



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (4)

Meeting Date:

Tuesday 20th March, 2018

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Angela Harvey (Chairman)
Iain Bott
Jonathan Glanz
Jason Williams



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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|---|--------------------------|
| 1. SITE 1: 142 - 146 HARLEY STREET AND 32-34 PARK CRESCENT MEWS WEST, LONDON, W1G 7LE, SITE 2: 89 MARYLEBONE HIGH STREET, LONDON, W1U 4QW, SITE 3: 83A MARYLEBONE HIGH STREET, LONDON, W1U 4QP | (Pages 5 - 62) |
| 2. ALEXANDER HOUSE, 85 FRAMPTON STREET, LONDON, NW8 8NQ | (Pages 63 - 78) |
| 3. 40 - 44 BARK PLACE, LONDON, W2 4AT | (Pages 79 - 102) |
| 4. 10 MELINA PLACE, LONDON, NW8 9SA | (Pages 103 - 114) |
| 5. 32A ST GEORGE STREET, LONDON, W1S 2FJ | (Pages 115 - 130) |
| 6. 35 MARYLEBONE HIGH STREET, LONDON, W1U 4PU | (Pages 131 - 148) |

Stuart Love
Chief Executive
12 March 2018

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CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 20th March 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	<p>RN(s): Site 1 17/09778/FULL 17/09779/LBC Site 2 17/09781/FULL Site 3 17/09780/FULL</p> <p>Marylebone High Street</p>	<p>Site 1 142 - 146 Harley Street and 32-34 Park Crescent Mews West London W1G 7LE</p> <p>Site 2 88-92 Marylebone High Street London W1U 4QW</p> <p>Site 3 83A Marylebone High Street London W1U 4QP</p>	<p>Site 1 Use of the ground and first floor of 32-34 Park Crescent Mews as medical (Class D1). Alterations including excavation at lower ground floor level, partial infilling of rear light wells, erection of new rear extensions at first floor levels to provide plant rooms and enlargement of existing lift, all in order to provide additional medical (Class D1) floorspace at 142-146 Harley Street. Removal of the front steps of 142 and 146 Harley Street and the installation of a new 'sesame lifts' to both buildings. Installation of new plant within existing vaults and at roof level and installation of a new sub-station at ground floor level of 32 Park Crescent Mews West. Internal alterations. (Part of a land use package with 83A Marylebone High Street and 89-92 Marylebone High Street).</p> <p>Site 2 Erection of a single storey mansard roof extension and reconfiguration of existing units to create two additional residential units (Class C3), creation of three new terraces, one at rear third floor level and two to the rear of the new fourth floor (Part of a land use package with 142-146 Harley Street and 32-34 Park Crescent Mews West).</p> <p>Site 3 Erection of roof extension to create new fourth floor level to enlarge existing second and third floor flat (Class C3) (Part of a land use package with 142-146 Harley Street and 32-34 Park Crescent Mews West).</p>	
<p>Recommendation</p> <p>Site 1:</p> <ol style="list-style-type: none"> 1. Grant conditional permission subject to a S106 legal agreement to secure: <ol style="list-style-type: none"> a) The medical (Class D1) use hereby approved shall not be occupied until the works to construct the fourth floor of 83a Marylebone High Street for residential purposes for use in connection with the existing second and third floor maisonette and to construct the mansard roof extension and alter the existing third floor to create two additional residential units at 90-92 Marylebone High Street have all been completed in accordance with the planning permissions refs: 17/09780/FULL and 17/09781/FULL and the dwellings / residential floorspace are ready for occupation; b) A financial contribution of £62,000 towards the City Council's affordable housing fund (index linked and payable prior to commencement of development); and c) Costs of monitoring the S106 agreement. 2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then: <ol style="list-style-type: none"> a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the 				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 20th March 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Grant conditional listed building consent.

1. Agree reasons for granting listed building consent as set out in informative 1 of the draft decision notice.

Site 2:
Grant conditional permission.

Site 3:
Grant conditional permission.

Item No	References	Site Address	Proposal	Resolution
2.	RN(s): 17/09459/FULL Church Street	Alexander House 85 Frampton Street London NW8 8NQ	Erection of a roof extension at 5th floor level to create a self contained 3-Bed unit (Class C3).	

Recommendation
Refuse permission - design and highways.

Item No	References	Site Address	Proposal	Resolution
3.	RN(s): 17/10600/FULL 17/10959/ADV Lancaster Gate	40 - 44 Bark Place London W2 4AT	1. Erection of glass enclosure lobby under existing canopy, render brickwork to front and side elevations and re-plant beds up to pavement edge. 2. Display of two non illuminated signs measuring 2.80m x 1.5m and 1.20m x 0.90m to the front elevation. (Addendum report)	

Recommendation
1. Grant conditional permission.
2. Grant conditional advertisement consent.

Item No	References	Site Address	Proposal	Resolution
4.	RN(s): 17/10522/FULL Regent's Park	10 Melina Place London NW8 9SA	Erection of second floor extension to north wing and use of adjacent roof as a terrace, with associated railing and party wall build up.	

Recommendation
Grant conditional permission.

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 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
5.	RN(s): 18/00050/FULL West End	32A St George Street London W1S 2FJ	Use of basement, ground, first and second floors as either / or retail (Class A1), financial and professional service (Class A2) and / or office (Class B1).	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
6.	RN(s): 17/11071/FULL Marylebone High Street	35 Marylebone High Street London W1U 4PU	Variation of condition 1 and 18 of planning permission dated 13 June 2017 (RN: 15/11114/FULL) for the Variation of Condition 1 of planning permission dated 21 August 2015 (RN: 14/10596) for a previous variation to condition to allow for amendments to the original planning permission; namely external alterations including; provision of emergency access steps and railings, introduction of bronze street lamp fittings over public highway, introduction of bronze coloured window frames, introduction of roller-shutter to car park entrance and introduction of glass balustrade to windows. NAMELY, to amend the approved drawing numbers to allow increase of flue heights, addition of heat dissipation fan, roof plant enclosure lighting, and addition of aerials.	
	Recommendation 1. Grant conditional permission, subject to a deed of variation to the original S106 legal agreement. 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 authorized 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 authorized to determine the application and agree appropriate reasons for refusal under Delegated Powers. if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.			

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 March 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	Site 1: 142 - 146 Harley Street and 32-34 Park Crescent Mews West, London, W1G 7LE Site 2: 89-92 Marylebone High Street, London, W1U 4QW Site 3: 83A Marylebone High Street, London, W1U 4QP		
Proposal	<ol style="list-style-type: none"> 1. Use of the ground and first floor of 32-34 Park Crescent Mews as medical (Class D1). Alterations including excavation at lower ground floor level, partial infilling of rear light wells, erection of new rear extensions at first floor levels to provide plant rooms and enlargement of existing lift, all in order to provide additional medical (Class D1) floorspace at 142-146 Harley Street. Removal of the front steps of 142 and 146 Harley Street and the installation of a new 'sesame lifts' to both buildings. Installation of new plant within existing vaults and at roof level and installation of a new sub-station at ground floor level of 32 Park Crescent Mews West. Internal alterations. (Part of a land use package with 83A Marylebone High Street and 89-92 Marylebone High Street). 2. Erection of a single storey mansard roof extension and reconfiguration of existing units to create two additional residential units (Class C3), creation of three new terraces, one at rear third floor level and two to the rear of the new fourth floor (Part of a land use package with 142-146 Harley Street and 32-34 Park Crescent Mews West). 3. Erection of roof extension to create new fourth floor level to enlarge existing second and third floor flat (Class C3) (Part of a land use package with 142-146 Harley Street and 32-34 Park Crescent Mews West). 		
Agent	Howard de Walden Management Ltd		
On behalf of	Howard de Walden Management Ltd		
Registered Number	Site 1: 17/09778/FULL & 17/09779/LBC Site 2: 17/09780/FULL Site 3: 17/09781/FULL	Date amended/ completed	13 November 2017
Date Application	3 November 2017		

Received			
Historic Building Grade	Site 1: Grade II Site 2: Unlisted Site 3: Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Site 1:

1. Grant conditional permission subject to a S106 legal agreement to secure:
 - a) The medical (Class D1) use hereby approved shall not be occupied until the works to construct the fourth floor of 83a Marylebone High Street for residential purposes for use in connection with the existing second and third floor maisonette and to construct the mansard roof extension and alter the existing third floor to create two additional residential units at 90-92 Marylebone High Street have all been completed in accordance with the planning permissions refs: 17/09780/FULL and 17/09781/FULL and the dwellings / residential floorspace are ready for occupation;
 - b) A financial contribution of £62,000 towards the City Council's affordable housing fund (index linked and payable prior to commencement of development); and
 - c) Costs of monitoring the S106 agreement.
2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:
 - a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. Grant conditional listed building consent.
4. Agree reasons for granting listed building consent as set out in informative 1 of the draft decision notice.

Site 2:

Grant conditional permission.

Site 3:

Grant conditional permission.

2. SUMMARY

These proposals involve three different sites in a land use package. 142 - 146 Harley Street and 32-34 Park Crescent Mews West (Site 1) consists of basement, ground and four upper levels with a two storey mews building to the rear and are located within the Harley Street Special Policy Area, the Harley Street Conservation Area and the Central Activities Zone.

Permission is sought to provide infill extensions and utilise three existing residential units within the mews buildings to the rear as medical accommodation. Replacement residential floorspace as a result of this proposal will be re-provided at Site 2 and 3.

Site 2 relates to 89-92 Marylebone High Street, which is located on the west side of Marylebone High Street. Permission is sought for a mansard roof extension and reconfiguration of existing units to create two additional residential units (Class C3)

Site 3 relates to 83a Marylebone High Street, which is located on the west side of Marylebone High Street. Permission is sought for a single storey roof extension to provide additional residential floorspace to the existing second and third floor flat.

The key issues are:

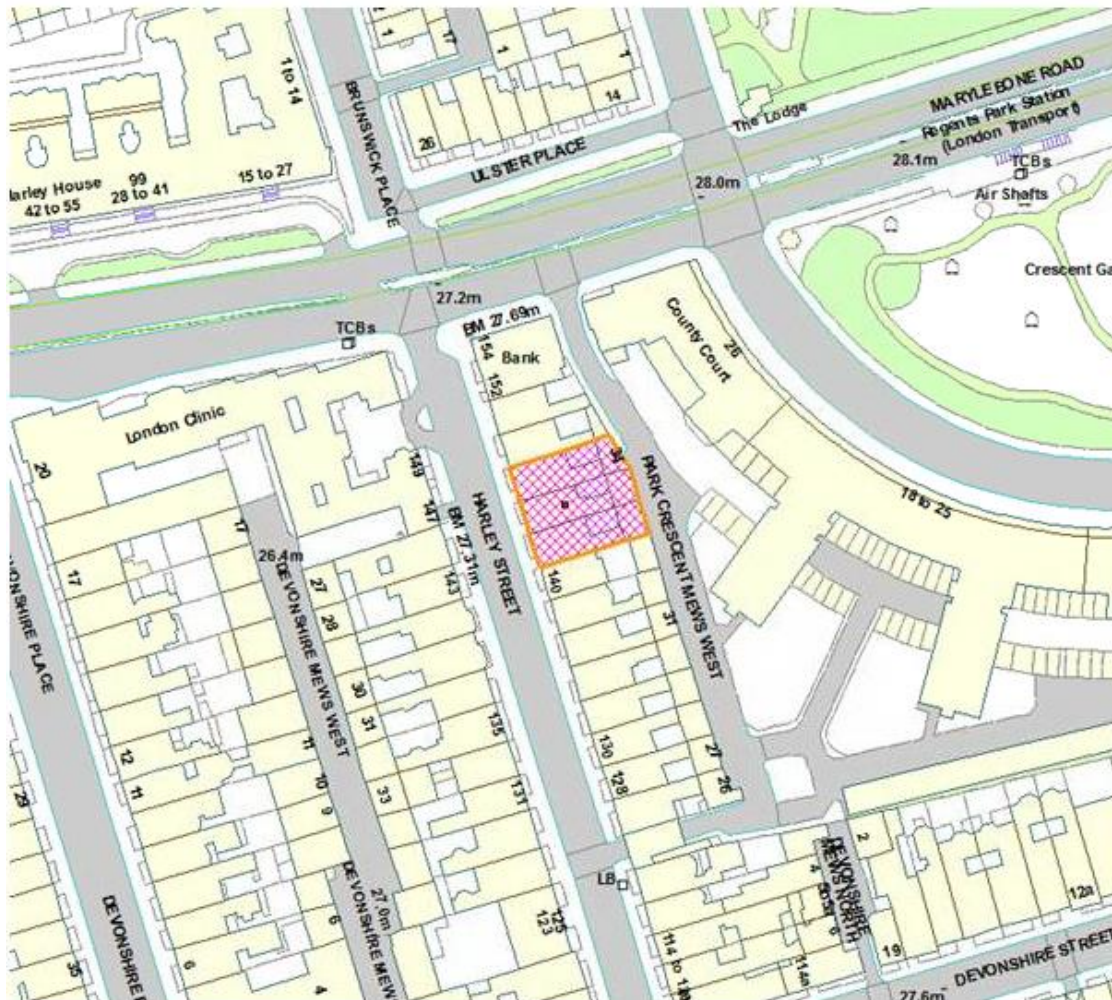
- The loss of 35.5 sqm GIA of residential floorspace and the loss of one residential unit.
- The impact of the proposed alterations and extensions to all three sites on the character and appearance of the conservation area
- The amenity impact of the proposed extensions at Sites 2 and 3 on surrounding sensitive properties.
- The impact of the works at Site 1 on the special interest of these listed building.

When the three sites are assessed as a land use package, the proposal would result in an increase of 304.8 sqm GIA of medical floor space within the Harley Street Special Policy Area (HSSPA) and a reduction of 35.5 sqm GIA of residential floorspace. There would be a reduction of one residential unit but an increase of two family sized units.

There has been an objection to the proposals at Site 2 on both amenity and design grounds but as detail in the main report, all of the proposals are now considered acceptable in land use, design, highways and amenity terms for the reasons set out in the main report and are recommended for conditional approval.

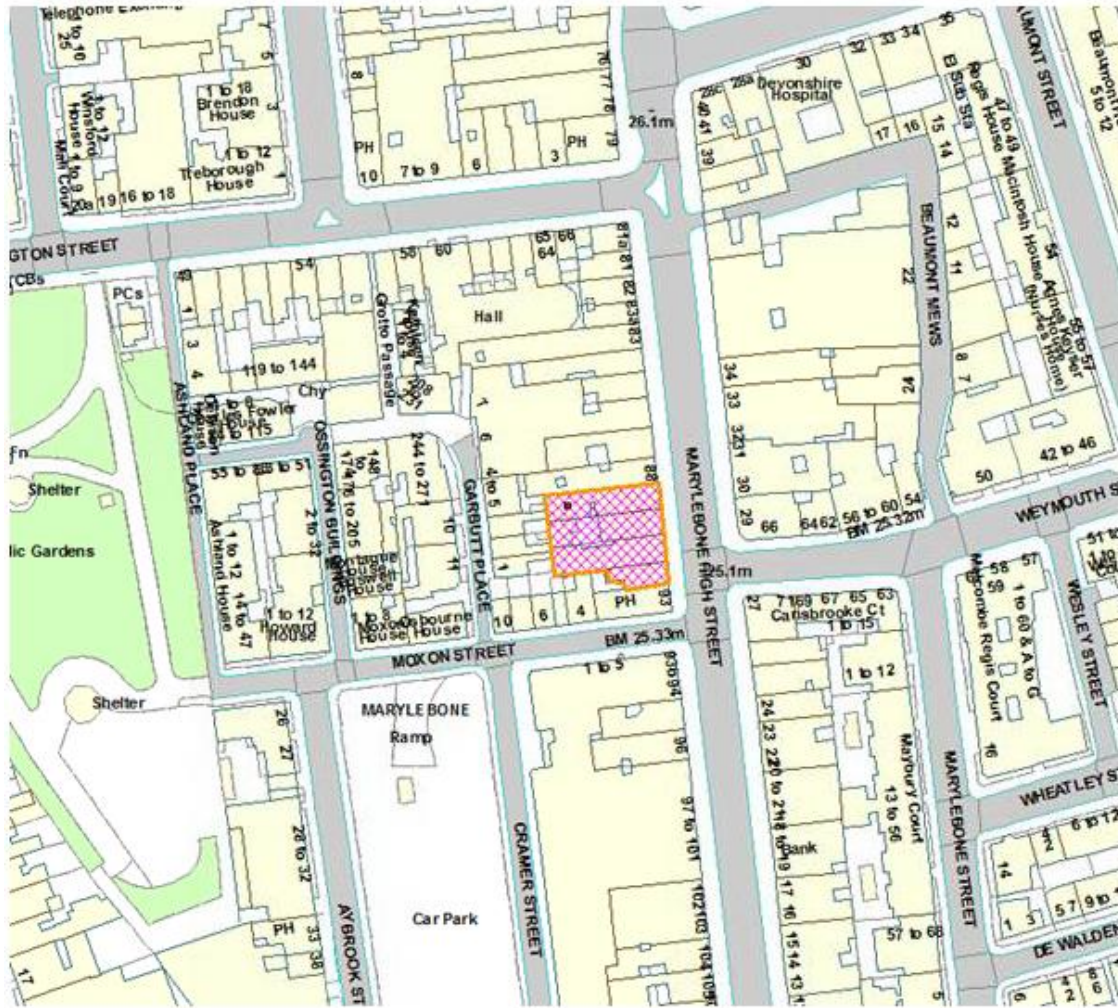
3. LOCATION PLANS

SITE 1



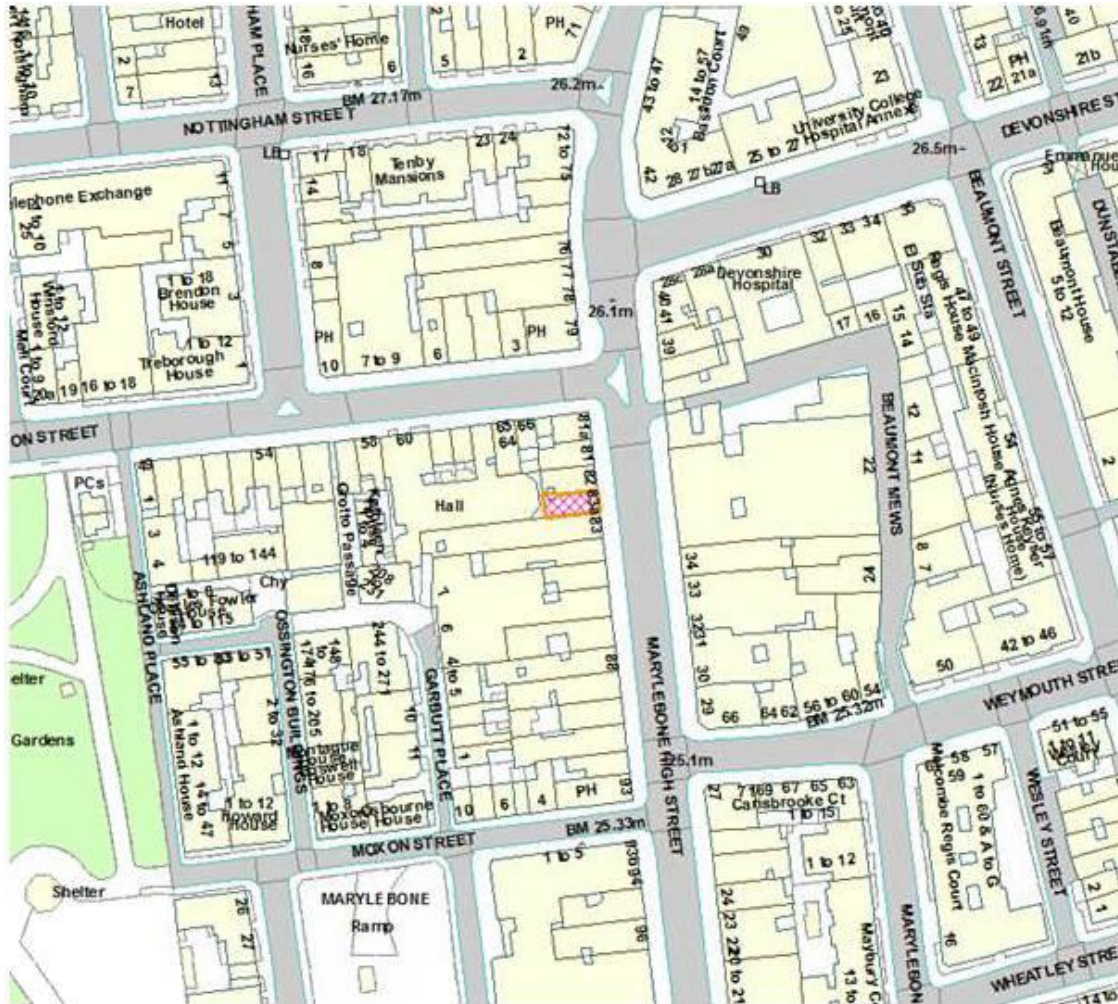
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SITE 2



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4. PHOTOGRAPHS

SITE 1

Harley Street elevation



Park Crescent Mews elevation



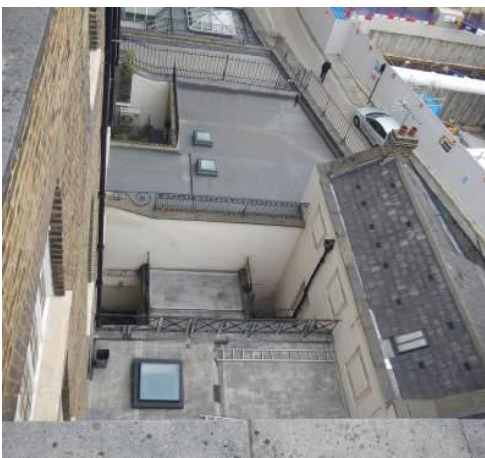
View of link building to rear of 142 Harley Street



View of link building to rear of 144 Harley Street



View of link building to rear of 146 Harley Street



SITE 2
Front elevation



Rear Elevations



SITE 3



5. CONSULTATIONS

Site 1

HISTORIC ENGLAND

Authorisation given for the City Council to determine the application.

MARYLEBONE ASSOCIATION

No objection

ENVIRONMENTAL HEALTH

No objection

HIGHWAYS PLANNING

No objection

CLEANSING

No objection

TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

THE VICTORIAN SOCIETY

Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY

Object:

- Impact on historic fabric due to lowering basement floor, rear extension and lift and wall openings

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

THE GEORGIAN GROUP

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 12

Total No. of replies: 0

Site 2

MARYLEBONE ASSOCIATION:

No objection.

HIGHWAYS PLANNING MANAGER:

Objection on the following grounds:

- Lack of parking for new residential units

CLEANSING

No objection

ADJOINING OWNERS / OCCUPIERS

No. of original consultees: 61

No. Consulted: 1 objection on the following grounds:

- Loss of light
- Construction impact (traffic, noise and road access)
- Height

SITE & PRESS NOTICE

Yes.

Site 3

MARYLEBONE ASSOCIATION:

No objection to principle however, modification should be made to ensure compliance with space standards (overcome by amendments to the proposal).

HIGHWAYS PLANNING MANAGER:

Objection on the following grounds:

- Lack of parking for new residential unit (No longer applicable)

CLEANSING

No objection

ADJOINING OWNERS / OCCUPIERS

No. of original consultees: 16

No. Consulted: 0

SITE & PRESS NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

Site 1

The application site comprises 142 - 146 Harley Street (grade II listed) and 32-34 Park Crescent Mews West which are unlisted building of merit. The site is located in the Harley Street Conservation Area, the Harley Street Special Policy Area (HSSPA) and the Central Activities Zone (but outside of the Core Central Activities Zone)

142-146 Harley Street was last in medical use (Class D1) at basement level (including basement of No. 32-34 Park Crescent Mews West) and on ground to second floors. The third and fourth floors were in use as four residential units (Class C3). However, permission was granted for the use of these floors as medical (Class D1) on 19

December 2017 as part of a separate land use swap and therefore the change of use of these floors does not form part of this application.

32-34 Park Crescent Mews West are three two-storey Mews properties located on the west side of Park Crescent Mews. The buildings were last in use as residential floorspace (Class C3) at part ground and first floor levels and the ground floor garages were leased on a commercial basis; however, no evidence was provided to demonstrate that these garages had been used in this way for a continuous period of 10 years therefore the lawful position is considered to be residential in line with the 1975 permission detailed in section 6.2 below. These buildings are located to the rear of 142-146 Harley Street and, as indicated above, the basement is functionally linked to the Harley Street buildings.

The immediate area is characterised by both residential and commercial uses.

Site 2

89-92 Marylebone High Street are a group of unlisted terraced buildings of merit located on the western side of Marylebone High Street. The site is located within the Harley Street Conservation Area and the Central Activities Zone (but outside of the Core Central Activities Zone).

The existing buildings comprise of basement and ground retail (Class A1) and restaurant (Class A3) uses and first to third floors are in use as eight residential units (Class C3). It should be noted that the basement and ground floors do not form part of the application.

The immediate area is predominantly in retail use at street level with a small number of restaurants, financial and professional services and public house uses. The upper floors are residential and commercial uses.

Site 3

83a Marylebone High Street is a four storey plus basement unlisted building of merit located on the western side of Marylebone High Street. The site is located within the Harley Street Conservation Area and the Central Activities Zone (but outside of the Core Central Activities Zone).

The of basement and ground is a shop (Class A1) and the first to third floors are in use as two residential units (Class C3). It should be noted that the basement and ground floor level do not form part of this application.

The site is surrounded by a range of uses; predominately retail, restaurants and residential uses.

6.2 Recent Relevant History

Site 1

The last permitted use of ground floor of Nos. 32-34 Park Crescent Mews is as garages providing residential parking in association with three residential units on the upper floors, pursuant to a permission dated 06 March 1975. Condition 7 of this permission stated that these garages shall not be used for any other purposes other than incidental

to the enjoyment of a dwelling house or flat. The use of these garages for residential parking is not protected.

Permission was granted on the 19 December for the use of third and fourth floors as medical use (Class D1). This permission formed part of a land use swap with Stone House, 9-11 Weymouth Street.

Site 2

No relevant history.

Site 3

Permission was granted on the 05 June 2001 for the use of the first, second and third floor as two residential units.

7. THE PROPOSAL

When taken as a land use package, the following table summarises the land use implications of the development proposal:

		Medical GIA	Residential GIA	Residential Units		
				1-bed	2-bed	3-bed
142 - 146 Harley Street and 32-34 Park Crescent Mews West*	Existing	1503.4	220.7	3	0	0
	Proposed	1808.2	0	0	0	0
	+/-	+304.8	-220.7	-3	0	0
89-92 Marylebone High Street	Existing	0	676.3	2	3	3
	Proposed	0	825	3	3	4
	+/-	0	+148.7	+1	0	+1
83A Marylebone High Street	Existing	0	152.5	2	0	0
	Proposed	0	189	1	0	1
	+/-	0	+ 36.5	-1	0	+1
Combined	Existing	1,503.4	1,049.5	7	3	3
	Proposed	1,808.2	1,014	4	3	5
	+/-	+304.8	-35.5	-3	0	+2

*The area of the existing third and fourth floor of 142-146 are not included in these figures, as they have been the subject to a separate application.

The main points to take from the above table are that, across the three sites, the proposal would result in a net increase of 304.8 sqm of medical floor space within the Harley Street Special Policy Area, a net loss of 35.5 sqm of residential floorspace and one residential units elsewhere within Marylebone and Fitzrovia, and an increase in two family-sized residential units (i.e. containing three or more bedrooms).

Site 1

Externally, the proposed scheme involves:

- partially infilling of the light wells,
- erection of new rear extensions at first floor levels to provide plant room;
- enlargement of existing lift at 146 Harley Street;
- removal of the front steps of 142 and 146 Harley Street to enable the installation of a new 'sesame lift' at both buildings; and
- the installation of new plant within a recessed plant enclosure at roof level.

The total increase in area as a result of the proposal is 84.1 sqm GIA.

Internally, alterations are proposed at all levels including:

- the installation of new services and associated risers, replacement of internal lifts within 144 and 146 Harley Street;
- retention of openings at basement and first, second and third floor levels;
- the installation of a new substation at basement and ground floor level within 32 Park Crescent West;
- Installation of new plant within the pavement vaults of number 142-146 Harley Street and the basement and ground floors of 132-134 Park Crescent Mews West; and
- excavation and lowering of concrete slab under 132-134 Park Crescent Mews West and the link building.

It is also proposed to change the use of the three 1-bedroom mews houses which total 220.7 sqm GIA to medical floorspace (Class D1) so that the entire site would become a single medical facility.

As a result of the proposed extensions and the change of use, the total uplift of medical floorspace as a result of the proposal would total 304.8 sqm.

Site 2

The proposed development involves the erection of a single storey mansard roof extension at 89-92 Marylebone High Street to reconfigure the existing units and to create a new 3- bedroom flat and increase the size of an existing 1-bed flat to provide a 2-bed unit.

The proposed mansard roof extension across all of the buildings is to be of a traditional design with a slate mansard roof and dormer windows to the front and rear elevations of the building and the existing party walls and chimneys are to be raised.

It is proposed to create three rear terraces at fourth floor level and the existing balustrade surrounding the existing terrace at 3rd floor of 89 Marylebone High Street is to be replaced.

It is also proposed to install replacement windows to both the front and rear elevations which will be painted timber double glazed sash window to match existing and it is proposed to install conservation style roof lights at the new 4th floor level of the site.

The total increase of residential floor space as a result of the proposal is 148.7 sqm.

Site 3

The proposed development at 83a Marylebone High Street involves the erection of a single storey roof extension to create a new fourth floor to enlarge the existing second and third floor flat.

The proposed roof extension is to be an additional sheer storey of brickwork to the front elevation with stone cornice above. The rear elevation is to be a double hipped traditional slate mansard roof at a 30 degree pitch with a mansard knee.

The existing rear chimney stack is proposed to be raised 1000mm above the new rear dormer window. The window proposed to the front elevation of the building will be a painted timber double glazed sash window to match existing and there will be conservation style roof lights proposed to one side of the main roof section.

The total increase of residential floor space as a result of the proposal is 36.5 sqm GIA.

During the course of the application, the proposal has been modified to extend the existing flat on the upper floors rather than create an additional unit to ensure compliance with the space standards identified in the London Plan. This responds to the Marylebone Association's recommendation.

8. DETAILED CONSIDERATIONS

8.1 Land Use

City Plan Policy S14 states that all residential units, floorspace and land will be protected.

City Plan Policy CM47.1 allows the swapping of uses between sites and for land use packages in order to maximise the potential of individual sites within the commercial areas of Westminster's Central Activities Zone. The policy outlines how a land use swap will be appropriate provided that:

1. the sites are in the vicinity of each other;
2. the mixed use character of the immediate area is secured;
3. there is no net loss of floorspace which is protected by other policies in the plan across the sites taken as a whole;
4. the uses are appropriate and there is no loss of amenity;
5. any residential accommodation is of a higher quality, and
6. the applications are submitted at the same time and all elements are completed within a time frame agreed by the Council.

As the sites are all located within the CAZ and are within close proximity to each other, it is appropriate to assess the three sites as a land use package (i.e. treat them as if they are a single development proposal).

Policy CM2.1 of the City Plan encourages new medical use and complementary facilities within the Harley Street SPA and requires all development in this area to support and enhance the SPA's role as an international centre of medical excellence. City Plan

Policies S34 and UDP Policy SOC 1 both encourage new social and community facilities throughout Westminster.

The proposed increase of 304.8 sq.m (GIA) of medical floorspace within the Harley Street SPA in the form of a large facility is a significant benefit of the scheme and will enhance the role of the SPA as an international centre of medical excellence.

The applicant has attempted to off-set the loss of the residential units and residential floorspace at Site 1 through the provisions of a roof extension to Site 2 to create two additional flats and a roof extension at Site 3 in order to enlarge an existing residential unit and thereby create a family-sized unit. The initial proposal at Site 3 was to create a new residential unit but, because of its small size, would not have met minimum space standards and so the application was amended so that it extended an existing flat.

Despite the applicant's efforts, the package would result in the loss of 35.5 sq.m of residential floorspace and the loss of one residential unit. This is contrary to City Plan Policy S14 and City Plan Policy CM47.1 (Part 3). There are, however, mitigating factors that are considered to outweigh this policy conflict. These are in addition to the benefit of the additional medical floorspace being proposed within the Harley Street SPA.

The replacement residential accommodation proposed at Site 2 and 3 is considered to be superior in quality to the existing residential units at Site 1 due to their dual aspect at all levels and the provision of private amenity space within the two new units.

The applicant has cited the recent permission approved in 2017 at Stone House, 9 Weymouth Street, Suite B and C, Stone House, 9 Weymouth Street and 85 Marylebone High Street where a surplus of 21 sqm, 9 sqm and 43.7 sqm respectively of residential floorspace is to be provided. Whilst the surplus of residential floor space referred to above does not form part of this application package it is acknowledged that the estate is actively working to increase the amount of residential floor space in the vicinity.

The applicant has also offered to make a payment towards the City Council's Affordable Housing Fund to partly mitigate against the loss of residential floorspace. This has been calculated using the same methodology used where applicants are failing to provide on-site residential provision when proposing an office-led scheme (see City Plan Policy S1). In such situations, a payment can be secured to mitigate against the failure to provide the required proportion of that floorspace as affordable housing. In this case, the payment would be £62,000. Whilst it is accepted that there is no policy basis for such a payment, it would assist in mitigating against the loss of 35.5 sq.m of residential floorspace and one residential unit and therefore can be afforded some weight in the determination of the application.

Whilst the loss of residential floorspace and one residential unit is contrary to policy and would normally be refused, it is considered that the provision of 304.8 sqm GIA of additional medical accommodation within the Harley Street SPA, the improved quality of the replacement residential accommodation, the provision of two additional family sized units and the contribution towards the Council's affordable housing fund, means that an exception to policy is justified in this instance.

If approved, the applicant will be required to enter into a legal agreement to ensure that the residential properties within Site 2 and Site 3 are completed and ready for occupation prior to the commencement of the medical use at Site 1.

8.2 Townscape and Design

Site 1

142-146 is a group of three grade II listed buildings in the Harley Street conservation area. They are largely unaltered externally, with the exception of a lift enclosure at the rear of no. 144. Internally, good rooms survive at ground, first and second floors. There are some existing party wall openings at basement, ground, and second floors.

The Council for British Archaeology has objected to the impact on historic fabric due to lowering the basement floor, the proposed rear extension and the proposed lift and wall openings.

New party wall openings

There are existing party wall openings at ground floor and basement. Further openings are proposed at basement, second and third floor levels. Our adopted policy on listed buildings (Repairs and alterations to listed buildings SPG) specifies that:

'Where they are of special architectural or historic interest, the original plan forms of listed buildings should be preserved, or restored where appropriate, and their integrity should not be compromised. It will not normally be acceptable to make openings in the party wall between historic buildings where this would adversely affect the special architectural or historic interest of the building'.

The originally proposed openings at first and ground floors have been omitted from the application. The remaining party wall openings, including the jib door at second floor are considered acceptable in listed building terms.

Detailed drawings of the jib door will be secured by condition.

First floor plant enclosures

The proposed first floor plant enclosures are all considered acceptable in listed building terms. The enclosures are separated from the main building both in terms of their location, adjacent to the mews, and their materials and design reading as small contemporary additions.

Enlarging of existing lift in no 146

The proposed enlarged lift to replace the existing, along with the associated changes to the layout, is considered to be acceptable. The existing lift already compromise the plan form of the rooms that it passes through. Providing that any cornicing is faithfully copied from the existing, there is no objection to the bed lift.

Alterations to plan form in basement and attic storey

The historic floor plan has not survived in the basement and attic storeys. Changes to the plan form on these two floors are considered to be acceptable. The retention of the rear windows at attic level is welcomed.

Rooftop plant enclosure

The rooftop plant enclosure will involve the loss of a certain amount of historic fabric. However, the ridges will be retained, and the roof covering will remain unaffected. Providing that a louvred cover conceals the well and the plant within (secured by condition), this is considered to be acceptable.

Internal service risers

New service risers are proposed internally, in the rear rooms of all three buildings. While the design of these has moved on from the original proposal (risers disguised as wardrobes are currently proposed) they are still not considered to be acceptable in historic building terms. In order to avoid cornices, they are very large boxes, which will dominate the rooms they are in, and particularly the fireplaces to which they are adjacent they are very large structures. An amending condition is proposed to remove the risers from the consent, and a further condition will require details of an alternative scheme, possibly recessed into the thickness of the party walls.

Changes within mews

The alteration within the mews buildings are modest, and are likely to be acceptable.

Removal of partitions

The removal of modern partitions throughout the building is uncontentious.

Basement lightwell infill.

The infilling of the basement lightwells and replacement with a single large rooflight to each of the buildings is considered to be acceptable in principle. Details of the rooflights should be secured by condition.

Sesame Lift

The proposed sesame lifts are acceptable.

Excavation at basement level

The proposed lowering of the basement slab is considered acceptable in listed building terms.

The proposed amount of excavation is not excessive. The floor to ceiling height will be acceptable; the increase will not adversely affect the character of the basement.

The proposed area for excavation is not significant historic fabric. Excavation in basements, particularly beneath vaults is not an unusual proposal, and has very frequently been consented in other projects.

Site 2

89 and 90-92 Marylebone High Street are four unlisted buildings in the Harley Street Conservation Area. They are identified in the conservation area audit as buildings which are unsuitable for roof extension, and as unlisted buildings of merit.

Despite the findings of the conservation area audit, it is considered that the proposed roof extension is acceptable as all of the buildings are addressed in a single development, the roof extensions are traditional in form, and they are designed as individual extensions to each building, rather than a large single lateral form.

The current proposal is for an additional roof storey to each of the buildings. In each case a mansard form is proposed - all of traditional form - flat topped with 70 degree pitch, except for no. 90, which also receives an angled roof over the rear stair.

Nos. 89 and 91 are also provided with roof terraces on top of existing rear wings. The use of glass for the balustrades at the rear of the building is not acceptable. Glass is not a suitable material for use on buildings of otherwise traditional construction and materials. An amending condition will require the use of traditional black painted iron or steel railings.

The windows are a combination of traditional lead clad dormers with sash windows and larger (metal) doors to the roof terraces, again within dormers.

The extensions are separated by party wall upstands, chimney stacks are raised, and conservation rooflights.

The proposed roof extensions are acceptable. They create a consistent roofline with one another, and with the other, already extended buildings on Marylebone High Street. The roof extension will exacerbate the height difference between no 92 and no. 93. However, because of the change in material, and the pitch of the roof storey, this will not read as overbearing.

An objection has been received on the grounds that "the height of the building will further erode the character of Marylebone High Street which should be preserved".

The proposed height of the building remains lower than those facing it across Marylebone High Street and is no higher than the norther portion of the terrace. The proposed roofs are traditional in form and materials and the objection is therefore not supported.

Subject to standard conditions, and a condition requiring approval of details of the sash windows and new doors, the proposal is acceptable in design and conservation terms.

Site 3

83A Marylebone High Street is an unlisted four storey building in the Harley Street Conservation Area. It is identified in the conservation area audit as a building which may be suitable for roof extension, and as an unlisted building of merit.

The current proposal is for a roof extension at fourth floor level. The building has a cornice at roof level, above which a large simple pediment is covered in lead. The roof itself is a butterfly roof, the last remaining in this run of terrace, with a V-shaped parapet at the rear. An existing chimney stack relates to the current roof height.

The proposed new roof form is sheer to the front in brickwork and a mansard to the rear with hipped secondary slope.

The site is indeed a suitable one for a roof extension in townscape terms. The buildings to either side are one storey higher. A single storey roof extension would create a consistent roofline.

The proposed roof form is acceptable, with a minor modification to the rear. The front pediment is raised, which is acceptable. The rear parapet is also proposed to be raised, resulting in the loss of the distinctive V-shaped parapet. The chimney stack is to be raised. A ladder and gantry are to be removed, both of which detract from the appearance of the building.

With an amending condition, requiring the retention of the V-Shaped parapet to the rear (in line with the guidance in our Roofs SPG), the proposal will be acceptable in design terms.

The proposed dormers accord with the roofs SPG. The materials are acceptable - lead clad dormers, conservation roof lights, timber sash windows and natural slate roof.

8.3 Residential Amenity

Site 1

The proposal will have no harmful impact on residential amenity.

Site 2

An objection has been received from an occupant of 2 Strathray House 30 Marylebone High Street which is located on the opposite side of Marylebone High Street on the grounds of loss of daylight and sunlight as a result of the proposal.

Daylight and Sunlight

A daylight and sunlight report was submitted with the application. This report assesses the impact of the development with regard to BRE guidelines for daylight and sunlight to existing sensitive properties.

The daylight and sunlight Assessment submitted to support the application assessed windows within 27, 29, 30, 31, 87, 88, 93, 93b & 94 Marylebone High Street, 88 Marylebone High Street, 1, 2, 3, 4, 5 & 6 Garbutt Place, 1, 3, 4 & 6 to 10 Moxon Street and 66 Weymouth Street.

The Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH) assessment demonstrate that the losses of daylight or sunlight for winter and annual sunlight comply with the BRE guidance and there are no material losses of either daylight or sunlight. As such, the objection on these grounds is not sustainable.

Sense of Enclosure

Policy ENV13 of the UDP states that the City Council will seek to ensure new developments do not result in a 'significant increase in the sense of enclosure'. Given the relationship and distance between Site 2 and the surrounding residential properties, it is considered that the proposal will not materially increase the sense of enclosure felt within neighbouring residential properties.

Privacy

Policies ENV13 of the UDP and S29 of the City Plan seek to protect residential amenity and ensure that new developments do not result in a 'significant increase in overlooking' to neighbouring residential or sensitive buildings.

The proposal would create three new terraces to the rear which overlook commercial premises at the lower level, whilst there are some residential properties further afield along Garbutt Place and along Moxon Street, given the distance to the terraces proposed it considered that there would be no material loss of privacy experienced within neighbouring residential properties.

The proposal introduces new windows to the front and rear of the building. Given the presence of windows at all levels on the lower floors, it is not considered that adjacent properties would experience an increased reduction of privacy as a result of the proposed windows.

Site 3

Daylight and Sunlight

A daylight and sunlight report has been submitted with the application which assesses the impact of the development with regard to BRE guidelines for daylight and sunlight to existing sensitive properties.

The daylight and sunlight Assessment submitted to support the application assessed windows within 60 & 64 to 66 Paddington Street and 35, 81a, 82 & 83 Marylebone High Street.

The Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH) assessment demonstrate that the losses of daylight or sunlight for winter and annual sunlight comply with the BRE guidance, with no material losses of either daylight or sunlight.

Sense of Enclosure

Policy ENV13 of the UDP states that the City Council will seek to ensure new developments do not result in a 'significant increase in the sense of enclosure'. Given the relationship and distance between Site 3 and the surrounding residential properties, it is not considered that the proposal will materially increase the sense of enclosure felt within neighbouring residential properties.

Privacy

Policies ENV13 of the UDP and S29 of the City Plan seek to protect residential amenity and ensure that new developments do not result in a 'significant increase in overlooking' to neighbouring residential or sensitive buildings.

The proposal introduces new windows to the front and rear of the building. Given the presence of windows at all levels on the lower floors, it is not considered that adjacent properties would experience an increased reduction of privacy as a result of the proposed windows.

8.4 Transportation/Parking

Site 1

Trip generation & Car Parking

No car parking is provided for the proposed use. The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. As such, the highways officer has indicated that the impact of the change of use on residential bays parking levels is expected to be minimal due to the hours of restriction.

The applicant has not indicated how many patients are likely to attend the site on an average day or the length of appointments. The proposed use of D1 (medical) is likely to generate more trips spread out through the day than the existing approved use of the site. However, given that the quantity of public transport services and general accessibility of the area it is considered that the level of trips generated is unlikely to have a significant impact on the public highway.

Servicing

No off-street servicing is provided for the proposed development and no information regarding servicing of the proposed site has been submitted. The highways officer has indicated that the proposal is likely to generate approximately 7 trips a day (5-6 supply deliveries and 1-2 refuse collection). The largest regular service vehicle expected to be associated with the proposed development is the refuse collection vehicle. A condition has been imposed requiring a Service Management Plan (SMP) to be agreed prior to occupation to secure a suitable arrangement. An additional condition has also been imposed to ensure no goods are left on the highway during the servicing process.

Cycle Parking

Cycle parking provision is indicated on the submitted plan but no specific details are provided and no comments are made regarding the provision. The London Plan (2016) requires one space per five staff members. No staffing numbers have been provided. In line with the highways officer recommendation, a condition has been imposed to secure cycle parking based on staff numbers.

Sites 2 and 3

Parking

The Highways Planning Manager has objected to the application on the grounds that no off-street parking would be provided in association with the proposed flats..

Whilst the parking stress within the vicinity of Site 2 is 91% during the day (i.e. well above the 80% on-street car park occupancy threshold set out within UDP Policy TRANS 23), the benefits of providing two residential flats are considered to outweigh the potential impact upon on-street car parking stress given the site's excellent public transport accessibility levels. This is subject to securing lifetime (25 year) car club membership for the occupants of the two additional flats at Site 2 by condition.

Cycle Parking

The Highways Planning Manager has requested a condition require the provision of three cycle spaces in association with the new flat in accordance with the London Plan.

Due to the ground floor being occupied by retail units it is not possible to provide secure bicycle parking at the ground floor of the site. Existing stairs and corridors are narrow and it would be impractical to carry bicycles up to the 4th floor as such, it is considered that it would be unreasonable to secure these spaces by condition..

8.5 Economic Considerations

Any economic benefits generated by the developments are welcome.

8.6 Access

Site 1

Level access will be provided to the facility from Harley Street via two sesame lifts at both 142 and 146 Harley Street. Call points will be added to the railings in order to notify reception staff that the use of this facility is required.

The replacement passenger lift at 144 Harley Street will also provide level access to basement, ground & third floor. Additionally, level access is also gained to the stair landings between ground & first floor and first & second floors. The new party wall breaches allow this level access to continue through to 142 Harley Street & 146 Harley Street at basement, ground & third floor.

The new enlarged HTM trolley/stretcher lift at 146 Harley Street will provide level access to all 6 levels. The new party wall breaches allow this level access to continue through to 142 Harley Street & 144 Harley Street at all levels bar the first floor.

The designated fire escape routes would be via 142 Harley Street (mattress evacuation) and/or 146 Harley Street (fire-fighting lift) on all levels with complete party wall breaches; and via 144 Harley Street from the first floor of 144 Harley Street.

Due to the horizontal evacuation strategy, refuge call points will be provided near the stairs of 142 Harley Street & 146 Harley Street at each level.

8.7 Other UDP/Westminster Policy Considerations

Plant

Site 1

Additional plant is proposed within a new rear extension at first floor within a recessed plant enclosure at roof level, within the pavement vaults of number 142-146 Harley Street and the basement and ground floors of 132-134 Park Crescent Mews West. Environmental Health has no objection to the proposal and the plant is likely to comply with the City Council's standard noise conditions

Site 2 & 3

These proposals do not include any additional mechanical services.

Refuse /Recycling

Site 1

The application has been revised to include internal waste storage within the front pavement vaults in line with recommendations from the Cleansing Officer. The proposed waste arrangements will be secured by condition.

Site 2

The proposed waste arrangement are not in line with the council recycling and waste storage requirements. As such, a condition to secure details of waste storage is secured by condition in line with the advice of the Cleansing Manager.

Site 3

The proposed waste arrangement are not in line with the council recycling and waste storage requirements however, given that the proposal is an extension to an existing residential unit it would be unreasonable to secure further details by condition.

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

Site 1

The application does not trigger any CIL requirements.

The Howard de Walden Estate has offered to make a financial contribution of £62,000 towards the City Council's affordable housing fund (index linked and payable on commencement of development) to mitigate for the loss of 35.5 sq.m of residential floorspace.

As detailed in Section 122 of The Community Infrastructure Levy Regulation (2010), a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is either necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development.

It is considered that this payment is one of the measures to mitigate against the net loss of residential floorspace.

Site 2

The estimated Westminster CIL payment is £59,480 and estimated Mayoral CIL is £7,435.

Site 3

The application does not trigger any CIL requirements nor planning obligations.

8.11 Environmental Impact Assessment

The proposal is of insufficient scale as to trigger an environmental assessment.

8.12 Other Issues**Basement and Construction Impacts****Site 1**

The application has been assessed against City Plan Policy CM28.1 which deals with basement excavation. As required by this policy, the applicant has provided a structural method statement setting out the construction methodology. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

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

The application was accompanied by a structural report which has been assessed by Building Control who has advised that the proposed structural approach appears satisfactory. The City Council is 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.

An informative is proposed to advise the applicant of the need to obtain a Technical Approval from the City Council's Highways Engineers before beginning excavation works. This will ensure that the structural integrity of the highway will be maintained.

A condition is proposed which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the basement construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupants during the construction process to ensure that residents' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and ensure compliance. A further condition is recommended to control the hours of excavation and building works. Subject to these conditions, it is considered that the potential effects of the construction process will be ameliorated as far as possible.

The extent of the proposed basement depth is compliant with CM28.1.

As the entire site is covered by buildings and impermeable surfaces, and given the nature of the proposed development, it is not considered appropriate to require the incorporation of landscaping proposals or sustainable urban drainage measures.

Site 2

A neighbouring resident has objected due to the potential impacts during construction such as noise, congestion and general disruption. In order to limit disturbance to neighbours, the standard working hours condition is recommended to ensure that building works are only undertaken during the day Monday – Friday, Saturday morning and not at all on Sundays and Bank Holidays. Given the works proposed, it is not considered that any further restrictions would be reasonable.

Site 3

A condition has been recommended to ensure construction takes place with the Council's standard working hours to ensure neighbouring residents are not unduly affected during the construction period.

9. BACKGROUND PAPERS

Site 1

1. Application form
2. Response from the Marylebone Association, dated 15 December 2017
3. Response from the Council for British Archaeology, dated 07 December
4. Responses from Historic England, dated 07 December 2017
5. Response from Highways Plannings, dated 24 November 2017
6. Response from Environmental Health, dated 27 November 2017
7. Responses from Building Control, dated 01 and 13 December 2017
8. Responses from the Cleansing Manager dated 28 November and 28 December 2017

Site 2

1. Application form
2. Response from Marylebone Association, dated 22 December 2017
3. Responses from Highways Planning, dated 22 November 2017
4. Responses from the Cleansing Manager dated 28 November 2017
5. Letter from occupier of 2 Strathray House, 30 Marylebone High Street, dated 5 December 2017

Site 3

1. Application form
2. Response from Marylebone Association, dated 22 December 2017
3. Responses from Highways Planning, dated 22 November 2017
4. Responses from the Cleansing Manager dated 28 November 2017

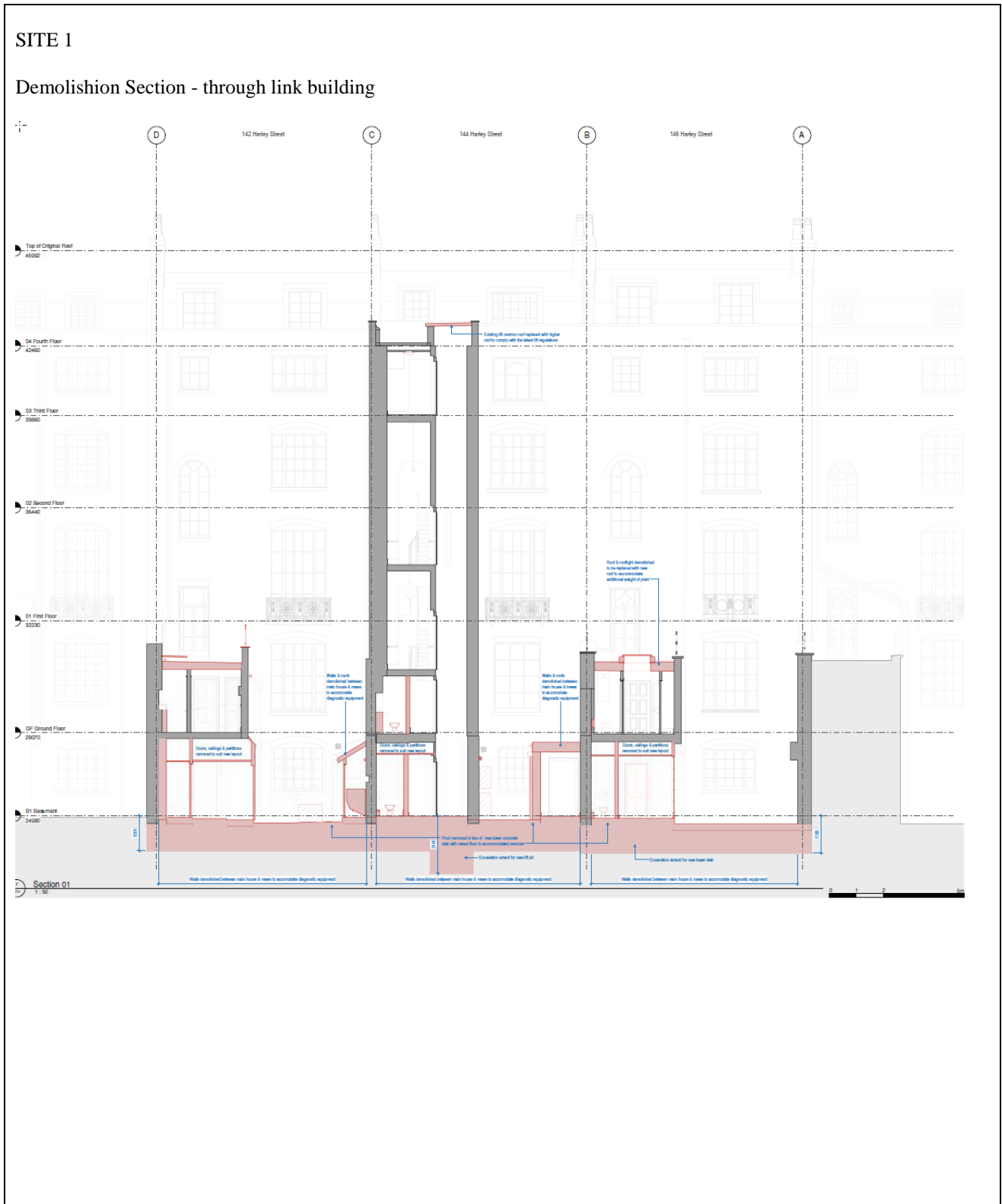
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

Item No.

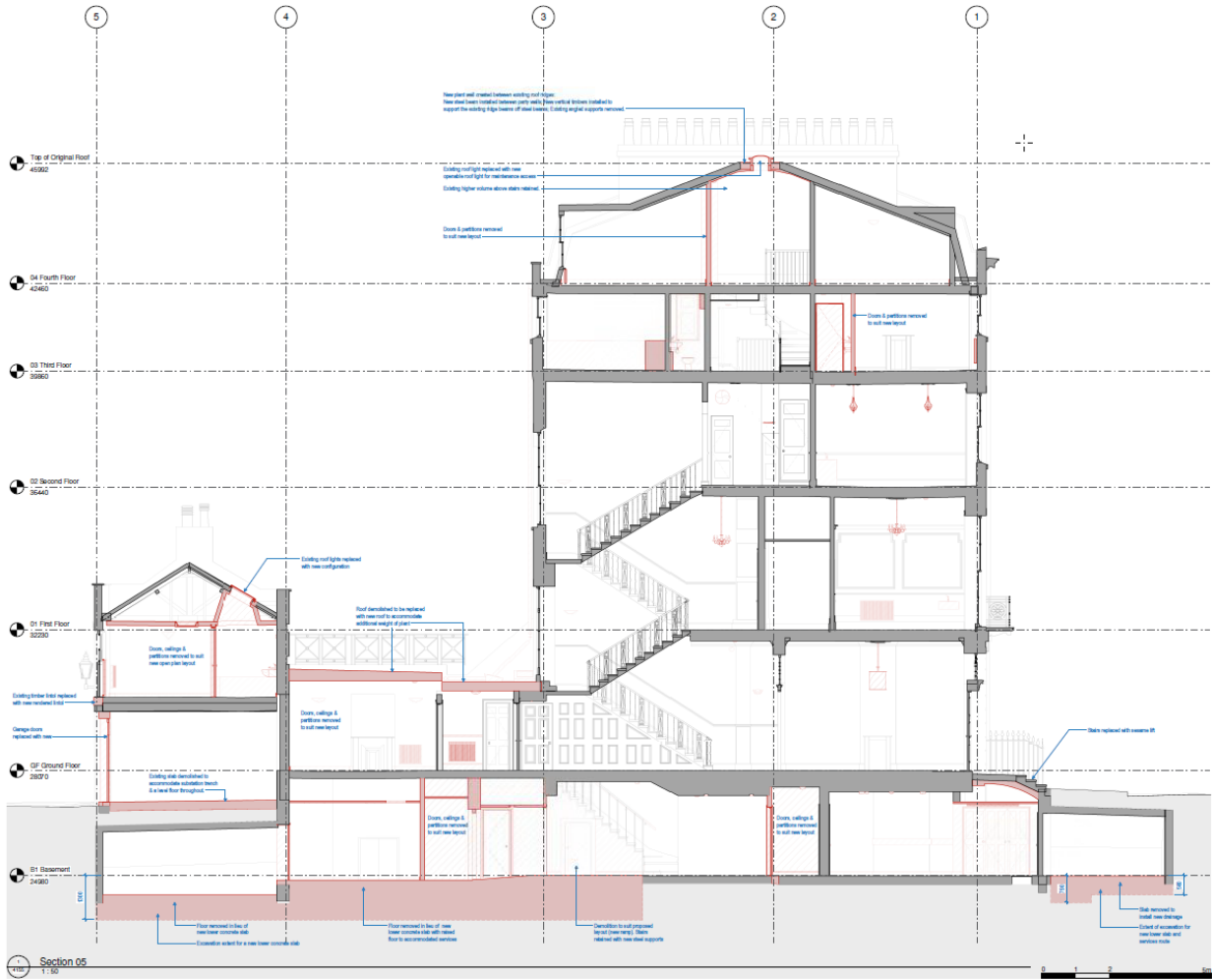
1

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT MHOLLINGTON2@WESTMINSTER.GOV.UK.

10. KEY DRAWINGS



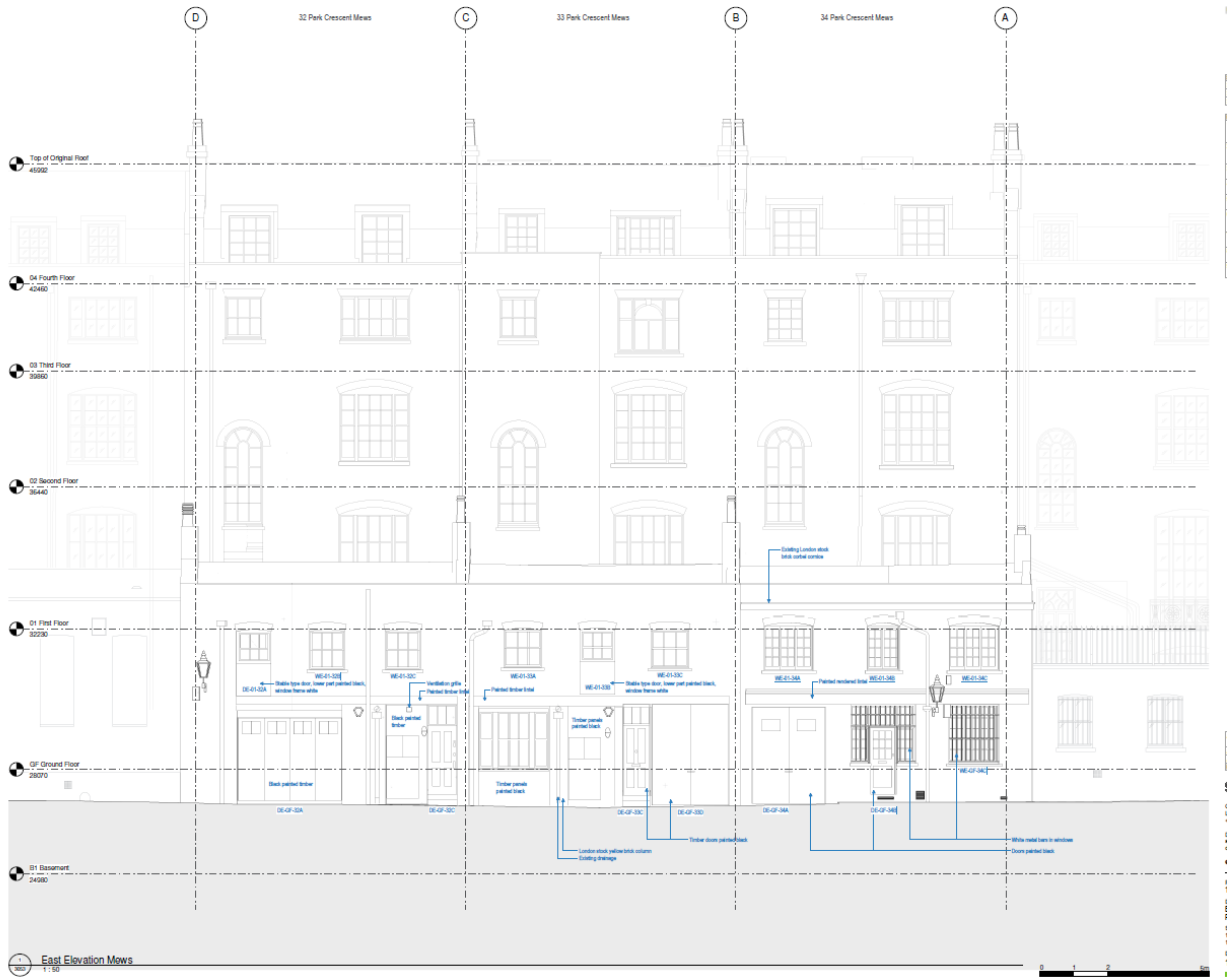
Demolition Section - through both Harley Street and the mews building



Proposed Section - through both Harley Street and the mews building



Existing Rear Elevation



Proposed Rear Elevation



Site 2

Existing Front Elevation



Proposed Front Elevation



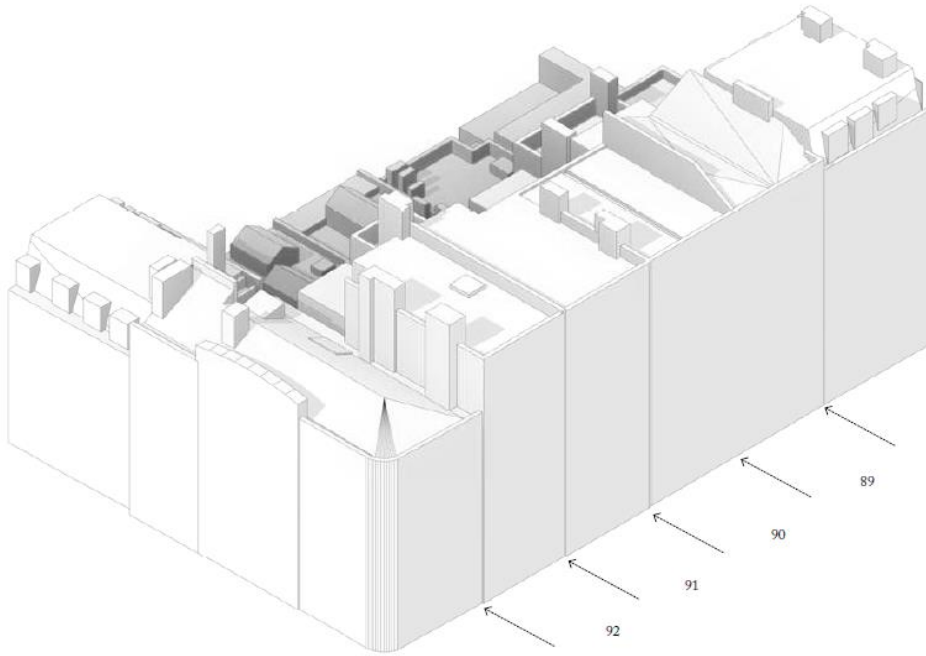
Existing Rear Elevation



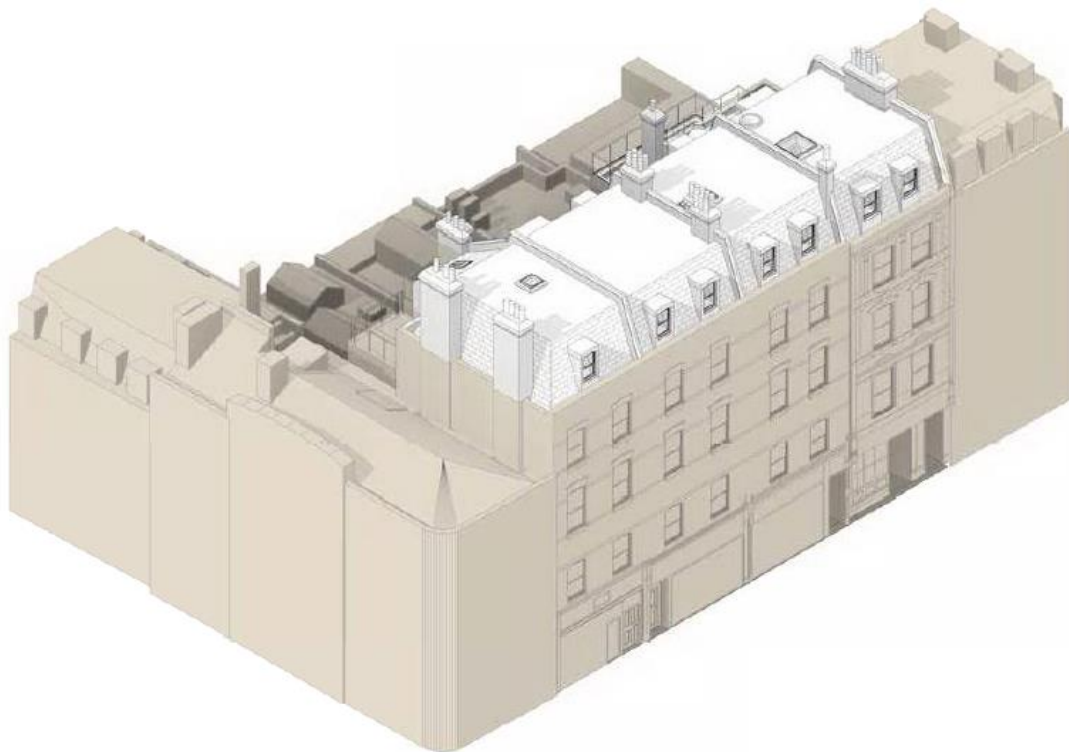
Proposed Rear Elevation



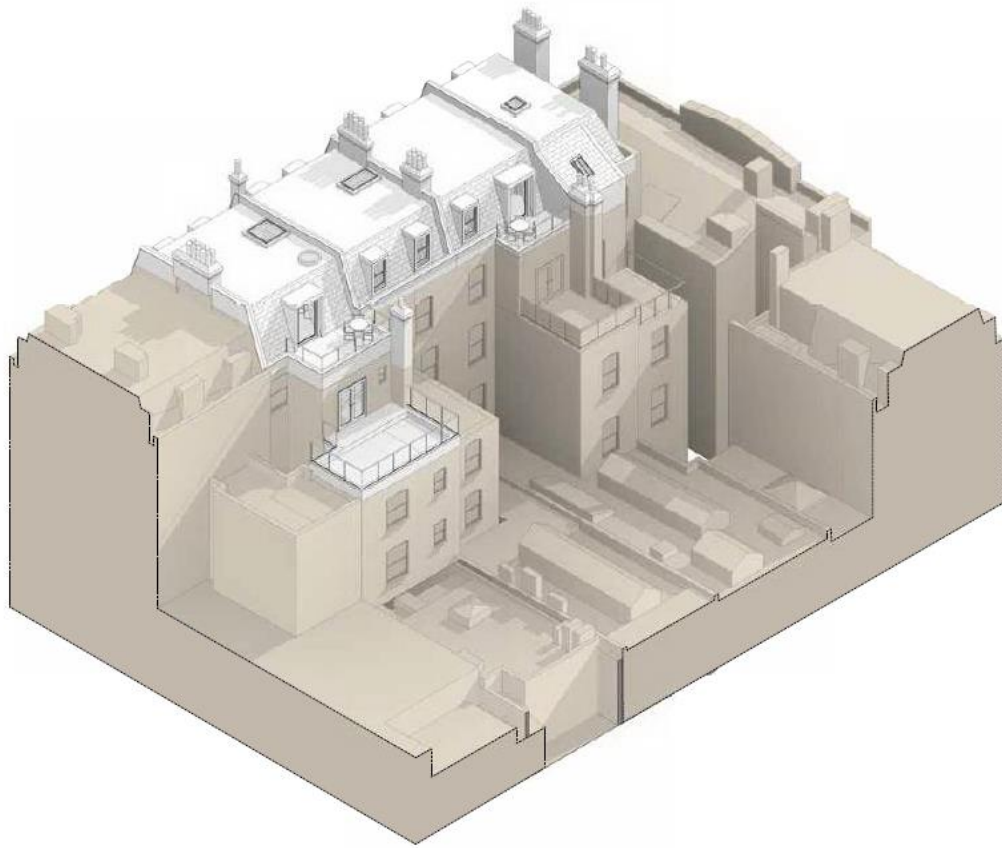
Existing Marylebone High Street Overview



Proposed Marylebone High Street Overview



Proposed Rear Overview



Site 3

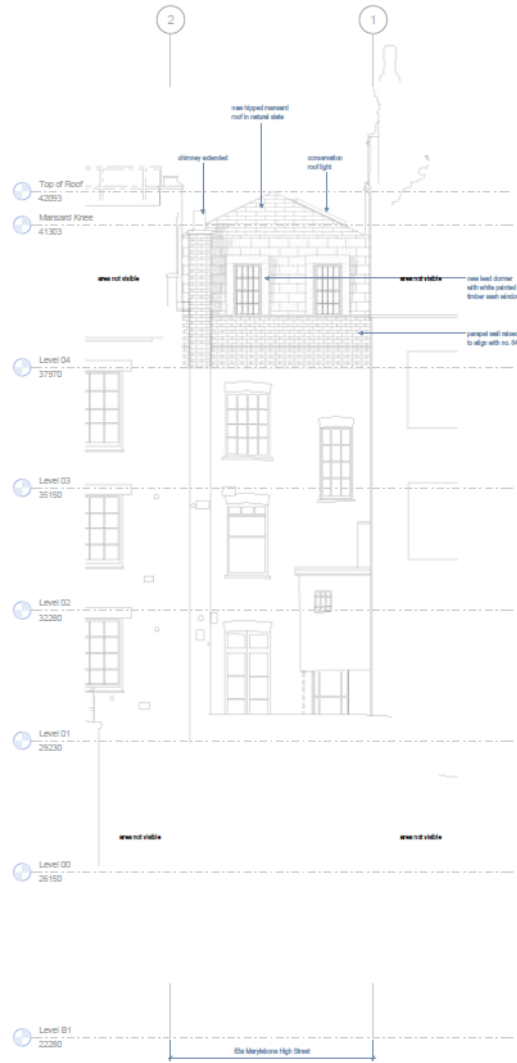
Existing Elevations



Proposed Elevations

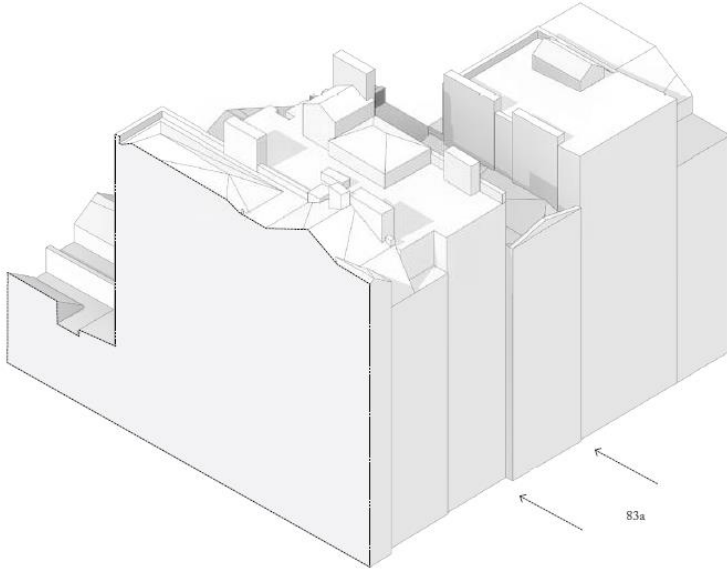


2 South Elevation
1:50

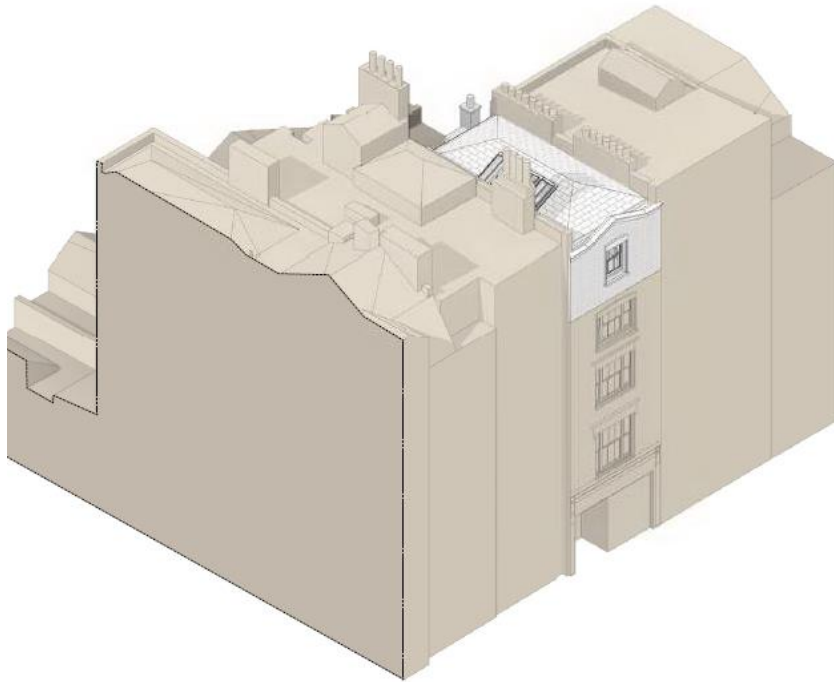


1 North Elevation
1:50

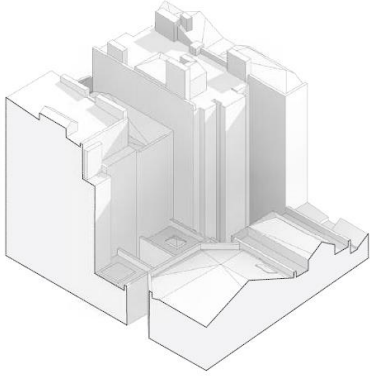
Existing Front Overview



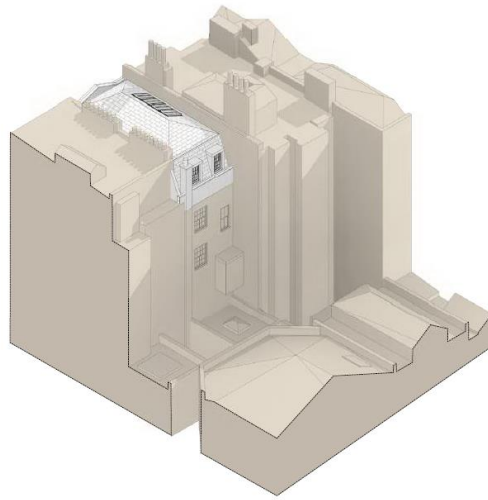
Proposed Front Overview



Proposed Rear Overview



EXISTING MASSING: REAR



PROPOSED MASSING: REAR

DRAFT DECISION LETTER (SITE 1)

Address: 142 - 146 Harley Street, London, W1G 7LE,

Proposal: Use of the ground and first floor of 32-34 Park Crescent Mews as medical (Class D1). Alterations including excavation at lower ground floor level, partial infilling of rear light wells, erection of new rear extensions at first floor levels to provide plant rooms and enlargement of existing lift, all in order to provide additional medical (Class D1) floorspace at 142-146 Harley Street. Removal of the front steps of 142 and 146 Harley Street and the installation of a new 'sesame lifts' to both buildings. Installation of new plant within existing vaults and at roof level and installation of a new sub-station at ground floor level of 32 Park Crescent Mews West. (Part of a land use swap with 83A Marylebone High Street and 89-92 Marylebone High Street).2. Erection of a single storey mansard roof extension and reconfiguration of existing units to create two additional residential units (Class C3), creation of three new terraces, one at rear third floor level and two to the rear of the new fourth floor (Part of a land use swap with 142-146 Harley Street and 32-34 Park Crescent Mews West).

Reference: 17/09778/FULL

Plan Nos: 1654 ST XX ZZ DR A 2131 A9, 1654 ST XX ZZ DR A 2136 A9, 1654 ST XX B1 DR A 2151 A13, 1654 ST XX GF DR A 2152 A13, 1654 ST XX 01 DR A 2153 a13, 1654 ST XX 02 DR A 2154 A13, 1654 ST XX 03 DR A 2155 A13, 1654 ST XX 04 DR A 2156 A9, 1654 ST XX RF DR A 2157 A9, 1654 ST XX ZZ DR A 2181 A9, 1654 ST XX ZZ DR A 2231 A13, 1654 ST XX ZZ DR A 2236 a13, 1654 ST XX ZZ DR A 2246 A13, 1654 ST XX B1 DR A 2251 A13, 1654 ST XX GF DR A 2252 A13, 1654 ST XX 01 DR A 2253 A13, 1654 ST XX 02 DR A 2254 A13, 1654 ST XX 03 DR A 2255 A13, 1654 ST XX 04 DR A 2256 A13, 1654 ST XX RF DR A 2257 A13, 1654 ST XX ZZ DR A 3151 A13, 1654 ST XX ZZ DR A 3152 A13, 1654 ST XX ZZ DR A 3153 A9, 1654 ST XX ZZ DR A 3154 A13, 1654 ST XX ZZ DR A 3155 A13, 1654 ST XX ZZ DR A 3251 A13, 1654 ST XX ZZ DR A 3252 A13, 1654 ST XX ZZ DR A 3253 A9, 1654 ST XX ZZ DR A 3254 a13, 1654 ST XX ZZ DR A 3255 A13, 1654 ST XX ZZ DR A 4151 a13, 1654 ST XX ZZ DR A 4152 A9, 1654 ST XX ZZ DR A 4153 A9, 1654 ST XX ZZ DR A 4154 A9, 1654 ST XX ZZ DR A 4251 A13, 1654 ST XX ZZ DR A 4155 A13, 1654 ST XX ZZ DR A 4252 A10, 1654 ST XX ZZ DR A 4253 A13, 1654 ST XX ZZ DR A 4254 A13, 1654 ST XX ZZ DR A 4255 A13,

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must provide the waste store shown on drawing 1654-ST-XX-ZZ-DR-A-SK64 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the medical use. 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)

- 3 The medical use hereby approved shall only be used in connection with the existing medical use (class D1) at 142 - 146 Harley Street.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets SOC 1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007 and S29 and S34 of the Westminster City Plan (November 2016). (R07AB)

- 4 You must apply to us for approval of details of secure cycle storage for the medical use based on staff numbers. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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

- 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)

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 Prior to the commencement of the medical use hereby approved, you must apply to us for approval of a Servicing Management Plan for the medical use. You must not occupy 32-34 Park Crescent Mews West and the ground floor infill extension or new rear extensions at first floor levels of 146 Harley Street for medical purposes until we have approved what you have sent us.

You must then service the premises in accordance with the approved Servicing Management Plan. (C26CB)

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)

- 7 No goods or waste to be left on the highway following delivery or prior to collection.

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)

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

Reason:

To 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)

- 9 You must apply to us for approval of detail (1:5 and 1:20) of the following parts of the development:
- New rooflights.

You must not start any work on these parts of the development until we have approved what you have

sent us.

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

Reason:

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

- 10 You must install a louvered cover within the front lightwell to conceal the well and the mew plant within 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 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)

- 11 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)

- 12 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 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

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

Reason:

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

- 14 Notwithstanding the details shown on the approved drawing, the use of the third and fourth floors of 142-146 Harley Street as medical accommodation, does not form part of this application

Reason:

To make sure that replacement residential accommodation is provided on an alternative site in line with the terms with the approved planning permission dated 19.12.2017 (RN:17/05226).

Informative(s):

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

- 2 With reference to condition 11, please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.

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 (SITE 1)

Address: 142 - 146 Harley Street And 32-34 Park Crescent Mews West , London, W1G 7LE

Proposal: Internal and external alterations to the buildings including breaches to internal party walls at various floor levels, excavation at lower ground floor level, partial infilling of light wells, erection of new rear extensions at first floor levels, installation of new lift to the rear of 142 Harley Street and enlargement of existing lift at 146 Harley Street, removal of the front steps of 142 and 146 Harley Street for the installation of a new sesame lift at both buildings. Installation of new plant within existing vaults and at roof level and installation of a new sub-station at ground floor level of 32 Park Crescent Mews West.

Reference: 17/09779/LBC

Plan Nos: 1654 ST XX ZZ DR A 2131 A9, 1654 ST XX ZZ DR A 2136 A9, 1654 ST XX B1 DR A 2151 A13, 1654 ST XX GF DR A 2152 A13, 1654 ST XX 01 DR A 2153 a13, 1654 ST XX 02 DR A 2154 A13, 1654 ST XX 03 DR A 2155 A13, 1654 ST XX 04 DR A 2156 A9, 1654 ST XX RF DR A 2157 A9, 1654 ST XX ZZ DR A 2181 A9, 1654 ST XX ZZ DR A 2231 A13, 1654 ST XX ZZ DR A 2236 a13, 1654 ST XX ZZ DR A 2246 A13, 1654 ST XX B1 DR A 2251 A13, 1654 ST XX GF DR A 2252 A13, 1654 ST XX 01 DR A 2253 A13, 1654 ST XX 02 DR A 2254 A13, 1654 ST XX 03 DR A 2255 A13, 1654 ST XX 04 DR A 2256 A13, 1654 ST XX RF DR A 2257 A13, 1654 ST XX ZZ DR A 3151 A13, 1654 ST XX ZZ DR A 3152 A13, 1654 ST XX ZZ DR A 3153 A9, 1654 ST XX ZZ DR A 3154 A13, 1654 ST XX ZZ DR A 3155 A13, 1654 ST XX ZZ DR A 3251 A13, 1654 ST XX ZZ DR A 3252 A13, 1654 ST XX ZZ DR A 3253 A9, 1654 ST XX ZZ DR A 3254 a13, 1654 ST XX ZZ DR A 3255 A13, 1654 ST XX ZZ DR A 4151 a13, 1654 ST XX ZZ DR A 4152 A9, 1654 ST XX ZZ DR A 4153 A9, 1654 ST XX ZZ DR A 4154 A9, 1654 ST XX ZZ DR A 4251 A13, 1654 ST XX ZZ DR A 4155 A13, 1654 ST XX ZZ DR A 4252 A10, 1654 ST XX ZZ DR A 4253 A13, 1654 ST XX ZZ DR A 4254 A13, 1654 ST XX ZZ DR A 4255 A13,

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme;
 - i - The removal of the service risers:

ii - Alternative scheme for internal service routes (possibly recessed into the thickness of the party walls),

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

- 3 You must apply to us for approval of detail (1:5 and 1:20) of the following parts of the development:,
- i - New rooflights,
 - ii - The jib door.

You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

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

- 4 You must install a louvered cover within the front lightwell to conceal the well and the mew plant within 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 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 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

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)

- 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 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)

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 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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 (SITE 2)

Address: 89 Marylebone High Street, London, W1U 4QW,

Proposal: Erection of a single storey mansard roof extension and reconfiguration of existing units to create two additional residential units (Class C3), creation of three new terraces, one at rear third floor level and two to the rear of the new fourth floor accommodation (Part of a land use swap with 142-146 Harley Street and 32-34 Park Crescent Mews West).

Reference: 17/09781/FULL

Plan Nos: 1614-HA-Z1-DR-A 03102 Rev 1, 1614-HA-Z1-DR-A 02104 Rev 1, 1614-HA-Z1-DR-A 03104 Rev 1, 1614-HA-Z1-DR-A 72100 rev 1, 1614-HA-Z1-DR-A 03203 Rev 1, 1614-HA-Z1-DR-A 02205 Rev 1, 1614-HA-Z1-DR-A 02204 Rev 4, 1614-HA-Z1-DR-A 02202 Rev 1, 1614-HA-Z1-DR-A 04203 Rev 1, 1614-HA-Z1-DR-A 04201 Rev 1, 1614-HA-Z1-DR-A 04202 Rev 1, 1614-HA-Z1-DR-A 03204 Rev 1, 1614-HA-Z1-DR-A 04202 Rev 1, 1614-HA-Z1-DR-A 02203 Rev 3, 1614-HA-Z1-DR-A 03201 Rev 1

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

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

Reason:

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

- 4 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. (C07DC)

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)

- 5 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not occupy the residential units 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 residential units. (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)

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

Reason:

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

- 7 You must apply to us for approval of details of all new sash windows and doors (1:50 and 1:20). You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

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

8 **Pre-commencement condition**

You must not commence development until we have approved appropriate arrangements to secure the following:

- Arrangements to mitigate the impact of the development on on-street parking demand in the area

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 make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

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

- the terrace balustrades must be black painted iron or steel and traditional in design.

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

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)

Informative(s):

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

application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Under condition 8, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure lifetime (25 years) car club membership for future occupiers. 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)

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 (SITE 3)

- Address:** 83A Marylebone High Street, London, W1U 4QP
- Proposal:** Erection of roof extension to create new fourth floor level to enlarge existing second and third floor flat (Class C3) (Part of a land use swap with 142-146 Harley Street and 32-34 Park Crescent Mews West)
- Reference:** 17/09780/FULL
- Plan Nos:** 1614-HA-Z3-DR-A- 03101 Rev 1, 1614-HA-Z3-DR-A- 02100 Rev 1, 1614-HA-Z3-DR-A- 04101 Rev 1, 1614-HA-Z3-DR-A-72200 Rev 1, 1614-HA-Z3-DR-A-72100 Rev 2, 1614-HA-Z3-DR-A-032101 Rev 1, 1614-HA-Z3-DR-A-02204 Rev 4, 1614-HA-Z3-DR-A-04201 Rev 2

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

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 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. (C07DC)

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)

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

Reason:

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

- 5 You must apply to us for approval of details (1:5 and 1:20); of the following parts of the development:

- all new dormers.

You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

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

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

- the retention of the V-Shaped parapet to the rear (in line with the guidance in our Roofs SPG),

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

Informative(s):

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

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

Agenda Item 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 March 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Church Street	
Subject of Report	Alexander House , 85 Frampton Street, London, NW8 8NQ		
Proposal	Erection of a roof extension at 5th floor level to create a self-contained 3-Bed unit (Class C3).		
Agent	Willingale		
On behalf of	Mr Ziser		
Registered Number	17/09459/FULL	Date amended/ completed	27 October 2017
Date Application Received	24 October 2017		
Historic Building Grade	Unlisted		
Conservation Area	Outside of a designated area		

1. RECOMMENDATION

Refuse permission – design and highways.
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2. SUMMARY

The application site comprises a four storey building. The building, known as Alexander House, is not listed and is not located within a conservation area. The site is located within the North Westminster Economic Development Area (NWEDA). The building is currently in use as residential flats (Use Class C3).

Planning permission is sought for the erection of a roof extension at fifth floor level to create a 3 bedroom flat.

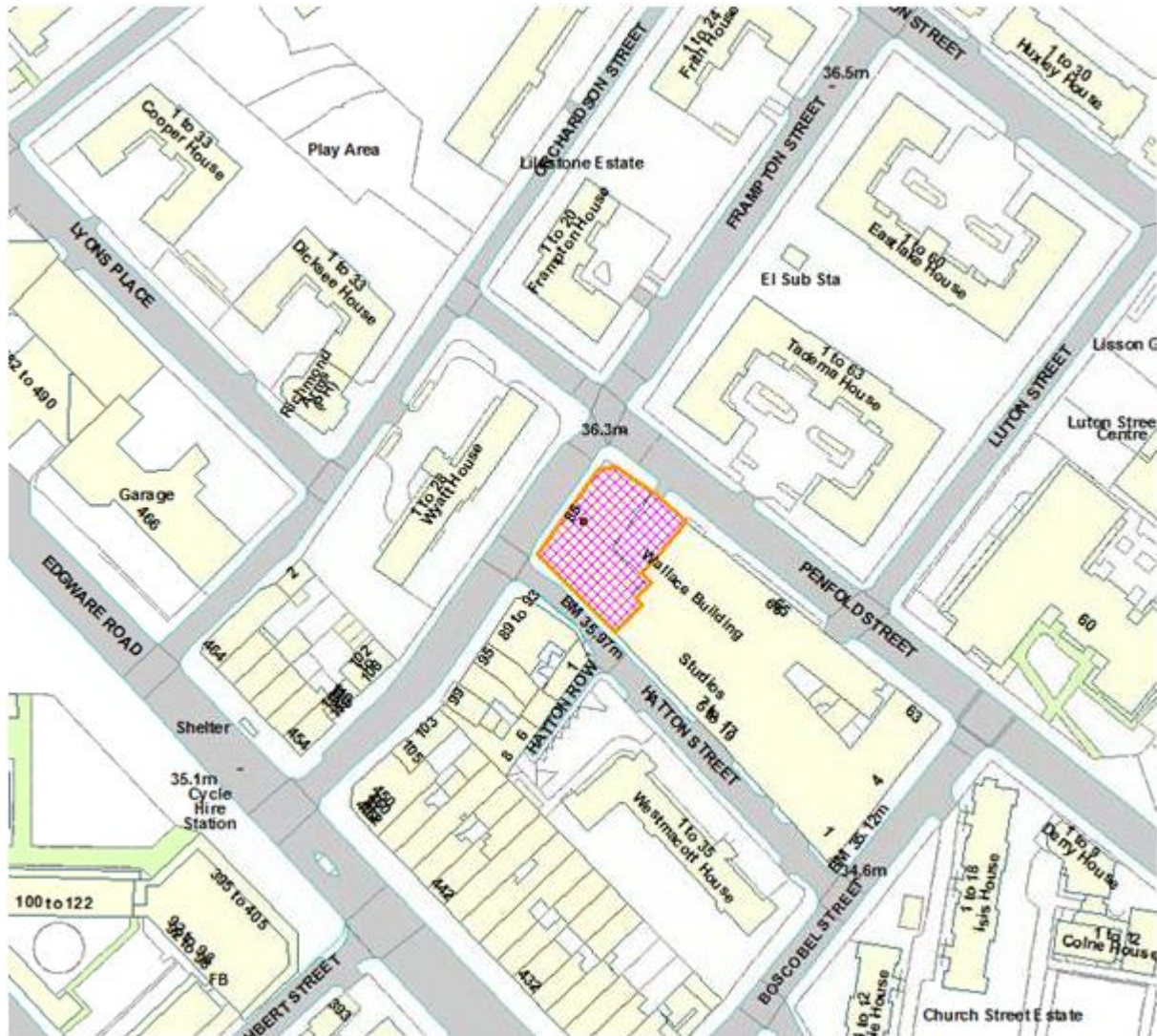
The application has received objection from two neighbouring residents on amenity and highways grounds. The St Marylebone Society has also raised objection to the design of the proposals.

The key issues in this case are:

- The impact of the proposed development on the character and appearance of this part of the City.
- The impact of the proposal on the amenity of neighbouring residents.
- The impact on the surrounding highways network.

For the detailed reasons set out in this report, the proposed development is considered acceptable in land use and amenity terms however contrary to policies in the Unitary Development Plan adopted in January 2017 and Westminster’s City Plan adopted in November 2016 in relation to design and highways. The application is therefore recommended refusal on these grounds.

3. LOCATION PLAN



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4. PHOTOGRAPHS

FRAMPTON STREET ELEVATION



PENFOLD STREET ELEVATION



5. CONSULTATIONS

THE ST MARYLEBONE SOCIETY:

Design is considered to be too heavy, glass may be better. Defer to planning officer.

CHURCH STREET WARD PLANNING & LICENSING GROUP:

Comment that the new fabric should match the existing roof structure, otherwise the addition will detract from the harmonious appearance of the corner building

CLEANSING:

Raise objection; further information required in relation to the provision of waste storage for the additional flat.

HIGHWAYS:

Raise objection; lack of car parking, cycle parking and waste storage.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 38

No. of objections: 2 representations were received raising objection on all or some of the following grounds:

Design:

- The existing elevation of the building is already in line with neighbouring buildings and the proposal if not in keeping with the existing or the surrounding area.

Amenity:

- Loss of light to the flats with balconies within The Wallis Building.

Other:

- Increased parking pressure
- Increased pressure on infrastructure such as recycling etc.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a four storey building. The building, known as Alexander House, is not listed and is not located within a conservation area. The site is located within the North Westminster Economic Development Area (NWEDA).

The site is not in a conservation area but the area has a distinctive varied townscape owing to the wide variety of architectural styles and the buildings are in a mixture of residential and commercial uses. However, Alexander House and the group of industrial buildings making up this block (Hatton Street, Frampton Street, Penfold Street and

Boscobel Street) are of historic interest and were built in the 1920 to 1938, the buildings were occupied by the Palmer Tyre Company and produced aircraft components during World War II.

This part of the borough has a transitional nature where it is located between the lower scale vibrant commercial Edgware Road and the subdued neo-Georgian substantial residential blocks of the Lilestone Estate and further north the Fisherton Estate, that forms part of its own conservation area.

6.2 Recent Relevant History

Planning permission was granted on 26th March 2013 (RN: 12/04042/FULL) for: Alterations to facades of existing building, erection of extensions to rear at ground, first and second floor levels, removal of existing roof storey at third floor level and replacement with sheer storey and erection of new recessed roof storey at fourth floor level. Use as Class B1 office at ground, first and second floor levels and 9 flats (4 x 1 bed, 3 x 2 bed and 2 x 3 bed) at third and fourth floor levels. Provision of 6 car parking spaces accessed from Penfold Street.

A further permission was granted on 9th December 2014 (RN: 14/09381/FULL) for alterations to facades of existing building, erection of extensions to rear at ground, first and second floors, removal of existing roof storey at third floor level and replacement with sheer storey and erection of new recessed roof storey at fourth floor level. Use as Class B1 office at ground, first and second floor levels and 9 residential flats (Class C3) at third and fourth floor levels. Provision of 6 car parking spaces accessed from Penfold Street.

The permission granted in 2014 was subsequently amended by the following non-material amendment applications:

15/06240/NMA: Alterations to planning permission dated 12 December 2014 (RN: 14/09381) for alterations to facades of existing building, erection of extensions to rear at ground, first and second floors, removal of existing roof storey at third floor level, replacement with sheer storey and erection of new recessed roof storey at fourth floor level, use as Class B1 office at ground, first and second floor levels and 9 residential flats (Class C3) at third and fourth floor levels and provision of 6 car parking spaces accessed from Penfold Street; namely, installation of vertical sliding garage door in place of two hinged gates, reconfiguration of residential bin store, omission mosaic tiles at ground floor level, use of Limestone white K-Rend Silicone Thin Coat render rather than Lime render to upper floors, set back of 2nd and 3rd floors and terrace above from side elevation of Hatton Street Studios building, alterations to entrance at corner of Frampton Street and Penfold Street to form fire exit, alteration to detailed design of office entrance at corner of Frampton Street and Hatton Street, infill below 4th floor terrace to enlarge Flat 5 to form 2 bed 4 person flat and omission of glazing bars to patio doors to 3rd floor street elevations.

15/04017/NMA: Amendments to planning permission dated 9 December 2014 (RN: 14/09381) for alterations to facades of existing building, erection of extensions to rear at ground, first and second floors, removal of existing roof storey at third floor level and replacement with sheer storey, erection of new recessed roof storey at fourth floor level,

use as Class B1 office at ground, first and second floor levels and 9 residential flats (Class C3) at third and fourth floor levels and provision of 6 car parking spaces accessed from Penfold Street; namely, continuation of the dragfaced blue brickwork around the garage facade, raising of the plant screen on the roof by 200mm and removal of a window on the Penfold Street elevation.

7. THE PROPOSAL

Planning permission is sought for the erection of an additional floor at fifth floor level to create 1 x 3 bedroom flat.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The relevant policies are H3 and H5 of Westminster's Unitary Development Plan. The proposal results in the creation of 1 family sized residential unit and is therefore considered to comply with the relevant policies and be acceptable in land use terms.

Policy 3.5 of the London Plan, Policy S29 of Westminster's City Plan and Policy ENV 13 of Westminster's Unitary Development Plan seek to ensure a satisfactory standard of accommodation for future occupiers. Minimum space standards are also set out in the Department for Communities and Local Governments (DCLG) Technical Housing Standards - Nationally Described Space Standards. These standards indicate that the minimum area required for a 3b6p flat over a single storey is 95sqm. The proposed flat measures 111.3sqm and therefore is considered to provide an acceptable standard of accommodation for future occupiers.

8.2 Townscape and Design

The proposal relates to the erection of a roof extension to provide a single new residential 3 bedroom unit at 5th floor level to this recently altered and extended building. The application site is a prominent corner building located on the south side of the street at the junctions with Hatton Street and Penfold Street. The relevant policies for consideration of the proposal are DES 1, DES 6 of the adopted UDP 2007 and S25 and S28 of the adopted City Plan 2016.

In 2014 permission was granted for alterations to facades of the existing building, erection of extensions to rear at ground, first and second floors, removal of existing roof storey at third floor level and replacement with sheer storey and erection of new recessed roof storey at fourth floor level. Use as Class B1 office at ground, first and second floor levels and 9 residential flats (Class C3) at third and fourth floor levels. Provision of 6 car parking spaces accessed from Penfold Street. Therefore, the height and bulk of the site has been significantly increased with the implementation of this permission.

The building has a clear architectural composition with a strong basement, clear cohesive middle and recessive roof storey at 4th floor level and this creates a pleasing proportioned building. The recently implemented alterations and extensions to Alexander

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2

House has radically improved the character and appearance of this prominent corner site. The architectural design and details of the 2014 proposal at Alexander House was heavily influenced by the adjacent group of 1920-1930's Art Deco style buildings (Hatton Street Studios, The Old Aeroworks no.17 Hatton Street and no. 4 Boscobel Street) and no. 65 Penfold Street built in 1938 by prominent architects Wallis, Gilbert and Partners. This group of buildings formed part of the former Spitfire Works, the group of buildings were used by the Palmer Tyre Company and produced wheel, tyres, brakes and gun turrets that were fitted to wartime aircraft.

There are clear views of Alexander House along Frampton Street owing to the curve of the road and forward building line to no. 89-99 Frampton Street. Alexander House is considered a transition site where the building provides a gradual step in building heights and scale from the predominantly 4 storey 2 bay wide buildings (except no. 89 a 3 storey, 6 bay wide building with recessive mansard) to the larger scale and height neo-Georgian residential blocks forming the homogenous Lilestone Estate and in particular Tadema House a 4 storey brick building with steep pitched attic storey.

With regard to the relationship with the no. 65 Penfold Street (Wallace Building) the existing recessed 4th floor level of Alexander House is higher than the roof of the Wallace Building on Penfold Street. However, given the 'cut back' corner of the 4th floor and the form of the building with a deep recessed gap between the flank north elevation of the Wallace Building, this difference in height of the two buildings is mitigated and does not adversely impact on townscape views along Penfold Street or compromise the attractive overhanging roof canopy with distinctive flame capital brackets.

Policy DES 6 A. states that "Permission may be refused for roof level alterations and extensions to existing buildings (which may include the installation of conservatories, roof terraces, telecommunications equipment or solar collectors) 1. where any additional floors, installations or enclosures would adversely affect either the architectural character or unity of a building or group of buildings. 2. where buildings are completed compositions or include mansard or other existing forms of roof extension. 3 where the existing building's form or profile makes a contribution to the local skyline or was originally design to be seen in silhouette. 4. where the extension would be visually intrusive or unsightly when seen in longer public or private views from ground or upper levels. 5. where unusual or historically significant or distinctive roof forms, coverings, construction or features would be lost by such extensions.

The proposal would increase the height of the building with a new 5th floor level designed to match the finished appearance of the existing 4th floor roof storey. Therefore, in townscape views in Frampton Street the roof extension would be clearly seen in conjunction with the 4th floor and appear as a top heavy feature, thereby unbalancing the pleasing architectural proportions of the Alexander House which is considered complete. The proposal would have a harmful impact on the character and appearance of the building and is considered unacceptable in principle and contrary to DES 6 of the adopted UDP 2007.

The increase in height of Alexander House would abolish the gradual stepped relationship between the adjacent buildings facing Frampton Street (Tadema House, no.89 to 99 Frampton Street), furthermore, the new 5th floor roof extension would be seen behind the attractive projecting canopy on the Wallace Building thereby harming

this intrinsic feature of the building and its skyline silhouette. The introduction of a 2 storey roof component is at odds with the predominantly single storey roof storeys of surrounding buildings, the proposal is considered to fail to respond to the local unique nature of the site and its relationships and the architectural composition of neighbouring buildings. This is contrary to DES 1 of the adopted UDP 2007 and S25, S28 of the adopted City Plan 2016.

Having regard to paragraph 135 of the NPPF the proposal is considered to have a harmful impact on the significance of a non-designated heritage asset. The proposal would provide a new 3 bedroom resident unit, however this benefit does not outweigh the incongruous harm to the architectural integrity and proportions of Alexander House, the harm to the architectural features of the Wallace Building and erosion to the relationship of neighbouring buildings on Frampton Street and surrounding townscape views. Therefore the proposal is contrary to DES 1, DES 6 of the adopted UDP 2007, S25, S28 of the adopted City Plan 2016 and relevant advise set out in the NPPF 2012.

8.3 Residential Amenity

The relevant policies are ENV 13 of Westminster's Unitary Development Plan and S29 of Westminster's City Plan which seek to protect residential amenity.

Loss of light:

One objection has been received on the basis of the loss of light to the flats in the adjoining buildings, namely the Wallis Building.

The application has been accompanied by an addendum daylight/sunlight report to that submitted with the scheme granted in 2014. The report concludes that when measuring the current results against those previously consented, there are minute differences to the resultant VSC and Sunlight levels.

The BRE Guidelines advise that losses in light that would amount reductions of above 20% are likely to be noticeable. The tables below set out the window which previously had VSC losses in excess of 20% and the additional windows which will have VSC losses in excess of 20% as a result of the roof extension.

The daylight and sunlight figures show that all of the windows will be worse affected as a result of the proposed development. The largest VSC losses are located in 93 Frampton Street, which is to the south on the other side of Hatton Street, however the largest increase is loss is minimal reducing from 25.16-23.63 (a loss of 1.53). An additional 5 windows will also fail the BRE test compared to previously.

While the proposals will result in additional losses of daylight and sunlight, given the VSC losses are minor and the daylight losses are generally as a result of existing building forms with oversailing balconies, the proposals are considered acceptable on these grounds.

Sense of enclosure:

The proposals result in additional high level bulk, therefore will have an impact in terms of increased sense of enclosure to neighbouring windows. However, the building is largely separated from neighbouring properties by surrounding streets and the additional

storey is set back from all four elevations and therefore the proposal is not considered to result in a such an increased enclosure to the windows of the neighbouring properties as to justify refusal.

Privacy/ overlooking:

The proposal includes the provision of two terraces to serve the 3 bedroom flat with one located on the Hatton Street end and one on the Penfold Street elevation. There are existing terraces located on the lower levels and therefore it is not considered that the proposals will significantly worsen from the existing situation.

The proposal is therefore considered to comply with the relevant policies and be acceptable in terms of residential amenity.

8.4 Transportation/Parking

The existing building includes 9 residential units with 6 off-street parking spaces (in a stacker with associated turntable) the current application seeks to add an additional residential unit bringing the total to 10. The impacts of high parking demand are well known and include:

1. drivers being forced to circulate around an area seeking empty spaces which causes unnecessary congestion, environmental pollution and noise disturbance;
2. drivers being tempted to park in dangerous or inconvenient locations, such as close to junctions or on pedestrian crossing points;
3. drivers having no choice but to park some distance from their homes causing inconvenience and more serious problems for elderly or disabled residents.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The addition of even one additional residential unit can have an adverse impact on parking levels in the area and this could lead to a reduction in road safety and operation.

The evidence of the Council's most recent night time parking survey in 2015 (Buchanan's) indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 93%. However TRANS23 includes all legal parking spaces (eg Single Yellow Lines, Metered Bays, P&D, and Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level decreases to 70%.

The evidence of the Council's most recent daytime parking survey in 2015 (Buchanan's) indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 86%. TRANS23 includes all legal parking spaces. During the daytime within the area, the only legal on-street spaces for permit holders are Residential and Shared Use Bays.

Whilst it is acknowledged that the site has a high level of public transport accessibility, households with 1 or more car in the Church Street Ward is 35% (2011 Census figures). Whilst this is lower than the borough average, the above data indicates that residents in the area do own cars, along with the fact that during the night & day Residential Bays have a high level of occupancy. It is therefore considered that the development is not consistent with TRANS23 and will add to existing on-street parking stress overall.

Both the Highways and Cleansing Managers have noted the lack of the provision of waste storage for the additional flat. Furthermore, objection has been received from adjoining occupiers on the basis that the additional flat will result in increased pressure on the existing waste and recycling storage facilities. If the proposal had been considered acceptable in all other respects details of waste and recycling storage would have been secured via a condition.

The Highways Manager noted the absence of cycle parking, however it is considered in this instance that the flat would be of sufficient size to store cycles internally.

9. BACKGROUND PAPERS

1. Application form
2. Response from The St Marylebone Society, dated 17 November 2017
3. Response from Church Street Ward Planning & Licensing Group dated 18th December 2017
4. Response from the Highways Planning Manager dated 7th November 2017
5. Response from Cleansing Manager dated 16th November 2017
6. Letter from occupier of Flat P03, The Wallis Building, 65 Penfold Street, dated 4 November 2017
7. Letter from occupier of 85 Frampton St., London, dated 9 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: RUPERT HANDLEY BY EMAIL AT RHANDLEY@WESTMINSTER.GOV.UK

10. KEY DRAWINGS

EXISTING ELEVATION



Will
ARCH



Willingale Associates
ARCHITECTS & DEVELOPMENT CONSULTANTS

CONTACT DETAILS:
82 Chesham Road, London, EC1M 5PX
www.willingale.com
info@willingale.com
T: 020-7490-5506

PROJECT:
85 FRAMPTON STREET
LONDON, NW8

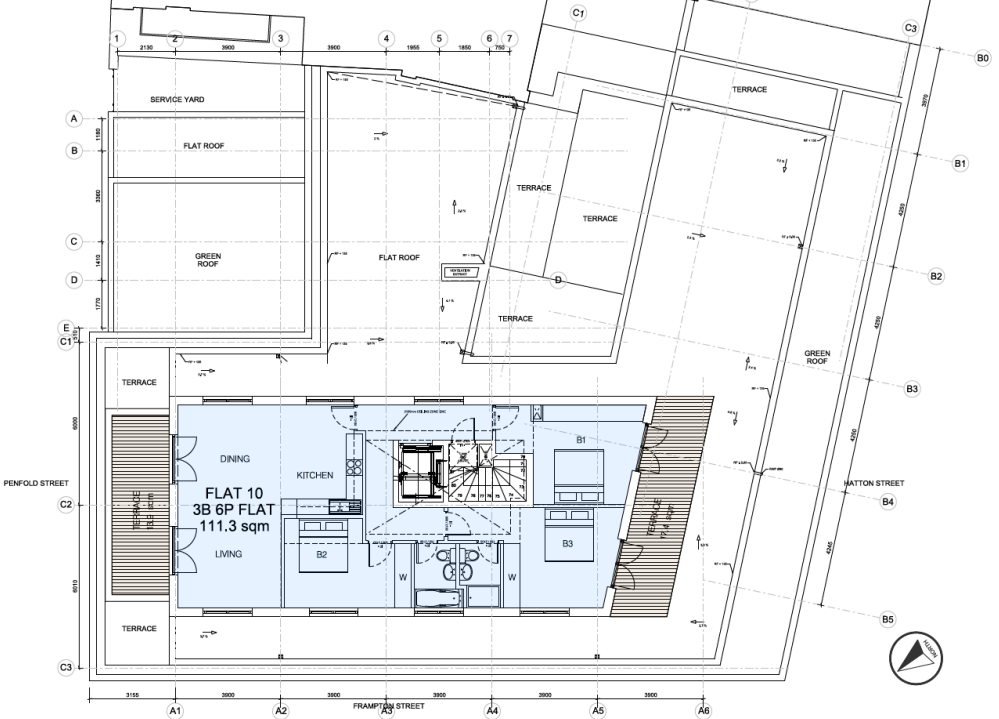
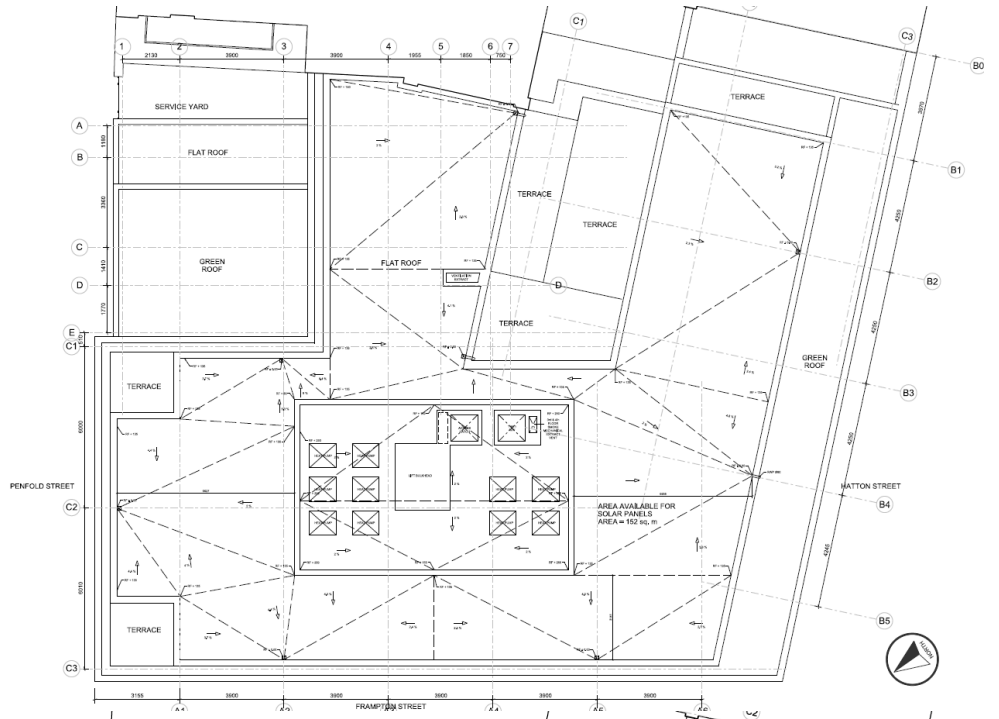
TITLE:
PROPOSED SECTION AA

DRAWING NUMBER:
NW8_85FX_PP_07_1

DATE: 30/06/2017
SCALE: 1:100@A3

PROPOSED ELEVATION

EXISTING ROOF PLAN



<p>Willingale Associates ARCHITECTS & DEVELOPMENT CONSULTANTS</p>	<p>CONTACT DETAILS: 86 Clerkenwell Road, London, EC1M 5PX www.willingale.com arch@willingale.com T: 020-7400-0566</p>	<p>PROJECT: 85 FRAMPYTON STREET LONDON, NW8 NW8_8FS Consent No. 1409381/FULL</p>	<p>TITLE: PROPOSED FIFTH FLOOR PLAN</p>	<p>DRAWING NUMBER: NW8_8FS_PLR_06 REV: J</p>	<p>DATE: 30/08/2017 SCALE: 1:100@A3 </p>
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PROPOSED ROOF PLAN

EXISTING FRAMPTON STREET ELEVATION



Willingale Associates
ARCHITECTS & DEVELOPMENT CONSULTANTS

CONTACT DETAILS:
86 Chesham Road, London, EC1M 6PX
www.willgale.com
info@willgale.com
T: 020-7490-0506

PROJECT:
85 FRAMPTON STREET
LONDON, NW8

TITLE:
EXISTING FRAMPTON STREET ELEVATION

DRAWING NUMBER:
NW8_SPS_P2_01_R

DATE:
01/2024

SCALE:
1:100@A3

PROPOSED FRAMPTON STREET ELEVATION



Willingale Associates
ARCHITECTS & DEVELOPMENT CONSULTANTS

CONTACT DETAILS:
86 Chesham Road, London, EC1M 6PX
www.willgale.com
info@willgale.com
T: 020-7490-0506

PROJECT:
85 FRAMPTON STREET
LONDON, NW8

TITLE:
PROPOSED FRAMPTON STREET ELEVATION

DRAWING NUMBER:
NW8_SPS_P2_01_V

DATE:
08/2024

SCALE:
1:100@A3

DRAFT DECISION LETTER

Address: Alexander House , 85 Frampton Street, London, NW8 8NQ

Proposal: Erection of a roof extension at 5th floor level to create a self contained 3-Bed unit (Class C3).

Reference: 17/09459/FULL

Plan Nos: NW8_85FS_PR_01 rev H; NW8_85FS_PR_02 rev G; NW8_85FS_PR_03 rev F; NW8_85FS_PR_04 rev G; NW8_85FS_PR_05 rev G; NW8_85FS_PR_06 rev F; NW8_85FS_PP_07_Q; NW8_85FS_PP_01_Q; NW8_85FS_PP_10_R; NW8_85FS_PP_11_R; NW8_85FS_PP_12_R; NW8_85FS_PP_13_R; NW8_85FS_PP_14_R; NW8_85FS_PP_15_R; NW8_85FS_PP_16_R; NW8_85FS_PP_17_R; NW8_85FS_PP_18_R; NW8_85FS_PP_07_T; NW8_85FS_PP_09_T; NW8_85FS_PP_10_T; NW8_85FS_PP_11_T; NW8_85FS_PP_12_T; NW8_85FS_PP_13_T; NW8_85FS_PP_14_T; NW8_85FS_PP_15_T; NW8_85FS_PP_16_T; NW8_85FS_PP_17_T; NW8_85FS_PP_18_T; NW8_85FS_PP_19_T; NW8_85FS_PP_20_T; GVA Daylight/Sunlight Report; Design and Access Statement.

Case Officer: Victoria Coelho

Direct Tel. No. 020 7641 6204

Recommended Condition(s) and Reason(s)

Reason:

- 1 Because of its location, height, scale and detailed design the roof extension to create a new 5th floor level with terraces would harm the appearance of this building and this part of the City. This would not meet S25, S28 of Westminster's City Plan (November 2016) and DES 1 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (X16BC)

Reason:

- 2 Your plans do not include enough on-site car parking to serve the new housing according to the standards set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. This means that the new development would increase the pressure for on-street car parking and this would affect people already living in the area. (X05AB)

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

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

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

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Agenda Item 3

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 March 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	40 - 44 Bark Place, London, W2 4AT		
Proposal	<p><u>Application 1</u> - Erection of glass lobby under existing ground floor canopy and erection of metal railings and reconfiguration of planters to the street frontages of the site. (RN: 17/10600/FULL).</p> <p><u>Application 2</u> - Display of two non-illuminated signs measuring 2.80m x 1.5m and 1.20m x 0.90m to the eastern elevation of the building at first and second floor levels. (RN: 17/10959/ADV)</p>		
Agent	Barry Bowhill		
On behalf of	Astrium Education		
Registered Number	17/10600/FULL and 17/10959/ADV	Date amended/ completed	1 December 2017
Date Application Received	27 November 2017		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

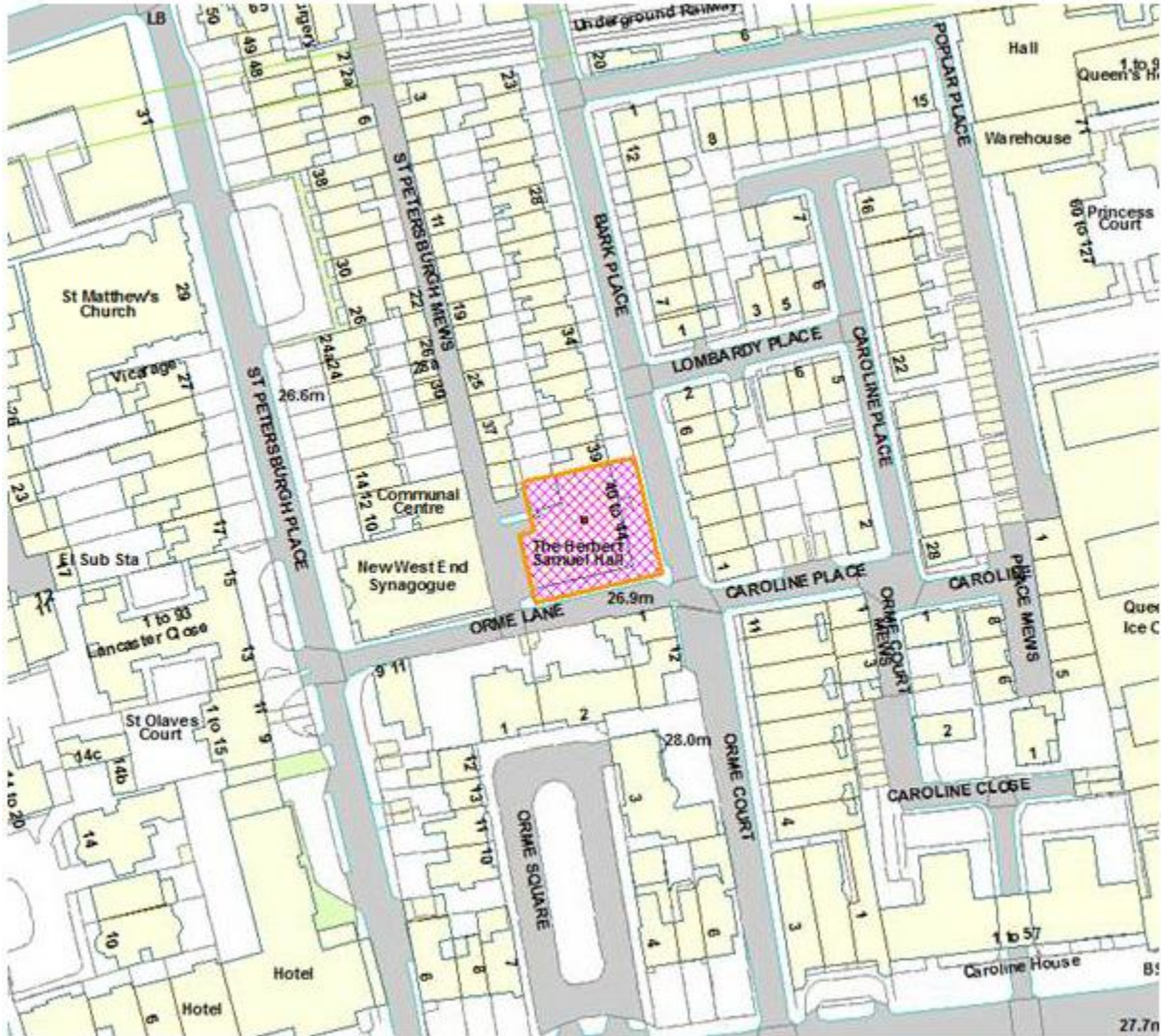
1. RECOMMENDATION

<p>Application 1: Grant conditional permission. Application 2: Grant conditional advertisement consent.</p>

2. SUMMARY

<p>This application was reported to the Planning Applications Sub-Committee on 20th February 2018. Committee resolved to defer the application to allow for a members' site visit. Members have had the opportunity to visit the site and the application is therefore reported back to committee for consideration.</p> <p>An additional representation was received which was not previously presented to planning committee however, the objection does not raise any new or additional issue that were not previously presented. It has been summarised in section 5 of this report.</p>

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation facing Bark Place.

5. CONSULTATIONS

ORIGINAL REPRESENTATIONS AS DETAILED IN REPORT TO COMMITTEE OF 20 FEBRUARY 2018 (GREENS)

LATE REPRESENTATIONS RECEIVED AFTER REPORT FOR 20 FEBRUARY 2018 MEETING WAS PUBLISHED AND CIRCULATED TO MEMBERS AT THE COMMITTEE MEETING (REDS)

Two objections raising the following issues:

- The visuals supplied by the applicant are unclear and they therefore do not demonstrate the impact that the proposed changes would have on the existing building on the application site.
- The proposed glass lobby protrudes beyond the historic line of the terrace.
- Due to their size, height, and position, the proposed advertisements appear incongruous within the streetscene.
- The design of the railings should be simpler and less bulky.
- The idea of rendering the building is supported as the current bricks do not look smart. The other buildings on the terrace are rendered and this would allow the existing buildings to blend into its surroundings. The building however, should not be rendered at the rear as the existing brickwork echoes the bricks of the synagogue.

REPRESENTATIONS RECEIVED BUT NOT PRESENTED TO PLANNING COMMITTEE ON 20 FEBRUARY 2018:

One objection raising the following issues:

- The proposed glass lobby is unattractive and it would appear incongruous within the streetscene.
- Rendering the existing brickwork on the building on the application site could be an improvement.
- The proposed railings must be high enough to stop people sitting on them.
- The drawings submitted with the application are unclear.

6. BACKGROUND PAPERS

1. Report and minutes of committee dated 20 February 2018.
2. Original representations as detailed in report dated 20 February (Greens).
3. Additional representations received after report of 20 February 2018 was published and circulated at committee meeting (reds):
 - a. Memorandum from Director of Planning dated 20 February 2018.
 - b. Letters and email chain from the occupier of 38 Bark Place dated 6 and 7 February 2018.
4. Additional representation received prior to committee dated 20 February 2018 but not presented to members:
 - a. Letter from the occupier of 1 Bark Place dated 1 February 2018.

DRAFT DECISION LETTER – 17/10600/FULL

Address: 40 - 44 Bark Place, London, W2 4AT,

Proposal: Erection of glass enclosure lobby under existing canopy, render brickwork to front and side elevations, Erection of metal guardrail and re-plant beds up to pavement edge.

Reference: 17/10600/FULL

Plan Nos: 814/04 rev. A, 814/05, 814/06, 814/07 rev. A, 814/08, 814/09 rev. A, 814/10, 814/11, Design and Access Statement dated November 2017

Case Officer: William Philps **Direct Tel. No.** 020 7641 3993

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

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permission. (C26AA)

Reason:

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

- 4 You must carry out the planting shown on the drawings 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. (C30EA)

Reason:

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

Informative(s):

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

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

Committee Report presented to Planning Committee on 20th February 2018.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	40 - 44 Bark Place, London, W2 4AT		
Proposal	<p><u>Application 1</u> - Erection of glass lobby under existing ground floor canopy and erection of metal railings and reconfiguration of planters to the street frontages of the site. (RN: 17/10600/FULL).</p> <p><u>Application 2</u> - Display of two non-illuminated signs measuring 2.80m x 1.5m and 1.20m x 0.90m to the eastern elevation of the building at first and second floor levels. (RN: 17/10959/ADV)</p>		
Agent	Barry Bowhill		
On behalf of	Astrium Education		
Registered Number	17/10600/FULL and 17/10959/ADV	Date amended/ completed	1 December 2017
Date Application Received	27 November 2017		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Application 1: Grant conditional permission.
Application 2: Grant conditional advertisement consent.

2. SUMMARY

The application site is a mid-20th Century four storey building that is in education use. The application building is not a listed building and the site is located within the Bayswater Conservation Area.

Application 1 seeks planning permission for the erection of a glass lobby under the existing canopy on the Bark Place elevation and the erection of railings and reconfiguration of planters to the street frontages of the site in Bark Place and Orme Lane. In association with these proposed alterations to the building, Application 2 seeks advertisement consent for the display of two non-illuminated signs measuring 2.80m x 1.5m and 1.20m x 0.90m on the Bark Place elevation of the building. The

proposed signs comprise a school crest and associated school name located in prominent locations at first and second floor level.

Objections has been received from Councillor Davis, the Bayswater Residents Association and three local residents. They have raised concerns on a range of design and highways grounds, which are summarised in Section 5 of this report.

The key issues in the consideration of these applications are:

- The impact of the proposed development on the appearance of the building and the character of the Bayswater Conservation Area.
- The impact of the proposed advertisements on the visual amenity of the area.

The proposals are considered to accord with City Council's adopted policies in the City Plan (November 2016) and the Unitary Development Plan (UDP) (January 2007) in land use, design, amenity and highways terms. The applications are therefore recommended for approval, subject to the conditions set out in the draft decision letter appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation facing Bark Place.

5. CONSULTATIONS

COUNCILLOR ROBERT DAVIS:

- Bark Place lies within a Conservation Area which is heavily residential in character, comprising of a number of terraced villas. 40-44 Bark Place is the only non-residential building on the street, and while distinct from the surrounding residential properties, should where possible complement the character of the area. Any extension to the front of the property would have a detrimental visual impact on the Conservation Area and affect the open aspect nature of the neighbourhood.
- It is requested that that a site visit is undertaken by the Committee in order that the full impact of such an enclosure on the surrounding area can be appreciated.

BAYSWATER RESIDENTS ASSOCIATION:

- The infilling of the space under the front canopy with a lobby extension will break the building line of the listed properties on the west side of Bark Place and therefore would be detrimental to the character of the conservation area.
- As the school will have younger children who will need to be picked up mostly by car the issue of intensified parking in the relatively narrow street needs to be addressed.

HIGHWAYS PLANNING MANAGER:

No objection. The building is set back from the footway and there is a hard landscape area existing. No part of the proposal occurs within the highway.

ARBORICULTURAL OFFICER:

No objection in principle, but it is considered that the proposed trees and hedges are not the most appropriate species for the application site. Due to their size and the fact that they are evergreen, the proposed species of trees and hedges would result in a dark outlook from the application site.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 61.

Total No. of replies: 8.

No. of objections: 8.

Three responses received raising objection on all or some of the following grounds:

Design:

- The infilling of the space under the front canopy with a lobby extension will break the building line of the western side Bark Place and would set a precedent to allow the neighbouring residential properties to be similarly extended.
- Due to its size and position, the proposed glass enclosure lobby would be clearly visible from both ends of the street and it would appear unsightly and incongruous.
- There are unsightly boxes and bookshelves placed up against the windows on the eastern elevation of the application site. The lower third of these windows should be opaque to hide these.
- The proposal includes the installation of aluminium windows, which would be an inappropriate material for the application site and the Bayswater Conservation Area.

- The proposed advertisements are too big and their detailed design makes them appear too conspicuous. The signs would appear incongruous on a residential street and it is unnecessary to have so many signs.
- The render is acceptable if to the front elevation.

Highways:

- A large number of people enter and exit the building from the eastern entrance of the application site and the pavement next to the eastern elevation of the building is narrow. There is a large amount of traffic on Bark Place and passing cars can be fast. The erection of a glass enclosure would reduce the amount of space available for people to use to observe the road when exiting the building. The amount of space available for people to wait outside of the building would be reduced.
- It has been queried whether a highways risk assessment has been conducted.
- The pavement next to the eastern elevation of the building is thin and the proposed railings will make the space available for students to wait outside the building even smaller. Therefore a greater number of children will cross to the other side of the road and wait in front of the houses there.

ADVERTISEMENT/ SITE NOTICE:

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a mid-20th Century four storey building. The building has three street frontages in Bark Place, Orme Lane, and St. Petersburg Mews. The application site has a lawful use as an educational use (Class D1). The building on the application is not a listed building, but is located within the Bayswater Conservation Area.

The application site is currently used by Astrium Education to provide school level education. The application site was used by Astrium Education to provide education for 16-18 year olds under the name Lansdowne College. Astrium Education now intend to use the premises to provide education to pupils aged 11-16 under the name Kensington Park School. The change in the name of the school is for branding reasons because Astrium Education considers Kensington Park School to be an appropriate name for the level of education that they are providing.

6.2 Recent Relevant History

92/00174/FULL

Erection of metal railings on either side of a staircase leading from the main assembly hall.

Application Permitted 16 April 1992

93/02154/FULL

New openings in existing elevations, modifications to windows and existing screens, new planter and reinstatement of handrails and balustrades to 2nd floor terrace and new metal stair.

Application Permitted 18 June 1993

96/05805/FULL

Erection of glazed canopy to front entrance and elevational alterations.

Application Permitted 31 October 1996

13/04153/FULL

Alterations to front and side elevation to include additional/replacement windows, wood panels, and glazed entrance door. Installation of planters, signage, and balustrade to lightwells/steps.

Application Withdrawn 3 July 2013

7. THE PROPOSAL

Application 1 seeks planning permission for the erection of a glass lobby under the existing canopy on the Bark Place elevation and the erection of railings and reconfiguration of planters to the street frontages of the site in Bark Place and Orme Lane.

The application initially proposed the rendering of the building, but following discussions with officers the applicant has omitted this element of the scheme and revised drawings have been received.

In association with the proposed alterations to the building, Application 2 seeks advertisement consent for the display of two non-illuminated signs measuring 2.80m x 1.5m and 1.20m x 0.90m on the Bark Place elevation of the building. The proposed signs comprise a school crest and associated school name located in prominent locations at first and second floor level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The alterations to the existing school are acceptable in principle in land use terms and are proposed in connection with the continued lawful use of the premises as a Class D1 educational establishment. As such, the development proposed by Application 1 would accord with Policy SOC 1 in the UDP and Policy S34 in the City Plan.

8.2 Townscape and Design

The relevant policies for consideration of this case are DES 1, DES 5, DES 8 and DES 9 in the UDP and S25 and S28 in the City Plan.

Policy DES 5 states that extensions should respect the scale of the existing building and that the architectural style, detailing and materials should be appropriate to their context. Policy DES 9 seeks to ensure that development within a conservation area preserves or enhances the character or appearance of the conservation area and its setting.

In terms of Application 1, the glass enclosure to the top landing of the entrance staircase will be visually contained underneath the existing large projecting canopy above. Furthermore, the existing building is of more modern design so therefore the detailed design proposed, with aluminium window frames is considered to be appropriate and would not harm the appearance of the building.

Concerns have been expressed with regard to the fact that glazed enclosure would project beyond the existing building line, which is shared with the 19th Century terrace to the north. However, the form and detailed design of the existing building is starkly different from the adjoining terrace, such that whilst the glazed enclosure would project beyond the building line, it would not have an adverse impact on the wider townscape views along Bark Place. Given this, the proposed glazed extension would not represent a precedent for similar alteration and extension of properties to the north on the same side of Bark Place. As such, despite the objections raised, the proposed glazed extension would not harm the character and appearance of the Bayswater Conservation Area.

The provision of railings to the back edge of the pavement to enclose the forecourt of the site is welcome in design terms as the existing forecourt area of the site is weakly defined and detracts from the appearance of the conservation area in Bark Place and Orme Lane where street boundaries are generally more clearly defined. The railings proposed appear to replicate the existing railings to the front lightwell, although this is not entirely clear from the drawings submitted. It is therefore recommended that the details of the proposed railings are be secured by condition.

With regard to the advertisements proposed by Application 2, the school crest and the wording 'Kensington Park School' would be located at a relatively high level on the main elevation of the building facing Bark Place. It is recognised that policy DES 8 in the UDP advises that high-level signage is normally unlikely to be acceptable. However, in this case it is considered that there are particular circumstances that justify the proposed signage. The proposed use of the building is as a school, which comprises a community building/ facility, which whilst it may not be publically accessible, is likely to attract visitors and is worthy of 'marking' within the street scene.

The building does not have a defined area for signage, in the way that a fascia panel to a shopfront defines a specific zone for such features. It is considered that the proposed signage, in the context of the overall scale of the building, is not excessively large, and as set out above, the school use of the building is considered to contribute to a justification for larger and higher signage than would be allowed typically to a commercial building. Given this, the non-illuminated signage proposed is considered to be in line with City Council policy and is considered acceptable in design terms and would not have an adverse impact on the visual amenity of the area or the character and appearance of the conservation area.

8.3 Residential Amenity

The proposed glass enclosure lobby is set back at a significant distance from the boundaries of neighbouring and adjoining properties. The overlooking of neighbouring and adjoining properties from the proposed enclosure lobby would be no worse than the overlooking from the existing windows on the western elevation of the building. The

proposed railings have a height of only one metre when measured from ground level from the public highway and as a result would have no adverse impact in amenity terms.

The proposed signage would be non-illuminated and would have no adverse amenity impact

For the reasons stated above the proposals are considered to comply with Policy ENV 13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/Parking

The proposals are not considered to adversely affect the highway and the Highways Planning Manager does not object to the applications. The proposed entrance lobby is glazed and it is set back from the public highway and therefore the ability of people exiting the building to view the steps down to pavement level and the road beyond would be no worse than the existing situation. A landing area outside the proposed glazed lobby measuring 1.5 metres x 0.5 metres would remain and whilst this represents a reduction in the amount of external space that people can use to wait outside the building, the reduction in external space is not considered to be so significant that it would result in obstructions to the highway or cause traffic accidents.

Concerns have also been expressed that the introduction of railings to the back edge of the pavement will prevent pupils and parents waiting on the gravel forecourt area, thereby causing them to cross Bark Place and wait outside properties opposite the site. However, this existing area is not intended to be used for this purpose and it should also be noted that railings, or an alternative boundary treatment of up to 2 metres above ground level, could be installed without the need for planning permission by virtue of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In this context, the introduction of railings around the forecourt area could not reasonably be withheld on the basis that it may cause pupils and parents to wait in other locations, such as on the opposite footpath on the east side of Bark Place.

In terms of the signage proposed by Application 2, whilst they would be relatively large in scale, they would be non-illuminated and positioned such that they would not cause a significant distraction to drivers of vehicles in Bark Place.

In summary in highways terms, the proposals would accord with Policy TRANS3 in the UDP and S41 in the City Plan in terms of their impact on pedestrian movement and the safety of the public highway outside the site.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

As set out in Section 8.4, the accessibility of the building would remain unchanged by the proposals. The agent for the application has stated that there is existing step free access at the rear of the property.

8.7 Other UDP/ Westminster Policy Considerations

The Arboricultural Officer suggests that there are other species of trees and hedges that would be better suited to the application site. However, whilst this may be the case, as the proposed trees and hedges improve the appearance of the site relative to the existing situation with landscaping confined to planters and as it would not cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity, it is not considered that permission could reasonably be withheld on the basis of the Arboricultural Managers concerns. A condition is recommended to ensure the new landscaping scheme is delivered.

8.8 London Plan

This application does not raise any strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

8.12 Other Issues

One objector has requested that the bottom third of the windows on the eastern elevation of the building on the application site should be obscure glazed to conceal the boxes and bookshelves currently placed against them. Alterations to the existing windows on the eastern elevation of the building are not part of the current application and therefore it would not be reasonable to seek obscure glazing to these windows as part of the current planning application.

9. BACKGROUND PAPERS

17/10600/FULL

1. Application form.
2. Letter from Councillor Robert Davis dated 10 January 2018.
3. Memorandum from the Arboricultural Manager dated 5 January 2018.
4. Email from Bayswater Residents Association dated 8 January 2018.
5. Memorandum from the Highways Planning Manager dated 8 January 2018.
6. Letter from the occupier of 12 Orme Court dated 18 December 2017.

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3

7. Letter from the occupiers of 2, 3, 4 and 5 Bark Place dated 30 December 2017.
8. Letter from the occupier of 39 Bark Place dated 1 January 2018.
9. Letters from the occupier of 38 Bark Place dated 6 and 7 February 2018.

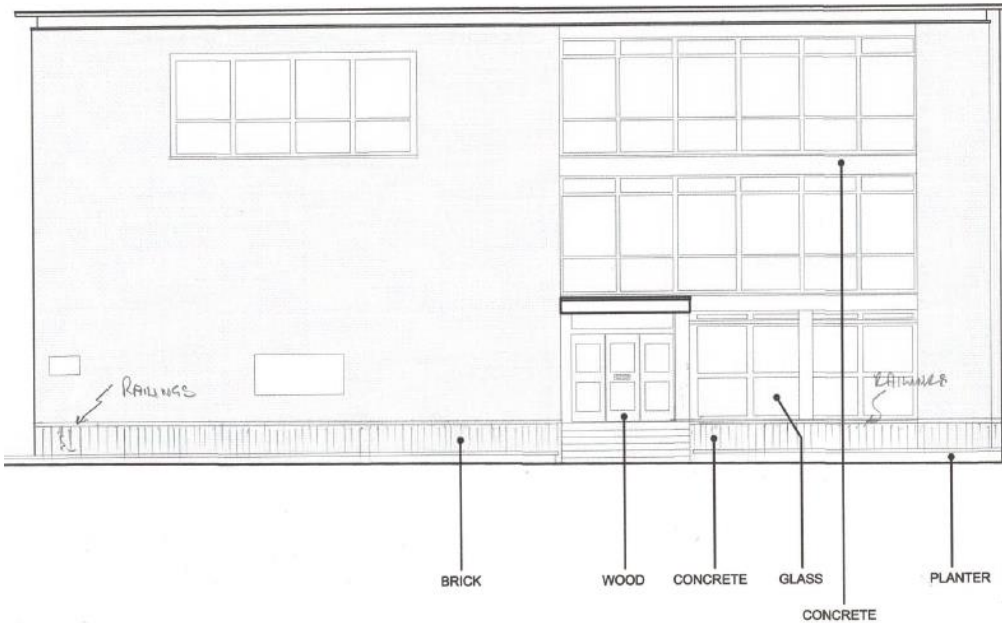
17/10959/ADV

1. Application form.
2. Letter from the occupier of 2 Bark Place dated 30 December 2017.
3. Letter from the occupier of 4 Bark Place dated 30 December 2017.
4. Letter from the occupier of 5 Bark Place dated 30 December 2017.
5. Letter from the occupier of 3 Bark Place dated 30 December 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: RUPERT HANDLEY EMAIL AT rhandley@westminster.gov.uk

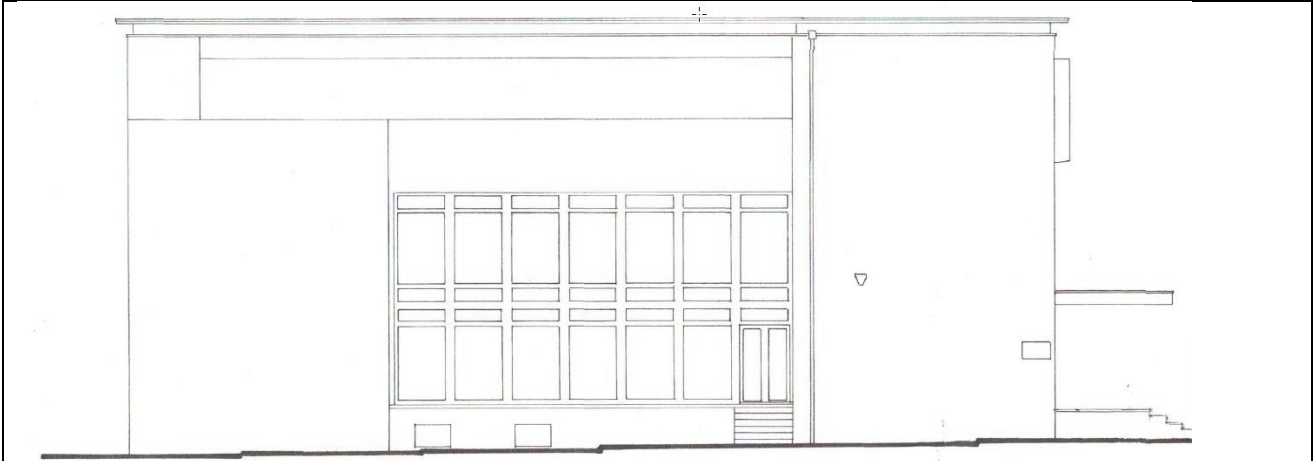
10. KEY DRAWINGS



Existing Front Elevation



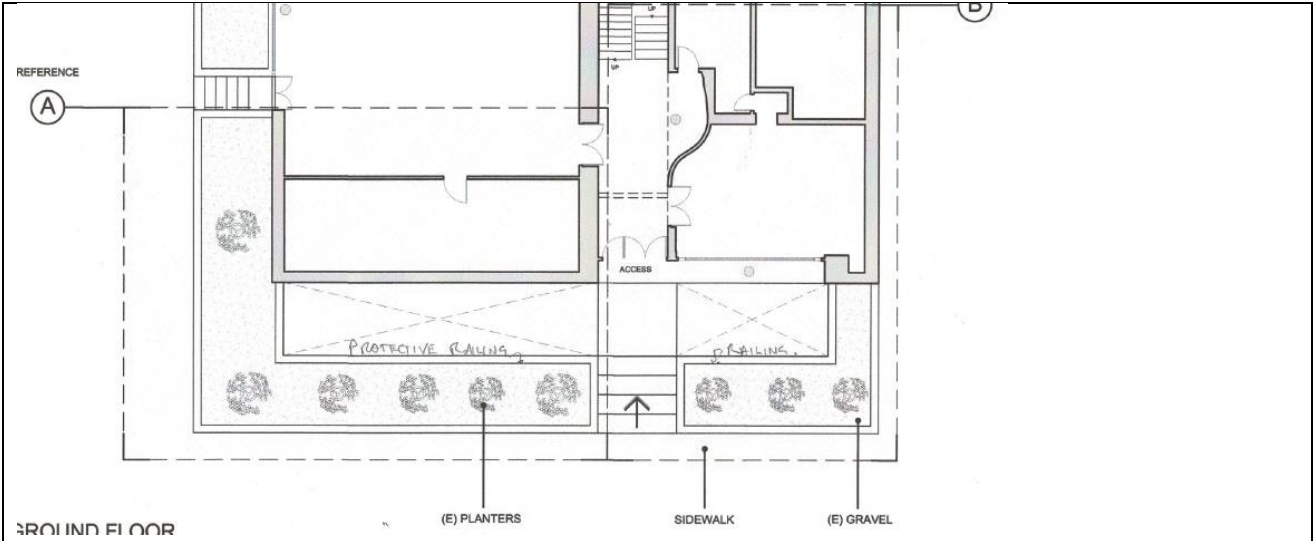
Proposed Front Elevation



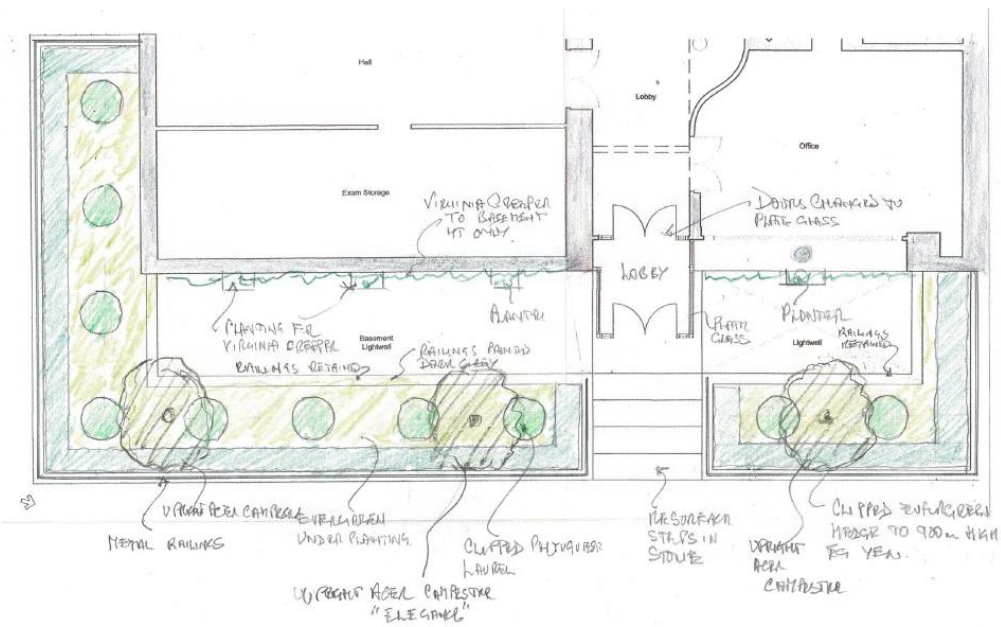
Existing Side Elevation



Proposed Side Elevation



Existing Plan



Proposed Plan

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3

DRAFT DECISION LETTER – 17/10600/FULL

Address: 40 - 44 Bark Place, London, W2 4AT,

Proposal: Erection of glass enclosure lobby under existing canopy, render brickwork to front and side elevations, Erection of metal guardrail and re-plant beds up to pavement edge.

Reference: 17/10600/FULL

Plan Nos: 814/04 rev. A, 814/05, 814/06, 814/07 rev. A, 814/08, 814/09 rev. A, 814/10, 814/11, Design and Access Statement dated November 2017

Case Officer: William Philps

Direct Tel. No. 020 7641 3993

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

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

- 4 You must apply to us for approval of detailed drawings of the new boundary railings, including confirmation of their colour finish. 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 Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must carry out the planting shown on the drawings 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. (C30EA)

Reason:

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

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.

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.

DRAFT DECISION LETTER – 17/10959/ADV

Address: 40 - 44 Bark Place, London, W2 4AT,

Proposal: Display of two non-illuminated signs measuring 2.80m x 1.5m and 1.20m x 0.90m to the front elevation.

Reference: 17/10959/ADV

Plan Nos: 814/04 rev. A, 814/05, 814/06, 814/08, 814/09 rev. A, 814/10, 814/12

Case Officer: William Philips **Direct Tel. No.** 020 7641 3993

Standard Conditions:

- (1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission
- (2) No advertisement shall be sited or displayed so as to –
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Additional Condition(s):

If you object to any conditions imposed by the City Council other than the Standard Conditions 1, 2, 3, 4 and 5, you may appeal to the Planning Inspectorate, at the Department of Communities and Local Government (DCLG), by notice in writing within two months from the receipt of this decision, or such longer period as the Secretary of State may allow.

Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 March 2018	Classification For General Release	
Report of Director of Planning	Ward(s) involved Regent's Park		
Subject of Report	10 Melina Place, London, NW8 9SA		
Proposal	Erection of second floor extension to north wing and use of adjacent roof as a terrace, with associated railing and party wall build up.		
Agent	Mr Iain Wadham		
On behalf of	Mr & Mrs White		
Registered Number	17/10522/FULL	Date amended/ completed	27 November 2017
Date Application Received	27 November 2017		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Permission is sought for the erection of a second floor extension above the 2no storey later addition to the building located towards the north of the site. It is also proposed to use the adjacent flat roof as a terrace, with associated works including a new railing and party wall build up. An objection has been received from the local amenity society on design grounds and objections have been received from neighbouring properties on the grounds of loss of daylight and sunlight and overlooking.

The key issues in this case are:

- * The impact of the proposal in amenity terms;
- * The impact of the proposal on the appearance of this house and on the character and appearance of this part of the St John's Wood Conservation Area.

The proposed development is considered to comply with the Council's policies in relation to design, amenity and land use and it is recommended that permission is granted subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation



Side elevation

Location of extension

5. CONSULTATIONS

ST JOHN'S WOOD SOCIETY:
Objection on design and amenity grounds.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 6

No. Responses: 3 from 2no properties, objecting on all or some of the following grounds:

- Overlooking.
- Loss of light to garden and rooms on rear elevation.

ADVERTISEMENT/SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a semi-detached property that shares a long party wall line with its neighbour No.11 to the rear. The building has been modified in the past with later additions, although the whole composition represents a satisfactory and complete design. The building is not listed but is included within the St Johns Wood Conservation Area.

The application site currently sits on a north-west access with the building occupying the full length of the plot abutting the boundary with the rear garden of 4 Denning Close. The buildings on Denning Close sit perpendicular to the application site, with the rear windows facing the side and rear elevations of the application site. The buildings on Denning Close have 11m deep gardens and no.4 Denning Close has obscured the brick boundary with the application site with mature planting, including trees which reach above the boundary wall.

6.2 Recent Relevant History

On 8 October 2014 planning permission was granted for the erection of a single storey ground floor extension to studio and replacement of part hipped roof to existing garage and studio with flat roof. (RN:14/05356/FULL).

On 12 July 2011 planning permission was granted for the erection of single storey wood shed attached to existing ancillary workshop building (RN: 11/02240/FULL).

On 26 February 2007 planning permission was granted for the remodelling and extension of the rear at ground and first floor level, extension to bathroom at second floor level and provision of plant in courtyard adjacent garage (RN 06/09806/FULL).

7. THE PROPOSAL

Planning permission is sought for the erection of a second floor extension above the 2nd storey later addition to the building located towards the north of the site. The extension takes the form of an additional storey with the existing roof form maintained at the new level. There will be a single window on the west elevation and access onto a terrace on the south elevation, associated works are proposed to install railings and increase the height of the boundary wall.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The provision of additional floor space to the existing dwellinghouse is inline with the City Councils policies H3 of the UDP (January 2007) and S14 of the City Plan (November 2017).

8.2 Townscape and Design

Extensions and alterations to existing buildings are permissible under UDP policy DES 5, which states that development will generally be granted where it is confined to the rear of the building, is not visually dominant, is in scale with the existing building and the design and materials are in keeping with the host building and its surroundings. The development will also have to be considered in relation to part B(1) of the building which restricts extensions rising above the penultimate storey.

The site is screened by a high boundary wall to Melina Place and by a high boundary wall to north and as a result is not highly visible from the public realm. The site is visible in private views from Denning Close to the side and in some oblique private views from Hall Gate. Therefore, the bulk of the extension will only be perceived in established views of the site.

The local amenity society have raised an objection, citing the extension is not subservient to the host building. Given the separation between the location of the extension, on the north wing and the core of the building separated by the two storey section in-between, the principle of the extension is considered to be acceptable in this context as it will not visually compete with the original part of the building, nor dominate the core.

The scale of the extension has been established by the footprint of the lower levels and it has been designed so as to be in keeping with the host building. The existing pitched roof, set within parapet wall will be re-introduced so that the ridge level of the extension can be kept as low as possible. The new window is proportionate to its location and relates to those found on the host building. The extension is therefore considered to accord with the aims of DES 5 and is considered to have a limited impact on the character and appearance of the conservation area.

There is an existing roof terrace on part of the two storey mid-section of the house. It is proposed to extend this terrace over the full flat roof and will be accessible from the new extension. The rear boundary wall between 10 and 11 is to be continued along the rest

of the flat roof and railings along the front. These alterations are not contentious in design or heritage terms replicating the existing boundary and railings.

The proposals are considered to accord with the aims of UDP policy DES 5 and S25 and S28 of the City Plan, preserving the character and appearance of the conservation area.

8.3 Residential Amenity

Policies S29 in the City Plan and ENV13 in the UDP relate to protecting amenities, daylight and sunlight, and environmental quality. Part (D) of ENV13 states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings. Part (E) of ENV13 goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly to gardens, public open space or on adjoining buildings, whether in residential or public use.

Sunlight and Daylight

A Daylight and Sunlight Assessment has been submitted with the proposals assessing the nearest and most affected residential property, 4 Denning Close. As this is the most affected property, it has not been deemed necessary to assess the impact on No.5.

The daylight assessment establishes that all windows within the rear elevation of 4 Denning Close will continue to meet BRE guidelines with only minor losses recorded.

In terms of sunlight, the rear windows were assessed as these all face due south and again the assessment indicates that there would only be very minor losses to any of these windows. The proposals therefore comply with the BRE guidelines in this regard.

The daylight and sunlight losses are well within the tolerances of the BRE guidelines and it is unlikely that the occupiers of 4 Denning Close will experience any impact upon sunlight and daylight to their rooms.

The assessment also looks at overshadowing to the garden to 4 Denning Close. The garden located at 4 Denning Close is the space that would be affected by the proposals due to its location to the north of the development site. The results show only very minor increases in terms of over-shadowing. Given the very small loss (0.2% on 21 March) and the size of the garden, the losses are considered acceptable.

Sense of Enclosure

The current distance between the rear elevation of 4 Denning Close and the northern elevation of the application site (the depth of the garden at 4 Denning Close) is 11metres. The current rear elevation of the application site measures 5.5 metres in height to the parapet and 7.1 metres to the ridge of the roof. the owner of 4 Denning Close has an established planting scheme which obscures the boundary wall between the two properties. The proposal would increase the height of the rear elevation to 8 metres to the parapet and to an overall ridge height to 10.7metres. Given the garden depth of 11metres and the minor increase in height of 2.5metres, not including to the ridge height given this is set back, whilst noticeable is not considered that this additional bulk would unduly affect the outlook from the rear windows of 4 Denning Close (at

ground floor level servicing a living room and first floor serving bedrooms) so as to result in a sense of enclosure.

In relation to 11 Melina Place, it is proposed to build up the boundary wall along the rear of the extended terrace. This will match the height of the existing boundary which runs down the rear of the existing section of terrace. Given its location, height and location of adjacent windows (a door with inset window), it is not considered that this will result in any significant sense of enclosure.

Privacy

No.5 Denning Close has raised an objection on the grounds that the new rear window in the extension will result in overlooking into the first floor level of their property. Given the distance of the building from the application site and the oblique view line, it is not considered that the proposed extension would result in considerable overlooking to the properties on Denning Close.

In relation to overlooking from the terrace, as this extends an existing terrace and its location adjacent to the new extension, it is not considered that it will result in a material increase in overlooking.

Amenity Conclusion:

The proposal is considered to be acceptable in amenity terms and in accordance with policy.

8.4 Transportation/Parking

The development does not raise any new issues on these grounds.

8.5 Economic Considerations

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

8.6 Access

No change to existing arrangements.

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application. The proposals are of insufficient scale to trigger a Community Infrastructure Payment.

8.11 Environmental Impact Assessment

Not applicable to a development of this scale.

8.12 Other Issues

No other issues.

9. BACKGROUND PAPERS

1. Application form
2. Response from St John's Wood Society, dated 18 December 2017
3. Letters from occupier of 5 Denning Close, London, dated 12 December 2017 and 25 February 2018.
4. Letter from occupier of 4 Denning Close, London, dated 22 December 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: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

10. KEY DRAWINGS

Existing South West Elevation



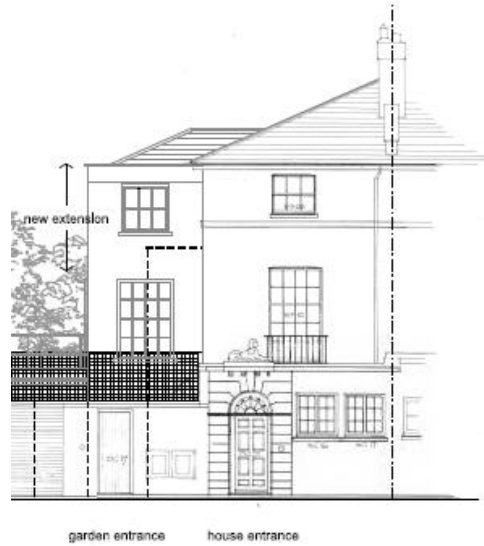
Proposed South West Elevation



Existing South East Elevation



Proposed South East Elevation



DRAFT DECISION LETTER

Address: 10 Melina Place, London, NW8 9SA,

Proposal: Erection of second floor extension to north wing and use of adjacent roof as a terrace, with associated railing and party wall build up [Amended description].

Plan Nos: 0500_01 PL01; 0500_02 PL01; 0500_03 PL01; 0500_04 PL01; 0500_05 PL01; 0500_06 PL01; 0500_07 PL01; 0500_08 PL01; Daylight and Sunlight Report dated February 2018 by Point Surveyors.

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

- 4 Notwithstanding details shown on the approved drawings the new fenestration hereby permitted shall be constructed in timber and painted white and maintained as such hereafter.

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)

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, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

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Agenda Item 5

Item No.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 March 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	32A St George Street, London, W1S 2FJ		
Proposal	Use of basement, ground, first and second floors as either / or retail (Class A1), financial and professional service (Class A2) and / or office (Class B1).		
Agent	Gerald Eve LLP		
On behalf of	Mr Mohammed Zaman		
Registered Number	18/00050/FULL	Date amended/ completed	4 January 2018
Date Application Received	4 January 2018		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY

32A St George Street is an unlisted building located within the Mayfair Conservation Area, the Core Central Activities Zone (Core CAZ) and West End Special Retail Policy Area.

The property is located on the east side of St George Street and comprises basement, ground, first and second floors and is situated to the rear of taller buildings on St George Street and Conduit Street. The property is currently vacant and under construction. The lawful use of the property is retail (Class A1).

Planning permission is sought for the use of the entire property to continue the existing use as a shop (Class A1) or as financial and professional service (Class A2) or office (Class B1).

The property has an unusual formation for a retail use in the fact that there is no real street frontage.

The key issues are:

- Loss of retail floorspace within the West End Special Retail Policy Area.

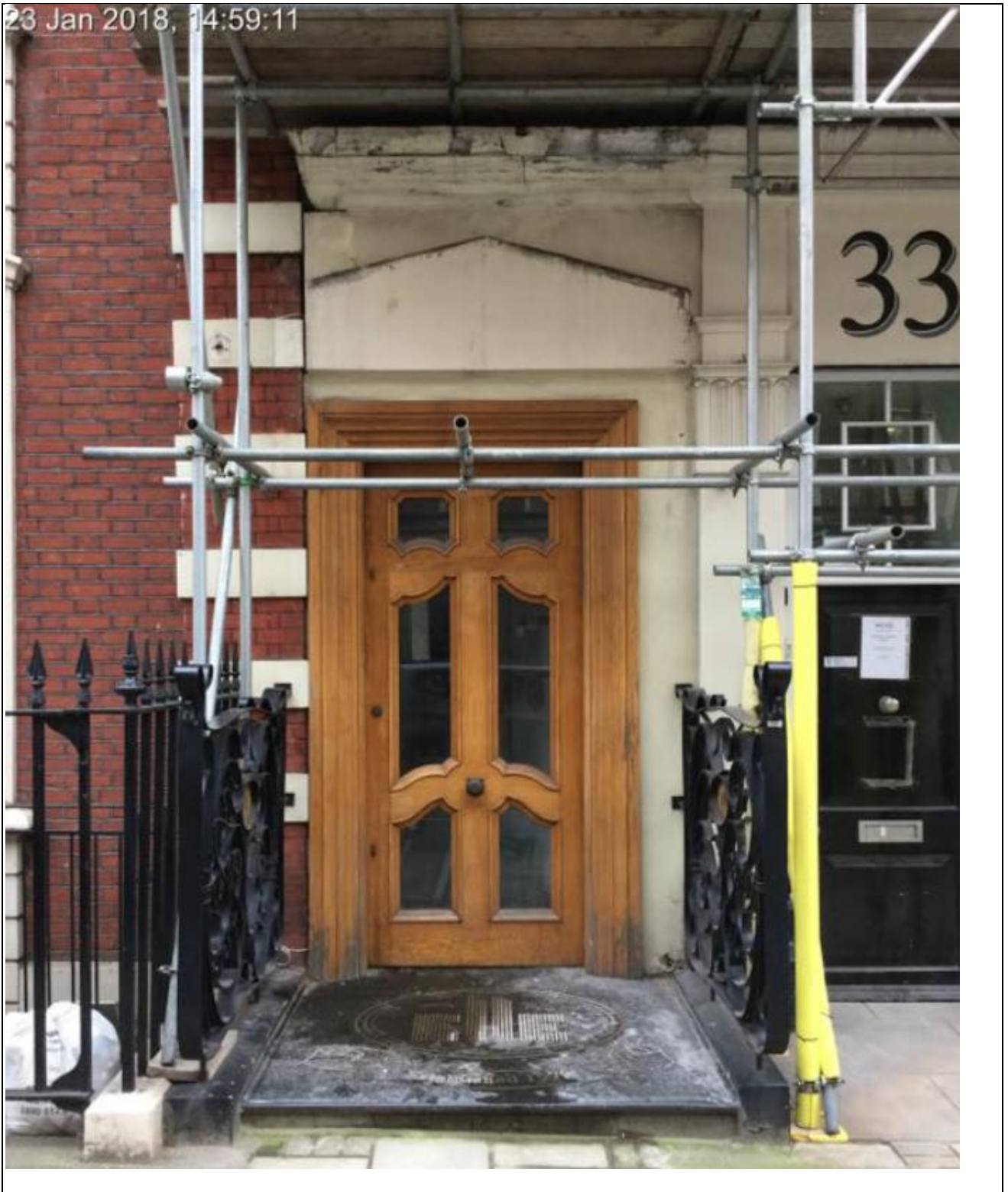
The loss of retail accommodation is considered to be acceptable in this instance taking into account the lack of retail frontage, the limiting layout of the premises and the lack of material harm to the unique status and offer of the West End Special Retail Policy Area.

3. LOCATION PLAN



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4. PHOTOGRAPHS





23 Jan 2018, 15:03:51



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES

Any response to be reported verbally

HIGHWAYS MANAGER

Subject to a condition requiring cycle parking, no objection.

CLEANSING

Request that a revised plan detailing waste storage be secured by condition.

ADJOINING OWNERS/OCCUPIERS

No. consulted - 15

No. objections - 0

SITE AND PRESS:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

32A St George Street is an unlisted building located within the Core CAZ, the Mayfair Conservation Area and the West End Special Retail Policy Area. It comprises retail (Class A1) accommodation at basement, ground, first and second floors. The property is currently vacant and under construction to implement permission to erect a single storey side extension at first floor level and new mansard roof storey, which was permitted in August 2015.

6.2 Recent Relevant History

Permission was granted on 4th August 2015 for the 'Erection of single storey side extension at first floor level and erection of new mansard roof storey to enlarge existing shop unit (Class A1)'. (RN: 15/02654/FULL)

7. THE PROPOSAL

Permission is sought for the use of the premises, either to continue in its current use as retail or as financial and professional service (Class A2) or office (Class B1).

The current retail use is set over basement, ground, first and second floors with a total floorspace of 186sqm.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of retail

The proposal could result in the loss of retail floorspace (Class A1).

Policy S21 of the City Plan states that 'existing A1 retail will be protected throughout Westminster except where the Council considers that the unit is not viable, as demonstrated by long term vacancy despite reasonable attempts to let'. The supporting text advises that this approach will ensure that the needs of customers and retailers across the city are met through the retention of the number of shops and overall amount of retail floor space. Policy SS5 of the UDP also seeks to resist the loss of retail floorspace within the Core CAZ. Outside of the Prime Shopping Frontages the policy aims to encourage a balanced mix of appropriate street level activities, whilst maintaining and safeguarding residential communities. Policy S7 of the City Plan protects the unique status and offer of the West End Special Retail Policy Area.

The retail premises at the site is currently vacant and under construction. The applicant confirms that the site has been vacant since December 2013. The applicant confirms that the site has not been advertised, partially due to major works being undertaken since the consented August 2015 permission was granted and partially due to the anticipation of these works being undertaken. The applicant has submitted a short marketing statement from a commercial property agents (Ashwell Rogers LLP). They state that the unusual building cannot be defined as a typical retail unit due to the limiting space for signage and restricted natural light. They suggest that there are a number of reasons which would restrict the commercial let-ability of the building as a pure retail unit and strongly recommend a wider use class to take into consideration the uniqueness of the property.

The applicant argues that, owing to the lack of a street frontage and the fact that it is accessed via a long corridor from the entrance door, the front entrance could easily be mistaken for an office or residential entrance. Given the vacancy of the site and the configuration of the unit, the applicant considers that the potential loss of retail at this site would not be detrimental to the character and function of the area or to the vitality or viability of shopping frontage.

The unit is located just to the east of Regent Street. St George Street does still have a retail character with a rare book shop at No. 32 and a tailors at No. 33. Directly opposite is Sotheby's and a mixture of retail and office floorspace.

Whilst it is acknowledged that the proposal would not result in three consecutive ground floor premises on the eastern side of St George Street in non-A1 use, compliant with Part C of Policy SS5, the loss of retail floorspace is contrary to Policy S21 of the City Plan given the failure of the applicant to demonstrate that the property of long-term vacant. However, the previous occupier of the site (a tailor) has relocated to No. 33 St George Street which is a more suitable premises that it boasts a retail frontage. Taking into account the unsuitability of the unit for retail occupiers given the lack of retail frontage and unusual internal layout, widening the options for occupiers of this unit is considered to be acceptable in this instance and would not harm the unique status and offer of the West End Special Retail Policy Area.

Proposed financial and professional service use

Policy S18 of the City Plan encourages commercial development within the Core CAZ, adding that commercial uses must be appropriate in terms of scale and intensity. The

modest size of the proposed financial/professional (Class A2) use is considered to be acceptable in principle.

Proposed office use

Policies S18 and S20 of the City Plan encourage office growth within the Core CAZ and therefore the increase in office floorspace is acceptable. The increase in office floorspace is below the 400 sq.m threshold set out within Policy S1 of the City Plan and therefore the development is not 'mixed use liable'.

8.2 Townscape and Design

No external alterations are proposed as part of this application.

8.3 Residential Amenity

It is not considered the change of use would have any detrimental impact upon neighbouring residential properties.

There have been no objections received in relation to this application and it is not considered that the proposed uses would have a significant impact on amenity.

8.4 Transportation/Parking

Cycle parking has not been indicated in association with the financial and professional service or office use. The Highways Planning Manager has confirmed the office floorspace would require 2 cycle parking spaces, this has been secured by condition.

If the existing retail use was retained it would not be possible to require the provision of cycle parking.

8.5 Economic Considerations

Any economic benefits generated by the proposals are welcome.

8.6 Access

Whilst there is not level access to the property, there are lifts providing access to all floors of the property. This arrangement will be retained with the proposed alternative uses.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

No waste store is included within the proposal. It is recommended that details of waste storage be secured by condition.

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 and, as the proposal does not result in an increase in the floor space of the building, there is no CIL payment required.

9. BACKGROUND PAPERS

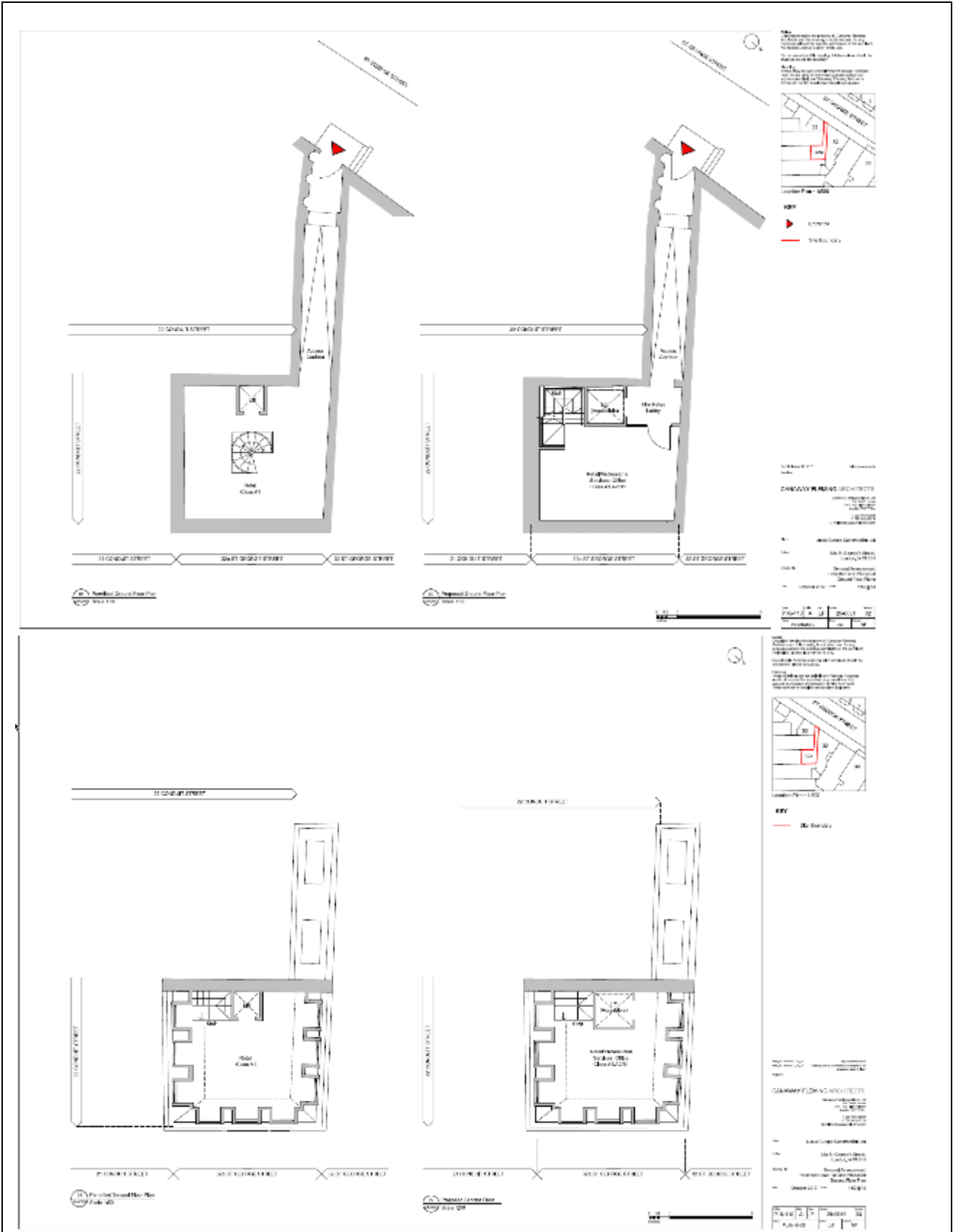
1. Application form
2. Response from the Cleansing Manager dated 18 January 2018
3. Response from the Highways Planning Manager dated 22 January 2018

(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: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

10. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 32A St George Street, London, W1S 2FJ,

Proposal: Use of basement, ground, first and second floors as dual / alternative use as either retail (Class A1), financial and professional service (Class A2) or office (Class B1)

Reference: 18/00050/FULL

Plan Nos: 20-0050 REV 02, 20-0051 REV 02, 20-0052 REV 02, 20-0053 REV 03

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

Reason:

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

- 3 Prior to the occupation of the premises for either office (Class B1) or financial and professional services (Class A2) uses, you must apply to us for approval of details of how waste is going to be stored on the site. 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 office (Class B1) or financial and professional services (Class A2) use. You must not use the waste store for any other purpose. (C14CD)

Reason:

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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)

- 5 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)

- 6 You must apply to us for approval of details of secure cycle storage for the office (Class B1) use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please 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)
- 3 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which

relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 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 4 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)

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

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Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 March 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	35 Marylebone High Street, London, W1U 4PU		
Proposal	Variation of condition 1 and 18 of planning permission dated 13 June 2017 (RN: 15/11114/FULL) for the Variation of Condition 1 of planning permission dated 21 August 2015 (RN: 14/10596) for a previous variation to condition to allow for amendments to the original planning permission; namely external alterations including; provision of emergency access steps and railings, introduction of bronze street lamp fittings over public highway, introduction of bronze coloured window frames, introduction of roller-shutter to car park entrance and introduction of glass balustrade to windows. NAMELY, to amend the approved drawing numbers to allow increase of flue heights, addition of heat dissipation fan, roof plant enclosure lighting, and addition of aerials.		
Agent	Dixon Jones		
On behalf of	W One International		
Registered Number	17/11071/FULL	Date amended/ completed	14 December 2017
Date Application Received	14 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

1. Grant conditional permission, subject to a deed of variation to the original S106 legal agreement.
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 was originally granted November 2013 for the demolition of existing building behind retained front facade; erection of a new building of basement, lower ground, ground and six upper floors to provide 19 flats, with associated terraces, and five mews houses; creation of new retail accommodation at part basement and ground floor, residential car parking at basement levels, new plant, waste storage area and other associated works. (Site includes 22 Beaumont Mews).

Permission is now sought for amendments to the original scheme, this application is the third set of amendments to the scheme. The alterations are to the north elevation and the roof and include:

- increase in height of flue by 315mm;
- installation of a cowl on an approved heat dissipation fan;
- alterations to windows/window openings at fifth and sixth floor level.
- lights at roof level for maintenance purposes.

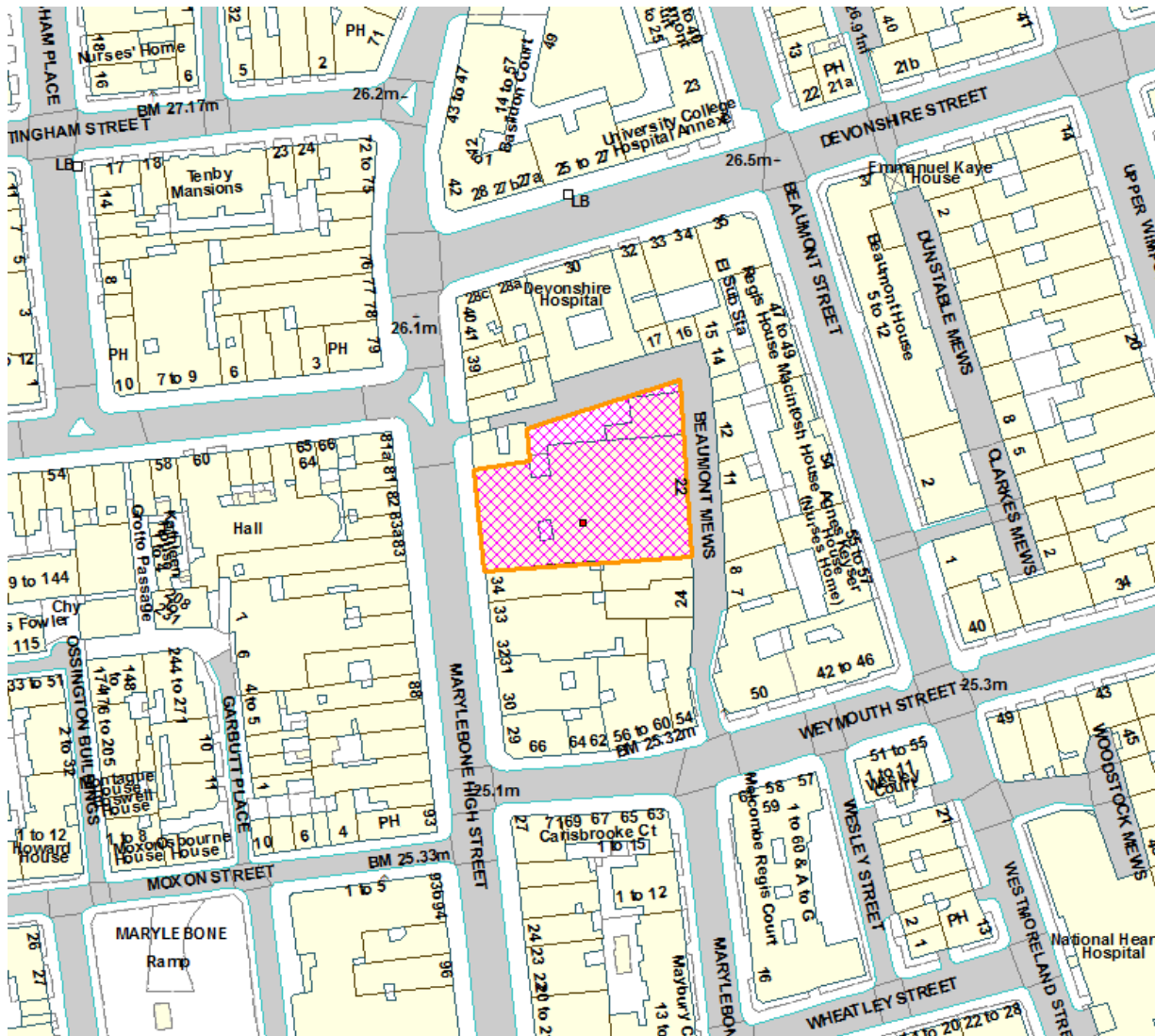
A letter of representation has been received to the scheme this states that the roof top alterations are intrusive and the City Council should seek a reduction in the height and bulk of the roof level. The objection also states that no further alterations should be allowed at this level.

The new building is nearing completion and officers are content that the building has been constructed in accordance with the consented drawings. On this basis, amendments cannot be requested to carry out remedial works to alter something which has planning permission and is lawful in planning terms.

The increase in height of the flue and the installation of the cowl are required by the Clean Air Act. The alterations to the windows are considered acceptable and the lights at roof level will only be used for maintenance purposes, a condition is recommended to ensure that they are not on constantly.

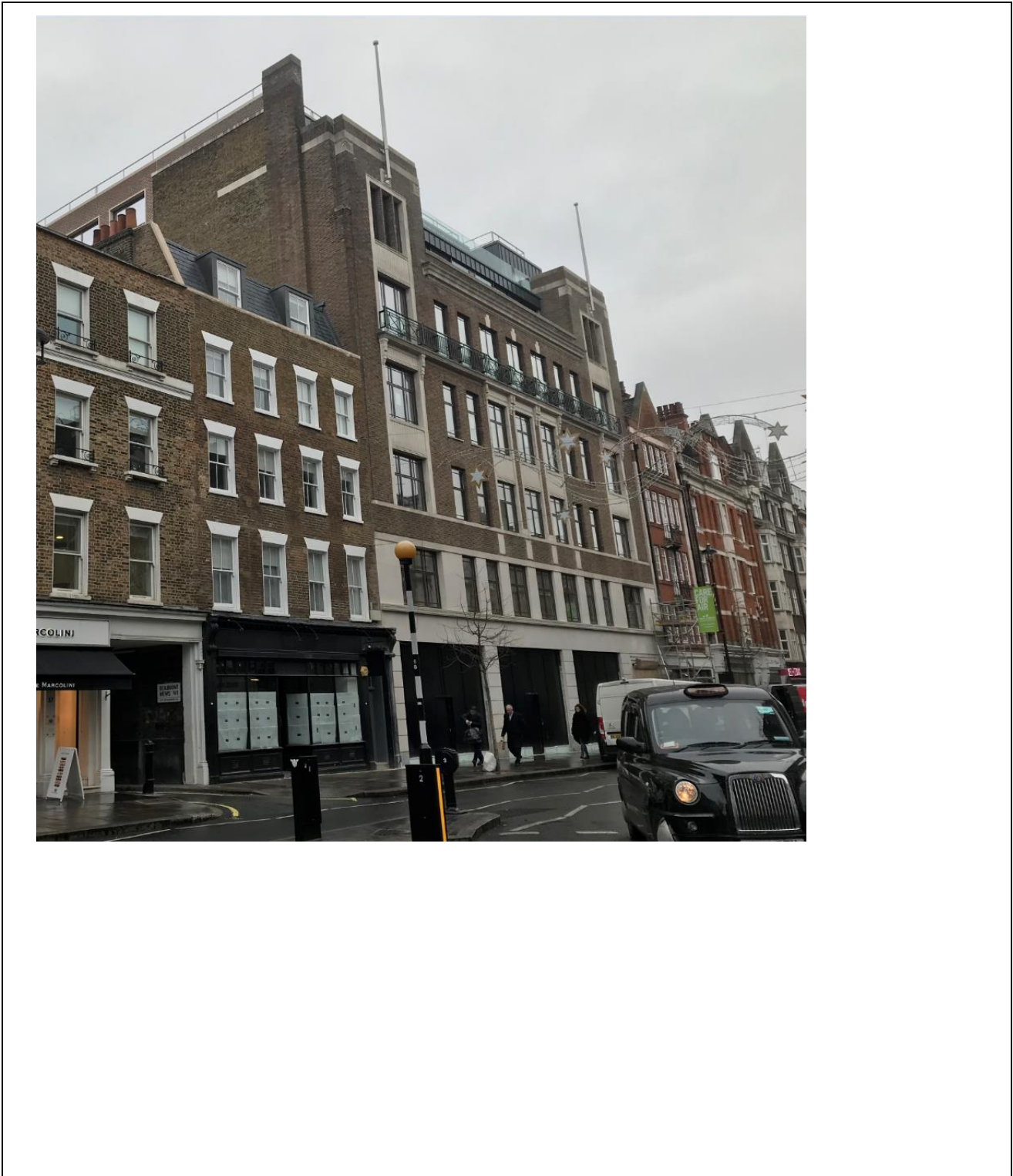
The proposed alterations are considered to be minor and not considered to have an adverse impact on the character or appearance of the conservation area. The application is therefore recommended for approval, subject to a deed of variation to the original S106 legal agreement.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 78

Total No. of replies: 1

No. of objections: 1

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

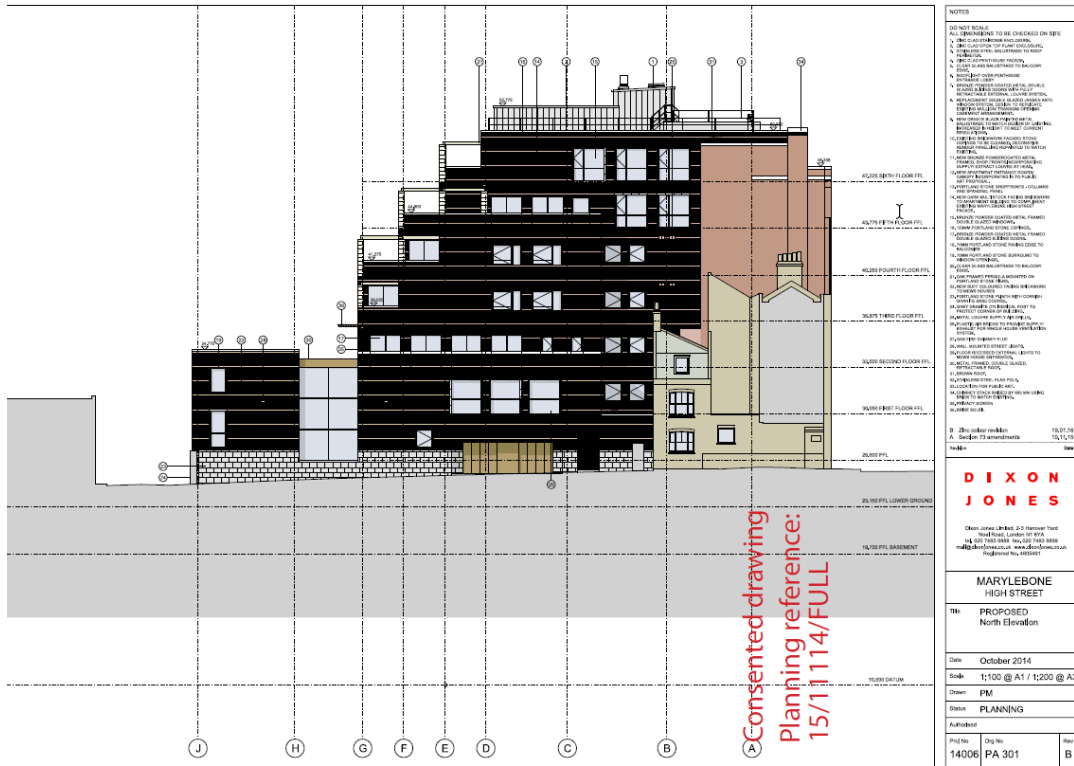
1. Application form
2. Letter from occupier of Flat 42, Basildon Court, dated 25 January 2018

(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: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

7. KEY DRAWINGS

Consented north elevation



Proposed north elevation



DRAFT DECISION LETTER

Address: 35 Marylebone High Street, London, W1U 4PU

Proposal: Variation of condition 1 and 18 of planning permission dated 13 June 2017 (RN: 15/11114/FULL) for the Variation of Condition 1 of planning permission dated 21 August 2015 (RN: 14/10596) for a previous variation to condition to allow for amendments to the original planning permission; namely external alterations including; provision of emergency access steps and railings, introduction of bronze street lamp fittings over public highway, introduction of bronze coloured window frames, introduction of roller-shutter to car park entrance and introduction of glass balustrade to windows. NAMELY, to amend the approved drawing numbers to allow increase of flue heights, addition of heat dissipation fan, roof plant enclosure lighting, and addition of aerials.

Reference: 17/11071/FULL

Plan Nos: 14006 PA170 C, 14406 PA 201 B, 14006 300 G, 14006 PA 301 H, 14006 PA 302 F, 14006 PA 303 E, 14006 21 431 D, 14006 432 G,

17/08891/ADFULL , Report 6569/SAR dated 4 October 2017,

17/10928/NMA

14006 PA 170 B, 14006 PA 300 F, 14006 PA 302 E, 14006 PA 303 D, 14006 21 410 C, 14006 21 415 C, 14006 21 441 B, 14006 21 444 C, 14006 21 445 D, 14006 21 460 C, 14006 21 469 C, 14006 21 625 C, 14006 21 634 C, 14006 21 751 B, 14006 21 896 A

15/11114/FULL

14006 PA 080 C, 14006 PA 090 C, 14006 PA 100 B, 14006 PA 110 A, 14006 PA 120 A, 14006 PA 130 A, 14006 PA 140 A, 14006 PA 150 A, 14006 PA 160 A, 14006 PA 170 A, 14006 PA 300 D, 14006 PA 301 B, 14006 PA 302 B, 14006 PA 303 B, 14006 PA 200 B, 14006 PA 202 B, 14006 PA 206 A, 14006 PA 207, Street lighting report,

15/10932/ADFULL

De Lank Cornish Granite - honed finish ; natural Portland stone - Bowers Base bed; Petersen Tegl D71 brick; Zinc - Rheinzink standing seam cladding; Freshfield Lan,

15/06231/ADFULL

AECOM Technical Note 01; MSK-101; MSK-102; 14006_PA_080 B; 14006_PA_090 B; Cyclepod literature; AECOM Technical Note 02; 47072825-EL-1000; 4704-2825-E-29; Blackdown Greenroofs Maintenance Recommendations; Blackdown Greenroofs Temporary Irrigation Fact Sheet; 1406_EC02-170; 1406_EC02-180; 1406_EC02-220; 1406_EC02-400; Blackdown Greenroofs Extensive Plug Plant List; Q37 Green Roofs- Bio-diverse Brown Roof Details and Q37 Green Roofs - Blackdown Sedum Plug Plant Roof Details.,

14/10596/FULL

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14006 PA 010, 080, 090, 100 V1, 100 V2, 110, 120, 130, 140, 150, 150, 160, 170, 200, 201, 202, 203, 204, 205, 206, 300 B, 301, 302, 303, ,

15/00464/ADFULL

Archaeological Desk Top Assessment Report No: R11487,

16/01826/ADFULL

14006_21_471 Rev A ; 14006_21_472 Rev A ; 14006_21_473 Rev A ;
14006_21_474 Rev A ; 14006_21_475 Rev A ; 14006_21_476 Rev A ;
14006_21_477 Rev A ; 14006_21_478 Rev A ; 14006_21_479 Rev A ;
14006_21_480 Rev A ; 14006_21_464 Rev B ; 14006_21_465 Rev B ;
14006_21_708 Rev A ; 14006_21_712 Rev B ; 14006_21_717 Rev B ;
14006_21_409 Rev C ; 14006_21_439 Rev A ; 14006_21_449 Rev A ;
14006_21_573 Rev A ; 14006_21_575 Rev A ; 14006_21_576 Rev A ;
14006_21_520 Rev A ; 14006_21_522 Rev A ; 14006_21_301 Rev C ;
14006_21_302 Rev C,

16/03095/ADFULL

Document 14006 REP 005 A.

17/06772/ADFULL

Report by Dixon Jones entitled: 35 Marylebone High Street - Condition 17 proposal for public art (July 2017); 14006/PA100/E, 21/429/-, PA301/E

12/07084/FULL

11017 01 010, 11017 PA 010, 11017 05 090, 11017 05 100, 11017 05 110, 11017 05 120, 11017 05 130, 11017 05 140, 11017 05 150, 11017 05 160, 11017 05 170, 11017 05 201, 11017 05 207, 11017 05 300, 11017 01 030, 11017 PA 030, 11017 01 031, 11017 01 302, 11017 01 032, 11017 PA 032, 11017 PA 302 11017 20 301, 11017 01 300, 11017 PA 300, 11017 PA 301, 11017 PA 031 11017 01 303, 11017 01 090, 11017 PA 080, 11017 PA 090, 11017 01 100, 11017 PA 100 A, 11017 01 110, 11017 PA 110 A, 11017 01 120, 11017 PA 120, 11017 01 130, 11017 PA 130 A, 11017 01 140, 11017 PA 140 A, 11017 01 150, 11017 PA 150, 11017 01 160, 11017 01 170, 11017 PA 170, 11017 01 180, daylight and sunlight statement C-0185484, sustainability statement, energy statement, acoustic assessment 4597/AAR, transport statement 1189/R01, planning statement, townscape, heritage and visual impact assessment, design and access statement, site location plan, archaeological desk based assessment R11093, demolition, facade retention and basement impact assessment (INFORMATION ONLY), construction management plan

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s)

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

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

2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
* between 08.00 and 18.00 Monday to Friday;
* between 08.00 and 13.00 on Saturday; and,
* not at all on Sundays, bank holidays and public holidays.
You must carry out basement excavation work only:
* between 08.00 and 18.00 Monday to Friday; and
* not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours. (C11BA)

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

3 The three and four 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 or four separate rooms capable of being occupied as bedrooms.

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

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

Reason:
As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure

and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

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

Reason:

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

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

Reason:

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

- 7 You must carry out the development in accordance with the supplementary acoustic report approved by the City Council as Local Planning Authority on 26 October 2017 under reference RN:17/08891/ADFULL or in accordance with any other supplementary acoustic report as submitted to and approved by the City Council.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

- 8 You must not occupy the residential part of the development unless the ventilation system to get rid of vehicle exhaust emissions has been undertaken in accordance with the details approved by the City Council as Local Planning Authority on 3 September 2015 under reference RN/15/06231/ADFULL or in accordance with other ventilation measures as submitted to and approved by the City Council

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 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)

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

Reason:

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

- 11 You must not occupy the residential part of the development unless the electric charging points have been undertaken in accordance with the details approved by the City Council as Local Planning Authority on 3 September 2015 under reference RN/15/06231/ADFULL or in accordance with other detail and measures as submitted to and approved by the City Council

Reason:

To promote sustainable forms of transport.

- 12 You must adhere to the Construction Management Plan dated 02.10.2012 by McGee and the Mews Occupier Continuity Plan dated June 2013 at all times during demolition and redevelopment.

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)

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

- CHP,
- photovoltaic panels,
- energy efficient and passive design measures as listed in the approved documents.

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

Reason:

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

- 14 You must maintain and retain the green and brown roofs in accordance with the details approved by the City Council as Local Planning Authority on 3 September 2015 under reference RN/15/06231/ADFULL or in accordance with other detailed drawings and management plan as submitted to and approved by the City Council

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 15 You must not commence the development unless archaeological investigations have been undertaken in accordance with the details approved by the City Council as Local Planning Authority on 25 February 2015 under reference RN/15/00464/ADFULL or in accordance with an alternative archaeological desktop study as submitted to and approved by the City Council.

Reason:

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

- 16 You must not occupy the flats unless the facing materials have been undertaken in accordance with the details approved by the City Council as Local Planning Authority on 17 December 2015 under reference RN/15/10932/ADFULL or in accordance with other facing materials as submitted to and approved by the City Council.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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 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. New shopfronts. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

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

- 18 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)

- 19 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)

- 20 This permission must be commenced no later than 12.11.2016.

Reason:

This permission authorises amendments to the original planning permission granted on 13.11.2013 (RN 12/07084/FULL) which must be commenced no later than the above date.

- 21 You must carry out the development in accordance with the following:, - the details of all new facades and the details of the residential entrance approved by the City Council as Local Planning Authority on 17 March 2016 under reference RN:16/1826/ADFULL - the details of the public art approved by the City Council as Local Planning Authority on 14 September 2017 under reference RN: 17/6772/ADFULL, , or in accordance with other details of the facades and residential entrance as submitted to and approved by the City Council.

Reason:

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

- 22 The lights at roof level must only be used for maintenance purposes, they must not be left in a 'switched on' position.

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)

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

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application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a deed of variation to the original S106. (I55AA)

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.