



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 26th June, 2018**

Time: **6.30 pm**

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

Members: **Councillors:**
Tony Devenish
Timothy Barnes
Susie Burbridge
Tim Roca

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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. ELECTION OF CHAIRMAN

To elect a Chairman of Planning Applications Sub-Committee (1).

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. WESTCOURT HOUSE, 191 OLD MARYLEBONE ROAD, LONDON, NW1 5DZ | (Pages 5 - 76) |
| 2. 12 HAY HILL, LONDON, W1J 8NR | (Pages 77 - 126) |
| 3. ST GABRIEL'S HALL & CLUB, CHURCHILL GARDENS ESTATE, LONDON, SW1V 3AA | (Pages 127 - 144) |
| 4. 4 WELLS RISE, LONDON, NW8 7LH | (Pages 145 - 170) |
| 5. 23 MEARD STREET, LONDON, W1F 0EL | (Pages 171 - 188) |
| 6. 39 SOUTH AUDLEY STREET, LONDON, W1K 2PP | (Pages 189 - 212) |
| 7. 18 CONDUIT STREET, LONDON, W1S 2XN | (Pages 213 - 240) |

Stuart Love
Chief Executive
18 June 2018

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING SUB COMMITTEE – 26th June 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 17/04194/FULL Bryanston And Dorset Square	Westcourt House 191 Old Marylebone Road London NW1 5DZ	Redevelopment of the site to provide hotel (Use Class C1) with ancillary ground floor cafe / restaurant in 13 storey building. (Addendum Report)	
<p>Recommendation</p> <p>1. Subject to referral to the Mayor of London, grant conditional permission, subject to a section 106 agreement to secure:</p> <ul style="list-style-type: none"> a) A financial contribution of £45,000 (index linked and payable on commencement of development) for the expansion of a nearby cycle hire docking station; b) A financial contribution of £25,000 (index linked and payable on commencement of development) toward wayfinding (Legible London); c) A financial contribution of £27,239 (index linked and payable on commencement of development) toward the funding of Crossrail; d) A financial contribution of £35,000 (index linked and payable on commencement of development) toward bi-annual pruning of the three Ginkgo trees on Old Marylebone Road by TFL and for a period of 50 years from the date of this permission; e) In the event that the three Ginkgo trees need to be removed within 50 years from the date of this permission, a financial contribution of £135,000 (index linked) toward street tree planting on Old Marylebone Road; f) Payment of the cost of highway works associated with the development on Old Marylebone Road and Harcourt Street; g) Offering local employment opportunities during construction and operation of the hotel; h) The provision, monitoring and review of a travel plan; and i) Payment of cost of monitoring the agreement (£500 per head of term). <p>2. If the S106 legal agreement has not been completed within 6 weeks then:</p> <ul style="list-style-type: none"> 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. <p>3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway and creation of new public highway to enable this development to take place. That the Director of Planning, Executive Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed. The applicant will be required to cover all costs of the Council in progressing the stopping up orders</p>				

CITY OF WESTMINSTER
 PLANNING SUB COMMITTEE – 26th June 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 1. 17/10045/FULL 2. 17/05869/FULL 3. 17/05870/LBC West End	12 Hay Hill London W1J 8NR	Application 1 Use of building for a temporary period as use comprising offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis) Application 2 and 3 Works to the second floor terrace comprising new timber decking and tiled flooring and new timber and metal planters.	
	Recommendation Application 1 <ol style="list-style-type: none"> Grant conditional permission. Applications 2 and 3 <ol style="list-style-type: none"> Grant conditional permission. Grant conditional listed building consent Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter 			
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 18/03730/FULL Churchill	St Gabriel's Hall & Club Churchill Gardens Estate London SW1V 3AA	Erection of two-storey side extension, the creation of a new entrance to the southern boundary, and associated alterations, to provide additional Class D1 floorspace (community centre).	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 18/02033/FULL Regent's Park	4 Wells Rise London NW8 7LH	Excavation of basement extension below part of existing building and part of rear garden with lightwell to front elevation and two rooflights and staircase from basement to garden level to rear. Erection of rear extensions at ground and first floor level, formation of roof terrace at rear first floor level, alterations to fenestration to rear including formation of Juliet balconies, and associated external alterations including to front forecourt and at roof level.	
	Recommendation Grant conditional permission.			

CITY OF WESTMINSTER
 PLANNING SUB COMMITTEE – 26th June 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 18/03130/FULL	23 Meard Street London W1F 0EL	Use of the ground and basement floors as a retail unit (Class A1) and installation of a new shopfront with entrance door.	
	West End			
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 18/01694/FULL 18/01695/LBC	39 South Audley Street London W1K 2PP	Use of basement and part ground floor level fronting Adam's Row as spa (Class D2), installation of new shopfronts at the South Audley Street and Adam's Row frontages, installation of plant within the lightwell and associated works.	
	West End			
Recommendation 1 Grant conditional permission 2. Grant conditional listed building consent 3. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter				
Item No	References	Site Address	Proposal	Resolution
7.	RN(s) : 18/01287/FULL	18 Conduit Street London W1S 2XN	Extensions to office (Class B1) floorspace at second, third, fourth and fifth floor to the rear, and roof level (including creation of rear roof terraces at second third and fourth floor levels).	
	West End			
Recommendation Grant conditional permission.				

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Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 June 2018	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Westcourt House, 191 Old Marylebone Road, London, NW1 5DZ		
Proposal	Redevelopment of the site to provide hotel (Use Class C1) with ancillary ground floor cafe / restaurant in 13 storey building.		
Agent	JLL		
On behalf of	Whitbread Group PLC		
Registered Number	17/04194/FULL	Date amended/ completed	11 May 2018
Date Application Received	12 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	None		

1. RECOMMENDATION

<p>1. Subject to referral to the Mayor of London, grant conditional permission, subject to a section 106 agreement to secure:</p> <ul style="list-style-type: none"> a) A financial contribution of £45,000 (index linked and payable on commencement of development) for the expansion of a nearby cycle hire docking station; b) A financial contribution of £25,000 (index linked and payable on commencement of development) toward wayfinding (Legible London); c) A financial contribution of £27,239 (index linked and payable on commencement of development) toward the funding of Crossrail; d) A financial contribution of £35,000 (index linked and payable on commencement of development) toward bi-annual pruning of the two Ginkgo trees on Old Marylebone Road by TFL and for a period of 50 years from the date of this permission; e) In the event that the Ginkgo trees need to be removed within 50 years from the date of this permission, a financial contribution of £135,000 (index linked) toward street tree planting on Old Marylebone Road; f) Payment of the cost of highway works associated with the development on Old Marylebone Road and Harcourt Street; g) Offering local employment opportunities during construction and operation of the hotel; h) The provision, monitoring and review of a travel plan; and i) Payment of cost of monitoring the agreement (£500 per head of term). <p>2. If the S106 legal agreement has not been completed within 6 weeks then:</p>
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- a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway and creation of new public highway to enable this development to take place. That the Director of Planning, Executive Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed. The applicant will be required to cover all costs of the Council in progressing the stopping up orders

2. SUMMARY

This application was reported to the Planning Applications Sub-Committee on 27 February 2018. The Committee resolved the following:

“That conditional permission be deferred with the Sub-Committee minded to grant, subject to the loading bay being relocated from Harcourt Street to Old Marylebone Road and if necessary enlarged through the loss of two Ginkgo trees. Following discussions between officers and the applicant, the application be to be brought back to the Planning Sub-Committee for determination”.

This followed an earlier deferral (24 October 2017 meeting), where the applicant was asked to, amongst other things, provide off-street servicing.

In response to the Committees deferral of 27 February 2018, the applicant now proposes use of the taxi drop-off / pick up bay proposed on Old Marylebone Road for servicing. This would provide a shared use area for taxis and delivery vehicles.

Transport for London (TfL) are the Highways Authority for Old Marylebone Road (a TLRN road) and they have objected to shared use of this bay. In summary, TfL have objected for the following reasons:

1. Due to high traffic flows and poor visibility turning in and out, the proposed loading use would be likely to increase the risk of conflicts and collisions, especially between motorised vehicles and vulnerable highway users such as pedestrians and cyclists;
2. The City Council’s own policy (S42 of the City Plan) requires that on-street servicing and delivery needs are met in such a manner than they minimise effects on other highway and public realm users and other residential or commercial activities. In their view, this policy would be best met through on-street servicing from Harcourt Street;

3. Servicing for the existing building already takes place from Harcourt Street in an uncontrolled manner and this application provides an opportunity for the City Council to control its amenity impact through a Traffic Management Order (TMO); and
4. TfL do not support the removal of healthy trees from the TLRN.

In response to TfL's Highway Safety concerns, the applicant notes that there would be only two deliveries per day, for up to 40 minutes a time and vehicle speeds are anticipated to be low on this part of Old Marylebone Road given the adjacent junction and pedestrian crossing. Deliveries would be coordinated by the applicant to ensure that they do not arrive simultaneously and do not conflict with taxi drop-off and pick-up times. This would be secured through a Servicing Management Plan to include a banksman. The banksman would, amongst other things, operate the push button at the pedestrian crossing to the north and up-stream of the bay to provide a safe window for delivery vehicles to leave. Deliveries would also be limited to between 10 am and 4 pm to further reduce potential conflict with peak taxi pick-up and drop off times. The applicant also proposes limiting the size of delivery vehicle to ensure that they do not exceed the size of the bay and overhang the southbound traffic lane. Other concerns raised by TfL in regards to the positioning of street signs and vehicle tracking can be addressed at detailed design stage. The applicant advises that TfL could not reasonably withhold agreement to the necessary section 278 agreement given the above

The Highways Planning Manager supports the applicant's proposal, subject to recommended Conditions 13 and 20, which would secure a Servicing Management Plan and limit delivery times to between 10am and 4pm, respectively.

With regards to the TfL's concern that the proposal conflicts with policy S42 of the City Plan, officers do not share this concern. Subject to the recommended conditions, the proposal would minimise adverse effects on the highways and locate servicing activity away from sensitive residential uses on Harcourt Street. Accordingly, it would be consistent with policy S42 of the City Plan.

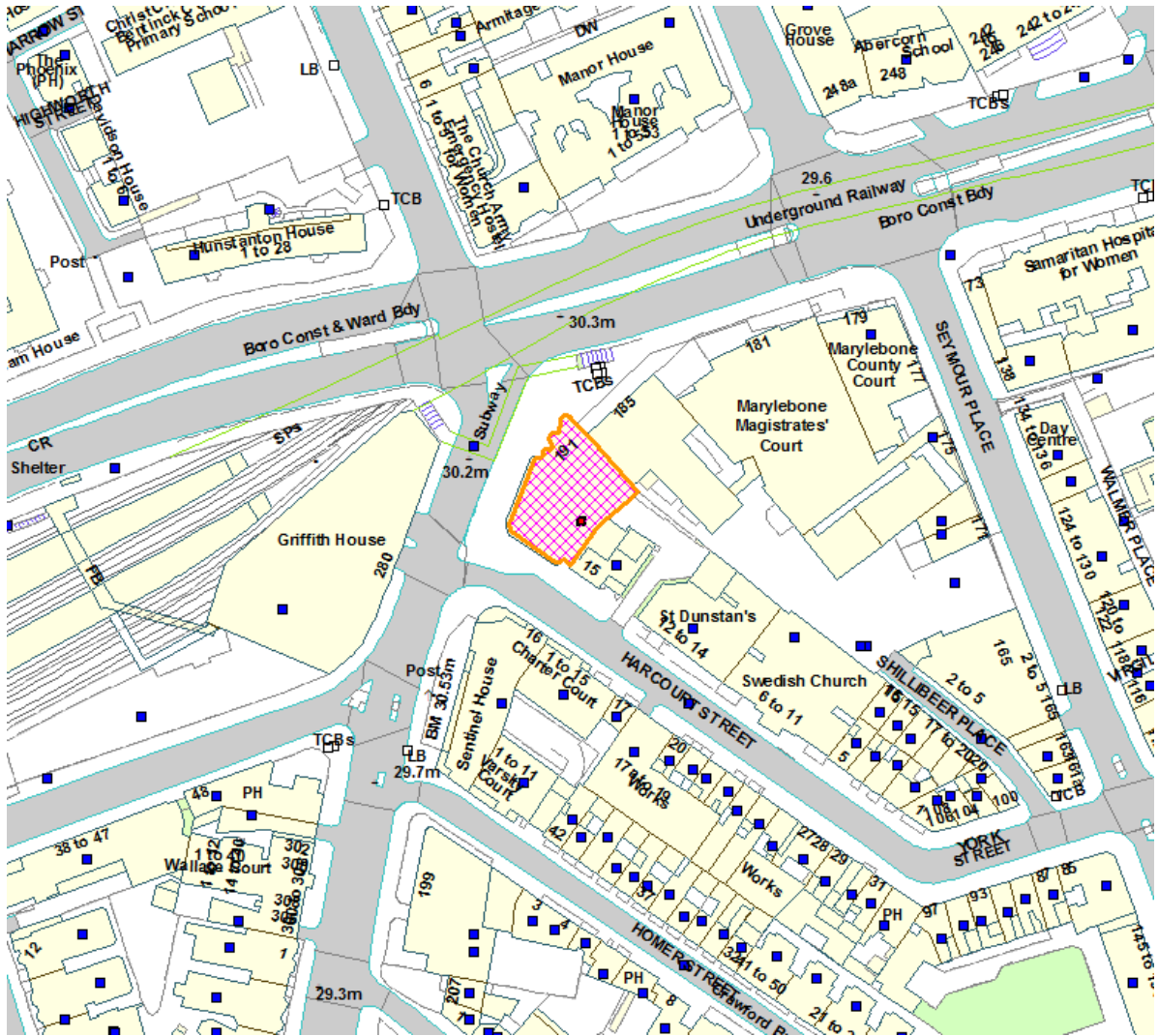
Whilst TfL consider that the proposal provides the City Council with an opportunity to control the amenity impact of servicing through a TMO, this could also be achieved through the recommended conditions. In addition, servicing from Old Marylebone Road would have the added benefit of locating it further from sensitive residential uses in Harcourt Street. Accordingly, this objection is not sustainable.

Use of this bay for servicing would require relocation of the central Ginkgo tree and TfL note that they do not support removal of healthy trees from the TLRN. However, the applicant proposes relocating the tree to an area near the junction with Harcourt Street. Accordingly, this objection is not considered sustainable.

The applicant advises that should the committee uphold TfL's objection to servicing from Old Marylebone Road, they would be happy to revert back to their original proposal to service from Harcourt Street and have prepared an alternative ground floor plan to support this.

Given the above, applicant has revised the proposal as requested by the committee and officers do not consider the objections of TfL to be sustainable. The application is therefore reported back to the Sub-Committee for it further consideration.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Application site as seen from Marylebone Road



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

5. CONSULTATIONS

TRANSPORT FOR LONDON (TfL)

No response received to formal consultation, which closed on 13 June 2018. Any response to be reported verbally.

However, TfL have written previously advising that they object to shared use of the bay by taxi's and servicing vehicles for the following reasons:

1. Due to high traffic flows and poor visibility turning in and out, the proposed loading use would be likely to increase the risk of conflicts and collisions, especially between motorised vehicles and vulnerable highway users such as pedestrians and cyclists;
2. The City Council's own policy (S42 of the City Plan) requires that on-street servicing and delivery needs are met in such a manner that they minimise effects on other highway and public realm users and other residential or commercial activities. In their view, this policy would be best met through on-street servicing from Harcourt Street;
3. Servicing for the existing building already takes place from Harcourt Street in an uncontrolled manner and this application provides an opportunity for the City Council to control its amenity impact through a Traffic Management Order (TMO); and
4. TfL do not support the removal of healthy trees from the TLRN.

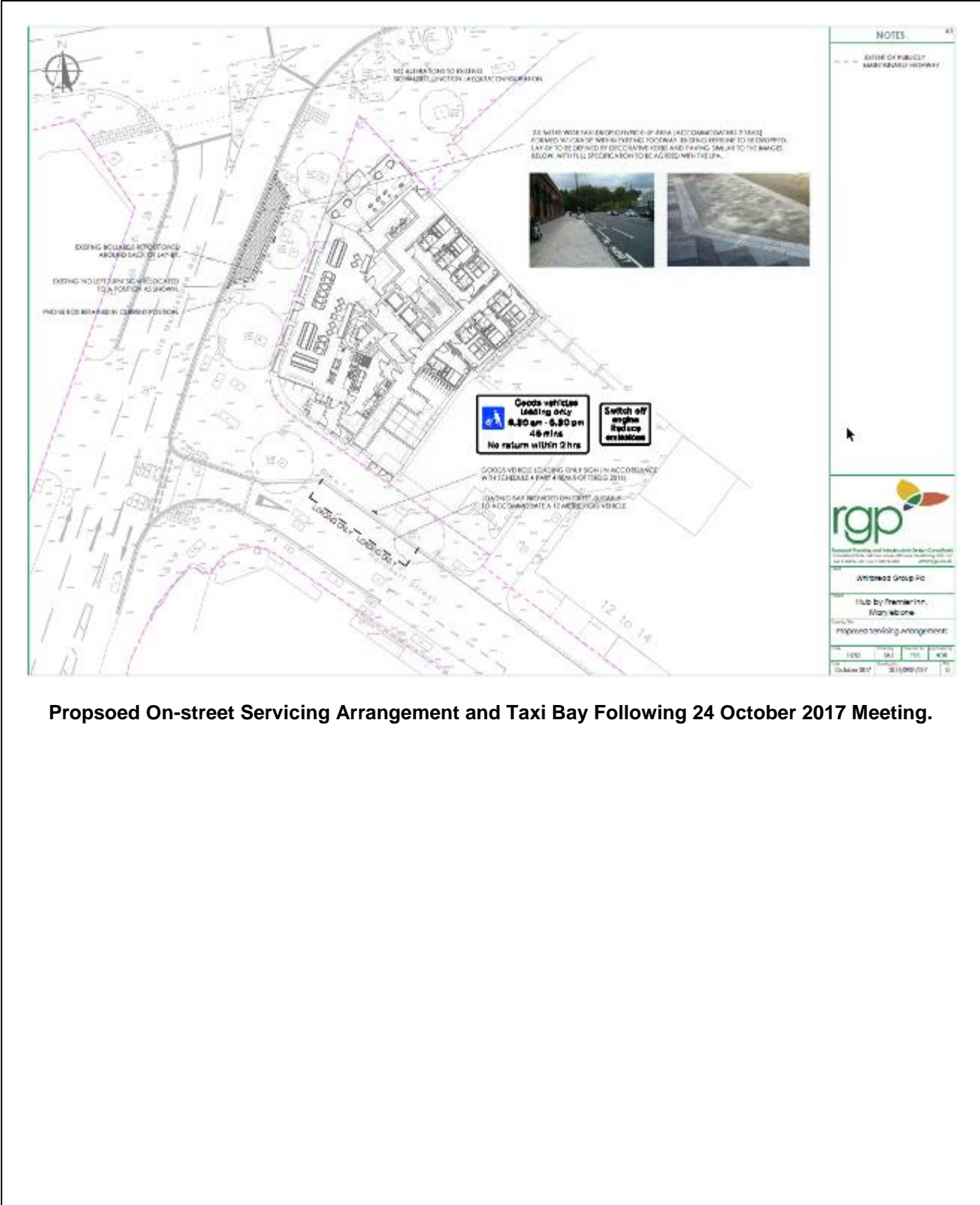
HIGHWAYS PLANNING MANAGER

No objection, subject to condition securing Servicing Management Plan, including the use of a trained and authorised banksman.

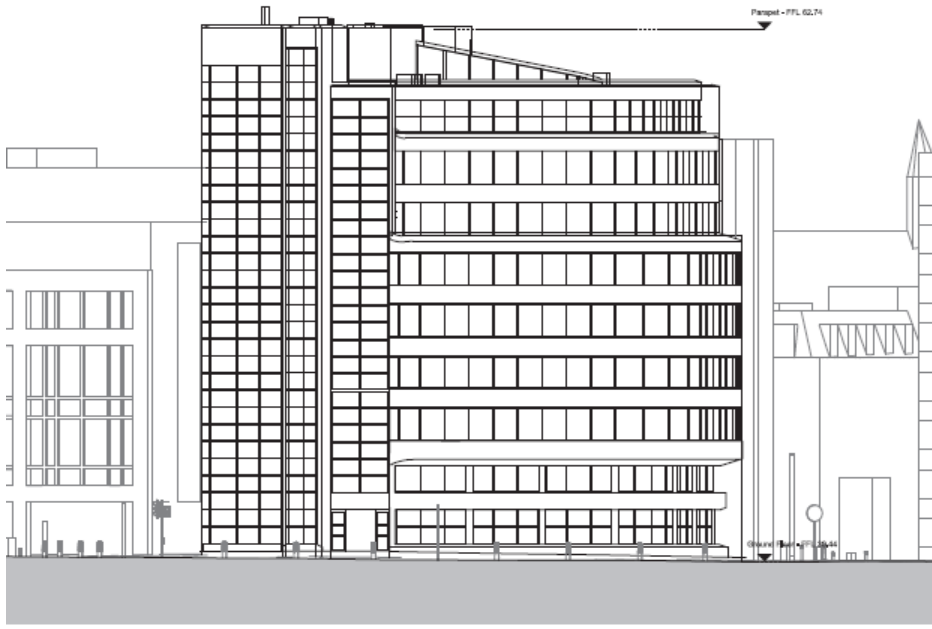
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk.

8 KEY DRAWINGS



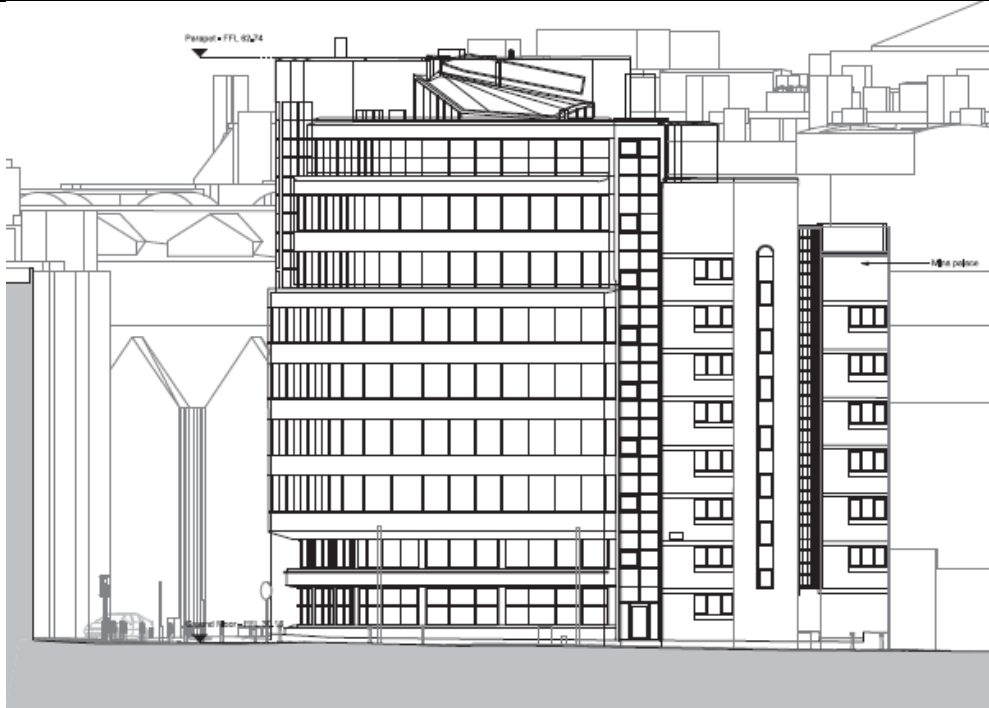
Proposed On-street Servicing Arrangement and Taxi Bay Following 24 October 2017 Meeting.



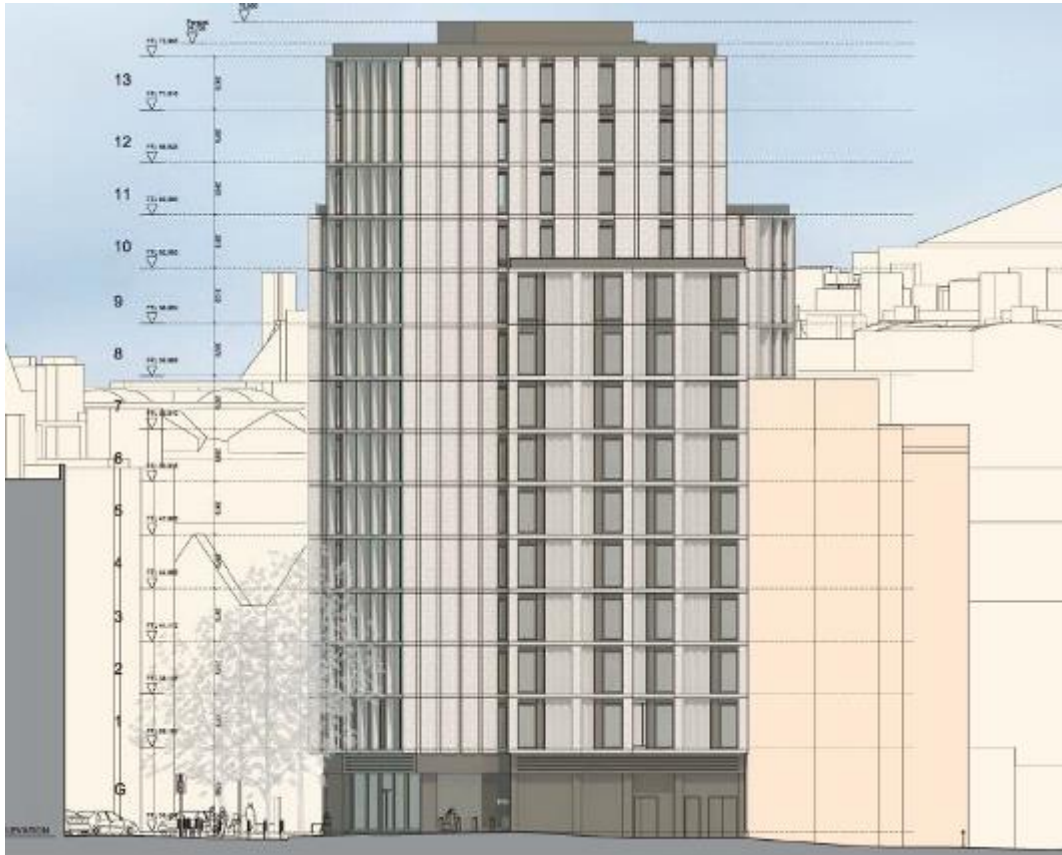
Existing Old Marylebone Road (North West) Elevation



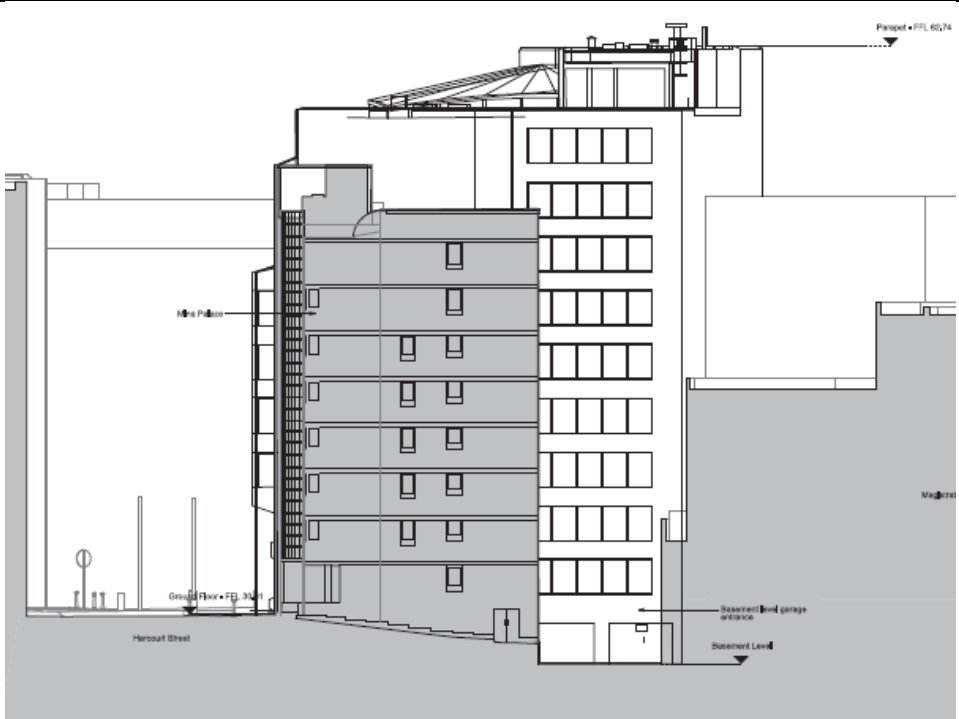
Proposed Old Marylebone Road (North West) Elevation



Existing Harcourt Street (South West) Elevation



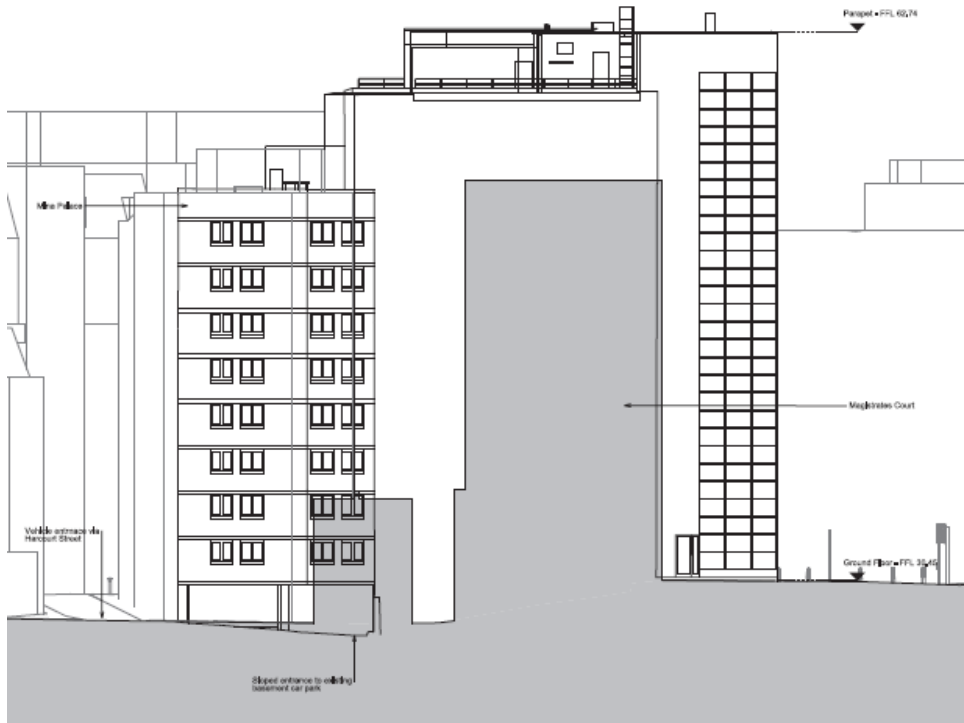
Proposed Harcourt Street (South West) Elevation



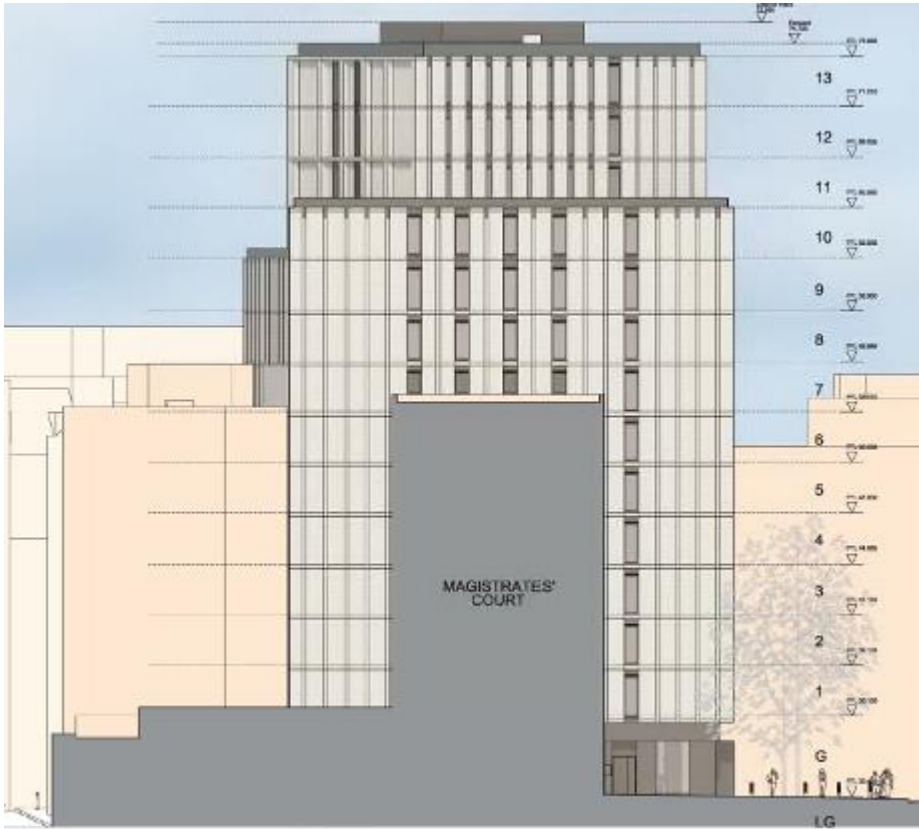
Existing South East Elevation



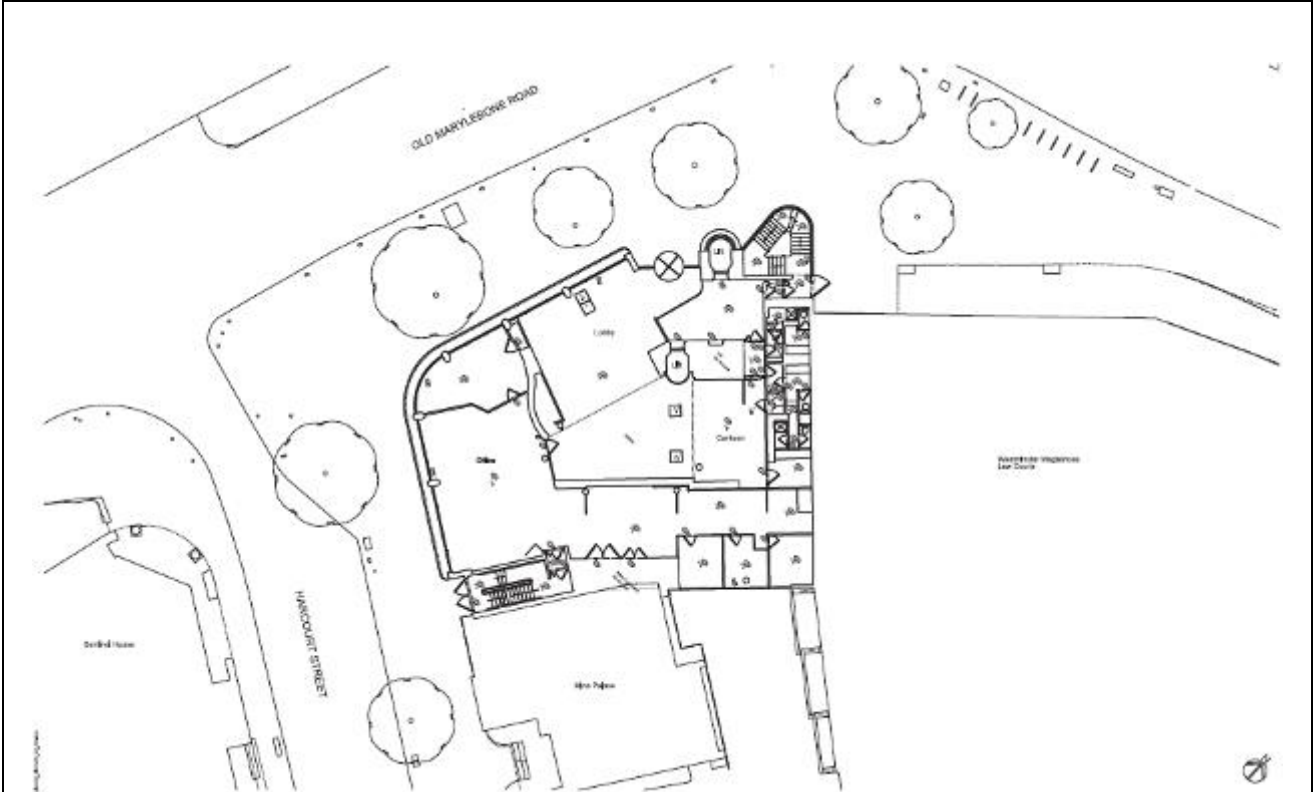
Proposed South East Elevation



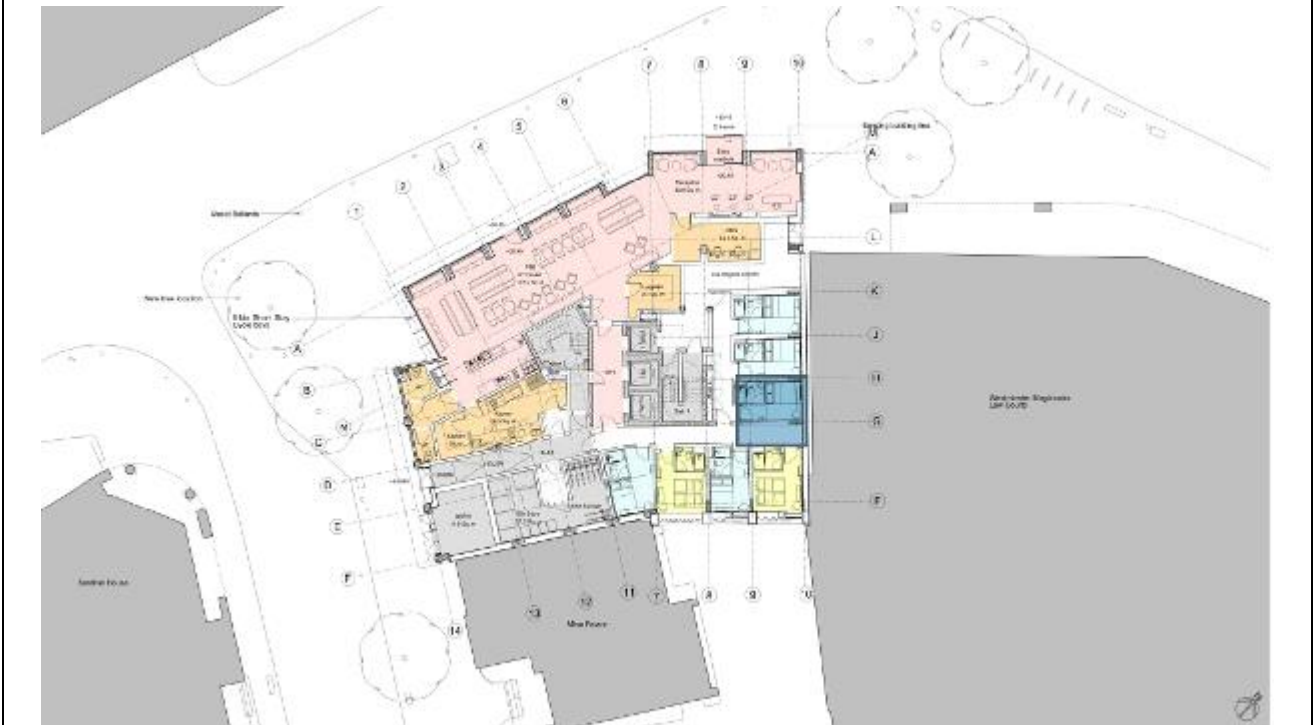
Existing North-East Elevation



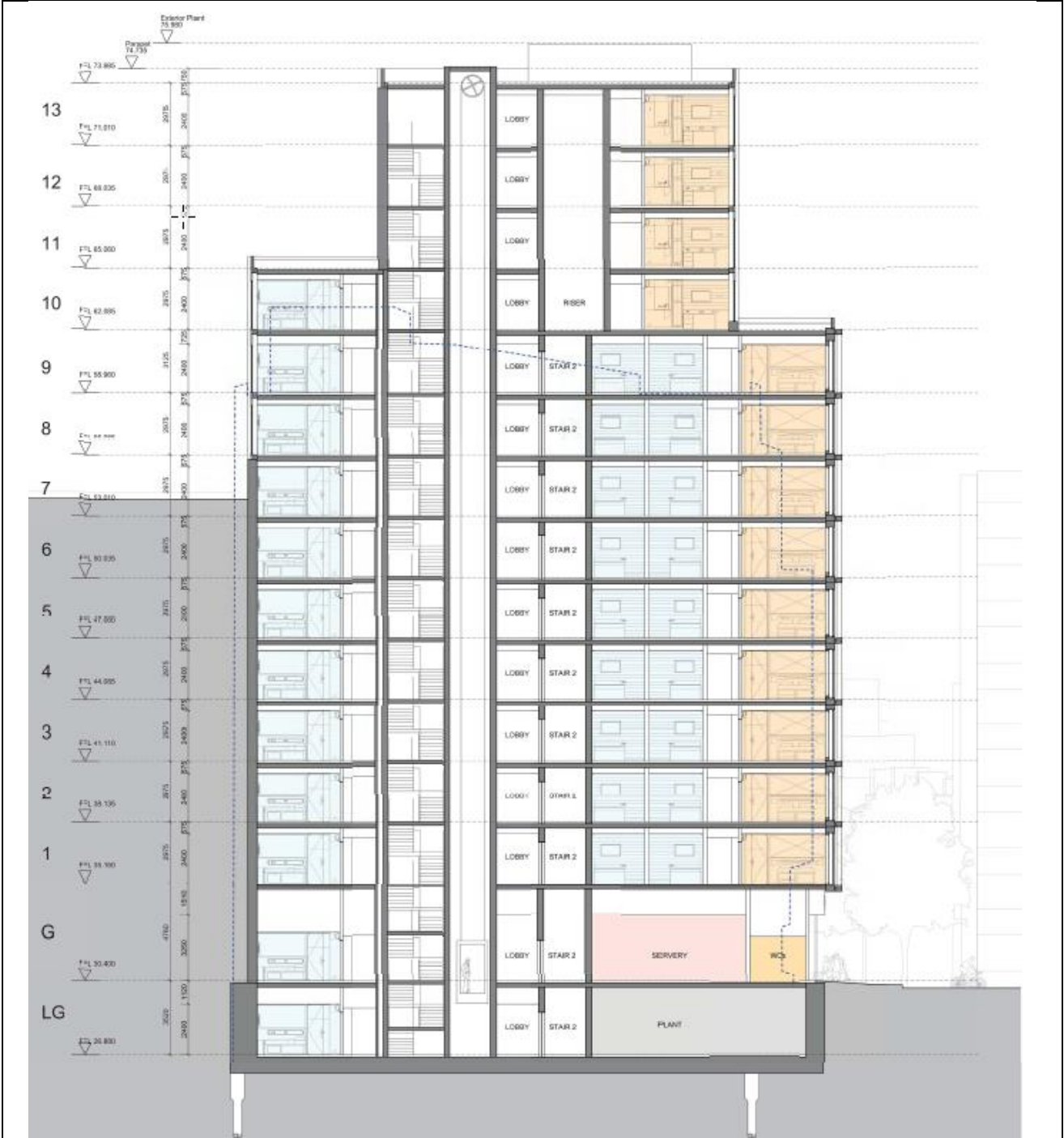
Proposed North-East Elevation



Existing Ground Floor Plan



Proposed Ground Floor Plan



Proposed Section



Visuals of Proposed Development from Old Marylebone Road



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 27th February, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Richard Beddoe (Chairman), David Boothroyd, Susie Burbridge and Tim Mitchell

4 WESTCOURT HOUSE, 191 OLD MARYLEBONE ROAD, LONDON, NW1 5DZ

Redevelopment of the site to provide hotel (Use Class C1) with ancillary ground floor cafe / restaurant in 13 storey building.

A late representation was received from Whitbread Group PLC (Undated).

The presenting officer tabled the following revision to 1e) of the recommendation:

“1e) In the event that the three Ginkgo trees need to be removed within 50 years from the date of this permission, a financial contribution of £135,000 (index linked) toward street tree planting on Old Marylebone Road payable to ~~TFE~~; Westminster City Council.”

RESOLVED:

That conditional permission be deferred with the Sub-Committee minded to grant, subject to the loading bay being relocated from Harcourt Street to Old Marylebone Road and if necessary enlarged through the loss of two Ginkgo trees. Following discussions between officers and the applicant the application to be brought back to the Planning Sub-Committee for determination.

Item No.
1

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

1. RECOMMENDATION

<p>2. Subject to referral to the Mayor of London, grant conditional permission, subject to a section 106 agreement to secure:</p> <ul style="list-style-type: none"> j) A financial contribution of £45,000 (index linked and payable on commencement of development) for the expansion of a nearby cycle hire docking station; k) A financial contribution of £25,000 (index linked and payable on commencement of development) toward wayfinding (Legible London); l) A financial contribution of £27,239 (index linked and payable on commencement of development) toward the funding of Crossrail; m) A financial contribution of £35,000 (index linked and payable on commencement of development) toward bi-annual pruning of the three Ginkgo trees on Old Marylebone Road by TFL and for a period of 50 years from the date of this permission; n) In the event that the three Ginkgo trees need to be removed within 50 years from the date of this permission, a financial contribution of £135,000 (index linked) toward street tree planting on Old Marylebone Road payable to TFL; o) Payment of the cost of highway works associated with the development on Old Marylebone Road and Harcourt Street; p) Offering local employment opportunities during construction and operation of the hotel; q) The provision, monitoring and review of a travel plan; and r) Payment of cost of monitoring the agreement (£500 per head of term). <p>2. If the S106 legal agreement has not been completed within 6 weeks then:</p>

- c) 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;
 - d) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway and creation of new public highway to enable this development to take place. That the Director of Planning, Executive Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed. The applicant will be required to cover all costs of the Council in progressing the stopping up orders

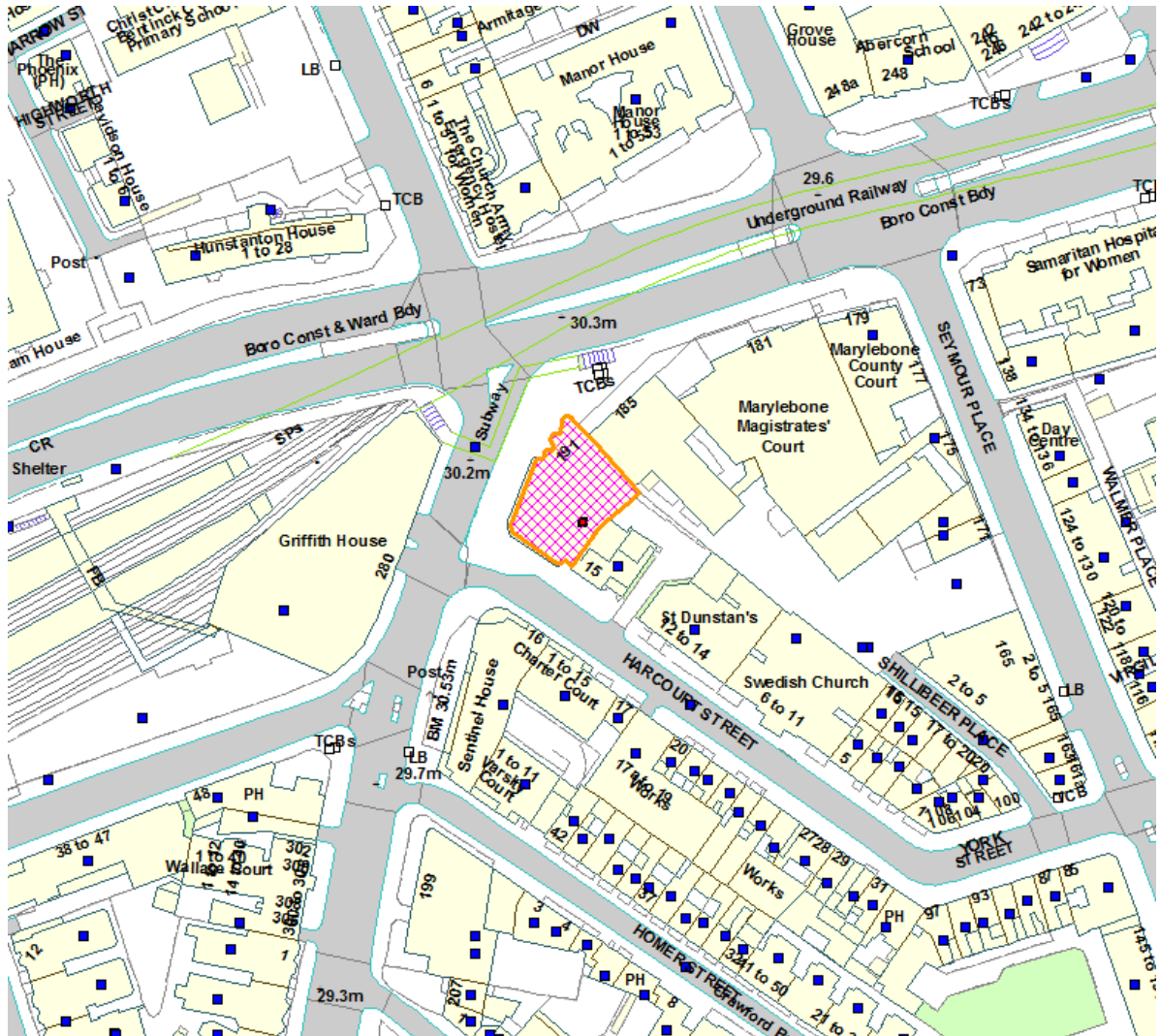
2. SUMMARY

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

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

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



Application site as seen from Marylebone Road



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

5. CONSULTATIONS

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

Applicant's Agent

Details in support of their application and discussed below.

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

Applicant's Agent

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

Transport for London

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

REPRESENTATIONS RECEIVED AFTER COMMITTEE MEETING OF 24 OCTOBER 2017

Transport for London (TFL)

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

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

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

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

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

Highways Planning Manager

Objection to absence of off-street servicing.

Adjoining Owners/Occupiers and Other Representations Received

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

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

6. BACKGROUND INFORMATION

6.1 The Application Site

See report for 24 October 2017 meeting.

6.2 Recent Relevant History

See report for 24 October 2017 meeting.

7. THE PROPOSAL

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

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

8. DETAILED CONSIDERATIONS

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

8.1 Off-Street Servicing

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

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

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

Following discussion with officers, the applicant has also explored the possibility of utilising the proposed taxi bay on Old Marylebone Road (discussed below) to accommodate delivery and servicing activity, using an 8.3m rigid vehicle. The taxi bay

would have to be enlarged to accommodate servicing vehicles and it was found that this would result in the following issues:

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

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

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

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

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

servicing activity from Harcourt Street and its approach roads. While this may require some further intervention with existing utility provision within the highway, this is expected and a very common part of construction of new buildings in Westminster and it is unclear why this cannot be pursued in this instance.

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

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

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

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

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

8.3 Retention of the Ginkgo Trees on Old Marylebone Road.

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

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

8.4 Employment Opportunities for Westminster residents.

The applicant has confirmed that they are committed to providing employment opportunities for local residents and it is recommended that this is secured via the section 106 agreement. Accordingly, the applicant has addressed the Sub-Committees concerns.

8.5 London Plan

See report for 24 October 2017 meeting.

8.6 National Policy/Guidance Considerations

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

8.7 Planning Obligations

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

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

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

8.8 Environmental Impact Assessment

See report for 24 October 2017 meeting.

8.9 Other Issues

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

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

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

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

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

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

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

MINUTES

Planning Applications Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 24th October, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Richard Beddoe (Chairman), David Boothroyd, Susie Burbridge and Tim Mitchell

2 WESTCOURT HOUSE, 191 OLD MARYLEBONE ROAD, LONDON, NW1 5DZ

Redevelopment of the site to provide hotel (Use Class C1) with ancillary ground floor cafe / restaurant in 13 storey building.

An additional representation was received from JLL (October 2017).

Late representations were received from JLL (October 2017) and Transport for London (24.1017).

RESOLVED: Deferred for the applicant to reconsider:

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Westcourt House, 191 Old Marylebone Road, London, NW1 5DZ		
Proposal	Redevelopment of the site to provide hotel (Use Class C1) with ancillary ground floor cafe / restaurant in 13 storey building.		
Agent	Miss Suzanne Crawford		
On behalf of	Whitbread Group PLC		
Registered Number	17/04194/FULL	Date amended/ completed	17 May 2017
Date Application Received	12 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	None		

1. RECOMMENDATION

<p>1. Subject to referral to the Mayor Of London, grant conditional permission, subject to a section 106 agreement to secure:</p> <ul style="list-style-type: none"> a) A financial contribution of £45,000 (index linked) for the expansion of a nearby cycle hire docking station; b) A financial contribution of £25,000 (index linked) toward wayfinding (Legible London); c) A financial contribution of £27,239 (index linked) toward the funding of Crossrail; d) A financial contribution of £135,000 (index linked) toward street tree planting on Old Marylebone Road; e) Payment of the cost of highway works associated with the development on Old Marylebone Road and Harcourt Street; f) Offering local employment opportunities during construction and operation of the hotel; g) The provision, monitoring and review of a travel plan; and h) Payment of cost of monitoring the agreement (£500 per head of term). <p>2. If the S106 legal agreement has not been completed by 5 December 2017 then:</p> <ul style="list-style-type: none"> a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

- b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway and creation of new public highway to enable this development to take place. That the Director of Planning, Executive Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed. The applicant will be required to cover all costs of the Council in progressing the stopping up orders

2. SUMMARY

The application site contains an eight storey plus basement office building at the junction of Old Marylebone Road and Harcourt Street. This building is unlisted and lies outside a conservation area, although the Portman Estate Conservation Area lies close to the east and the Lisson Grove Conservation Area lies to the north on the opposite side of Marylebone Road. There are also a number of nearby grade II listed buildings which lie to the south west and face onto Harcourt Street. The application site is also located within the Central Activities Zone (CAZ) and a CAZ frontage.

The applicant proposes demolishing the existing office buildings (Use Class B1) and construction of a hotel (Use Class C1). The proposed hotel would contain 294 bedrooms within a building comprised of three interlocking blocks 9, 10 and 13 storeys high. The ground floor would include a ground floor café/restaurant.

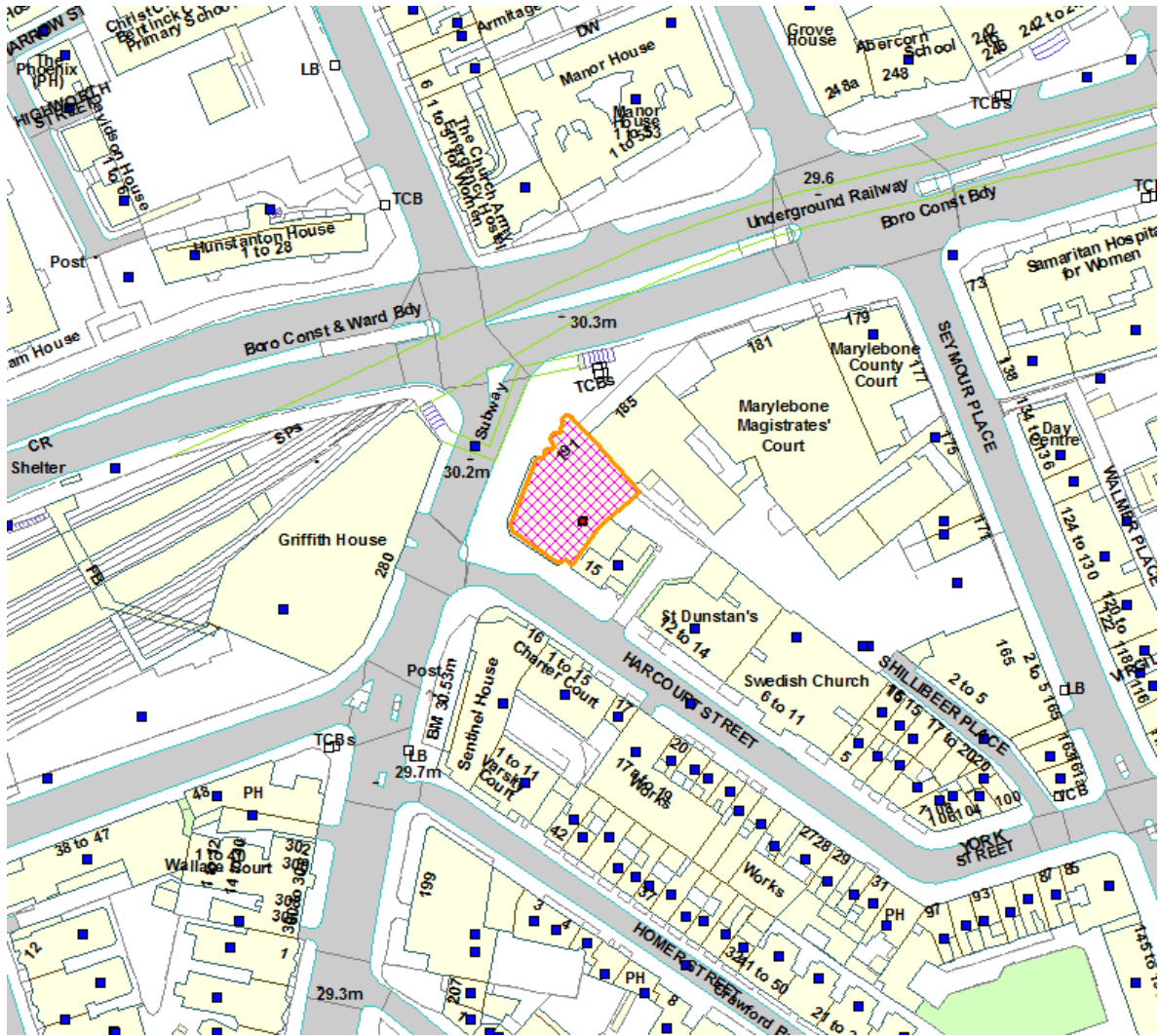
The key considerations are:

- Loss of office use and provision of hotel use;
- Impact on the character and appearance of the area;
- Impact on residential amenity;
- Impact on the highway, including loss and dedication of public highway; and
- Loss of street trees.

Officers have some concern with the height of the proposed building and the absence of off-street servicing and Transport for London object to the loss of three street trees on Old Marylebone Road. However, these objections are not considered sustainable.

On balance, the proposed development is considered to comply with the Unitary Development Plan (UDP) and City Plan (City Plan) and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Application site as seen from Marylebone Road



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

5. CONSULTATIONS

GREATER LONDON AUTHORITY (GLA)

The proposed hotel in this accessible location in the CAZ is supported and the loss of office space is acceptable. The height, massing and high quality architecture is supported, although there is a concern over the loss of street trees, which requires further justification. There would be no harm to heritage assets. A contribution of £45,000 should be secured towards the expansion of the nearby cycle hire docking station.

WARD COUNCILLORS FOR BRYANSTON AND DORSET SQUARE

Any response to be reported verbally.

WARD COUNCILLORS FOR CHURCH STREET

Any response to be reported verbally.

ARBORICULTURAL MANAGER

Subject to TFL's comments, the removal of three Ginkgos on Marylebone Road would be regrettable. However any major redevelopment of this building would require their removal so if there are overriding planning reasons for supporting redevelopment of this site, then I think that the removal of the trees could be justified if large replacements could be provided and they can be planted without conflict with the building or road.

HIGHWAYS PLANNING MANAGER

Object to the absence of off-street servicing and coach and taxi parking for the proposed hotel; unsatisfactory cycle parking provision and changes to the building line.

ENVIRONMENTAL HEALTH OFFICER

Subject to recommended conditions, the proposed building should be able to provide satisfactory noise and vibration levels for occupiers.

A phase one contamination report has been provided. A condition is recommended requiring further site investigation and, if required, submission of a remediation strategy should contamination be encountered.

The proposed development is situated within an area of poor air quality, mitigation measures are considered necessary to protect future occupiers. During construction, the Site Environmental Management Plan (SEMP) should explain how impacts on air quality will be mitigated. During the operational phase, conditions should be imposed requiring mitigation measures such as sealed external windows, mechanical ventilation and no gardens, balconies, seating or external amenity areas to be provided at basement, ground or first floor levels.

The Ventilation Strategy Report dating May 2017, notes that the CHP will be run to the main roof (level 14) and terminates above the roof. It is unclear from the plans on the precise proposed location of the flue for the proposed energy centre. This must be clearly cited to ensure suitable dispersion of emissions. The details of the discharge flues should be required by condition.

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A construction Site Environmental Management Plan should be sought in the Code of Construction Practice Agreement (COCP) to control the environmental impacts of the construction phase including noise, vibration and dust. The hours of construction should also be controlled by way of condition.

WASTE PROJECT OFFICER

Object. The applicant has proposed a waste store within the ground floor level with on-street waste servicing on Harcourt Street. There was no waste management strategy detailing waste generation estimate and storage capacity that will be required for residual waste and recyclable materials. Therefore, the applicant has not demonstrated that waste and recyclable materials will be managed in line with the Westminster City Council Recycling and Waste Storage Requirements.

LONDON UNDERGROUND LIMITED

No objection, subject to condition to secure protection of the existing underground network adjacent to the site.

TRANSPORT FOR LONDON

Removal of three trees to the northern frontage is unacceptable. There are no suitable planting locations on this part of Old Marylebone Road given the high number of services within the pavement and a payment for their replacement is unacceptable. Recommend that building line is pulled back to allow for trees to be retained. Further discussion is needed for an amendment to the scheme to prevent their removal and tree protection conditions imposed for the demolition, site clearance and construction phases.

Object to use of Old Marylebone Road for coach and taxi pick-up and drop-off.

Should permission be granted, contributions toward wayfinding (Legible London - £25,000) and cycle hire docking station (£45,000) should be sought. Conditions requiring Construction Logistics Plan, Delivery & Servicing Management Plan and Travel Plan requested.

HISTORIC ENGLAND (ARCHAEOLOGY)

Although the site is not located in an Archaeological Priority Area (APA), it is approximately 200m east of the Watling Street APA. Old Marylebone Road was also the location of Lisson Manor House and medieval and post-medieval deposits and features have been recorded in the vicinity previously. Recommend a condition requiring a programme of archaeological work to fully investigate this potential and record any remains present.

MARYLEBONE ASSOCIATION

Object. The principle of a hotel use on this site is welcome. However, there are concerns about the height of the proposals when viewed in context. Whilst this is a prominent corner site that can accommodate a statement scheme, the massing when viewed within the context appears overbearing and the central section of the proposals appears disproportionately tall. They would like to see further consideration on the heights.

Consideration should be given to the area at ground floor where there is a bike store, and which may attract anti-social behaviour given it is slightly tucked out of view and that the restaurant may not always be able to provide natural surveillance.

Should permission be granted, an exemplary Construction Traffic Management Plan should be required to ensure that already congested roads are not exacerbated.

THE ST MARYLEBONE SOCIETY

Strongly regret the proposed demolition of the interesting existing 1983 “High Tech” red clad building by GMW, which responds very well to site and context, has an varied profile and good massing, and turns the corner beautifully on this prominent site. Any building on this site will be visible from afar from many directions and should be a fine piece of architecture from all directions.

While the main facades have developed somewhat during the consultation period, the other facades are treated purely as extrusions from plan which protrude uncomfortably from the surrounding lower buildings – including the magistrates court, which should have more “weight” as an important local public building. The rigidity of the hotel room module contributes significantly to the ugliness of the extruded forms.

Rather than using the existing general roof level as the “height” of the new building, the developer takes the highest point of the stair tower as a baseline and then adds 3 extra floors. Any replacement building should be no higher on average than the existing general roof level. They reject the viability argument for several extra floors: the developers knew what the site could bear when they purchased it. The proposal is too high and too bulky.

No objection to the use of the building as a hotel. However, we note that there are issues with deliveries in Harcourt Street. Residents of smaller streets should not have their quality of life degraded by oversized delivery trucks. The idea of a public coffee bar at ground floor level is appealing, but it actually seems to be very small, and we wonder whether there will ever be room for the public as well as for guests.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1439
Total No. of replies: 22
No. of objections: 21
No. in support: 1

In summary, the objectors raise the following issues:

Character and Appearance

- The proposed building is too tall and out of keeping with the height of adjacent buildings and/or the area;
- The height of the proposed building would set a new precedent for building heights in the area;
- The proposed building would affect the setting of nearby listed buildings and/or conservation areas;

Amenity

- The proposed building will block light
- The height of the proposed building will allow for additional overlooking of neighbouring or nearby properties;
- Proposal would overshadowing the garden terrace to the rear of the Swedish Church;
- The proposal would result in loss of light to Sentinel House;

Highways

- The proposed hotel will generate additional traffic at the intersection of Harcourt Street and Old Marylebone Road;
- The proposed development would result in loss of parking spaces for residential accommodation servicing the Embassy of the People's Republic of China;
- Access and servicing during construction and operation of the proposed hotel would take place directly in front of and cause congestion and noise outside residential accommodation servicing the Embassy of the People's Republic of China;
- Delivery and servicing for the proposal would conflict with similar arrangements for Sentinel House;

Other

- The granting of a late license in conjunction with other premises would turn the area into a largely commercial zone;
- Party wall issues;
- The proposed development may put at risk the personal safety and security of residents in neighbouring residential accommodation for the Embassy of the People's Republic of China;
- The applicant needs to confirm that the bollards to the front of the building will be retained;
- The applicant will need to liaise with the adjacent magistrates courts on-site manager in relation to additional security at ground floor level and during construction;
- Obscure windows should be introduced where they overlook the Magistrates' Court; and
- There are already too many hotels in the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site contains an eight storey plus basement office building at the junction of Old Marylebone Road and Harcourt Street. This building is unlisted and lies outside a conservation area, although the Portman Estate Conservation Area lies close to the east and the Lisson Grove Conservation Area lies to the north on the opposite side of Marylebone Road. There are also a number of nearby grade II listed buildings which lie

to the south west and face onto Harcourt Street. The application site is also located within the Central Activities Zone (CAZ) and a CAZ frontage.

6.2 Recent Relevant History

17/01235/EIASCR

Request for screening opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2015 as amended for the demolition of the existing building and erection of a ground plus 13 storey building comprising 310 hotel bedrooms (Use Class C1), approximately 7,718.7 sqm GIA. EIA not required – 7 March 2017

84/02087/FULL

Demolition of existing buildings & erection of nine storey office & residential building with 13 s/c flats. Permission granted – 24 April 1985

7. THE PROPOSAL

The applicant proposes demolishing the existing office buildings (Use Class B1) and construction of a hotel (Use Class C1). The proposed hotel would contain 294 bedrooms within a building comprised of three interlocking blocks 9, 10 and 13 storeys high. The ground floor would include an ancillary café/restaurant.

The building’s façade would comprise brick clad piers with polished pre-cast concrete curtain walls and lintels framing floor-to-ceiling windows above first floor level. The ground floor would include glazed elevations facing Marylebone Road and Harcourt Street to serve the ground floor café/restaurant. No on-site parking or loading facilities are proposed.

The following changes to floorspace on-site are proposed:

Use	Existing GIA (sqm)	Proposed GIA (sqm)	Change
Office	4986	-	-4986
Hotel	-	7462	+7462

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Existing Office

Whilst the London Plan (March 2016) (“the London Plan”) does not specifically protect office uses, policy 4.2 does support rejuvenation of the office stock within the CAZ in order to improve the quality and flexibility of office stock so that it can meet the distinct needs of the Central London market. Strategic policy also acknowledges the diverse range of uses that exist within the CAZ and that having a range of residential and visitor infrastructure uses within the CAZ helps to support its strategic function. Paragraph 2.3.5

of the CAZ SPG seeks to ensure that additional hotel provision does not constrain the availability of local employment and commercial floorspace, having regard to demand and viability.

Prior to the applicant acquiring the site, the building had been marketed for over a year with no interest from office operators, in part due to the office floorplates not being suitable for the current market. Furthermore, the site is not located in a core office location and transport and public realm improvements (including Crossrail) along Oxford Street and around Paddington is likely to further marginalise the office market in Marylebone, making the redevelopment of existing stock less attractive. It is also noted that commercial space will be re-provided in the form of the hotel and retail use, which would help to support the strategic function of the CAZ. The loss of office space on this site would not undermine the primary business function of the CAZ or any locally defined office market, nor would it adversely impact on the wider strategic function of the CAZ. As such, the loss of office space on this site would be consistent with the London Plan.

The reasoned justification to policy S20 of Westminster's City Plan (November 2016) ("the City Plan") notes concern with office losses throughout the City, although does note that losses of office to other commercial uses are acceptable as they contribute to commercial activity. Accordingly, the principle of losing this office space to another commercial use on this site would be consistent with policy S20 of the City Plan.

Proposed Uses

Policy 4.5 of the London Plan directs hotel provision to Opportunity Areas and CAZ fringe locations with good public transport. The proposal would be consistent with this strategic policy objective.

This site is not located within an Opportunity Area, the Core CAZ, Named Streets or NWEDA/NWSPA where new hotels are directed (see policy S23 of the City Plan and TACE 2 of the Unitary Development Plan (adopted 2007) ("the UDP"). However, it is located within a CAZ Frontage which is deemed a Designated Shopping Centre within the City Plan. Policy S18 of the City Plan specifies that commercial development will be encouraged and directed toward, inter alia, Designated Shopping Centres. Accordingly, the proposed hotel use would be supported in principle.

The proposed café/restaurant use would be ancillary to the hotel and is therefore supported. A condition is recommended to ensure that it remains ancillary to the proposed hotel.

8.2 Townscape and Design

The application site contains an unlisted office building that is outside a conservation area, although the Portman Estate Conservation Area lies close to the east; the Lisson Grove Conservation Area lies to the north on the opposite side of Marylebone Road; while the Dorset Square Conservation Area lies approximately 110m to the east, again on the north side of Marylebone Road. There are also a number of nearby listed buildings which include several grade II listed buildings to the south east, facing onto Harcourt Street and amongst which is the grade II Swedish Church, identified as a

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landmark building within the Portman Estate Conservation Area Audit. On the north side of Marylebone Road, there are the grade II listed Manor House and the Abercorn School (former St Marylebone Grammar School), as well as the grade II* former Christ Church on Cosway Street.

The existing building dates from the mid-1980s and was designed by GMW Architects. It is a nine storey building clad in red metal panels and bands of smoked and mirrored glass. It presents a prominent 10-storey curved turret stair to Marylebone Road. With its unlisted status and lying outside a conservation area, the building enjoys limited protection from demolition, however, it is not without architectural merit, noted by both Pevsner and by the Royal Fine Arts Commission. The latter commenting, that the completed building “came out unexpectedly well...dextrous handling of the masses and their articulation and consequent legibility” (RFAC, *What Makes A Good Building*, 1994). The architectural merits of the existing building are also noted by the St Marylebone Society in their consultation response.

The proposed replacement building would be articulated in three connected blocks, with an 11-storey block abutting the Westminster Magistrates’ Court and facing onto Marylebone Road; a 14-storey block facing onto Old Marylebone Road; and a 10-storey block facing onto Harcourt Street and abutting the neighbouring no.15 Harcourt Street (Mina Palace). The ground floor would include the hotel reception area and a café/restaurant space, with entrances onto Marylebone Road and Old Marylebone Road respectively. A service entrance is located on Harcourt Street, as is a new substation for the site.

All three component blocks present the same façade treatment with a regular grid and fenestration pattern revealing the modular nature of the hotel layout. Pre-cast concrete lintels express the floor plates, although wider vertical panels of brickwork provide the prevailing facing material. The windows are well recessed behind the brick and concrete grid, providing relief and depth; and the introduction of a folded, polished pre-cast concrete panel of varying widths provides further relief and visual interest. The brick type proposed would be of a light grey colour which would complement the stone colour of the neighbouring magistrates’ court. The window frames and side panels would be metal and in a darker grey/black tone. The flank walls to each block would echo the primary facades but in a less robust form, reflecting their secondary nature.

A consistent ground floor base containing a high degree of glazing to the facades onto Marylebone Road and Old Marylebone Road and also faced in the same charcoal grey anodised aluminium found elsewhere in the facades, will ground the building. The height of the base aligns with the colonnade to the adjacent magistrates’ court, which complements the street-level relationship between the two buildings. In addition to this continuous base, each of the blocks is also given a defining top, by the introduction of a double-height treatment to the top two storeys, created by the omission of the concrete lintel between these floors.

The principal design objection to the proposal is on the grounds that the proposed replacement building is too tall and too bulky; and thus does not adequately address its context. This is the view of both the relevant amenity societies (Marylebone Association and St Marylebone Society) and is included in the comments of almost all objections to the scheme.

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It is certainly considered that the height of the proposed development is the most challenging element of the proposal. The current building at its highest point (i.e. the top of the stair turret) measures 62.74m AOD, which is an overall height of 32.3m and this compares with the tallest block of the replacement building which reaches a height of 74.735m AOD (parapet height), which is an overall height of 44.335m.

In terms of policy considerations, both S28 of the City Plan and DES 1 of the UDP demand high quality design solutions; and UDP policies DES 3 and DES 4 further clarify these requirements in terms of tall buildings and infill development. The applicants have sought to focus on policy DES 3, which relates to high buildings (defined as a building being significantly higher than its surroundings) and highlight that this policy indicates that tall buildings will not be permitted where they have adverse impact upon strategic views; on conservation areas and the settings of listed buildings; and in views from London Squares. The policy also indicates that tall buildings will not be permitted where they would be incongruous with respect to the prevailing character of the surrounding area. The policy does acknowledge that tall buildings may be exceptionally acceptable and sets out design criteria that ought to apply, including high quality design, employment opportunities and housing capacity and a favourable mix of land uses which would facilitate shorter journeys to work, energy conservation and support other sustainability objectives. In terms of more detailed criteria the policy suggest that such buildings should define landmark points of significant urban activity and accord with the scale, and character of urban grain and street frontage lengths; provide active frontages at street level, enhance local public realm and have no adverse microclimate impacts. It is a moot point whether policy DES 3 is applicable to this application, in circumstances where the proposed building is less than 12m higher than the current building on site; is between 3 and 6 storeys taller than its immediate neighbours; and is in an area where a disparity in building heights already exists. Nevertheless the suggestion from some of the objections is that the proposed building is significantly taller than its surroundings and thus it is appropriate to be mindful of this policy.

Policy DES 4 relates to infill development, which is defined as the insertion of one or more new buildings within a continuous street façade or frontage. This policy indicates that such development will be permitted as long as its design has regard to the prevailing character and quality of the surrounding townscape, particularly in conservation areas. The policy also promotes certain urban design characteristics such as preservation or consolidation of prevailing overall heights, storey heights and massing of adjacent buildings. The policy application indicates that in areas of high-quality varied townscape, new developments should be integrated into their surroundings, through appropriate choices of scale, form and materials that reflect the type and quality of the existing townscape. In areas of low-quality varied townscape the policy identifies the opportunity to generate new compositions and points of interest.

It is considered that the application of policy DES 4 is appropriate. In the particular context of this site it is arguable that the area is of mixed quality and varied townscape. While there are high quality buildings and townscape in the immediate vicinity, the site itself lies outside a conservation area; and there are buildings in the vicinity both on Marylebone Road and Old Marylebone Road of indifferent quality.

It is considered to be the case that the proposed replacement building and notably the tallest central block does introduce a height to the new building which discordantly contrasts with the height of the existing building and with the immediate context. However, a discrepancy in height would not in principle be incongruous, as there are existing contrasts in scale between buildings on Marylebone Road and Old Marylebone Road; and between these principal streets and the lower-scale Georgian townscape of the Portman Estate Conservation Area to the south and east. Furthermore there is considered to be some merit to the applicant's contention that a prominent building would be appropriate at this corner site on the junction of these two principal roads.

It is therefore considered important to assess whether the overall merits of the scheme, successfully mitigate the discordant height and what the overall townscape impacts are. In the first instance it is considered that the design approach of three interconnected blocks of differing height, does allow a softening of the transition in scale with immediate neighbours. Secondly, the detailed design and choice of materials does introduce an element of townscape cohesion which the existing building lacks. While the current building has its plaudits, it is considered to be a building which in its own right has architectural interest and merit but is less successful at integrating into its townscape context. The red metal facing panels with smoked and mirrored glass, visually jar with the more traditional masonry materials found in surrounding buildings; also the projecting stair turret introduces a very assertive design component, deliberately designed as an eye-catching feature rather than contributing to a harmonious street facade; finally the plant room and building maintenance unit at roof level, produce an unresolved and messy termination. Thus it is the case that the proposed building, like the existing building, contrasts with its surroundings but for differing reasons. It is taller than the existing building but this additional height is mitigated and softened by the handling of massing and also by having a more cohesive appearance within its townscape context.

The application has included several townscape views to enable assessment of the impact in terms of the adjacent conservation areas, listed buildings and wider townscape. In all of these views, while the increase in height is readily apparent, the impact is for the most part not detrimental and in some respects responds more successfully to the townscape. The height of the buildings in Marylebone Road and Old Marylebone Road, already have a disparate scale and this is maintained and arguably the taller block at the knuckle of the road junctions performs a legible townscape function and landmark.

The views from within the Portman Estate Conservation Area are considered to be the most sensitive, particularly from Harcourt Street, with listed Georgian buildings in the foreground and where the landmark qualities of the Swedish Church can be appreciated. From this perspective (Views 4 & 5), the proposed new building is not considered to be harmful and while the additional height is appreciable, the massing acceptable breaks down and the masonry facades and tone of brick sit comfortably as a backdrop.

In addition to the impact of its height, the architecture of the proposed new building and the suggested facing materials successfully complement the townscape. This is well demonstrated in some of the views along Marylebone Road, such as View 6, where the orthogonal design, well-proportioned facades with punched openings and tonally

complementary materials, when viewed alongside the magistrates' court, acceptably integrate.

Finally, the introduction of a hotel reception lobby and café at ground floor level, will introduce a far more animated and visually interesting street level experience, engaging with the footway, as opposed to the current situation, where the ground floor of the existing building has a deadening and poor relationship with the street. Further animation to the ground floor may also take the form of public art, which is proposed without specific details, although the ground floor is identified as a potential location for an integrated piece of public art.

In conclusion, while the concerns expressed about the height of the proposed new building are recognised and understood, it is considered that the scheme would not have a harmful impact upon the townscape or upon adjacent designated heritage assets (listed buildings & conservation areas) and that the proposal offers the opportunity to introduce a high quality new building to this prominent location, which in terms of detailed design and choice of materials has a more complementary relationship with the surrounding context and will introduce a more animated ground floor.

As such, the proposal accords with policies S25 and S28 of the City Plan and policies DES 1, DES 3, DES 4, DES 7, DES 9 and DES 10 of the UDP.

8.3 Residential Amenity

Several objections have been received in relation to potential loss of light and privacy.

8.3.1 Loss of Light

Policy ENV13 of the UDP seeks to protect existing premises, particularly residential from a loss of daylight and sunlight as a result of new development. Permission would not normally be granted where developments result in a material loss of daylight or sunlight. Policy DES 3 (c) (4) of the UDP also specifies, amongst other things, that high buildings should minimise the effects of overshadowing, especially within predominantly residential areas.

The supporting text to policy ENV 13 specifies that regard should be had to the BRE publication "Site Layout Planning for Daylight and Sunlight: A guide to good practice" (2011) ("the BRE Guide"). The BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

The applicant has submitted a Daylight and Sunlight Report by Point 2 Surveyors Limited ("the Light Study") as part of the application to demonstrate compliance with the BRE Guide. The Light Study considers the following adjacent or nearby residential properties that are eligible for testing in the BRE Guide:

- Hunstanton House, Cosway Street

- The Church Army Hostel, 1-5 Cosway Street
- 1-15 Charter Court
- 17 Harcourt Street

Residential properties beyond these are considered too distant from the subject property to result in potentially unacceptable light loss.

Daylight

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both methods, the BRE guide specifies that reductions of more than 20% are noticeable.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents' amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6 square metres) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways.

The Light Study concludes that, of the 159 windows eligible for testing, two would have VSC losses exceeding 20%. No room would have NSL losses exceeding 20%. The two windows are located within 1-15 Charter Court and would have losses of approximately 22 and 25%. These losses are only marginally over what the BRE Guide deems noticeable and are therefore not necessarily harmful. The BRE Guide itself also states that it is intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location like this, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE guide also applies. Many sites throughout the CAZ have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation. In this context, the level of light loss is considered acceptable and does not warrant refusal of the development.

Sunlight

The BRE Guide states that only windows with an orientation within 90 degrees of south are eligible for testing. It also states that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

The Light Study concludes that all of the 88 windows eligible for sunlight testing would meet the BRE Guide. Accordingly, the proposed development would not result in unacceptable loss of sunlight to neighbouring residential properties and would be

consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

8.3.2 Sense of Enclosure

The proposed development would be separated from the residential properties noted above by the widths of Marylebone Road (approx. 40 m), Old Marylebone Road (approx. 20 m) and Harcourt Street (approx. 14 m). The additional bulk and height of the building would also take place above the height and bulk of the existing building, which is already higher than its immediate neighbours and the residential properties identified above. Combined with the separation distance noted above, the additional height and bulk identified would not result in a significantly increased sense of enclosure for the occupants of those properties.

The proposed development would also be seen only in oblique views from the rear of 171 Seymour Place. Accordingly, the proposed development would not result in a significant increase in sense of enclosure for the occupants of that property. All other residential properties would be located too far from the application site to be affected by sense of enclosure and would be consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

8.3.3 Privacy

As noted above, the proposed development is separated from most surrounding properties by the widths of Marylebone Road, Old Marylebone Road and Harcourt Street. It would also have a similar level of outlook to the existing office building. Accordingly, it is anticipated that it would not result in a significantly increased overlooking for the occupants of most surrounding properties.

However, windows on the rear or south eastern elevation of the proposed building at ground to seventh floor level would have oblique views but in close proximity to their counterparts on the rear elevation of 15 Harcourt Street (Mina Palace). Accordingly, a condition is recommended requiring that these windows are obscure glazed and fixed shut. Subject to this condition, the proposed development would not result in significant loss of privacy for the occupants of 15 Harcourt Street.

An objector is concerned that the height of the proposed building may allow for overlooking of windows and the terraces at 165 Seymour Place. However, that property is largely screened from the application site by the building at 171 Seymour Place. In addition to screening the application site, 171 Seymour Place also overlooks 165 Seymour Place. Accordingly, the proposed development would not result in significant loss of privacy for the occupiers of 165 Seymour Place.

Given the above, the proposed development would not result in significant overlooking of neighbouring properties and would be consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

8.3.4 Noise

It is proposed to install building services plant within the development. The Environmental Health Officer has reviewed the proposal and has recommended

conditions to ensure that noise from these sources does not cause unacceptable harm to residents surrounding the site.

An objector is also concerned that the hotel, particularly its ancillary restaurant/café would result in unsatisfactory noise levels for nearby residents. However, hotels by their nature are not noisy and it is anticipated that it would result in no more noise than the office use it replaces. Conditions are also recommended to control the restaurant/cafes operating hours and its use to ensure that it does not result in harm to residential amenity. Subject to these conditions, the proposal would be consistent with policies ENV6 and ENV7 of the UDP and policy S32 of the City Plan.

8.4 Transportation/Parking

Several objectors are concerned with parking, on-street servicing and the impact of vehicle movements on the Harcourt Street/Old Marylebone Road intersection. The Highways Planning Manager has also objected to the absence of off-street servicing for the proposed hotel; unsatisfactory cycle parking provision and changes to the building line.

8.4.1 Trip Generation

The applicant has submitted a Transport Assessment providing information on the level of operation of the proposed development. The figures within the information submitted by the applicant appear broadly reasonable as a base to compare change that the proposed use may generate.

On balance, while the proposed land use will result in higher levels of activity, particularly with regards to taxis/private hire vehicles and coaches and at different times to the existing use, the overall activity of guests arriving and departing the site on foot will not result in significant detrimental highway safety or operation.

8.4.2 Car Parking

The proposed development results in the loss of 18 existing off-street car parking spaces. Policies TRANS 21 and TRANS 2 of the UDP support the loss/reduction in off-street car parking provision for non-residential use, where there is no operational need. It is accepted that in this location, the in non-residential car parking would be consistent with policies TRANS 21 and TRANS 22.

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

An objector notes that they lease 10 spaces that are used for residential flats at 15 Harcourt Street. These spaces are located within the basement level of the existing building and would be lost if the site is redeveloped. However, this appears to be a private arrangement between this objector and the site owner and these spaces are not protected for residential use via condition. Accordingly, an objection to the development on this basis would not be sustainable.

8.4.3 Servicing

Policy S42 of the City Plan and TRANS20 of the UDP require off-street servicing for new development. The proposed development includes no off-street servicing and the applicant proposes that all servicing take place on-street, on Harcourt Street.

The Highways Planning Manager considers that there would appear to be no physical constraint to achieving on-site servicing and therefore the proposal is not consistent with S42 or TRANS20. Providing off-street servicing would improve the highway environment for pedestrians and other highway users.

The proposed development is expected to generate two servicing trips per day. The extent of delivery activity indicates that the dwell time would be a maximum of 45 minutes. While it is accepted the current proposal does not have any ancillary areas, these figures are based on the particular existing operating style of the hotel and are considered optimistic for a hotel of this scale. An alternative Use Class C1 use of this scale may operate in a different fashion and have a higher level of servicing.

Deliveries and goods left on the highway can create an obstruction to pedestrians and can have an adverse impact on any improvements to the public realm. The scheme as designed, has very limited off-street holding areas for delivered goods. This means the goods are likely to remain on the highway for longer periods of time, creating an obstruction to pedestrians degrading any improvements to the highway/public realm.

The Highways Planning Manager also considers that the applicant has presented an inflexible servicing model and not adapted the approach to the site or surrounding highway network, including limiting vehicle size to match the site constraints. This includes reference to an existing covenant on the existing vehicle access to the site limiting vehicles to 5 tonne in weight (this would be a large white van type vehicle – commonly used to service food and beverage premises within Westminster). While the existence of the covenant is accepted, a flexible approach to the size of delivery vehicle may allow for smaller vehicles to be used for servicing (than those employed by the current operator).

The applicant has submitted a Servicing Management Plan (SMP). However, the Highways Planning Manager notes that the servicing arrangements within the submission documents relate to one particular operators current servicing approach. This approach limits how the applicant is proposing to minimise the impact of their servicing approach and development of a robust Servicing Management Plan. There is no specific approach outlined for the subject site for future employees to follow.

The SMP should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users. The SMP should inform the occupant on their requirements to

minimise the impact of their servicing on the highway (i.e. set out how the occupant is expected to service the unit). A supplier instructions sheet is also a helpful part of the SMP.

However, paragraph 32 of the NPPF states that “*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*”. In this instance, the existing office building currently has no off-street servicing and is also serviced from Harcourt Street. The applicant has not provided details of the servicing levels for the existing office but it is anticipated to be at least similar to the proposed hotel. Accordingly, the harm identified by the Highways Planning Manager could occur at present and in an unmanaged way.

The applicant has also demonstrated that servicing of the hotel would be limited to 14 times per week, for up 45 minutes at a time. Accordingly, the harm identified by the Highways Planning Manager would be for a relatively small period weekly. The applicant also proposes introducing a dedicated on-street loading area on Harcourt Street to minimise congestion caused through servicing. A condition requiring an updated and site specific SMP that addresses the Highways Planning Managers comments could also be imposed, should permission be granted.

Whilst the Highways Planning Managers concerns are understood, the harm identified would not be severe when the proposal is compared to the existing situation and when mitigation from the recommended condition and proposed loading bay on Harcourt Street are also considered. On balance, the servicing arrangements proposed are therefore acceptable in this particular instance.

8.4.4 Coaches and Taxis

The applicant has indicated that coach and taxi activity would be focused on Old Marylebone Road. This would need to be agreed with TFL, but is acceptable to the City Council. However, the movement of people (and their luggage) is likely to disrupt other pedestrians and the applicant has not provided details of how coach arrivals or departures, including managing the transfer of guests to and from the coach to the hotel will be managed. Accordingly, a condition is recommended to secure an appropriate coach and taxi management plan. Subject to this condition, the proposed development would be consistent with policies TRANS8 and TRANS22 of the UDP.

8.4.5 Cycle Parking and Waste Storage

Policy 6.9 of the London Plan requires one cycle space per 20 bedrooms (i.e. 15 spaces). The applicant proposes 22 cycle parking spaces which would meet this requirement. However, access to the cycle store is via the waste store which would be unacceptable as it makes the cycle store unlikely to be used and therefore discourages sustainable transport. A condition is recommended to address this.

The application was not accompanied by a waste management strategy to demonstrate that waste and recyclable materials will be managed in line with the City Council's Recycling and Waste Storage Requirements. A condition is recommended to address this.

8.4.6 Changes to Building Line – Stopping Up and Dedication of Highway

The proposed building alters the building line on Old Marylebone Road and Harcourt Street. This results in encroachment onto the public highway but also areas where highway would be widened. Accordingly, some areas of highway will need to be stopped up and other areas will need to be dedicated to allow the proposed development to be implemented.

The highway changes on Old Marylebone fall within TFL’s jurisdiction and will require their approval as the relevant highway authority. Notwithstanding this, the losses of highway would be relatively minor and would not compromise pedestrian movement in Old Marylebone Road or Harcourt Street. Although the proposal will increase pedestrian movement in the area, it is not anticipated that this increase will be significant and that sufficient footway would remain on Old Marylebone Road following removal of three street trees. Accordingly, the proposal would be consistent with policy S41 of the City Plan and policy TRANS3 of the UDP.

Pursuant to s247 of the Town and Country Planning Act 1990 (amended), stopping up would be required for parts of the public highway to enable this development to take place on Harcourt Street. The recommendation therefore includes wording to enable the preparation of a draft order.

8.5 Economic Considerations

The proposed development would provide employment opportunities during construction and would create 60 FTE jobs once operational. The proposal can also accommodate a significant number of visitors annually whose spending during their stay will bolster the local economy and encourage further investment by shops and services in the area.

8.6 Access

The proposed development includes accessible passenger lifts, wide corridors and level thresholds into wheelchair accessible rooms. A total of 10% of the hotel rooms would also be Universally Accessible, in accordance with London Plan requirements. Induction loops would also be installed in the reception area for those that are hard of hearing and Universally Accessible toilets in proximity to the integral restaurant.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Sustainability and Climate Change

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

- 1. Be Lean-Use less energy.
- 2. Be Clean-Supply energy efficiently.
- 3. Be Green-Use renewable energy.

Policy 5.2 also states that where specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to secure delivery of carbon dioxide savings elsewhere.

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

Policies 5.6 of the London Plan and S39 of the City Plan require major development to be designed to link to and extend existing heat and energy networks in the vicinity, except where it is not practical or viable to do so.

Policies 5.7 of the London Plan and S40 of the City Plan require all major development to maximise on-site renewable energy generation carbon dioxide emissions, where feasible.

Policy 5.9 of the London Plan states that development should reduce potential overheating and reliance on air conditioning systems.

The proposed development achieves a carbon dioxide reduction of 43% over 2013 Building Regulations and therefore meets policy 5.2 of the London Plan. The applicant has also addressed a number of technical queries raised by the Mayor.

There are no existing energy networks in the vicinity and none are planned. Accordingly, it would not be practical to require this of the applicant. The Mayor also asked the applicant to consider provision of solar PV. However, this is not deemed practical as it there is not sufficient space to provide it at roof level and the proposal already achieves satisfactory carbon reductions. The applicant does however propose a CHP system to heat the building and provide hot water.

The applicant has also provided a thermal comfort report that concludes that the proposal will be built to minimise potential overheating and the need for comfort cooling. A condition is recommended to secure this.

Overall, the proposed development satisfies policies 5.2, 5.6, 5.7 and 5.9 of the London Plan and policies S28, S39 and S40 of the City Plan.

8.7.2 Sustainable Urban Drainage Systems (SUDS)

Policy 5.13 of the London Plan specifies that development should utilise Sustainable Urban Drainage Systems (SUDS) unless there are practical reasons for not doing so, should aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed as close as possible to its source.

The proposed development would include brown roofs on the lower blocks. Whilst this would not achieve greenfield run-off rates, it would provide significant attenuation at source for run-off from the proposed development. The Lead Local Flood Authority has also been consulted and any comments received will be reported verbally. Accordingly, the drainage system proposed is considered acceptable.

8.8 London Plan

The application is referable to the Mayor as the proposed building is over 30 metres in height. The Mayor has advised in his 'Stage 1' response (see background papers) that he has the following concerns with the development:

- The loss of mature street trees is a concern. These should ideally be retained or if replacement is necessary further justification is required, in order to comply with policy 5.10 of the London Plan;
- The submitted energy strategy does not fully accord with policies 5.2, 5.6, 5.7 and 5.9 of the London Plan. Further information regarding overheating, CHP and renewable energy are required. The final agreed energy strategy should be appropriately secured by the City Council.
- To ensure that the scheme accords with policies 6.3, 6.9, 6.10 and 6.13 of the London Plan, the applicant should make a contribution towards wayfinding and cycle hire docking stations. Blue badge parking and drop off/pick up requires further consideration and cycle parking should be increased. A travel plan, construction logistics plan and delivery and servicing plan should also be secured by condition.

These concerns have been addressed in the relevant sections of this report.

If Committee resolve to grant permission, this application needs to be reported back to the Mayor, and the Mayor has 14 days to direct approval or refusal.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

- a) A financial contribution of £45,000 (index linked) for the expansion of a nearby cycle hire docking station;
- b) A financial contribution of £25,000 (index linked) toward wayfinding (Legible London);
- c) A financial contribution of £27,239 (index linked) toward the funding of Crossrail;
- d) A financial contribution of £135,000 (index linked) toward street tree planting on Old Marylebone Road;
- e) Payment of the cost of highway works associated with the development on Old Marylebone Road and Harcourt Street;
- f) Offering local employment opportunities during construction and operation of the hotel;
- g) The provision, monitoring and review of a travel plan; and
- h) Payment of cost of monitoring the agreement (£500 per head of term).

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

8.11 Environmental Impact Assessment

As set out above, the applicant requested a screening opinion from the City Council and were advised on 7 March 2017 that an EIA was not required.

8.12 Other Issues

8.12.1 Basement

The basement level of the proposed development would occupy the volume of the existing basement level on-site. It would also be located entirely beneath the footprint of the proposed development. Accordingly, it satisfies the size and location requirements of policy CM28.1 of the City Plan. The applicant has also provided a Structural Method Statement and signed pro-forma Appendix A to the City Council's Code of Construction Practice that satisfy part 2 of policy CM28.1 of the

8.12.2 Construction Impact

Objections have been received from neighbouring properties regarding the impact of construction, including noise and traffic.

It is a long standing principle that planning permission cannot be refused due to the impact of construction. This is due to its temporary nature and the ability to control it by condition and legal agreement. Accordingly, conditions are recommended that limit the hours of construction and require adherence to the City Council's Code of Construction Practice.

8.12.3 Trees

Policies 5.10 of the London Plan and S38 of the City Plan specify that green infrastructure should be protected and enhanced.

The proposed development would not necessitate removal of any trees on-site or on Westminster's public highway.

The proposal would require the removal of three Ginkgo trees on Old Marylebone Road that are owned by TFL. TFL have objected strongly to their removal, noting that replacement planting could not take place within the vicinity of the site given the high number of underground services within this part of Old Marylebone Road. Accordingly, TFL are unwilling to accept a payment for replacement planting. TFL also note that the information submitted misrepresents the canopies of the existing trees and their interaction with the proposed building. TFL also consider that the information submitted undervalues these trees and their potential lifespan.

TFL have requested that these trees are retained and that the building line is moved to accommodate them. They also note that insufficient information has been submitted to demonstrate the applicant's case that moving the building line would harm the viability of the proposed development.

Ultimately, the decision to remove these trees rests with TFL as Highway Authority for Old Marylebone Road. However, the three Ginkgo trees make only a modest contribution to urban greening and the character and appearance of the area given their relatively small stature and asymmetric canopy. The proposal also includes additional urban greening through the biodiverse roofs proposed. On balance, it is considered that an objection to the development on this basis would not be sustainable.

Five other Ginkgo trees would be retained on Harcourt Street and Old Marylebone Road. Conditions are recommended to secure their protection during construction.

8.12.4 Objectors Comments

The issues raised by the objectors have been largely addressed above. The following is also noted:

Overshadowing of Garden Terrace to rear of Swedish Church

An objector considers that the additional height of the proposed building would overshadow a terrace area to the rear of the Swedish Church on Harcourt Street.

Non-residential gardens and terraces are not protected by the development plan. Notwithstanding, this terrace area is located 40 metres to the southeast of the application site and separated from it by the bulk and height of large buildings at 12-15 Harcourt Street. It is anticipated that the proposed development would only be in a position to potentially overshadow this terrace area around mid-summer and at that point the sun would be low enough on the horizon to provide no further shadowing than the existing intervening buildings. Accordingly, an objection to the development on this basis would not be sustainable.

Number of Hotels in the Area

An objector considers there to already be too many hotels in the area. However, this is not a material planning consideration.

Security Concerns for 15 Harcourt Street (Mina Palace)

An objector is concerned that the proposed development would compromise the safety and security of Mina Palace, a neighbouring site that provides accommodation for staff at the Embassy of the People's Republic of China.

The applicant advises that access to the roof of the development would be strictly controlled. Windows have also been designed to limit their opening and therefore their ability to access the roof of Mina Palace. The proposed development has also been designed in accordance with 'Secured by Design' principles and reviewed by the Met

Police during design development. A condition is recommended to secure this. Subject to this condition, the proposed development meets policy 7.3 of the London Plan and is unlikely to pose a security risk to occupants of Mina Palace.

Party Wall Issues

An objector is concerned that the proposal may cause unspecified party wall issues. This is not a material planning consideration.

Loss of Light to Sentinel House

Permission has been granted to convert Sentinel House into residential accommodation (RN: 14/08069/FULL). An objector is concerned that the proposal will result in loss of light to Sentinel House, on the opposite side of Harcourt Street.

However, this permission has not been implemented and may never be implemented. For the purposes of this assessment Sentinel House remains an office and light to office accommodation is afforded less protection than to residential uses.

Notwithstanding this, the applicant has undertaken an assessment of light loss to the approved residential units at Sentinel House. Of the 92 eligible windows tested, 20 would have breaches of VSC exceeding 20%. Nineteen of these breaches are marginal and do not exceed 30% with the remaining window has a loss of 31.65%. Thirteen of the windows affected serve bedrooms which the BRE Guide specifies as having lower expectations of daylight. Of the 32 eligible rooms for Daylight Distribution assessment, six have Daylight Distribution losses exceeding 20%, with the highest being a loss of 49.6%. However, all of these losses affect bedrooms only. As noted above, the BRE Guide itself states that it is intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location like this, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE guide also applies. Many sites throughout the CAZ have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation. In this context, the level of light loss is considered acceptable and does not warrant refusal of the development. The level of light loss to office accommodation is also considered acceptable.

Delivery and Servicing Conflict with Sentinel House

An objector is concerned that on-street servicing and waste collection, particularly the proposed on-street loading bay will conflict with similar arrangements for the development approved at Sentinel House.

As set out above, this permission has not been implemented and may never be implemented. Notwithstanding this and as noted by this objector, the potential for this would be for very short periods during off-peak periods only. The potential for this could also be addressed through the Servicing Management Plan condition recommended.

Precedent

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An objector is concerned that approval of this application would set a precedent for other tall buildings.

However, each application must be considered on its merits having regard to the policy context and development plan at the time, the specific development proposed and site circumstances. Accordingly, approval of this development would not set a precedent for other tall buildings.

(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
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DRAFT DECISION LETTER

Address: Westcourt House , 191 Old Marylebone Road, London, NW1 5DZ

Proposal: Redevelopment of the site to provide hotel (Use Class C1) with ancillary ground floor cafe / restaurant in 13 storey building.

Reference: 17/04194/FULL

Plan Nos: 5616-20-001, 5616-20-002, 5616-00-199 Rev B, 5616-00-200 Rev B, 5616-00-201 Rev B, 5616-00-202 Rev B, 5616-00-203 Rev B, 5616-00-204, 5616-00-205, 5616-00-206, 5616-00-207, 5616-00-208 Rev B, 5616-00-209, 5616-00-260, 5616-00-261, 5616-00-300, 5616-00-301, 5616-00-302, 5616-00-303, 5616-01-199, 5616-01-200, 5616-01-201, 5616-01-202, 5616-01-203, 5616-01-204, 5616-01-205, 5616-01-206, 5616-01-207, 5616-01-208, 5616-01-209, 5616-01-300, 5616-01-301, 5616-01-302, 5616-01-303, 5616-20-199, 5616-20-200, 5616-20-201, 5616-20-202, 5616-20-203, 5616-20-208, 5616-20-209, 5616-20-260, 5616-20-261, 5616-20-262, 5616-20-263, 5616-20-264, 5616-20-270, 5616-20-271, 5616-20-272, 5616-20-250, 5616-20-251, 5616-21-001, 5616-21-002, 5616-21-003, 2016/2931/019; Energy Report by Applied Energy (Rev A – dated 4 May 2017); Letter and attachments from JLL, dated 29 January 2018.

Case Officer: Nathan Barrett **Direct Tel. No.** 020 7641 5943

Recommended Condition(s) and Reason(s)

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

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

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

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

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

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

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Reason:

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

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

Reason:

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

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

Reason:

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

- 5 You must apply to us for approval of 3m x 3m fabricated sample panels of the following parts of the development:

i) typical facade bays.

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

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

Reason:

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

(November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 You must apply to us for approval of detailed drawings of the following parts of the development:
- i) windows;
 - ii) external doors;
 - iii) shopfront including fascia details;
 - iv) location and size of movement joints;
 - v) interfaces with windows;
 - vi) any ventilation and other services terminations at façade and roof;
 - vii) CCTV cameras - showing details of cameras and precise location;
 - viii) rooftop structures, including plant enclosures;
 - ix) external lighting - including details of extent, type, colour and location; and
 - x) signage strategy - showing extent and intended location.

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

Reason:

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

- 7 You must not paint or apply vinyl films or obscure the window glass to the ground floor of the hotel reception or café area or block it in any other way. The windows must be clear glazed and maintained as such.

Reason:

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

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

Reason:

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

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

Reason:

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

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

-biodiverse roof

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

Reason:

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

- 11 **Pre-commencement Condition:** The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 14 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

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

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

Reason:

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

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

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

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

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

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

Reason:

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

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

Reason:

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

- 18 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

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

- 19 The design and structure of the development shall be of such a standard that it will protect occupier from structural borne noise from the district and circle line so that they are not exposed to levels indoors of more than 35 dB LASmax within habitable rooms during day and night.

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Reason:

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

- 20 All servicing must take place between 1000 and 1600 on Monday to Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

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

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

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

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

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

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

Reason:

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

- 22 You must apply to us for approval of details of the ventilation system to get rid of fumes, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14BB)

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan (March 2016).

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

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clearly mark it and make it available at all times to everyone using the hotel. You must not use the waste store for any other purpose. (C14CD)

Reason:

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 31 **Pre-Commencement Condition:** You must apply to the City Council (in consultation with the Metropolitan Police) for approval of safety and security features to be installed on the

development, having regard to Secured by Designs "Commercial Developments 2015" Guide and "Resilient Design Tool for Counter Terrorism". You must not carry out the development until the safety and security features have been approved. You must then carry out the development in accordance with the approved features.

Reason:

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

- 32 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency and/or for maintenance purposes.

Reason:

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

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

Reason:

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

Informatives:

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

3

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

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

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

Phone: 020 7641 2000

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

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

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

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

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

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

- 5 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or

occupiers, who have relevant information about the location of ACMs, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)

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

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

Phone: 020 7641 3153
(I73AB)

- 9 Although the canopy has 'deemed' consent, it does not meet our design guidelines and we may make you remove it. We recommend that you replace the canopy with one that meets our

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guidelines 'Shopfronts, Blinds and Signs'. You can get a copy of these guidelines from our website at www.westminster.gov.uk. (I44AA)

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

- 11 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

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

- 12 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

- 13 The term 'clearly mark' in condition 27 means marked by a permanent wall notice or floor markings, or both. (I88AA)

- 14 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)

- 15 The Servicing Management Plan (SMP) required by condition 13 should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. This must be provided for waste collection as well.

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

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

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

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

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

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

- 17 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- a) A financial contribution of £45,000 (index linked and payable on commencement of development) for the expansion of a nearby cycle hire docking station;
 - b) A financial contribution of £25,000 (index linked and payable on commencement of development) toward wayfinding (Legible London);
 - c) A financial contribution of £27,239 (index linked and payable on commencement of development) toward the funding of Crossrail;
 - d) A financial contribution of £35,000 (index linked and payable on commencement of development) toward bi-annual pruning of the three Ginkgo trees on Old Marylebone Road by TFL and for a period of 50 years from the date of this permission;
 - e) In the event that the three Ginkgo trees need to be removed within 50 years from the date of this permission, a financial contribution of £135,000 (index linked) toward street tree planting on Old Marylebone Road;
 - f) Payment of the cost of highway works associated with the development on Old Marylebone Road and Harcourt Street;
 - g) Offering local employment opportunities during construction and operation of the hotel;
 - h) The provision, monitoring and review of a travel plan; and
 - i) Payment of cost of monitoring the agreement (£500 per head of term).

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

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Agenda Item 2

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 June 2018	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved West End	
Subject of Report	12 Hay Hill, London, W1J 8NR		
Proposal	Application 1 Use of building for a temporary period as use comprising offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis) Applications 2 and 3 Works to the second floor terrace comprising new timber decking and tiled flooring and new timber and metal planters.		
Agent	DP9		
On behalf of	12 Hay Hill Limited		
Registered Number	Application 1: 17/10045/FULL Application 2: 17/05869/FULL Application 3: 17/05870/LBC	Date amended/ completed	Application 1: 27 November 2017 Applications 2 and 3: 4 July 2017
Date Application Received	Application 1: 10 November 2017 Applications 2 and 3: 4 July 2017		
Historic Building Grade	Grade I		
Conservation Area	Mayfair		

1. RECOMMENDATION

Application 1: Grant conditional permission. Application 2: Grant conditional permission. Application 3: 1. Grant conditional listed building consent.

2. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.

2. SUMMARY

BACKGROUND

The applications were considered at Sub-Committee on 15 May 2018 where all three applications were deferred to allow for further consideration of potential constraints on the use of the second floor terrace in light of the Committee's concerns in this respect. The Sub-Committee report of 15 May 2018 is appended to this addendum report, as are the minutes of this Sub-Committee.

In the Officer's presentation, amendments to proposed Conditions 3, 5, 7 and 8 were tabled in respect to Application 1. These amendments are reflected in the draft decision letter at the end of this report. In addition to these amended conditions, a change is proposed to Condition 6 which originally allowed four months from the date of the Sub-Committee on 15 May 2018 to comply with an approved Servicing and Waste Management Plan. This is proposed to be amended to allow four months from the date of this new Sub-Committee.

The Sub-Committee that took place on 15 May 2018 was a temporary committee whilst the makeup of the committees was being resolved following the local elections that took place on 3 May 2018. The Chair of this Sub-Committee (Cllr Beddoe) no longer sits on any Planning Applications Committee and therefore it is not possible to report the application back to a Sub-Committee with the same Chair. Two members of that temporary Sub-Committee (Cllrs Burbridge and Roca) now sit on Planning Application Sub-Committee 1 and therefore as much continuity of committee members as possible has been achieved.

CONSIDERATION

Design and Conservation

In the Officer's presentation, additional clarity in respect to the impact of the proposal from a design, listed building and conservation area perspective was verbally made. To this end it was outlined that, although not explicitly stated by the objector, it is inferred that it regards the harm to the special interest of the listed building as 'substantial harm'. Officers, however, consider that the use of the terrace in association with the use proposed in Application 1 would give rise to 'less than substantial harm' to the setting of the Grade I listed building at 3 Grafton Street.

Officers outline how Para. 134 of the NPPF makes it clear that, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including optimising its optimum viable use. Officers emphasised that the Sub-Committee must also be mindful of the statutory duties within:

- Sections 16 and 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses; and

- Section 72 of this Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the Mayfair Conservation Area.

Officers made it clear that considerable importance and weight should be given to these duties.

In this case, though recognising the less than substantial harm caused, Officers outlined that it was considered that the mitigation by the conditions recommended on the draft decision letter and the public benefits accruing from the use of the building as a vibrant and successful business space in the heart of the Core Central Activities Zone, would outweigh this less than substantial harm to the significance of No. 3 Grafton Street (a designated heritage asset) that officers consider that the use of the terrace would give rise to as part of this scheme. Mindful of this and also mindful of the above statutory duties, it is considered that overall the application is acceptable in listed building terms.

Separately, Officers made it clear that the physical works proposed in Applications 2 and 3 in the form of the replacement of paving slabs laid with timber decking and tiled area and the installation of planters, is considered to be neutral in heritage asset terms through not being incongruous alterations in this location. As such, these alterations would have a neutral impact on the character and appearance of the Mayfair Conservation Area and the special interest of the listed building.

Amenity

The late representation verbally reported to Sub-Committee on 15 May 2018 from the owner of No. 3 Grafton Street reiterated previous grounds for objection and outlined how the intensification of the use of the second floor terrace that the proposed change of use (Application 1) could facilitate will unacceptably harm the amenity of the occupiers of this office building. Particular concern is raised in respect to:

- Smoke from the use of terrace as a smoking area.
- Smells from consumption of food on terrace.

The representation also requests a number of additional conditions to control the use of the terrace over and above that suggested in the draft decision letter.

The applicant has responded to this request and has argued that the proposed conditions are over-restrictive, unreasonable, unenforceable and unnecessary. To this end, the applicant argues that none of the ten conditions suggested should be imposed as they all fail the tests within Para. 206 of the NPPF.

One concession has, however, been made. This is to the layout of the proposed planters on the second floor terrace as proposed within Applications 2 and 3. Amended drawings have been submitted to amend the proposal in the following ways:

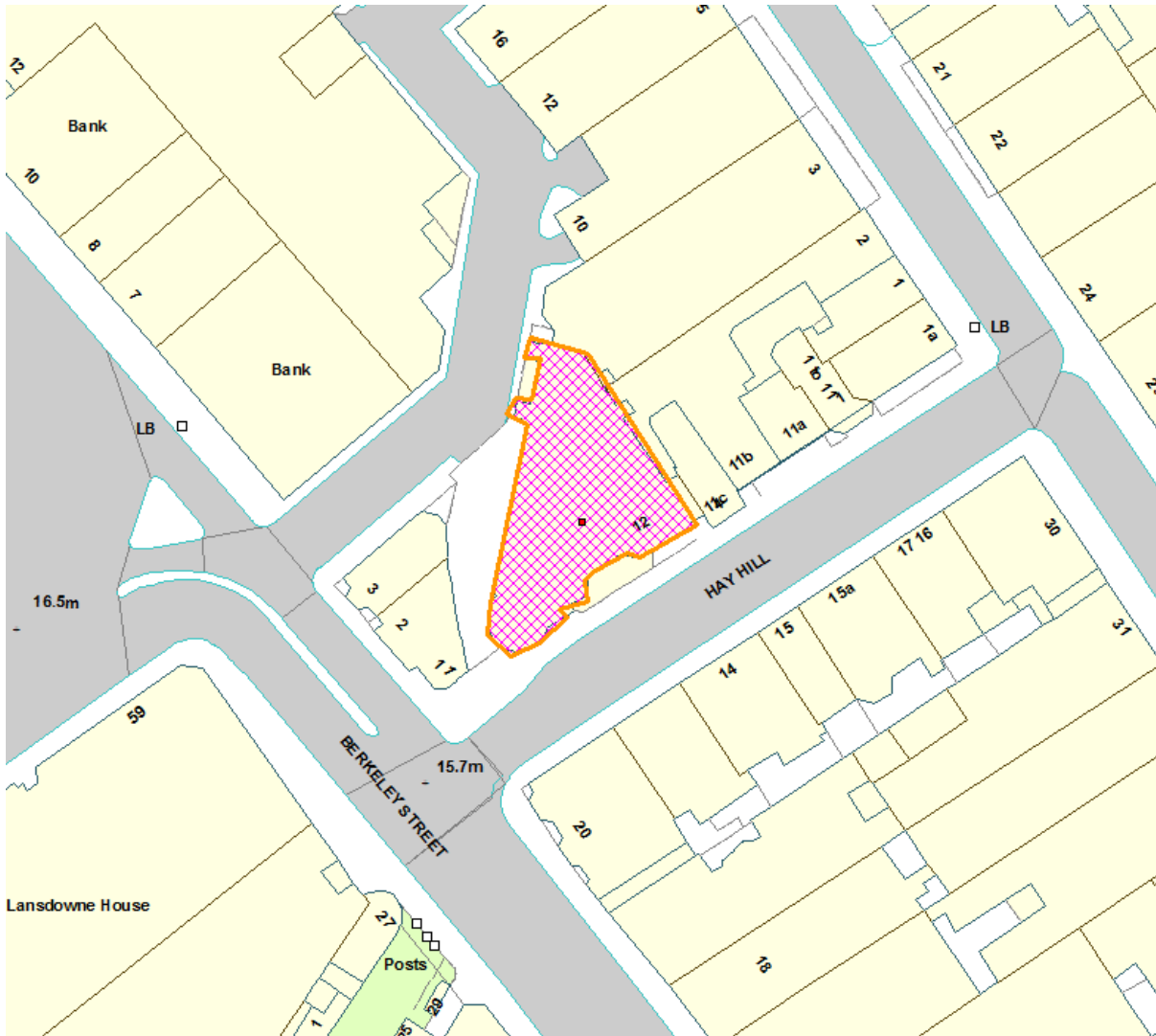
- Reduce the number of square tree planters from four to three. Relocate two to either side of the entrance door to the terrace and relocate one close to one of the windows of your client's property.
- Section off an area of the terrace in front of one of the windows of your client's property with new timber planters.
- Add additional planters along the flank of your client's property.

These amended drawings have been shared with the owners of No. 3 Grafton Street in order to allow any representations to be made.

Officers' view of the alterations proposed to the second floor terrace within Applications 2 and 3 remain unchanged; namely that they will have a neutral impact on the character and appearance of the Mayfair Conservation Area and the special interest of the listed building. As such, it is still recommended that Applications 2 and 3 be granted condition permission and listed building consent.

The proposed amended layout of the second floor terrace does mean that members and guests will not be able to stand directly outside of one of the windows of No. 3 Grafton Street. Officers' advice, however, remains unchanged from that set out within Para. 8.3 of the report to Sub-Committee on 15 May 2018. This is that the policies within the adopted development plan do not afford offices the same level of protection as dwellings, for example. Whilst the use of the terrace in association with the use sought in Application 1 is likely to result in a material increase in the intensity of the use of the second floor terrace over and above its lawful office (Class B1) use, the impact of this change of use on the amenity of the occupants of the neighbouring office building does not represent a sustainable reason for refusing permission. As such, it is still recommended that Application 1 be granted condition permission.

3. LOCATION PLAN



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4. PHOTOGRAPHS

From Berkeley Street looking north.



From junction of Bruton Lane and Berkeley Street / Berkeley Square looking north-east.



5. CONSULTATIONS

ADDITIONAL REPRESENTATIONS RECEIVED AFTER THE APPLICATION WAS PRESENTED TO PLANNING APPLICATIONS SUB-COMMITTEE ON 15 MAY 2018:

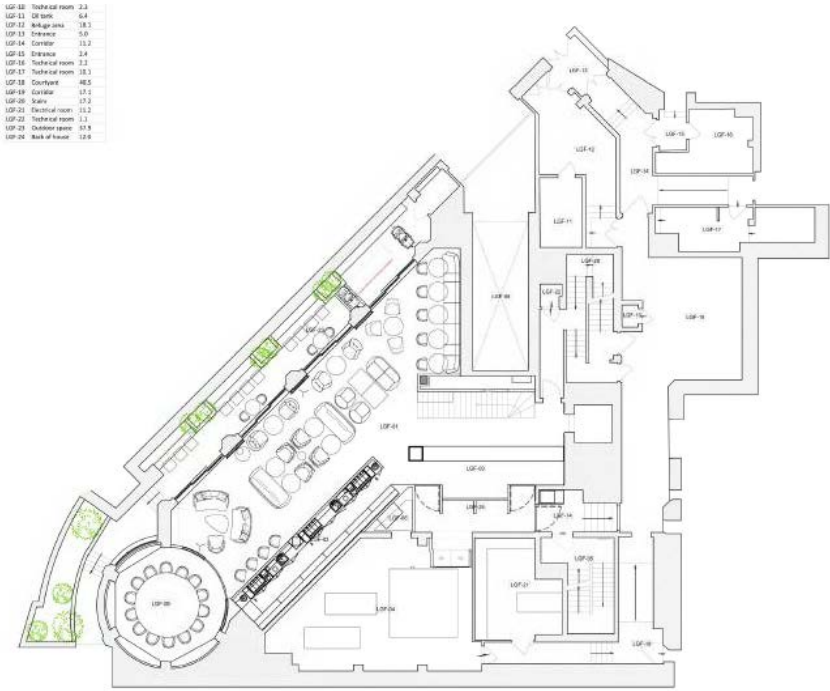
Letter dated 22 May 2018 written on behalf of the applicant appending a table setting out why each of the ten conditions suggested in the late representation dated 14 May 2018 from the owner of No. 3 Grafton Street should not be imposed.

(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

6. KEY DRAWINGS

Lower ground floor plan:



Ground floor plan:



First floor plan:

1-13	Phone booth	3.0
1-14	Reception	2.9
1-15	WC	2.2
1-16	WC	2.2
1-17	Stairs	11.0
1-18	Technical room	1.8
1-19	Technical room	1.7
1-20	Technical room	2.8
1-21	Stairs	12.2
1-22	WC	2.2
1-23	WC	2.2
1-24	Technical room	2.2
1-25	Corridor	18.0
1-26	Corridor	3.9
1-27	Technical room	4.1

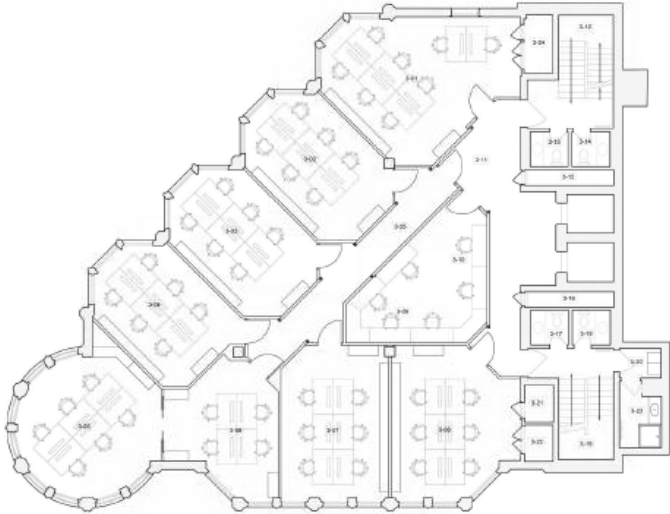


Second floor plan (including location of terrace):

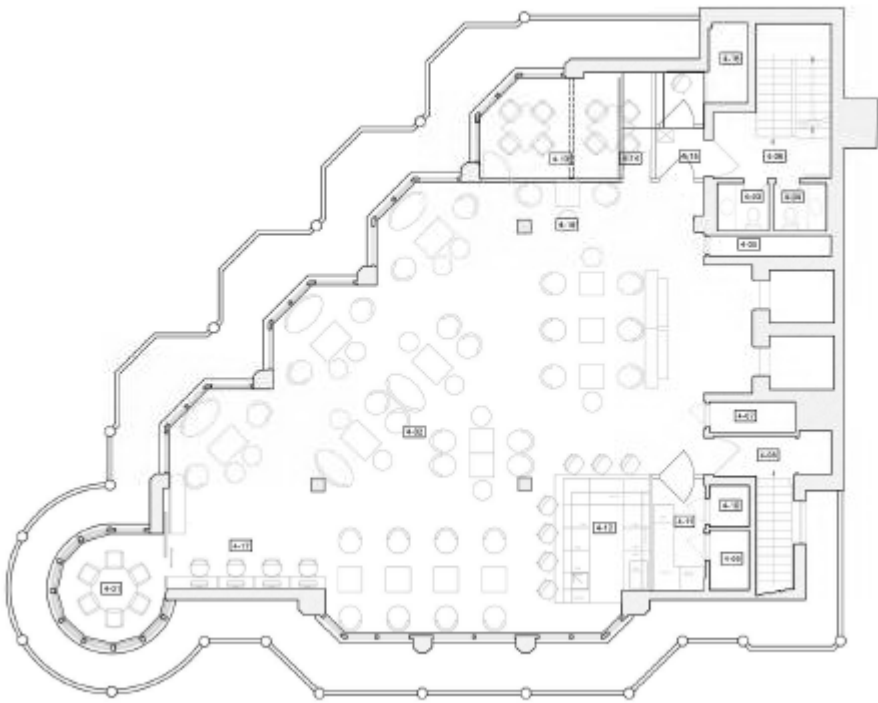
2-15	WC	2.2
2-16	WC	2.2
2-17	Technical room	2.2
2-18	WC	2.2
2-19	WC	2.2
2-20	Stairs	2.9
2-21	Stairs	2.9
2-22	Male changing room	4.9
2-23	Technical room	1.8
2-24	Technical room	1.8
2-25	Technical room	2.8
2-26	Corridor	18.0



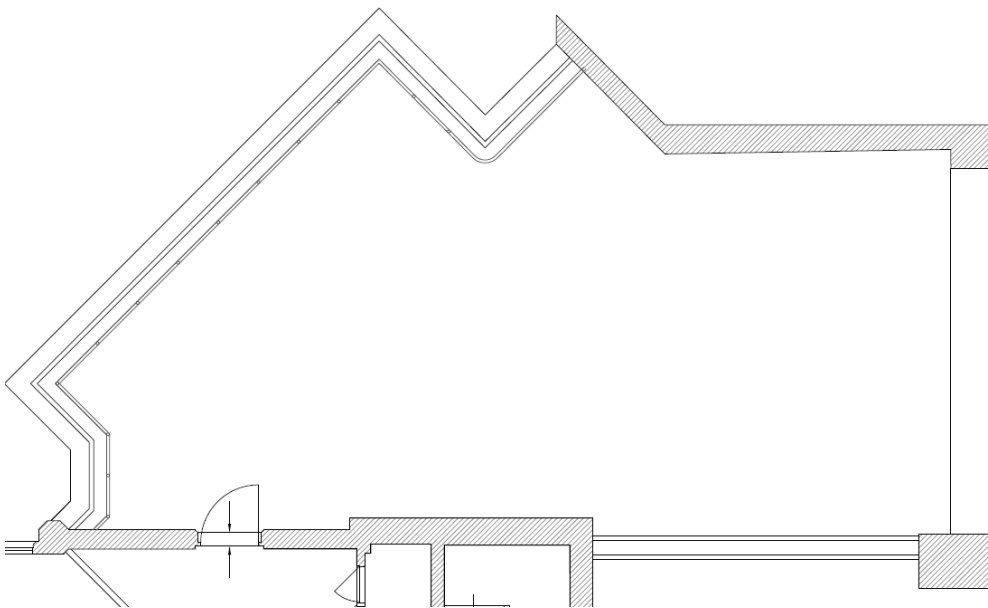
Third floor plan:



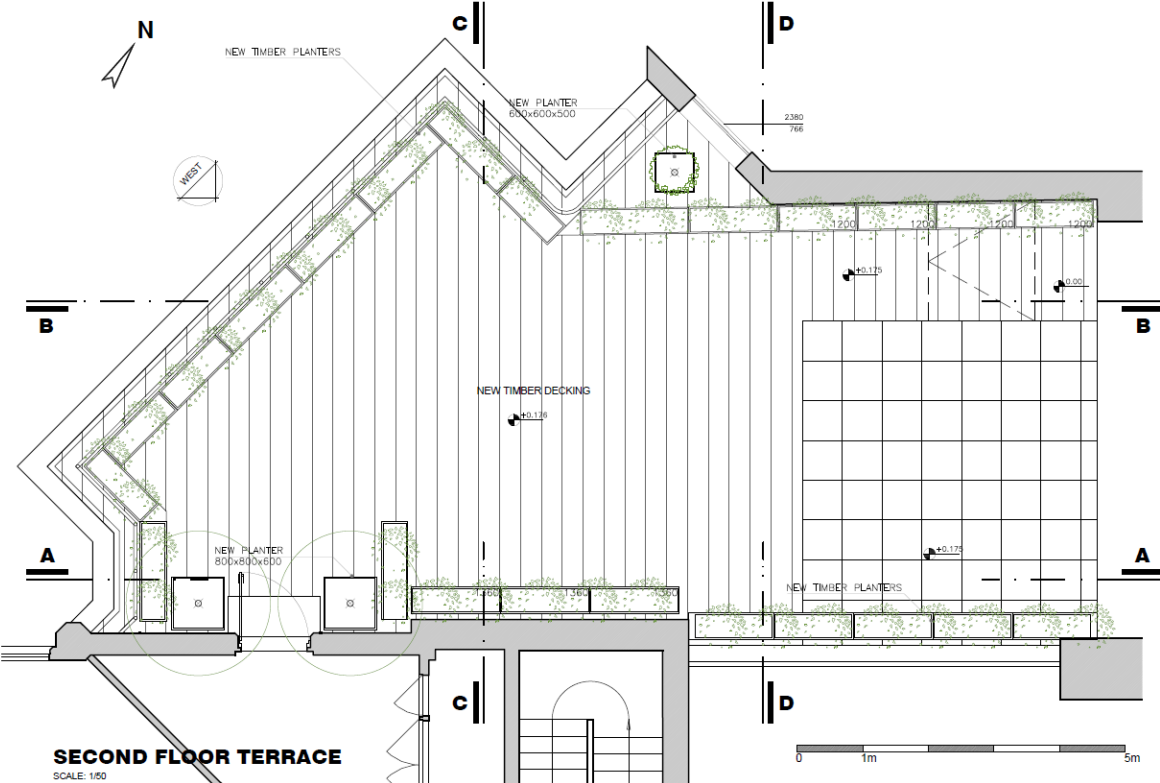
Fourth floor plan:



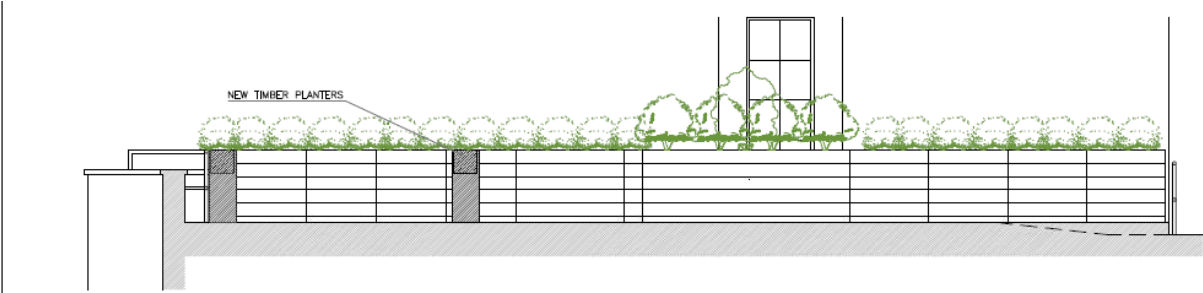
Prior to unauthorised works plan of terrace:



Proposed plan of terrace:

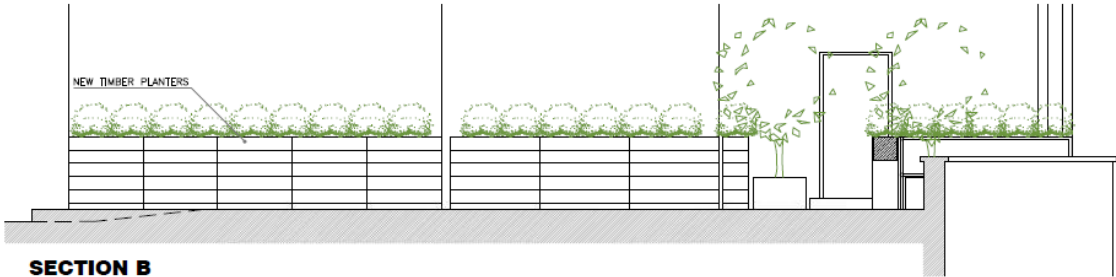


Sectional proposed elevations of terrace:

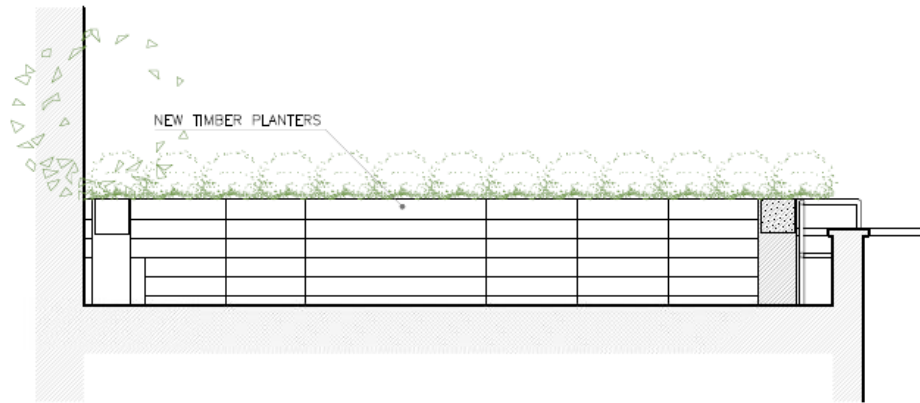


SECTION A

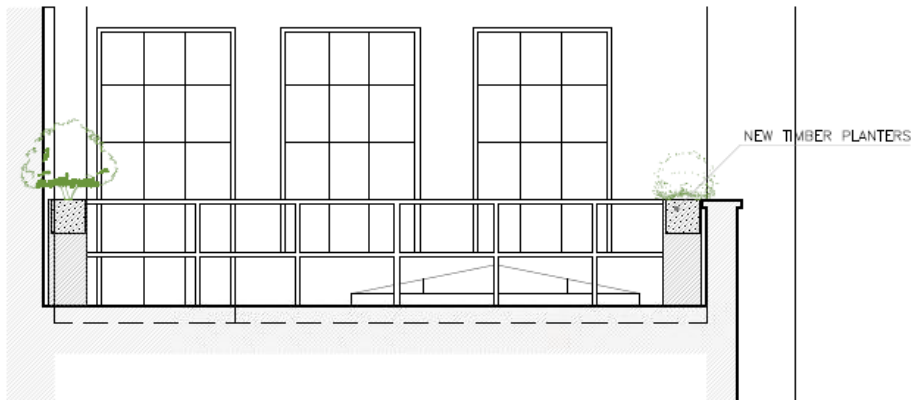
SCALE: 1/50



SECTION B



SECTION C
SCALE: 1/50



SECTION D
SCALE: 1/50

Existing west elevation:



Proposed west elevation:



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DRAFT DECISION LETTER (Application 1)

Address: 12 Hay Hill, London, W1J 8NR,

Proposal: Use of building for a temporary period as use comprising offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis)

Plan Nos: HH-I-100, HH-I-101, HH-I-102, HH-I-103, HH-I-104, HH-I-1005, HH-I-106 and 001.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 Within six weeks of this permission, you must provide the separate stores for waste and materials for recycling shown on drawing number 001. You must clearly mark them, retain them and make them available at all times to everyone using the building.

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 following are not permitted on the second floor terrace: more than 40 person at any one times, 'Events' (i.e. organised activities/gatherings - whether or not by invitation), outdoor cooking or any music (live, recorded, broadcast, or otherwise).

Outdoor lighting and outdoor heating are also not permitted unless a 'Lighting and Heating Scheme' (including detailed drawings (1:20)) for the second floor terrace are submitted to and approved by the City Council. You must then carry out the work according to the approved 'Lighting and Heating Scheme' and the approved detailed drawings.

Reason:

Because they would harm the setting of the grade I listed building at No. 3 Grafton Street, contrary to S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 10 (D) of our Unitary Development Plan that we adopted in January 2007.

- 4 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

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

- 5 Only the areas at lower ground, ground and fourth floor level shown the drawings hereby approved and the second floor terrace shall be used for the consumption of food and drinks in association with the composite use comprising offices, conference facilities and private members business club for members and their guests (including cafe/bar/dining) (Sui Generis) hereby approved.

No more than 100 'Events' (i.e. organised activities at which more than 40 persons are present at any one time) can take place in any calendar year. No more than one Event can be held at any one time. There shall be no retail sale of hot or cold drinks of food to members of the public (i.e. non-members of the business club) at any time.

Reason:

To prevent the intensification of the use hereby approved and to ensure that it does not have unacceptable impact upon the character and function of this part of the Mayfair Conservation Area. This is in line with S24, S25 of Westminster's City Plan (November 2016) and DES 9 of our Unitary Development Plan that we adopted in January 2007.

- 6 Within six weeks of the date of this permission, you shall apply to the City Council for approval of a Servicing and Waste Management Plan (including hours). The offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis) use shall cease after 26 October 2018 unless it is in accordance with an approved Servicing and Waste Management Plan.

You must then comply with the approved Servicing and Waste Management Plan for the life of the development.

Reason:

To avoid blocking the surrounding streets and to protect neighbouring residents from noise nuisance, as set out in S24, S29, S32 and S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 10, TRANS 21 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 7 The offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis) use hereby approved shall continue until 1 January 2039 or until vacated by 12 Hay Hill Limited (whichever is the sooner), after which the building must revert to its office use (Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as

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amended) (or any equivalent replacement order).

Reason:
At the request of the applicant.

- 8 The consumption of food and drinks shall be limited to between 07.30 and 23.00 (Monday to Friday).

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

Informative(s):

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

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DRAFT DECISION LETTER (Application 2)

Address: 12 Hay Hill, London, W1J 8NR,

Proposal: Works to the second floor terrace comprising new timber decking and tiled flooring and new timber and metal planters. (Linked to 17/05870/LBC)

Plan Nos: 02/10, 03/10, 04/10, 05/10 and 06/10.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - 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 Mayfair Conservation Area. This is as set out in

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

- 4 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

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

Informative(s):

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

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DRAFT DECISION LETTER (Application 3)

Address: 12 Hay Hill, London, W1J 8NR,

Proposal: Works to the second floor terrace comprising new timber decking and tiled flooring and new timber and metal planters. (Linked to 17/05869/FULL)

Plan Nos: 02/10, 03/10, 04/10, 05/10 and 06/10.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

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

- 3 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

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 Mayfair 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

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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 5.4, 5.7 and 6.1 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.

7 12 HAY HILL, LONDON, W1J 8NR

Application 1

Use of building for a temporary period as use comprising offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis).

Applications 2 and 3

Works to the second floor terrace comprising new timber decking and tiled flooring and new timber and metal planters.

Late representations were received from Forsters (14.05.2018) and Hay Hill (10.05.2018).

Application 1

Amended Condition 3

The following are not permitted on the second floor terrace: more than 40 person at any one times, e'Events' (i.e. organised activities/gatherings - whether or not by invitation), outdoor cooking, ~~outdoor lighting, outdoor heating~~, any music (live, recorded, broadcast, or otherwise).

Outdoor lighting and outdoor heating are also not permitted unless a 'Lighting and Heating Scheme' (including detailed drawings (1:20)) for the second floor terrace are submitted to and approved by the City Council. You must then carry out the work according to the approved 'Lighting and Heating Scheme' and the approved detailed drawings.

No change to reason.

Amended Condition 5

Only the areas at lower ground, ground and fourth floor level shown the drawings hereby approved **and the second floor terrace shall be used for the consumption of food and drinks** ~~as bars, cafes and restaurants~~ in association with the composite use comprising offices, conference facilities and private members business club **for members** and their guests (including cafe/bar/dining) (Sui Generis) hereby approved.

No more than 100 'Events' (i.e. organised activities at which more than 40 persons are present at any one time) can take place in any calendar year. No more than one Event can be held at any one time. There shall be no retail sale of hot or cold drinks of food to members of the public (i.e. none-members of the business club) at any time.

No change to reason.

Amended Condition 7

The offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis) use hereby approved shall continue until **1 January 2039** or until vacated by 12 Hay Hill Limited (whichever is the sooner), after which the building must revert to **its office use** ~~a use within~~ (Class B1) (Business) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent replacement order).

Amended Condition 8

The consumption of food and drinks shall be limited to between 07.30 and 23.00 (Monday to Friday). ~~Members shall not be permitted within the premises before 07.30 or after 23.00 (Monday to Friday) and shall not be permitted within the premises at any time on weekends.~~

RESOLVED UNANIMOUSLY:

That applications 1, 2 and 3 be deferred to allow for further consideration of potential constraints on the use of the second floor terrace in light of the Committee's concerns in this respect.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 15 May 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	12 Hay Hill, London, W1J 8NR		
Proposal	Application 1 Use of building for a temporary period as use comprising offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis) Applications 2 and 3 Works to the second floor terrace comprising new timber decking and tiled flooring and new timber and metal planters.		
Agent	DP9		
On behalf of	12 Hay Hill Limited		
Registered Number	Application 1: 17/10045/FULL Application 2: 17/05869/FULL Application 3: 17/05870/LBC	Date amended/ completed	Application 1: 27 November 2017 Applications 2 and 3: 4 July 2007
Date Application Received	Application 1: 10 November 2017 Applications 2 and 3: 4 July 2007		
Historic Building Grade	Grade I		
Conservation Area	Mayfair		

1. RECOMMENDATION

Application 1: Grant conditional permission. Application 2: Grant conditional permission. Application 3: 1. Grant conditional listed building consent.

2. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.

2. SUMMARY

The application site comprises a purpose built office (Class B1) building dating from the early 1990s. The main part of the building is arranged over basement, lower ground, ground and four upper floors and has an entrance on Hay Hill. Also part of the site is a three storey (above ground) brick-faced building with second floor roof terrace above that fronts onto Bruton Lane. The site is located within the Core Central Activities Zone (Core CAZ) and the Mayfair Conservation Area. No. 3 Grafton Street is located immediately adjacent to the site and is Grade I listed. The three storey (above ground) brick-faced building that fronts onto Bruton Lane is also considered to be Grade I listed.

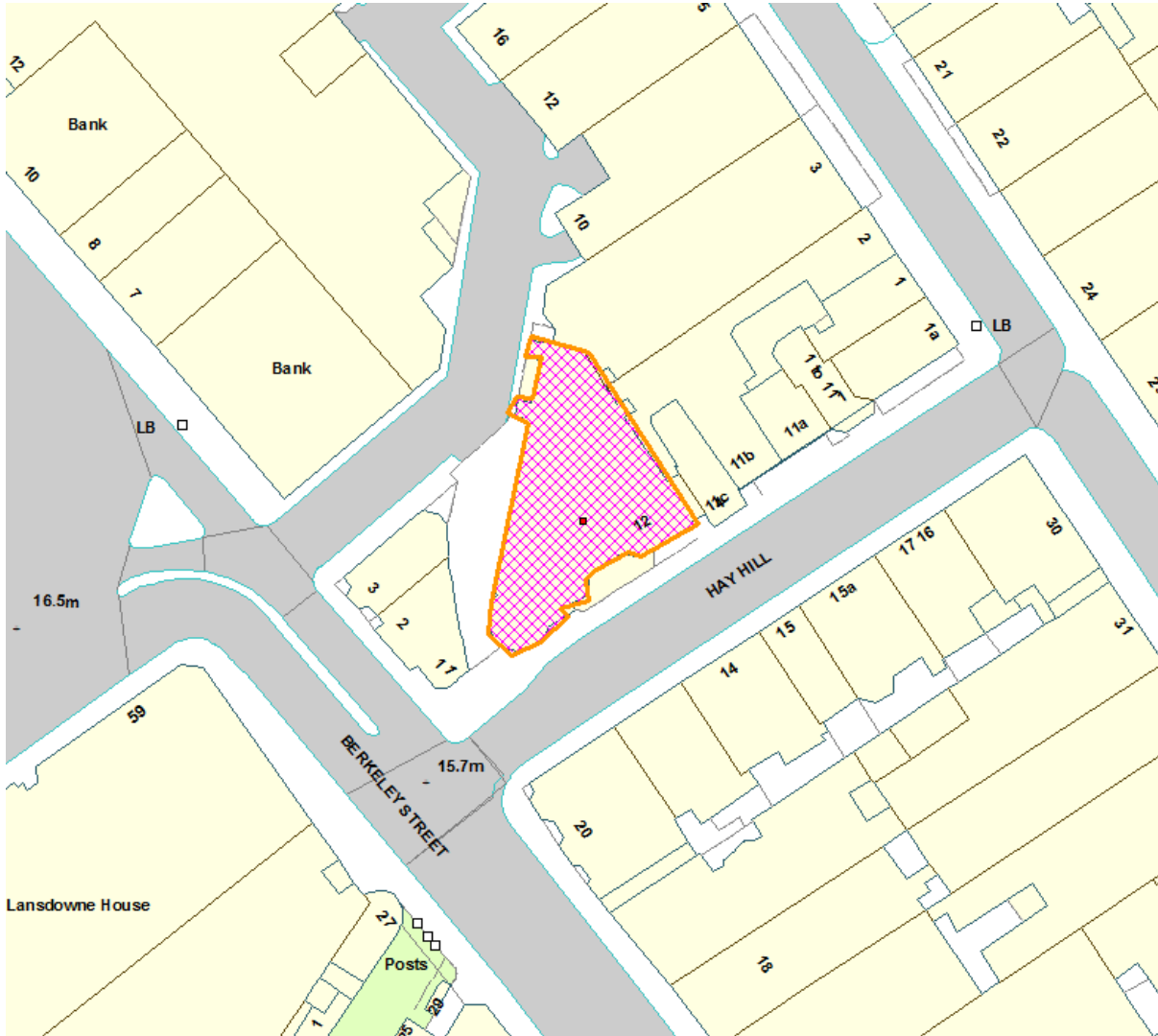
Retrospective permission is sought for a temporary period until 2039 or until vacated by the current occupier (12 Hay Hill Limited) for the use of the building as a composite use comprising offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis). Also proposed are a number of alterations to the second floor roof terrace in the form of new timber decking and tiled flooring and new timber and metal planters.

The key issues for consideration are:

- The acceptability of the loss of office floorspace and replacement with the proposed composite use.
- The impact of the proposed use and alterations to the second floor terrace on the character and appearance of the Mayfair Consecration Area, the special interest of the Grade I listed building and the setting of the adjacent No. 3 Grafton Street.
- The impact of the alterations and change of use of the second floor terrace on the occupiers of No. 3 Grafton Street.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan. Furthermore, the proposed change of use and alterations will not harm the special interest of the listed building or the setting of No. 3 Grafton Street and will preserve the character and appearance of the Mayfair Conservation Area. For these reasons, all three applications are recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

From Berkeley Street looking north.



From junction of Bruton Lane and Berkeley Street / Berkeley Square looking north-east.

18 Oct 2017 15:04:56
London



5. CONSULTATIONS

Application 1

Initial consultation

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

- Any response to be reported verbally.

ENVIRONMENTAL HEALTH:

- No objection in principle but concern that no information has been submitted in respect to how cooking heat, fumes and odours will be dealt within a way that does not give rise to nuisance.
- Notes that the application does not appear to provide any details of any new plant and association acoustic considerations.

HIGHWAYS PLANNING:

- The level of servicing does not appear unreasonable.
- Suggests that a Service Management Plan is secured by condition to minimise impact upon the public highway.
- Notes that no details of cycle parking provided and requests that some provision s made on site.
- Waste storage should be clearly indicated to ensure minimum impact on the public highway.

CLEANSING:

- No objection to the proposed revised storage arrangement for waste and recyclable material. Request that condition are imposed to secure the provision and retention of this storage arrangement.

METROPOLITAN POLICE:

- It appears that there is not a disproportionate amount of crime being generate as a result of this building.
- Recommends that consultation with the Westminster Licensing Team is undertaken to see if they have any issues or problems with the location.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 18

Total No. of replies: 15

No. of objections: 1

No. in support: 14

One objection from the owner of No. 3 Grafton Street on the following grounds:

Design and Conservation:

- The use of the terrace in association with the proposed use would be harmful to the special interest of this Grade I listed building and its setting. The City Council has a statutory duty to have special regard to protecting the special interest of this heritage asset and its setting. There are no public benefits that outweigh this harm.

Amenity:

- The use of the terrace in association with the proposed use will result in a loss of privacy for the occupants of two rooms within No. 3 Grafton Street that overlook the terrace.
- The proposed tree planters in front of a window within No. 3 Grafton Street as a means of mitigating this loss of privacy is unacceptable. As these trees mature, they will reduce light and block views out of this room, unacceptably increasing the sense of enclosure within this room.
- The intensification of the use of the terrace will result in an unacceptable nuisance for the occupiers of No. 3 Grafton Street by way of noise, fumes and increased light pollution.
- Given the close proximity of the terrace to these neighbouring windows, any use of the terrace for anything other than maintenance is not appropriate. Contrary to the assertion of Officers, the City Council clearly has the ability to impose conditions controlling the use of the terrace.

Other:

- The application drawings are highly misleading through failing to show the relationship between the third floor roof terrace and the neighbouring windows within the first floor of the octagonal rear room of No. 3 Grafton Street.
- The open air courtyard at front lower ground floor level is a far more suitable location for use as an outdoor space and smoking area.
- The harm to the quality of the experience within the neighbouring rooms within No. 3 Grafton Street will result in a reduction in future lettable and resale value.

15 in support (from members / tenants of the business club or neighbouring residents (or both)) on the following grounds:

Land use:

- The use has uplifted the area and brought a certain elegance to the street.
- The concept is fantastic that allows people to work in a mobile way and add to the British economy.
- The use supports the business community.
- The use blends harmoniously into Mayfair.

Amenity:

- There has never been any noise or any sort of feeling of crowdedness in the area.

Other:

- The security of the area is enhanced as the building has 24 hour security.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Re-consultation following amendment to the description of development to accurately summarise the existing operation for which retrospective permission is sought (14 March 2018):

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 34
Total No. of replies: 0
No. of objections: 0
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Applications 2 and 3

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

- Any response to be reported verbally.

HISTORIC ENGLAND:

- Authorisation given for the City Council to determine the application for listed building consent (Application 3) as it sees fit. No views expressed on the merits of the proposals.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 10
Total No. of replies: 1
No. of objections: 1
No. in support: 0

One objection from the owner of No. 3 Grafton Street on the following grounds:

Design and Conservation:

- The use of the terrace will be intensified by the proposed alterations and this would be harmful to the special interest of this Grade I listed building and its setting. The City Council has a statutory duty to have special regard to protecting the special interest of this heritage asset and its setting. There are no public benefits that outweigh this harm.

Amenity:

- The use of the terrace will be intensified by the proposed alterations and this will result in an unacceptable increase in nuisance to the occupied of No. 3 Grafton Street by way of noise, fumes and increase light pollution.
- The proposed tree planters in front of a window within No. 3 Grafton Street as a means of mitigating this loss of privacy is unacceptable. As these trees mature, they will reduce light and block views out of this room, unacceptably increasing the sense of enclosure within this room.

Other:

- The application drawings are highly misleading through failing to show the relationship between the third floor roof terrace and the neighbouring windows within the first floor of the octagonal rear room of No. 3 Grafton Street.
- The submitted drawings are not to a specified. This is a statutory requirement and render them insufficient to gauge the impact of the properties development on the

special interest of the listed building and the amenity of the occupants of No. 3 Grafton Street.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a purpose built office (Class B1) building dating from the early 1990s. The main part of the building is arranged over basement, lower ground, ground and four upper floors and has an entrance on Hay Hill. Also part of the site is a three storey (above ground) brick-faced building that fronts onto Bruton Lane. Collectively these two building are known as 12 Hay Hill.

For the reasons set out in more detail in Section 8.2 of this report, it is considered that the three storey brick-faced building fronting onto Bruton Lane is Grade I listed but the stone-faced building that makes up the remainder of the site is unlisted.

The site is located within the Mayfair Conservation Area and the Core CAZ. Immediately to the north of the site is the Grade I listed No. 3 Grafton Street. Immediately to the south-west are Nos. 1, 2 and 3 Berkeley Square, each of which are Grade II listed.

Records indicate that the nearest residential properties are immediately to the north-east of the site (No. 4 Hay Hill), to the south-east of the site (43 x flats within Berkeley House, 15 Hay Hill) and to the north of site (No. 4 Grafton Street). No. 3 Grafton Street is in office (Class B1) use.

When the application site was redeveloped in the early 1990s it was part of a larger site including No. 3 Grafton Street, but No. 3 Grafton Street was separated from No. 12 Hay Hill shortly after 2006.

The flat roof of the three-storey brick-faced building front onto Bruton Lane is accessed from a door within the flank elevation of the stone-faced building. Drawings in the City Council's town planning files from 1991 show the roof area annotated as a 'roof terrace'. There is also a photograph submitted with an application in 2006 of the terrace which described the picture as, '*View of rear elevation and terrace roof to 3 Grafton Street/12 Hay Hill...*'. This second floor roof terrace is therefore a long-standing feature of the site and could revert to being used in association with the lawful office use of the building without permission.

6.2 Recent Relevant History

91/4746

Use of basement of No. 3 Grafton Street as restaurant and of front and middle rooms on ground floor of No. 3 for office purposes; additional pipework, guard rails and extract cowls on the roof of No. 3; rebuilding of rear additional to No. 3 for use in conjunction with No. 12 Hay Hill; and redevelopment of No. 12 to provide building comprising basement, lower ground and five upper floors for use an ancillary car parking and plant in the basement, two residential units on the lower ground floor and offices throughout the remainder.

Permitted 28.11.91

07/04301/CLEUD

Use of part lower ground floor as offices (Class B1).

Permitted 17.09.07

This lawful development confirms that the two flats approved in 1991 were converted to office accommodation without permission and this use subsequently became the lawful use through being immune from enforcement action.

7. THE PROPOSAL

Following investigations by the City Council's Planning Enforcement Team, Officers are of the view that the use of the building materially changed from its lawful office (Class B1) in 2015. This is partly as a result of the large amount of floorspace dedicated to the preparation, service and consumption of food and drinks at basement, lower ground, ground and fourth floor levels and the way in which the building has become partly a private members 'business club' where the focus is on networking, meeting and entertaining clients. Whilst there are some areas of the building that are dedicated to meeting rooms on an hourly rate or in the form of the 23 x offices normally leased for a year, it is no longer considered that this office element of the current use is the primary use of the building. This is reflected in the make up of the occupiers of the building, with only approximately 120 being 'resident' members (i.e. leasing a dedicated office) and there being approximately 400 members of the business club that are able to 'hot desk' and use the dining and meeting room facilities. For these reasons, it is considered that the current unauthorised use comprises a composite use comprising offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis)

The current use operates between 07.30 and 23.00 (Monday to Friday). It is closed on weekends. Deliveries and waste collection takes place from Bruton Lane via a dedicated car lift, although delivery vehicles do not enter the site so will unload from the street.

Application 1 seeks retrospective permission to continue the existing composite use for a temporary period until the expiry of the applicant's lease of the building (in 2039) or until the applicant (12 Hay Hill Limited) vacates the building (whichever is sooner). The following land use tabled summarises Application 1:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/- (sqm)
Office (Class B1)	2,561	0	-2,561
Offices, conference facilities and private members business club and their guests (including cafe/bar/dining) (Sui Generis)	0	2,561	+2,561
Total	2,561	2,561	0

Applications 2 and 3 seeks partially retrospective planning permission and listed building consent for alterations to the flat roof of the three storey brick faced building facing Bruton Lane. These alterations are as follows:

- The installation of a new timber deck above the existing concrete pavers (this element has been completed and therefore retrospective permission is sought).
- The installation of timber planters around the majority of the outer face of the flat room (the flat roof is currently enclosed by 1.2m high railings).
- The installation of new floor tiles.
- The installation of four metal planters on the flat roof.
- The installation of new timber planters along the eastern side of the flat roof.

In order to address the concerns raised by the owner of No. 3 Grafton Street, the applicant has suggested a number of conditions to be imposed in respect to Application 1 control the use of the building and the second floor roof terrace. These are:

1. No more than 100 'Events' (i.e. organised activities at which more than 40 persons are present at any one time) can take place in any calendar year.
2. No Events are to be held on the second floor roof terrace,
3. No more than one Event to be held at any one time.
4. No retail sale of hot or cold drinks or food to members of the public (i.e. none members of the business club) at any time.
5. Not to install or use any outdoor cooking equipment or play any amplified music on the second floor roof terrace.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

City Plan Policy S20 outlines how the City Council will work to exceed the target of additional B1 Office floorspace capacity for at least 58,000 new jobs (774,000sqm B1 office floorspace) between 2016/17 and 2036/37, an average of 2,900 new jobs per annum.

The proposal would see the loss of 2,561 sqm of office floorspace within the Core CAZ. However, there is no policy protection for office floorspace where it is being converted to another commercial use; only where it is being converted to or replaced by residential floorspace (see City Plan Policy S20). There is therefore no objection to the loss of the office floorspace on site.

Proposed composite use

There is clearly an entertainment element to the proposed use in the form of dining, drinking and socialising. City Plan Policy S24 requires new entertainment uses to be, *'...appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area'*. Within the CAZ, City Plan Policy S1

states that the City Council will encourage development which promotes Westminster's World City Functions and supports it living, working and visiting populations. City Plan Policy S6 outlines how the Core CAZ is an appropriate location for a range of commercial and cultural uses.

The terminal hour of 23.00 is modest in this busy location within the Core CAZ that is heavily commercial in character (albeit with some residential properties in close proximity to the site). Furthermore, the use is closed on the weekends which is indicative of the business focus of its mode of operation.

The proposed clearly supports the business community and provides employment opportunities (38 full time employees) and is considered to be a welcome and innovative offer for the business community, in accordance with City Plan Policy S1 and S6. Subject to conditions controlling the hours of operation to between 07.30 and 23.00 (Monday to Friday), limiting the entertainment areas to those shown on the submitted drawings at lower ground, ground and fourth floor level in order to prevent the intensification of the entertainment element of the use, and limiting the number of 'events' held to no more than 100 in any calendar year, Application 1 is considered to be acceptable in land use terms.

8.2 Townscape and Design

As set out above, No. 3 Grafton Street is located immediately to the north-east of the application site. No. 3 Grafton Street is a Grade I listed building, designed by Sir Robert Taylor, built circa 1770. At the time of its listing in 1958 there were ancillary buildings at the rear in Bruton Lane, and it is highly likely that there has always been some form of building on this site in Bruton Lane since No. 3 Grafton Street was built.

As summarized within Section 5 of this report, there have been strong objections in design and heritage asset terms from the owner of No. 3 Grafton Street to the proposed alterations to the second floor terrace and the change of use of 12 Hay Hill. A key objection is that the alterations affect the setting of No. 3 Grafton Street, to its detriment.

Extent of the listed building at No. 3 Grafton Street

In 1988 the back of No. 3 Grafton Street was described in the following terms:

"The rear of the building as viewed from Bruton Lane and Berkeley Square, is a particularly significant aspect. By removal of the buildings subsequently added to the rear of 3 Grafton Street, a new two storey building has been designed to create a continuity in the accommodation of the Grafton Street and Hay Hill premises.

This has given the opportunity of reinstating the original rear façade of Grafton Street and reveals the form of the 'octagon tower'. The materials for the new building will be in a used mixed London Stock to match the existing, and the whole brick façade will be carefully soot washed and repointed to harmonise the existing with the new."

Extract from a Sidell Gibson Partnership letter dated 04.10.88.

Noting the above points, and the granting of listed building consent, it is reasonable to conclude that the new building constructed at the rear of No. 3 Grafton Street was an

integral part of the building. It was in the same ownership, attached to it, accessible from within it, and part of the original plot of land on which No. 3 Grafton Street was built, having replaced a previous structure that itself replaced earlier structures on the site. The comment about “revealing the form of the ‘octagon tower’” and its visibility from Berkeley Square is helpful in relation to matters of setting.

In 2006 an application was made to separate No. 3 Grafton Street from No. 12 Hay Hill and it was subsequently approved. The two buildings ceased to be in the same ownership, and were no longer interconnected. However, that does not automatically mean the divided-off part of No. 3 Grafton Street in Bruton Lane ceased to be listed.

The building in Bruton Lane was constructed as an alteration to No. 3 Grafton Street, designed to harmonise with it, is on the original plot, and replaced previous buildings on the site that also formed part of No. 3 Grafton Street. Furthermore it looks like it is part of No. 3 Grafton Street rather than No. 12 Hay Hill, and the roof terrace is still potentially accessible from a door at first floor level in No. 3 Grafton Street. The change in ownership and blocking-up of connecting doors are not considered sufficient in this case to mean that the Bruton Lane building at the rear of No. 3 Grafton Street is no longer part of that listed building. It therefore follows that alterations affecting its special interest require listed building consent. Whilst the issue is debatable, the applicant has submitted an application for listed building consent and it will be considered on its merits.

Setting considerations

Regarding the impact of the proposal on the setting of No. 3 Grafton Street, Historic England guidance advises that, amongst other things, the impact of alterations on ‘setting’ needs to be assessed according to the particular significance of the heritage asset concerned, and how it is experienced. In this case the setting of No. 3 Grafton Street is affected in public and private views towards it and in private views from within it. Updated guidance was produced in 2017 – ‘The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)’ and it is also relevant to note that noise and smell can affect the setting of a heritage asset.

Since its construction the internal layout and use of No. 3 Grafton Street has changed. It is no longer in residential use and the magnificent staircase is a later alteration. This has changed the way in which its setting is perceived from within, and its setting has markedly changed over the years.

Aside from changes in Grafton Street itself, the first major physical change affecting the setting at the rear of No. 3 Grafton Street occurring towards the end of the nineteenth century when the site of No. 1 Grafton Street was redeveloped along with the north side of Hay Hill. Further changes took place circa 1927 when the property on the east side of Berkeley Square was demolished to make way for the Air Ministry building and the southern end of Bruton Lane was rerouted, thus creating the views to/from Berkeley Square that the rear of No. 3 Grafton Street has today. There was some redevelopment of mews buildings in Bruton Place in the post-war years and No. 12 Hay Hill was redeveloped in 1990s.

There is permission for a terrace on the main roof of No. 3 (Ref: 16/08312/FULL) and there are roof terraces on neighbouring buildings in Bruton Lane, albeit in residential use, for example as approved at the rear of No. 4 Grafton Street (Ref: 14/12836/FULL),

and at the rear of No. 5 Grafton Street (Ref: 13/02576/FULL). Therefore, the setting of No. 3 Grafton Street is in a broad sense, in part, characterised by roof terraces. The main impact on the setting of No. 3 Grafton Street results from the use of the roof area accessed from No. 12 Hay Hill as a terrace, the things put on it, and its materials of construction.

At the time of its construction, the octagonal room in No. 3 Grafton Street may have been a bedroom. The plan at first floor level is likely to have been comparable to that of a contemporary property of similar scale at No. 25 Portland Place (demolished), of circa 1780, by Robert Adam (see Survey of London) which states that the octagonal room there was a bedroom. It is also possible that it was a dressing room. There is an octagonal room at first floor level in No. 106 Piccadilly for which Adam produced a decorative scheme, in 1765, for Lady Coventry's Dressing Room (see drawings in the Soane Museum). Both uses tend to be more inward rather than outward looking and, as regards No. 3 Grafton Street, the views out of the octagonal room would have been towards the back of properties in Berkeley Square and over the roof of the mews adjacent. Whatever its original purpose, it is clear that it was a room of importance and this is still reflected in its decorative treatment.

In its current use as an office, the octagonal room is set up with a single desk facing the windows with the chair having its back to the door. Whilst the focus of work ought normally to be directed towards what is on the desk, the room is clearly set up to be outward looking rather than being focused towards the fireplace or door. Therefore, in its current use and noting the layout of the octagonal room, the neighbouring roof clearly does form part of the setting of No. 3 Grafton Street.

The existing flat roof surface is modern and was, until recently, paved with drab slabs laid in a grid pattern. In this case, the replacement timber decking and tiled area is neutral in heritage asset terms; they neither improve nor worsen the appearance of the surface and as building materials they are neither better nor worse than the slabs. A roof of lead sheet would be most appropriate for a flat roof in this location, but the roof of this modern building has never been so covered. Therefore, the setting of No. 3 Grafton Street as seen from inside that building, principally from within the octagonal room (but also from its upper floors at the rear), is not harmed by the decking. It is also unharmed by the planters which are similarly neutral and not at all incongruous. Their appearance above the parapet wall would be similar to those on the roof terrace at the rear of No. 4 Grafton Street. Standing in Bruton Lane both could be seen together and would not appear out of character. Consequently, the setting of No. 3 Grafton Street is maintained in street level views. It also follows that the character and appearance of the Mayfair Conservation Area is also maintained as the alterations are not out of character and are similar to those on neighbouring buildings and others in the wider area.

Regarding use of the flat roof as a terrace in association with the proposed composite use, in heritage asset terms, the impact on the setting of No. 3 Grafton Street relates to the presence of people on the roof, noise, and the potential for obtrusive smells from smoking and/or cooking permeating No. 3 Grafton Street, and how these factors affect the perception of No. 3 Grafton Street from within and when seen from the street and surrounding properties.

There is nothing historically inappropriate about the smell of tobacco smoke in the context of a late eighteenth century house. It may be offensive to the modern 'nose' but that does not make it harmful in heritage asset terms. In fact, it is one of the few smells that has persisted over the centuries since the building's construction unlike that of coal fires, open sewers and horse manure. Cooking smells, however, are a different matter and the modern tendency to cook outdoors would be harmful to the setting of No. 3 Grafton Street if carried out on the roof area of No. 12 Hay Hill. The activity is incongruous and the smell harmful because it is entirely alien and highly intrusive. Nevertheless, as set out above, the applicant has suggested the imposition of a condition in respect to Application 1 to prevent the installation or use of any outdoor cooking equipment which addresses this heritage objection.

The area of flat roof on No. 12 Hay Hill can accommodate many people and noise from events taking place on that roof have disturbed the occupiers of No. 3 Grafton Street. In this respect, the intensive use of the roof for events has, in the past, detracted from the setting of No. 3 which was never intended to be subject to so much noise in such close proximity to its windows. However, some use of the roof would not detract from the setting of No. 3 Grafton Street as far as noise is concerned provided that the number of people on the roof is restricted, and no music is played (live or from recordings). As set out above, the applicant has suggested control over the use of the terrace to prevent entertainment 'events' from taking place on the terrace and preventing the playing of amplified music. Subject to such conditions, which would be expanded to prevent any music being played (live or from recordings), the impact upon the setting of this listed building from the use of the terrace is considered to be acceptable.

Listed building considerations

In terms of its impact on the special interest of the listed building, the existing paving is not a feature of special historic or architectural interest and its replacement is acceptable in principle, in heritage asset terms, subject to the new materials being appropriate. The tiled surface and timber decking are neither better nor worse than the modern paving slabs. The planters are of little significance as designed and positioned, and are similar to many to be found throughout Westminster on listed and unlisted buildings. So, the physical alterations have a neutral impact on the special interest of the building.

Conclusions

There is no objection in heritage asset terms to the installation of new surfaces to the terrace or planters as shown on the drawings. While the alterations do, to a slight extent, alter the setting of the listed building at No. 3 Grafton Street, the impact is minimal and acceptable. They are typical of what can be found on roof terraces throughout Mayfair, and they would not be incongruous or uncharacteristic when seen from the upper floors of surrounding properties or when seen from within No. 3 Grafton Street especially when it is noted that the area of roof in question has been in use as a terrace for many years. Likewise the use, subject to conditions, would maintain the setting of No. 3 Grafton Street in all respects.

The proposed alterations and use are acceptable in heritage asset terms whether they are an alteration to a listed building or not (this matter has been the subject of dispute). The special interest of No. 3 Grafton Street is maintained by the alterations, as is its setting, and the alterations and use are acceptable in terms of their impact on the

character and appearance of the Mayfair Conservation Area. This accords with UDP policies DES 1, DES 6, DES 9 and DES 10.

8.3 Amenity

As set out above, strong objections have been received to all three applications from the owner of No. 3 Grafton Street on privacy, increased sense of enclosure, fumes, light pollution and noise grounds. The objector is of the view that any use of the terrace other than for maintenance is not appropriate.

As set out above, the second floor terrace is annotated as such on the approved drawings for the redevelopment of this site in the early 1990s and the terrace is a longstanding feature of the site when the building was being lawfully used within Class B1 (Business). Application 1 seeks permission for a materially different use to the lawful use of the building and the terrace as an office. The central issue is therefore whether the use sought in Application 1 would result in an unacceptable material increased amenity impact upon the owners / occupiers of neighbouring properties, including No. 3 Grafton Street, over and above the lawful use of the terrace within Class B1 (Business).

No. 3 Grafton Street is clearly the most affected neighbouring property given the close proximity to the second floor rear terrace. It is, however, in office use which are not afforded the same level of policy protection as dwellings, for example. City Plan Policy S29 outlines how the City Council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment. City Plan Policy S21 and UDP Policy ENV 6 seek to reduce noise pollution and its impacts and protect Noise Sensitive Receptors (defined as residential use, educational establishments, hospitals, hotels, hostels, concert halls, theatres, law courts, and broadcasting and recording studios). Clearly, an office use is not a Noise Sensitive Receptor. Finally, UDP Policy ENV 13 seeks to protect, improve and enhance the residential environment (Parts A and B), resist developments that result in a material loss of daylight/sunlight, particularly (not exclusively) to existing dwellings and educational buildings (Part E), and resist development that result in a significant increase in the sense of enclosure or overlooking, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Clearly, any use of the terrace will result in overlooking and noise to the occupiers of No. 3 Grafton Street. There may also be some increase in sense of enclosure by any trees planted within the planters on the second floor terrace. However, the use affected is an office and therefore the weight given to this impact is considerable less than if the affected building was in residential use, for example. Subject to conditions preventing any 'events' taking place on the terrace, preventing any cooking taking place or any music being played, it is not considered that the impact of the proposed change of use and alterations to the second floor terrace upon the office occupiers of No. 3 Grafton Street would cause such harm to the function of this office building to warrant refusing permission.

The request by the owner of No. 3 Grafton Street that the terrace be used for maintenance purposes is considered to be unreasonable, not being necessary to make the development acceptable in planning terms (as required by NPPF Para. 204).

8.4 Transportation/Parking

The proposed composite use is likely to have great servicing requirements that the lawful office use given the greater quantities of food and drink consumed on site than a typical office. Highways Planning has raised no objection to the proposed servicing arrangements from Bruton Lane. It is recommended that a Service Management Plan be secured by condition in order to minimise the impact upon the public highway.

Whilst no details of cycle parking have been provided, it is likely that the demand for cycle parking will be lower for the proposed composite use than the lawful office use of the building. For this reason, it is not considered to be reasonable to secure cycle parking provision by condition.

8.5 Economic Considerations

The economic impact of the proposed use is considered to not be materially different to the lawful use of the building, with both uses contributing to business activity within the Core CAZ.

8.6 Access

The access arrangements remain unchanged and are therefore acceptable.

8.7 Other UDP/Westminster Policy Considerations

Plant

No additional plant is proposed. The kitchen extract arrangement remain unchanged from the arrangements present when the building was in office use (i.e. a low level extract at lower ground floor level adjacent to the narrow terrace). Whilst the City Council's normal approach is for extract ducts to be at high level in order to ensure adequate dispersal of cooking smells, there are no residential properties in close proximity to this low level extract and there have been no complaints in respect to cooking smells from the premises. The lack of demonstrable harm and that the low level extract has been in situ for a number of years in association with the office use (which may have had an ancillary office canteen) is considered to represent exceptional circumstances to depart for the City Council's normal approach. The extract arrangements are therefore considered to be acceptable.

Refuse /Recycling

The Cleansing Manager has no objection to the proposed storage arrangements for waste and recyclable material, subject to the imposition of conditions securing its provision and retention.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

It is not considered that any planning obligations are necessary to make the development acceptable in planning terms.

No increase in floorspace is proposed and therefore the development is not liable for the either the Westminster or Mayor of London's Community Infrastructure Levy.

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require the submission of an Environmental Statement.

8.12 Other Issues

An objection has been received on the ground that the application drawings are misleading through failing to show the relationship between the second floor terrace and the adjacent windows of No. 3 Grafton Street. Officers are fully aware of the relationship between the terrace and these windows, having visited both the application site and No. 3 Grafton Street. This relationship has been described fully in the report and will be illustrated in the Officers' presentation to Sub-Committee. For this reason, the City Council will be able to make a decision in full possession of the facts of the case and the interests of the owner of No. 3 Grafton Street will not be prejudiced.

The submitted drawings initially were not to an identified scale. This has been rectified and the amended drawings forwarded to the owner of No. 3 Grafton Street. Any comments will be reported verbally to Sub-Committee in order to ensure that the interests of the owner of No. 3 Grafton Street will not have been prejudiced.

The impact of the proposed development upon the future lettable and resale value of No. 3 Grafton Street is not a material planning consideration.

9. BACKGROUND PAPERS

Application 1

1. Application form
2. Response from Environmental Health, dated 8 December 2017
3. Response from Highways Planning, dated 7 March 2018
4. Response from Cleansing, dated 14 March 2018
5. Response from Metropolitan Police, dated 15 December 2017
6. Letter from occupier of 34 Berkeley House, 15 Hay Hill, dated 11 December 2017
7. Letter from occupier of 63 Curzon Street, London, dated 11 December
8. Letter from occupier of 8 Manor Hall Drive, dated 12 December 2017
9. Letter from occupier of 27 Yeldham Rd, Hammersmith, dated 14 December 2017
10. Letter from occupier of 16 Berkeley Square, London, dated 14 December 2017
11. Letter from occupier of 15 Carlton Mansions, 215 Randolph Avenue, dated 14 December 2017

12. Letter from occupier of Third Floor, Landsdown House, 57 Berkeley Square, dated 14 December 2017
13. Letter from occupier of 85 Harbord Street, London, dated 14 December 2017
14. Letter from occupier of 12 Hay Hill, Mayfair, dated 15 December 2017
15. Letter from occupier of 31 Berkeley Street, Mayfair, dated 18 December 2017
16. Letter from occupier of 12 Hay Hill, London, dated 20 December 2017
17. Letter from occupier of Beech Farm, Whitemans Green, Cuckfield dated 20 December 2017
18. Letter from occupier of Flat 23, Berkeley House, 15 Hay Hill, dated 20 December 2017
19. Letter from occupier of Flat 1308, 20 Palace Street, dated 2 January 2018
20. Letter written on behalf of owner of 3 Grafton Street, dated 10 January 2018
21. Letter from occupier of Flat 30, Scotts Sufferance Wharf, 5 Mill Street, dated 30 January 2018

Applications 2 and 3

1. Application form
2. Letter of authorisation signed by the National Planning Casework Unit, dated 25 July 2017
3. Letter written on behalf of owner of 3 Grafton Street, dated 14 August 2017
4. Letter written on behalf of applicant, dated 6 September 2017

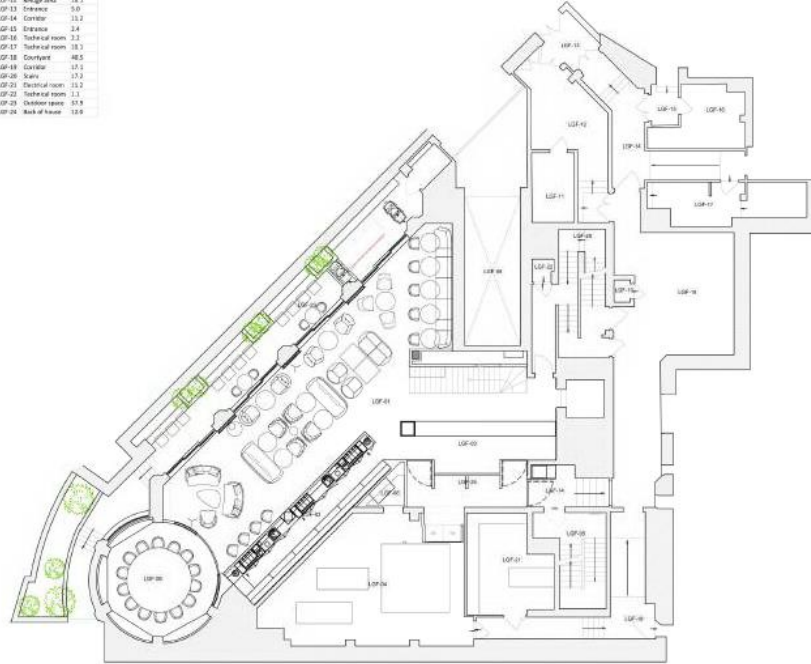
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

10. KEY DRAWINGS

Ground floor plan:

GG-01	Technical room	2.3
GG-02	Office	6.4
GG-03	Break-up area	18.3
GG-04	Entrance	5.8
GG-05	Corridor	11.2
GG-06	Entrance	2.4
GG-07	Technical room	2.2
GG-08	Technical room	18.3
GG-09	Corridor	46.5
GG-10	Corridor	17.1
GG-11	Skiv	17.0
GG-12	Technical room	11.2
GG-13	Technical room	1.3
GG-14	Outdoor space	51.9
GG-15	Back of house	12.8



First floor plan:

FF-01	Boardroom	17.0
FF-02	Boardroom	28.0
FF-03	Technical room	3.8
FF-04	Technical room	3.8
FF-05	Corridor	6.0
FF-06	Skiv	10.8
FF-07	Technical room	3.6
FF-08	MC	2.2
FF-09	MC	3.0
FF-10	Technical room	2.2
FF-11	MC	2.2
FF-12	MC	2.2
FF-13	MC	2.2
FF-14	MC	2.2
FF-15	MC	2.2
FF-16	MC	2.2
FF-17	MC	2.2
FF-18	MC	2.2
FF-19	MC	2.2
FF-20	MC	2.2
FF-21	MC	2.2
FF-22	MC	2.2
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FF-98	MC	2.2
FF-99	MC	2.2
FF-100	MC	2.2



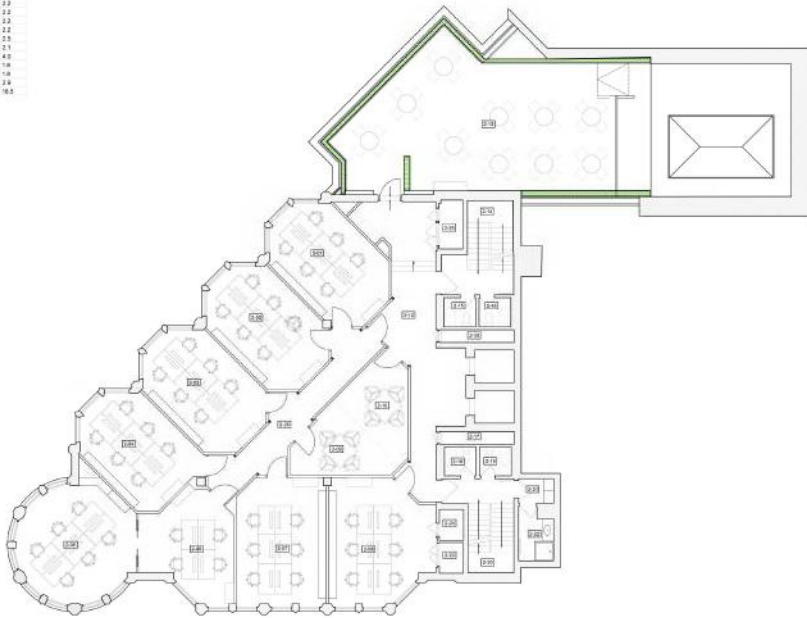
Second floor plan:

1-13	Phone booth	2.0
1-14	Break room	2.9
1-15	WC	2.2
1-16	WC	2.2
1-17	Stairs	11.0
1-18	Technical room	1.8
1-19	Technical room	1.7
1-20	Technical room	2.8
1-21	Stairs	12.2
1-22	WC	2.2
1-23	WC	2.2
1-24	Technical room	3.2
1-25	Center	18.0
1-26	Center	3.0
1-27	Technical room	4.1

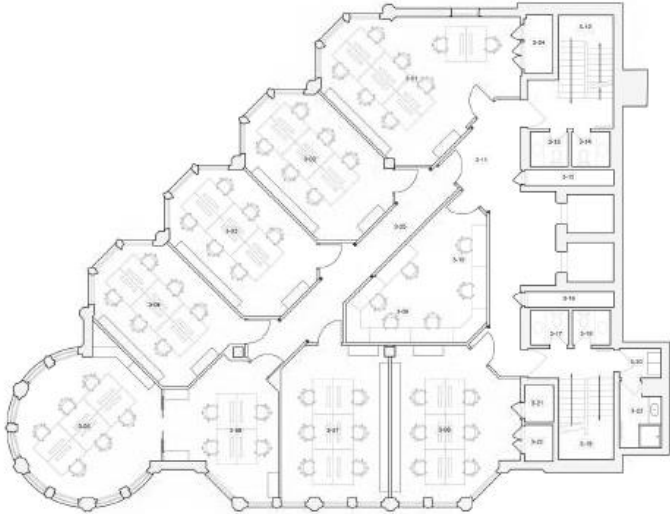


Third floor plan (including location of terrace):

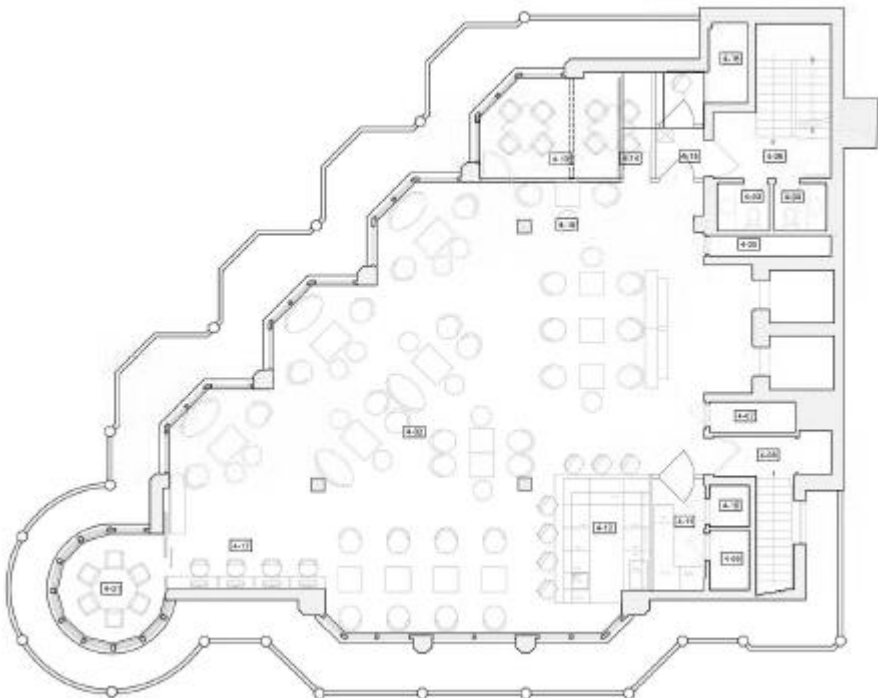
2-18	WC	2.2
2-19	WC	2.2
2-17	Technical room	2.2
2-18	WC	2.2
2-19	WC	2.2
2-20	Stairs	2.9
2-21	Stairs	2.9
2-22	Male changing room	4.9
2-23	Technical room	1.8
2-24	Technical room	1.8
2-25	Technical room	2.8
2-26	Center	18.0



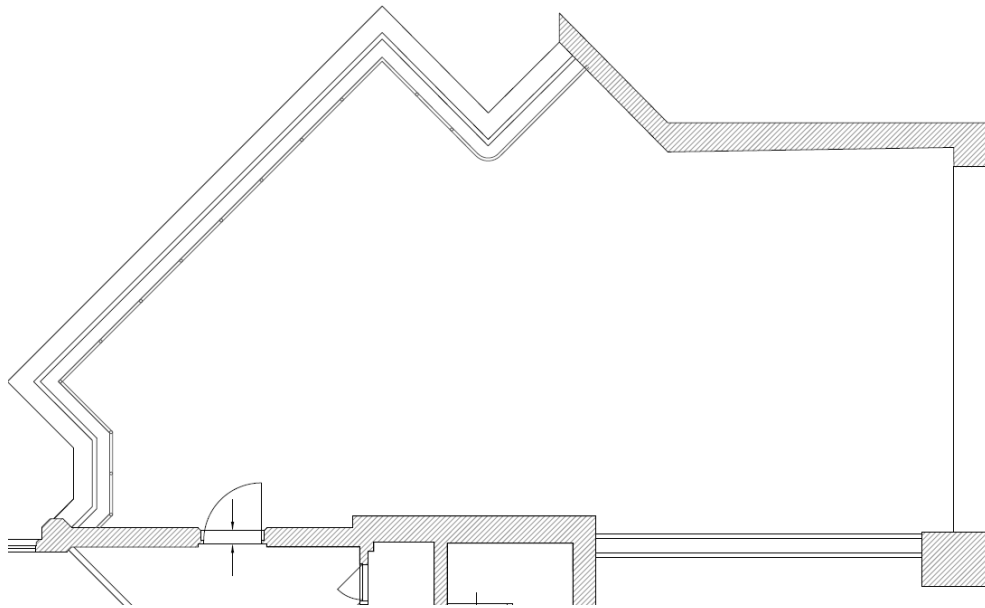
Fourth floor plan:



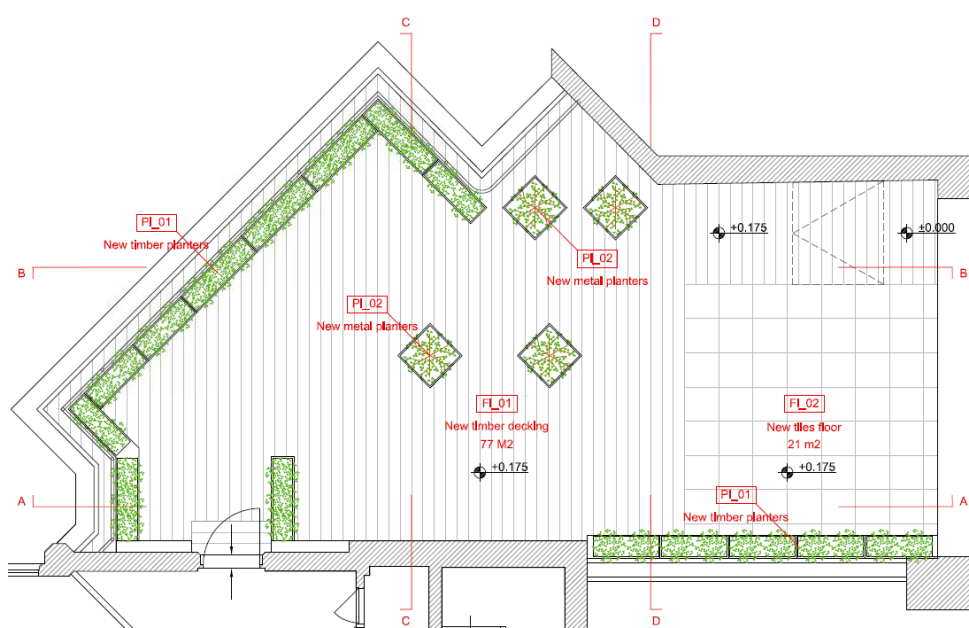
Fifth floor plan:



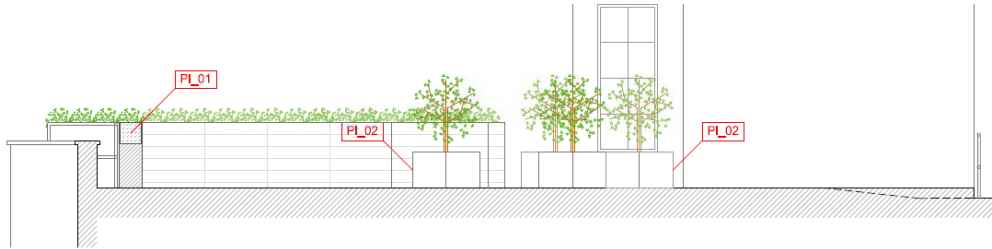
Prior to unauthorised works plan of terrace:



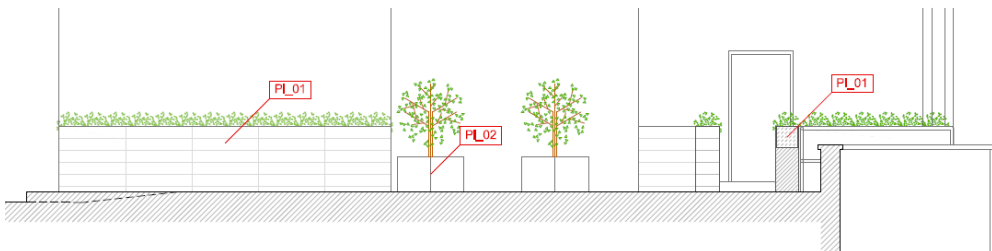
Proposed plan of terrace:



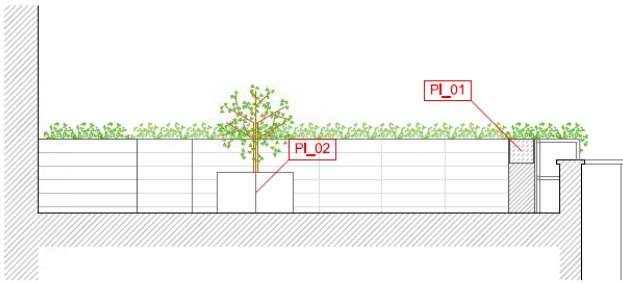
Sectional proposed elevations of terrace:



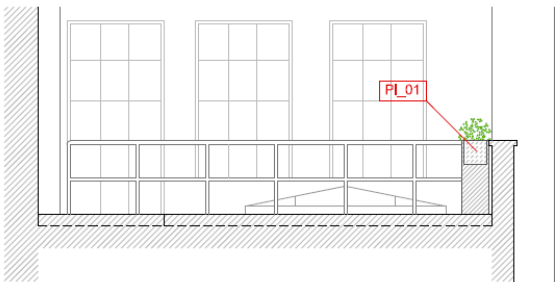
SECTION A



SECTION B



SECTION C



SECTION D

Existing west elevation:



Proposed west elevation:



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Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 June 2018	Classification For General Release	
Report of Director of Planning	Ward(s) involved Churchill		
Subject of Report	St Gabriel's Hall & Club, Churchill Gardens Estate, London		
Proposal	Erection of two-storey side extension, the creation of a new entrance to the southern boundary, and associated alterations, to provide additional Class D1 floorspace (community centre).		
Agent	Mr Jeremy Sparrow (js designs)		
On behalf of	Mr Philip Griffin (St Gabriel's Parish House Trust)		
Registered Number	18/03730/FULL	Date amended/ completed	7 June 2018
Date Application Received	5 May 2018		
Historic Building Grade	Unlisted		
Conservation Area	Churchill Gardens		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

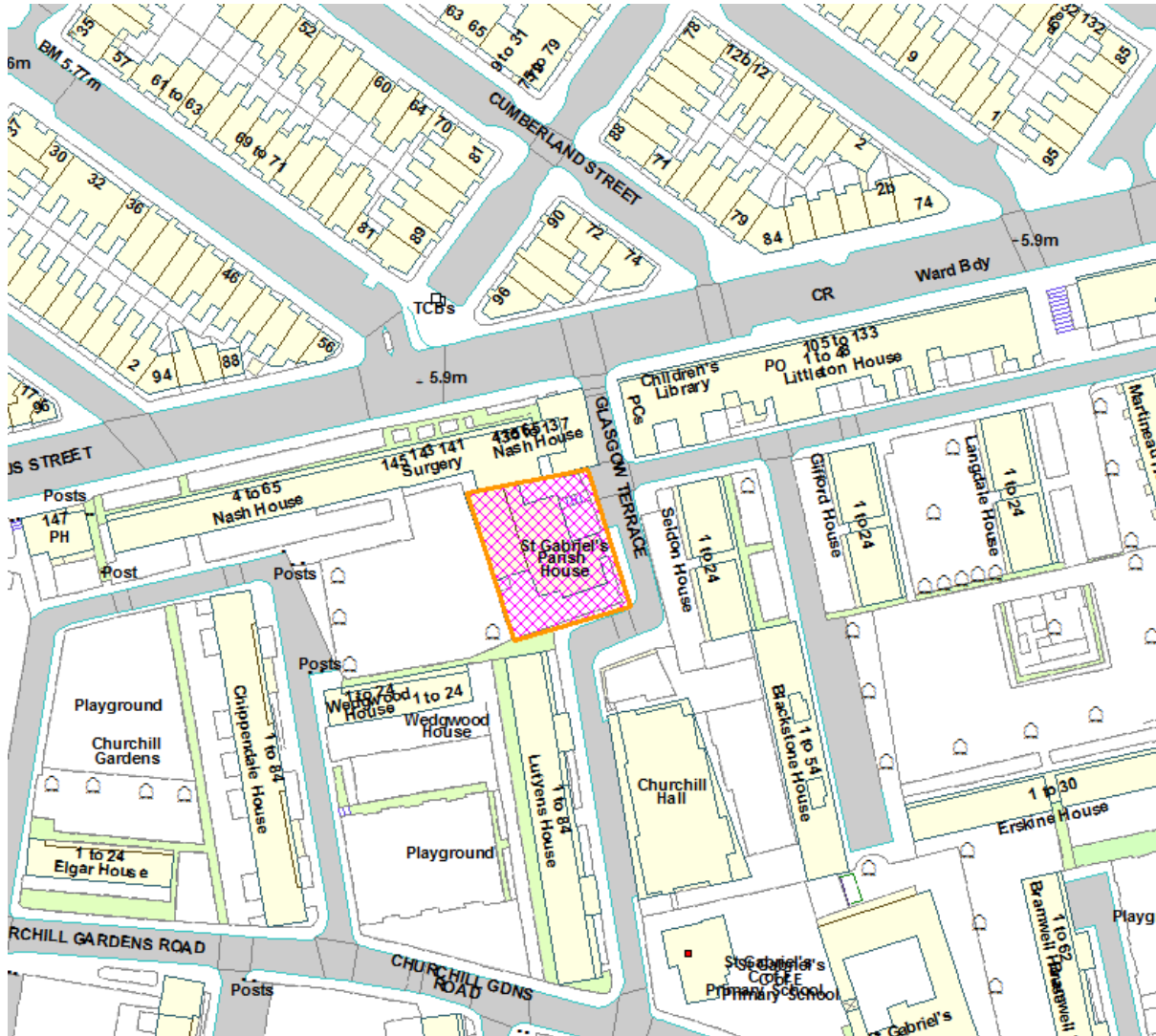
St Gabriel's Hall & Club is an unlisted building located within the Churchill Gardens Conservation Area. The building is a community hall (Class D1). The application proposes the erection of a two-storey side extension including the creation of a new entrance to the southern boundary. The extension would provide additional community centre floorspace and an ancillary residential flat. The motivation for the proposal is to help meet the growing demand for community services in the area and to improve access into the building for those with reduced mobility.

The key issues in this case are:

- the impact of the proposals on character and appearance of the building and the Churchill Gardens Conservation Area; and
- the impact of the proposals on adjoining properties.

The proposed development would be consistent with relevant development plan policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, the proposal is considered acceptable in townscape, design, land use and amenity terms and the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of Side Elevation

5. CONSULTATIONS

WESTMINSTER SOCIETY:
Support.

CHURCHILL GARDENS NEIGHBOURHOOD FORUM:
Any response to be reported verbally.

CLEANSING MANAGER:
Revised waste and recyclable material storage should be secured by condition.

HIGHWAYS PLANNING MANAGER:
No objection, subject to conditions.

ARBORICULTURAL SECTION:
The loss of two elder trees is regrettable. Replacement trees within Meadow Garden would not replace the amenity provided by these trees, enhanced landscaping should be proposed on site.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 140
Total No. of replies: 1 (Objection)

Objection received from a neighbouring resident on the following grounds:

Amenity:

- Noise disturbance from activities within and around the expanded community hall, which would worsen the existing situation; and

Other Matters:

- Noise and disruption from building works.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

St Gabriel's Hall & Club is an unlisted building located within the Churchill Gardens Conservation Area. The building is a community hall (Class D1).

St Gabriel's Hall & Club is one of the few buildings remaining within the conservation area that predates the area's redevelopment from the late 1940s onwards. The building makes a positive contribution to the character and appearance of the conservation area, acting as a curiosity and reminder of the area's former characteristics. Its social value at the heart of the community is also an important element of its historic significance.

6.2 Recent Relevant History

On 15 April 2016, the City Council granted permission for the alterations of a first floor rear window. (RN: 15/11383/FULL)

On 19 February 2010, the City Council granted permission for the installation of three rooflights. (RN: 09/09227/FULL)

7. THE PROPOSAL

The application proposes the erection of two-storey side extension, the creation of a new entrance to the southern boundary, and associated alterations, to provide additional rooms and an ancillary flat for the existing community centre.

The motivation for the proposal is to help meet the growing demand for community services in the area and to improve access into the building for those with reduced mobility. This is to be achieved by the provision of ancillary office space and a new reception area that will help support and expand the community services on offer (including an advice centre and food bank). The new entrance and internal platform lift will improve access. The ancillary residential accommodation will allow some members of the delivery team to live on site, enabling them to live within the community they serve.

Table 1: Floorspace Figures

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Community Hall (Use Class D1)	800	981	181

8. DETAILED CONSIDERATIONS

8.1 Land Use

The provision of social and community facilities is important in supporting sustainable communities. Policy S34 of the City Plan and policy SOC 1 of the UDP state all social and community floorspace will be protected and new and/ or improved community facilities encouraged.

The applicant reports that the building is well used currently, and that it is operated at its capacity. Enlarging the building and improving access would allow for a greater number of services to be provided to a great number of residents. The proposals would provide level access, a new reception, new toilet facilities and office spaces.

The applicant also reports that to support this community building, it is important that key members of the delivery team live within the community they serve. With local residential accommodation being prohibitively expensive, the proposals also seek to provide residential accommodation within the new extension. The applicant indicates this residential space would be let to members of staff on a similar basis as an existing flat in the main building (which is let to the Administrator at a below market rate).

This residential space would be ancillary to the community hall because it would be used by staff in connection with the main use of the site as a community hall. It is not, for planning purposes, regarded as an independent use. An informative is attached to the draft decision notice to clarify that the flat is ancillary only.

In these circumstances, the proposals accord with policy S34 of the City Plan and policy SOC 1 of the UDP, and the principle of the development in land use terms is acceptable.

8.2 Townscape and Design

The application relates to an unlisted historic building of merit within the Churchill Gardens Conservation Area. When determining applications within conservation areas, the council must by law give special attention to the preservation or enhancement of the character or appearance of the area (S.72 Planning (Listed Buildings and Conservation Areas) Act 1990). This equates to a statutory presumption against the approval of harmful proposals unless they would directly secure public benefits which would significantly and demonstrably outweigh the harm identified. Policies S25 and S28 of the City Plan and DES 1, DES 5 and DES 9 of the UDP provide the framework for considering this balancing judgement and are further supported by national policy as set out by Sections 7 and 12 of the NPPF.

The application building is one of the few buildings within the conservation area which predates its principal character as a large estate of postwar social housing built for the City of Westminster by Powell and Moya between 1946 and the 1960s. The Club is a former school from the late 19th century and is both architecturally and functionally distinct from the buildings which surround it. This distinction accentuates its role as a social focal point for the estate. Its role as the principal community centre for the area is a significant component of its contribution to the conservation area, and maintaining it in this use is, in part, a conservation benefit as much as a land use benefit.

The building has a compact architectural form, which is highly characteristic of its original intended use. Built over three floors plus attics with principal entrance doors to the ground floor level and secondary upper front entrance doors access via steps to the southern end of the front elevation. The site includes an L-shaped garden, enclosed by a high boundary wall which wraps around the southern and western sides of the site, providing valuable open space which accentuates the building's detached position within the surrounding townscape. The northern section of this former garden is infilled with an extension with a flat roof set behind the boundary wall.

The application proposes to build a large two-storey extension to the side (south) of the main building. This would be laid out over ground and attic floors and would be visually set behind and incorporating the (partly rebuilt) boundary wall. A shallow yard would be retained to the front behind the retained entrance gateway, with a further shallow yard / garden to the rear. The extension would visually present as a two-storey front block, with a rear wing projecting at a lower level to the rear behind the boundary wall. This would be designed to architecturally reflect the original design of the main building but interpreted as a new side and rear wing. Pitched roofs are designed to match the angle and detail of the main roofs, as would the new windows.

The extension would be large and would result in the effective loss of the side and most of the rear garden. This would include some loss of trees which are discussed further in section 8.6 of this report. This would cause some loss of significance in terms of the reduction of open space surrounding the building, and in terms of the compactness of the building. The design of the new extension is however considered to successfully interpret the architecture of the building to an adequately subservient lower scale. The manner in which it is formed of a two-storey front wing supported by a lower, apparently single-storey, wing to the rear breaks up the potential bulk of the additional volume added (which is significant) whilst also adding interest and articulation to the new wing. The proposals also retain a sense of the original garden including the retention of much of the boundary wall and front gate.

Whilst there remains a residual level of harm caused to the significance of the building itself and to the surrounding conservation area, this is minimal and is considered to have been significantly and demonstrably outweighed by the public benefits of the scheme to the local community. As such, subject to the recommended design and conservation conditions, the proposal is acceptable in townscape and design terms.

8.3 Residential Amenity

As the community hall is located within the Churchill Gardens Estate, many residents live in close proximity, including within Nash House, Seldon House and Lutyens House. Policy S29 of the City Plan and policy ENV13 of the UDP aim to protect and improve the residential environment and resist proposals that would result in harm to residential amenity. Policies ENV 6 and ENV 7 of the UDP seek to protect residents from noise pollution including from new uses and internal activity.

The extension would be in a location relative to the existing residential windows that would mean it would have limited impact on neighbours in terms of loss of light, increased sense of enclosure and loss of privacy over the existing arrangement.

An objection has been received on the grounds the proposals would result in increased noise and disturbance from activities within and around the expanded community hall, which would worsen the existing situation.

The expanded community hall will increase activities on site (this is the proposals purpose). It is not considered however that this increase would result in a harmful increase in noise disturbance. This is because of the nature of the additional activities. These would primarily consist of more spaces to provide meeting/ advice services and a food bank, which are unlikely to generate significant levels of noise. The applicant has responded to the residents' concerns and points out that fewer external activities that might be audible to neighbours would occur, given that the existing garden area is to be built on. The applicant has also explained how the building is, and will continue to be managed. Including the closure of the building to customers by 22:30. A condition to this effect is recommended. The applicant states that windows are routinely closed during noisy activities such as music rehearsals and any parties are normally for children and finish by 18:00.

Given that the proposal does not involve any new areas suitable for large gatherings, and there are no new external areas provided, the application is considered acceptable in terms of its impact on residential amenity.

8.4 Transportation/Parking

Cycle Parking

The London Plan requires 2 cycle parking spaces per residential unit of 2 bedrooms or more and requires 1 space per 8 staff and 1 space per 100 sq m for visitors for D1 uses. The provision of 10 new on-site cycle stands on site will be sufficient and the Highway Planning Manager supports the level of provision.

Car Parking

Policy TRANS 23 of the UDP details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency.

The evidence of the Council's most recent daytime parking survey in 2015 indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 200 metre radius of the development site is 79.9%. An extra vehicle on-street would push the figure over the 80% threshold. The Highway Planning Manager notes without car parking the proposal would fail to accord with TRANS 23 of the UDP. However, the site does contain two off-street car parking spaces, with one used by visitors to the community hall.

The highways planning manager has requested that one of the existing off street spaces is dedicated to the proposed flat. Given that the flat is ancillary to the community centre, it is not considered on this occasion that specifically reserving one space solely for the flat would be the best use of the off street spaces here and the needs of the users of the facility may be better served by having access to the off street spaces themselves.

8.5 Access

Currently there is no level access to enter the main building. The proposal would introduce level access into the new extension through a new entrance to be created in the southern boundary wall, and then internally a platform lift will allow access into the main building. This is welcomed as it will allow those with reduced mobility to enter and benefit from the community services provided.

8.6 Other UDP/Westminster Policy Considerations

Refuse /Recycling

Although a refuse store is shown on the lower ground floor, the drawings submitted are not in line with the council recycling and waste storage requirements. The Cleansing Manager advises that a revised plan showing acceptable storage should be secured by condition.

Trees

The proposal includes the removal of two elder trees, one fig tree and one box shrub. The applicant had originally proposed to plant replacement trees on Meadow Garden, which is land adjacent to the site. The arboricultural officer raised concern with this aspect of the proposal as these replacement trees would not have mitigated the loss of the elder trees. Moreover, Meadow Garden is outside of the application site and is not owned by the applicant. The arboricultural officer has suggested enhanced landscaping as an alternative. A condition is recommended requiring details of the landscaping and to ensure that this enhanced landscaping is provided.

8.7 London Plan

This application raises no strategic issues and is not referable to the Mayor of London.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

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

The applicant is a charitable organisation and the development will be used for charitable purposes, and as such is exempt from liability to pay CIL.

8.10 Other Issues

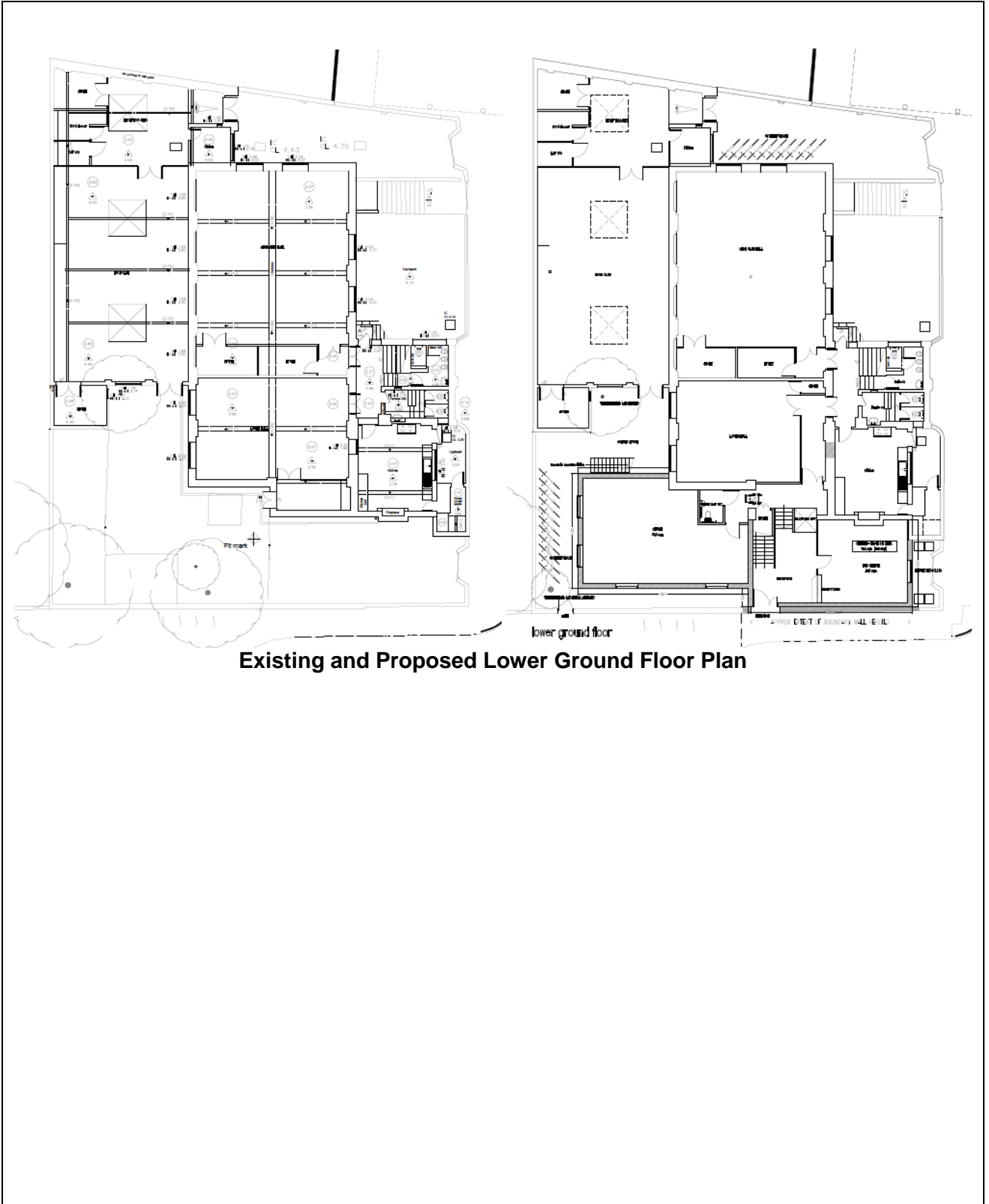
Construction impact

Objection has been raised on the grounds the construction work would disturb neighbours. It is a long standing principle that planning permission cannot be refused due to the impact of construction. This is due to its temporary nature and the ability to control it by condition. Accordingly, a condition is recommended to limit the hours of construction, which will help alleviate disturbance.

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

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

9. KEY DRAWINGS



Existing and Proposed Lower Ground Floor Plan



Existing and Proposed Ground Floor Plan



Existing and Proposed Side Elevation



DRAFT DECISION LETTER

- Address:** St Gabriels Hall & Club, Churchill Gardens Estate, London, SW1V 3AA,
- Proposal:** Erection of two-storey side extension, the creation of a new entrance to the southern boundary, and associated alterations, to provide additional Class D1 floorspace (community centre).
- Reference:** 18/03730/FULL
- Plan Nos:** Block Plan; 15043-s10 rev A; 15043-s11 rev A; 15043-L1 rev C; 17054-11 rev N; 17054-10 rev U; Statement of Need; Arboricultural Impact Assessment.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

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)

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- 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 Churchill Gardens 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 a detailed written and photographic schedule of the facing materials you will use, including a site sample panel of the pointed-up new brickwork, supported by annotated versions of the approved elevations and roof plans annotated to show where each of the materials would be used. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Churchill Gardens 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 further information as set out below of the following parts of the development:

- (a) Overall profile through roofline (drawn elevations and sections at 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.

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 Churchill Gardens 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 use the building as a community hall within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) and for no other use within that Use Class.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC 1 of our Unitary Development Plan that we adopted in January 2007 and S34 in Westminster's City Plan: Strategic Policies that we adopted in November 2013. (R05AB)

- 7 Customers shall not be permitted within the community hall premises before 08:30 or after 22:30 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 You must apply to us for approval of detailed drawings of a landscaping scheme which includes the surfacing of any part of the site not covered by buildings. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping according to these approved drawings within one planting season of completing the development (or within any other time limit we agree to in writing). (C30AB)

Reason:

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

- 9 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing 17054-10 rev U. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

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

- 10 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the community hall. (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)

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

Reason:

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

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

Reason:

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

- 13 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 3 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 4 You are advised that the flat shown on the approved drawings is ancillary to the main Class D1 (community hall) use of the building.

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

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Agenda Item 4

Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	4 Wells Rise, London, NW8 7LH		
Proposal	Excavation of basement extension below part of existing building and part of rear garden with lightwell to front elevation and two rooflights and staircase from basement to garden level to rear. Erection of rear extensions at ground and first floor level, formation of roof terrace at rear first floor level, alterations to fenestration to rear including formation of Juliet balconies, and associated external alterations including to front forecourt and at roof level.		
Agent	Amos Goldreich Architecture		
On behalf of	Mr Ash Sahni		
Registered Number	18/02033/FULL	Date amended/ completed	12 March 2018
Date Application Received	12 March 2018		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application seeks planning permission for excavation below the existing footprint of part of the existing building and part of the rear garden to create a new basement floor level with a lightwell to the front of the building, two rooflights within the rear garden and a staircase from basement level up to the rear garden. It is proposed to erect extensions to the rear at ground and first floor levels, form a new terrace at first floor level, and alter windows to the front and rear elevations, including the formation of Juliet balconies at first and second floor levels to the rear. Associated alterations are proposed to the front forecourt, to alter the existing levels, and at roof level to introduce a lift overrun and rooflight.

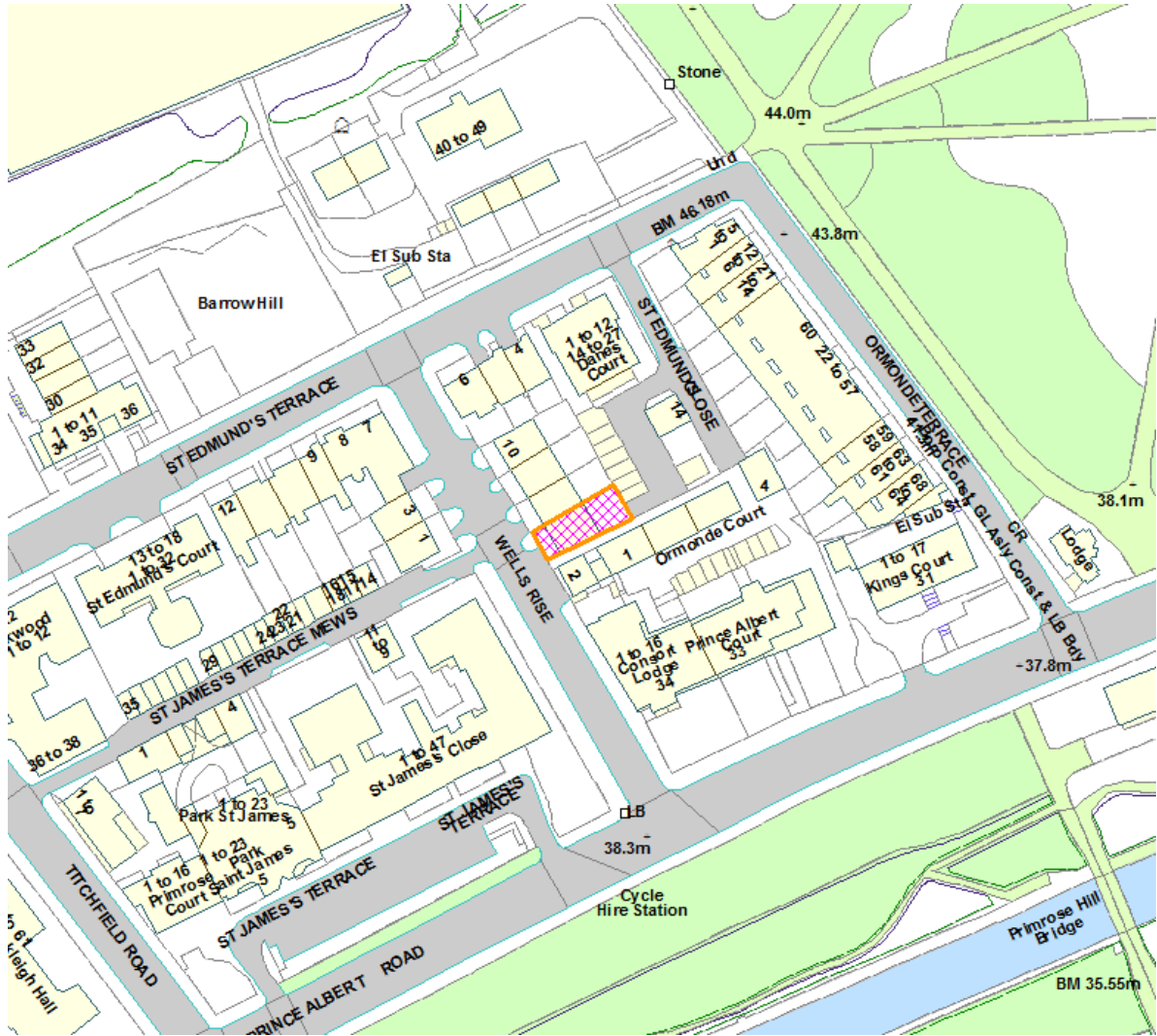
Representations on the application have been made by the St. John's Wood Society and five neighbouring residents. The objections have been raised on grounds of loss of amenity, noise and disturbance during construction works and adverse impact on the stability of the existing building.

The key issues in this case are:

- The impact of the proposed development on the appearance of the building and this part of the City.
- The impact of the proposed development on the amenity of neighbouring occupiers.
- The compliance of the proposed basement with the Basement Development policy in the City Plan.

The proposed development is considered to be acceptable in land use, design, amenity and environment terms and, subject to the recommended conditions, it would comply with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and in Westminster's City Plan adopted in November 2016 (the City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation (left) and rear elevation (right).

5. CONSULTATIONS

5.1 Consultation on Initially Submitted Scheme (March 2018)

WARD COUNCILLORS (REGENT'S PARK)

Any response to be reported verbally.

ST. JOHN'S WOOD SOCIETY

Objection on the grounds that the works have a negative impact on the character of the building, loss of more than 50% of the garden area, terrace will cause overlooking, fenestration at second floor does not match that of other buildings within the terrace, and increased sense of enclosure.

BUILDING CONTROL

Objection. Additional information requested in respect of structural calculations and structural method statement. Soil investigation details are also required.

ENVIRONMENTAL HEALTH

No objection, subject to the enlarged house being used as a single-family dwelling. Conditions and informatives recommended.

HIGHWAYS PLANNING MANAGER

Initial objection to the loss of the garage. Scheme revised to keep garage space so objection withdrawn. No waste or recycling storage is shown on the drawings.

THAMES WATER

No objection. Applicant should incorporate a non-return valve to prevent sewer flooding during storm events. Advice provided on avoiding damage to sewers and minimising ground water discharge in to the public sewer.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8.

Total No. of replies: 5.

No. of objections: 5.

No. in support: 0.

Five emails/ letters from four respondents raising objections raised all or some of the following grounds:

Design:

- Alterations to rear fenestration will harm the consistency of fenestration along the terrace.
- Architecture of proposed in terms of the size of the windows would be unsympathetic to this art deco house and inconsistent with other properties in the same terrace.

Amenity:

- Increased sense of enclosure.
- Loss of daylight and sunlight.
- Overlooking/ loss of privacy from balcony and large windows and Juliet balconies to neighbouring windows and gardens.

- Balcony is currently set away from boundary wall.
- Height of rear extension at first floor should be reduced to reduce sense of enclosure.
- First floor extension would increase enclosure to neighbouring garden.
- Noise disturbance from Juliet balconies to upper floors.

Other Matters:

- Adverse impact on value of neighbouring properties.
- No notification of application.
- Will stop neighbours right to light.
- Development will be intrusive for neighbours.
- Structural statement does not include a ground investigation report.
- Building was war damaged and rebuilt in the 1950s.
- Houses have had flooding and water ingress to their basements caused by the new development at the corner of Wells Rise and St. Edmunds Terrace.
- A construction management plan should be secured at application stage.
- Adverse structural impact on the terrace.
- Design of underpinning to the party wall with No.6 should be reviewed.
- Houses of this period are more brittle and liable to crack.
- Further details of the sequence of works for structural works should be provided.

ADVERTISEMENT/ SITE NOTICE

Yes.

5.2 Consultation on Revised Scheme (reduction in height of the first floor extension and retention of existing garage) (May/ June 2018)

COUNCILLOR RIGBY

Requests that the application is reported to a Planning Applications Sub-Committee for determination.

ST. JOHN'S WOOD SOCIETY

Any response to be reported verbally.

BUILDING CONTROL

No objection, but note that details submitted don't include construction sequence for 'concrete beam'. Informative suggested to draw this to the structural engineer's attention.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

Second round of consultation

No. Consulted: 10.

Total No. of replies: 3.

No. of objections: 3.

No. in support: 0.

Three emails/ letters from three respondents raising objections raised all or some of the following grounds:

Land use:

- Potential creation of an additional dwelling.

Design

- Overdevelopment of site.
- Architectural approach remains unsympathetic to neighbouring buildings in terrace.
- Loss of garden space.

Amenity

- Loss of privacy for neighbouring occupiers.
- Depth of first floor extension has not been reduced and therefore increased sense of enclosure and loss of light to neighbouring garden remains.
- Lift within extended building will cause noise and vibration.

Other

- Adverse structural impact on the terrace.
- Design of underpinning to the party wall with No.6 should be reviewed.
- Houses of this period are more brittle and liable to crack.
- Building was war damaged and rebuilt in the 1950s.
- Houses have had flooding and water ingress to their basements caused by the new development at the corner of Wells Rise and St. Edmunds Terrace.
- Further details of structural works should be provided.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION**6.1 The Application Site**

This application site is an end of terrace property on the east side of Wells Rise, the building is not listed and lies outside of a conservation area. The building is in use as a singly family dwellinghouse. It currently consists of three floors with a small additional basement level under the front half of the house. The rear garden is surrounded by a large boundary wall, to the front the building has a small driveway and garage at ground floor level.

6.2 Recent Relevant History

6 October 2011 – Permission refused on design and amenity grounds for the erection of roof extension to existing single family dwellinghouse (11/05069/FULL).

7. THE PROPOSAL

Permission is sought for the excavation of a basement below the existing footprint of the building and part of the rear garden including a lightwell to the front of the property set within the driveway and rooflights and a staircase to garden level within the rear garden.

It is also proposed to erect rear extensions at ground and first floor level and alter the existing fenestration on the upper floors, including the introduction of larger window openings and provision of Juliet balconies. Associated alterations are proposed to the front forecourt, to alter the existing levels, and at roof level to introduce a lift overrun and rooflight.

The scheme has been amended during the course of the application to reduce the height of the first floor rear extension, retain a garage at ground floor level and remove a gate into the rear garden from Ormonde Court.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed development would provide additional residential floorspace to the enlarge the existing dwellinghouse and would therefore accord with Policy H3 in the UDP and Policy S14 in the City Plan.

The application does not propose the creation of a new residential unit and therefore the objections raised on that ground cannot be supported as a ground on which to withhold permission.

8.2 Townscape and Design

The principle of extending the basement beneath the undeveloped section of the existing building and partly under the rear garden is not contentious in design terms, subject to the external manifestations being designed so that they would not harm the appearance of the host building.

Whilst the St. John's Wood Society have objected to the access staircase, which they consider them to occupy a large amount of the garden, it is considered the proposed staircase within the rear garden would be discreet given its location against the rear and side boundary walls. Consequently, staircase would not be visible in any public views and would only be visible in very oblique private views. As such, the concerns raised by the St. John's Wood Society cannot reasonably be sustained as a ground on which to withhold permission.

Two rooflights are also proposed against the rear elevation of the building. Given their relatively small size and as they would be held against the rear wall of the existing building, these rooflights are considered to be acceptable. To the front elevation, the proposed lightwell would be small in size, covered by a grille and set within the hard paving of the front driveway. In this location the proposed lightwell would not detract from the appearance of the front elevation. As such, the external manifestations of the proposed basement would accord with Policy CM28.1 in the City Plan and the 'Basement Development in Westminster' SPG (October 2014).

With regard to the rear extensions at ground and first floor levels, these alterations must be considered against Policy DES 5 in the UDP, which seeks the highest standards of

design for extensions and alterations to existing buildings. The application site forms part of a consciously designed terrace of 1930s art-deco style properties which can be considered as a completed composition. Nevertheless, it is noted that the properties along the terrace have been altered and extended to the rear at ground and first floor levels. The scale and depth of the ground floor extension is in keeping with that at the neighbouring property at No.6 and would maintain a consistent building line along the rear of the terrace. During the course of the application the height of the first floor extension has been amended to improve its proportions and to ensure it remains in scale with the host building. Following this amendment, it is not considered to be visually dominant and the proposed ground and first floor level extensions are considered to accord with Policies DES1 and DES5 in the UDP and Policy S28 in the City Plan.

The St. John's Wood Society and neighbouring residents have raised concerns regarding the detailed design of the replacement fenestration on the rear elevation. Whilst it is acknowledged that there is a relatively consistent approach to the fenestration on the upper levels of buildings in this the terrace, the proposed windows and doors are not considered to be unacceptable in this instance. The rear of the building is not appreciated in views from the public realm and would only be obliquely seen in private closer private views. Furthermore, as the building is not listed, there is a limited degree of control over the fenestration details and it is a material consideration in this case that as the building is in use as a dwellinghouse, the applicant could replace the windows, including amending the size, dimension and location of the windows and introduce Juliet balconies, without the need for planning permission. In this context, and as the proposed windows and doors would be metal framed, acknowledging the traditional material for art deco style buildings, it is considered that the alterations to the building's fenestration are acceptable in design terms and the objections raised cannot reasonably be supported as a ground on which to withhold permission in this case.

The application also proposes associated alterations to the front of the building, including level changes, which are acceptable in design terms. As are rooflights and a lift overrun at roof level which would be screened at roof level by the existing roof edge parapet.

In summary, for the reasons set out in this section, the proposed development is considered to be acceptable in design terms and in accordance with Policies DES1 and DES5 in the UDP and Policy S28 in the City Plan.

8.3 Residential Amenity

Policy ENV13 in the UDP and Policy S29 in the City Plan afford protection to residential amenity. Policy ENV13 specifically seeks to protect neighbouring occupiers from an increased overlooking, material losses of daylight and sunlight and increased sense of enclosure.

The proposed ground floor extension sits below the height of the existing boundary walls and will therefore not harm the neighbouring residential properties. To the first floor the proposed extension spans from the boundary with No. 6 Wells Rise to half way across the rear elevation and is approximately 2.5 meters in height from the top of the ground floor extension with a depth of 1.64 meters.

8.3.1 Daylight and Sunlight

Objections have been raised by the occupants of No.1 Ormonde Court and No.6 Wells Rise on the grounds that the proposed first floor extension would reduce light received in their respective properties and, in the case of No.6 Wells Rise, the rear garden of that property.

The applicant has submitted a daylight and sunlight report, which has been assessed by officers. The daylight and sunlight assessment demonstrates that the proposed extensions would not cause a material loss of daylight or sunlight to neighbouring windows. Therefore, the impact of the proposed development on neighbouring windows would accord with the Building Research Establishment's (BRE's) guidelines for daylight and sunlight loss and would accord with Policy ENV13 in the UDP and S29 in the City Plan.

Whilst the proposed first floor extension would increase the height of the building at the boundary with the rear garden of No.6 Wells Rise, its projection from the existing building, against which it would be seen in views from the neighbouring garden, would be limited (1.64m) and as such, it would not result in a material increase in daylight or sunlight to this neighbouring garden.

8.3.2 Sense of Enclosure

An objection has been raised on the grounds that the proposal would cause an increased sense of enclosure to the rear windows and garden of No. 6 Wells Rise. The closet wing window at No. 6 Wells Rise at first floor level serves a bathroom window and the window is obscure glazed. As such, whilst it is approximately 1 metre from the proposed first floor extension, this relationship would not give rise to a material increase in enclosure. A site visit by the case officer during the application to No. 6 Wells Rise has demonstrated that the first floor extension would not be visible from the main living areas of this neighbouring property.

The proposed first floor extension would be visible from the rear garden of No.6 Wells Rise. However, as set out in Section 8.3.1, given the small scale of the proposed extension and as it would be seen in the context of the bulk of the existing building, it is not considered that it would increase the degree of enclosure to the rear garden of No.6 Wells Rise to such an extent so as to warrant withholding permission.

Due to the limited bulk and height and the location of the proposed first floor extension relative to other neighbouring properties, it would not cause a materially increased sense of enclosure to other neighbouring residential properties, such as those in Ormonde Court.

8.3.3 Overlooking

Objections have been raised on the grounds that the proposed alterations to fenestration and replacement terrace would lead to increased overlooking towards neighbouring properties.

To the rear elevation there is an existing full width terrace at first floor level with steps down to garden level. The proposals include a terrace of the same depth as existing, but

with reduced width due to the first floor extension. There are currently French doors onto the terrace and a similar door arrangement is proposed. As such, the replacement roof terrace at first floor level would not materially increase overlooking to neighbouring residential windows given the existing situation.

Whilst the introduction of larger window/ door openings with Juliet balconies within the rear elevation would result in an increase in the potential for overlooking of neighbouring properties, as set out in Section 6.2, it is a material consideration that in this case, given the application site is an unlisted dwellinghouse, the alterations to fenestration shown on the submitted drawing could be carried out without the need for planning permission under householder permitted development rights. In this context, whilst the objections on overlooking grounds are understood, it is not considered that refusal of permission on these grounds would be a sustainable ground for refusal given the particular circumstances of this case.

In summary, the proposed development is acceptable in amenity terms and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/ Parking

The existing garage at ground floor level is secured by a condition placed on the original 1950's permission for the existing building. As a result, the initially submitted scheme has been amended to retain the existing garage and driveway. Following these amendments, the Highways Planning Manager does not raise objection to the scheme. Following amendment, the proposed development accords with Policy TRANS23 in the UDP and is acceptable in transportation terms. A condition is recommended to ensure the continued retention of the garage.

8.5 Economic Considerations

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

8.6 Access

The access to the site will remain as existing through the ground floor front door to the front elevation. This access arrangement is acceptable given this is a private dwellinghouse.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Development

The proposal includes the excavation of a single storey basement beneath part of the property and part of the rear garden. The 'Basement Development policy, CM28.1 in the City Plan, is relevant to the assessment of this aspect of the scheme. The Policy is broken down in to Parts A to D. In this case, only Parts A to C are relevant as the proposed basement would not extend below the public highway. Assessment of proposed development against Parts A to C of Basement Development policy is set out in the following paragraphs.

In respect of Part A of the Basement Development policy, the applicant has provided a structural engineer's report prepared by a qualified engineer explaining the likely methodology of excavation and the expected impact on adjacent properties. Concerns have been expressed by neighbouring residents in respect of the level of detail provided in the structural report and effect the methodology proposed may have on neighbouring properties. The submitted structural method statement has been assessed by Building Control and following provision of additional structural information on the method of construction of the proposed basement during the course of the application, they are content that the structural methodology proposed is acceptable, having regard to the ground conditions found in this part of the City.

It is important note that at planning application stage the purpose of the structural method statement is to demonstrate that a subterranean development can be constructed on the 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. In this context, and given that Building Control do not object to the proposal, it is not considered that the objections raised on structural grounds can be reasonably sustained a ground on which to withhold permission.

The applicant has submitted the 'Pro-forma Appendix A' document and this provides an undertaking that they will carry out the construction of the proposed basement in accordance with the City Council's Code of Construction Practice (CoCP). A condition is recommended to ensure the basement is carried out in accordance with the CoCP and to ensure the applicant bears the cost of the Environmental Inspectorate monitoring the site during construction. A condition is also recommended to control the hours of construction works, including additional controls to prevent any works of noisy basement excavation on Saturdays and Sundays.

The site is not within a Surface Water Flooding Hotspot, as identified in the 'Basement Development in Westminster' SPG and is in Flood Zone 1. Consequently, the proposed basement would not exacerbate existing flood risk on the site or in the vicinity. The site is not within an Archaeological Priority Area, as designated by Historic England, and therefore the proposed basement would not have a significant impact on archaeological deposits.

In light of the considerations set out in the preceding paragraphs, despite the objections received on structural impact grounds, it is considered that the proposed development would be compliant with Part A of the Basement Development Policy.

In terms of Part B of the Basement Development Policy, the remaining garden area to the front and rear of the site would be capable of being suitably landscaped following completion of the development and the rear garden would be capable of sustaining mature planting given that the proposed basement would not extend significantly below it. As set out in Section 8.7.2, there are no protected trees on or close to the site and therefore no trees of townscape, ecological or significant amenity value would be lost. A small tree within the rear garden would be removed, but this is not protected and its loss is therefore not objectionable.

Given the construction of the proposed basement would meet current building regulations requirements, it will be more energy efficient than the existing building to which it would be attached. The provision of a lightwell to the front and a doorway to the rear provides the proposed basement with natural ventilation and no mechanical plant or air conditioning equipment is proposed to heat and cool the basement.

For the reasons set out in Section 6.2, the proposed basement and its external manifestations would not harm the character and appearance of the building or its garden setting. Similarly, it would not adversely affect the wider appearance of this part of the City.

In this case sustainable urban drainage systems (SUDS) are not necessary as, save for the front lightwell and rear rooflights and staircase, the proposed basement would be wholly below the existing building and the rear extension proposed at ground floor level. The applicant has confirmed that a pumped device and non-return valve will be installed to ensure the proposed basement is resilient in the event of future storm events and to prevent sewer flooding. This addresses the concerns raised by Thames Water, although an informative is still recommended to remind the applicant of the importance of including a non-return valve on the sewer connection.

Given the above considerations, it is considered that the proposed development accords with the 7 criteria set out in Part B of the Basement Policy.

In terms of Part C of the Basement Policy, it requires basements to be limited to extending under not more than 50% of the existing garden land. Concern has been raised by the St. John's Wood Society that the proposal in this case would exceed 50% of the existing garden land. However, this is not the case as the current garden land to the front and rear of the site is 77.4m², whilst the garden land that would be retained, excluding the external stairs, would be 47.4m². Therefore, the proposed basement would not extend beneath more than 50% of garden land.

The proposed basement would be sited below the existing building and the proposed ground floor extension with only 0.7 metres of the basement protruding into the rear garden area in order to provide rooflights lighting the rear of the basement floor. Given the relatively small area of basement area that is proposed below the garden and as this would be in the form of rooflights that would be consistent in terms of their size and position with the guidance in the 'Basement Development in Westminster' SPG, it is not considered that the lack of inset of the rooflights from the boundaries of the site is objectionable. The staircase to garden level would be located along the margin of the rear garden, but as the rest of the garden would be undeveloped with no basement below it, it is not considered that the staircase would have a significant impact on drainage to the rear of the site. Accordingly, the proposed basement would be consistent with the objectives of Part C of the Basement Development policy.

8.7.2 Tree Impact

The Arboricultural Manager has advised verbally that she does not object as there are no protected trees on the site or in adjacent gardens. There is a small immature tree within the garden of the application site; however, this cannot be offered any significant

protection given its small size and as it is not within a conservation area or subject of a Tree Preservation Order (TPO). On this basis the proposal accords with Policies ENV16 and ENV17 in the UDP and Policy S38 in the City Plan.

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. The proposals are of insufficient scale to trigger a CIL payment.

8.11 Environmental Impact Assessment

The proposals are of insufficient scale to require an Environmental Impact Assessment. Where relevant, environmental impact issues are addressed in other sections of this report.

8.12 Other Issues

Objections have been received regarding the potential for noise and general disturbance during construction works. As set out in Section 8.7.2, a conditions are recommended to control the hours of works and to ensure compliance with the Code of Construction Practice.

During a sit visit to neighbouring resident's properties concerns were raised regarding the location of a door to the garden being located directly opposite the front door of 1 Ormonde Court. The applicant was informed that this was considered unneighbourly and has subsequently removed the door from the application. However, it should be noted that the applicant could in the future insert a door in the wall between the back garden and Ormonde Court under permitted development rights.

Objection has been raised in relation to potential noise disturbance from a lift proposed within the building. However, given the building is not listed and as this is principally an internal alteration (save for a small lift overrun at roof level), it is not considered that the impact of the internal lift on the occupier of the neighbouring property in terms of noise and vibration is a ground on which refusal of permission could reasonably be sustained as the lift could be installed without the need for planning permission.

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

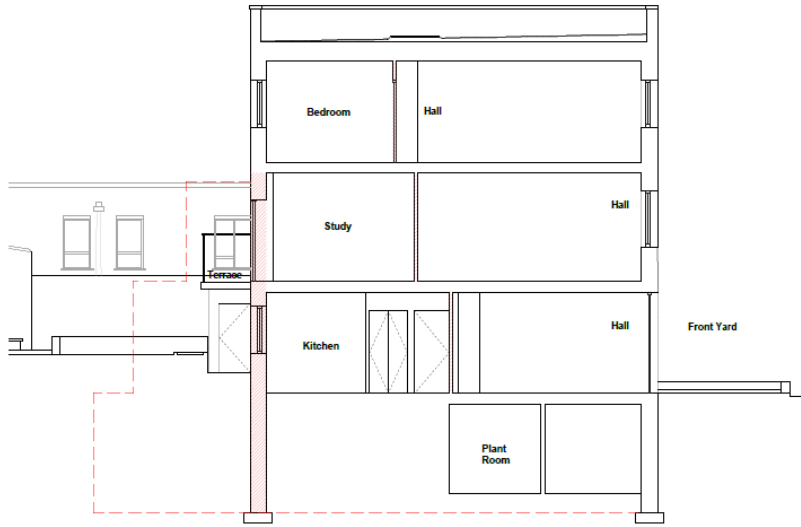
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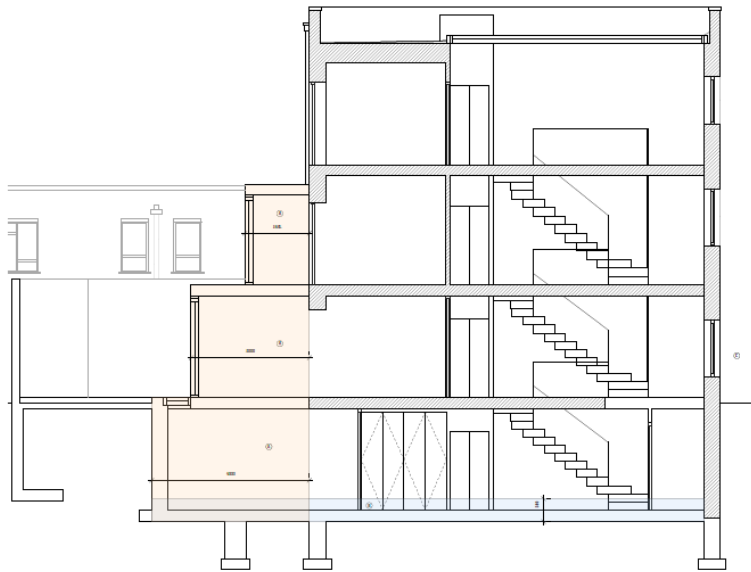
9. KEY DRAWINGS



Existing rear elevation (top) and proposed rear elevation (bottom)

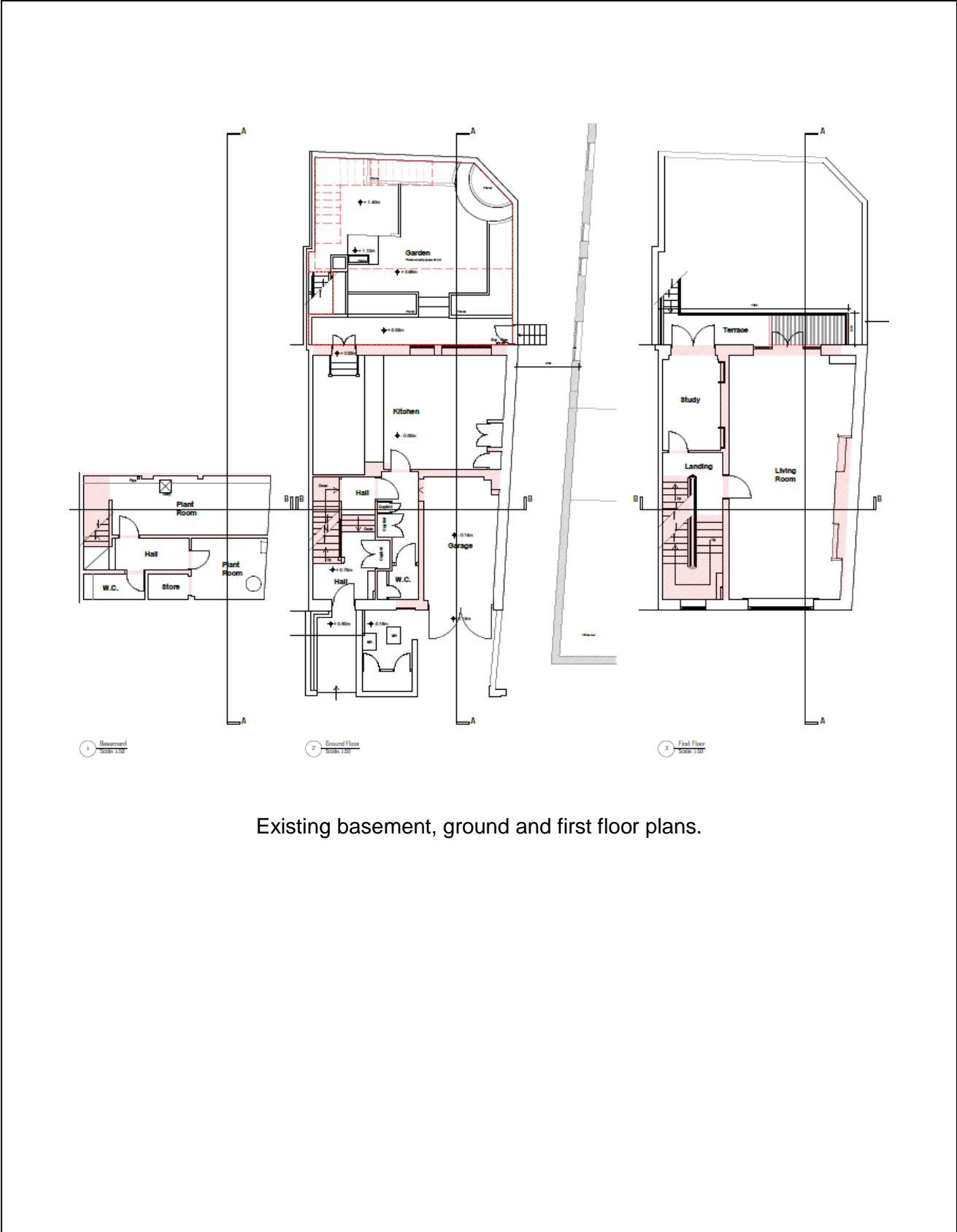


1 Section A-A
EXISTING



1 Section A-A
PROPOSED

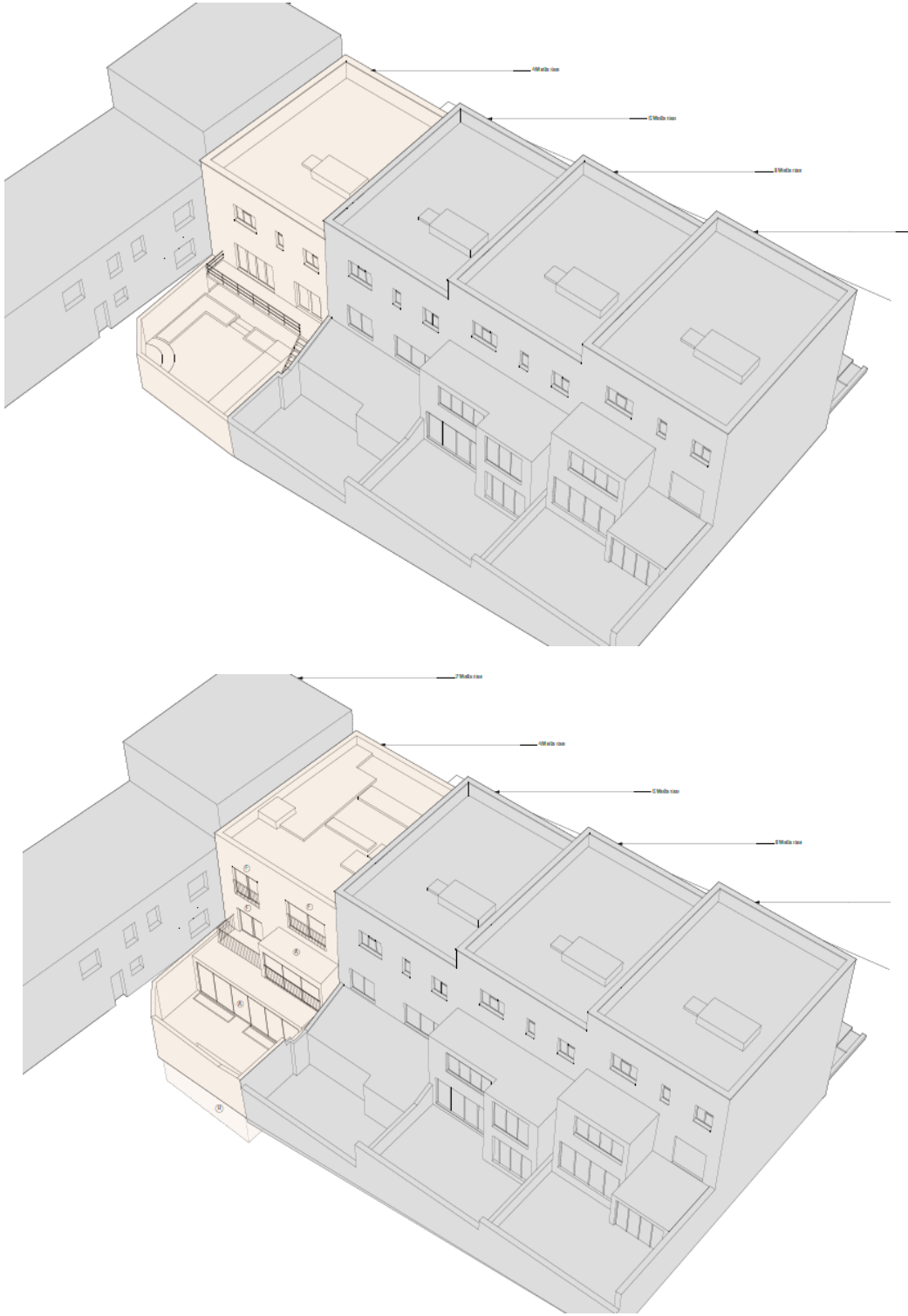
Existing Section (top) and Proposed Section (bottom).



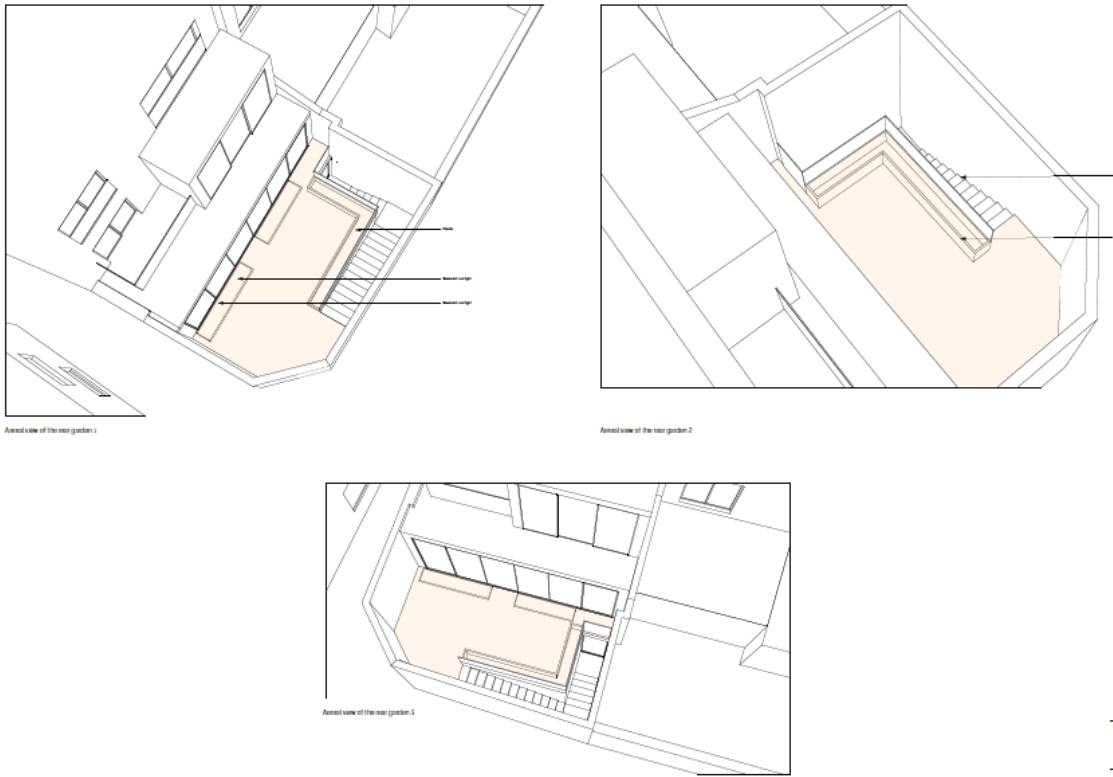
Existing basement, ground and first floor plans.



Proposed basement and ground floor plans (top) and proposed first floor plan (bottom).



Existing isometric drawing (top) and proposed isometric drawing (bottom).



Isometric drawings showing proposed rear garden and staircase to basement level.

DRAFT DECISION LETTER

Address: 4 Wells Rise, London, NW8 7LH,

Proposal: Excavation of basement extension below part of existing building and part of rear garden with lightwell to front elevation and two rooflights and staircase from basement to garden level to rear. Erection of rear extensions at ground and first floor level, formation of roof terrace at rear first floor level, alterations to fenestration to rear including formation of Juliet balconies, and associated external alterations including to front forecourt and at roof level.

Plan Nos: EP_100 Rev B, EP_101 Rev B, ES_200 Rev B, EE_300 Rev B, PP_100 - underpinning sequence; PP_100 Rev B, PP_101 Rev B, PP_102 Rev B, PS_200 Rev B, PE_300 Rev B, Sustainability Statement in email dated 3 May 2018 from Ben Cheung; M+E Building Services Concept Design Report Produced by XCO2 dated January 2018 (for information only – see Informative 8), Daylight/Sunlight report dated 27 February 2018.

Case Officer: Max Jones

Direct Tel. No. 020 7641 1861

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

- 4 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)

- 5 You must permanently retain the garage shown on the drawings hereby approved and you must only use the garage for people living in this property to park their private motor vehicles. (C22EB)

Reason:

To provide parking spaces for people occupying this dwellinghouse as set out in STRA 25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 6 You must not use the roofs of the ground and first floor rear extensions for sitting out or for any other purpose, except where the roof of the ground floor rear extension is annotated 'terrace' on the drawings hereby approved. You can however use the roofs to escape in an emergency. (C21BA)

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 With reference to condition 4 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

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

You are urged to give this your early attention

- 5 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 6 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why

you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)

- 7 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."
- 8 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 9 You are advised that Thames Water advise that a non-return valve or other suitable device should be installed to avoid the risk of back flow from the sewerage network during storm conditions.

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

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Agenda Item 5

Item No.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	23 Meard Street, London, W1F 0EL		
Proposal	Use of the ground and basement floors as a retail unit (Class A1) and installation of a new shopfront with entrance door.		
Agent	Firstplan		
On behalf of	Hermes Properties Ltd		
Registered Number	18/03130/FULL	Date amended/ completed	20 April 2018
Date Application Received	18 April 2018		
Historic Building Grade	Not listed		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional planning permission.
--

2. SUMMARY

<p>23 Meard Street is an unlisted building located within the Soho Conservation Area, the Core Central Activities Zone (CAZ), the West End Stress Area and the West End Special Retail Policy Area. The property comprises of basement, ground and first to third floor levels and is entirely utilised as office accommodation (Class B1) accessed off Meard Street.</p> <p>Planning permission is sought for the change of use of the basement and ground floors of 23 Meard Street to retail use and the installation of a new shopfront with entrance door.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • The impact of the proposed use on the amenity of nearby sensitive occupiers. • The installation of a new door serving the retail accommodation on Meard Street. • The impact of the proposal on the character of the street. <p>The loss of the existing office accommodation at basement and ground floor levels in 23 Meard Street to enable the creation of a new retail unit is considered acceptable in this instance given that the office accommodation is being converted to another commercial use. The proposal is also</p>
--

considered acceptable in land use, transport, design and conservation, terms and with regard the amenity of nearby residential occupiers, subject to appropriate safeguarding conditions. The application accords with the relevant Unitary Development Plan (UDP) and City Plan policies and it is recommended that conditional planning permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation:



View looking east along Meard Street:



5. CONSULTATIONS

SOHO SOCIETY

Objection – supports the objection letter submitted by the Meard and Dean Street Residents Association

MEARD AND DEAN STREET RESIDENTS' ASSOCIATION (MDSRA)

Objection on the following grounds:

- Loss of office accommodation should be resisted.
- Detrimental impact of the retail premises on the residential character of the street (including cumulatively with other approved developments).
- Increased footfall will detrimentally impact upon the residential amenity of neighbouring occupiers (especially considering the ground floor residential windows).
- Insufficient consultation has been carried out on the application.
- Potential for food and drink waste in the street.
- Highways implications for servicing vehicles.
- Potential increase in anti-social behaviour.
- Submitted acoustic report is inaccurate and makes inappropriate comparisons.

CLEANSING

No objection subject to conditions.

HIGHWAYS

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 69

Total No. of replies: 3

No. of objections: 4

No. in support: 0

Objections on the following grounds:

Support the comments of the Meard and Dean Street Residents' Association.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

23 Meard Street is an unlisted building in the Soho Conservation Area comprising basement, ground and first to third floor levels, currently in lawful use as office accommodation.

The site is located within the Core Central Activities Zone (CAZ), the West End Stress Area and the West End Special Retail Policy Area.

6.2 Recent Relevant History

16/07518/FULL

Installation of a new shopfront and additional entrance door.
Application Permitted 9 November 2016

17/06840/FULL

Use of the ground and basement floors of 23 Meard Street as retail (Class A1) in association with the existing retail unit at 74 Wardour Street to include the installation of a ground floor frontage to 23 Meard Street including new emergency and disabled access door and internal openings between 74 Wardour Street and 23 Meard Street.
Application permitted 3 October 2017

Conditions were imposed restricting the opening hours of the extended retail unit to between 09:00 and 22:30 daily and stating that the new access door was only to be utilised by disabled patrons (who could not use the existing stepped access to the unit off Wardour Street). The reasons for these conditions was in order to protect the amenity of nearby residential occupiers in Meard Street. This consent has not been implemented and therefore the lawful use remains as office accommodation.

17/09630/FULL

Variation of Condition 9 of planning permission dated 03 October 2017 (RN 17/06840/FULL) for, 'Use of the ground and basement floors of 23 Meard Street as retail (Class A1) in association with the existing retail unit at 74 Wardour Street to include the installation of a ground floor frontage to 23 Meard Street including new emergency and disabled access door and internal openings between 74 Wardour Street and 23 Meard Street'; NAMELY, to vary the opening hours to 07:00 to 00:00 daily for the retail unit at ground and basement floors at No. 74 and from 09.00 to 22.30 daily for the additional retail space at ground and basement floors of No. 23 Meard Street.
Application Refused 24 January 2018

This application was refused due to the potential for the proposal to result in noise disturbance to residents in nearby buildings.

7. THE PROPOSAL

The proposal results in the creation of a new retail unit over basement and ground floor levels comprising 121m² with independent access from Meard Street and a new shopfront.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	270	149	-121
Retail	0	121	+121
Total	270	270	0

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The City Council has no policies to protect office accommodation where the change of use is to another commercial use. An objection has been received with regard the loss of office accommodation in the Core CAZ but there is no policy basis for refusal of the application on these grounds and the objection on these grounds is not considered sustainable.

Proposed retail use

The provision of new retail floor space accords with the stipulations of Policies S6, S7 and S21 of the City Plan and SS4 of the UDP which seek to encourage retail growth within the Core CAZ and to enhance the offer and status of the West End Special Retail Policy Area.

Permission is again sought for the installation of the new shopfront with additional entrance door to serve the new retail unit. The proposed retail unit is replacing office accommodation so the building is already in commercial use however, the change of use to retail may result in a slight increase in footfall to the building. The new retail unit is considered small, measuring 121m² and, in common with the permission dated 3 October 2017, a condition is proposed stating that the retail unit can only open to customers between the hours of 09:00 and 22:30. The applicant has agreed to this restriction.

Planning permission was recently granted on the 27 February 2018 in relation to the redevelopment of 8-14 Meard Street (being on the north side of the street and further east) which included the introduction of a new gym alongside two new retail units. Conditions restricted the terminal opening hour of the gym to 22:00 and the retail units to 20:00.

Objections have been received to the application raising concern that the proposal would detrimentally impact upon the character of the street which the objector considers is primarily residential. Whilst the buildings along the south side of the street which front Meard Street are mainly residential. This is with the exception of the application site, 21 Meard Street and a retail unit at 15 Meard Street. The buildings along the north side of the street are primarily commercial with office, retail and restaurant units at ground floor level. It is therefore not disingenuous to describe the street as 'mixed use'. Indeed the figures submitted by the objector measure 46% of the ground floor uses in Meard Street as being residential which means over half the ground floor uses in the street (by the objectors' calculations) are commercial.

The proposed retail unit would be opposite the side wall of office accommodation and a restaurant use; both of which are accessed from Wardour Street. The application site is also currently in commercial use. For these reasons, it is not considered that the proposal will result in a detrimental change to the character of the street and the objections on these grounds cannot be sustained.

The MDSRA have commented on the potential for an increase in anti social behaviour in Meard Street resulting from the application but it is not envisaged the introduction of a small retail unit would result in a material increase in anti-social behaviour in the street. A number of conditions are proposed to address concerns raised by the objector and to ensure that the operation of the retail does not result in a detrimental impact upon the living conditions of residents in the vicinity. These include the installation of self-closing doors to the new shopfront, no music to be played in the unit which can be heard externally and that the unit cannot be used as a food retail supermarket which might have additional servicing requirements. A condition is also proposed to ensure that the unit is not amalgamated with any adjoining retail units which could create a larger unit and therefore potentially greater impact.

The MDSRA have also objected to the proposal as they consider it will result in an increase in footfall within Meard Street which will detrimentally impact upon residential amenity due to increased noise from pedestrians in the street and a loss of privacy due to the proximity of residential windows to the street. Meard Street provides a link in Soho between Wardour Street and Dean Street and has a variety of commercial and residential uses along the street. It is not considered the proposal would result in a noticeable increase in the volume of pedestrians along the street compared to the existing situation such that the proposal would result in a material increase in noise or loss of privacy to neighbouring residents. The objector has said the proposal should be considered in light of the approved redevelopment of 8-14 Meard Street and the cumulative increase in pedestrians to the street. Even taking account of the potential new retail units at 8-14 Meard Street, the proposal is considered to be acceptable. The applicant has submitted an acoustic report as part of the application which seeks to assess the impact of the change of use on the noise levels within the street. The report measures noise levels on Kingly Street (which it considers has a similar acoustic climate) and extrapolates that the proposed change of use will have minimal impact upon noise levels in Meard Street. The MDSRA has objected to numerous aspects of the acoustic report. However, having reviewed the report, it is not considered it contains sufficient relevant information to be given any weight in the determination of this application.

Given the size of the retail unit, the premises would be entitled to change use to a restaurant or café (Class A3) under permitted development rights, subject to prior approval being received from the Council in respect to a number of matters. Permitted development rights such as this can be removed by condition if the Council considers it necessary. Given the sensitivities of the site and the objections received, it is considered necessary that these permitted development rights are removed in order that any future restaurant or café (Class A3) use can be assessed in full. Such a condition is proposed.

Townscape and Design

The proposed external alterations, in the form of a new shopfront and entrance door, are acceptable in design and conservation terms and these works have been granted consent previously under separate permissions in 2016 and 2017 (although these consents have not been implemented; yet they remain extant).

The proposals are considered acceptable in design terms and accord with the Council's 2007 UDP specifically Policies DES 5, DES 9 and DES 10.

8.2 Residential Amenity

The impacts of the proposal on neighbouring residential amenity have been considered in Section 8.1 of this report.

8.3 Transportation/Parking

Policy TRANS20 of the UDP requires off-street servicing of commercial units where this can readily be provided. The proposed development does not include any off-street servicing, with the new unit to be serviced from the street in a similar fashion to the existing office use and surrounding businesses. The site is located within a Controlled Parking Zone and delivery vehicles will be subject to the existing single and double yellow lines in the vicinity which control the loading and unloading on the street. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. This will service this property in a similar fashion to the existing use and nearby properties.

Objections have been received with regard the potential for servicing vehicles to cause an obstruction to the public highway but existing on-street parking restrictions will ensure delivery vehicles only park in suitable locations and permission could not be reasonably withheld on these grounds.

The Highways Planning Manager has requested that a condition be attached to any planning approval requiring the submission of amended drawings to show the provision of cycle parking within the retail unit. However, it is not considered in this instance the provision of cycle parking would be practical as any staff members taking their cycle in or out of the premises would have to take it through the main retail area. A condition is not therefore proposed with regard the provision of cycle parking.

8.4 Economic Considerations

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

8.5 Access

A new disabled access ramp is to be provided within the forecourt of the property to enable access to the unit. Full details of the ramp have not been provided as part of this application and therefore a condition is proposed requiring the submission of further details and the installation of the ramp before the retail accommodation can be occupied.

8.6 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The Cleansing Manager has reviewed the application and requested a condition is imposed on any approval requiring the submission of detailed drawings to show the

provision of waste and recycling storage within the demise of the unit. A condition is attached as requested.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

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

8.10 Other Issues

The MDSRA has commented on the level of consultation which has been carried out by the City Council as they consider more neighbours should have been consulted. A site and press notice were displayed and further neighbour letters were sent out during the course of the application to include additional residential properties within Meard Street. It is therefore considered sufficient consultation has been carried out with regard the proposal and the City Council has exceeded the statutory requirements.

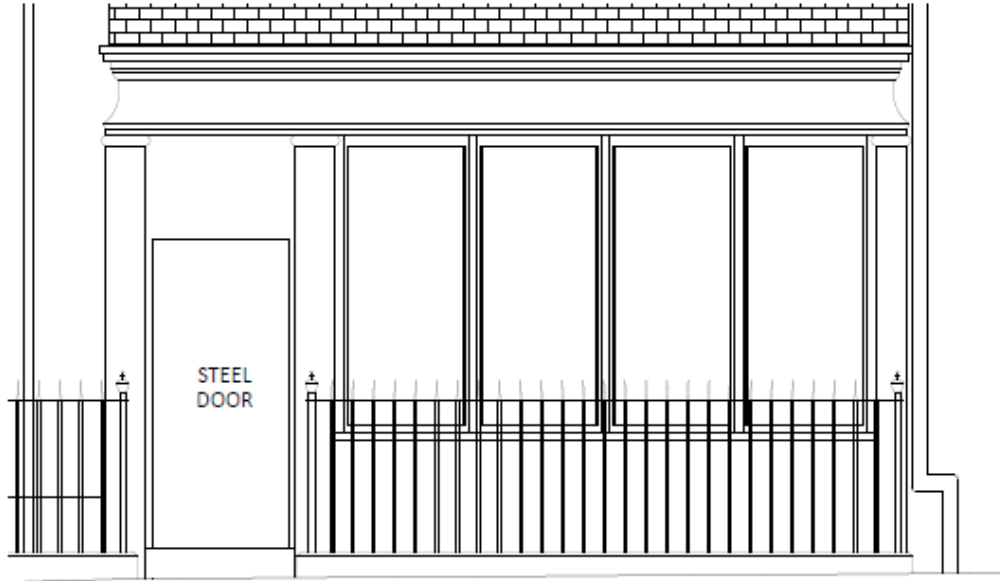
The MDSRA has suggested a large number of conditions to be imposed with regard any approval for the application. With regard the timings construction works can take place for the shopfront, the standard condition is proposed and it is not considered appropriate to restrict this further. They have also requested a condition restricting the retail use to a 'discrete boutique' but it is not possible to include a condition such as this as it open to interpretation and is not considered sufficiently precise. They have also requested no plant be installed, or tables and chairs on the highway. Planning permission would be required for these types of works and they do not form part of this application. In addition they have requested conditions to state the retail unit can not be used as a café but the application is for a retail use and not as a café and planning permission would be required for any change of use. Further, the objector has suggested conditions to limit illuminated signage. Illuminated signage would require separate express advertisement consent from the City Council. Other suggested conditions have either been applied, are not considered reasonable or are controlled by other regulations.

(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

9. KEY DRAWINGS

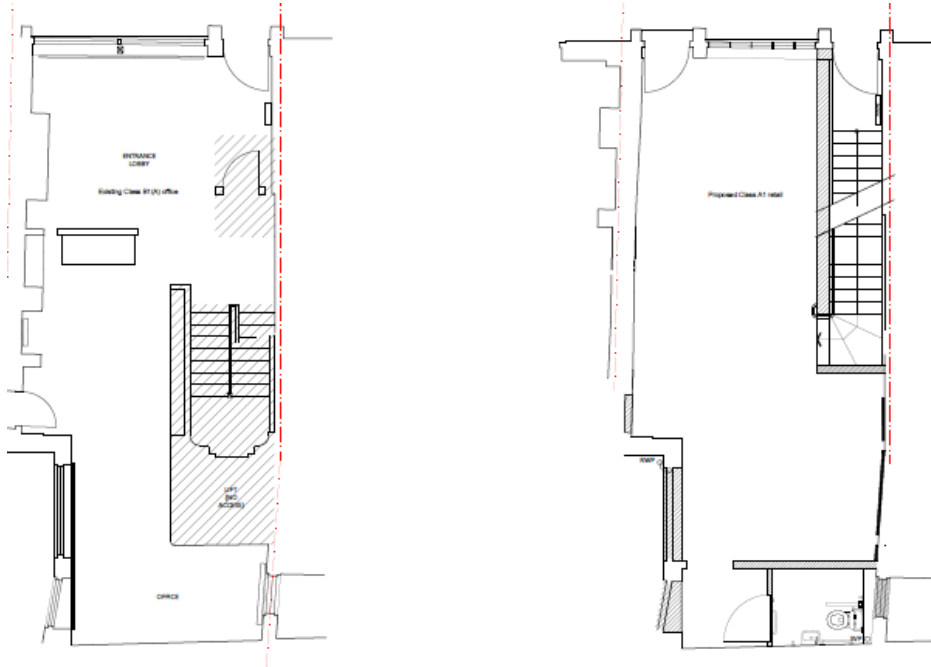
Existing Shopfront:



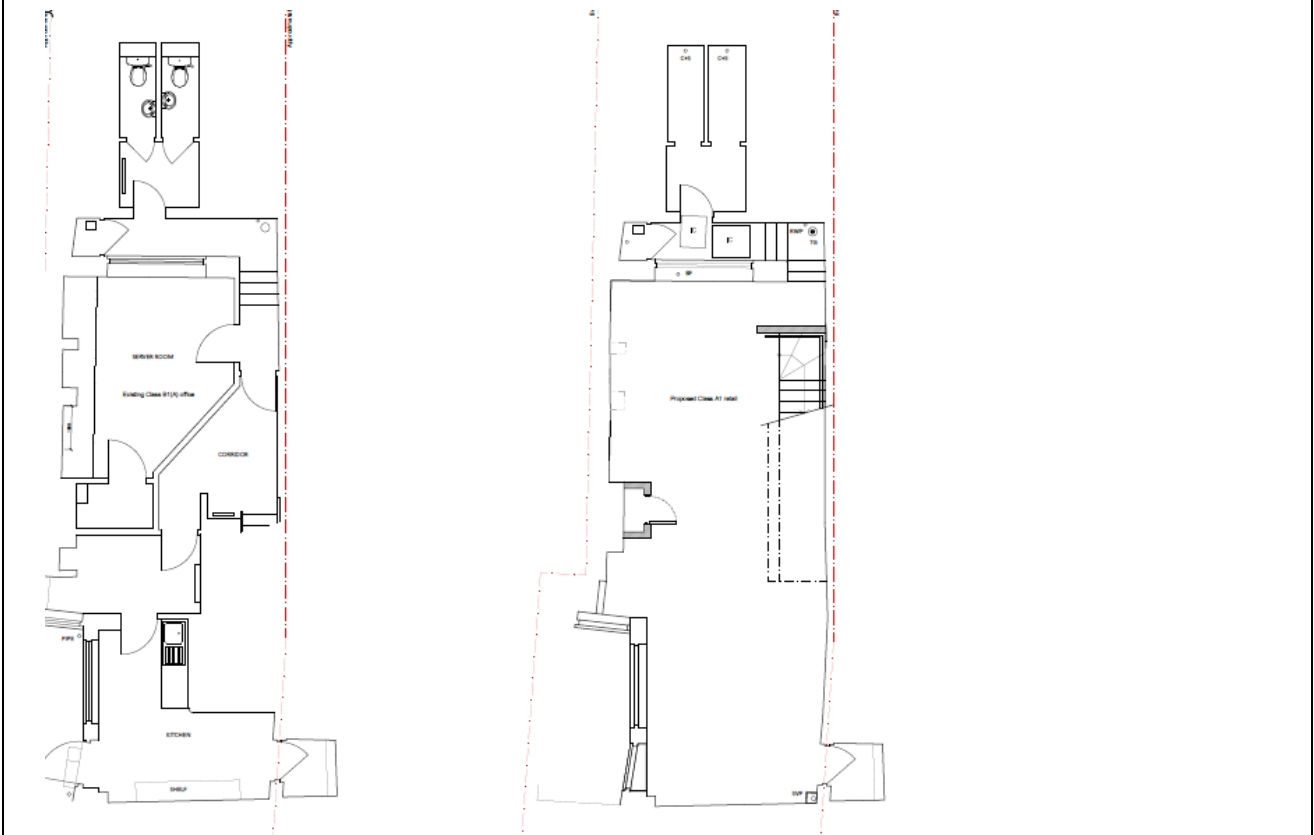
Proposed Shopfront:



Existing and Proposed Basement:



Existing and Proposed Ground Floor:



DRAFT DECISION LETTER

Address: 23 Meard Street, London, W1F 0EL,

Proposal: Use of the ground and basement floors as a retail unit (Class A1) and installation of a new shopfront with entrance.

Reference: 18/03130/FULL

Plan Nos: Drawings: 474.(1).501, 474.(1).502, 474.(1)2.001 RevB.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

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

Reason:

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

- 3 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 ground and basement floors as a retail (Class A1) unit 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 retail premises. (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)

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

- 5 Customers shall not be permitted within the ground and basement retail premises at 23 Meard Street before 09:00 or after 22:30 each day.

Reason:

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

- 6 The approved retail unit at basement and ground floors must be maintained as a single retail unit. It cannot be amalgamated with or expanded into any adjoining retail unit(s) in order to create a larger retail unit.

Reason:

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

- 7 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- The installation of ramped access within the forecourt of the property to the ground floor entrance door on Meard Street.

The retail (Class A1) floorspace hereby approved shall not be occupied until these detailed drawings have been approved by the City Council and the approved ramp has been installed in full. The approved ramp shall be retained in situ for the life of the development.

Reason:

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

- 8 You must not play live or recorded music within the retail unit hereby approved which can be heard outside of the premises.

Reason:

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

- 9 You must fit self-closing doors to the main entrance to Meard Street. You must not leave these doors open except in an emergency or to carry out maintenance.

Reason:

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

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

Reason:

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

- 11 You must not operate any delivery service from the retail (Class A1) unit hereby approved, even as an ancillary part of the primary Class A1 use.

Reason:

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

- 12 You must not use the retail (Class A1) unit hereby approved for any other purpose other than retail (Class A1). This is despite the provisions of Class C of Part 3 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it).

Reason:

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

- 13 You may only service the shop hereby approved between 07.00 and 22.30 (Monday to Saturdays).

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 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)

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 26 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	39 South Audley Street, London, W1K 2PP		
Proposal	Use of basement and part ground floor level fronting Adam's Row as spa (Class D2), installation of new shopfronts at the South Audley Street and Adam's Row frontages, installation of plant within the light well and associated works.		
Agent	Gerald Eve LLP		
On behalf of	Grosvenor West End Properties		
Registered Numbers	18/01694/FULL and 18/01695/LBC	Date amended/ completed	28 February 2018
Date Applications Received	28 February 2018		
Historic Building Grade	39 South Audley Street is Grade II listed. The part of the building fronting Adam's Row is unlisted.		
Conservation Area	Mayfair		

1. RECOMMENDATION

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

2. SUMMARY

The application site comprises basement and ground floors. The site is in the Core Central Activities Zone (Core CAZ) but outside of the Mayfair Special Policy Area. The property fronting South Audley Street comprises basement, ground and four upper floors and is Grade II listed while the unlisted property fronting Adam's Row comprises of basement, ground and three upper floors. The basement is office (Class B1 use) and the ground floor is in retail (Class A1) use. Permission is sought for the use of basement and part ground floor level fronting Adam's Row as spa (Class D2), installation of new shopfronts and the installation of plant within the lightwell and associated works.

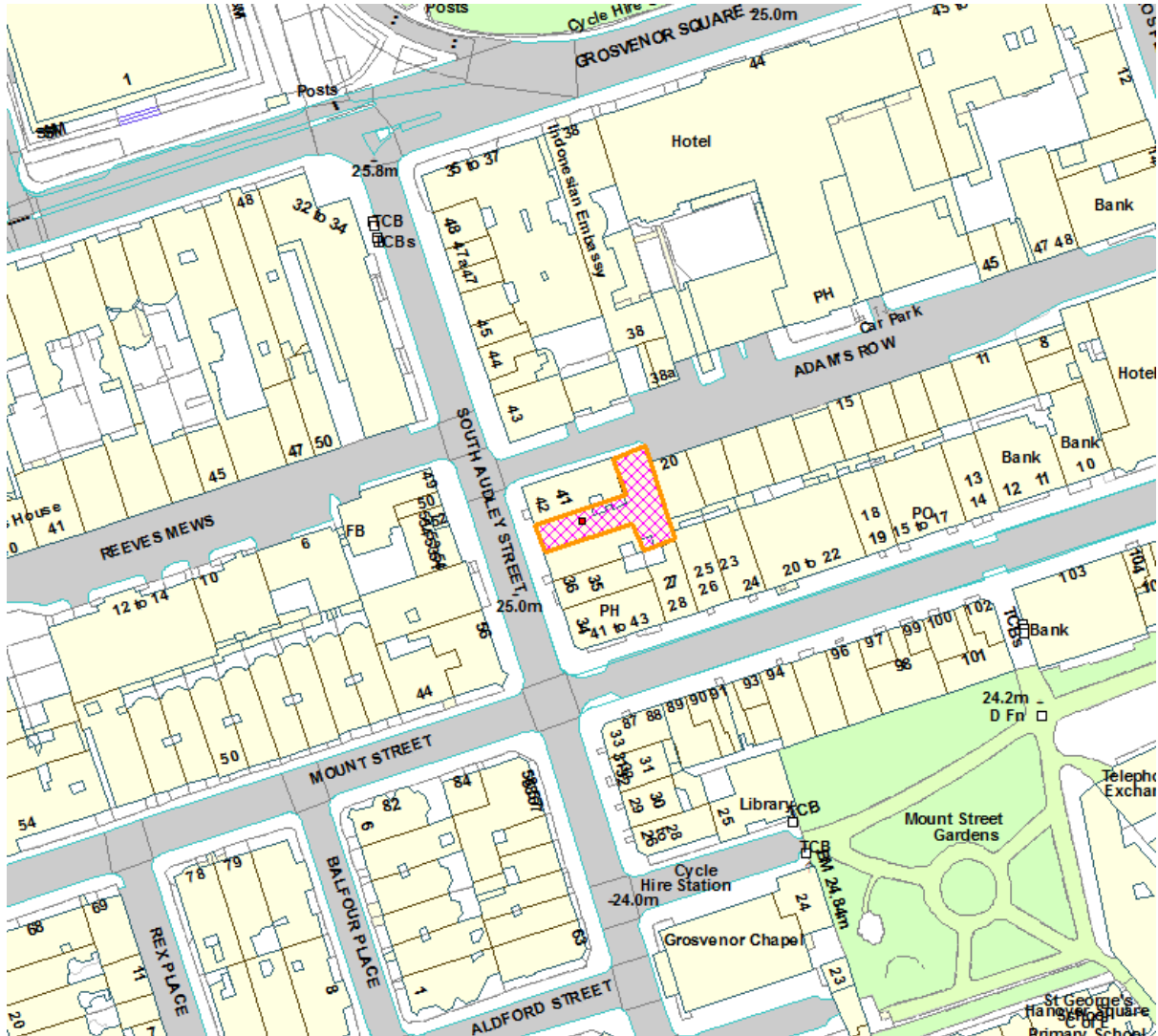
The key issues for consideration are:

- The loss of the retail floorspace on the character and function of the area;
- The impact of the proposed spa on the amenity of the surrounding area; and

- The impact of the proposals on the special interest of the listed buildings and the character and appearance of the Mayfair conservation area.

The loss of the retail floorspace, while not desirable, is acceptable in this instance given that a retail unit is retained (albeit substantially reduced in size) and that the proposed spa will complement the retail offer on South Audley Street. It is not considered the proposed spa use would negatively impact on residential amenity nor detract from the character and function of the area. Following revisions to the internal work, the proposed works are not considered to harm the special interest of the listed building or the character and appearance of the conservation area. The scheme is therefore recommended for approval and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS

South Audley Street Frontage



Adam's Row Frontage



5. CONSULTATIONS

RESIDENT'S SOCIETY OF MAYFAIR AND ST JAMES'S

Any response to be reported verbally.

HIGHWAYS PLANNING

No objection subject to conditions

CLEANSING

Objection - waste details provided not sufficient

ENVIRONMENTAL HEALTH

No objection subject to conditions

HISTORIC ENGLAND

Consider it not necessary to notify Historic England of the application for listed building consent.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 30

No. responded: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is located within the Mayfair Conservation Area and Core Central Activities Zone (Core CAZ), with frontages on to South Audley Street to the west and Adam's Row to the north.

The site comprises of ground and basement levels which run throughout two properties which meet at the rear. Only the ground and basement floors are connected and the upper parts of the buildings are separated by a gap.

The building fronting South Audley Street (No. 39) is a grade II listed building comprising basement, ground and four upper floors. These upper floors and the basement are all in use as office (Class B1) and are connected by the main stairs. The ground floor is in retail (Class A1) use. The abutting building which fronts onto Adam's Row is unlisted and comprises of basement, ground and three upper floors. The basement and ground floors are in the same use as at No.39 South Audley Street, while the upper floors of this building are in residential (Class C3) use.

6.2 Recent Relevant History

An application for the change of use of the ground floor from a car showroom to an antiques gallery (Class A1) was deemed as being 'permitted development' by the City Council on 29 July 1997 (RN: 97/05158/FULL).

7. THE PROPOSAL

Planning permission and listed building consent are sought to allow the use of the basement and part ground floor level (fronting Adam's Row) as a spa (Class D2), the installation of new shopfronts at the South Audley Street and Adam's Row frontages, the installation of plant within the lightwell and associated works.

The existing and proposed floorspace figures for the proposal are shown in the table below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (Class A1)	239	88	-151
Office (Class B1)	240	0	-240
Spa (Class D2)	0	394	+394
Total	479	482	+3.1

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Office Floorspace

City Plan Policy S20 seeks to protect office floorspace within the Core CAZ when the proposed use is as residential (Class C3). The proposed replacement use of the existing basement office floorspace in this application is another commercial use (a spa (Class D2)). The loss of office floorspace is therefore considered acceptable with regards to Policy S20.

Loss of Retail Floorspace

UDP Policy SS5 protects A1 uses at ground, basement and first floors in the Core CAZ. City Plan Policy S21 protects existing A1 retail 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 retail unit is currently occupied by an antiques dealer (the Mayfair Gallery). The unit is therefore clearly not 'long term vacant' for the purposes of City Plan Policy S21.

The proposal will result in a significant reduction in A1 floorspace as a result of the proposed spa use at the rear ground floor, fronting Adam's Row. The proposal will see a reduction of 151sqm in retail floorspace (58.2% of the existing unit) and leave a unit measuring 88sqm fronting South Audley Street at ground floor level. This reduction in floorspace and the smaller retail unit remaining is of concern. In response to this concern, the applicant has provided a letter from a retail letting agent outlining that they consider the smaller unit could still be of interest to retailers in the current market. However, it is considered difficult to assess if this would be true and the unit would remain as an attractive unit in the long-term through economic cycles.

However, given that the proposed use will diversify the offer available to this busy shopping street and would be a complimentary use to South Audley Street, as well as retaining a retail unit on the principal frontage facing South Audley Street (Adam’s Row would not be considered to be characterised by retail use), it is considered that the loss of retail floorspace is considered acceptable in this instance.

Proposed Spa (Class D2) Use

Policies SOC1 of the UDP and S34 of the City Plan both encourages the provision of new social and community infrastructure throughout the city at appropriate sites and where they do not harm residential amenity. The proposals will provide a spa (Class D2) at part ground and all of basement level measuring 394.1sqm GIA.

UDP Policy SS5 seeks an appropriate balance of town centre uses in the Core CAZ. Parts (B) and (C) of the Policy state that permission for the introduction of non-A1 town centre uses at basement, ground and first floors will only be granted where the proposal would not be detrimental to the character and function of an area. The policy also states that non-A1 uses must not lead to, or add to, a concentration of three or more consecutive non-A1 uses or cause or intensify an existing over-concentration of A3 and entertainment uses in a street or area.

Despite an end user for the proposed spa not yet being identified, an Operational Management Statement (OMS) has been submitted with the application outlining how the proposed Spa use will likely operate. The key aspects within this are detailed in the table below:

Intended Opening Hours	09:00-22:00 Monday – Friday, 10:00-20:00 Saturday and Sunday
Estimated Number of Visitors	20 visitors an hour (approx. 200 visitors a day)
Intended Servicing	Between 06:00-09:00 daily from Adam’s Row

The nature of a spa use is considered to have less impact on amenity than other uses within Class D2, such as a gym. As such it would not be considered that the residential flats located above this use are likely to be negatively impacted by its operation. A condition is recommended to ensure that the use is restricted to a spa and no other use within Class D2.

The above detailed hours and capacity are considered to be acceptable. Once an end user has been identified, it is recommended that a full Operating Management Statement be secured by condition to ensure that the operation of the spa does not result in harm to residential amenity.

Subject to the above conditions, it is considered that the spa is unlikely to have a detrimental impact on the amenity of nearby residents.

8.2 Townscape and Design

The main design implications of the proposals involve the replacement of the existing shopfronts, installation of plant in the existing courtyard and internal alterations including the addition of a new staircase and reorganisation of the internal plan form.

The existing shopfronts to both frontages are modern and of limited design merit; their removal is supported in design terms. The proposed design includes a traditional panelled stallriser with arched timber mullions which matches the design of other shopfronts in this part of Mayfair. The proposed replacement shopfronts therefore represent an improvement in design terms and are recommended for approval.

Heat pump condensers are also proposed in the rear courtyard, which is entirely enclosed. The plant is modestly sized and will not be visible from any public vantage points. Private views will be very limited. This proposal is therefore considered acceptable in design terms.

Internally, consent is sought for the removal of existing modern partitions at ground floor level, which is uncontentious, and the addition of new subdivisions within the existing T shaped plan. A new wall is proposed to separate the South Audley Street part of the building from the Adam's Row part, creating two units. Although dividing the ground floor in this way will affect the original plan form to some degree, the wall is positioned in a discreet position at the junction between the two parts of the site and is a fully reversible alteration. This proposal will therefore have a neutral impact on the special interest of the listed building and is considered acceptable. The internal works have been subject to negotiations and an original proposal to create a fire escape corridor within the Adam's Row unit was resisted in design terms. This is because it would cut across the decorative detail of the ceiling and adversely affect the plan form of this room. This aspect of the proposals has subsequently been omitted from the scheme. The imposition of a condition to ensure the decorative ceiling mouldings are retained, with partitions scribed around them, is recommended.

The interior at lower ground floor level is of lesser interest than that at ground floor; a number of unsympathetic suspended ceilings, modern partitions and poorly detailed internal doors have been installed. The proposals involve the removal of a number of modern partitions, which is supported. New partitions are proposed throughout this level and small sections of original structural walls are to be removed. However, given that the historic plan form has already been altered to some degree at this level and that the special interest of this part of the interior is limited, this reorganisation will not cause harm to the special interest of the building. The original submission sought to remove an existing studded metal door at basement level. Whilst it is unclear whether this is original to the building or not, it is of some interest and the applicant has agreed to retain it. The imposition of a condition to this effect is recommended.

A new staircase is proposed to link the ground and lower ground floor levels at the rear of the site within the Adam's Row unit, with the original staircases retained. The addition of this staircase will result in the loss of some of the original floor structure and create a new circulation route which is not in keeping with the original plan form. However, given that the staircase is to be located in a discreet position at the rear of the site in an area of lesser interest, the impact on the overall special interest and plan form of the listed

building is considered minor. The imposition of a condition to secure design details of the new staircase is recommended, to ensure the staircase is of an appropriately traditional and discreet detailed design.

Overall, the revised proposals are considered compliant with DES 5, DES 9 and DES 10 of the UDP and are recommended for conditional approval.

8.3 Residential Amenity

Impacts on residential amenity concerns have been assessed in Section 8.1 of this report.

8.4 Transportation/Parking

The Highways Planning Manager has assessed the application and advised that the retail unit which would remain would not require any cycle storage provision by virtue of being below the size threshold of 100sqm, as set out in The London Plan.

The London Plan standards are such that a Class D2 use should have 1 space per 8 staff and 1 space per 100sqm floorspace, which would therefore require some 7 cycle parking spaces. 1 cycle space is shown on the proposed floorplans for the spa use, located in the lightwell at lower ground floor. The Highways Planning Manager has raised an objection on these grounds. Given the substantial floorspace that the proposed D2 use will occupy, it is considered to be reasonable for the applicant to provide the required number of cycle spaces. It is recommended that these spaces be secured by condition.

Concern was originally raised by the Highways Planning Manager regarding a door being shown to open out over the highway. This would have been unacceptable in highways safety terms. This element has been removed from the proposals following revisions and has overcome the concern.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to the retail unit at ground floor will continue to be from South Audley Street while access to the proposed Spa unit will be from Adam's Row. The applicant has confirmed that the new doorway on Adam's Row will measure in excess of the required width of 750mm (the proposed door measures 780mm) to provide disabled access to the Spa unit.

8.7 Other UDP/Westminster Policy Considerations

Plant

An acoustic report has been submitted in support of the proposed plant at basement level, which has been assessed by Environmental Health. They have confirmed that the

proposed installation is likely to comply with the relevant criterion within UDP Policy ENV 7. No further mitigation to reduce the noise levels (such as screening or limiting hours of operation) are required to enable this. Subject to the Council's standard noise and vibration conditions. The application is considered acceptable in amenity terms.

Refuse /Recycling

The Cleansing officer has objected on the grounds that the proposed waste storage details for the spa use are not in line with Council guidance and that no details of waste storage for the retained retail use have been provided. These details can be secured by condition so it would be unreasonable to withhold permission on these grounds.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable

8.12 Other Issues

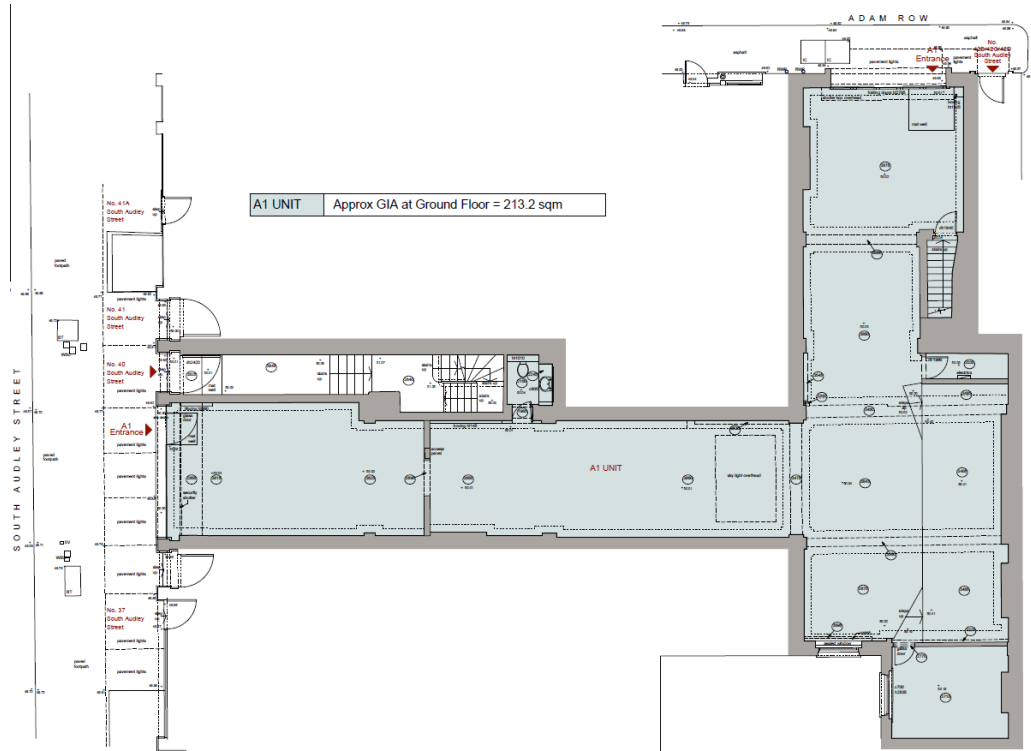
Not applicable

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

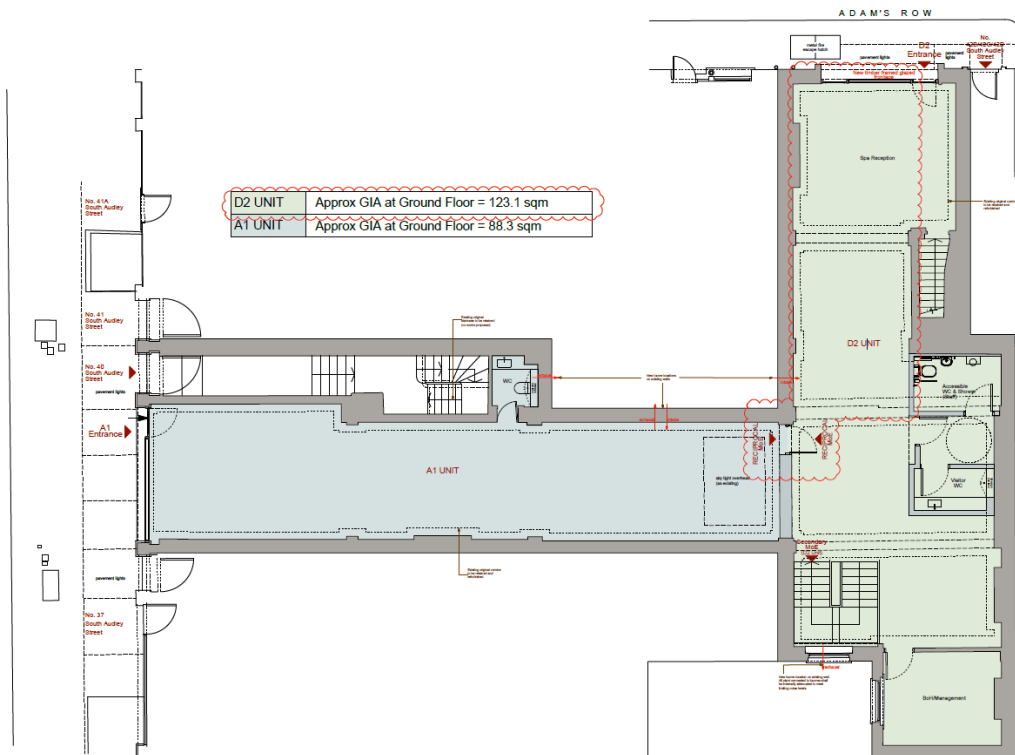
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

9. KEY DRAWINGS

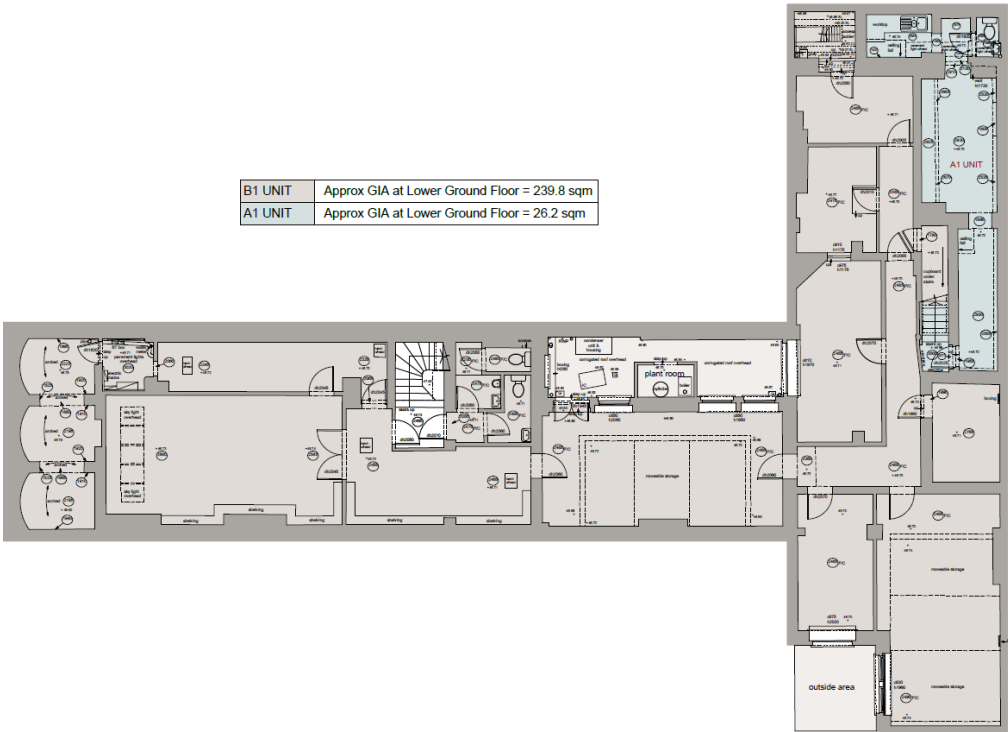
Existing Ground Floor Plan



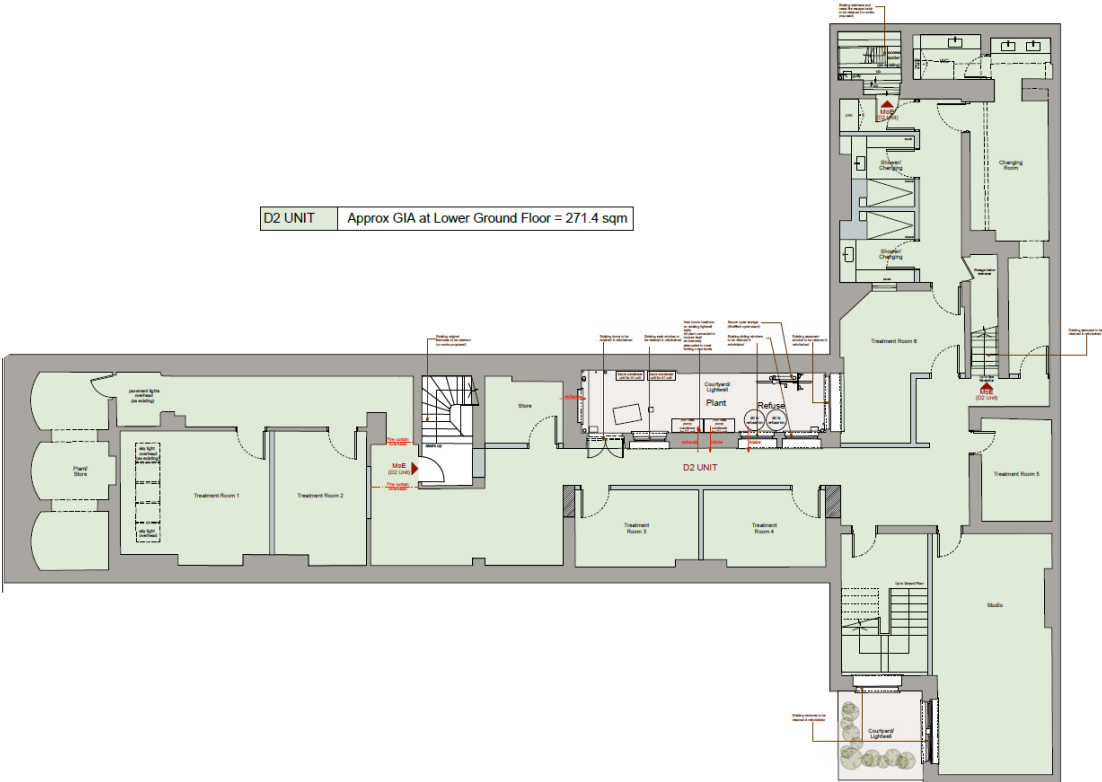
Proposed Ground Floor Plan



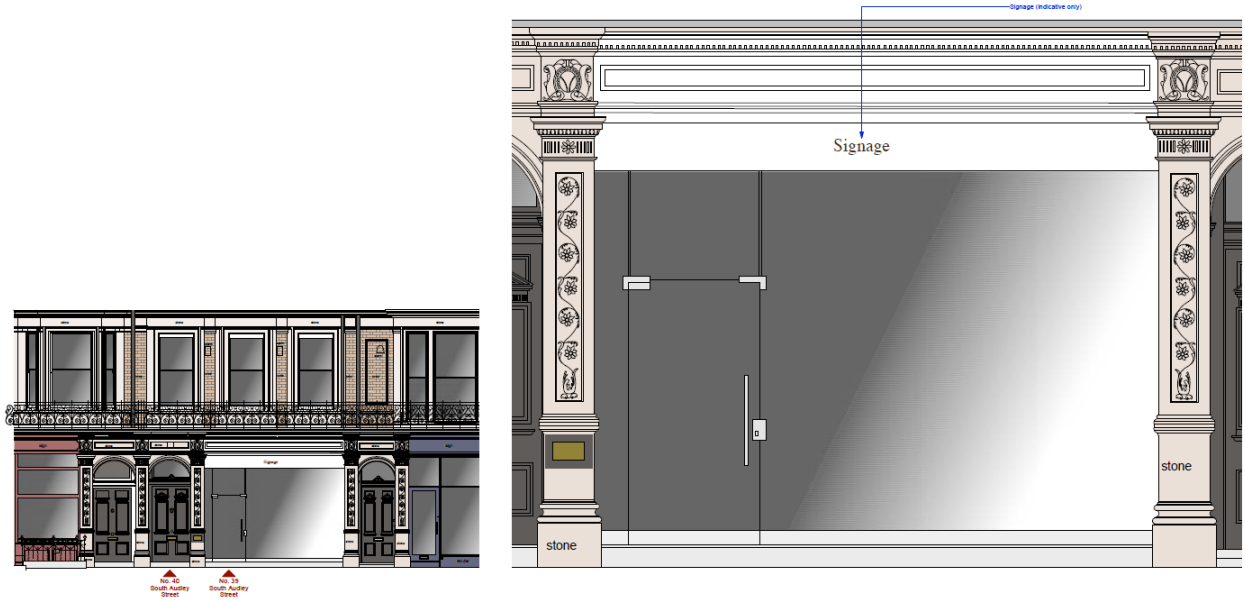
Existing Basement Plan



Proposed Basement Plan



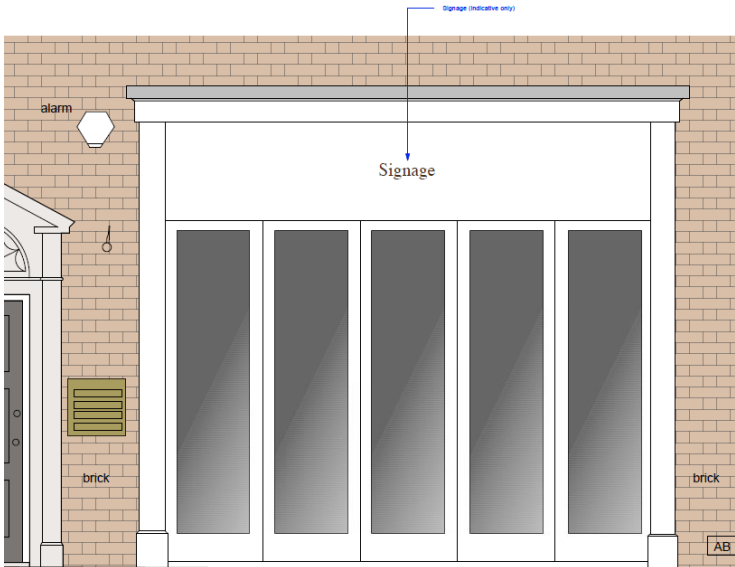
Existing South Audley Street Elevation



Proposed South Audley Street Elevation



Existing Adam's Row Elevation



Proposed Adam's Row Elevation



DRAFT DECISION LETTER FOR 18/01694/FULL

Address: 39 South Audley Street, London, W1K 2PP

Proposal: Use of basement and part ground floor level fronting Adam's Row as spa (Class D2), installation of new shopfronts at the South Audley Street and Adam's Row frontages, installation of plant within the lightwell and associated works. (Linked to 18/01695/LBC)

Reference: 18/01694/FULL

Plan Nos: Demolition Drawings:
DEM.001 ; DEM.002

Proposed Drawings:
PR.201 ; PR.111 ; PR.211 ; PR.001 ; DET.003 ; PR.102 ; PR.112 ; DET.001 ;
PR.002 Rev. A ; PR.101 Rev. A

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

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

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

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

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

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

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

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

Reason:

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

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

Reason:

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

- 6 You must apply to us for approval of details of 7 secure cycle storage spaces for the Spa (Class D2) use. You must not commence the D2 use until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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

- 7 You must 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)

- 8 You must apply to us for approval of details of how waste and recycling is going to be stored on the site for the spa (Class D2) hereby approved. You must not commence the spa use until we

have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the spa (Class D2). You must not use the waste store for any other purpose.

Reason:

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

- 9 You must only use the area labelled as "D2 Unit" on approved drawings PR.001 and PR.002 Rev. A only as a spa. You must not use it for any other purpose, including any within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

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

- 10 Prior to the use of the basement and part ground floor as a spa (Class D2) commencing, an Operational Management Plan shall be submitted to and approved in writing by the City Council. The plan shall cover the number of customers, and address how the leisure use (Class D2) will be managed, including how people arriving at and leaving the premises would not cause an adverse effect on neighbouring amenity. The approved Operational Management Plan shall thereafter be adhered to in full.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007.

- 11 Customers shall not be permitted within the spa (Class D2) premises outside of the following times:

09:00-22:00 Monday - Friday,
10:00-20:00 Saturday and Sunday

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and SOC1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

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

- 2 You are advised that advertisement consent is required for the proposed fascia signs and projecting signs, if they are to be illuminated.

- 3 Conditions 4 and 5 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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

- 6 The term 'clearly mark' in condition 8 means marked by a permanent wall notice or floor markings, or both.

For further advice on council recycling and waste storage requirements, please refer to the City Council Recycling and Waste Storage Requirements, sections 2.3.1 and 3.1. This is available at the following link:

<https://www.westminster.gov.uk/waste-storage-planning-advice>

- 7 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

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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.

DRAFT DECISION LETTER FOR 18/01695/LBC

Address: 39 South Audley Street, London, W1K 2PP,

Proposal: Installation of new shopfronts at the South Audley Street and Adam's Row frontages, installation of plant within the lightwell and associated works, internal alterations to basement and ground floor. (Linked to 18/01694/FULL)

Plan Nos: Demolition Drawings:
DEM.001 ; DEM.002

Proposed Drawings:
PR.201 ; PR.111 ; PR.211 ; PR.001 ; DET.003 ; PR.102 ; PR.112 ; DET.001 ;
PR.002 Rev. A ; PR.101 Rev. A

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

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

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

Reason:

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

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

Reason:

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

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our

Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 You must not disturb existing original cornices, joinery and decorative ceiling mouldings unless changes are shown on the approved drawings. (C27MA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

- 1. New staircase (1:5 and 1:20)
- 2. Projecting blade signs (1:5 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 detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 6 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 7 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 8 Notwithstanding the approved drawings, the existing metal door at basement level in room

labelled 'Treatment Room 5' shall be retained in situ.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph SPG/HB1-3 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.

Agenda Item 7

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	18 Conduit Street, London, W1S 2XN		
Proposal	Extensions to office (Class B1) floorspace at second, third, fourth and fifth floor to the rear, and roof level (including creation of rear roof terraces at second third and fourth floor levels).		
Agent	Patrick Reedman		
On behalf of	Marisilver Investissement SA		
Registered Number	18/01287/FULL	Date amended/ completed	5 April 2018
Date Application Received	14 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

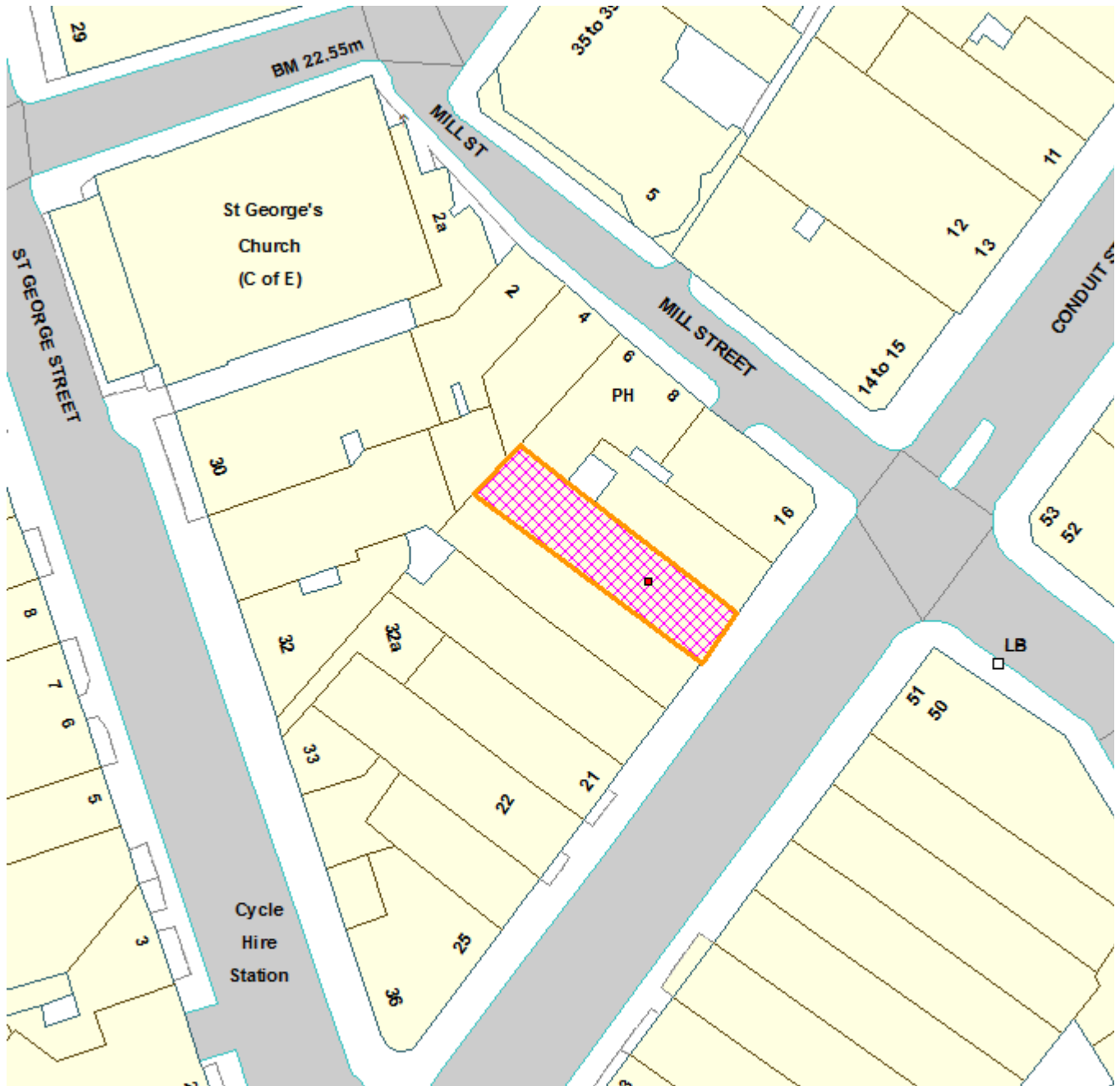
1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY

<p>Permission is sought for the erection of rear extensions to existing office accommodation (B1 use class) at second floor level and above. The proposal would provide a total of 469.22 sq.m of office space- of which 96.13 sq.m would be newly created.</p> <p>The key issues in this case are:</p> <ul style="list-style-type: none"> - The impact of the proposals upon the amenity of neighbouring properties - Their impact on the character and appearance of the Mayfair Conservation Area <p>Objections have been received from a number of local businesses and residents on amenity, design and procedural grounds. The proposal is near identical in form to an extant planning consent which was granted in 2015 for residential use on the site. Overall, the application is considered acceptable in land use, amenity and design terms and is therefore recommended for approval.</p>

3. LOCATION PLAN



4. PHOTOGRAPHS

Photograph 1: Front



Photograph 2: View from the rear

16 Nov 2016, 15:13:28



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST.JAMES'S: Any comment to be reported verbally

ENVIRONMENTAL HEALTH: No objection subject to conditions

HIGHWAYS MANAGER: No objection, subject to conditions

CLEANSING MANAGER: No objection subject to condition

BUILDING CONTROL: Any comments to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

The application went out for external consultation on 23.02.18. The submitted documents erroneously omitted a number of appendices including the daylight and sunlight report, and construction management plan. Following the submission of additional information, neighbouring properties were subsequently re-consulted on 06.04.2018.

No. Consulted: 51

Total No. of replies: 34, from 25 respondents.

No. of objections: 25

No. in support: 0

Of the respondents, 6 are local residents and 19 are from, or on behalf of, local businesses.

Objections raised the following concerns:

Amenity

- No daylight & sunlight report
- Loss of daylight and sunlight
- Loss of privacy
- Increased sense of enclosure
- Noise from use of terraces would be worse than previously approved residential use
- Loss of right of light
- Loss of fire escape which serves offices
- Contrary to paragraph 123 of the NPPF (avoiding adverse noise impacts on health and quality of life)

Building works

- Existing foundations will be insufficient
- Disruption from dust, noise, and vibrations from construction work will harm neighbouring retail and restaurant function
- No construction management plan
- Works within vaults are mis-represented

Design

- Poor design would harm conservation area
- Harm to setting of the Wren Church

- Loss of views to St George's Church

Other

- Contrary to paragraph 17 of the NPPF (12 core principles of planning)
- Use would give rise to complaints against an established public house

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building on the north side of Conduit Street between Mill Street and St George Street. The site is within the Mayfair Conservation Area. The building comprises a basement, ground and five upper floors. The basement and ground floors are occupied by a retail shop (class A1). There is a separate entrance that leads to the first- fifth floors which are vacant offices (Class B1).

The site is designated as part of the Core Central Activities Zone (Core CAZ) and as part of the West End Special Retail Policy Retail Area (WESRPA).

6.2 Recent Relevant History

There are two recent planning applications (Refs: 15/07348/FULL and 15/05543/FULL) for the use of part of the ground and first to fifth floors as three flats (Class C3). The first established the principle of the change of use from office to residential use, with limited works. The second granted consent for substantial works behind a retained frontage, with a rebuilt mansard and new rear extensions. These schemes permitted between 480m² and 565m² of additional floor space.

These consents are extant and unimplemented, and will both expire on 14/12/2018.

7. THE PROPOSAL

The application proposes the erection of stepped rear extensions at second floor and above. In total there would be 469.22 sq.m of office space- of this, 96.13 sq.m would be newly created B1 floorspace.

There would be no change to the use of the ground floor which will remain as retail (A1 use class).The basement floor will remain as offices used in association with the ground floor retail space, although it is noted that structural works are proposed to a rear basement vault.

8. DETAILED CONSIDERATIONS

8.1 Land Use

City Plan policy S20 sets out that the Council will work to exceed its targets of additional office floorspace, and that new office developments will be directed towards the Core CAZ. The scheme proposes extensions and alterations at second floor and above to increase the amount of office floor space by 96.13 sqm. This would comply with City Plan policy S20.

Under the City Council's adopted mixed use policy (City Plan Policy S1), there is no requirement to provide any on-site residential provision.

8.2 Townscape and Design

The existing Victorian building makes a positive contribution to the Mayfair Conservation Area. The proposed design seeks to retain the front façade and to redevelop behind with considerable stepped rear extensions. The rear extensions are modelled in a contemporary design which is considered acceptable in this case given the extant consents on the site.

The proposal would increase the height of the ridgeline by a small amount, however most of the additional extension is to the rear. The applicant has demonstrated that both the height of the ridgeline, and the massing and bulk to the rear is in line with that which was consented in 2015 under application ref. 15/05543/FULL.

Objections have been received on the grounds that the design is not in keeping with the area. Since the previously consented scheme was also of a contemporary design to the rear, it is considered a contemporary approach is suitable. The acceptability of the height and bulk of the scheme has already been established since the applicant has demonstrated that the proposed height and bulk is in line with that already consented.

The back of the building is only visible in private views, and it is considered the proposals are acceptable in design terms given the context of the site, the limited public views, and the land locked nature of the site.

Objections have been received stating that the proposals affect the setting of the Grade I church on St Georges Street. It is difficult to sustain these objections as the height and bulk of the scheme is as previously consented and the church is a significant distance away from the site.

The roof modifications and rear extensions are considered to be acceptable in design terms, subject to condition and to accord with the City Council's UDP policies DES 1, 5, 6, 9 and 10.

8.3 Residential Amenity

The nearest residential units are located to the north-east of the site, at 4 Mill Street and the upper floors of 6-8 Mill Street. There are also secondary windows at the rear of 16 Conduit Street which serve residential dwellings.

Privacy

Objections raise concern that there would be a loss of privacy from both the proposed terraces, and the large windows proposed to the rear of the site.

The terraces would be of a limited size with acoustic enclosures and planters 1m high having been integrated into the design in order that the usable area of the terrace is set back from the north east boundary of the site by 1.5m. Since the proposed use of the building would be offices, a condition is recommended to limit the hours of use of the terraces to be 08.00 – 19.00 (Monday to Friday). Further, the principle of terraces has already been established by the 2015 consent which is still extant. On this basis, it is not

considered that there would be any harm to neighbours' amenity from the proposed terraces.

There would be no glazing to the south elevation. To the rear there would be floor to ceiling fixed panes with a single door, and to the north elevation there would be a number of floor to ceiling windows with Juliet balconies and one fixed, one inward opening pane.

The north elevation at first floor level already contains six windows. The proposal would maintain the same number, but would slightly increase the amount of glazing by introducing floor to ceiling glazing. At second floor level there would be four new windows to the north elevation, and at third floor there would be just two new windows. It is noted that there would be a total of six additional windows to this elevation when compared with the extant 2015 consent ref. 15/07348/FULL. In order to mitigate any overlooking to the rear of properties along Mill Street, it is proposed that approximately 50% of this glazing would be obscured.

There are a number of opposing neighbouring windows to properties along Mill Street. The majority of the residential windows are located at second floor or above, and so would not be in direct view of the first floor which is proposed to have the most glazing.

On balance, whilst there would be an increase in the amount of glazing to the property, it is not considered that this would be unacceptable given the positioning and relationship to neighbouring residential properties, and the context of the extant planning consents.

Daylight and Sunlight

Policy ENV 13 seeks to ensure good daylight levels to habitable rooms in existing residential properties. Objections have been received on the grounds that the proposal would cause loss of daylight and sunlight.

The principle test for measuring the impact of the development upon the level of light received to neighbouring properties is the Vertical Sky Component (VSC), the amount of light reaching the face of a window. If the VSC is both less than 27% and values as a result of the development would be less than 0.8 times its former value then the impact would be noticeable.

The submitted report confirms that all of the neighbouring windows will have a VSC of more than 0.8 times their former value. All neighbouring rooms would comply with the BRE guidelines for daylight.

The impact of the development on the amount of sunlight received to neighbouring properties is measured by Annual Probable Sunlight Hours (APSH). Only those windows which face within 90 degrees of due south need to be tested. If the proposed sunlight is less than 25% APSH including 5% in the winter months, reduced by more than 20% of its former value and the loss is greater than 4% over the whole year, then the loss of sunlight will be noticeable.

The submitted daylight and sunlight report demonstrates that all windows except one would comply with the BRE guidelines for sunlight. That window is at second floor level at the rear of 16 Conduit Street. Planning history shows that this room is currently in use as an office. There is extant planning consent (ref. 15/06533/FULL) for this room to be

used as a bedroom, and the approved plans show that this window would be blocked up. Given that the room affected is commercial and therefore not protected by the BRE Guide (2011) or will be blocked up if converted to a flat, there is no objection to the proposal in this respect.

It is noted that 4 Mill Street has not been included in the daylight and sunlight assessment. Given that the assessment demonstrates windows at 6 and 8 Mill Street would comply with the BRE guidelines, and that 4 Mill Street is further from the site, with residential windows located at roof level only, it is not considered that there would be any unacceptable harm to daylight and sunlight levels at this neighbouring property.

The proposals are fully compliant when assessed against the BRE Guide (2011) and the impact is therefore considered to be acceptable in terms of daylight and sunlight.

Sense of Enclosure

Objections have been received on the grounds that the proposal would result in increased sense of enclosure. The proposed building would be similar in height and massing to the extant planning consent which was granted in 2015. Given its central London location, the application site is considered to have a normal relationship with neighbouring residential properties; the majority of which are to the upper floors along Mill Street; The upper floors of the proposal have been significantly stepped back. On this basis, it is not considered that the proposal would cause any unacceptable sense of enclosure to neighbouring properties.

8.4 Transportation/Parking

No off-street servicing is available at the site. The site is located within a Controlled Parking Zone, which allows loading and unloading to occur. It is considered that the servicing requirements are unlikely to alter significantly as a result of the proposal given its size and use.

Cycle parking storage is not proposed. B1 requires 1 space per 90m² under the LP. Given the proposed floor area, a minimum of 1 space should be provided. Given the constraints of the site, it is not considered necessary to secure the provision of one cycle parking space on site.

8.5 Economic Considerations

Any economic benefits arising from the increased office floorspace are welcome.

8.6 Access

Owing to the existing floor levels, it is not possible to create step free access to the upper floors and the existing single step access will be maintained. Once inside the ground floor lobby, the proposed lift would provide step free access to each floor, which would improve the overall accessibility within the site.

8.7 Other UDP/Westminster Policy Considerations

Noise

Objections were received on the grounds that the proposed terraces would give rise to increased noise disturbance which would be worse than the 2015 residential scheme. The proposed offices are considered small-medium scale given the context of the wider area. With a condition recommended to restrict the hours of use of the terrace to typical

office opening hours, it is not considered that the use of the proposed terraces would give rise to any unacceptable noise disturbance.

Objections have been received on the grounds that the proposal would be contrary to paragraph 123 of the NPPF (avoiding adverse noise impacts on health and quality of life). The proposal is considered to be in accordance with policies ENV 6 and ENV 7 of the Unitary Development Plan (UDP) and Policy S32 of the City Plan. It follows that by virtue of compliance with adopted policies, the proposal considered to comply with the NPPF. NPPF paragraph 123 also recognises that existing businesses should not have undue restrictions placed on them because of subsequently assumed neighbouring land uses. There would be no additional restrictions applied to neighbouring properties, and it is considered that the proposed office use would be more readily compatible with the neighbouring land uses than the extant consent for residential units.

Plant

The acoustic report identifies the nearest residential property which appears to correspond with 6-8 Mill Street - at a distance of 7 metres from the site. The submitted report also identifies flats on the fifth floor of the development site itself although this is considered to be inaccurate since the site itself is currently vacant offices.

The application has been considered in the context of Policies ENV 6 and ENV 7 of the Unitary Development Plan (UDP) and Policy S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally, from excessive noise and disturbance.

It is proposed that each rear terrace would have plant equipment within acoustic enclosures. The submitted acoustic report has been reviewed by Environmental Health Officers, and the Council is satisfied that the proposals would comply with standard noise restrictions.

Refuse /Recycling

Details of waste and recycling storage will 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

The application does not trigger any planning contributions.

8.11 Environmental Impact Assessment

Not relevant

8.12 Other Issues

One objection raises concern that the proposal would give rise to complaints against an established public house. The proposal is for office use (B1 use class) and it is considered that this would be a less sensitive use than the residential use (C3 use class)

consented in 2015. The alleged conflict in uses is not considered a sustainable reason for refusal, particularly given that there is extant consent for residential use on the site.

Objections raise concern that the proposal would result in the loss of a reciprocal fire escape. It is proposed that the fire escape will be re-routed to the internal stairwell to provide a more direct route. This approach is acceptable in planning terms, and any fire safety arrangements would be captured by building control processes. Any arrangements for re-routing reciprocal fire escapes would be a civil matter between the two parties.

Construction impact

One objection has been received which highlights that the applicant does not have the right to carry out the proposed structural works within the basement vaults. Since planning consent is granted to the land, and not to the applicant this would not be a sustainable reason for refusal. Any dispute over the rights to carry out works would be a civil matter and cannot be given any weight in the determination of the planning application.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

KEY DRAWINGS

Proposed front elevation

01 Proposed Front Elevation
Scale: 1:50 (A1) 1:100 (A2)

PATLAB
15 Garnett Street
London EC2Y 5TY
t: +44 (0)20 7553 2036
w: www.patlab.com
e: info@patlab.com

Notes
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Client
Headliner Investment SA

Project
18 Conduit Street
London W1S 2XN

REVISIONS

Rev	Date	Reason for Issue
01	18.01.18	Issued for Planning
02	28.11.17	Issued for Pre-app

PATLAB
Project: **18 Conduit Street**
Drawing Title: **Proposed Front Elevation**
Scale: 1:50 / 1:100
Paper Size: A1 / A3
Date: 18.01.2018
Project No: 1609
Drawing No: PA3110
Rev: 07

Proposed rear elevation



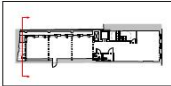
01 Proposed Rear Elevation
Scale: 1:50 (A1) 1:100 (A2)

PATALAB
15 Gerrard Street
London EC1Y 8TY
t: +44 (0)20 7253 2636
w: www.patalab.com
e: info@patalab.com

Notes
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Client
Marketier Investment SA

Project
18 Conduit Street
London W1R 2JN



Rev	Date	Reason for Issue
05	16.05.18	Issued for Planning
04	28.11.17	Issued for Pre-application

PATALAB
Project
18 Conduit Street
Drawing Title
Proposed Rear Elevation
Scale: 1:50 / 1:100
Paper Size: A1 / A3
Date: 16.01.2018
Project No: 1609
Drawing No: PA3111
Rev: 05

Proposed section (North elevation)

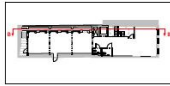


01 Proposed Section BB
Scale 1/150 (B1) 7/1/2018 (B3)

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e: info@patlab.com

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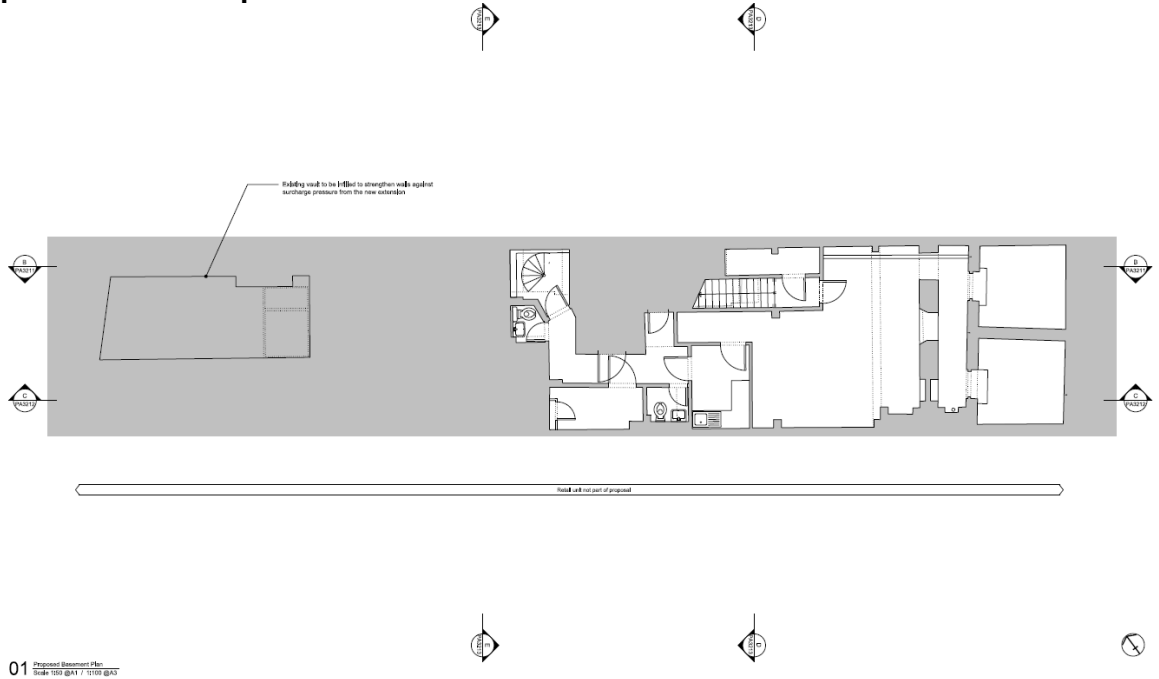
Client
Metabler Investment SA
Project
18 Conduit Street
London W1B 2DN



Rev	Date	Reason for Issue
04	08.06.18	Issued for Planning
05	16.05.18	Issued for Planning
06	29.11.17	Issued for Pre-Application

PATLAB
Project
18 Conduit Street
Drawing Title
Proposed Section BB DRAFT
Scale
1:100 / 1:200
Project No
1609
Drawing No
PA3211 06
Date
16.05.18

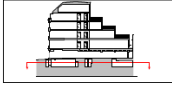
Proposed basement plan



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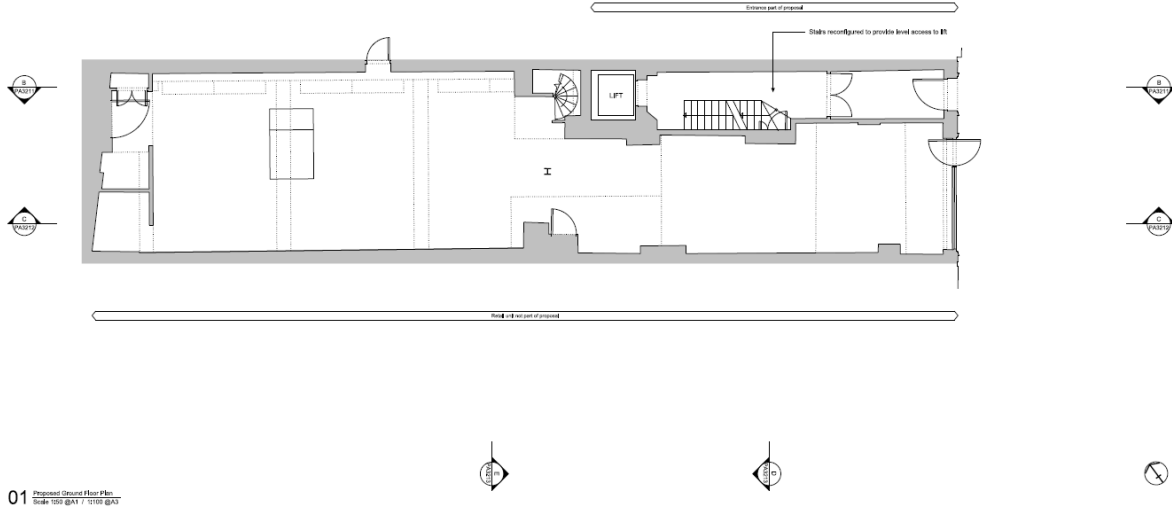
Client
Mortibor Investment SA
Project
18 Conduit Street
London W1S 2XN



Rev	Date	Reason for Issue
04	18.05.18	Issued for Planning
03	28.11.17	Issued for Planning

PATLAB
Project
18 Conduit Street
Drawing Title
Proposed Basement Plan
Scale
1:50 / 1:100
Paper Size
A1 / A3
Date
16.01.2018
Project No
1609
Drawing No
PA3009
Rev
04

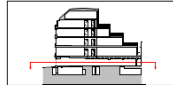
Proposed ground floor plan



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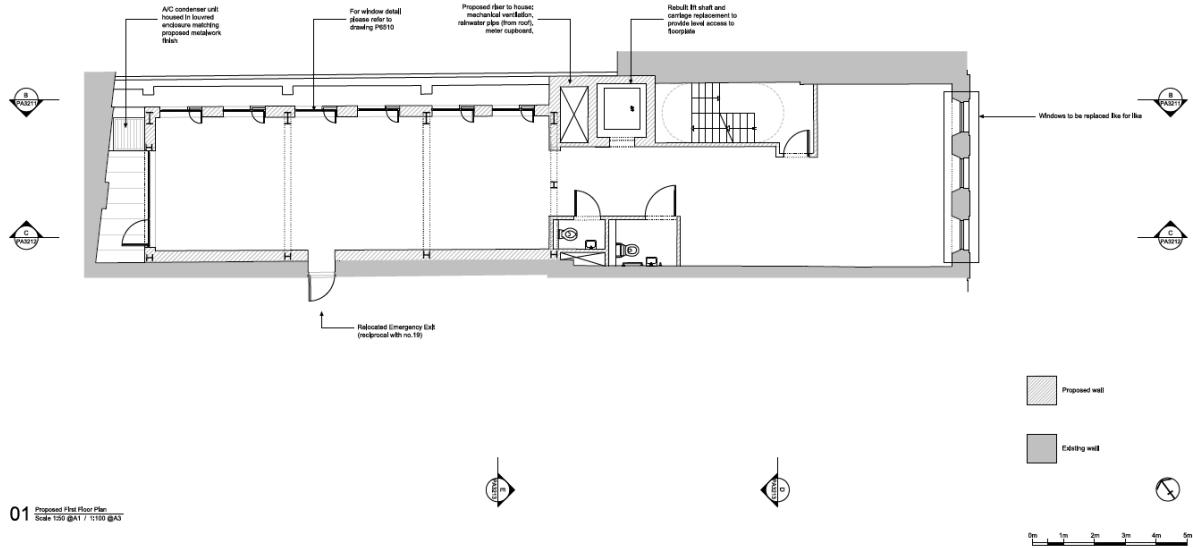
Client
Mortibor Investment SA
Project
18 Conduit Street
London W1S 2XN



Rev	Date	Reason for Issue
04	18.05.18	Issued for Planning
03	28.11.17	Issued for Planning

PATLAB
Project
18 Conduit Street
Drawing Title
Proposed Ground Floor Plan
Scale
1:50 / 1:100
Paper Size
A1 / A3
Date
16.01.2018
Project No
1609
Drawing No
PA3010
Rev
04

Proposed first floor plan



01 Proposed First Floor Plan
Scale 1:50 @A1 / 1:100 @A3

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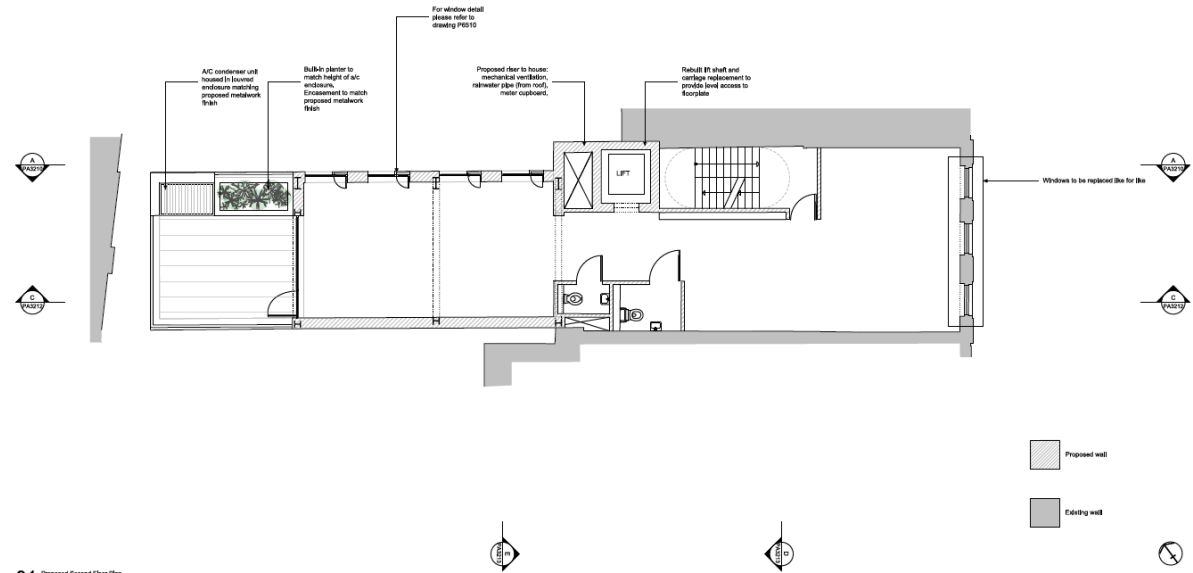
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Client
Marti/ber Investment SA
Project
18 Conduit Street
London W1S 2DN

Rev	Date	Reason for Issue
01	18.01.18	Issued for Planning
02	28.11.17	Issued for Pre-Application

PATLAB
Project
18 Conduit Street
Drawing Title
Proposed First Floor Plan
Scale
1:50 / 1:100
Paper Size
A1 / A3
Date
18.01.18
Project No
1609
Drawing No
PA3011
Rev
07

Proposed second floor plan



01 Proposed Second Floor Plan
Scale 1:50 @A1 / 1:100 @A3

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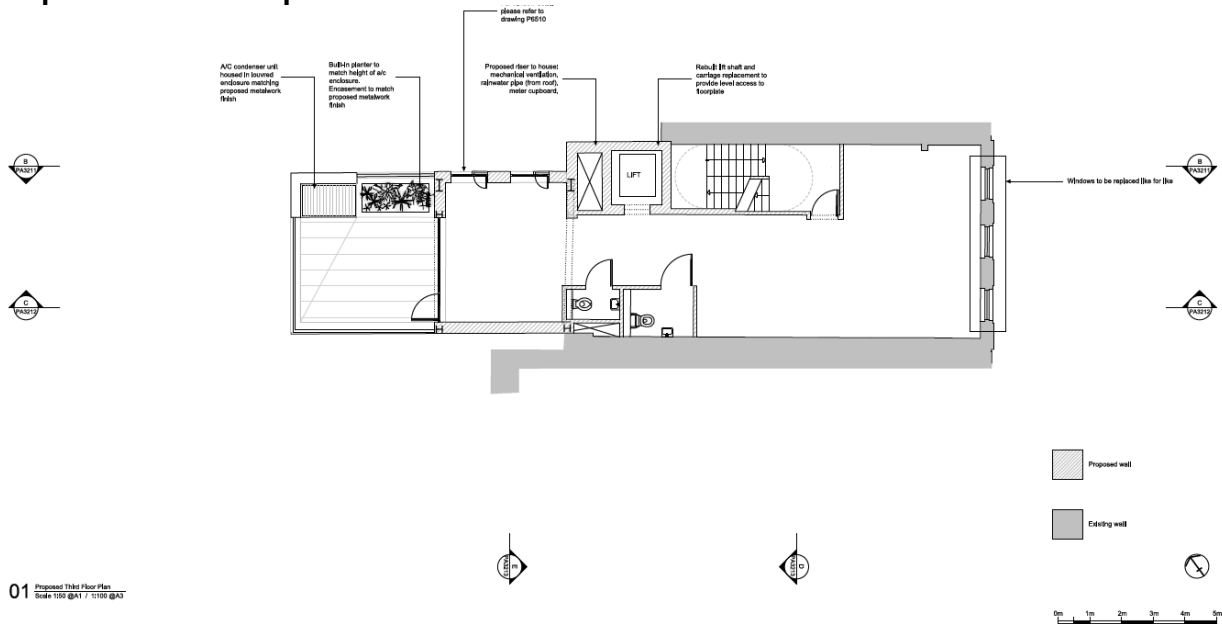
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Client
Marti/ber Investment SA
Project
18 Conduit Street
London W1S 2DN

Rev	Date	Reason for Issue
01	18.01.18	Issued for Planning
02	28.11.17	Issued for Pre-Application

PATLAB
Project
18 Conduit Street
Drawing Title
Proposed Second Floor Plan
Scale
1:50 / 1:100
Paper Size
A1 / A3
Date
18.01.2018
Project No
1609
Drawing No
PA3012
Rev
07

Proposed third floor plan



01 Proposed Third Floor Plan
Scale 1:50 @A1 / 1:100 @A3

PATALAB

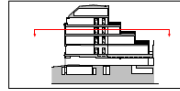
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t: +44 (0)20 7263 2036
e: info@patalab.com

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Client

Marteliver Investment SA
Project
18 Conduit Street
London W1S 2DN



Rev	Date	Reason for Issue
07	16.05.18	Issued for Planning
08	29.11.17	Issued for Pre-Application

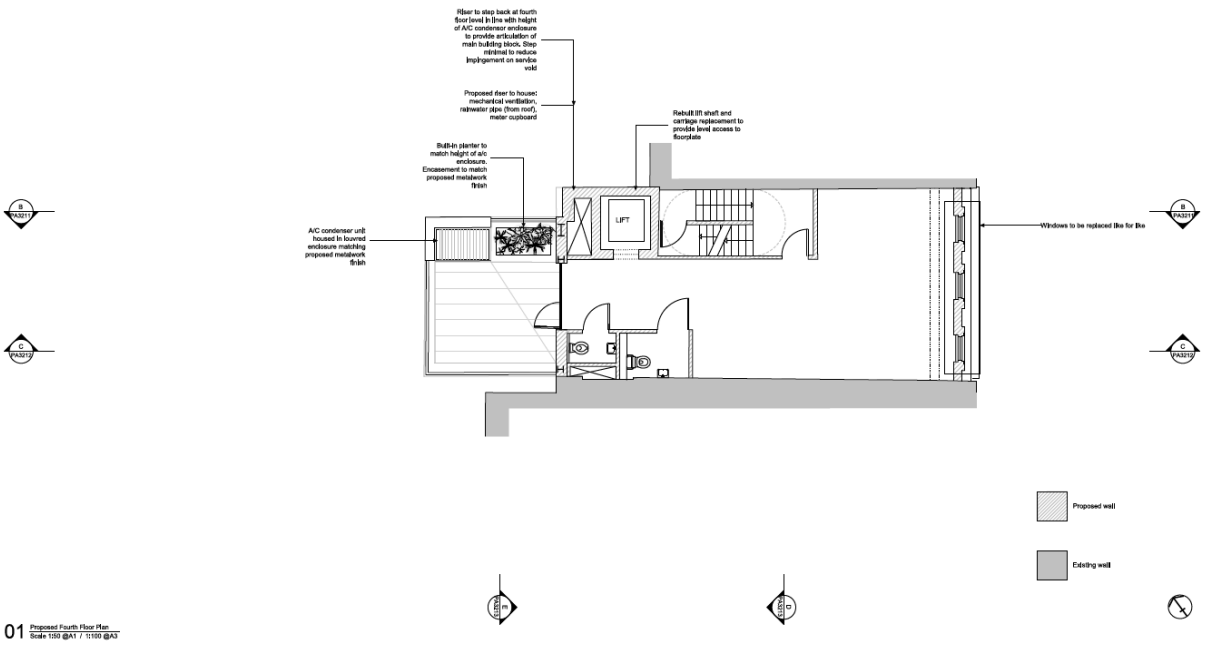
PATALAB

Project
18 Conduit Street

Drawing Title
Proposed Third Floor Plan

Scale 1:50 / 1:100 Project No. Drawing No. Rev
Paper Size A1/A3 Date 16.01.2018 1609 PA3013 07

Proposed fourth floor plan



01 Proposed Fourth Floor Plan
Scale 1:50 @A1 / 1:100 @A3

PATALAB

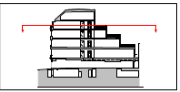
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e: info@patalab.com

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Client

Marteliver Investment SA
Project
18 Conduit Street
London W1S 2DN



Rev	Date	Reason for Issue
07	16.05.18	Issued for Planning
08	29.11.17	Issued for Pre-Application

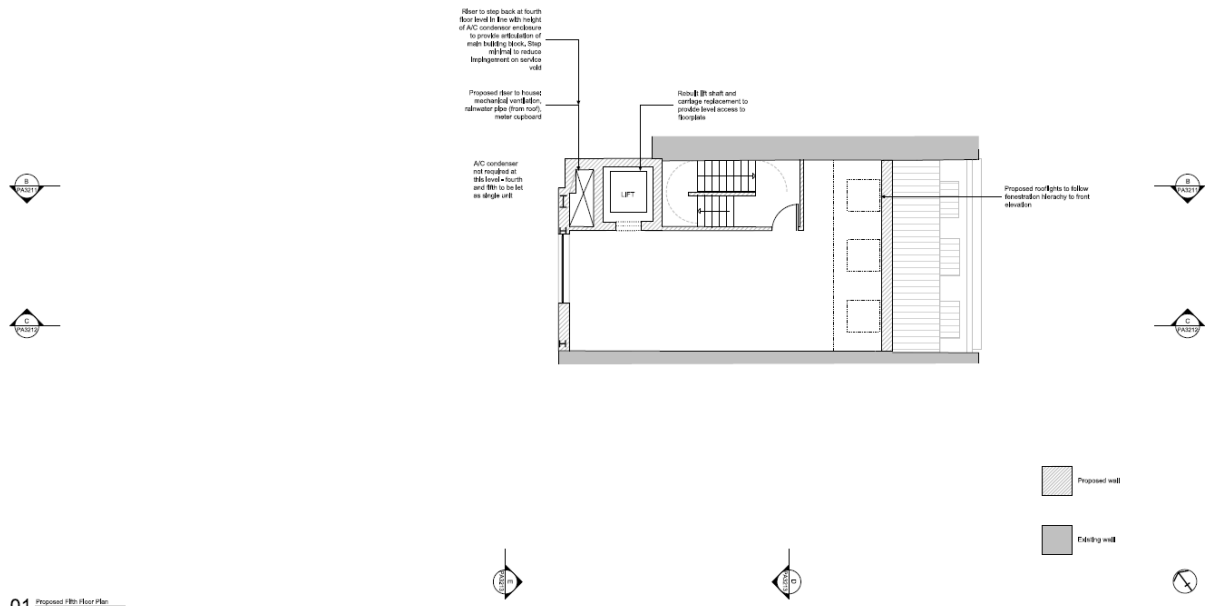
PATALAB

Project
18 Conduit Street

Drawing Title
Proposed Fourth Floor Plan DRAFT

Scale 1:50 / 1:100 Project No. Drawing No. Rev
Paper Size A1/A3 Date 16.01.18 1609 PA3014 07

Proposed fifth floor plan



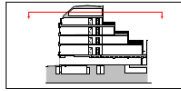
01 Proposed Fifth Floor Plan
Scale 1:500 @A1 / 1:100 @A3



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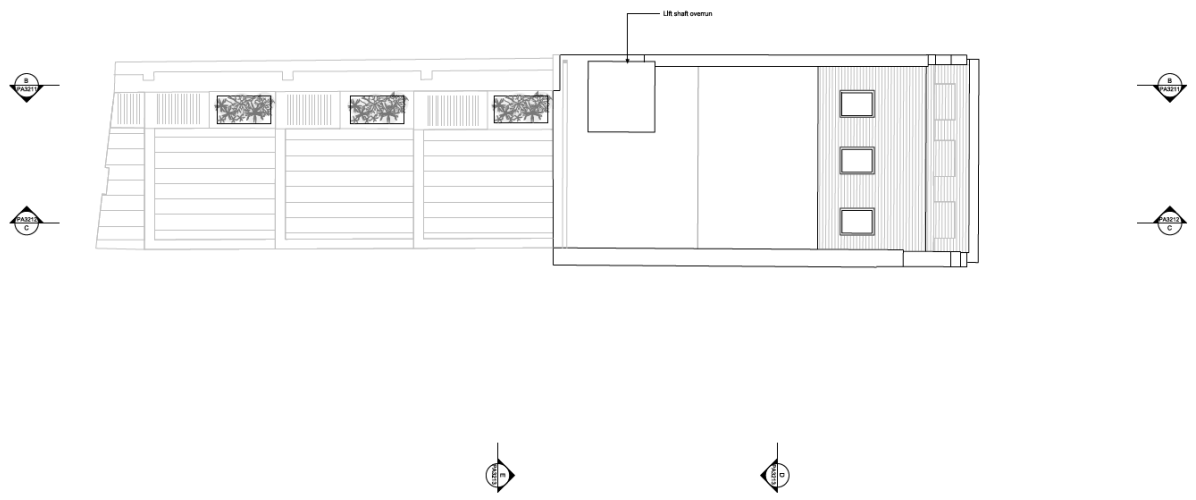
Client
Meridian Investment SA
Project
18 Conduit Street
London W1B 2XN



Rev	Date	Reason for Issue
07	16.05.18	Issued for Planning
08	20.11.17	Issued for Pre-application

PATLAB
Project
18 Conduit Street
Drawing Title
Proposed Fifth Floor Plan
Scale
1:500 / 1:100
Paper Size
A1 / A3
Date
19.01.2018
Project No
1609
Drawing No
PA3015
Rev
07

Proposed roof plan



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Client
Meridian Investment SA
Project
18 Conduit Street
London W1B 2XN



Rev	Date	Reason for Issue
04	16.05.18	Issued for Planning
05	29.11.17	Issued for Pre-application

PATLAB
Project
18 Conduit Street
Drawing Title
Proposed Roof Plan
Scale
1:500 / 1:100
Paper Size
A1 / A3
Date
19.01.2018
Project No
1609
Drawing No
PA3016
Rev
04



DRAFT DECISION LETTER

Address: 18 Conduit Street, London, W1S 2XN,

Proposal: Extensions to office (Class B1) floorspace at second, third, fourth and fifth floor to the rear, and roof level (including creation of rear roof terraces at second third and fourth floor levels).

Reference: 18/01287/FULL

Plan Nos: PA3009 Rev 04, PA3010 Rev 04, PA3011 Rev 07, PA3012 Rev 07, PA3013 Rev 07, PA3014 Rev 07, PA3015 Rev 07, PA3016 Rev 04, PA3110 Rev 07, PA3111 Rev 5, PA3112 Rev 05, PA3113 Rev 00, PA3210 Rev 06, PA3211 Rev 06, PA3213 Rev 03, PA6510 Rev 02

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

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

Reason:

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

- 3 You must apply to us for approval of 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 enlarged office (Class B1) 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 offices (B1 use class). (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)

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

Item No.
7

Reason:

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

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

Reason:

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

- 6 You must 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)

- 7 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 8 You must not play live or amplified music on your property.

Reason:

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

- 9 You must keep the doors and windows in the north east elevation closed. You can use them in an emergency or for maintenance only. (C13LA)

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 10 You must apply to us for approval of a sample of the glass (at least 300mm square) for the windows in the north east elevation of the building annotated as being obscure glass. You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.

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)

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

Reason:

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

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

Reason:

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

- 13 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:2) of the following parts of the development:

- i) external doors;

- ii) windows and rooflights;
- iii) balconies;
- iv) railings;
- v) balustrades.

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

Reason:

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

- 14 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

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

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

Reason:

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

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

Reason:

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

- 17 You must not use the terraces hereby approved outside of the following hours: 08.00 - 19.00 Monday to Friday

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our 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.
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the

Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 6 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 7 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 8 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., , 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, , Phone: 020 7641 2000, , Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)
- 9 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 10 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

Item No.
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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.

BACKGROUND PAPERS – 18 Conduit Street, London, W1S 2XN, 18/01287/FULL

1. Application form
2. Response from Highways Manager, dated 20 February 2018
3. Response from Plant And Equipment, dated 13 April 2018
4. Response from Cleansing Manager, dated 08 March 2018
5. Letter from occupier of Ground Floor, 18 Conduit Street, dated 5 March 2018 and 13 April 2018
6. Letter from Fuller & Long on behalf of occupier of 18 Conduit Street dated 12 March 2018
7. Letter from occupier of Flat 1, 58 Maddox St, dated 5 March 2018, and 18 April 2018
8. Letter from occupier of 20 Conduit Street, London, dated 5 March 2018
9. Letter from occupier of 19 Conduit Street, London, dated 5 March 2018, and 13 April 2018
10. Letter from occupier of 2 Mill Street, London, dated 6 March 2018
11. Letter from occupier of Flat 2, 50 Maddox Street, dated 6 March 2018, and 18 April 2018
12. Letter from occupier of 16 Conduit Street, London, dated 7 March 2018, and 13 April 2018
13. Letter from occupier of 19 Conduit Street, London, dated 7 March 2018, and 14 April 2018
14. Letter from occupier of 16 Conduit Street, London, dated 7 March 2018
15. Letter from occupier of 17 Conduit St, London, dated 7 March 2018, and 13 April 2018
16. Letter from occupier of 20 Conduit St, London, dated 8 March 2018
17. Letter from occupier of 4 Mill Street, London, dated 10 March 2018
18. Letter from occupier of 20 Conduit Street, London, dated 10 March 2018 and 14 April 2018
19. Letter from occupier of Fourth Floor, 20 Conduit St, dated 10 March 2018
20. Letter from occupier of Fourth Floor, 2 Mill Street, dated 11 March 2018
21. Letter from occupier of 3rd Floor, 2 Mill Street, London, dated 11 March 2018, and 13 April 2018
22. Letter from occupier of Flat 1, 6-8 Mill Street, dated 11 March 2018
23. Letter from occupier of Fourth Floor Flat, 31 St George Street, dated 11 March 2018
24. Letter from occupier of 6/8 Mill Street, London, dated 12 March 2018,
25. Letter from occupier of 6/8 Mill Street, London, 15 April 2018
26. Letter from occupier of Top Floor Flat, 4 Mill Street, dated 12 March 2018
27. Letter from occupier of Ground and Basement, 18 Conduit Street, dated 12 March 2018
28. Letter from Dentons on behalf of Conduit Street Development Ltd, dated 22 May 2018
29. Letter from Conduit Street Development Ltd, dated 06 June 2018

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

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