



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 27th February, 2018**

Time: **6.30 pm**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Richard Beddoe (Chairman)
David Boothroyd
Susie Burbridge
Tim Mitchell

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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|--------------------------|
| 1. LORDS CRICKET GROUND, ST JOHN'S WOOD ROAD, LONDON, NW8 8QZ | (Pages 7 - 56) |
| 2. DEVELOPMENT SITE AT 47 POLAND STREET AND 54-57, GREAT MARLBOROUGH STREET, LONDON | (Pages 57 - 94) |
| 3. 8-14 MEARD STREET, LONDON, W1F 0EQ | (Pages 95 - 138) |
| 4. WESTCOURT HOUSE, 191 OLD MARYLEBONE ROAD, LONDON, NW1 5DZ | (Pages 139 - 174) |
| 5. 14 WIMPOLE STREET, LONDON, W1G 9SX | (Pages 175 - 200) |
| 6. 8 GLOUCESTER SQUARE, LONDON, W2 2TJ | (Pages 201 - 216) |
| 7. 1 DENNING CLOSE, LONDON, NW8 9PJ | (Pages 217 - 232) |

Stuart Love
Chief Executive
19 February 2018

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 27th February 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 1. 17/09642/FULL 2. 17/09638/FULL 3. 17/09621/FULL Regent's Park	Lords Cricket Ground St John's Wood Road London NW8 8QZ	<p>Application 1: Variation of Conditions 1 and 2 of planning permission dated 12 March 2013 (RN: 12/11261/FULL) for Variation of Condition 1 of planning permission dated 20 May 2010 (RN: 09/09775); to retain the four retractable floodlights for another five year temporary period from 2014 to 2019 and variation of Condition 2 to increase the number of day cricket matches the floodlights can be used each season from 12 to 14 days. (Application under Section 73 of the Town and Country Planning Act 1990); NAMELY to allow the continued use of floodlights and to increase the evening useage to 15 days for the 2019 season and to allow the use of the floodlights in respect of all Middlesex Day matches ending before 19.30 under bad light conditions for the 2018/2019 seasons.</p> <p>Application 2: Variation of conditions 15 and 16 of planning permission dated 13 April 2016 (RN 16/02015/FULL) for the variation of Condition 2 of planning permission dated 24 November 2014 (RN: 14/09144) for the redevelopment of the Warner Stand. NAMELY, to allow the continued use of the floodlight and to increase the evening useage to 15 days for the 2019 season and to allow the use of the floodlights in respect of all Middlesex Day matches ending before 19.30 under bad light conditions for the 2018/2019 seasons.</p> <p>Application 3: Variation of conditions 10 and 11 of planning permission dated 17 February 2016 (RN: 15/07111/FULL) for the Demolition of the existing Tavern Stand, Allen Stand, Thomas Lord Building, MCC Office Building and Scorers' Box and redevelopment comprising the erection of new stand, new Thomas Lord Building with an expanded basement and relocated public house, new Harris Garden Building, new Scorers' Box, internal and external alterations to the Pavilion, a new shop in the Bowlers' Annexe together with relocation of the floodlight, hard and soft landscaping, servicing facilities and all necessary ancillary and enabling works, plant and equipment. NAMELY, to allow the continued use of the floodlight and to increase the evening useage to 15 days for the 2019 season and to allow the use of the floodlights in respect of all Middlesex Day matches ending before 19.30 under bad light conditions for the 2018/2019 seasons.</p>	
<p>Recommendation Grant conditional permission.</p>				

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Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 17/10057/FULL West End	Development Site At 47 Poland Street And 54-57 Great Marlborough Street London	Demolition of 54 and 55-57 Great Marlborough Street and demolition of rear ground, first and second floors of 47 Poland Street and redevelopment of the site to provide a new building comprising two basement levels, ground floor and seven upper levels. Use of part ground floor / basement level 1 as retail (Class A1). Use of part basement level 1 and part ground floor level and basement level 2 and seven upper levels as a hotel (Class C1). Terrace and plant at seventh floor level, pv panels at roof level and associated external works.	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to a S106 legal agreement to secure the following:</p> <p>i. Dedication of land as public highway;</p> <p>ii. A Crossrail payment;</p> <p>iii. An employment and training strategy (for demolition, construction and operational phases);</p> <p>iv. S106 monitoring costs.</p> <p>2. If the S106 legal agreements has not been completed within six weeks of the date of the Committee resolution, then:</p> <p>(a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>(b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers</p>				
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 17/09109/FULL West End	8-14 Meard Street London W1F 0EQ	Demolition of the rear ground, first and second floor office accommodation and replacement with a full width rear extension at first to fourth floors to provide Office (Class B1) floorspace. Change of use of basement to part gym (Class D2) and part office (Class B1) and change of use of part ground floor to retail (Class A1), office (Class B1), gym (Class D2). Replacement shopfronts at ground floor level on Meard Street and amendments to the rear of the existing residential in Royalty Mansions (Class C3) and associated works	
<p>Recommendation</p> <p>Grant conditional planning permission</p>				

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Item No	References	Site Address	Proposal	Resolution
4.	<p>RN(s) : 17/04194/FULL</p> <p>Bryanston And Dorset Square</p>	<p>Westcourt House 191 Old Marylebone Road London NW1 5DZ</p>	<p>Redevelopment of the site to provide hotel (Use Class C1) with ancillary ground floor cafe / restaurant in 13 storey building.</p>	
<p>Recommendation</p> <p>1. Subject to referral to the Mayor of London, grant conditional permission, subject to a section 106 agreement to secure:</p> <p>a) A financial contribution of £45,000 (index linked) for the expansion of a nearby cycle hire docking station;</p> <p>b) A financial contribution of £27,239 (index linked) toward the funding of Crossrail;</p> <p>c) Payment of the cost of highway works associated with the development on Old Marylebone Road and Harcourt Street;</p> <p>d) Dedication of public highway on Old Marylebone Road and Harcourt Street;</p> <p>e) Offering local employment opportunities during construction and operation; and</p> <p>f) A financial contribution of £35,000 (index linked) for maintenance of street trees</p> <p>g) Payment of cost of monitoring the agreement (£500 per head of term).</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution then:</p> <p>a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>				
Item No	References	Site Address	Proposal	Resolution
5.	<p>RN(s) : 17/08201/FULL 17/08202/LBC</p> <p>Marylebone High Street</p>	<p>14 Wimpole Street London W1G 9SX</p>	<p>Variation of Condition 1 of planning permission dated 20 December 2016 (RN 16/08184/FULL) for, '<i>Demolition of mews building and lower ground and ground floor rear extensions. Erection of replacement mews building on lower, ground and first floors to provide a four bedroom dwellinghouse (Class C3), accessed from Wigmore Place. Erection of replacement lower ground and ground floor levels rear extension to the main building and use of part ground and part lower ground floor as medical floorspace (Class D1) and use of part lower ground, part ground floor and first to fourth floors as nine flats (Class C3). Alterations to rear elevation including the installation of new windows</i>'; NAMELY, to make the following amendments to the approved development - installation of five</p>	

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			<p>air conditioning units within acoustic enclosure at roof level, alterations to the windows within the mews house, the addition of two condensing units within the lower ground floor courtyard of the replacement mews building, and associated minor alterations.</p> <p>Variation of Condition 1 of listed building consent dated 20 December 2016 (RN 16/08185/LBC) for, '<i>Demolition of mews building and lower ground and ground floor rear extensions. Erection of replacement mews building on lower, ground and first floors to provide a four bedroom dwellinghouse (Class C3), accessed from Wigmore Place. Erection of replacement lower ground and ground floor levels rear extension to the main building and use of part ground and part lower ground floor as medical floorspace (Class D1) and use of part lower ground, part ground floor and first to fourth floors as nine flats (Class C3). Alterations to rear elevation including the installation of new windows</i>'; NAMELY, to vary the consented demolition at basement, ground, first, second, third and fourth floors, internal alterations to all floor levels, installation of five air conditioning units within acoustic enclosure at roof level, alterations to the windows within the mews house, the addition of two condensing units within the lower ground floor courtyard of the replacement mews building, and associated minor alterations.</p>	
<p>Recommendation</p> <ol style="list-style-type: none"> 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter. 				
Item No	References	Site Address	Proposal	Resolution
6.	<p>RN(s) : 17/06146/FULL</p> <p>Hyde Park</p>	<p>8 Gloucester Square London W2 2TJ</p>	<p>Use of the building as a mixed residential and Embassy use (Sui Generis).</p>	
<p>Recommendation Refuse permission - land use and amenity</p>				
Item No	References	Site Address	Proposal	Resolution
7.	<p>RN(s) : 17/10516/FULL</p>	<p>1 Denning Close London NW8 9PJ</p>	<p>Excavation below part of existing ground floor to form a basement extension to existing dwellinghouse.</p>	

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	Regent's Park			
	Recommendation Grant conditional permission			

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Agenda Item 1

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CITY OF WESTMINSTER	
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 February 2018
	Classification For General Release
Report of Director of Planning	Ward(s) involved Regent's Park
Subject of Report	Lords Cricket Ground, St John's Wood Road, London, NW8 8QZ
Proposal	<p>Application 1: Variation of Conditions 1 and 2 of planning permission dated 12 March 2013 (RN: 12/11261FULL) for Variation of Condition 1 of planning permission dated 20 May 2010 (RN: 09/09775); to retain the four retractable floodlights for another five year temporary period from 2014 to 2019 and variation of Condition 2 to increase the number of day cricket matches the floodlights can be used each season from 12 to 14 days. (Application under Section 73 of the Town and Country Planning Act 1990); NAMELY to allow the continued use of floodlights and to increase the evening useage to 15 days for the 2019 season and to allow the use of the floodlights in respect of all Middlesex Day matches ending before 19.30 under bad light conditions for the 2018/2019 seasons.</p> <p>Application 2: Variation of conditions 15 and 16 of planning permission dated 13 April 2016 (RN 16/02015/FULL) for the variation of Condition 2 of planning permission dated 24 November 2014 (RN: 14/09144) for the redevelopment of the Warner Stand. NAMELY, to allow the continued use of the floodlight and to increase the evening useage to 15 days for the 2019 season and to allow the use of the floodlights in respect of all Middlesex Day matches ending before 19.30 under bad light conditions for the 2018/2019 seasons.</p> <p>Application 3: Variation of conditions 10 and 11 of planning permission dated 17 February 2016 (RN: 15/07111/FULL) for the Demolition of the existing Tavern Stand, Allen Stand, Thomas Lord Building, MCC Office Building and Scorers' Box and redevelopment comprising the erection of new stand, new Thomas Lord Building with an expanded basement and relocated public house, new Harris Garden Building, new Scorers' Box, internal and external alterations to the Pavilion, a new shop in the Bowlers' Annexe together with relocation of the floodlight, hard and soft landscaping, servicing facilities and all necessary ancillary and enabling works, plant and equipment. NAMELY, to allow the continued use of the floodlight and to increase the evening useage to 15 days for the 2019 season and to allow the use of the floodlights in respect of all Middlesex Day matches ending before 19.30 under bad light conditions for the 2018/2019 seasons.</p>
Agent	Mr Wai-kit Cheung, Turnberry
On behalf of	Marylebone Cricket Club

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Registered Number	Application 1 17/09642/FULL Application 2 17/09638/FULL Application 3 17/09621/FULL	Date amended/ completed	30 October 2017
Date Applications Received	30 October 2017		
Historic Building Grade	Pavillion Grade II*, Grace Gates Grade II		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Application 1: Grant conditional permission
Application 2: Grant conditional permission
Application 3: Grant conditional permission

2. SUMMARY

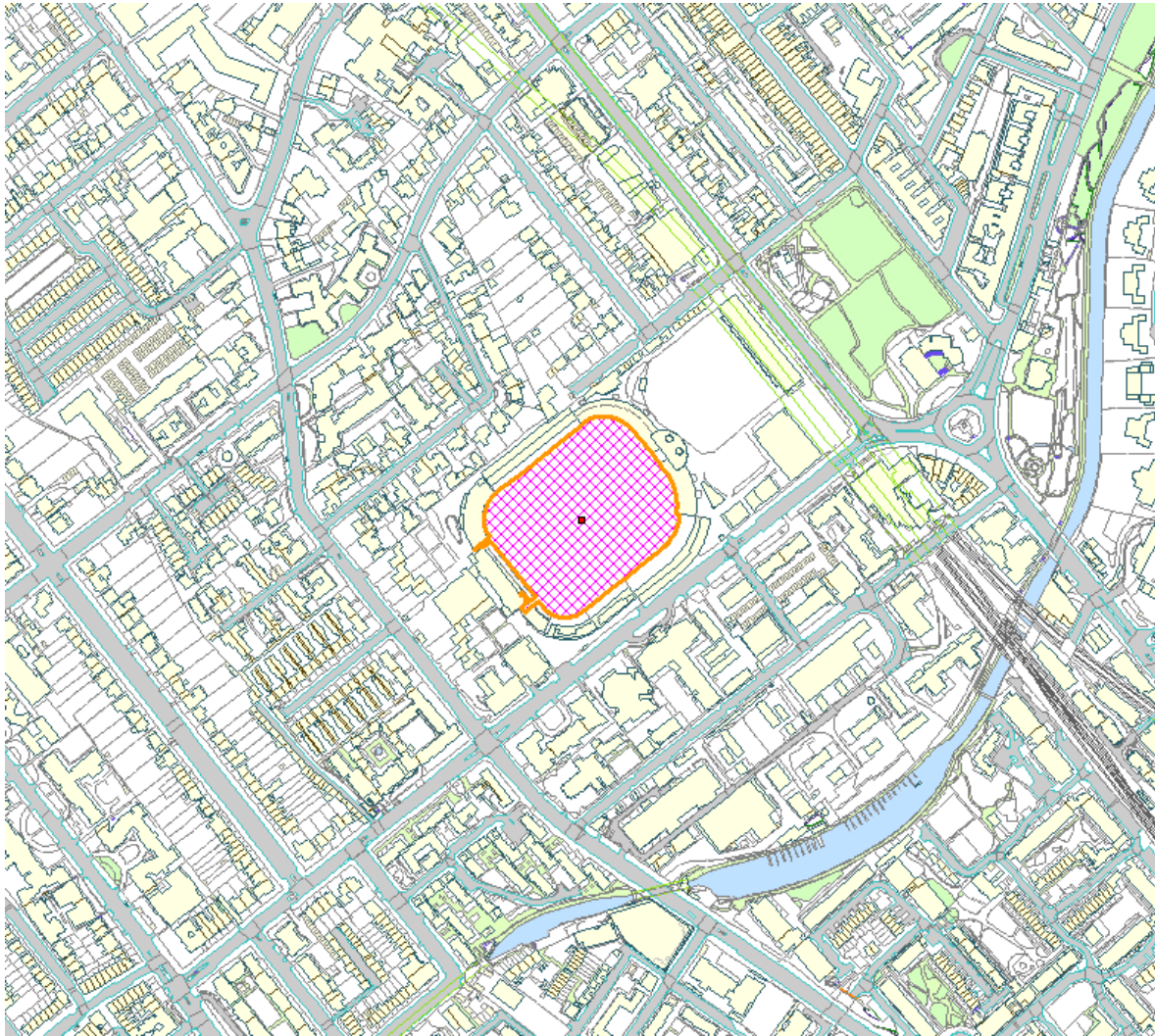
<p>The planning permission for the four retractable floodlights at Lords Cricket Ground is for a five year period and will expire in January 2019. This application seeks to vary the time limit conditions attached to each of the three permissions cited above and to retain these floodlights for another year until the beginning of 2020 to accommodate the 2019 World Cup. It is also proposed to vary the wording of the appropriate condition to increase the number of evening allowances for the floodlights from the approved 10 days to 15 days for the 2019 season. Permission is also sought to allow the use of the floodlights in respect of all Middlesex Day matches ending before 19.30 under bad light conditions for the 2018 and 2019 season.</p> <p>Six objections have been received from two local residents, opposing any increase in the number of times the floodlights can be used because of the adverse impact on their amenities in terms of increased noise and disturbance from the lights and to increased traffic and due to parking pressures in the vicinity of the ground.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> * the impact of the retention of these floodlights on the amenities of adjoining residents in terms of light pollution, noise and disturbance for another year until the beginning of 2020 and increasing the number of evening allowances from 10 to 15; * the impact of the retention of the floodlights on the character and appearance of this part of the St John's Wood Conservation Area and on the special architectural and historic interest of the listed buildings both inside and outside the ground; * impact on traffic and parking in the area when the floodlights are in use; * the impact of the floodlights on local wildlife (in particular bats). <p>It is not considered that the retention of these floodlights for another year, their use of five more evenings in the 2019 season and the allowance of the floodlights in respect of all Middlesex Day matches ending before 19.30 (under bad light conditions) for the 2018 and 2019 season will harm either the character or appearance of this part of the St John's Wood Conservation Area. It is</p>

considered that these structures when retracted and extended have a neutral impact on the setting of listed buildings both inside and outside the ground.

The floodlights are operating in line with the planning conditions which restrict their maximum lux levels and it is not considered that the retention of these floodlights for a further year period, the increase in the number of times they can be used during the evenings or the use of the floodlights during Middlesex day matches will result in such material harm to the living conditions of surrounding residents to warrant refusal. There is no evidence to demonstrate that the operation of the floodlights are affecting local wildlife.

It is recommended that the appropriate conditions attached to the three original permissions are varied and the applications are recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Aerial View of Lords showing the 4 floodlights (taken from Design and Access Statement submitted with application 15/ 07111/FULL)



5. CONSULTATIONS

Application 1 - 17/09642/FULL

WARD COUNCILLORS:

Any response to be reported verbally.

THE ROYAL PARKS:

Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY:

Support given to the retention of the floodlights and defer to officer on the increase in number of evening matches.

THE ST MARYLEBONE SOCIETY:

Support given to the retention of the floodlights and defer to officer on the increase in number of evening matches.

FRIENDS OF REGENTS PARK & PRIMROSE HILL:

Any response to be reported verbally.

ENVIRONMENTAL HEALTH:

No objection.

HIGHWAYS PLANNING - DEVELOPMENT PLANNING:

No objection.

TRANSPORT FOR LONDON - BOROUGH PLANNING:

No objection.

NATURAL ENGLAND:

No objection.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS):

No objection.

SPORT ENGLAND:

No response received. Note – no objection received to application 17/09621/FULL

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1372

Total No. of replies: 6 (3 from the same property)

Six objections received on some or all of the following grounds:

Amenity:

- Increase in noise from additional games

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- Local area becoming increasingly busy
- Disturbance from lighting.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 2 - 17/09638/FULL

WARD COUNCILLORS:

Any response to be reported verbally.

THE ROYAL PARKS:

Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY:

Support given to the retention of the floodlight and defer to officer on the increase in number of evening matches.

THE ST MARYLEBONE SOCIETY:

Support given to the retention of the floodlight and defer to officer on the increase in number of evening matches.

FRIENDS OF REGENTS PARK & PRIMROSE HILL:

Any response to be reported verbally.

ENVIRONMENTAL HEALTH:

No objection.

HIGHWAYS PLANNING - DEVELOPMENT PLANNING:

No objection.

TRANSPORT FOR LONDON - BOROUGH PLANNING:

No objection.

NATURAL ENGLAND:

No objection.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS):

No objection.

SPORT ENGLAND:

Any response to be reported verbally.

. Note – no objection received to application 17/09621/FULL

ADJOINING OWNERS/OCCUPIERS:

Given the proposals are the same as those outlined in application 17/09642/FULL, all adjoining owners/occupiers were consulted on application 17/09642/FULL.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 3 - 17/09621/FULL

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WARD COUNCILLORS:

Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY:

No objection.

HIGHWAYS PLANNING - DEVELOPMENT PLANNING:

No objection.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS):

No objection.

TRANSPORT FOR LONDON - BOROUGH PLANNING:

Any response to be reported verbally.

Note – no objections received to applications 17/09642/FULL and 17/09638/FULL.

NATURAL ENGLAND:

Any response to be reported verbally.

Note – no objections received to applications 17/09642/FULL and 17/09638/FULL.

SPORT ENGLAND:

No objection.

THE ROYAL PARKS:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS:

Given the proposals are the same as those outlined in application 17/09642/FULL, all adjoining owners/occupiers were consulted on application 17/09642/FULL.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to Lords Cricket Ground, which is bounded by Wellington Place, Cavendish Close and Elm Tree Road to the north, Wellington Road to the east, St John's Wood Road to the south and Grove End Road to the west. The application site is located within the St John's Wood Conservation Area.

The four retractable floodlights (located at the rear of the Compton Stand, Edrich Stand, Tavern Stand and Warner Stand) were permitted in 2009 for a five year period and this was extended in 2013 for a further five year period .The most recent permission granted in 2013 was for a maximum of 10 evening matches and two practice evenings per year, reduced in number from the officer's recommendation of 12 evening matches and four evening practice matches by members of the Planning Applications Committee on 10 May 2010.

Since the grant of the original planning permission for the floodlights, the Warner Stand has been redeveloped and the floodlight which was located at the rear, has now been incorporated within the new stand. Permission has also been granted for the demolition of the Tavern Stand, Allen Stand, Thomas Lord Building, MCC Office Building and Scorers' Box and redevelopment comprising the erection of new stand, new Thomas Lord Building with an expanded basement and relocated public house, new Harris Garden Building and a new Scorers' Box in 2016 but this permission has not been implemented to date.

The pavilion in the ground is Grade II* listed and the Grace Gates on St John's Wood Road are Grade II listed. The ground also contains iconic modern buildings such as the Future Systems Media Centre and Michael Hopkins's Mound Stand.

The surrounding land uses are predominantly residential in character ranging from single family houses to mansion blocks of flats, with a number of surrounding listed buildings in Wellington Place and Cavendish Avenue/Cavendish Close to the north, St John the Baptist Church and churchyard gardens to the east are Grade II listed. Opposite the North Gate of the ground is the Wellington Hospital South in Wellington Place and directly to the south is Dora House (sheltered accommodation) and a hotel on the corner of St John's Wood Road/Park Road.

Lords is the home of Marylebone Cricket Club (MCC). It is also home for the Middlesex County Cricket Club, the English and Welsh Cricket Board (ECB) and the European Cricket Council. The ground is used for the playing of Test matches. The ground also contains the Indoor Cricket School at the Nursery End of the ground.

Wellington Road and St. John's Wood Road are Red Routes under the responsibility of Transport for London (TfL). The site is located outside the Central Activities Zone (CAZ).

6.2 Recent Relevant History

12/11261/FULL

Variation of Condition 1 of planning permission dated 20 May 2010 (RN: 09/09775); namely, to retain the four retractable floodlights for another five year temporary period from 2014 to 2019 and variation of Condition 2 to increase the number of day cricket matches the floodlights can be used each season from 12 to 14 days. (Application under Section 73 of the Town and Country Planning Act 1990).

Application Permitted 12 March 2013

16/02015/FULL

Variation to Condition 2 of planning permission dated 30 November 2014 (which was varied by the permission dated 25 August 2015)in relation to the redevelopment of the Warner Stand (RN: 15/09676) namely to alter the wording of this condition which controls hours of building work to allow building work on a limited number of Saturdays from 13.00 hours until 18.00 hours on 9th, 16th, 23rd & 30th April and & 7th, 14th & 21st May 2016.(revised dates) (Application under Section 73 of the Town and Country Planning Act 1990)

Application Permitted 13 April 2016

15/07111/FULL

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Demolition of the existing Tavern Stand, Allen Stand, Thomas Lord Building, MCC Office Building and Scorers' Box and redevelopment comprising the erection of new stand, new Thomas Lord Building with an expanded basement and relocated public house, new Harris Garden Building, new Scorers' Box, internal and external alterations to the Pavilion, a new shop in the Bowlers' Annexe together with relocation of the floodlight, hard and soft landscaping, servicing facilities and all necessary ancillary and enabling works, plant and equipment.

Application Permitted 17 February 2016

As a point to note it is unlikely that permission 15/07111/FULL will be implemented.

7. THE PROPOSAL

Planning permission is sought to extend the timeframe for the retention of the existing floodlights for the 2019 season, expiring in January 2020. Lord's will be hosting the 2019 World Cup and currently the permission for the floodlights expires in January 2019. To accommodate the tournament, an extension of the temporary consent until early 2020 is sought, as well as an extension of its existing allowance for evening floodlit matches (i.e. cricket finishing after 19.30hrs). Lords are presently permitted the erection of lights for 10 annual evening fixtures (between the period of 1 April and 30 September). This application seeks to increase that allowance to 15 evening uses. The third element of the proposals is to allow the use of the floodlights in respect of all Middlesex Day matches ending before 19.30 under bad light conditions.

The proposals would vary conditions attached to the original floodlighting permission (12/11261/FULL). In addition, two more recent permissions relating to other aspects of Lord's have also included the floodlighting (16/02015/FULL & 15/07111/FULL) and therefore in order to tie the permissions together, the time limit and useage conditions need also be varied on these permissions.

These applications are interim measures to deal with the 2019 World Cup. The applicant has advised that an application for the 2020 season and beyond is likely to be submitted during 2018 and will look at the issue of permanency, the need to remove the headframes at the end of each season, unrestricted use in support of day cricket and an anticipated increase in the number of floodlit cricket matches that Lord's will need to accommodate if it is remain a competitive and attractive venue across all forms of cricket.

With respect to Middlesex County cricket matches, the applicant highlights that Middlesex is at a huge competitive disadvantage compared to other teams and their grounds because a large number of the daytime matches have to be suspended because of bad light and no provision for the use of the floodlights at the ground. In 2016/2017, on nine occasions bad light stopped play during Middlesex county matches. Based on the 2018 season, the allowance for Middlesex County matches to be excluded from the control of floodlighting (as set out in historic conditions) would result in a total of 33 days of play, based on 4 day Specsavers County Championship matches (28 days), three Royal London 50 over games (3 days) and two other matches, where the floodlights could be potentially erected and switched on. The applicant has requested

that the City Council not include a specific number of uses in any approval/ conditions in respect of daylight cricket, so the above information is a guide only.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal is seeking to retain these temporary floodlights for another year period until January 2020, to increase the number of evening useages during the 2019 season from 10 to 15 and to allow the use of the floodlights in respect of all Middlesex Day matches ending before 19.30 under bad light conditions during the 2018 and 2019 season.

In land use terms, there are no objections per se to the proposal. The Council recognises the contribution that Lords as a major sporting venue makes to London's World City role, but this benefit needs to be balanced against the impact the retention of the floodlights for another year and the additional five evening useages of the floodlights will have upon the character and appearance of the St John's Wood Conservation Area, the setting of listed buildings, the impact upon the amenities of surrounding residents in particular issues relating to light pollution and noise and any adverse impact on local traffic and parking.

8.2 Townscape and Design

This application has been determined in the light of Policies S25 (Heritage), S26 (Views) S28 (Design) and S11 (Royal Parks) in the City Plan and Policy DES3 in the adopted UDP which relates to 'high buildings' and Policies DES9 (conservation areas), DES10 (listed buildings) and DES15 (views from Royal Parks).

The floodlights when fully extended are 48m high and when retracted are nearly 30m high, and it is recognised that these structures are visible from views around the ground and from the upper floors of blocks of flats, and are visible in longer views from within the City when fully extended.

When permission was originally granted in 2010 and in 2013 for the floodlights, Committee took the view that the four retractable floodlights were acceptable in design terms. it is not considered that the retention of these structures until the beginning of 2020 will have such material harm on the appearance and character of this part of the St John's Wood Conservation Area or from important neighbouring views. The proposal therefore accords with Policies S11, S25, S26 and S28 in the City Plan and DES3, DES9, DES10 and DES 15 in the UDP.

This proposal seeks to increase the number of times these floodlights can be used during the day from 10 to 15 evenings and again it is considered that the proposal will not have an unduly harmful impact on the wider conservation area to warrant the refusal of permission.

Setting on the Listed Pavilion and Adjacent Listed Buildings

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It is recognised that the retention of these four floodlights for a further year until the beginning of 2020 and additional five evening uses will have an impact on the setting of the Grade II* listed pavilion and Grade II listed Grace Gates and to a lesser extent on the setting of listed buildings outside the ground. However, it is considered that this impact would be neutral. Historic England raises no comments to the applications.

Views from Regent's Park

It is not considered that this proposal will harm views from within Regent's Park, or views from Primrose Hill. The views of the Royal Park are awaited and will be reported verbally to Sub-Committee.

8.3 Residential Amenity

The original planning application for the floodlights in 2010 and in 2013 attracted large numbers of objections from local residents on the grounds that these structures will harm their living conditions as a result of an intensification of the use of the ground, in increased noise and disturbance and cause light pollution.

Five objections have been received to these proposals, three from one household in Cavendish Close and others from neighbouring streets on amenity grounds.

With regards to Middlesex County matches, the applicant has provided substantial background information as to how 'bad light' is determined in response to officers concerns that the floodlights, during daytime cricket may be turned on as a preventative measure. There are significant rules in place as set out in the International cricket Council Playing Handbook 2017-2018 that the Head of Cricket and the Umpire have to adhere to in order to determine 'badlight'.

Whilst it is accepted that these floodlights when retracted and fully extended are visible from neighbouring properties (in particular those in Elm Tree Road, Cavendish Close, St John's Wood Court and Century Court which are located closest to the ground), it has previously been considered that these structures would not result in any material loss of daylight or sunlight, or materially worsen the outlook of residents.

It is accepted that the use of the floodlights for five additional evening cricket matches from 10 to 15, and the potential for the use of the floodlights to be used for up to circa 33 times a year in respect of daylight cricket will increase their visibility from neighbouring flats and houses but again it is not considered that this additional usage would adversely affect their daylight or sunlight or materially worsen the outlook of residents outlook to warrant refusal of permission.

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

8.4 Transportation/Parking

The main issue from a highways point of view is whether the extra evening matches, a further 5 compared to the previously allowed 10, will attract a large number of drivers who will seek to park in the local area.

The matches start when there are parking controls in operation so non-residents of parking zone C cannot drive to the match and park in a residents' bay without missing the start of the match or risk being issued with a ticket.

Where matches are held on weekends, when there are no controls, arrangements are in place to introduce controls to protect residents' ability to park near their homes.

The proposals should not therefore cause any additional problems and the Highways Planning Manager has no objections to the proposals.

8.5 Economic Considerations

It is recognised that the retention of the floodlights for a further year period and the proposed additional five evenings use of the floodlights benefits the applicant and enhances London's World City role, as the number of evening matches will ensure the productivity of the World Cup. However, this benefit must be weighed against the visual impact of such structures on the appearance of the St John's Wood Conservation Area, upon the amenities of surrounding residents and traffic.

8.6 Access

Not applicable.

8.7 Other UDP/Westminster Policy Considerations

Light Pollution

One objection has been received on the grounds that the floodlights shine directly into neighbouring windows. It should be noted that there have been no recent complaints to officers in the planning department or Environment Health.

This was a major consideration in dealing with the previous applications. When permission was originally granted in 2009, conditions were imposed to ensure the testing of the floodlights were to be carried out at the beginning of the first season and each subsequent season to ensure that the floodlights adhered to the predicted lux levels.

In dealing with this latest application regard has been had to Policy S29 (Health, Safety and Well Being) in the City Plan and Policy ENV10 (Light Pollution) in the adopted UDP. Regard has also been had to the advice in the Institute of Lighting Engineers (ILE) on Reduction of Obtrusive Light.

Policy S29 states that the Council will resist proposals that result in an unacceptable loss of residential amenity. Policy ENV10 seeks to reduce light pollution and requires that when planning permission is granted for developments which include the installation of lighting apparatus, conditions be attached to ensure: a) no glare or conflict with street or traffic lighting; b) minimal upwards light spill; and c) that energy efficient lighting is used.

The City Council in its current UDP and City Plan does not specify environmental zones for the City.

Conditions were imposed in respect of Application 1, in the 2010 and 2013 permissions to limit light spill from the floodlights to which restricted limited light spill to a maximum of 20 lux. This condition also required that the floodlights operate at reduced capacity when an evening match finished at 21.50 and be switched off by 23.00 in order to safeguard the amenities of residents.

The annual testing of the floodlights has demonstrated that lux levels were lower than originally predicted and in accordance with the planning conditions.

In respect of this current application proposals which seeks to retain the floodlights for another year; for a further five evening matches and the allowance of the use of the floodlights in respect of all Middlesex Day matches, it is considered that the proposal will not result in undesirable levels of light pollution to neighbouring residents. Environmental Health raises no objections. The proposal therefore complies with Policies S29 and ENV10.

8.8 London Plan

As these applications are for minor variations to the three original permissions, these new applications raise no strategic issues. TfL raise no objections to the proposals.

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 proposals are not CIL liable.

8.11 Environmental Impact Assessment

It is not considered that the retention of the temporary floodlights until 2020 and the extension of five additional evening uses will harm nearby bat roosts, or harm biodiversity of the area. Natural England has been consulted and raises no objections.

8.12 Statement of Community Involvement

In recent years, Lord's have undertaken extensive community consultation with regards to all of their proposals. The matter of the floodlights, part of these three applications has been extensively discussed with local residents and the St John's Wood Society, most notably at the quartley Lord's Community Group meetings.

9. BACKGROUND PAPERS

17/09642/FULL

1. Application form

2. Response from St Marylebone Society dated 17 November 2017
3. Response from St John's Wood Society, dated 4 December 2017
4. Response from Historic England dated 9 November 2017 2017
5. Response from Environmental Health dated 10 November 2017
6. Response from Natural England dated 20 November 2017
7. Response from TfL dated 21 November 2017
8. Response from Highways Planning Manager dated 6 December 2017
9. Responses from occupiers (x3) of 29 Cavendish Close dated 10 November and 12 December 2017
10. Response from occupier of 6Q Grove End House, Grove End Road dated 15 December 2017
11. Response from 12 Elm Tree Road dated 6 February 2018.
12. Response from occupier of 9 Bronwen Court, Grove End Road dated 6 February 2018

17/09638/FULL

1. Application form
2. Response from St Marylebone Society dated 17 November 2017
3. Response from St John's Wood Society, dated 4 December 2017
4. Response from Historic England dated 9 November 2017 2017
5. Response from Environmental Health dated 10 November 2017
6. Response from Natural England dated 20 November 2017
7. Response from TfL dated 22 November 2017
8. Response from Highways Planning Manager dated 6 December 2017

17/09621/FULL

1. Application form
2. Response from St John's Wood Society, dated 6 November 2017
3. Response from Highways Planning Manager dated 6 December 2017
4. Response from Sport England dated 8 December 2017
5. Response from Historic England, dated 12 December 2017
6. Response from TfL dated 21 December 2017
7. Response from Natural England dated 19 January 2018

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

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

Item No.
1

DRAFT DECISION LETTER – 17/09642/FULL

Address: Lords Cricket Ground, St John's Wood Road, London, NW8 8QZ

Proposal: Variation of Conditions 1 and 2 of planning permission dated 12 March 2013 (RN: 12/11261) for Variation of Condition 1 of planning permission dated 20 May 2010 (RN: 09/09775); to retain the four retractable floodlights for another five year temporary period from 2014 to 2019 and variation of Condition 2 to increase the number of day cricket matches the floodlights can be used each season from 12 to 14 days. (Application under Section 73 of the Town and Country Planning Act 1990); NAMELY to allow the continued use of floodlights and the operating hours for the 2019 season and to allow the use of the floodlights in respect of all Middlesex Day matches ending before 19.30 under bad light conditions during the 2018 and 2019 season.

Plan Nos: Covering Letter, Additional Information 1.2.18

12/11261/FULL

Planning Statement dated 12 November 2012, Assessment of Floodlighting on Bats , Design and Access Statement, Heritage Impact Assessment , Floodlight Operation Summary Monitoring Report , Letter dated 20 November 2012, Existing site plan 468 0-001 Rev A , copy of the planning permission dated 20 May 2010.

14/02032/ADFULL

Covering letter dated 4 March 2014 , External Spectator Management Plan 2014 , Updated Travel Plan 27 February 2014 . Lords Traffic and Travel Surveys March 2014 . Copy of the Traffic Order dated 16 March 2016 .

14/01685/ADFULL

Summary Monitoring Report March 2012 and covering letter dated 22 February 2014.

09/01238/ADFULL

Letter dated 13 February 2009 from Turnberry Consulting , Letter from Abacus dated 13 February 2009 , Logistics Plan SAP 35486, Letter from Abacus dated 20 March 2009 and drawings UKS3567/GRACE GATES and UKS3567/North Gate.

09/05675/ADFULL

Covering letter dated 15 May 2009 and plan to show the location of the new tree.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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

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- 1 The permission for the continued use of the floodlights shall be limited until 22 January 2020. On or before the expiry date of this permission, the floodlights and masts shall be removed from the ground.

Reason:

The City Council has granted planning permission for a further temporary permission in order to review the floodlights in the light of any forthcoming proposals for the Lords Masterplan and to assess the impact upon the amenities of surrounding residents and this part of the St John's Wood Conservation Area as set out in S11, S25, S26, S28, S29, S32, S38 in our City Plan that we adopted in November 2016 and DES 1, DES 3, DES 9, DES 10, ENV6, ENV7, ENV10, ENV16 of our Unitary Development Plan that we adopted in January 2007.

- 2 (a) The retractable floodlights hereby approved shall only be used for the illumination of Lord's Ground for the playing of cricket (and not for any other purpose) for a maximum of 14 Days, 15 Evenings and 2 Evening practice matches and all competitive County matches finishing before 19.30 hours in period commencing on 1 April and expiring on (but including) 30 September in any year and not at all outside this period.
 - (b) Where the floodlights are used during an Evening, the operating capacity of the floodlights shall be reduced by 50% from 21.50 hours, and be further reduced to 10% of their operating capacity from 22.30 hours and be turned off by 23.00 hours.
 - (c) Where the floodlights are used on any Day they shall be switched off no later than 19.30 hours.
 - d) No spectators shall attend Evening practice matches.

For the purpose of this Condition 2:

Day means a period commencing at 10.00 a.m and ending at 19.30 hours. The daytime use of the floodlights shall only be used when there are bad light conditions (as agreed by the Head of Cricket and the umpire) and in connection with existing Test Matches One Day Internationals and domestic finals.

Evening means an occasion when a match takes place that it is scheduled to be played wholly or partly in the evening under floodlights and covers the period from the start of the match until 23.00 hours.

If the masts are erected for a Day match, this will be counted as one of the permitted 14 Days whether or not the floodlights are switched on.

The applicant under the terms of this condition is not permitted to swap between the Day and Evening permitted number of matches, and any un-used Day or Evening matches from one season cannot be carried forward to the next.

Reason:

To protect the amenities of neighbouring residents and the environment in general and to ensure that the floodlights are only used for cricket matches and for no other purposes as set out in S29 and CS32 in our City Plan which we adopted in November 2016 and ENV13, ENV10, ENV6 and ENV7 of our Unitary Development Plan that we adopted in January 2007.

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- 3 The maximum vertical illuminate into windows outside the Ground due to the floodlights shall not exceed the lux values identified in the light spill contour plans UKS3567/5a, 5i, 5b, 5c, 5d, 5e, 5f, 5g, 5h plus 10%. If lux values exceed this figure, a scheme of mitigation shall be prepared and submitted to the City Council as local planning authority to identify the measures to be taken to address the light spill. The floodlights shall be not used if these lux values are exceeded until appropriate mitigation measures and a scheme of implementation has been approved in writing by the City Council.

Reason:

To ensure that the proposed floodlights do not cause unacceptable levels of light pollution to nearby residents as set out in S29 of our City Plan that we adopted in November 2016 and ENV10 of our Unitary Development Plan that we adopted in January 2007.

- 4 The head frames to the retractable floodlights shall be removed and stored no later than 2 weeks after the close of each cricket season and re-erected no earlier than 2 weeks prior to the start of each cricket season .

Reason:

To make sure that the appearance of the structures are suitable and that they contribute to the character and appearance of this part of the St John's Wood Conservation Area .This is as set out in S25 and S28 of our City Plan that we adopted in November 2016 and DES1, DES3 and DES9 of our Unitary Development Plan that we adopted in January 2007.

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

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

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

Reason:

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

- 6 The floodlight masts (except the moving parts) shall be painted light grey and maintained in that colour unless otherwise agreed in writing by the City Council as local planning authority.

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Reason:

To make sure that the appearance of the floodlights are suitable and that they contribute to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of our City Plan that we adopted in 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 The new substation hereby approved shall be clad in brickwork and match the existing brick boundary wall on St John's Wood Road.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood 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)

- 8 The Travel Plan and Spectator Management Plan as approved under application 14/02032/ADFULL on 14 October 2016 must be adhered to at all times.

Reason:

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

- 9 The development shall be undertaken in accordance with the approved Construction Management Plan and Construction Logistics Plan approved on 27 March 2009 (09/01238/ADFULL) .

Reason:

To ensure that the impacts on traffic and pedestrians on Wellington Road and St John's Wood Road which form part of the Transport for London Network(TLRN) are mitigated .

- 10 The scheme for the testing,commissioning ,monitoring and evaluation to demonstrate that the floodlights showing compliance with the maximum vertical illuminate values as identified on plan numbers UKS3567/5a, 5i, 5b, 5c, 5d, 5e, 5f, 5g, 5h (plus 10%) as approved under application 14/01685/ADFULL, dated 4 March 2014 shall be adhered to at all times.

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Reason:

To ensure that the proposed floodlights do not cause unacceptable levels of light pollution to nearby residents as set out in S29 of our City Plan which we adopted in November 2016 and ENV10 of our Unitary Development Plan that we adopted in January 2007.

- 11 Except for the commissioning and testing approved under the terms of Condition 10 the floodlights hereby approved shall only be fully extended on the Day or Evening of intended use. Prior notification of intended Day and Evening use each season shall be given in writing to the Local Planning Authority before the start of each season. Any alterations to such intended use in a season shall be notified to the Council as soon as reasonably practicable.

The floodlights in respect of Day use shall be lowered to their retractable positions at the end of each day of play and no later than 20.00 hours.

The floodlights in respect of Evening use must not be lowered after 23.00 hours and no later than 09.00 hours on the following morning after use.

Reason:

To protect the environment of neighbouring residents .This is set out in S29 in our City Plan that we adopted in November 2016 and ENV6 of our Unitary Development Plan that we adopted in January 2007.

- 12 No alcoholic drinks shall be served within the Ground beyond 21.00 hours at floodlit cricket matches.

Reason:

To facilitate the efficient dispersal of crowds following floodlit matches and to safeguard environmental quality.

- 13 The replacement tree planting shall be carried out in accordance with the details approved on 13 July 2009 (Ref: 09/05675/ADFULL).

Reason:

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

- 14 The report submitted to and approved by the City Council under 14/02032/ADFULL dated 14 October 2016 in relation to whether additional match day parking controls are required regarding floodlight cricket matches shall be adhered to at all times.

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Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in TRANS 22 of our Unitary Development Plan that we adopted in January 2007.

- 15 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.

Informative(s):

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

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DRAFT DECISION LETTER – 17/09638/FULL

Address: Lords Cricket Ground, St John's Wood Road, London, NW8 8QZ

Proposal: Variation of conditions 15 and 16 of planning permission dated 13 April 2016 (16/02015) for the variation of Condition 2 of planning permission dated 24 November 2014 (RN: 14/09144) for the redevelopment of the Warner Stand; NAMELY, to allow the continued use of floodlights and the operating hours for the 2019 season and to allow the use of the floodlights in respect of all Middlesex Day matches ending before 19.30 under bad light conditions during the 2018 and 2019 seasons.

Plan Nos: Covering Letter, Additional Information 1.2.18

16/02015/FULL

Covering letter dated 26.2.2016 and site location plan.

16/04295/ADFULL

A3 Photo schedule of materials (1-7), 2 x elevation reference plan dated 09/05/16.

16/04781/ADFULL

Covering letter dated 20th May 2016, photo 1 TIM-101 of American White Oak Glulam Beam, schedule of materials, elevation reference plan.

16/10705/ADFULL

981073-20-002 Rev 3; 981073-20-006 Rev 4; 981073-40-006 Rev 3; 981073-30-008 Rev 6; 981073-30-013 Rev 3; 98107 30-010 Rev 4; 981073-30-004 Rev 5; 9810730-30-005 Rev 4; 981073-20-010 Rev 3 ; 981073-10-100 Rev 11; 981073-30-011 Rev 4; 981073-20-012 Rev 2; 981073-20-004 Rev 4; 981073-40-001 Rev 4; 981073-40-004 Rev 4; 981073-40-010 Rev 3; 981073-20-001 Rev 4; 981073-20-005 Rev 4; 981043; 981073-30-007 Rev 3; 981073-30-009 Rev 2; 981073-30-012 Rev 1; 981073-30-001 Rev 4; 981073-40-005 Rev 4; C652-FAA-2013; C652-FAA-2019; Photographs and Photomontages of Samples; Information Schedule.

15/01866/ADFULL

Covering letter dated 26th February 2015 , Construction Management Plan revised version received 27th March 2015.

15/00594/ADFULL

BAM Construction Limited Warner Stand Construction Management Plan , Tree Protection Method Statement Ref RWG-NDJ-14-89. Covering letter dated 19th January 2015 .

17/02601/ADFULL

Covering letter by Populous dated 28.2.2017 , Un numbered Roof Plan Layout to show pv cells and typical Roof Build-Up, un numbered plan of Steel Connection Overview of roof; Hydroponic Wall Details from Supplier ; 4637-POP-A-DGA-0200 rev C04 ; 4637-POP-PL-DSE-0401 rev 02;

15/01302/ADFULL
Covering letter dated 12th February 2015 , BREEAM Interim Certificate .

15/06394/ADFULL
Covering letter dated 1.7.2015 , 4637-POP-PL-DSE-0411 and 4637-POP-PL-DSE-0403 Rev 01.

15/03231/ADFULL
Letter dated 7th April 2015, Bat Survey by Arup dated 24 October 2014 .

15/06842/ADFULL
Covering letter dated 14th July 2015 and Pre-Construction Services Agreement.

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 commitments listed on this decision letter, and any drawings approved subsequently by the Council or its local planning authority pursuant to any conditions on this decision letter.

Reason:
To be avoided in order to avoid any 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 13.00 and 18.00 on Saturday; and between 13.00 to 18.00 on Saturday afternoon only on the following dates 9th, 16th, 23rd & 30th April and 7th, 14th & 21st May 2016 .
 - * 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 residents, and it is considered that there are exceptional circumstances to allow the extension of the hours of building work on Saturday afternoon for the limited number of dates in April and May to allow the completion of the first phase of the Warner Stand redevelopment. This is in line with the provisions in S29 and S32 of Westminster's City Plan adopted November 2016 and the Unitary Development Plan that we adopted in January 2007.

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- 3 The development shall be built ad hearing to the samples approved under applications 16/04295/ADFULL dated 22 June 2016; 16/04781/ADFULL dated 26 May 2016 and 16/10705/ADFULL dated 28 June 2017 or in accordance with other samples as submitted and approved by the City Council.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan adopted 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 The development shall be carried out in accordance with the approved Construction Management Plan approved under application 15/00594/ADFULL dated 20 February 2015 and 15/01866/ADFULL dated 30 March 2015, except where varied by Condition 2.

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)

- 5 The hard and soft landscaping scheme shall be implemented and if amended adhere to the scheme approved under application 16/10705/ADFULL dated 28 June 2017, or in accordance with another landscaping scheme as submitted to and as approved by the City Council.

Reason:

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

- 6 The development shall be carried out in accordance and continue to be protected in accordance with the approved tree protection plan as approved under applications 14/09542/ADFULL dated 7 November 2014 and 15/00554/ADFULL dated 20 February 2015.

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)

- 7 The photovoltaics panels on the roof of the stand shall be retained as per the details approved under application 17/02601/ADFULL dated 10 July 2017 or in accordance with any other details as submitted and approved by the City Council.

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Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood 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)

- 8 The two existing commemorative trees shall be relocated within the Lord's cricket ground boundary. Details of their new positions shall be submitted to and approved by the City Council as local planning authority before these trees are replanted .
If in the event these trees become diseased or die within 5 years of replanting, they shall be replanted with trees of similar size and species.

Reason:

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

- 9 The development and sustainability measures shall be carried out in accordance with and adhere to the independent review of the environmentally sustainable features approved on 12.3.2015 (Ref 15/01302/ADFULL) .

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)

- 10 The roof of the stand shall be retained in accordance with the details approved under application 17/02601/ADFULL dated 10 July 2017, or as amended by further roof details as submitted and approved by the City Council.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood 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)

- 11 You must adhere to the bio-diversity management plan, in relation to living roof, as approved under application 17/02601/ADFULL dated 10 July 2017 or in accordance with in any additional bio-diversity management plan as submitted to and as approved by the City Council.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan

that we adopted in January 2007. (R43AB)

- 12 You must adhere to the bio-diversity management plan, in relation to living walls, as approved under application 17/02601/ADFULL dated 10 July 2017 or in accordance with in any additional bio-diversity management plan as submitted to and as approved by the City Council.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

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

bird and bat boxes

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)

- 14 The decorative plaque of Sir Pelham Warner shall be retained as per the details approved under application 17/02601/ADFULL dated 10 July 2017 or in another location as submitted and approved by the City Council.

Reason:

To ensure that the existing plaque is removed and safely stored before demolition works take place and to ensure it is re-erected within the Ground.

- 15 The floodlight being relocated within the Warner Stand shall be limited until 22 January 2020. On or before the expiry of this date , the floodlight and mast shall be removed from the ground.

Reason:

The City Council granted permission on 12 March 2013 for a further temporary permission of the four floodlights in the Ground until 22 January 2019 , in order to review the floodlights in the light of any forthcoming proposals for the Lords Masterplan and to assess the impact upon the amenities of surrounding residents and this part of the St John's Wood Conservation Area as set out in S11, S25, S28, S29, S32,S38 in the Westminster City Plan adopted November 2016 and DES1, DES3, DES9, DES10, ENV6, ENV7, ENV10, ENV16 of our Unitary Development Plan that we adopted in January 2007.

- 16 (a) The retractable floodlight hereby approved in the Warner Stand shall only be used for the illumination of Lord's Ground for the playing of cricket (and not for any other purpose) for a maximum of 14 Days, 15 Evenings, 2 Evening practice matches and all competitive County

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matches finishing before 19.30 hours throughout a period commencing on 1 April and expiring on (but including) 30 September in any year and not at all outside this period.

(b) Where the floodlights are used during an Evening, the operating capacity of the floodlights shall be reduced by 50% from 21.50 hours, and be further reduced to 10% of their operating capacity from 22.30 hours and be turned off by 23.00 hours.

(c) Where the floodlights are used on any Day they shall be switched off no later than 19.30 hours.

(d) No spectators shall attend Evening practice matches.

For the purpose of this Condition :

Day means a period commencing at 10.00 a.m and ending at 19.30 hours. The daytime use of the floodlights shall only be used when there are bad light conditions (as agreed by the Head of Cricket and the umpire) and in connection with existing Test Matches, One Day Internationals and domestic finals.

Evening means an occasion when a match takes place that it is scheduled to be played wholly or partly in the evening under floodlights and covers the period from the start of the match until 23.00 hours.

If the masts are erected for a Day match, this will be counted as one of the permitted 14 Days whether or not the floodlights are switched on.

The applicant under the terms of this condition is not permitted to swap between the Day and Evening permitted number of matches, and any un-used Day or Evening matches from one season cannot be carried forward to the next.

Reason:

To protect the amenities of neighbouring residents and the environment in general and to ensure that the floodlight is only used for cricket matches and for no other purposes as set out in S29 and S32 of our Westminster City Plan that we adopted in November 2016 and ENV13 , ENV10, ENV6 and ENV7 of our Unitary Development Plan that we adopted in January 2007.

- 17 The maximum vertical illuminate into windows outside the Ground from the relocated floodlight shall no exceed the lux values identified in the Vertical Illuminance Report dated November 2013 and letter dated 18th March 2014 from GIA . If lux values exceed this figure , a scheme of mitigation shall be prepared and submitted to the City Council as local planning authority to identify the measures to be taken to address the light spill .Other than for testing under Condition 19 ,the floodlight shall not be used if these lux levels are exceeded until the appropriate mitigation measures and a scheme of implementation has been approved by the City Council .

Reason:

To ensure that the floodlight does not cause unacceptable levels of light pollution to nearby residents as set out in S29 of our Westminster City Plan adopted November 2016 and ENV10 of our Unitary Development Plan that we adopted in January 2007.

- 18 The floodlight mast (except the moving parts) shall be painted light grey and maintained in that colour unless otherwise agreed in writing by the City Council as local planning authority.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood 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)

- 19 Prior to the commencement of use of the floodlight (for competitive games and practice sessions), the applicant shall submit a scheme for the testing, commissioning, monitoring and evaluation to demonstrate that the floodlights are compliant with the maximum vertical illuminate values as identified in the Vertical Illuminance Report dated November 2013 .

The scheme shall be approved in writing by the City Council as local planning authority and will consist of the following:-

Identification of monitoring points;

The regularity of monitoring and reporting to the Council;

Means of enabling local residents to register a complaint and a process for assessing and evaluating that complaint.

The date(s) of testing /commissioning prior to use of the floodlights for the first floodlit match each season which shall be agreed in writing with the City Council as local planning authority .

Details of the consultation with local residents to investigate ways of further reducing light spill levels within the lifetime of this permission in relation to the temporary floodlight.

The applicant will take appropriate mitigation action under the terms of Condition 17 if in the event that the agreed lux levels are exceeded.

The development hereby approved shall take place in accordance with these approved details.

Reason:

To ensure that the relocated temporary floodlight does not cause unacceptable levels of light pollution to nearby residents as set out in S29 of Westminster City Plan adopted November 2016 and ENV10 of our Unitary Development Plan that we adopted in January 2007.

- 20 Except for the commissioning and testing approved under Condition 19 , the floodlight hereby approved shall only be extended on the Day or Evening of intended use .Prior notification of intended Day and Evening use each season shall be given in writing to the Local Planning Authority before the start of each season. Any alterations to such intended use in a season shall be notified to the Council as soon as reasonably practicable.

The floodlight in respect Day use shall be lowered to their retractable positions at the end of each day of play and no later than 20.00 hours.

The floodlight in respect of Evening Use , the floodlight must not be lowered after 23.00 hours and no later than 09.00 hours on the following morning after use.

Reason:

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To protect the environment of neighbouring residents , as set out in S29 of the Westminster City Plan adopted November 2016 and ENV6 of our Unitary Development Plan that we adopted January 2007.

- 21 The head frames shall be stored in accordance with the details approved under application 15/06394/ADFULL dated 5 August 2015 or in accordance with any other storage solution as submitted and as approved by the City Council.

Reason:

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

- 22 The development shall be carried out in accordance with the approved scheme for the soft strip of the Warner Stand approved under application 15/03231/ADFULL dated 16 April 2015.

Reason:

To make sure the conservation status of a protected species is maintained, and so protect the biodiversity of the environment, as set out in S38 of Westminster's City Plan adopted November 2016 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43EB)

- 23 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a

further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 24 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.

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

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary

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Development Plan that we adopted in January 2007.

- 26 You must apply to us for approval of detailed drawings of the following parts of the development - kitchen extract duct. 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 St John's Wood 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)

- 27 The privacy screens to the rear of the stand shall remain as per the details approved under application 16/10705/ADFULL dated 28 June 2017.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area and to safeguard the privacy of neighbouring residents in Elm Tree Road. This is as set out in S25 S28, S29 of Westminster's City Plan adopted November 2016 and DES 1, DES4, ENV13 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 28 The glazing to the stairs facing onto 12 and 12 a Elm Tree Road shall always remain fixed shut and obscured glazed as per the sample approved under application 16/10705/ADFULL dated 28 June 2017, or in accordance with another obscure glazed sample as submitted to and approved by the City Council.

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)

- 29 The development shall be carried out in accordance with the pre-construction contract approved under application 15/06842/ADFULL dated 30th July 2015.

Reason:

To maintain the character of the St John's Wood 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)

- 30 The restaurant and bar areas within the new stand can only be used outside of match days no

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more than 100 days per calendar year and shall only be open between the hours of 08.00 to 23.00 hours Monday to Saturday and 10.00 to 21.00 hours on Sundays and Bank Holidays. The restaurant shall only accommodate 135 covers, and post function cleaning and waste disposal associated with the restaurant and bars shall not take place until after 10.00 the next morning on days when no functions or cricket matches are taking place .

Reason:

It is considered that the unrestricted use of the restaurant and bars areas within the new stand will pose amenity issues to neighbouring residents in Elm Tree Road ,as set out in policies S29 of our Westminster City Plan adopted November 2016 and policies ENV6 of our Unitary Development Plan adopted January 2007 .

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

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

Reason:

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

- 32 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated November 2013 before you use the building. (C20AB)

Reason:

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

- 33 The fritting to the projecting windows to the rear elevation of the new stand at Level 02 shall remain as per the details approved under application 16/10705/ADFULL dated 28 June 2016 or in accordance with any other fritting details as submitted and as approved by the City Council.

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

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Unitary Development Plan that we adopted in January 2007. (R21BC)

- 34 Details of the new PA system(including fixing maximum decibel levels) to the Warner Stand shall be submitted to and approved by the City Council as local planning authority before works start on this part of the development .The works shall be carried out in accordance with the approved details .

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

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

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DRAFT DECISION LETTER – 17/09621/FULL

Address: Lords Cricket Ground, St John's Wood Road, London, NW8 8QZ

Proposal: Variation of conditions 10 and 11 of planning permission dated 17 February 2016 (RN: 15/07111/FULL) for the Demolition of the existing Tavern Stand, Allen Stand, Thomas Lord Building, MCC Office Building and Scorers' Box and redevelopment comprising the erection of new stand, new Thomas Lord Building with an expanded basement and relocated public house, new Harris Garden Building, new Scorers' Box, internal and external alterations to the Pavilion, a new shop in the Bowlers' Annexe together with relocation of the floodlight, hard and soft landscaping, servicing facilities and all necessary ancillary and enabling works, plant and equipment. NAMELY, to allow the continued use of floodlights and the operating hours for the 2019 season and to allow the use of the floodlights in respect of all Middlesex Day matches ending before 19.30 under bad light conditions during the 2018 and 2019 seasons.

Plan Nos: Covering letter, Additional Information 1.2.18.

15/07111/FULL

Planning Statement and draft Heads of Terms, Design and Access Statement, Statement of Community Involvement, Energy Strategy, Construction Management Plan, Transport Statement, Travel Plan, Delivery and Servicing Management Plan; Daylight, sunlight and Overshadowing Report, Historic Buildings and Townscape Assessment; Preliminary Site Waste Management Plan; Operational Waste Management Plan; Environmental Performance Statement, Sustainability Appraisal; Structural Impact Appraisal, Sustainable Urban Drainage Plan; Ventilation and Extraction Statement; Lords Cricket Ground Economic Impact Assessment; Light Impact Statement, Arboricultural Report revised 16.10.2015; Heritage Appraisal: Historic Spectator Roof Seating; Design and Access Statement Addendum: Electronic Display Board and Retractable Seating Design Note; Design and Access Statement Addendum: Views Analysis Study.

4669-POP-PL-DSP-0010; 4669-POP-PL-DGA-0100; 0101, 0102,0103, 0104,0105, 200, 0201, 0202, 0203,0204, 0205, 1100; 1101, 1102, 1103, 1104, 1106, 2200, 2201, 2202,2203, 2204, 2205, 2206, 2210, 3100, 3101, 3102, 3103, 3104, 3105, 3200, 3201, 3202, 3203.

4669-POP-PL-DSE-0200; 0201, 0202, 0210, 0400,0402, 0404, 0600, 4669-POP-PL-ELE-0001; 0100, 0101, 0102, 0103, 0104, 0105; 0002; 0200; 0201; 0202; 0003;0300;0301;0302;0303;0400;0401;1300; 9810849-P-10-01.

16/09757/ADFULL

Covering Letter; LWL Planning Document A by Littlehampton Welding Ltd dated 27/05/16

16/05531/FULL

4774-POP-PL: DSP-0010; DGA-0100; DGA-0110; DGA-0120; ELE-0300; ELE-0310; ELE-0321; SEC-0200; SEC-0210; SEC-0220; ELE-0331; ELE-0330; SEC-0221; Covering Letter dated 27 May 2016; Design and Access Statement dated May 2016.

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 documents listed on this decision letter, and any drawings approved subsequently by the Council as the local planning authority pursuant to any conditions on this decision letter.

Reason:
For the sake 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:
 * 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, bank holidays and public holidays.

Noisy work must not take place outside these hours (R11BA)

Reason:
To protect the environment of neighbouring bowlers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of the 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 for:

- i) new stand
- ii) Thomas Lord building
- iii) Harris Garden Building
- iv) scorer's box (unless implemented according to the details approved under application 16/09757/ADFULL, dated 18 November 2016 pursuant to Condition 3 of permission 16/05531/FULL dated 21 July 2016)
- v) new shopfront to the Bowlers' Annexe and the bridge link from the main pavilion to the new stand.
- vi) gatehouse to the Grace Gates and boundary wall treatment

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)

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Reason:

To make sure that the appearance of the new buildings are suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan adopted 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 1:50 of the following parts of the development -
- i) retractable seating and scoreboard to the new stand
 - ii) gateman's lodge
 - iii) new shopfront to Bowlers' Annexe
 - iv) new bridge link between the listed pavilion and the new stand ;
- 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 new buildings are suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan adopted 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 **Pre Commencement Condition.** No development shall take place on each Phase of the development as shown on the indicative Phasing Plan , including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our

Unitary Development Plan that we adopted in January 2007.

- 6 No impact piling shall take place in respect of the redevelopment of the i) Tavern and Allen Stands , and ii) the Thomas Lord building , until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out , including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved by the City Council in consultation with Thames Water .Any piling must be undertaken in accordance with the terms of the approved piling method statement .

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure and the proposed piling has the potential to impact on that infrastructure.

- 7 Pre-Commencement Condition : Details of the foul storm and drainage design shall be submitted to and approved by the City Council as local planning authority in consultation with Thames Water .
The development shall be carried out in accordance with the approved design .

Reason:

Since the site falls within the highly sensitive Counters Creek Catchment where flooding is a serious concern.

- 8 **Pre Commencement Condition.** You must not start any demolition work on the Allen and Tavern Stands 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 St John's Wood 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)

- 9 You must apply to us for approval of detailed drawings at a scale of 1:50 including samples of materials and details of the artwork of the following parts of the development - new front boundary entrance gates/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 approved details . (C26DB)

Reason:

To protect the special architectural or historic interest of the listed Grace Gates and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan adopted 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)

- 10 The existing floodlight being relocated within the proposed new stand shall be limited until 22 January 2020. On or before the expiry of this date, the floodlight and mast shall be removed from the stand unless an extension of time has been agreed to in writing by the City Council as local planning authority.

Reason:

The City Council granted permission on 12 March 2013 for a further temporary permission of the four floodlights in the Ground until 22 January 2019, in order to review the floodlights in the light of any forthcoming proposals for the Lords Masterplan and to assess the impact upon the amenities of surrounding residents and this part of the St John's Wood Conservation Area as set out in S11, S25, S28, S29, S32, S38 in the Westminster City Plan adopted November 2016 and DES1, DES3, DES9, DES10, ENV6, ENV7, ENV10, ENV16 of our Unitary Development Plan that we adopted in January 2007.

- 11 (a) The retractable floodlight hereby approved in the new stand shall only be used for the illumination of Lord's Ground for the playing of cricket (and not for any other purpose) for a maximum of 14 Days, 15 Evenings and 2 Evening practice and all competitive County matches finishing before 19.30 hours throughout a period commencing on 1 April and expiring on (but including) 30 September in any year and not at all outside this period.
 (b) Where the floodlights are used during an Evening, the operating capacity of the floodlights shall be reduced by 50% from 21.50 hours, and be further reduced to 10% of their operating capacity from 22.30 hours and be turned off by 23.00 hours.
 (c) Where the floodlights are used on any Day they shall be switched off no later than 19.30 hours.
 (d) No spectators shall attend Evening practice matches.

For the purpose of this Condition :

Day means a period commencing at 10.00 a.m and ending at 19.30 hours. The daytime use of the floodlights shall only be used when there are bad light conditions (as agreed by the Head of Cricket and the umpire) and in connection with existing Test Matches, One Day Internationals and domestic finals.

Evening means an occasion when a match takes place that it is scheduled to be played wholly or partly in the evening under floodlights and covers the period from the start of the match until 23.00 hours.

If the masts are erected for a Day match, this will be counted as one of the permitted 14 Days whether or not the floodlights are switched on.

The applicant under the terms of this condition is not permitted to swap between the Day and Evening permitted number of matches, and any un-used Day or Evening matches from one season cannot be carried forward to the next.

Reason:

To protect the amenities of neighbouring residents and the environment in general and to ensure that the floodlight is only used for cricket matches and for no other purposes as set out in S29 and S32 of our Westminster City Plan that we adopted in November 2016 and ENV13 , ENV10, ENV6 and ENV7 of our Unitary Development Plan that we adopted in January 2007.

- 12 The maximum vertical illuminate into windows outside the Ground from the relocated floodlight shall not exceed the lux values identified in the Technical Note on Light Pollution for the Tavern and Allen Stand mast relocation plus 10% . If lux values exceed this figure , a scheme of mitigation shall be prepared and submitted to the City Council as local planning authority to identify the measures to be taken to address the light spill .Other than for testing under Condition 14 ,the floodlight shall not be used if these lux levels are exceeded until the appropriate mitigation measures and a scheme of implementation has been approved by the City Council .

Reason:

To ensure that the relocated floodlight does not cause unacceptable levels of light pollution to nearby residents as set out in S29 of our Westminster City Plan adopted November 2016 and ENV10 of our Unitary Development Plan that we adopted in January 2007.

- 13 The floodlight mast (except the moving parts) shall be painted light grey and maintained in that colour unless otherwise agreed in writing by the City Council as local planning authority.

Reason:

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

- 14 Prior to the commencement of use of the floodlight (for competitive games and practice sessions), the applicant shall submit a scheme for the testing,commissioning ,monitoring and evaluation to demonstrate that the floodlights are compliant with the maximum vertical illuminate values as identified in the Technical Note on Light Pollution for the Tavern and Allen Stand mast relocation dated 24 July 2015 .

The scheme shall be approved in writing by the City Council as local planning authority and will consist of the following:-

Identification of monitoring points;

The regularity of monitoring and reporting to the Council;

Means of enabling local residents to register a complaint and a process for assessing

and evaluating that complaint.

The date(s) of testing /commissioning prior to use of the floodlights for the first floodlit match each season which shall be agreed in writing with the City Council as local planning authority .

Details of the consultation with local residents to investigate ways of further reducing light spill levels within the lifetime of this permission in relation to the temporary floodlight.

The applicant will take appropriate mitigation action under the terms of Condition 12 if in the event that the agreed lux levels are exceeded.

The development hereby approved shall take place in accordance with these approved details.

Reason:

To ensure that the relocated temporary floodlight does not cause unacceptable levels of light pollution to nearby residents as set out in S29 of Westminster City Plan adopted November 2016 and ENV10 of our Unitary Development Plan that we adopted in January 2007.

- 15 Except for the commissioning and testing approved under Condition 14 , the floodlight hereby approved shall only be extended on the Day or Evening of intended use .Prior notification of intended Day and Evening use each season shall be given in writing to the Local Planning Authority before the start of each saeson.Any alterations to such intended use in a season shall be notified to the Council as soon as reasonably practicable.
The floodlight in respect Day use shall be lowered to their retractable positions at the end of each day of play and no later than 20.00 hours.
The floodlight in respect of Evening Use , the floodlight must not be lowered after 23.00 hours and no later than 09.00 hours on the following morning after use.

Reason:

To protect the environment of neighbouring residents , as set out in S29 of the Westminster City Plan adopted November 2016 and ENV6 of our Unitary Development Plan that we adopted January 2007.

- 16 At least three months before works start on this part of the development , full details of the number of times a year the retractable seats will be used each calendar year shall be submitted to and approved by the City Council in consultation with Historic England and the neighbouring residents in Century Court . The development shall be carried out in accordance with the approved details .

Reason:

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In order to safeguard the setting of the listed pavilion and to preserve the character and appearance of this part of the St John's Wood Conservation Area and the amenities of neighbouring residents .This is set out in S25 S28 and S29 of Westminster's City Plan adopted November 2016 and DES1, DES4, DES9 DES10 and ENV13 of our Unitary Development Plan adopted January 2007 .

- 17 You must apply to us for approval of detailed drawings at a scale of 1:50 of the following parts of the development
 retractable seating including details of mechanism to elevate and retract the seats and an acoustic report .
 You must not start work on this part of the development until we have approved what you have sent us.

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

Reason:

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

- 18 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which forms part of Phase 2 works which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

Reason:

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

- 19 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing 4669-POP-PL-DGA-2200. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

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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)

- 20 The green roof and the green facades to the Thomas Lord Building and the Harris Garden Building as shown on the drawings hereby approved must be provided prior to the occupation of these buildings .

Details of the facade planting and depth of planter and the planting to the green roofs include species ,including their maintenance and irrigation shall be submitted to and approved by the City Council as local planning authority .And the development shall be carried out in accordance with the agreed details.

The approved green roofs and facade planting shall not be removed unless authorised by the City Council as local planning authority .

Reason:

To reduce the effect the development has on the bio diversity of the environment ands also to improve the outlook for residents in Century Court and Grove End Road as set out in S38 and S29 of Westminster's City Plan adopted November 2016 and ENV 17 and ENV13 of our Unitary Development Plan that we adopted in January 2007.

- 21 You must apply to us for approval of a scheme of public art as described in your Design and Access Statement .

You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the Thomas Lord building you must carry out the scheme according to the approved details.

You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

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

- 22 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)

- 23 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 working in the building or

calling there for business purposes. (C22AA)

Reason:

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

- 24 You must provide at least 20% of the car parking spaces in the basement car park under the new Thomas Lord Building and the Harris Gardens to be provided with active Electronic Charging Points to prior to the occupation of the new Thomas Lord Building .

Reason:

To ensure that adequate electric charging points are provided in the basement car park .

- 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 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when

background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 28 You must apply to us for approval of detailed drawings and manufacturer's specification at a scale of 1:50 of the following parts of the development -
- i) kitchen extract ducts in the Thomas Lord Building
 - ii) kitchen extract ducts to the restaurant in the new stand

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:

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To make sure that the appearance of the ducts are suitable and preserves the character and appearance of this part of the St John's Wood Conservation Area and to safeguard the amenities of nearby residents . This is as set out in S25,S28, S29 and S31 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4 , ENV6, ENV13 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 29 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated July 2015 before you use the new stand ,the Thomas Lord building and the Scorer's Box.

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)

- 30 Details of the new PA system(including fixing maximum decibel levels) to the new Stand shall be submitted to and approved by the City Council as local planning authority before works start on this part of the development .The works shall be carried out in accordance with the approved details .

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally as set out in S32 of Westminster's City Plan: adopted November 2016 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 31 You must provide the waste stores at basement level as shown on drawing 4669-POP_PL_DGA-2206 before the new stand and the Thomas Lord's building is occupied .You must clearly mark the waste stores and use the stores and only place the waste outside prior to collection.You must not use the waste stores for any other purpose.

Reason:

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

- 32 The development shall be carried out in accordance with the Sustainable Urban Drainage Plan dated July 2015 , the features set out in this SuD's Plan shall be provided and shall not be removed unless authorised by the City Council as local planning authority .

Reason:

To ensure the development complies with policy 5.13 in the London Plan (March 2015) in respect of sustainable urban drainage/design .

- 33 The development shall be carried out in accordance with the submitted reports Phase 1 and Phase 2:
 The following reports shall be submitted to and approved by the City Council .
 Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution and Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
 You shall submit the Phase 3 report for the Council's approval before any demolition or excavation work starts on site and for the Phase 4 when the development has been completed.

Reason:

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

- 34 The restaurant on the top floor (Level)4) of the new stand shall only be open from 08.00 to 23.00 hours daily .

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)

- 35 At least three months prior to the commencement of the public house use in the new Thomas Lord Building ,a detailed Operational Management Plan shall be submitted to and approved by the City Council as local planning authority .

This Operational Management Plan shall include the hours of use , measures to mitigate noise disturbance to local residents , both on match and non match days , and the use of the Harris Gardens on match and non match days .The Class A 4 use shall be carried out in accordance with the approved Plan .

No alcohol shall be consumed in the Harris Gardens after 20.00 hours and the use of the Harris Gardens cease by 21.00 hours .

The review of the Operational Management Plan shall be submitted to the City Council after twelve months of the commencement of the use to allow of review of the hours of use of the public house and the Harris Gardens in the light of experience and comments received from neighbouring residents .

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)

- 36 You must apply to us for approval of details of a security scheme for the entrance into the Ground. You must not start work on this part of the works until the City Council in consultation with the Metropolitan Police have approved what you have sent us. You must then carry out the work according to the approved details before the new entrance is used.

Reason:

To reduce the chances of crime without harming the appearance of the buildings, the setting of the Grace Gates and the character of the St John's Wood Conservation Area as set out in S29 of Westminster's City Plan adopted November 2016 and DES 1 (B) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 37 The new buildings hereby approved shall achieve Building Research Establishment methods (BREEAM) 'excellent' rating, or if you use another method, you must achieve an equally high standard.

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)

- 38 You must not use the roof of the new Thomas Lord building at Level 03 for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for maintenance purposes.

Reason:

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

- 39 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)

- 40 The glazing in the side elevation of the Thomas Lord Building at Level 03 must only contain obscure glass and be kept permanently fixed shut. A sample of this obscure glazing shall be submitted to and approved by the City Council as local planning authority before works start on this part of the development.

The development shall be carried out in accordance with the approved sample, and this glazing shall not be removed unless authorised by the City Council.

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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)

- 41 The glazing in top floor of the new stand at Level 04 must only contain obscure glass. A sample of this obscure glazing shall be submitted to and approved by the City Council as local planning authority before works start on this part of the development .
The development shall be carried out in accordance with the approved sample , and this glazing shall not be removed unless authorised by the City Council.

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)

- 42 Prior to the demolition of the Allen Stand , a detailed photographic record shall be undertaken and submitted to the City Council .Features such as the Q Stand and the MCC logo on the rear elevation shall be carefully removed and be stored.

Reason:

To ensure that a photographic record of the Allen Stand is undertaken prior to its demolition and existing distinctive features are removed and stored given their historical association with the Ground .

- 43 Before any works start of the new stand , a detailed arboricultural assessment including trial hole investigations shall be submitted to and approved by the City Council as local planning authority in consultation with Transport for London to demonstrate that works can take place without affecting the health of the street trees .
The development shall be carried out in accordance with the approved details.

Reason:

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

- 44 Before any works start on the excavation of the basement under the Harris Gardens and the new enlarged basement under the new Thomas Lord Building , a detailed arboricultural assessment shall be submitted to and approved by the City Council as local planning authority to demonstrate that the proposal will not adversely affect the health of the TPO Lime trees T1 and T2 .This assessment shall include trial hole investigations to assess the presence of tree roots under the Harris Gardens and the tree roots in relation to the Lime trees.The assessment shall also address the impact of the proposed excavation works on the trees on the adjoining rear gardens in Grove End Road .
The development shall be carried out in accordance with the approved details

Reason:

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

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

bird and bat boxes

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)

- 46 Pre-Commencement Condition. Before any development (including demolition) takes place on site on each Phase of the development , you will need to submit a Construction Logistics Plan (CLP) for approval by the City Council in consultation with Transport for London (TfL) .The development shall be carried out in accordance with the agreed Plan.

Reason:

In order to safeguard the impact on Transport for London's Road network.

- 47 A Servicing and Delivery Plan shall be submitted and approved by the City Council as local planning authority in consultation with Transport for London before each Phase of the development is completed . The development shall be carried out in accordance with the agreed Plans.

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)

- 48 Before you begin to use the new Stand , you must apply to us for approval of a Travel Plan. The Travel Plan must include details of:
- (a) A comprehensive survey of all users of the Ground ;
 - (b) Details of local resident involvement in the adoption and implementation of the Travel Plan;
 - (c) Targets set in the Plan to reduce car journeys to the Ground
 - (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if

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targets identified in the Plan are not being met over a period of 5 years from the date the new Stand is occupied.

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Development Site At 47 Poland Street And 54-57, Great Marlborough Street, London		
Proposal	Demolition of 54 and 55-57 Great Marlborough Street and demolition of rear ground, first and second floors of 47 Poland Street and redevelopment of the site to provide a new building comprising two basement levels, ground floor and seven upper levels. Use of part ground floor / basement level 1 as retail (Class A1). Use of part basement level 1 and part ground floor level and basement level 2 and seven upper levels as a hotel (Class C1). Terrace and plant at seventh floor level, pv panels at roof level and associated external works.		
Agent	Gerald Eve LLP		
On behalf of	Marlborough House Limited		
Registered Number	17/10057/FULL	Date amended/ completed	22 November 2017
Date Application Received	10 November 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

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

- i. Dedication of land as public highway;
- ii. A Crossrail payment (index linked);
- iii. An employment and training strategy for the demolition, construction and operational phases of the development;
- iv. 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

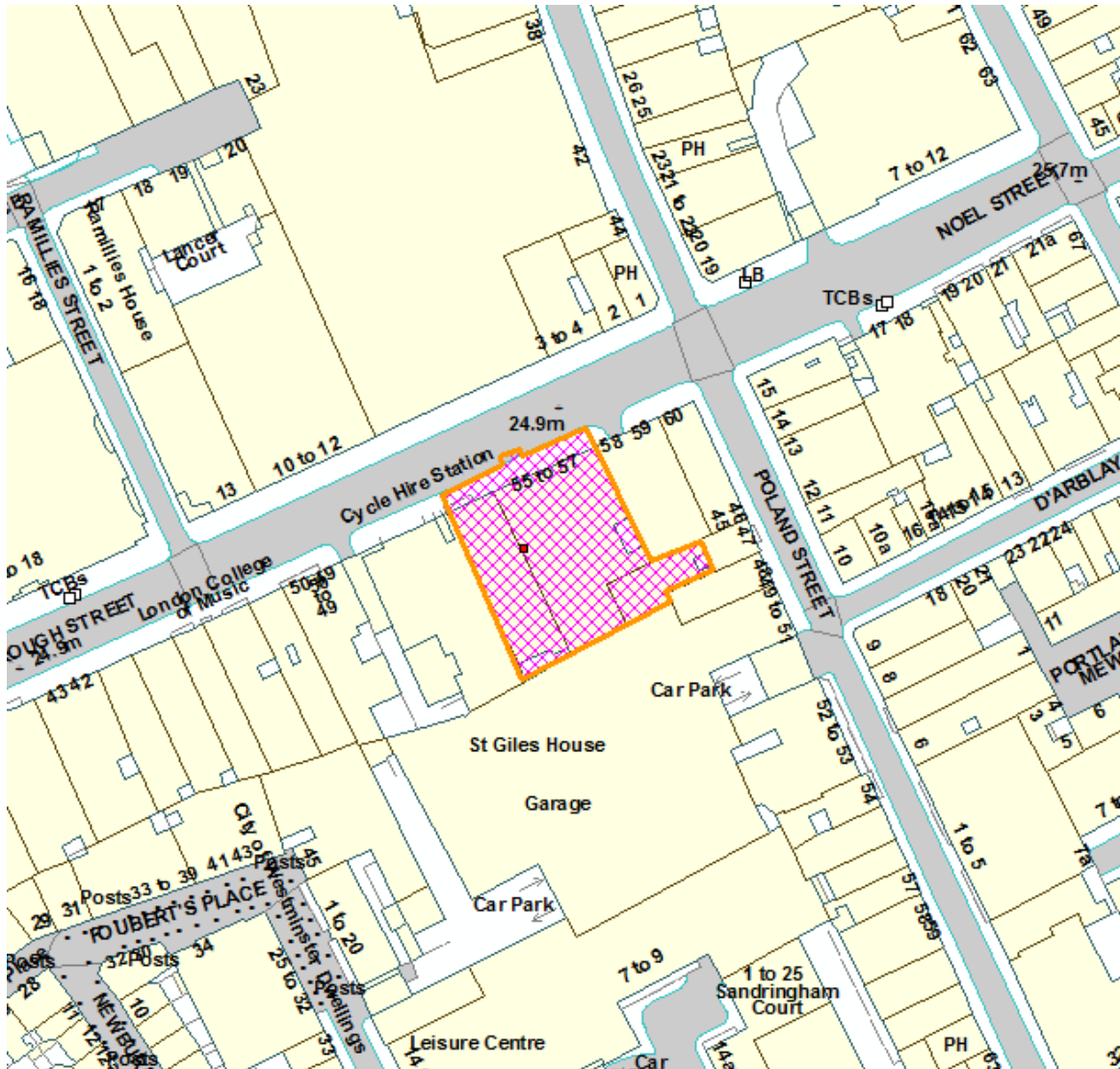
Permission is sought to demolish Nos. 54-57 Great Marlborough Street and for the erection of a new 7-storey building (with double basement) for hotel use. Permission was granted for the demolition of these buildings in 2012 and for the erection of a seven storey building for office, retail and restaurant purposes. That scheme also involved buildings at the rear on Poland Street but these buildings no longer form part of the current proposals.

The key issues are:

- * the loss of existing buildings in the Soho Conservation Area;
- * the scale, massing and detailed design of the new buildings;
- * the loss of showroom, retail and light industrial accommodation;
- * The impact on neighbours in terms of daylight, overlooking and sense of enclosure.

The proposals are considered acceptable and broadly comply with Unitary Development Plan (UDP) and City Plan policies in land use and amenity terms. It is considered that the proposed building is of outstanding and exemplary design quality and will relate sensitively to its conservation area context, and the proposals are considered to be in line with UDP design and conservation policies and NPPF advice. Approval is recommended subject to conditions and a legal agreement to secure a Crossrail contribution, dedication of the enhanced pavement on Great Marlborough Street as public highway and an employment and training strategy.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

HISTORIC ENGLAND

Do not wish to offer any comments

HISTORIC ENGLAND (ARCHAEOLOGY)

No objections raised

SOHO SOCIETY

Any comments to be reported verbally

CROSSRAIL

No objections subject to conditions

THAMES WATER

No objections raised

HIGHWAYS PLANNING MANAGER

No objections raised subject to securing adequate cycle parking and the submission of Servicing Management and Operational Management Plans.

ENVIRONMENTAL HEALTH

No objections raised.

BUILDING CONTROL

No objections raised.

CLEANSING

No objections raised.

MET POLICE

Any comments to be reported verbally

BUILDING CONTROL

No response to date.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 228; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises two buildings, Nos. 54 and 55-57 Great Marlborough Street which are located on the south side of Great Marlborough Street close to the

junction with Poland Street. Both buildings are identified as unlisted buildings of merit within the Soho Conservation Area. No. 54, known as Europa House, is seven storeys in height, with a recessed plant room whilst 55-57 (Fenton House) is six storeys in height, also with a recessed plant room. Both buildings are currently vacant. No.54 was formerly in use as showroom accommodation at basement and ground floor levels and office accommodation above and No. 55-57 was in retail use at basement and ground floor levels with office and light industrial (sound recording and post-production studio uses) on the upper levels.

The surrounding area has a mixture of mainly commercial uses, although the rear of the site lies close to the recently redeveloped Soho car park, known as the Marshall Street development, a residential redevelopment scheme. There are also other residential properties at 1, 2 and 58-59 Great Marlborough Street and 9 Poland Street. In 2014 permission was granted for four flats at 3-4 Great Marlborough Street.

Immediately to the rear and east of the site lies 47-50 Poland Street, a development site for which a hotel permission was granted in 2016. That site also includes the rear part of 54 and 55-57 Great Marlborough Street, as it is proposed to change the existing party wall so that accommodation currently within the rear of Great Marlborough Street is transferred to the hotel on Poland Street. Works to implement the hotel permission have yet to commence, and as a result the demolition drawings included with this application indicate the likely extent of demolition of 47 Poland Street and the rear part of the Great Marlborough Street buildings if works on this site progress (if consent is granted) in advance of the Poland Street site.

The site is within the Core Central Activities Zone and the West End Special Retail Policy Area (WESRPA). It is also located within the Creative Industries Special Policy Area (SPA) as defined in the Unitary Development Plan (UDP). This SPA designation is not included within the City Plan.

6.2 Recent Relevant History

On February 2012, planning permission (ref. 11/01353/FULL) was granted for the demolition and redevelopment of 54 and 55-57 Great Marlborough Street to provide a seven storey building for offices (Class B1), retail (Class A1) and restaurant purposes at rear ground floor level (Class A3); new facade to upper floors of 49-50 Poland Street and use of first to fourth floors for offices (Class B1), fifth floor as residential and erection of new sixth floor for residential purposes and use of rear ground floor for studio/workshop use (Class B1c); refurbishment of 47 Poland Street for use as retail (Class A1) at basement and ground floor level and residential on the upper floors. This permission was not implemented.

Following this permission ownership was split between the Great Marlborough Street and Poland Street properties and separate applications were submitted. At 54 and 55-57 Great Marlborough Street and on 29 April 2016 planning permission was granted for a residential-led scheme which sought to retain the Great Marlborough Street facade.

Also on 29 April 2016, planning permission was granted for a 135 bed hotel at 47-50 Poland Street. These applications have not been implemented.

7. THE PROPOSAL

The existing and proposed land uses can be summarised as follows:

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	2,392	0	- 2,392
Restaurant (Class A3)	0	188	+188
Showroom	370	0	-370
Retail (Class A1)	560	483	-77
Nil use	260	0	-260
Hotel	0	5,219	+ 5,219
Overall commercial	3,582	5,890	+2,308

Permission is sought for the demolition of the existing buildings and redevelopment of the site to provide an eight-storey 118-bedroom hotel, with two retail units at ground and lower ground floor levels, a lobby café/bar at ground floor and a restaurant / bar area at lower ground floor. At this stage the intended hotel operator is unknown but a draft Operational Management Statement (OMS) has been submitted.

Although the majority of plant equipment would be provided within the basement, plant would also be located in rooftop enclosures. PV panels and building maintenance equipment is also proposed on the roof.

The proposal seeks the excavation of one additional basement level, which would provide additional space for building services and staff facilities.

The hotel bar and restaurant would be open to the general public.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The proposal will result in the loss of all the office floorspace (2,392 sqm) on the site. However, the current application results in a substantial commercial uplift on the site (2,308 sqm) in the form of hotel accommodation and in these circumstances the loss of the B1 office accommodation is considered acceptable in principle.

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 118 rooms, the hotel will provide a restaurant and bar which would also be open to the public. The restaurant and bar area are located on the ground floor with a capacity of up 80 in the restaurant and 50 in the bar area.

London Plan Policy 4.5 aims to support London's visitor economy and stimulate its growth to achieve 40,000 net additional hotel bedrooms by 2036. 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 recent permission for developments incorporating new residential floorspace, Great Marlborough Street is 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

Although the hotel operator is unknown at this stage, the applicant's stated aim is to create a high quality, 4-star accommodation. The hotel will comprise 118 bedrooms with a restaurant and bar occupying a large part of the lower ground floor.

The hotel would be open to guests 24 hours a day seven days a week. It is proposed that the restaurant would be open to non-residents from 06.30 to midnight Sunday to Thursdays (including Bank Holidays) and until 00:30 on Fridays and Saturdays.

New restaurant and bar use

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

UDP Policy TACE 9 states that within Stress Areas permission will only be granted for restaurant uses (between 150m² and 500m²) where the City Council is satisfied that permission for such uses will only be granted 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.

In terms of the impact of the use on residential amenity, whilst the restaurant is located within relatively close proximity to residential properties on the upper floors of the adjoining building, no objections have been received to the introduction of the new restaurant/bar use. Given the location of hotel bedrooms directly above, it will also 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 the restaurant / bar would provide a maximum of 80 restaurant covers and 50 bar covers.

This is considered to be relatively small given that up to 236 guests may stay at the hotel per night.

The application is accompanied by an Operational Management Statement (OMS). The key elements of the OMS are as follows:

- The entrance will be attended at all times by door staff.
- Preventing background music played within the lobby and restaurant from being audible outside the building.
- Hours that non-resident guests may use the restaurant and bar areas
- Provision of a glass crusher at basement level to prevent the sound of glass outside the building
- A restriction of 80 diners within the restaurant area and 50 in the bar area
- The only public entrance to the hotel will be from Great Marlborough Street. Management of evening guests would be strictly controlled to ensure minimal disturbance to neighbouring residents.
- The hotel would not be marketed for coach parties.

The OMS is considered to be robust and it will ensure that activity associated with the hotel and restaurant would not be harmful to the character of the area and more specifically to residential amenity. As the submitted OMS is in draft form, a revised OMS is secured by condition.

Retail Use

There is currently one retail unit at basement and ground floor at 55-57 Great Marlborough Street which has been vacant for a number of years. The existing accommodation is a relatively long linear ground floor retail space which contains a large amount of storage at basement level. The proposals will provide 483 sqm of retail floorspace, which represents a reduction of 77 sqm compared to that existing. Two retail units will be provided at basement and ground floor levels accessed from Great Marlborough Street.

UDP SS5 states that A1 uses at ground, basement or first floor level in the CAZ will be protected. City Plan policy S7 aims to maintain and enhance the unique status and offer of the WESRPA whilst 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 loss of retail floorspace would be strictly contrary to Policy SS5 the new retail floorspace would be better configured than the existing retail unit on the site. There would also be one additional unit when compared against the lawful position. In addition, there will be a significant increase to the amount of retail frontage to Great Marlborough Street as this increases in width from 9.8m to 18m. Overall it is considered that the proposal would improve the retail function on the south side of Great Marlborough Street

and in doing so would add to the retail character and function of the area and the vitality and viability of the Core CAZ and WESRPA.

Light Industrial Use

The site lies within the Creative Industries Special Policy Area (CISPA) within the UDP wherein light industrial uses are protected. Policy COM8 states that 'proposals for redevelopment, rehabilitation or other development affecting premises containing light industrial floorspace will not be granted planning permission where:

1. the site is located within the Creative Industries Special Policy Area
2. this would result in the loss of industrial activities which contribute to the character and function of the area.

Although the site is located within the CISPA as defined in the UDP, this SPA designation has not been included within the City Plan. The City Plan recognises that protecting and enhancing the Creative Industries is a priority, however, it also acknowledges that such uses do not fall within a specific use class and they therefore require a customised approach. Further, the City Plan defines Creative Industries as both light industrial (Class B1(c)) and Creative Services (architects, advertising agencies, graphic design and media design) (Class B1) and recognises that a significant amount (63%) of Creative Industries operate from B1 use class units. The relevant office policy (Policy S20) states that new office development will be directed to the Core Central Activities Zone and refers to, where appropriate, the provision of a range of business floorspace including workshops and studios, however, it does not specifically protect light industrial uses.

The first floor of 55-57 Great Marlborough Street is the subject of a restrictive condition which protects a sound recording studio, which is a light industrial use (Class B1c). However, this is a personal permission, to The Bridge, and this occupier vacated the building several years ago. Accordingly, this part of 55-57 is considered to have a nil planning use rather than light industrial (Class B1c). As such no light industrial space would be lost from that building as a result of the application and there would be no conflict with policy COM8. This approach was taken as part of the permission approved in 2016.

Showroom

54 Great Marlborough Street was last occupied as a showroom by Steilmann, a German fashion company. With regard to the loss of showroom space, as the site lies outside the East Marylebone Special Policy Area, and the former occupiers of the showroom have now vacated No.54 it is not considered that the former showroom use makes a significant contribution to the character and function of the area and its loss is considered acceptable.

8.2 Townscape and Design

The existing buildings on Great Marlborough Street make a positive contribution to the character and appearance of this part of the Soho Conservation Area. There is therefore a presumption to retain them, unless a proposed replacement building makes an equal or greater contribution to the conservation area. In 2012 the City Council accepted that the proposal to demolish the buildings and replace them with a new building was acceptable, on the basis that the proposed building was of high

architectural quality and beneficial to the character and appearance of the Soho Conservation Area. The current proposal is very similar to the approved one. The main design difference is that it has one more storey, but this is within a very similar building envelop.

Height and bulk

The proposed building is seven storeys high to parapet level (compared to six in the planning permission scheme), with a further storey set back from the street facade. Its height and bulk relate satisfactorily to the existing buildings to the east and west and it lies below the level of the strategic view from Primrose Hill to the Houses of Parliament. In terms of its massing, it is in line with the City Council's urban design and conservation policies and is uncontentious.

Design

The new building takes the form of two narrow, vertical, end bays which frame the long central section, which has a strong horizontal emphasis. This central bay has a slightly higher parapet level. This composition helps to break the length of the facade, although the central section still dominates.

As with the approved scheme, the facade is clad in vitreous enamel panels, cast glass lenses, with clear glass windows. The windows are deeply recessed, the cast glass lenses curve outwards slightly from the building line, adding further subtle modelling and complexity to the facade. The black and white character of the facade is intended to echo that of the Liberty Tudor building at the western end of the street.

The proposed building is of very high architectural quality with an inventive and highly crafted facade. It is clearly a modern building but it makes reference to other West End buildings from the early part of the twentieth century, such as two by Joseph Emberton, namely Simpsons, 203-206 Piccadilly (with Felix Samuely) and the former HMV record store, 363 Oxford Street.

Conclusion – Urban design and conservation matters

It is considered that the proposed building, like the approved one, is of outstanding and exemplary design quality and will relate sensitively to its conservation area context. Balancing up the relative contributions of the existing and proposed buildings, it is considered that the proposed redevelopment will result in enhancement of the conservation area. This is the substantial public benefit which will outweigh the harm caused (to the conservation area) by the demolition of the existing buildings.

8.3 Residential Amenity

The closest affected residential properties are within the Marshall Street development (St Giles House) to the immediate south of the site. There are also residential flats on the upper floors of 58-59 Great Marlborough Street and opposite the site at 3-4 Great Marlborough Street.

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. It has been based on a cumulative impact assessment which calculates the

impact of the application site when combined with the impact of the redevelopment site at 49-50 Poland Street (the site immediately to the south).

Daylight

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 sunlight/daylight assessment submitted with the application demonstrates that two fourth floor bedrooms within St Giles House would experience NSL losses of 27.2% and 33.1%. The floor plans appended to the daylight report show that these rooms are 5.27m and 8.1m deep and the BRE Guidance acknowledges that if an existing building contains rooms "lit from one side only and greater than 5m deep, then a greater movement of the no sky line may be unavoidable." In addition, VSC levels to these rooms are not adversely affected by the proposals and good levels of VSC of between 23.06 and 27.95% would be retained. In these circumstances, and as these windows serve bedroom accommodation, which the BRE guidelines also state as being less important in relation to daylighting distribution than main living rooms, it is considered that the levels retained are acceptable and the impact is not considered sufficient to justify refusal.

Sunlight

With regard to impact on levels of sunlight, the BRE guidance state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 5% of annual winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former value. The habitable windows to the flats within the Marshall Street development facing the application site do not face within 90 degrees of due south and therefore are not required to be analysed for the purposes of loss of sunlight under the BRE guidelines. With regard to the residential flats at 58-59 Great Marlborough Street and 3-4 Great Marlborough Street, all windows will retain satisfactory values in terms of annual sunlight hours.

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 proposed new hotel where it fronts Great Marlborough Street will be approximately the same height as the existing plant room at 54 Great Marlborough but between one and two storeys taller than 55-57. At the rear of the site, the building will project further at the rear than the existing buildings. Whilst the proposed new hotel building would clearly be of a greater bulk than that existing, it is not considered that given the relationship with adjoining and adjacent residential flats that there would be any adverse increased sense of enclosure or increased overlooking.

The bulk and massing of the building remains essentially the same as that consented in the previous permission.

Privacy

A roof terrace is proposed at seventh floor level overlooking Great Marlborough Street. It is not considered that in this location that use of this terrace would result in unacceptable noise, disturbance or overlooking.

8.4 Transportation/Parking

A Transport Assessment produced on behalf of the applicant identifies the site as being within a highly accessible location in terms of public transport. Trip generation modelling, which is considered to be robust, concludes that the majority of trips associated with the site will be via public transport or other sustainable modes and indicates that the proposal will not have a significantly adverse effect on the safety or operation of the highway network.

Great Marlborough Street is a wide road, with parking and loading facilities available on either side of the carriageway. Adjacent to the site, on the northern side of Great Marlborough Street, is a taxi waiting bay with capacity for two taxis to wait. Pick-up and drop-off, as well as loading and unloading facilities are available to the northwest and northeast of the site, on the southern side of Great Marlborough Street.

While the proposed hotel use will result in higher levels of activity at different times compared to the lawful uses on the site, the Highways Planning Manager concludes that the activity of guests arriving and departing the site that will not result in significant detrimental highway safety or operation of the wider highway network.

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”. Policy S42 contains similar requirements.

The applicant’s Transport Assessment estimates that the hotel will be serviced on average by 8 service vehicles daily with up to 3 trips for each retail unit. The vehicles are likely to be larger than those associated with the existing use (eg laundry and food delivery vehicles). All servicing is proposed on-street and the submitted a Servicing Management Plan (SMP) demonstrates how servicing will be managed. However, the document only contains many overarching principals of how servicing will be managed for the hotel element only (not the retail units). While broadly acceptable in principle, there is a lack of information on how the time goods spend on the highway will be limited.

Further, there is only a limited holding area for delivered goods (or refuse awaiting collection) at ground level. This means the goods are likely to remain on the highway for longer periods of time, creating an obstruction to pedestrians degrading to the

highway/public realm. A revised SMP is to be secured by condition that sets out internal storage locations, scheduling of deliveries and staffing.

Coach and taxis

There is a taxi waiting bay with capacity for two taxis to wait on the northern side of Great Marlborough Street, however no provision for coach party arrivals or departures is provided. The applicant suggests that the hotel is not marketed to coach parties or groups who would arrive by coach, however it is recognised that in time, the hotel may change focus and attract a different type of guest. This could lead to an increase in coach activity associated with the site.

Concern is raised that without sufficient coach parking or a plan to deal with coaches dropping off and picking hotel guests, coaches will stop in the carriageway and obstruct traffic. The applicant indicates that any coaches would need to utilise existing on-street restrictions, however no additional space is available on-street to provide coach facilities for the proposed use. The submitted Operational Management Plan does not make sufficient reference to how coach activity associated with the hotel will be managed and therefore a revised SMP is required to include such measures. This will be secured by condition.

Changes to Building line and Dedication of Highway

The proposals involve the removal of railings and entrance stair from the façade of 54 Great Marlborough Street and a slight setting back of the existing building line. Given the high pedestrian volumes in this area, this is considered a positive benefit of the proposals. The area where the stair and railings are to be removed are to be dedicated as highway and secured by legal agreement.

Cycle Parking

The London Plan Policy 6.9 requires 1 space per 20 hotel bedrooms and 1 space per 174m² of A class retail. The hotel use (with 118 hotel rooms) therefore requires a minimum requirement of 6 cycle parking spaces. 512m² of A class retail requires a minimum requirement of 3 cycle parking spaces.

The submitted drawings indicate a space within the basement, marked with 10 cycle spaces. The space appears very tight and even if double stacking of bicycles was achievable is questionable. The Highways Planning Manager estimates that even the hotel required minimum of 6 spaces would be optimistic within the space allocated at the basement level. Further, the retail units do not appear to have a clear independent access to this space. Overall, the access to this cycle parking is not direct and would be poor for any cyclist. Revised cycle parking details are therefore to be secured by condition.

8.5 Economic Considerations

The economic benefits generated are welcomed.

8.6 Access

Two passenger lifts would be installed to provide access from the ground floor foyer

to the upper floors. Corridors at the first to seventh floors would be wide enough to allow wheelchair manoeuvrability and there would be a disabled refuge area on each floor in case of fire. As a minimum, 12 rooms would be wheelchair accessible or adaptable (two rooms on floors one to six), exceeding the 10% requirement set out within the London Plan.

Level access would also be provided to the restaurant and bar at lower ground level.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed both at roof level on the seventh floor with additional equipment enclosed at basement level. Due to the early stage of the project, outline plant selections only have been made. As such, plant noise limits have been developed to be achieved at the most exposed noise sensitive receptor location. Adherence to these limits will be secured through the imposition of conditions, including the requirement for the submission of a supplementary acoustic report for the City Council's approval that demonstrates compliance with the relevant criterion within UDP Policy ENV 7. On this basis Environmental Health raise no objections to the application.

A full height extract duct is also to be secured by condition.

Air Quality

The site is located within the designated Westminster Air Quality Management Area. The applicant has submitted an Air Quality Assessment which includes measures to ensure that the proposal is air quality neutral. These measures are secured by condition and a further condition is imposed that requires details of the Combined Heat and Power (CHP) to demonstrate that this meets air quality neutral benchmarks.

Refuse /Recycling

A dedicated hotel refuse and recycling store is to be provided at basement level and each retail unit is provided with retail waste stores. A glass crusher would also be provided within the basement. These arrangements are considered to be in accordance with the requirements of the City Council.

Sustainability

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

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

New schemes are expected to achieve a 40% improvement when measured against the requirements of Part L of the 2010 Building Regulations, which equates to a 35% saving against the 2013 regulations. Policies S28 and S40 of Westminster's City Plan require major development to reduce energy use and emissions that contribute to climate change during the life-cycle of the development and to maximise onsite renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions.

The application is accompanied by an Energy Statement which sets out the sustainability credentials of the building. The energy efficiency and sustainability initiatives of the site have been optimised to address the Mayor's Energy Hierarchy and to address the requirements of policies in Chapter 5 of the London Plan and Westminster's City Plan Policy S28. The applicant's Energy Statement states that with the installation of a Combined Heat and Power (CHP) engine, air source heat pumps, the installation of roof mounted Photovoltaic (PV) panels would provide in excess of 20% of the building's energy usage as required by London Plan Policy 5.7 and Policy S40 of the City Plan.

The applicant also estimates that by combining the passive design measures and energy efficiency measures a cumulative saving of 39% can be achieved when measured against Part L of the 2013 Building Regulations in accordance with Policy 5.2 of the London Plan. This equates to an emission saving of 131 tonnes CO2 per annum.

8.8 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 118 hotel bedrooms will help meet London Plan targets.

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:

- i. Dedication of land as public highway;
- ii. Crossrail payment (currently calculated at £148,348 but to be deducted from the Mayoral CIL as allowed by the SPG)
- iii. An Employment and Training Strategy for the demolition, construction and operational phases of the development';
- iv. Monitoring costs

The estimated CIL payment is:

Mayoral CIL £161,903
Borough CIL £532,908

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Basement

The applicant has submitted detailed information demonstrating that the basement development has taken into account the site-specific ground conditions, drainage and water environment in the area of the development. Furthermore, the application is accompanied by a detailed structural methodology statement prepared by a suitably qualified engineer that demonstrates that the structural stability of nearby buildings will be maintained during the works. Building Control have reviewed the submitted information and raise no objections to the proposals. Furthermore, a signed profoma agreeing to comply with the relevant parts of the City Council's Code of Construction Practice has been submitted.

The proposed development is therefore in full compliant with City Plan Policy CM28.1.

Construction Impact

The site adjoins post-production sound studios in 51-53 Great Marlborough Street who previously raised strong concerns on noise grounds, primarily on the basis that the extent of demolition and construction works would result in significant disturbance in respect of noise and vibration affecting their ability to carry out their business. No such objections have been received as a result of this application and the applicant confirms that wherever possible, construction processes will be selected that minimise noise and vibration and that close liaison with the sound recording studio, and all other neighbouring occupiers, will be maintained to ensure that they are made aware of planned works and the likely impact on them. Additionally, monitoring will be installed on the adjacent buildings to monitor the noise and vibration levels during the demolition, piling, groundworks and concrete frame elements of the project.

Construction matters are now specifically 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.

Hours of building and excavation work will be secured by condition. Conditions are also imposed controlling ground borne noise from the transmission of underground trains.

Archaeology

The site lies in an area of archaeological interest. Historic England, however, raises no objection from an archaeological perspective.

9. BACKGROUND PAPERS

1. Application form
2. Response from Historic England (Listed Builds/Con Areas), dated 27 November 2017
3. Response from Historic England (Archaeology), dated 7 December 2017
4. Response from Thames Water dated 7 December 2017
5. Response from Crossrail dated 12 December 2017

6. Memorandum from Highways Planning Manager dated 15 January 2018
7. Memorandum from Cleansing dated 5 January 2018
8. Memorandum from Environmental Health dated 9 February 2018
9. Memorandum from Building Control dated 12 February 2018

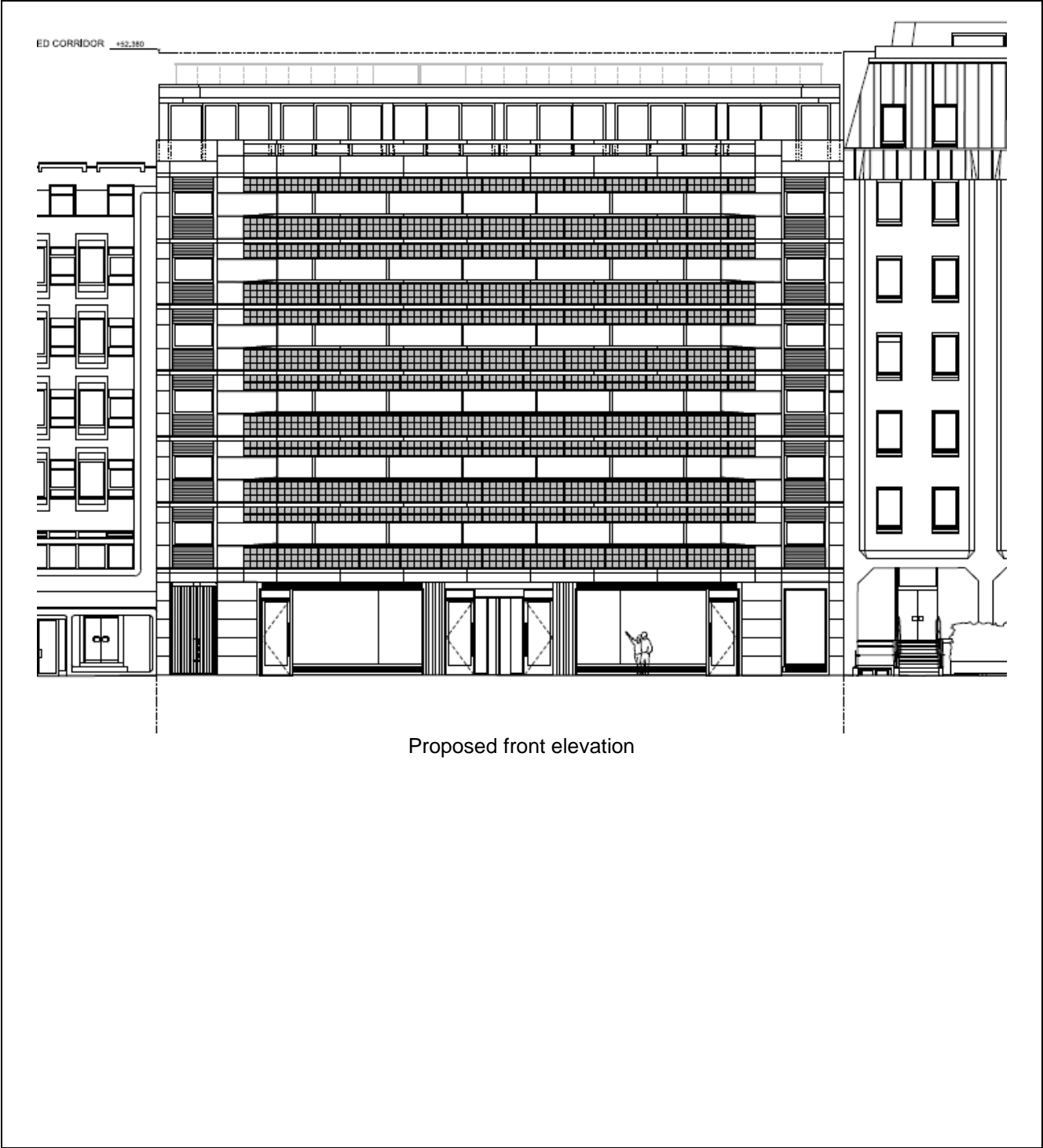
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

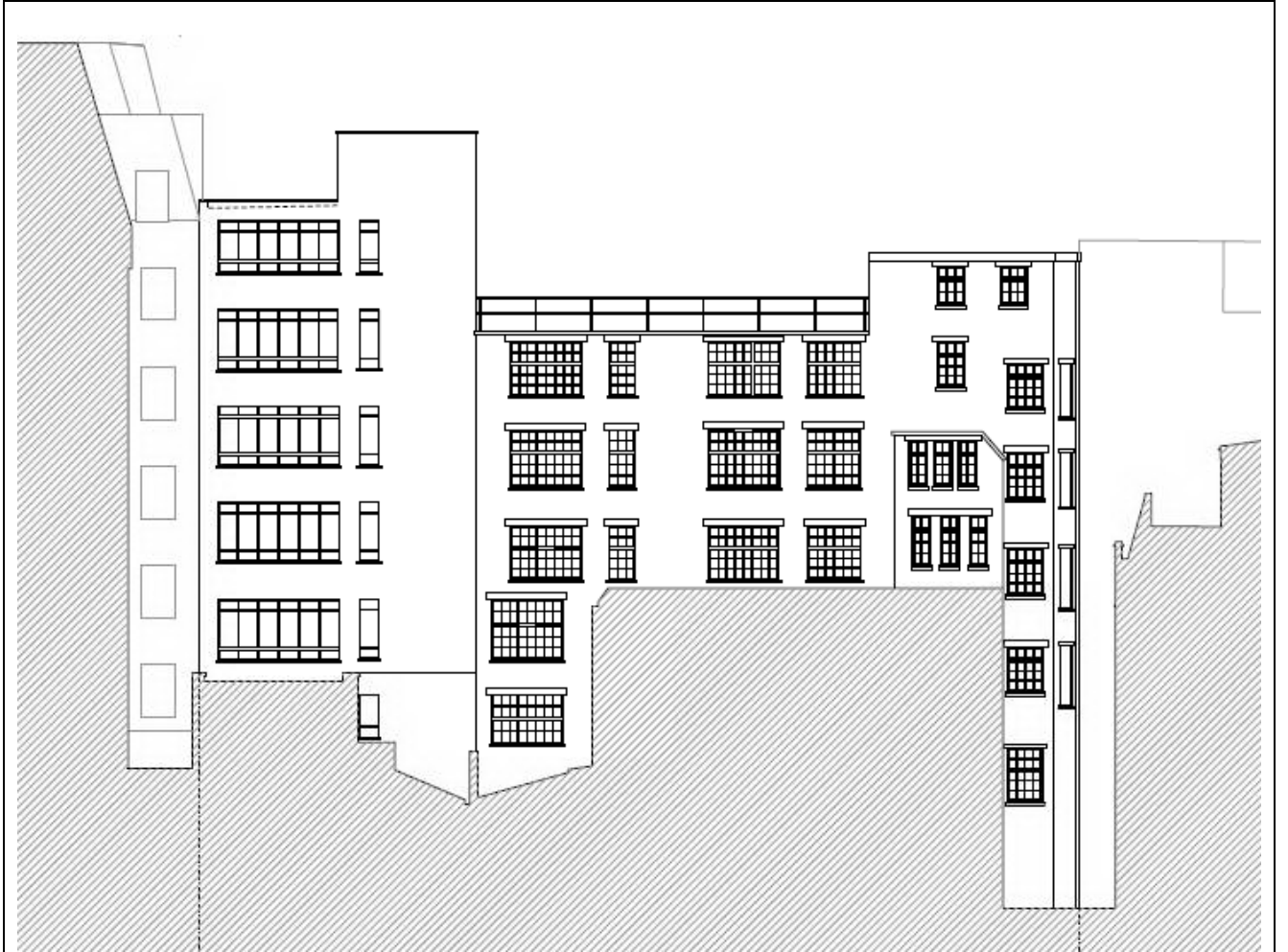
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

10. KEY DRAWINGS

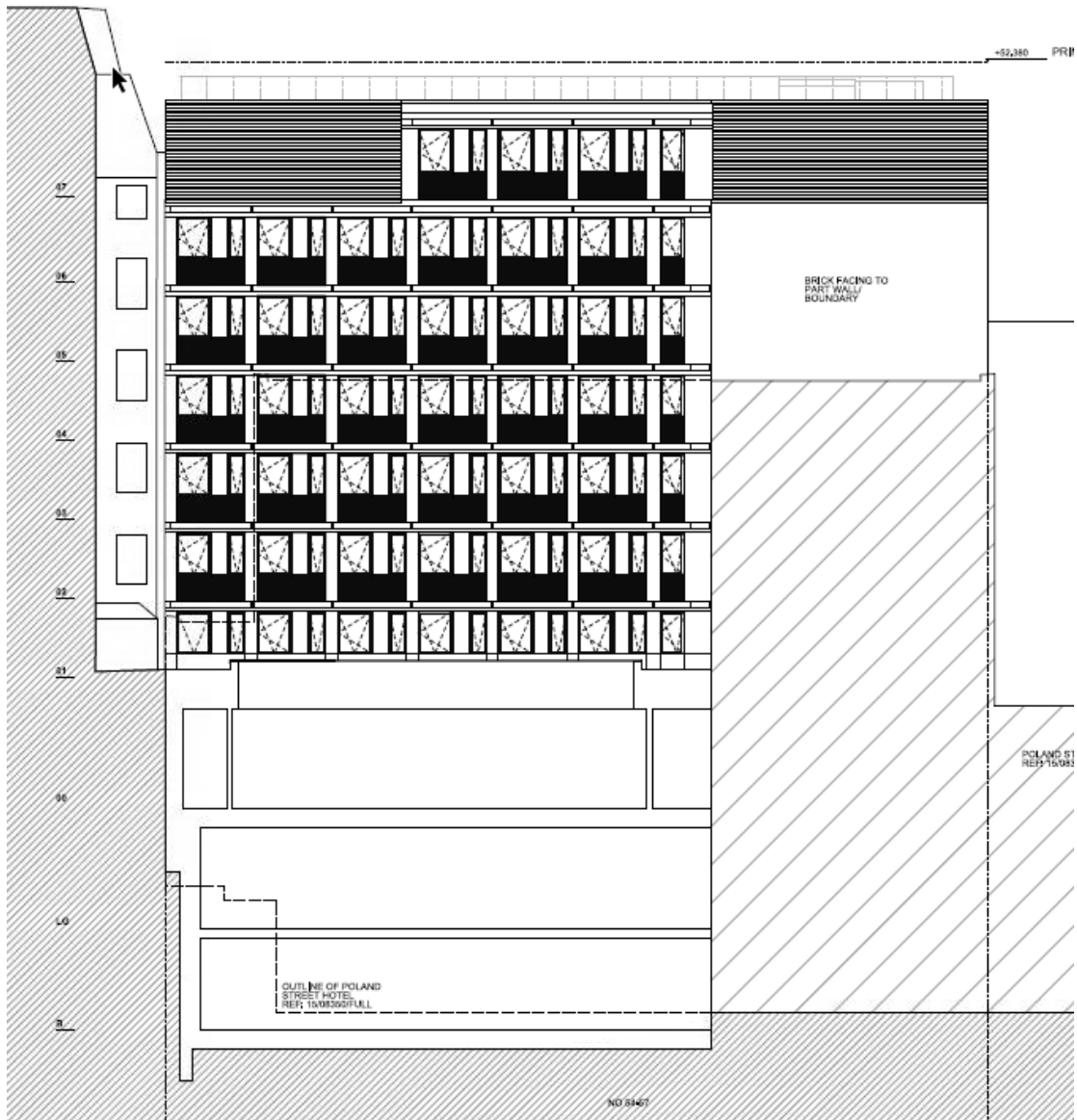


Existing front elevation

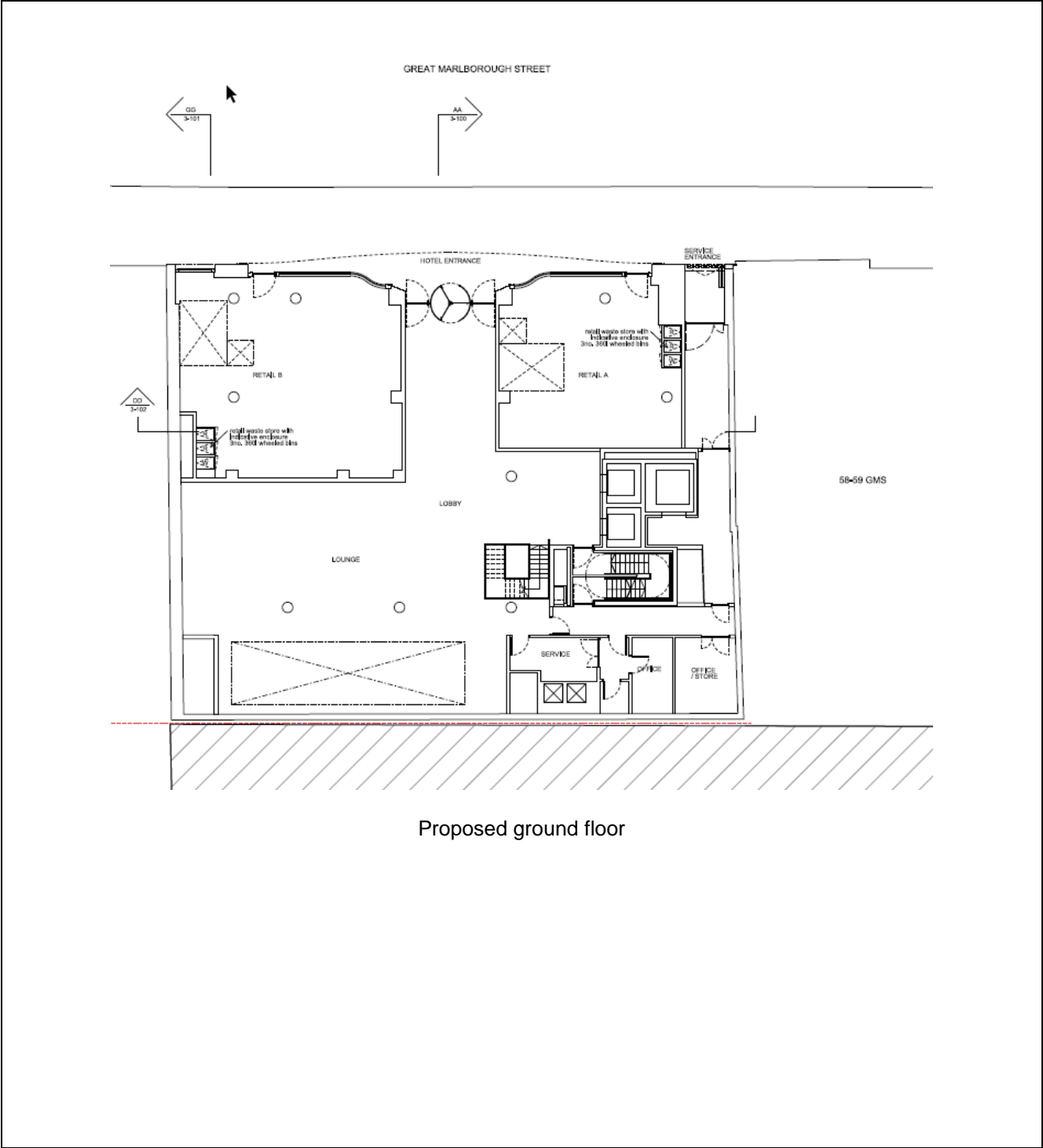


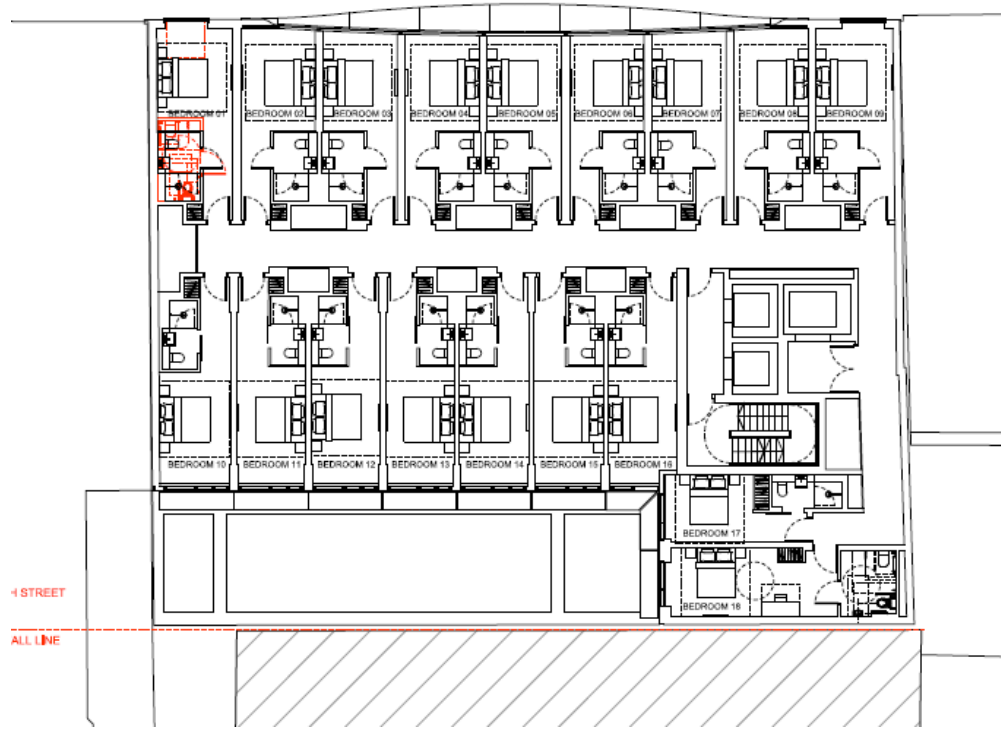


Existing rear elevation



Proposed rear elevation





Typical upper floor plan

DRAFT DECISION LETTER

Address: Development Site At 47 Poland Street And 54-57, Great Marlborough Street, London,

Proposal: Demolition of 54 and 55-57 Great Marlborough Street and demolition of rear ground, first and second floors of 47 Poland Street and redevelopment of the site to provide a new building comprising two basement levels, ground floor and seven upper levels. Use of part ground floor / basement level 1 as retail (Class A1). Use of part basement level 1 and part ground floor level and basement level 2 and seven upper levels as a hotel (Class C1). Terrace and plant at seventh floor level, pv panels at roof level and associated external works.

Reference: 17/10057/FULL

Plan Nos: EPA-GMH-05 -1- 098 Rev P00, 099 Rev P00, 100 Rev P01, 101 Rev P00, 102 Rev P00, 103 Rev P00, 104 Rev P00, 105 Rev P00, 106 Rev P00, 107 Rev P00, 108 Rev P00; EPA-GMH-05 -2- 100 Rev P00, 101 Rev P00; EPA-GMH-05 -5- 101 Rev P00; EPA-GMH-20 -2-102 Rev P00; EPA-GMH-05 -3- 100 Rev P00, 101 Rev P00; Structural Engineer's Construction Method Statement (FOR INFORMATION ONLY) dated November 2017

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 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and 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:-
- (i) Accommodate the proposed location of the Crossrail structures including tunnels, shafts and temporary works,
 - (iii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail railway within the tunnels and other structures.
 - (iv) Mitigate the effects on Crossrail, of ground movement arising from development

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs 1(i), 1 (iii) and 1(iv) of this condition shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

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

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

- 5 Non-residents hotel guests shall not be permitted to access, or remain within the hotel restaurant and lobby lounge except between 06.30 to 00.00 Sundays to Thursdays (including Bank Holidays) and 06.30 to 00.30 on Fridays and Saturdays.

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 80 customers in the restaurant 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 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

Reason:

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

- 8 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system, including a full height extract duct for the extraction of cooking smells, and any associated equipment. 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. You must not change it without our permission.

Reason:

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

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

Reason:

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)

- 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 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.

- 13 You must provide the waste store shown on drawings EPA-GMH-05-1-100 Revision P01 and EPA-GMH-05-1-098 Revision P00 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)

- 14 You must apply to us for approval of a revised basement plan showing a minimum of 6 cycle parking spaces for the hotel use and 3 spaces for the retail (with clear independent access). The cycle spaces must be provided prior to occupation and thereafter 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 apply to us for approval of details of a servicing management plan for the hotel/retail use identifying the process, storage locations, scheduling of deliveries and staffing for servicing purposes as well as a clear process for managing coach party arrivals and departures as well as taxis. The servicing management strategy must also include an assessment of delivery noise combined with mechanical services, noise from doors and gates and activity noise from trolleys and/or human voices. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

Reason:

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

- 16 Servicing must only take place between 07:00 and 19:00. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

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

- 17 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)

- 18 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Conditions 10, 11 and 20 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.

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

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

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

Reason:

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

- 20 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel, restaurant and bar use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is

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

Reason:

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

- 21 The design and structure of the development shall be of such a standard that it will protect noise sensitive dwellings within the development and adjoining residential dwellings from ground borne noise from the transmission of underground train operations so that they are not exposed to levels indoors of more than 35 dB LASMax within habitable rooms during the day and night.

Reason:

In order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for adjoining residents of the development from the intrusion of external noise.

- 22 The design and structure of the development shall be of such a standard, that it will not increase existing noise and vibration levels in adjacent properties from re-radiated ground borne noise and vibration from the transmission of underground train operations, where historical data is available to demonstrate the noise and vibration baseline conditions prior to the development.

Reason:

In order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for adjoining occupiers of the development from the intrusion of external noise.

- 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

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

Reason:

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

- 27 The air quality mitigation measures as specified in the air quality assessment by WKC dated 10th November 2017 Ref: J18050 must be installed before you start to use any part of the development and permanently retained thereafter.

Reason:

To make sure that the development provides the air quality mitigation measures included in your application as set out in S31 of Westminster's City Plan (November 2016)

- 28 You must apply to us for approval of details to demonstrate how the CHP will meet the required air quality neutral benchmarks of the Greater London Authority SPG on Sustainable Design and Construction. You must not install the CHP until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

To make sure that the development provides the air quality mitigation measures included in your application as set out in S31 of Westminster's City Plan (November 2016)

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

1. Typical bays - all elevations
2. Windows
3. Entrance doors
4. Shopfronts
5. Roof storeys
6. Roof level plant

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

- 30 You must apply to us for approval of sample panels of cladding for the Great Marlborough Street facade

You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample panels. (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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to

10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 31 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil,

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

CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

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

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

- 3 You are advised to contact Richard McEllistrum (Transport for London) on 0203 054 8966 to discuss whether construction works require the suspension of the Cycle Hire Station on Great Marlborough Street. You will need the consent of Transport for London for such a suspension.
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 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 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of a financial contribution towards Crossrail, dedication of land as public highway and an employment and training strategy.
- 9 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 10 Conditions 10 & 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)
- 11 It is anticipated that the assessment of Condition 22 will include a comparison of 'on/off' conditions and seek to investigate the 'increase' in measured levels with the following points relating to standard deviation taken into consideration. For example; a level 10 dB below existing levels would increase existing levels by 0.4 dB. The assessment of Condition 22 might also include a calculation approach where measurement is impracticable or a combination of measurement and calculation may be deployed. Measurement assessment of Condition 22 may require that third parties allow the applicant access to carry out Acoustic testing to demonstrate compliance with Condition 22 through measurement. If access is not made available, the applicant may deploy a calculation approach and base the criteria on reasonable assumptions of the existing acoustic conditions within the adjacent properties. It is possible that existing background, ambient and maximum levels within the adjacent properties could be very low for measurement and assessment purposes. It is expected that the accuracy of results should be taken into consideration when dealing with the measurement of low noise levels. Standard Deviation of measurement is a recognised measure of accuracy of results and reasonable consideration should be given to Standard Deviation as well as the capabilities of the instrumentation used for the assessment.
- 11 Non Road Mobile Machinery (to be attached to all level 1 and level 2 COCP sites)
The applicant is required to ensure that all non-road mobile machinery used during the demolition and/or construction phase meet the appropriate emission standards for use in the Central Activity Zone. Further information can be found at the following link:
<http://nrmm.london/nrmm>. The environmental sciences team can provide further information and can be contacted at:
environmentalsciences2@westminster.gov.uk

Chimney height approval (e.g. where CHP is proposed)

The applicant is advised they may need to make an application for chimney height approval under the Clean Air Act 1993. They should contact environmentalsciences2@westminster.gov.uk for further advice about this.

Filtration Systems used for mitigation

The applicant is advised to ensure there is a suitable and sufficient maintenance regime in place for the air quality filtration system including cleaning and/or replacing the filters to ensure they remain effective.

- 12 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.
- 13 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <https://wholesale.thameswater.co.uk/Wholesale-services/Business-customers/Trade-effluent> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.

- 14 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 15 With regard to Condition 31 you are advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.
- 16 There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available

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at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

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 3

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	8-14 Meard Street, London, W1F 0EQ		
Proposal	Demolition of the rear ground, first and second floor office accommodation and replacement with a full width rear extension at first to fourth floors to provide Office (Class B1) floorspace. Change of use of basement to part gym (Class D2) and part office (Class B1) and change of use of part ground floor to retail (Class A1), office (Class B1), gym (Class D2). Replacement shopfronts at ground floor level on Meard Street and amendments to the rear of the existing residential in Royalty Mansions (Class C3) and associated works		
Agent	DP9 Ltd		
On behalf of	Westminster Meard Street Limited		
Registered Number	17/09109/FULL	Date amended/ completed	12 October 2017
Date Application Received	12 October 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY

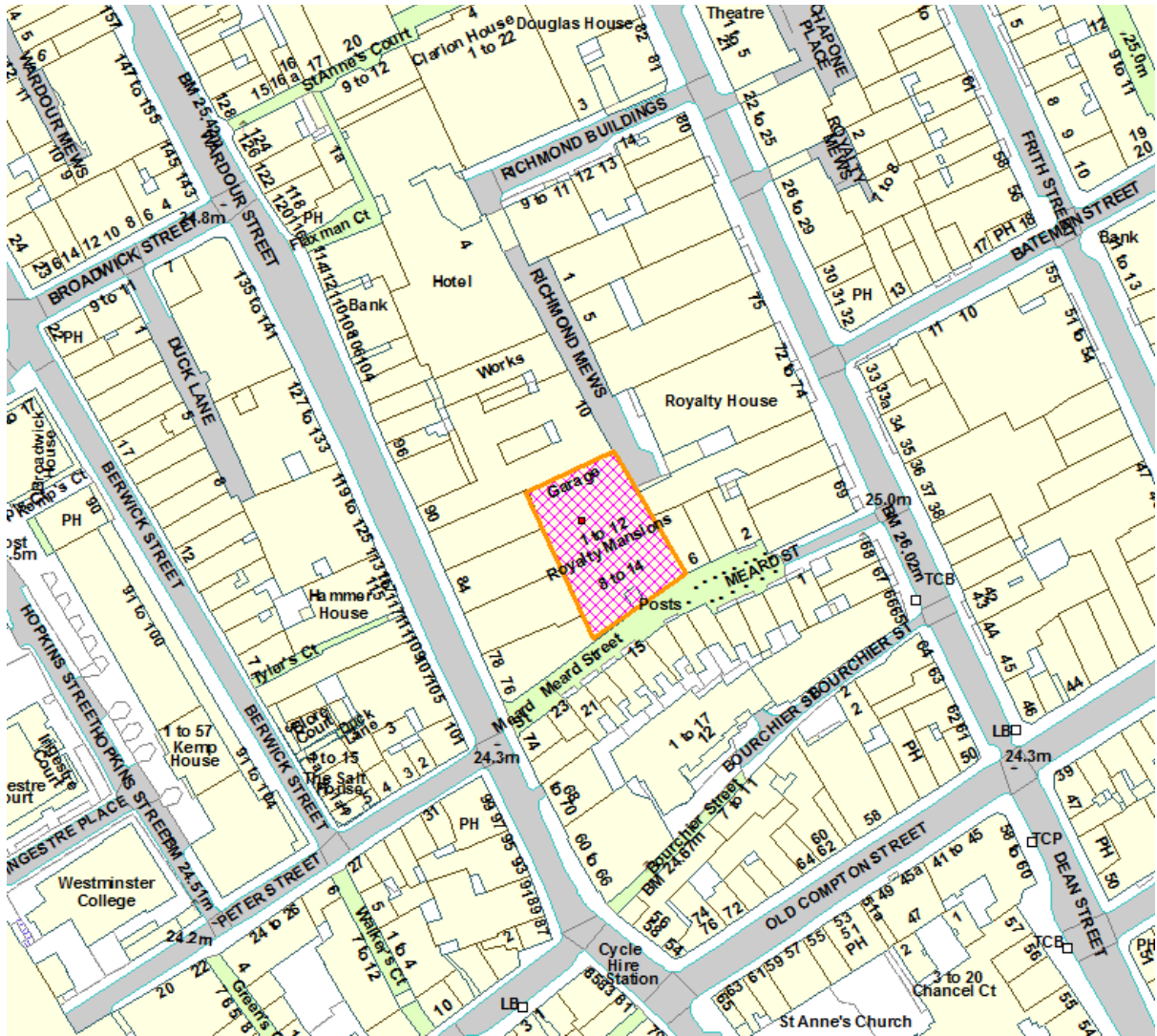
The application site is located on the north side of Meard Street, mid-way between Wardour and Dean Streets. The site includes 12 flats within Royalty Mansions which front onto Meard Street at first to fourth floor levels above a vacant photographic laboratory. At the rear, the site includes an L-shaped two-storey office building which partly fronts onto Richmond Mews. The key issues for consideration are:

- The impact of the proposals upon the amenity of neighbouring residential properties,
- The introduction of retail and gym uses, and
- The acceptability of the proposals upon the appearance of the building and the character and appearance of the conservation area.

The introduction of retail and gym uses have attracted strong concerns on amenity and land use grounds, however, following revisions to the size of the proposed retail units and with conditions applied to the proposed retail and gym uses, the proposals are considered acceptable and in

accordance with UDP and City Plan policies. The proposed development is considered acceptable in terms of design and would not harm the appearance of the building or fail to maintain or improve (preserve or enhance) the character and appearance of the Conservation Area.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Meard Street Elevation



Richmond Mews Elevation



5. CONSULTATIONS

SOHO SOCIETY

Raise no objections to the B1 proposals to the rear, would prefer a continued light industrial or B1 use and object on the grounds of the impact of proposed A1 retail and D2 gym uses

HIGHWAYS PLANNING

No objection subject to conditions

CLEANSING

No objection subject to condition

ENVIRONMENTAL HEALTH

No objection subject to conditions

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to condition

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 88; total No. of replies: 9

No. of objections: 8

No. of neutral comments: 1

Nine objections have been received (two are from the same resident, and one is made on behalf of The Meard and Dean Streets Residents' Association) on some or all of the following grounds:

- Proposed retail and gym uses and their impact on amenity
- Loss of historic and residential character of the street
- Existing creative use should be protected
- Increase in traffic, noise, footfall, deliveries, rubbish, queues, anti-social behaviour
- Additional waste and servicing
- Need for restrictions on working hours for any works permitted
- Proposed design of new building fronting Richmond Mews
- Objection to development which results in increased utilisation of Richmond Mews
- Disagreement with applicants claims that the street is not predominantly residential in character
- The Council has accepted that retail use on Meard Street damages residential amenity
- Large floorplate retail premises should be resisted in Soho
- Proposed retail use is contrary to UDP Policy TACE9
- Bins should be wheeled up to Dean Street and stored inside the building

It is noted that The Meard and Dean Streets Residents' Association (MDSRA) has recorded its appreciation of the applicants' engagement with the community prior to the submission of the application.

One neutral comment has been received on the following grounds:

- Impact on business during construction,
- Construction management plan requested via condition.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building located on the northern side of Meard Street. The plot extends to the southern end of Richmond Mews. It is located in the Central Activities Zone (CAZ), the Soho Conservation Area, the Creative Industries Special Policy Area (CISPA) and the West End Special Retail Policy Area (WESPRA)

The site is split into three parts and includes a vacant photographic laboratory (Class B1c) at basement and ground floors, 12 flats within Royalty Mansions which front onto Meard Street at first to fourth floor levels and a rear L-shaped two-storey office building which extends along the side of Soho Lofts and partly fronts onto Richmond Mews.

Council records indicate that while there is a mix of uses on the street, there is also a large amount of residential premises. Residential properties are largely located along the south of the street, while the north site has a number of commercial properties.

6.2 Recent Relevant History

Permission was granted in April 1992 (RN: 92/00744/FULL) allowing the creation of a two storey extension at first floor level for additional office (Class B1) accommodation and other associated works.

Planning permission was granted at the site in 1969 which restricted the use of the basement to a commercial photo laboratory by condition.

Planning permission was granted at 23 Meard Street in October 2017 (RN: 17/06840/FULL) for the use of the ground and basement floors of 23 Meard Street as retail (Class A1) in association with the existing retail unit at 74 Wardour Street. This included the installation of a ground floor frontage to 23 Meard Street including new emergency and disabled access door.

7. THE PROPOSAL

Planning permission is sought to allow the demolition of the rear ground, first and second floor office accommodation and replacement with a full width rear extension at first to fourth floors to provide office (Class B1) floorspace. Terraces are also proposed

The proposals also include the use of the basement to part gym (Class D2) and part office (Class B1) and a change of use of part of the ground floor to retail (Class A1), office (Class B1) and gym (Class D2).

Replacement shopfronts are also proposed at ground floor level on Meard Street and amendments are proposed to the rear of the existing residential (Class C3) including the provision of a rear terrace, Juliet balconies and associated works.

The amount of retail floorspace proposed on Meard Street has been reduced by around 40% during the course of consideration for this application in response to officer comments and objections received.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed floorspace figures are set out in the table below

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Photo Laboratory (Class B1c)	628	0	-628
Office (Class B1)	1245	1898	+653
Residential (Class C3)	881	887	+6
Gym (Class D2)	0	645	+645
Retail (Class A1)	0	146	+146
Total	2754	3576	+822

Loss of Photo Laboratory (Light Industrial, Class B1c)

The site lies within the Creative Industries Special Policy Area (CISPA) within the UDP wherein light industrial uses are protected. Policy COM8 states that 'proposals for redevelopment, rehabilitation or other development affecting premises containing light industrial floorspace will not be granted planning permission where:

1. the site is located within the Creative Industries Special Policy Area
2. this would result in the loss of industrial activities which contribute to the character and function of the area.'

Although the site is located within the CISPA as defined in the UDP, this SPA designation has not been included within the City Plan. The City Plan recognises that protecting and enhancing the Creative Industries is a priority, however, it also acknowledges that such uses do not fall within a specific use class and they therefore require a customised approach. Further, the City Plan defines Creative Industries as both light industrial (Class B1(c)) and Creative Services (architects, advertising agencies, graphic design and media design) (Class B1) and recognises that a significant amount (63%) of Creative Industries operate from B1 use class units. The relevant office policy (Policy S20) states that new office development will be directed to the Core CAZ and refers to, where appropriate, the provision of a range of business floorspace including workshops and studios, however, it does not specifically protect light industrial uses.

The basement has a lawful use as a photo laboratory, which is a light industrial use (Class B1c), protected by restrictive condition on a historic planning permission. The basement area contains specialised areas for the processing of film including processing trenches and chemical works areas. The applicant advises this area has been redundant for in excess of five years.

Three objections have been received from the Soho Society, residents and The MDSRA to the loss of the existing basement use. One objector also states that creative uses

should be protected at this site. However, the Council recognises that the nature of the of the film and photographic industry has changed dramatically and to such an extent that the industry is now, for the most part, digitised. The need for such specialist and restricted floorspace has now gone, as demonstrated by the vacant and unused basement area.

It is considered that in this instance, the loss of this use is considered acceptable considering its highly specialised use, the changes the industry has undergone in recent times, and the floorspace now preferred by modern creative industries (set out above). Accordingly, the objections on these grounds cannot be upheld. Furthermore, the proposals provide an overall increase of office floorspace which could be occupied by a creative industrial use.

Increase in Retail Floorspace (Class A1)

Policy SS3 of the UDP seeks to maintain, preserve and enhance the international shopping character of the West End International Shopping Centres. Policy S7 of the City Plan seeks to maintain and enhance the unique status of the West End Special Retail Policy Area (WESPRAs). Policy S6 of the Westminster City Plan identifies the Core CAZ as an appropriate location for retail (Class A1) uses and encourages the provision of more retail throughout the area. The policy identifies that large scale retail developments should be directed to the West End International Shopping Centre's Primary Shopping Frontages, on which the site is located. City Plan Policy S21 looks to direct new retail floorspace to the designated shopping centres.

Four objections have been received to the proposed new retail units fronting onto Meard Street. These objections include the grounds of increased noise from the units (from playing of loud music etc.), queuing in the street, long opening hours, servicing of the units from Meard Street, increased footfall on the street, large retail floorplates, and a negative impact on the general amenity and character of the street.

The proposal will result in the provision of 146sqm GIA of retail (Class A1) floorspace at part ground floor. The original proposals were for 260sqm of retail floorspace in the form of one unit, with a possibility of it being divided into two units. However, following the objections received and officer advice, this area has been reduced by approximately 40% and divided into two separate retail units (measuring 77sqm GIA and 69sqm GIA). The applicant has confirmed that they are willing to accept a condition or obligation to ensure that the units are not combined in the future to create one larger unit.

To address the concerns raised on noise and amenity grounds, additional conditions are proposed to minimise the impact of the proposed retail units. These will ensure that no music played in the units is audible outside the premises, that the retail units have self-closing doors which are not to be kept open, the units are not to be used for food retail and that no delivery service will operate from the units. The opening hours of the retail units will also be restricted until 8pm Monday to Saturdays and until 6pm on Sundays and Bank Holidays

Following the revisions to the area and sizes of retail proposed for the site, the two smaller units would be entitled to change use to a restaurant or café (Class A3) under permitted development rights, subject to prior approval from the Council. Given the sensitivities of the site and the objections received, it is considered necessary that these

permitted development rights are removed in order that any future A3 use can be assessed in full.

The MDSRA have requested a range of conditions be applied in relation to the retail use if it is permitted. Some of those requested include; no amplified music or transmitted vibration; the retail use to be restricted to something consistent with a boutique use, restrictions on the size of the retail units, restrictions on the days and hours of retail trading, doors to units to be kept closed, no café use or any sales of any form of food or drink, and restrictions on servicing. Some of those requested, or similar ones to achieve the same outcome, have been included above however, some are not considered to be reasonable to impose, fall outside the remit of the planning system, or are at odds with other regulations. As a result, not all of those requested can be imposed.

The MDSRA have stated that they believe the proposed retail units should be assessed in relation to the entertainment policy TACE 9. However, the proposals do not involve the introduction of entertainment uses and permitted development rights to enable the change use of these units to Class A3 use have been removed.

The MDSRA argue that the Council has previously accepted that retail use on Meard Street damages residential amenity and refer to a permission granted in 2017 for the introduction of a retail use at No.23 Meard Street. Condition 7 of the permission in question (17/06840/FULL) limits the use of an entrance door on Meard Street for disabled access only. The reason for this condition was to protect the privacy and environment of people in neighbouring properties. Planning applications are individually assessed on their own merits and individual circumstances are taken into account on each application and it therefore cannot be sustained that the reason for imposing such a condition elsewhere on this street is tantamount to the Council accepting that retail on Meard Street as a whole damages residential amenity. As a result, and with the above conditions applied, it is not considered that permission could be reasonably withheld for retail units on the street as a result of this objection.

Objections have also been received on the grounds that the proposed retail will increase footfall on the street, which due to some residential properties being directly at street level, will have a negative impact on amenity. Whilst the new uses would increase footfall, the site is already entirely in commercial use and it would be unreasonable for the Council to withhold permission on the grounds where there is adequate infrastructure in place on the highway to support this increase. Furthermore, figures submitted with the applicant's Transport Assessment indicate that the overall net change in trips to the site is for an additional 20-50 arrivals per hour. If this is spread across the day this is equivalent to an additional person trip being made every 1-3 minutes. This increase is considered to have a negligible impact on footfall.

Given the sites location, that the provision of new retail is in accordance with adopted policies it is not considered that he Council could reasonably refuse this use here with the conditions outlined above imposed.

Increase in Office Floorspace (Class B1) and application of the Mixed Use Policy

Policy S20 of the City Plan identifies the need for significant additional office floorspace (Class B1) within Westminster. The Core CAZ is also identified as a suitable location for

office floorspace in Policies S6. This proposal would result in the provision of a total of 1898sqm GIA of office floorspace (Class B1), an increase of 653sqm GIA. This is acceptable in principle given the sites location within the Core CAZ and is in accordance with Policy S20 of the City Plan.

As the net increase in floorspace of all uses (822sqm GIA) is less than 30% of the total existing building floorspace (approx. 29.9% of 2754sqm GIA), no residential is required to offset the increase in office floorspace.

Proposed Gym Use

Policies SOC1 of the UDP and S34 of the City Plan both encourages the provision of new social and community infrastructure throughout the city at appropriate sites and where they do not harm residential amenity. The proposals will provide a gym (Class D2) at part basement and part ground floor measuring 645sqm GIA.

The applicant has provided very few details of measure that will be taken to ensure that noise and vibration is not transferred through the building by the gym use to the residential flats above. The applicant advises that this is due to the intention to lease the unit as a shell and allow the tenant to fit the unit as they wish, including providing any necessary mitigation measures. In light of this and in line with recommendations made by Environmental Health, it is considered necessary to apply a number of conditions to mitigate the possible impacts of the gym use. These will ensure that noise from the use will not be audible from outside the site, noise from music will be limited by the installation of sound limiter, the capacity (80) and opening hours (06:00 - 22:00 Monday to Friday (excluding bank holidays) and 08:00 – 21:30 on Saturday and Sundays and to ensure that noise transfer will not occur through the building. Self-closing doors will also restrict the possibility of noise break out. Furthermore, the use of the basement shall be restricted to that of a gym only, and no other uses within the D2 use class.

Four objections have been received against the proposed gym use and the impact it will have on amenity of the area. However, the Core CAZ is identified as a suitable location for a mix of uses including social and community uses and subject to the conditions outlined above, it would not be considered reasonable for the Council to withhold permission for the proposed gym use.

The MDSRA have requested a range of conditions be applied in relation to the gym use if it is permitted. The requested conditions are that; no amplified music or transmitted vibration, the basement be restricted to D2 gym use only, restriction of the gym opening hours (to be between 08:00-20:00 Monday- Saturday, no opening on Sundays or bank holidays) and doors to be kept closed. Some of those requested, or similar ones to achieve the same outcome, have been included above however, the opening hours for the gym requested by The MDSRA are considered to be overly restrictive for the type of use proposed. Despite the early hours that the applicant requests, it is recognised that gym users are unlikely to arrive or leave in large numbers and subject to the above conditions, it is not considered that the use would be likely to have a material impact on neighbouring residential amenity.

Other Objections Against Proposed Uses

The MDSRA have requested a range of conditions be applied generally in relation to the development as a whole if it is permitted (such as prohibiting illuminated signs, not

allowing canopies or awnings, only allowing boutique retailers, restrictions on the audibility of intruder alarms, no outside furniture or performances). However, these are either not considered to be reasonable to impose, fall outside the remit of the planning system, or are at odds with other regulations.

Three objections have been received on the grounds that the proposed retail and gym uses to be introduced, will change the character of the street. Whilst these concerns are noted, the lawful use of the building is commercial office and light industrial use and it is not considered that the size and type of new uses proposed here would have a significantly detrimental impact. The uses are not considered to be those which would bring associated negative impacts, and with the conditions proposed above they are unlikely to have a significant impact.

The MDSRA have also contested the applicants' assessment of the street being not predominantly residential. The submission describes the street as one of mixed use in character. Council records indicate that while there is a mix of uses on the street, there is also a large amount of residential premises. Residential properties are largely located along the south of the street, while the north site has a number of commercial properties. As with many places in Central London there are a number of properties on this street which have commercial uses at ground/basement with residential uses above. There are also a number of properties on the street with residential at ground and basement levels. While most of the street is pedestrianised and benefits from no road traffic noise, given its location within the West End, the street is still regularly used by pedestrians. While the street may be more residential in character than the applicant states, it would be unreasonable to withhold permission on the grounds of these claims.

8.2 Townscape and Design

The proposals replace the extensions at the north end of the site. These are not of interest and demolition is acceptable. The new buildings step back progressively from the rear of the Meard street block. This is an appropriate response to the context. The design is modern, restrained, and of high quality. The new façade to the mews at the rear is also modern but responds to the light industrial, brick, character of the mews, which includes a variety of modern and 20th century buildings. It has to be said that this is not a very public façade, being at the far end of a dead end mews, which is not used by pedestrians.

Two objections have been received to the demolition of the part of the building fronting onto Richmond Mews and stating that the new development is not enhancing and out of keeping with the Mews. While the current building is modern but of a traditional style, there is no strong presumption to keep it as it is seen to make a neutral contribution to the conservation area. It would therefore be unreasonable to withhold permission on these grounds and the objection cannot be upheld.

A key benefit of the proposals is the restoration of traditional shopfronts on Meard Street. These have been carefully designed and will improve the appearance of the building and contribute positively to Meard Street and this part of the conservation area. This is very welcome.

The proposals comply with the City Council's policies including S25, S28, DES1, DES 5 and DES 9.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing and states that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP aims to safeguard residents' amenities, and states that the City Council will resist proposals which result in a material loss of daylight/sunlight, increase in the sense of enclosure to windows or loss of privacy or cause unacceptable overshadowing to neighbouring buildings or open spaces.

Sunlight and Daylight

In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component (VSC) which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

A daylight and sunlight report has been submitted in support of the application. This assesses the impact of the proposed extension on the rear residential windows in Royalty Mansions which face the proposed extensions. The report demonstrates that all windows assessed will experience BRE compliant losses in VSC (with the largest loss being of 14.99%, well within the 20% guideline).

All windows which face the site are orientated due north. BRE guidelines state that only rooms with a window orientated within 90 degrees of due south are material for assessment with regards to the impact on sunlight. The effect upon sunlight on this building is therefore fully BRE compliant.

Sense of Enclosure

A green privacy screen is proposed at first floor which is approximately 3m away from the rear of the residential properties in Royalty Mansions. This screen is approximately 2.6m high, however given its distance from the first floor windows, it is not considered to result in a significant increase in enclosure for these properties.

The proposed extension will also come significantly further forward towards Royalty Mansions than the existing building. The distance from the rear extension at first and second floors to Royalty Mansions (excluding the privacy screen) will be approximately 7.2m. At third floor, the proposed building steps back by approximately 2.5m and is further stepped back again at fourth floor. These distances and the stepping back of the proposed extension are considered sufficient to not create a material impact on sense of enclosure to Royalty Mansions.

Privacy/Overlooking

At second and third floors, the proposals include angled timber screening/vertical brises-soleil in front of the office windows. The angle of this is such that it prevents any direct views across to the residential windows at Royalty Mansions while still allowing sufficient

light into the office space. Subject to this element being secured by condition, it is considered that there will be no material loss of privacy or increase in overlooking to the properties in Royalty Mansions. While there is no such element proposed at fourth floor, due to the distance these windows are set back, it is not considered that these windows would create any material loss of privacy.

The proposed green roofs at third and fourth floors will not have direct access from the offices, aside from providing maintenance access. A condition will be applied to ensure that these areas are not used for sitting out or as terraces.

Proposed Office Terraces

A small terrace is proposed at first floor next to the new office extension. The proposed green privacy screen at first floor will provide sufficient protection from any loss of privacy to the first floor flats at Royalty Mansions. It shall be secured by condition. A second office terrace is proposed at fourth floor, overlooking Richmond Mews. As there are no residential properties located on the opposite side of the mews or at the abutting end this terrace is not considered to create any loss of privacy or increase in overlooking.

One objection has been received regarding noise from the new development in Richmond Mews and subject to a condition restricting the hours that these terraces can be used, it is not anticipated that they will have any significant impact on residential amenity.

Existing Residential Amenity

First floor flats in Royalty Mews will each benefit from new amenity space behind the proposed green privacy screen. This will be accessible from new doors in this rear elevation. These flats do not currently benefit from access to private outdoor amenity space. These elements will enhance the amenity of these flats and are welcomed.

8.4 Transportation/Parking

A Transport Assessment 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 and indicates that the proposal will not have a significantly adverse effect on the safety or operation of the highway network.

Servicing

The proposed servicing for the gym and office will take place at the rear of the site, from Richmond Mews. Servicing of the retail units will take place from Meard Street.

Three objectors have raised concerns regarding the servicing of the proposal, particularly to the increased use of Richmond Mews which is identified as already suffering from problems with commercial bins being left in undesirable locations, parked cars and a number of servicing vehicles. The MDSRA have also objected on the grounds that servicing of the retail units will add to noise, disturbance, blocked access, bins or refuse on the narrow street and other inconveniences. They have requested that servicing and deliveries be restricted to weekday daytimes (10:00-16:00) only, excluding bank holidays, and to not block Meard Street when they occur.

The Highways Planning manager has raised concern that servicing the building will inevitably involve service vehicles reversing on the highway, as both Richmond Mews and Meard Street are cul-de-sacs which are too narrow to enable a vehicle to turn around within them. The initial proposal was considered unacceptable as all units and uses were to be serviced from Richmond Mews. The reduction in size of the retail units means that their servicing will take place from Meard Street, and the Highways Planning Manager does not consider that the proposals will be significantly different from the existing situation.

The applicant's Transport Assessment indicates that the proposals will generate an additional 1-2 servicing trips per day. Given the limited number of vehicles involved in servicing the proposals, it is not considered necessary to request a servicing management by condition however, the Highways Planning Manager has requested that a condition should be applied requiring the development to be serviced in line with the methods outlined in the submitted Servicing Strategy. These measures include use of smaller 7m servicing vehicles, use of a building agreement to combine deliveries, prohibiting personal online shopping deliveries, encouraging out of peak deliveries and manually moving bins as close as possible to Dean Street. With this condition in place, the concerns regarding servicing and waste are considered to be addressed. The hours of servicing will be restricted by condition to 08:00 to 20:00 (Monday-Saturday) and 11:00 to 18:00 on Sundays.

Cycle Storage

The applicant has proposed 35 cycle storage spaces to be located in the basement for the proposed office use. There is also an area for 7 cycles within the proposed gym area and 1 cycle space proposed for each retail unit. Overall, this provision is in excess of the requirements of The London Plan which is welcomed.

8.5 Economic Considerations

The economic benefits are welcomed.

8.6 Access

Access to the residential flats in Royalty Mansions will remain unchanged. Normal entry to the office, gym and retail uses will be all be from Meard Street. Service access to the office and gym units will be from Richmond Mews while the retail units will be serviced from Meard Street.

8.7 Other UDP/Westminster Policy Considerations

Plant

The proposed scheme includes the installation of air conditioning condenser units within two plant compounds at first floor and two at roof level. An acoustic report has been submitted in support of the application which details existing background noise levels. Environmental Health have assessed this report and confirmed that the calculated noise levels of the proposed plant are likely to comply with the Council's standard conditions. The installation of the compounds/enclosures, which form part of the acoustic

attenuation necessary to meet the councils noise requirements, will be secured by condition.

Refuse /Recycling

The Cleansing officer has raised concern that waste storage is not proposed for the residential use and that access to the D1 store is unclear. As the residential units are existing and are remaining largely unchanged, it would not be reasonable to request waste details for this use. The proposed drawings include waste storage for the D1 use at basement level, which in turn has access to the service area to the rear of the site. It is therefore not considered necessary to request details of the route from this waste storage to the collection area. A condition will be imposed to secure the waste storage areas that are shown and another to ensure that no waste is left on the highway.

Objectors have raised concern regarding waste (from the proposed new uses) however, these concerns are considered to be addressed by the conditions above.

Biodiversity

The proposal incorporates a number of features providing opportunities for biodiversity including a green wall between the rear of Royalty Mansions and the new offices, trees behind this green wall (on the office side), green roofs at third and fourth floor levels and a planted pergola at roof level. These features will be secured by condition.

Sustainability

Photo-voltaic (PV) panels are proposed for the roof of the fourth floor. These will generate electricity for the site and aid in CO² reduction. These are welcomed by the Council and will be secured by condition.

Crime

One objector has raised concern over anti-social behaviour from the proposed gym and retail uses. Such uses would not usually be associated with such behaviours and it would not be considered that these proposals would provide areas, such as recessed doorways, unwatched alleys etc., for such behaviour to occur. Accordingly, it would be considered unreasonable to withhold permission on these grounds.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Construction impact

Construction matters are now specifically covered by the Code of Construction Practice (COCP) and the Environmental Inspectorate (EI). A scheme of this scale (level 3) would not usually be required to comply with the COCP, however, in light of a number of objections received regarding the impact on amenity during construction, such a condition is recommended. This will require the submission of a Site Environmental Management Plan (SEMP). The applicant has volunteered to undertake the development within the code and the EI has agreed to oversee the development accordingly.

Objections have been received on the grounds of impact during construction, requesting that working hours are restricted and for the requirement for a Construction Management Plan. Hours that noisy construction are permitted will be restricted through condition. This, and the compliance with the COCP are considered to address the objections on these grounds.

Noisy Vehicles in Richmond Mews

One objection has been received on the grounds that the proposal will increase the number of noisy vehicles down Richmond Mews and that motorbikes should be banned from the Mews. Such actions are outside the powers of the planning process and it would therefore not be reasonable to withhold permission on these grounds.

Archaeology

Historic England have advised that the site is located in a Tier 2 Archaeological Priority Area. No desk-based archaeological assessment has been submitted with the application which would usually be required. However, Historic England have advised that subject to a condition requiring a two stage process of archaeological investigation, they raise no objection.

Community Involvement

Following advice from the Council, the applicant has undertaken community engagement with surrounding residents, businesses, local amenity societies and area Councillors. A statement of community engagement has been submitted with the application outlining that a two-day public exhibition was held as well as a number of meetings with residents' groups.

Other Issues Raised

One objector has raised concern regarding tables and chairs outside on the highway beyond permitted hours which are associated with the retail units. Such furniture and use of the public highway has not been submitted for consideration as part of this application. Should such an application be submitted by any future occupier, it would be required to be considered under its own merits. It would not therefore be possible for the Council to withhold permission for this application on any grounds relating to the possible future use of the highway for furniture.

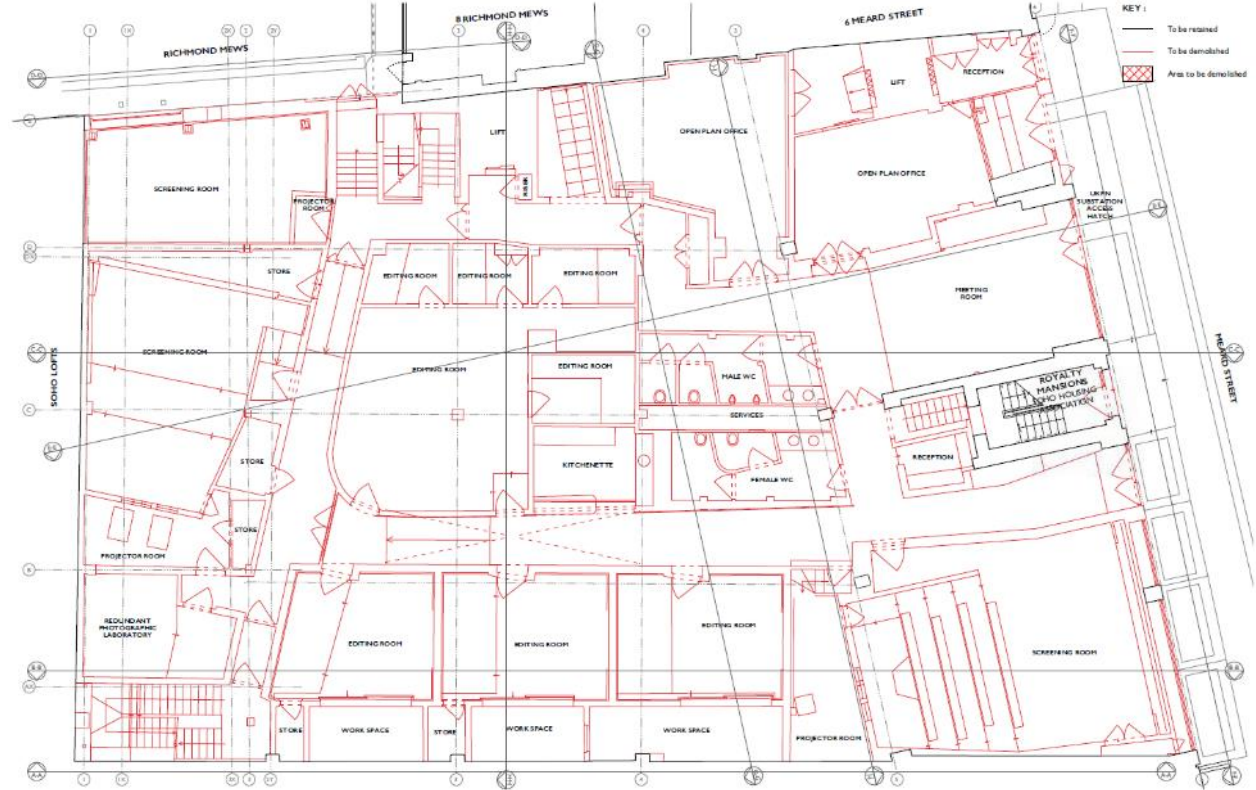
9. BACKGROUND PAPERS

1. Application form
2. Response from Cleansing dated 1 November 2017
3. Response from Soho Society, dated 13 November 2017
4. Response from Environmental Health dated 22nd November 2017 and 1 March 2018
5. Response from Highways Planning Manager dated 20 November 2017 and 5 February 2018
6. Response from Historic England (Archaeology), dated 6 November 2017
7. Letter from occupier of Second and Third Floor Maisonette, 13 Meard Street, dated 7 November 2017
8. Letter from occupier of 4 Meard Street, London, dated 10 November 2017
9. Letter from Meard and Dean Street Residents Association, 11 Meard Street, dated 6 December 2017
10. Letter from occupier of 6 Meard St, London, dated 21 November 2017
11. Letter from occupier of New Left Review, 6 Meard Street, dated 4 November 2017
12. Letter from occupier of First Floor Flat, 13 Meard Street, dated 7 November 2017
13. Letters from occupier of 21 Soho lofts, 10 Richmond Mews, 1 dated 17 November 2017 and 26 January 2018
14. Letter from occupier of 43 Soho Lofts, Richmond Mews, dated 13 February 2018

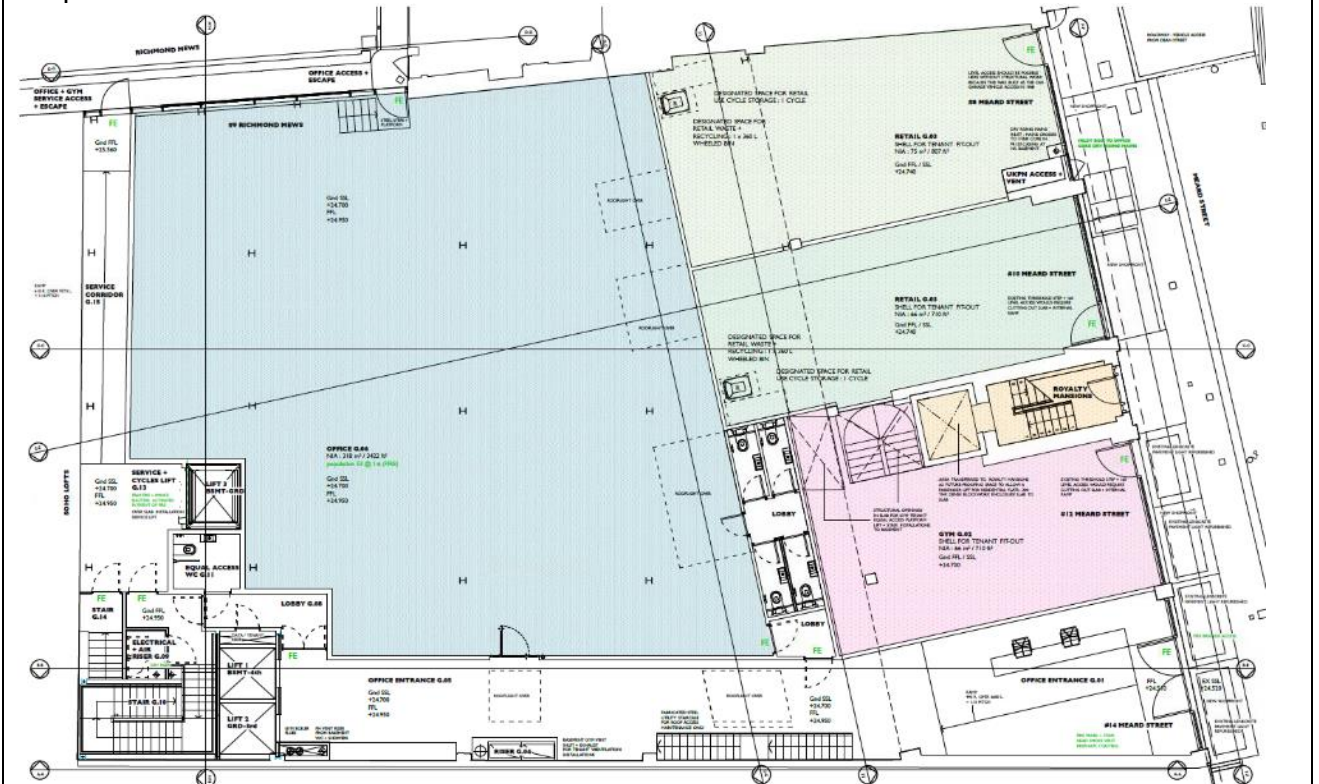
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

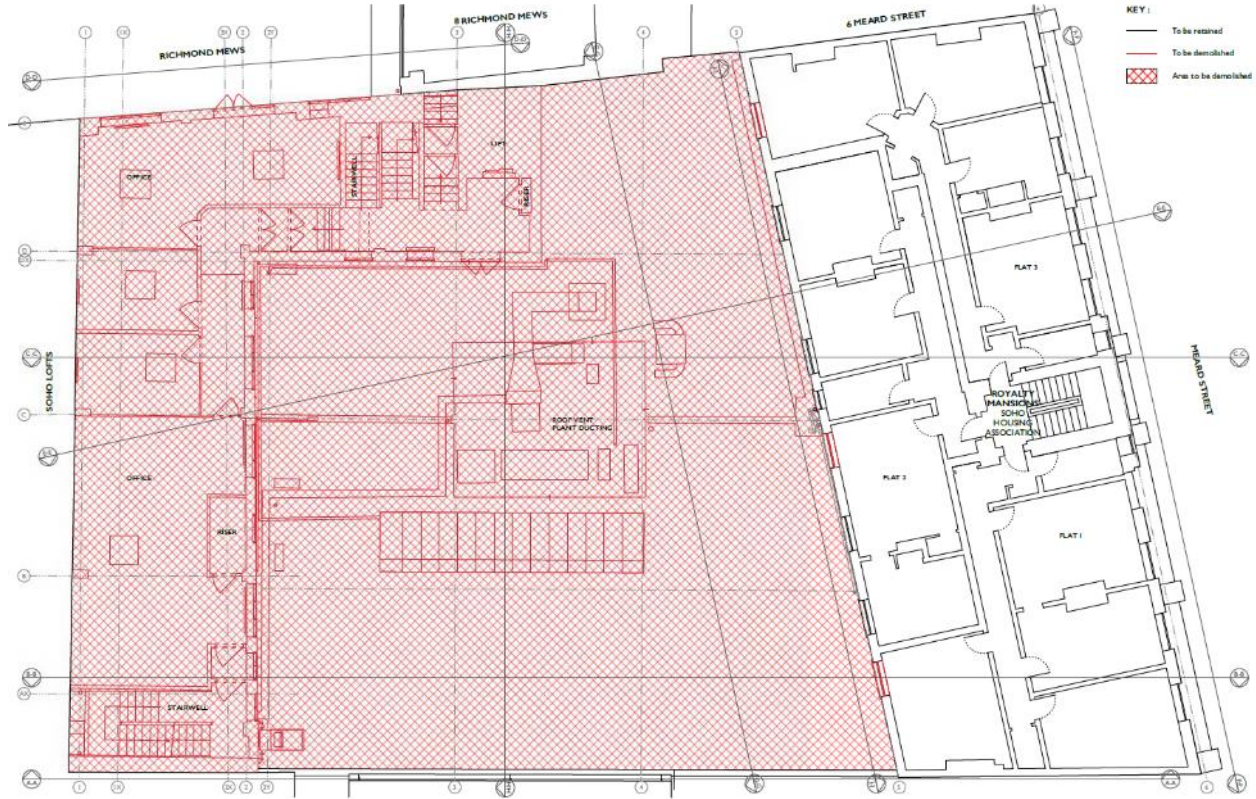
Existing/Demolition Ground Floor



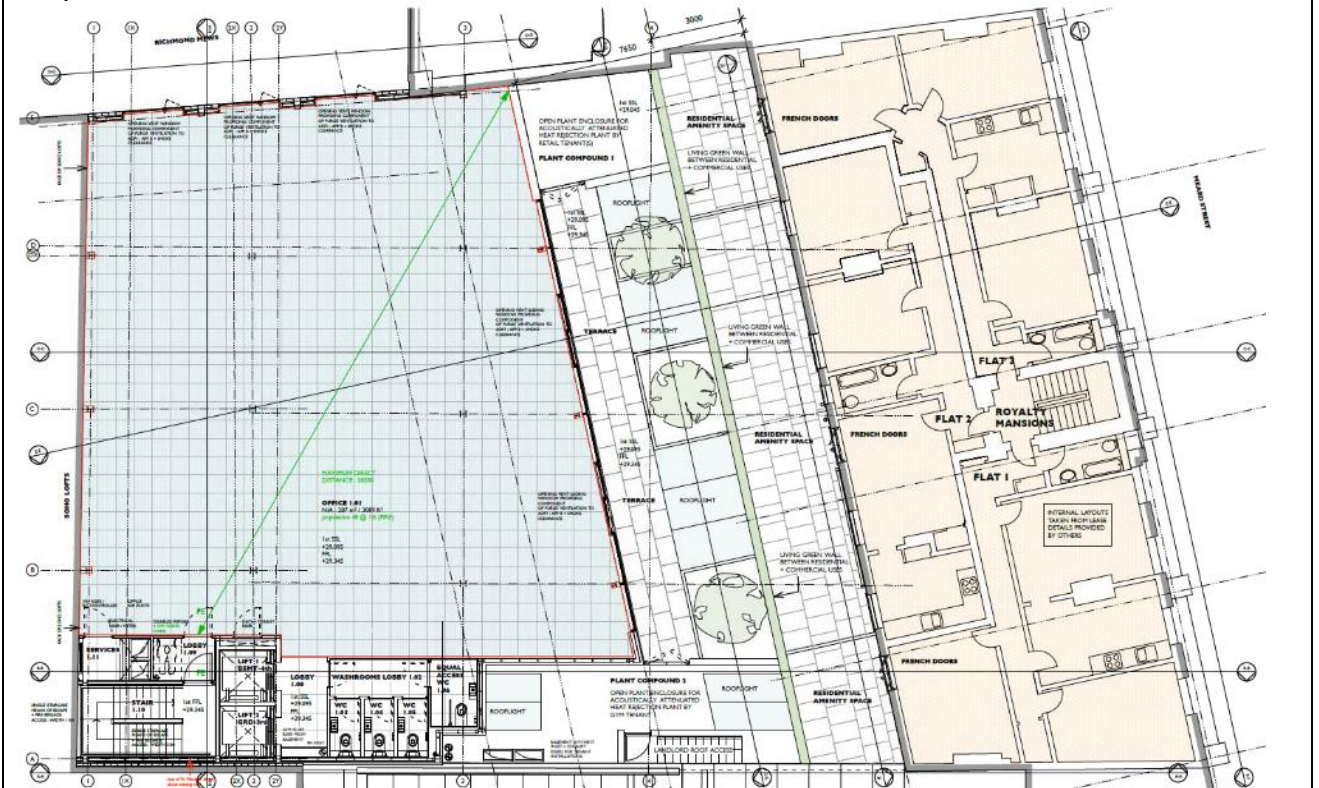
Proposed Ground Floor



Existing/Demolition First Floor



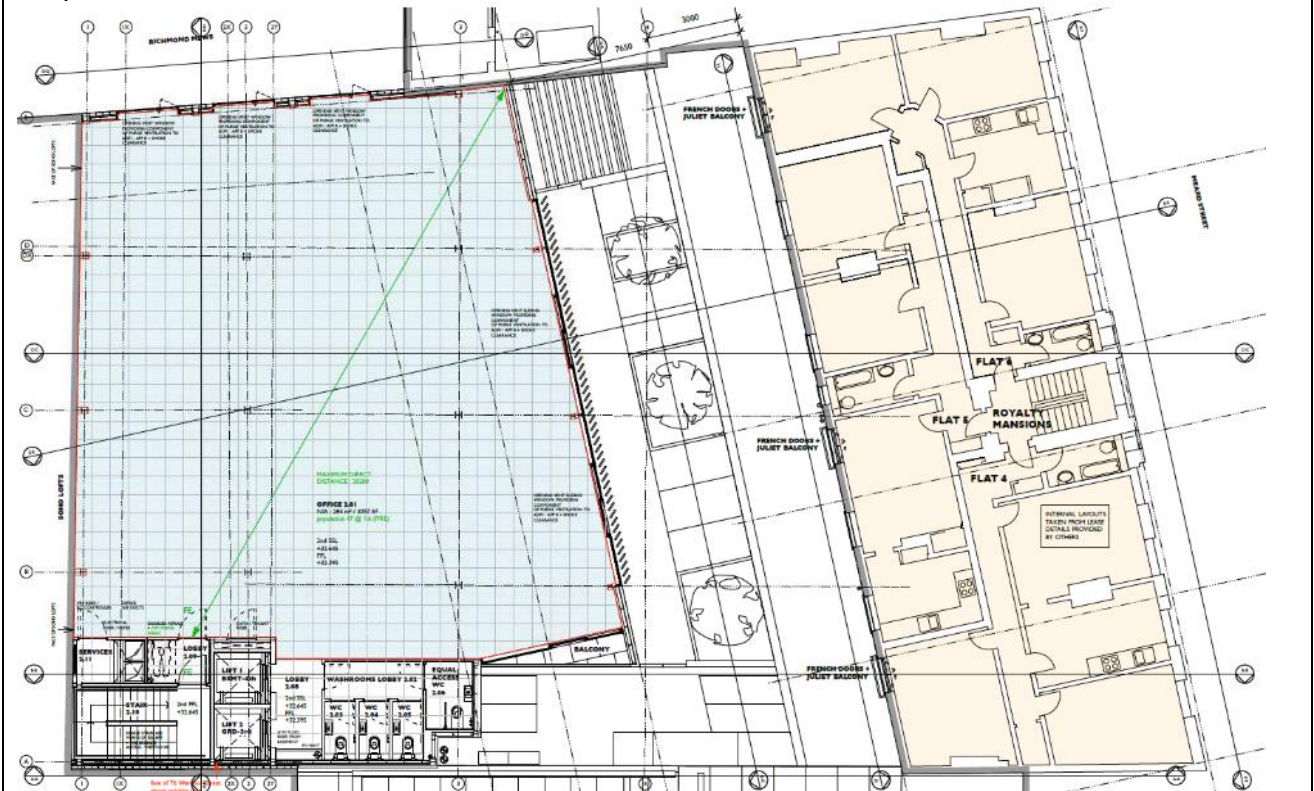
Proposed First Floor



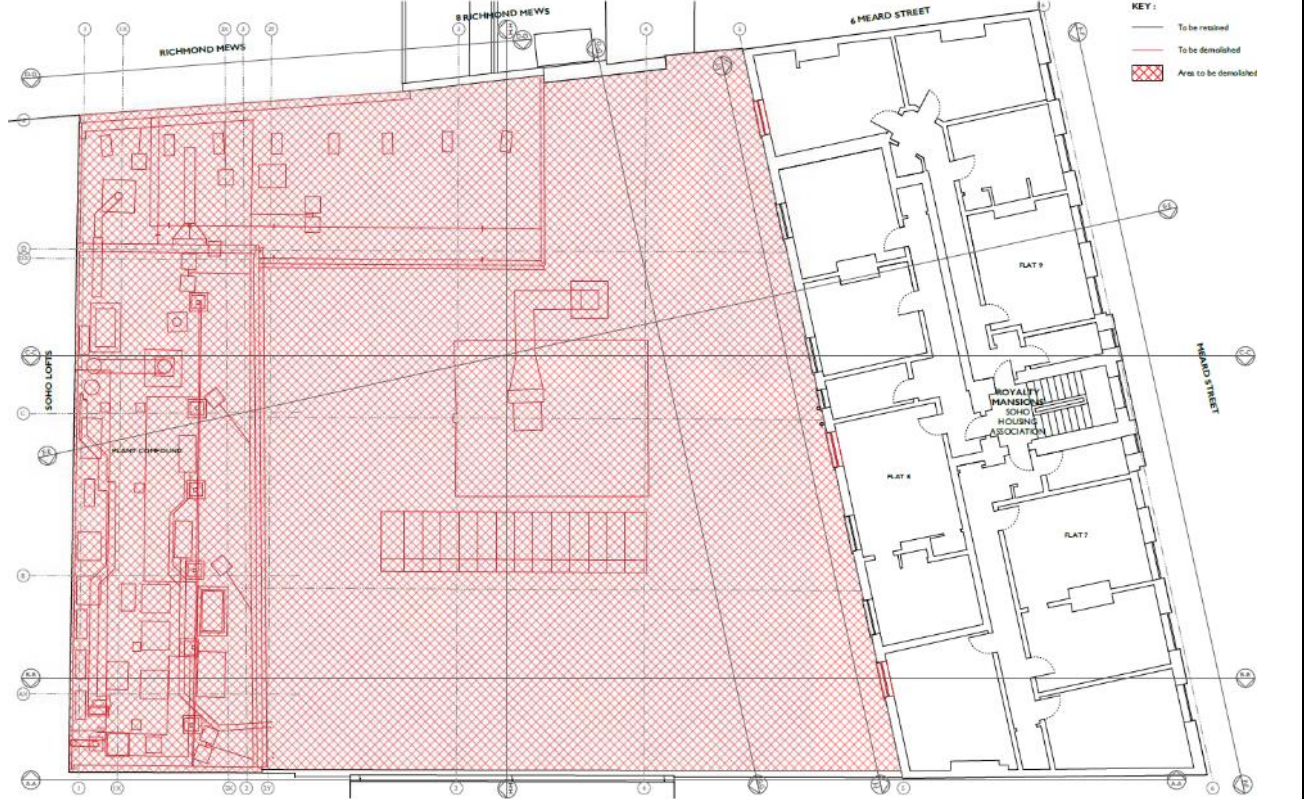
Existing/Demolition Second Floor



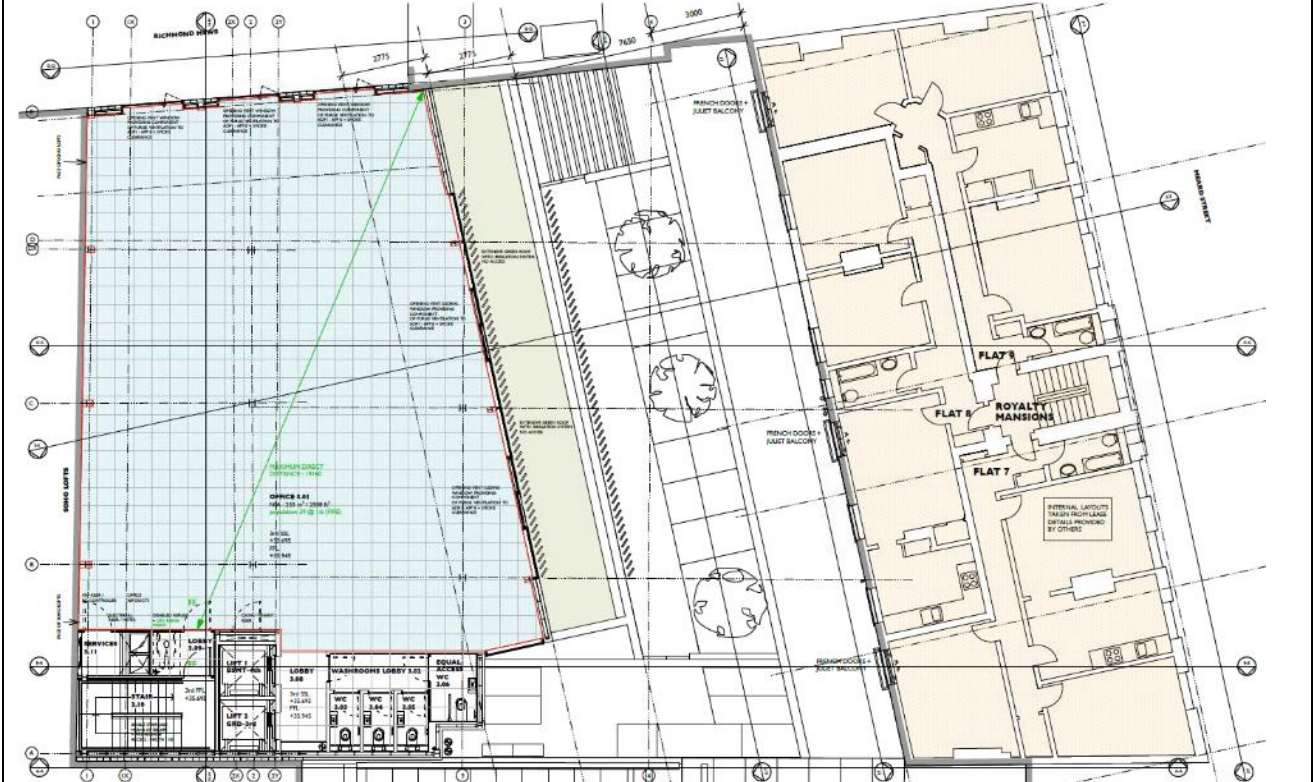
Proposed Second Floor



Existing/Demolition Third Floor



Proposed Third Floor



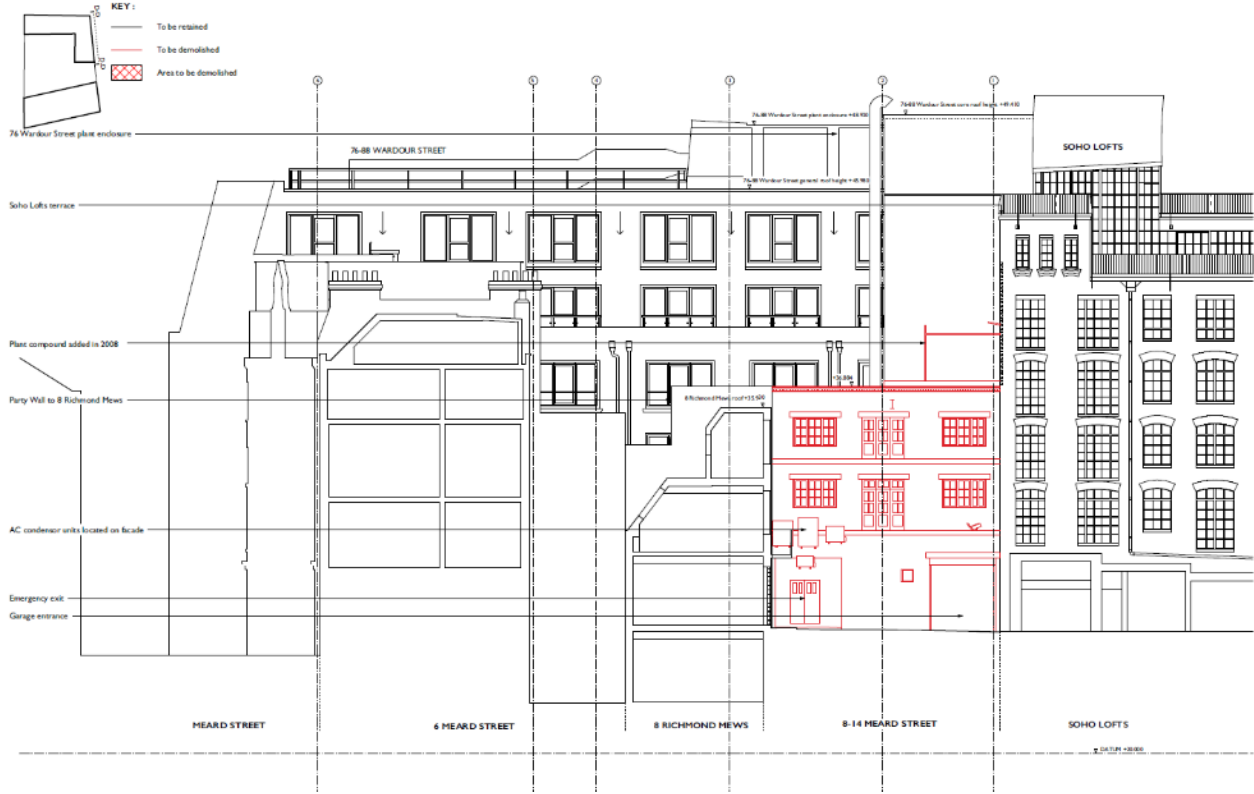
Existing/Demolition Front Elevation (Section F-F)



Proposed Front Elevation (Section F-F)



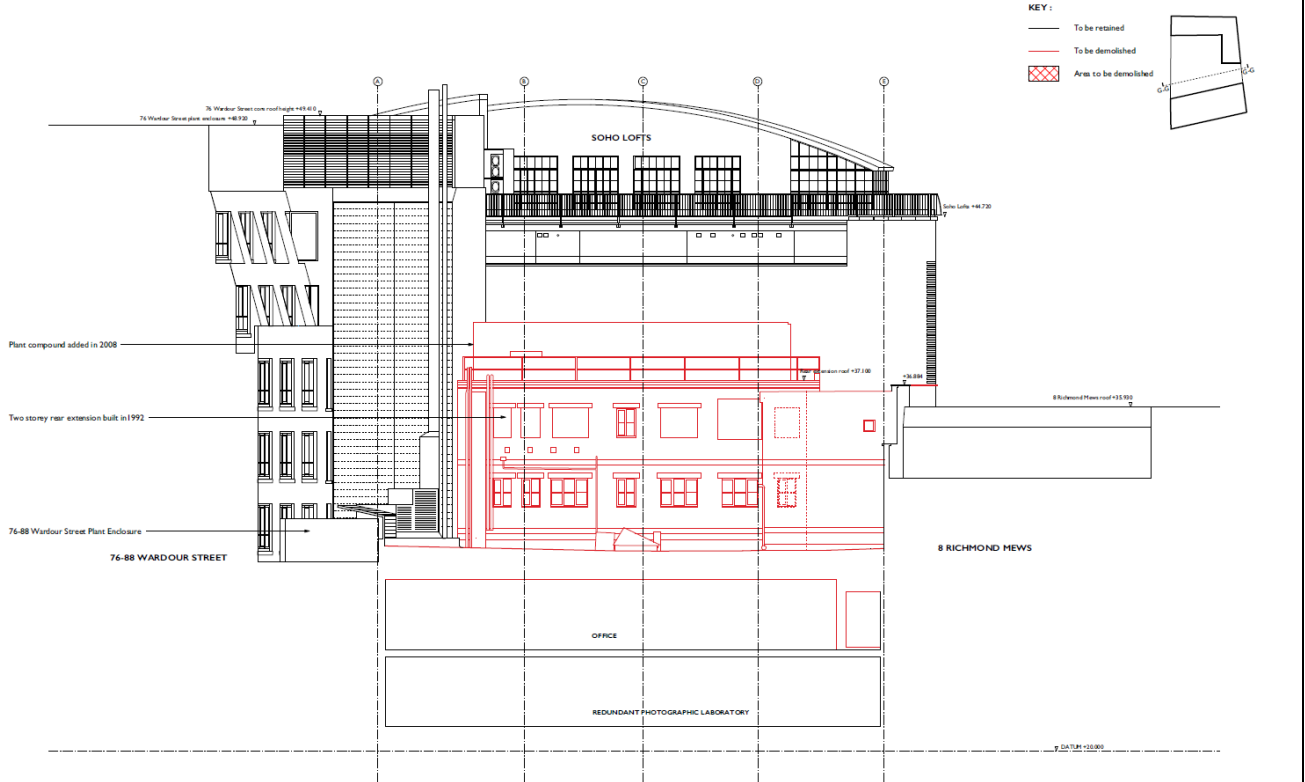
Existing/Demolition Richmond Mews Elevation (Section D-D)



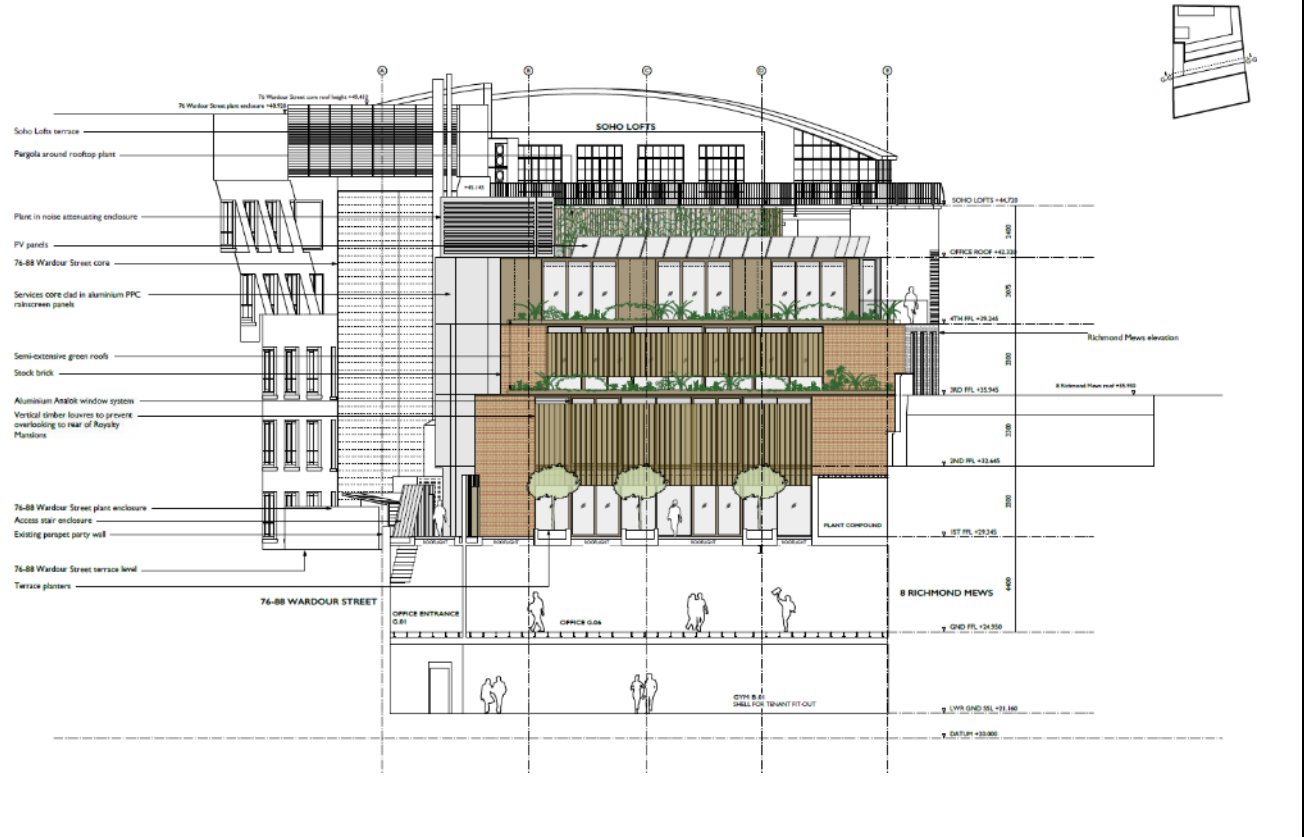
Proposed Richmond Mews Elevation (Section D-D)



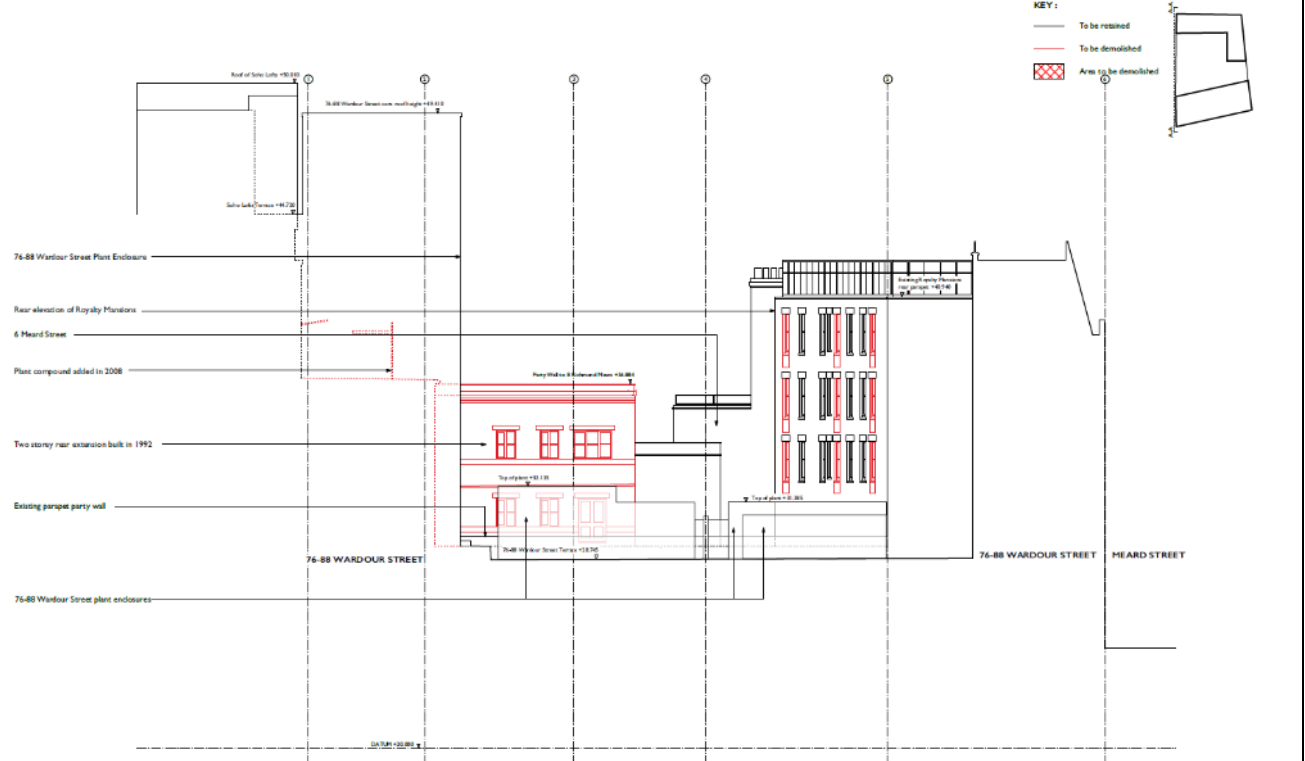
Existing/Demolition Section G-G (Looking North)



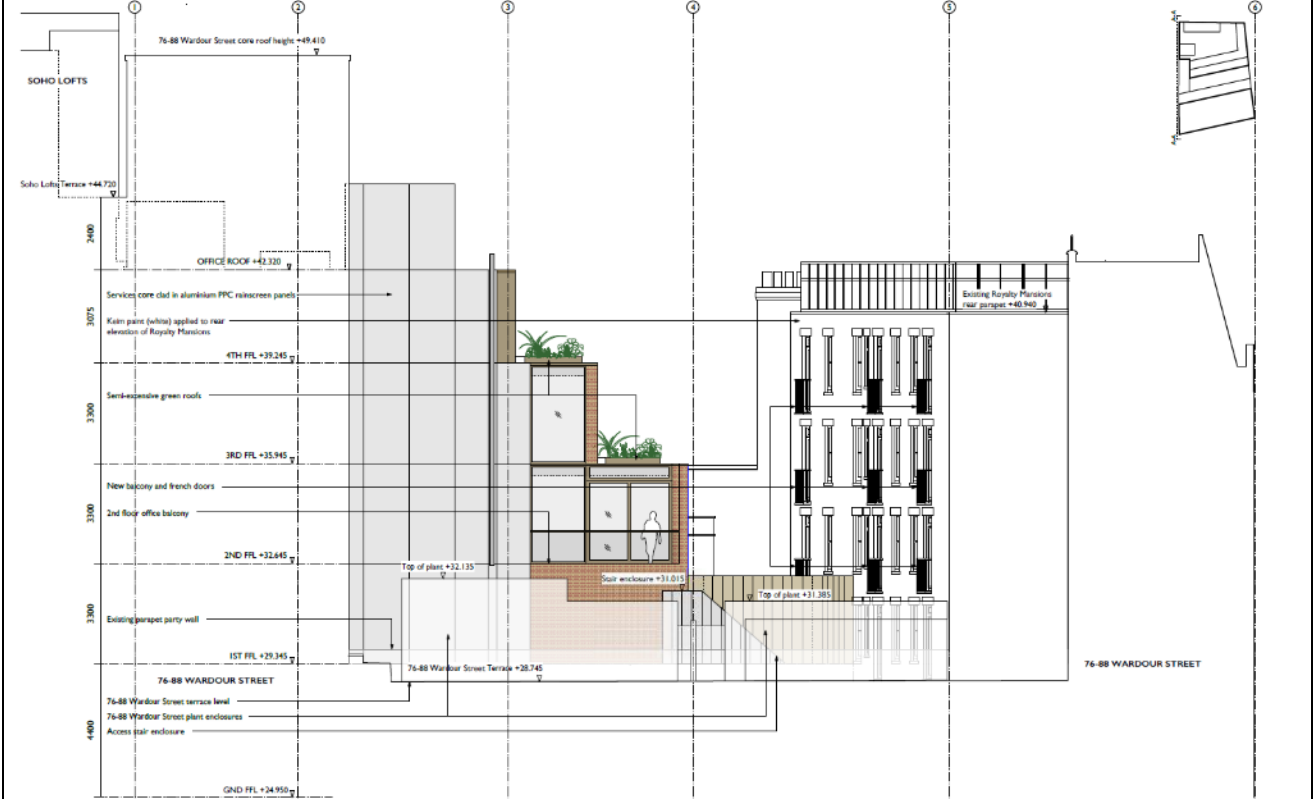
Proposed Section G-G (Looking North)



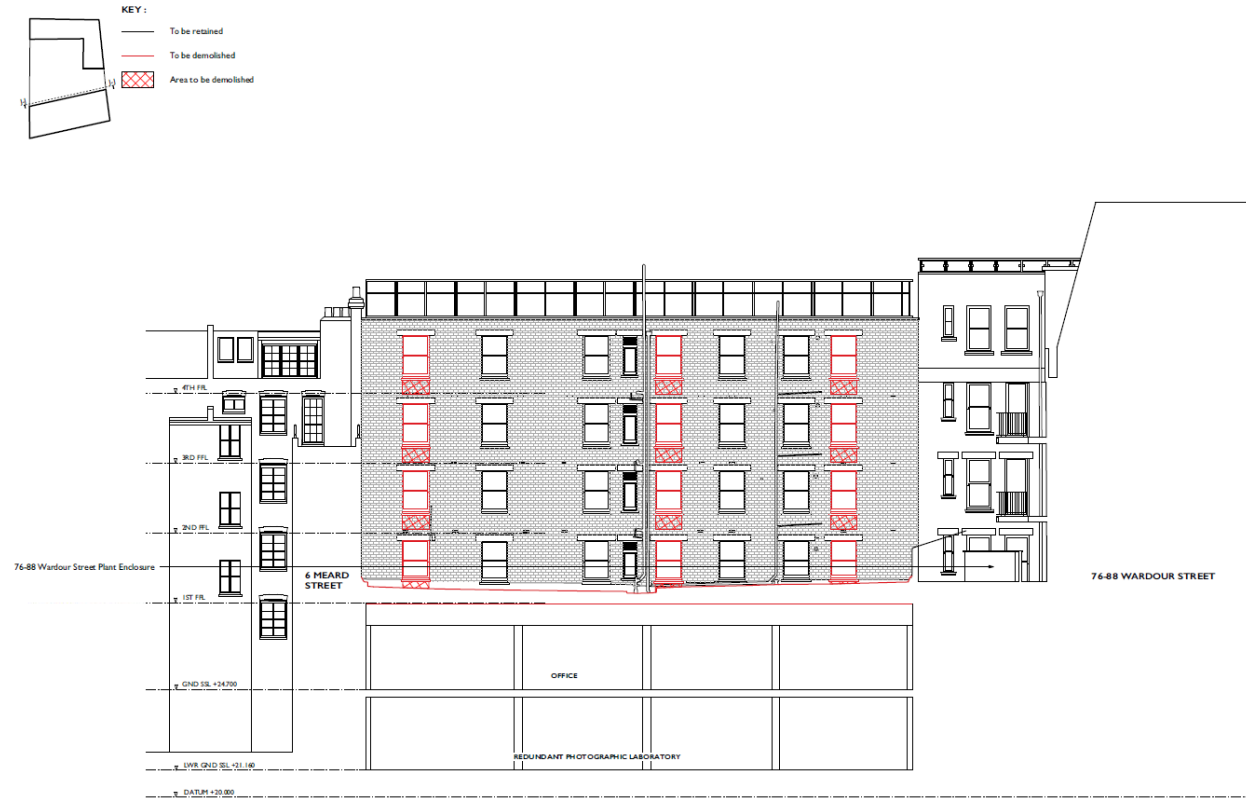
Existing/Demolition Section A-A (Looking East)



Proposed Section A-A (Looking East)



Existing/Demolition Section J-J (Looking South/Rear of Royalty Mansions)



Proposed Section J-J (Looking South/Rear of Royalty Mansions)



DRAFT DECISION LETTER

Address: 8-14 Meard Street, London, W1F 0EQ,

Proposal: Demolition of the rear ground, first and second floor office accommodation and replacement with a full width rear extension at first to fourth floors to provide Office (Class B1) floorspace. Change of use of basement to part gym (Class D2) and part office (Class B1) and change of use of part ground floor to retail (Class A1), office (Class B1), gym (Class D2) and residential (Class C3). Replacement shopfronts at ground floor level on Meard Street and amendments to the rear of the existing residential (Class C3) and associated works

Plan Nos: Demolition Drawings:
247.08-160 Rev. P1 ; 274.08-120 Rev. P1 ; 247.08-161 Rev. P1 ; 247.08-162 Rev. P1 ; 247.08-160 Rev. P1 ; 247.08-163 Rev. P1 ; 247.08-164 Rev. P1 ; 247.08-165 Rev. P1 ; 247.08-126 Rev. P1 ; 247.08-122 Rev. P1 ; 247.08-125 Rev. P1 ; 247.08-166 Rev. P1 ; 247.08-121 Rev. P1 ; 247.08-167 Rev. P1 ; 247.08-168 Rev. P1 ; 247.08-127 Rev. P1 ; 247.08-123 Rev. P1 ; 247.08-124 Rev. P1

Proposed Drawings:
247.08-260 Rev. P1 ; 247.08-250 Rev. P1 ; 247.08-14 210 Rev. P_1 ; 247.08-251 Rev. P1 ; 247.08-14 227 Rev. P1 ; 247.08-265 Rev. P1 ; 247.08-255 Rev. P1 ; 247.08-14 260 Rev. P_1 ; 247.08-14 215 Rev. P_1 ; 247.08-257 Rev. P1 ; 247.08-268 Rev. P1 ; 247.08-258 Rev. P1 ; 247.08-14 217 Rev. P_1 ; 247.08-14 216 Rev. P_1 ; 247.08-14 213 Rev. P_1 ; 247.08-14 214 Rev. P_1 ; 247.08-14 Rev. P_2 ; 247.08-14 252 Rev. P2 ; 247.08-253 Rev. P2 ; 247.08-263 Rev. P2 ; 247.08-14 254 Rev. P2 ; 247.08-256 Rev. P2 ; 247.08-266 Rev. P2

Other Documents:
Document titled "8-14 Meard Street Transport Statement" Version 3.1, dated 22 January 2017 created by Urban Flow

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

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

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

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

Item No.
3

Reason:

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

- 3 You must apply to us for approval of detailed drawings of the following parts of the development
- a. Shopfronts;
 - b. New building at rear (typical details).

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

Reason:

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

- 6 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

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

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

- 8 You must 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)

- 9 You must provide the waste store shown on drawing 247.08-14 210 Rev.P1 and 247.08-14 Rev. P2 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the property. 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)

- 10 No waste (or bins) are to be left on the public highway unless immediately before collection. Any bins used must be promptly removed from the public highway following waste collection.

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)

- 11 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.

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

Reason:

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

- 13 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)

- 14 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing, in consultation with Historic England (Archaeology). For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

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

B) The programme for post-investigation assessment and subsequent analysis, publication &

dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason:

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

- 15 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.

Photo-voltaic panels

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

Reason:

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

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

- The green wall and three trees at first floor level between Royalty Mansions and the new offices,
- The green roofs at third and fourth floor levels, and
- The planted pergola at plant screen at roof level.

You must not remove any of these features.

Reason:

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

- 17 You must install the vertical brises-soleil in front of the second and third floor office (Class B1) windows as shown on the approved drawings before the offices (Class B1) are occupied. You must not remove these features.

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)

- 18 You must not use the green roofs or the main roof of the building for sitting out or for any other

purpose. You can however use the roofs to escape in an emergency and for access for maintenance.

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)

- 19 The two retail (Class A1) units shown on drawing 247.08-14 Rev. P_2 (labelled as "#8 Meard Street" and "#10 Meard Street") must be kept as two separate units. They may not be combined to create a single large retail (Class A1) unit and no unit should be bigger than 77 square metres (GIA).

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)

- 20 You must not use the two retail (Class A1) units shown on drawing 247.08-14 Rev. P_2 (labelled as "#8 Meard Street" and "#10 Meard Street") for any other purpose other than retail (Class A1). This is despite the provisions of Class C of Part 3 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007 or S24 of Westminster's City Plan (November 2016)

- 21 You must not play live or recorded music in the either of the retail (Class A1) units shown on drawing 247.08-14 Rev. P_2 (labelled as "#8 Meard Street" and "#10 Meard Street") which can be heard outside of the premises.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 22 The retail (Class A1) uses and gym (Class D2) use allowed by this permission must not begin until you have fitted self-closing doors at their entrances from Meard Street. You must not leave these doors open except in an emergency or to carry out maintenance.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 23 The approved terraces in association with the office (Class B1) use located at first and fourth floors may only be used by occupiers of the offices (Class B1) between the following hours: 09.00-20.30 - Monday – Friday and not at all on Saturdays, Sundays or Bank Holidays.

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)

- 24 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the retail (Class A1) accommodation hereby approved shall not be used as a food retail supermarket unless otherwise agreed in writing by the City Council as local planning authority

Reason:

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

- 25 You must not operate any delivery service from the retail (Class A1) units shown on drawing 247.08-14 Rev. P_2 (labelled as "#8 Meard Street" and "#10 Meard Street"), even as an ancillary part of the primary Class A1 use.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007, and to protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 26 You must only use the area labelled as "Gym" on approved drawings 247.08-14 210 Rev.P1 and 247.08-14 Rev. P2 only as a gym. You must not use it for any other purpose, including any within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use within Class D2 as we need to ensure that the precise use would have no harmful environmental or amenity impact

- 27 No music from the gym (class D2) use shall be audible outside the site

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 28 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.

- 29 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the Gym (Class D2) use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the Gym (Class D2) use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

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

- 30 For music noise, the design of the separating structures between the proposed gym and residential flats should be such that the received music noise level in the residential habitable spaces, with music playing, should be 10 dB below the existing ambient and maximum noise levels in the residential habitable spaces when music is not playing, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq and LFmax in the octave bands 63 Hz and 125 Hz; The overall music noise level in terms of LAeq,5mins should be at least 10 dB below the existing background noise level in terms of dB LA90,5mins.

A Sound Limiter shall be installed and set by a competent acoustic engineer so that it maintains compliance with the above criteria. All amplification equipment within the development including music generating equipment and fitness instructor's announcement equipment shall be routed and controlled through the sound limiter. The operational panel of the noise limiter shall be secured by key or password so that only persons with management responsibility have access. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

Reason:

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

- 31 You must apply to us for approval of details of mitigation measures to be installed in the building to ensure the hereby approved gym (Class D2) use complies with the Council's noise criteria as set out in Conditions 7, 28, 29 and 30 of this permission.

You must not commence the Gym (Class D2) use until we have approved what you have sent us and undertaken the necessary works. Any necessary works approved must be maintained for the life of the approved use.

Reason:

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

protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 32 Customers shall not be permitted within the gym (Class D2) premises outside the following hours:
06:00 - 22:00 on Monday to Friday (not including bank holidays and public holidays), and
08:00 - 21:30 on Saturday, Sundays, bank holidays and public holidays.

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)

- 33 You must not allow more than 80 customers into the gym (Class D2) at any one time.

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)

- 34 The two retail (Class A1) units shown on drawing 247.08-14 Rev. P_2 (labelled as "#8 Meard Street" and "#10 Meard Street") may not open to customers outside of the following times:
09.00-20.00 Monday to Saturday
11.00-18.00- Sunday and Bank 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 ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 35 You must undertake the servicing of the site in line with the details listed in section 7.2 (Servicing) of the document titled "8-14 Meard Street Transport Statement" Version 3.1, dated 22 January 2017 created by Urban Flow

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)

- 36 All servicing must take place between 08:00-20:00 on Monday to Saturday and 11:00-18:00 on Sunday and Bank Holidays. Servicing includes loading and unloading goods from vehicles and

putting rubbish outside the building.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties and to protect the environment of people in neighbouring properties as set out in S24, S29, S32 and S42 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and ENV 13 as well as STRA 25, TRANS 20 and TRANS 21 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 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 3 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)
- 4 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 5 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

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

- 6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 7 The 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.
- 8 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). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

- 9 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)

10

Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

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

- 11 Conditions 6, 7 and 8 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 12 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.
- 13 With regards to Condition 14:
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.

Desk Based Assessment

The desk-based assessment should be provided as soon as possible and include a deposit model of the site's potential based on nearby investigations. Any geotechnical investigations already undertaken should be used too. The results will inform the scope of further archaeological evaluation required prior to any development on the site. Desk-based assessment produces a report to inform planning decisions. It uses existing information to identify the likely effects of the development on the significance of heritage assets, including

considering the potential for new discoveries and effects on the setting of nearby assets. An assessment may lead on to further evaluation and/or mitigation measures.

Geotechnical Monitoring

Archaeological monitoring of geotechnical pits and boreholes can provide a cost-effective means of establishing the potential for archaeological remains to survive on previously developed land or where deep deposits are anticipated. It is usually used as part of a desk-based assessment or field evaluation.

Evaluation

An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (pre-determination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted.

The evaluation should be scoped on receipt of the deposit model and DBA. This should comprise of shored trial pits or trenches and can be combined with any geotechnical investigations to be undertaken. The results will be used to inform on an appropriate mitigation strategy, should this be necessary.

Further information on archaeology and planning in Greater London including Archaeological Priority Areas is available on the Historic England website.

14 With regards to Condition 31:

You may need to submit a supplementary acoustic report to support the details submitted.

It is possible that existing background, ambient and maximum levels within the residential dwellings could be very low for measurement and assessment purposes. It is expected that the accuracy of results should be taken into consideration when dealing with the measurement of low noise levels. Standard Deviation of measurement is a recognised measure of accuracy of results and reasonable consideration should be given to Standard Deviation as well as the capabilities of the instrumentation used for the assessment. It is acknowledged that it is impossible to physically measure noise which is 10 dB below existing noise levels or measure NR criteria which is below existing NR levels. Therefore, it is anticipated that the assessment of some Conditions will include a comparison of 'on/off' conditions and seek to investigate the 'increase' in measured levels with the above points taken into consideration. For example; a level 10 dB below existing levels would increase existing levels by 0.4 dB. The assessment of some conditions might also include a calculation approach where measurement is impracticable or a combination of measurement and calculation. Measurement assessment of some conditions requires that residents allow the applicant access to carry out Acoustic testing to demonstrate compliance through measurement. If access is not made available the applicant may deploy a calculation approach and base the criteria on reasonable assumptions of the existing acoustic conditions within the residential properties.

Item No.
3

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

Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 February 2018	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Westcourt House , 191 Old Marylebone Road, London, NW1 5DZ		
Proposal	Redevelopment of the site to provide hotel (Use Class C1) with ancillary ground floor cafe / restaurant in 13 storey building.		
Agent	Miss Suzanne Crawford		
On behalf of	Whitbread Group PLC		
Registered Number	17/04194/FULL	Date amended/ completed	17 May 2017
Date Application Received	12 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	None		

1. RECOMMENDATION

1. Subject to referral to the Mayor of London, grant conditional permission, subject to a section 106 agreement to secure:
 - a) A financial contribution of £45,000 (index linked and payable on commencement of development) for the expansion of a nearby cycle hire docking station;
 - b) A financial contribution of £25,000 (index linked and payable on commencement of development) toward wayfinding (Legible London);
 - c) A financial contribution of £27,239 (index linked and payable on commencement of development) toward the funding of Crossrail;
 - d) A financial contribution of £35,000 (index linked and payable on commencement of development) toward bi-annual pruning of the three Ginkgo trees on Old Marylebone Road by TFL and for a period of 50 years from the date of this permission;
 - e) In the event that the three Ginkgo trees need to be removed within 50 years from the date of this permission, a financial contribution of £135,000 (index linked) toward street tree planting on Old Marylebone Road payable to TFL;
 - f) Payment of the cost of highway works associated with the development on Old Marylebone Road and Harcourt Street;
 - g) Offering local employment opportunities during construction and operation of the hotel;
 - h) The provision, monitoring and review of a travel plan; and
 - i) Payment of cost of monitoring the agreement (£500 per head of term).
2. If the S106 legal agreement has not been completed within 6 weeks 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.
3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway and creation of new public highway to enable this development to take place. That the Director of Planning, Executive Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed. The applicant will be required to cover all costs of the Council in progressing the stopping up orders

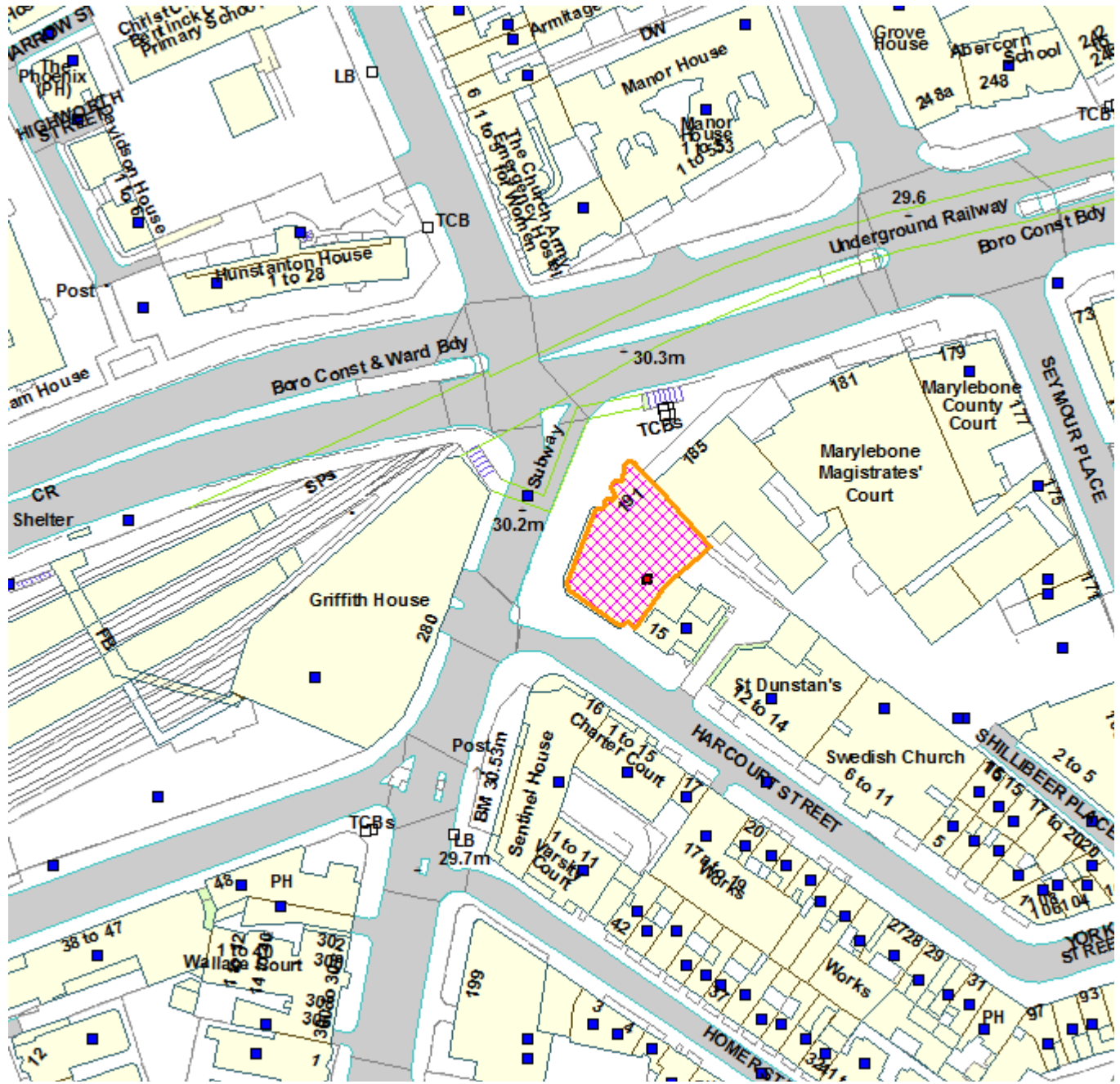
2. SUMMARY

This application was reported to the Planning Applications Sub-Committee on 24 October 2017. The Committee resolved to defer the application for the applicant to reconsider the following:

1. revising the proposal to provide off-street servicing at ground floor level;
2. the location/provision of coach and car/taxi drop-off and access;
3. retention or replacement of the three Ginkgo trees on Old Marylebone Road that are owned by TfL; and
4. ensuring employment opportunities for Westminster residents.

The applicant has provided additional supporting information as requested by committee and this is discussed in detail in the main body of this report. The application is therefore reported back to committee for consideration.

3. LOCATION PLAN



4. PHOTOGRAPHS



Application site as seen from Marylebone Road



Application site as seen from Harcourt Street and Marylebone Road intersection.

5. CONSULTATIONS

ADDITIONAL REPRESENTATIONS RECEIVED AFTER REPORT FOR 24 OCTOBER 2017 MEETING WAS PUBLISHED AND CIRCULATED TO MEMBERS PRIOR TO THE COMMITTEE MEETING (BLUES)

Applicant's Agent

Details in support of their application and discussed below.

LATE REPRESENTATIONS RECEIVED AFTER REPORT FOR 24 OCTOBER 2017 MEETING WAS PUBLISHED AND CIRCULATED TO MEMBERS AT THE COMMITTEE MEETING (REDS)

Applicant's Agent

Memo addressing officer comments in report in relation to the hotel use in this location, the height of the proposed building, tree removal and replacement and the proposed on-street servicing strategy.

Transport for London

Letter requesting that the three Ginkgo trees at the front of the site are retained and requesting a £35,000 contribution toward bi-annual pruning of these trees. In the event that these trees do die, they request a payment in lieu to provide for their replacement.

REPRESENTATIONS RECEIVED AFTER COMMITTEE MEETING OF 24 OCTOBER 2017

Transport for London (TFL)

Welcome confirmation from the applicant that the scheme will be delivered with the trees on Old Marylebone Road initially retained in situ. The applicant has also committed to accepting the following:

- The trees are retained in situ adjacent to the new structure proposed to give them an opportunity to survive.
- As part of the section 106 agreement for the development, the applicant pays TfL £35,000 for bi-annual pruning of the trees for 50 years. In the event that the trees need to be removed, the section 106 agreement should provide for compensation, removal costs and funding for replacement trees as previously proposed.

TFL object to any servicing taking place from Old Marylebone Road and consider that the development clearly needs a formally designated servicing area for vehicles to stop and make deliveries. TFL consider that the number of expected servicing movements is low in the context of existing local traffic conditions.

In principle, TFL consider changing the loading bay on Old Marylebone Road (northbound, prior to the junction with Chapel Street) so it can also be used by coaches is acceptable. Further capacity study and discussion will be required with TfL and the changes to on-street parking need to take place as part of the S278 process.

TfL supports the applicant's proposal for taxi pick up/drop off from Old Marylebone Road subject to further discussions post-determination to agree the detailed design and funding of a section 278 agreement. Request that this is secured via the section 106 agreement.

Highways Planning Manager

Objection to absence of off-street servicing.

Adjoining Owners/Occupiers and Other Representations Received

Two objections have been received. In summary, they raise the following issues:

- Concern at the proliferation of hotels in this area, exacerbated by short term letting of residential units in the area;
- Concern that this hotel is aimed at the "cheaper end of the tourist market" and that this will result in anti-social behaviour in the area;
- The increased height of the building will affect the balance between the residential and business character of the area;
- Vehicles servicing the hotel will cause a major disruption to traffic flow by blocking the red route flow and buses pulling away from the adjacent bus stop;
- The hotel will increase pedestrians in the area and therefore the risk of increased congestion and accidents;
- Increased vehicular and pedestrian traffic will increase congestion in Chapel, Cabbell and Transept Streets;
- Increased vehicle and pedestrian traffic will add to noise levels, pollution and accident risk to resident families and children and to tourists;
- Taxis dropping off guests, delivery vans and service vans will block on-street parking spaces; and
- Demolition would be a nuisance for the neighbourhood, with lorries, deliveries and constant noise.

6. BACKGROUND INFORMATION

6.1 The Application Site

See report for 24 October 2017 meeting.

6.2 Recent Relevant History

See report for 24 October 2017 meeting.

7. THE PROPOSAL

These applications were reported to the Planning Applications Sub-Committee on 24 October 2017. The Sub-Committee resolved to defer the application for the applicant to reconsider the following:

1. revising the proposal to provide off-street servicing at ground floor level;
2. the location/provision of coach and car/taxi drop-off and access;
3. retention or replacement of the three Ginkgo trees on Old Marylebone Road that are owned by TfL; and
4. ensuring employment opportunities for Westminster residents.

8. DETAILED CONSIDERATIONS

Taking the reasons for deferral in turn, the applicant has amended the proposal or provided further justification as set out below:

8.1 Off-Street Servicing

The applicant has not provided off-street servicing as requested by the Sub-Committee. Instead, the applicant has provided further justification for not providing off-street servicing.

The applicant advises that they are unable to provide off-street servicing for the following reasons:

- A legal covenant prohibits vehicles with a wheel load of greater than five tonnes from using the rear access to the site;
- The proposed development must provide a UKPN sub-station at ground floor level. This is located at ground floor level on the Harcourt Street side of the building, in the only location where an off-street servicing bay can be provided given TFL's objection to any servicing from Old Marylebone Road. This sub-station must also be accessible to UKPN from the street and therefore cannot be moved;
- The introduction of a servicing bay in the Harcourt Street elevation would harm the character and appearance of this building by introducing a large void and roller door in the ground floor façade;
- If delivery vehicles were to reverse into a loading bay on this part of the site, they would conflict with vehicles turning into Old Marylebone Road. If delivery vehicles, including smaller 8.3 tonne vehicles, were required to turn on-site this would result in an unacceptable ground floor layout, loss of a large number of hotel rooms and require the ground floor ceiling heights to be increased to 4.5m or greater from the currently shown 3m, thus increasing the overall height of the building by approximately 1.5m; and
- Compared against the lawful office use on-site, the proposed hotel use would result in a reduction of 35 two-way Large Goods Vehicle (LGV) movements and only an additional 2 two-way Heavy Goods Vehicle (HGV) movements a day. This is a net reduction of 33 two-way movements by goods vehicles using Harcourt Street. The proposed development is therefore an improvement insofar as it reduces on-street servicing compared to the lawful office use of the site.

Following discussion with officers, the applicant has also explored the possibility of utilising the proposed taxi bay on Old Marylebone Road (discussed below) to accommodate delivery and servicing activity, using an 8.3m rigid vehicle. The taxi bay would have to be enlarged to accommodate servicing vehicles and it was found that this would result in the following issues:

- The enlarged bay would be more costly, requiring the relocation of at least one utility chamber;
- The enlarged bay is very close to the existing phone booth, which could be impacted;
- Footway widths are reduced along the site's frontage, which TfL may have concerns with. Bollards would also need to be positioned outside the vehicle track/overhang further reducing effective footway widths;
- The enlarged bay would encroach further into the Root Protection Area of the central Ginkgo tree along Old Marylebone Road, necessitating its removal. As discussed below, these trees are to be retained, at the request of TfL;
- The use of the bay for delivery and servicing activity would require the canopy of the Ginkgo trees to be lifted significantly to accommodate high side vehicles; and
- The travel distance between the taxi bay and the goods entrance is approximately 37m. This is a greater distance than currently proposed by the servicing bay on Harcourt Street, and as such would impact on highway users, increasing the potential for goods to conflict with pedestrians and impede their movement. This in turn would reduce the ability to efficiently deliver goods and supplies.

Given the above, the applicant has discounted the use of the taxi bay for servicing.

The applicant has confirmed that they remain committed to provision of an on-street servicing bay on Harcourt Street and a condition requiring a Servicing Management Plan (SMP), as set out in the original officer's report.

The Highways Planning Manager objects to the proposed servicing arrangement. It is unclear what benefit the on-street loading bay will have to all highway users (including residents who are able to park on the single yellow line outside of controlled hours currently) or how it will mitigate the impact of the development on other highway users, as opposed to other on-street restrictions which would allow for a more flexible and efficient use of the limited highway space. It is also unlikely that the Highway Authority would implement a loading bay on Harcourt Street. Furthermore, the applicant is indicating a need for 45 minutes loading time, whereas the standard on-street for continuous loading in Westminster is 40 minutes. The hours for the loading bay (0830 to 1830 – 7 days) is excessive, given the applicant's position that they are able to rigorously control the servicing of the hotel. These variations are unexplained but further highlights the demands of the proposed development on highway space, as well as the length of time pedestrians will face disruption.

The Highways Planning Manager also notes that it is unclear why bollards are being retained/relocated to provide for the proposed taxi bay. A more holistic highway/public realm scheme could reduce street clutter (including the developer working with the telecommunication company to remove the telephone kiosk). A wider scheme would assist in mitigating the impact of the development on the highway required to support the proposed development. Further, with a wider scheme, on-street servicing could be accommodated on Old Marylebone Road (using a slightly longer loading pad and revised ground floor layout). Given the applicant's own taxi and low servicing figures, any potential conflict between the times of servicing and peak taxi arrival and departures could be managed. This approach would have the added advantage of removing servicing activity from Harcourt Street and its approach roads. While this may require some further intervention with existing utility provision within the highway, this is

expected and a very common part of construction of new buildings in Westminster and it is unclear why this cannot be pursued in this instance.

Whilst the Highways Planning managers concerns are understood, paragraph 32 of the NPPF states that “*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*”. In this instance, the impact of on-street servicing is unlikely to be severe given the small number of servicing trips anticipated and the ability to provide some mitigation via the recommended condition requiring an updated and site specific Servicing Management Plan. On balance, and whilst it is regrettable that the applicant has not amended the development to provide for on-site servicing, refusal of this application on this basis would not be sustainable.

8.2 Location/provision of Coach and Car/taxi Drop-off and Access

The applicant has agreed in principle with TFL that the existing on-street loading bay on Old Marylebone Road (northbound, prior to the junction with Chapel Street), can be amended to a dual use bay to allow coach drop off for a maximum of 20 minutes. Once pick-up and drop-off is complete, the coach will proceed to a dedicated coach parking area nearby. Notwithstanding this, the applicant states that the hotel is unlikely to receive coach arrivals as it is not part of their business model to source bookings in this way.

With regards to taxi's the applicant proposes a taxi-bay adjacent to the site on Old Marylebone Road and this has been agreed with TFL. This taxi bay would be inset and would not impede vehicle or pedestrian traffic flow on Old Marylebone Road.

Given the above, the applicant has addressed the Sub-Committees concerns. It is recommended that provision for enlargement of the existing loading bay and a taxi bay is secured through the section 106 agreement.

8.3 Retention of the Ginkgo Trees on Old Marylebone Road.

The applicant has agreed with TFL to retain the three Ginkgo trees and give them an opportunity to survive. The applicant has also agreed to pay TFL a commuted sum of £35,000 for bi-annual pruning of these trees for a 50-year period. In the event that these trees do need to be removed, as agreed in writing by the City Council, TFL and the applicant (or a future landowner of the site), the applicant agrees to pay TFL £135,000 for their loss, removal costs and funding for replacement trees.

To safeguard these trees during construction, the applicant also agrees to a condition requiring an Arboricultural Method Statement ('AMS') and this condition is recommended. Given the above, the applicant has addressed the Sub-Committees concerns.

8.4 Employment Opportunities for Westminster residents.

The applicant has confirmed that they are committed to providing employment opportunities for local residents and it is recommended that this is secured via the

section 106 agreement. Accordingly, the applicant has addressed the Sub-Committees concerns.

8.5 London Plan

See report for 24 October 2017 meeting.

8.6 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.

8.7 Planning Obligations

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

- a) A financial contribution of £45,000 (index linked and payable on commencement of development) for the expansion of a nearby cycle hire docking station;
- b) A financial contribution of £25,000 (index linked and payable on commencement of development) toward wayfinding (Legible London);
- c) A financial contribution of £27,239 (index linked and payable on commencement of development) toward the funding of Crossrail;
- d) A financial contribution of £35,000 (index linked and payable on commencement of development) toward bi-annual pruning of the three Ginkgo trees on Old Marylebone Road by TFL and for a period of 50 years from the date of this permission;
- e) In the event that the three Ginkgo trees need to be removed within 50 years from the date of this permission, a financial contribution of £135,000 (index linked) toward street tree planting on Old Marylebone Road payable to TFL;
- f) Payment of the cost of highway works associated with the development on Old Marylebone Road and Harcourt Street;
- g) Offering local employment opportunities during construction and operation of the hotel;
- h) The provision, monitoring and review of a travel plan; and
- i) Payment of cost of monitoring the agreement (£500 per head of term).

The subject building is vacant and appears to have been for some time. The proposed development may therefore not be subject to an exemption for the existing floor space on-site. Accordingly, and subject to any other relief or exemption available to the applicant, the estimated Westminster CIL payment would be £1,119,300.00. An additional estimated CIL payment of £373,100.00 would be payable to the Mayor.

8.8 Environmental Impact Assessment

See report for 24 October 2017 meeting.

8.9 Other Issues

Subsequent to the 24 October 2017 meeting, additional objections to the development have been received. The issues raised are largely addressed in the officer's original report and in this report. However, the following is also noted:

8.9.1 Concern at the proliferation of hotels in this area, exacerbated by short term letting of residential units in the area.

As set out in the original officer's report, the location of a hotel in this area is acceptable in terms of the development plan. Concerns with regards to short term letting are an enforcement issue.

8.9.2 Concern that this hotel is aimed at the "cheaper end of the tourist market" and that this will result in anti-social behaviour in the area.

This is not a material planning consideration. Where anti-social behaviour does occur, this should be reported to the Metropolitan Police and the applicant to address.

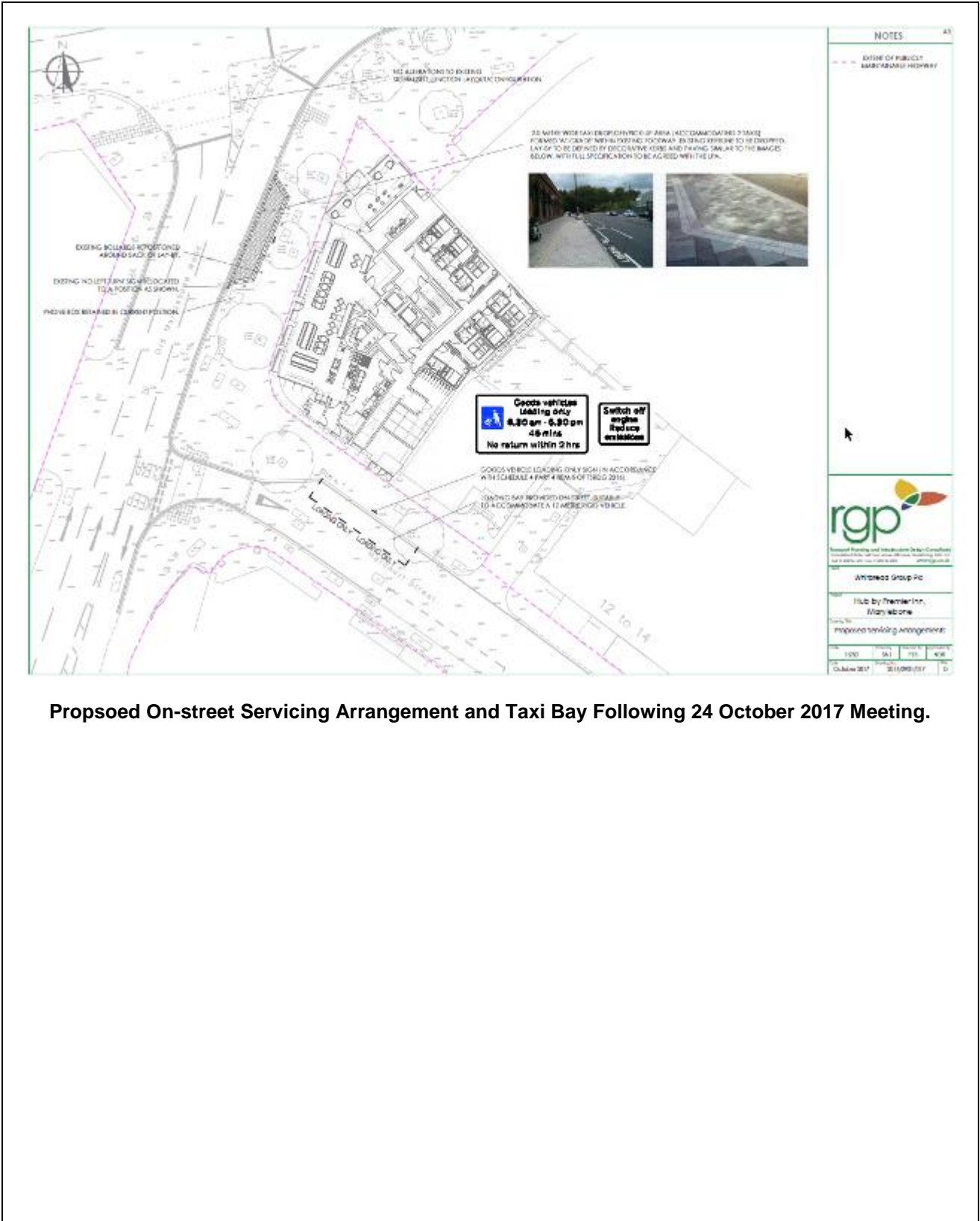
9 BACKGROUND PAPERS

1. Report and minutes of meeting dated 24 October 2017, including original representations.
2. Additional representations received after report for 24 October 2017 meeting was published and circulated to members prior to the committee meeting (blues):
 - a) Note from applicant's agent, dated October 2017.
3. Late representations received after report for 24 October 2017 meeting was published and circulated to members at the committee meeting (reds):
 - a) Note from applicant's agent, dated October 2017; and
 - b) Email correspondence from TFL, dated 24 October 2017.
4. Representations and correspondence received following 24 October 2017 meeting:
 - a) Note from applicant's agent, dated 29 January 2018;
 - b) Email from TFL, dated 10 November 2017;
 - c) Email from Highways Planning Manager, dated 15 February 2018;
 - d) Letter from occupier of 8M Hyde Park Mansions, Cabbell Street, dated 17 November 2017
 - e) Letter from occupier of 1D Oxford & Cambridge Mansions, Old Marylebone Road, dated 20 November 2017

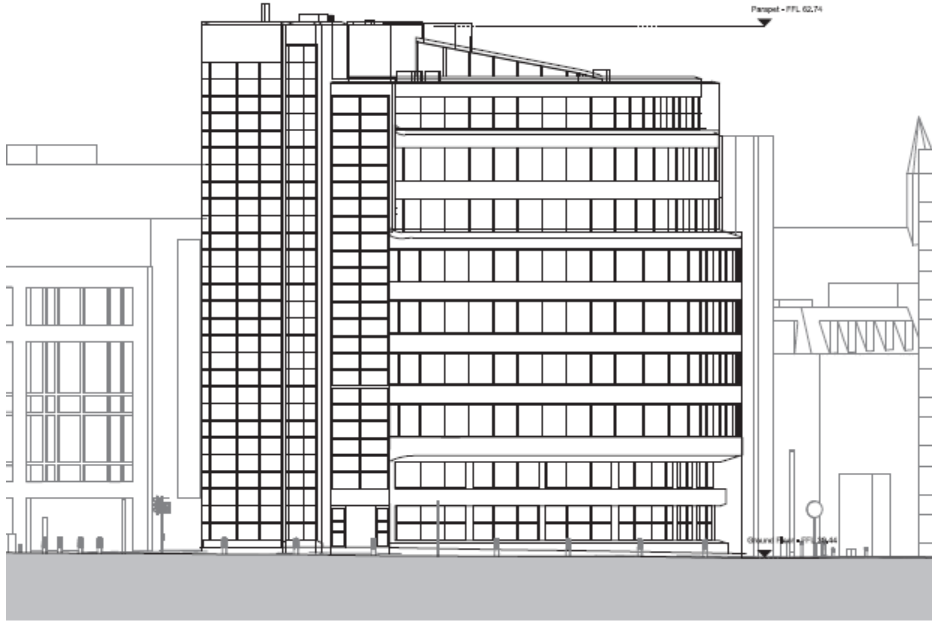
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

10 KEY DRAWINGS



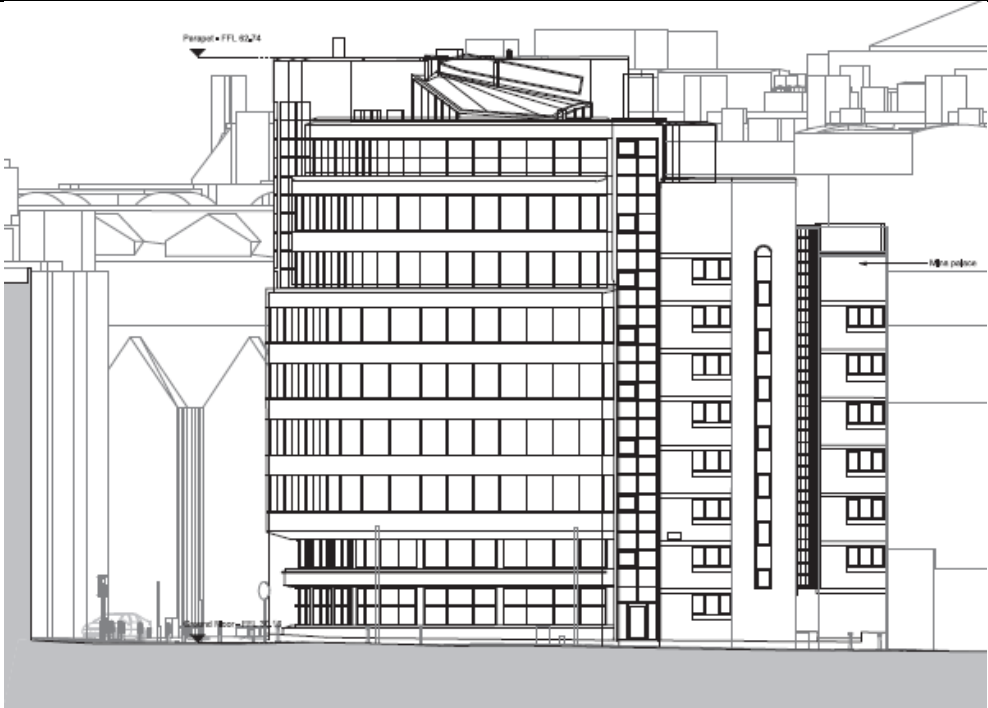
Proposed On-street Servicing Arrangement and Taxi Bay Following 24 October 2017 Meeting.



Existing Old Marylebone Road (North West) Elevation



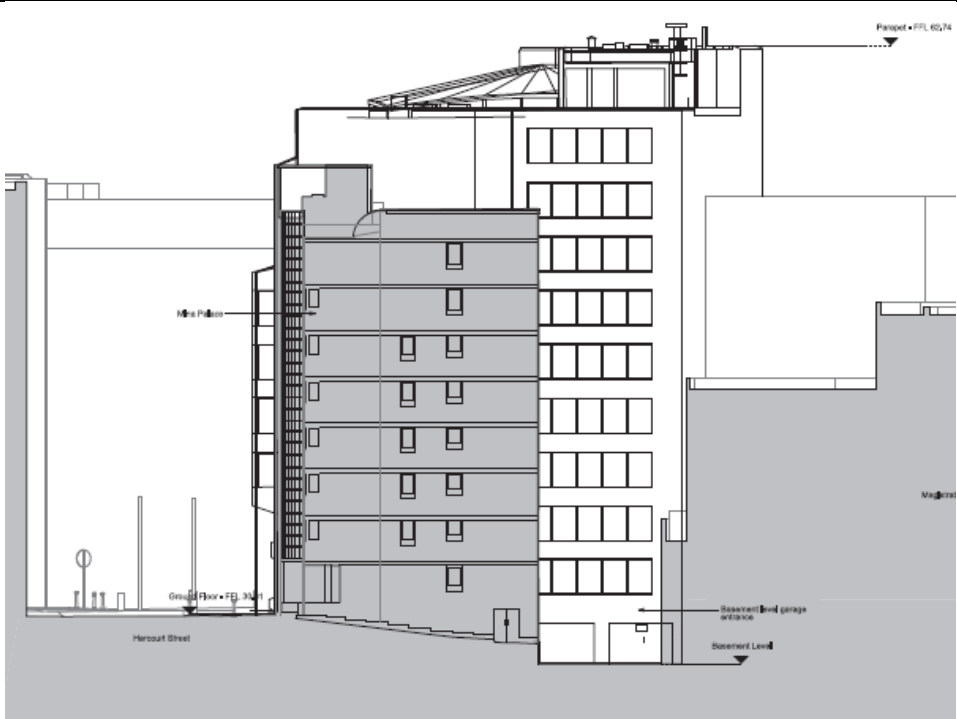
Proposed Old Marylebone Road (North West) Elevation



Existing Harcourt Street (South West) Elevation



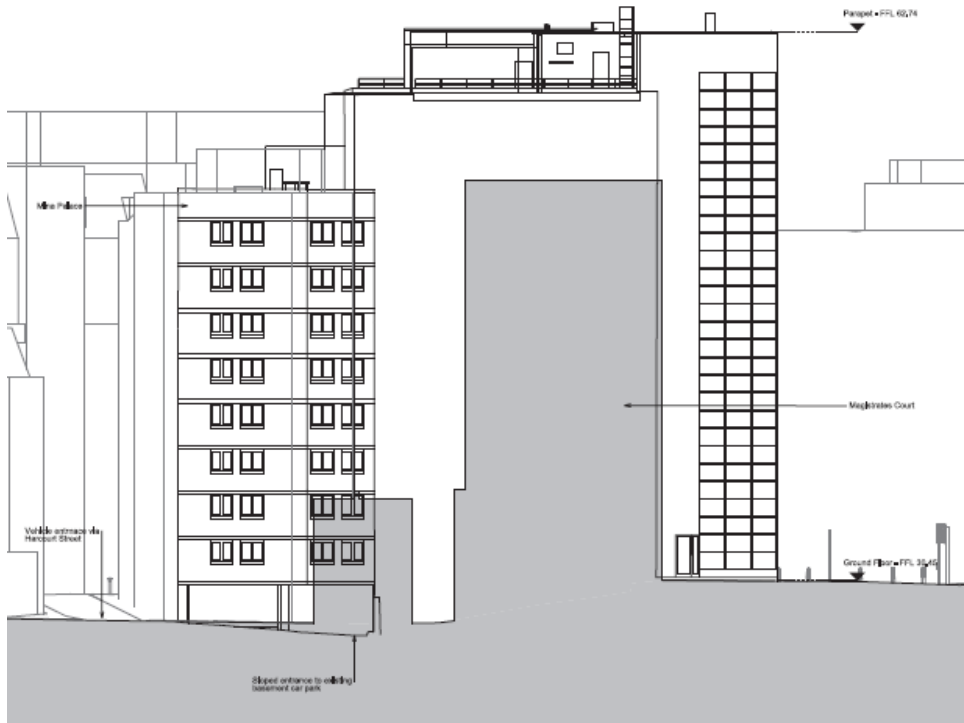
Proposed Harcourt Street (South West) Elevation



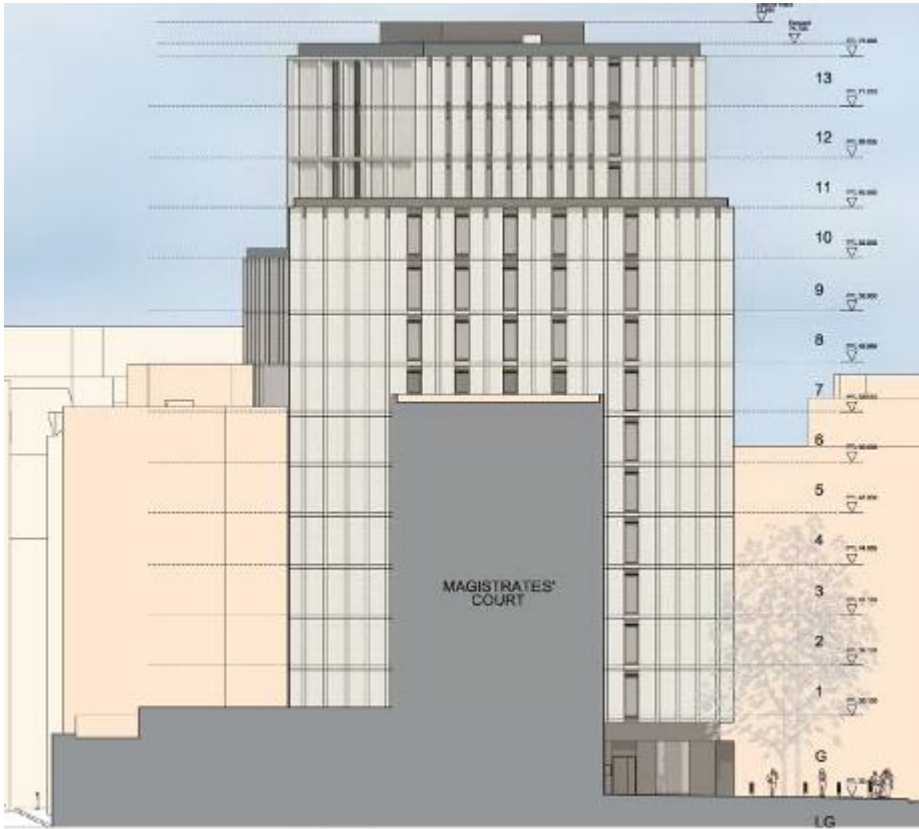
Existing South East Elevation



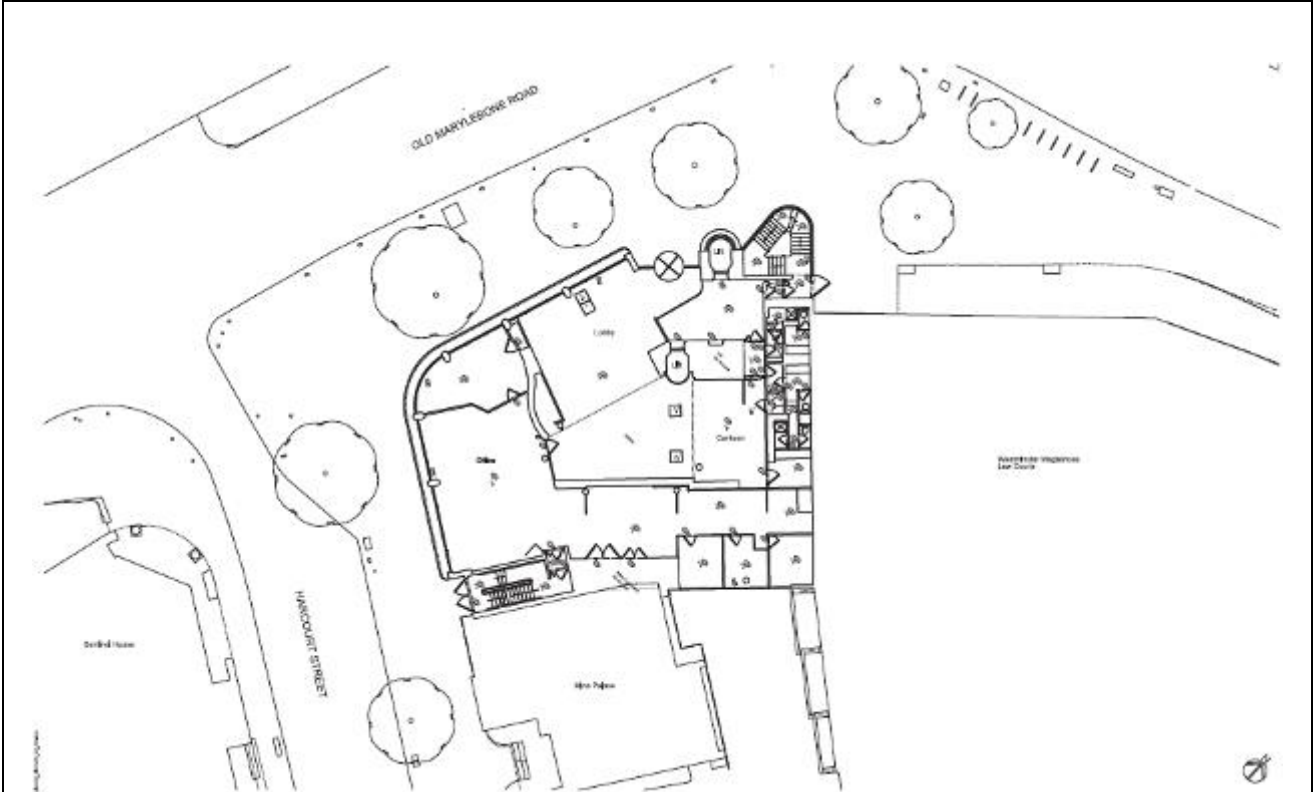
Proposed South East Elevation



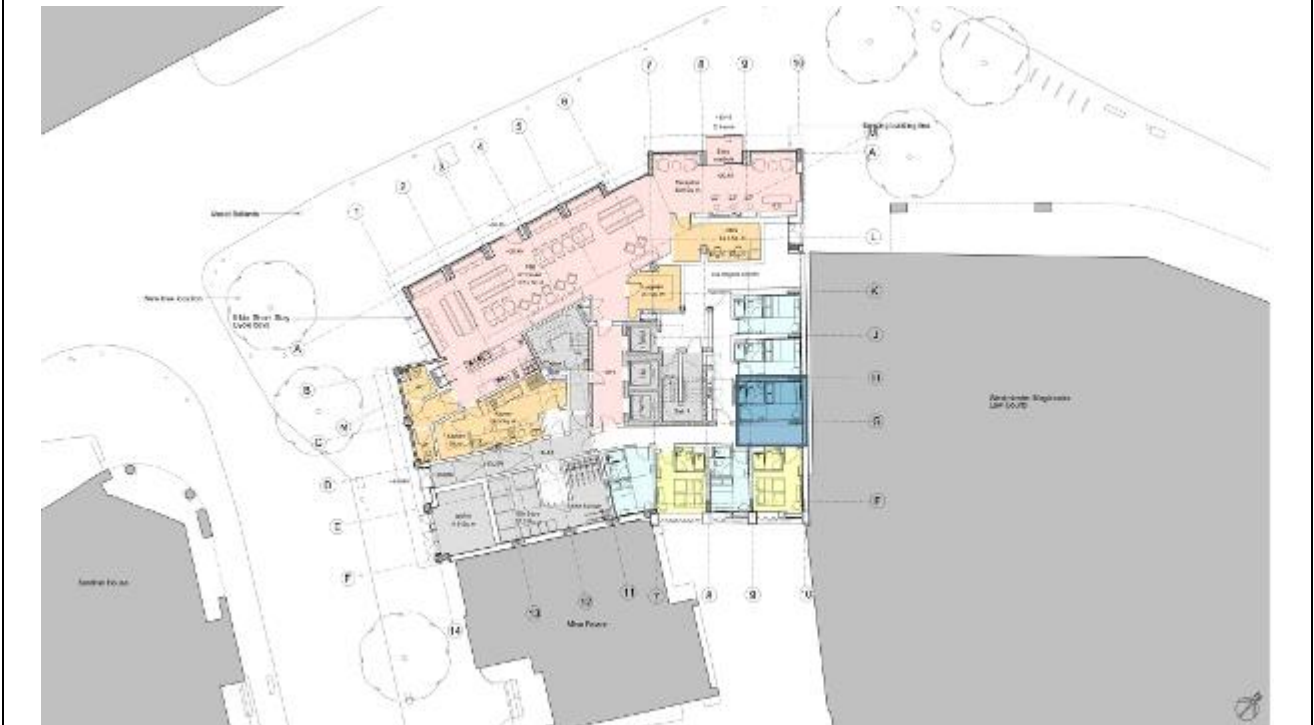
Existing North-East Elevation



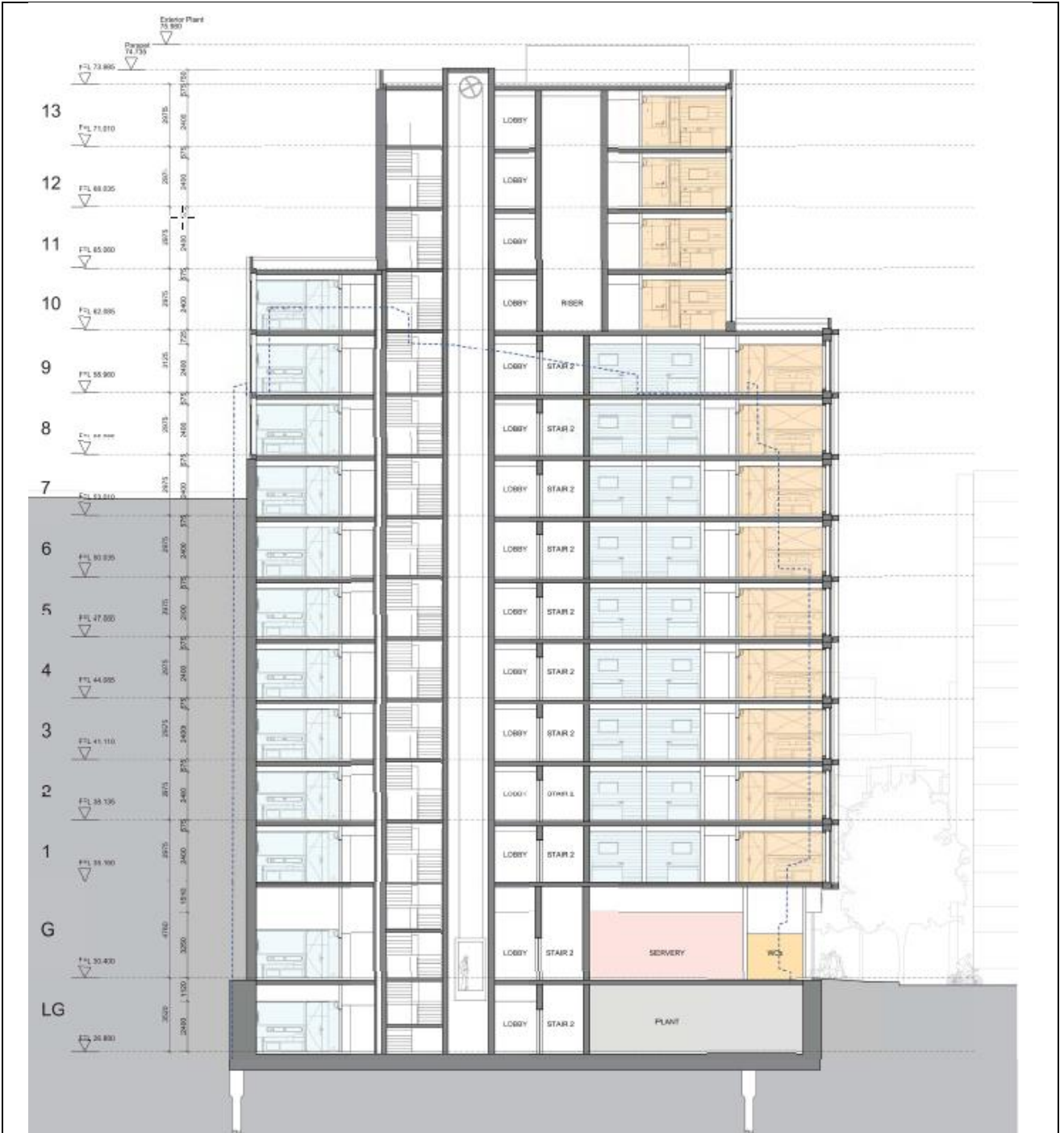
Proposed North-East Elevation



Existing Ground Floor Plan



Proposed Ground Floor Plan



Proposed Section



Visuals of Proposed Development from Old Marylebone Road

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 **Pre-commencement Condition:** 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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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 You must apply to us for approval of 3m x 3m fabricated sample panels of the following parts of the development:

i) typical facade bays.

The sample(s) should demonstrate the colour, texture, face bond, pointing, component interfaces and means of construction (including any typical expansion/movement joints). You must not start any work on the external cladding of the development until we have approved the sample panels.

You must then carry out the work according to these approved sample(s).

Reason:

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

(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 of the following parts of the development:

- i) windows;
- ii) external doors;
- iii) shopfront including fascia details;
- iv) location and size of movement joints;
- v) interfaces with windows;
- vi) any ventilation and other services terminations at façade and roof;
- vii) CCTV cameras - showing details of cameras and precise location;
- viii) rooftop structures, including plant enclosures;
- ix) external lighting - including details of extent, type, colour and location; and
- x) signage strategy - showing extent and intended location.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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 paint or apply vinyl films or obscure the window glass to the ground floor of the hotel reception or café area or block it in any other way. The windows must be clear glazed and maintained as such.

Reason:

To maintain an active ground floor and enhance the character and appearance of this part of the City. This is as set out in S28 and S29 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

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

Reason:

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

- 10 You must 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.

-biodiverse roof

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)

- 11 **Pre-commencement Condition:** 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;
- provide details on the use of tall plant and scaffolding;
- accommodate the location of the existing London Underground structures and tunnels;
- accommodate ground movement arising from the construction thereof; and
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing transport infrastructure, in accordance with policy 6.2 of The London Plan (March 2016).

Pre-Commencement Condition: You must apply to the City Council (in consultation with Transport for London) for approval of a Construction Logistics Plan, which identifies efficiency and sustainability measures to be carried out while the development is being built. You must not carry out the development until the plan has been approved. You must then carry out the development in accordance with the approved plan.

Reason:

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

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

Reason:

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

14 **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.

The glass that you put in the south east elevation below level 7 (adjacent to Mina Palace) must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then install the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

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

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

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

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

- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 18 (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.

- 19 The design and structure of the development shall be of such a standard that it will protect occupier from structural borne noise from the district and circle line so that they are not

exposed to levels indoors of more than 35 dB LASmax within habitable rooms during day and night.

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.

- 20 All servicing must take place between 07:00 and 18:00 on Monday to Saturday and not at all on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

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

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

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

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

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

Phase 3: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

To make sure that any contamination in the building or of the ground under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007.
(R18BA)

- 22 You must apply to us for approval of details of the ventilation system to get rid of fumes, including details of how it will be built and how it will look. You must not begin the use allowed

by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14BB)

Reason:

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

- 23 The restaurant/cafe shall only be used in an ancillary capacity to the hotel use.

Reason:

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

- 24 Customers shall not be permitted within the restaurant/cafe premises before 06:00 or after 23:00 each day. (C12AD)

Reason:

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

- 25 The development hereby approved shall not be occupied until a Coach and Taxi Management Plan has been submitted to and approved in writing by the City Council, in consultation with Transport for London. You must then carry out the development in accordance with the approved details.

Reason:

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

- 26 You must apply to us for approval of details of secure cycle storage for the hotel 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 (March 2016).

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

Reason:

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

- 28 You must apply to us for approval of a detailed glazing and ventilation scheme to ensure that the overheating risk to the new dwellings is minimised. You must not start work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to the approved glazing and ventilation scheme and all measures outlined in this document must be in place and operational prior to the first occupation of the development hereby approved. All measures shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason:

To prevent overheating and energy use, in accordance with policy 5.9 of the London Plan (March 2016).

- 29 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)

- 30 **Pre Commencement Condition:** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

Reason:

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

- 31 **Pre-Commencement Condition:** You must apply to the City Council (in consultation with the Metropolitan Police) for approval of safety and security features to be installed on the development, having regard to Secured by Designs "Commercial Developments 2015" Guide and "Resilient Design Tool for Counter Terrorism". You must not carry out the development until the safety and security features have been approved. You must then carry out the development in accordance with the approved features.

Reason:

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

- 32 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 and/or for maintenance purposes.

Reason:

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

- 33 Any structure over the footway (highway) must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge. Any structure within 1 metre of the kerb or over carriageway must maintain a minimum vertical clearance of 5.3 metres.

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)

Informatives:

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised that any indicative signage locations should be confined to the ground floor fascia zone. Any high-level signage is unlikely to be considered acceptable. Proposals for signage may be subject to advertisement consent.

- 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 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

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

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)

- 6 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.
Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 7 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.
- 8 Condition 21 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.

Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Phone: 020 7641 3153
(I73AB)

- 9 Although the canopy has 'deemed' consent, it does not meet our design guidelines and we may make you remove it. We recommend that you replace the canopy with one that meets our guidelines 'Shopfronts, Blinds and Signs'. You can get a copy of these guidelines from our website at www.westminster.gov.uk. (I44AA)
- 10 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)
- 11 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.
- If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 12 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 13 The term 'clearly mark' in condition 27 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 14 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)
- 15 The Servicing Management Plan (SMP) required by condition 13 should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. This must be provided for waste collection as well.

It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users. The SMP should inform the occupant on their requirements to minimise the impact of their servicing on the highway (i.e. set out how the occupant is expected to service the unit). A supplier instructions sheet is a helpful part of the SMP.

- 16 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.

- 17 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) A financial contribution of £45,000 (index linked and payable on commencement of development) for the expansion of a nearby cycle hire docking station;
 - b) A financial contribution of £25,000 (index linked and payable on commencement of development) toward wayfinding (Legible London);
 - c) A financial contribution of £27,239 (index linked and payable on commencement of development) toward the funding of Crossrail;
 - d) A financial contribution of £35,000 (index linked and payable on commencement of development) toward bi-annual pruning of the three Ginkgo trees on Old Marylebone Road by TFL and for a period of 50 years from the date of this permission;
 - e) In the event that the three Ginkgo trees need to be removed within 50 years from the date of this permission, a financial contribution of £135,000 (index linked) toward street tree planting on Old Marylebone Road payable to TFL;
 - f) Payment of the cost of highway works associated with the development on Old Marylebone Road and Harcourt Street;
 - g) Offering local employment opportunities during construction and operation of the hotel;
 - h) The provision, monitoring and review of a travel plan; and
 - i) Payment of cost of monitoring the agreement (£500 per head of term).

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

Item No.
4

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	14 Wimpole Street, London, W1G 9SX		
Proposal	<p>Variation of Condition 1 of planning permission dated 20 December 2016 (RN 16/08184/FULL) for, 'Demolition of mews building and lower ground and ground floor rear extensions. Erection of replacement mews building on lower, ground and first floors to provide a four bedroom dwellinghouse (Class C3), accessed from Wigmore Place. Erection of replacement lower ground and ground floor levels rear extension to the main building and use of part ground and part lower ground floor as medical floorspace (Class D1) and use of part lower ground, part ground floor and first to fourth floors as nine flats (Class C3). Alterations to rear elevation including the installation of new windows'; NAMELY, to make the following amendments to the approved development - installation of five air conditioning units within acoustic enclosure at roof level, alterations to the windows within the mews house, the addition of two condensing units within the lower ground floor courtyard of the replacement mews building, and associated minor alterations.</p> <p>Variation of Condition 1 of listed building consent dated 20 December 2016 (RN 16/08185/LBC) for, 'Demolition of mews building and lower ground and ground floor rear extensions. Erection of replacement mews building on lower, ground and first floors to provide a four bedroom dwellinghouse (Class C3), accessed from Wigmore Place. Erection of replacement lower ground and ground floor levels rear extension to the main building and use of part ground and part lower ground floor as medical floorspace (Class D1) and use of part lower ground, part ground floor and first to fourth floors as nine flats (Class C3). Alterations to rear elevation including the installation of new windows'; NAMELY, to vary the consented demolition at basement, ground, first, second, third and fourth floors, internal alterations to all floor levels, installation of five air conditioning units within acoustic enclosure at roof level, alterations to the windows within the mews house, the addition of two condensing units within the lower ground floor courtyard of the replacement mews building, and associated minor alterations.</p>		
Agent	Montagu Evans		
On behalf of	14 Wimpole Street Limited		
Registered Number	17/08201/FULL 17/08202/LBC	Date amended/ completed	

Item No.
5

Date Application Received	12 September 2017		18 September 2017
Historic Building Grade	Grade II		
Conservation Area	Harley Street		

1. RECOMMENDATION

- | |
|--|
| <ol style="list-style-type: none"> 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter. |
|--|

2. SUMMARY

The application site comprises a Grade II listed building with curtilage mews building to the rear. The building is in use as a private walk-in medical clinic (Class D1) at ground floor level, two flats (Class C3) at lower ground floor level, and three flats on the upper floors. The site is located within the Mayfair Conservation Area and the Harley Street Special Policy Area.

Permission and listed building consent were granted on 20 December 2016 to demolish the mews building to the rear and the two storey structure that links with the main building, to erect a replacement mews building to form a dwellinghouse and to reconfigure the existing uses within the main building to retain the medical floorspace and to provide nine flats. Across the entire site, the number of residential units would increase from five to ten.

The applicant seeks to make a number of 'minor material amendments' to the approved permission / consent; the most substantive of which are:

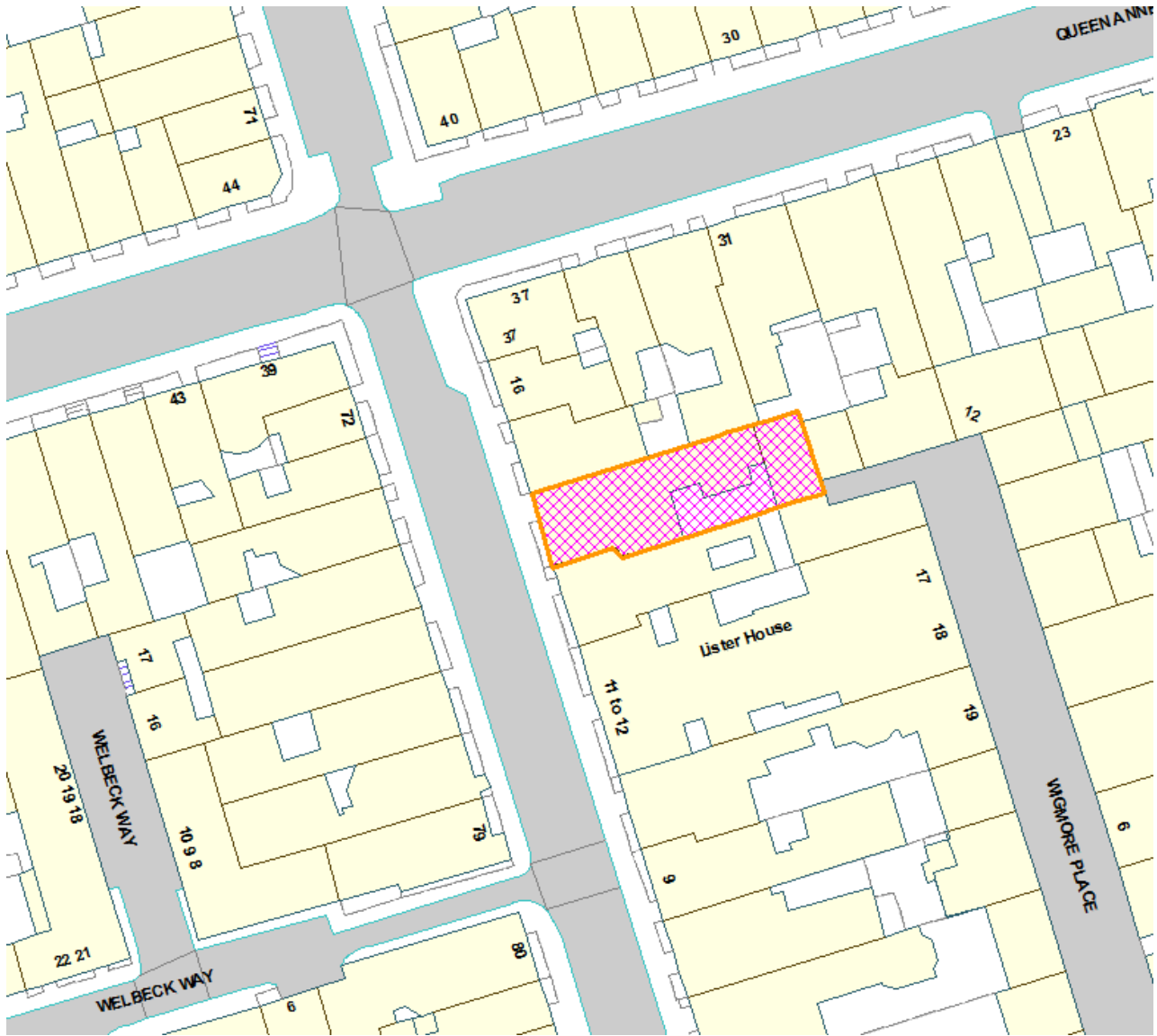
- To relocate the approved condensing units at main roof level from around the lantern light above the main staircase to main roof level.
- To add two condensing units within the lower ground floor courtyard of the replacement mews building.
- To alter the design of the first floor windows of the replacement mews building so that they contain openable top lights rather than being fixed shut as originally approved.
- To make a number of minor internal alterations to the main building.

The key issues for consideration are:

- Whether the alterations to the approved development would not harm the special interest of this listed building, preserve the character and appearance of the Harley Street Conservation Area and not harm the setting of the neighbouring listed buildings.
- Whether the relocated and additional plant and openable top light would cause an unacceptable loss of amenity for the occupiers of neighbouring residential buildings.

The proposal is considered acceptable in land use, amenity, transportation and design and conservation terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan). For these reasons it is recommended that conditional planning permission and listed building consent be granted.

LOCATION PLAN



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3. PHOTOGRAPHS

Front elevation:



Outbuilding to rear:



4. CONSULTATIONS

MARYLEBONE ASSOCIATION:

- No comment.

ENVIRONMENTAL HEALTH:

- No objection to this application on environmental noise or nuisance grounds.

ADJOINING OWNERS / OCCUPIERS:

No. Consulted - 12.

No. Responses – Two objections from the occupiers of the properties on either side of the application site on the following grounds:

- Objecting to the proposed condensing units on the roof of the link building on design and conservation, increased sense of enclosure, noise and lack of information grounds.
- Concern that the rear windows within the 'mews' building are much larger and not in keeping with the conservation area or appropriate for a listed building, and no longer align with the windowcills of the first floor of the adjacent mews building to the south. Requests that, instead of the proposed privacy film, the glazing be permanently treated so that they remain obscure glazed in perpetuity. Requests that a sample of the obscure glazing be secured by condition.
- The fenestration of the 'mews' building should be more traditional and reflect the main Wimpole Street building.
- Concern that there is a lack of information in respect to the proposed relocated condensing units at roof level (i.e. size of units / acoustic enclosures).
- Concern in respect to the additional condensing units proposed within the basement lightwell of the mews housing, arguing that it is unclear how they will be housed and acoustically shielded.
- Proposal represents overdevelopment of the plot and not in keeping with the conservation area and the surrounding listed buildings.

SITE NOTICE / PRESS ADVERTISEMENT - Yes.

5. BACKGROUND INFORMATION

5.1 The Application Site

The site comprises a Grade II listed building arranged over lower ground, ground and four upper floors. To the rear is a mews building on lower ground and ground floors levels. This mews building is linked to the main building by a two storey structure. As the mews building is in the same ownership as the main building, is linked at basement and ground floor levels and was in existence at the time of listing it is also considered to be a listed building by virtue of being a curtilage structure.

Prior to the commencement of works to implement the permission and consent dated 20 December 2016, the lower ground floor contained two flats, the ground floor was a private walk-in medical clinic, and the upper floor contained three flats.

The site is located within the Harley Street Conservation Area, the Core Central Activities Zone and the Harley Street Special Policy Area.

5.2 Recent Relevant History

17/10139/ADFULL - Details of the new roof lantern above the main staircase pursuant to Condition 3 of planning permission dated 13 November 2017(RN: 16/08184/FULL) Application Permitted on 22 November 2017

17/10140/ADLBC - Details of the new roof lantern above the main staircase pursuant to Condition 3 of listed building consent dated 20 December 2016 (RN: 16/08185/LBC) Application Permitted on 22 November 2017

16/08184/FULL - Demolition of mews building and lower ground and ground floor rear extensions. Erection of replacement mews building on lower, ground and first floors to provide a four bedroom dwellinghouse (Class C3), accessed from Wigmore Place. Erection of replacement lower ground and ground floor levels rear extension to the main building and use of part ground and part lower ground floor as medical floorspace (Class D1) and use of part lower ground, part ground floor and first to fourth floors as nine flats (Class C3). Alterations to rear elevation including the installation of new windows. Application Permitted on 20 December 2016

16/08185/LBC - Demolition of mews building and lower ground and ground floor rear extensions. Erection of replacement mews building on lower, ground and first floors. Erection of replacement lower ground and ground floor levels rear extension to the main building. Alterations to rear elevation including the installation of new windows. Internal alterations. Application Permitted on 20 December 2016

6. THE PROPOSAL

Permission and listed building consent were granted on 20 December 2016 to:

- Demolish the mews building and the lower ground and ground floor link extensions.
- Erect a replacement mews building over lower ground, ground and first floors to form a new four-bedroom house.
- Reconfigure the uses in the main building to provide 9 x residential units, retain medical floorspace at front ground floor level and relocate the medical floorspace at rear ground floor level to front lower ground floor levels.
- Undertake a number of internal and external alterations.

The applicant seeks to make the following 'minor material amendments' to the approved permission / consent:

- A number of minor internal alterations.
- The replacement of windows within the non-original mansard roof of the main building.
- The installation of replacement single glazing within refurbished sash windows / doors to the front elevation.
- The additional of two condensing units within the lower ground floor courtyard of the replacement mews building.

- Relocation of the approved condensing units around the lantern light within the sunken part of the mansard roof of the Wimpole Street building to a gantry at main roof level between the pitched front part of the roof and the hipped central part of the roof.
- Minor alteration to the design of the windows within the replacement mews building in the form of adjusted proportions and adding opening top lights to all windows (the approved windows are to be fixed shut). It is proposed that the lower 2.0m of the first floor windows within the mews building be fitted with obscure glass. This compares to the lower 1.8m in the approved scheme.

The application has been amended during the course of its consideration in the following ways:

- The condensing units originally proposed on the first floor flat roof between the main building and the rebuilt mews building have been omitted from the proposal.
- Amended plans have been submitted to explicitly show the location and extent of the louvred enclosure for the plant that will be located at main roof level and within the rear lightwells at rear basement level.
- Amended plans have been submitted to adjust the location of the roof level gantry so that it does not extend onto the party wall with No.13 Wimpole Street.

The floorspace figures remain unchanged from the approved development:

	Residential floorspace sq.m (GIA)	Medical floorspace sq.m (GIA)	Total floorspace (GIA)
As existing	795	172	967
As proposed	832	173	1,005
Change	+37	+1	+38

7. DETAILED CONSIDERATIONS

7.1 Land Use

The application makes no changes to the approved land uses on site and there has been no material change in policy since the determination of the original application that raises any new land use issues.

7.2 Townscape and Design

As set out above, the proposed condensing units on the first floor flat roof of the rebuilt two-storey 'link' part of the building are no longer proposed and therefore the objections to this aspect of the proposal are no longer relevant.

The detailed design of the proposed replacement mews building is very similar to that already approved and is acceptable in terms of its contribution to the character and appearance of the Harley Street Conservation Area and would not harm the setting of any of the listed buildings within or near the site. The windows are slightly shorter and

narrower than those approved and their relationship with the fenestration the adjoining building is still acceptable in design and conservation terms.

The relocated condensing units to roof level are discreetly sited and would not be readily visible in either public or private views.

The internal alterations depart only very slightly from the approved listed building consent and will not harm the special interest of this listed building.

Despite the objections received, the alterations to the approved scheme are relatively minor and will not harm the listed building or conservation area. The works are acceptable and in accordance with the NPPF, UDP Policies DES 1, DES 6, DES 9 and DES 10, and City Plan Policies S25 and S28.

7.3 Residential Amenity

The omission from the application of the proposed condensing units on the first floor flat roof between the main building and the replacements mews building is considered to overcome the two objections from neighbouring residents in terms of the impact of this additional plant upon neighbouring residential amenity.

Contrary to the assertion from the neighbouring residents, the windows within the mews building are slightly shorter and slightly more narrow than as approved. The lower 2m of the first floor windows are proposed to be fitted with obscure glazing (recommended to be secured by condition) which is higher than the 1.8m as approved. The result will be even less overlooking than the approved scheme.

Whilst the top section of the first floor windows is now proposed to be openable where they are currently conditioned to be fixed shut, the high level location of these opening will not result in a material loss of amenity for the neighbouring residents from overlooking given that no views of neighbouring properties will be possible. Furthermore, having small openable top windows is considered to be reasonable to provide natural ventilation for a residential unit. It is not considered that an openable top-pane to these windows will cause a material loss of amenity for adjoining residents from a noise perspective given the domestic nature of the occupation of the mews building and the normal relationship between mews buildings and the rear gardens of the main building.

The proposed additional condensing units proposed at basement level are located discreetly, are acoustically housed and Environmental Health has no objection from a noise perspective (subject to appropriate conditions including the submission of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria).

In addition, further information has been submitted by the application in respect to how these new condensing units will be both visually and acoustically housed.

7.4 Transportation/Parking

The proposal raises no new transportation issues.

7.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed.

7.6 Access

The proposal raises no new access issues.

7.7 Other UDP/Westminster Policy Considerations

None.

7.8 London Plan

This application raises no strategic issues.

7.9 National Policy/Guidance Considerations

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

7.10 Planning Obligations

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

The estimated CIL liability of the scheme is as follows:

£4,183.49 (index linked) – Mayoral CIL.

£27,540.00 (index linked) – Westminster CIL.

£3,1723.49 (index linked) – Total CIL

7.11 Environmental Impact Assessment

The scheme is of insufficient size to require the submission of an Environmental Statement.

7.12 Other Issues

It is recommended that permission and consent be granted subject to the same conditions as originally proposed with the exception of:

- Condition 3 on both the planning permission and the listed building consent are proposed to be amended to reflect that detailed drawings of the replacement roof lantern were approved by the City Council on 22 November 2017.
- Condition 6 on the planning permission is proposed to be reworded to require the lower 2.0m of all first floor windows of the mews house to be fitted with obscure glass and requiring these windows to be fitted shut (with the exception of the high level openable parts).

- Condition 17 on the planning permission and Condition 9 of the listed building consent are proposed to be deleted as these 'amending' conditions are no longer required as the balustrade railings to the roof of the ground floor rear extension has been omitted from the revised drawings.
- Addition conditions are proposed requiring the plant enclosures shown on the proposed drawings to be installed prior to the plant becoming operational.
- Additional conditions are proposed requiring the commencement of development / works within the life of the original permission / consent.

8. BACKGROUND PAPERS

1. Application form
2. Response from Marylebone Association, dated 18 October 2017
3. Response from Environmental Health, dated 3 October 2017
4. Letter from the occupier of 13 Wimpole Street, dated 5 October 2017
5. Letter written on behalf of the occupiers of 15 Wimpole Street, dated 19 October 2017

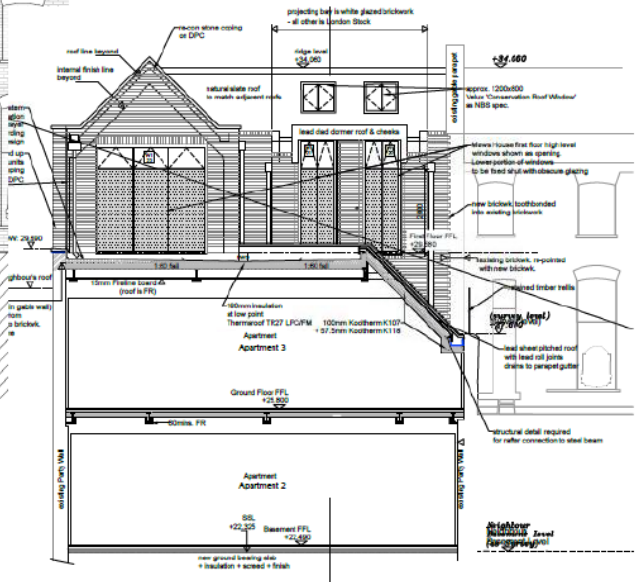
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

As approved.

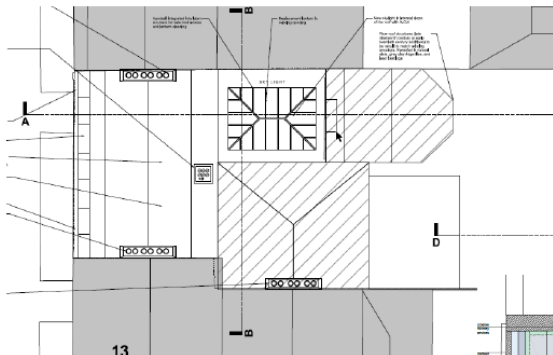


As proposed.

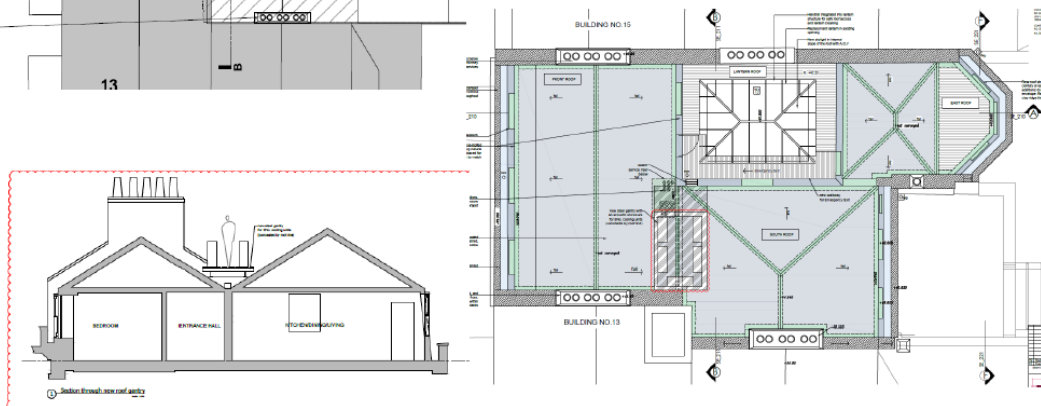


Roof level plant:

As approved.



As proposed.



DRAFT DECISION LETTER (REF: 17/08201/FULL)**Address:** 14 Wimpole Street, London, W1G 9SX**Proposal:** Variation of Condition 1 of planning permission dated 20 December 2016 (RN 16/08184/FULL) for, 'Demolition of mews building and lower ground and ground floor rear extensions. Erection of replacement mews building on lower, ground and first floors to provide a four bedroom dwellinghouse (Class C3), accessed from Wigmore Place. Erection of replacement lower ground and ground floor levels rear extension to the main building and use of part ground and part lower ground floor as medical floorspace (Class D1) and use of part lower ground, part ground floor and first to fourth floors as nine flats (Class C3). Alterations to rear elevation including the installation of new windows'; NAMELY, to vary the consented demolition at basement, ground, first, second, third and fourth floors, internal alterations to all floor levels, installation of five air conditioning units within acoustic enclosure at roof level, alterations to the windows within the mews house, the addition of two condensing units within the lower ground floor courtyard of the replacement mews building, and associated minor alterations.**Reference:** 17/08201/FULL**Plan Nos:** 16/08184/FULL

Demolition drawings:

10411-T-01-0208-AB1 Rev. 02, 0209-BB1 Rev. 02, 0210-Z00 Rev. 03, 0211-Z01 Rev. 02, 0212-Z02 Rev. 02, 0213-Z03 Rev. 03, 0214-Z04 Rev. 03, 0215-Z05 Rev. 02, 0410-ZWE Rev. 01 and 0411-ZEA Rev. 02.

Proposed drawings:

10411-T-01-0218-AB1 Rev. 04, 0219-BB1 Rev. 04, 0220-Z00 Rev. 03, 0221-Z01 Rev. 04, 0222-Z02 Rev. 04, 0223-Z03 Rev. 05, 0224-Z04 Rev. 05, 0225-Z05 Rev. 04, 0420-ZWE Rev. 02, 0421-ZEA Rev. 02, 0422-ZCC Rev. 03, 0423-ZDD Rev. 03, 0520-ZAA Rev. 03, 0521-ZBB Rev. 02, 0522-ZEE Rev. 02 and 0603-ZSO Rev. 03.,

17/10139/ADFULL

SE_223 P2

17/08201/FULL

Demolition drawings:

PL_1019 Rev. P1, PL_1020 Rev. P2, PL_1021 Rev. P1, PL_1022 Rev. P1, PL_1023 Rev. P1, PL_1024 Rev. P3, PL_1025 Rev. P2, EL_1110 Rev. P2, EL_1111 Rev. P1, EL_1112 Rev. P1 and EL_1113 Rev. P1.

Proposed drawings:

PL_1029 Rev. P3, PL_1030 Rev. P3, PL_1031 Rev. P4, PL_1032 Rev. P2, PL_1033 Rev. P2, PL_1034 Rev. P2, PL_1035 Rev. P2, EL_1120 Rev. P2, EL_1121 Rev. P1, EL_1122 Rev. P2, SE_1210 Rev. P2, SE_1211 Rev. P2, SE_1220 Rev. P3, SE_1221 Rev. P2, SE_1222 Rev. P3 and DE_1503 Rev. P2.

Case Officer: Mark Hollington**Direct Tel. No.** 020 7641 2523

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (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 detailed drawings of the following parts of the development:
 1. The new roof lantern above the main staircase. 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.

Alternatively, you must carry out these works in accordance with the detailed drawings approved by the City Council on 22 November 2017 (Ref: 17/10139/ADFULL).

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 Harley Street 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 material samples of the facing materials you will use on the new mews building, 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 Harley Street 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 lower ground/ground floor rear extensions for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for maintenance purposes.

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 The glass that you put in the lower 2.0m of the all first floor windows of the mews dwellinghouse hereby approved must not be clear glass, and you must fix these parts of the windows permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

- 7 The mews house hereby approved shall not be occupied until the new medical floorspace (Class D1) at front lower ground floor level as shown on approved drawing PL_1029 Rev. P3 has been provided and is ready for occupation.

Reason:

To ensure that there is no loss of medical (Class D1) floorspace within the Harley Street Special Policy Area, as required by Policies CM2.1 and S34 of the Westminster City Plan (November 2016).

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75)

16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

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

- 9 (1) 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 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)

- 12 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.

- 13 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)

- 14 You must not occupy any of the residential units shown on the approved drawings until we have approved appropriate arrangements to secure the following:

- Means to mitigate the impact of the residential development upon on-street parking demand in the area.

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5

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To reduce the impact of the increase in residential units on on-street car parking stress, as required by Policy TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 15 You must apply to us for approval of full details (including layout and volumes) of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not occupy the medical floorspace or any of the dwellings hereby approved 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 building. (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)

- 16 The new windows within the rear closet wing shall match adjacent windows in terms of their materials, detailed design and shall be fitted within single glazing.

Reason:

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

- 17 This permission must be commenced no later than 19 December 2019.

Reason:

This permission authorises amendments to the original planning permission granted on 20 December 2016 (RN 16/08184/FULL) which must be commenced no later than the above date.

- 18 You must put up the plant screens /enclosures 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 nuisance and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25, S28, S29 and S32 of Westminster's City Plan (adopted

November 2016) and ENV 6, ENV 7, 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.

Informative(s):

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

- 2 Conditions 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)

- 3 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).

- 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 Under Condition 14, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure car club membership for all ten of the flats within the site hereby approved for a period of 25 years. 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)
- 6 For the purpose of Condition 15, you should:
- Provide more details about what is going into the plant room and provide alternative waste stores separate from the plant.
 - Provide a plan showing the medical waste store completely demarcated and separate from the residential waste store by closing the new structural access opening.
 - Provide a plan showing exclusive storage provision for clinical waste separate from medical general waste and recyclable materials.
- Advice on the storage requirements is available at - <https://www.westminster.gov.uk/waste-storage-planning-advice>.
- 7 You must get further planning permission for any tanks, equipment, lift motor rooms, railings or other additions to the property which are not shown on the drawings hereby approved.

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

DRAFT DECISION LETTER (REF: 17/08202/LBC)**Address:** 14 Wimpole Street, London, W1G 9SX,**Proposal:** Variation of Condition 1 of listed building consent dated 20 December 2016 (RN 16/08185/LBC) for, 'Demolition of mews building and lower ground and ground floor rear extensions. Erection of replacement mews building on lower, ground and first floors to provide a four bedroom dwellinghouse (Class C3), accessed from Wigmore Place. Erection of replacement lower ground and ground floor levels rear extension to the main building and use of part ground and part lower ground floor as medical floorspace (Class D1) and use of part lower ground, part ground floor and first to fourth floors as nine flats (Class C3). Alterations to rear elevation including the installation of new windows'; NAMELY, to vary the consented demolition at basement, ground, first, second, third and fourth floors, internal alterations to all floor levels, installation of five air conditioning units within acoustic enclosure at roof level, alterations to the windows within the mews house, the addition of two condensing units within the lower ground floor courtyard of the replacement mews building, and associated minor alterations.**Plan Nos:** 16/08185/LBC
Demolition drawings:
10411-T-01-0208-AB1 Rev. 02, 0209-BB1 Rev. 02, 0210-Z00 Rev. 03, 0211-Z01 Rev. 02, 0212-Z02 Rev. 02, 0213-Z03 Rev. 03, 0214-Z04 Rev. 03, 0215-Z05 Rev. 02, 0410-ZWE Rev. 01 and 0411-ZEA Rev. 02.Proposed drawings:
10411-T-01-0218-AB1 Rev. 04, 0219-BB1 Rev. 04, 0220-Z00 Rev. 03, 0221-Z01 Rev. 04, 0222-Z02 Rev. 04, 0223-Z03 Rev. 05, 0224-Z04 Rev. 05, 0225-Z05 Rev. 04, 0420-ZWE Rev. 02, 0421-ZEA Rev. 02, 0422-ZCC Rev. 03, 0423-ZDD Rev. 03, 0520-ZAA Rev. 03, 0521-ZBB Rev. 02, 0522-ZEE Rev. 02 and 0603-ZSO Rev. 03.17/10140/ADLBC
SE_223 P217/08202/LBC
Demolition drawings:
PL_1019 Rev. P1, PL_1020 Rev. P2, PL_1021 Rev. P1, PL_1022 Rev. P1, PL_1023 Rev. P1, PL_1024 Rev. P3, PL_1025 Rev. P2, EL_1110 Rev. P2, EL_1111 Rev. P1, EL_1112 Rev. P1 and EL_1113 Rev. P1.Proposed drawings:
PL_1029 Rev. P3, PL_1030 Rev. P3, PL_1031 Rev. P4, PL_1032 Rev. P2, PL_1033 Rev. P2, PL_1034 Rev. P2, PL_1035 Rev. P2, EL_1120 Rev. P2, EL_1121 Rev. P1, EL_1122 Rev. P2, SE_1210 Rev. P2, SE_1211 Rev. P2, SE_1220 Rev. P3, SE_1221 Rev. P2, SE_1222 Rev. P3 and DE_1503 Rev. P2.**Case Officer:** Mark Hollington**Direct Tel. No.** 020 7641 2523

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

1. The retention of the fireplace at basement level OR its sensitive relocation elsewhere in the listed building.

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

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

1. The new roof lantern above the main staircase.

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.

Alternatively you must carry out these works in accordance with the detailed drawings approved by the City Council on 22 November 2017 (Ref: 17/10140/ADLBC).

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 Harley Street 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 material samples of the facing materials you will use on the new mews building, 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

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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 Harley Street 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 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 Harley Street 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 scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

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 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 7 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 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 8 The new windows within the rear closet wing shall match adjacent windows in terms of their materials, detailed design and shall be fitted within single glazing.

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 Harley Street 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)

- 9 You must apply to us for approval of detailed drawings of the following parts of the development - Alterations to the lift shaft (internal works). 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. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 10 The development hereby permitted shall be begun before 19 December 2019.

Reason:

As required by s18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004.

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You must get further listed building consent for any tanks, equipment, lift motor rooms, railings or other additions to the property which are not shown on the drawings hereby approved.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	8 Gloucester Square, London, W2 2TJ		
Proposal	Use of the building as a mixed residential and Embassy use (Sui Generis).		
Agent	Mr Brian Mullin		
On behalf of	See Below		
Registered Number	17/06146/FULL	Date amended/ completed	19 July 2017
Date Application Received	11 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Refuse permission – land use and amenity

2. SUMMARY

This application relates to an unlisted building, set over lower ground, ground, and three upper levels, located within the Bayswater Conservation Area. The lawful use of the building is as a single family dwelling house (Use Class C3), however has served as the embassy for the Dominican Republic and staff / ambassadorial accommodation since 2016. Permission is now sought for retrospective permission for the retention of the unauthorised (Sui Generis) use.

Councillor Cox has raised concern with respect to parking matters and objections have been received from local residents with concerns in relation to the impact of the use on the highway, amenity and the setting of a precedence for other such uses.

The key issues with this application are:

- * The acceptability of the change of use in land use terms;
- * The impact of the change of use on the highway network;
- * The impact of the change of use on the local environment in amenity and conservation area terms.

4. PHOTOGRAPHS

Front elevation



5. CONSULTATIONS

FOREIGN AND COMMONWEALTH OFFICE

Any response to be reported verbally.

COUNCILLOR COX

Concern raised with respect to parking matters.

HYDE PARK ESTATE ASSOCIATION

Raise objection on the following grounds:

- Do not agree with 'move in and apply later' approach of planning.
- Do not agree that the property is used as a residence.
- It is irrelevant how close the property is to a conservation area and other embassies.
- It is unsuitable to have offices overlooking residential accommodation.
- Ambassador is using the private parking space and requests a further space for visitors.
- Note that the unpaid parking fines incurred historically by this embassy over a 10-year period were 1001 with a total value of £117,310, which equates to twice a week.

DESIGNING OUT CRIME OFFICER:

Any response to be reported verbally.

CLEANSING

Raise no objection subject to a condition to secure details of waste storage.

HIGHWAYS PLANNING MANAGER

Raise no objection. Note that any changes to parking arrangements on the highway would require a Traffic Management Order (TMO).

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 33

No. of responses: 4 objections raising some or all of the following objections:

Land Use:

- Inappropriate location for an embassy given its residential character.
- Embassy use will intensify, reducing the residential element of the proposal.
- The property is solely being used as an embassy with no one staying at the premises as indicated by the cars: The ambassador's car has a Kensington & Chelsea residence permit and the other staff users car has a Merton residence permit.
- The limited number of visitors as indicated by the excerpts from the November and December 2016 guestbook is disingenuous as this is soon after the embassy moved in, when there were fewer visitors.
- The property is unsuited to embassy use, accessed from a private resident's courtyard and backing onto a road, which could cause issues should another disreputably political embassy moves into the property in the future.
- Could set a precedence for other non-residential uses.

Amenity:

- The offices overlook adjacent residents.

Highways:

- As the embassy has no parking, staff park cars on neighbours' land. However, if they stopped doing this these parked cars would be forced to use street parking.
- The embassy has a significant number of unpaid parking tickets.
- The ambassador is likely to require parking bays for diplomatic use.
- They should sign a legal agreement so that they cannot submit an application for parking.

Other:

- Visitors often do not find the embassy and knock on neighbour's doors.
- Resident's and local groups have not been consulted on the application.
- Incorrect representations within the submitted planning statement, namely:
 - o Floorplans overstate the quantum of residential floorspace;
 - o Incorrect representation of the area in terms of its character and uses;
 - o Parking inaccuracies;
 - o Implies embassy will bring economic benefit, this is disputed;
 - o Proposal does not contribute to the street scene;

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to an unlisted building located outside of the Central Activities Zone (CAZ) or any Special Policy Areas, but within the Bayswater Conservation Area. The building is set over lower ground, ground, first, second and third floor levels. The property has two frontages, to Gloucester Square a crescent of private parking which is set off Sussex Place.

The lawful use of the building is as a single family dwelling house (Class C3). It is understood that The Embassy of the Dominican Republic moved into the property in October 2016. The building is now in mixed use with habitable accommodation on the lower ground, part first and third floor levels and mixed office / embassy uses on the ground, part first and second floor levels.

6.2 Recent Relevant History

A certificate of lawful development certificate was withdrawn in May 2017 for the continued use as a single dwelling house as a residence for a member of the diplomatic mission of the Dominican Republic with ancillary offices in connection with use as the Dominican Embassy. The application was withdrawn following officer advice that the use was not a single family dwelling house (Class C3), but a mixed use.

7. THE PROPOSAL

Permission is sought for the retention of the mixed use of the building as an embassy with associated office and residential accommodation for embassy staff and family of the Ambassador. No external alterations are proposed.

	Pre-Existing (sqm)	Proposed (sqm)
Residential (C3)	286.5	0
Embassy / residential (Sui Generis)	0	286.5

The applicant has provided information indicating a low intensity of the embassy use, including visitor logs to indicate that the embassy does not have a high footfall (maximum 2 people per day) and therefore that the proposals do not seek to significantly change the function of the building from its current operation, with a relatively small scale consulate function. It should be noted that the applicant has confirmed that there could also be 6 members of staff per day and an intern currently lives permanently on site (totalling 7).

However, as the application is for the change of use of the building to a mixed use with an embassy, consideration must be had to the use of the building as an embassy and by another occupier, which could have a more intensive use.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy COM 7 of the UDP relates to proposals for Diplomatic and Allied uses and is therefore relevant. Parts 1 & 2 of the policy state that proposals for such uses will only be granted planning permission where:

- 1) The site is located within the Central Activities Zone or Portland Place Special Policy Area
- 2) There is no loss of residential accommodation or no adverse impact on residential amenity.

The policy notes that embassies are an activity particularly associated with certain parts of Westminster, principally Mayfair, Belgravia and Portland Place. It notes that such uses can have negative impacts in terms of highways, security and amenity and that they should be located in the aforementioned areas.

Policy S14 within the City Plan states that 'all residential uses, floorspace and land will be protected.' It notes that in order to achieve Westminster's housing targets it is necessary to protect existing housing and comments on the shortage of family sized homes with gardens in the city.

Within the applicant's statement, one of their key arguments is that they do not consider that a loss of residential accommodation has occurred, as they have moved from a property on Inverness Terrace, which has subsequently returned to a single family dwelling.

However, as this property was also subject to enforcement action due to the unlawful change of use to an embassy by the applicant, this is not considered justification as the embassy operating in that location also resulted in the loss of a single family dwelling house.

The applicant has commented that the variety of uses around the site is mixed in character with residences, commercial and other diplomatic uses. They do however also confirm that the site is in close proximity to a primarily residential area.

While there are some commercial uses in the area, it is considered that the immediate surrounding is residential in character: 1-9 Gloucester Square are a crescent of single family dwellings; to the west there is an apartment building on the other side of Sussex Place; and Gloucester Square to the east is also overwhelmingly residential in character. A change of use would affect the character of the area and dilute the residential nature of the terrace. The adopted policies seek to retain residential and target such uses to more suitable areas, namely the CAZ and Special Policy Areas.

The supporting information provided by the applicant relies heavily on the local and regional policies which seek to promote sustainable development and support residential accommodation. While it is noted that the plans indicate that 57% of the property is currently in use as habitable accommodation, as the application is also for the change of use of the building to an embassy, consideration must be had to the embassy use, and also an embassy by another occupier.

It is considered that the main policies which relate to this application are the aforementioned COM 7 of the UDP and S14 of the City Plan. While it is noted that some habitable accommodation is retained, this is for embassy staff, guests or family of the Ambassador. The proposals will result in the loss of residential floorspace and particularly a single family house. Given the location of the site outside of the CAZ and as the proposals result in the loss of a single family dwelling house, the proposals are considered to be contrary to Policies COM 7 and S14, and the application is therefore unacceptable in land use terms.

Reference is also made to City Plan Policies S20 (offices) and S27 (buildings of international and national importance). Both of these policies direct such development to the CAZ and Opportunity Areas, which this site is not within, and therefore the proposals are also considered to be contrary to these policies.

8.2 Townscape and Design

Policy DES 9 (E) relates to changes of use within conservation areas and seeks to protect and enhance their character. As no external alterations to the building are required in order to facilitate the change of use it is not considered that the proposals would have such a significant negative impact as to justify refusal in this instance.

8.3 Residential Amenity

Objections have been received on the grounds that the offices overlook adjacent occupiers and that people looking for the embassy often knock on neighbours' doors. Policy ENV13 of the UDP and S29 of the City Plan state that the Council will seek to enhance and improve the residential environment.

In relation to overlooking, while these comments are noted, it is not considered that refusal on these grounds could be sustained, given that a residence could similarly have occupiers overlooking adjacent properties.

It is noted from the submitted visitor's logs that the embassy generates little in the way of visitors from members of the public, however the staff log indicates that on some days there can be 7 people associated with the embassy on site. However, as the application is for 'an embassy' any embassy could occupy the building. Indeed, should permission be granted it would be difficult to enforce against either the current operator or any future embassy occupier having a more intensive use.

Embassy uses can often generate security concerns, for instance should there be a political incident which affects the host country, the embassy may become the focus of attention, which would then have the knock on impact of affecting the amenity of the adjacent residential occupiers.

It is therefore considered that granting an embassy use could have a negative impact on the area as a result of increased comings and goings and increased general activity in this characteristically residential area. This would have a negative impact on the local environment and would therefore be contrary to Policies ENV13 and S29 and is therefore recommended for refusal on these grounds.

8.4 Highways

Councillor Cox has raised concern and objections have been received on the grounds of parking tickets incurred by the embassy and that the embassy use would require additional on street parking.

Parking:

Although it is not indicated on the submitted plans, it is understood that the property comes with the use of one of the private parking spaces located in front of the building. This parking space is used for embassy purposed. As this is a private arrangement it does not affect parking in the highway network and is acceptable. However, the Highways Planning Manager has requested that this space be linked to the residential aspect of the proposal only.

The site is within a Controlled Parking Zone which means anyone else who does drive to the site will be subject to those controls. Residential bays are restricted to permit holders only 24hrs a day 7 days a week, single yellow and all other bays are restricted between 0830 and 1800 which covers the opening hours of the embassy. With the above in mind The Highways Planning Manager notes that the impact of the change of use on parking levels is expected to be minimal. In respect of the parking fines, the applicant has confirmed that any parking fines are paid for.

If it is the applicant's intention to request conversion of bays in the vicinity of the site for diplomatic use this will need to be discussed with the Council's Parking Team. Any proposal will be judged on its own merits and be subject to the Traffic Management Order (TMO) alteration process. It is therefore not considered that refusal on parking grounds could be sustained.

Pedestrian trip rate:

The proposal may represent an increase in pedestrian traffic, however given its size and this authority's experience of similar sized uses, it is not considered that there will be an adverse impact on the public highway, especially given the level of public transport availability in the vicinity and the on-street parking restrictions.

Cycle Parking:

No specific details of the cycle parking provision are included within the application. There is no specific requirement under the London Plan for this type of use however a minimum of 2 spaces for staff seems appropriate. Cycle parking would encourage sustainable transport use. Should the proposals have been considered acceptable on other terms secure, accessible, weatherproof cycle parking would have been secured by condition.

8.5 Economic Considerations

Not applicable.

8.6 Access

No change to existing access arrangements.

8.7 Other UDP/Westminster Policy Considerations

Should the proposals have been considered acceptable, a condition would have been recommended for the submission of details of waste and recyclable storage.

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.

It is not considered that the proposals would result in the requirement for a Community Infrastructure Payment.

8.11 Environmental Impact Assessment

The development proposals do not trigger the requirement for the submission of an EIA.

8.12 Other Issues

An objection has been raised that the relevant local groups have not been consulted in relation to the application. The local amenity society, neighbours and statutory consultees have been consulted as well as a site notice displayed in the street, and an advert posted in the local press. This is considered to meet the City Council's requirements in relation to consultation.

Concerns in relation to inaccuracies in the drawings and submitted documents has also been raised. While these comments are noted, it is considered that the submitted information is sufficient in order for the council to make a determination on the proposals.

9. BACKGROUND PAPERS

1. Application form
2. Email from Councillor Cox dated 18 August 2017
3. Email from Hyde Park Estate Association, dated 7 August 2017
4. Memorandum from Highways Planning Manager, dated 4 August 2017
5. Memorandum from Cleansing Officer, dated 8 August 2017
6. Letter from occupier of Flat 2, 13-14 Gloucester Square, dated 25 July 2017
7. Letter from occupier of 44 Gloucester Square, dated 25 July 2017
8. Letter from occupier of 4 Gloucester Square, dated 12 August 2017
9. Letter from occupier of 46 Gloucester Square, dated 31 August 2017

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

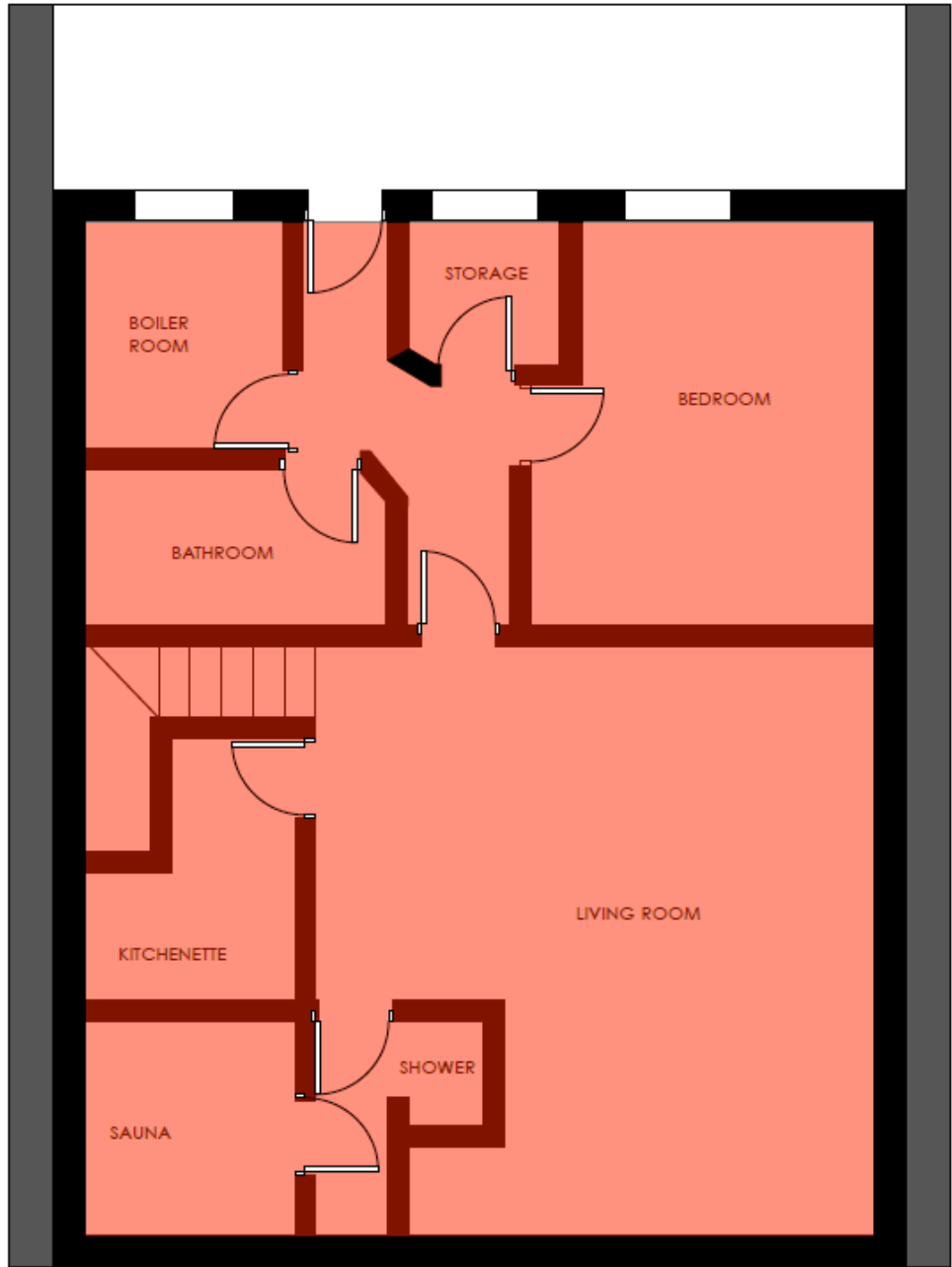
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

10. KEY DRAWINGS

Lower Ground Floor

KEY

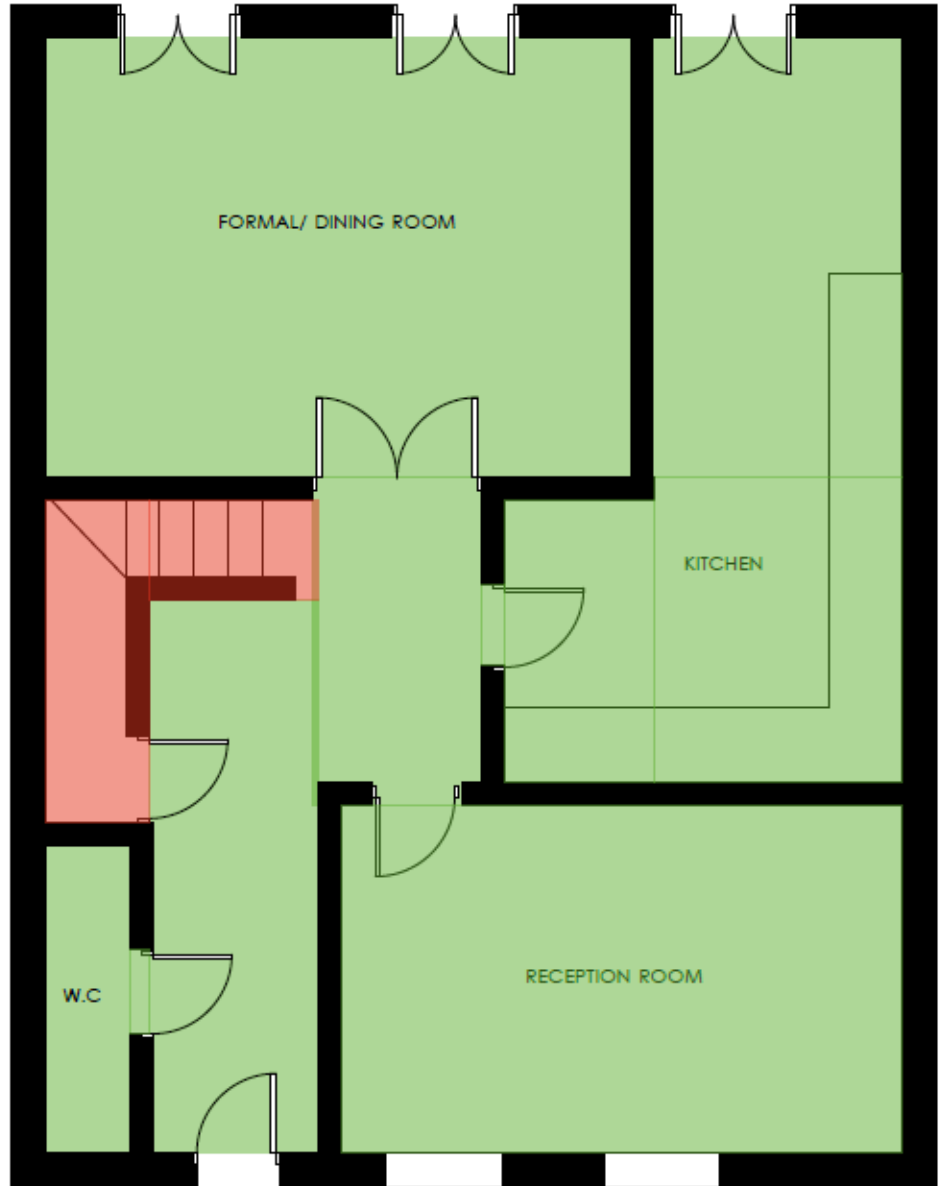
- Residential Use
- Embassy Use
- Mixed Embassy/Residential Use



Ground floor:

KEY

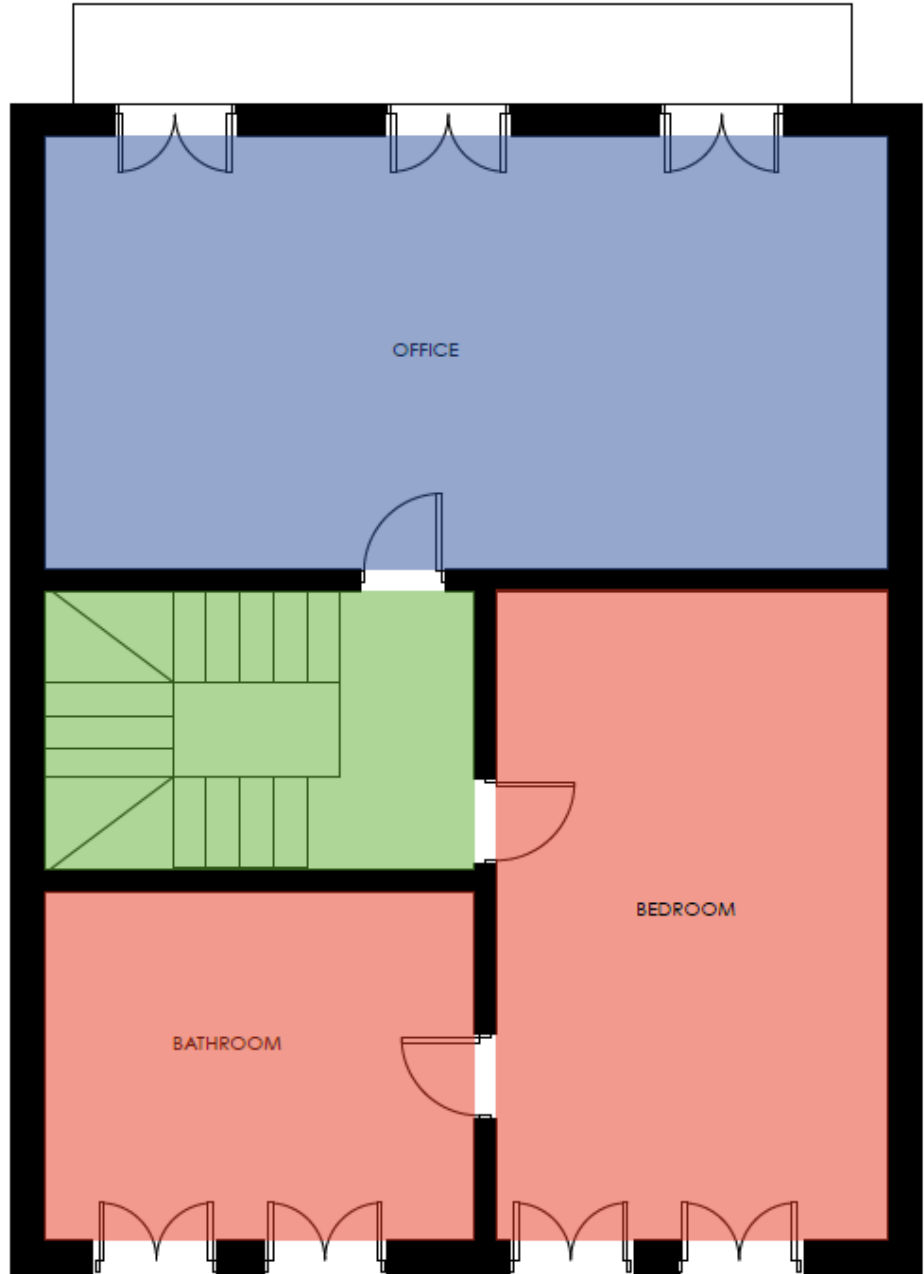
- Residential Use
- Embassy Use
- Mixed Embassy/Residential Use



First Floor:

KEY

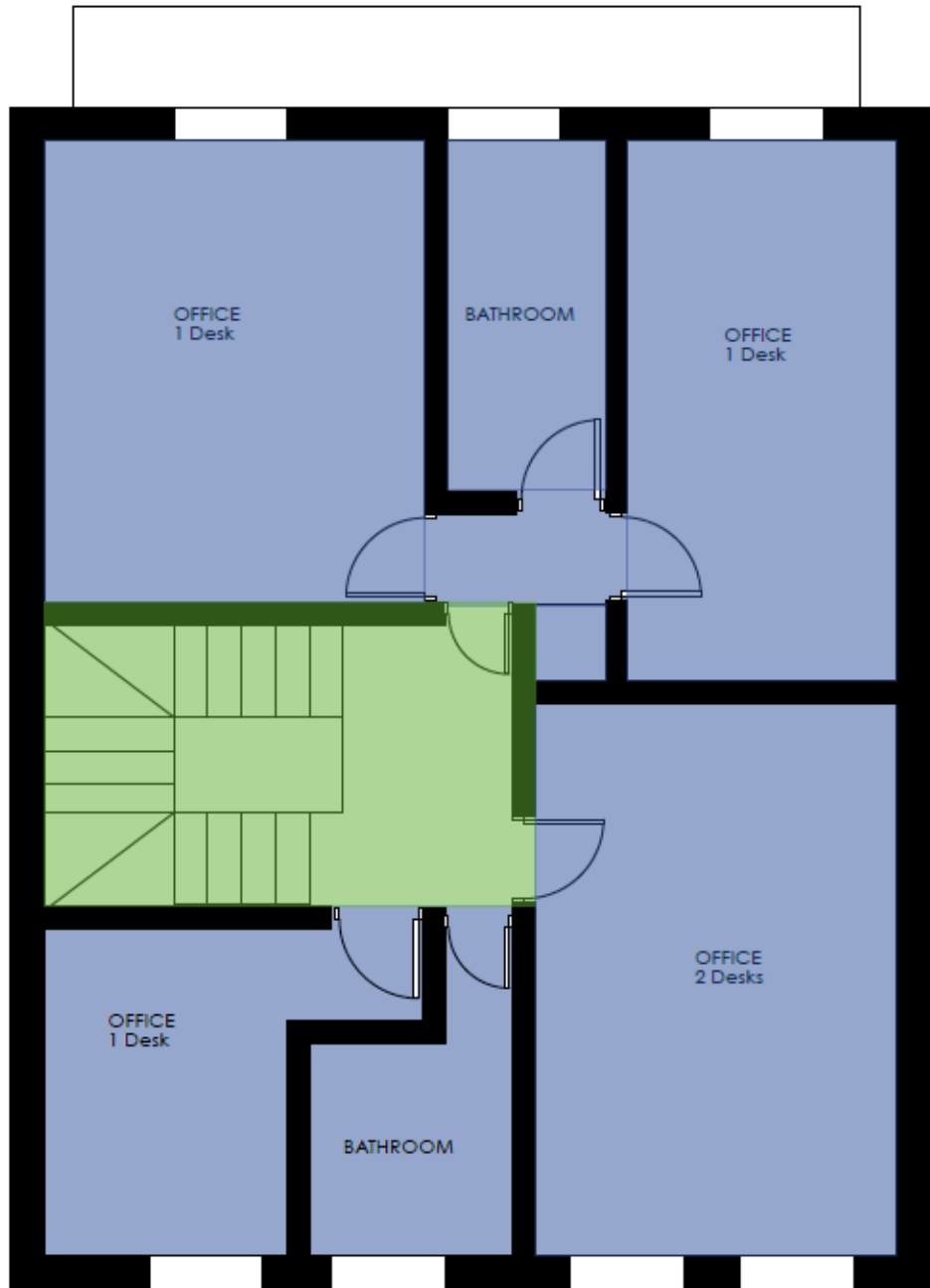
- Residential Use
- Embassy Use
- Mixed Embassy/Residential Use



Second Floor:

KEY

- Residential Use
- Embassy Use
- Mixed Embassy/Residential Use

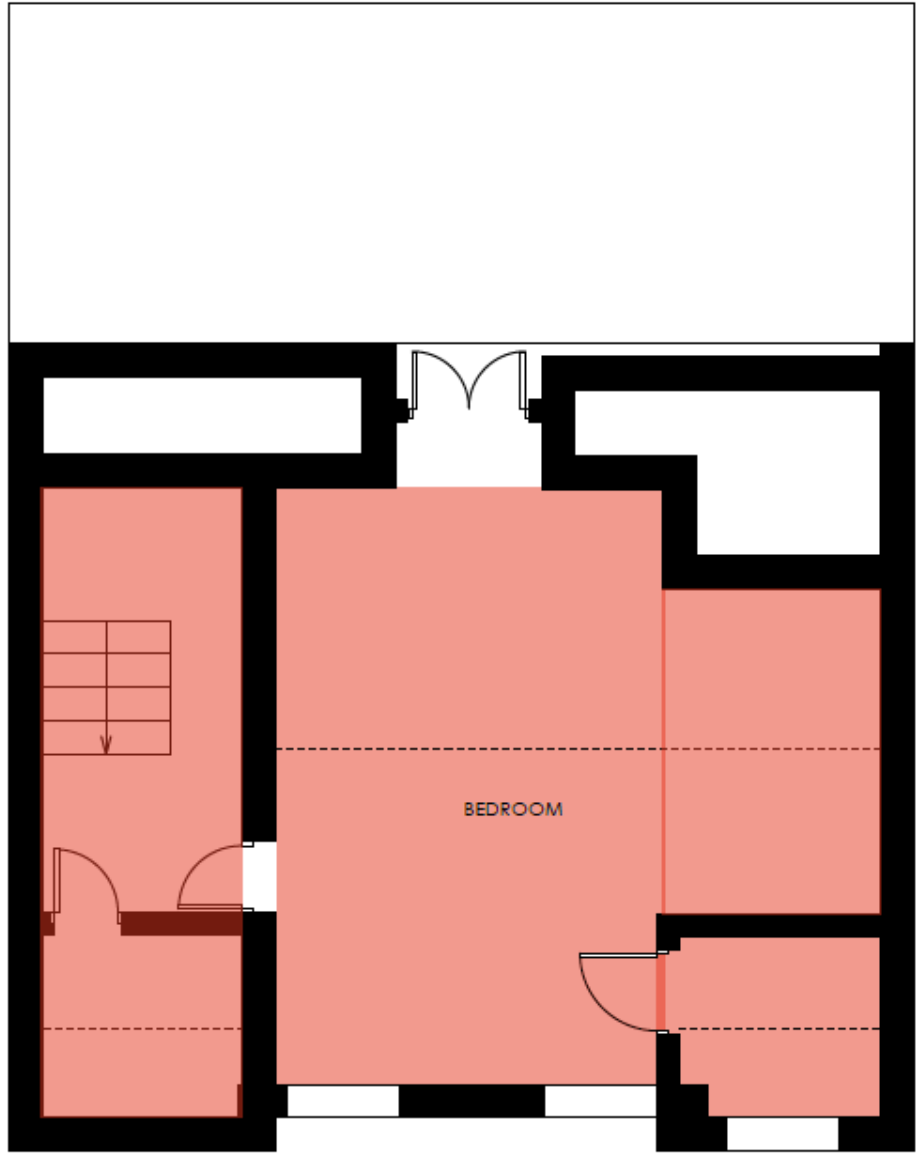


Third Floor:



KEY

- Residential Use
- Embassy Use
- Mixed Embassy/Residential Use



DRAFT DECISION LETTER

Address: 8 Gloucester Square, London, W2 2TJ,

Proposal: Use of the building as a mixed residential and Embassy use (Sui Generis).

Plan Nos: 845-1; 845-2; 845-3; 845-4; 845-5; Map of embassies outside of CAZ; Map of walking distance from CAZ & NWEDA; Planning Statement by Marrons Planning; Site location plan; Letters in relation to 139 Inverness Terrace; Visitor attendance log September and August 2017; staff log dated September and August 2017.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

Reason:

- 1 Due to the loss of a single family dwelling house and the location of the site outside of the Central Activities Zone and a Special Policy Area, the change of use is contrary to Policies COM 7 of the Unitary Development Plan, adopted January 2007 and S14 of Westminster's City Plan, adopted November 2016. We do not consider that the circumstances of your case justify an exception to these policies.

Reason:

- 2 The impact of the proposed embassy use in this part of the City, would unacceptably harm the character and function of the area; the quality of the areas environment and the amenity, including general quality of living, of the residential community in the area. This would not meet S29 of Westminster's City Plan adopted November 2016 and ENV 13 of our Unitary Development Plan adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Agenda Item 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date: 27th February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
grant conditional permission Subject of Report	1 Denning Close, London, NW8 9PJ		
Proposal	Excavation below part of existing ground floor to form a basement extension to existing dwelling house.		
Agent	Mr Ben Halevi		
On behalf of	Mr Abraham Haim		
Registered Number	17/10516/FULL	Date amended/ completed	22 December 2017
Date Application Received	27 November 2017		
Historic Building Grade	Unlisted		
Conservation Area	Outside of but adjacent to St John's Wood Conservation Area		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

No. 1 Denning Close which is an unlisted building located outside of a conservation area. The property is a large two storey detached building set behind a significant boundary wall, the entrance and off street parking are to the west of the site.

Permission is sought for the excavation of a single storey basement directly below the north west section of the property. The proposal is identical to a permission previously granted in 2010.

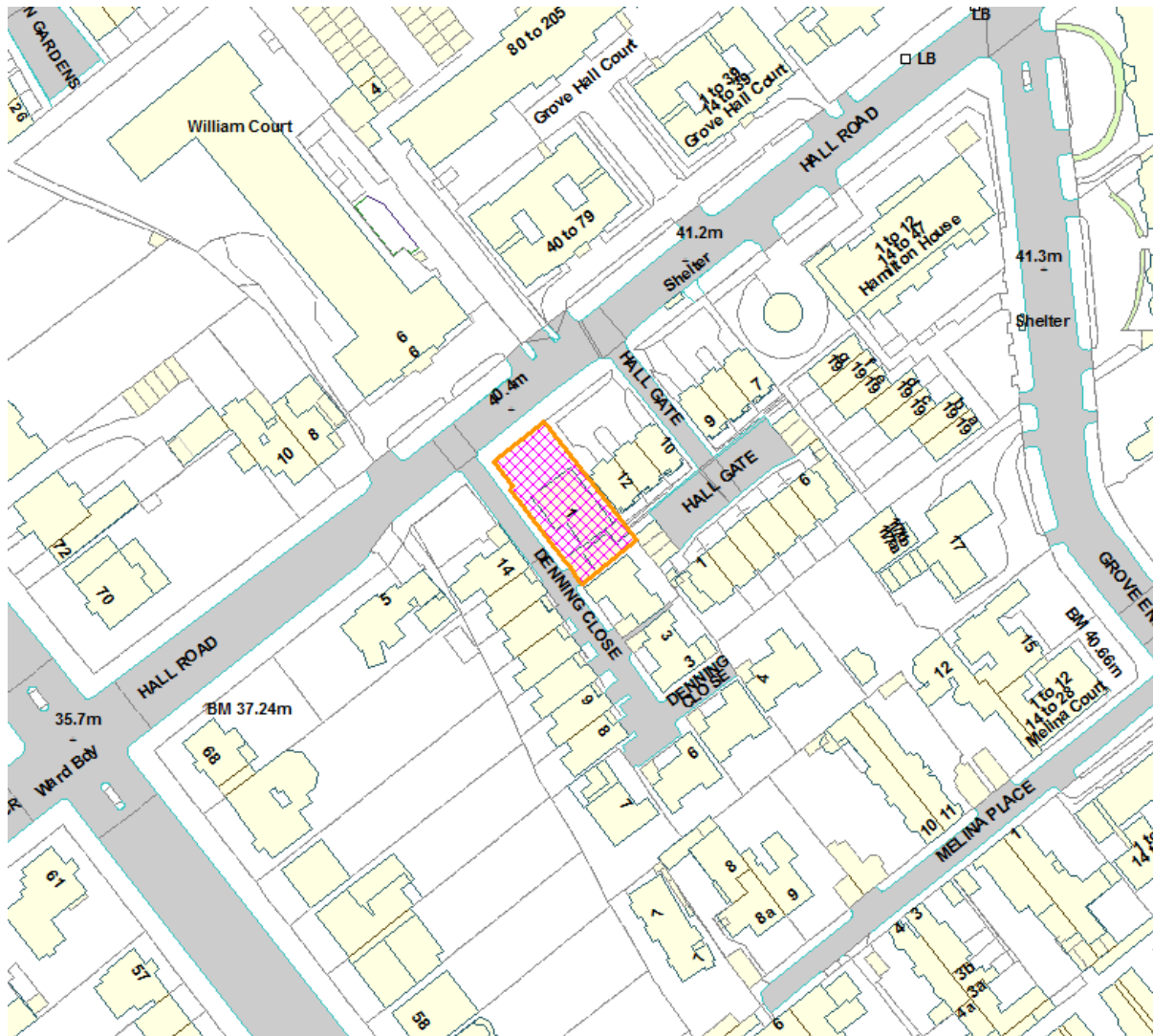
There have been three objections from neighbours within Denning Close on construction impact especially if the works are carried out at the same time as those at No.14 Denning Close. However, construction impact is now dealt with under the City Council's Code of Construction Practice. The St John's Wood Society has queried the clarity of the drawings.

The key issues in this case are:

- The impact of the basement.

The proposal is considered acceptable as the basement is fully policy compliant with policy and the impact on neighbouring properties and Denning close will be controlled through the City Council's Code of Construction.

3. LOCATION PLAN



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4. PHOTOGRAPHS

1 Denning Close set behind boundary wall. Trees in the front garden visible



Front of 1 Denning Close taken from within the front garden



Side elevation of 1 Denning Close



5. CONSULTATIONS

THAMES WATER

General comments made.

ST JOHN'S WOOD SOCIETY:

Objection raised on the grounds the drawings are not sufficiently clear or informative, lack of information regarding ventilation and impact on neighbours.

ARBORICULTURAL MANAGER:

No objection, subject to tree protection condition.

HIGHWAYS PLANNING:

No objection

BUILDING CONTROL:

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 23

Total No. of replies: 3

No. of objections: 3 objections from neighbouring properties have been received on one or all of the following grounds.

CONSTRUCTION

- Disruption to the resident of denning close during the works, especially as there is a permission for a basement at No. 14 which may be carried out at the same time.
- The coming and goings of large vehicles will damage the structure of the road.
- No Construction Management Plan has been submitted.

ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No.1 Denning Close is unlisted and is located outside of but adjacent to the St John's Wood Conservation Area, which is located West and South of Denning Close. Denning Close is a private road providing access to the properties within the Close. No. 1 is a detached two storey single family dwelling which sits behind a large boundary wall with the entrance and parking accessed through the west of the site. Within the gardens of the property there are a number of trees, most notably at the boundary along Hall Road

6.2 Recent Relevant History

Excavation below part of existing ground floor to form a basement extension to existing dwelling house. Application Permitted 1 November 2010 (10/07610/FULL)

7. THE PROPOSAL

Permission is sought for the excavation of a single storey basement level to provide ancillary rooms to the main living accommodation at ground and first floor levels, the rooms are to be non-habitable. The basement is below the northern section of the building and sits directly below the north west section of the property with no external manifestations.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Use	405	532	127
Total	405	532	127

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed basement is an addition to an existing dwelling to be used as ancillary space such as a play room and gym. The works are in accordance with H3 (adopted 2007) of the UDP and S14 of the City Plan adopted (November 2016) which seek to optimise housing and supports the enlargement of existing housing.

8.2 Townscape and Design

The proposed basement sits directly below the north west part of the existing building with no external manifestations proposed. The works would not harm the appearance of the existing building or the surrounding area and are therefore in accordance with DES 1, 5 of the UDP and S28 of the City Plan, therefore acceptable on design grounds.

Basement

The proposal includes the excavation of a single storey basement beneath the north west section of the property which is approximately half of the existing building, the relevant policy of Westminster's City Plan is therefore CM28.1 - Basement Development.

The applicant has submitted the Pro-forma attached to Appendix A of the City Council's Code of Construction Practice to demonstrate they will comply with the relevant parts of the Code of Construction Practice and awareness of the need to comply with other public and private law requirements governing development of this kind.

The applicant has provided a structural engineer's report explaining the likely methodology of excavation, the impact on adjacent properties. 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 site is not within a flood risk zone or in an archaeologically significant area.

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.

B

The proposed drawings show that the garden areas will be retained as existing and the trees officer is satisfied that the excavation works will not harm the trees on site. The details regarding the proposed ventilation and lighting are acceptable for a basement of this nature. As the basement is below the existing building only, the drainage in the surrounding gardens will remain as existing. There are no external manifestations and the character of the building and surrounding area will therefore not be harmed. Details of a suitable pumped drainage system have been provided and are acceptable.

C

The basement is below part of the existing building only and therefore the works are in accordance with parts 1. and 2. of part C as the extension will not extend below more than 50% of garden land, there will be no soil depth above the basement and the existing garden will act as the margin of undeveloped land. One storey is proposed and the site is not within a conservation area or listed. The site is located adjacent to the St John's Wood Conservation Area but as the works are wholly subterranean with no external manifestations they will not harm the setting of the conservation area, therefore the works are in accordance with 3. of part C.

Part D of CM18.1 is not relevant as the works are not below the adjacent highway.

Objections have been received from neighbouring properties on the grounds that the works will harm the amenity of neighbouring residential properties throughout the construction period and that the applicant has not submitted a Construction Management Plan. Under Policy CM 28.1 applicants are not required to provide a Construction management plan as details of how the works will be carried out and the impact on neighbours is now managed and controlled through our Code of Construction Practice. The applicant has submitted a signed Pro forma Appendix A demonstrating that they will sign up to the Code of Construction Practice. The standard Code of construction practice condition has been recommended. The objections regarding construction disturbance to neighbours and lack of a construction management plan are therefore not planning reasons to withhold permission.

The proposal is in accordance with CM 28.1 of the City Plan and is therefore acceptable on basement grounds.

8.3 Residential Amenity

The proposed basement sits below part of the existing footprint of the building with no external manifestations. Therefore, following the completion of the works the basement will not have a detrimental impact on the amenity of the adjoining residential properties regarding sense of enclosure, loss of daylight/sunlight or overlooking.

The works are in accordance with ENV13 of the UDP and S29 of the City Plan and are therefore acceptable on amenity grounds.

8.4 Transportation/Parking

The proposal does not represent an increase in residential units or loss of parking as such the proposal is not contrary to TRANS23. The existing vehicular access and car parking space are retained and no additional cycle parking is required.

8.5 Economic Considerations

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

8.6 Access

The access to the site will remain as existing from the west of the site for both pedestrians and vehicles.

8.7 Other UDP/Westminster Policy Considerations

Not applicable

8.8 Trees

The City Council's Arboricultural officer has not raised objection to the loss of two trees (a purple plum and a Leyland cypress), subject to a tree replacement and tree protection of the retained trees from construction activity.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

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

8.11 Planning Obligations

The estimated CIL payment is: WCC = £50,800 and Mayoral = £6350

8.12 Environmental Impact Assessment

This application does not require an environmental impact assessment

8.13 Other Issues

The Building Control officer has raised no objection to the works but has stated that as the new structure would provide support to the adjacent highway the applicant should seek the approval of the City Councils Highways Engineer before beginning excavation. An informative has been added to the permission to remind the applicant of this requirement.

9. BACKGROUND PAPERS

1. Application form
2. Response from Thames Water dated 03.01.2018
3. Response from St John's Wood Society, dated 8 January 2018
4. Response from Building Control - Development Planning, dated 19 January 2018
5. Response from Highways Planning – Development Planning, dated 9th January 2018
6. Response from Trees – Development Planning, dated 9th February 2018
7. Letter from occupier of 2 Denning Close, Hall Road, dated 19 January 2018
8. Letter from occupier of 9 Denning Close, Hall Road, dated 15 January 2018
9. Letter from occupier of 10 Denning Close, St John's Wood, dated 12 January 2018

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

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

DRAFT DECISION LETTER

Address: 1 Denning Close, London, NW8 9PJ

Proposal: Excavation below part of existing ground floor to form a basement extension to existing dwellinghouse.

Reference: 17/10516/FULL

Plan Nos: Site location plan, DC17 - PL- A101, DC17 - PL- A102, DC17 - PL- A103, DC17 - PL- A301, DC17 - PL- A201, DC17 - PL- A202, DC17 - PL- A203

Case Officer: Max Jones

Direct Tel. No. 020 7641 1861

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 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)

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

Reason:

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

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

Reason:

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

- 6 **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 protect trees and the character and appearance of the site 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. (R31CC)

- 7 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 5 years of planting them, you must replace them with trees of a similar size and species.

(C30BB)

Reason:

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

8 When you apply to us for approval under condition IN (C31CC) you must include the following:

- i) a methodology to carry out initial excavations of the basement footprint where it is closest to the trees a) by hand and b) under arboriculture supervision. You must include details of precautions which will be taken to prevent soil slippage along this part of the excavation.
- ii) a schedule of arboriculture supervision, to be carried out by a suitably experienced and qualified arboriculture consultant, with provision to report back to the LPA within 5 days following each visit.
- iii) A Tree Protection Plan incorporating site set-up details, showing storage and site facilities and access routes for vehicles, pedestrians, plant, materials and spoil.

Reason:

To protect trees and the character and appearance of the site 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. (R31CC)

9 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)

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

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 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

You will require technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (0207 641 2541) in Engineering & Transportation Projects to progress the applicant for works to the highway.

8

Should your proposed building work fall within 3 metres of these pipes we recommend you email us a, scaled ground floor plan of your property showing the proposed work and the complete sewer layout to, developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

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.