The Club have raised strong objections on sunlight/daylight grounds arguing that the Club operates in a similar manner to an hotel, offering short to medium let residential accommodation with many of the Club's Members using the club bedrooms, especially during the summer, as a temporary home. The Club argues that these residents enjoy a certain quality of daylight and sunlight, particularly due to the unique lattice construction of the existing car park, and that these levels will be lost as a result of the proposed redevelopment of the site.

The applicant has submitted an additional sunlight/daylight report that assesses the impact of the proposal on the Oriental Club windows that overlook the site. There are 22 bedrooms within the club which are single aspect rooms with windows overlooking the application site. Of these 22 windows, 11 windows would experience VSC losses of over 20% with these losses varying between 20.91% and 29%. Under the terms of the BRE guidance such losses would be considered to materially impact on the standard of natural light. However, this is largely due to the windows having a relatively poor existing VSC figure, which disproportionately affects the results.

The BRE Guidelines state that "the guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices". The BRE also notes that bedrooms are afforded less protection than rooms such as living rooms. Given the City Council's policy for protecting daylight and sunlight is primarily aimed at protecting the living standards of residents, the fact that the use of these affected rooms is for bedroom accommodation, it is considered that in this urban built up location, the levels of daylighting and sunlighting retained are acceptable and the impact is not considered to justify refusal.

The Club also argues that Rights to Light have not been considered, however, this is purely a private matter.

Sense of Enclosure

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

The building would be approximately two storeys higher than the existing car park and would be directly opposite the south facing windows within 50 Marylebone Lane and within close proximity to 9 Marylebone Lane. However, the additional massing proposed would be some 30m from the windows in 50 Marylebone Lane and future residents in 9 Marylebone Lane would only have an oblique view of the proposed development. Given the distances involved it is not considered that the impact on sense of enclosure would be so significant as to warrant refusal.

Privacy

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

The Oriental Club have also raised concerns on the grounds of loss of privacy and overlooking from proposed bedrooms in the hotel to existing club bedrooms. Whilst the proposed scheme introduces a number of windows facing the Oriental Club, the existing windows in the club are a street widths distant from the new building and given that this is not an unusual distance in terms of window to window proximity in Central London it is not considered that the proposal would result in such a harmful impact on increased overlooking to warrant refusal.

Other Issues

Concerns have also been raised by the Oriental Club regarding light pollution. To address the concerns raised the applicant has confirmed that all bedrooms will be provided with internal blinds.

8.4 Transportation/Parking

A Transport Statement produced on behalf of the applicant identifies the site as being within a highly accessible location in terms of public transport. Trip generation modelling concludes that the majority of trips associated with the site will be via public transport or other sustainable modes (e.g. walking, cycling) and indicates that the proposal will not have a significantly adverse effect on the safety or operation of the highway network.

In addition, the number of vehicle trips generated by the proposed development is considered to be lower than the level of trips generated by the existing car park.

Site servicing

In terms of servicing, Policy TRANS 20 states that the City Council will require convenient access to premises for service vehicles and will normally require that “vehicular servicing needs of developments are fully accommodated on-site and off-street ... sufficient to cater for the size, type and frequency of arrival of the vehicles likely to be servicing the development”.

The applicant estimates that the proposed development will be serviced on average by 6 service vehicles daily. All servicing is proposed on-street on Marylebone Lane adjacent

to the goods-in entrance. The submitted draft Servicing Management Plan (SMP) demonstrates how servicing will be managed with all deliveries pre-booked outside of peak periods where possible, and scheduled to avoid conflict with waste / recycling collections. Whilst the Oriental Club believe that servicing would be problematic, the Highways Planning Manager has confirmed that the SMP has demonstrated that there is capacity on the surrounding street to deal with on-street servicing. As the SMP is currently in draft form, a revised SMP will be secured by condition.

Taxi's, coaches and minibuses picking up/dropping off at the site will stop on Welbeck Street outside the main entrance to the hotel. As Welbeck Street is one-way coaches and taxi's are able to stop without blocking through traffic. The SMP sets out how hotel arrivals and departures will be managed, and with this in place, and with a condition requiring the return of the existing footway crossovers to footpaths, the Highways Planning Manager considers the proposals acceptable in highway terms.

Public realm

The applicant has indicated that they wish to investigate potential public realm improvements to widen the footway on the northern side of Henrietta Place, adjacent to the hotel restaurant and bar entrance. At present, there are two existing pay at phone parking bays located along the existing northern kerb line outside the site on Henrietta Place which would need to be relocated for these public realm works to take place. However, these proposals will need to be considered in line with any proposals that might emerge for Oxford Street and will be subject to further work, consultation and a decision by the relevant Cabinet Member, rather than this Committee.

Cycle parking

15 long-stay cycle parking spaces are to be provided for staff at basement level in accordance with London Plan standards. The applicant has indicated that 22 short-stay cycle spaces (11 Sheffield stands) are to be provided in the indicative new public realm to the immediate south of the site. However, as there is no certainty at this stage that the public realm scheme will progress, the short term cycle parking should be accommodated within the development. This will be secured by condition.

8.5 Economic Considerations

The economic benefits generated are welcomed.

8.6 Access

The design of the building provides inclusive step free accessible entrances to hotel reception and restaurant designed to meet Part M of the Building Regulations. In addition, ten percent of guest rooms will be designed to meet the needs of a wheelchair user and all floors are accessible by lift from the main circulation core

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed at basement and roof level, and also at eighth floor level to serve the pool at ninth floor. The application is supported by an acoustic report. The Environmental Health officer has assessed the submitted acoustic report and raises no objection to the

proposals subject to conditions relating to plant noise and vibration. However, as the plant scheme design is at an early stage, the applicant will need to provide a supplementary acoustic report to demonstrate that the selected equipment will operate in accordance with the standard noise condition. Subject to these conditions, it is not considered that the plant operation would adversely affect the amenities of existing, or future, residents.

The restaurant is served by a full height extract duct which is to be routed internally (from basement level) and extract at roof level. This will be secured by condition.

Refuse /Recycling

Dedicated waste storage areas are proposed at basement level which provides adequate facilities for waste and recycling facilities for the hotel. These facilities will be secured through condition.

Sustainability and Biodiversity

The application is supported by an Energy and Sustainability Report. This assesses the proposals' compliance with policies and principles for sustainable development and energy efficiency. Policies 5.1 to 5.9 of the London Plan focus on how to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. Developments are required to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions (be lean), adopting sustainable design and construction measures and prioritising decentralised energy (be clean), including renewables (be green). London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments and requires a 35% reduction of CO₂ emissions over the baseline emissions to be achieved by the development.

The Energy and Sustainability report sets out passive design measures (thermal insulation, high specification glazing and enhanced air tightness to reduce heat losses) and the use of energy efficient building services (energy efficient mechanical ventilation with heat recovery, energy efficient heating, cooling, lighting and water systems) to improve the building's performance and to reduce CO₂ emissions. In addition, the applicant proposes to include a Combined Heat and Power (CHP) unit, along with photovoltaic panels on the main roof. This results in total cumulative CO₂ savings of 35.5%, set against the 35% target of policy.

A Sustainable Surface Water Report has been submitted which confirms that Sustainable Drainage Systems (SuDS) in the form of a green roof and attenuation storage tanks will be provided. This accords with London Plan Policy 5.13 'Sustainable drainage' and will be secured by condition.

It is anticipated that the development would achieve a level of sustainability equivalent to BREEAM Excellent.

Air Quality

The development is located in an area of poor air quality. City Plan policy S31 requires developments to minimise emissions of air pollution from both static and traffic-generated sources, and requires developments that are more vulnerable to air pollution to minimise the impact of poor air quality on future occupants through the building design and use of appropriate technology.

The submitted air quality assessment acknowledges that mitigation measures will be required to address the impact of construction works and the performance of the completed development. The Environmental Health Officer has assessed the submitted report and raises no objections. Measures to control dust pollution generated during construction works would be covered under the COCP.

London Plan

The London Plan contains hotel-related objectives. These include the provision of 40,000 additional hotel bedrooms by 2031, to improve the quality, variety and distribution of visitor accommodation and facilities (Policy 4.5). The need to accommodate a wide range of provision is highlighted. The proposed 206 hotel bedrooms will help meet London Plan targets.

The proposal to redevelop this site is referable to the Mayor under Category 1C of the Mayor of London Order 2008 because the building is over 30m high. The Mayor considers that the application is broadly acceptable in strategic planning terms, however, requests further information/clarification on the following points:

- Provision of a recruitment and training strategy to be secured by legal agreement. (Whilst City Plan policy S19 requires new development to contribute towards initiatives that provide employment, training and skills development for local residents this only applies to very major redevelopment schemes and there is no policy basis to secure a recruitment and training strategy in this instance.)
- Further commitments and/or clarifications are required relating to BRUKL files, future proofing, communal networks and centralised energy centre, CHP details and cooling demand. (The applicant has submitted additional information to the Mayor to address these points)
- Cycle hire docking capacity should be increased and a £75,000 contribution towards this should be secured. (The applicant argues that any visitors to the hotel using the cycle hire scheme are most likely to hire bicycles off-peak and a review of the docking stations on Marylebone Lane and Chapel Place suggests that over 40 bikes can be available at these docking stations during the day. The applicants do not consider that a financial contribution is necessary given the level of cycle parking provision in the area and officers concur with this view.)
- Blue badge parking and a taxi rank should be provided and drop off/pick up, coach loading/unloading arrangements should be clarified and secured. (There are a number of on-street parking bays located around the site, included those dedicated to blue/white badge holders and as vehicles are able to drop off or pick up guests directly outside of the main hotel entrance on Welbeck Street without blocking through traffic it is not considered that a taxi rank is necessary. The SMP sets out how coach loading/unloading will be managed and this will be secured by condition).
- Legible London signage should be updated and secured by condition. (However, the proposed development is a redevelopment on an existing, well-established street and will not lead to any change in the hierarchy of spaces and street in the immediate area or

to the legibility of pedestrian routes. In this regard, it is not considered that such a condition is necessary).

- Cycle parking should be secured by condition and showers should be provided for all staff who cycle. (The applicant confirms that showers will be provided within the staff changing area at basement level. Cycle parking is also secured by condition).
- The final servicing and delivery plan and construction management plan should be secured by condition. (The SMP and CoCP are secured by condition).
- A full hotel travel plan should be secured by S106 agreement. (Given the immediate proximity of this site to Bond Street tube and the new Crossrail station, the Council's Highways Planning Manager does not consider this requirement to be justified.)

At this stage the scheme is considered to comply with relevant policy.

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

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

As there is a net loss of gross floorspace on this site it is not considered at this stage that the application is CIL liable.

8.10 Environmental Impact Assessment

Environmental Impact issues have been covered in section 8.7 above.

8.11 Other Issues

Basement

The proposal includes the excavation to create one additional basement level. Policy CM28.1 requires that basement development be accompanied by a detailed structural methodology statement and a signed proforma Appendix A which demonstrates that the applicant will comply with relevant parts of the COCP. These have been submitted.

Part C (c) of the policy states that basement development to non-residential development adjoining residential properties where there is potential for an impact on those adjoining properties outside Core CAZ; will not involve the excavation of more than one storey below the lowest original floor level. Therefore, the excavation of one basement level complies with this section of the policy.

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

Construction impact

The proposals constitute a level 2 type development requiring the applicant to sign up to the Council's Code of Construction Practice. This will be secured by condition.

Archaeology

The site is within the Tyburn Settlement Special Archaeological Priority Area (APA). English Heritage Archaeology has been consulted who have raised no objection to the proposals subject to the imposition of a condition requiring a written scheme of investigation prior to any demolition works taking place.

9. BACKGROUND PAPERS

1. Application form
2. Letter from Greater London Authority dated 26 June 2017
3. Response from London Underground Limited, dated 31 May 2017
4. Response from Historic England (Archaeology), dated 19 June 2017
5. Response from Building Control dated 22 May 2017
6. Response from Cleansing dated 28 June 2017
7. Memorandum from Highways Planning Manager dated 17 July 2017
8. Memorandum from Environmental Health dated 27 July 2017
9. Letter from occupier of 7 Aldburgh Mews, Marylebone Lane, dated 22 May 2017
10. Letter from occupier of Oriental Club, Stratford House, dated 5 June 2017
11. Letter from occupier of 98 Hawthorn Way, Lindford, Bordon dated 15 July 2017

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

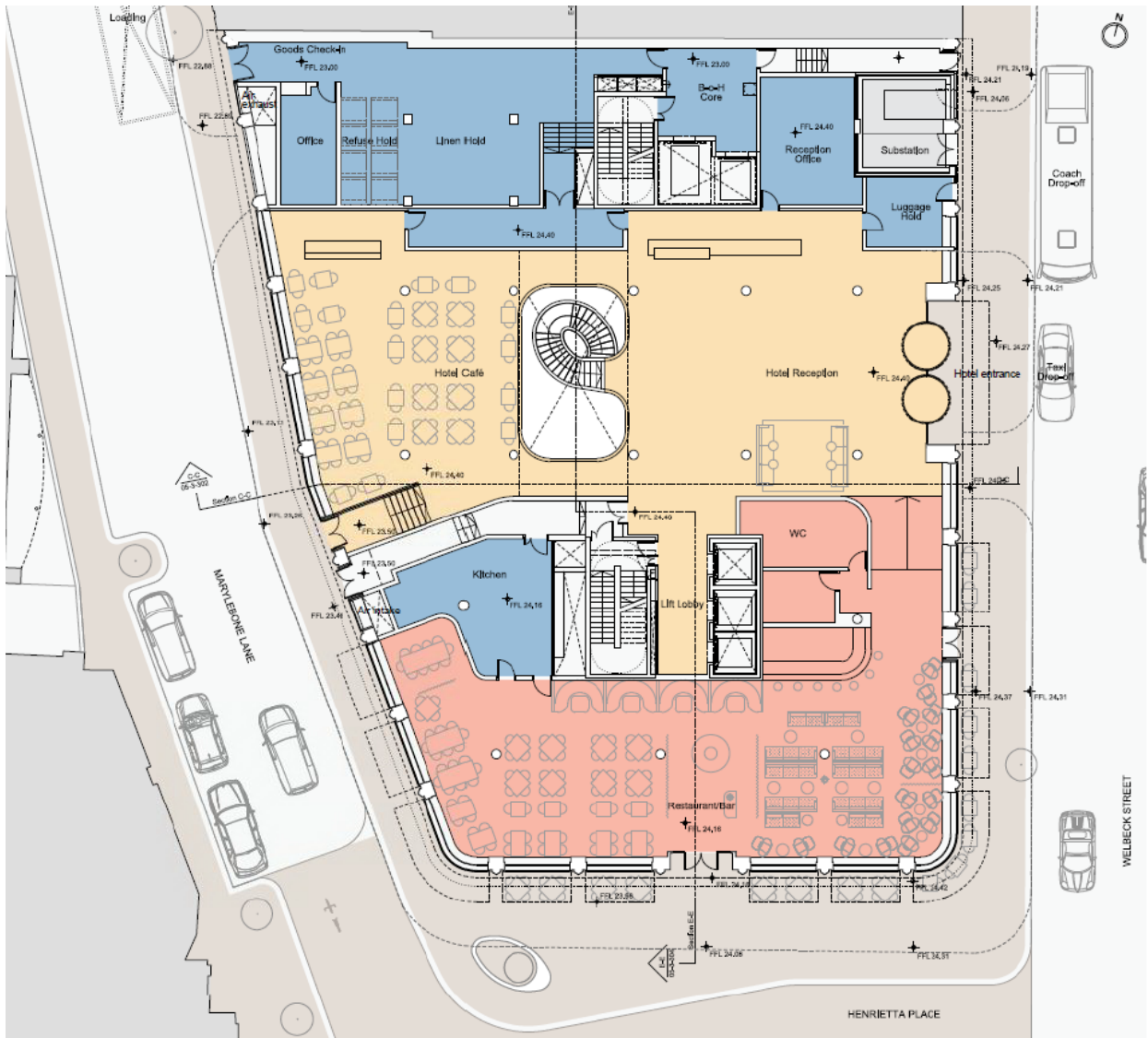
Item No.

3

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT JPALME@WESTMINSTER.GOV.UK
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10. KEY DRAWINGS

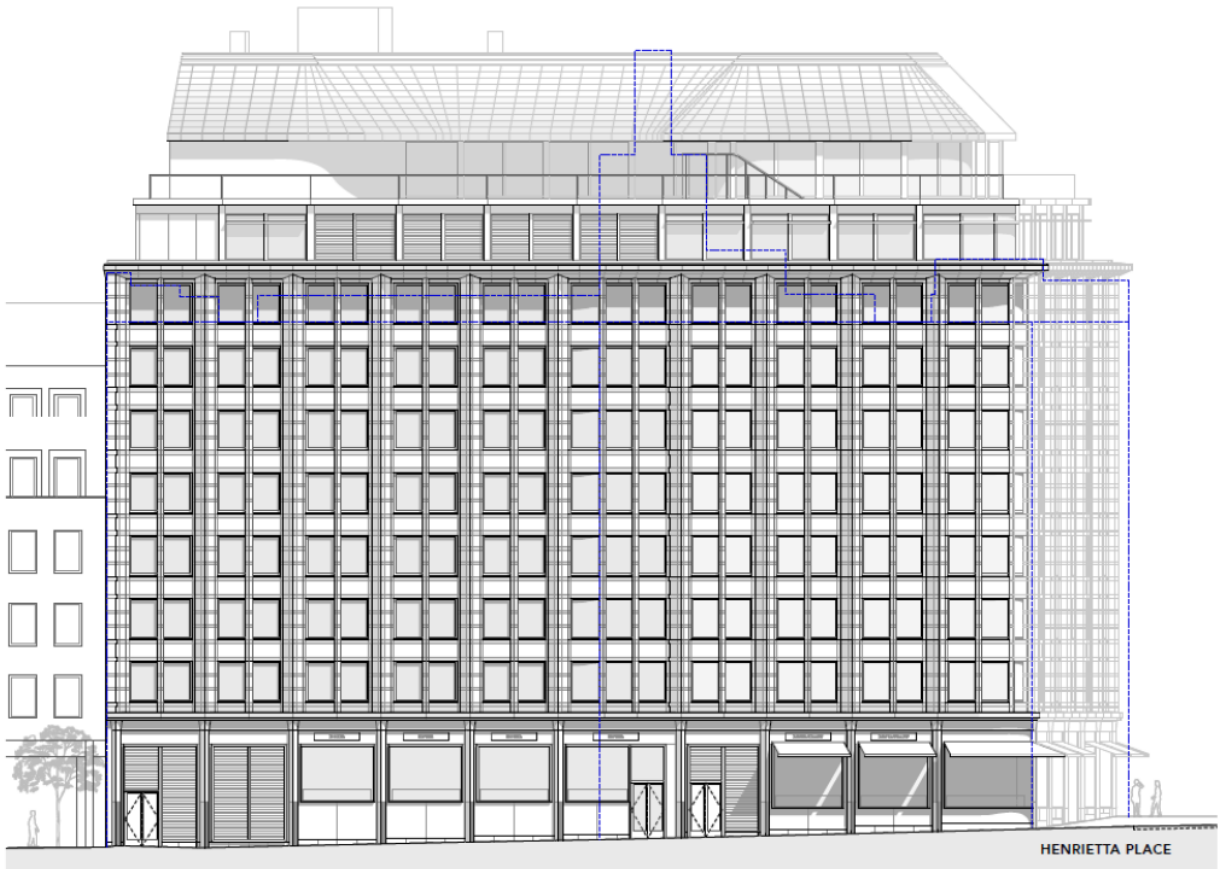
Proposed ground floor plan



Typical upper floor plan



Proposed Marylebone Lane elevation



Proposed Henrietta Place elevation



DRAFT DECISION LETTER

Address: Welbeck Street Car Park, Welbeck Street, London, W1G 0BB,

Proposal: DEVELOPMENT SITE AT 74-77 WELBECK STREET AND 28-40 MARYLEBONE LANE - Demolition of the existing building and redevelopment to provide a new building comprising basement, lower ground floor, ground floor and first to ninth floor levels. Use of the building as an hotel with supporting facilities (Class C1) with publicly accessible restaurant/bar and café at part ground floor level, publicly accessible spa and guest business facilities at lower ground floor level, roof terrace, roof level plant and associated works.

Reference: 17/01930/FULL

Plan Nos: EPA-MLH-05-1-100 P00, 298 P01, 299 P01, 300 P01, 301 P01, 302 P01, 308 P01, 309 P01, 310 P02, 311 P02; EPA-MLH-05-2- 300 P00, 301 P00, 302 P00, 303 P00; EPA-MLH-05-3-302 P00, 304 P00; Basement Impact Assessment (FOR INFORMATION ONLY)

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of

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

- 3 {b Pre Commencement Condition}.
- (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.
- (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.
- (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

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

- 4 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:
- provide details on all structures
 - accommodate the location of the existing London Underground structures and tunnels
 - request that the sub-surface structure, in particular the Jubilee Line platform tunnel at Bond Street Station is covered within the proposed ground movement analysis which we understand is still to be prepared for the site and the adjacent third party assets
 - and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 5 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)

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

1. Typical façade details at all levels, including the roof.
2. Shopfronts and awnings.

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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 Non-residents hotel guests shall not be permitted to access, or remain within the hotel restaurant/bar except between 06.30 to midnight.

Reason:

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

- 10 Non-residents hotel guests shall not be permitted to access, or remain within the hotel cafe except between 07.00 to 19:00.

Reason:

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

- 11 You must carry out the measures included in your management plan at all times that the hotel/restaurant/bar is in use.

Reason:

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

- 12 The high level extract ducting shown on the approved drawings shall be fully installed before the restaurant/cafe use commences and thereafter maintained for as long as the restaurant/cafe use is in operation.

Reason:

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

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

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

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

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

Reason:

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

including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (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.

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

Reason:

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

- 15 You must provide the waste store shown on drawing EPA-MLH-05-1-299 Rev P01 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 16 You must provide each cycle parking space shown on the approved drawings prior to occupation. You must also apply to us for details of short-stay cycle parking. You must not start on these parts of the development until we have approved what you have sent us. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 17 All servicing must take place between 07:00 and 20:00 on Monday to Saturday and 08:00 and 18:00 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)

- 18 Prior to the occupation of the development, you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the development. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

Reason:

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

- 19 You must not put planters, tubs, tables, chairs or adverts on the road or pavement. (C24BA)

Reason:

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

- 20 You must not allow more than 100 customers in the restaurant, 45 customers in the cafe and 50 customers in the bar at any one time.

Reason:

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

- 21 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 13 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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.

- 22 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

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

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

- PV panels, green roof and attenuation storage tanks

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

Reason:

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

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

Reason:

To maintain the character of the Soho Conservation Area as set out in S25 and S28 of Westminster's City Plan (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)

- 25 {\b Pre Commencement Condition}. You must not start any demolition work on site until we have approved either:

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

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

Reason:

To maintain the character of the Soho 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)

- 26 {b Pre Commencement Condition}. The development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works for reinstating the existing vehicle crossovers.

The occupation of the development shall not begin until those works have been completed in accordance with the local planning authority's approval and have been certified in writing as complete by or on behalf of the local planning authority.

Reason:

To improve the appearance of the development as set out in S41 of Westminster's City Plan (November 2016) and in TRANS 3 and TRANS 18 of our Unitary Development Plan that we adopted in January 2007.

- 27 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

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

Reason:

In the interests of public safety 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)

- 29 (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.

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 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

24 Hour Noise Team,

Environmental Health Service,
Westminster City Hall,
64 Victoria Street,
London,
SW1E 6QP
Phone: 020 7641 2000

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

- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 The written scheme of investigation (condition 3) will need to be prepared and implemented by a suitably qualified professionally credited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 5 The SMP (Condition 18) will need to demonstrate that deliveries are spread to avoid more than one stopping on Marylebone Lane at any one time)
- 6 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)
- 7 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 8 The term 'clearly mark' in condition 15 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 9 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)

- 10 Conditions 13 and 14 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	William Court, 6 Hall Road, London, NW8 9PA,		
Proposal	Construction of 3 dwelling houses with associated amenity space in the grounds of William Court, 6 Hall Road to the rear, associated landscaping improvements, creation of additional cycle parking.		
Agent	Mr Matt Richards		
On behalf of	Mansley Ltd		
Registered Number	17/04663/FULL	Date amended/ completed	26 May 2017
Date Application Received	26 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	No, adjacent to St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application site comprises a seven storey mansion block, arranged over lower ground to fifth floor levels. Part of the lower ground floor is in use as a Class B8 storage facility, operated by Fort Box Self Storage. The application relates to the rear of the site which consists of a redundant boiler room and the ground floor podium deck. The application site is not listed and does not lie within a conservation area, but is adjacent to the St John's Wood Conservation Area.

Planning permission is sought for the construction of 3 dwelling houses to the rear of the grounds of William Court, 6 Hall Road. The dwellings comprises 1 x 5 bed (House 1), 1 x 4bed (House 2) and 1 x 3bed (House 3). Each house is proposed to outside amenity space. House 1 is proposed to have its main entrance from Hamilton Gardens to the north, accessed from a new opening in the rear boundary wall. Works are also proposed to landscape existing communal areas.

This application has been submitted to overcome an application for a similar proposal for the construction of 3 houses, refused by the Planning Applications Committee on 13 March 2017.

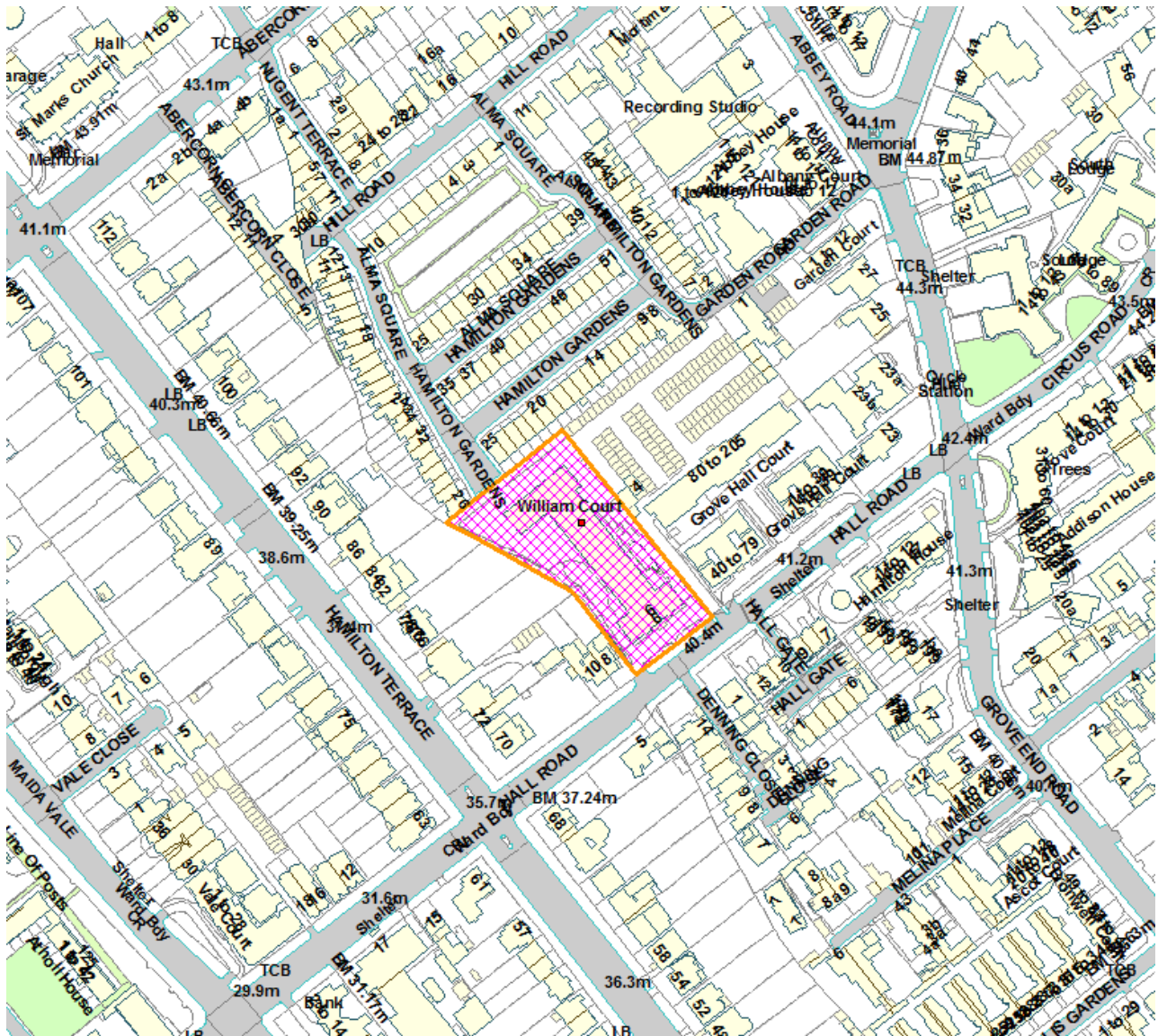
A significant number of objections have been received to the application primarily on the grounds of land use, townscape and design and amenity concerns. A key objection is that the proposed scheme does not differ significantly from the earlier refused scheme.

The key issues in the consideration of this application are:

- The impact of the proposals in land use terms;
- The impact of the proposals upon the character and appearance of the area and the adjacent conservation area;
- The impact of the proposals upon the amenity of neighbouring residents.
- The impact of the proposals upon the surrounding highway network.

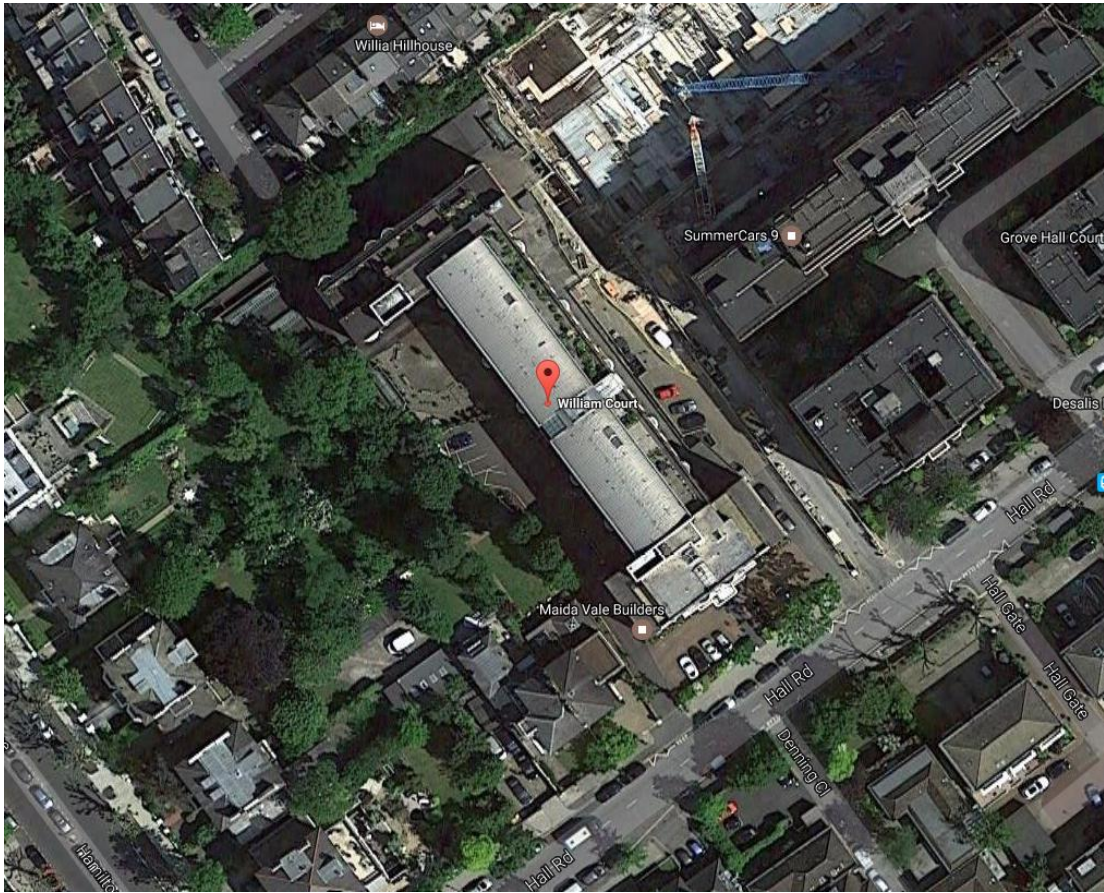
The proposals are considered to be acceptable and accord with policies set out in the City Plan (adopted November 2016) and the UDP (adopted January 2007) and are therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Top Photo – Aerial View
Bottom left – front of building, Bottom right – eastern elevation/ communal driveway

5. CONSULTATIONS

WARD COUNCILLORS:

Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY:

Acknowledgement of the amendments made to the scheme, however an objection is still raised to the scheme on the grounds that the proposals represent an overdevelopment of the site; the proposals harm the space around William Court which a mansion block deserves; House 1 is still considered unacceptable in terms of design, bulk and height and not aesthetically pleasing in this part of St John's Wood; House 3 is unacceptable in design terms, House 1 (due to its bulk and height) will have a harmful impact on neighbouring amenity in terms of loss of light, sense of enclosure and overlooking; noise from proposed plant in House 1; that the arboricultural manager is consulted on the proposals and that the proposals taking into consideration parking in the long term and lack of existing parking in the area.

ENVIRONMENTAL HEALTH:

Objection raised on the grounds of the open plan living nature of the dwellings and impact upon means of escape in the event of a fire. Concern also raised as to the extent of glazing in each unit and how ventilation and cooling will take place. Whilst no objection is raised in principle to mechanical ventilation, there should still be manual ventilation. Should permission be granted, standard noise conditions are recommended.

HIGHWAYS PLANNING MANAGER:

Objection on the grounds of lack of car parking, however any mitigation proposed (payment towards a car parking space at Lanark Road NCP carpark) should be for the lifetime of the development and not just for one year and secured by legal agreement.

CLEANSING MANAGER:

No response received. No objections raised to previous scheme.

ARBORICULTURAL OFFICER:

Comments raised in relation to the previous scheme still stand.

Objection on the grounds as to whether it is possible to retain T10, a protected tree, because of the inconsistencies in the tree location in relation to the structural proposals and the juxtaposition of T10, T1-T7 and House 1 will lead to increased pressure for pruning. If the case officer is minded to approve the application, conditions regarding tree protection and details of a landscaping scheme would be required.

BUILDING CONTROL:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 393

Total No. of replies: 158

158 objections received on behalf of 135 properties and one petition containing 46 signatures received on the following grounds:

Land Use:

- overdevelopment of the site;
- the area does not need any more housing;
- the proposals will not offer 'affordable housing' and does not address housing needs;
- the housing is excessive in size;
- House 1 is likely to be converted into flats, adding more people to the development;
- Revised scheme actually results in a net increase in development size.

Design:

- the modern design of the properties, notably House 1 are not in keeping with William Court or the surrounding properties;
- the proposed houses are harmful to the character and appearance of the adjacent St John's Wood Conservation Area;
- the proposals will harm the listed buildings of Hamilton Gardens;
- the proposals should be considered as part of the conservation area, despite the applicants assertion in the submission;
- the proposals impact upon the 'breathable' space around the mansion block;
- the infilling of 'gaps' is contrary to planning policy;
- harm in design terms from future roof top features associated with terraces;
- the visual images are misleading.

Amenity:

- impact of proposals upon sunlight and daylight on the ground floor flats of William Court;
- the submitted sunlight and daylight assessment fails to assess the proposed terrace screening upon the sunlight and daylight on the ground floor flats of William Court;
- sense of enclosure to the ground floor flats of William Court from the proposed houses and the fencing for the proposed amenity spaces;
- lack of details of the fencing and how this will affect amenity;
- noise and odour implications to Flat 16 as a result of refuse storage for House 1 being adjacent
- overlooking and loss of privacy to properties in William Court, Hamilton Gardens and Hamilton Terrace as a result of the proposed houses;
- creation of noise from communal amenity areas;
- impact of fire escape entrance to Hamilton Gardens upon the residents of William Court;
- noise from plant to 16 William Court and 20 Hamilton Gardens;
- objection is raised to the proposed communal terraces only being accessible by the ground floor flats of William Court rather than the other flats as well;
- loss of tranquillity to Hamilton Gardens and Alma Square.

Highways:

- lack of carparking and therefore increase in demand on on-street parking especially in Hamilton Gardens as a result of the new entrance to House 1;
- the offer of parking spaces in Lanark Road NCP is unacceptable and for only 1 year is not sufficient;
- increase in traffic in surrounding area to both Hall Road and Lanark Road;
- impact of House 1 entrance upon Hamilton Gardens;
- impact of fire escape entrance on Hamilton Gardens;
- increased refuse collection implications upon Hamilton Gardens, as a result of the new House 1 entrance.

Trees:

- impact upon trees in the rear of Hamilton Gardens properties;
- inadequate landscaping details.

Ecology:

- impact upon bats and natural wildlife;

Other:

- flawed planning process;
- the submission of the application was badly timed around holiday/ general election;
- too many application documents for residents to read;
- applicant should not be allowed to amend discrepancies within their submission, especially if these have been raised by objectors;
- the applicant should not be allowed a 'free go' application, as they've already had a free go;
- lack of consultation on the revised scheme by the applicant;
- limited consultation by the City Council compared to the refused scheme;
- previous behaviour/dishonesty of applicant is still worrying including falsified statements in the applicants submission regarding level of consultation; and level of support given to the proposals;
- as no letters of support have been submitted this proves they were disingenuous on the previously refused application;
- noise and disruption during the course of construction;
- no assessment of ground movement has been made;
- consideration to fire safety/ rescue has not been given; and the extension to the rear elevation 'terrace' will be a fire risk;
- impact of proposals upon property values;
- comments made on why such a contentious proposal has again been submitted;
- security;
- proposals would result in a precedent being set.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site is a seven storey mansion block, arranged over lower ground to fifth floor levels. Part of the lower ground floor is in use as a Class B8 storage facility, operated by Fort Box Self Storage. The application relates to the rear of the site which consists of a redundant boiler room and the ground floor concrete slab. To the rear of the concrete slab is a grass verge (not to be altered as part of the proposals) separating the site from the boundary wall with Hamilton Gardens.

The application site is not listed and it does not lie within a conservation area. The site does however abut to the west and the north, the St John's Wood Conservation Area.

6.2 Recent Relevant History

On 13 March 2017 permission was refused for the construction of 3 dwelling houses with associated amenity space in the grounds of William Court, 6 Hall Road to the rear, associated landscaping improvements, creation of additional cycle parking (16/08855/FULL). The application was refused on three grounds:

1. Because of the bulk, height and design of House 1 and its poor architectural relationship with the adjoining Conservation Area; and the footprint and design of House 3; the proposals (notably House 1 and 3); would harm the appearance of this building and this part of the City. This would not meet S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES10; of our Unitary Development Plan that we adopted in January 2007.
2. House 1 and 3 would make the people living in the ground floor flats of William Court and 20 Hamilton Gardens feel too shut in and as such represents an unneighbourly form of development harmful to residential amenity. This is because of the bulk, height, design and how close House 1 and 3 are to windows in those properties. This would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.
3. Your development would add to an already high demand for on-street car parking in the area and this would affect people already living in the area. This would not meet our parking policy as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

Other relevant history includes:

3rd December 2004 permission was granted for the change of use of former boiler house to use as one bedroom flat with associated alterations to front elevation. (04/07502/FULL). This permission has not been implemented.

Permission was granted on appeal following the refusal of 23 July 2008 (08/02659/FULL) for the use as self storage centre (Class B8), associated external alterations to the building and ancillary parking (hours of operation sought Monday to Friday 09.00 - 18.00 hours and Saturdays 10.00 - 14.00 hours).

7. THE PROPOSAL

Planning permission is sought for the construction of 3 dwelling houses with associated amenity space in the grounds of William Court, 6 Hall Road to the rear, associated landscaping improvements, creation of additional cycle parking. The dwellings comprises 1 x 5 bed (House 1), 1 x 4bed (House 2) and 1 x 3bed (House 3). House 1 to the northwest of the site incorporates a single storey wing at ground floor level with the main body of the building sited over ground, first and second floors. House 2 is located to ground and lower ground floor level and sits in the location of a redundant structure. This property has lightwells to both the front and rear. This house is designed in brickwork to match closely to the elevations of William Court. House 3 is single storey and to be built upon the podium deck and is the same depth of the eastern wing of William Court. Again, this house will have brickwork to follow that on the main William Court building.

No car parking is proposed on site. The applicant originally offered to pay the costs to provide 3 car parking spaces at the NCP Car Park on Lanark Road (some 370m/ 0.2miles from the Hall Road entrance of William or 981m/0.6miles from Hamilton Gardens entrance) for one year. This offer was amended during the course of the application and has now been increased to 25 years.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy S14 of Westminster's City Plan and H3 of the UDP seek to maximise the amount of land or buildings in residential use. Policy H3 states that outside of the Central Activities Zone (CAZ), the City Council will seek to maximise the amount of land into housing. Policy H5 of the UDP seeks to ensure an appropriate mix of unit sizes is achieved in all housing developments, with 33% of units to be family sized.

The introduction of residential houses to the rear of the site is acceptable in principle. The mix of units comprising 1 x 5 bed (House 1), 1 x 4bed (House 2) and 1 x 3bed (House 3) will comply with policies S15 and H5 of the UDP and the City Plan. The size of each unit (ranging between 90m² – 320m² GIA). This is a reduction in sizes proposed under the recently refused scheme which were between 145m² and 344m² GIA) and all bedrooms proposed will comply with the Technical Housing Standards (2015). Objections have been received on the grounds that the units would be too large nor would they be affordable and this would be the only public benefit to allow such a development. As three units are proposed and the floor area of these does not exceed 1000m, it is not a policy requirement for affordable housing to be provided and therefore the application has to be assessed on its merits. There is an argument that the size of the units are large and therefore do not 'optimise' the use of the land. Given the make up of St John's Wood, with large semi detached/detached houses, it is not considered that the three units are unacceptable in this context, and refusal on these grounds could not be justified.

All of the houses have been designed to meet the Lifetimes Homes Standards as required by policy H8 of the UDP. The units will offer a good standard of accommodation and will provide external amenity space. This is welcomed and compliant with policy H10 of the UDP.

Objections have been received on the grounds that House 1 could in the future be turned into flats given its size and some objectors refer to an lift shown on the plans. There is no internal lift shown on these revised plans. Should an application be submitted to the Council in the future this would be assessed on its merits, however as a point to note family dwellings in this location are protected by UDP policy.

The proposals are therefore considered acceptable in land use terms.

8.2 Townscape and Design

William Court is not included within a conservation area, though the St John's Wood Conservation Area flanks the site to the west and north sides. It was constructed in the mid 20th century replacing one of a series of villa buildings set in extremely large garden grounds which formerly lined this section of Hall Road. The key issues are the implications for the setting of the mansion block and the surrounding townscape and St John's Wood Conservation Area from the proposed creation of three new houses to the site, and also the architectural quality of the three new houses.

As noted above, a previous application for the construction of three dwellings around this site was refused on 13th March 2017 partly on design/townscape grounds related to the bulk, height and design of proposed House 1 (to the north west corner of the site), and the footprint and design of House 3 (to the north east corner of the site) rather than the principle of the development. Some significant revisions have been incorporated into this current scheme in order to overcome the reasons for refusal of the previous application, and officers consider that the changes address the previous reasons for refusal and that considered on its own merits the scheme is acceptable in design terms.

The principle of the construction of three houses surrounding William Court remains acceptable in officers opinion. Policies DES 1 (A) (2), (4) and (5) in the UDP provide relevant advice, stating that new development should improve the quality of adjacent spaces around or between buildings, and should maintain the character, urban grain, scale and hierarchy of existing buildings and the spaces between them, and it is noted that William Court already has a series of utilitarian structures wrapping around the main mansion block structure and that the site is seen in context with more dense terraced properties to the north and east sides.

The principal amendment to the scheme in terms of the footprint of the buildings is the reduction in the size of House 3, the size of which was included as a reason for refusal in the previous application scheme. In the refused scheme it had a wing projecting approximately 9m north of the main rear elevation line of William Court. In this current scheme this wing has been fully deleted and its rear elevation line matches that of William Court. This notably reduces the visual prominence of House 3, retains the bulk of this building in line with both William Court and the adjoining modern development to the east, and retains the area to the north of this part of William Court as open landscaping. The footprint of House 1 has also been reduced, pulling its podium ground floor level further back from William Court.

It is recognised that the new buildings will still be visible in context with William Court in a number of public and private views, most clearly of House 1 in the view south from Alma

Square and Hamilton Gardens, and that this would create a more dense development to the William Court site. Nonetheless, it is noted that the footprints of the buildings have been reduced as compared to the previously refused scheme, and it is considered that in their own right the three new houses proposed would sit comfortably in the setting of the main building and surrounding area. A glimpsed view may also be possible between several buildings on Hamilton Terrace to the west, though the significant rear garden vegetation in place would limit any view further. Objections have specifically been made that the proposals will infill the 'gap' between properties when viewed from Hamilton Terrace that, in principle is contrary to policy. Long distance views of developments of this proportion through space between the semi detached/ detached properties is not considered to be 'infilling a gap' as protected by policy. The principle of siting three houses to the locations and at the footprints proposed is considered in line with the policies quoted above and is considered acceptable in principle.

Architectural Approach

House 1 (north-west side):

As a response to the reasons for refusal of the previous application submission this house has been significantly redesigned, and as part of this application it is designed to integrate quite closely with the general characteristics of William Court, whilst still creating a distinctive and attractive new building with a richness of detailing.

In terms of its height and bulk, which were both referred to as reasons for refusal in the previous application, this building is approximately 1.5m lower in overall height than the House 1 included in the previously refused scheme, and with a notably lower impression of bulk, and in views from Hamilton Gardens and Alma Square it will have a quite recessive appearance when seen in context with the Victorian terraced properties. The building now presents two sheer floor levels as compared to three in the refused scheme, with the second floor now treated as a set back structure to roof level rather than as a sheer storey as was previously refused. The ground floor at podium deck level has distinctive curved bay structures with well detailed integral screens to assist with preventing overlooking but which also add a richness of texture appropriate to this base to the composition. Above that is a single floor level of main elevation which incorporates a series of distinctive brick piers between windows helping give some modelling to the elevations. Capping first floor level is the main parapet which is slightly stepped to help reduce its apparent height, and with the second floor level of accommodation a visually recessive structure which incorporates an attractive richness of detail with fluted terracotta panels set between windows. To the south-west elevation the regular rhythm of windows and brick columns remains, though with some blind window panels adopted (related to the addressing of the arrangement of internal uses) without breaking the overall harmony of architectural approach, and with the north elevation incorporating the brick columns to both floor levels giving some modelling and texture to the elevation whilst minimising glazing to this essentially blind flank elevation. The narrower south-east elevation incorporates a window with a terrace as its central focus to first floor level. No rooftop terrace is proposed, as was the case in the refused scheme.

The overall effect is of a new building of high design quality, and one which whilst presenting a distinctive appearance as a new building nonetheless draws significant parts of its design approach from William Court helping it integrate successfully into the site.

Houses 2 and 3 (eastern side):

The new building proposed as Houses 2 and 3 are designed in a manner intended to integrate closely with the appearance of William Court. They incorporate a series of bay windows to both north and south elevations picking up on the prominent use of curved bay windows to William Court, and both will be faced in a red brick following the principal red brick facing material to William Court. The green roof areas to their main roof level is welcomed as many of the views will be down onto these relatively low scale buildings and the flat roofs around William Court at present are principally grey and are cluttered by railings and other structures in places. House 2 rises two floor levels, though its location set between boundary wall and the raised ground floor walkway area around William Court will help minimise any impression of its bulk. House 3 is a single storey building and will rise only just higher than ground floor level to William Court, and seen in context with this large mansion block building and the higher modern terraced building to the east it will appear relatively modestly scaled. The elements of William Court to be enclosed by these two buildings, and also by House 1, are architecturally undistinguished and their enclosure/encroachment towards their elevations is not considered contentious in design terms. One area of concern is a rooflight above House 2 which appears quite prominent to the plans, however this issue will be addressed by condition.

These two new buildings proposed are set into a relatively discreet part of the site, would not be readily visible from the public realm, and overall are a well-considered and attractively designed response to the site.

Conclusion:

Given the above, officers consider that given the character of this site and its surroundings, the installation of three new buildings around the north side of William Court to the relatively modest scale proposed is considered acceptable, and also that the buildings represent an appropriate architectural quality for the site. The proposals are considered to overcome the previous reasons for refusal and a high quality intervention into the site, and in line with policies S25 and S28 in the City Plan and DES 1, DES 4 and DES 9 in the UDP. The proposals are also considered to comply with the aims of the National Planning Policy Framework.

8.3 Residential Amenity

Policy S29 of the City Plan and 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.

Objections have been received in relation to loss of light, increased sense of enclosure and loss of privacy from residents within William Court (notably those that live in Flats 13-16 on the ground floor), to the east in Grove Hall Court, to the north in Hamilton Gardens and Alma Square and to those in the west in Hamilton Terrace.

Reason 2 of the recently refused proposals stated:

“House 1 and 3 would make the people living in the ground floor flats of William Court and 20 Hamilton Gardens feel too shut in and as such represents an unneighbourly form of development harmful to residential amenity. This is because of the bulk, height, design and how close House 1 and 3 are to windows in those properties. This would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007”.

Sunlight and Daylight

As before with the previously refused applications, the applicant has carried out a daylight and sunlight assessment in line with Building Research Establishment (BRE) guidelines, analysing 483 windows (for daylight) and 244 windows (for sunlight) of the affected residential properties in William Court (notably those at ground, first and second floors); 19, 21, 23, 25 and 26 Hamilton Gardens, Grove Hall Court and two new units in the development site to the rear of Grove Hall Court.

The revised scheme has not altered the implications of the development upon the neighbouring properties in terms of sunlight and daylight.

In terms of daylight, the assessment states that of all the windows tested, three windows to William Court fall short of BRE targets for daylight. Two of these windows serve bathrooms (to flats 13 and 16 at ground floor level), and are not considered habitable rooms and have been discounted. The third window serves a kitchen area which leads of the living room/ dining area via an archway of Flat 16 (at ground floor level), which benefits from dual aspect, further served by a large bay window. The assessment concluded that the rooms will continue to receive good overall daylight levels.

In terms of sunlight to William Court, all but 2 windows will continue to meet the target values as set out by BRE guidelines. One of these windows serves a bathroom (again to Flat 16 at ground floor level), which is not a habitable room, whilst the other serves the kitchen area of Flat 16 at ground floor level described above. The assessment confirms that BRE guidance allows for a lesser requirement for sunlight, as such the shortfall is not considered to be so harmful as to warrant refusal.

Sunlight and Daylight to Proposed Residential Units

In terms of the new residential units themselves, it is considered that the main principal habitable rooms will be sufficiently daylit and sunlit. The majority of bedrooms will also achieve good levels of daylight and sunlight and therefore, the analysis shows that the proposed development is broadly compliant with the BRE guide. The proposed amenity spaces will receive reasonable levels of sunlight on March 21, especially considering the nature of this dense, urban, infill site.

Sense of Enclosure

House 1:

Significant amendments to reduce the bulk and footprint of House 1 have been made in order to overcome the previous reasons for refusal. Whilst the podium ground floor element of House 1 still occupies a large proportion of the podium space at this location, the property is now set away from the main western wall of William court by 1.4m and by a further 1m directly outside the bathroom and kitchen/diner windows of 16 William Court. The main bulk of the rear part of House 1 is set back even further from the corner/ rear elevation of William Court, some 4.4m away (the windows in this bay window closest to the

application area serve a bedroom). An outside amenity area (labelled by the applicant as an ornamental garden) is proposed to the eastern elevation measuring 9m x 2.5m. Officers are assessing this garden to be useable, even though the applicant implies it is not by the term ornamental garden. This is to be enclosed by a 1.8m boundary treatment/ fencing, 1.3m away from the corner/rear elevation of William Court and 2.4m away from the bedroom window of 16 William Court. The exact details of this fencing are not yet confirmed. Whilst the outlook from the bedroom, bathroom and kitchen/diner widows within Flat 16 will be compromised from the bulk of the House 1 and the amenity boundary treatment, subject to conditions to secure the details/ colour of the fencing, this is not considered to unduly harm the outlook of this flat. It is not considered that House 1 will unduly harm the outlook of the other flats at ground floor level of William Court, No's 13, 14 and 15 given the distance the relationship and distance of House 1 from these properties.

In general terms, the height of House 1 has been reduced by 1.5m with the second floor being set back from the main side elevations and this is considered to be a welcomed improvement and improves the relationship, in terms of enclosure/ outlook of House 1 to the ground, first and second floors of William Court.

It is not considered that House 1 will unduly harm the outlook of the other flats at ground floor level of William Court, No's 13, 14 and 15 given the distance the relationship and distance of House 1 from these properties.

House 2 & 3:

House 2 is to be constructed within the boundary walls of the existing boiler room. The proposals are similar to those presented to the Planning Application Committee in March 2017, which received no objection. Amendments to the materials have been made and this is welcomed. The roof level of the ground floor of this unit, will project marginally above the podium level. A narrow projecting rectangular roof skylight is proposed to the front of the property to allow light down into the living room. The structure and roof light are not considered to result in any sense of enclosure to the neighbouring properties in William Court, or the adjacent new unit in the development to the north of Grove Hall Court.

House 3 is a single storey structure. As with the previous scheme, the main bulk of the front elevation of this house, except the two curved bay windows, does not project any further than the projecting side return of William Court, and therefore there is no issue of enclosure to the residents of William Court facing this part of the scheme. There are entrance railings/ bridge to this house which will sit forward of the building line, however these are proposed to be simple black metal vertical railings and are acceptable. To the rear, House 3 has been significantly amended and reduced in depth by 9m, so as to project no further forward than the existing building line of William Court and this is considered to result in an acceptable relationship to the ground floor flats of William Court and 26 Hamilton Gardens, directly to the rear. As with the previous scheme, an internal lightwell is proposed to allow light to the bathroom window of 13 William Court, and this has been extended in depth from the previously refused proposals of 1m to 2m. The bathroom window is obscured glazed and the siting of a wall 2m away from this window is considered to be acceptable and not considered to result in loss of outlook harmful to warrant to refusal. To the rear of House 3 a small amenity space is proposed, enclosed again by a 1.8m high fence although details of this have yet to be agreed. It is considered that the reduction in bulk and footprint of House 3 and the increase in size of lightwell has

overcome the previous reasons for refusal. Whilst the fence to the amenity space will be noticeable from the bedroom window of 13 William Court and in oblique views from the remaining flats on the ground floor, at a depth of 2m and a height of 1.8m, this is not considered to represent an unacceptable relationship.

Privacy/Overlooking

Podium visual amenity space:

Many objections have been received to this element of the scheme and primarily on what is to prohibit the occupiers of House 1, 2 and 3 from using this area and other residents in the building from using this space.

The majority of the rear podium level is to be landscaped only to improve the visual amenity for residents in William Court, rather than as formal amenity spaces. The net area of this landscaped space has been increased since the refused scheme as a result of the amendments to House 1 and 3. The applicant has confirmed that this area is not to be used as a terrace and a condition to prohibit access to this, except for maintenance and the event of an emergency is recommended. Directly outside of the windows/ doors to Flats 13, 14, 15 and 16, the existing area of asphalt roofing and the balustrading is to be retained, so as to not comprise access to these affected residents. It is therefore considered that as access is restricted to anybody there are no amenity concerns with regards to overlooking.

A resident's amenity garden is proposed above House 2. According to the applicant, prior to the work beginning on the development to the north of Grove Hall Court, this podium area was used as a communal terrace area with tables and chairs. As the proposals seek to reinstate this area and it will be significantly improved with landscaping, this is considered to be acceptable.

Terraces:

Amenity spaces/ terraces are proposed to House 1 (to the south, west and east elevations at ground floor and to the south elevation at second floor level) and to House 3 (to the north elevation at ground floor level). It should be noted that there is an error in the design and access statement which states that the private terraces to House 1 and 3 have been removed. The applicant has confirmed that this is incorrect and that it should say the private terraces to House 1 and 3 have been reduced in size.

The amenity spaces at ground floor level to House 1 are all to be enclosed with 1.8m high fencing and screened from existing trees within the gardens of Hamilton Terrace and therefore there are no concerns with regards to overlooking. Objectors argue that the provision of the terrace to the south of the site, adjacent the existing communal garden would render this communal area unuseable. It is not considered that this communal garden is free from being overlooked, many properties within William Court itself overlook this area and therefore it would be considered unreasonable to refuse the application on overlooking grounds from this proposed terrace.

The second floor terrace, which measures approximately 8m² is enclosed by a 1.4m parapet wall and is some 9 m from the side elevation of William Court, which primarily consists of bathroom and kitchen windows. It is therefore not considered that there would be any detrimental overlooking to residents of William Court. To the west of the terrace are the properties of Hamilton Terrace. These properties have extremely long gardens of

over 40m and therefore there will be no detrimental overlooking to any of the windows within these properties. Whilst some of the residents in these properties have argued that overlooking to the garden areas could occur, gardens in this context are not considered to be private and residents of adjacent properties can already look into neighbouring gardens. It is therefore considered that the proposed amenity spaces would not result in any detrimental overlooking to neighbouring properties.

Unlike the recently refused application, there is no roof terrace proposed to House 1 and although no access is shown to this, it is recommended that a condition restricting the use of the roof as a terrace is attached.

In regard to House 3, a terrace is proposed to the rear of the house and again is enclosed by a 1.8m screen. It is therefore considered that no detrimental overlooking will occur to any residents in flats within William Court or to neighbouring properties notably those in Hamilton Gardens. House 3 is proposed to have a green roof. Although no access is shown to this, it is recommended that a condition restricting the use of the roof as a terrace is attached.

Overlooking from proposed windows of residential units:

The windows in House 1 at ground floor level will not result in any direct overlooking to neighbouring properties, given their siting behind the boundary treatment, terrace enclosures and adjacent trees. They have also been architecturally designed with reveals included within to direct any views away from neighbouring properties. At first and second floor level, the windows are some 10m away from the windows in William Court and would not afford any direct views into neighbouring windows. To the north elevation of House 1 only one window is proposed at first floor level. This would overlook the flank wall of 26 Hamilton Gardens and therefore not result in any overlooking concerns. To the western elevation of House 1 a number of windows are proposed at first and second floor serving the internal staircase, dressing rooms and bedrooms. The proposed building is sited some 2m from the rear boundary with the properties of Hamilton Terrace and over 40m away from the rear elevation windows of Hamilton Terrace properties and therefore proposals will not directly result in any overlooking to neighbouring properties. Again it is has been argued that overlooking could occur to the gardens of these properties, however it is not considered that protection could be given to these gardens, given that these spaces can already be overlooked by other residents in neighbouring properties in Hamilton Terrace and in oblique views from William Court.

House 2 is primarily set within the boundary walls of the old boiler room. All the windows of this property look out over the lightwells associated with this house and the communal drive way to the eastern side of William Court. There are therefore no concerns with regards to overlooking.

House 3 is a single storey structure with windows in the north and south elevation. The southern bay windows are sited some 5m away from the nearest window in William Court (a living room window of Flat 11a). The windows proposed are at an oblique angle from the windows in William Court and given that they serve bedrooms as opposed to a more heavily used living area, will not result in any harmful overlooking. To the rear part of this house is the living area. The windows in the north elevation are some 17m from the rear elevations of Hamilton Gardens, notably No. 20 and are partially obscured by the 1.8m screening sited in front of them to provide the boundary for the amenity space. It must also

be noted that the ground floor level of House 3 is lower than the ground floor/garden level of this property, separated by the existing grass verge and 1.8m boundary treatment and therefore it is not considered that there would be any detrimental overlooking.

Internal lighting from proposed units

An objection has been received on the grounds that internal lighting from the proposed houses, notably House 1 will directly shine into the rooms of flats within William Court. House 1 is considered a sufficient distance away from William Court. It is not envisaged that lighting on a domestic scale would be harmful to the occupiers of William Court or neighbouring properties.

Noise from terraces

There are a number of communal terraces in existence on the site in close proximity to residential units within William Court. It is therefore not considered that the use of the private amenity spaces and the redesigned communal terrace above House 2 would result in significant levels of noise over and above what currently exists so as to warrant refusal.

The use of the podium deck as a communal terrace would result in noise concerns to the residents in William Court and to the properties to the rear in Hamilton Gardens, and as discussed above a condition is recommended to prohibit its use as a terrace/seating area.

Implications from proposed access routes

Objections have been received on the grounds that the plans and supporting documents contradict each other in respect of access routes, notably in relation to House 1 and House 3 and that these routes would result in noise and overlooking to neighbouring properties of William Court and disrupt the tranquil nature of Hamilton Gardens/ Alma Square.

House 1s' main entrance is to be accessed from a new entrance created in the boundary wall of the site adjacent 26 Hamilton Gardens. No one other than the residents of House 1 could access this entrance/ exit as it leads solely to this property. It is not considered that the residents of one house (albeit a 5 bedroom house) would create such a disturbance in terms of noise, deliveries etc so as to impact upon the amenity of the flats sited in the rear part of William Court or to impact upon the tranquillity of Hamilton Gardens, as argued by objectors.

Whilst the main entrance to House 1 is to be from Hamilton Gardens it is proposed to have a level access route from the existing communal terrace to the eastern side of William Court, running the side of Flat 16, through the gates and into the property via the 'ornamental garden'. Whilst this route runs past a kitchen and a bathroom and is not ideal its useage is likely to be minimal and to be conditioned only to be used for level access.

House 3 is accessed via the roof of House 2 and via the side of the flats on the eastern side of William Court. This area is currently accessible to all, and allowed access to the existing communal area above the boiler room. It is not considered that the coming and goings of the occupants of House 3 would result in any detrimental overlooking or noise to residents with windows overlooking this area.

In the event of an emergency and safe egress can not be made through the front of House 3, it is proposed that the occupiers of House 3 will use the retained asphalt part of the podium (as would be the situation now) and exit William Court through the side passage adjacent Flat 16, as described above. This is not considered to raise any amenity concerns.

The design and access statement/ planning statement refers to a fire escape route in the rear of the site accessing Hamilton Gardens, in addition to the entrance to House 1 and this has attracted objections from residents in Hamilton Gardens, Alma Square and from flats on the ground floor of William Court on the grounds of increased comings and goings and noise as residents within William Court would use this as a main entrance if approaching/ exiting their homes northwards. This is not shown on any of the submitted plans. As a point of clarification the new entrance bridge to House 1 will link into the existing emergency access from Fort Box to the podium level as this emergency route has to be retained (albeit in a reconfigured route as a result of the location of House 1), but is not to be used as an access route. This arrangement is no different to the existing situation, except emergency egress would now be onto Hamilton Gardens rather than around the outside of William Court to Hall Road. As this route is only to be used in the event of an emergency and the main access to Fort Box is still via Hall Road and not to be altered.

Odours from proposed refuse storage

Objections have been received on the grounds that the proposed houses have external refuse storage areas which may result in unacceptable odours. Only a dedicated external waste storage area is proposed for House 1 (to be collected from Hamilton Gardens). The waste for Houses 2 and 3 will be internal and then taken by the resident to the main storage facilities externally in William Court in the eastern driveway. All the existing waste and refuse for William Court is ultimately stored outside and this does not appear to cause any issues. Waste is collected twice weekly and this is considered acceptable.

The proposals are considered to comply with the City Council amenity policies S29 of the City Plan and ENV 13 of the UDP.

8.4 Transportation/Parking

Car parking

The previous application was refused on the grounds that the development of 3 houses would add to an already high demand for on-street car parking in the area and this would affect people already living in the area and that the proposals failed to comply with policy STRA 25 and TRANS 23 of our UDP.

As part of the refused scheme, it was discussed in the committee report that there were to be no new parking spaces created, rather the applicant potentially offered up a garage, owned by the applicant, at lower ground floor level of the building on the western side of the building. Officers were advised that this garage is not currently used by anyone for the parking of vehicles and it was proposed that House 1 could lease this garage if they wish, which would have provided two carparking spaces. To the eastern side of the building are a number of parking spaces, and from the officers site visit, it appears that these are allocated to certain flats as a result of being leased by the occupiers. The applicant advised that two of these spaces could be leased to the future occupiers of Houses 2 and

3 if they so wished. This could potentially result in the displacement of two cars which would have to be accommodated on the surrounding highway network.

The application site has a PTAL rating of 5. Despite this, the evidence of the Council's most recent daytime parking survey in 2015 indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 200 metre radius of the development site is 87.8% (consisting of 241 Residents' and 46 Shared Use Bays, 207 and 45 of which were occupied respectively). Therefore, the Highways Planning Manager considers that the introduction of increased levels of residential in this area without off-street parking or on-street parking restraint is likely to increase the stress levels.

Overnight the pressure on Residents' and Shared Use Bays increases still further, to 93.4%, although residents can also park free of charge on metered parking bays or single yellow line in the area. Even with these extra bays included the stress level is still 86.9% (306 bays in total occupied out of 352).

The applicant has confirmed that there is no scope within the application site itself to provide any additional off-street car parking as the existing spaces are all allocated to existing flats within William Court, yet the offer discussed above could still be feasible. The applicant argues that a development of 3 houses is not likely to result in a significant demand of on-street parking and given its close proximity to a number of public transport routes, the proposals should be considered acceptable in highways terms. However, in order to overcome the previous reason for refusal, as well as offering car club membership for the 3 houses (as per the original offer to the refused scheme) the applicant originally offered to pay towards the costs of leasing 3 car parking spaces in the Lanark Road NCP for 1 year. The Lanark Road car park is 370m²/ 0.2mile away from the Hall Road entrance and some 981m/0.6 miles away from the entrance to House 1 on Hamilton Gardens.

This offer has attracted strong objection from residents within William court and the surrounding area on the grounds that it merely displaces the parking problems and is only for a year and that directing more cars on Lanark Road is unacceptable in terms of highway safety and congestion. The proposals also attracted an objection from the Highways Planning Manager on the grounds that whilst this arrangement could be acceptable in principle, the spaces should be leased for the lifetime of the development (25 years) in order to provide a meaningful mitigation of the potential on-street demand. The applicant has agreed to this and this is to be secured by condition. It is not envisaged that an extra three cars accessing space in the Lanark Road NCP will harmfully add to congestion.

The proposals are considered to comply with the City Council policies.

In response to objectors concerns, whilst the applicant would provide these spaces at the Lanark Road NCP car park it would be unreasonable to restrict any future resident from applying for a ResPark permit.

Cycle Parking

Cycle parking spaces are shown for each house contained within the private garden areas of each house or internally within the building. FALP requires 1 space per residential unit of 1 bedroom or fewer and 2 spaces per unit of 2 bedrooms or more, so this is acceptable and their provision will be secured by condition.

New Entrance on Hamilton Gardens

As described above, the entrance to House 1 is proposed from Hamilton Gardens, adjacent No. 26 Hamilton Gardens. Objections to this element of the scheme have been received from Hamilton Gardens and Alma Square. The Highways Planning Manager has raised no concern with this element of the scheme. Although this means that any servicing/ deliveries to this property will be via Hamilton Gardens rather than from within the application site, it is not considered that these would be so significant so as to be harmful to the surrounding highway network.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Level Access

The main entrance to House 1 is from Hamilton Gardens and requires stepped access. House 1 achieves its level access from the existing communal garden to the west of William Court, accessed from within William Court itself, and along the side of flat 16. Whilst convoluted, this is considered to meet the Building Regulation requirements. House 2 is fully accessible from the eastern driveway. House 3 has level access to its front door provided via a new lift platform proposed near House 2. Whilst this is acceptable in principle, no details of this have been provided and to be conditioned.

8.7 Other UDP/Westminster Policy Considerations

Noise from Plant

Plant is shown externally at podium/ ground floor level to the western elevation of House 1, close to the garden boundary with 82-84 Hamilton Gardens properties; to the rear podium/ ground level to the north elevation of the podium to serve House 3, opposite the boundary with 20 Hamilton Gardens and internally at lower ground floor level to serve House 2 and this is to be vented externally. Objections have been received on the grounds of noise from this plant equipment. Whilst Environmental Health officers have assessed the acoustic report submitted with the application and consider that the proposals are unlikely to result in any harm to the amenity of neighbours in terms of noise and the proposals, the applicant has agreed to site the external plant to House 3 in the lightwell to between House 2 and 3 to overcome objectors concerns. Given the location of the plant to the side of House 1, a sufficient distance from neighbouring properties, this is considered acceptable in this location. The external plant equipment will be subject to City Council noise conditions are therefore considered to comply with S31 of the City Plan and ENV7 of the UDP.

Refuse /Recycling

Site wide waste and recycling facilities are in existence at William Court. Refuse is transported to the ground floor from existing flats within the mansion block through refuse chutes located adjacent the central stair core where they are then moved outside into a bin lift positioned in the eastern driveway/ parking area. This is collected twice weekly. It is proposed to formalise this area and 'smarten' this area up a dedicated enclosure (and associated landscaping discussed later) and this is welcomed.

It is proposed that each house has integrated waste/recycling facilities within the building. Further to that, House 1 will have its own dedicated external facility outside the house entrance. It will then be the residents responsibility to ensure that this is collected from Hamilton Gardens (which will be the main entrance to this property) in the general waste collection. House 2 and 3 will share the storage provision with the remaining flats in William Court.

Objections have been received on the grounds that House 1 may not put its refuse on the street as per the proposed arrangement and rely on refuse operatives to collect via the side passageway adjacent Flat 16. Officer consider that residents have misunderstood the plans and the proposals are as described above. One point of clarification, the design and access statement states that the refuse for House 1 will be taken onto Hamilton Gardens 'through the emergency fire exit which will be locked at all times'. This statement is misleading. There is one new entrance onto Hamilton Gardens proposed as discussed earlier and no secondary opening. The new entrance bridge will link into the existing emergency access from Fort Box to the podium deck but is not to be used as an access route. This arrangement is no different to the existing situation, except access would now be onto Hamilton Gardens rather than around the outside of William Court to Hall Road.

Trees

In general the proposals and the impact to trees has not altered from the previously refused scheme, however revisions have been made to proposed construction. Objections have continued to be raised by the arboricultural officer.

Within the rear of the site is a mature Tree of Heaven (T10). The arboricultural officer originally had concerns that the proposed steel framework required to construct the development showed this to be going through the trunk of that tree. The applicant has provided additional information in the tree report and structural method statement which now shows that the steel framework is not required. Whilst the arboricultural officer is not fully happy in that the written statements apparently do not tally with the submitted structural drawings, it is recommended that a condition to secure protection methods of this tree are recommended, as this is not a reason for withholding permission.

A Tree of Heaven T3, (not originally included in the arboricultural report in relation to the refused scheme but now included in the submitted report) is proposed to be removed to facilitate the development. This is within the application site.

Works are proposed to a number of trees located in the rear gardens of properties 76-82 Hamilton Gardens. T1: a detailed specification for proposed pruning works to this Ash Tree, supported by an annotated photograph has been provided. This will leave a more balanced crown. Pruning of the northern stem will leave a pruning wound of approx. 160mm diameter, which should callus, although there is a risk of decay. However, irrespective of the current proposals this limb would require reduction to reduce risk of failure. T2: a reduction in height to this Lombardy Poplar is proposed, although this is not required to facilitate the development, but to reduce risk of failure. Although there will be an impact on the tree, this is not caused by the proposed development. T6: a Sycamore, which is engulfed in Ivy is proposed to be pruned of its lateral branches and this is required to erect scaffolding. Pruning wounds will be of small diameter and there is unlikely to be

any affect on the future health of the tree. T7: a Holm Oak requires very minor pruning of lateral branches and is unlikely to have any affect on the future health of the tree.

As the trees are located within a conservation area they are protected. Westminster tree officers have not objected to the loss of the trees or the pruning of the trees. Should the trees be required to be removed/ pruned as a result of the development, the applicant will need to come to an arrangement with their respective owners and the relevant application made to the City Council for their approval.

Concerns are also raised that once House 1 is built, the shading provided from the Tree of Heaven to the rear of the site and the trees within Hamilton Terrace will be unacceptable to the occupiers of House 1 and there will be an increased demand for additional pruning of these trees. The applicant argues that as the 'ornamental garden' to the eastern side of House 1 is more for visual amenity of the future occupiers, pruning will not be required. Whilst the City Council cannot control how this amenity space is used, it is also not considered reasonable to refuse the application on this basis and to predict the future, so again it is advised that should any the trees be required to be pruned in the future, the applicant will need to come to an arrangement with their respective owners and the relevant application made to the City Council for their approval.

An ash tree in the rear of the site (T9) is proposed to be removed and there are no objections to the loss of this tree

The proposals are considered to comply with ENV16 of the UDP.

Landscaping

Landscaping is proposed to the flat roof of House 2 (which provides access to House 3 and the communal amenity space to William Court), the podium deck to the rear of William Court and to the communal driveway to the eastern side of William Court. This is all welcomed. In response to concerns raised by the City Council's arboricultural officer regarding soil depth for landscaping, the applicant's consultant has confirmed that for the species selected a 500mm soil layer is sufficient. The Council's arboricultural officer considers that the landscaping proposed offers little visual amenity for the neighbours. However, when compared to the appearance of the existing driveway and podium deck to the rear and west of William Court the landscaping is considered a significant improvement.

With regards to the proposed landscaping to the communal driveway, further details of this are to be secured by condition. The plans/ visuals indicate trees are proposed, so details of these species is considered necessary. It is recommended that a condition to secure the landscapes areas/ green roofs are provided is attached, as details of species/ shrubs have already been considered acceptable.

Again, the proposals are considered to comply with ENV16 of the UDP.

Biodiversity

Sedum/ green roofs are proposed to House 1 and House 3 and this is welcomed. A condition to secure their provision is recommended.

An objection has been received on the grounds of potential impact to wildlife and ecology. It is not considered that a development of 3 residential units, upon an existing podium deck would have a significant impact of wildlife and ecology. In regards to a previous objection to impact upon bats, a bat survey has not been submitted and therefore it is unclear if there are any bats in the area. The proposals do not require the removal of any significant trees or habitat and therefore the proposals are considered acceptable in this regard. An informative is however proposed should bats be found on the site.

The proposals are considered to comply with S38 of the City Plan.

Sustainability

Policy S28 of Westminster's City Plan expects development to reduce energy use and emissions that contribute to climate change during the life-cycle of the development; and ensure the reduction, reuse or recycling of resources and materials. The policy also details how this can be achieved, through excellence in design quality, use of high quality durable materials, efficient operation, and the provision of high quality floorspace that can adapt to changing circumstances over time.

Policy 5.2 of the London Plan requires developments to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy;
- Be clean: supply energy efficiently; and
- Be green: use renewable energy.

The following design measures have been incorporated into the design of the dwellings, in accordance with the three energy hierarchy above and Westminster's Policy S28: Thermal insulation levels for all building elements, beyond minimum Building Regulation Standards; Solar control through the careful selection of glazing to avoid overheating in summer months; Installation of air source heat pumps to provide high efficiency secondary heating; Mechanical ventilation during winter months and openable windows in summer; Natural daylight will be optimised; and the scheme will use low energy lighting. In addition, the building materials will be sourced locally, where possible, to reduce transportation impacts and to support the local economy. The submitted Energy and Sustainability Statement confirms that 7% reduction in CO2 emissions can be achieved.

The proposed development is considered to accord with Policy S28 and London Plan Policy 5.2 as a result of the scheme's high quality design and selection of proposed energy efficient materials and appliances.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

A condition to secure the provision of the three car parking spaces in the Lanark Road NCP and the car club membership (likely to be secured via a legal agreement) is attached.

The total estimated is £483,039.54 of which £48,055.70 corresponds to Mayoral CIL and £434,983.84 corresponds to Westminster CIL. This is to be clarified by the applicant with the Council's CIL officers should permission be granted.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Multiple Planning Applications/ Free Go Application

Objections have been received on the grounds that the applicant should not be allowed to submit multiple applications on a site and more notably once an application has been refused. The earlier refused application was subject to amendments which required additional consultation with neighbours, rather than two applications and not formally withdrawn as contended by some residents. The amendments submitted in relation to the earlier refused scheme were not considered to materially alter the scheme to warrant a fresh application.

In response to the current application, it is the City Council's statutory obligation to assess any valid application. The planning fee's legislation allows the same applicant to submit a fresh application within 12 months of the decision notice free of charge, provided that the development is of the same character or description as the development previously refused.

Letters of Consultation by Westminster City Council

Objections have been raised as to why only some 300 letters to neighbours have been sent in relation to the current application, whereas some 600 letters were sent in relation to the previous application. The previous application was revised during the course of the application and therefore a further set of consultation letters was sent to neighbours, hence double the number of neighbour consultations.

The City Council has carried out extensive consultation on the current proposals with all affected residents in William Court, Hall Road, Hamilton Terrace, Hamilton Gardens, Alma Square being written to and multiple site notices being displayed in the surrounding area and a press advert.

Inaccuracies in the Application

Objections have been received on the grounds of inaccuracies and contradictions within the submission. It is acknowledged that there are a number of inaccuracies within the submission and between the plans and supporting information and the case officer has sought to address these.

Fire and Gas Safety

Substantial objection has been submitted concerning fire safety and means of escape and that as a result of building on the podium this removes the safe refuge area for existing William Court but also may pose to an issue to the fire services in terms of gaining access to the existing residents of William Court and the proposed houses. Means of escape matters are also echoed by Environmental Health officers as a result of the open plan nature of the proposed dwellings. Whilst these concerns are understandably noted, the proposals cannot be refused on this basis and any future development will be subject to Building Regulations and detailed design and fire safety mitigation.

Concerns have been raised over the proposed gas intake outside of House 2. The positioning of a gas intake would be subject to stringent regulations from the appropriate gas provider and is therefore not a material planning consideration.

Construction Impact

Concerns have been expressed by neighbours in William Court, Hamilton Terrace, Hamilton Gardens, Alma Square and within the surrounding area regarding the impact of construction works in terms of noise and general disturbance, including obstruction to traffic on Hall Road.

A draft construction management plan has been submitted with the application, however it should be noted that given the proposals are for three residential units a construction management plan was not required to be submitted. The plan is to demonstrate in principle that the development can be carried out with as minimal impact as possible. In this instance the applicant is not at liberty to enter into or comply with a Code of Code Practice adopted by the Council in July 2016. Planning permission cannot reasonably be withheld on grounds of construction impact and the conditions recommended in the following paragraph would adequately mitigate the impact of the proposed development on the amenity of neighbouring residents in terms of noise and disruption from construction works.

To seek to minimise disruption to neighbouring residents it is recommended that a condition is imposed to restrict the hours of building works to Monday to Friday 08.00-18.00 and Saturdays 08.00-13.00. No works are allowed on Saturday afternoon, Sundays or Bank Holidays.

Security

Concerns regarding security to existing William Court residents from the proposed residents of the new houses have been raised. It is considered that there are no additional implications upon security from residents of three new houses, who each have their own access rather than having to use the existing William Court access (except in the instance of level access to House 1), over say a new resident within one of the existing flats. Ultimately, this would be a management issue should any issues arise.

Time of Application Submission

Objections have been received on the grounds that the application was submitted during the start of the summer period and around the time of the General Election when affected neighbours were likely to be on holiday or occupied with the Election. The City Council cannot withhold permission on this basis.

Behaviour of applicant

Significant objections have been received on the grounds that little or no consultation was carried out with neighbours on the revised proposals, despite this issue being a main objection from most of the objectors to the earlier refused scheme. Objectors put little faith in the applicant and the William Court Management Company and have little faith that should permission be granted, that this would be in accordance with plans and any conditions.

Whilst applicants are always advised to carry out consultation on contentious development proposals with local amenity societies, ward councillors and affected neighbours and the NPPF talks about its importance, this is not a statutory requirement and is not a reason to withhold planning permission. Should any conditions of any future permission be breached, these can be reported to the city Council's Planning Enforcement Section and investigated.

Loss of property values

Objections have been received on the grounds that their property values would be diminished as a result of the construction works and should the development get built and its impact upon William Court. Property values are not a material planning consideration in the determination of this application.

Loss of views

Objections have been received on the grounds that the view of the open space surrounding William Court will be lost. Whilst the issue of visual amenity is an important one, and addressed above, 'views' cannot be protected and this is not a reason for refusal.

Overdevelopment

The matter of 'too much development' again is not a reason for refusal. Each application is to be assessed on its own merits and against local and national policy.

Setting a Precedent

Whilst a significant concern to many, the matter of a development setting a precedent is not a material planning consideration and each application has to be assessed on its own merits.

Profit from Development

The City Council cannot refuse to assess an application on behalf of a developer or refuse an application because a developer may receive a profit on the proposals. Each application has to be assessed on its merits.

Falsified Letters of Support submitted in relation to the refused scheme

Many of the objectors note that it is now proven that the numerous letters of support submitted in response to the previously refused scheme were false as none have been submitted in response to this application. The City Council cannot reasonably be expected to corroborate each letter of support or objection and the application has to be considered on its merits and against City Council policy.

Company/Applicant Registration Name

An objection has been raised on the grounds that the applicant, Mansley Ltd is not registered in the UK and that as the application provides no further details of this company

that investigation works into this company cannot be made by residents. This level of detail is not required by the City Council.

9. BACKGROUND PAPERS

1. Application form
2. Memorandum from Environmental Health dated 8 June 2017.
3. Response from St John's Wood Society dated 26 June 2017.
4. Response from Highways Planning Manager dated 17 July 2017.
5. Memorandum from Arboricultural Officer dated 17 July 2017.
6. Letter from occupier 14 Hamilton Gardens dated 11 June 2017.
7. Letter from occupier of 6 Hall Road dated 12 June 2017.
8. Letter from occupier of 6 Lanark Road dated 18 June 2017.
9. Letter from occupier of 21 Lanark Road dated 19 June 2017.
10. Letter from occupier of 45 Grove Court dated 19 June 2017.
11. Letter from occupier of 53 Grove Court dated 19 June 2017.
12. Letter from occupier of 22 Hamilton Gardens dated 19 June 2017.
13. Letter from owners of 16 William Court dated 18 and 19 June 2017.
14. Letter from occupier of 188 Grove Hall Court dated 19 June 2017.
15. Letters from occupiers of 8 Circus Lodge dated 20 June 2017.
16. Letter from occupier of 44 Alma Square dated 20 June 2017.
17. Letter from occupier of 12a Clive Court dated 20 June 2017.
18. Letter from the occupier of Garden Cottage, Garden Road dated 20 June 2017.
19. Letter from occupier of 32 Alma Square dated 20 June 2017.
20. Letter from occupier of 4 Alma Square dated 20 June 2017.
21. Letter from occupier of 27 Hamilton Gardens dated 20 June 2017.
22. Letter from occupier of unknown flat in Hamilton Gardens dated 20 June 2017.
23. Letter from 45 Grove Court dated 20 June 2017.
24. Letters from owner of 14 William Court dated 21 June 2017.
25. Letter from occupier of 6J Stuart Tower dated 21 June 2017.
26. Letter from occupier of 5 William Court dated 21 June 2017.
27. Letter from owner of 8H Stuart Tower dated 21 June 2017.
28. Letter from occupier of 62 William Court dated 21 June 2017.
29. Letter from occupier of 34 Hamilton Gardens dated 21 June 2017.
30. Letter from occupier of 105 William Court dated 21 June 2017.
31. Letter from occupier of 17 Hamilton Gardens dated 21 June 2017.
32. Letter from occupier of 57j Randolph Avenue dated 21 June 2017.
33. Letter from occupier of 6 Hamilton Gardens dated 21 June 2017.
34. Letter from occupier of 18 Alma Square dated 21 June 2017.
35. Letter from occupier of 5 Alma Square dated 21 June 2017.
36. Letters from owners of 20 Hamilton Gardens dated 22 and 25 June 2017.
37. Letter from occupier of 47 Hamilton House dated 22 June 2017.
38. Letter from occupier of 1st/2nd floor maisonette, 37 Alma Square dated 22 June 2017.
39. Letters from occupier of 47 Lanark Road dated 22 and 26 June 2017.
40. Letters from occupier of 25 Hamilton Gardens dated 22 and 23 June 2017.
41. Letter from occupier of 16 Alma Square dated 22 June 2017.
42. Letter from occupier of 32 William Court dated 22 June 2017.
43. Letter from occupier of 49 William Court dated 22 June 2017.

44. Letter from occupier of 31 Alma Square dated 22 June 2017.
45. Letter from occupier of 14c Lanark Mansions dated 22 June 2017.
46. Letter from occupier of 41 Lanark Road dated 22 June 2017.
47. Letter from occupier of 43 Alma Square dated 23 June 2017.
48. Letter from occupier of 22a Alma Square dated 23 June 2017.
49. Letter from occupier of 16 Hill Road dated 23 June 2017.
50. Letter from occupier of 27 Hamilton Gardens dated 23 June 2017.
51. Letter from owner of 55 William Court dated 23 June 2017.
52. Letter from occupier of 48 Hamilton Gardens dated 23 June 2017.
53. Letters from occupiers of 62 Loudoun Road dated 23 June 2017.
54. Letters from occupier of 1, 189 Sutherland Avenue dated 23 June 2017.
55. Letter from 78 Hamilton Terrace dated 23 June 2017.
56. Letter from occupier of 15 Lanark Road dated 24 June 2017.
57. Letter from occupier of 17 Hamilton Gardens dated 24 June 2017.
58. Letter from occupier of 74 William Court dated 24 June 2017.
59. Letter from occupier of 75 William Court dated 24 June 2017.
60. Letter from occupier of 14 William Court dated 24 June 2017.
61. Letter from occupier 2, 300 Elgin Avenue dated 24 June 2017.
62. Letter from occupier of 36 Alma Square dated 24 June 2017.
63. Letter from occupier of 27 Alma Square dated 24 June 2017.
64. Letters from occupiers of 16 William Court dated 24 June 2017.
65. Letter from occupier of 147 Grove Hall Court dated 24 June 2017.
66. Letter from occupier of 66 South Lodge dated 24 June 2017.
67. Letter from occupier of 54 William Court dated 24 June 2017.
68. Letter from penthouse 36-37 Alma Square dated 24 June 2017.
69. Letter from occupier of 4, 8 Lanark Road dated 24 June 2017.
70. Letters from occupiers of 83 William Court dated 24 June 2017.
71. Letter from occupier of 69 William Court dated 24 June 2017.
72. Letters from occupiers of 92 William Court dated 24 and 25 June 2017.
73. Letter from occupier of 23 William Court dated 24 June 2017.
74. Letter from occupier of 30 William Court dated 24 June 2017.
75. Letter from occupier of 28 Hamilton Gardens dated 24 June 2017.
76. Letter from owner of 46 William Court dated 25 June 2017.
77. Letter from occupier of 11 Alma Square dated 25 June 2017.
78. Letters from occupiers 41 William Court dated 25 June 2017.
79. Letter from occupier of 21 Lanark Road dated 25 June 2017.
80. Letters from occupiers of 35 Alma Square dated 25 June 2017.
81. Letters from occupiers of 82 Hamilton Terrace dated 25 June 2017.
82. Letters from occupiers of 80 Hamilton Terrace dated 25 June 2017.
83. Letter from occupier of 21 William Court dated 25 June 2017.
84. Letter from occupier of 82 Hamilton Terrace dated 25 June 2017.
85. Letter from occupier of 51 William Court dated 25 June 2017.
86. Letters from occupiers of 8, 45 Marlborough Place dated 25 and 26 June 2017.
87. Letter from occupier of 47 William Court dated 25 June 2017.
88. Letter from occupier of 48 Hamilton Gardens dated 25 June 2017.
89. Letter from owner of unknown flat in William Court dated 25 June 2017.
90. Letter from owner of 110 Grove Hall dated 25 June 2017.
91. Letter from occupier of 28 Finchley Road dated 25 June 2017.
92. Letters from occupiers of 32 Hamilton Gardens dated 25 June 2017.
93. Letter from occupier of 2, 77 Hamilton Gardens dated 25 June 2017.

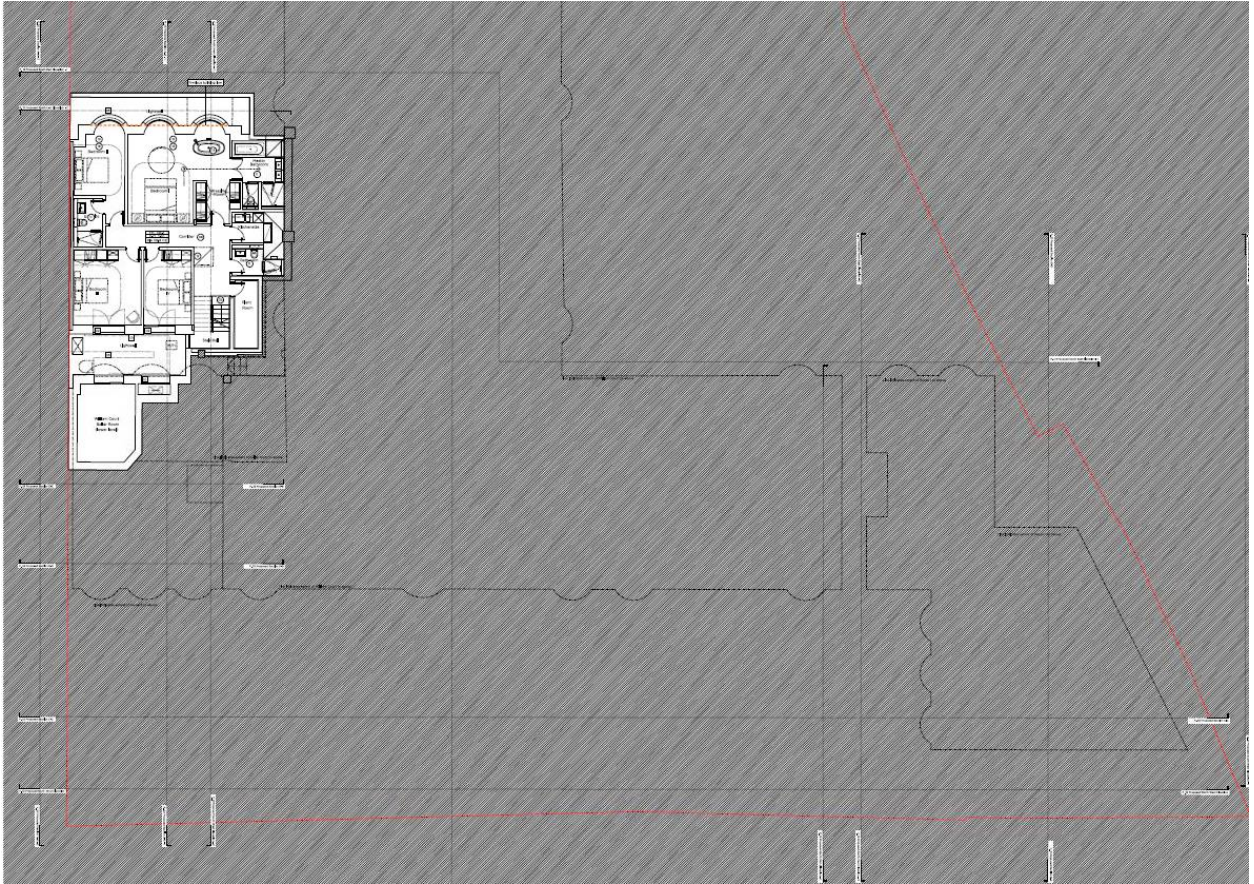
94. Letter from occupier of 19 Hamilton Gardens dated 25 June 2017.
95. Letters from occupiers of 10 William Court dated 25 June 2017.
96. Letter from occupier of 6 William Court dated 25 June 2017.
97. Letters from occupiers of 48 Avenue Close dated 25 June 2017.
98. Letters from occupiers of 58 Avenue Close dated 25 June 2017.
99. Letter from occupier of 11L Stuart Tower dated 25 June 2017.
100. Letter from occupier of 11 William Court dated 25 June 2017.
101. Letter from occupier of 15 William Court dated 26 June 2017
102. Letter from unknown property dated 26 June 2017.
103. Letter from occupier of 29 Sandringham Court dated 26 June 2017.
104. Letter from occupier of 19 Lanark Road dated 26 June 2017.
105. Letter from occupier of 28 Hamilton Gardens dated 26 June 2017.
106. Letter from owner of 43 William Court dated 26 June 2017.
107. Letter from occupier of 23 Hamilton Gardens dated 26 June 2017.
108. Letter from occupier of 26 Hamilton Gardens dated 26 June 2017.
109. Letter from occupier of 52 William Court dated 26 June 2017.
110. Letter from occupier of 2, 122 Finchley Road dated 26 June 2017.
111. Letters from occupier of 2, 77 Hamilton Terrace dated 26 June 2017.
112. Letter from occupier of 61 William Court dated 26 June 2017.
113. Letter from a property in Mill Hill dated 26 June 2017.
114. Letter from 33 William Court dated 26 June 2017.
115. Letter from occupier of 1, 75 Hamilton Terrace dated 26 June 2017.
116. Letter from occupier of 2, 78 Hamilton Terrace dated 26 June 2017.
117. Letter from occupier of 74 William Court dated 26 June 2017.
118. Letter from occupier of 1 Hamilton Gardens dated 26 June 2017.
119. Letter from occupier of 1 Lanark Road dated 26 June 2017.
120. Letter from unknown property in William Court dated 26 June 2017.
121. Letter from occupier of 34 William Court dated 26 June 2017.
122. Letters from occupier of 21 Hamilton Gardens dated 26 June 2017.
123. Letter from occupier of 9 William Court dated 26 June 2017.
124. Letter from occupier of 5, 46 Hamilton Gardens dated 26 June 2107.
125. Letter from occupier of 28 Hamilton Gardens of 26 June 2017.
126. Letter from occupier of 13 Hamilton Gardens dated 26 June 2017.
127. Petition from residents within William Court received 26 June 2017.
128. Letter from occupier of 10 William court dated 26 June 2017.
129. Letter from occupier of 91 William Court dated 26 June 2017.
130. Letter from occupier of 12a William Court dated 26 June 2017.
131. Letter from owner of 6a William Court dated 26 June 2017.
132. Letter from occupier of 9 Alma Square dated 27 June 2017.
133. Letter from 26 Mayflower Lodge dated 1 July 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: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk.

10. KEY DRAWINGS

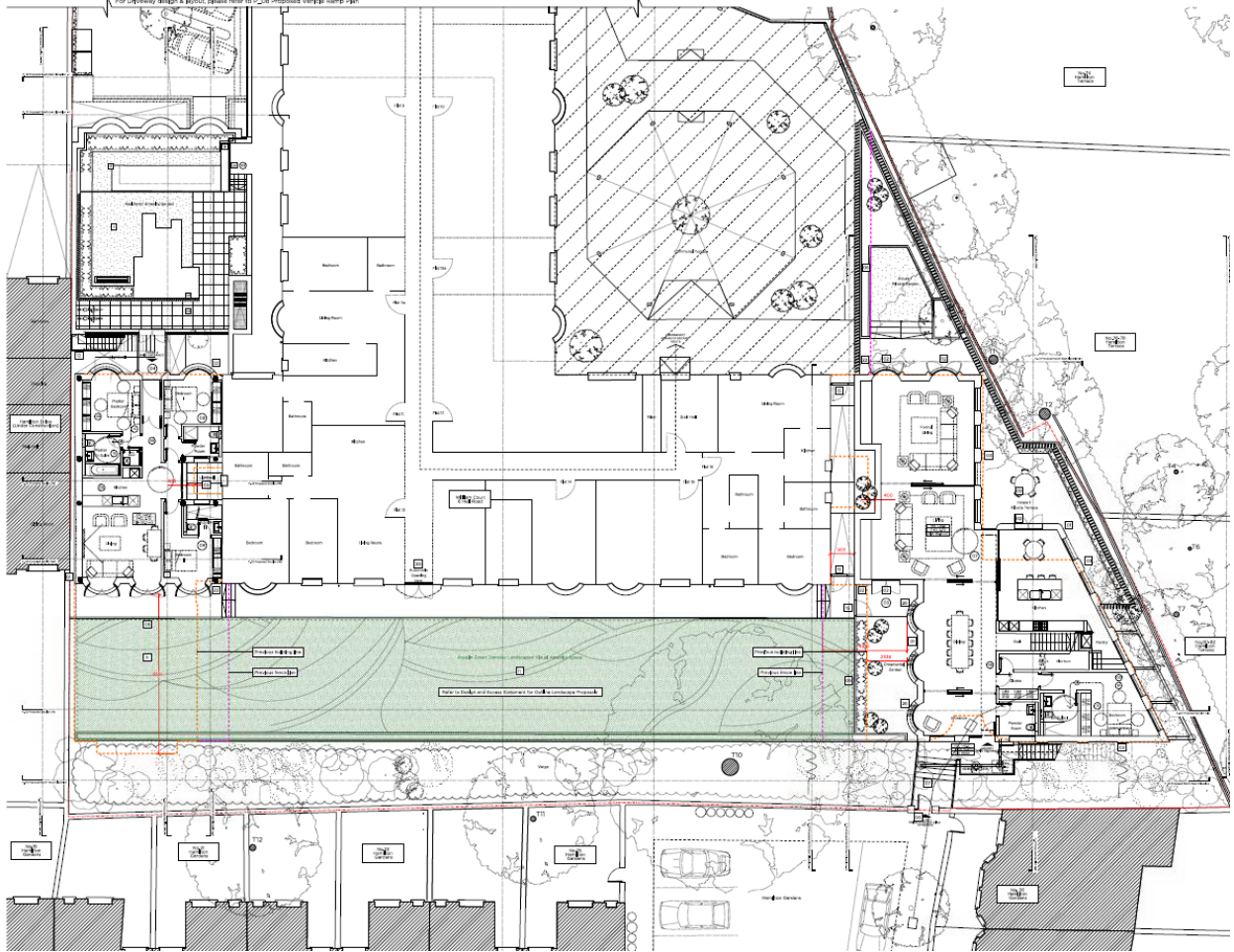
Proposed drawing to show lower ground floor of House 2 to the eastern side of William Court



Proposed drawing to show ground floor of House 2 to the eastern side of William Court



Proposed drawing to show podium deck level – Ground Floor of House 1, House 3 and landscaped amenity area to rear of William Court.



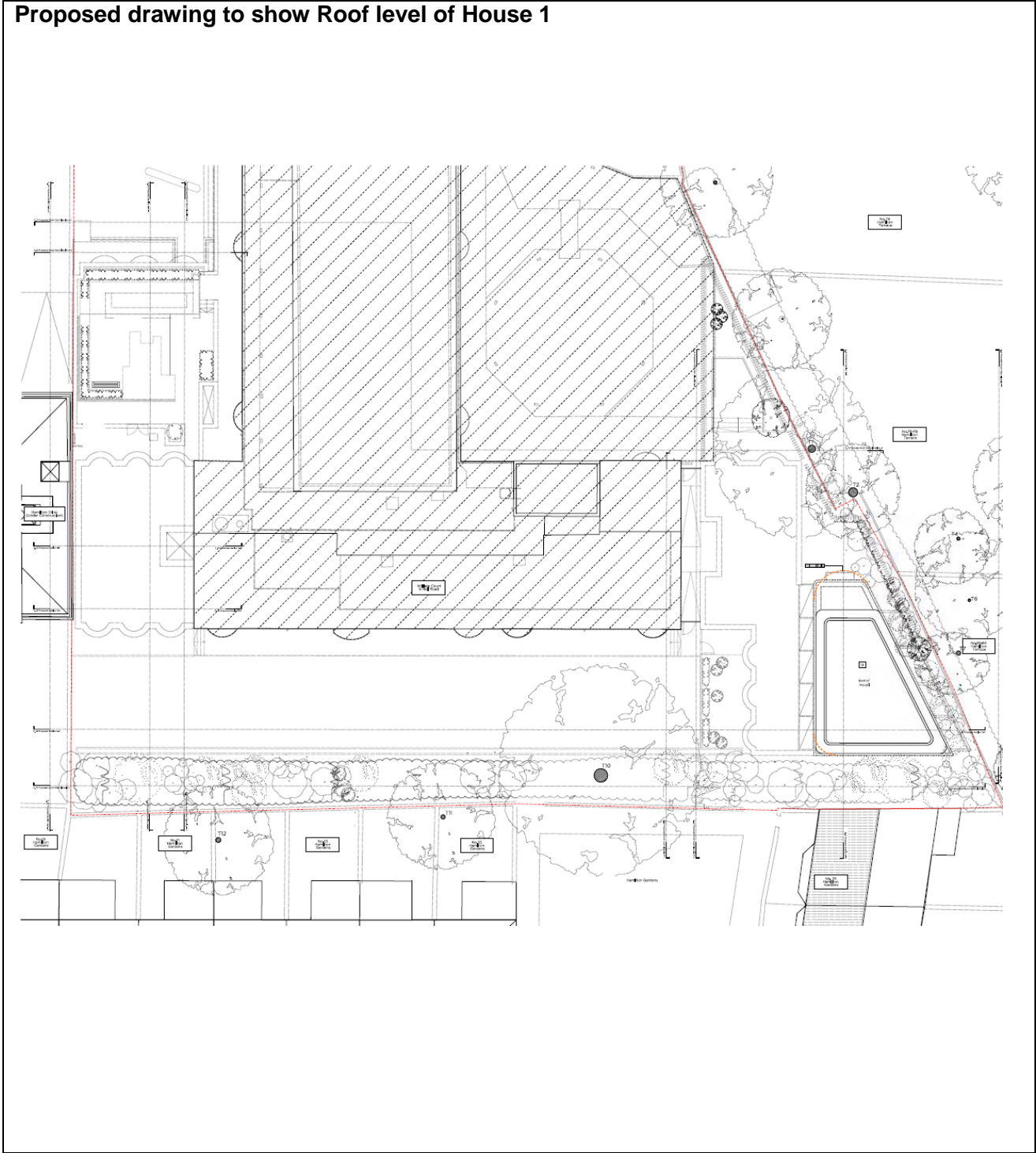
Proposed drawing to show First floor of House 1 and roof of House 3



Proposed drawing to show Second floor of House 1



Proposed drawing to show Roof level of House 1



Proposed Rear (north) elevation of House 1 and House 3



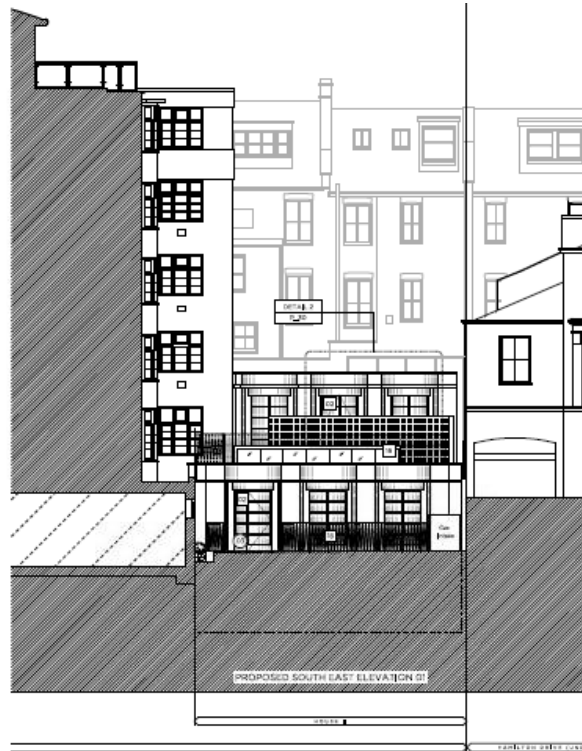
Proposed Side (east) elevation of House 1 (viewed from podium deck)



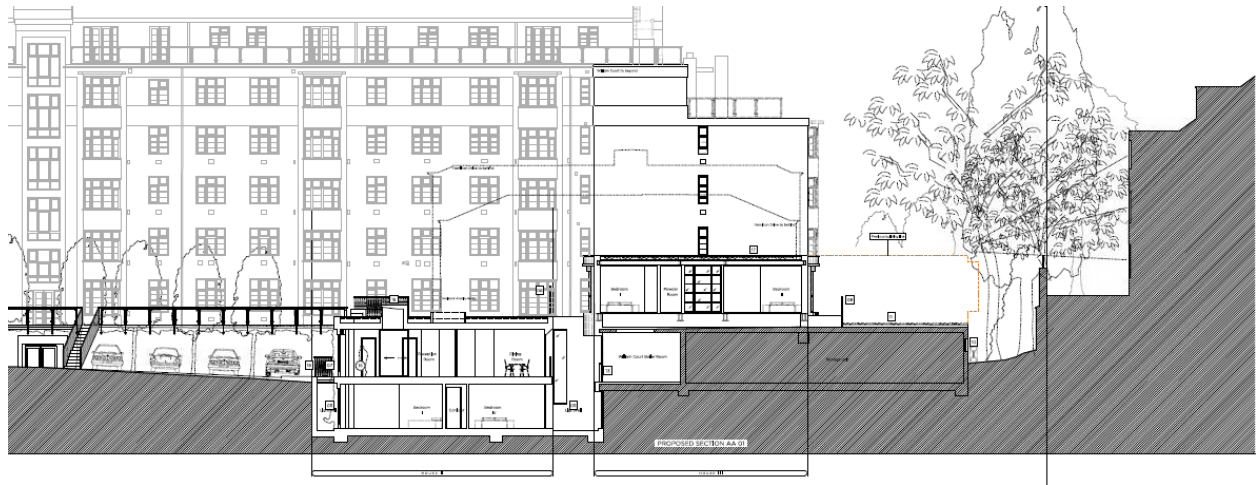
Proposed South elevation of House 1 (viewed from self storage access area)



Proposed South Elevation of House 2 and House 3 (viewed from the driveway to the east of William Court)



Proposed Section to show House 2 and 3 in context of William Court and 20 Hamilton Gardens



Proposed Section to show House 1 in context of William Court and 26 Hamilton Gardens



Visuals of South Elevation of House 1



2 House 1
Existing View from William Court Service Entrance



2 House 1
Previously proposed View from William Court Service Entrance
Ref: 16/08855/FULL



2 House 1
Proposed View from William Court Service Entrance

Visuals of Eastern Elevation of House 1, view from podium deck.



2 House 1
Existing William Court Podium View



2 House 1
Previously proposed William Court Podium View
Ref: 16/08855/FULL



2 House 1
Proposed William Court Podium View

Visuals of South Elevation of House 2 and 3



Houses 2&3
Existing View from Vehicle Approach



Houses 2&3
Previously proposed View from Vehicle Approach



Houses 2&3
Proposed View from Vehicle Approach

Visuals of North Elevation of House 1, view from Hamilton Gardens



House 1
Existing View from Hamilton Gardens



House 1
Previously Proposed View from Hamilton Gardens
Ref: 16/08855/FULL



House 1
Proposed View from Hamilton Gardens

DRAFT DECISION LETTER

Address: William Court, 6 Hall Road, London, NW8 9PA

Proposal: Construction of 3 dwelling houses with associated amenity space in the grounds of William Court, 6 Hall Road to the rear, associated landscaping improvements, creation of additional cycle parking.

Plan Nos: P00; D_02A D_03; D_04; D_08; D_10; D_11; D_12; D_13; D_20; D_21; P_01; P_02A; P_03; P_04; P_05; P_06; P_07; P_08; P_10; P_11; P_12; P_13; P_20A; P_21; P_22; P_30; 1013129-ME-00-01 A; 1013129-ME-01-01 A; 1013129-ME-02-01 A; Design and Access Statement dated 24 May 2017 (including Visuals For Information Only); Planning Statement dated May 2017, as amended in part by email dated 22 June 2017); Daylight and Sunlight Assessment 19 May 2017; Arboricultural Impact Assessment dated 23 May 2017; Sustainability Statement Rev D dated May 24 May 2017; Noise Impact Assessment dated 8 August 2016; For information only: Construction Management Plan dated December 2016; Structural Engineer's Study and associated drawings dated May 2017.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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 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)

- 4 You must apply to us for approval of a sample panel of brickwork to be erected on site for each type of new brick proposed to be used, and submit a photograph of each erected panel, and which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. The brickwork shall not be painted, rendered or otherwise overclad. (C27DB)

Reason:

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

- 5 The external brick facings to each of the three new buildings shall be formed in complete bricks and not brick slips

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)

- 6 You must apply to us for approval of samples of the facing materials you will use, including glazing and framing to glazing and including the 'Bolou boarding' but excluding brickwork, 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 not erect any extensions or alter the appearance of the three houses hereby approved, including the installation of new windows and doors, without our permission. This is despite the provisions of Classes A, B, C and D of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 1995 (or any order that may replace it). (C21HA)

Reason:

To make sure that the appearance of the three houses is suitable and that they contribute to the character and appearance of the area and to ensure that the residential amenity of neighbouring properties is preserved. This is as set out in S28 and S29 of Westminster's City Plan (November 2016) and DES 1, DES 4 and ENV13 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 8 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces or flat roofs adjacent. This applies unless differences are shown on the drawings we have approved or are required by conditions of this permission. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof of the houses hereby approved, 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 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 The new external railings, and the deck to the new entrance bridge from Hamilton Gardens, shall be formed in black painted metal

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 an existing and a proposed elevation drawing showing the area of boundary wall to Hamilton Gardens where the new entrance to House 1 is proposed. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of 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 You must apply to us for approval of detailed drawings and specifications (including colour) of the following parts of the development - fencing, gates and privacy screens. 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. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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 You must apply to us for approval of a detailed elevation drawing, and also a detailed plan/section drawing (as appropriate) for each of the following areas:-

- 1) Example bay (showing all detailing) of the north-west elevation of house 3 and south-east elevations of House 2 and House 3
- 2) Example bay (showing all detailing) of the north-east elevation at ground floor podium level of House 1
- 3) Confirmation of colour design and finish of external metalwork to house 2 front lightwell
- 4) Details of fluted terracotta finish, including the relationship with adjoining windows and including elevations to confirm location of use of fluting, to House 1
- 5) Details of exposed brick columns to proposed north-west elevation of House 1
- 6) Details of 'Roof Monitor Skylight' to roof of house 2
- 7) South west elevation of House 1 showing arrangement of windows and blind bays, and confirming materials for blind bays
- 8) Details of balconette to first floor level on south-east elevation of house 1

The drawings must also be annotated detailing the use of facing materials. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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 provide green roof to main roof level of Houses 1, 2 and 3 and to the podium deck before you start to use any part of the development, as set out in your application. You must not

remove any of these features. (C43FA)

Reason:

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

- 15 You must not use the roof of the building of House 1, House 3 and the podium deck (as annotated on the plans as Landscaped Visual Amenity Space) for sitting out or for any other purpose. You can however use the roof of House 1 and House 3 the podium to escape in an emergency and the podium deck for access/ maintenance of flats within William Court.

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.

- 16 You must install the privacy screen/ fencing associated with House 1 and 3 prior to the use of the approved amenity areas.

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)

- 17 The lightwells to House 1 and House 3 must remain open and be retained as lightwells at all times.

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)

- 18 The newly created opening in the boundary on Hamilton Gardens shall only be used by the occupiers of House 1.

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)

- 19 You must apply to us for approval of details as to how the amenity space above House 2 is to be operated including its hours, and for sound proofing measures to House 2 below. You must then provide the communal roof terrace above House 2 prior to the occupation of the House 2. The communal terrace must remain accessible to everyone within William Court and retained as such thereafter

Reason:

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

- 20 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number PO2 A. You must clearly mark them and make them available at all times to everyone using the House 1. (C14FB)

Reason:

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

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

Reason:

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

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

-mitigation against the increase demand on on-street car parking.

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

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

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

Reason:

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

- 24 (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.

- 25 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.

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

-relocation of the airconditioning for House 3 to the lightwell between House 2 and House 3

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the 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)

- 27 You must put install the acoustic enclosure to the plant, as detailed in 5.2 of the Noise Compliance Report by KP Acoustics prior to the use of the plant. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

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.

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the

development from the intrusion of external noise.

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

Reason:

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

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

Reason:

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

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

If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30BB)

Reason:

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

- 32 You must apply to us for approval details of the platform lift adjacent House 2. 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. (C26DB)

Reason:

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

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

33 The podium level between House 1 and Flat 16 of William Court shall only be used for level access to House 1 and not used as the main entrance/ exit or for disposal of waste and refused. You can however use this area to escape in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 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 Under condition 22, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure the provision of 3 carparking spaces at Lanark Road NCP for the duration of the lifetime of the development and car club membership for all three houses for the duration of the lifetime of the development as set out in the planning statement dated May 2017 and email from Matt Richards dated 18 July 2017. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 3 With regards to condition 13 (6), you are advised that the strong desire of the City Council is that the skylight to House 2 is minimised in terms of its visual prominence over the roof of this house.
- 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

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

CIL forms are available from the planning on the planning portal:
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

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

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

- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 6 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 8 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 9 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 10 Condition 30 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
 - * the order of work on the site, including demolition, site clearance and building work;
 - * who will be responsible for protecting the trees on the site;
 - * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
 - * how you will deal with accidents and emergencies involving trees;
 - * planned tree surgery;
 - * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
 - * how you will remove existing surfacing, and how any soil stripping will be carried out;
 - * how any temporary surfaces will be laid and removed;
 - * the surfacing of any temporary access for construction traffic;
 - * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
 - * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;

- * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
 - * the place for any bonfires (if necessary);
 - * any planned raising or lowering of existing ground levels; and
 - * how any roots cut during the work will be treated.
- 11 The tree removal and tree pruning work recommended in the tree report is not always necessary to carry out the construction work although some are close to the building and pile locations. Therefore, it is not approved as part of this planning consent and if you wish to prune or remove any trees you must submit a Section 211 notification for works to trees within a conservation area (as described in the tree report) or obtain consent to work on a protected tree (if included in a Tree Preservation Order).
- 12 The trees within the rear gardens of Hamilton Terraces are within a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922.

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

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Elliott House, 1 Molyneux Street, London, W1H 5HU		
Proposal	Variation of Condition 1 of planning permission dated 29 April 2016 (RN: 15/08836/FULL) for, 'Demolition of building, excavation of sub-basement, and erection of replacement building over sub-basement, lower ground, ground and part-four and part-five upper storeys to provide 32 car parking spaces (accessed by car lifts on Cato Street), cycle parking, plant, ancillary gym and refuse store at basement level; plant within lower ground floor vaults; and up to 32 flats (Class C3) over lower ground to fifth floor levels', in order to make the following amendments to the approved development: (i) The reduction in the footprint of the proposed new basement level so that it would no longer extends beneath the pavement vaults on Molyneux Street and Crawford Place; (ii) Reduction in the number of car parking spaces proposed from 32 to 31; (iii) Increase in the depth of the proposed new basement levels (in parts) in order to accommodate car stackers; (iv) Reduction in the number of car lifts from two to one; (v) Relocation of the proposed substation from rear lower ground floor level to a pavement vault on Crawford Place (and corresponding enlargement of Flat LG.2; (vi) Use of former car lift area on Cato Street as cycle store and refuse holding area; (vii) Reduction in the size of Unit 1.2; (viii) Increase in the number of cycle parking spaces from 66 to 70; (ix) Alterations to the railings at fourth floor level; and (x) Other alterations.		
Agent	Savills		
On behalf of	Elliott House (Guernsey) Ltd		
Registered Number	16/05715/FULL	Date amended/ completed	11 October 2016
Date Application Received	19 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	Molyneux Street		

1. RECOMMENDATION

1. Grant conditional permission subject to a deed of variation to the legal agreement to secure the following:
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- (a) The applicant to comply with the Council's Code of Construction Practice, comply with the Site Environmental Management Plan (Revision 07) approved by the City Council on 19 August 2016 and provide a financial contribution of up to £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- (b) Unallocated parking;
- (c) Management and maintenance of the car lift and valet parking;
- (d) Cost of the works associated with the creation of two tree pits and the planting of least two new trees within the vicinity of the site.
- (e) Cost of widening the vehicular crossover on Cato Street and making good;
- (f) Cost of relocating a lamppost on Cato Street; and
- (g) Costs of monitoring the S106 agreement.

2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

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

2. SUMMARY

The site is located at the corner of Molyneux Street and Crawford Place and oversails the entrance to Cato Street. The site is located within the Molyneux Street Conservation Area and is adjacent to Grade II listed buildings to the south. Prior to its demolition, following permission being granted for the site's redevelopment, the site was occupied by an unlisted residential building known as Elliott House.

Permission is sought to make a number of 'minor material amendments' to the permission granted for the redevelopment of this site, excavation of a sub-basement, and erection of replacement building to provide 32 flats (Class C3) with sub-basement car and cycle parking. The most substantive of the amendments to the approved development is: (i) The reduction in the footprint of the proposed new basement level but to increase its depth from 4.4m to 4.7m for the majority of its footprint and to 8.1m in depth in two areas in order to accommodate triple car stackers (an increase from 6.54m in depth in one area where a double car stacker was previously proposed); (ii) To reduce the number of car lifts from two to one; and (iii) To reduce the number of car parking spaces from 32 to 31.

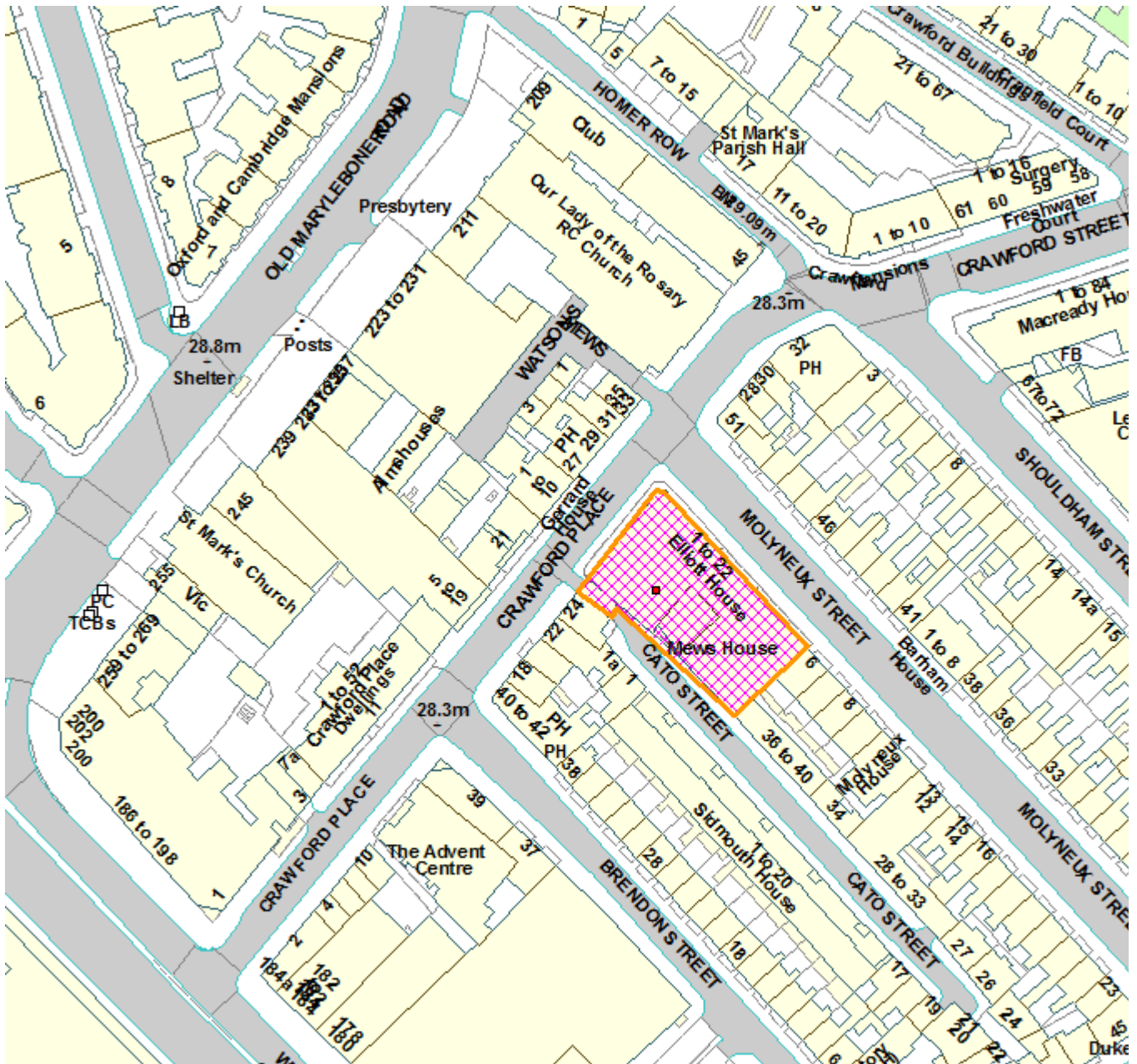
The main issues are:

- (i) The acceptability of the proposed modified basement excavation; and
- (ii) The acceptability of the reduction in a car parking space and the reduction in the number of car lifts.

The proposed reduction in the number of car lifts has attracted objections from two local residents. However, the Highways Planning Manager has no objection to the amendment and the proposal is considered acceptable in land use, transportation and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan). Furthermore, the

proposal is considered to preserve the character and appearance of the Mayfair Conservation Area and not harm the setting of the adjacent listed buildings. For these reasons it is recommended that conditional planning permission be granted subject to a legal agreement securing the items listed within Section 8.10 of this report.

3. LOCATION PLAN



4. PHOTOGRAPHS

Front elevation from Crawford Place (prior to demolition of Elliott House):

23 Feb 2016, 10:26:38



Rear elevation from Cato Street (prior to demolition of Elliott House):

23 Feb 2016, 09:56:42



5. CONSULTATIONS

MARYLEBONE ASSOCIATION:

- Supports reduced footprint of new basement but objects if the total volume of material that needs to be excavated increases.
- Supports the reduction in car parking provision and would welcome a further reduction.
- Supports the reduction in the number of car lifts subject to: (i) A managed car parking strategy (i.e. valet parking); (ii) An appropriate maintenance and repair strategy to ensure that the remaining car lift is serviceable at all times; and (iii) The transport modelling confirming that a single car lift can meet the demand of cars and that no cars having to queue on Cato Street at peak times.
- Supports relocation of sub-station.
- Supports the increase in the quantum of cycle parking and the provision of cycle parking at street level as this will encourage sustainable travel options.
- Requests that the crossover is reduced to reflect the reduction in car parking access.
- No objection to the reduction in the size of Flat 1.2.
- No objection to the altered design of the fourth floor railings.

HIGHWAYS PLANNING:

- The proposed increase in the quantum of cycle parking is welcome.
- The reduction in car parking from 32 to 31 spaces is acceptable given car ownership levels in the area, the unallocated nature of the car parking and that the situation compares favourably to the existing situation where 23 flats have only five car parking spaces.
- Based on the levels of likely demand and lift cycle times, the provision of only one car lift is considered to be adequate to ensure that vehicles are unlikely to have to queue on Cato Street before gaining access to the car park.
- Satisfied that the proposed 31 spaces can be independently accessed.

BUILDING CONTROL:

- No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 266

Total No. of replies: 2 letters of objection raising objections on the following grounds:

Transportation

- The proposed single car lift and triple decker car parking is impractical and will not be used by the residents within the building. Rather, residents will sub-let their car parking spaces and will request on-street resident parking permits. This will add to on-street car parking stress.
- Requests that on-street resident parking permits for future residents of the building be severely restricted.
- The reduction in the number of car lifts will result in vehicle congestion on Cato Street.

Amenity

- The additional queuing on Cato Street will result in noise and pollution in this residential street.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises the site of the former unlisted residential building known as Elliott House that was located at the corner of Molyneux Street and Crawford Place and oversailed the entrance to Cato Street. Following permission being granted on 29 April 2016 for the redevelopment of the site, Elliott House has been demolished. Elliott House comprised basement, ground, four upper floors and roof level access staircase and plant. It was made up of 23 flats (16 x two-bed, 6 x three-bed and 1 x five-bed). Basement parking (five spaces) was accessed via a curved ramp from street level in Cato Street located at rear basement level.

The site is located within the Molyneux Street Conservation Area and the Central Activities Zone (CAZ) (but outside of the Core CAZ). The immediate vicinity contains largely residential flats and dwellings, with commercial and entertainment uses to the south west along Edgware Road.

6.2 Recent Relevant History

16/09751/ADFULL

Details pursuant to condition 21 (part a) of planning permission dated 29/04/2016 (RN:15/08836) namely the submission of a written scheme of investigation for a programme of archaeological work,
Application Permitted 25 November 2016

16/06068/MOD106

Submission of Site Environmental Management Plan (SEMP) for construction phase of development pursuant to Clause 2.1 Schedule One of S106 planning obligation agreed in connection with planning permission dated 29 April 2016 (Ref: 15/08836/FULL)
Application Permitted 19 August 2016

16/04588/NMA

Amendments to planning permission dated 29 April 2016 (RN: 15/08836/FULL) for, 'Demolition of building, excavation of sub-basement, and erection of replacement building over sub-basement, lower ground, ground and part-four and part-five upper storeys to provide 32 car parking spaces (accessed by car lifts on Cato Street), cycle parking, plant, ancillary gym and refuse store at basement level; plant within lower ground floor vaults; and up to 32 flats (Class C3) over lower ground to fifth floor levels'; namely, to alter the layout of some of the approved flats.
Application Permitted 8 June 2016

15/08836/FULL

Demolition of building, excavation of sub-basement, and erection of replacement building over sub-basement, lower ground, ground and part-four and part-five upper storeys to provide 32 car parking spaces (accessed by car lifts on Cato Street), cycle parking, plant,

ancillary gym and refuse store at basement level; plant within lower ground floor vaults; and up to 32 flats (Class C3) over lower ground to fifth floor levels.

Application Permitted 29 April 2016

7. THE PROPOSAL

The application proposes to make a number of 'minor material alterations' to the redevelopment proposal approved by the City Council on 29 April 2016 for the redevelopment of this site, excavation of a sub-basement, and erection of replacement building to provide 32 flats (Class C3) with sub-basement car and cycle parking.

The following amendments are sought to the approved development:

- i. The reduction in the footprint of the proposed new basement level so that it would no longer extend beneath the pavement vaults on Molyneux Street and Crawford Place.
- ii. Replacement of the ancillary basement gymnasium with a larger ancillary conference room.
- iii. Relocation of the approved basement refuse store.
- iv. Reduction in the number of car parking spaces from 32 to 31.
- v. Increase in the depth of the basement from 4.4m (in the main but with one element that is 6.5m deep) to 4.7m (in the main but with two areas where the triple height car stackers are located that are 8.1m deep).
- vi. Insertion of a partial mezzanine level between basement and lower ground floor level to accommodate plant and an ancillary office;
- vii. Reduction in the number of car lifts on Cato Street from two to one.
- viii. Relocation of the proposed substation from rear lower ground floor level to a pavement vault on Crawford Place (and corresponding enlargement of Flat LG.2);
- ix. Use of the former car lift area on Cato Street as a cycle store and refuse holding area;
- x. Reduction in the size of Unit 1.2 to accommodate a double-height space above the main entrance lobby;
- xi. Increase in the number of cycle parking spaces from 66 to 70; and
- xii. Minor alterations to the railings in the corner element of the building at fourth floor level so that they are set within the window reveals.

8. DETAILED CONSIDERATIONS

8.1 Land Use

There is no objection to the proposed relocation of the approved substation from the main building to one of the pavement vaults on Crawford Place. The corresponding increase in the size of Unit 1.2 so that it is converted from a one-bedroom to a two-bedroom flat is welcome and would not harm the housing mix of the development. The floorspace of this enlarged unit is 83 sqm (GIA) which exceeds the minimum standard of 70 sqm (GIA) set out within the London Plan (2016).

Unit 1.2 will retain the same number of bedrooms but is proposed be reduced in size to 73 sqm in order to accommodate a double height element to the main entrance to the

building. Again, this exceeds the minimum London Plan standard of 70 sqm (GIA) and is therefore acceptable.

The replacement of the ancillary basement gymnasium with a larger ancillary conference room raises no land use concerns. The approved gymnasium and the proposed conference room are to be used in an ancillary capacity for the residents of the building and therefore there will be no material impact arising from this alteration.

8.2 Townscape and Design

The proposed minor alterations to the railings in the corner element of the building at fourth floor level so that they are set within the window reveals raises no concerns in terms of its impact upon the character and appearance of the Molyneux Street Conservation Area and the setting of the neighbouring listed buildings.

8.3 Residential Amenity

Whilst an objection on the grounds of noise and pollution from queuing cars has been received, for the reasons set out within 8.4 of this report, there is unlikely to be vehicular queuing on Cato Street as a consequence of reducing the number of car lifts from two to one. As such, it is not considered that the application could be refused on these grounds.

8.4 Transportation/Parking

The Highways Planning Manager raises no concerns over the reduction in the number of car parking spaces proposed from 32 to 31 given the level of car ownership levels in the area and on the grounds that the parking is to be unallocated. Furthermore, the proposal still remains favourable when compared to the existing situation where 23 flats have only five car parking spaces.

Further information was requested from the applicant to ascertain whether the reduction in the number of car lifts from two to one would create a situation where vehicles had to queue on Cato Street in order to get into the lift. Based on the information provided, the Highways Planning Manager is satisfied that the likely levels of demand for the car lifts and the lift cycle times will mean that cars are unlikely to have to queue on Cato Street to gain access to the basement car parking. Subject to securing the management and maintenance of the car lift and valet parking by legal agreement, there is therefore no objection to the reduction in the number of car lifts. For this reason, the concerns from local residents regarding future residents being reluctant to use the basement car park and that cars will have to queue on Cato Street are not considered to represent sustainable objections to the proposal.

The increase in the number of cycle parking spaces is welcome, as is the use of the former car lift area on Cato Street as cycle storage which will encourage this sustainable mode of transportation.

8.5 Economic Considerations

The economic implications of the revised scheme compared to the approved scheme are not considered to be materially different.

8.6 Access

The access arrangements remained unchanged from the approved scheme.

8.7 Other UDP/Westminster Policy Considerations

Revised Basement

Since the determination of the previous application, the City Council has revised its City Plan and this now incorporates a policy on basement developments (City Plan Policy CM28.1). The site is not in a surface water flooding 'hot spot' or in a flood risk zone.

The applicant has provided an updated Basement Impact Assessment by a suitably qualified engineer and the Building Control Manager has no objection to the basement construction for the purposes of City Plan Policy CM28.1(A)(2)(a).

Through its location beneath a site that is already completely covered in an existing structure, there is no objection to the footprint of the proposed basement which is smaller than approved. There will be no impact upon neighbouring trees or increased risk of flooding given the site's location outside of fluvial or surface water flooding areas.

Whilst the insertion of a partial mezzanine level results in more than one storey being excavated below the lowest original floor levels, by virtue of this large site's location at the corner of Molyneux Street and Crawford Place and not harming any heritage assets, the proposal accords with the two exceptional circumstances set out within City Plan Policy CM28.1(C)(3); namely, (a) The proposal relates to a large site with high levels of accessibility such that it can be constructed and used without adverse impact on neighbouring uses or the amenity of neighbouring occupiers; and b) No heritage assets will be adversely affected. It is also material that the main body of the basement is only 0.3m deeper than as approved, the deeper areas are located well away from any neighbouring structures, and the total volume to be excavated is less than as approved.

The original application was determined prior to the City Council's adoption of the Code of Construction Practice in July 2016. The 2016 permission secured by legal agreement a financial contribution towards the Environmental Inspectorate of up to £33,000 per annum and the submission of a Site Environmental Management Plan for the City Council's approval. It is recommended that the same approach is taken in the determination of this application, albeit securing the Site Environmental Management Plan approved by the City Council on 19 August 2016.

Refuse /Recycling

There is no objection to the relocated basement refuse store as it has the same handling capacity as approved.

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

It is recommended that a deed of variation to the legal agreement that accompanies the original permission to secure that this new permission is subject to the same terms as the original. This is with the exception of requiring compliance with the Site Environmental Management Plan (Revision 07) approved by the City Council on 19 August 2016 rather than having to submit a Site Environmental Management Plan for the City Council's approval.

The estimated CIL payment is:

- £118,416 (Mayoral).

As the original permission was issued prior to the adoption of the Westminster CIL on 1 May 2016 and no additional floorspace is proposed, the development is not liable to the Westminster CIL.

8.11 Environmental Impact Assessment

The development is of insufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

None.

9. BACKGROUND PAPERS

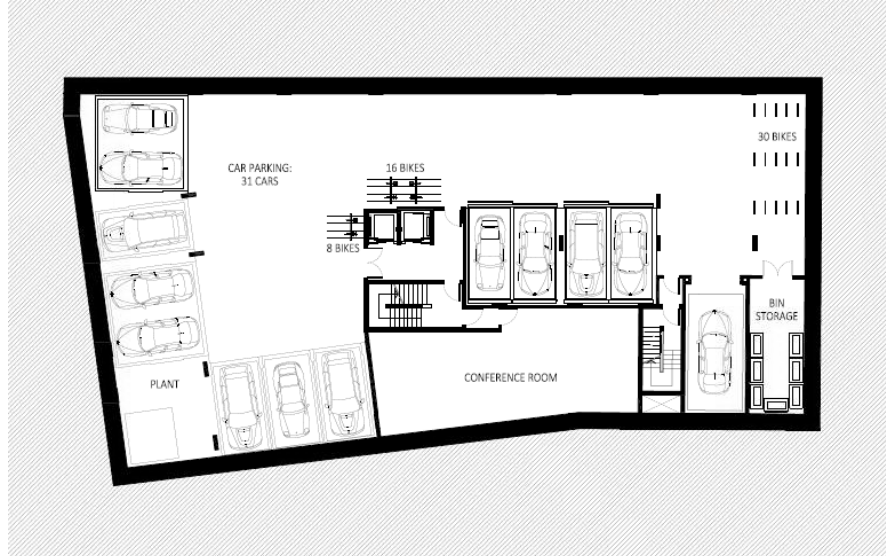
1. Application form
2. Response from the Marylebone Association, dated 24 October 2016.
3. Response from Highways Planning, dated 24 February 2017.
4. Response from Building Control, dated 27 June 2017.
5. Letter from occupier of 2 Cato Street, dated 25 October 2016.
6. Letter from occupier of 6 Molyneux Street, dated 28 October 2016.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT JPALME@WESTMINSTER.GOV.UK

10. KEY DRAWINGS

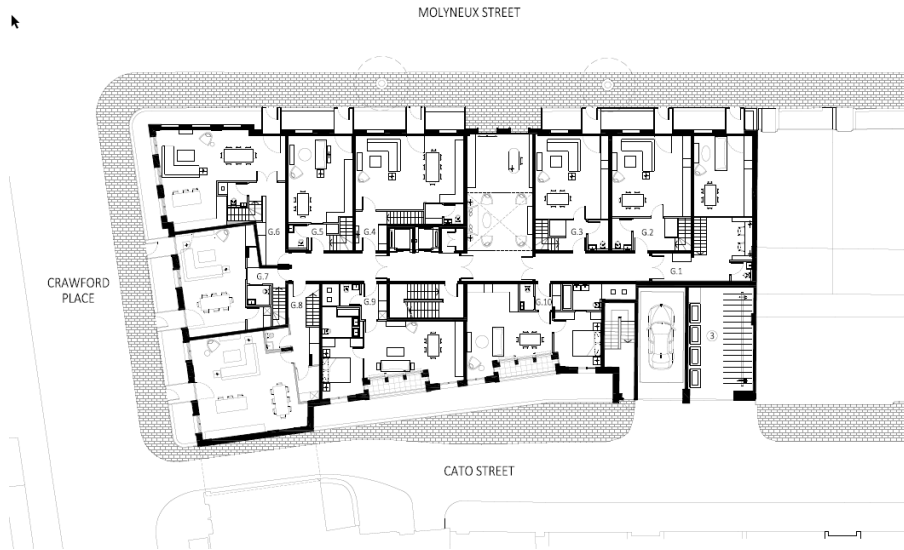
Proposed basement floorplan:



Proposed lower ground floorplan:



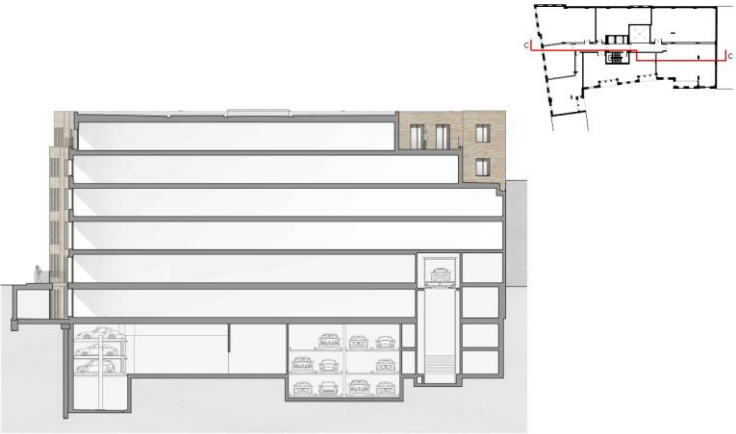
Proposed ground floorplan:



Proposed first floorplan:



Proposed Section C-C:



Proposed Crawford Place elevation:



DRAFT DECISION LETTER

Address: Elliott House, 1 Molyneux Street, London, W1H 5HU,

Proposal: Variation of Condition 1 of planning permission dated 29 April 2016 (RN: 15/08836/FULL) for, 'Demolition of building, excavation of sub-basement, and erection of replacement building over sub-basement, lower ground, ground and part-four and part-five upper storeys to provide 32 car parking spaces (accessed by car lifts on Cato Street), cycle parking, plant, ancillary gym and refuse store at basement level; plant within lower ground floor vaults; and up to 32 flats (Class C3) over lower ground to fifth floor levels', in order to make the following amendments to the approved development: (i) The reduction in the footprint of the proposed new basement level so that it would no longer extends beneath the pavement vaults on Molyneux Street and Crawford Place; (ii) Reduction in the number of car parking spaces proposed from 32 to 31; (iii) Increase in the depth of the proposed new basement levels (in parts) in order to accommodate car stackers; (iv) Reduction in the number of car lifts from two to one; (v) Relocation of the proposed substation from rear lower ground floor level to a pavement vault on Crawford Place (and corresponding enlargement of Flat LG.2; (vi) Use of former car lift area on Cato Street as cycle store and refuse holding area; (vii) Reduction in the size of Unit 1.2; (viii) Increase in the number of cycle parking spaces from 66 to 70; (ix) Alterations to the railings at fourth floor level; and (x) Other alterations.

Reference: 16/05715/FULL

Plan Nos: 15/08836/FULL
Demolition drawings:
1408-PA-101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113.

Proposed drawings:
1408-PA-201 Rev. H, 202 Rev. N, 203 Rev. N, 204 Rev. L, 205 Rev. L, 206 Rev. K, 207 Rev. K, 208 Rev. J, 210 Rev. H, 211 Rev. H, 212 Rev. H, 215 Rev. G, 216 Rev. G, 217 Rev. G, 222 and 213.

16/09751/ADFULL
Archaeological Study dated August 2016.

16/05715/FULL
Proposed drawings:
1408-PA-201 Rev. L, 201.1 Rev. A, 202 Rev. R, 203 Rev. R, 204 Rev. P, 205 Rev. P, 206 Rev. O, 207 Rev. N, 208 Rev. K, 210 Rev. K, 211 Rev. K, 212 Rev. J, 215 Rev. L, 216 Rev. L and 217 Rev. L.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Molyneux Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings at a scale of 1:10 of the following parts of the development:
 - (i) Typical example of each window and external door.
 - (ii) New 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 approved 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 Molyneux Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Molyneux Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

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 Molyneux Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To maintain the character of the Molyneux Street 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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Molyneux Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

9 (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.

- 10 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 11 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.

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

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

Reason:

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

- 14 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this

development. (C22BA)

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 15 The cycle parking area shown on approved drawings 1408-PA-201 Rev. L and 1408-PA-203 Rev. R shall be fitted so that it is capable of storing at least 70 bicycles prior to the occupation of any of the flats hereby approved. Thereafter the cycle spaces must be retained, access provided to all of the occupants of the flats hereby approved and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016.

- 16 Other than the area shown as balconies or roof terraces on the approved drawings, you must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

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)

- 17 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)

- 18 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing numbers 1408-PA-201 Rev. L and 1408-PA-203 Rev. R. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

Reason:

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

- 19 You must apply to us for approval of manufacturer's specification and species list for the living roof hereby approved.

You must not start on these parts of the work until we have approved what you have sent us. You

must then carry out the work in its entirety prior to the occupation of any of the flats hereby approved and in accordance with the approved drawings, manufacturer's specification and species list. (C26UB)

Reason:

To increase the biodiversity of the environment and to reduce surface water run-off, as set out in S30 and S38 of Westminster's City Plan (November 2016), ENV 4, ENV 17 of our Unitary Development Plan that we adopted in January 2007 and Policies 5.10, 5.13, 7.19 of the London Plan (2016). (R43FB)

- 20 Prior to occupation of any of the flats hereby approved a minimum of seven of the car parking spaces shall be provided with charging points (for electric vehicles) and at least seven of the car parking spaces shall be fitted with the necessary underlying infrastructure (e.g. capacity in the connection to the local electricity distribution network and electricity distribution board, as well as cabling to parking spaces) to enable simple installation and activation of a charge point at a future date. These charging points shall not be removed.

Reason:

To ensure that adequate recharging points are made available within the development hereby approved in accordance with Policy 6.13 of the London Plan (2016).

- 21 (a) You must carry out the archaeological work and development according to the written scheme of investigation for a programme of archaeological work approved by the City Council on 25 November 2016 (Ref: 16/09751/ADFULL). You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

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

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

- (i) Combined heat and power unit (energy centre).
- (ii) 2 x photovoltaic arrays at roof level, in accordance with the approved drawings.
- (iii) Mechanical ventilation with heat recovery.
- (iv) Air source heat pumps.

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

Reason:

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

- 23 This permission must be commenced no later than 28 April 2019.

Reason:

This permission authorises amendments to the original planning permission granted on 29 April 2016 (RN: 15/08836/FULL) which must be commenced no later than the above date.

Informative(s):

1. In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
2. You will need to speak to our Tree Section about the proposal to remove a tree from the public footway in Molyneux Street. You will have to pay for the removal of the tree by the Council's own contractors.
3. 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)
4. Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
5. The term 'clearly mark' in condition 18 means marked by a permanent wall notice or floor markings, or both. (I88AA)
6. You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
7. Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

8. This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - a) The applicant to comply with the Council's Code of Construction Practice, comply with the Site Environmental Management Plan (Revision 07) approved by the City Council on 19 August 2016 and provide a financial contribution of up to £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
 - b) Unallocated parking;
 - c) Management and maintenance of the car lift and valet parking;
 - d) Cost of the works associated with the creation of two tree pits and the planting of least two new trees within the vicinity of the site.
 - e) Cost of widening the vehicular crossover on Cato Street and making good;
 - f) Cost of relocating a lamppost on Cato Street; and
 - g) Costs of monitoring the S106 agreement.
9. This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.

If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.

You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.

10. Conditions 9 and 10 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)

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5

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

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Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Marathon House, 200 Marylebone Road, London, NW1 5PW,		
Proposal	Erection of extensions to the podium level to provide four additional residential units, including terraces. Associated facade alterations.		
Agent	Montagu Evans		
On behalf of	Proxima GR Properties Ltd.		
Registered Number	17/01607/FULL	Date amended/ completed	11 April 2017
Date Application Received	22 February 2017		
Historic Building Grade	Unlisted		
Conservation Area	Dorset Square		

1. RECOMMENDATION

Refuse permission – harm to character and appearance of existing building and Dorset Square Conservation Area; loss of amenity to existing residential flats.

2. SUMMARY

The application site is located within the Dorset Square Conservation Area. It contains Marathon House, which comprises of a three level podium around a central courtyard with a 12 level tower above, at its western end. This building contains 107 residential units.

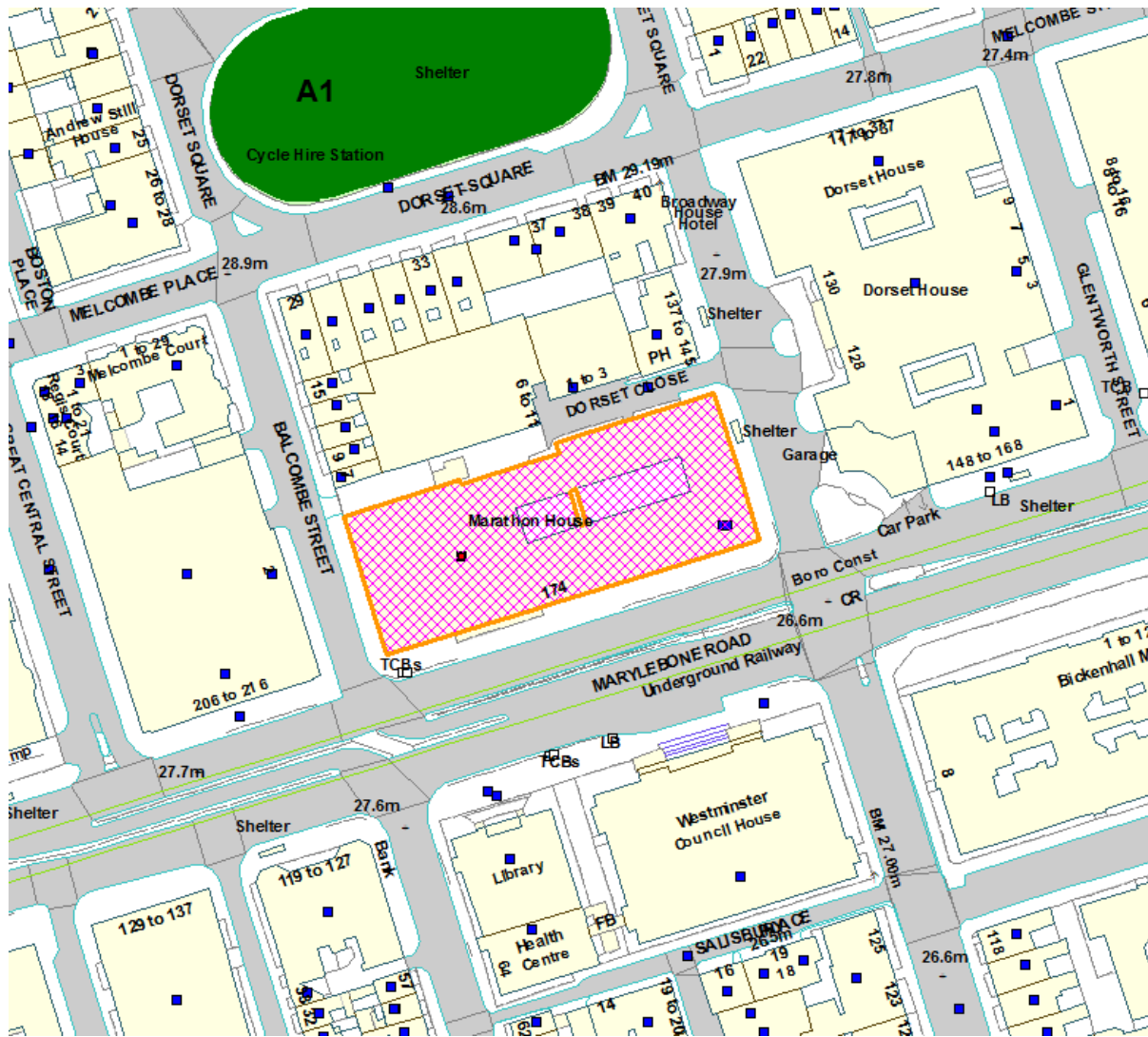
The applicant proposes erection of an extension to the podium level to provide four additional residential units, including terraces. Facade alterations associated with the extension are also proposed.

The key considerations are:

- Impact on the character and appearance of the subject building and designated heritage assets;
- Impact on the amenity of local residents, including from loss of daylight, sunlight and overshadowing; and
- Impact on parking and highways.

Officers consider the extensions and planting screens proposed harmful to the appearance of this building and the character and appearance of the Dorset Square Conservation Area. The western podium extension would also result in a significant and unacceptable increase in sense of enclosure for the occupants of flats within Marathon House. Accordingly, the application is recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Marathon House as seen from south west corner of Upper Montague Street and Marylebone Road



Marathon House as seen from south west corner of Baker Street and Marylebone Road intersection.

5. CONSULTATIONS

COUNCILLOR JULIE ALEXANDER

Object to proposal. Marathon House is a unique heritage building which we have a duty to preserve, especially while it is well-maintained and much-sought-after as a special place to live.

The building's systems are not amenable to any additional construction.

Any extra flats built at Marathon House would raise pressure on the availability of Residents' parking spaces in the area.

Residents in Dorset House and Regis Court have objected to any increase in the massing, height and bulk of Marathon House in their immediate vicinity, on the basis that they will lose light from the south and west, and their view of the open skyline that they currently enjoy from their balconies will be curtailed. They also object to the implied increase in delivery-traffic in this already congested area.

The proposed new flats would materially darken not only the leasehold-flats within the building, but would similarly affect buildings in the near vicinity.

The proposals can only be brought forward by gross infringement on the private property rights and Rights of Light of those who own flats in the building on long leases – thereby setting aside their right to the 'quiet enjoyment of private property' enacted in European Human Rights legislation. If Planning Permission were given for these new flats, the current residents would be dispossessed for the duration of the works, possibly for years.

The proposals involve adaptations to access and egress routes that would complicate emergency evacuation, and so breach Health and Safety building regulations.

The proposals would place extra strain on community services, including parking and deliveries.

This building is part of the Dorset Square Conservation Area. Any new development of Marathon House would breach the Council's commitment to its own Conservation rules.

GREATER LONDON AUTHORITY

No response received. *Note: this development is not GLA referable as the proposed extension does not exceed 15 m in height above the existing building.*

HIGHWAYS PLANNING MANAGER

Object. No parking is provided for the proposed flat.

WASTE PROJECT OFFICER

No waste storage is shown for the proposed flat. Recommend condition to address this.

ENVIRONMENTAL HEALTH OFFICER

No objection, subject to conditions safeguarding potential residents from air pollution.

DESIGNING OUT CRIME

Consider that there is little to add to a security design in this application.

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

THE ST MARYLEBONE SOCIETY

Object. Understand that these proposals are being made by the freeholder against the wishes of the leaseholders, who were not notified about the applications when they were submitted. Applications may be an attempt to influence the valuation.

There would be practical problems carrying out the work. The existing flats are unliveable without the rooftop cooling plant. As the cooling units are on the roof, they would be affected by building at this level. Similarly the lifts must remain operational.

No off-street parking is provided. Potential residents of the flat would therefore place additional demands on already oversubscribed on-street parking in the area. Also, the proposed flat is large and might easily be divided into two or three units in future, thus increasing the parking requirement.

The building is an interesting modernist structure which was carefully composed and has already been compromised by changes made when it was converted to residential use in the 1990s.

West of the tower, the podium extension compromises the original 1960 design by obscuring the clear architectonic separation of tower and podium by inset columns, characteristic of this configuration. There may also be overshadowing of some flats to the east of the proposed podium level extension, which is not acceptable. The proposed arrangement where part of the new row of flats has a sloped roof so as to allow more light into the existing light well is not in keeping with the "International Style" architectural grammar of the building.

East of the tower the podium extension similarly obscures the view of the tower from the east. Some of the podium level terrace areas affected by this proposal currently function as terraces for some of the existing residents, a right written into their leases, and this use would be lost. The new flats are perhaps 5m away from the existing units in the base of the tower, and would cause existing units to feel very enclosed.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 3405

Total No. of replies: 106

No. of objections: 106

No. in support: 0

In summary, the objectors raise the following issues:

- Increasing the height and/or bulk of Marathon House would harm the character and appearance of the area generally;
- Increasing the height and/or bulk of Marathon House would harm heritage assets, including the Dorset Square Conservation Area, the setting of the Old Town Hall across Marylebone Road and/or views from Regents Park;
- Increasing the height and/or bulk of Marathon House would harm the character and appearance of the building itself which is an iconic building;
- Marathon House is an important early example of the slab and podium configuration/post-war building construction. It would be hugely deleterious to

- architectural culture in this country for Marathon House to be altered beyond recognition;
- The Dorset Square Conservation Area Audit explicitly identifies Marathon House as a building where a roof extension is unlikely to be acceptable;
 - The proposal would increase density above the original planning permission for conversion of this building;
 - The proposed flat and associated servicing would increase traffic congestion and on-street parking demand;
 - Increasing the height and bulk of Marathon House would reduce daylight and sunlight to neighbouring properties;
 - Increasing the height and bulk of Marathon House would obstruct views for neighbouring properties;
 - The new flats would have outlook over nearby properties, resulting in harm to their privacy;
 - The proposed flats would be built over communal terrace areas;
 - Constructing the development would harm the health of residents within the building;
 - Constructing the development would compromise the safety of residents within the building;
 - Constructing the development would result in further traffic and/or parking congestion in the area;
 - The proposal would disrupt the heating/cooling system and/or lifts for this building during construction;
 - This area is already heavily polluted and the additional flat will exacerbate the situation;
 - Permitting this application may set a precedent for future alterations to other important buildings in the area;
 - This application has been submitted by the freeholder without consulting leaseholders;
 - The proposal would result in loss of rent and/or property value for the owners of the existing flats; and
 - The applicant has not completed the ownership certificate for this application correctly.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the north side of Marylebone Road. It occupies the block of land between Balcombe Street and Gloucester Place. It contains a building, known as Marathon House, comprising of a three level podium around a central courtyard with a 12 level tower above, at its western end. This building contains 107 residential units.

The application site is located within the Dorset Square Conservation Area. Marathon House is not listed but is an unlisted Building of Merit.

6.2 Recent Relevant History

96/06764/FULL

Change of use from offices to residential, creating approximately 100 units. Internal and external alterations.

Granted – 20 December 1996

17/01608/FULL

Erection of a sheer rooftop extension to the existing tower to provide an additional residential units. Associated plant alterations.

Under consideration – Also on this committee agenda

17/01609/FULL

Erection of a setback rooftop extension on existing tower to provide an additional residential unit, incorporating terraces. Plant enclosure

Under consideration – Also on this committee agenda

7. THE PROPOSAL

Permission is sought for a single storey extensions at podium level, to the west and east of the tower. The proposed extensions would contain four flats – three to the west of the tower and one to the east. An existing two bedroom flat to the east of the tower would also be extended. The mix and size of the proposed flats are as follows:

	No. Bedrooms	Size (sqm GIA)
Flat 1	1 bed / 2 person	53
Flat 2	2 bed / 3 person	64
Flat 3	2 bed / 3 person	61
Flat 4	3 bed / 4 person	86
TOTAL		264

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policies H3 of the Unitary Development Plan (adopted 2007) (“the UDP”) and S14 of Westminster’s City Plan (adopted 2016) (“the City Plan”) seek to encourage the provision of more residential floorspace including the creation of new residential units. Accordingly, the provision of on additional flat is supported in principle.

The proposed flats would exceed the minimum floorspace requirements of policy 3.5 of the London Plan (March 2016), the Nationally Described Space Standard (March 2015) and the Mayor of London’s Housing Supplementary Guidance (March 2016). The flats would also be dual aspect ensuring satisfactory natural lighting levels and would include terraces or have access to a terrace that exceed the size requirements of the Mayors Housing SPG. Accordingly, the proposed flats would provide an acceptable standard of accommodation.

8.2 Townscape and Design

Objections have been received to the harmful impact of the proposed extensions on Marathon House itself, the Dorset Square Conservation Area and other conservation areas. Objections have also been received to the harmful impact of the proposed extension on other heritage assets, including the Grade II listed Old Marylebone Town Hall opposite and the setting of regents Park, a Grade 1 Park and Garden of Special Historic Interest.

The building is understood to have originally been built for the Wakefield Castrol Group in the later 1950's, with Casson and Conder as the original architects of the preliminary design, who then handed over the supervision of the project to Gollins, Melvin Ward and Partners. The overall effect created by the development was a significant one in the Marylebone Road streetscape, and the building was the first significant curtain walled office tower on podium outside of America.

The building is not listed. However, it is located within the Dorset Square Conservation Area, and is noted in the City Council's Dorset Square Conservation Area Audit as an unlisted building of merit. The building has been re-clad since its original construction following its conversion from offices to residential use pursuant to the 1996 permission noted above.

The building is an important example of mid-20th century commercial architecture, and the clarity of its form as a podium and tower style development is fundamental to its overall character as a building. The podium and tower form of the building is clearly defined, with the podium having a framing of its two floors in concrete panels giving definitive height and definition to this element of the building. The tower has a recessed base floor which is clad in a dark facing material to help further emphasise the dramatic overhanging form of the main body of the tower above. Though it is noted that there is a second floor level element of the podium, by virtue of being set to the east end of the podium and notably set away from the tower element it does not fundamentally undermine the clarity of the architectural form. As reflected in the historic photographs supplied by the applicant, the podium was not originally designed to harmonise in terms of cladding with the tower as it was shown with pronounced light cladding panels to the spandrel panels and sub-window panels. Although it is recognised that recladding in the late 1990's has notably changed the appearance of the podium, the cladding introduced was unified across the street elevations, and still therefore provides the unified base from which the tower rises, as was originally intended and the clear distinction from the tower which was also originally intended. The application proposals would greatly change this impression.

The extensions proposed in this application crowd the impression of the tower rising from the base. The eastern side extension steps in 9.7m closer to the tower to sit 6.15m from the accommodation to the base of the tower, and on the west side the extension proposed sits 6.15m from the base. This architectural form would be significantly broken by having a new extension set adjacent to the west sides and stepped much closer in to the east side. These changes would see the tower rising not from its very clearly defined base as a clearly freestanding architectural form, but instead rising from a much more cluttered arrangement of later additions. The 'freestanding'

nature of the form of the tower is crucial to the character of the building, and the creation of the new extensions to the podium would fundamentally break the clarity of this architectural form. They would visually truncate the tower element, and harm the important and originally intended clarity of form as a podium and tower development. The impression is compounded as the two extensions are set back 1.5m from the Marylebone Road elevation whereas the base to the tower is set back further at 2.2m, thus further diminishing the visual dominance of the tower element to the composition, and they rise higher than the base to the tower.

Though it is recognised that second floor level accommodation exists to the eastern end of the podium, it is set well back from the tower. In views south down Balcombe Street, north from Upper Montagu Street, in long views east from Marylebone Road and in other views, the tower element is seen clearly rising as a freestanding structure from the podium and with the eastern second floor level element set clearly apart.

The clarity of architectural form would be further cluttered by the proposed addition of privacy planting between Flat A and communal flats adjacent which is set 7.2m back from the line of the front elevation and much closer to the north elevation. The submitted drawings show that the intended planting and presumed other structures to support the planting (as without more physical structures the separation between these two areas could not be fully achieved) rises almost to the height of the extension adjacent and clutters the strong lined clarity of the impression of the podium and tower composition.

In addition it is noted the application includes references to both the incorporation of MVHR equipment, to mechanical ventilation and to gas boilers for each of the four dwellings. These features are not shown on the application drawings. The lack of clarity on these points is particularly disappointing given their potential to clutter the impression of the building. An informative is included advising that further information would have been required on these points had the application been considered acceptable. There is also a concern as to how accurately the cladding system of the existing building could be copied to these new extensions. However, and had the application been considered acceptable further information could have been secured by condition.

There are limited public benefits from the development. The proposal would create four flats in a location with good access to public transport. However, the contribution to housing supply from four new flats would be miniscule in the context of the City Council's annual housing target of 1068 residential units. The applicant also suggests that stonework and cladding on the existing building are proposed to be cleaned albeit without further details of the nature of this works. However, the building does not appear especially marred by dirt and such cleaning could be assumed to form part of the routine maintenance of this building in any event. The other points set out in favour of the scheme by the applicants are noted but not considered to offer substantive benefits in this case. Overall, the public benefits arising from the proposed development are modest and would not outweigh the less than substantial harm identified above.

Given the above, the proposed development is not supported by primary legislation or the NPPF and would be contrary to policies DES 1, DES 5 and DES 9 of the UDP, and policies S25 and S28 of the City Plan.

8.3 Residential Amenity

Objections have been received to potential loss of light, particularly to other flats within the podium. Objections to loss of privacy and increases sense of enclosure arising from the proposed extensions have also been received. The relevant policies are policy S29 of the City Plan and policy ENV 13 of the UDP.

Loss of Light

With regards to loss of light, the applicant has submitted a Daylight and Sunlight Assessment by Waldrams. This report has considered light loss from the proposal in accordance with BRE Guidance to the following properties:

- 1-11 Dorset Close;
- 7-9 Balcombe Street; and
- Flats within Marathon House

The applicants assessment demonstrates full compliance with BRE Guidelines for 1-11 Dorset Close and 7-9 Balcombe Street.

With regards to Marathon House itself, the applicant's assessment demonstrates that all but three flats within Marathon House would have daylight levels exceeding BRE Guideline. The three flats that would have light levels not meeting BRE Guidelines face the western extension. Two are located at first floor level, with windows within the lightwell separating those flats from the proposed extension. The third flat is located at second floor level, at the same level as the proposed extension.

The first floor flats would have VSC levels meeting BRE Guidelines but would have Daylight Distribution reductions of up to 31%. The second floor flat would have Daylight Distribution Levels that meet BRE guidelines but would have VSC reductions of 24%. To put this into context, BRE Guidelines state that Daylight Distribution or VSC reductions of 20% are noticeable, although not necessarily harmful.

With regards to sunlight loss to flats within Marathon House, the applicant's assessment demonstrates that all but two flats within Marathon House would have sunlight levels exceeding BRE Guidelines. These two flats would face the western extension. One flat is located at first floor level and the second at second floor level.

The BRE guidelines note that they are intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location like this, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE guide also applies. In this context, the daylight and sunlight losses proposed are relatively modest and not sufficient to warrant a reason for refusal in this instance.

Sense of Enclosure

The proposed extensions would not be located adjacent to or near residential properties on neighbouring sites. The eastern extension would also be separated from the nearest

flats within Marathon House by approximately 13 metres. It would also be set back behind the existing parapet. Relative to the approximately 3 metre height increase proposed, the eastern extension would not result in a significant increase sense of enclosure for residents within Marathon House.

However, the proposed western extension would be located approximately 6 metres from the first and second floor flats within the tower element of Marathon House. This would be located very close to these flats and would fill the open vista enjoyed by the second floor flats, despite the pitched roof proposed. As such, the proposed western extension would result in a significant increase in sense of enclosure and would be contrary to policy S29 of the City Plan and policy ENV 13 of the UDP.

Privacy

The proposed extensions would not be located adjacent to or near residential properties on neighbouring sites. The eastern extension would also be separated from the nearest flats within Marathon House by approximately 13 metres and would have a similar outlook to other existing flats. The western extension has few windows facing the existing flats and the applicant proposes additional landscape screening. Were the development otherwise acceptable, a condition would be recommended to secure this. Subject to this condition, the proposal would not result in unacceptable loss of privacy and would be consistent with policy S29 of the City Plan and policy ENV 13 of the UDP.

8.4 Transportation/Parking

Objectors consider that the proposal will increase on-street parking demand and traffic congestion. The Highways Planning manager has also objected to the absence of on-site parking for the proposed flats. Policy TRANS23 of the UDP requires provision of up to five parking spaces for the proposed flats.

Policy TRANS23 of the UDP details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The Council's most recent on-street parking surveys indicate that parking demand within the vicinity already exceed 80% both day and night. Car ownership levels are also 32% in this ward, indicating an parking demand of 1-2 spaces. On this basis, the Highways Planning Manager has objected.

However, paragraph 32 of the NPPF states that 'Development should only be refused on transport grounds where the residual cumulative impacts of development are severe'. The NPPF recognises that different policies and measures will be required in different communities noting that the availability of public transport and local car ownership levels have to be accounted for.

In the context of the requirements of the NPPF, the impact on on-street parking demand does not provide sustainable grounds for refusing this application. The shortfall in on street parking provision is acknowledged, but it also has to be considered that the site is in an area with a high Public Transport Accessibility Level and is located in close proximity to Baker Street and Marylebone Stations. The absence of on-site parking can also be mitigated to a degree by requiring that the applicant provide 25 year car club

membership for each flat. Were the development otherwise acceptable, it is recommended that this is secured by condition or planning obligation.

With regards to servicing, four additional flats would not generate a significant servicing requirement. Notwithstanding this, these flats would also be serviced in the same manner as the 107 other flats within Marathon House. Accordingly, an objection to the development on this basis would not be a sustainable reason for refusing the application.

Were the development otherwise acceptable, a condition would be imposed requiring further details of refuse and recycling arrangements for the proposed flats.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposed flat would be accessible by lift and have level access throughout

8.7 Other UDP/Westminster Policy Considerations

None.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

Subject to any relief or exemptions available to the applicant, the estimated CIL payment would be £120,301.11

8.11 Environmental Impact Assessment

This development is not large enough to require an Environmental Impact Assessment.

8.12 Other Issues

As set out above, the proposed development has received a significant level of objection. Most of the issues raised have been addressed above. The following is also noted.

Density

The proposed development would result in a density of approximately 294 u/ha. This is consistent with the density range for a Central site like this, as per policy 3.4 of the London Plan (March 2016). Accordingly, an objection to the development on this basis would not be sustainable.

Construction Impact

Planning permission cannot be refused for a proposal due to the impact of construction. This is because its impact is short term, can be mitigated through planning condition and is otherwise subject to environmental health and health and safety legislation. Were the development acceptable, a condition controlling the hours of construction would be recommended. Any further conditions would be beyond the remit of planning control. Notwithstanding this, the leaseholders are also able to influence on-site construction arrangements through their lease arrangements. Accordingly, an objection to the development on this basis would not be sustainable.

Pollution

The application site is located within an Air Quality Management Area due to air pollution from traffic on Marylebone Road. The Environmental Health Officer has recommended conditions requiring the implementation of air quality mitigation measures, including the provision of mechanical air ventilation and filtration for the proposed flat. Were the development otherwise acceptable, a condition would be recommended requiring the provision of these air quality mitigation measures. Subject to this condition, the proposal would have been acceptable in terms of air quality.

Precedent

Several objectors note that granting permission would set a precedent for further height increases on this building and on neighbouring or nearby buildings. However, each application must be considered on its merits, having regard to the specific development proposed, the specific application site and the development plan at the time the application is considered. Accordingly, granting permission for this development would not necessarily mean that a similar application elsewhere would be approved.

Consent of Leaseholders and Ownership Certificates

At planning application stage, the applicant is only required to serve notice on the owners of an application site and/or leaseholders. The applicant is not required to obtain their permission before making the application.

The applicant had initially made this application without serving notice on all leaseholders. This was brought to the applicant's attention and notice was served correctly on 10 April 2017. Accordingly, this application is valid from that date.

Loss of Property Value

Loss of property value is not a material planning consideration.

Human Rights

An objector considers the proposal contrary to the leaseholders rights under Articles 1 (Protection of Property) and 8 (Right to respect for private and family life) of the European Convention on Human Rights. However, the courts have found that the impact of a development must be particularly severe to justify an objection to a planning application on human rights grounds and the objectors rights must also be balanced with the applicant's rights under Articles 1 and 8. In this instance, the impact of the development is not considered sufficiently severe and an objection on this basis would not be sustainable.

9. BACKGROUND PAPERS

1. Application form
2. Representation from Cllr Julia Alexander, dated 28 May 2017
3. Response from Highways Planning Manager, dated 3 April 2017
4. Response from Waste Project Officer, dated 29 March 2017
5. Response from Environmental Health Consultation, dated 23 May 2017
6. Response from Designing Out Crime Officer, dated 24 March 2017
7. Response from St Marylebone Society, dated 23 April 2017
8. Letter from occupier of Flat 68 Marathon House, London, dated 9 April 2017
9. Letter from occupier of Flat 72 Marathon House, 200 Marylebone Road, dated 19 April 2017
10. Letter from occupier of Flat 99, Marathon House , dated 16 May 2017
11. Letter from occupier of 102, Marathon House, dated 16 May 2017
12. Letter from occupier of Flat 99, Marathon House , dated 16 May 2017
13. Letter from occupier of 125 Clarence Gate Gardens, Glentworth street, dated 2 April 2017
14. Letter from occupier of No 60 Marathon House, London, dated 31 May 2017
15. Letter from occupier of Flat 40 Marathon House, 200 Marylebone Road, dated 8 April 2017
16. Letter from occupier of Flat 82 Marathon House, 200 Marylebone Road, dated 7 April 2017
17. Letter from occupier of Flat 107 Marathon House, 200 Marylebone Road, dated 19 April 2017
18. Letter from occupier of Flat 59 , Marathon House, dated 2 May 2017
19. Letter from occupier of 125 Clarence Gate gardens, Glentworth street, dated 2 April 2017
20. Letter from occupier of Flat 49 Marathon House, 200 Marylebone Road, dated 18 April 2017
21. Letter from occupier of Flat 96, Marathon House, 200 Marylebone Road, dated 26 April 2017
22. Letter from occupier of Flat 85 Marathon House, 200 Marylebone Road, dated 24 April 2017
23. Letter from occupier of Flat 96, Marathon House, 200 Marylebone Road, dated 24 April 2017
24. Letter from occupier of 140 London Wall, London, EC2Y 5DN, dated 24 April 2017
25. Letter from occupier of Flat 54 Marathon House, 200 Marylebone Road, dated 4 April 2017

26. Letter from occupier of 53 Balcombe Street, London, dated 23 April 2017
27. Letter from occupier of Flat 49 Marathon House, 200 Marylebone Road, dated 18 April 2017
28. Letter from occupier of 19 Albert's Court, 2 Palgrave Gardens, dated 18 April 2017
29. Letter from occupier of 39 Elizabeth Court, Palgrave Gardens, dated 18 April 2017
30. Letter from occupier of Flat 90 Marathon House, 200 Marylebone Road, dated 19 April 2017
31. Letter from occupier of Flat 27 Marathon House, 200 Marylebone Road, dated 19 April 2017
32. Letter from occupier of 98 Elizabeth Court , 1 Palgrave Gardens , dated 21 April 2017
33. Letter from occupier of Flat 5, Marathon House, 200 Marylebone Road, dated 1 June 2017
34. Letter from occupier of Flat 67 Marathon House, 200 Marylebone Road, dated 19 April 2017
35. Letter from occupier of Flat 86 Marathon House, 200 Marylebone Road, dated 12 April 2017
36. Letter from occupier of 99 & 102 Marathon House, NW1 5PW, dated 11 April 2017
37. Letter from occupier of Regis Court Management Limited, 2 Hills Road, dated 20 April 2017
38. Letter from occupier of Flat 1, Marathon House, dated 10 April 2017
39. Letter from occupier of Flat 80, Marathon House, dated 10 April 2017
40. Letter from occupier of Flat 89, Marathon House, dated 5 April 2017
41. Letter from occupier of Flat 69, Marathon House, dated 5 April 2017
42. Letter from occupier of 51 Marathon House, 200 Marylebone Road, dated 7 April 2017
43. Letter from occupier of Flat 95, Marathon House, dated 7 April 2017
44. Letter from occupier of Flat 51, Marathon House, dated 15 June 2017
45. Letter from occupier of Flat 62, Marathon House, 200 Marylebone Road, dated 13 June 2017
46. Letter from occupier of Flat 12, Marathon House, dated 12 April 2017
47. Letter from occupier of Flat 51, Marathon House, dated 15 June 2017
48. Letter from occupier of Flat 47, Dorset House, Gloucester Place, dated 6 May 2017
49. Letter from occupier of 236 Olney Road, London, dated 12 May 2017
50. Letter from occupier of 84 Marathon House, Marylebone road, dated 5 April 2017
51. Letter from occupier of 36 Marathon House, 137 George Street, dated 12 May 2017
52. Letter from occupier of Flat 85 Marathon House, 200 Marylebone Road, dated 24 April 2017
53. Letter from occupier of Flat 101 Marathon House, 200 Marylebone Road , dated 24 April 2017
54. Letter from occupier of Flat 75, Marathon House, 200 Marylebone Road, dated 31 May 2017
55. Letter from occupier of Flat 44, Marathon House, 200 Marylebone Road, dated 7 June 2017
56. Letter from occupier of Flat 100 Marathon House, London, dated 31 March 2017
57. Letter from occupier of Flat 17 , Marathon House, dated 12 June 2017
58. Letter from occupier of 9th Floor , Dorset House, dated 12 April 2017
59. Letter from occupier of Flat 35 Marathon House, 200 Marylebone Road, dated 12 April 2017
60. Letter from occupier of 14 Regent's Wharf, All Saints Street, dated 28 April 2017
61. Letter from occupier of Flat 55 Marathon House, 200 Marylebone Road, dated 12 April 2017

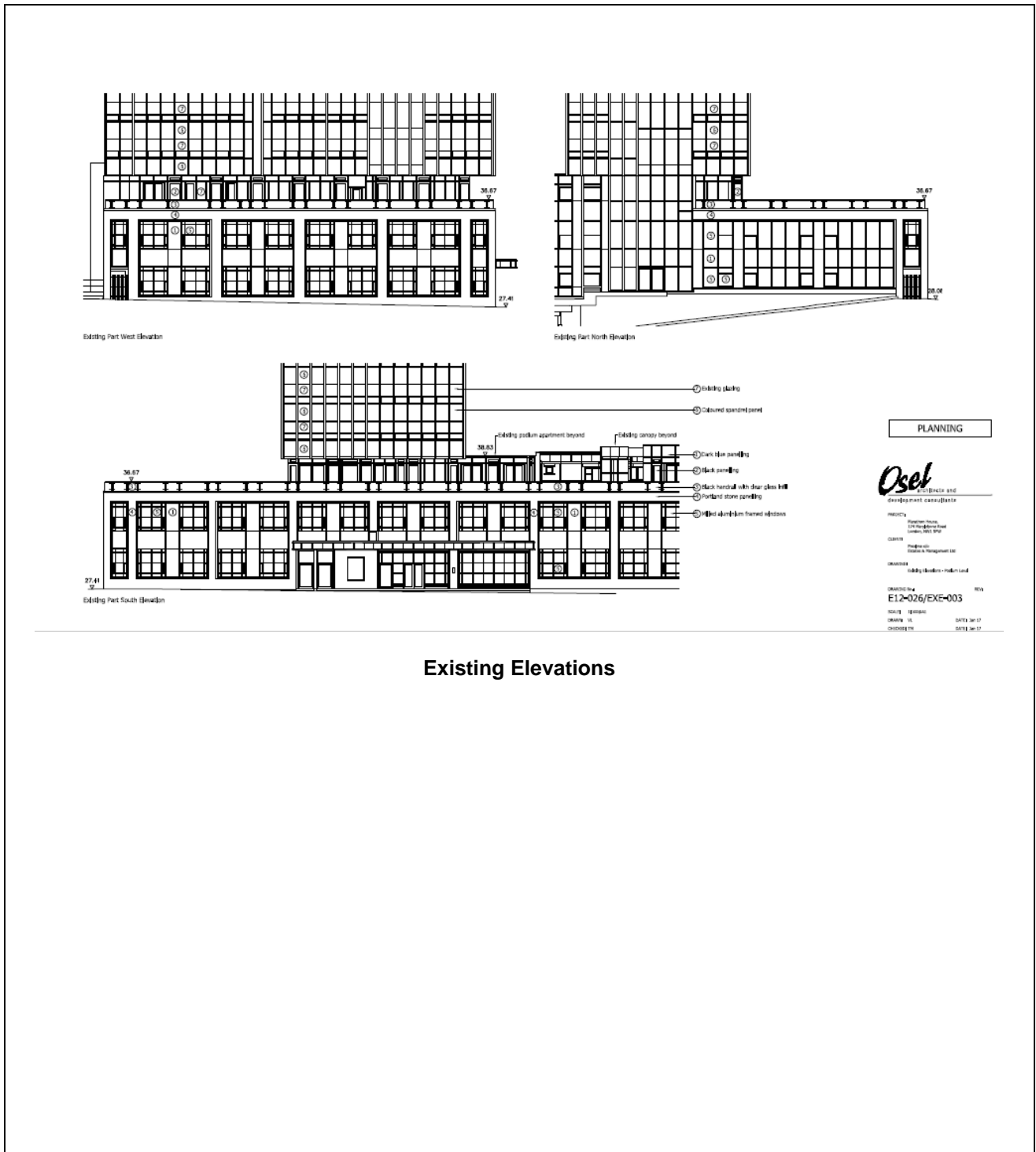
62. Letter from occupier of Flat 87 Marathon House, 200 Marylebone Road, dated 5 June 2017
63. Letter from occupier of 61 Marathon House, 200 Marylebone Road, dated 3 April 2017
64. Letter from occupier of Flat 28 , Marathon House, dated 28 April 2017
65. Letter from occupier of Flat 84 Marathon House, 200 Marylebone Road, dated 7 April 2017
66. Letter from occupier of Flat 45, Marathon House, 200 Marylebone Road, dated 12 June 2017
67. Letter from occupier of Flat 3, Imperial Court, 36 Shepherds Hill, dated 18 May 2017
68. Letter from occupier of Flat 20 Marathon House, 200 Marylebone Road, dated 19 April 2017
69. Letter from occupier of Flat 43 Marathon House, 200 Marylebone Road, dated 1 April 2017
70. Letter from occupier of 53 Marathon House, 200 Marylebone Road, dated 5 April 2017
71. Letter from occupier of 58 Upper Montagu Street, Marylebone, dated 10 April 2017
72. Letter from occupier of Flat 25 Marathon House, 200 Marylebone Road, dated 8 April 2017
73. Letter from occupier of Flat 16, Marathon House, 200 Marylebone Road, dated 29 May 2017
74. Letter from occupier of 101 Marathon House, NW1 5PW, dated 12 April 2017
75. Letter from occupier of 34 Dorset Square, London, dated 3 April 2017
76. Letter from occupier of Veritas Capital Ltd, 14 Cork Street, dated 4 April 2017
77. Letter from occupier of 77 Marathon, NW1 5PW, dated 11 April 2017
78. Letter from occupier of Flat 89, Dorset House, dated 8 April 2017
79. Letter from occupier of 60 marathon house, 200 Marylebone road, dated 30 May 2017
80. Letter from occupier of Apartment 7, 33 Dorset Square, dated 4 April 2017
81. Letter from occupier of 88 Marathon House, 200 Marylebone Road, dated 5 April 2017
82. Letter from occupier of 12 Thornton Place, London, dated 28 May 2017
83. Letter from occupier of 89 Marathon House, 200 Marylebone Road, dated 6 April 2017
84. Letter from occupier of Marathon House, 200 Marylebone Road, dated 6 April 2017
85. Letter from occupier of Flat 22, Marathon House, dated 6 April 2017
86. Letter from occupier of 50 Marathon House, 200 Marylebone Road, dated 6 April 2017
87. Letter from occupier of Flat 108 , Marathon House , dated 31 March 2017
88. Letter from occupier of 20 Marathon House, 200 Marylebone Road, dated 17 April 2017
89. Letter from occupier of Flat 85 , Marathon House, dated 30 May 2017
90. Letter from occupier of 61 Marathon House, 200 Marylebone Road , dated 4 April 2017
91. Letter from occupier of Flat 54 Marathon House, 200 Marylebone Road , dated 4 April 2017
92. Letter from occupier of Flat 60, Marathon House, dated 1 June 2017
93. Letter from occupier of Roselind Wilson Design, 9 Lonsdale Road, dated 17 May 2017
94. Letter from occupier of Flat 23 Marathon House, 200 Marylebone Road, dated 5 April 2017
95. Letter from occupier of Eileys Cottage, Lower Carden, dated 15 May 2017
96. Letter from occupier of Dorset Square, London, dated 27 March 2017
97. Letter from occupier of Flat 74 , Marathon House, dated 31 March 2017
98. Letter from occupier of Flat 57 Marathon House , 200 Marylebone Road, dated 19 April 2017
99. Letter from occupier of Flat 65, Marathon House, 200 Marylebone Road, dated 19 April 2017
100. Letter from occupier of Flat 92, Marathon House, 200 Marylebone Road, dated

- 28 June 2017
101. Letter from occupier of Flat 11, Marathon House, 200 Marylebone Road, dated 8 June 2017
 102. Letter from occupier of Flat 21, Marathon House, 200 Marylebone Road, dated 12 May 2017
 103. Letter from occupier of Flat 33, Marathon House, 200 Marylebone Road, dated 11 June 2017
 104. Letter from occupier of top flat, 34 Dorset square, Dorset Square, dated 4 April 2017
 105. Letter from occupier of Flat 84 Marathon House, 200 Marylebone Road, dated 7 April 2017
 106. Letter from occupier of 50 La Colomberie, St. Helier, dated 18 April 2017
 107. Letter from occupier of Flat 34 Marathon House, 200 Marylebone Road, dated 18 April 2017
 108. Letter from occupier of Flat 78 Marathon House, 200 Marylebone Road, dated 18 April 2017
 109. Letter from occupier of Flat 28 Marathon House, 200 Marylebone Road, dated 26 April 2017
 110. Letter from occupier of Flat 14, Marathon House, 200 Marylebone Road, dated 14 May 2017
 111. Letter from occupier of 83 Marathon House, 200 Marylebone Road, dated 30 March 2017
 112. Letter from occupier of 20 Dorset Square, London, dated 12 April 2017
 113. Letter from occupier of Flat 75 Marathon House, 200 Marylebone Road, dated 7 April 2017

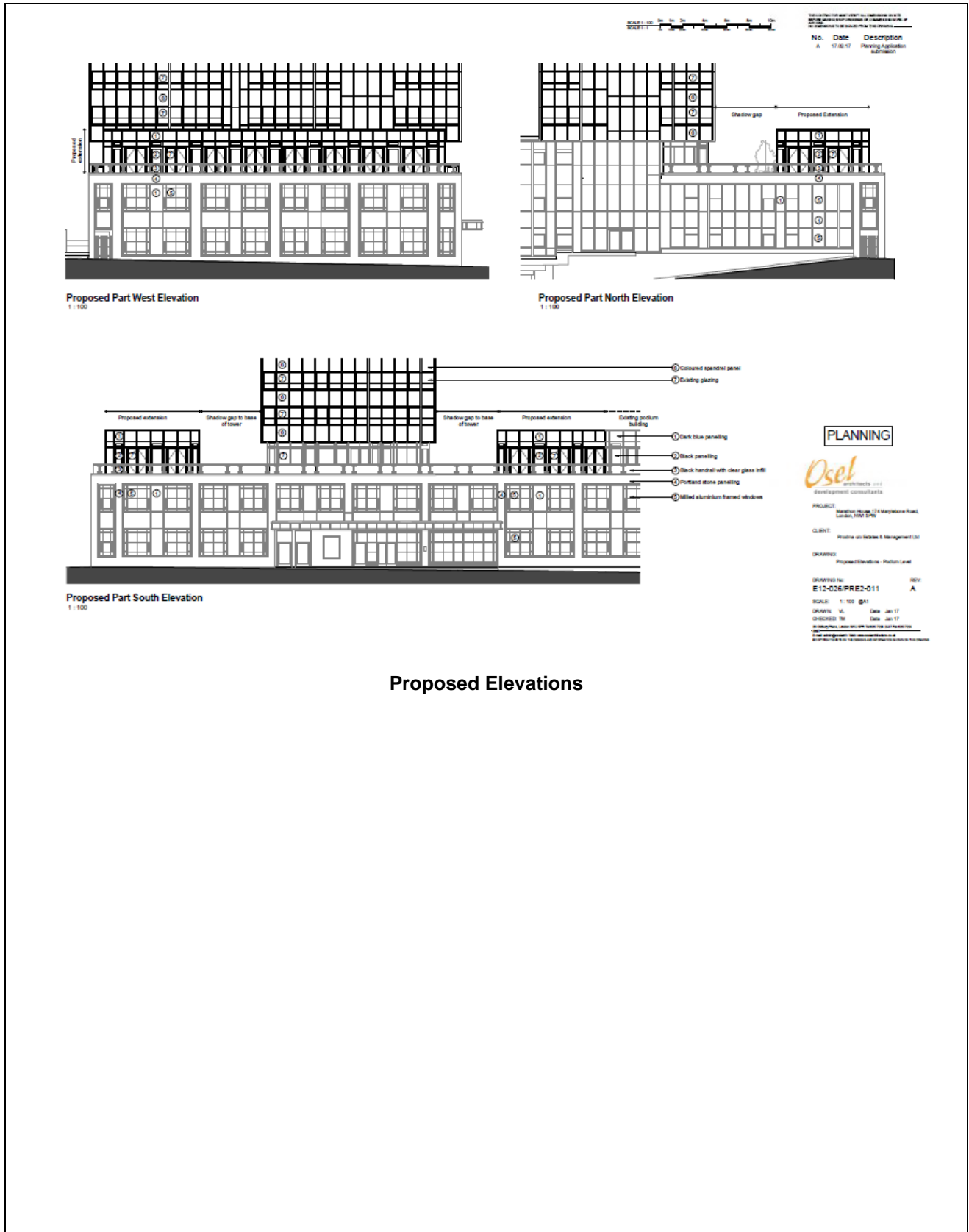
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

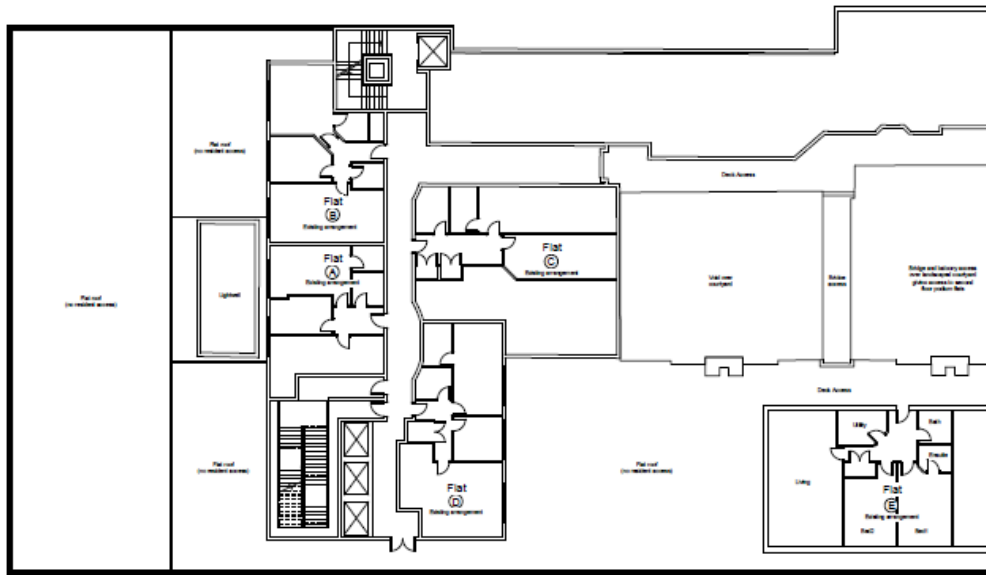
10. KEY DRAWINGS



Existing Elevations

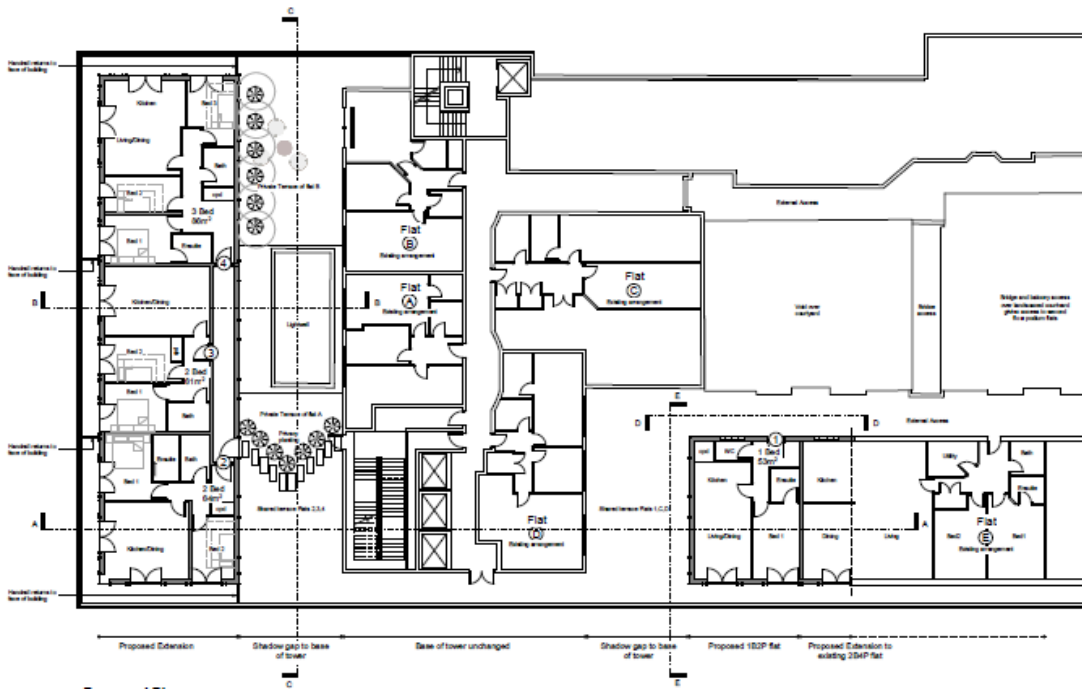


Proposed Elevations

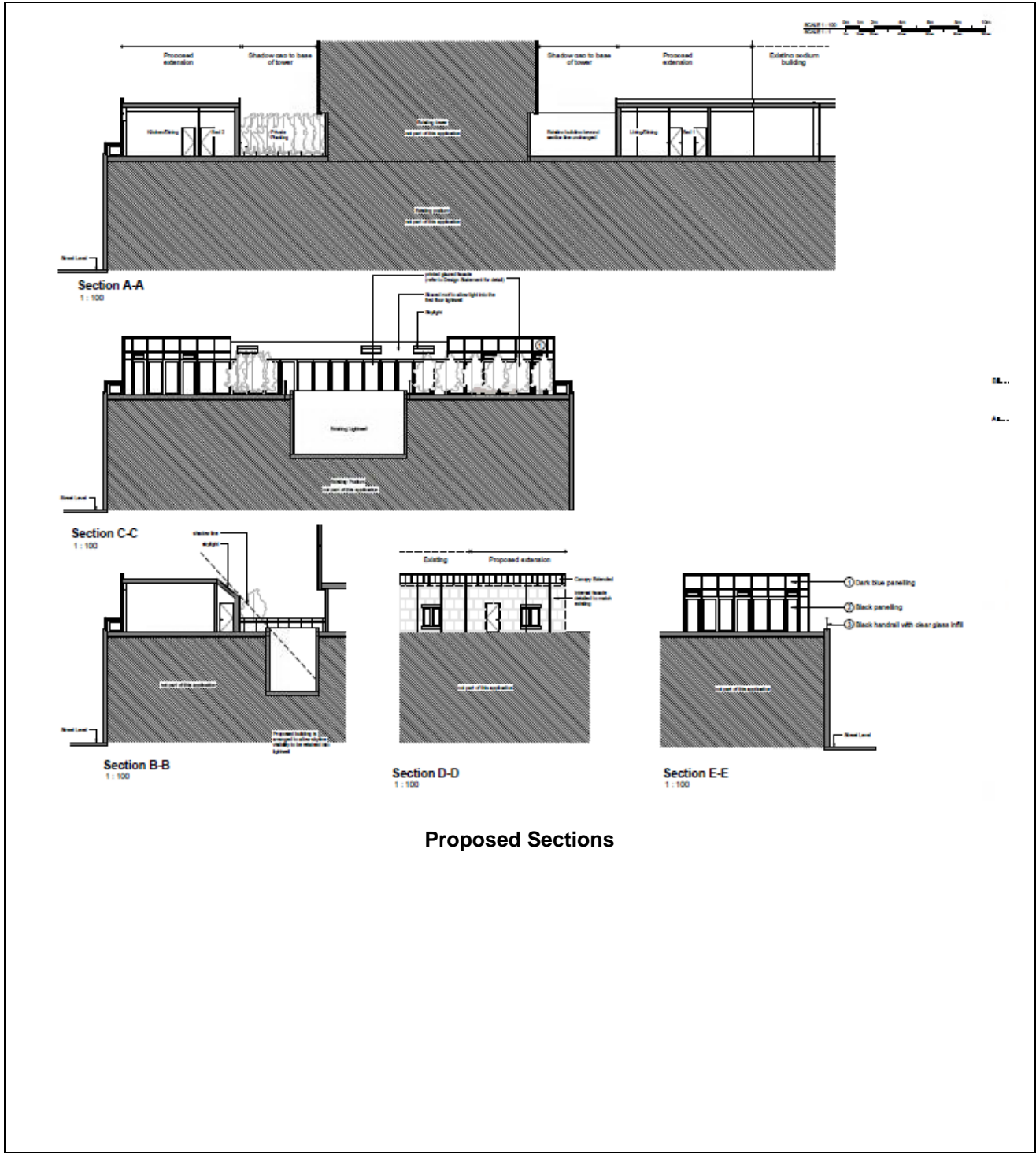


Existing Plan
1:100

Existing Plan



Proposed Plan



Proposed Sections

DRAFT DECISION LETTER

Address: Marathon House, 200 Marylebone Road, London, NW1 5PW,

Proposal: Erection of an extension to the podium level to provide four additional residential units, including terraces. Associated facade alterations.

Reference: 17/01607/FULL

Plan Nos: Site location plan; Drawing no's E12-026/EXE-001, E12-026/EXP-001, E12-026/EXE-003, E12-026/PRE2-001 Rev A, E12-026/PRE2-011 Rev A, E12-026/PRP2-001 Rev B, E12-026/PRS-001 Rev A

Case Officer: Nathan Barrett **Direct Tel. No.** 020 7641 5943

Recommended Condition(s) and Reason(s)

- Reason:
- 1 Because of their size and location, and the size and location of the planting screen structures, the extensions and planting screens would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Dorset Square Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 5, DES 9, DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AD)
- Reason:
- 2 The western podium extension would make the people living in flats within Marathon House feel too shut in. This is because of its bulk and height and how close it is to windows in those properties. This would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (X14BC)

Informative(s):

- 1 It is noted that several drawings appear inaccurate in terms of their representation of the tower element, and had the application been considered acceptable then further clarity would have been sought on this issue prior to the determination of the application. In addition it is noted that the application includes references to both the incorporation of MVHR equipment, the incorporation of mechanical ventilation, and the incorporation of gas boilers for each of the four dwellings, and the lack of clarity on these points is particularly disappointing given their potential to clutter the impression of the building. Again, had the application been considered acceptable, further clarity would have been sought on this issue prior to the determination of the application.
- 2 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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Item No.
7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Marathon House, 200 Marylebone Road, London, NW1 5PW,		
Proposal	Erection of a sheer rooftop extension on existing tower to provide an additional residential unit, incorporating terraces and a plant room above.		
Agent	Montagu Evans		
On behalf of	Proxima GR properties Ltd.		
Registered Number	17/01608/FULL	Date amended/ completed	11 April 2017
Date Application Received	22 February 2017		
Historic Building Grade	Unlisted		
Conservation Area	Dorset Square		

1. RECOMMENDATION

Refuse permission – design harm to heritage assets and failure to optimise the number of residential units on site.

2. SUMMARY

The application site is located within the Dorset Square Conservation Area. It contains Marathon House, which comprises of a three level podium around a central courtyard with a 12 level tower above, at its western end. This building contains 107 residential units.

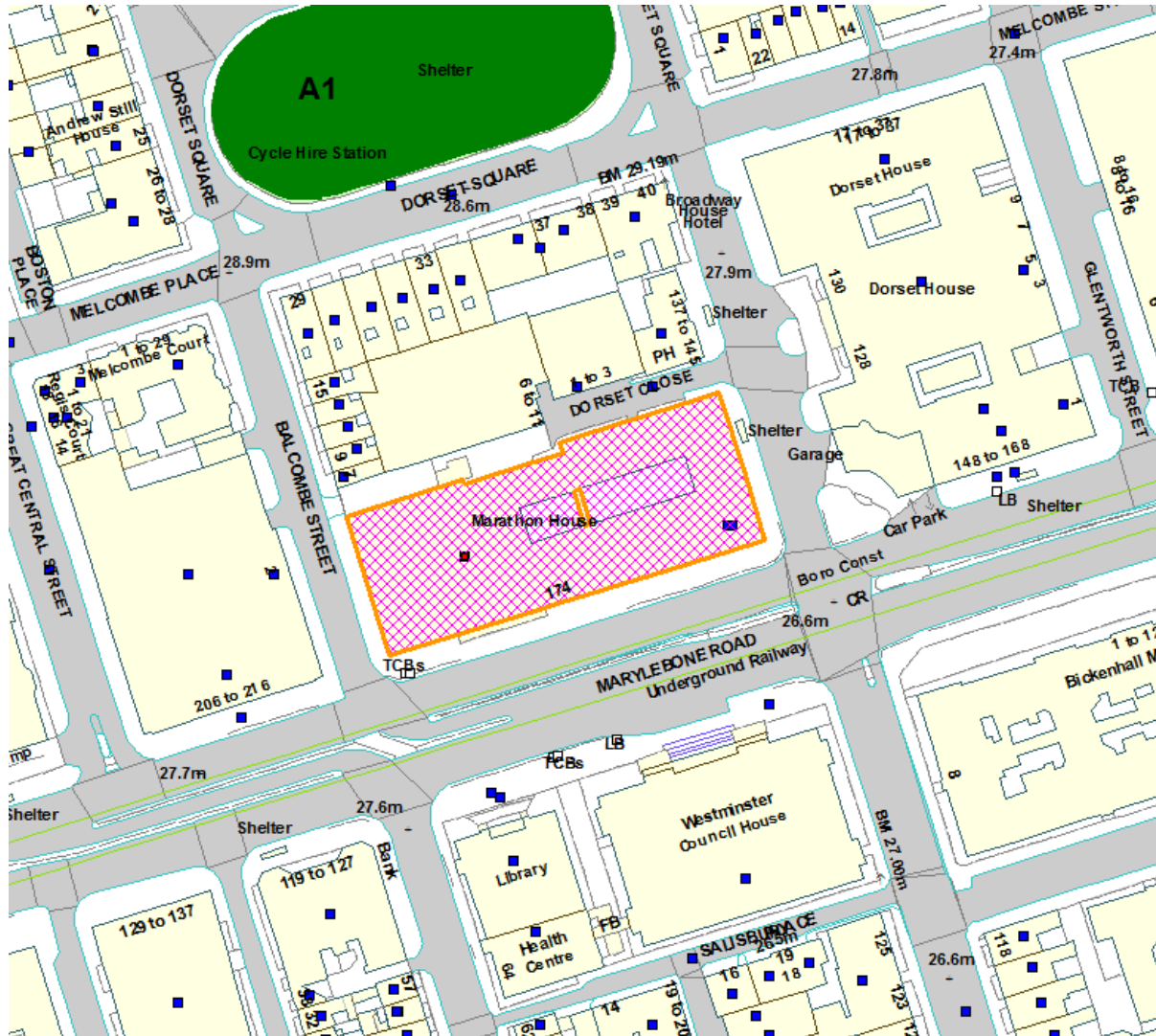
The applicant proposes erection of a sheer rooftop extension on the existing tower to provide an additional residential unit. Alterations to the existing plant arrangements are also proposed.

The key considerations are:

- Impact on the character and appearance of the subject building and designated heritage assets;
- Impact on the amenity of local residents, including from loss of daylight, sunlight and overshadowing; and
- Impact on parking and highways.

Officers consider the rooftop extension harmful to the character and appearance of the Dorset Square Conservation Area; the setting of the Grade I listed Church of St Mary on Wyndham Place and the setting of nos. 29-40 Dorset Square. The proposed extension would also fail to preserve or enhance the setting of the neighbouring Portman Estate and Regent's Park Conservation Areas. Accordingly, the application is recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Marathon House as seen from south west corner of Upper Montague Street and Marylebone Road



Marathon House as seen from south west corner of Baker Street and Marylebone Road intersection.

5. CONSULTATIONS

COUNCILLOR JULIE ALEXANDER

Object to proposal. Marathon House is a unique heritage building which we have a duty to preserve, especially while it is well-maintained and much-sought-after as a special place to live.

The building's systems are not amenable to any additional construction. Any extra flats built at Marathon House would raise pressure on the availability of Residents' parking spaces in the area.

Residents in Dorset House and Regis Court have objected to any increase in the massing, height and bulk of Marathon House in their immediate vicinity, on the basis that they will lose light from the south and west, and their view of the open skyline that they currently enjoy from their balconies will be curtailed. They also object to the implied increase in delivery-traffic in this already congested area.

The proposed new flats would materially darken not only the leasehold-flats within the building, but would similarly affect buildings in the near vicinity.

The proposals can only be brought forward by gross infringement on the private property rights and Rights of Light of those who own flats in the building on long leases – thereby setting aside their right to the 'quiet enjoyment of private property' enacted in European Human Rights legislation. If Planning Permission were given for these new flats, the current residents would be dispossessed for the duration of the works, possibly for years.

The proposals involve adaptations to access and egress routes that would complicate emergency evacuation, and so breach Health and Safety building regulations.

The proposals would place extra strain on community services, including parking and deliveries.

This building is part of the Dorset Square Conservation Area. Any new development of Marathon House would breach the Council's commitment to its own Conservation rules.

GREATER LONDON AUTHORITY

No response received. *Note: this development is not GLA referable as the proposed extension does not exceed 15 m in height above the existing building.*

HIGHWAYS PLANNING MANAGER

Object. No parking is provided for the proposed flats.

WASTE PROJECT OFFICER

No waste storage is shown for the proposed flat. Recommend condition to address this.

ENVIRONMENTAL HEALTH OFFICER

No objection, subject to conditions safeguarding potential residents from air pollution.

DESIGNING OUT CRIME

Any response to be reported verbally.

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

THE ST MARYLEBONE SOCIETY

Object. Understand that these proposals are being made by the freeholder against the wishes of the leaseholders, who were not notified about the applications when they were submitted. Applications may be an attempt to influence the valuation.

Existing drawings for the top few floors of the building appear to be missing. No dimensions have been provided either. They do not consider that the increase in height required for an extra floor plus open roof space above with servicing would be as little as suggested.

There would be practical problems carrying out the work. The existing flats are unliveable without the rooftop cooling plant. As the cooling units are on the roof, they would be affected by building at this level. Similarly the lifts must remain operational.

No off-street parking is provided. Potential residents of the flat would therefore place additional demands on already oversubscribed on-street parking in the area. Also, the proposed flat is large and might easily be divided into two or three units in future, thus increasing the parking requirement.

The Council has always considered the current height to be the limit for this building, which is already the tallest building along this stretch of Marylebone; although it is supposed to be no higher than the Council House spire opposite, its bulk gives it a dominating presence. The roof should be considered as the 'fifth elevation' and no additional external plant should be permitted on top of any higher roof, but enclosed within the building envelope. Accordingly, they strongly object to any increase in the height of this building.

The building is an interesting modernist structure which was carefully composed and has already been compromised by changes made when it was converted to residential use in the 1990s. It is already the tallest structure on this section of the Marylebone Road, and any increase in height for this building makes it more likely that further increases in height for other buildings (such as 119 Marylebone Road) will be sought by developers in the near future.

Marathon House is within the Dorset Square Conservation Area and directly adjacent to the much smaller scale Georgian buildings which constitute most of this area. Many of the (larger) buildings on Marylebone Road occupy an entire city block each. Most of these are roughly the same height and bulk, and give the street a certain rhythm. Conservation Areas both north and south lap up against these blocks, and some of the more interesting ones are included. But the contrast of scale with the Georgian buildings, which are the main constituents of these CAs, is already very marked, and they do not want to see this difference in scale increase.

Marathon House can already be seen from Regents Park, and although it is an

interesting modern building, the intrusion is unwelcome in the historic context of Nash's pastoral vision and the overall Grade I design of park and terraces. This will be worsened if the tower extensions are allowed.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 3404

Total No. of replies: 94

No. of objections: 94

No. in support: 0

In summary, the objectors raise the following issues:

- Increasing the height and/or bulk of Marathon House would harm the character and appearance of the area generally;
- Increasing the height and/or bulk of Marathon House would harm heritage assets, including the Dorset Square Conservation Area, the setting of the Old Town Hall across Marylebone Road and/or views from Regents Park;
- Increasing the height and/or bulk of Marathon House would harm the character and appearance of the building itself which is an iconic building;
- Marathon House is an important early example of the slab and podium configuration/post-war building construction. It would be hugely deleterious to architectural culture in this country for Marathon House to be altered beyond recognition;
- The City Council has resisted earlier height extension plans;
- The Dorset Square Conservation Area Audit explicitly identifies Marathon House as a building where a roof extension is unlikely to be acceptable;
- The proposal would increase density above the original planning permission for conversion of this building;
- The proposed flat and associated servicing would increase traffic congestion and on-street parking demand;
- Increasing the height and bulk of Marathon House would reduce daylight and sunlight to neighbouring properties;
- Increasing the height and bulk of Marathon House would obstruct views for neighbouring properties;
- The new flat proposed would have outlook over nearby properties, resulting in harm to their privacy;
- Constructing the development would harm the health of residents within the building;
- Constructing the development would compromise the safety of residents within the building;
- Constructing the development would result in further traffic and/or parking congestion in the area;
- The proposal would disrupt the heating/cooling system and/or lifts for this building during construction;
- This area is already heavily polluted and the additional flat will exacerbate the situation;
- Permitting this application may set a precedent for future alterations to other important buildings in the area;
- This application has been submitted by the freeholder without consulting leaseholders;

- The proposal would result in loss of rent and/or property value for the owners of the existing flats; and
- The applicant has not completed the ownership certificate for this application correctly.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the north side of Marylebone Road. It occupies the block of land between Balcombe Street and Gloucester Place. It contains a building, known as Marathon House, comprising of a three level podium around a central courtyard with a 12 level tower above, at its western end. This building contains 107 residential units.

The application site is located within the Dorset Square Conservation Area. Marathon House is not listed but is an unlisted Building of Merit.

6.2 Recent Relevant History

96/06764/FULL

Change of use from offices to residential, creating approximately 100 units. Internal and external alterations.

Granted – 20 December 1996

17/01607/FULL

Erection of an extension to the podium level to provide four additional residential units, including terraces. Associated facade alterations.

Under consideration – Also on this committee agenda

17/01609/FULL

Erection of a setback rooftop extension on existing tower to provide an additional residential unit, incorporating terraces. Plant enclosure

Under consideration – Also on this committee agenda

7. THE PROPOSAL

Permission is sought for a single storey rooftop extension to the tower. The proposed extension would be a sheer elevation, with its facades flush with the faces of the tower. The extension would contain a single four bedroom flat with a floor area of 532 sqm GIA.

The existing communal plant enclosure will be relocated from the centre of the roof to the north of the new flat. The existing lift in the tower will be replaced and extended up by a further floor to serve the apartment. A new flight of stairs would also be constructed to the new flat.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policies H3 of the Unitary Development Plan (adopted 2007) (“the UDP”) and S14 of Westminster’s City Plan (adopted 2016) (“the City Plan”) seek to encourage the provision of more residential floorspace including the creation of new residential units. The policy also states that the number of residential units on development sites will be optimised.

Whilst the provision of an additional flat is supported in principle, the proposed flat (and amenity space) would greatly exceed the minimum floorspace requirements of policy 3.5 of the London Plan (March 2016), the Nationally Described Space Standard (March 2015) and the Mayor of London’s Housing Supplementary Guidance (March 2016) and it is therefore not considered that the number of residential units on this site has been optimised.

The flat would be quadruple aspect ensuring satisfactory natural lighting levels. However, officers consider that this aspect, the floor area within the proposed extension could easily be divided into multiple units, which would also meet the Nationally Described Space Standards.

It is therefore recommended that the application is refused on the basis that the proposals are contrary to S14 of the City Plan.

8.2 Townscape and Design

Objections have been received to the harmful impact of the proposed extension on Marathon House itself, the Dorset Square Conservation Area and other conservation areas. Objections have also been received to the harmful impact of the proposed extension on other heritage assets, including the Grade II listed Old Marylebone Town Hall opposite and the setting of Regent’s Park, a Grade I Park and Garden of Special Historic Interest.

The building is understood to have originally been built for the Wakefield Castrol Group in the later 1950’s, with Casson and Conder as the original architects of the preliminary design, who then handed over the supervision of the project to Gollins, Melvin Ward and Partners. The overall effect created was a dramatic one in the Marylebone Road streetscape, and the building was the first significant curtain walled office tower on podium in Britain and is therefore an important building project in the context of 20th century architecture in Britain. The building is not listed, however it is located within the Dorset Square Conservation Area, and is noted in the City Council’s Dorset Square Conservation Area Audit as an unlisted building of merit. The building has been re-clad since its original construction following its conversion from offices to residential use pursuant to the 1996 permission noted above.

Marathon House is already considerably higher than the prevailing surrounding townscape context, and is visible in long views from both east and west on Marylebone Road, from Dorset Square to the north, from Regent’s Park and from other vantage points in the surrounding area. The building at present has a very prominent visual impact seen in context with the surrounding townscape. The addition of a further floor

level to roof level would put the building further out of scale and would harm the building and the setting of surrounding conservation areas and listed buildings.

In terms of the impact of the works on the setting of surrounding conservation areas or listed buildings, it is important to consider the National Planning Policy Framework (NPPF) and the statutory duties upon Local Planning Authorities. Section 132 of the NPPF makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and should include a consideration of development within its setting. It makes clear that the more important the asset, the greater the weight should be, and that any harm should require clear and convincing justification. Section 134 is also relevant in this respect which makes clear that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. These sections of the NPPF need to also be considered in light of the statutory duties in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act of 1990 which set out that the local planning authority shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and also that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area (a conservation area). Considerable importance and weight must be given to these duties.

Policy DES 3 of the UDP makes clear that high buildings should not have an adverse impact on views from conservation areas, London Squares or Royal Parks, or be incongruous with respect to the prevailing character of the area. DES 9 of the UDP states that development will not be permitted which, although not wholly or partly located within a designated conservation area, might have a visibly adverse effect upon the area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area. Policy DES 10 of the UDP states that permission will not be granted where it would adversely affect: a) the immediate or wider setting of a listed building, or b) recognised and recorded views of a listed building or a group of listed buildings, or c) the spatial integrity or historic unity of the curtilage of a listed building. Policy DES 12 states that permission will only be granted for proposals adjacent to parks, public and private squares which: 1) safeguard their appearance, wider setting and ecological value 2) preserve their historic integrity 3) protect views into and out of these spaces will not project above existing tree or building lines. Other relevant City Council policies are DES 1 and DES 6 of the UDP and, S25, S26 and S28 of the City Plan.

The top approximately three floors of the building are already visible above rooflines/tree lines in views from Regent's Park to the north-east, with the views apparent from locations on the east side of the boating lake/water. These views include being visible over the roofline of the buildings to Park Road from locations near Clarence Bridge and also over the roofline of the London Business School building (Sussex Place) from locations further to the south. Regents Park is a conservation area, a Royal Park and the park is also listed at Grade I on Historic England's Register of Parks and Gardens of Special Historic Interest. In the context of Westminster's townscape it is of particular importance as a large parkland area of considerable historic and aesthetic merit. Relatively few prominent buildings are visible over the treeline/rooflines of buildings

lining the park, and much of the original outlook remains. The impression of this strikingly modern building rising up prominently into views out from the park already has a harmful impact upon the setting of/outlook from the park. The addition of a further floor level to a building already inappropriately prominently breaking above the treeline and building line could only further harm the setting of this especially important public park by creating an even more intrusive and incongruous feature on the skyline in views out from the park, contrary to the policies quoted above.

The Sussex Place building is Grade I listed, and the buildings to the west side of Park Road in proximity to the park are Grade II listed. Whilst visible over their rooflines the impact of the additional floor is not considered to adversely affect their setting. The Park Road buildings are faced in relatively muted stock brickwork and at some distance and in the view they do not stand out as distinct buildings but as smaller scale structures with larger properties behind in the backdrop of this particular view. As such, the tower is seen as part of a larger agglomeration of buildings rather than as one structure above a distinct intact and unbroken skyline, and as such does not harm their setting. With regard to Sussex Place, much of its impression from positions where the tower is also visible is screened by intervening trees and whilst elements of its roofline are visible from the park with the tower above, these appear relatively small and difficult to appreciate as the large unified architectural composition that the building represents in clearer views. As such, the additional floor to the tower is not considered to adversely affect its setting.

However, to the south-west of Marathon House is the Church of St Mary on Wyndham Place. This building was listed at Grade I in 1954 and is in Greek revival style, with a main body of the church building, with a curved portico and the tower rising prominently above. The main body of the building has a flat and uncluttered roofline, emphasising the strong visual importance of the portico and tower. The symmetry of this visual impression, with an uncluttered skyline with only tower and portico seen to rise above the main building, is a fundamental part of the architectural character of the building. The building is listed as a landmark in the Portman Estate Conservation Area Audit, with the Audit also reflecting the important local views north towards the church, which lies as the visual focus at the end of the important formal vista through Bryanston Square, and along Great Cumberland Place to Marble Arch in the south. The skyline of the building is clear of background structures at present in views from the south on Crawford Street (albeit from further to the south on Wyndham Place buildings are visible on its skyline), aside from the very top of Marathon House which is currently only just visible above the right hand side of the main body of the Church building from the very back edge of the pavement to Crawford Street to the south.

The proposed extension would be readily visible above the main body of the church building from street level in Crawford Street and likely also from a section of Wyndham Place. This would break the very strong clarity of architectural form which the current roof profile of the church building has, introducing a prominent feature above the roofline of the main body of the building and thus cluttering its currently strong and uncluttered roofline which is intended to only have the portico and tower breaking above the main body. This would have a harmful affect upon the setting of this particularly important building and on the setting/outlook from the Portman Estate Conservation Area within which the church building is a landmark feature at the formal end of its most prominent

architectural axis. As such, the additional floor to the tower is considered to adversely affect their setting.

Marathon House is located within the Dorset Square Conservation Area. The tower element is already prominent from the central focus to the conservation area, Dorset Square, and is visible from the square over the roofline of the Grade II listed 19th century terraced properties which line the south side of the square (nos. 29-40). Dorset Square is included within the London Squares Preservation Act 1931. It is recognised that the tower is already prominent in views from the square above this roofline, and the visual impression it gives both in terms of the character and outlook from the square and in terms of the setting of the buildings on the south side of the square is already harmful. Notwithstanding that, the addition of a further floor level would further accentuate the harm, giving rise to a more prominent and intrusive feature looming over the square and these listed buildings, with this visual impact accentuated by the striking modernist form of the building. Dorset Square was originally constructed as a high quality garden square ringed by buildings of a uniformly four storey height. The impression of the intactness of this architectural set piece is harmed by large buildings visible above the skyline of the square of which Marathon House is the only prominent example, and the additional height represented by the new floor level will further harm the square and the setting of the buildings on its south side.

Other views which are apparent from the evidence presented in the application are not considered to have the same impact as the concerns set out above and are not considered as reasons for refusal. This includes the impact on the townscape of Marylebone Road, where the numerous modern buildings, relative disjunction in scale between buildings, street trees and character as a significant traffic artery mitigate against appreciating the additional height as a reason for refusal in terms of the impact on townscape.

The clarity of the original architectural form of this building is still readily apparent, notwithstanding its recladding. The building is an important 20th century building which drew direct and significant influence from Lever House, a seminal International Style skyscraper built in New York several years earlier, and from the U.N. Secretariat Building in New York also from earlier in the 1950's. As set out above, Marathon House is one of the first significant curtain walled office tower on podium structures in Britain.

This proposal would involve a more unified cladding of the new extension to be more like the cladding of the top floor level when the building was originally constructed. However this is not considered to outweigh the concerns set out above. The additional height, rising seamlessly with the building below, would break with the existing original form of this important 20th century building, which is considered a concern in itself. It is noted that the applicants state that they consider that the building 'has a rather worn and weathered façade which does little to enhance the external aesthetic of the building' and then go on to state that the proposed extensions rhythm, proportions, materials and colours 'will match those of the host building', which does not reflect a strong view from the applicants themselves that the works would enhance the building. Finding an exact match for the existing cladding materials would be likely to prove difficult, giving rise to a concern about the new floor level and the amendments to the cladding of the floor below not fully matching the rest of the building, as reflected in some of the objection letters

received. However, and given the potential to secure samples of matching cladding materials by condition, this is not considered as a reason for refusal in itself.

A section of the north-west corner which would be readily visible from the north, including on Dorset Square is designed as an open courtyard area which is faced in glazing to match the remainder of the glazing to this floor level and with this courtyard open to the sky. Whilst the remainder of the views are into the new accommodation with a solid roof (as with the remainder of the building), the impression of this section of the tower being clearly visible in the angled views up to this area as open to the sky above would break the uniformity of design approach to each floor level as is clearly originally intended and would harm the appearance of the building.

A spiral staircase and glazed enclosure would also be installed to roof level, to a design suggested to follow the original feature previously removed from the building. However, and given that these are shown to remain below the parapet, and as such would not appear visible from any location other than the application flat itself, it is not considered that this gives much weight to a consideration in favour of the application. The relocation of services and suggestion of handrails to roof level are also all shown at or below parapet level and are not a concern in themselves. Whilst no existing section is shown, the structures are not shown as rising above the parapet, and given that none are shown to the elevations they are taken not to project above the parapets of the building.

Although less than substantial harm would arise in this case as set out above, considerable importance and weight must still be attached to it. This is necessary in order to reflect the statutory duty of paying special consideration to the desirability of preserving or enhancing the character or appearance of Conservation Areas, as well as that in relation to preserving the setting of Listed Buildings.

There are limited public benefits from the development. The proposal would create a flat in a location with good access to public transport. However, the contribution to housing supply from a solitary new flat would be miniscule in the context of the City Council's annual housing target of 1068 residential units. The applicant also suggests that stonework and cladding on the existing building are proposed to be cleaned albeit without further details of the nature of this works. However, the building does not appear especially marred by dirt and such cleaning could be assumed to form part of the routine maintenance of this building in any event. The other points set out in favour of the scheme by the applicants are noted but not considered to offer substantive benefits in this case. Overall, the public benefits arising from the proposed development are modest and would not outweigh the less than substantial harm identified above.

Given the above, the proposed development is not supported by primary legislation or the NPPF and would be contrary to policies DES 1, DES 3, DES 6, DES 9, DES 10 and DES 12 of the UDP and policies S25, S26 and S28 of the City Plan.

8.3 Residential Amenity

Objections have been received to potential loss of light, privacy and sense of enclosure arising from the proposed extension. The relevant policies are policy S29 of the City Plan and policy ENV 13 of the UDP.

With regards to loss of light, the applicant has not provided an assessment of light loss in accordance with BRE guidance. Notwithstanding this, the proposal would increase the height of Marathon House by approximately two metres. In comparison to its approximately 49 metre height (above street level), this is a relatively modest increase that is unlikely to result in significant light loss. Similarly, this relatively modest increase in height would not result in a significant increase in sense of enclosure.

The proposed extension would also have a similar degree of outlook to the flats on the floors below whilst the proposed terrace would be located a significant distance from residential units below. Accordingly, the proposed development would not result in significant loss of privacy.

A new plant room is proposed above the proposed extension. Given the potential for plant to be sited at level 13, in principle any plant is likely to be considered acceptable in noise terms and not result in harm to neighbouring properties in terms of noise. Had the application been considered acceptable, the City Council standard noise conditions would have been attached.

Given the above, the proposed development would be consistent with policy S29 of the City Plan and policy ENV 13 of the UDP.

8.4 Transportation/Parking

Objectors consider that the proposal will increase on-street parking demand and traffic congestion. The Highways Planning manager has also objected to the absence of on-site parking for the proposed flat. Policy TRANS23 of the UDP requires provision of up to two parking spaces for the proposed flat.

Policy TRANS23 of the UDP details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The Council's most recent on-street parking surveys indicate that parking demand within the vicinity already exceed 80% both day and night. On this basis, the Highways Planning Manager has objected.

However, paragraph 32 of the NPPF states that 'Development should only be refused on transport grounds where the residual cumulative impacts of development are severe'. The NPPF recognises that different policies and measures will be required in different communities noting that the availability of public transport and local car ownership levels have to be accounted for.

In the context of the requirements of the NPPF, the impact on on-street parking demand does not provide sustainable grounds for refusing this application. The shortfall in on street parking provision is acknowledged, but it also has to be considered that the site is in an area with a high Public Transport Accessibility Level and is located in close proximity to Baker Street and Marylebone Stations.

With regards to servicing, one additional flat would not generate a significant servicing requirement. Notwithstanding this, it would also be serviced in the same manner as the

107 other flats within Marathon House. Accordingly, an objection to the development on this basis would not be a sustainable reason for refusing the application.

Were the development otherwise acceptable, a condition would be imposed requiring further details of refuse and recycling arrangements for the proposed flat.

8.5 Economic Considerations

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

8.6 Access

The proposed flat would be accessible by lift and have level access throughout.

8.7 Other UDP/Westminster Policy Considerations

None.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

Subject to any relief or exemptions available to the applicant, the estimated CIL payment would be £222,222.88

8.11 Environmental Impact Assessment

This development is not large enough to require an Environmental Impact Assessment.

8.12 Other Issues

As set out above, the proposed development has received a significant level of objection. Most of the issues raised have been addressed above. The following is also noted.

Density

The proposed development would result in a density of approximately 291 pr/ha. This is consistent with the density range for a Central site like this, as per policy 3.4 of the

London Plan (March 2016). Accordingly, an objection to the development on this basis would not be sustainable.

Construction Impact

It is established case law that planning permission cannot be refused due to the impact of construction. This is because its impact is short term, can be mitigated through planning condition and is otherwise subject to environmental health and health and safety legislation. Were the development acceptable, a condition controlling the hours of construction would be recommended. Any further conditions would be beyond the remit of planning control. Notwithstanding this, the leaseholders are also able to influence on-site construction arrangements through their lease arrangements. Accordingly, an objection to the development on this basis would not be sustainable.

Pollution

The application site is located within an Air Quality Management Area due to air pollution from traffic on Marylebone Road. The Environmental Health Officer has recommended conditions requiring the implementation of air quality mitigation measures, including the provision of mechanical air ventilation and filtration for the proposed flat. Were the development otherwise acceptable, a condition would be recommended requiring the provision of these air quality mitigation measures. Subject to this condition, the proposal would be acceptable in terms of air quality.

Precedent

Several objectors note that granting permission would set a precedent for further height increases on this building and on neighbouring or nearby buildings. However, each application must be considered on its merits, having regard to the specific development proposed, the specific application site and the development plan at the time the application is considered. Accordingly, granting permission for this development would not necessarily mean that a similar application elsewhere would be approved.

Consent of Leaseholders and Ownership Certificates

At planning application stage, the applicant is only required to serve notice on the owners of an applicaiotn site and/or leaseholders. The applicant is not required to obtain their permission before making the application.

The applicant had initially made this application without serving notice on all leaseholders. This was brought to the applicant's attention and notice was served correctly on 10 April 2017. Accordingly, this application is valid from that date.

Loss of Property Value

Loss of property value is not a material planning consideration.

Human Rights

An objector considers the proposal contrary to the leaseholders rights under Articles 1 (Protection of Property) and 8 (Right to respect for private and family life) of the European Convention on Human Rights. However, the courts have found that the impact of a development must be particularly severe to justify an objection to a planning application on human rights grounds and the objectors rights must also be balanced with the applicants rights under Articles 1 and 8. In this instance, the impact of the development is not considered sufficiently severe and an objection on this basis would not be sustainable.

9. BACKGROUND PAPERS

1. Application form
2. Response from Cllr Julia Alexander, dated 28 May 2017
3. Response from Highways Planning Manager, dated 30 March 2017
4. Response from Waste Project Officer, dated 28 March 2017
5. Response from Environmental Health Officer, dated 23 May 2017
6. Response from The St Marylebone Society, dated 19 April 2017
7. Letter from occupier of flat 181 Dorset House, Gloucester Place, dated 4 May 2017
8. Letter from occupier of 84 Marathon House, Marylebone road, dated 5 April 2017
9. Letter from occupier of Flat 104, Marathon House, dated 12 April 2017
10. Letter from occupier of Flat 47, Dorset House, Gloucester Place, dated 6 May 2017
11. Letter from occupier of Flat 90 Marathon House, 200 Marylebone Road, dated 19 April 2017
12. Letter from occupier of Flat 59 Marathon House, 200 Marylebone Road, dated 2 May 2017
13. Letter from occupier of 19 Albert's Court, 2 Palgrave Gardens, dated 18 April 2017
14. Letter from occupier of 39 Elizabeth Court, Palgrave Gardens, dated 18 April 2017
15. Letter from occupier of 61 Marathon House, 200 Marylebone Road, dated 3 April 2017
16. Letter from occupier of Flat 74 , Marathon House, dated 31 March 2017
17. Letter from occupier of Flat 33, Marathon House, 200 Marylebone Road, dated 11 June 2017
18. Letter from occupier of Flat 101 Marathon House, 200 Marylebone Road , dated 24 April 2017
19. Letter from occupier of Flat 85 Marathon House, 200 Marylebone Road, dated 24 April 2017
20. Letter from occupier of Flat 96, Marathon House, 200 Marylebone Road, dated 24 April 2017
21. Letter from occupier of 140 London Wall, London EC2Y 5DN, dated 24 April 2017
22. Letter from occupier of 53 Marathon House, 200 Marylebone Road, dated 5 April 2017
23. Letter from occupier of Flat 82 Marathon House, 200 Marylebone Road, dated 7 April 2017
24. Letter from occupier of Flat 104 Marathon House, 200 Marylebone Road, dated 7 April 2017
25. Letter from occupier of 20 Dorset Square, London, dated 12 April 2017
26. Letter from occupier of Flat 69, Marathon House, dated 5 April 2017
27. Letter from occupier of 12 Thornton Place, London, dated 28 May 2017
28. Letter from occupier of 12 Thornton Place, London, dated 28 May 2017
29. Letter from occupier of Flat 1, Marathon House, dated 10 April 2017
30. Letter from occupier of Flat 80, Marathon House, dated 10 April 2017
31. Letter from occupier of Flat 12, Marathon House, dated 12 April 2017

32. Letter from occupier of Flat 95, Marathon House, dated 7 April 2017
33. Letter from occupier of Flat 57 Marathon House , 200 Marylebone Road, dated 19 April 2017
34. Letter from occupier of Flat 65, Marathon House, dated 19 April 2017
35. Letter from occupier of Flat 8, 33 Dorset Square, dated 29 March 2017
36. Letter from occupier of Flat 60, Marathon House, dated 1 June 2017
37. Letter from occupier of Regis Court Management Limited, 2 Hills Road, dated 20 April 2017
38. Letter from occupier of Flat 89, Marathon House, dated 5 April 2017
39. Letter from occupier of Flat 89, Dorset House, dated 8 April 2017
40. Letter from occupier of Flat 96, Marathon House, 200 Marylebone Road, dated 26 April 2017
41. Letter from occupier of Flat 86, Marathon House, 200 Marylebone Road, dated 12 April 2017
42. Letter from occupier of Flat 54 Marathon House, 200 Marylebone Road, dated 4 April 2017
43. Letter from occupier of Flat 72 Marathon House, 200 Marylebone Road, dated 19 April 2017
44. Letter from occupier of Flat 108 , Marathon House , dated 31 March 2017
45. Letter from occupier of Flat 107 Marathon House, 200 Marylebone Road, dated 19 April 2017
46. Letter from occupier of Flat 27 Marathon House, 200 Marylebone Road, dated 19 April 2017
47. Letter from occupier of Flat 20 Marathon House, 200 Marylebone Road, dated 19 April 2017
48. Letter from occupier of 51 Marathon House, 200 Marylebone Road, dated 7 April 2017
49. Letter from occupier of Flat 21, Marathon House, 200 Marylebone Road, dated 12 May 2017
50. Letter from occupier of Dorset Square, London, dated 27 March 2017
51. Letter from occupier of Flat 11, Marathon House, 200 Marylebone Road, dated 8 June 2017
52. Letter from occupier of Flat 28 Marathon House, 200 Marylebone Road, dated 26 April 2017
53. Letter from occupier of 101 Marathon House, NW1 5PW, dated 12 April 2017
54. Letter from occupier of Flat 45, Marathon House, 200 Marylebone Road, dated 12 June 2017
55. Letter from occupier of Flat 44, Marathon House, 200 Marylebone Road, dated 7 June 2017
56. Letter from occupier of Flat 67 Marathon House, 200 Marylebone Road, dated 19 April 2017
57. Letter from occupier of Flat 17, 200 Marylebone Road, dated 12 June 2017
58. Letter from occupier of Flat 35 Marathon House, 200 Marylebone Road, dated 12 April 2017
59. Letter from occupier of Flat 28 , Marathon House, dated 28 April 2017
60. Letter from occupier of Flat 54 Marathon House, 200 Marylebone Road , dated 4 April 2017
61. Letter from occupier of Flat 14, Marathon House, 200 Marylebone Road, dated 14 May 2017
62. Letter from occupier of Flat 62, Marathon House, 200 Marylebone Road, dated 13 June 2017

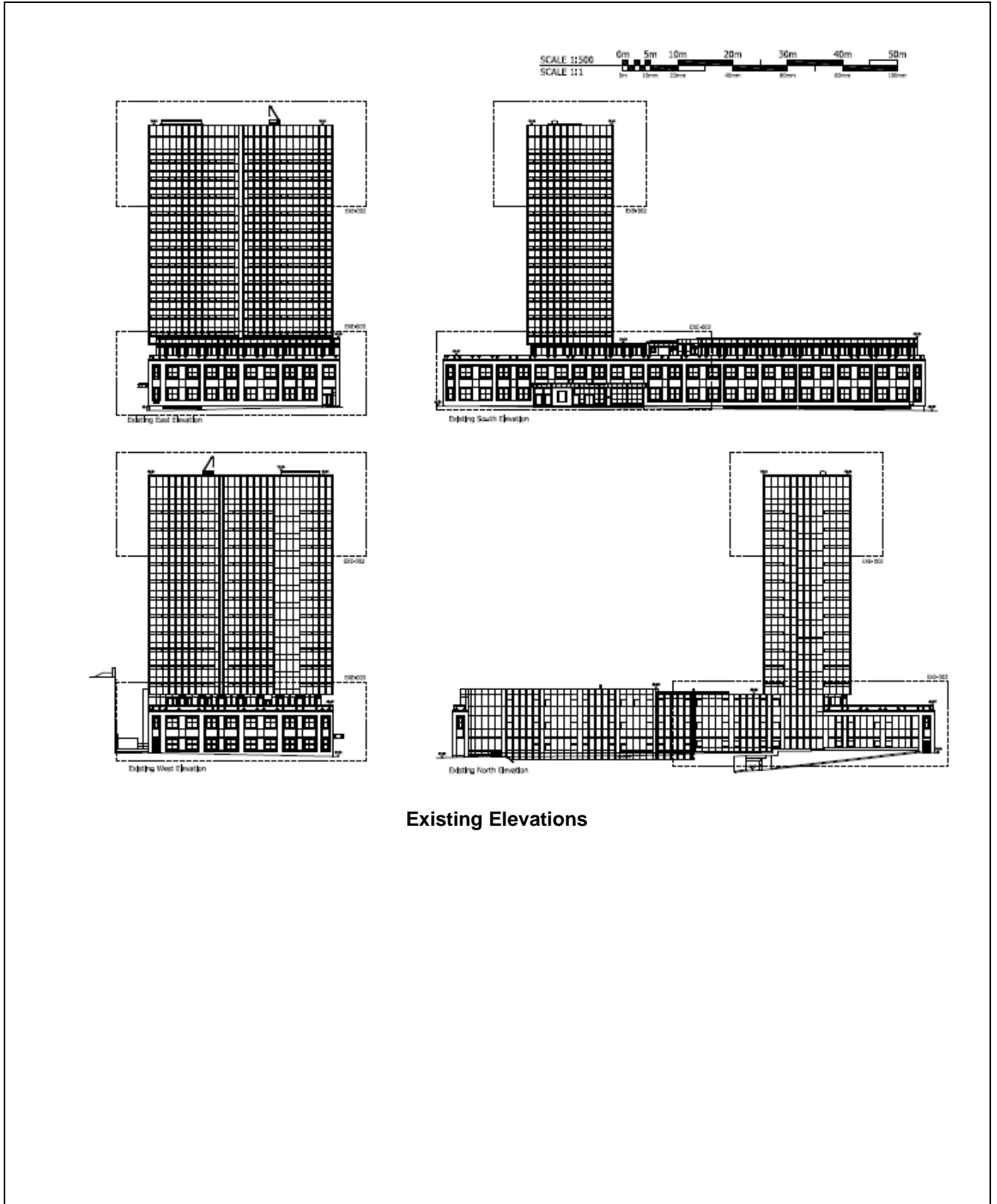
63. Letter from occupier of Flat 51, Marathon House, dated 15 June 2017
64. Letter from occupier of Flat 51, Marathon House, dated 15 June 2017
65. Letter from occupier of 20 Marathon House, 200 Marylebone Road, dated 17 April 2017
66. Letter from occupier of top flat, 34 Dorset Square, Dorset Square, dated 4 April 2017
67. Letter from occupier of 14 Regent's Wharf, All Saints Street, dated 28 April 2017
68. Letter from occupier of Flat 3, Imperial Court, 36 Shepherds Hill, dated 18 May 2017
69. Letter from occupier of Flat 87 Marathon House, 200 Marylebone Road, dated 5 June 2017
70. Letter from occupier of Flat 75 Marathon House, 200 Marylebone Road, dated 7 April 2017
71. Letter from occupier of Flat 5, 35/36 Dorset Square, dated 8 April 2017
72. Letter from occupier of 77 Marathon House, NW1 5PW, dated 11 April 2017
73. Letter from occupier of 98 Elizabeth Court , 1 Palgrave Gardens , dated 21 April 2017
74. Letter from occupier of Flat 55 Marathon House, 200 Marylebone Road, dated 12 April 2017
75. Letter from occupier of Apartment 7, 33 Dorset Square, dated 4 April 2017
76. Letter from occupier of 88 Marathon House, 200 Marylebone Road, dated 5 April 2017
77. Letter from occupier of Flat 23 Marathon House, 200 Marylebone Road, dated 5 April 2017
78. Letter from occupier of 50 Marathon House, 200 Marylebone Road, dated 6 April 2017
79. Letter from occupier of Flat 93, Marathon House, dated 6 April 2017
80. Letter from occupier of Flat 22, Marathon House, dated 6 April 2017
81. Letter from occupier of Flat 25 Marathon House, 200 Marylebone Road, dated 8 April 2017
82. Letter from occupier of 102, Marathon House, dated 16 May 2017
83. Letter from occupier of Flat 99, Marathon House , dated 16 May 2017
84. Letter from occupier of Flat 85 , Marathon House, dated 30 May 2017
85. Letter from occupier of Flat 48, Marathon House, 200 Marylebone Road, , dated 4 April 2017
86. Letter from occupier of Roselind Wilson Design, 9 Lonsdale Road, dated 17 May 2017
87. Letter from occupier of Flat 5, Marathon House, 200 Marylebone Road, dated 1 June 2017
88. Letter from occupier of Eileys Cottage, Lower Carden, dated 15 May 2017
89. Letter from occupier of Flat 84 Marathon House, 200 Marylebone Road, dated 7 April 2017
90. Letter from occupier of Flat 16, Marathon House, 200 Marylebone Road, dated 29 May 2017
91. Letter from occupier of 236 Olney Road, London, dated 12 May 2017
92. Letter from occupier of 99 & 102 MARATHON HOUSE, NW1 5PL, dated 11 April 2017
93. Letter from occupier of Flat 85 Marathon House, 200 Marylebone Road, dated 24 April 2017
94. Letter from occupier of 50 La Colomberie, St. Helier, dated 18 April 2017
95. Letter from occupier of Flat 34 Marathon House, 200 Marylebone Road, dated 18 April 2017
96. Letter from occupier of Flat 78 Marathon House, 200 Marylebone Road, dated 18 April 2017
97. Letter from occupier of 19 Marathon House, 200 Marylebone Road London- NW15PW, London, dated 12 April 2017
98. Letter from occupier of 83 Marathon House, 200 Marylebone Road, dated 30 March 2017

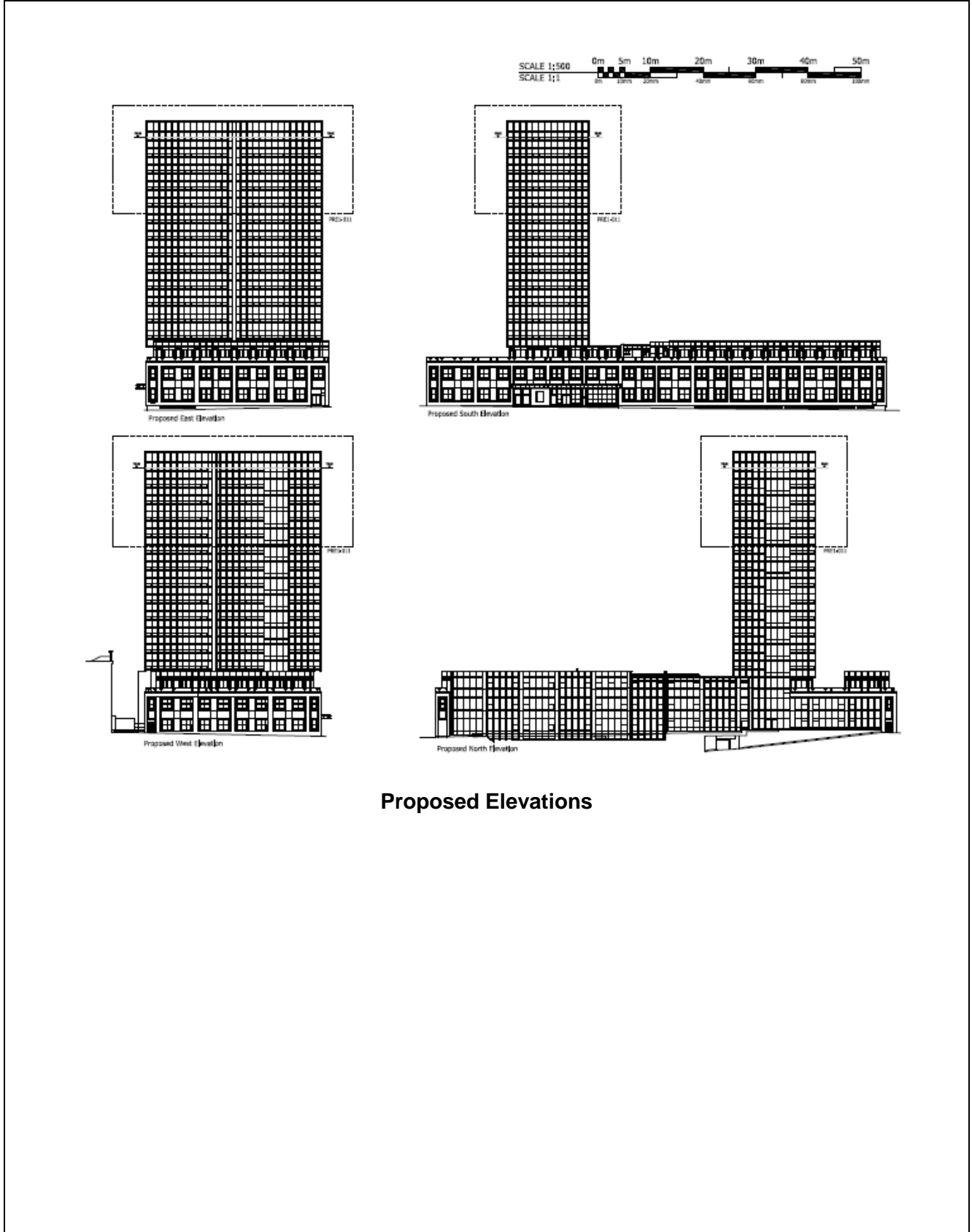
99. Letter from occupier of Flat 73, Marathon House, 200 Marylebone Road, dated 31 May 2017
100. Letter from occupier of Flat 40 Marathon House, 200 Marylebone Road, dated 8 April 2017
101. Letter from occupier of Flat 92, Marathon House, 200 Marylebone Road, dated 28 June 2017

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

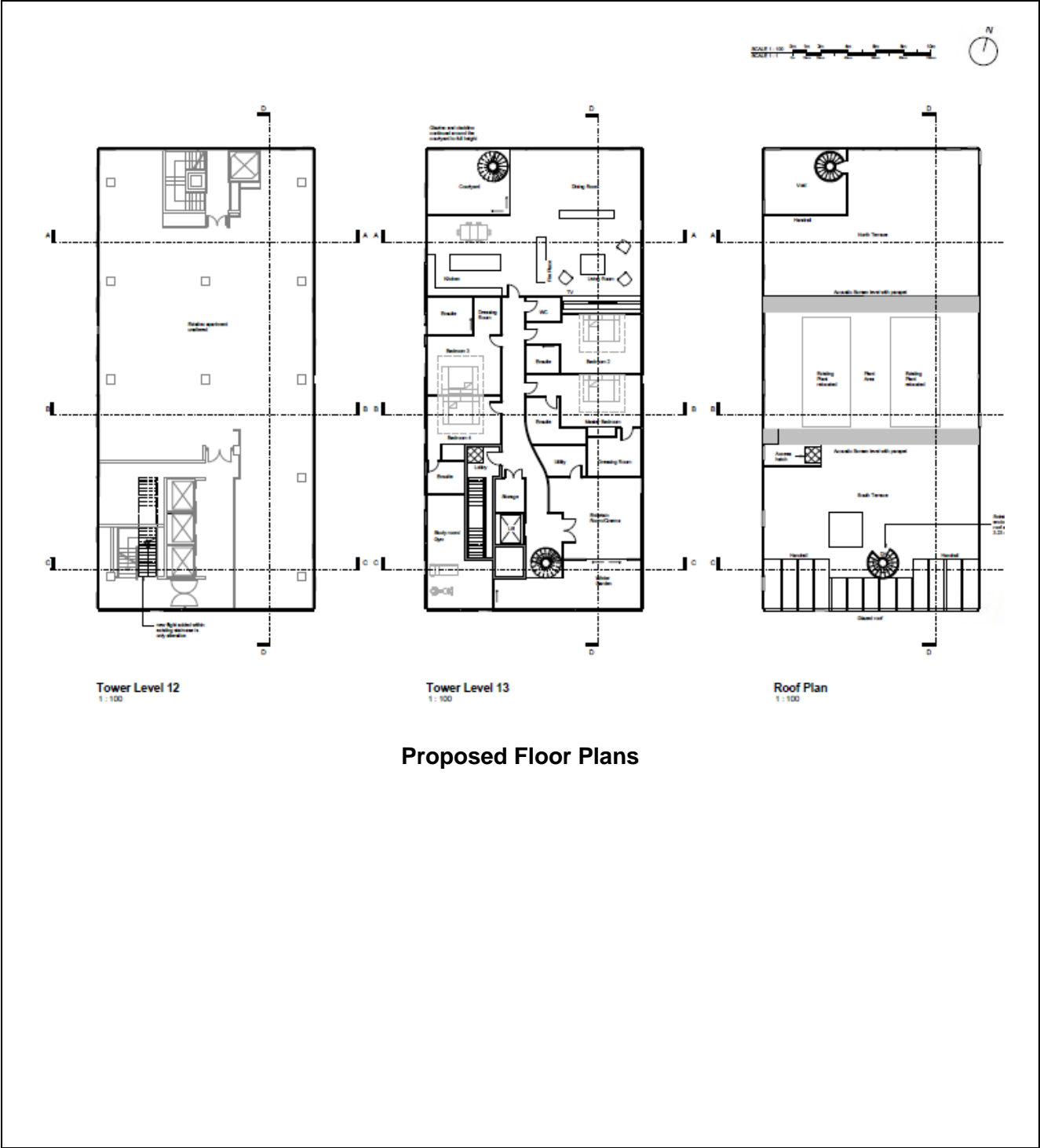
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk.

10. KEY DRAWINGS





Proposed Elevations



DRAFT DECISION LETTER

Address: Marathon House, 200 Marylebone Road, London, NW1 5PW

Proposal: Erection of a sheer rooftop extension on existing tower to provide an additional residential unit, incorporating terraces. Plant enclosure

Plan Nos: Site location plan; Drawing no's E12-026/EXE-001, E12-026/EXE-002, E12-026/PRE1-001 Rev A, E12-026/PRE1-011 Rev A, E12-026/PRP1-001 Rev B, E12-026/PRS-001 Rev A

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

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

Reason:

- 1 Because of its size, design and location, the extension would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Dorset Square Conservation Area, would harm the setting of the Grade 1 listed Church of St Mary on Wyndham Place and the setting of nos. 29-40 Dorset Square, and would fail to maintain or improve (preserve or enhance) the setting of the neighbouring Portman Estate Conservation Area and Regent's Park Conservation Area. This would not meet S25, S26 and S28 of Westminster's City Plan (November 2016) and DES 3, DES 6, DES 9, DES 10, DES 12 and DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AD)

Reason:

- 2 The proposed flat is excessive in size and fails to optimise the number of residential units on site, contrary to policy S14 of the City Plan that we adopted in November 2016.

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 8

Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB-COMMITTEE	Date 8 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Marathon House, 200 Marylebone Road, London, NW1 5PW,		
Proposal	Erection of a rooftop extension (incorporating setbacks) on existing tower at roof level to provide an additional residential unit. Plant room		
Agent	Montagu Evans		
On behalf of	Proxima GR Properties Ltd.		
Registered Number	17/01609/FULL	Date amended/ completed	11 April 2017
Date Application Received	22 February 2017		
Historic Building Grade	Unlisted		
Conservation Area	Dorset Square		

1. RECOMMENDATION

Refuse permission – design and harm to heritage assets

2. SUMMARY

The application site is located within the Dorset Square Conservation Area. It contains Marathon House, which comprises of a three level podium around a central courtyard with a 12 level tower above, at its western end. This building contains 107 residential units.

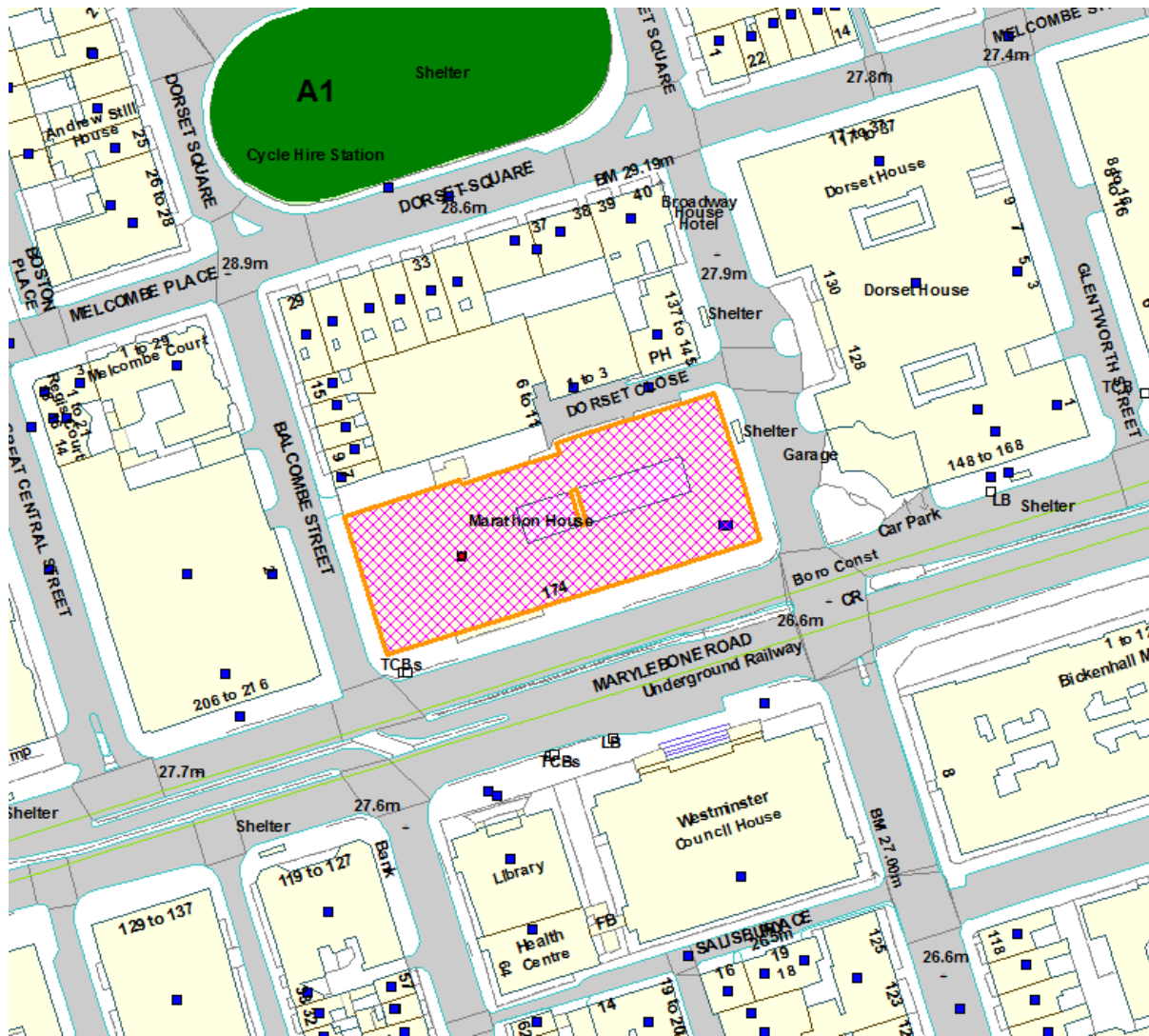
The applicant proposes erection of a rooftop extension that incorporates setbacks on the existing tower to provide an additional residential unit. Alterations to the existing plant arrangements are also proposed.

The key considerations are:

- Impact on the character and appearance of the subject building and designated heritage assets;
- Impact on the amenity of local residents, including from loss of daylight, sunlight and overshadowing; and
- Impact on parking and highways.

Officers consider the rooftop extension harmful to the character and appearance of the Dorset Square Conservation Area; the setting of the Grade 1 listed Church of St Mary on Wyndham Place and the setting of nos. 29-40 Dorset Square. The proposed extension would also fail to preserve or enhance the setting of the neighbouring Portman Estate and Regent's Park Conservation Areas. Accordingly, the application is recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Marathon House as seen from south west corner of Upper Montague Street and Marylebone Road



Marathon House as seen from south west corner of Baker Street and Marylebone Road intersection.

5. CONSULTATIONS

COUNCILLOR JULIE ALEXANDER

Object to proposal. Marathon House is a unique heritage building which we have a duty to preserve, especially while it is well-maintained and much-sought-after as a special place to live.

The building's systems are not amenable to any additional construction.

Any extra flats built at Marathon House would raise pressure on the availability of Residents' parking spaces in the area.

Residents in Dorset House and Regis Court have objected to any increase in the massing, height and bulk of Marathon House in their immediate vicinity, on the basis that they will lose light from the south and west, and their view of the open skyline that they currently enjoy from their balconies will be curtailed. They also object to the implied increase in delivery-traffic in this already congested area.

The proposed new flats would materially darken not only the leasehold-flats within the building, but would similarly affect buildings in the near vicinity.

The proposals can only be brought forward by gross infringement on the private property rights and Rights of Light of those who own flats in the building on long leases – thereby setting aside their right to the 'quiet enjoyment of private property' enacted in European Human Rights legislation. If Planning Permission were given for these new flats, the current residents would be dispossessed for the duration of the works, possibly for years.

The proposals involve adaptations to access and egress routes that would complicate emergency evacuation, and so breach Health and Safety building regulations.

The proposals would place extra strain on community services, including parking and deliveries.

This building is part of the Dorset Square Conservation Area. Any new development of Marathon House would breach the Council's commitment to its own Conservation rules.

GREATER LONDON AUTHORITY

No response received. *Note: this development is not GLA referable as the proposed extension does not exceed 15 m in height above the existing building.*

HIGHWAYS PLANNING MANAGER

Object. No parking is provided for the proposed flat.

WASTE PROJECT OFFICER

No waste storage is shown for the proposed flat. Recommend condition to address this.

ENVIRONMENTAL HEALTH OFFICER

No objection, subject to conditions safeguarding potential residents from air pollution.

DESIGNING OUT CRIME

Any response to be reported verbally.

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

THE ST MARYLEBONE SOCIETY

Object. Understand that these proposals are being made by the freeholder against the wishes of the leaseholders, who were not notified about the applications when they were submitted. Applications may be an attempt to influence the valuation.

Existing drawings for the top few floors of the building appear to be missing. No dimensions have been provided either. They do not consider that the increase in height required for an extra floor plus open roof space above with servicing would be as little as suggested.

There would be practical problems carrying out the work. The existing flats are unliveable without the rooftop cooling plant. As the cooling units are on the roof, they would be affected by building at this level. Similarly the lifts must remain operational.

No off-street parking is provided. Potential residents of the flat would therefore place additional demands on already oversubscribed on-street parking in the area. Also, the proposed flat is large and might easily be divided into two or three units in future, thus increasing the parking requirement.

The Council has always considered the current height to be the limit for this building, which is already the tallest building along this stretch of Marylebone; although it is supposed to be no higher than the Council House spire opposite, its bulk gives it a dominating presence. The roof should be considered as the 'fifth elevation' and no additional external plant should be permitted on top of any higher roof, but enclosed within the building envelope. Accordingly, they strongly object to any increase in the height of this building.

The building is an interesting modernist structure which was carefully composed and has already been compromised by changes made when it was converted to residential use in the 1990s. It is already the tallest structure on this section of the Marylebone Road, and any increase in height for this building makes it more likely that further increases in height for other buildings (such as 119 Marylebone Road) will be sought by developers in the near future.

Marathon House is within the Dorset Square Conservation Area and directly adjacent to the much smaller scale Georgian buildings which constitute most of this area. Many of the (larger) buildings on Marylebone Road occupy an entire city block each. Most of these are roughly the same height and bulk, and give the street a certain rhythm. Conservation Areas both north and south lap up against these blocks, and some of the more interesting ones are included. But the contrast of scale with the Georgian buildings, which are the main constituents of these CAs, is already very marked, and they do not want to see this difference in scale increase.

Marathon House can already be seen from Regents Park, and although it is an interesting modern building, the intrusion is unwelcome in the historic context of Nash's pastoral vision and the overall Grade I design of park and terraces. This will be worsened if the tower extensions are allowed.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 3404

Total No. of replies: 102

No. of objections: 102

No. in support: 0

In summary, the objectors raise the following issues:

- Increasing the height and/or bulk of Marathon House would harm the character and appearance of the area generally;
- Increasing the height and/or bulk of Marathon House would harm heritage assets, including the Dorset Square Conservation Area, the setting of the Old Town Hall across Marylebone Road and/or views from Regents Park;
- Increasing the height and/or bulk of Marathon House would harm the character and appearance of the building itself which is an iconic building;
- Marathon House is an important early example of the slab and podium configuration/post-war building construction. It would be hugely deleterious to architectural culture in this country for Marathon House to be altered beyond recognition;
- The City Council has resisted earlier height extension plans;
- The Dorset Square Conservation Area Audit explicitly identifies Marathon House as a building where a roof extension is unlikely to be acceptable;
- The proposal would increase density above the original planning permission for conversion of this building;
- The proposed flat and associated servicing would increase traffic congestion and on-street parking demand;
- Increasing the height and bulk of Marathon House would reduce daylight and sunlight to neighbouring properties;
- Increasing the height and bulk of Marathon House would obstruct views for neighbouring properties;
- The new flat proposed would have outlook over nearby properties, resulting in harm to their privacy;
- Constructing the development would harm the health of residents within the building;
- Constructing the development would compromise the safety of residents within the building;
- Constructing the development would result in further traffic and/or parking congestion in the area;
- The proposal would disrupt the heating/cooling system and/or lifts for this building during construction;
- This area is already heavily polluted and the additional flat will exacerbate the situation;
- Permitting this application may set a precedent for future alterations to other important buildings in the area;
- This application has been submitted by the freeholder without consulting leaseholders;
- The proposal would result in loss of rent and/or property value for the owners of the existing flats; and
- The applicant has not completed the ownership certificate for this application correctly.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the north side of Marylebone Road. It occupies the block of land between Balcombe Street and Gloucester Place. It contains a building, known as Marathon House, comprising of a three level podium around a central courtyard with a 12 level tower above, at its western end. This building contains 107 residential units.

The application site is located within the Dorset Square Conservation Area. Marathon House is not listed but is an unlisted Building of Merit.

6.2 Recent Relevant History

96/06764/FULL

Change of use from offices to residential, creating approximately 100 units. Internal and external alterations.

Granted – 20 December 1996

17/01607/FULL

Erection of an extension to the podium level to provide four additional residential units, including terraces. Associated facade alterations.

Under consideration – Also on this committee agenda

17/01608/FULL

Erection of a sheer rooftop extension on existing tower to provide an additional residential unit, incorporating terraces. Plant enclosure

Under consideration – Also on this committee agenda

7. THE PROPOSAL

Permission is sought for a single storey rooftop extension to the tower. The proposed extension would be setback from the existing parapet edge. The extension would contain a single three bedroom flat with a floor area of 205 sqm GIA.

The existing communal plant enclosure will be relocated from the centre of the roof to the north of the new flat. The existing lift in the tower will be replaced and extended up by a further floor to serve the apartment. A new flight of stairs would also be constructed to the new flat.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policies H3 of the Unitary Development Plan (adopted 2007) (“the UDP”) and S14 of Westminster’s City Plan (adopted 2016) (“the City Plan”) seek to encourage the

provision of more residential floorspace including the creation of new residential units. Accordingly, the provision of an additional flat is supported in principle.

The proposed flat at 205m² would exceed the minimum floorspace requirements of policy 3.5 of the London Plan (March 2016), the Nationally Described Space Standard (March 2015) and the Mayor of London's Housing Supplementary Guidance (March 2016). The flat would also be triple aspect ensuring satisfactory natural lighting levels and would include a terrace that exceeds the size requirements of the Mayor's Housing SPG. Were the development otherwise acceptable, a condition would be imposed requiring satisfactory sound insulation between the proposed flat and the plant areas. Subject to this condition, the proposed flat would provide an acceptable standard of accommodation.

8.2 Townscape and Design

Objections have been received to the harmful impact of the proposed extension on Marathon House itself, the Dorset Square Conservation Area and other conservation areas. Objections have also been received to the harmful impact of the proposed extension on other heritage assets, including the Grade II listed Old Marylebone Town Hall opposite and the setting of Regent's Park, a Grade I Park and Garden of Special Historic Interest.

Marathon House is understood to have originally been built for the Wakefield Castrol Group in the later 1950's, with Casson and Conder as the original architects of the preliminary design, who then handed over the supervision of the project to Gollins, Melvin Ward and Partners. The overall effect created was a dramatic one in the Marylebone Road streetscape, and the building was the first significant curtain walled office tower on podium outside of America and is therefore an important building project in the context of 20th century architecture in Britain. The building is not listed. However it is located within the Dorset Square Conservation Area, and is noted in the City Council's Dorset Square Conservation Area Audit as an unlisted building of merit. The building has been re-clad since its original construction following its conversion from offices to residential use pursuant to the 1996 permission noted above.

Marathon House is already considerably higher than the prevailing surrounding townscape context, and is visible in long views from both east and west on Marylebone Road, from Dorset Square to the north, from Regent's Park and from other vantage points in the surrounding area. The building at present has a very prominent visual impact seen in context with the surrounding townscape. The addition of a further floor at roof level would put the building further out of scale and would harm the building and the setting of surrounding conservation areas and listed buildings. The extension proposed in this application is set back from the east and west parapets by approximately 2.4m and by 4.6m from the north and south parapets. However, the applicants have provided a series of visuals confirming that the extension would nonetheless be prominent to the roofline of the building.

In terms of the impact of the works on the setting of surrounding conservation areas or listed buildings, it is important to consider the National Planning Policy Framework (NPPF) and the statutory duties upon Local Planning Authorities. Section 132 of the NPPF makes clear that when considering the impact of a proposed development on the

significance of a designated heritage asset, great weight should be given to the asset's conservation, and should include a consideration of development within its setting. It makes clear that the more important the asset, the greater the weight should be, and that any harm should require clear and convincing justification. Section 134 is also relevant in this respect which makes clear that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. These sections of the NPPF need to also be considered in light of the statutory duties in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act of 1990 which set out that the local planning authority shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and also that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area (a conservation area). Considerable importance and weight must be given to these duties.

Policy DES 3 of the UDP makes clear that high buildings should not have an adverse impact on views from conservation areas, London Squares or Royal Parks, or be incongruous with respect to the prevailing character of the area. DES 9 of the UDP states that development will not be permitted which, although not wholly or partly located within a designated conservation area, might have a visibly adverse effect upon the area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area. Policy DES 10 of the UDP states that permission will not be granted where it would adversely affect: a) the immediate or wider setting of a listed building, or b) recognised and recorded views of a listed building or a group of listed buildings, or c) the spatial integrity or historic unity of the curtilage of a listed building. Policy DES 12 states that permission will only be granted for proposals adjacent to parks, public and private squares which: 1) safeguard their appearance, wider setting and ecological value 2) preserve their historic integrity 3) protect views into and out of these spaces will not project above existing tree or building lines. Other relevant City Council policies are DES 1 and DES 6 of the UDP and, S25, S26 and S28 of the City Plan.

The top approximately three floors of the building are already visible above rooflines/tree lines in views from Regent's Park to the north-east, with the views apparent from locations on the east side of the boating lake/water. These views include being visible over the roofline of the buildings to Park Road from locations near Clarence Bridge and also over the roofline of the London Business School building (Sussex Place) from locations further to the south. Regent's Park is a conservation area, a Royal Park and the park is also listed at Grade I on Historic England's Register of Parks and Gardens of Special Historic Interest. In the context of Westminster's townscape it is of particular importance as a large parkland area of considerable historic and aesthetic merit. Relatively few prominent buildings are visible over the treeline/rooflines of buildings lining the park, and much of the original outlook remains. The impression of this strikingly modern building rising up prominently into views out from the park already has a harmful impact upon the setting of/outlook from the park. The addition of a clearly apparent set back floor level to a building already prominently breaking above the treeline and building line would further harm the setting of this especially important public park by creating an even more intrusive and incongruous feature on the skyline in views out from the park, contrary to the policies quoted above.

The Sussex Place building is Grade I listed, and the buildings to the west side of Park Road in proximity to the park are Grade II listed. Whilst visible over their rooflines the impact of the additional floor is not considered to adversely affect their setting. The Park Road buildings are faced in relatively muted stock brickwork and at some distance and in the view they do not stand out as distinct buildings but as smaller scale structures with larger properties behind in the backdrop of this particular view. As such, the tower is seen as part of a larger agglomeration of buildings rather than as one structure above a distinct intact and unbroken skyline, and as such does not harm their setting. With regard to Sussex Place, much of its impression from positions where the tower is also visible is screened by intervening trees and whilst elements of its roofline are visible from the park with the tower above, these appear relatively small and difficult to appreciate as the large unified architectural composition that the building represents in clearer views. As such, the additional floor to the tower is not considered to adversely affect its setting.

However, to the south-west of Marathon House is the Church of St Mary on Wyndham Place. This building was listed at Grade 1 in 1954 and is in Greek revival style, with a main body of the church building, with a curved portico and the tower rising prominently above. The main body of the building has a flat and uncluttered roofline, emphasising the strong visual importance of the portico and tower. The symmetry of this visual impression, with an uncluttered skyline with only tower and portico seen to rise above the main building, is a fundamental part of the architectural character of the building. The building is listed as a landmark in the Portman Estate Conservation Area Audit, with the Audit also reflecting the important local views north towards the church, which lies as the visual focus at the end of the important formal vista through Bryanston Square, and along Great Cumberland Place to Marble Arch in the south. The skyline of the building is clear of background structures at present in views from the south on Crawford Street (albeit from further to the south on Wyndham Place buildings are visible on its skyline), aside from the very top of Marathon House which is currently only just visible above the right hand side of the main body of the Church building from the very back edge of the pavement to Crawford Street to the south.

The proposed extension would be readily visible above the main body of the church building from street level in Crawford Street and likely also from a section of Wyndham Place. This would break the very strong clarity of architectural form which the current roof profile of the church building has, introducing a prominent feature above the roofline of the main body of the building and thus cluttering its currently strong and uncluttered roofline which is intended to only have the portico and tower breaking above the main body. This would have a harmful affect upon the setting of this particularly important building and on the setting/outlook from the Portman Estate Conservation Area within which the church building is a landmark feature at the formal end of its most prominent architectural axis. As such, the additional floor to the tower is considered to adversely affect their setting.

Marathon House is located within the Dorset Square Conservation Area. The tower element is already prominent from the central focus to the conservation area, Dorset Square, and is visible from the square over the roofline of the Grade II listed 19th century terraced properties which line the south side of the square (nos. 29-40). Dorset Square is included within the London Squares Preservation Act 1931. It is recognised

that the tower is already prominent in views from the square above this roofline, and the visual impression it gives both in terms of the character and outlook from the square and in terms of the setting of the buildings on the south side of the square is already harmful. Notwithstanding that, the addition of a further floor level would further accentuate the harm, giving rise to a more prominent and intrusive feature looming over the square and these listed buildings, with this visual impact accentuated by the striking modernist form of the building. Dorset Square was originally constructed as a high quality garden square ringed by buildings of a uniformly four storey height. The impression of the intactness of this architectural set piece is harmed by large buildings visible above the skyline of the square of which Marathon House is the only prominent example, and the additional height represented by the new floor level will further harm the square and the setting of the buildings on its south side.

Other views which are apparent from the evidence presented in the application are not considered to have the same impact as the concerns set out above and are not considered as reasons for refusal. This includes the impact on the townscape of Marylebone Road, where the numerous modern buildings, relative disjunction in scale between buildings, street trees and character as a significant traffic artery mitigate against appreciating the additional height as a reason for refusal in terms of the impact on townscape.

The clarity of the original architectural form of this building is still readily apparent, notwithstanding its recladding. The building is an important 20th century building which drew direct and significant influence from Lever House, a seminal International Style skyscraper built in New York several years earlier, and from the U.N. Secretariat Building in New York also from earlier in the 1950's. As set out above, Marathon House is one of the first significant curtain walled office tower on podium structures in Britain. The orthogonal form, and clarity of the tower and podium are crucial aspects of its character, and the addition of a set-back structure, breaking the profile and roofline of the tower by the creation of a stepped arrangement on the skyline could only harm the character of this important 20th century building.

The plant room to the north end of the extension would be readily visible from the north including on Dorset Square and from wider views such as Regent's Park. This area is shown to elevation as having a set of glazing seamless with the remainder of the floor level. However it would be vented through its open roof (though not specified, no other vents are shown to the elevations and the openness is suggested on the roof plan drawing). The seamless nature of each of the floor levels with floor slab above and curtain wall glazing repeating continuously around the elevations is a crucial part of its character. The addition of this prominent element to the north end of the roof would appear markedly different as an area open to the sky. In addition, whilst some efforts have been made by the architects to keep the roof structure above the new top floor slender, it is clearly shown projecting beyond the line of glazing, and the greater thickness of floor structure either set back or set just within the glazing may also be appreciable. This would further break the impression of the uniformity of design approach around each of the elevations of the new extension. The impression of this would break the uniformity of design approach to each floor level as is clearly originally intended and would clutter its appearance and harm the appearance of the building.

Although less than substantial harm would arise in this case, considerable importance and weight must still be attached to it. This is necessary in order to reflect the statutory duty of paying special consideration to the desirability of preserving or enhancing the character or appearance of Conservation Areas, as well as that in relation to preserving the setting of Listed Buildings.

There are limited public benefits from the development. The proposal would create a flat in a location with good access to public transport. However, the contribution to housing supply from a solitary new flat would be miniscule in the context of the City Council's annual housing target of 1068 residential units. The applicant also suggests that stonework and cladding on the existing building are proposed to be cleaned albeit without further details of the nature of this works. However, the building does not appear especially marred by dirt and such cleaning could be assumed to form part of the routine maintenance of this building in any event. The other points set out in favour of the scheme by the applicants are noted but not considered to offer substantive benefits in this case. Overall, the public benefits arising from the proposed development are modest and would not outweigh the less than substantial harm identified above.

Given the above, the proposed development is not supported by primary legislation or the NPPF and would be contrary to policies DES 1, DES 3, DES 6, DES 9, DES 10 and DES 12 of the UDP and policies S25, S26 and S28 of the City Plan.

8.3 Residential Amenity

Objections have been received to potential loss of light, privacy and sense of enclosure arising from the proposed extension. The relevant policies are policy S29 of the City Plan and policy ENV 13 of the UDP.

With regards to loss of light, the applicant has not provided an assessment of light loss in accordance with BRE guidance. Notwithstanding this, the proposal would increase the height of Marathon House by approximately two metres. In comparison to its approximately 49 metre height (above street level), this is a relatively modest increase that is unlikely to result in significant light loss. The setback nature of the extension would also further reduce potential light loss. Similarly, this relatively modest increase in height and setback nature of the proposed extension would not result in a significant increase in sense of enclosure.

The proposed extension would also have a similar degree of outlook to the flats on the floors below whilst the proposed terrace would be located a significant distance from residential units below. Accordingly, the proposed development would not result in significant loss of privacy.

Given the above, the proposed development would be consistent with policy S29 of the City Plan and policy ENV 13 of the UDP.

8.4 Transportation/Parking

Objectors consider that the proposal will increase on-street parking demand and traffic congestion. The Highways Planning manager has also objected to the absence of

on-site parking for the proposed flat. Policy TRANS23 of the UDP requires provision of up to two parking spaces for the proposed flat.

Policy TRANS23 of the UDP details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The Council's most recent on-street parking surveys indicate that parking demand within the vicinity already exceed 80% both day and night. On this basis, the Highways Planning Manager has objected.

However, paragraph 32 of the NPPF states that 'Development should only be refused on transport grounds where the residual cumulative impacts of development are severe'. The NPPF recognises that different policies and measures will be required in different communities noting that the availability of public transport and local car ownership levels have to be accounted for.

In the context of the requirements of the NPPF, the impact on on-street parking demand does not provide sustainable grounds for refusing this application. The shortfall in on street parking provision is acknowledged, but it also has to be considered that the site is in an area with a high Public Transport Accessibility Level and is located in close proximity to Baker Street and Marylebone Stations.

With regards to servicing, one additional flat would not generate a significant servicing requirement. Notwithstanding this, it would also be serviced in the same manner as the 107 other flats within Marathon House. Accordingly, an objection to the development on this basis would not be a sustainable reason for refusing the application.

Were the development otherwise acceptable, a condition would be imposed requiring further details of refuse and recycling arrangements for the proposed flat.

8.5 Economic Considerations

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

8.6 Access

The proposed flat would be accessible by lift and have level access throughout.

8.7 Other UDP/Westminster Policy Considerations

None.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

Subject to any relief or exemptions available to the applicant, the estimated CIL payment would be £98,638.85

8.11 Environmental Impact Assessment

This development is not large enough to require an Environmental Impact Assessment.

8.12 Other Issues

As set out above, the proposed development has received a significant level of objection. Most of the issues raised have been addressed above. The following is also noted.

Density

The proposed development would result in a density of approximately 291 u/ha. This is consistent with the density range for a Central site like this, as per policy 3.4 of the London Plan (March 2016). Accordingly, an objection to the development on this basis would not be sustainable.

Construction Impact

It is established case law that planning permission cannot be refused due to the impact of construction. This is because its impact is short term, can be mitigated through planning condition and is otherwise subject to environmental health and health and safety legislation. Were the development acceptable, a condition controlling the hours of construction would be recommended. Any further conditions would be beyond the remit of planning control. Notwithstanding this, the leaseholders are also able to influence on-site construction arrangements through their lease arrangements. Accordingly, an objection to the development on this basis would not be sustainable.

Pollution

The application site is located within an Air Quality Management Area due to air pollution from traffic on Marylebone Road. The Environmental Health Officer has recommended conditions requiring the implementation of air quality mitigation measures, including the provision of mechanical air ventilation and filtration for the proposed flat. Were the development otherwise acceptable, a condition would be recommended requiring the provision of these air quality mitigation measures. Subject to this condition, the proposal would be acceptable in terms of air quality.

Precedent

Several objectors note that granting permission would set a precedent for further height increases on this building and on neighbouring or nearby buildings. However, each application must be considered on its merits, having regard to the specific development

proposed, the specific application site and the development plan at the time the application is considered. Accordingly, granting permission for this development would not necessarily mean that a similar application elsewhere would be approved.

Consent of Leaseholders and Ownership Certificates

At planning application stage, the applicant is only required to serve notice on the owners of an applicaiotn site and/or leaseholders. The applicant is not required to obtain their permission before making the application.

The applicant had initially made this application without serving notice on all leaseholders. This was brought to the applicant's attention and notice was served correctly on 10 April 2017. Accordingly, this application is valid from that date.

Loss of Property Value

Loss of property value is not a material planning consideration.

Human Rights

An objector considers the proposal contrary to the leaseholders rights under Articles 1 (Protection of Property) and 8 (Right to respect for private and family life) of the European Convention on Human Rights. However, the courts have found that the impact of a development must be particularly severe to justify an objection to a planning application on human rights grounds and the objectors rights must also be balanced with the applicants rights under Articles 1 and 8. In this instance, the impact of the development is not considered sufficiently severe and an objection on this basis would not be sustainable.

9. BACKGROUND PAPERS

1. Application form
2. Response from Cllr Julia Alexander, dated 28 May 2017
3. Response from Highways Planning Manager, dated 30 March 2017
4. Response from Waste Project Officer, dated 28 March 2017
5. Response from Environmental Health Officer, dated 23 May 2017
6. Response from The St Marylebone Society, dated 23 April 2017
7. Letter from occupier of Flat 22, Marathon House, dated 6 April 2017
8. Letter from occupier of Flat 62, Marathon House, 200 Marylebone Road, dated 13 June 2017
9. Letter from occupier of Flat 68 Marathon House, London, dated 9 April 2017
10. Letter from occupier of 20 Dorset Square, London, dated 12 April 2017
11. Letter from occupier of Flat 47, Dorset House, Gloucester Place, dated 6 May 2017
12. Letter from occupier of Flat 5, Marathon House, 200 Marylebone Road, dated 1 June 2017
13. Letter from occupier of Flat 14, Marathon House, 200 Marylebone Road, dated 14 May 2017
14. Letter from occupier of 99 & 102 Marathon House, NW1 5PL, dated 11 April 2017
15. Letter from occupier of Flat 86, Marathon House, 200 Marylebone Road, dated 12 April 2017

16. Letter from occupier of Flat 36 Marathon House, London, dated 5 April 2017
17. Letter from occupier of 61 Marathon House, London, dated 3 April 2017
18. Letter from occupier of Flat 90 Marathon House, 200 Marylebone Road, dated 19 April 2017
19. Letter from occupier of Flat 72 Marathon House, 200 Marylebone Road, dated 19 April 2017
20. Letter from occupier of Flat 82 Marathon House, 200 Marylebone Road, dated 7 April 2017
21. Letter from occupier of Flat 49 Marathon House, 200 Marylebone Road, dated 18 April 2017
22. Letter from occupier of 19 Albert's Court, 2 Palgrave Gardens, dated 18 April 2017
23. Letter from occupier of 39 Elizabeth Court, Palgrave Gardens, dated 18 April 2017
24. Letter from occupier of 84 Marathon House, Marylebone Road, dated 5 April 2017
25. Letter from occupier of Dorset Square, London, dated 27 March 2017
26. Letter from occupier of top flat, 34 Dorset square, Dorset Square, dated 4 April 2017
27. Letter from occupier of Flat 101 Marathon House, 200 Marylebone Road , dated 24 April 2017
28. Letter from occupier of Flat 54 Marathon House, 200 Marylebone Road, dated 4 April 2017
29. Letter from occupier of Flat 25 Marathon House, 200 Marylebone Road, dated 8 April 2017
30. Letter from occupier of 77 Marathon House, Marylebone, dated 11 April 2017
31. Letter from occupier of 83 Marathon House, 200 Marylebone Road, dated 30 March 2017
32. Letter from occupier of Flat 107 Marathon House, 200 Marylebone Road, dated 19 April 2017
33. Letter from occupier of Flat 85 , 200 Marylebone Road, dated 30 May 2017
34. Letter from occupier of 67 Marathon House, 174-204 Marylebone Road, dated 3 April 2017
35. Letter from occupier of Flat 96, Marathon House, 200 Marylebone Road, dated 26 April 2017
36. Letter from occupier of Flat 28 Marathon House, 200 Marylebone Road, dated 26 April 2017
37. Letter from occupier of Flat 27 Marathon House, 200 Marylebone Road, dated 19 April 2017
38. Letter from occupier of Flat 27 Marathon House, 200 Marylebone Road, dated 19 April 2017
39. Letter from occupier of Flat 20 Marathon House, 200 Marylebone Road, dated 19 April 2017
40. Letter from occupier of Flat 67 Marathon House, 200 Marylebone Road, dated 19 April 2017
41. Letter from occupier of Flat 87 Marathon House, 200 Marylebone Road, dated 5 June 2017
42. Letter from occupier of Regis Court Management Limited, 2 Hills Road, dated 20 April 2017
43. Letter from occupier of Flat 157 Dorset House, Gloucester Place, dated 29 April 2017
44. Letter from occupier of 51 Marathon House, 200 Marylebone Road, dated 7 April 2017
45. Letter from occupier of Flat 74, Marathon House, dated 31 March 2017
46. Letter from occupier of 50 La Colomberie, St. Helier, dated 18 April 2017
47. Letter from occupier of Flat 34 Marathon House, 200 Marylebone Road, dated 18 April 2017

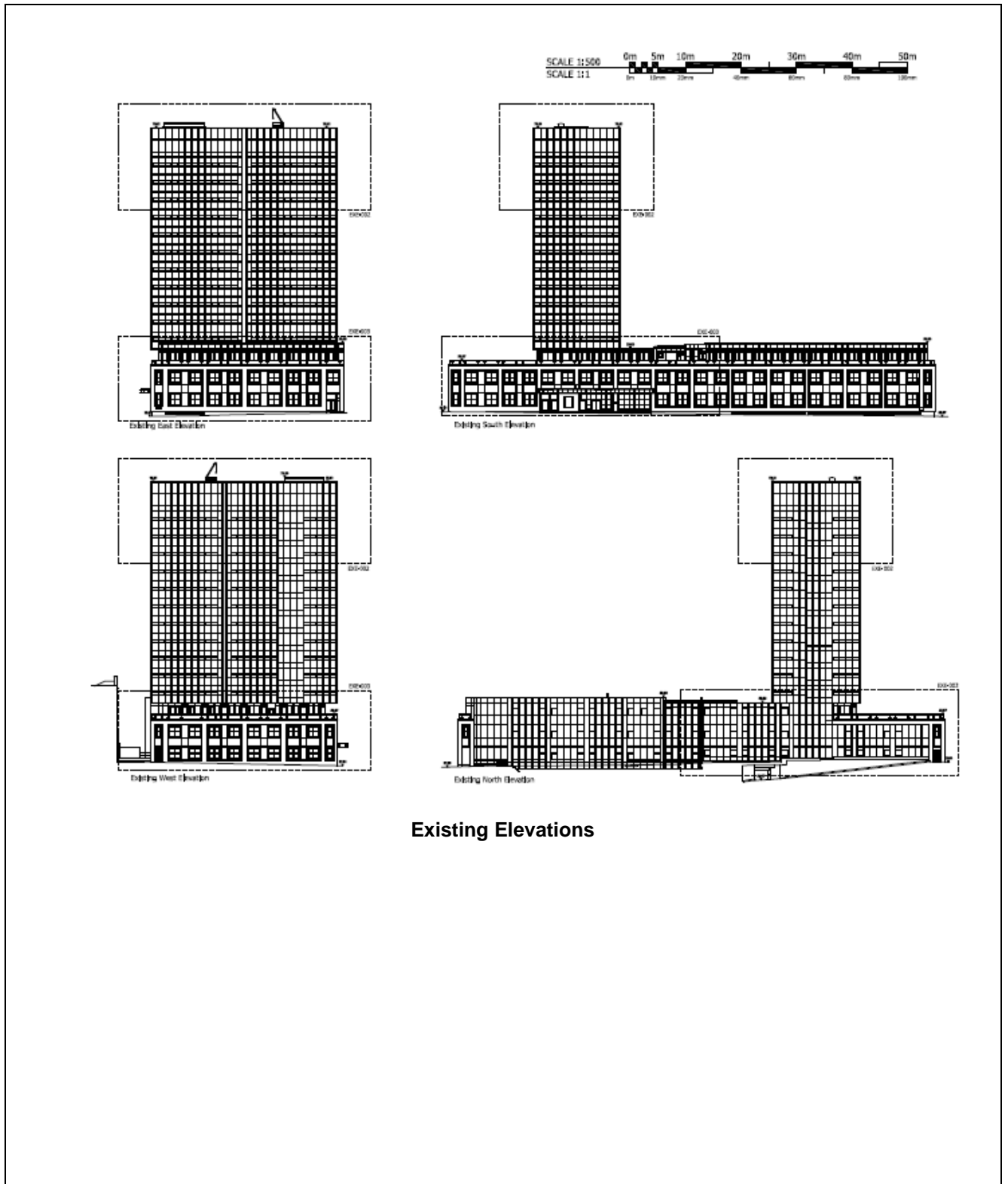
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48. Letter from occupier of Flat 78 Marathon House, 200 Marylebone Road, dated 18 April 2017
 49. Letter from occupier of 98 Elizabeth Court , 1 Palgrave Gardens , dated 21 April 2017
 50. Letter from occupier of Flat 44, Marathon House, 200 Marylebone Road, dated 7 June 2017
 51. Letter from occupier of Flat 40 Marathon House, 200 Marylebone Road, dated 8 April 2017
 52. Letter from occupier of Flat 40 Marathon House, 200 Marylebone Road, dated 8 April 2017
 53. Letter from occupier of 36 Marathon House, London, dated 5 April 2017
 54. Letter from occupier of 17 Dollis Avenue, London , dated 27 March 2017
 55. Letter from occupier of Flat 85 Marathon House, 200 Marylebone Road, dated 24 April 2017
 56. Letter from occupier of Flat 96, Marathon House, 200 Marylebone Road, dated 24 April 2017
 57. Letter from occupier of 140 London Wall,, London EC2Y 5DN, dated 24 April 2017
 58. Letter from occupier of 101 Marathon House, NW1 5PW, dated 12 April 2017
 59. Letter from occupier of Flat 17, Marathon House, dated 12 June 2017
 60. Letter from occupier of Flat 55 Marathon House, 200 Marylebone Road, dated 12 April 2017
 61. Letter from occupier of Flat 57 Marathon House , 200 Marylebone Road, dated 19 April 2017
 62. Letter from occupier of Flat 65, Marathon House, Marathon House, dated 19 April 2017
 63. Letter from occupier of Flat 35 Marathon House, 200 Marylebone Road, dated 12 April 2017
 64. Letter from occupier of Flat 28 Marathon House, dated 28 April 2017
 65. Letter from occupier of Flat 51, Marathon House, dated 15 June 2017
 66. Letter from occupier of Flat 51, Marathon House, dated 15 June 2017
 67. Letter from occupier of Flat 23 Marathon House, 200 Marylebone Road, dated 5 April 2017
 68. Letter from occupier of Flat 75 Marathon House, 200 Marylebone Road, dated 7 April 2017
 69. Letter from occupier of FLAT 3, Imperial Court, 36 Shepherds Hill, dated 18 May 2017
 70. Letter from occupier of Flat 45, Marathon House, 200 Marylebone Road, dated 12 June 2017
 71. Letter from occupier of Flat 60, Marathon House, dated 1 June 2017
 72. Letter from occupier of Flat 6, Dorset House, Gloucester Place, dated 2 April 2017
 73. Letter from occupier of Flat 59 Marathon House, 200 Marylebone Road, dated 2 May 2017
 74. Letter from occupier of 53 Marathon House, 200 Marylebone Road, dated 5 April 2017
 75. Letter from occupier of Flat 16, Marathon House, 200 Marylebone Road, dated 29 May 2017
 76. Letter from occupier of Flat 80, Marathon House, dated 10 April 2017
 77. Letter from occupier of 12 Thornton Place, London, dated 28 May 2017
 78. Letter from occupier of Flat 89, Marathon House, dated 5 April 2017
 79. Letter from occupier of Apartment 7, 33 Dorset Square, dated 4 April 2017
 80. Letter from occupier of Flat 88, Marathon House , dated 5 April 2017
 81. Letter from occupier of Flat 84 Marathon House, 200 Marylebone Road, dated 7 April 2017

82. Letter from occupier of Flat 69, Marathon House, dated 5 April 2017
83. Letter from occupier of Flat 12, Marathon House, dated 12 April 2017
84. Letter from occupier of Flat 1, Marathon House, dated 10 April 2017
85. Letter from occupier of Flat 95, Marathon House, dated 7 April 2017
86. Letter from occupier of Flat 89, Dorset House, dated 8 April 2017
87. Letter from occupier of 50 Marathon House, 200 Marylebone Road, dated 6 April 2017
88. Letter from occupier of Flat 93, Marathon House, dated 6 April 2017
89. Letter from occupier of Flat 157 , Dorset House, dated 26 April 2017
90. Letter from occupier of 20 Marathon House, 200 Marylebone Road, dated 17 April 2017
91. Letter from occupier of 200 Marylebone Road, London, dated 29 March 2017
92. Letter from occupier of Flat 11, Marathon House, 200 Marylebone Road, dated 8 June 2017
93. Letter from occupier of Flat 21, Marathon House, 200 Marylebone Road, dated 12 May 2017
94. Letter from occupier of 17 Dorset House, Gloucester Place, dated 1 June 2017
95. Letter from occupier of Flat 48, Marathon House, 200 Marylebone Road, , dated 4 April 2017
96. Letter from occupier of Roselind Wilson Design, 9 Lonsdale Road, dated 17 May 2017
97. Letter from occupier of Flat 73, Marathon House, 200 Marylebone Road, dated 31 May 2017
98. Letter from occupier of 34 Dorset Square, London, dated 3 April 2017
99. Letter from occupier of Flat 54 Marathon House, 200 Marylebone Road , dated 4 April 2017
100. Letter from occupier of Flat 99, Marathon House , dated 16 May 2017
101. Letter from occupier of 102, Marathon House, dated 16 May 2017
102. Letter from occupier of 236 Olney Road, London, dated 12 May 2017
103. Letter from occupier of 14 Regent's Wharf, All Saints Street, dated 28 April 2017
104. Letter from occupier of Flat 181 Dorset House, Gloucester Place, dated 4 May 2017
105. Letter from occupier of Flat 92, Marathon House, 200 Marylebone Road, dated 28 June 2017
106. Letter from occupier of Flat 85 Marathon House, 200 Marylebone Road, dated 24 April 2017
107. Letter from occupier of Flat 104 Marathon House, 200 Marylebone Road, dated 7 April 2017
108. Letter from occupier of Flat 108 , Marathon House , dated 31 March 2017
109. Letter from occupier of Flat 33, Marathon House, 200 Marylebone Road, dated 11 June 2017
110. Letter from occupier of Eileys Cottage, Lower Carden, dated 15 May 2017

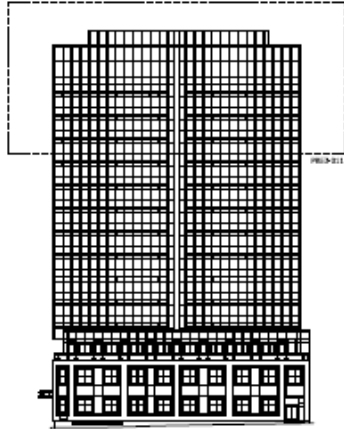
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

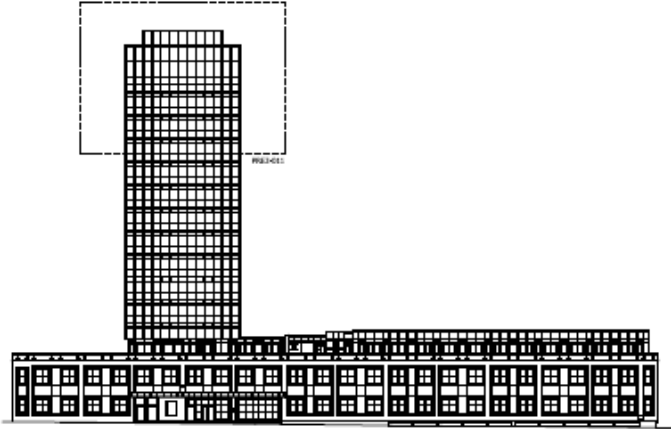
10. KEY DRAWINGS



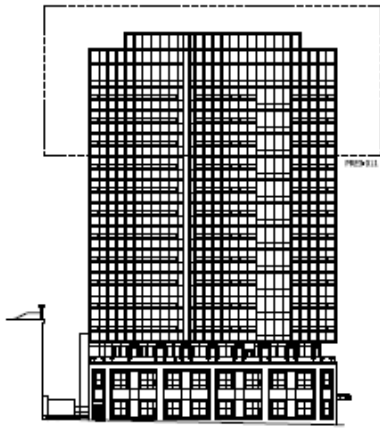
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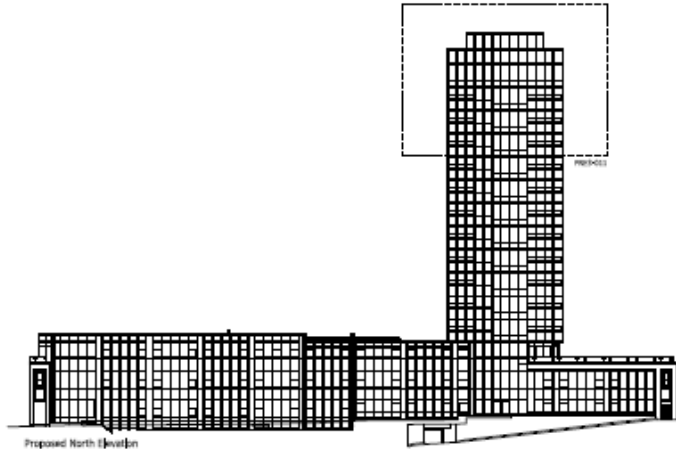
Proposed East Elevation



Proposed South Elevation

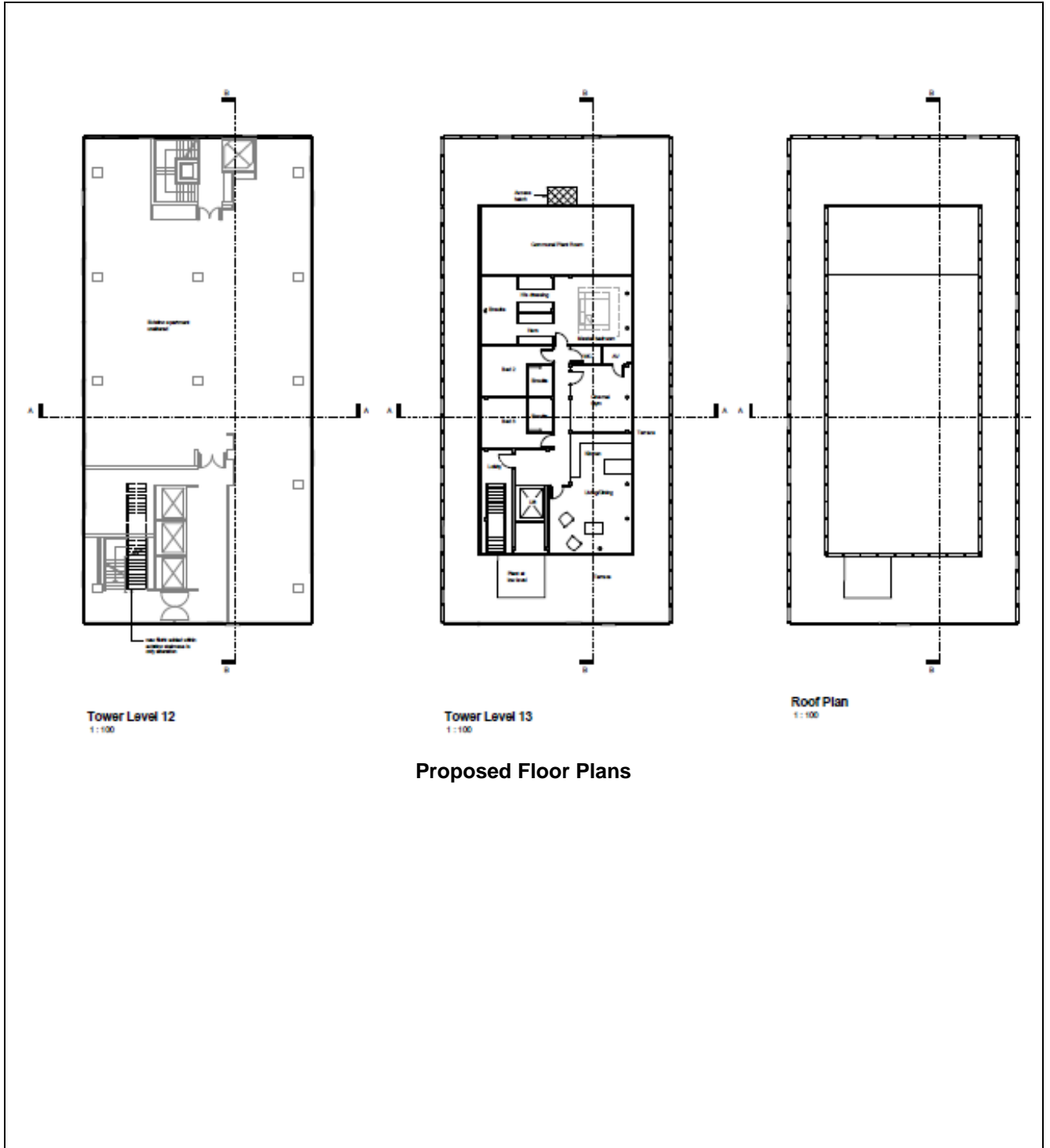


Proposed West Elevation



Proposed North Elevation

Proposed Drawings



DRAFT DECISION LETTER

Address: Marathon House, 200 Marylebone Road, London, NW1 5PW,

Proposal: Erection of a rooftop extension (incorporating setbacks) on existing tower at roof level to provide an additional residential unit. Plant room

Reference: 17/01609/FULL

Plan Nos: Site location plan; Drawing no's E12-026/EXE-001, E12-026/EXE-002, E12-026/PRE3-001 Rev A, E12-026/PRE3-011 Rev A, E12-026/PRP3-001 Rev B, E12-026/PRS-001 Rev A

Case Officer: Nathan Barrett **Direct Tel. No.** 020 7641 5943

Recommended Condition(s) and Reason(s)

- Reason:
- 1 Because of its size, design and location, the extension would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Dorset Square Conservation Area, would harm the setting of the Grade I listed Church of St Mary on Wyndham Place and the setting of nos. 29-40 Dorset Square and would fail to maintain or improve (preserve or enhance) the setting of the neighbouring Portman Estate Conservation Area and Regent's Park Conservation Area. This would not meet S25, S26 and S28 of Westminster's City Plan (November 2016) and DES 3, DES 6, DES 9, DES 10, DES 12 and DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AD)

Informative

- 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.

Agenda Item 9

Item No.

9

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 August 2017	Classification For General Release	
Report of Director of Planning		Ward involved St James's	
Subject of Report	The National Gallery , Trafalgar Square, London, WC2N 5DN		
Proposal	Removal of existing structures and the erection of infill extensions to the Sunley and Belvedere lightwells, to provide additional Class D1 floorspace, and associated rooftop structures and other external and internal alterations.		
Agent	Montagu Evans LLP		
On behalf of	The Board of Trustees of the National Gallery		
Registered Number	17/03151/FULL and 17/03152/LBC	Date amended/ completed	23 June 2017
Date Application Received	10 April 2017		
Historic Building Grade	I		
Conservation Area	Trafalgar Square		

1. RECOMMENDATION

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

2. SUMMARY

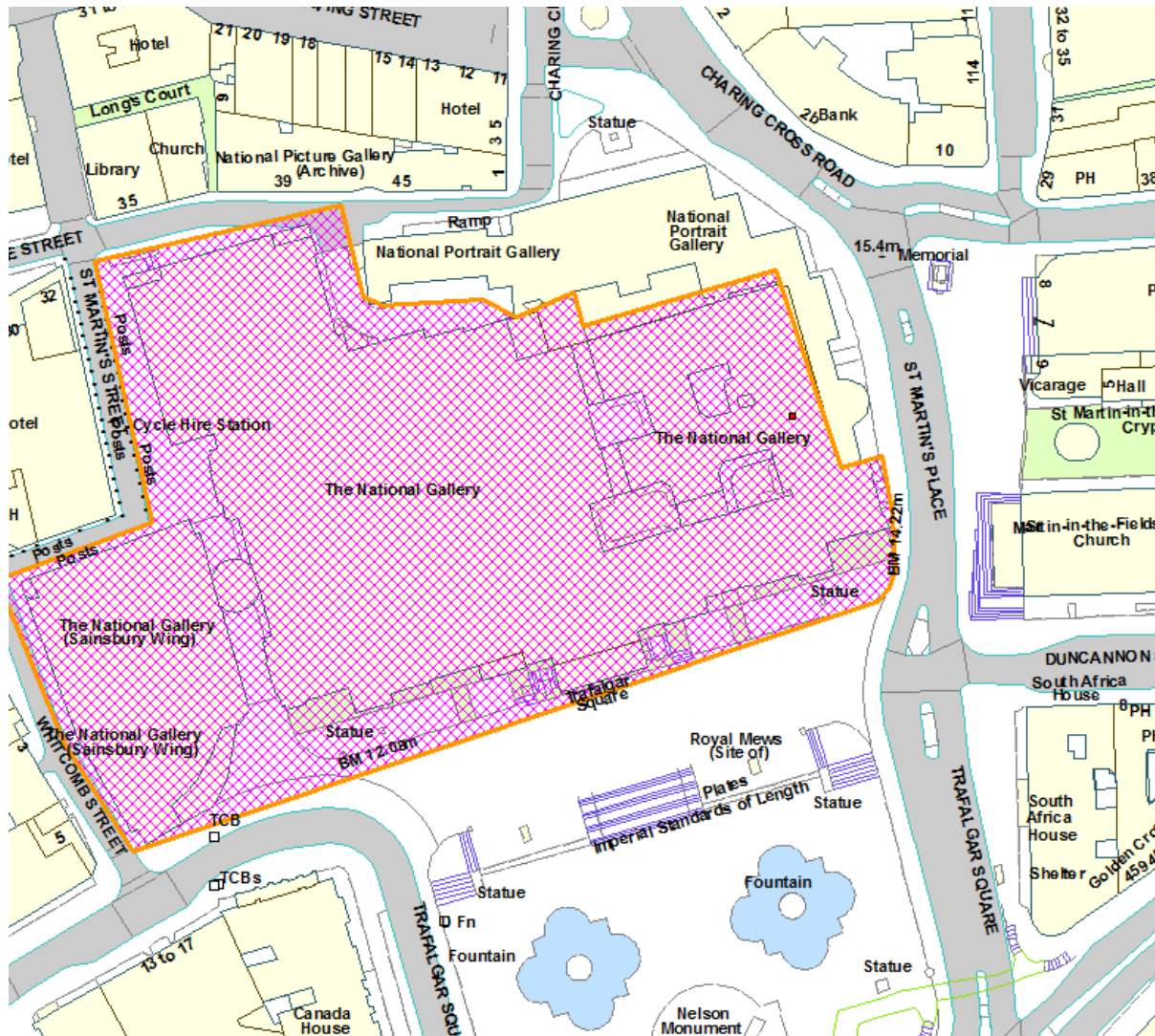
The National Gallery is a Grade I listed building on Trafalgar Square. Permission and listed building consent is sought for works to remove existing structures within the Sunley and Belvedere internal lightwells and infill with extensions to provide additional Class D1 floorspace. Internal works are sought at basement and ground floor levels to accommodate additional modern ancillary offices.

The key issues in this case are:

- The impact of the proposals on the significance of designated heritage assets including the impact on the application building, adjoining listed buildings and the Trafalgar Square Conservation Area; and
- The impact of the proposals on adjoining properties.

The proposed development would be consistent with relevant development plan policies in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan). As such, the proposal is considered acceptable in listed building, design, land use and amenity terms and the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Trafalgar Square



View of Belvedere Lightwell



View of Sunley Lightwell

5. CONSULTATIONS

HISTORIC ENGLAND:

Support the proposals. Authorisation given to determine application as seen fit.

WESMINSTER SOCIETY:

No objection.

ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

HIGHWAY PLANNING MANAGER:

No objection, subject to conditions.

CLEANSING MANAGER:

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 100

Total No. of replies: 4 (three from the National Portrait Gallery)

The National Portrait Gallery objects on the following grounds:

- The extension to the Sunley lightwell would impact on views from the Portrait Restaurant; and
- Concern regarding site access and delivery management, and how this could impact the National Portrait Gallery.

Nimax Theatres Limited, on behalf of the Garrick Theatre, state they do not objection subject to building work not being audible during performances.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The National Gallery is a Grade I listed building on north side of Trafalgar Square. The building and the surrounding area is of intense heritage significance. Adjoining to the north of the site is the Grade I listed National Portrait Gallery, to the east is the Grade I listed Church of St Martin-in-the-Fields and to the south is the Grade I listed Trafalgar Square and Nelson's Column. The site is located within the Trafalgar Square Conservation Area and the Core Central Activities Zone (CAZ).

6.2 Recent Relevant History

On 11 July 2016 listed building consent was granted for internal alterations to create new gallery space at ground floor from an area that was used for back of house uses.

On 12 February 2016 listed building consent was granted for internal alterations to create a new mezzanine level adjacent to the existing service yard.

On 24 November 2014 planning permission and listed building consent was granted for replacing of roof glazing and associated internal alterations.

7. THE PROPOSAL

Permission and listed building consent is sought for the removal of existing structures and the erection of infill extensions to the Sunley and Belvedere lightwells and associated rooftop structures to provide additional Class D1 floorspace. Internal alterations are sought to at basement and ground floor levels to re-order and provide more efficient space. The Sunley and Belvedere lightwells are located in the north-east area of the main gallery site.

The motivation for the proposals is to create a new 'accommodation hub' comprising new modern office and meeting spaces for employees of the gallery. The proposals would concentrate the majority of office-based gallery employees in this location, which would then allow the gallery to better use its existing buildings.

Floorspace Figures

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Use (D1 - Gallery)	34,076	35,138	+1,062

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy S27 of the City Plan relates to uses of international and/or national importance and it states the buildings that accommodate these uses will be protected throughout the city and encouraged within the CAZ. Policy S22 of the City Plan seeks to maintain and strengthen Westminster's strategic role within the London tourist industry and help contribute to local opportunities to experience arts and culture.

The National Gallery is of international importance, housing one of the most significant art collections in the world. The proposals would increase the amount of Class D1 floorspace overall and would allow for a re-organisation of ancillary areas so they can better support the function of this important gallery. This would be in accordance with the City Plan's aims to encourage and strengthen art galleries such as this. The proposals are therefore supported in land use terms.

Given the increase in overall floorspace, there will be the potential for staff and visitor numbers to increase. However, relative to the existing gallery, it is not considered that this would result in a significant increase in activities associated with the gallery.

The proposals would enable staff to be relocated to this dedicated area in the north-east area of the main gallery building. The majority of the office-based staff are currently located on the first floor of St Vincent House, a separate building situated at 30 Orange Street located to the north-west of the main gallery building. The applicant notes that one

of the consequences of the scheme could be the potential to redevelop St Vincent House for gallery purposes in future.

8.2 Townscape and Design

The National Gallery is one of the most significant architectural compositions in the City. Designed by William Wilkins in 1838 and subsequently extended by James Pennethorne, E.M. Barry and others, the building still maintains a grand classical presence to the north side of Trafalgar Square. Trafalgar Square itself is the central focus of the Trafalgar Square Conservation Area.

The proposed works are extensive and involve a significant amount of fabric removal and re-ordering of the basement and ground floor areas to accommodate a modern office environment, albeit it one compromised to some extent by the grade I listing of the building. Much of the fabric removed is a modern intervention and while, some historic fabric is removed, it is considered that this has been minimized in extent and avoids any areas of significant historic or architectural detail. Extensive discussions have taken place between the applicant's agents and officers to minimize any negative impact on the historic building.

Two major areas of intervention are the Sunley lightwell and the Belvedere lightwell, which are both currently under-used spaces within the building. The Sunley lightwell is the more mundane of the two with little architectural detail or significance, though it does inform the historic plan form of this part of the building. The Belvedere lightwell has more architectural presence due largely to the prominent and attractive ventilation tower that Barry built for the gallery in the late C19. Both lightwells are currently marred by the installation of unsightly structures and plant and, currently, make little positive contribution to the appreciation of the building.

The requirement for office space for the gallery staff means that some of the space within these lightwells would be required to meet these demands. The original proposal to insert office accommodation into both lightwells has been modified after discussions with officers. The proposal now is to concentrate the required office space into the more secondary Sunley lightwell which is now largely infilled with an office "stack" that projects one storey above the top of the lightwell. The Belvedere lightwell is kept largely clear, a floor is inserted to enclose basement level plant and a glazed rooflight is placed at high level to provide weather protection. A modest, free-standing mezzanine is provided at ground floor and the space is otherwise kept clear and proposed to be used as a staff café/meeting area. It is considered that the principle of concentrating the infill office space within the secondary lightwell and allowing the full restoration and improvement of the more attractive Belvedere lightwell is sound and that the public benefit of this approach would outweigh the harm.

The extension of the Sunley lightwell office stack above the current height of the lightwell and the adjacent addition of a new plant room on the roof is the only significant external manifestation of the proposed works. This element is clad in zinc panels and is designed to look like much of the plant room accommodation that already covers the roof of the Gallery. The lift overrun is intended to be clad in copper shingles and a grass sedum roof is proposed for the roof on the Sunley office stack. The applicants have presented views analysis that shows that this part of the scheme is not visible from anywhere in Trafalgar

Square and is only partially visible in distant views from Whitehall where the effect of the distance and the appearance of background buildings and structures in the view means that the new building element has only an insignificant impact on the appreciation of the view. The roof top structures will be visible from the adjoining National Portrait Gallery and will have some minor impact on the private view from the roof top restaurant. They have no impact on the setting of the National Portrait Gallery as they are not seen in the same view from any public viewpoint, other than the long distance Whitehall view (as above) where there is no harm to the overall view.

8.3 Amenity

There are no nearby residential properties that could be impacted by the proposal in terms of overlooking, increase sense of enclosure or loss of light. As the extensions are to internal lightwells and limited to one storey above the roof, there is only one nearby building from where the proposals would be visible: the National Portrait Gallery.

National Portrait Gallery

The National Portrait Gallery have objected to the proposal on the grounds that views from the Portrait Restaurant would be harmed. The Portrait Restaurant is located on the top floor of the National Portrait Gallery and enjoys views of Trafalgar Square and Nelson's Column. In the foreground of this view is the National Gallery's roovescape. The Sunley lightwell extension and associated plant room would rise one storey above the existing roof, and would lie directly south of the Portrait Restaurant and so would be visible.

Whilst the enjoyment of this view is important to the restaurant, it is considered a private view because it can only be enjoyed by patrons of the restaurant. The planning system offers little scope to protect it. Notwithstanding this, the proposals would not obscure the main landmarks of interest from the restaurant, and images provided by the applicant demonstrate that Nelson's Column and other important landmarks would remain unobstructed. The applicant has also amended the scheme to reduce the prominence of the extensions from this view in response to the National Portrait Gallery's concerns. The National Portrait Gallery have confirmed they do not consider this to overcome their concern. Officers are satisfied that the impact on this view would be limited and that permission could not be reasonably withheld on this basis.

8.4 Transportation/Parking

Given the gallery's highly accessible location, the Highway Planning Manager states the proposal would not have a significant an impact on surrounding on-street car parking.

In terms of cycle parking, the lightwells currently contain cycle parking spaces which would be lost. Long term secure, accessible and weather proof cycle parking promotes sustainable transport use for staff. The re-provision of the existing cycle parking and the further provision of additional spaces in line with the additional floorspace should be provided in line with the London Plan and as such is recommended to be secured by condition.

In terms of servicing, the existing off street servicing area shared between the National Gallery and National Portrait Gallery is to be maintained and this is considered sufficient to service the additional floorspace.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

Level access is provided to all floors via lifts.

8.7 Other UDP/Westminster Policy Considerations

Plant

Additional plant areas are proposed at basement and roof levels. At roof level the plant is proposed in two enclosures, one small enclosure adjacent to the Belvedere lightwell and a second large enclosure adjacent to the Sunley lightwell.

An acoustic report has been submitted and Environmental Health raise no objection subject to the imposition of standard noise conditions. Environmental Health note that the acoustic report does not provided information as to the proposed plant and predicted levels at the nearest noise sensitive receptor, therefore a supplementary acoustic report demonstrating that any proposed plant complies with the Council's noise criteria is recommended.

Refuse /Recycling

Details of waste storage and collection have not been provided. Given the size of the site and significant back of house areas, it is accepted that the proposed extension will not result in waste being left on the highway for collection. However, details of this provision are to be secured by condition as recommended by the Cleansing Manger.

Sustainability

The application is accompanied by an Energy Statement. This statement provides an analysis of the energy and sustainability credentials of the scheme, and assesses them within the context of national, strategic and local planning policy.

Policies 5.1 to 5.9 of the London Plan focus on how to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. Developments are required to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions (be lean), adopting sustainable design and construction measures and prioritising decentralised energy (be clean), including renewables (be green).

The statement concludes that due to the uniqueness of the proposal, the physical constraints of the existing building and its Grade I listed status, it is not feasible to achieve the London Plan and Westminster City Plan policy requirements relating to decentralised

and renewable energy source requirements. However, the following measures are proposed to minimise carbon emissions:

- Minimisation of heat loss and heat gain through the selection of efficient fabric elements;
- Minimisation of carbon dioxide emissions through the selection of energy efficient heating and ventilation and air conditioning plant;
- Selection of high efficiency lighting and controlling the lighting via the Building Management System;
- Selection of low water usage domestic hot and cold water fittings;
- Utilisation of the Gallery's centralised combined heat and power (CHP) plant to provide both electrical power and heating; and
- Utilisation of the Gallery's centralised chilled water plant to provide cooling.

In addition, the Gallery has confirmed it is committed to a new Carbon Management Plan for the period to 2020, with a reduction target of 5% per annum. This strategy provides a holistic approach to this large Grade I listed building and it embraces all opportunities to improve performance with regard to the Gallery's sensitive fabric and collections. In these circumstances, the application is considered acceptable in respect of sustainability subject to a condition to ensure the proposed features are provided.

8.8 London Plan

This application raises no strategic issues and is not referable to the Mayor of London.

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 applicant is a charitable institution and the development will be used for charitable purposes and as such is exempt from liability to pay CIL.

8.11 Other Issues

Construction impact

The Garrick Theatre has raised concern regarding the potential that construction noise could impact on performances there. The Garrick Theatre is located to the north of the site on the opposite side of Charing Cross Road and is some distance from the area of works and as such would not be harmful in this respect.

The National Portrait Gallery has raised concern regarding the impact of construction on servicing yard shared between both National Gallery and the National Portrait Gallery. These concerns are noted, however, planning permission cannot be withheld on these grounds.

Conditions are recommended that limit the hours of construction and require adherence to the City Council's Code of Construction Practice. An informative is also added advising the construction manager to keep the National Portrait Gallery and Garrick Theatre informed about the works.

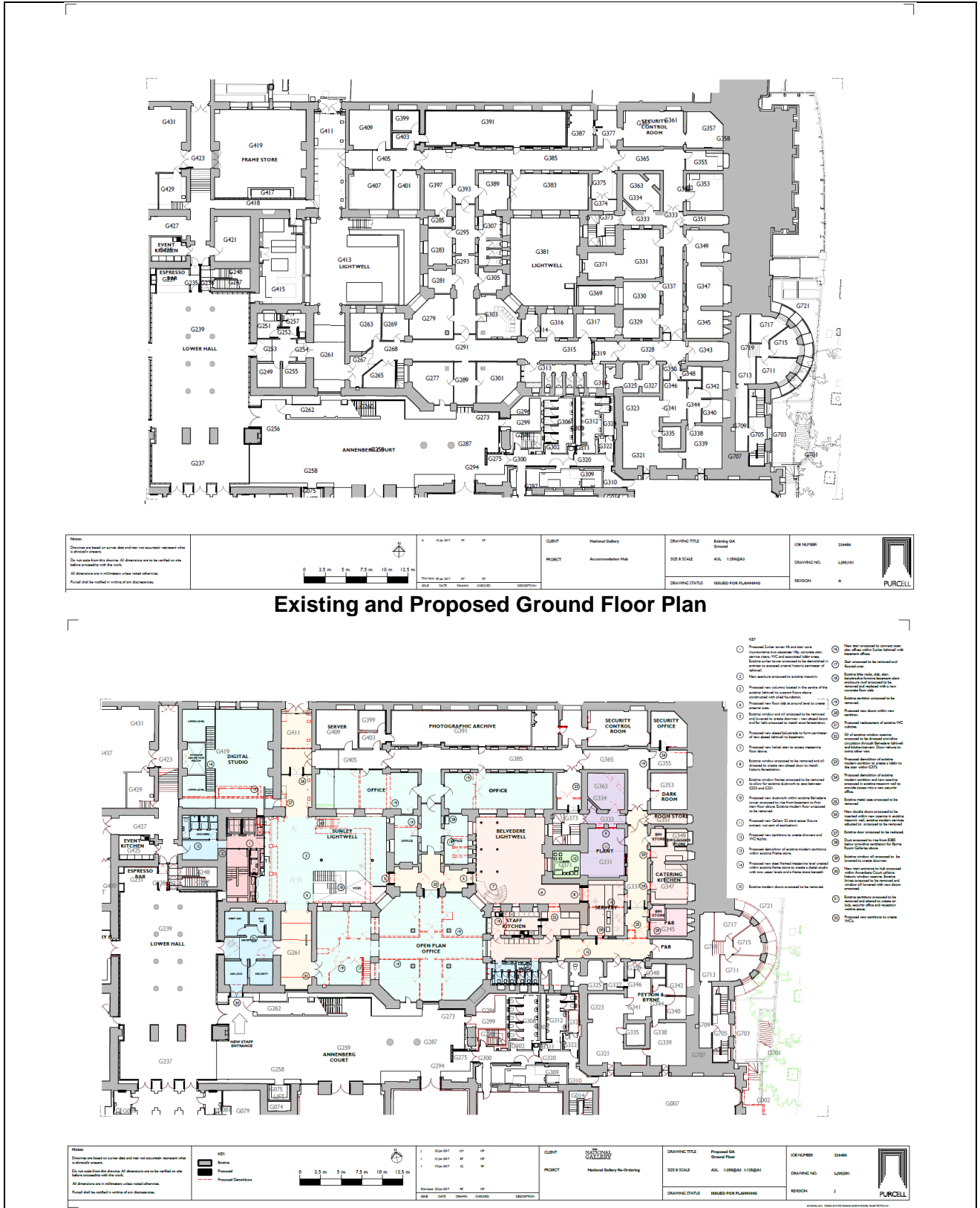
9. BACKGROUND PAPERS

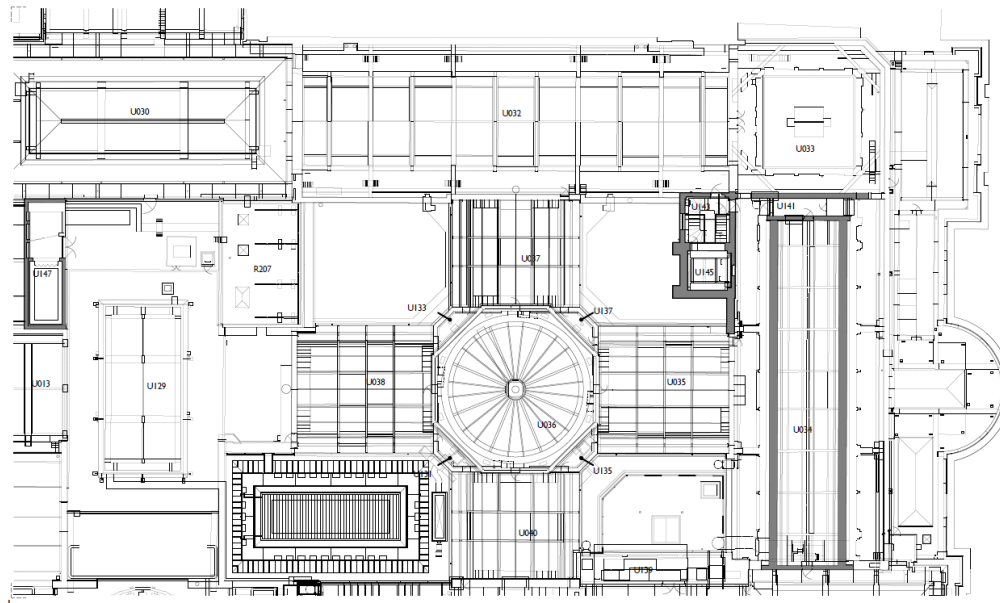
1. Application form
2. Response from Westminster Society, dated 25 April 2017
3. Memorandum from Cleansing Manager, dated 2 May 2017
4. Memorandum from Highways Planning Manager, dated 3 May 2017
5. Memorandum from Environmental Health, dated 8 May 2017
6. Response (x2) from Historic England, both dated 9 May 2017
7. Objection from Nimax Theatres, 11 Maiden Lane, dated 9 May 2017
8. Objections (x3) from The National Portrait Gallery, St Martin's Place, dated 22 May 2017, 7 July 2017 and 11 July 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: VICENT NALLY BY EMAIL AT vnally@westminster.gov.uk

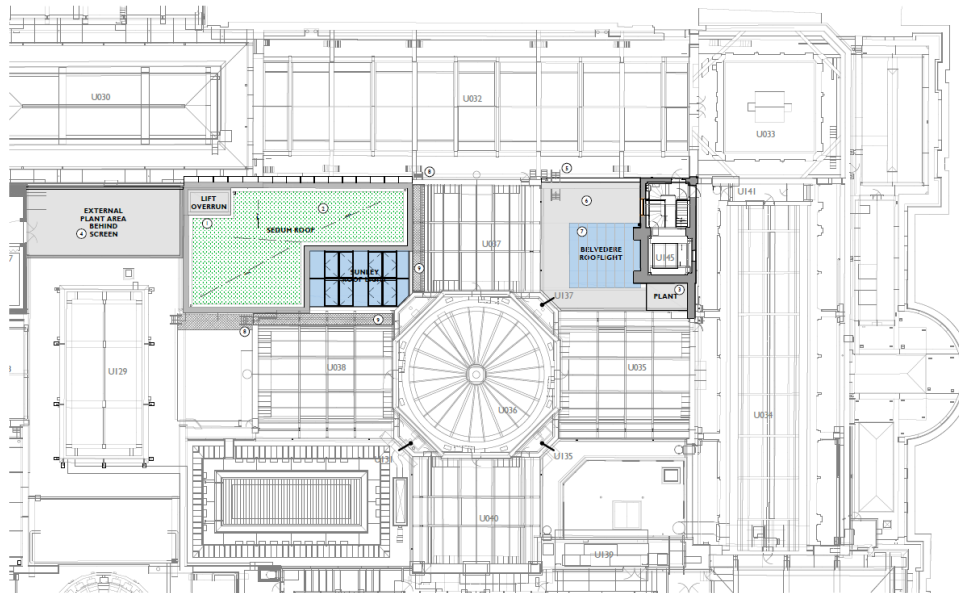
10. KEY DRAWINGS





<p>Notes</p> <p>Drawings are based on current data and may not accurately represent what is currently in place.</p> <p>Do not scale from this drawing. All dimensions are to be verified on site before construction with the work.</p> <p>All dimensions are in millimeters unless noted otherwise.</p> <p>Partial shall be verified in context of any dimensions.</p>		<p>A 0 Jan 2017 1P 1P</p>	<p>CLIENT National Gallery</p>	<p>DRAWING TITLE Existing GA Upper Roof Plan</p>	<p>JOB NUMBER 21448</p>
		<p>PROJECT Accommodation Hub</p>	<p>SIZE & SCALE A1L 1:250(A)</p>	<p>DRAWING NO. L0801P</p>	
		<p>DATE 10/11/2016</p>	<p>DRAWING STATUS ISSUED FOR PLANNING</p>	<p>REVISION A</p>	
		<p>SCALE 1:250</p>			

Existing and Proposed Roof Plan



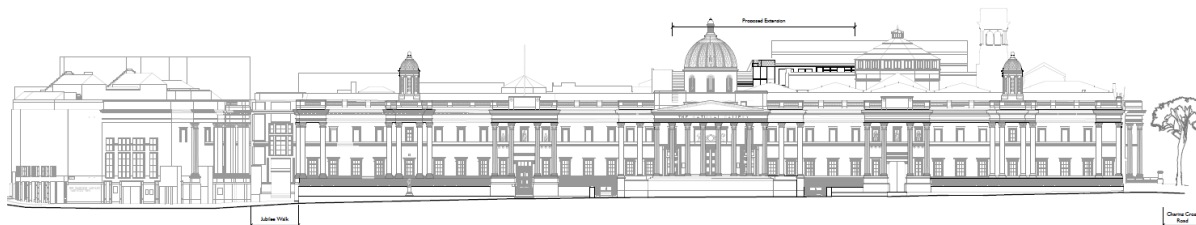
- KEY
- 1 Proposed lift over run to be clad in modified copper cladding
 - 2 Proposed external roof to new Section 2000
 - 3 Proposed roof air membrane to be replaced
 - 4 Proposed new air membrane to be replaced
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		<p>PROJECT National Gallery Re-Ordering</p>	<p>SIZE & SCALE A1L 1:250(A)</p>	<p>DRAWING NO. L0801P</p>	
		<p>DATE 10/11/2016</p>	<p>DRAWING STATUS ISSUED FOR PLANNING</p>	<p>REVISION B</p>	
		<p>SCALE 1:250</p>			

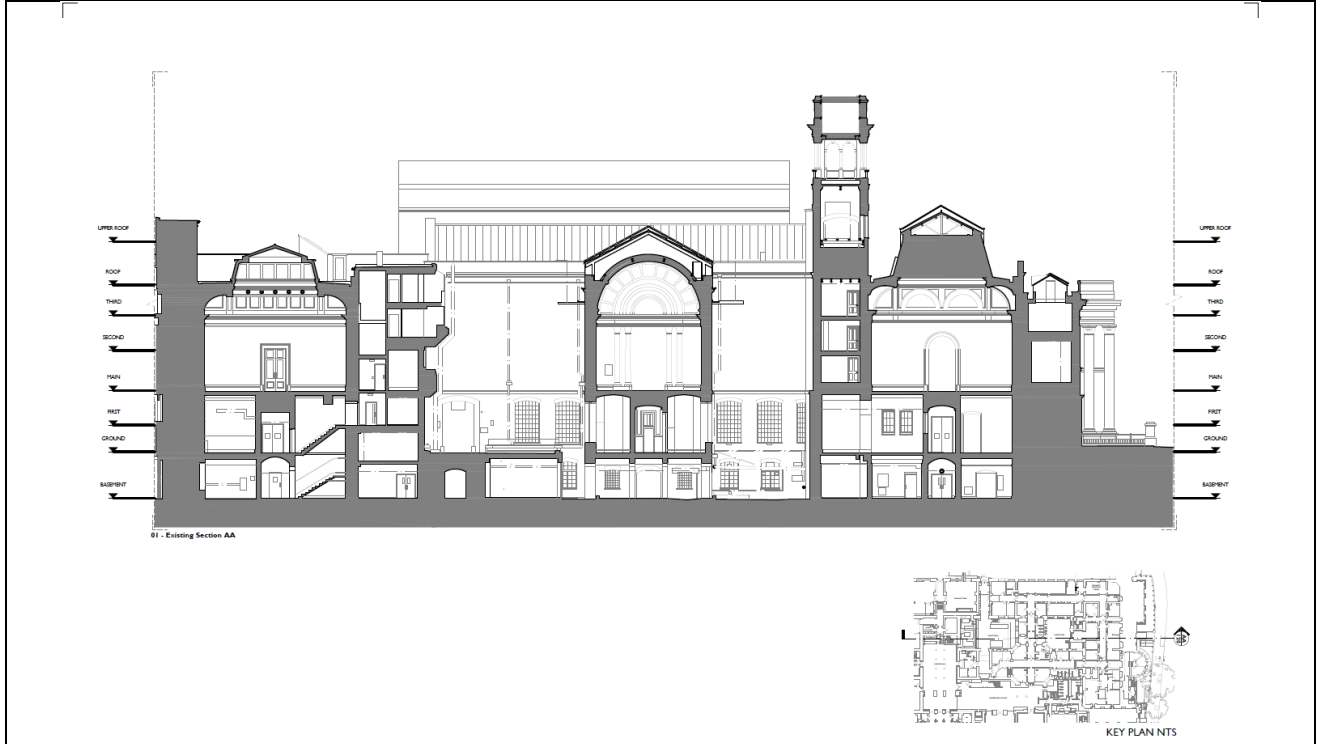


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			<p>DATE: 04/21/2017</p> <p>DESIGN: GREGORY</p> <p>DESCRIPTION:</p>			

Existing and Proposed Trafalgar Square Elevation (North)

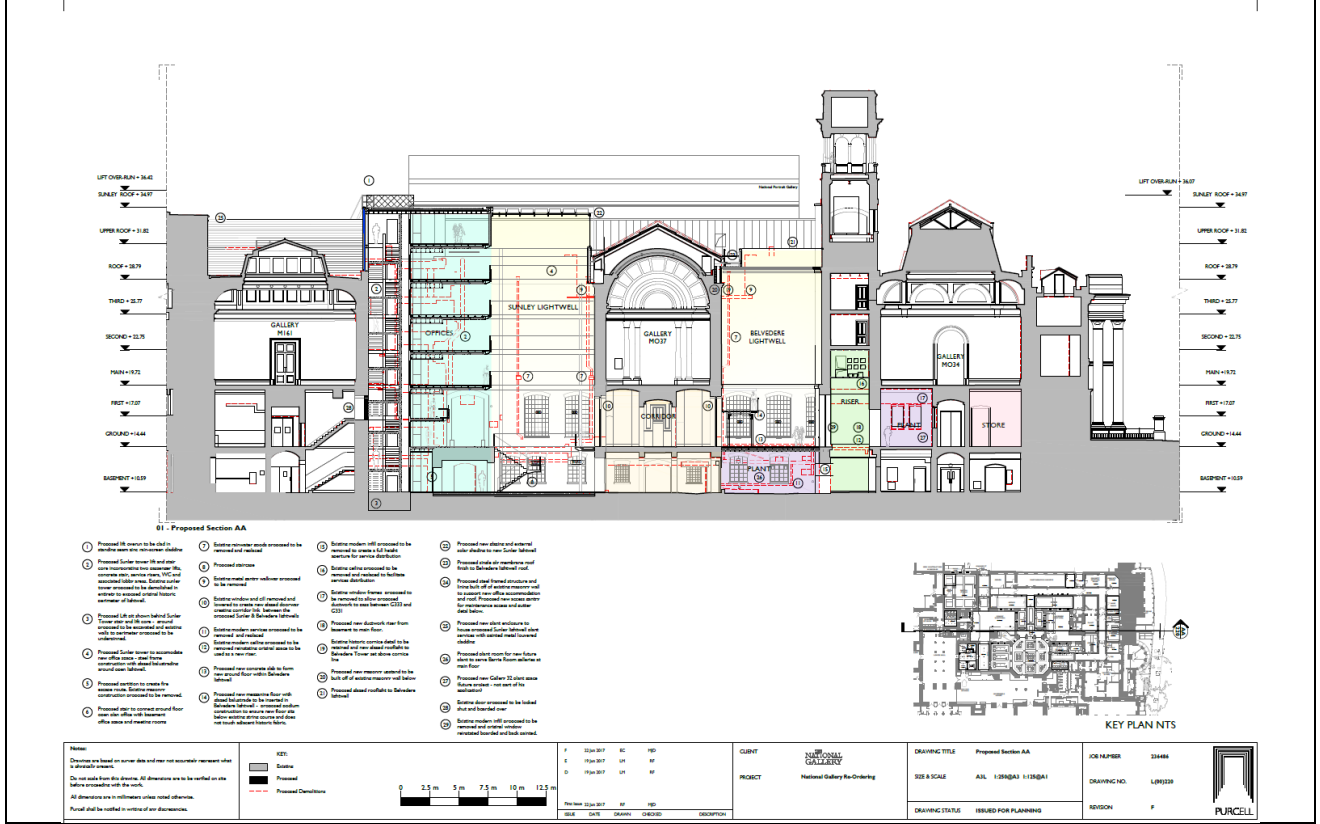


<p>Notes</p> <p>Drawings are based on current data and may not accurately represent what is currently in place.</p> <p>Do not scale from this drawing. All dimensions are to be verified on site before construction with the owner.</p> <p>All dimensions are in millimeters unless noted otherwise.</p> <p>Purcell shall be notified in writing of any discrepancies.</p>		<p>DATE: 02/24/2017</p> <p>DESIGN: JEN</p> <p>DESCRIPTION:</p>	<p>CLIENT: NATIONAL GALLERY</p> <p>PROJECT: National Gallery Re-Ordering</p>	<p>DRAWING TITLE: Proposed South Elevation</p> <p>SIZE & SCALE: A1L 1:800(A) 1:180(B)</p> <p>DRAWING STATUS: ISSUED FOR PLANNING</p>	<p>JOB NUMBER: 21448</p> <p>DRAWING NO.: LNS028</p> <p>REGION: B</p>	
			<p>DATE: 02/24/2017</p> <p>DESIGN: JEN</p> <p>DESCRIPTION:</p>			

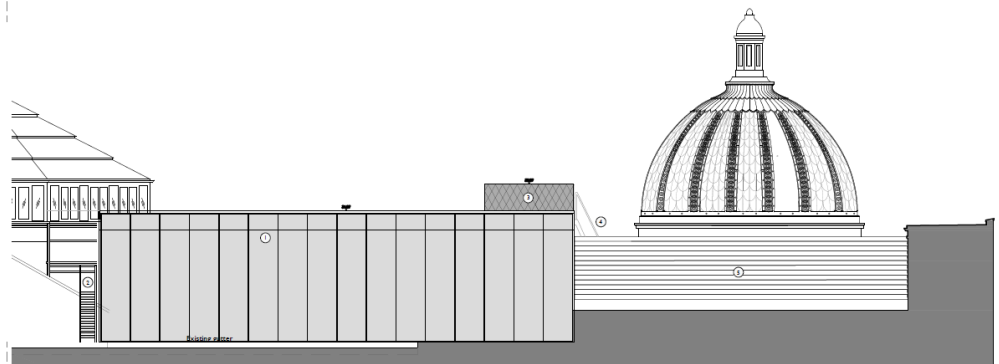


<p>Notes</p> <p>Drawings are based on current data and may not accurately represent what is currently in place.</p> <p>Do not scale from this drawing. All dimensions are to be verified on site before construction with the owner.</p> <p>All dimensions are in millimeters unless noted otherwise.</p> <p>Purcell shall be notified in writing of any discrepancies.</p>		<p>CLIENT: NATIONAL GALLERY</p>	<p>DRAWING TITLE: Existing Section AA</p>	<p>JOB NUMBER: 23448</p>	
		<p>PROJECT: National Gallery Re-Ordering</p>	<p>SIZE & SCALE: A1L 1:125(A) 1:125(B)</p>	<p>DRAWING NO.: L09128</p>	
		<p>DATE: 10/27/2017</p>	<p>DRAWING STATUS: ISSUED FOR PLANNING</p>	<p>REVISION:</p>	
		<p>SCALE: ARCH. GRAPHIC</p>	<p>REVISION:</p>	<p>REVISION:</p>	

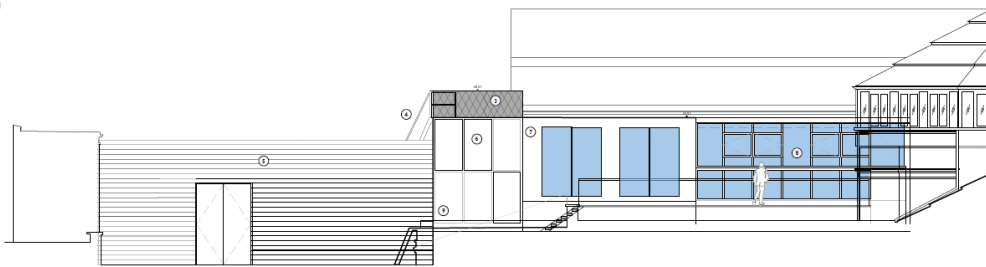
Existing and Proposed Section (North)



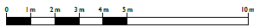
<p>Notes</p> <p>Drawings are based on current data and may not accurately represent what is currently in place.</p> <p>Do not scale from this drawing. All dimensions are to be verified on site before construction with the owner.</p> <p>All dimensions are in millimeters unless noted otherwise.</p> <p>Purcell shall be notified in writing of any discrepancies.</p>		<p>CLIENT: NATIONAL GALLERY</p>	<p>DRAWING TITLE: Proposed Section AA</p>	<p>JOB NUMBER: 23448</p>	
		<p>PROJECT: National Gallery Re-Ordering</p>	<p>SIZE & SCALE: A1L 1:125(A) 1:125(B)</p>	<p>DRAWING NO.: L09128</p>	
		<p>DATE: 10/27/2017</p>	<p>DRAWING STATUS: ISSUED FOR PLANNING</p>	<p>REVISION:</p>	
		<p>SCALE: ARCH. GRAPHIC</p>	<p>REVISION:</p>	<p>REVISION:</p>	



North Roof Elevation
I:125@A3



South Roof Elevation
I:125@A3



Notes:
 Dimensions are based on screen data and may not accurately represent what is shown on screen.
 Do not scale from this drawing. All dimensions are to be verified on site before construction with the work.
 All dimensions are in millimeters unless noted otherwise.
 Purcell shall be notified in writing of any discrepancies.
 Key Plan:
 not to scale

- KEY:
- ① Insulate over any non-recessed ceiling
 - ② Proposed metal ladder for maintenance access
 - ③ Proposed fire separation to be clad in modified corner 'metal'
 - ④ Proposed metal ladder for maintenance access
 - ⑤ Proposed steel enclosure clad in painted metal (uncoated ceiling)
 - ⑥ Proposed fire wall and fire door to service entrance after reconstruction - to be clad in zinc-recoated ceiling
 - ⑦ Proposed new office accommodation, with existing Sinter Cultural - reconstruction details and zinc ceiling
 - ⑧ Proposed new steel roof with external zinc cladding 2.0% slope with longitudinal water drainage - see section for details and dimensions for steel
 - ⑨ Proposed metal ladder and access walkway to provide access for maintenance

A	20 Jun 2017	UM	MP
Revision	20 Jun 2017	MP	MP
DATE	DATE	ISSUED BY	DESCRIPTION
CLIENT	National Gallery		
PROJECT	National Gallery Re-Opening		
DRAWING TITLE	Proposed New Roof Elevation		
SIZE & SCALE	1:125@A3		
DRAWING STATUS	ISSUED FOR PLANNING		
JOB NUMBER	236456		
DRAWING NO.	L000354		
REVISION	A	PURCELL	

Proposed Detailed Elevations

Existing view from NPG restaurant (standing)



Computer Generated Image - View from Portrait Restaurant Existing and Proposed

Proposed view from NPG restaurant (standing)



DRAFT DECISION LETTER

- Address:** The National Gallery , Trafalgar Square, London, WC2N 5DN
- Proposal:** Removal of existing structures and the erection of infill extensions to the Sunley and Belvedere lightwells, to provide additional Class D1 floorspace, and associated rooftop structures and other external alterations. Linked to 17/03152/LBC
- Plan Nos:** Location Plan; Site Plan; L(00)100 rev A; L(00)101 rev A; L(00)102 rev A; L(00)103 rev A; L(00)104 rev A; L(00)105 rev A; L(00)106 rev A; L(00)107 rev A; L(00)120; L(00)121; L(00)122; L(00)123; L(00)126; L(00)127; L(00)130; L(00)132; L(00)200 rev J; L(00)201 rev J; L(00)202 rev J; L(00)203 rev I; L(00)204 rev G; L(00)205 rev G; L(00)206 rev G; L(00)207 rev I; L(00)208 rev B; L(00)220 rev F; L(00)221 rev F; L(00)222 rev D; L(00)223 rev C; L(00)224 rev D; L(00)225 rev D; L(00)226 rev B; L(00)227 rev D; L(00)230 rev B; L(00)231 rev A; L(00)232 rev B; L(00)200 rev J; L(00)233 rev A; L(00)234 rev A; L(00)235 rev B; A(66)201 rev B; A(66)202 rev B; A(66)204 rev A; A(66)301 rev B; A(66)302 rev B; A(66)304 rev B; L(00)300 rev C; L(00)301 rev D; L(00)302 rev B; L(00)303 rev B; L(00)304 rev B; L(00)305 rev B; L(00)306 rev B; L(00)307 rev B; Cover Letter (Montagu Evans); Design and Access Statement March 2017 (Purcell); Heritage Statement March 2017 (Purcell); Visual Impact Study (millerhare); Planning Statement April 2017 (Montagu Evans); Energy Statement March 2017 (Andrew Reid); Noise Impact Assessment Fixed External Plant March 2017 (waterman); Historic Environment Assessment March 2017.

For information only:

Outline Structural Survey/ Methodology Brief Report (The Morton Partnership).

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties, 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)

- 6 You must apply to us for approval of details of secure cycle storage for the gallery use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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

- 7 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the . (C14EC)

Reason:

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

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

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

(f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 10 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 8 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 11 You must provide the environmental sustainability features (environmentally friendly features) outlined in the Energy Statement dated March 2017 and as set out in your application, before you start to use any part of the development. You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in

your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 12 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

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

- 13 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The construction manager should keep the National Portrait Gallery, Garrick Theatre and other nearby neighbours informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

- 3 Condition 6 requires you submitted details of cycle parking. You are advised you will need to replace the existing cycle parking spaces that are located within the existing lightwell and as well as providing at least 19 further cycle parking spaces as required by the London Plan.
- 4 Conditions 8, 9 and 10 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)
- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 6 With reference to Condition 13 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.

DRAFT DECISION LETTER

- Address:** The National Gallery , Trafalgar Square, London, WC2N 5DN
- Proposal:** Removal of existing structures and the erection of infill extensions to the Sunley and Belvedere lightwells, to provide additional Class D1 floorspace, and associated rooftop structures and other external and internal alterations. Linked to 17/03151/FULL
- Plan Nos:** Location Plan; Site Plan; L(00)100 rev A; L(00)101 rev A; L(00)102 rev A; L(00)103 rev A; L(00)104 rev A; L(00)105 rev A; L(00)106 rev A; L(00)107 rev A; L(00)120; L(00)121; L(00)122; L(00)123; L(00)126; L(00)127; L(00)130; L(00)132; L(00)200 rev J; L(00)201 rev J; L(00)202 rev J; L(00)203 rev I; L(00)204 rev G; L(00)205 rev G; L(00)206 rev G; L(00)207 rev I; L(00)208 rev B; L(00)220 rev F; L(00)221 rev F; L(00)222 rev D; L(00)223 rev C; L(00)224 rev D; L(00)225 rev D; L(00)226 rev B; L(00)227 rev D; L(00)230 rev B; L(00)231 rev A; L(00)232 rev B; L(00)200 rev J; L(00)233 rev A; L(00)234 rev A; L(00)235 rev B; A(66)201 rev B; A(66)202 rev B; A(66)204 rev A; A(66)301 rev B; A(66)302 rev B; A(66)304 rev B; L(00)300 rev C; L(00)301 rev D; L(00)302 rev B; L(00)303 rev B; L(00)304 rev B; L(00)305 rev B; L(00)306 rev B; L(00)307 rev B; Cover Letter (Montagu Evans); Design and Access Statement March 2017 (Purcell); Heritage Statement March 2017 (Purcell); Visual Impact Study (millerhare); Planning Statement April 2017 (Montagu Evans); Historic Environment Assessment March 2017.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

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

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

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

Reason:
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)
- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork,

architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

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

- 5 You must apply to us for approval of detailed drawings of the following parts of the development:
- i) any new windows at a scale of 1:10 with x-sections at 1:5
 - ii) any new doors at a scale of 1:10
 - iii) new rooflights at a scale of 1:20

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.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 6 You must apply to us for approval of a methodology of any brick or stone cleaning that you may want to undertake. As part of this process, you must clean a sample area for inspection by the City Council, the location and size of the sample area to be agreed with the City Council in advance. You must not start work on cleaning until we have approved the methodology you have sent us.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

- 1 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
- * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

- 2 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 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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Item No.
10

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 August 2017	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	157 Edgware Road, London, W2 2HR		
Proposal	Use of part basement, ground, first and second floors as a hotel (Class C1), external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure on flat roof above second floor level.		
Agent	Criterion Capital		
On behalf of	Criterion Capital		
Registered Number	16/11276/FULL	Date amended/ completed	28 November 2016
Date Application Received	28 November 2016		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application seeks permission for the use of part of the basement, ground, first and second floors as a hotel (Class C1), with external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure on the flat roof above second floor level.

The application was reported to the Planning Applications Committee on 4 April 2017 at which the Committee resolved to defer the application. The reason for deferral was as follows:

‘That the application be deferred for an updated transport and servicing report to be provided to include the impact of amendments to the junction of Edgware Road and Burwood Place and for the applicant to provide an operational management plan, including arrangements for arrivals and departures and details of restrictions to be placed on coaches, and for the application to then be put before this Committee for further consideration.’

In response the applicants have updated their Transport Assessment to consider the impact that the

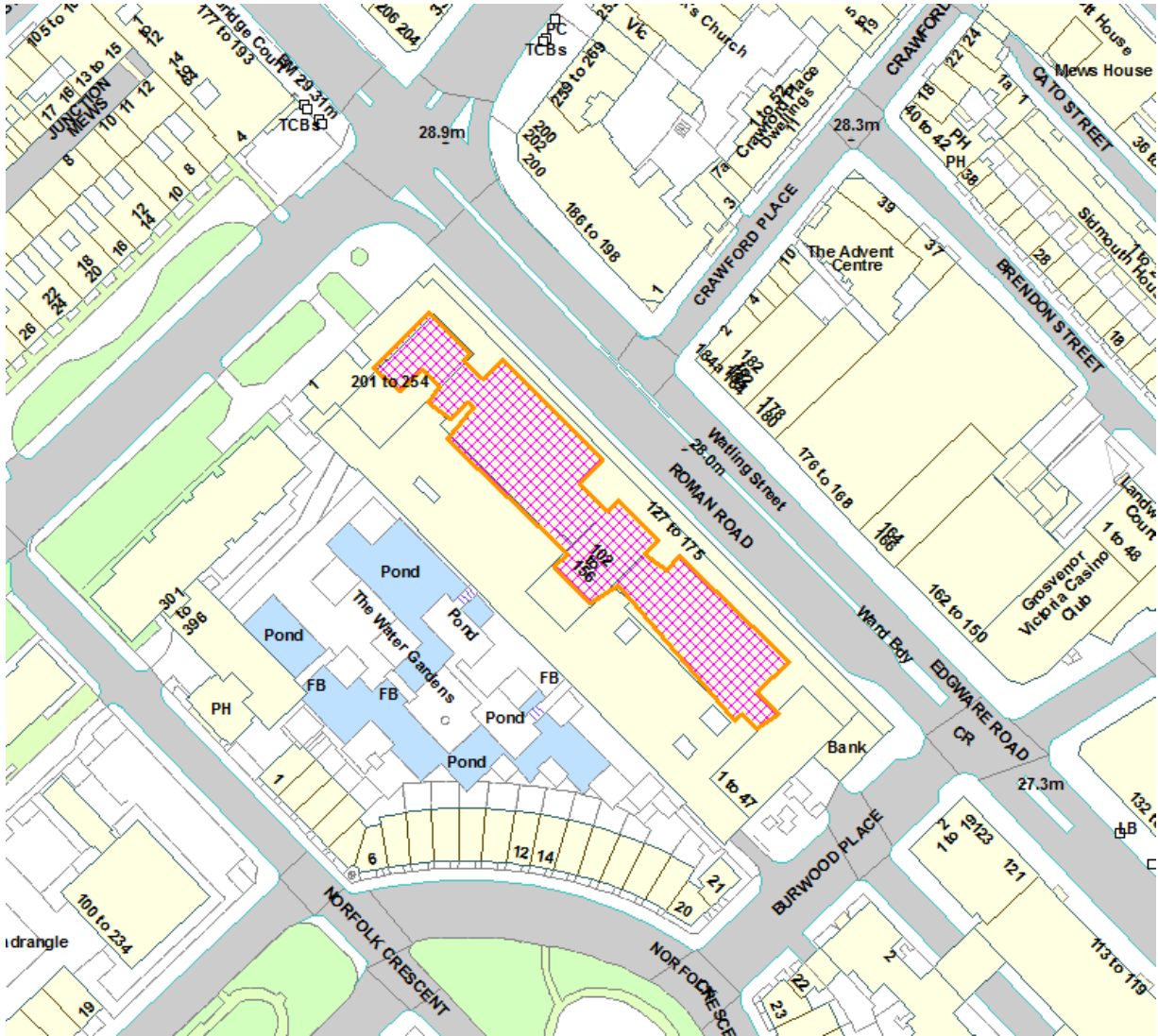
proposed Transport for London (TfL) alterations to the junction of Edgware Road and Burwood Place would have on servicing of the proposed hotel. Servicing vehicles would still be able to approach the existing on-site basement servicing bay from both directions along Burwood Place and the Highways Planning Manager is content that the reduced highway width in Burwood Place at the junction with Edgware Road would not prevent servicing vehicles turning into the basement servicing bay (see a draft plan of the proposed TfL highway alterations in the background papers).

The proposed TfL highway alterations would make Burwood Place one way west bound at the junction with Edgware Road and therefore vehicles leaving the basement servicing bay, which is also used by vehicles servicing shops facing Edgware Road and the existing lawful office use of the application site, would have to turn to the west out of the servicing bay on to Burwood Place, before heading either north along Norfolk Crescent to Sussex Gardens or south along Norfolk Crescent/ Porchester Place to Kendal Street. Given the servicing bay is long established and as the servicing requirements of the proposed hotel would not be significantly greater than the existing office use, the Highways Planning Manager is content that the impact on servicing of the potential future TfL highway alterations are not such it would not be reasonable to withhold permission on this ground.

In terms of the operational management of the hotel, the applicant has provided an Operational Management Plan and this undertakes that the hotel will not accommodate coach/ tour groups and this will be enforced at booking stage. It is proposed to staff the hotel over 24 hours, 7 days a week. No provision will be made for parking for guests, save for a disabled space at basement level and guests will be expected to arrive at the site by public transport or taxi. Eight cycle parking spaces will be provided at basement level. Servicing vehicle movements would be limited to seven vehicles using the basement servicing yard each day. It is recommended that a condition is imposed requiring the hotel use to be operated in accordance with the Operational Management Plan to ensure the use does not obstruct the public highway.

In light of the updated Transport Assessment and the Operational Management Plan that have been submitted, the proposed development is considered to be acceptable, subject to the recommended conditions and would accord with the relevant policies in the London Plan (March 2016), the Unitary Development Plan (UDP) we adopted in January 2007 and Westminster's City Plan (the City Plan) which was adopted November 2016.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Edgware Road elevation (top) and Burwood Place frontage (bottom).

5. CONSULTATIONS

Late and Additional Representations Reported Verbally to the Planning Applications Committee on 4 April 2017

COUNCILLOR COX AND COUNCILLOR ACTON

Objection on following grounds:

- Proposal is in contravention of policy on intensification of hotels in area at lower end of the market.
- Loss of office space.
- Negative impact on the Edgware Road Stress Area.
- Hotel would increase demand for nearby late night cafes and takeaways.
- Note that some of the application documents are now four years old and do not account of prospective changes to the Edgware Road/ Burwood Place/ Harrowby Street junction, which will restrict access at this junction to benefit cyclists.
- Consider condition to prevent coach parties to be unenforceable in practice.
- No coach parking space is to be provided.

Letter from the applicant dated 9 January 2017 responding to the earlier representations made on behalf of the Church Commissioners.

Additional Consultation on Revised Transport Assessment and Operational Management Plan Submitted Since Planning Applications Committee on 4 April 2017

WARD COUNCILLORS (HYDE PARK WARD)

Any response to be reported verbally.

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

ST. MARYLEBONE SOCIETY

This is a very interesting modern complex and the original design, including the pavement canopy deserves to be retained. Defer to Planning officer.

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

No objection following provision of updated Transport Assessment and Operational Management Statement and clarification that the entrance to the basement servicing bay is beyond the western end of the proposed TfL highway alterations in Burwood Place. Requests that the additional tracking is provided to confirm whether larger vehicles such as a refuse collection vehicle could access the servicing bay from the east through the proposed altered highway arrangement proposed by TfL (note that these vehicles will continue to have unhindered access and egress approaching from the west along Burwood Place). Content that the Operational Management Plan (OMP) will preclude coach parties provided a condition is used to enforce compliance with the OMP.

TRANSPORT FOR LONDON

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 316

Total No. of replies: 2.

No. of objections: 2.

No. in support: 0.

Two emails received raising objection on all or some of the following grounds:

Design

- Louvres and blacking out of windows are not in keeping with architectural style of the building.
- New plant structure would be visible to residents of the Water Gardens and would compromise the architects vision.

Amenity

- Looks like it will be used as a budget hotel that may attract sex trade or used as temporary accommodation for the homeless.
- Not an appropriate neighbour for residential flats.
- Noise disturbance from proposed mechanical plant.

Other Matters

- Increase in traffic would be 'immense'.
- Increased traffic at Burwood Place junction.
- Question where TfL bus stop would be moved to (if coach bay were proposed).
- Coach bay on Edgware Road should not be permitted as will reduce feeder lane to Sussex Gardens and cause noise from waiting vehicles.

6. BACKGROUND PAPERS

1. Application form.
2. Representations as previously reported to the Planning Applications Committee on 4 April 2017.

Late and Additional Representations Reported Verbally to the Planning Applications Committee on 4 April 2017

3. Email from the applicant dated 9 January 2017.
4. Letter from Councillor Cox and Councillor Acton dated 4 April 2017.

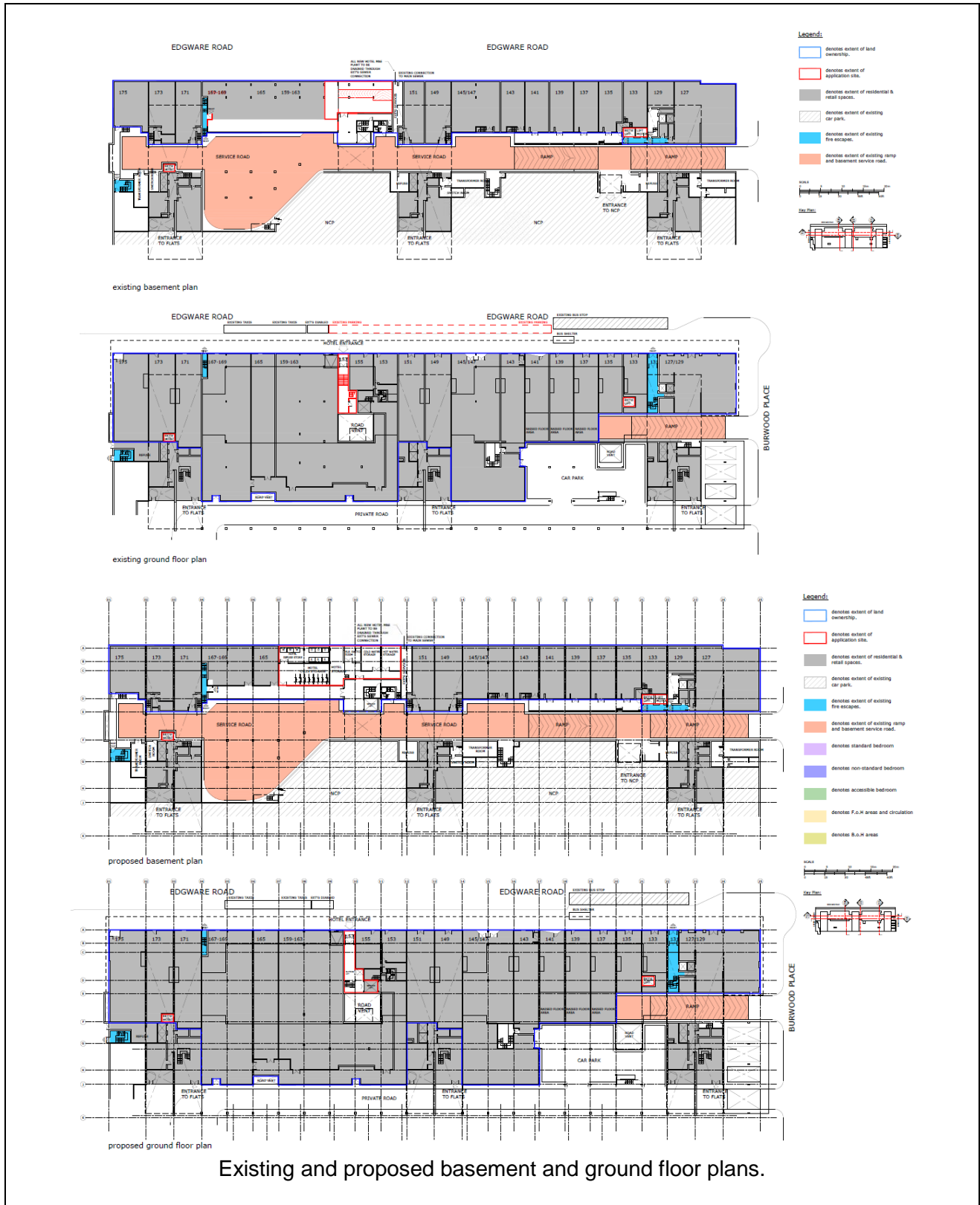
Additional Representations Received Since 4 April 2017 Committee

5. Email from the St. Marylebone Society dated 14 June 2017.
6. Emails from the Highways Planning Manager dated 14 July 2017 and 20 July 2017 (including plan of TfL highway works to junction of Edgware Road and Burwood Place).
7. Email from an occupier of 136 The Water Gardens, Burwood Place dated 19 June 2017.
8. Email from an occupier of 136 The Water Gardens, Burwood Place dated 28 June 2017.

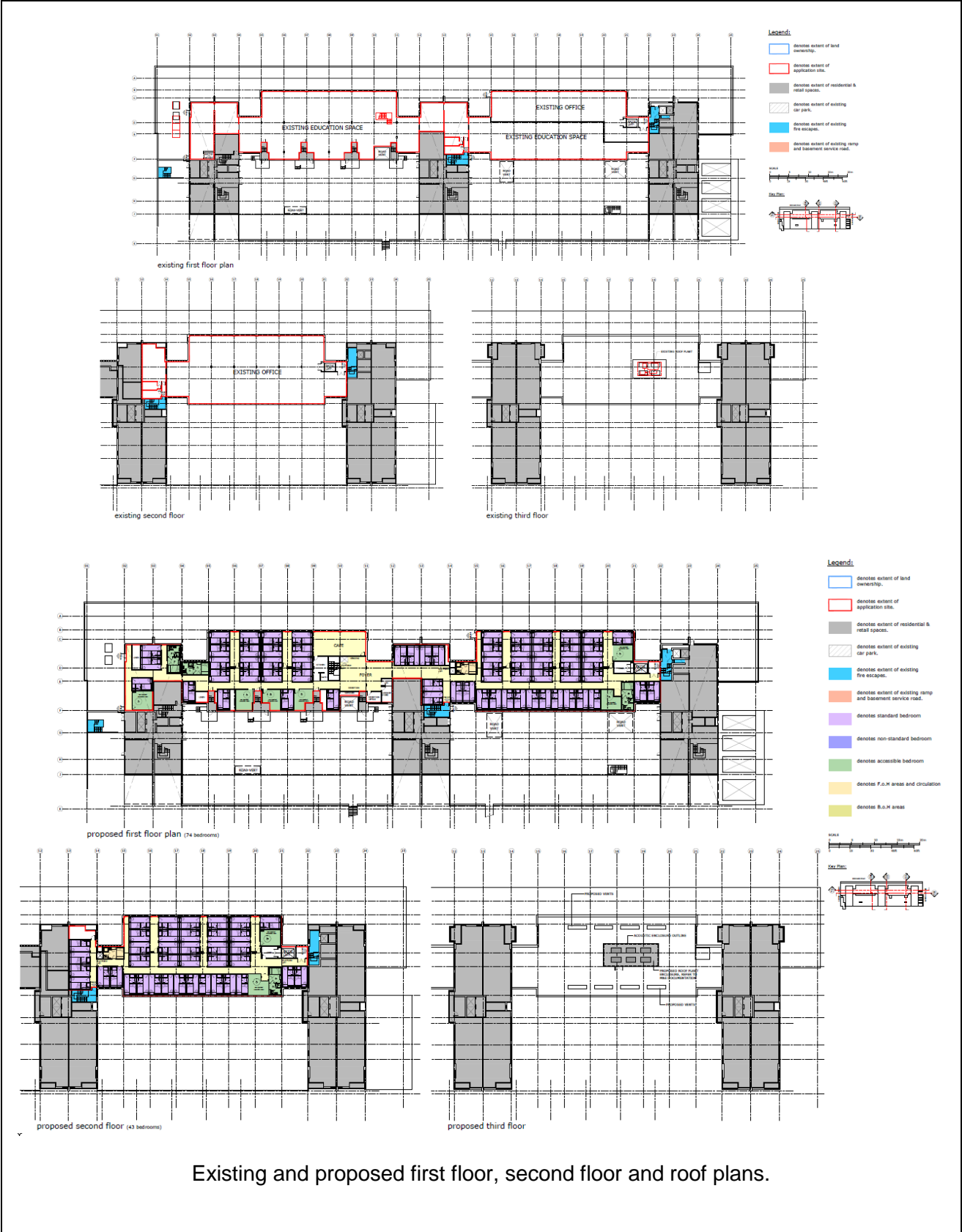
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk .

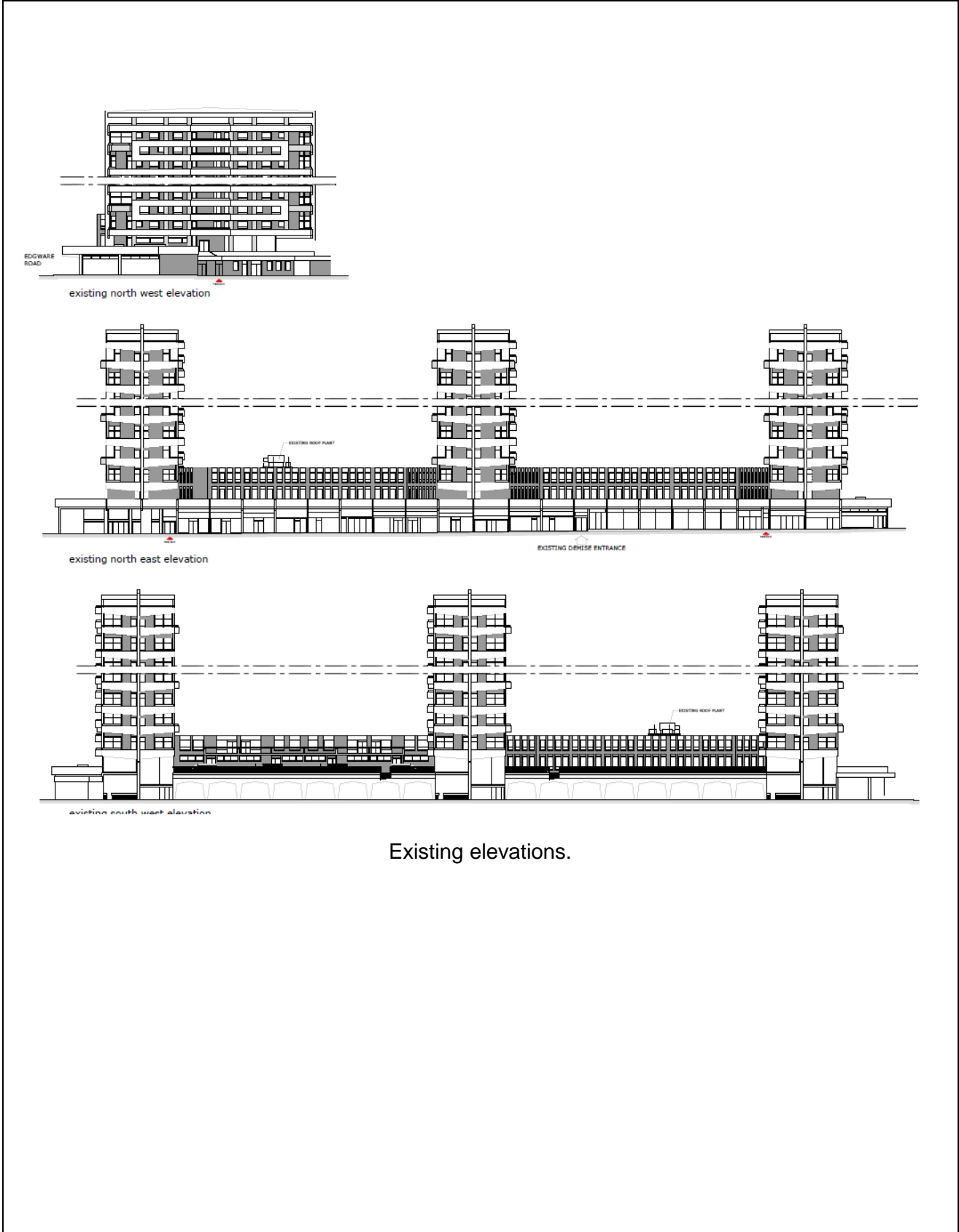
7. KEY DRAWINGS



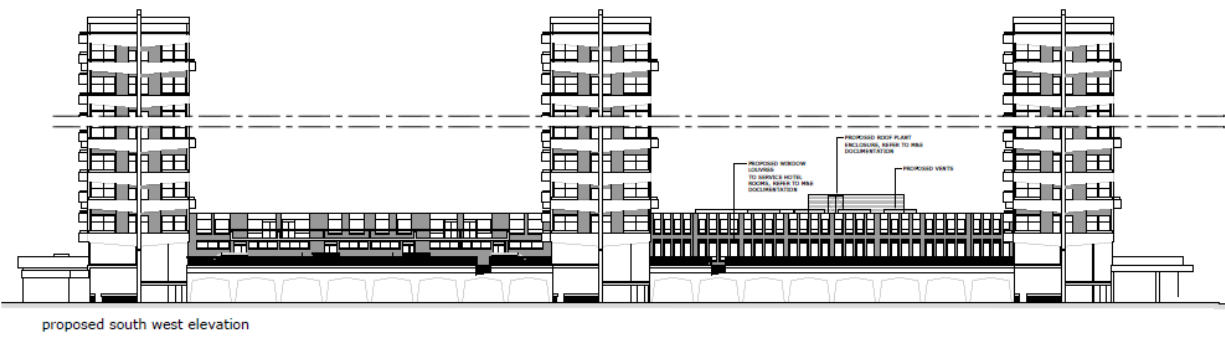
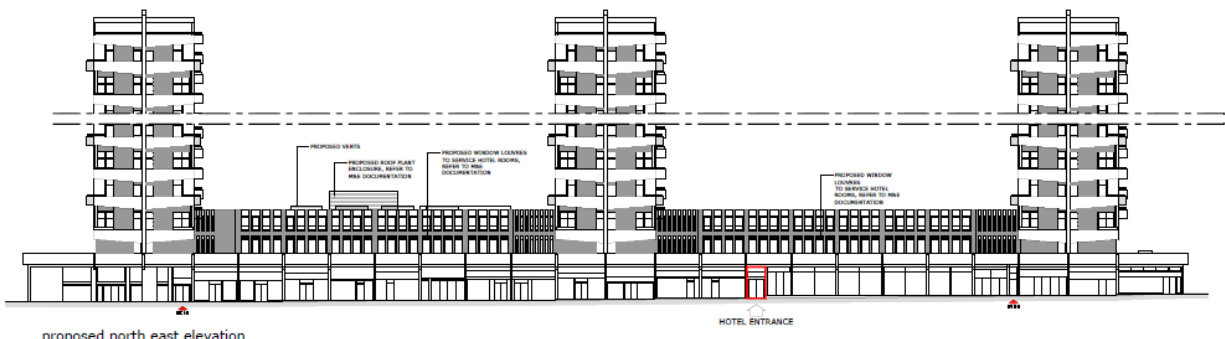
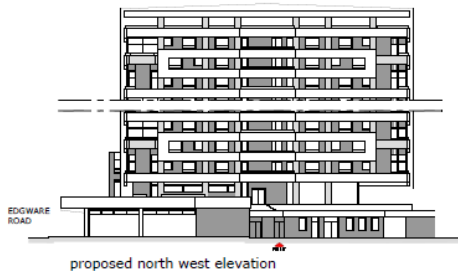
Existing and proposed basement and ground floor plans.



Existing and proposed first floor, second floor and roof plans.



Existing elevations.



Proposed elevations.

DRAFT DECISION LETTER

Address: 157 Edgware Road, London, W2 2HR,

Proposal: Use of part basement, ground, first and second floors as a hotel (Class C1), external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure on flat roof above second floor level.

Plan Nos: PL(00)001, PL(00)010, PL(00)011, PL(00)020 Rev.A, PL(00)021 Rev.A, PL(00)100 Rev.A, PL(00)110 Rev. A, PL(00)111, PL(00)200, PL(00)201, PL(00)210, PL(00)211, PL(90)001, Planning Statement dated October 2016, Design and Access Statement by Criterion Capital/ Maith dated January 2017, Noise Impact Assessment dated 13 February 2017 (ref: 7929-NIA-02), Waste Statement dated April 2013, Transport Statement dated July 2017 (Rev.B), Operational Management Plan dated July 2017 (Rev.B) and Framework Travel Plan dated June 2017 (Rev.A).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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 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)

- 4 You must apply to us for approval of detailed drawings (scale 1:50) and a sample of the screen around the proposed mechanical plant at third floor roof level. The screen must then be erected prior to the hotel use commencing and the mechanical plant within the enclosure becoming operational. The screen must be maintained for the entire operational life of the mechanical plant. It may only be removed in the event that an alternative screen is agreed under the terms of this condition, or the mechanical plant installation is permanently removed in its entirety from the roof.

Reason:

To protect the amenity of neighbouring residents and 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 CS28, CS29 and CS32 of Westminster's City Plan: Strategic Policies which is to be adopted by Full Council on 13 November 2013 and ENV 6, ENV 7, DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 (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.

- 6 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.

- 7 All servicing of the hotel, including waste and recycling collection, must be carried out within the existing basement servicing area as shown on drawing PL(00)020 (area shown in blue and annotated 'Service Road') and shall not be carried out on the public highway.

Reason:

To ensure that servicing of the hotel does not obstruct the public highway. As set out in Policies ENV12 and TRANS20 in our Unitary Development Plan that we adopted in January 2007 and Policy S42 of Westminster's City Plan which was adopted in November 2016.

- 8 You must operate the hotel use hereby approved in accordance with the Operational Management Plan by Odyssey dated July 2017 and in accordance with that operational management plan you must prevent the hotel guests arriving at and departing the hotel premises in any vehicle containing more than 15 seats.

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 that was adopted in November 2016, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007 and Policy 6.13 in the London Plan adopted in March 2016. (R23AC)

- 9 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction traffic management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan must include the following details (where appropriate):

- (i) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (ii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iii) erection and maintenance of security hoardings.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To prevent obstruction of the Transport for London Strategic Road Network and the local road network as set out in S29 of Westminster's City Plan that was adopted in November 2016, STRA 25, TRANS 2, TRANS 3 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007 and 6.11 in the London Plan adopted in March 2016.

- 10 You must apply to us for approval of full particulars including detailed drawings at 1:50 of the arrangements to provide access for the disabled to the first floor from the hotel front entrance.

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 particulars and drawings.

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)

- 11 The vents/ louvres to be inserted in the facade of the building at first floor level shall be finished in a colour to match the colour of the first floor window frames.

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 cafe area at first floor level shall only be used by hotel guests and shall not be open to visiting members of the public at any time.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 13 You must not cook raw or fresh food on the premises. (C05DA)

Reason:

We do not have enough information to decide whether it would be possible to provide extractor equipment that would deal properly with cooking smells and look suitable. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05DC)

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

Reason:

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

- 15 You must provide the waste store shown on drawing PL(00)020 Rev.A before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the hotel. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 16 You must apply to us for approval of detailed drawings showing the method by which the existing windows at first and second floor level will be obscured so that the windowless hotel rooms and associated internal structures would not be visible externally. 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 detailed drawings that we approve prior to occupation of the hotel use. Thereafter you must retain and maintain the obscured windows in accordance with the

details we approve.

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 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:

John Firrell MHCIMA
Secretary - Considerate Hoteliers Association
C/o Wheelwright's Cottage
Litton Cheney
Dorset DT2 9AR

E-mail: info@consideratehoteliers.com

Phone: 01308 482313

(I76AA)

- 5 Conditions 4, 5 and 6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 6 You are 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.

Minutes of Planning Applications Committee (1) - 4 April 2017

8 157 EDGWARE ROAD, LONDON, W2 2HR

Use of part basement, ground, first and second floors as a hotel (Class C1), external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure on flat roof above second floor level.

An additional representation was received from Katy Walker (09.01.2017).

A late representation was received from Councillors Heather Acton and Antonia Cox (04.04.2017).

Councillor Antonia Cox declared that she lived in the area where the application site was located. She then addressed the Committee in her capacity as a Ward Councillor in representing the views of residents and objecting to the application.

The presenting officer tabled the following additional condition:

Additional Condition

You must apply to us for approval of detailed drawings showing the method by which the existing windows at first and second floor level will be obscured so that the windowless hotel rooms and associated internal structures would not be visible externally. 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 detailed drawings that we approve prior to occupation of the hotel use.

Thereafter you must retain and maintain the obscured windows in accordance with the details we approve.

Additional 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.

RESOLVED:

That the application be deferred for an updated transport and servicing report to be provided to include the impact of amendments to the junction of Edgware Road and Burwood Place and for the applicant to provide an operational management plan, including arrangements for arrivals and departures and details of restrictions to be placed on coaches, and for the application to then be put before this Committee for further consideration.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 4 April 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	157 Edgware Road, London, W2 2HR		
Proposal	Use of part basement, ground, first and second floors as a hotel (Class C1), external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure on flat roof above second floor level.		
Agent	Criterion Capital		
On behalf of	Criterion Capital		
Registered Number	16/11276/FULL	Date amended/ completed	28 November 2016
Date Application Received	28 November 2016		
Historic Building Grade	Unlisted		
Conservation Area			

8. RECOMMENDATION

Grant conditional permission.

9. SUMMARY

This application seeks permission for the use of part of the basement, ground, first and second floors as a hotel (Class C1), with external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure on the flat roof above second floor level.

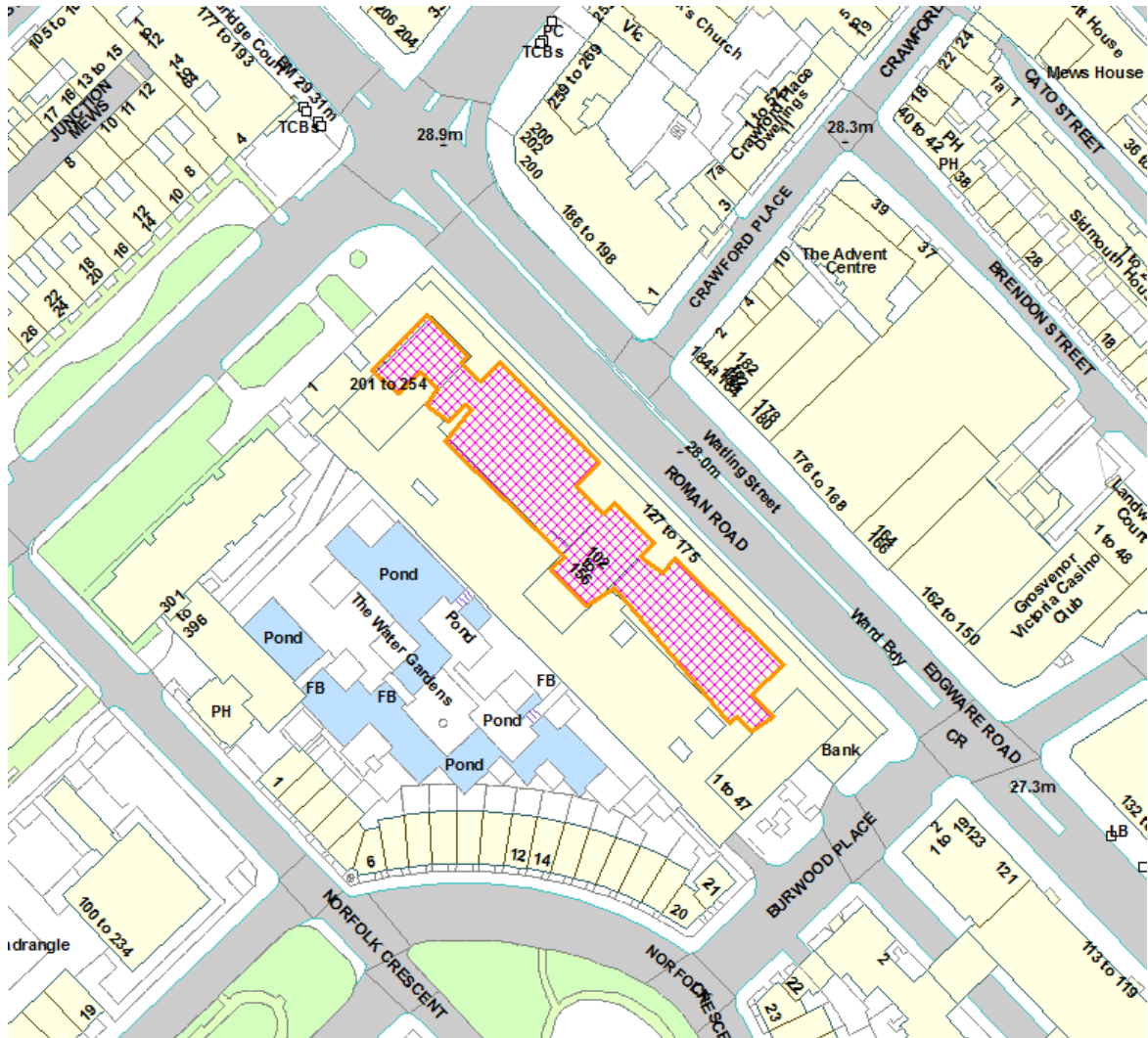
Permission was granted for a similar scheme for hotel use of this site in November 2013, but this permission has since lapsed in November 2016 without being implemented.

The key issues in this case are:

- * The acceptability of the proposed hotel use in land use terms.
- * The impact of the proposals on the appearance of the building and this part of the City.
- * The impact on the amenity of neighbouring residents.
- * The impact on the operation of the local highway network and the Strategic Road Network along Edgware Road.

Subject to the recommended conditions, the proposed development is considered to be acceptable and would accord with the relevant policies in the London Plan (March 2016), the Unitary Development Plan (UDP) we adopted in January 2007 and Westminster's City Plan (the City Plan) which was adopted November 2016.

10. LOCATION PLAN



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11. PHOTOGRAPHS



Front elevation from Edgware Road.

12. CONSULTATIONS

5.1 Consultation on Initially Submitted Scheme (November 2016)

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

ST. MARYLEBONE SOCIETY

No in favour of the idea of windowless hotels, although understand there is a demand for this type of accommodation. Object to the inserting of grilles that destroy the original window openings. The vent grilles should respect the original size and shape of the window openings and not be taller.

BUILDING CONTROL

Any response to be reported verbally.

CLEANSING MANAGER

Objection. A revised waste store is required as the hotel use is likely to generate more waste than the existing office use.

ENVIRONMENTAL HEALTH

No objection in principle. Note that an acoustic report dealing with how proposed mechanical plant will comply with plant noise Policy ENV7 will be required.

HIGHWAYS PLANNING MANAGER

No objection. Condition required to prevent the hotel accepting bookings that would result in guests arriving by coach. Cycle parking should be provided in accordance with the London Plan standards (1 cycle parking space per 20 bedrooms for long stay visitors and 1 per 50 bedrooms for short stay guests). Conditions and informatives recommended.

TRANSPORT FOR LONDON

No objection in principle, but raise the following matters. Note location on part of the TfL Road Network (TLRN). The footway and carriageway must not be blocked during construction works and no skips or materials should be placed on the highway. A Construction Management Plan may be appropriate to manage the impact on the highway. Welcome non-provision of car parking but consideration should be given to one blue badge parking space and coach parking space being provided in the vicinity. Cycle parking provision should be provided for hotel in accordance with London Plan. No servicing should take place from Edgware Road.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 313; No. of Responses: 1 email from a neighbouring resident and 1 letter from Deloitte on behalf of the Church Commissioner received raising objection on all or some of the following grounds:

Land Use

- Policy S23 directs new hotels to the Opportunity Areas, the Core Central Activities Area and the North Westminster Economic Development Area. Hotels should not be justified outside these areas.

- The site is within Bayswater where policy S23 seeks to 'address the existing over-concentration of hotels'.
- The hotel proposed would contain 117 hotel rooms, a large number of which would not have windows and this type of hotel would not improve the quality and range of hotels in the City.
- Policy 4.5 in the London Plan resists further intensification of provision of hotels in areas of over provision.
- Loss of office accommodation, which has the potential to offer viable and good quality office floorspace in a highly sustainable location, contrary to Policies S20 and S47.
- No marketing evidence to demonstrate office use would not be viable or attractive in this location.
- Hotel use would be within the Edgware Road Stress Area and would not complement other entertainment uses in the Stress area and would risk exacerbating the harm caused by entertainment uses in the stress area due to anti-social behaviour, noise and disturbance and increased night time activity.
- Note that a snooker hall has also been permitted in the basement at Nos.159-169 and this would intensify the level of activity in this location if a hotel use were permitted.
- Hotel use in the Stress Area would be detrimental to retail occupiers, the character and offer of Edgware Road as a shopping area and the amenity of neighbouring residents, contrary to S8 in the City Plan.

Design

- Roof top mechanical plant enclosures would add bulk and clutter to the roof of the building to the detriment of its appearance.

Amenity

- Increased late night activity would cause noise disturbance to neighbouring residents contrary to Policies S29 and ENV13.
- Existing grilles at second floor level appear to be omitted from the proposed drawings. Concern that as a result the impact of plant noise on neighbouring residents has not been accurately assessed.
- Assume there will be no noise disturbance from new mechanical plant to neighbouring windows at 4th floor level.
- Assume new mechanical plant and PV panels will not cause light nuisance.

Highways/ Parking

- Central London Cycle Grid will run close to the site in Sussex Gardens and the hotel does not propose any cycle parking or associated facilities.
- No coach parking proposed despite the Transport Statement identifying that 5% of visitors will arrive by coach at peak times. Risk of unauthorised on-street parking on Edgware Road, which is a TfL Red Route or surrounding side roads.
- An up to date Travel Plan should be submitted, rather than reliance on the 2013 Travel Plan.

Other Matters

- 2013 permission has lapsed without implementation and therefore should not be a material consideration.
- New material considerations since previous permission including new London Mayor and adoption of 'A City for All Londoners' (2016), investment in cycle infrastructure in

the vicinity, draft Walking Strategy issued by the City Council and new Marble Arch BID and Hyde Park Neighbourhood Forum, which seek to improve the area.

- Concern that development will cause noise and disturbance from construction noise.

ADVERTISEMENT/ SITE NOTICE

Yes.

5.2 Consultation on Revised Scheme (February 2017)

CLEANSING MANAGER

No objection subject to a condition to secure the waste and recycling storage.

HIGHWAYS PLANNING MANAGER

No objection. Asks that the cycle parking is secured by condition.

ENVIRONMENTAL HEALTH

No objection, subject to conditions to control noise from the mechanical plant.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 314; No. of Responses: 1 email from a neighbouring resident and 1 letter from Deloitte on behalf of the Church Commissioner received raising objection on all or some of the following grounds:

Design

- Roof top plant is overlooked by residents and plant will look unsightly.
- Alterations to front windows will harm appearance of the building and this part of the City.
- Clarification sought over the extent of window alterations to Edgware Road façade.
- Plant enclosure would harm the appearance of the building.

Amenity

- Mechanical plant will cause noise disturbance.

Highways/ Parking

- Object to lack of coach parking and note this is a requirement of London Plan policy.
- In view of lack of coach parking a restriction should be placed on vehicles with a capacity of more than 15 people should be imposed for drop offs and collections, as per the 2013 permission.
- Updated travel plan should have been submitted.

Other Matters

- Note that 2013 permission has lapsed and new application should be assessed afresh in light of current planning policies and material considerations.
- Amendments do not overcome the Church Commissioners initial grounds for objection.

13. BACKGROUND INFORMATION

13.1 The Application Site

This application relates to The Water Gardens, a mixed use development dating from the 1960s, which is located on the west side of Edgware Road, spanning the length of the street block between Burwood Place and Sussex Gardens. The building currently comprises retail units at basement/ ground floor, offices (Class B1) at first floor level and a mix of offices and residential flats at second floor level. The office accommodation is currently being used for education purposes on a temporary basis, pursuant to the permission/ permitted development rights referred to in section 6.2 of this report. However, this temporary education use by the Minerva Academy is shortly due to cease and the premises will then revert to its lawful use as Class B1 offices.

Above second floor level there are also three high rise residential towers, an NCP car park at basement level and communal gardens to the rear. The commercial uses within the site are accessed from Edgware Road, whilst servicing area and the car park are accessed from Burwood Place. There is no access to the residential flats from the Edgware Road frontage of the site.

The application site is accessed from a ground floor level door located within the Edgware Road parade. The site is therefore within a Central Activities Zone (CAZ) Frontage and is on a Named Street. Edgware Road itself comprises a broad mix of commercial and residential uses. The site is within the Edgware Road Stress Area.

13.2 Recent Relevant History

9 August 2013 – Permission granted for use of ground floor entrance and part first floor as a primary school (Class D1) for a temporary 4 year period.

11 November 2013 – Permission granted for use of part basement, ground, first and second floors as a hotel (Class C1), external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure and photovoltaic panels at roof level (13/03354/FULL).

26 March 2014 – Notice under Schedule 2, Part 4, Class C of the Town and Country Planning (General Permitted Development)(Amendment)(England) Order 2013 that the first and second floors are to be used as a state-funded school for a single academic year commencing on 2 September 2013 (13/10749/TSN).

27 July 2016 – Certificate of Lawful Existing Use or Development application that sought to demonstrate that works had commenced on site to implement application dated 11 November 2013 (RN:13/03354/FULL) for use of part basement, ground, first and second floors as a hotel (Class C1) was withdrawn. The application failed to demonstrate that the 11 November 2013 permission had been implemented at that time.

14. THE PROPOSAL

The current application seeks permission for the use of part of the basement, ground, first and second floors as a hotel (Class C1), with external alterations to install louvres to the

front and rear elevations and installation of mechanical plant within an enclosure on the flat roof above second floor level within a plant enclosure.

The application was revised in February 2017 to include additional cycle parking and waste and recycling storage at basement level, increase the number of wheelchair accessible rooms, omit the initially proposed coach parking bay in Edgware Road and to provide additional information to demonstrate the operational noise level of proposed mechanical plant. The revised application has been subject to further consultation, as set out in section 5.2 of this report.

The proposals are similar to those approved previously in November 2013; albeit the photovoltaic panels proposed in the earlier application have been omitted and the hotel now proposed contains 117 rooms; rather than 108 rooms as was previously approved.

As per the 2013 permission, the proposed hotel would provide windowless hotel accommodation with the existing windows to the facades of the first and second floors being back painted, with the exception of those serving communal spaces such as the cafe and reception area at first floor level.

The previously approved application lapsed in November 2016 without implementation. Therefore it can only be afforded very limited weight and regard must primarily be had to the currently adopted policies in the London Plan (March 2016), the City Plan (November 2016) and the saved policies in the UDP (2007), which comprise the development plan, as well all other relevant material considerations, including those that have arisen since permission was previously granted in November 2013.

15. DETAILED CONSIDERATIONS

15.1 Land Use

Policy S1 in the City Plan promotes mixed uses in the Central Activities Zone (CAZ) that are consistent with supporting its vitality, function and character. As in this case the proposal would not result in any increase in office floorspace, the policy does not require the provision of residential floorspace is not required by Policy S1.

Policy S8 (Marylebone and Fitzrovia) advises that Edgware Road is an appropriate location for residential use and a range of commercial uses. Within the Stress Area, new entertainment uses will only be allowed where they are low-impact and would not result in an increased concentration of late night uses.

Policy S23 in the City Plan relates to proposals for new hotels and states that new hotels will be directed to a number of specified areas within the City, including the Named Streets. The policy continues and states that new hotels will be directed to those streets which do not have a predominantly residential character.

In the UDP, Policy TACE2 advises that permission will be granted for new hotels within CAZ Frontages where they would not have any adverse environmental or traffic effects and where there would be adequate on-site facilities incorporated within developments

proposing significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and for taxis serving the hotel.

Notwithstanding the comments made on behalf of the Church Commissioners, Edgware Road is considered to have a mixed commercial and residential character and as such, the principle of providing a hotel in this location, within the CAZ Frontage and on a Named Street is considered acceptable in principle in land use terms. There are no policies in the London Plan (March 2016) or in the UDP or City Plan that seek to prevent the loss of the existing office accommodation in this location to another commercial use. Therefore the objection raised to the loss of the office use, and to the lack of marketing evidence submitted with the application to justify the loss of the office use, cannot be supported.

The Church Commissioners have also raised concern on the basis the site is within Bayswater where the reasoned justification for Policy S23 in the City Plan states that the policy *'seeks to address the existing over-concentration of hotels'* in residential areas including Bayswater. However, the policy itself does not preclude new hotels in appropriate locations within Bayswater; rather the policy states that *'...the change of use of hotels to residential will be encouraged where the existing hotel is not purpose built and causing adverse effects on residential amenity'*. The intention of the policy is clearly to allow the loss of existing hotels in predominantly residential locations within Bayswater where they cause harm to the amenity of neighbouring residents. The proposed hotel use by contrast would be on the eastern fringe of Bayswater in a busy mixed use street with its entrance at ground floor level within a retail parade, a significant distance from neighbouring residential accommodation at second floor level and above. Accordingly it is not considered that permission could be withheld on this ground.

Concerns have been expressed by the St. Marylebone Society and the Church Commissioners in relation to the type of hotel accommodation that is proposed; namely, the provision of relatively small windowless 'pod' rooms. However in land use terms, there is no policy basis on which to withhold permission, as the internal layout of the proposed hotel is beyond the scope of adopted land use policy. The hotel would provide short stay accommodation and as such, whilst a source of natural light serving each of the rooms may perhaps be desirable to some, it is not an absolute requirement for short stay visitor accommodation. Indeed the applicant has advised that the hotel is designed to cater for guests wishing to stay only a few nights at a time. Similarly, whilst the hotel proposed would contain 117 hotel rooms, it would be no larger in terms of its floorspace than the scheme previously approved in 2013 under similar land use policies to those referred to earlier in this report. As such, the 9 room increase proposed in the current application is not considered to represent a ground in land use terms for reasonably withholding permission for the current scheme.

The Church Commissioners are concerned that the hotel use in the Edgware Road Stress Area would be detrimental to retail occupiers, the character and offer of Edgware Road as a shopping area and the amenity of neighbouring residents. However, hotel uses do not fall within the policy definition of an 'entertainment use' and therefore the fact that this part of Edgware Road is designated as a Stress Area is not a reasonable land use ground on which to withhold permission. As set out earlier in this section of the report, the entrance to the proposed hotel would be sufficiently remote from residential accommodation so as not to cause noise disturbance to residential occupiers as a result of guests entering or leaving the hotel late at night. As such, even if guests were to visit existing entertainment

uses within the Stress Area, they would be unlikely to cause a material loss of amenity to neighbouring residents when going to and from the hotel.

The point of entry to the proposed hotel at ground level would comprise the existing office entrance and would be relatively discreet. As a result, the entrance would not detract from the predominant retail character of the parade within which it would be sited. Accordingly the concerns expressed regarding the impact on the retail character of the parade and the Named Street/ CAZ Frontage along Edgware Road more generally cannot be supported.

As per the 2013 permission, the scheme proposes the use of part of the basement for back of house hotel functions, including hot and cold water storage and mechanical plant. The current lawful use of this floorspace is for retail use and whilst Policies S21 and SS5 seek to protect retail floorspace in this location, the use of part of the basement as hotel floorspace would not prejudice the existing retail uses at ground floor level. Therefore it is not considered that the scheme would have a detrimental impact on the character and function of the area or the vitality/viability of this part of the CAZ Frontage/ Named Street.

As set out previously, the proposed hotel is intended to be 'windowless' and therefore the use of part of the building as a hotel would be unlikely to cause any significant noise disturbance or other amenity issues to neighbouring residential occupiers on the upper floors within the Water Gardens.

On-site facilities for hotel guests would be limited to a small ancillary cafe located adjacent to the entrance foyer at first floor level. No kitchen extraction equipment is proposed and therefore the food offer within the cafe would be limited to dishes or snacks not requiring primary cooking. Conditions are recommended to prevent primary cooking so that this aspect of the scheme does not cause an odour or noise nuisance to neighbours and to prevent the use of the cafe by non-residents of the hotel in accordance with Policy TACE2 in the UDP.

Traffic impacts are considered in detail later in this report, but in summary, it is considered that the impact of the proposed use on the highway can be adequately mitigated by the recommended conditions set out in the draft decision letter.

As such, the scheme is considered acceptable in land use terms and would accord with Policy S1, S8, S21 and S23 in the City Plan, Policies SS5 and TACE2 in the UDP and Policy 4.5 in the London Plan (March 2016).

15.2 Townscape and Design

As per the now lapsed scheme approved in 2013, the proposed louvers in the front and rear elevations would be limited to first floor level and the louvers would be consistently inserted in to each window opening to the front elevation so as to maintain the existing symmetrical appearance of the Water Gardens in views from Edgware Road. The louvers proposed are considered to be discreetly located and would be finished in a colour to match the existing windows. Subject to this condition the louvers proposed at first floor level are considered to be acceptable.

In their second letter responding to amendments, the Church Commissioners have asked for clarification over the detailing of the windows; however, they refer to a drawing that was

superseded when the application was revised in January 2017. There is therefore no inconsistency in the submitted drawings and as per the preceding paragraph, following amendment the proposed louvers would be discreetly sited within the existing window openings.

The mechanical plant proposed at third floor roof level would be located within an enclosure to screen it in public views. There is existing mechanical plant in this location which is not screened and which can only be seen fleetingly in oblique views from the junction with Harrowby Street. In this context, it is considered that the proposed plant enclosure is acceptable in principle in this location and the objections raised in relation to the impact of the appearance of the plant and its enclosure on the appearance of the building cannot be supported. However, this is subject to detailed drawings and samples of facing materials of the plant enclosure being secured via condition.

Although the existing window openings would be retained, they are proposed to be blanked out internally. Whilst this is regrettable in design terms, planning permission is not required to carry out internal alterations of this kind and therefore permission could not reasonably be withheld on this ground despite the objections raised in relation to this aspect of the proposed scheme.

Subject to the recommended conditions, the proposed development is considered acceptable in design terms and would accord with Policy S28 in the City Plan and Policies DES1, DES5 and DES6 in the UDP.

15.3 Residential Amenity

The proposed external alterations and new structures would be sufficiently distant from neighbouring windows and would not have an adverse amenity impact in terms of loss of light or an increased sense of enclosure.

As referenced in section 8.1 of the report, objection has been raised on grounds that the proposed use would cause late night activity which would cause noise disturbance to neighbouring residents that would be contrary to Policies S29 and S32 in the City Plan and ENV6 in the UDP. However, the entrance to the hotel would be at ground floor level on Edgware Road, which is a busy thoroughfare. Furthermore, the entrance would be located below the existing canopy over the footway and would be a significant distance from the nearest neighbouring residential accommodation at second floor level. It is considered that in combination, these factors mean that guests arriving at and leaving the hotel would not cause a material increase in noise disturbance to neighbouring residents.

In terms of noise disturbance from mechanical plant, following revision of the application the applicant has submitted an acoustic report that seeks to demonstrate that the mechanical plant proposed at roof level would not cause noise disturbance to neighbouring residential properties. This has been reviewed by Environmental Health who confirm that they are satisfied that the proposed mechanical plant would operate sufficiently below the existing background noise level so as not to cause noise disturbance to neighbouring occupiers in the Water Gardens. Conditions are though recommended to provide ongoing control of the operational noise and vibration level of the mechanical plant so that it does not cause noise disturbance to neighbouring residents in future. A further

condition is recommended to require the provision of the acoustic screen around the mechanical plant prior to its first use and to require its retention thereafter.

Objection was raised by the Church Commissioners on grounds that the drawings showing the ventilation grilles to the elevations were inconsistent on the plans and elevations, thereby raising concern that the impact of the mechanical plant on the noise environment of neighbouring residents was not accurately assessed in the application. The applicant has amended the drawings and clarified that there are no grilles at second floor level and none are proposed at this level. As per the 2013 permission, the current application only proposes the insertion of grilles at first floor level. Following these amendments and clarification, officers are content that the application accurately assesses the noise impact of the development in terms of mechanical plant noise.

Concerns have been raised in respect of the mechanical plant on the basis that it could cause light nuisance/ reflective glare to neighbouring residential windows. However, the plant would be located within an enclosure which would be finished in a colour to match the existing building (i.e. likely to be brown/ bronze coloured, with details to be agreed by condition) and therefore the plant would not cause a light nuisance to neighbouring occupiers.

Subject to the recommended conditions, the proposals are considered acceptable in amenity terms and would accord with Policies S29 and S32 in the City Plan and Policies ENV6, ENV7 and ENV13 of the UDP.

15.4 Transportation/Parking

The application site is located within an area with excellent links to public transport. Edgware Road is a Red Route forming part of Transport for London's (TfL) Strategic Road Network (SRN). On Red Routes stopping is not permitted, although there are mixed resident/ pay and display bays and a taxi rank outside the application site.

Given the relative size of the proposed hotel and the excellent public transport links in this location, the Highways Planning Manager is satisfied, as he was during the assessment of the scheme previously approved in 2013, which related to a hotel of the same size in terms of floorspace, that a dedicated vehicular drop off is not required in this case. Therefore the existing taxi rank in Edgware Road would be sufficient to service the proposed hotel use in terms of taxi arrivals and collections.

The Transport Statement submitted with the application indicates that 5% of hotel guests may arrive by coach (using transport mode modelling). The applicants have advised that they do not consider that the hotel will be attractive to large coach parties and they state that it is designed to cater overwhelmingly for single travellers arriving on foot, by public transport or by private taxi, given the type of rooms on offer (i.e. one or two bed spaces) and the fact there will be no dining/ large reception areas or gym/ pool facilities. In this context, and having regard to the lack of objection on this ground from Transport for London, the excellent links to public transport and the provision of an existing taxi rank outside the site, it is considered that the hotel use can be considered acceptable in transportation terms, provided a condition is imposed preventing guests from being delivered to or collected from the site by coach. It is recommended that this condition takes the form of a 'hotel bookings, arrivals and departures management plan' which requires

the submission and approval of a management strategy robust containing measures to ensure no guests arrive at the hotel in a vehicle containing 15 or more seats. In this form the condition would meet the tests for the use of conditions set out in Paragraph 206 of the NPPF, including being enforceable, and therefore the Church Commissioners concerns on the enforceability of such a condition have been addressed.

TfL have requested a condition to secure a Construction Management Plan that ensures that none of the construction works would obstruct the free flow of traffic along the TLRN along Edgware Road. Such a condition is recommended and is included in the draft decision letter.

In terms of servicing, this would occur off street within the existing servicing bay for the Water Gardens and this accords with TRANS20 in the UDP and S42 in the City Plan. A condition is recommended to ensure that this existing on-site servicing facility is used for hotel servicing and it does not occur on-street.

As per the 2013 scheme, no cycle parking was initially proposed as part of the application. The current scheme has been amended to include the provision of cycle parking that is in accordance with the standards set out in the London Plan (March 2016) and this addresses the concerns expressed by the Church Commissioners and responds to the investment in cycling infrastructure in the vicinity. A condition is recommended to secure the cycle parking.

Concerns have been expressed with regard to the provision of a Travel Plan from 2013; however, given (i) the scale of the development, (ii) the excellent existing public transport links, (iii) as it will serve visitor accommodation with no access to vehicular parking and (iv) as the use of coaches for arrivals and departures is to be precluded, it is not considered that the provision of an updated Travel Plan to promote sustainable, non-vehicular, transportation modes is necessary in this case to make the application acceptable.

On the basis of the recommended conditions, the proposals are considered acceptable in highways terms and in accordance with Policies TACE2, TRANS20 and TRANS22 in the UDP and Policy S42 in the City Plan.

15.5 Economic Considerations

The proposal is in accordance with the UDP and City Plan and the economic benefits generated are welcomed.

15.6 Access

The applicant proposes the installation of lifts within the building to provide level access to the new hotel accommodation from Edgware Road. However, the details shown on submitted floor plans are not highly detailed and therefore a condition is recommended to secure further details to ensure that the proposed level access is suitably delivered. Subject to the recommended condition the access arrangements are considered acceptable would accord with Policies DES1 and TRANS27 in the UDP.

Following amendment, the scheme includes the provision of an increased number of accessible hotel bedrooms (12 rooms) and therefore the proposed hotel use would accord with Policy 4.5(B) in the London Plan (March 2016).

15.7 Other UDP/ Westminster Policy Considerations

As part of the revisions to the application the applicant has introduced a dedicated hotel waste and recycling store at basement level. Following this revision, the Cleansing Manager has confirmed he does not object, subject to a condition to ensure the provision of this refuse storage.

15.8 London Plan

This application does not raise any strategic issues. Where relevant, policies in the London Plan adopted in March 2016 are referred to elsewhere in this report.

15.9 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.

15.10 Planning Obligations

Planning obligations are not relevant in the determination of this application and the proposals are not CIL liable development as no new floorspace would be created.

15.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require the submission of an Environmental Impact Assessment.

15.12 Other Issues

None relevant.

16. BACKGROUND PAPERS

9. Application form.

Responses to Consultation on Initially Submitted Scheme (November 2016)

10. Email from the St Marylebone Society dated 13 December 2016.
11. Email from Environmental Health dated 12 December 2016.
12. Memo from the Cleansing Manager dated 13 December 2016.
13. Email from Transport for London dated 28 December 2016.
14. Memo from the Highways Planning Manager dated 25 January 2017.
15. Letter from occupier of 111 The Water Gardens, Burwood Place dated 12 December 2016.
16. Letter from Deloitte on behalf of the Church Commissioners dated 3 January 2017.
17. Email from the applicant (Criterion Capital) dated 9 January 2017.

Response to Consultation on Revised Scheme (February 2017)

18. Memo from Environmental Health dated 22 February 2017.
19. Memo from the Cleansing Manager dated 27 February 2017.
20. Email from the Highways Planning Manager dated 23 March 2017.
21. Letter from Deloitte on behalf of the Church Commissioners dated 15 March 2017.
22. Email from the occupier of 366 The Water Gardens dated 20 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: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk.

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Item No.
11

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 July 2017	Classification For General Release	
Report of Director of Planning		Ward involved Tachbrook	
Subject of Report	3 Lupus Street, London, SW1V 3AS,		
Proposal	Demolition of existing and erection of replacement single storey rear ground floor extension, installation of replacement shopfront, installation of metal railings to front forecourt, installation of four air conditioning units and enclosure on flat roof of rear extension, all in conjunction with the use of the first to fourth floors as three residential units (2 x 1-bedroom studios and 1 x 2-bedroom) (Class 3) and the continued use of the basement and ground floor levels as restaurant (Class A3). Internal alterations.		
Agent	Avis Appleton & Associates		
On behalf of	c/o Agent		
Registered Number	17/03181/FULL & 17/03182/LBC	Date amended/ completed	11 April 2017
Date Application Received	11 April 2017		
Historic Building Grade	II		
Conservation Area	Pimlico		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Grant conditional permission conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

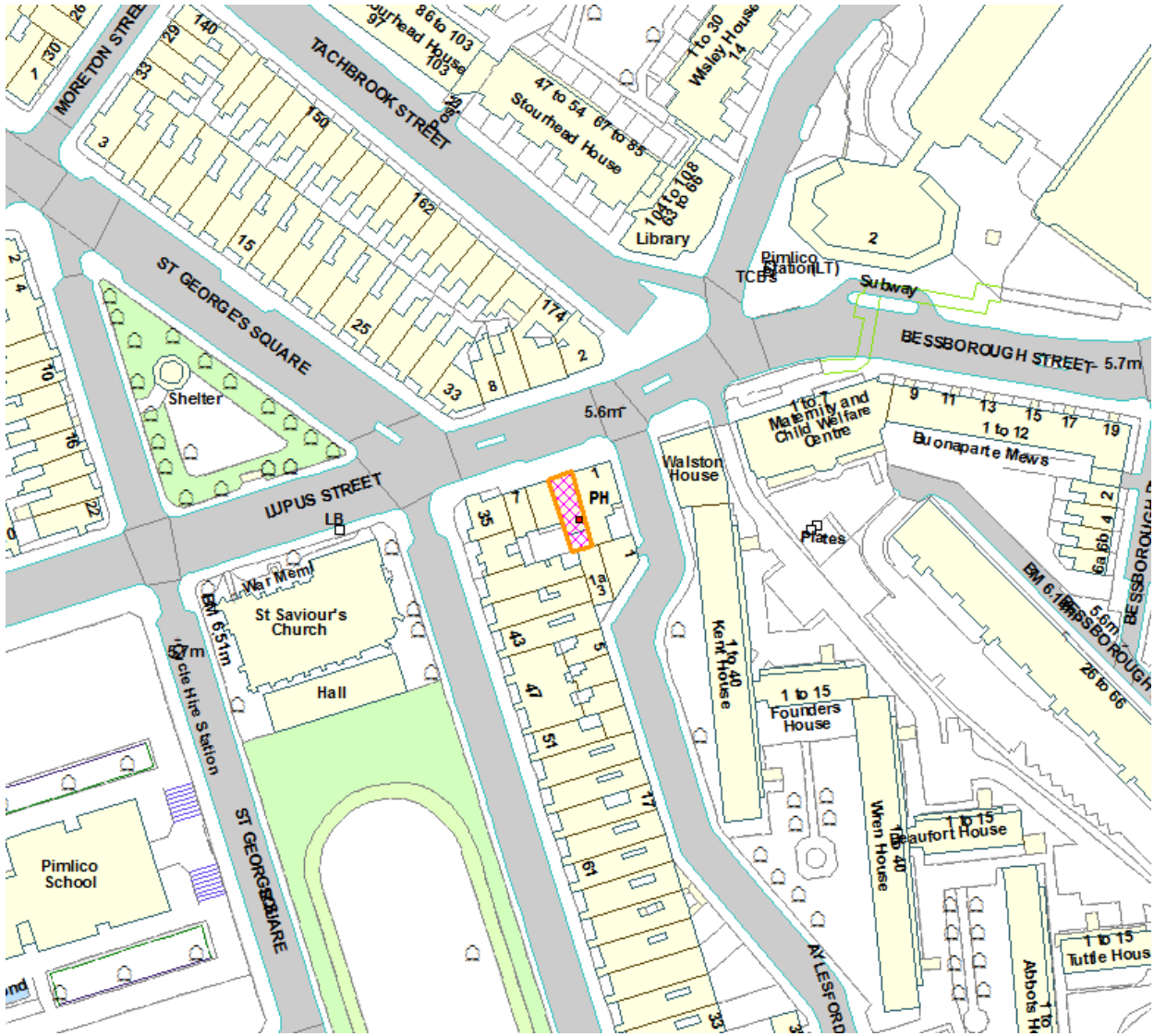
<p>No. 3 Lupus Street is a Grade II listed mid-terrace building within the Pimlico Conservation Area. The building comprises lower ground, ground and four upper storeys and is vacant, having last been in use as a House in Multiple Occupation (HMO) at first to fourth floor levels (sui generis) and restaurant at ground and lower ground floor levels (Class A3).</p> <p>Applications have been submitted seeking planning permission and listed building consent for external and internal alterations in connection with the use of the first to fourth floors as three residential units (2 x 1-bedroom studios and 1 x 2-bedroom) (Class 3) and the continued use of the basement and ground floor levels as restaurant (Class A3).</p>
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The key issues for consideration are:

- * The loss of a HMO
- * The impact of the proposals on the significance of the Grade II building and the character of the surrounding Pimlico Conservation Area

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COUNCILLOR ANGELA HARVEY:

Requested that the application be presented to committee for determination.

HISTORIC ENGLAND:

Authorisation given to determine application as see fit.

PIMLICO FREDA:

Support the application.

WESTMINSTER SOCIETY:

No objection.

HIGHWAYS PLANNING MANAGER:

No details of cycle parking or waste storage.

ENVIRONMENTAL HEALTH:

No objection to air condenser units, subject to standard conditions. Details of kitchen extract system and supplementary acoustic report required by condition (the application has subsequently been revised to retain the existing extract arrangements.)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 19; Total No. of Replies: 0.

ADVERTISEMENT/SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Located on the south side of Lupus Street, No.3 is a Grade II listed mid-terrace building within the Pimlico Conservation Area. The building comprises lower ground, ground and four upper storeys and is vacant, having last been in use as a House in Multiple Occupation (HMO) at first to fourth floor levels (sui generis) and restaurant at ground and lower ground floor levels (Class A3).

6.2 Recent Relevant History

Planning permission and listed building consent were granted at committee in October 2015 for external alterations including the demolition and enlargement of the existing rear closet wing, use of the existing rear first floor flat roof as a terrace, installation of rooflight to existing rear ground floor extension, installation of air conditioning units and acoustic enclosure to rear of site, installation of a replacement shopfront and doorway at front ground floor level, new access ramp to front entrance. Use of the first to fourth floors as a single dwelling (Class C3) and the use of the ground and lower ground floors for Class A2 (financial and professional services) purposes.

7. THE PROPOSAL

The proposals are associated with the refurbishment of the existing restaurant (Class A3) at basement and ground floor levels, and conversion of the upper floors into three self-contained residential apartment (Class C3), from a House of Multiple Occupation (HMO). The works include demolition and erection of a single storey rear extension, installation of air conditioning plant at rear first floor, replace the shopfront, install metal railings to the front forecourt and associated internal alterations.

The approximate floorspace figures are set out below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
HMO (sui generis)	142	0	-142
Restaurant (Class A3)	189	189	0
Residential (Class C3)	0	142	+142
Total	331	331	0

(all figures approximate)

8. DETAILED CONSIDERATIONS

8.1 Land Use

In terms of land use, the last use of the property at first to fourth floor level was as a licensed House of Multiple Occupation (HMO) consisting of ten rooms, two of which were served Suspended Prohibition Orders against them in September 2010. This was due to the fact they did not provide adequate space, albeit that these two rooms could be let as a single letting.

Hazard Awareness Notices had been served on five of the remaining rooms. These state that the rooms are below the ideal size of 11 sq m, however Environmental Health considered that they still provided acceptable living accommodation, as they were not so small as to justify Prohibition Orders.

Currently our policy is not to support applications that result in the loss of affordable HMO letting units, which provide acceptable and low cost living accommodation relative to the area. The loss of HMO accommodation is contrary to Policy S15 of the City Plan and H7 of the UDP, which seek to protect Houses in Multiple Occupation.

An application for the use of the first to fourth floors as a single dwelling (Class C3) and the use of the ground and lower ground floors for Class A2 (financial and professional services) purposes was presented at committee in October 2015.

At the time, members considered that there were special circumstances for allowing the conversion of HMO to a single dwelling, given the particular requirements of the applicant who intended to use the property as a family home living with his disabled mother, with his business premises below.

Accordingly and contrary to officers' recommendation, the committee resolved to grant permission and listed building consent considering that the loss of HMO was acceptable

due to the poor living environment that it provided. The minutes from this committee are included in the background papers for reference.

Given that the extant permission to change the use from a HMO (Sui Generis) to a single dwelling (Class C3) it is not considered that the current proposals for the use of the first to fourth floors as three residential units (2 x 1-bedroom studios and 1 x 2-bedroom) (Class C3) can be resisted in land use terms.

Two of the flats proposed on the first and second floors fall short of the residential space standards for 1-bedroom flats at 33 sqm and 34 sqm which is below the 37 sqm standard. However, given the constraints imposed by the Grade II listed status of the building, it would not be possible to connect these floors and create a duplex unit over first and second floor level without adversely affecting the significance of the listed building, and so in this instance the small shortfall is considered acceptable. The units will still provide a good standard of accommodation, each benefitting from both a front and rear aspect.

8.2 Townscape and Design

No. 3 is a Grade II listed terrace building comprising lower ground, ground and four upper storeys, with a modest architectural character and appearance. The property is located within and makes a positive contribution to the Pimlico Conservation Area.

The basement and ground floor works are relatively minor seeking minor partitioning within the rear rooms at both levels as well as tanking of the basement vaults, details of which are subject to a condition. What is thought to be the original basement staircase is to be retained, with minor changes proposed to the upper treads, which appear later additions. The original timber panelled ground floor bobby wall was discovered as part of opening up works is to be retained, which is welcome.

Externally the building exhibits a modern shopfront of limited quality. Proposals seek to reinstate a more traditional shop front incorporating a panelled stall riser and upper lights, which enhances the appearance of the building and conservation area. The new railings are not opposed however their detailed design will be secured by condition to ensure they are in keeping with the setting of the building and the character of the conservation area.

The scheme proposes to install four external air condenser units on the roof of the ground floor rear addition, which is bound by a considerable parapet wall. The units are to be positioned along the western side of the roof and will be largely concealed from public views, but will be visible from private elevated views. If acoustic enclosures are required their detailed design should be secured by condition.

The upper floors of the property has been used as a HMO for a number of years, resulting in very little subdivision or major alterations. It is however noted that the first floor retains many original features, whilst the upper floors do not.

Working with the original compartmental plan form of the property, the proposals seek to isolate necessary subdivisions to the rear rooms in order to provide bathrooms and a separation lobbies, whereas the principle front rooms remain largely unaltered. Following officer advice the third and fourth floors form a duplex. In order to achieve a separating in the communal stairwell a lobby wall will divide the third floor landing. The impact upon the

internal character of the property is modest and the staircase itself, whilst partially concealed, will remain unaltered.

Subject to conditions the proposals are considered acceptable in design, listed building and conservation grounds. The works accord with policies DES1; DES5; DES10; DES9 and guidance contained with the City Council's SPG: Repairs and Alterations to Listed Buildings.

8.3 Residential Amenity

In terms of residential amenity, the nearest neighbouring residential properties are the flats within the adjoining building at No. 5 Lupus Street and the property to the rear at No. 3 Aylesford Street, which has a party wall forming the rear boundary of the site.

To the rear the proposals involve the demolition and erection of a single storey extension at rear ground floor and the installation of air conditioning units and acoustic enclosure at rear first floor level. With regard to the proposed air conditioning units, an acoustic report was submitted with the application which has been assessed by Environmental Health who have raised no objection, subject to standard conditions.

The existing roof level extract from the restaurant (Class A3) use at ground and lower ground floor levels is retained in the proposals, albeit that a section would be required to be truncated as a result of the erection of the replacement rear extension. Further details and a supplementary acoustic report are required before this aspect of the works take place in order to ensure that the equipment will not have an adverse impact on residential amenity.

Given the alterations to the restaurant accommodation and residential units above, it is considered appropriate to impose conditions on the hours of operation and number of covers. These conditions allow for a maximum of 110 covers at any one time and hours of operation of between 10.00 and 00.30 on Monday to Saturday (not including bank holidays and public holidays) and 12.00 and 00.00 on Sundays, bank holidays and public holidays.

To the front of the property the proposals involve the installation of a replacement shopfront and metal railings to the front forecourt. Given the location and nature of these aspects of the proposal, they are not considered to raise any issues in terms of amenity.

The proposals are considered acceptable in amenity terms compliant with Policies S29 of the City Plan and ENV13 of the UDP.

8.4 Transportation/Parking

The Highways Planning manager has raised no objection to the work to the pavement vaults providing that the existing minimum vertical depth between the ceiling and the highway is not changing nor is the horizontal encroachment under the highway increasing over the maximum extent which already exists. As the works affect a structure supporting the highway, technical approval would also be required.

No cycle parking provision is included within the application, however given the constraints of the site it is not considered feasible to require the provision of cycle parking in this instance.

No internal waste store is shown on the proposed drawing. Waste stored on the public highway creates an obstruction to pedestrians and other highway users. It would also have an adverse impact on the public realm. A condition is recommended to secure the provision of waste storage were the application acceptable in other regards.

8.5 Economic Considerations

This development does not generate a Mayor CIL or WCC CIL payment.

8.6 Access

Notwithstanding the replacement shopfront, the access arrangements are unchanged by these proposals. A removable lightweight ramp will allow wheelchair access to the front entrance.

Internally, the proposed design improves accessibility for wheelchairs by providing a wheelchair platform between ground and lower ground floor levels.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The proposals are of insufficient scale to generate a requirement for any planning obligations.

8.11 Environmental Impact Assessment

The proposals are of an insufficient scale to require an environmental impact assessment.

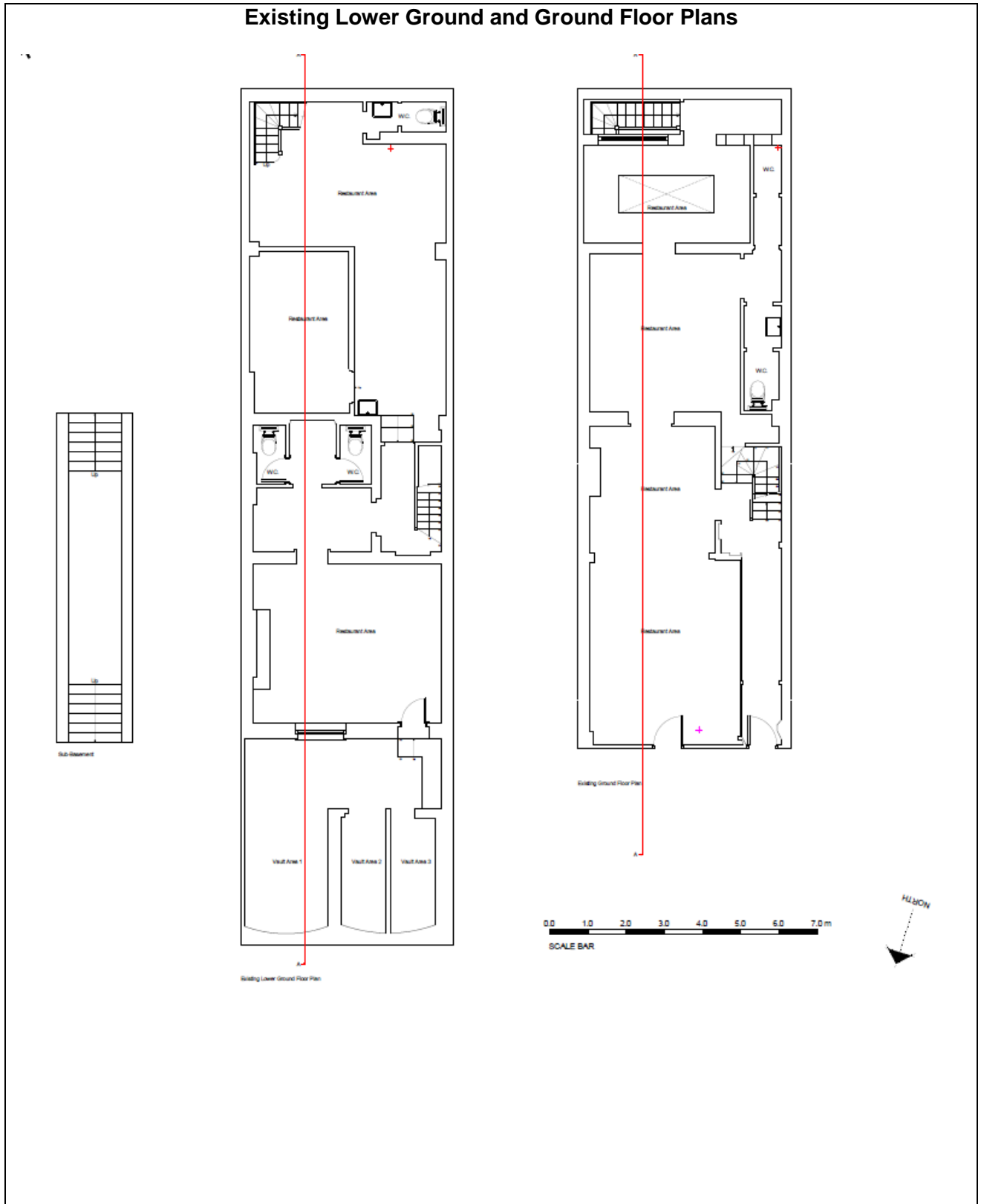
9. BACKGROUND PAPERS

1. Application form
2. Letter from Historic England dated 10 May 2017
3. Response from Westminster Society, dated 25 April 2017
4. Response from Highways Planning, dated 12 July 2017
5. Response from Environmental Health, dated 8 May 2017
6. Minutes of Proceedings from Planning Applications Committee (1) on 20 October 2015

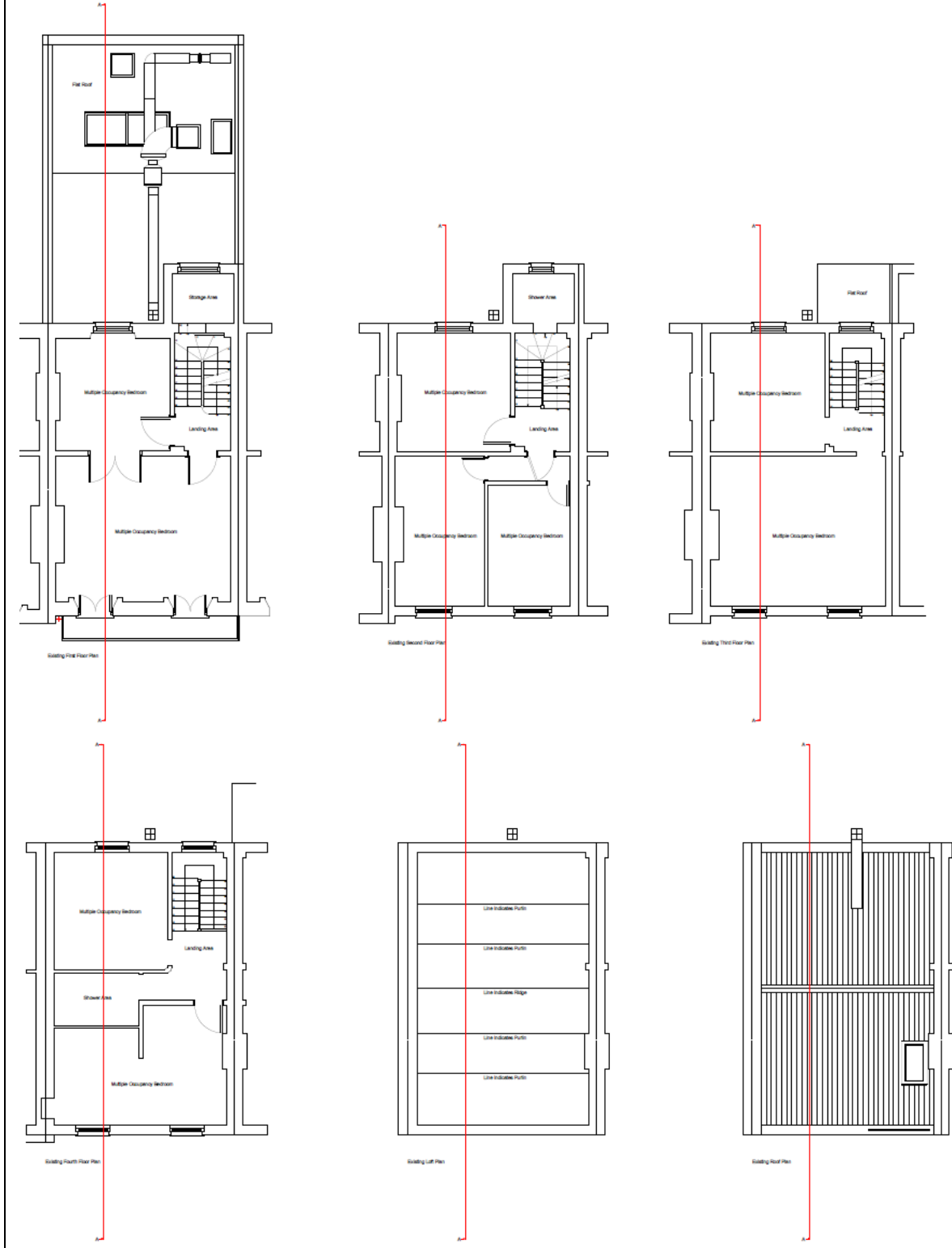
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

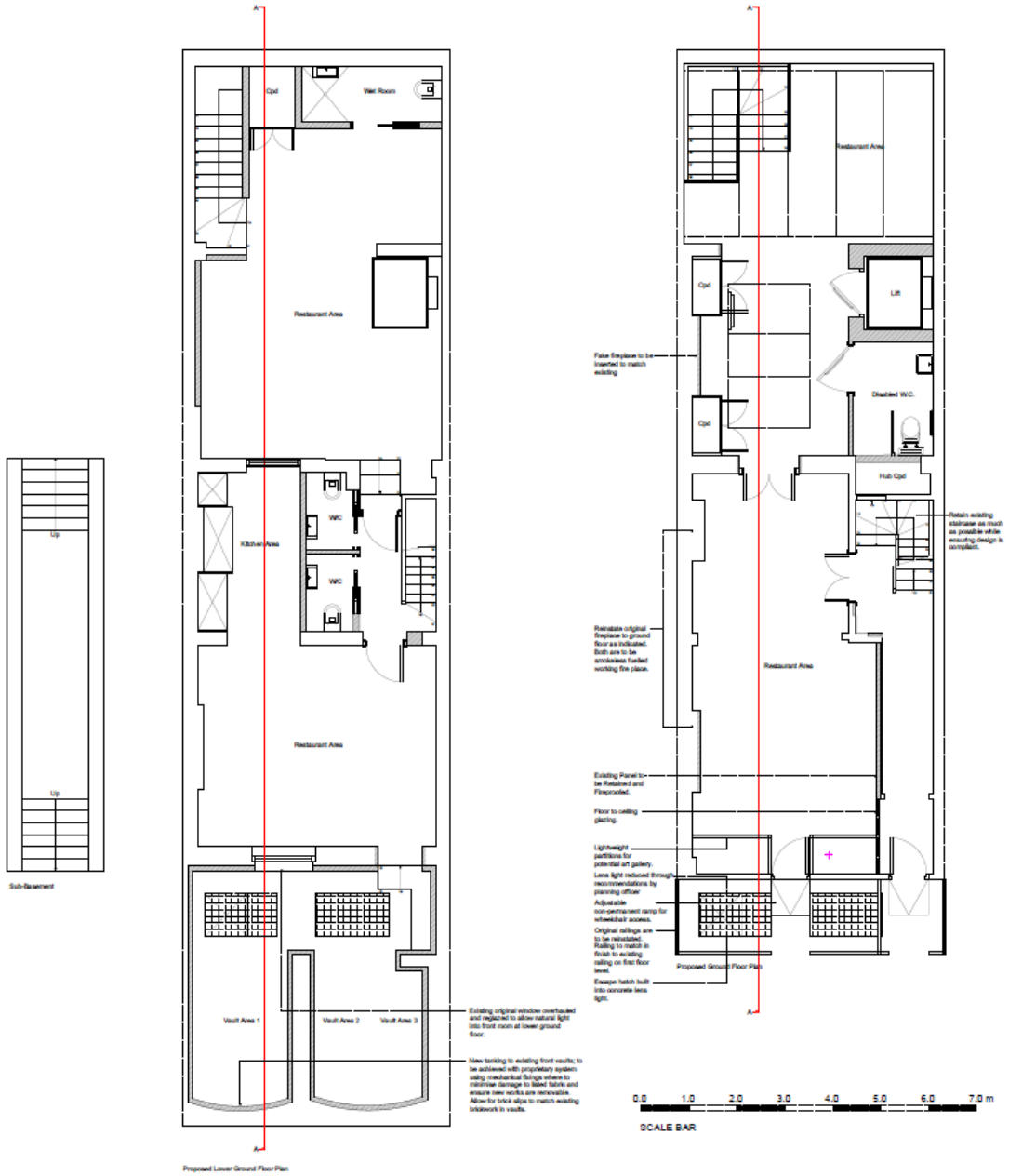
10. KEY DRAWINGS



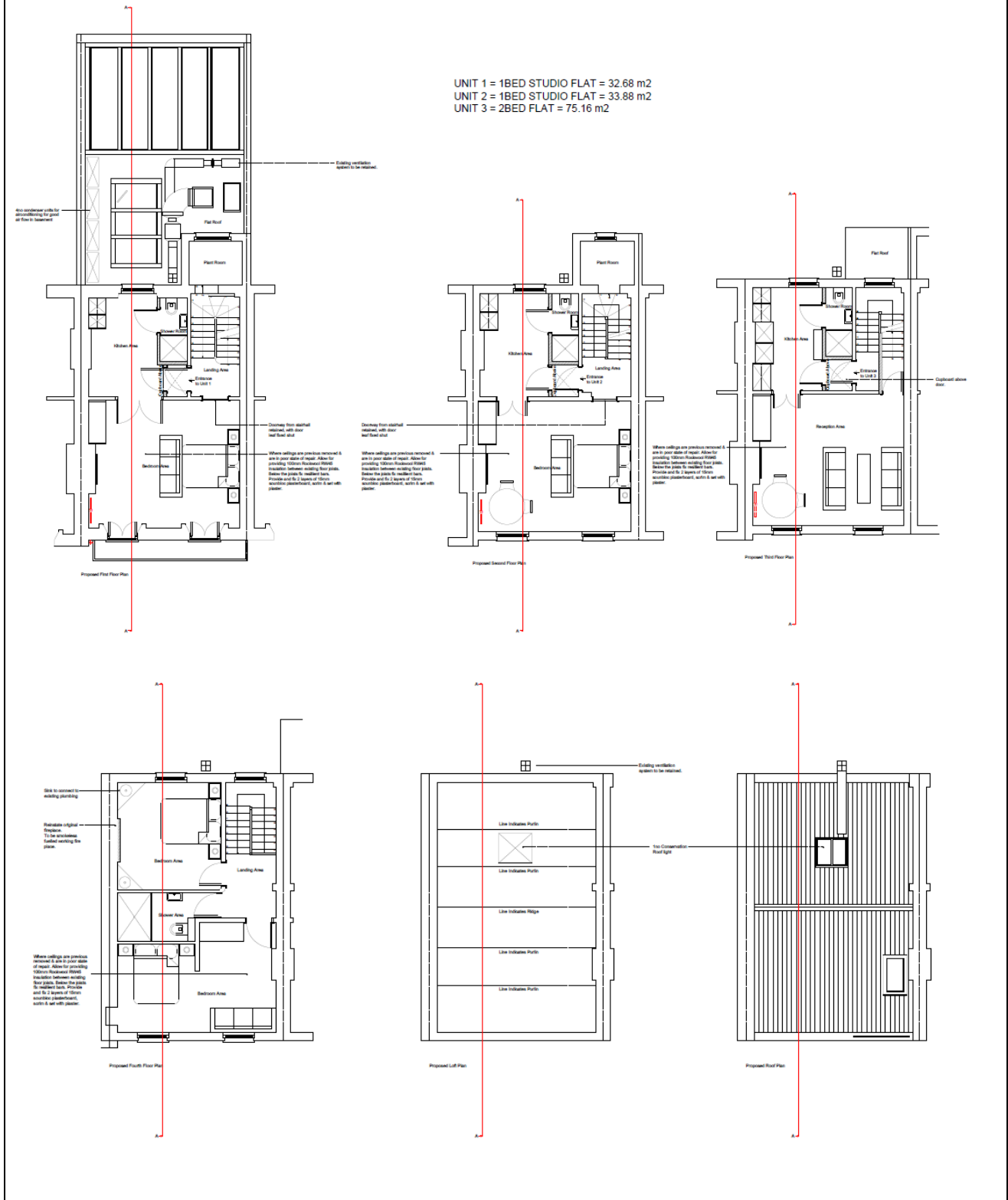
Existing First, Second and Third, Fourth Floor and Roof Plans



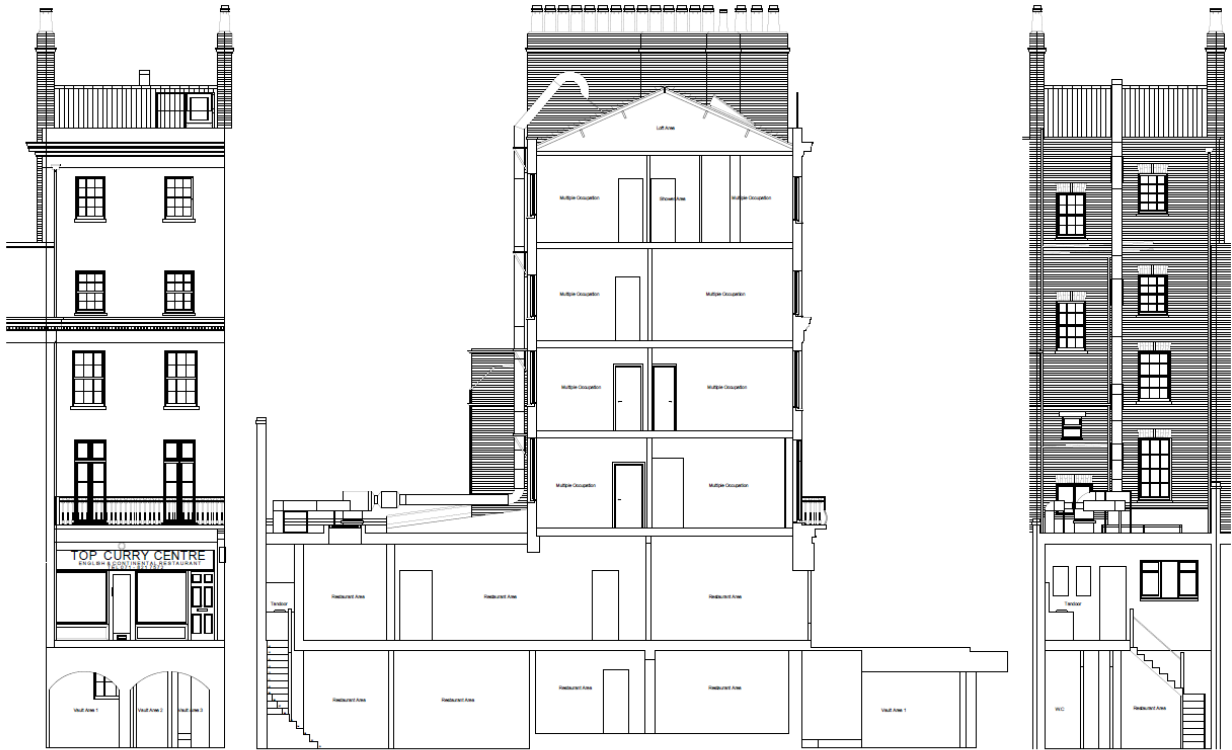
Proposed Lower Ground and Ground Floor Plans



Proposed First, Second and Third, Fourth Floor and Roof Plans

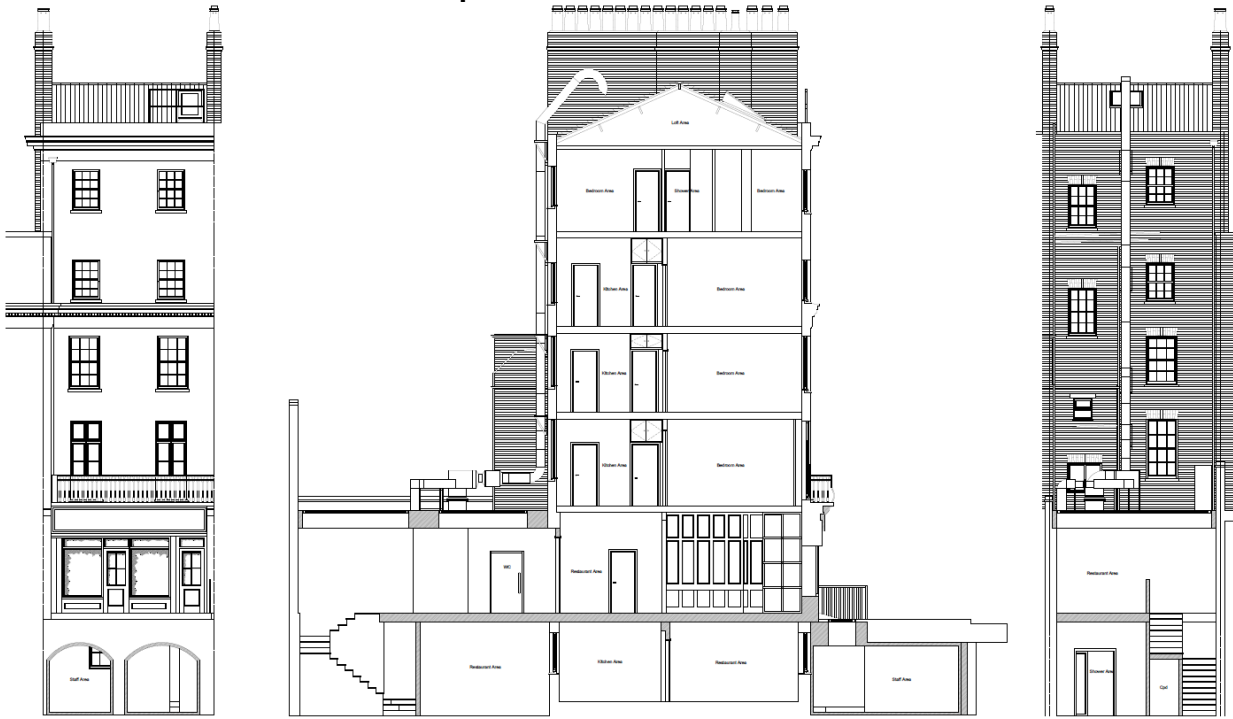


Existing Elevations and Section



0 10 20 30 40 50 60 70 m
SCALE BAR

Proposed Elevations and Section



0 10 20 30 40 50 60 70 m
SCALE BAR

DRAFT DECISION LETTER

Address: 3 Lupus Street, London, SW1V 3AS,

Proposal: Demolition of existing and erection of replacement single storey rear ground floor extension, installation of replacement shopfront, installation of metal railings to front forecourt, installation of four air conditioning units and enclosure on flat roof of rear extension, all in conjunction with the use of the first to fourth floors as three residential units (2 x 1-bedroom studios and 1 x 2-bedroom) (Class 3) and the continued use of the basement and ground floor levels as restaurant (Class A3). Linked to 17/03182/LBC

Plan Nos: 17:8722:01; 17:8722:02; 17:8722:03; 17:8722:04; 17:8722:05; 17:8722:07; 17:8722:08B; 17:8722:09A; 17:8722:10A; 17:8722:16; Planning Compliance Report 12023-NIA-01 dated 13 February 2017, prepared by Clement Acoustics.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

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 All new work to the outside of the building must match existing original work in terms of the choice

of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission.
(C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.
(R26FD)

4 You must apply to us for approval of details of the following parts of the development:

- i) Drawings of the new railings (1:10)
- ii) Detailed drawings of the acoustic enclosure, including materials.

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.
(R26FD)

5 Customers shall not be permitted within the restaurant premises before 10.00 or after 00.30 on Monday to Saturday (not including bank holidays and public holidays) and before 12.00 or after 00.00 on Sundays, bank holidays and public holidays.

Reason:

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

6 You must not allow more than 110 customers into the ground floor/basement restaurant at any one time.

Reason:

We cannot grant planning permission for unrestricted use because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

7 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

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

- 8 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the restaurant and residential units. (C14EC)

Reason:

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

- 9 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)

- 10 (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.

- 11 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.

- 12 Prior to the erection of the replacement rear ground floor extension, you must apply to us for approval of details of the ventilation system to get rid of cooking smells (which must extract at high level on the main building not the lower rear extension), including details of how it will be built and how it will look. You must not begin to erect the replacement rear ground floor extension until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

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

- 13 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant approved by Condition 12 will comply with the Council's noise criteria as set out in Conditions 10 and 11 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.

- 14 The rooflights to the ground floor extension hereby approved must be fixed permanently shut and you must not change this without our permission.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic

Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 4 You will need technical approval for the pavement lights in the highway (supporting structure) prior to commencement of development. You are advised to contact Andy Foster (0207 641 2541) in Engineering & Transportation Projects to progress these works to the highway.
- 5 Conditions 10 and 11 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 6 You are 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.

DRAFT DECISION LETTER

Address: 3 Lupus Street, London, SW1V 3AS,

Proposal: Demolition of existing and erection of replacement single storey rear ground floor extension, installation of replacement shopfront, installation of metal railings to front forecourt, installation of four air conditioning units and enclosure on flat roof of rear extension. Internal alterations. Linked to 17/03181/FULL

Plan Nos: 17:8722:01; 17:8722:02; 17:8722:03; 17:8722:04; 17:8722:05; 17:8722:07; 17:8722:08B; 17:8722:09A; 17:8722:10A; 17:8722:12; 17:8722:13; 17:8722:14; 17:8722:15; 17:8722:16; (for information only) Heritage Statement April 2017.

Case Officer: Sebastian Knox **Direct Tel. No.** 020 7641 4208

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 Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

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

4 You must apply to us for approval of details of the following parts of the development:

- i) Drawings of the new railings (1:10)
- ii) Detailed drawings of the acoustic enclosure, including materials.
- iii) New internal details - skirting boards, cornices, doors (elevations and sections), which should be suitable for each floor level
- iv) Cavity drainage system to be installed in the front vaults.

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

Reason:

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

5 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

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 Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

6 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

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 Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

7 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

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 Pimlico 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)

- 8 Prior to the erection of the replacement rear ground floor extension you must apply to us for approval of details of the ventilation system to get rid of cooking smells (which must extract at high level on the main building not the lower rear extension), including details of how it will be built and how it will look.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Pimlico 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 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

Item No.
12

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 August 2017	Classification For General Release	
Report of Director of Planning		Ward involved Knightsbridge And Belgravia	
Subject of Report	112 Eaton Square, London, SW1W 9AE		
Proposal	Demolition of rear extensions and erection of a new extension at the lower ground to the fourth floor levels, excavation of a basement to the rear of the main dwelling, replacement windows, and refurbishment of the front pavement vaults, and associated internal and external alterations in connection with the use of property as a single family dwelling house.		
Agent	Montagu Evans LLP		
On behalf of	West End Enterprises Ltd		
Registered Number	17/03791/FULL and 17/03792/LBC	Date amended/ completed	28 July 2017
Date Application Received	3 May 2017		
Historic Building Grade	II star		
Conservation Area	Belgravia		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Grant conditional permission conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

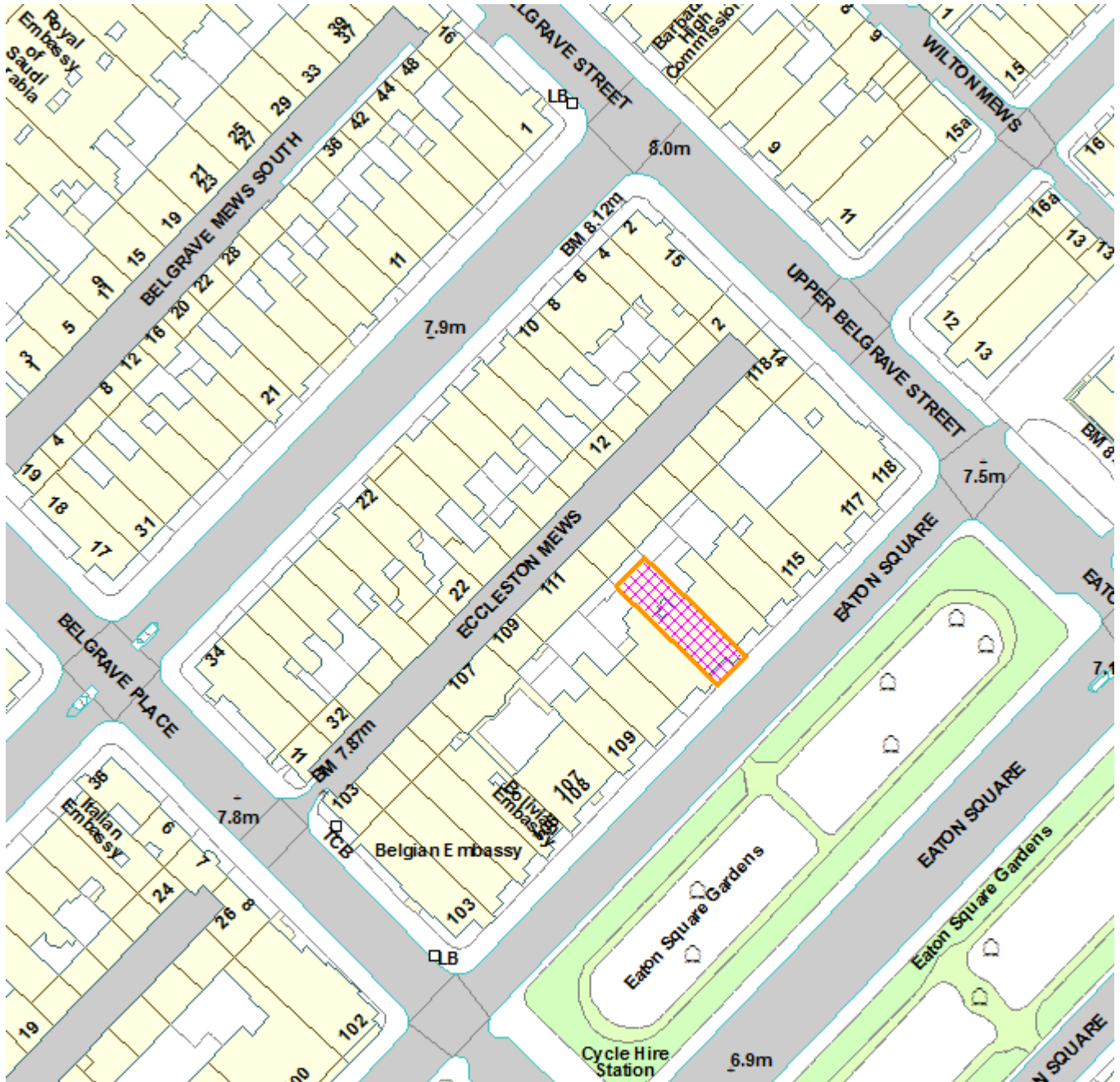
<p>112 Eaton Square is a Grade II star listed, first-rate, mid-terraced, early nineteenth century townhouse located within the Belgravia Conservation Area.</p> <p>Permission and listed building consent is sought for demolition of rear extensions and erection of a new extension at the lower ground to the fourth floor levels, excavation of a basement to the rear of the main dwelling, replacement windows, and refurbishment of the front pavement vaults, and associated internal and external alterations in connection with the use of property as a single family dwelling house.</p>
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The key issues in this case are:

- the impact of the proposed development on the character and appearance of the listed building and the character and appearance of the Belgravia Conservation Area; and
- the impact on the amenity of neighbouring residents.

For the reasons set out in this report, the proposed development is considered to accord with relevant policies within the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). As such, it is recommended that planning permission and listed building consent are granted, subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



4. PHOTOGRAPHS



View from Eaton Square



View from Eccleston Mews

5. CONSULTATIONS

HISTORIC ENGLAND:

Authorised given to determine as seen fit.

CLLR ROBATHAN:

The resident directly behind is concerned about noise disturbance, could the committee consider any issues which might mitigate this.

BELGRAVIA RESIDENTS ASSOCIATION:

No response to date.

BELGRAVIA NEIGHBOURHOOD FORUM:

No response to date.

THE BELGRAVIA SOCIETY:

No response to date.

ENVIRONMENTAL HEALTH:

No objection subject to standard conditions.

HIGHWAYS PLANNING:

No objection.

BUILDING CONTROL:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 59

Total No. of replies: 5 [N.B. includes 4 from 1 neighbour]

No. of objections: 5

Objections received on the following grounds.

Residential amenity:

- loss of light to 113 Eaton Square and 112 Eccleston Mews;
- overlooking of 112 Eccleston Mews, the originally proposed screen was insufficient to prevent overlooking but the revisions to increase its height are welcomed;
- light spill from enlarged lower ground floor window; and
- noise disturbance from the use of the proposed roof terrace (the submitted noise report does not address this) and from plant.

Design:

- a brick wall should enclose the roof terrace rather than the proposed trellis (this alternate design would better mitigate noise disturbance and overlooking).

Basement:

- the construction of the basement could damage adjoining properties;

- the applicant did not consult neighbours prior to submission as is advised is best practice in Westminster's planning documents;
- the applicant's supporting information regarding the basement contains inaccurate information; and
- the proposed underpinning arrangements are undesirable and could impact on party walls.

Other:

- if allowed, the proposals would set a precedent that would be damaging to the long term amenity of residents.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Located on the north side of the square No.112 is a Grade II star listed, first-rate, mid-terraced, early nineteenth century single family dwelling located within the Belgravia Conservation Area. Three bays wide the property comprises lower ground, ground and four upper storeys which terminates within a mansard.

6.2 Recent Relevant History

On 8 April 2013 listed building consent was granted for 'Reinstatement of vault roof and resurfacing of footway outside No. 112 Eaton Square'.

On 2 July 2002 planning permission and listed building consent was granted for 'Replacement of rear extensions, new decking and rooflight to rear, alterations to fenestration and to roof and installation of air conditioning plant (amendments to scheme granted 30 April 2002)'

On 30 April 2002 planning permission and listed building consent was granted for 'Internal alterations, replacement of rear extensions from lower ground floor to fourth floor level, erection of replacement conservatory at rear first floor level, installation of decking and rooflight to rear and alterations to roof.'

On 4 April 2002 planning permission and listed building consent was granted for 'Demolition of rear extensions and new internal and external alterations including rear extension on ground to fourth floors, rear glazed conservatory on ground to 1st floor and roof alterations including plant enclosure.'

On 5 August 1999 planning permission and listed building consent was granted for 'Internal and external alterations including new basement swimming pool with terrace over, demolition of rear extension and new rear extension on ground to fourth floors and roof alterations including plant enclosure'.

7. THE PROPOSAL

Permission and listed building consent is sought for demolition of rear extensions and erection of a new extension at the lower ground to the fourth floor levels, create a roof terrace at rear ground floor level, excavate a new basement level to the rear of the main dwelling, replace the windows, refurbish the front pavement vaults and associated internal and external works.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application property is a single residential unit; the additional residential floorspace that would be provided would enlarge this existing unit. In these circumstances the application does not raise any land use issues.

8.2 Townscape and Design

The building exhibits a brick frontage with stucco at ground floor level and four pilasters which extend up the facade from first floor level. It is typical of the planned townscape of Belgravia and makes a significant contribution to the area.

Very few alterations and additions have occurred to the property other than the lower ground rear wing, which is thought to date from the early twentieth century, as well as the glazed first floor sun room. During World War II, structural reinforcement works were also undertaken within the basement, apparent by the exposed steel beams.

Due to being unoccupied for a considerable number of years, the building's fabric has deteriorated. On visiting the property in early 2016 there were notable signs of water ingress throughout, including mould and damage to internal walls and ceilings. When visiting the property at the end of 2016 remedial works have been undertaken and deterioration appears to have been temporarily halted.

Internally the building has sustained very few major interventions. As a result its historic plan form is largely intact and many interior features such as fire surrounds, floor boards, joinery and original circulation spaces remain and are of great importance to the buildings significance.

Internal Works

The proposals seek to mostly restore the building's plan form where it has been compromised, notably the removal of crudely erected partitions within the ground floor front room, and the removal of the unusual internal light-shaft at the centre of the building which extends from the second floor to roof level. Some modest partitioning is proposed within secondary spaces on the upper floors and repositioning of doors, however principal spaces are avoided allowing the historic plan form to be understood. Later twentieth century fire surrounds being removed and more suitable replacements installed, the details of which are recommended to be secured by condition.

The lower ground retains numerous original and historic features including a range, fitted cupboards a substantial kitchen dresser and the original wine store with shelving. As rare survivors these are proposed to be retained.

Original floor boards remain throughout the property, which are expected to be retained. The applicant has indicated that these floor boards are to be removed which, without justification, would not be acceptable. An amending condition is recommended to ensure these are not removed therefore, and the applicant is aware of this.

A tiled floor exists through the entrance lobby, which would appear to be a later Edwardian addition. Subject to establishing the provenance of the tiles and providing a suitable replacement, removal of the tiled floor is likely to be supported.

External Works

Remodelling the rear lower ground wing is not opposed, subject to the retention of the notable internal features, as already discussed. Lowering the roof of the rear lower ground floor wing and creating a terrace above would not be objectionable from a listed building and townscape perspective. The detailed design of the bridge link over the rear light-well is recommended to be secured by condition. On top of a rear lower ground floor wing, the roof terrace would be enclosure by a screen, subject to a condition securing its detailed design this is not opposed.

Whilst significant works are proposed to the rear, a separation between the principle house and mews property is still maintained.

It is evident that the terrace as a whole has sustained various forms of rear extension, some more sensitive than others. Proposals seek to remodel and extend the existing rear closet wing, which currently extends from lower ground to third floor level. The proposals seek a deeper, full height closet wing up to fourth floor level to house a lift and additional accommodation. Whilst a full height extension would be contrary to policy DES 5 of the UDP, as it would exceed the penultimate storey of the host building, full-height closet wings are clearly an established feature of this section of the terrace. From a listed building perspective the extension would project rearward beyond the secondary staircase preserving the building's historic circulation routes, plan form and notable interior features. As such the closet wing extension is not opposed subject to securing details of the brick work and joinery details by condition.

The reinstatement of the second floor six over six sash windows would be a welcome enhancement. It is also proposed to replace the ground floor windows and reinstate a more traditional fenestration pattern akin to those which exist at nos. 104-110. Subject to joinery details, which are secure by condition the replacement windows are not opposed. Proposals also seek to install secondary glazing. Whilst not opposed in principle, the details of the units are to be secured by condition.

Air conditioning units are to be sited at roof level, towards the rear of the property, in the location of the former water tanks. Whilst the location of the units is not opposed, details of the enclosure are to be secured by condition.

Basement

Excavated directly below the closet wing and lower ground rear wing, the single-storey basement would avoid encroaching beneath the main foot print of the building. Other

than a new staircase, which would continue directly beneath the existing staircase, the basement would have very little impact on the interior of the building. At the rear of the site a well-proportioned light-well is proposed. The basement works are therefore not opposed on design and listed building grounds.

Design Summary

Generally the proposals appear sensitive to the building's significance. Whilst more intrusive works are proposed to the upper floors, with the installation of partitioning and repositioning of doors, these alterations are in less sensitive areas and on balance would not harm the internal character of the building. The building is included on Historic England buildings at risk register, it is evident that the works proposed are largely sensitive to the buildings surviving interiors, and more extensive works are necessary to securing the buildings future and removal from the Heritage at Risk Register. The proposals comply with policies DES1; DES5; DES9; and DES10; of the UDP, S25 and S28 of the City Plan as well as guidance contained within the City Council's SPG: Repairs and Alterations to Listed Buildings.

8.3 Residential Amenity

There are a number of residential properties in close proximity to the application site. No. 113 Eaton Square to the east is a single family dwelling house, no. 111 Eaton Square to the west comprises residential flats and no. 112 Eccleston Mews to the rear is a single family dwelling house.

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

Sunlight and Daylight

Objections have been received from adjoining residential occupiers at no. 113 Eaton Square and no. 112 Eccleston Mews on the grounds that the rear extension would result in loss of light.

The applicant has carried out an assessment on nos. 113 and 111 Eaton Square and no. 112 Eccleston Mews based on the various numerical tests laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice". The BRE guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in a dense urban environment, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE guide principally seeks to protect light to principal habitable rooms including living rooms, kitchen/dining rooms and, to a lesser extent, bedrooms.

Daylight

The principal BRE methodology for the assessment of daylight values is 'vertical sky component' (VSC). This measures the amount of light reaching the outside face of a window. Under this method, a window achieving a VSC value of 27% is considered to be well lit. If, as a result of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable.

No windows at no.111 Eaton Square or no.112 Eccelston Mews would experience losses in excess of the BRE guide's criteria. There would be several breaches at no. 113 Eaton Square however. The ground floor of no. 113 Eaton Square benefits from a conservatory; its roof comprises 14 window planes and 4 of these would experience losses in excess of BRE guidelines. But, given a large proportion of the conservatory roof would continue to receive good levels of daylight, and given that it has glazed elevations, overall the room would remain well-lit. At first floor the rear window of a dual aspect sitting room would experience a loss in VSC of 35%. Given the room also benefits from light from windows to the front, it is not considered reasonable to refuse permission on this basis. At second floor a bathroom would experience a loss in VSC of 34%, but the loss of light to non-habitable rooms such as bathrooms is accepted by the BRE guide. At third floor a single bed bedroom would experience a loss in VSC of 30%, this may be noticeable and would breach the BRE guidelines but is considered acceptable give the room is small bedroom and not a principle living area.

Sunlight

In respect of sunlight, the BRE guide suggests that if a living room has a main window facing within 90 degrees of due south then the sunlighting of the existing dwelling may be adversely affected if it receives less than 25% of annual probable sunlight hours (APSH) or less than 5% of APSH between September and March, and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of APSH.

Neither no.111 Eaton Square nor no.112 Eccelston Mews would experience losses in excess of the BRE guide's criteria. There would be breaches to the sunlight levels received to several planes of the conservatory roof at no.113 Eaton Square. However, the majority of the roof planes would receive levels in accordance with the BRE guide and overall the room will remain well lit.

Daylight and Sunlight Summary

Although there are losses in excess of those prescribed in the BRE guide at no.113 Eaton Square, the proposed levels are still considered to be acceptable given the use of those rooms affected, the layout of those rooms and the site location within a dense urban environment. Furthermore, the proposed closet wing extension would be of a scale that matches the existing extensions either side including the affected property. In these circumstances, the proposals are considered acceptable in terms of light.

Sense of Enclosure

The outlook from rooms to the rear of the main building at no.113 Eaton Square would be framed by the existing closet wing at no.113 Eaton Square on one side and the proposed rear extension at the application property on the other. Whilst the flank of the

existing closet wing at no.113 Eaton Square is visible from these rooms currently, it is not considered overbearing and a reasonable outlook can still be enjoyed. The proposed extension would match this existing closet wing in terms of depth and height. The impact of this would be to restrict outlook further. However, the degree of this restriction would match that created by the affected properties own closet wing, and this relationship between properties is found in numerous locations on this terrace and within the wider area and is so to be expected in this context. As such, the proposal is considered acceptable in terms of sense of enclosure.

With regards to the sense of enclosure for those living at no. 112 Eccelston Mews, the closet wing extension and roof terrace screening would be sufficiently distant from the windows there so as to avoid an unacceptable increase in a sense of enclosure. Given the orientation and position of windows at no. 111 Eaton Square, the proposals would not worsen a sense of enclosure for those living there.

Privacy

Objections have been received from an adjoining residential occupier at no. 112 Eccelston Mews on the grounds that the roof terrace at ground level would result in a loss of privacy.

The applicant has revised the screening for the roof terrace so it is higher and that it encloses all of the roof terrace area which was requested by the objector. The terrace is considered to be sufficiently screened to prevent an unacceptable level of overlooking. The details of the screen are recommended to be secured by condition.

The proposed closet wing extension contains windows which look at those to the rear and would provide new opportunities to overlook neighbours to the rear of the site. However, it is not considered that this would result in a significant loss of privacy given there are already numerous rear windows and given the relative distance between these windows and those to the rear.

Light Spill

Objections have been received from an adjoining residential occupier at no. 112 Eccelston Mews on the grounds that the enlarged lower ground floor window (on the boundary) would increase light spill.

The existing window is in an un-neighbourly position as it is within the boundary wall. Whilst it is high level (and so has no privacy implications), officers agree that its enlargement would increase light spill and could be harmful. The application has been amended so that the window is the same size as the existing.

Noise (from roof terrace)

Objections have been received from an adjoining residential occupier at no. 112 Eccelston Mews on the grounds that the roof terrace at ground level would result in an increased noise disturbance generated from social activity that could occur on it.

Given the relatively small size of the terrace, and that amenity spaces in similar positions are commonplace throughout the city, it is not considered reasonable that the noise created by such a residential terrace could be sufficiently detrimental so as to justify refusing permission.

8.4 Transportation/Parking

The proposed extensions would provide additional floorspace to an existing residential unit and therefore there would be no increase in the number of households. As such it is not considered that the proposals would have a detrimental impact on the local highway network or availability of on-street parking.

8.5 Economic Considerations

Given the scale of the development there are no material economic considerations.

8.6 Access

The proposal does not alter access arrangements.

8.7 Other UDP/Westminster Policy Considerations

Basement

Objections have been received from adjoining residential occupiers on the grounds the construction of the basement could damage adjoining properties; the applicant did not consult neighbours prior to submission; the applicant's supporting information regarding the basement contains inaccurate information; and the proposed underpinning arrangements are undesirable and could impact on party walls.

The applicant has sought to address the concerns relating to basement construction and party wall matters, this comprises an amended Basement Impact Assessment and an addendum document which addresses the points made. The proposals are considered to be in accordance with policy CM28.1 of the City Plan (adopted July 2016) as follows:

Part A. 1-6

Studies have been undertaken which advise that subterranean development in a dense urban environment is often a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the 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 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 and Policy CM28.1.A of the City Plan seek to 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 the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation and subsequently provided further information in light of concerns raised by neighbours. 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 reports 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.

The construction methodology statement provided as part of the application has been reviewed by City Council's Building Control Surveyors who have raised no concern. This statement is not recommended to be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it. The purpose of the report is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. 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, cited above. To go further would be to act beyond the bounds of planning control.

In terms of construction impact, the applicant has provided a signed proforma Appendix A confirming that they agree to comply with the City Council's Code of Construction Practice (CoCP). A condition is recommended to ensure that the applicant complies with the COCP and that the construction works are monitored for compliance by the Environmental Inspectorate at the applicant's expense.

The site is not in an archaeological priority area and therefore part 6 does of the policy does not apply.

Part B:

1 & 2) The basement would be retained underneath the footprint of the existing building and would not result in harm to trees.

Part B. 3:

The application has been submitted with information regarding the mechanical and electrical services proposed, and an acoustic report for the proposed roof level plant, and these are considered acceptable.

Part B. 4 & 7:

The basement has would be set under the existing building (rather than undeveloped garden land) and would have no implications on drainage.

Part B. 5 & 6:

The proposals are considered to be discreet and will not negatively impact on the listed building or conservation area (see also Section 8.2 of this report).

Part C. 1:

There is no undeveloped garden land, and the site is small in terms of this policy. The basement which would be underneath the lower ground floor rear wing would met the requirements of this part of the policy.

Part C. 2:

The basement does not extend under a garden therefore this part of the policy does not apply in this case.

Part C. 3:

Only a single basement is proposed which is considered acceptable and in accordance with this part of the policy.

Part D:

The basement does not extend under the highway, therefore this part of the policy does not apply in this case.

Plant equipment

Objections have been received from adjoining residential occupiers on the grounds the plant equipment could harm neighbouring occupiers.

The applicant has submitted a noise survey as part of the application. Plant equipment is proposed at roof level, the noise report indicates that the equipment assessed would likely to be inaudible at the nearest residential premise, however, not all equipment and mitigation have been confirmed. Therefore, Environmental Health has recommended a supplementary acoustic report is submitted to and approved by the City Council, in addition to and standard City Council noise conditions and conditions to ensure that the mitigation measures are implemented. Subject to these conditions it is considered the proposals will not result in a loss of residential amenity.

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 applicant has indicated they wish to claim a self-build extension exemption from CIL.

8.11 Environmental Impact Assessment

The application is of insufficient scale to trigger the requirement of an EIA.

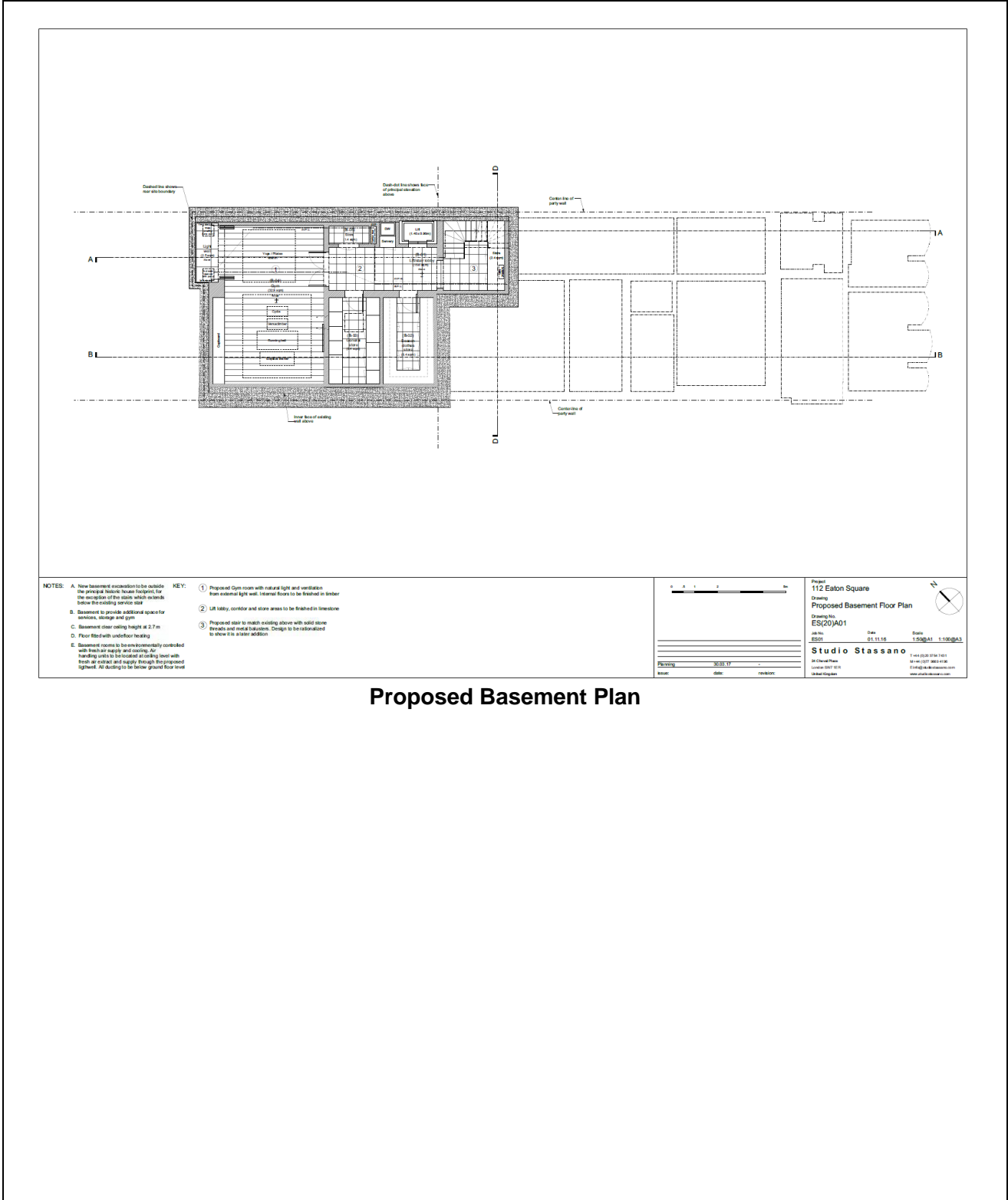
9. BACKGROUND PAPERS

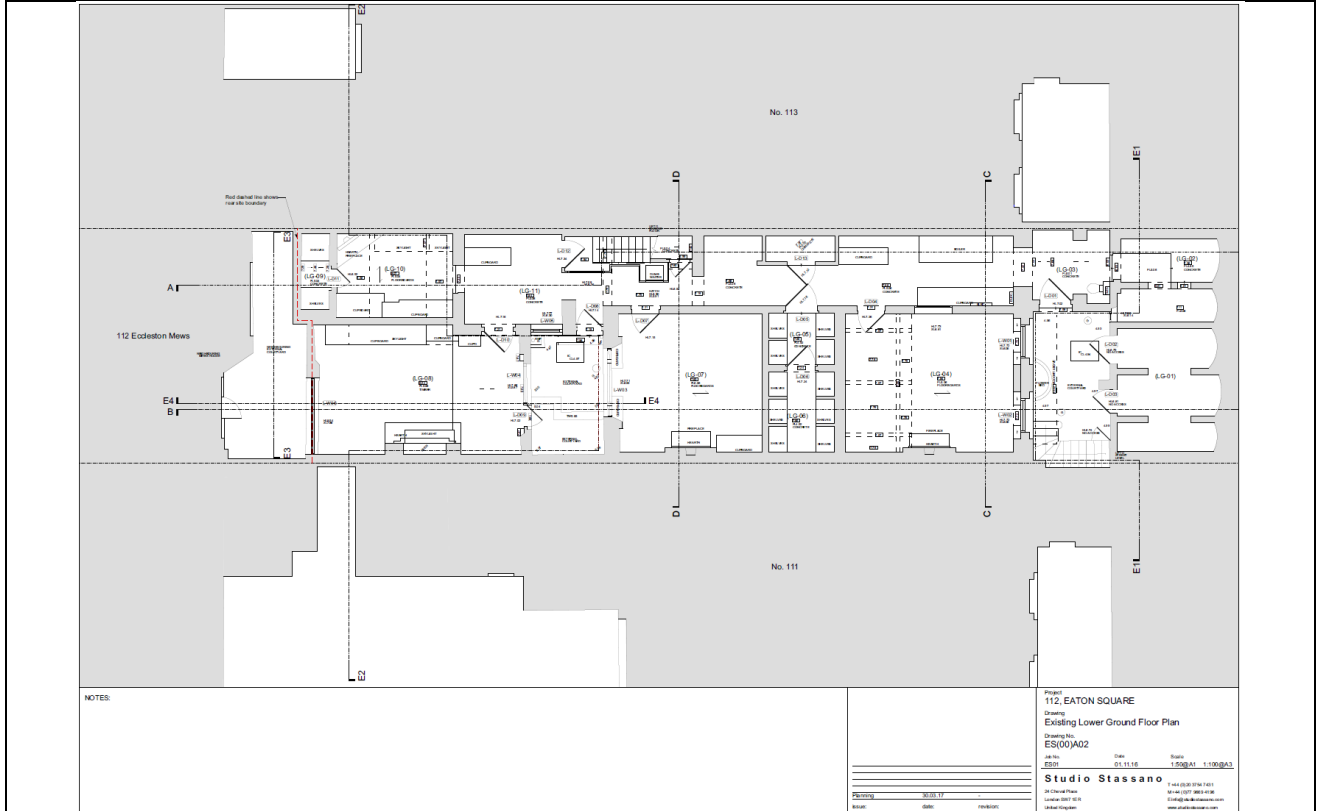
1. Application form
2. Response from Historic England, dated 30 May 2017
3. Response from Highways Planning Manager, dated 16 May 2017
4. Response from Environmental Health, dated 23 May 2017
5. Response from Building Control, dated 2 June 2017
6. Objection from occupier of 113 Eaton Square, dated 25 May 2017
7. Objections (x4) from occupier of 112 Eccleston Mews, dated 28 May 2017, 25 June 2017, 18 July 2017 and 30 July 2017
8. Email from Councillor Robathan, Ward Councillor, dated 30 July

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

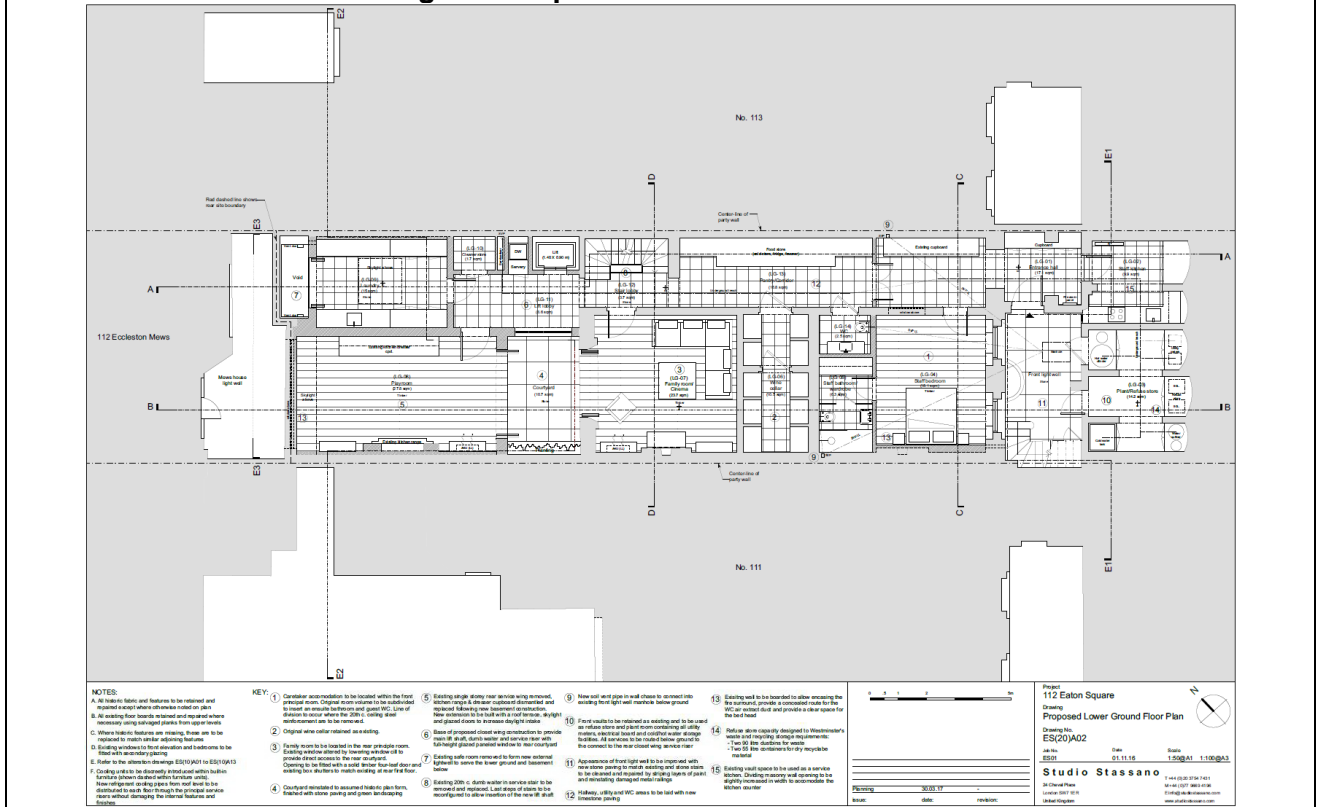
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk

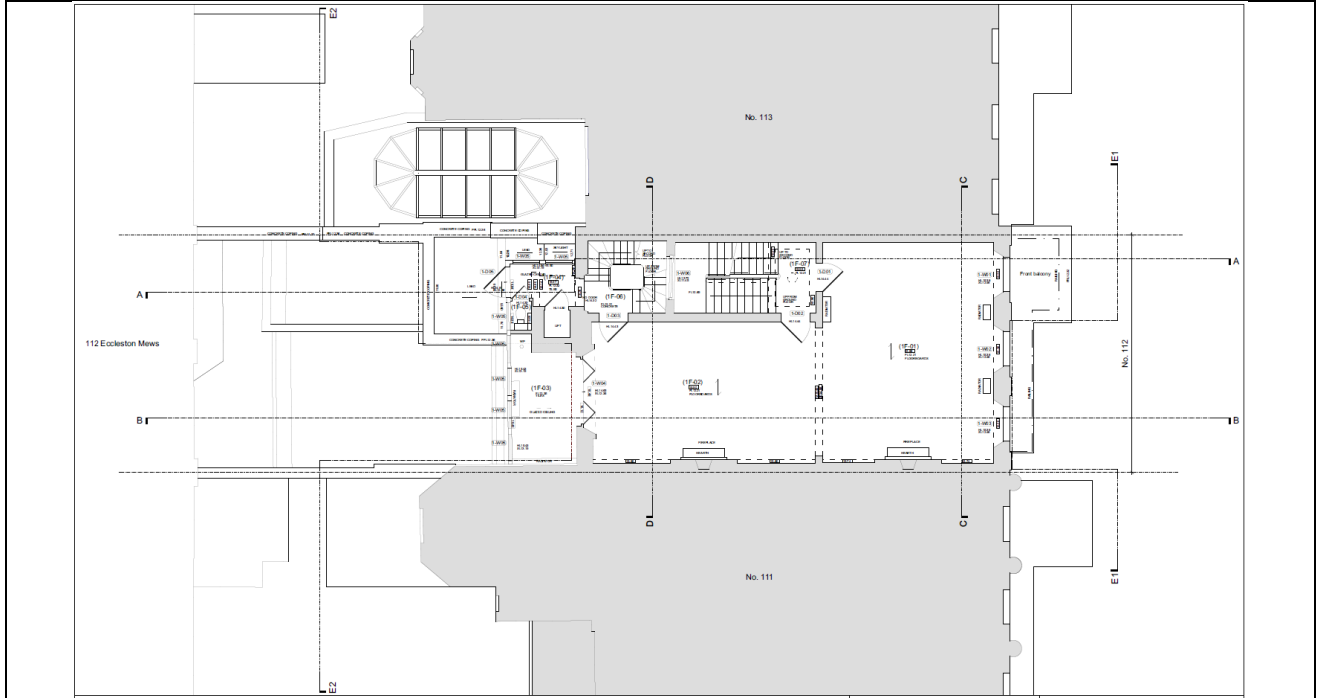
10. KEY DRAWINGS





Existing and Proposed Lower Ground Floor Plan



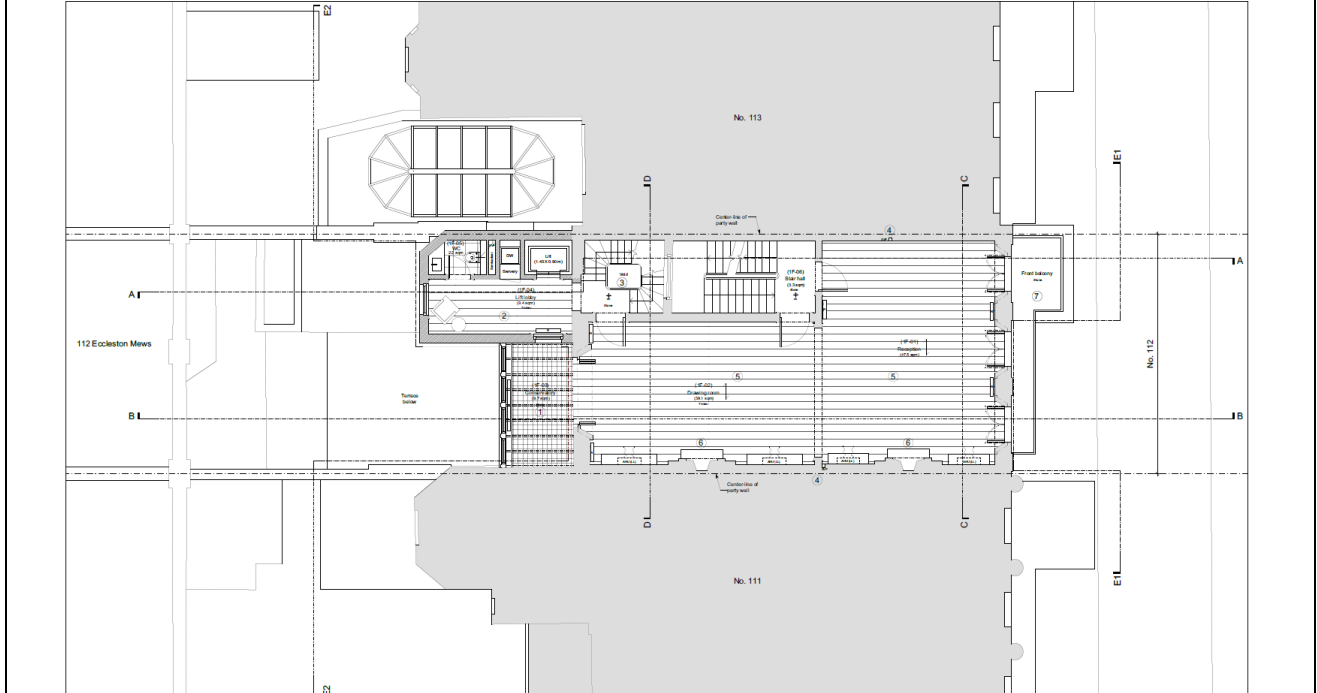


NOTES:

Project: 112 EATON SQUARE
 Drawing: Existing First Floor Plan
 Drawing No: ES(00)A04
 Job No: ES01 Date: 02.11.15 Scale: 1:500(A1) 1:100(A3)
Studio Stassano 144 Old Street, London EC1M 6RU
 020 7553 1010 www.studiostassano.com

Plotting: 2022 TFP
 Scale: 1:500
 Revision:

Existing and Proposed First Floor Plan



NOTES:

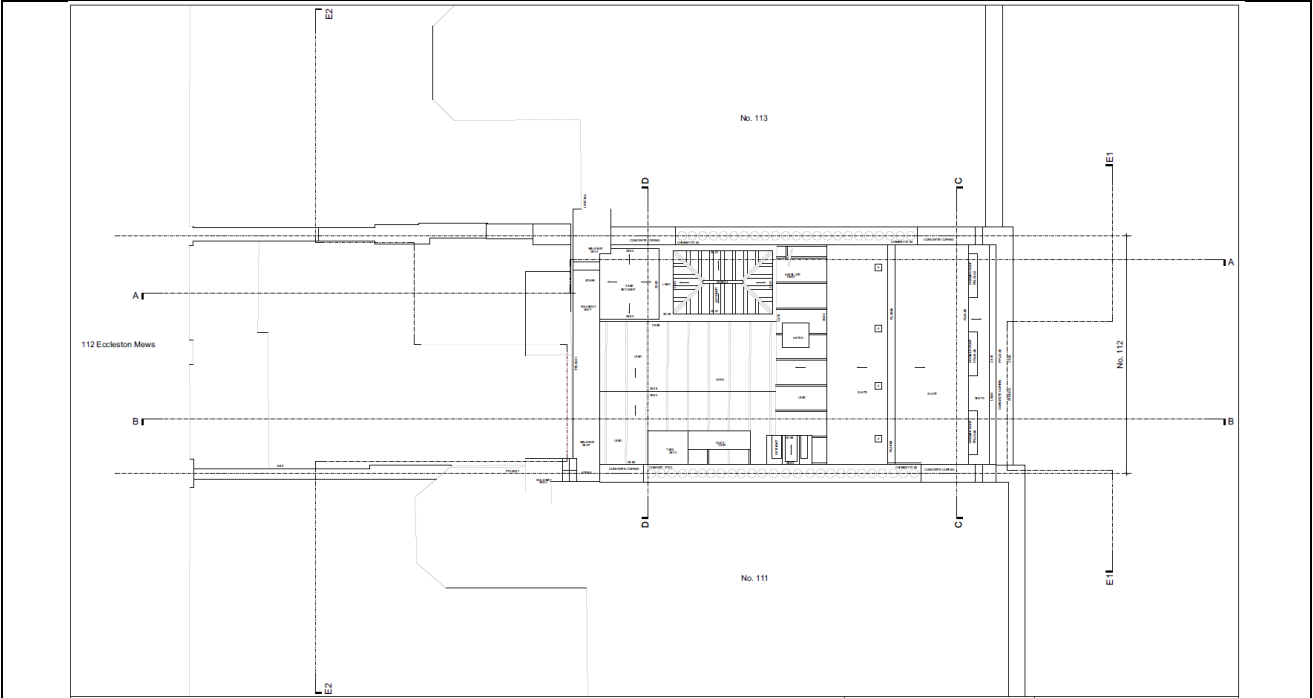
A. All fabric fabric and features to be retained and repaired except where otherwise noted on plan
 B. All walling floor boards, skirting and doors to be replaced where necessary using non-slip plaster from appropriate source
 C. Where fabric features are missing, these are to be replaced with new fabric from appropriate source
 D. Existing windows to be retained and to be replaced with new windows (ES(00)A03)
 E. Existing doors to be retained and to be replaced with new doors from appropriate source
 F. Existing doors to be replaced with new doors from appropriate source
 G. Existing doors to be replaced with new doors from appropriate source
 H. Existing doors to be replaced with new doors from appropriate source

KEY:

1. Floor quality comparable to be removed and replaced with similar design to that of the following (see previous drawings)
 2. New 4 x 4 x 4 timber joists to be installed in accordance with BS 5268: Part 1, 2013
 3. Existing 20th c. dark water in central area to be removed. All pipes, castings and ballast to be cleaned and replaced
 4. New soil waste pipe in wall where necessary
 5. 20th c. wall panel mouldings and details to be removed from both front and rear principal rooms
 6. Non-original 20th c. plaster around perimeter to be removed and replaced with the plaster of the house
 7. Damaged asphalt roofing to front balcony to be replaced with new high quality waterproofing, new paving and low balustrade. Existing metal railings to be retained where necessary

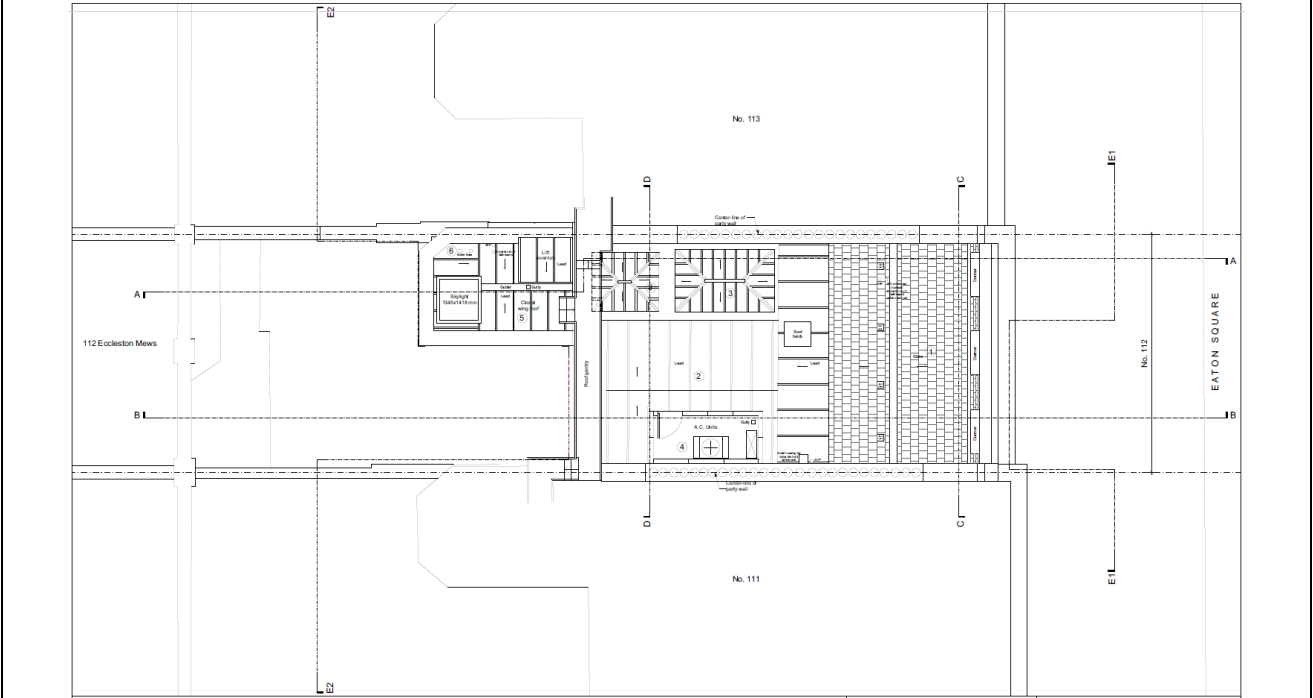
Project: 112 Eaton Square
 Drawing: Proposed First Floor Plan
 Drawing No: ES(20)A04
 Job No: ES01 Date: 02.11.15 Scale: 1:500(A1) 1:100(A3)
Studio Stassano 144 Old Street, London EC1M 6RU
 020 7553 1010 www.studiostassano.com

Plotting: 2022 TFP
 Scale: 1:500
 Revision:



NOTES:	<p>Project: 112, EATON SQUARE Drawing: Existing Roof Plan Drawing No: ES(00)A08 Date: 01.11.16 Scale: 1:500(A1) 1:100(A3)</p> <p>Studio Stassano 112 Church Place London SE17 4JL UK Tel: +44 (0)20 7741 8400 Fax: +44 (0)20 7741 8401 www.studiostassano.com</p>

Existing and Proposed Roof Plan



NOTES:	<p>Project: 112 Eaton Square Drawing: Proposed Roof Floor Plan Drawing No: ES(20)A08 Date: 01.11.16 Scale: 1:500(A1) 1:100(A3)</p> <p>Studio Stassano 112 Church Place London SE17 4JL UK Tel: +44 (0)20 7741 8400 Fax: +44 (0)20 7741 8401 www.studiostassano.com</p>

KEY:
1 Existing state roof features, list and roof finishes to be repaired where necessary, damaged areas to be replaced.
2 Existing gutter and roof and flashings replaced to match existing.
3 Assumed structural members to be replaced with steelwork to be replaced with steelwork to the age and period of the new work.
4 Existing redundant water tank to be removed and a new air conditioning housing to be built with suitable dampers and grille.
5 Roof to be covered with insulation finished with aggregate, above and below with 100mm drainage, roof and 200mm concrete.
6 Proposed boiler room to terminate 400mm above roof level.



NOTES:

Project: 112, EATON SQUARE
 Drawing: Existing Rear Elevation E2
 Drawing No: ES(00)A13
 Job No: ESD1 Date: 01.11.16 Scale: 1:500(A1) 1:100(A3)
 Studio Stassano
 24 Church Lane, London, SE17 5JL
 Tel: +44 (0)20 7541 7421
 Fax: +44 (0)20 7541 7428
 Email: info@studio-stassano.com
 Website: www.studio-stassano.com

Existing and Proposed Rear Elevation



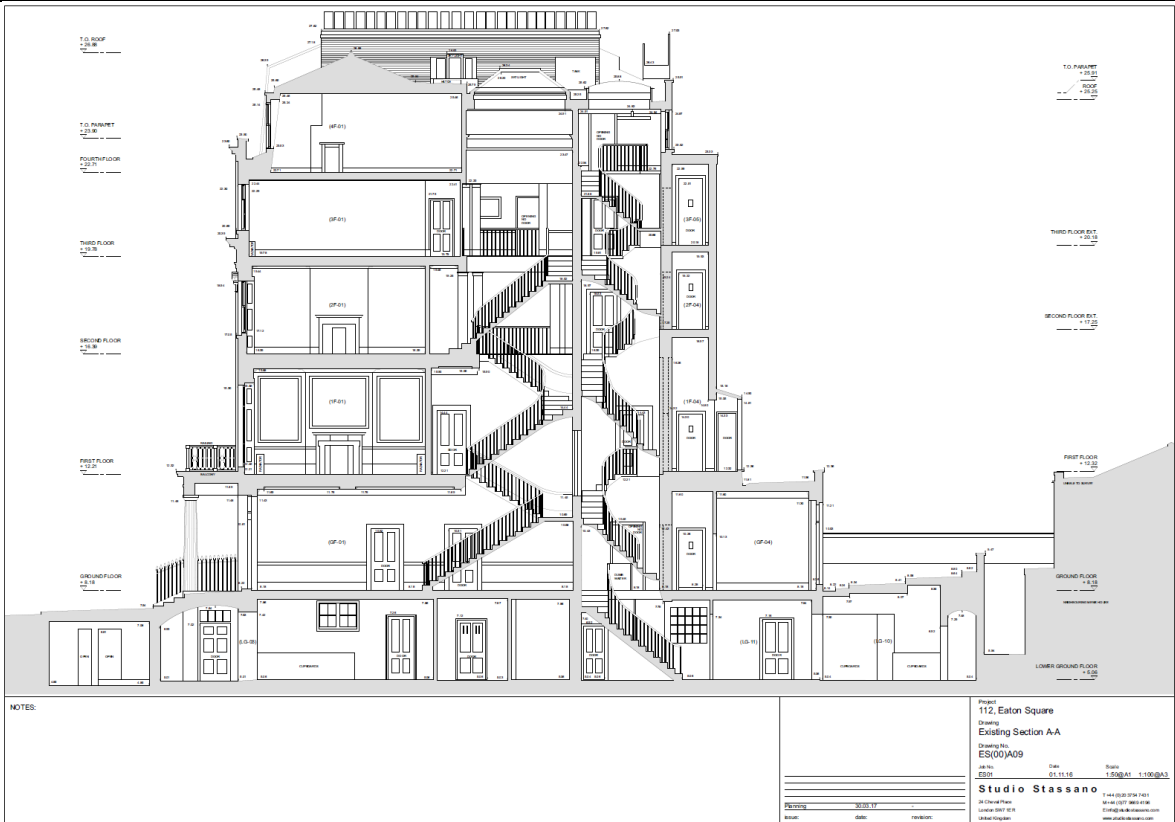
NOTES:

A. All masonry fabric and surfaces to be retained and reinstated except where otherwise shown.
 B. Existing brickwork and stonework to be cleaned with care.
 C. All retained windows and doors to be retained shown and reinstated to match existing.
 D. Existing windows to be reinstated to be fitted with secondary glazing.
 E. Refer to the alteration drawings ES(10)A1 to ES(10)A13.

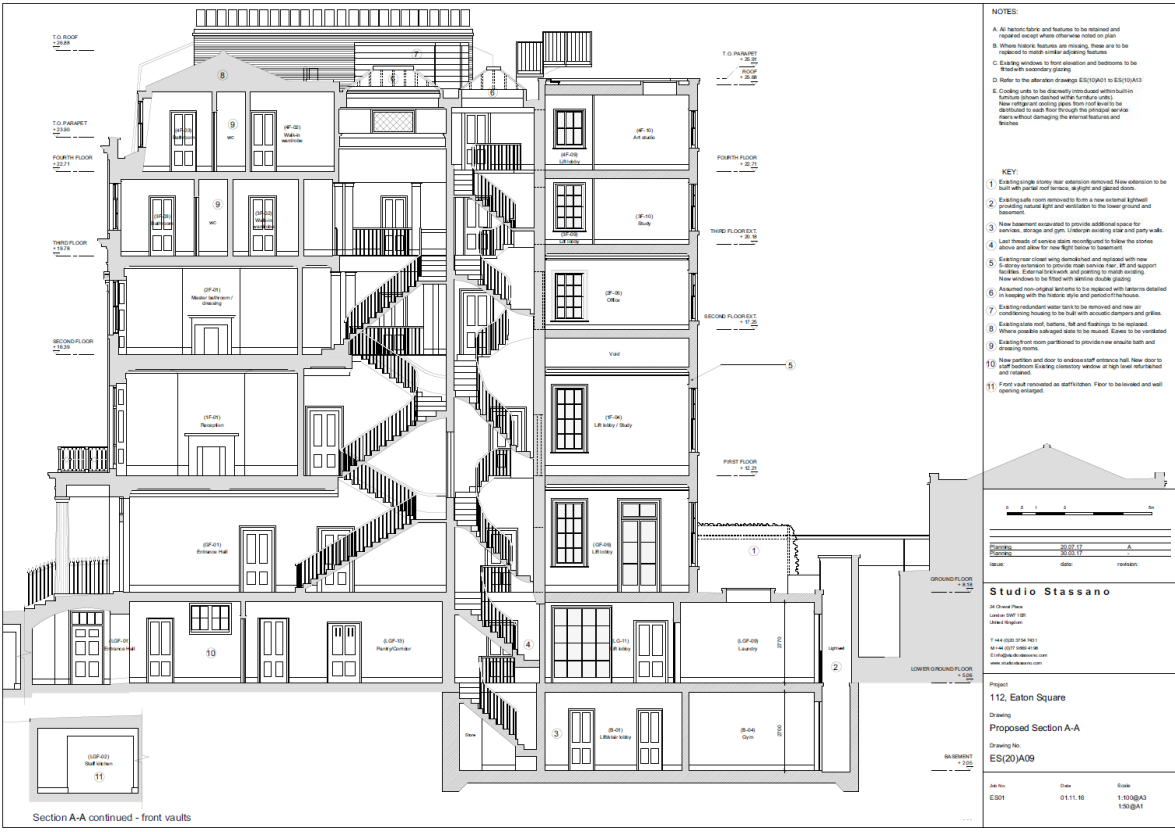
KEY:

1. New timber sash windows to rear elevation only to match existing painted white with white double glazing.
 2. Floor quality deteriorated to be removed and replaced with new floor slabs with the following specifications: (Detailed detailing, use of acid colour Portland cement with clear single glazing, solid timber concrete with painted finish, oak internal walls to fit in with the adjoining terrace and the rear street wall).
 3. Existing window sill to be replaced to match existing with stone double glazing.
 4. Existing new glazed sash windows and replaced with new 2 story sash windows to provide main service rear lift and support facilities. Existing masonry and pointing to match existing.
 5. Existing dormitory window to be replaced to match existing with stone double glazing.
 6. New timber cladded acoustic and privacy screen with glazing to correct privacy in relation to the street house (2 storey double glazing panel set).
 7. Ground floor painted brickwork to be modern white to match existing to be retained to show ground floor and adjacent street level.
 8. New brick bridge between the rear principal room and the proposed terrace. Bridge to be constructed with a metal structure and edge painted black, and a granite base to provide unobstructed daylight and views to the lower ground floor.
 9. New stone parapet coping.
 10. Masonry lift over run with ballast beam lead roof set back from the rear elevation.

Project: 112 Eaton Square
 Drawing: Proposed Rear Elevations - E2 & E3
 Drawing No: ES(20)A13
 Job No: ESD1 Date: 01.11.16 Scale: 1:500(A1) 1:100(A3)
 Studio Stassano
 24 Church Lane, London, SE17 5JL
 Tel: +44 (0)20 7541 7421
 Fax: +44 (0)20 7541 7428
 Email: info@studio-stassano.com
 Website: www.studio-stassano.com



Existing and Proposed Section



DRAFT DECISION LETTER

Address: 112 Eaton Square, London, SW1W 9AE,

Proposal: Demolition of rear extensions and erection of a new extension at the lower ground to the fourth floor levels, excavation of a basement to the rear of the main dwelling, replacement windows, and refurbishment of the front pavement vaults, and associated alterations in connection with the use of property as a single family dwelling house. Linked to 17/03792/LBC

Plan Nos: Location Plan; Site Plan; ES(00)A00; ES(00)A01; ES(00)A02; ES(00)A03; ES(00)A04; ES(00)A05; ES(00)A06 rev A; ES(00)A07; ES(00)A08; ES(00)A09; ES(00)A10; ES(00)A11; ES(00)A12; ES(00)A13; ES(00)A14; ES(10)A01; ES(10)A02 rev A; ES(10)A03 rev B; ES(10)A04 rev A; ES(10)A05; ES(10)A06; ES(10)A07; ES(10)A08; ES(10)A09 rev A; ES(10)A10 rev A; ES(10)A11; ES(10)A12; ES(10)A13 rev A; ES(11)A01; ES(11)A02; ES(11)A03; ES(11)A04; ES(11)A05; ES(11)A06; ES(11)A07; ES(20)A01; ES(20)A02 rev A; ES(20)A03 rev B; ES(20)A04 rev A; ES(20)A05 rev A; ES(20)A06; ES(20)A07 rev A; ES(20)A08; ES(20)A09 rev A; ES(20)A10 rev B; ES(20)A11; ES(20)A12; ES(20)A13 rev B; ES(50)A01; ES(50)A02; ES(50)A03; ES(50)A04; ES(50)A05; ES(50)A06; ES(50)A07; Cover Letter (Montagu Evans); Planning and Heritage Statement (Montagu Evans); Design and Access Statement (Studio Stassano); Area Schedule; Scope of Work Mechanical and Electrical Services (judd consulting (uk) ltd); Environmental Investigations Limited (Hutton + Rostron); Daylight and Sunlight Report and Letter dated 21 July 2017 (malcolm hollis).

For information only:

Basement Impact Assessment, June 2017, and Addendum (Site Analytical Services Ltd.); Damage Category Assessment (Site Analytical Services Ltd.); Structural Calculations (rodrigues associates); Structural Methodology Statement (rodrigues associates); Structural Drawings (rodrigues associates).

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must apply to us for approval of further information as set out below of the following part of the development:

- (a) detailed design of roof terrace screen and planter;
- (b) detailed design of bridge link at ground floor level;
- (c) detailed design plant enclosure and location of air conditioning units at roof level; and
- (d) detailed drawings (sections and elevations) of all new external windows and doors, scaled 1:10.

All details submitted must be shown in context with the surrounding fabric, and must be consistent with the approved plans. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

- the replacement high level window to the lower ground floor rear wing shall to revised to be no larger than the existing.

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

Reason:

To protect the special architectural or historic interest of this listed 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 7 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

- 10 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 8 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 11 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 12 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

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

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

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

Phone: 020 7641 2000

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

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 Conditions 8, 9, 10 and 11 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 6 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.

- 7 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)

DRAFT DECISION LETTER

- Address:** 112 Eaton Square, London, SW1W 9AE,
- Proposal:** Demolition of rear extensions and erection of a new extension at the lower ground to the fourth floor levels, excavation of a basement to the rear of the main dwelling, replacement windows, and refurbishment of the front pavement vaults, and associated internal and external alterations in connection with the use of property as a single family dwelling house. Linked to 17/03791/FULL
- Plan Nos:** Location Plan; Site Plan; ES(00)A00; ES(00)A01; ES(00)A02; ES(00)A03; ES(00)A04; ES(00)A05; ES(00)A06 rev A; ES(00)A07; ES(00)A08; ES(00)A09; ES(00)A10; ES(00)A11; ES(00)A12; ES(00)A13; ES(00)A14; ES(10)A01; ES(10)A02 rev A; ES(10)A03 rev B; ES(10)A04 rev A; ES(10)A05; ES(10)A06; ES(10)A07; ES(10)A08; ES(10)A09 rev A; ES(10)A10 rev A; ES(10)A11; ES(10)A12; ES(10)A13 rev A; ES(11)A01; ES(11)A02; ES(11)A03; ES(11)A04; ES(11)A05; ES(11)A06; ES(11)A07; ES(20)A01; ES(20)A02 rev A; ES(20)A03 rev B; ES(20)A04 rev A; ES(20)A05 rev A; ES(20)A06; ES(20)A07 rev A; ES(20)A08; ES(20)A09 rev A; ES(20)A10 rev B; ES(20)A11; ES(20)A12; ES(20)A13 rev B; ES(50)A01; ES(50)A02; ES(50)A03; ES(50)A04; ES(50)A05; ES(50)A06; ES(50)A07; Cover Letter (Montagu Evans); Planning and Heritage Statement (Montagu Evans); Design and Access Statement (Studio Stassano); Area Schedule; Scope of Work Mechanical and Electrical Services (judd consulting (uk) ltd); Environmental Investigations Limited (Hutton + Rostron).

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

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

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

Reason:

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

- 2 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

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)

- 3 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)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the 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)

- 5 You must apply to us for approval of further information as set out below of the following parts of the development

- (a) detailed design of roof terrace screen and planter;
- (b) detailed design of bridge link at ground floor level;
- (c) detailed design plant enclosure and location of air conditioning units at roof level;
- (d) detailed drawings (sections and elevations) of all new external windows and doors, scaled 1:10;
- (e) detailed drawings (section and elevations) of all new secondary glazing units, scaled 1:10;
- (f) details of replacement fire places; and
- (g) details of new flooring in entrance lobby.

All details submitted must be shown in context with the surrounding fabric, and must be consistent with the approved plans. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the 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)

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

- the replacement high level window to the lower ground floor rear wing shall to revised to be no larger than the existing.

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

Reason:

To protect the 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)

- 7 Notwithstanding what is shown in the approved drawings and documents, the removal of the original floor boards is not approved.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 - 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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 - 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)