



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 20th August, 2019**

Time: **6.30 pm**

Venue: **Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Tony Devenish (Chairman)
Peter Freeman
Tim Roca
Eoghain Murphy

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 a pass, 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, Georgina Wills: Committee and Governance Officer.

**Tel: 020 7641 7513; Email: gwillis@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on the specific applications at the planning committee meeting.

To register to speak and for guidance please visit:

www.westminster.gov.uk/planning-committee.

Please note that you must register by 12 Noon on the Friday before the Committee meeting

In the event that you are successful in obtaining a speaking slot please read the guidance, in order to familiarise yourself with the process prior to attending the meeting.

1. 4 - 5 BUCKINGHAM GATE, LONDON SW1E 6JP

(Pages 11 - 72)

2. 50 WEYMOUTH STREET, LONDON W1G 6NT, BLOCKS A-C, OSSINGTON BUILDINGS LONDON W1U 4BG,

(Pages 73 - 122)

**OSBOURNE HOUSE, MOXON STREET, LONDON, W1U
4EZ**

3. 83A PICCADILLY LONDON W1J 8JA

**(Pages 123 -
134)**

**Stuart Love
Chief Executive
9 August 2019**

Order of Business

At Planning Applications Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

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| Order of Business |
| i) Planning Officer presentation of the case |
| ii) Applicant and any other supporter(s) |
| iii) Objectors |
| iv) Amenity Society (Recognised or Semi-Recognised) |
| v) Ward Councillor(s) and/or MP(s) |
| vi) Council Officers response to verbal representations |
| vii) Member discussion (including questions to officers for clarification) |
| viii) Member vote |

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



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 30th July, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Tony Devenish (Chairman), Eoghain Murphy, Peter Freeman and Geoff Barraclough

Also Present: Councillor Melvyn Caplan (Item 4)

1 MEMBERSHIP

- 1.1 It was noted that Councillor Geoff Barraclough had replaced Councillor Tim Roca.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Tony Devenish explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Geoff Barraclough declared in respect of item 4 that as he had written in support of the application he would take no part in its consideration.

3 MINUTES

- 3.1 That the minutes of the meeting held on 9 July 2019 be signed by the Chairman as a correct record of proceedings subject to noting that Councillor Murphy had replaced Councillor Burbridge on the membership at the last meeting.

4 PLANNING APPLICATIONS

1 60 WIMPOLE STREET, LONDON, W1G 8AG

Demolition of existing two storey building and link to rear, replacement three storey link and four storey building to rear including mansard storey incorporating plant, infill extension at basement level and part ground floor level, fourth floor rear extension to main building, all to provide additional Class D1 medical floorspace, demolition of existing roof to main building, replacement roof structure incorporating plant and lift overrun, alterations to front entrance and associated works.

The presenting officer referred to an error in the report stating that comments from the Council's Environmental Health Team in respect of the acoustic reports had accidentally been omitted from the consultation section of the covering report. These had subsequently been circulated to Members with the background papers.

The presenting officer tabled the following recommended additional conditions

- 15 The glass that you put in the new glazed link extension as detailed on drawing number 1748-STXX-XX-DR-A-4252 REV A6 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 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. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 16 The glass that you put in the first floor level window of the new rear extension (that faces the back of the main building) as detailed on drawing number 1748-ST-XX-XX-DR-A-3252 REV A6 must not be clear glass. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.

Reason:

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

RESOLVED UNANIMOUSLY: That conditional permission be granted subject to the additional conditions as tabled and set out above.

2 14A DUFOUR'S PLACE, LONDON, W1F 7SN

Use of basement for dual/alternative office (Class B1a) or a health and fitness facility (Class D2) (Site includes part of 16A Dufour's Place).

Tim Price addressed to the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY: That conditional permission be granted.

3 1 DORSET CLOSE, LONDON, NW1 5AN

External alterations including replacement of windows, installation of rooflights, maintenance balustrade and installation of ventilation extract ducting at roof level.

An additional representation was received from the occupier of 1 Dorset Close, London NW1 5AN (24.7.2019).

Late representations were received from Councillor Richard Beddoe (29.7.2019) and the occupier of 1 Dorset Close, London NW1 5AN (26.7.2019 and 29.7.2019)

The presenting officer tabled the following amendment to condition 4:

“Within three months of the date of this permission, you must apply to us for approval of drawings showing that the rear windows at ground and first floor level open inward and the fitting of restrictors. The restrictors must be designed to prevent the windows from opening fully and to prevent occupants from exiting the building via the windows. You must then install the approved inward opening windows and restrictors within one month of their being approved and retain them thereafter.

REASON:

To protect neighbouring residents from noise and disturbance and to reduce crime 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.”

David Roach addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY: That conditional permission be granted subject to the amendment to condition 4 as tabled and set out above.

4 93 WARRINGTON CRESCENT, LONDON, W9 1EH

Replace the existing first floor central window with double doors and use of flat roof as balcony

Additional representations were received from the occupiers of 91 Warrington Crescent (19.7.2019), the occupier of 83 Warrington Crescent (22.7.2019) and Councillor Geoff Barraclough (20.7.2019).

A late representation was received from the residents of 81 Warrington Crescent (30.7.2019).

Having declared an interest Councillor Barraclough took no part in the consideration of the application.

Jonathan Cross addressed the Sub-Committee in support of the application.

Councillor Caplan addressed the Sub-Committee as a ward councillor raising concerns regarding elements of the application.

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted subject to an additional condition that no furniture or canopies are placed on the balcony area and amending condition 6 so that the opening hours on Sunday are midday to 9 PM.
2. That conditional listed building consent be granted subject to a condition that no furniture or canopies are placed on the balcony area.
3. That the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

The Meeting ended at 7.15 pm

CHAIRMAN: _____

DATE _____

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 20th August 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

| Item No | References | Site Address | Proposal | Applicant |
|--|---|--|---|---------------------------------|
| 1. | <p>RN(s): 19/04749/FULL & 19/04750/LBC</p> <p>St James's</p> | 4 - 5 Buckingham Gate London SW1E 6JP | Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary facilities. Excavation to provide a single-storey basement. External alterations to the building including raising of the boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of a terrace at rear second floor level within recessed part of the building and a terrace at roof level fronting Buckingham Gate. Public realm works to the cul-de-sac on Buckingham Gate and creation of a new on-street loading bay on Buckingham Gate. | Cofingham Limited |
| <p>Recommendation</p> <p>1. Grant conditional permission subject to completion of a Section 106 Legal Agreement to secure the following:</p> <ul style="list-style-type: none"> i. Provision of all highway works immediately surrounding the site required for the development to occur, including provision of new on-street loading bay, reconfiguration of existing parking bays, on-street restrictions and associated work at the applicant's expense; ii. Provision of a financial contribution of £17,469 (index linked) to the Westminster Employment Service and provision of an Employment and Skills Plan. iii. Costs of monitoring the agreement. <p>2. If the legal agreement has not been completed within 6 weeks of the date of the Sub-Committee's resolution then:</p> <ul style="list-style-type: none"> a) The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not; b) The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. <p>3. Grant conditional listed building consent.</p> <p>4. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.</p> | | | | |
| Item No | References | Site Address | Proposal | Applicant |
| 2. | <p>RN(s): Application 1 19/01218/FULL</p> | 50 Weymouth Street London W1G 6NT | Erection of a mansard roof extension at rear second floor level on Beaumont Mews building to create a self-contained flat (Class C3). | Howard de Walden Estate Limited |

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 20th August 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

| | | | | |
|---|---|--|---|---|
| | <p><u>Application 2</u> 19/01237/FULL</p> <p><u>Application 3</u> 19/01219/FULL</p> <p>Marylebone High Street</p> | <p>Blocks A-C Ossington Buildings London W1U 4BG</p> <p>Osbourne House Moxon Street London W1U 4EZ</p> | <p>Alterations to existing roof to create 2 x self-contained flats (Class C3) including new dormer windows and conservation rooflights.</p> <p>Erection of rear single storey ground floor extension within rear lightwell of Moxon House and use of enlarged ground floor of both Osbourne House and Moxon House as four retail shop units (Class A1), installation of new shop fronts onto Moxon Street and Ossington Buildings and other minor external alterations.</p> | |
| <p>Recommendation</p> <p><u>Application 1</u> Grant conditional permission.</p> <p><u>Application 2</u> Grant conditional permission.</p> <p><u>Application 3</u> Grant conditional permission, subject to a Grampian condition to secure the replacement residential floorspace and units secured by Applications 1 and 2 prior to the commencement of development.</p> | | | | |
| Item No | References | Site Address | Proposal | Applicant |
| 3. | <p>RN(s): 19/03717/FULL</p> <p>West End</p> | <p>83A Piccadilly London W1J 8JA</p> | <p>Use of the ground floor and basement level for a car showroom use (sui generis) and alterations to shopfront to Clarges Street elevation to form vehicular entrance.</p> | <p>The British Land Company PLC</p> |
| <p>Recommendation Refuse permission – on highway safety grounds.</p> | | | | |

Agenda Item 1

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| Item No. |
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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS SUB COMMITTEE | Date 20 August 2019 | Classification For General Release | |
| Report of Director of Place Shaping and Town Planning | | Ward(s) involved St James's | |
| Subject of Report | 4 - 5 Buckingham Gate, London, SW1E 6JP | | |
| Proposal | Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary facilities. Excavation to provide a single-storey basement. External alterations to the building including raising of the boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of a terrace at rear second floor level within recessed part of the building and a terrace at roof level fronting Buckingham Gate. Public realm works to the cul-de-sac on Buckingham Gate and creation of a new on-street loading bay on Buckingham Gate. | | |
| Agent | CBRE Ltd | | |
| On behalf of | Cofingham Limited | | |
| Registered Number | 19/04749/FULL 19/04750/LBC | Date amended/ completed | 18 June 2019 |
| Date Application Received | 18 June 2019 | | |
| Historic Building Grade | II | | |
| Conservation Area | Birdcage Walk | | |

1. RECOMMENDATION

- | |
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| <p>1. Grant conditional permission subject to completion of a Section 106 Legal Agreement to secure the following:</p> <ul style="list-style-type: none"> i) Provision of all highway works immediately surrounding the site required for the development to occur, including provision of new on-street loading bay, reconfiguration of existing parking bays, on-street restrictions and associated work at the applicant's expense; ii) Provision of a financial contribution of £17,469 (index linked) to the Westminster Employment Service and provision of an Employment and Skills Plan; <p>and</p> <ul style="list-style-type: none"> iii) Monitoring costs. |
|--|

2. If the S106 legal agreement has not been completed within six weeks of the date of the Sub-Committee's resolution then:
 - a) The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. Grant conditional listed building consent.
4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

4 - 5 Buckingham Gate is a six-storey corner property comprising basement level, ground and four upper floor levels. The building is currently vacant but was previously in office use and occupied by The Mayor's Office for Policing and Crime. The rear of the building backs onto Stafford Place and neighbours' residential properties to the rear. The adjoining property at Nos. 1-3 is currently being redeveloped to provide residential flats. The building is Grade II listed and within the Birdcage Walk conservation area. The site is also located within the Core Central Activities Zone (CAZ).

Planning permission and listed building consent are sought for the demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary facilities. Excavation to provide a single-storey basement. External alterations to the building including raising of the boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of a terrace at rear second floor level within recessed part of the building and a terrace at roof level fronting Buckingham Gate. Public realm works to the cul-de-sac on Buckingham Gate and creation of a new on-street loading bay on Buckingham Gate.

The key issues for consideration are:

- The land use implications on the surrounding area;
- The impact of the proposal on the amenity of surrounding residents;
- The impact of the proposals on the surrounding highway network; and
- The impact of the proposed alterations on the character and appearance of the building and Birdcage Walk Conservation Area.

On the 24 January 2019, Planning Applications Sub-Committee refused permission for a similar

scheme (RN: 18/06103/FULL). The refused scheme included provision of an off-street loading bay to the rear of the site accessed from Stafford Place. The grounds for refusal were on land use and servicing grounds as set out below:

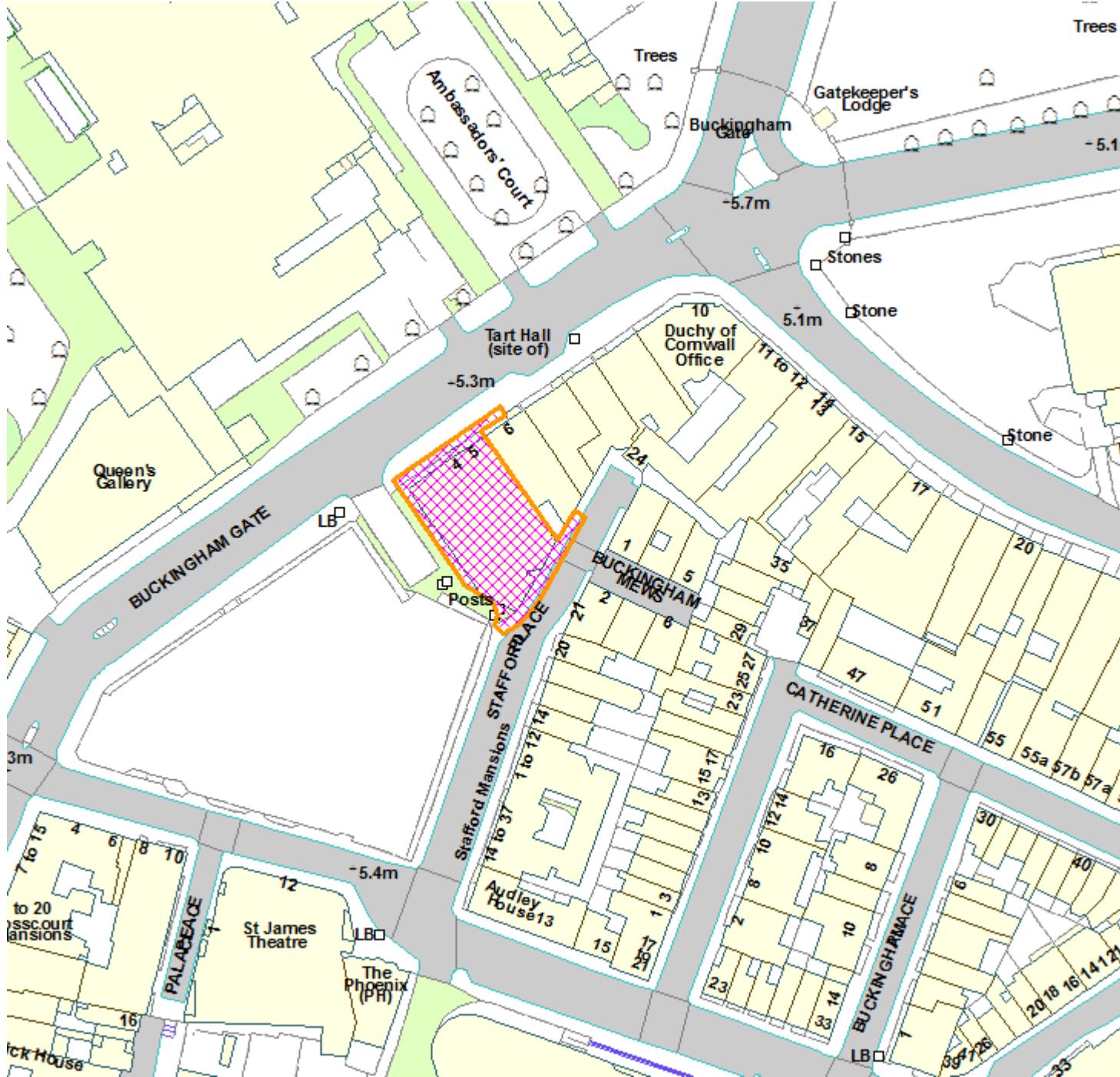
1. *The hotel use in this predominantly residential location is contrary to S23 of Westminster's City Plan (adopted November 2016) and TACE 2 of our Unitary Development Plan (adopted January 2007).*
2. *Servicing from Stafford Place is likely to obstruct the highway and is contrary to S42 of Westminster's City Plan (adopted November 2016) and TRANS 20 of our Unitary Development Plan (adopted January 2007).*

The latest proposal has been submitted in response to the previous reasons for refusal and incorporates the following changes:

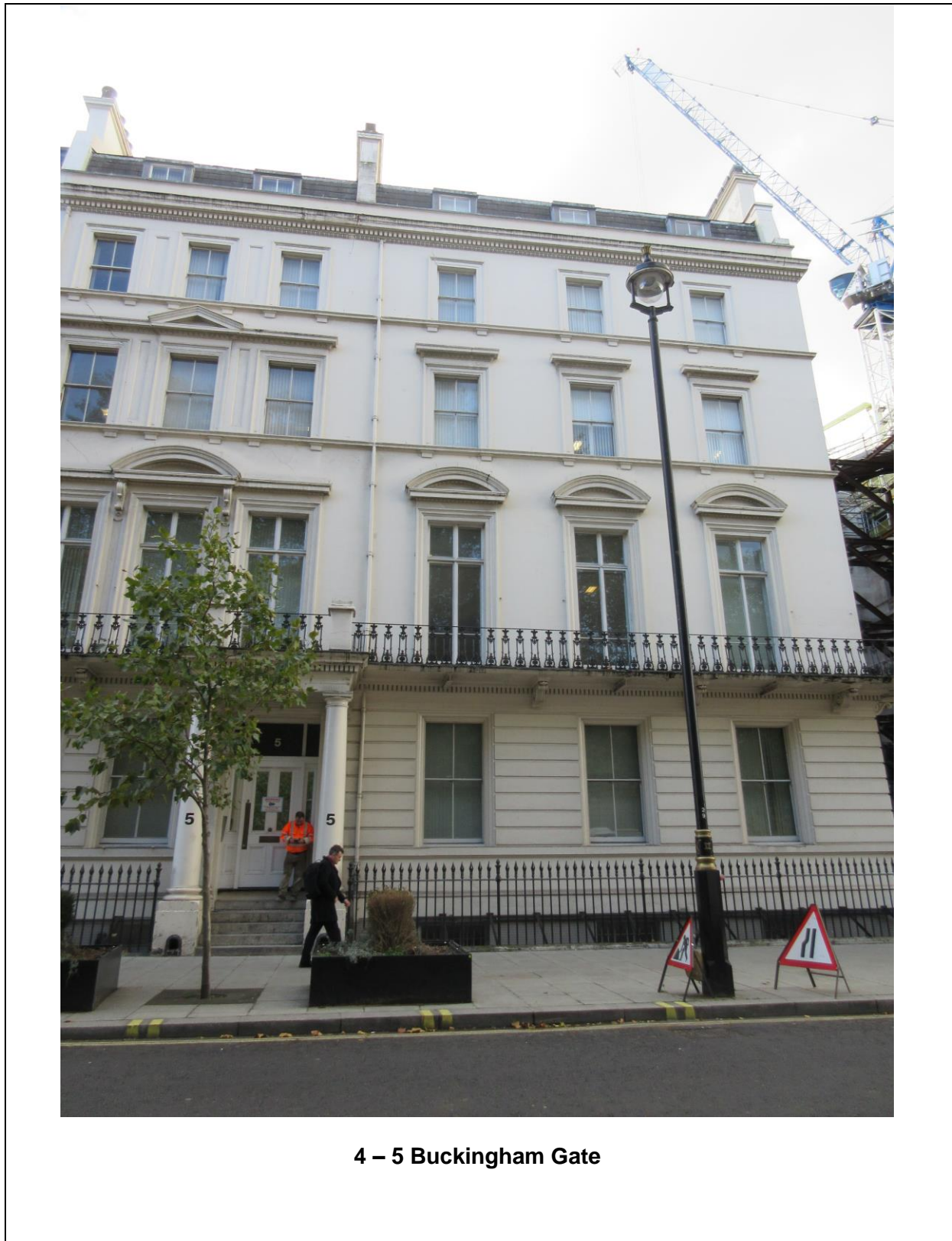
- Omission of the off-street servicing bay accessed from Stafford Place;
- Creation of a new loading bay on Buckingham Gate;
- Public realm works to the cul-de-sac between Buckingham Gate and Stafford Place;
- Provision of a new service entrance including a platform lift within the lightwell on Buckingham Gate;
- A platform lift for wheelchair access below the entrance stair to 5 Buckingham Gate; and
- Associated internal alterations in response to the omission of the rear off-street loading bay.

The proposed hotel use and associated works are now considered acceptable in land use, amenity, design and conservation area terms and in accordance with the Westminster City Plan and Unitary Development Plan policies.

3. LOCATION PLAN



4. PHOTOGRAPHS



4 – 5 Buckingham Gate

5. CONSULTATIONS

WESTMINSTER SOCIETY:

Any comments to be reported verbally.

HIGHWAYS PLANNING MANAGER:

No objection subject to following conditions.

- Servicing management plan to formally regulate the servicing of the site.
- Public realm improvements proposed to cul-de-sac require further design.
- Secure cycle parking provision.
- No bookings are to be taken for coach parties.

TRANSPORT FOR LONDON:

TFL make the following comments:

- Recommend the applicant explore options to facilitate off-street servicing.
- A Delivery and Servicing Plan (DSP) to be secured by condition.
- A Construction Logistics Plan to be secured by condition.

HISTORIC ENGLAND:

Authorisation received (16 July 2019) to allow City Council to determine application as seen fit.

HISTORIC ENGLAND (ARCHAEOLOGY):

- Proposal could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation.
- Recommend a condition to secure a written scheme of investigation.

ENVIRONMENT AGENCY:

No objection.

WASTE PROJECT OFFICER:

Objection.

- Waste servicing proposed on the public highway, concern that bins would be left on the pavement pending waste collection and after waste collection. A management plan should be secured to prevent waste being stored on the public highway.

WESTMINSTER EMPLOYMENT SERVICE:

- Secure financial contribution towards the City Council's employment and training service.

ARBORICULTURAL OFFICER:

Objection.

- Removal of a young London Plane Tree.
- Replacement planting is not acceptable.

ENVIRONMENTAL HEALTH:

No objection subject to noise conditions.

BUILDING CONTROL:

The structural method statement is considered to be acceptable.

BUCKINGHAM PALACE:

Any comments to be reported verbally.

VICTORIA BUSINESS IMPROVEMENT DISTRICT (BID):

Any comments to be reported verbally.

METROPOLITAN POLICE:

Any comments to be reported verbally.

DESIGNING OUT CRIME:

Any comments to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 86

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Objections received on some or all of the following grounds:

LAND USE

- Already a number of hotels within the vicinity.
- Increased vehicular traffic through guests arriving and departing.
- Increase pedestrian footfall along Buckingham Gate.
- Refuse disposal.

AMENITY

- Noise from construction use.
- Impact on quiet enjoyment of residential property.
- Noise from rooftop terrace.
- Noise from mechanical plant.

HIGHWAYS

- Disruption to traffic flow with large vehicles and lorries associated with removal of rubble/delivery of construction materials.

BASEMENT DEVELOPMENT

- Noise and vibration associated with the basement excavation.

OTHER

- Noise and disruption caused by construction works.
- Possible road closures.
- Use of crane towers.
- Dust.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

4-5 Buckingham Gate is a six-storey corner property comprising basement level, ground and four upper floor levels. The building is currently vacant but was previously in office use and occupied by The Mayor's Office for Policing and Crime. The rear of the building backs onto Stafford Place and neighbours' residential properties to the rear. The adjoining property at Nos.1-3 Buckingham Gate is currently being redeveloped to provide 72 residential units.

The building is Grade II listed and within the Birdcage Walk conservation area. The site is also located within the Core Central Activities Zone (CAZ).

6.2 Recent Relevant History

18/06103/FULL

Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation to provide a single-storey basement and pool. External alterations for the provision of a new off-street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of a terrace at rear second floor level within recessed part of the building and a terrace at roof level fronting Buckingham Gate.
Application Refused 24 January 2019

18/06104/LBC

Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation to provide a single-storey basement and pool. External alterations for the provision of a new off-street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of 1no. terrace each at rear second and third floor level within recessed part of the building.
Application Permitted 24 January 2019

15/05134/FULL and 15/05135/LBC

Demolition behind retained front and side facades on Buckingham Gate and redevelopment to provide eleven residential flats including excavation to provide additional basement and sub-basement levels. External alterations including alterations to windows, installation of plant equipment at roof level to provide additional residential accommodation and creation of terraces on Stafford Place frontage at rear second, third and fifth floor level together with vehicular crossover from Stafford Way and associated highway works.
Application Permitted 7 September 2015

14/06822/FULL and 14/06823/LBC

Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide 11 residential flats including excavation to provide additional basement and sub-basement levels. External alterations including alterations to

windows, installation of plant equipment at roof level, an extension at roof level to provide additional residential accommodation and creation of terraces on Stafford Place frontage at rear second, third and fifth floor level.

Application Permitted 3 November 2014

The 2015 proposal was similar to the 2014 scheme but was amended to include highways works to provide a vehicular crossover from Stafford Way. These works were included as part of the red line relating to the application site. Both the 2014 and 2015 schemes have not been implemented and both have now lapsed.

7. THE PROPOSAL

Planning permission and listed building consent are sought for the demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary facilities. Excavation to provide a single-storey basement. External alterations to the building including raising of the boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of a terrace at rear second floor level within recessed part of the building and a terrace at roof level fronting Buckingham Gate. Public realm works to the cul-de-sac on Buckingham Gate and creation of a new on-street loading bay on Buckingham Gate.

On the 24 January 2019, planning applications sub-committee refused permission for a similar scheme that included provision of an off-street loading bay to the rear of the site accessed from Stafford Place (18/06103/FULL). The reasons for refusal were on land use and servicing grounds as set out below:

1. *The hotel use in this predominantly residential location is contrary to S23 of Westminster's City Plan (adopted November 2016) and TACE 2 of our Unitary Development Plan (adopted January 2007).*
2. *Servicing from Stafford Place is likely to obstruct the highway and is contrary to S42 of Westminster's City Plan (adopted November 2016) and TRANS 20 of our Unitary Development Plan (adopted January 2007).*

The associated listed building consent (18/06104/LBC) was approved but with the following informative:

You are advised that a majority of the works hereby approved also requires planning permission. In light of the refusal of the corresponding planning application under 18/06103/FULL you are reminded that these works cannot be implemented without a corresponding approved planning permission in place.

The main differences in this latest application are as follows:

- Omission of the off-street servicing bay accessed from Stafford Place;
- Creation of a new loading bay on Buckingham Gate;
- Public realm works to the cul-de-sac between Buckingham Gate and Stafford Place;
- Provision of a new service entrance including a platform lift within the lightwell on Buckingham Gate;

- A new platform lift for wheelchair access below the entrance stair to 5 Buckingham Gate; and
- Associated internal alterations in response to the omission of the off-street loading bay.

The proposed works to the building, barring the changes specified above, are broadly similar to the works granted in 2014 and 2015. The proposed scheme includes works, which were previously considered acceptable when considering the refused permission (18/06103/FULL) and the approved listed building consent (18/06103/LBC). The proposed scheme has been submitted in response to the previous reasons for refusal.

The refused planning application (18/06103/FULL) is currently the subject of an appeal to the Planning Inspectorate.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The table below shows the existing and proposed floorspace figures (sqm):

| | Existing GIA (sqm) | Proposed GIA (sqm) | +/- |
|--------------------|--------------------|--------------------|--------|
| Office (Class B1a) | 3133 | 0 | - 3133 |
| Hotel (Class C1) | 0 | 3672 | + 3672 |
| Total | 3133 | 3672 | + 539 |

Loss of office use

The lawful use of the premises is as offices and although vacant, was previously occupied by The Mayor's Office for Policing and Crime (MOPAC).

Since the approval of the 2014 and 2015 schemes the City Council formally adopted the latest version of Westminster's City Plan (November 2016), which includes the Special Policy Areas and Policies Map Revision, as well as the previously adopted Basements Revision and the Mixed-use Revision. Therefore, the policies, which are of particular relevance to the proposals in light of the revised Westminster City Plan are Policy S20 (Offices and Other B1 Floorspace) and Policy CM28.1 (Basement Development).

The aim of Policy S20 is to restrict the change of use from offices to residential within the Core Central Activities Zone, Opportunity Areas and the Named Streets. However, Policy S20 does not preclude the loss of offices to other commercial uses within these areas. The application site is within the Core Central Activities Zone. The proposed use of the building as a hotel (Class C1) would result in the loss of 3,133sqm of office floorspace. However, in accordance with Policy S20 this is considered acceptable in land use terms.

Proposed hotel use

Policy S23 (Hotels and Conference Facilities) states that new hotels will be directed to the Paddington, Victoria and Tottenham Court Road Opportunity Areas, the Core Central Activities Zone, Named Streets, the Knightsbridge Strategic Cultural Area and the North

Westminster Economic Development Area. Hotels are directed to those streets, which do not have a predominantly residential character.

Policy TACE 2 relates to new hotels and extensions to existing hotels. Part A of TACE 2 states that within the CAZ, in streets which do not have a predominantly residential character, on CAZ Frontages and in the PSPA, planning permission will be granted for new hotels and extensions to existing hotels where:

- 1) no adverse environmental and traffic effects would be generated and;
- 2) adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and for taxis serving the hotel.

The proposal is for a 53-bedroom hotel which is to be operated by Cofingham Ltd. Cofingham is a new British subsidiary of a family owned business, which already operates hotels in Luxembourg and has two boutique hotels in Paris (Hotel D'Aubusson and Hotel Millesime). There are two entrances into the proposed hotel (which utilise the existing access arrangements) at ground floor level. The main entrance will be via No. 4 Buckingham Gate located in front of the existing cul-de-sac and No. 5 will act as the secondary entrance. The main entrance at No. 4 will provide access to the concierge desk/ reception as well as the hotel restaurant and bar. The hotel restaurant and bar area would be open to both hotel residents and non-residents and accommodate a maximum of 130 covers. The hotel will be staffed 24 hours a day, seven days a week. The hotel will have a hotel manager on duty 24 hours a day, employing approximately 25 employees on site during the daytime. At night time no less than two employees will be on site.

The proposed new basement level will provide a swimming pool, spa and gym facilities, a dedicated area for mechanical plant, as well as the hotel's kitchen and storage facilities. At lower ground floor level seven hotel rooms are to be provided along with ancillary hotel facilities (changing rooms, hotel office and plant rooms). At ground floor level in addition to the proposed restaurant/ bar and hotel reception, six hotel rooms are to be provided. The upper floor levels will provide the remainder of the hotel rooms with a penthouse within a new pavilion and terrace provided at roof level. The room sizes range from between 18 - 60 sqm and include three accessible rooms (lower ground, first and third floor level).

All the proposed hotel rooms have windows. A terrace is proposed within a recess part of the building at rear second floor level serving Room 211. At fifth floor level a terrace is proposed to the front of the building facing Buckingham Gate serving Room 60 only. At rear third and fourth floor levels the area of flat roof will not be accessible for amenity purposes.

The application site fronts Buckingham Gate and is located opposite Buckingham Palace and the Buckingham Mews. Buckingham Gate is a red route, which is a fairly busy route. In contrast, the rear of the site backs onto Stafford Place, which is primarily residential in character and quieter than the Buckingham Gate frontage.

Policies S23 of the City Plan and TACE 2 of the UDP make specific reference to any new hotel not having an adverse impact in terms of environmental and traffic effects and

adequate on-site facilities being provided. The previous scheme (RN: 18/06103/FULL) was refused on the grounds that the hotel use was located in a predominately residential location. However, the location is one where hotels would be directed as it is within the Core Central Activities Zone.

To address the previous scheme's first reason for refusal, the proposals no longer include on-site vehicular servicing from Stafford Place. All servicing activity will be directed to the front of the property, along Buckingham Gate via the provision of a new on-street loading bay. All entrances to the hotel are on Buckingham Gate with only a single emergency exit on Stafford Place. Therefore, all activity in terms of arrivals and departures will be along Buckingham Gate where there already exists a busy footfall, given its proximity to Buckingham Palace and tourist entrances to the Palace. The hotel use is considered acceptable given that all activity is now directed towards the Buckingham Gate frontage of the building and away from the predominately residential properties in Stafford Place.

The applicant has submitted a management plan setting out how they will manage the hotel, including ensuring that all servicing and arrivals/ departures takes place from Buckingham Gate. The management plan also sets out how they would manage complaints, with senior members of staff available 24 hours a day to handle complaints that may arise during the operation of the hotel. The details of the operational management plan are to be secured by condition.

An objection has been received from a residential occupier on Buckingham Gate concerned that a new hotel will have an adverse impact in terms of noise and disturbance. In comparison to the rear of the site along Stafford Place, Buckingham Gate is a busy route and located opposite Buckingham Palace. This particular section of Buckingham Gate has a high volume of both vehicular and pedestrian activity. Given that all hotel activity (servicing and entrances) is located on Buckingham Gate, together with the number of rooms and measures to control the operational use (management plan), it is not considered that the use of the building as a hotel would create a noticeable increase in activity to warrant a refusal on this basis.

8.2 Townscape and Design

The proposed design alterations take their cue from the approved 2014 and 2015 schemes and whilst largely based on the previously approved schemes, where they do differ, this is in order to accommodate changes in line with the proposed use of the building as a hotel.

Records indicate that the building was largely rebuilt behind the existing Buckingham Gate and side façades in the 1970s. The only remaining features of interest are the front and side elevations. The internal core and floors levels are constructed of concrete and the rear section built as part of earlier renovation works. As a result, there is very little in the way of surviving historic features.

Given the interior of the building was rebuilt behind the façade and that the previously approved schemes allowed a total rebuild, the internal works including the new basement are considered acceptable in design and listed building terms. Although the previous planning application was refused (RN: 18/06103/FULL), in design terms the

works to the listed building were considered acceptable and the linked listed building application was approved (RN: 18/06104/LBC).

The main changes from the previously refused scheme is that no works to the rear ground floor elevation are proposed, except for the raising of an internal garden party wall between the application site and 6 Buckingham Gate and provision of a fire escape door.

Rear and side elevation

The rear of the building currently has an awkward mix of extensions. The rear extensions are to be rebuilt using a similar massing to the existing, although there is a modest increase in height and depth by an additional 1.3m and 1.13m respectively. These extensions in terms of their built form are identical to the extensions approved under the 2014 and 2015 schemes. The extensions are to be built in materials matching those currently found on the site.

The extensions at rear second, third and fourth floor levels introduce flat roof areas, but these will not be used for amenity purposes and will be subject to a condition to prevent this.

The windows on the rear elevation are designed to complement the windows in the original listed building facades. The proposed rear elevation includes four additional windows and doors to that previously approved, but in doing so creates a more ordered appearance. On the side elevation (west) the unblocking of windows on this elevation is considered acceptable subject to design details.

Under the previously refused scheme it was proposed to provide a loading bay at rear ground floor level. This is no longer proposed, and the only change is the provision of a new hardwood door, which would provide a new fire escape.

The proposals are considered to make a positive contribution to the conservation area, improving the appearance of the Stafford Place elevation.

Roof Level Alterations

At roof level a new roof extension is proposed which replaces the existing unsightly plant enclosure and railing. The principle of an extension at roof level has previously been accepted and is therefore considered acceptable in this instance. However, the roof extension associated with the approved residential schemes, in terms of usable floorspace, occupied a larger area to that now proposed and included two large terrace areas, which wrapped around the residential unit at roof level.

The proposed extension will accommodate a hotel room and is located to the front of the roof area facing Buckingham Gate. The remainder of the extension will accommodate a lift/ lobby area and back of house staircase. The area to the rear where the terrace was approved is to now accommodate mechanical plant within an enclosure. A smaller terrace is to be located to the front part of the roof facing Buckingham Gate.

As with the approved scheme the verified views confirm that the pavilion will not be visible from street level on either the north or west elevations. Whilst roof level

extensions are contentious, in this case, it replaces an existing taller addition and is considered acceptable in principle.

Notwithstanding the above, the proposed design of the pavilion is important to the overall appearance of the building and therefore a condition is recommended to secure details of the extension. An amending condition has been included in order to replace the sliding doors with traditionally side hinged doors as per the previously approved 2014 and 2015 scheme.

A new plant enclosure is to be provided within the east side of the roof and enclosed by the roof pitch and a low-level brick wall. The roof pitch neatly hides the enclosure, making it unnoticeable from street level.

Alterations to the Vaults

Policy TRANS 19 of the Unitary Development Plan (UDP) 2007 aims to limit the extent of new basement vaults under the highway. The City Council will generally restrict the lateral and vertical extent of new or extended basement areas under the adjacent highway so that there remains a minimum vertical depth below the footway or carriageway of about 900 mm and the extent of the new or extended basement area does not encroach more than about 1.8m under any part of the adjacent highway. This is to ensure that services and essential street furniture can be provided, and that adequate space is available between the highway and any basements.

The lowering of the floor within the vaults is modest and considered acceptable. The openings between the vaults are to be rationalised and maintain a single door width opening between each vault.

Alterations to Buckingham Gate

In order to address the servicing of the site and in association with the provision of the new on-street loading bay on Buckingham Gate, it is proposed to install a new platform lift for servicing within the front lightwell area. This will involve replacement of part of the railings with a gate to match the existing railings in terms of profile and detailed design. Localised works to the stone plinth would be required. The platform lift when not in use would sit at the base of the lower ground floor level. On balance the works to the front lightwell area and railings are considered acceptable in design and listed building terms.

A new sesame style lift is proposed to the portico entrance steps of No. 5 Buckingham Gate. These works will enable inclusive access into the building. The mechanism will be hidden under the stair cross-over, which is already underbuilt. The lift will therefore be concealed by the steps when not in use (only the jointing within the steps accommodating the opening for the lift will be permanently visible). This is considered to provide a public benefit in terms of accessible access into the building, where previously none existed. A condition is recommended to secure details of the sesame style lift.

8.3 Residential Amenity

Policy S29 of the City Plan and ENV 13 of the UDP aim to protect the amenity of residents from the effects of development. Policy ENV13 states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to

dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing.

Nos. 4 - 5 Buckingham Gate has two entrances, one fronting Buckingham Gate and the other on the side elevation. The nearest residential property is located adjacent to the application site at No. 6 Buckingham Gate. Other residential properties are located at Nos. 7-9, which comprises of flats. To the rear of the site are other residential properties including Nos. 14-23 Stafford Place, Nos. 1-5 Buckingham Mews, and Stafford Mansions in Stafford Place. The rear of the site also leads into Buckingham Gate, Palace Street and Catherine Place, which are predominately residential in character.

Nos. 1-3 Buckingham Gate has planning permission and listed building consent for the provision of 72 residential units and associated external and internal alterations and is currently under construction (15/04136/FULL and 15/04347/LBC).

Sunlight and Daylight

A daylight and sunlight report has been submitted with the application and the following properties have been assessed:

Located to the east of the site:

6 Buckingham Gate; 22, Stafford Place, 23 Stafford Place and Nos. 1, 3 and 5 Buckingham Mews.

Located south-east of the site:

2 Buckingham Mews.

Located south of the site:

14 Stafford Place, 16 Stafford Place, 18 Stafford Place, 20 Stafford Place and 21 Stafford Place.

Located west of the site:

1 Palace Street

Located north of the site:

Buckingham Palace.

Nos. 21-24 Stafford Place and the properties in Buckingham Mews are two storey buildings. Nos. 14-20 Stafford Place are five storey buildings and Stafford Mansions is 8/9 storeys tall.

The following tests were undertaken:

The Vertical Sky Component (VSC)

For a window to be considered as having a reasonable amount of skylight reaching it, the BRE Guidelines suggests that a minimum VSC value of 27% should be achieved. If the VSC with the new development in place is both less than 27% and less than 0.8 times its former value, then the reduction in light to the window is likely to be noticeable.

A total of 205 windows in the properties named above were tested. All properties tested demonstrated compliance with the BRE standards with the exception of three windows

at No.6 Buckingham Gate located at basement and lower ground floor level. At basement level the VSC change is 0.78 times its former value and at lower ground floor level, windows 1 and 2 were 0.76 and 0.68 times its former value.

The basement plan of No. 6 Buckingham Gate (RNs: 08/05779/FULL and 08/05780/LBC) approved a swimming pool at basement level, a kitchen at rear lower ground floor level leading into a glazed atrium/conservatory to the rear and a formal dining room at rear ground floor level with a void at rear ground floor level over the lower ground floor atrium/conservatory. Whilst the VSC levels for the basement and ground floor level represent a technical breach, the figures for two of the windows tested are only marginally below the requisite criteria. In addition, these windows are located within a light well area and are bounded by the boundary wall fronting Stafford Place. Given that the remainder of the single dwelling house satisfies the BRE guidelines it is not considered a refusal is justified on this basis in this instance.

No Sky Line

This describes the distribution of daylight within rooms by calculating the area of the 'working plane', which can receive a direct view of the sky ((0.7m from floor level in offices and 0.85m in dwellings and industrial spaces). The BRE Guidelines state that if following the construction of a new development the No Sky Line moves such that the area of existing room that does not receive direct skylight is reduced to less 0.8 times its former value, the impact will be noticeable to the occupants.

Of 91 rooms tested in the properties identified, all were BRE compliant.

Annual Probable Sunlight Hours (APSH)

Compliance will be demonstrated where a room receives:

- At least 25% of the APSH (including at least 5% in the winter months), or
- At least 0.8 times its former sunlight hours during either period, or
- A reduction of no more than 4% APSH over the year.

The properties tested here were No.6 Buckingham Gate, Nos. 1, 3 and 5 Buckingham Mews, 1 Palace Street and Buckingham Palace. Of the 62 windows tested all were BRE compliant.

Overshadowing

An assessment in terms of overshadowing has been made on No.6 Buckingham Gate. This specifically tested the amenity area at lower ground floor level, which comprises an area of approximately 10.24 sqm and showed no change to the existing and proposed lit area and therefore meets the BRE guidelines.

Sense of Enclosure

The proposed extensions follow the same line as that approved under the 2014 and 2015 schemes. Notwithstanding this the proposals do not result in a material sense of enclosure to warrant a refusal of the application proposals.

Privacy

Under the 2014 and 2015 schemes (14/06822/FULL & 14/06823/LBC and 15/05134/FULL & 15/05135/LBC) terraces were approved.

One small terrace is proposed, set within the recessed part of the building at rear second floor level. At rear third floor level, immediately above a Juliette balcony is proposed in front of the door opening, again set within the recessed part of the building. The terrace at rear second floor level and the proposed door above do not have direct views of the Stafford Place properties but overlook the roofs of the Buckingham Mews properties. These are not considered to give rise to overlooking as they are some distance away from the residential buildings fronting Stafford Place, so as not to cause direct overlooking into these properties. Due to the inset nature of the terrace and balcony, these terraces would not have an adverse effect on the adjoining property at No. 6 Buckingham Gate in terms of overlooking.

Two large terraces were approved to the fifth-floor level under the 2014 and 2015 schemes, which wrapped around the approved roof top pavilion. In this latest proposal, the fifth-floor terrace is smaller and only located to the front part of the roof. The roof top pavilion, which is to accommodate a hotel room shows the provision of fully openable doors. On officer's advice an amending condition is to be attached to ensure that the opening to the pavilion has fixed panels and individual door frames/openings onto the terrace as per the approved scheme. The terrace at fifth floor level is smaller and located to the front of the building overlooking Buckingham Gate. The terrace is not considered to have an adverse impact on residential amenity in terms of overlooking or loss of privacy.

The proposed terrace does have a line of sight towards the Palace mews and the side elevation of Buckingham Palace. However, these serve the office function of the Palace and do not provide direct views into these rooms nor into the wider area of the Palace. Buckingham Palace have not commented on the proposals.

8.4 Transportation/Parking

Policy S42 of the City Plan and TRANS20 of the UDP require the provision of off-site servicing. The existing building has no vehicular access and no off-street servicing or parking. Servicing and refuse collection is currently undertaken on street and is unrestricted.

The site is located along a red route on Buckingham Gate. The footway along Buckingham Gate has been widened and the carriageway of Buckingham Gate has been reduced in width in recent years. There is now one wide lane for south-westbound traffic where there were previously two. There are existing on-street parking bays in both Stafford Place and the cul-de-sac off Buckingham Gate. These are within a Controlled Parking Zone (CPZ) (Monday to Friday between 0830 and 1830). This is coupled with double yellow lines in the vicinity, which allows anytime loading and unloading to occur. Servicing is not currently possible from Buckingham Gate. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle.

Transport for London (TfL) as highways authority has been consulted on the proposals, as well as the City Council's Highways Planning Manager.

TfL have raised no objections to the proposals provided that a condition is secured for details of a construction logistics plan prior to construction on site and that a delivery and

servicing plan is secured, and no coach bookings are accepted by the hotel. TfL have also indicated that the applicant should investigate alternative ways of servicing the site off-street. The refused scheme had offered off-street servicing but was refused by Committee given the impact this would have on the highway network along Stafford Place.

The applicant is now proposing to service from Buckingham Gate through the provision of a new on-street loading bay. This would involve using part of the recently widened footway on Buckingham Gate to provide the loading bay to serve the hotel. Whilst it is regrettable that part of the footway will be used to accommodate a new on-street loading bay, this would be similar to an existing residents parking bay, further along this section of footway. It would also direct servicing to the front of the property along Buckingham Gate making it easier for vehicles to serve the site.

The use of this bay will only be permitted for continuous loading. In the event that the loading bay is in use then the cul-de sac would be used as an alternative means to service the site, although this is envisaged to be a rare occurrence and would be restricted to vehicles smaller than a 4.6 tonne panel van.

The loading bay would be subject to traffic orders similar to other loading bays within Westminster, with a maximum wait time of 20 minutes. There will be an average of 38 deliveries per week, with an average of five deliveries per day. There will be no deliveries on a Sunday. The site is within a CPZ, therefore servicing will be limited between 0830 to 1830 Monday to Saturday. A 'Goods in Manager' will be on duty during permitted servicing times. Incoming deliveries will be required to notify the hotel approximately 10-15 minutes prior to arrival.

In comparison, the existing use of the building as offices had no servicing restrictions in place i.e. it is uncontrolled. Based on the existing office floorspace, an average of six servicing trips per day for the offices is likely to have taken place and on-street from Stafford Place. The proposed use would introduce a controlled level of servicing of the site, which would be to the benefit of the surrounding properties.

Public realm works to improve the cul-de-sac have been offered by the applicant. This includes the relocation of the existing parking bays within the cul-de-sac to the rear of the site within Stafford Place. The three parking bays within the cul-de-sac are currently not in use due to the presence of a hoarding serving the adjacent development site at No. 1-3 Buckingham Gate. The relocation of the parking bays to the rear of the site would result in the loss of one of these parking bays in order to better accommodate the relocation of the bay along the rear of the property in Stafford Place, but includes the provision of a residents parking bay.

Works to the highway including the provision of the on-street loading bay on Buckingham Gate and works within the cul-de-sac will be secured by a Section 106 Legal Agreement.

Coaches and Taxis

Coach activity is common for hotels and the drop off or collection of guests from coaches can have a significant impact on the safety and operation of the highway network, including on pedestrians. In relation to the proposed hotel, no provision for coach party

arrivals is provided. The applicant indicates that they would not accept coach parties, and this is included in the applicant's operational management plan.

TfL and the City Council's Highways Planning Manager have reinforced the requirement of a condition prohibiting the application site from knowingly accepting coach bookings. A condition is recommended to this effect to restrict the size of party bookings to minimise the risk of coaches attending the site.

The applicant has stated that visitor drop off including taxis will take place from the cul-de-sac, adjacent to the entrance at No. 4. Under the previously refused scheme no objection was raised to the use of the cul-de sac for taxi drop offs as this would have minimal impact to the highway network given the short dwell time.

Cycle Parking

The London Plan Policy 6.9 requires one cycle space per 20 bedrooms (long stay) and 1 space per 50 bedrooms (short stay). The cycle parking must be within the site, have convenient level access, be secure and weatherproof.

The proposal is seeking to provide five cycle spaces, which will be accommodated within the ground floor servicing holding area. The provision of five cycle spaces exceeds that required by policy and is considered acceptable. A condition is recommended to secure the provision of the cycle spaces.

8.5 Economic Considerations

The economic benefits associated with the creation of a new hotel are welcomed. The proposed hotel will employ 50-55 employees, with 25 members of staff (full-time) on site during the daytime.

A financial contribution of £17,468.98, is to be secured towards the City Council's Employment, Training and Skills service.

8.6 Access

There is currently no level access into the building. The proposal includes works to the front entrance portico steps of No. 5 Buckingham Gate through the provision of a purpose-built platform lift within the main steps. This will provide access into the building through the hotel/bar area to the lobby/reception area of the hotel.

8.7 Other UDP/Westminster Policy Considerations

Trees and landscaping

The provision of the new on-street loading bay would involve the removal of a young London Plane tree. The Arboricultural officer has been consulted on the proposals and objects to its removal.

A new tree is proposed but its location is not ideal, as it would be around 3m from another street tree. Both trees are London planes, planted about 7 years ago. They reflect the tree planting in Buckingham Palace and will be expected to reach similar

statures to the Buckingham Palace trees. It is not appropriate to plant London planes 3m from each other and the current spacing of 14m is more appropriate.

It is regrettable that a tree is to be lost through the provision of the on-street loading bay. However, in order for the hotel to be viable in terms of servicing the loading bay location is considered the most appropriate location as it would limit the servicing distance to the hotel.

The applicant is proposing to landscape the cul-de-sac in terms of the provision of hard and soft landscaping. Although not necessary for the purpose of the scheme, this has been offered by the applicant and is welcomed. A condition is recommended to secure details of the landscaping works including a replacement tree.

Sustainability

The applicant has submitted an Energy and Sustainability Statement in support of their application. The existing building will incorporate energy efficient mechanical and electrical elements including high performance glazing, heat recovery ventilation, lighting efficiency and low carbon energy technology comprising of Air Source Heat Pumps and Photovoltaic panels, which will achieve a 25.9% improvement in carbon emissions based on the current Building Regulations (2014) for the hotel.

In terms of air quality, the applicants in consultation with their technical team have stated that the Combined Heat and Power (CHP) system acts as a lead boiler and as such is an internal piece of equipment. The equipment will discharge in accordance with the clean air act (with reference to Institute of Gas Engineers and Managers (IGEM) document 10) as to adequately disperse any flue gases away from the adjacent properties.

The previously approved 2014 and 2015 schemes included proposals for solar panels on the roof but this is not proposed as part of the submitted scheme. The development achieves compliance with the 21% reduction in carbon (as identified in the submitted energy report) by the use of other renewable technologies including CHP and air source heat pumps.

Refuse and Recycling

Waste and recyclable stores including organics are provided on site and are capable of holding two days' worth of waste. Refuse collection is four times per week (Monday, Wednesday, Friday and Saturday) and will be undertaken by a private contractor/or Westminster City Council's waste refuse within the servicing hours operated by the hotel.

The proposed refuse store is to be located within the new basement and lower ground floor level. The waste will be transferred internally from the basement to ground floor to the service holding area to the front of the building ready for collection.

The Waste Project Officer has raised an objection as there is concern that the bins would be left on the pavement pending waste collection and after waste collection. The submitted operational management plan clearly states that trained staff would only place waste on the pavement area when ready for collection.

A condition is recommended to ensure that no waste should be left or stored on the public highway until ready for collection.

Mechanical Plant

Mechanical plant is proposed at roof level and within the new basement and lower ground floor levels. The proposed mechanical plant at roof level, which also includes the kitchen extract is sited within an acoustic enclosure. An acoustic report has been submitted with the application proposals, which has been assessed by Environmental Health. They have confirmed that the report assessment demonstrates compliance with the City Council's planning noise conditions. Subject to conditions controlling noise from the mechanical plant and internal noise levels and details of the extract duct, the proposal is not considered to cause environmental noise or nuisance to adjoining properties.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

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

Pre-commencement Condition

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions to secure the applicant's adherence to the following:

- a) A written scheme of investigation or a programme of archaeological work.
- b) City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development

The applicant has agreed to the imposition of the conditions.

8.11 Planning Obligations

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

- i) Provision of all highway works immediately surrounding the site required for the development to occur, including provision of new on-street loading bay, reconfiguration of existing parking bays, on-street restrictions and associated work at the applicant's expense;
- ii) Provision of a financial contribution of £17,469 (index linked) to the Westminster Employment Service and provision of an Employment and Skills Plan.
- iii) Costs of monitoring the agreement.

CIL

The estimated CIL payment is £133,656

8.12 Environmental Impact Assessment

Not applicable.

8.13 Other Issues

Basement

The main change in policy since the 2014 and 2015 schemes is the adoption of Policy CM28.1 of the Westminster City Plan (November 2016). Policy CM28.1 requires the submission of a structural methodology statement in relation to the proposed excavation works, together with a signed proforma Appendix A which demonstrates that the applicant will comply with the relevant parts of the council's Code of Construction Practice (CoCP). The previously approved schemes (2014 and 2015) approved two new levels of basement accommodation.

The proposal will provide a new floor level beneath the existing ground floor level. The proposed basement does not extend beneath the front lightwell and vaults which is welcomed in light of the building being Grade II listed. The proposed basement level is to provide a swimming pool, sauna and gym and back of house hotel facilities including kitchen, storage areas and an area for plant room, with a sub area for the sprinkler tanks.

The policy text of policy CM28.1 states that the most appropriate form of basement extension will be no more than one storey, with an approximate floor to ceiling height of 2.7m floor below the lowest part of the original floor level.

The central part of the new basement level has a floor to ceiling height of 2.7m with a service void factored in at ceiling level. The proposed basement accommodating the

swimming pool area has a floor to ceiling height of 5.4m. However, the floor to ceiling height above the pool would be 3.5m. Whilst this is above the requirement set out in the policy text this increase in the floor to ceiling height is only confined to the area occupying the swimming pool in this area. To the rear of the site a floor to ceiling height greater than 2.7m is provided, however this area occupies the plant room and sprinkler tanks. Whilst this is not strictly compliant with the aims of Policy CM28.1 the areas to the rear provide functions ancillary to the safe functioning of the hotel.

In line with policy CM28.1 the applicant has submitted a structural method statement. This statement has been assessed by Building Control who advised that the structural approach and consideration of local hydrology is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. Objections have been received from neighbouring properties concerning the impact of the proposals on their properties and in context of ongoing development adjoining and surrounding the application site.

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

As highlighted above the method of excavation has been considered by Building Control officers who advised that the structural approach and consideration of local hydrology appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control. A condition requiring more detailed site investigations to be carried out in advance of construction works commencing, together with the written appointment and agreement of a competent contractor to undertake the works is not therefore considered reasonable.

Code of Construction Practice (CoCP)

Since the adoption of Policy CM28.1 the requirement to submit a construction management plan has been replaced with the CoCP. Objections have been received from neighbours adjoining the application site, especially in light of the ongoing development at Nos. 1-3 Buckingham Gate. Since the adoption of Policy CM28.1 the requirement to submit a construction management plan has been replaced with the CoCP. The CoCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster. The

key issues to address as part of the CoCP and production of a CMP are liaison with the public, general requirements relating to the site environment, traffic and highways matters, noise and vibration, dust and air quality, waste management and flood control. Subject to conditions limiting the hours of work in relation to the proposed excavation works and requiring the applicant to adhere to the council's Code of Construction Practice, the proposed basement extension complies with the requirements of Policy CM28.1.

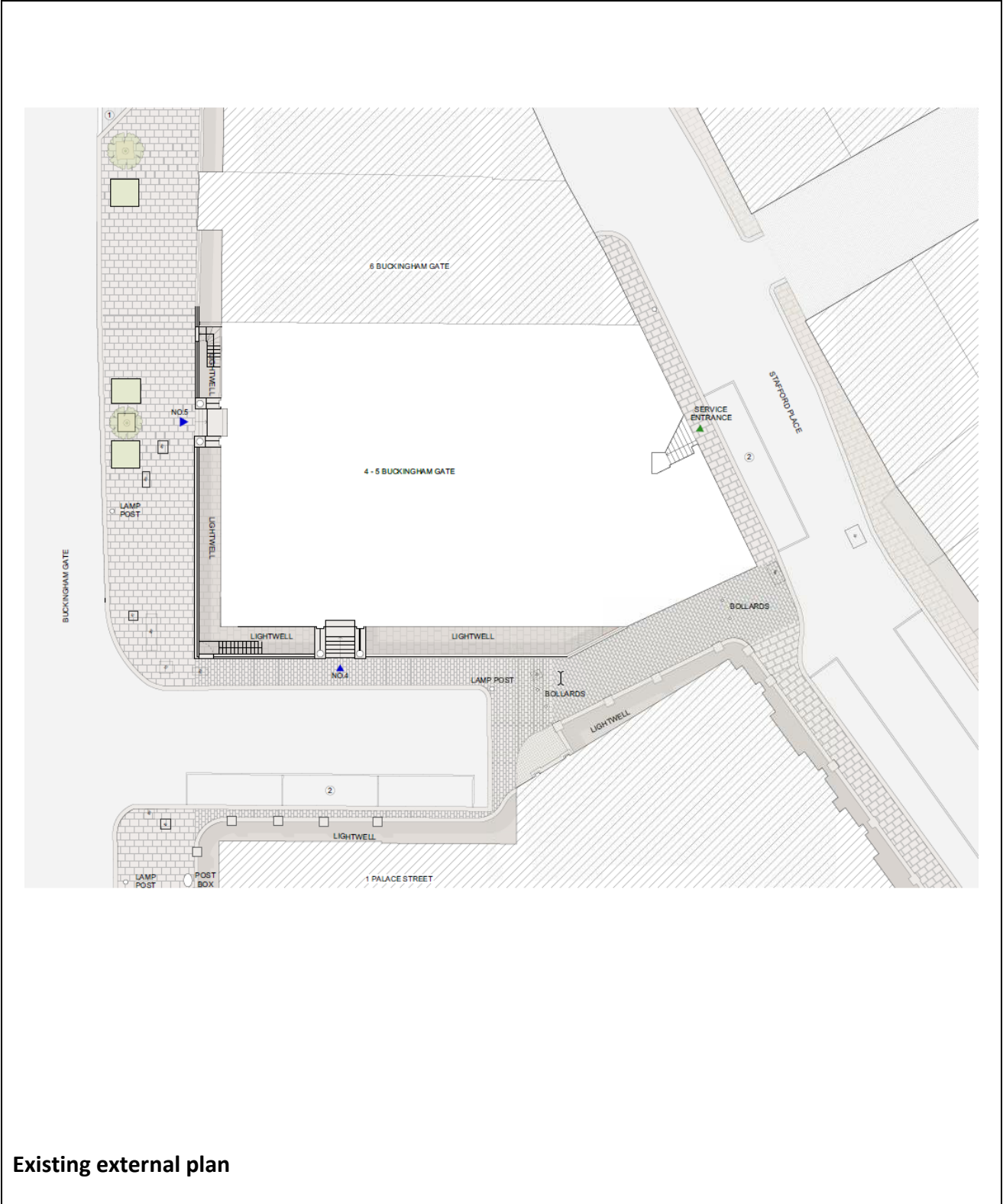
Crime and security

The hotel will provide active supervision through its own CCTV and management of the hotel.

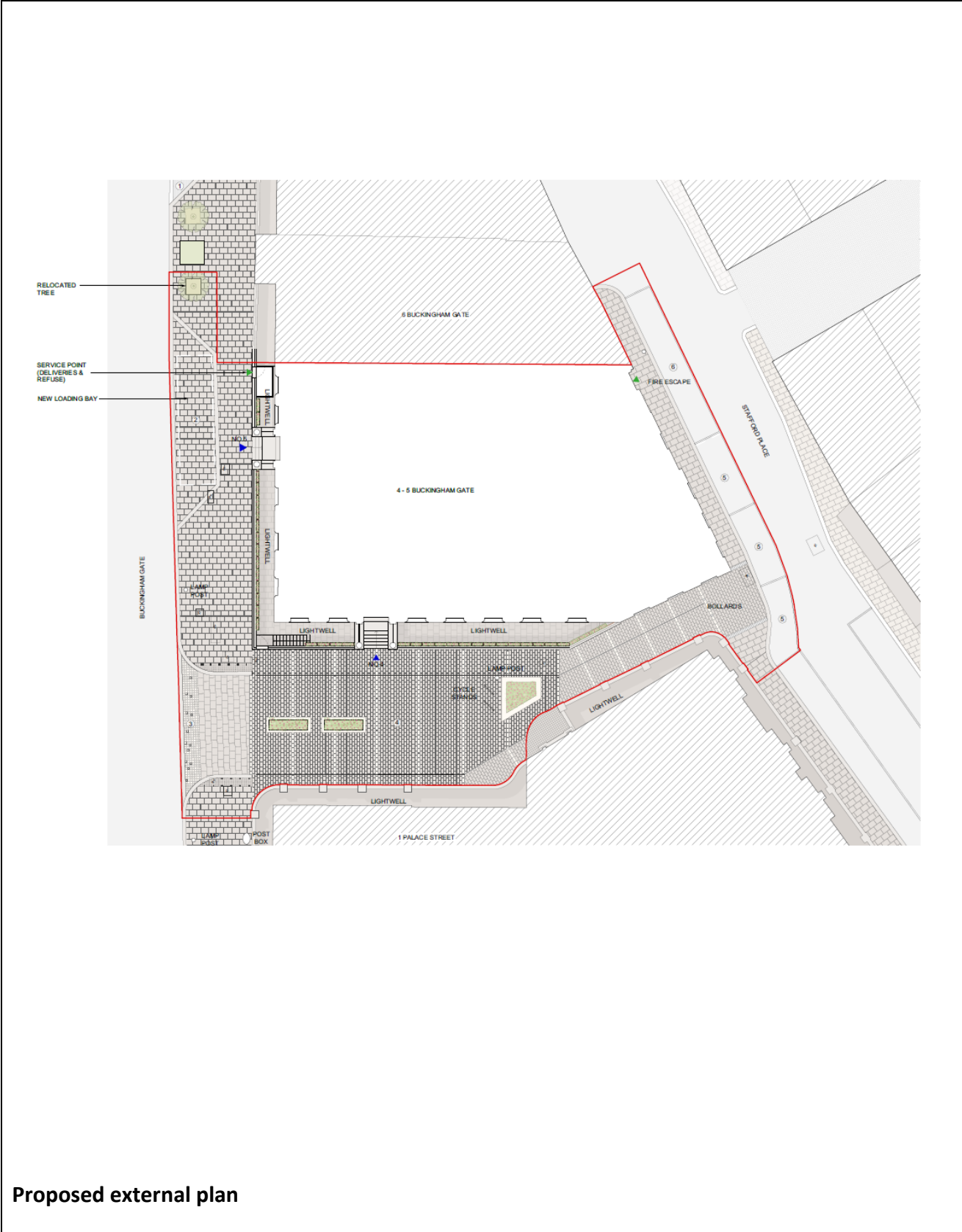
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

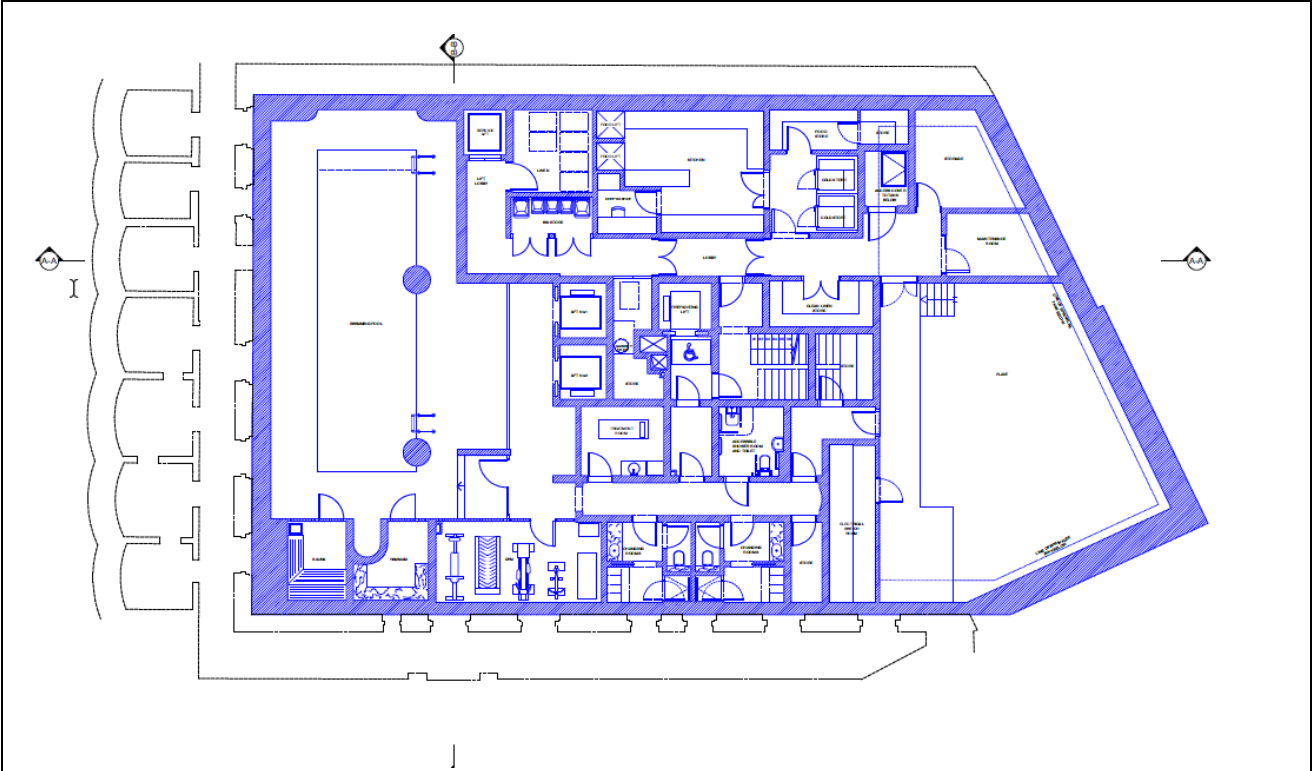
9. KEY DRAWINGS



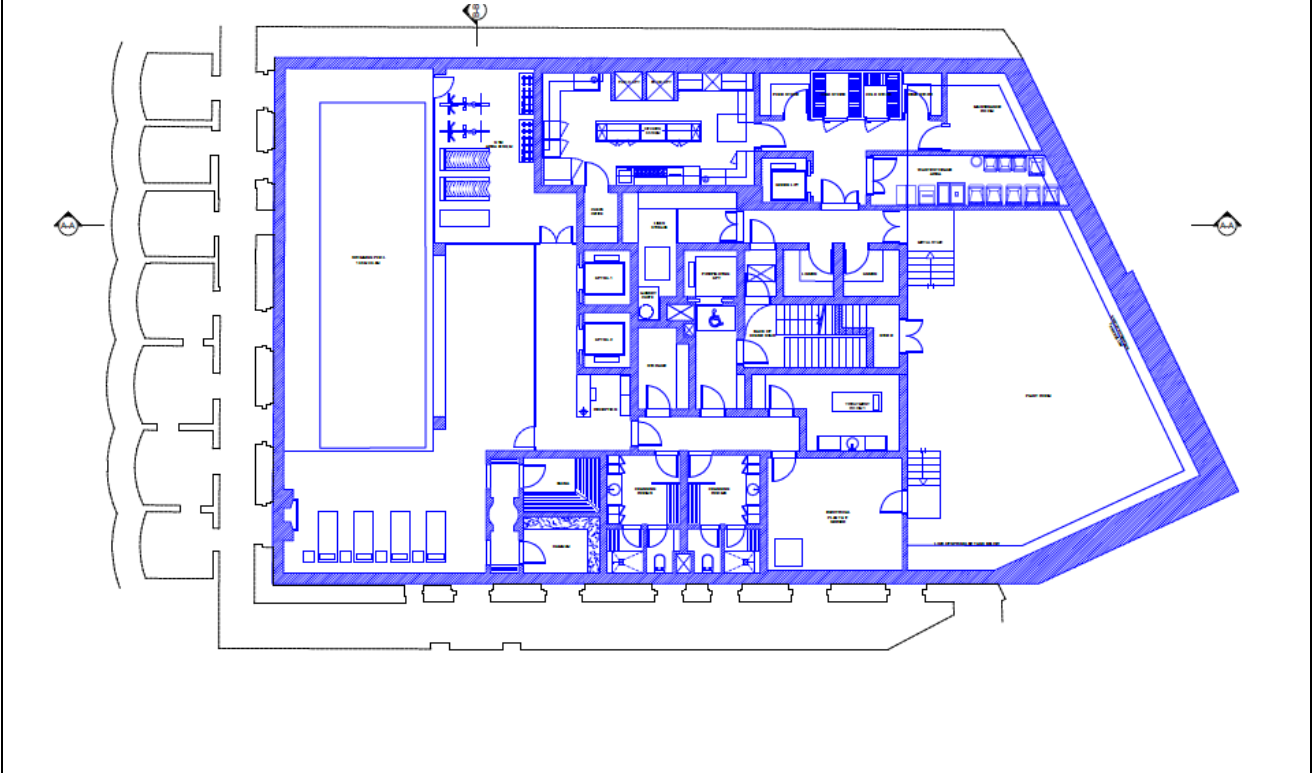
Existing external plan



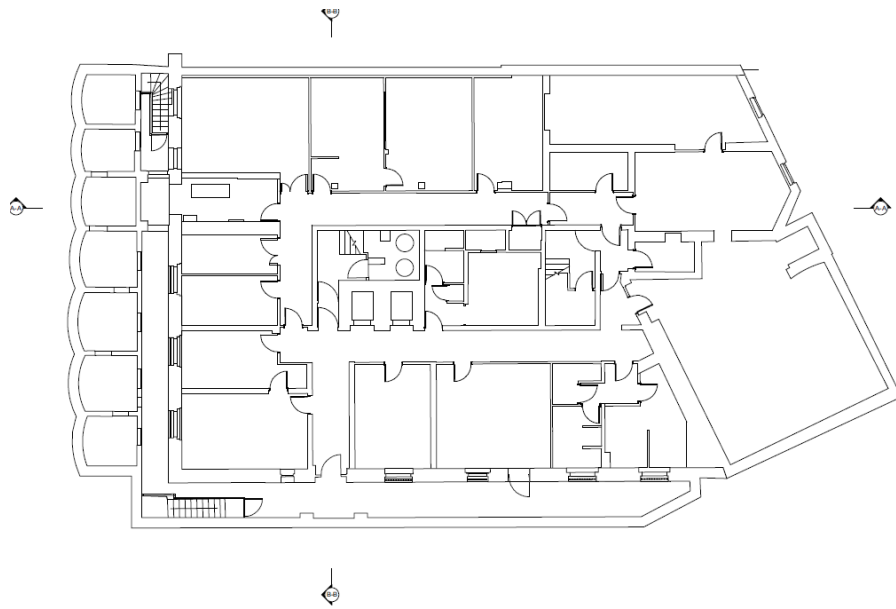
Proposed external plan



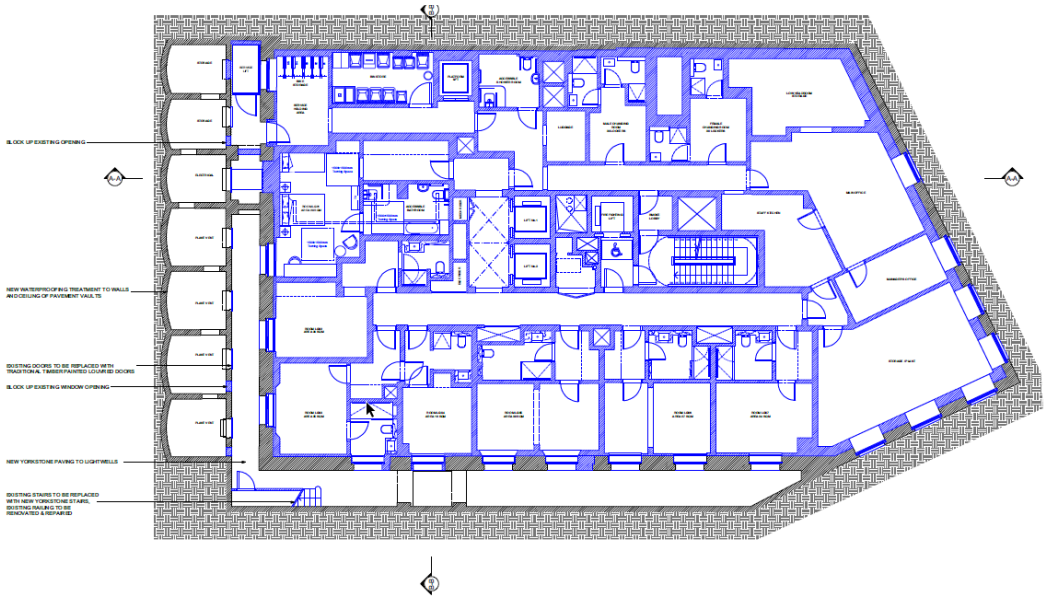
Proposed basement plan



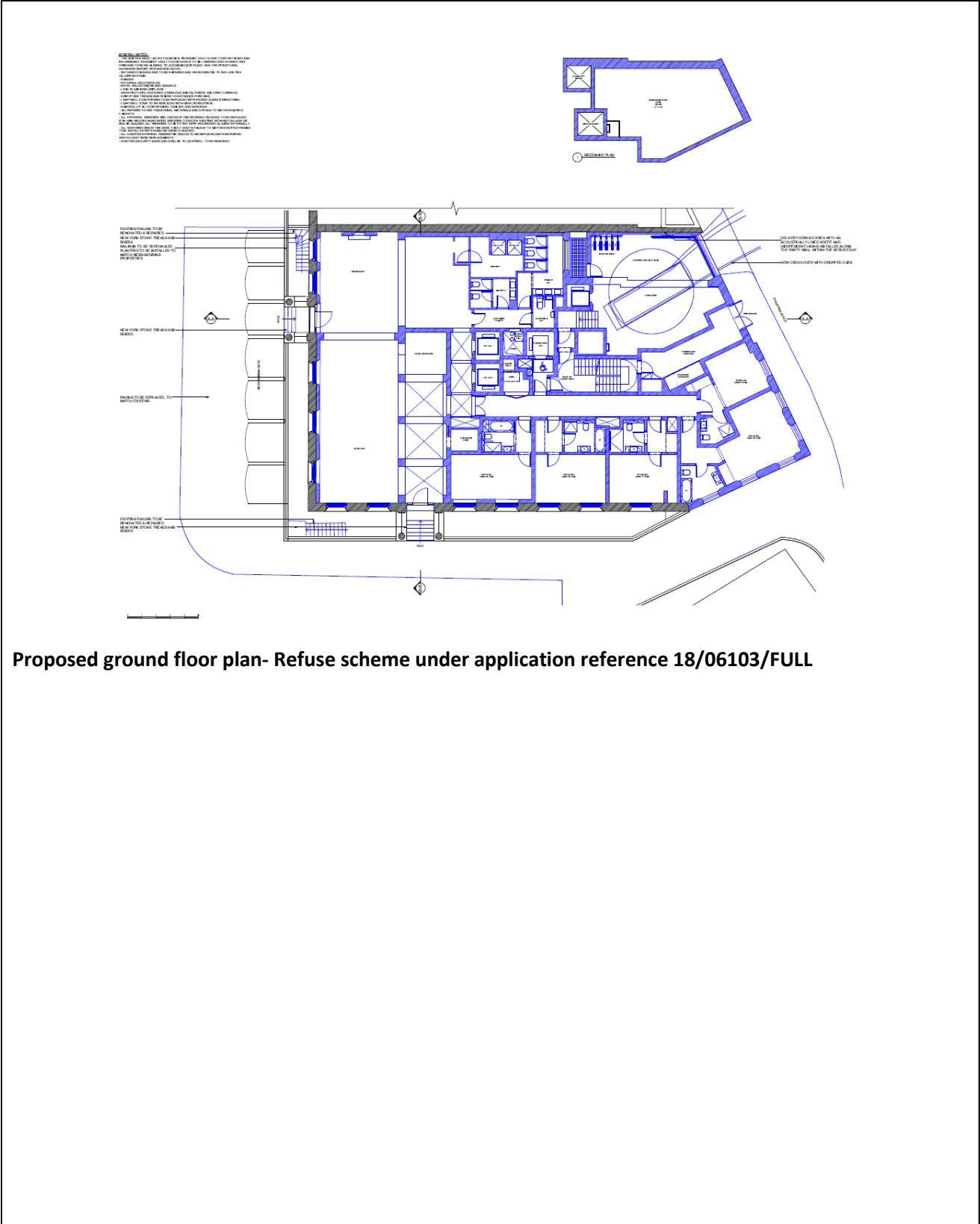
Proposed basement plan- Refused scheme under application reference 18/06103/FULL

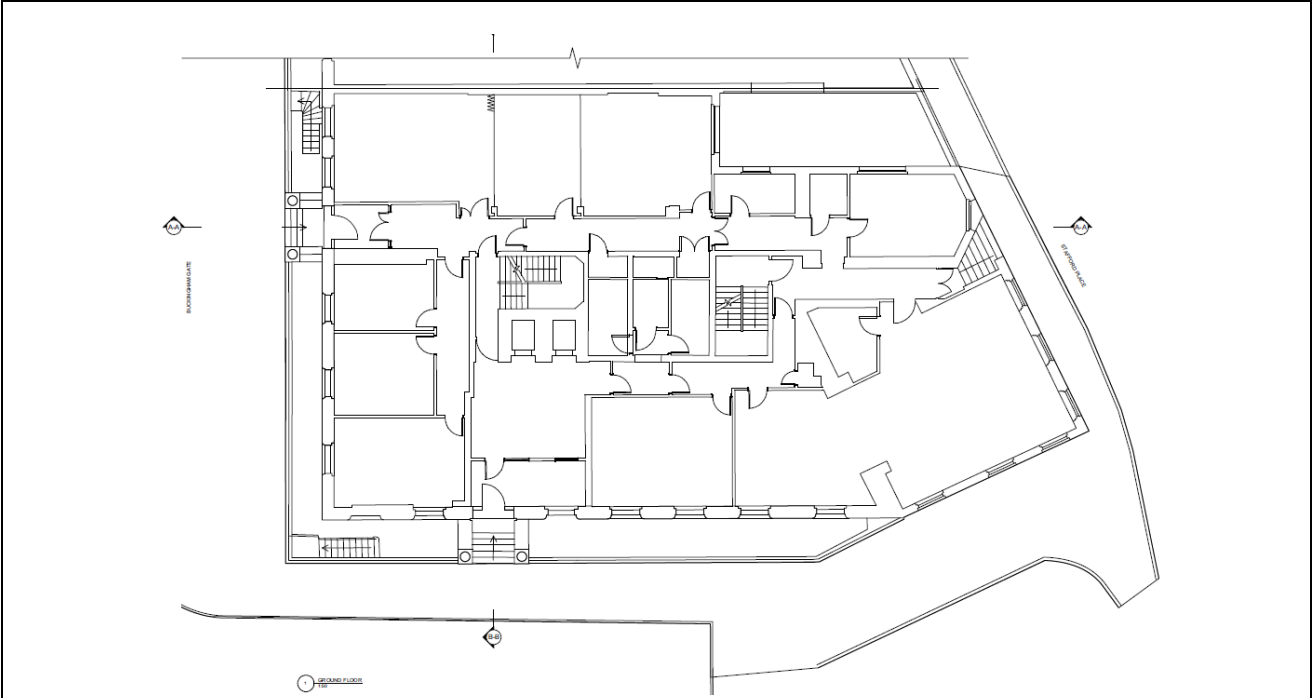


Existing lower ground floor plan

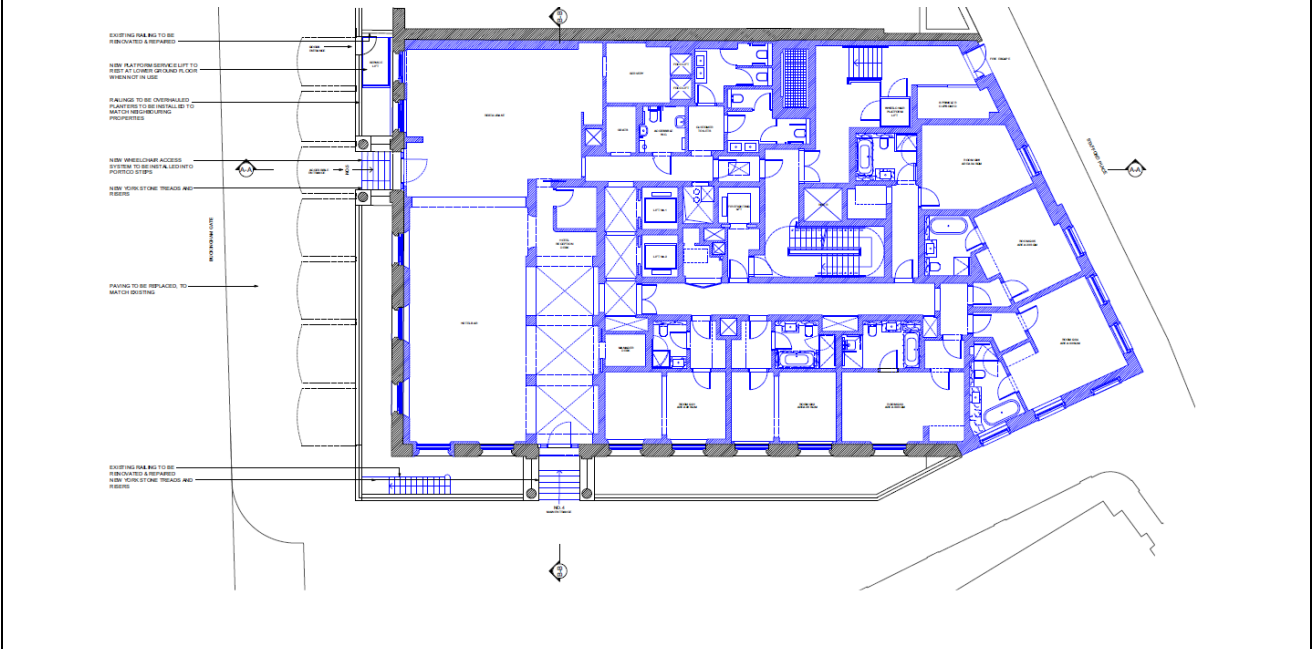


Proposed lower ground floor plan

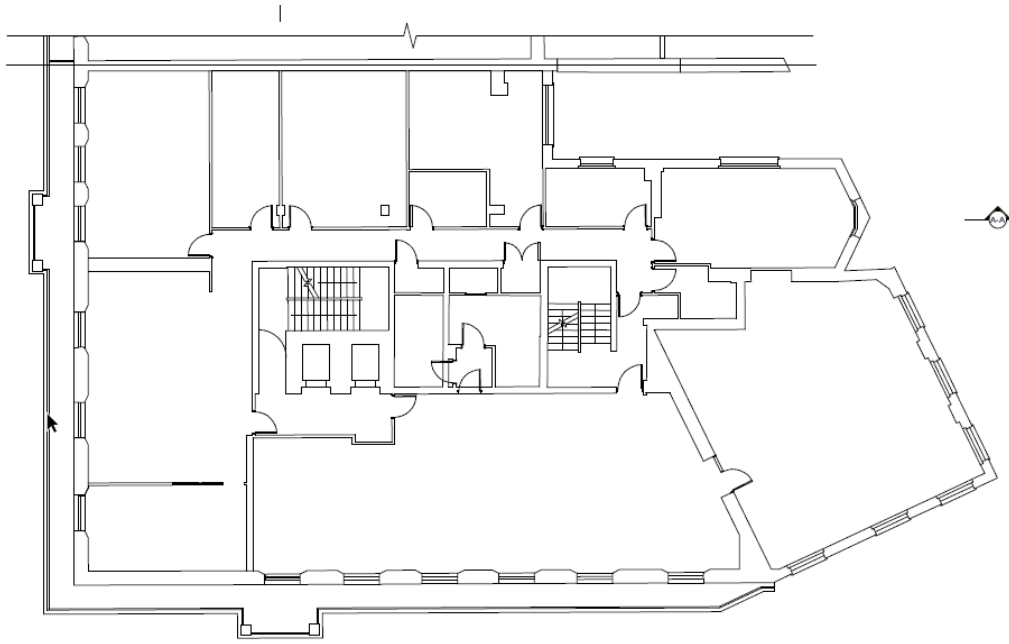




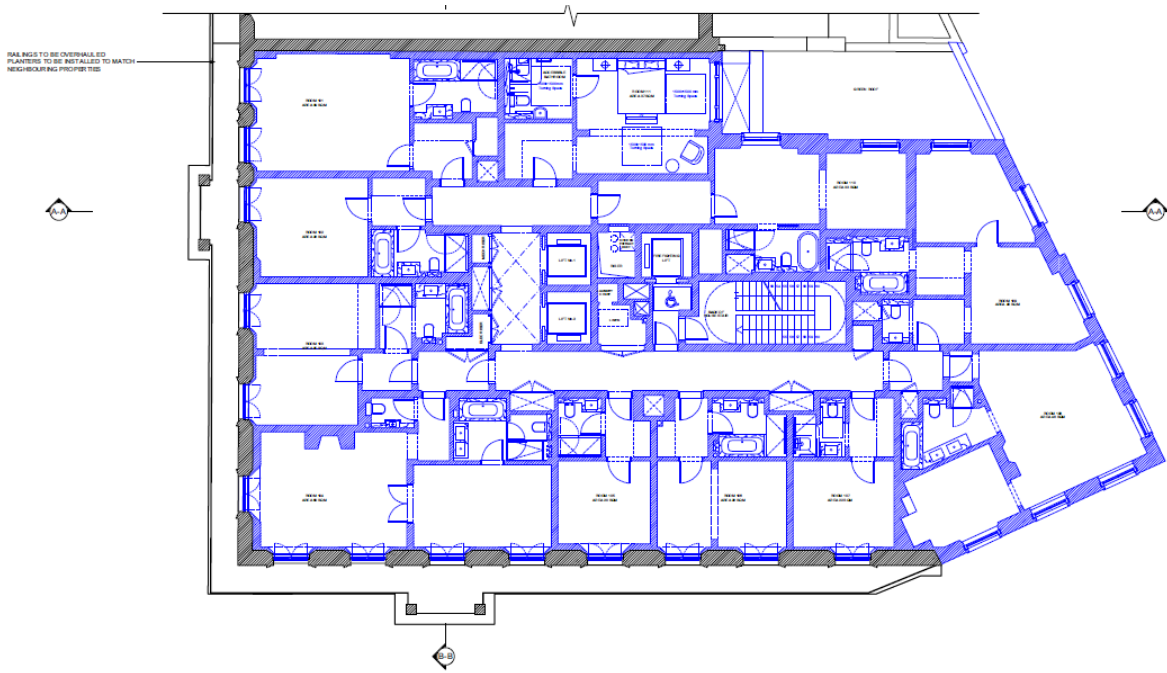
Existing ground floor plan



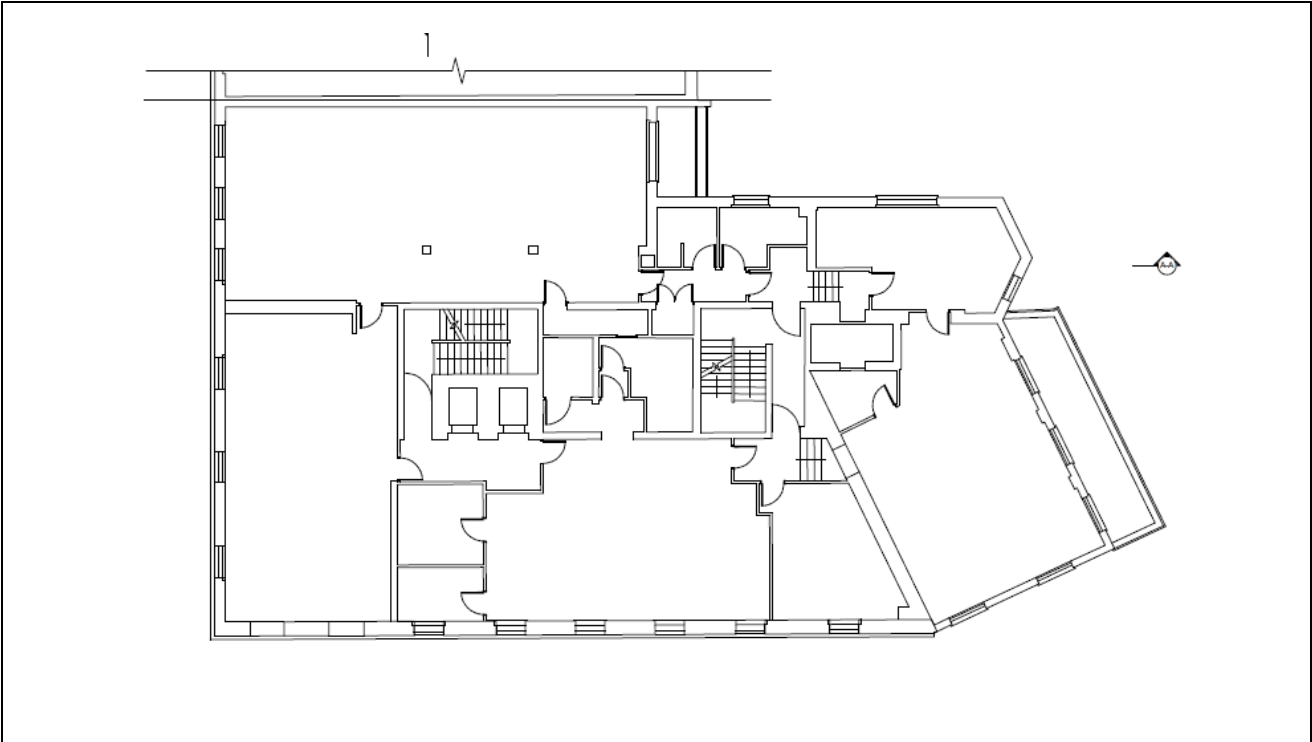
Proposed ground floor plan



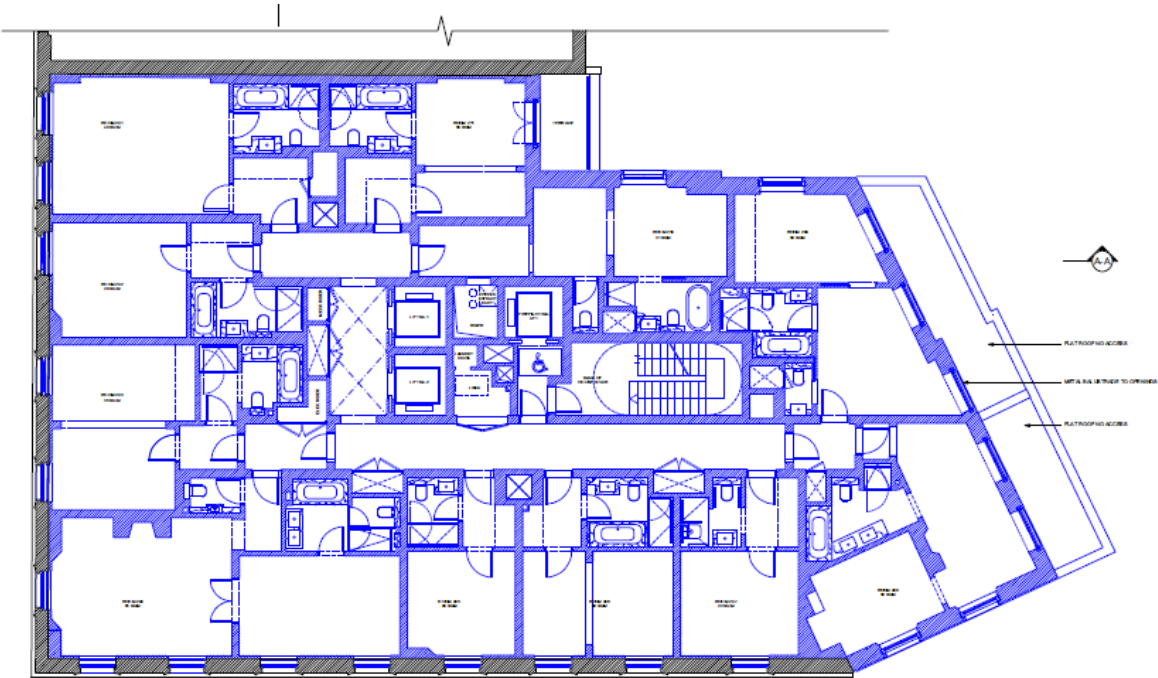
Existing first floor plan



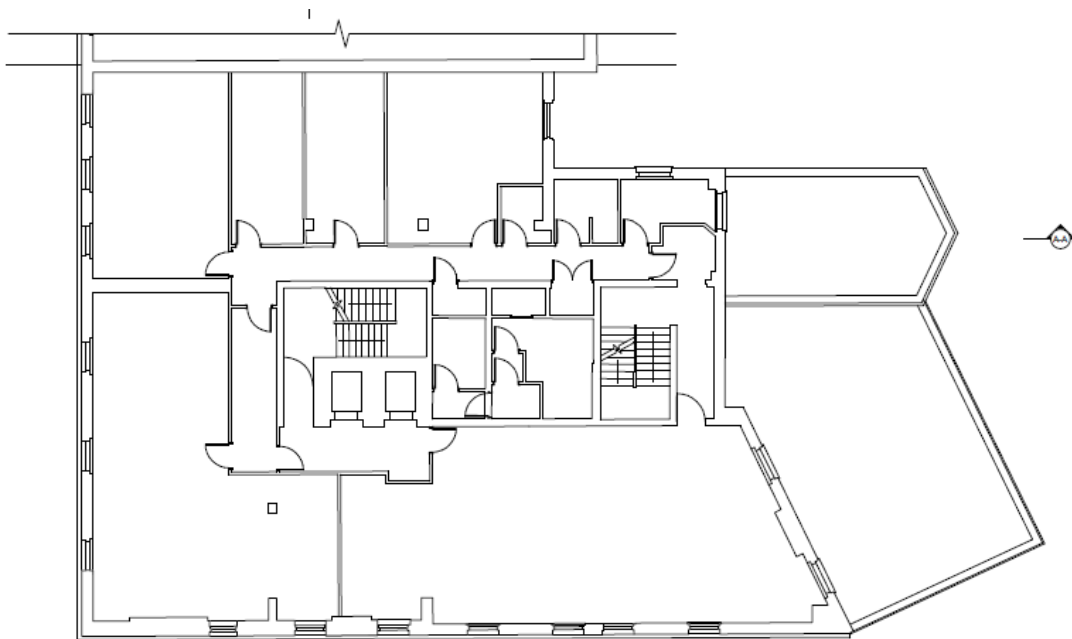
Proposed first floor plan



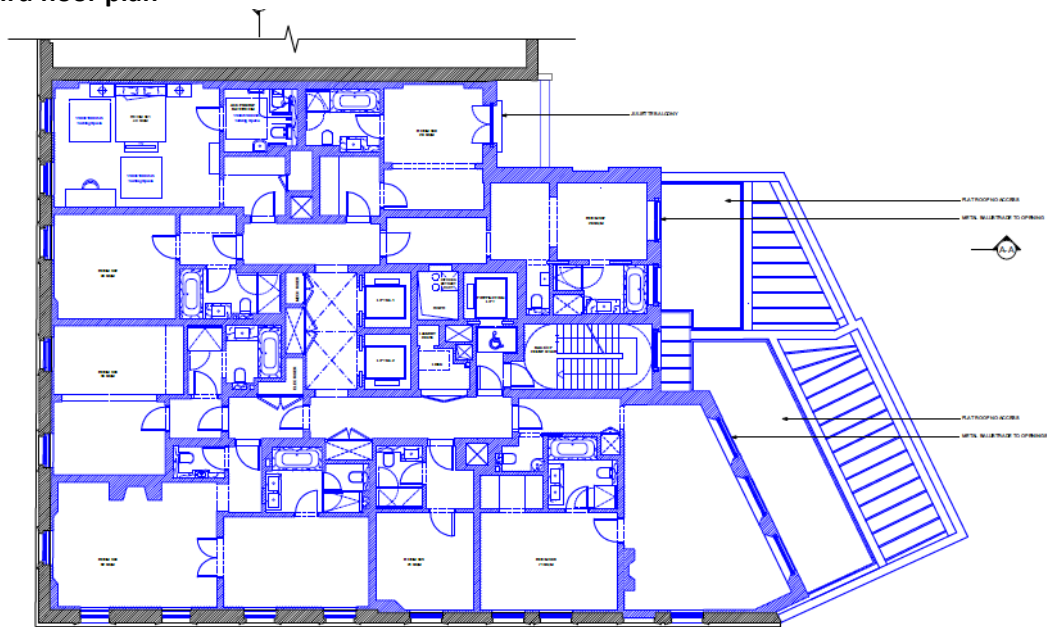
Existing second floor plan



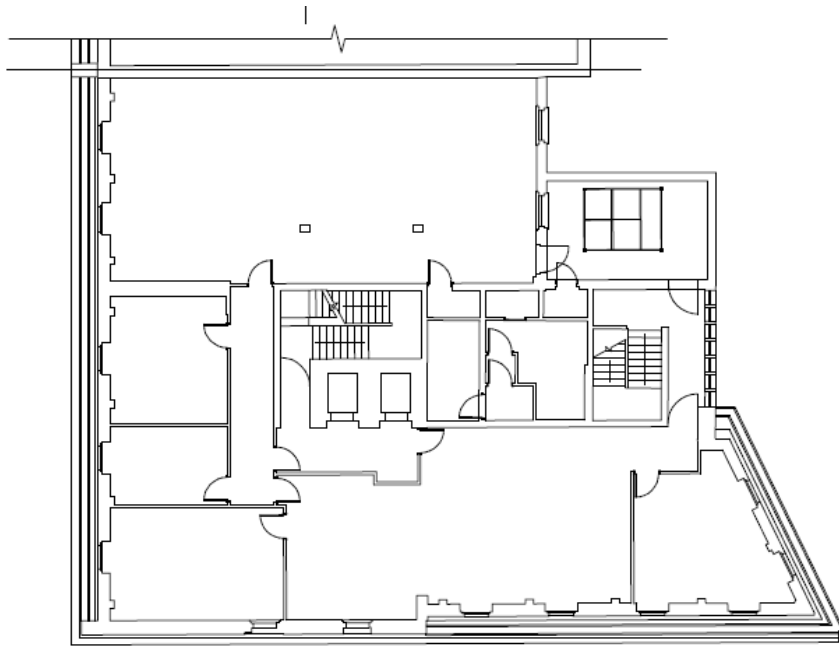
Proposed second floor plan



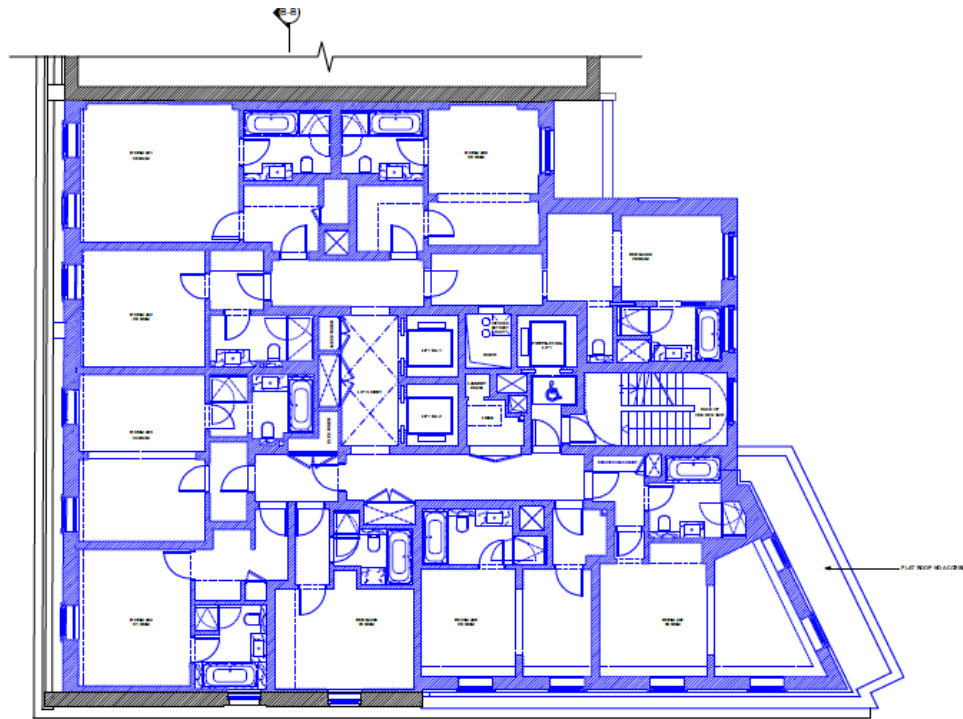
Existing third floor plan



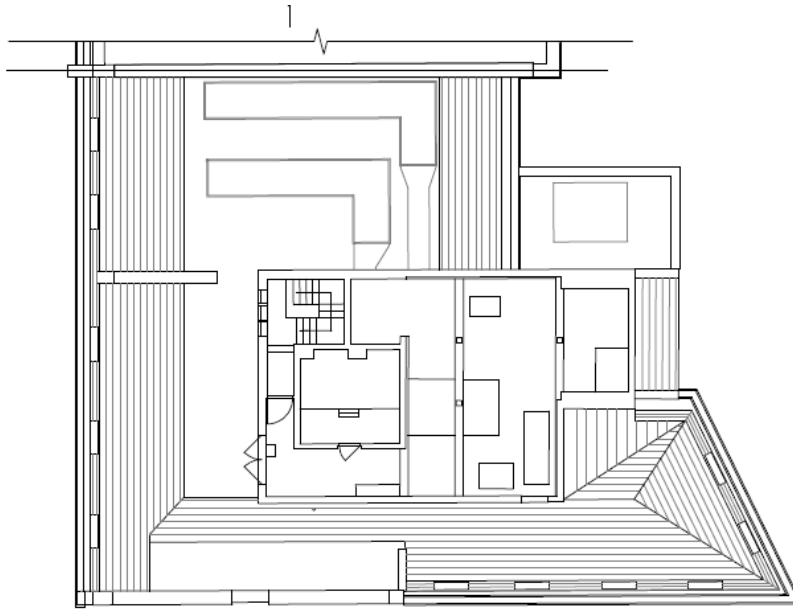
Proposed third floor plan



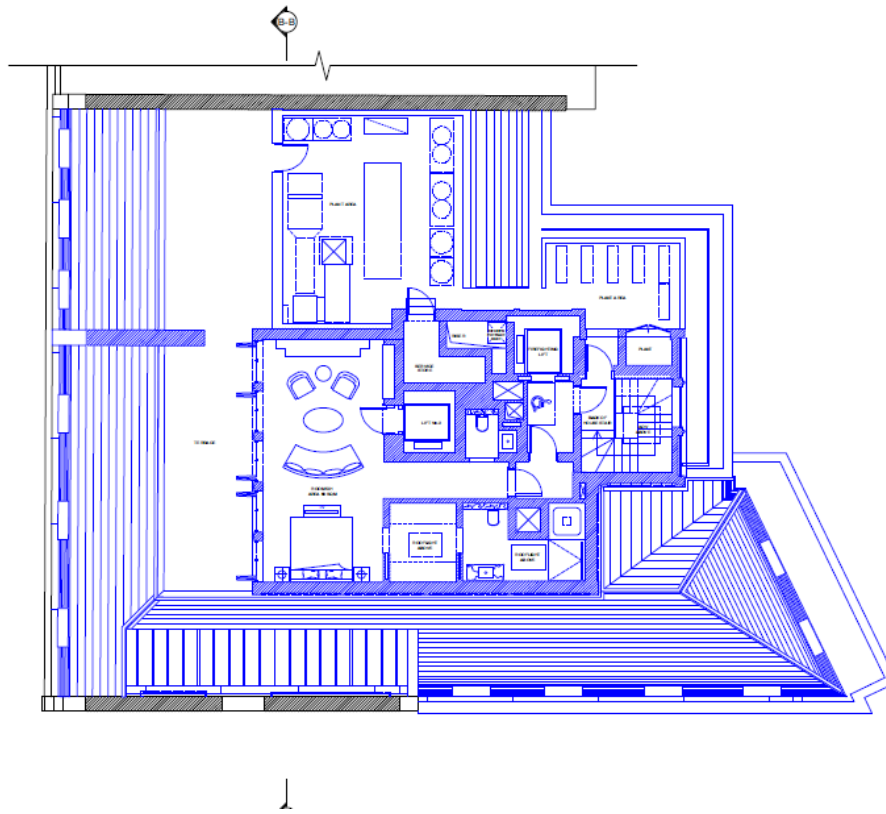
Existing fourth floor plan



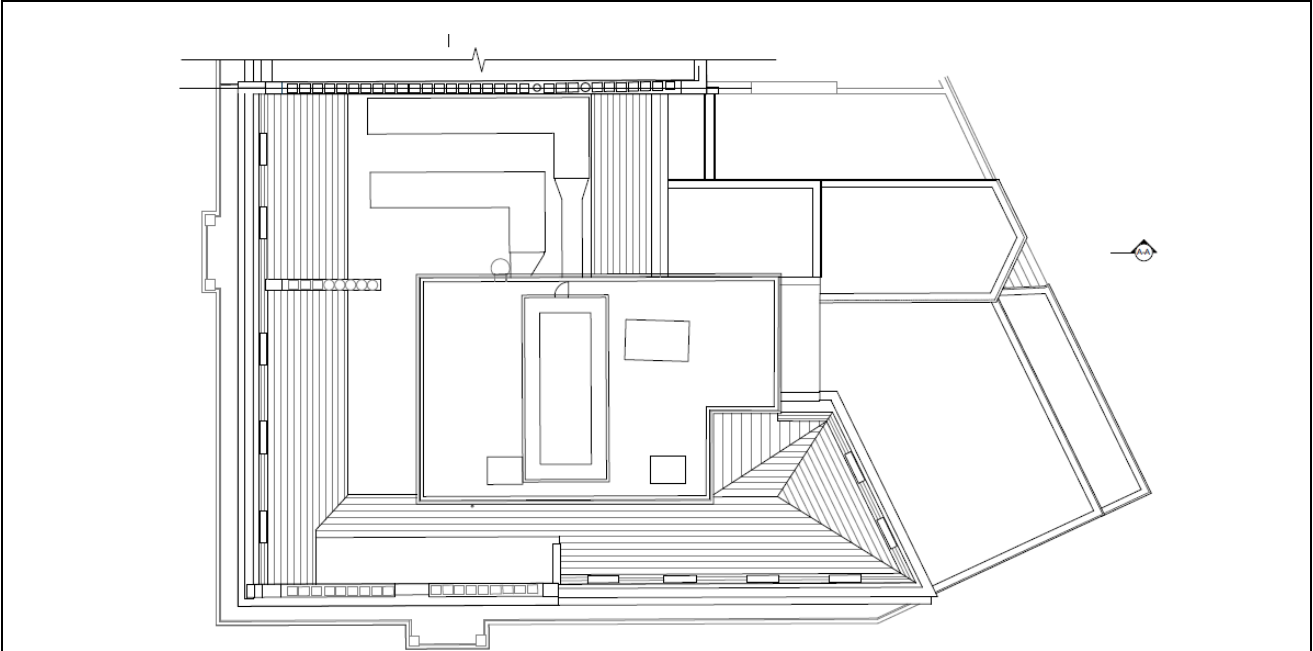
Proposed fourth floor plan



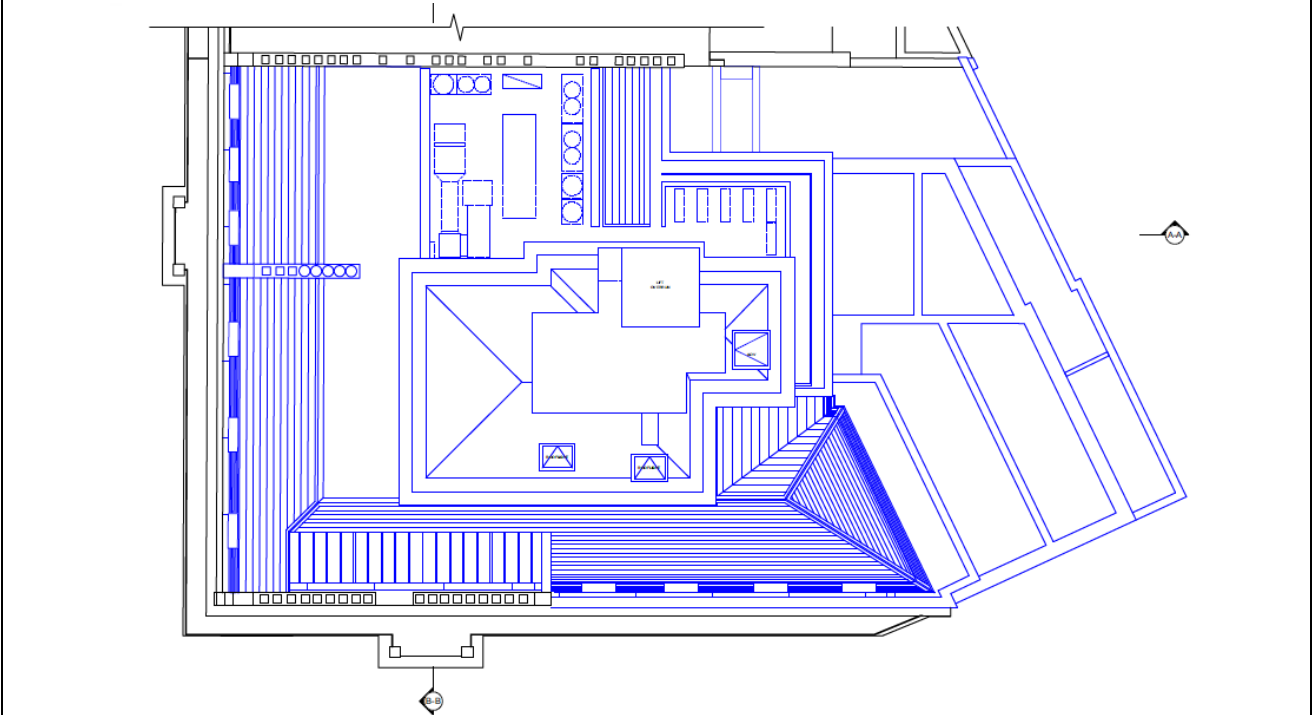
Existing fifth floor plan



Proposed fifth floor plan



Existing roof plan



Proposed roof plan



Existing front elevation

EXISTING WINDOWS IN THE EAST WING TO BE REPLACED WITH NEW WINDOWS TO MATCH THE EXISTING WINDOWS IN THE WEST WING. ALL NEW WINDOWS TO BE SUPPLIED AND INSTALLED BY THE CONTRACTOR. ALL EXISTING WINDOWS TO BE REPAIRED OR REPLACED TO MATCH THE EXISTING WINDOWS. ALL EXISTING WINDOWS TO BE REPAIRED OR REPLACED TO MATCH THE EXISTING WINDOWS. ALL EXISTING WINDOWS TO BE REPAIRED OR REPLACED TO MATCH THE EXISTING WINDOWS.



Proposed front elevation



Existing side elevation



Existing rear elevation



PLANNING PERMISSION DRAFT DECISION LETTER

- Address:** 4 - 5 Buckingham Gate, London, SW1E 6JP,
- Proposal:** Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary facilities. Excavation to provide a single-storey basement. External alterations to the building including raising of the boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of a terrace at rear second floor level within recessed part of the building and a terrace at roof level fronting Buckingham Gate. Public realm works to the cul-de-sac on Buckingham Gate and creation of a new on-street loading bay on Buckingham Gate.
- Reference:** 19/04749/FULL
- Plan Nos:** PL-01 P03, PL-02 P03, PL-003 P01, PL-004 P01, PL-005 P01, PL-006 P01, PL-007 P01, PL_08 P01, PL-009 P01, PL-010 P01, PL-011 P01, PL-012 P01, PL-013 P01, PL-014 P01, PL015 P01, PL-17 P05 Rev. C, PL-18 P05 Rev. C, PL-19 P05 Rev. C, PL-20 P04 Rev. E, PL-21 P06 Rev. E, PL-22 P06 Rev. E, PL-23 P05 Rev. F, PL-24 P06 Rev. E, PL-25 P04 Rev. E, PL-26 P04 Rev. C, PL-27 P04 Rev. C, PL-28 P06 Rev. E, PL-29 P05 Rev. D, PL-30 P04 Rev. C, , PL-03 P02, PL-04 P02, PL-05 P02, PL-06 P02, PL-07 P02, PL-08 P02, PL-09 P02, PL-10 P02, PL-11 P02, PL-12 P02, PL-13 P02, PL-14 P02, PL_15 P02, PL-31 P04, PL-32 P01, PL-33, Appendix A-Checklists (Code of Construction Practice- Level 1 and Level 2 Developments), Draft Management Plan dated June 2019, Ventilation/Extraction Statement dated 11/06/2019, Daylight and Sunlight Report for the Proposed Alterations at 4-5 Buckingham Gate, London, SW1E 6JP prepared by Malcolm Hollis (Ref:66765/IM (Rev B)) dated 12 July 2018, Flood Risk Assessment Issue P03- 14 June 2019, Transport Statement dated June 2019 prepared by Steer (Ref: 22662903), Energy and Sustainability Report dated June 2019 prepared by Harley Haddow, Planning Statement dated June 2019, Sustainable Drainage Report Issue P03- 14 June 2019 prepared by Meinhardt (UK) Ltd and Planning Compliance Report (Report 13704-NIA-01 Rev E dated 14 June 2019 prepared by Clement Acoustics.

For information purposes: Design and Access Statement Rev. D dated July 2019, Structural Investigation Report (Ref: 10260B(ii)/BM/SCW (Rev 1) prepared by Meinhardt (UK) Ltd dated 16 November 2018, Structural Method Statement Issue P3- 14 June 2019 (Ref. 2358-S-SMS-001) prepared by Meinhardt (UK) Ltd and Accurate Visual Representations (AVR1/3) dated June 2019 prepared by Preconstruct Limited.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- 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 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. (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 Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must apply to us for approval of detailed drawings (sections, plans and elevations at a scale of 1:10 or 1:20 showing the following alteration(s) to the scheme:

- i) provision of traditional side hinged double doors to the rooftop pavilion (see informative 14);
- ii) replacement of the metal balustrade at rear second floor level (in front of Rooms 208 and 209) with individual Juliette balconies set within the window reveals; and
- iii) omission of the door and Juliette balcony (serving Room 109) with a window to match the adjacent new windows.

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

then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 where appropriate of the following parts of the development:
- i) New sesame stair lift to the front entrance steps to 5 Buckingham Gate.
 - ii) Platform service lift within front basement lightwell fronting Buckingham Gate; and
 - iii) Works to the railings and plinth fronting Buckingham Gate to facilitate the installation of the platform lift.

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 6 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 where appropriate of the following parts of the development:
- i) Roof level pavilion;
 - ii) Windows and balconies to windows at rear second and third floor level;
 - iii) External doors;
 - iv) Metal guard rails; and
 - v) Roof level plant equipment (to rise no higher than the adjacent roof ridge line).

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

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 Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 7 The railings shall be painted black and retained that colour.

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 Birdcage Walk 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)

- 8 You must carry out the works in accordance with the Structural Method Statement Issue P3- 14 June 2019 (Doc. Ref. 2358-S-SMS-001) or in accordance with other details as submitted to and approved by the City Council.

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

- 9 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing of the brickwork to all new elevations. 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 sample panels. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk 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)

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

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 Birdcage Walk 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)

- 11 All servicing and deliveries must take place using the dedicated loading bay on Buckingham Gate. No servicing or deliveries for the hotel use hereby approved must take place from the public highway along Stafford Place.

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)

- 12 All servicing must take place between 0830 and 1830 on Monday to Saturday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

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

- 13 The hotel shall not knowingly accept bookings from parties using a vehicle with a capacity of 14 or more persons to travel to and from the premises.

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)

- 14 You must provide a Construction Logistics Plan prior to commencing works on site. The plan must include measures to ensure satisfactory access and movement around the site. You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To minimise the impact of the development construction on the adjoining properties and to protect the environment of people in neighbouring properties. This is set out in S29 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 15 **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 in writing 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, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

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

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

16 Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

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. (R11AC),

- 17 (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. (R46AB)

- 18 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. (R48AA)

- 19 You must install the mitigation measures as set out Planning Compliance Report (Report 13704-NIA-01 Rev. E dated 14 June 2019 prepared by Clement Acoustics prior to the operation of the mechanical plant hereby approved. The mitigation measures must be retained and maintained for as long as the units remain operational.

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. (R46AB)

- 20 The full height extract duct discharging at roof level hereby permitted shall not be operated except between 0600 hours and 2300 hours daily.

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. (R46AB)

- 21 Customers shall not be permitted within the ancillary restaurant and bar before 0600 or after 2300 daily.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 2 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 22 You must not allow more than 130 customers in total into the ancillary restaurant and bar at ground floor level at any one time.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 23 You must keep to the terms set out in the operational management plan for the hotel.

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)

- 24 You must apply to us for approval of a servicing management plan for the hotel use hereby approved. The plan must identify the process, internal storage locations, scheduling of deliveries and staffing as well as a clear process for managing coach party arrivals and departures as well as taxis. You must not use the premises for the use hereby approved until we have approved what you have sent us. Thereafter you must carry out the servicing according to the approved plan and for the life of the development. (see informative 16)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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

the approved details. (C14AB)

Reason:

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

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 27 You must not use the roof of the extension at rear first, second, third and fourth floor levels as shown on drawings PL-20 P04 Rev. E, PL-21 P05 Rev. D, PL-22 P06 Rev. E and PL-23 P05 Rev. F for sitting out or for any other purpose. You can however, use the roof to escape in an emergency or for maintenance purposes.

Reason:

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

- 28 You can only use the small terrace at rear second floor level, set within the recess of the building and the terrace at front fifth floor level as shown on drawings PL-21 P05 Rev. D and PL-24 P06 Rev. E in connection with the hotel rooms that they immediately serve and not in connection with any other hotel rooms within the hotel.

Reason:

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

- 29 No music shall be played in the hotel such as to be audible outside the premises.

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)

- 30 You must provide the waste store shown on drawing PL-17 P05 Rev. C and PL-18 P05 Rev. C before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the hotel. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.

Reason:

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

- 31 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 2016 (R22FA)

- 32 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs for the cul-de-sac between Buckingham Gate and Stafford Place and the green roof to the extension to the rear on Stafford Place. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one year of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within three years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Birdcage Walk 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)

- 33 All customers arriving and leaving the hotel must only use the dedicated entrances at Nos. 4 and 5 Buckingham Gate. The rear ground floor fire escape door leading into Stafford Place must only be used in case of an emergency or an alternative means of escape and must not be used as an alternative means of entering or exiting the hotel by members of the public.

Reason:

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

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, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The servicing management plan is to be secured as part of the Section 106 Legal Agreement.
- 3 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)
- 4 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.
- 5 You may need separate licensing approval for the ancillary restaurant and bar premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 6 Conditions 19 and 20 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)

- 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 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:
John Firrell MHCIMA
Secretary - Considerate Hoteliers Association
C/o Wheelwright's Cottage
Litton Cheney
Dorset DT2 9AR
E-mail: info@consideratehoteliers.com
Phone: 01308 482313, (I76AA)
- 9 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 10 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.**
- 11 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 12 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)
- 13 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)

- 14 With regards to the amending condition 4 requiring traditionally side hung double doors please refer to the fifth floor plan and elevation relating to application reference 15/05134/FULL and 15/05135/LBC dated 07 September 2015 for further assistance.
- 15 In relation to Condition 32 you are required to consider a more attractive and leafy scheme to compensate for the loss of the existing London Plane tree, and seek where possible to provide a replacement tree. The planters must contain sufficient soil to support planting with very little irrigation and the plant species should be drought tolerant. Ideally the planters would be contiguous with the soil below, rather than closed at the base.
- 16 The servicing management plan is required to be in accordance and expand upon the details set out in the Transport Statement dated June 2019 (Our ref: 22662903).

LISTED BUILDING CONSENT DRAFT DECISION LETTER

Address: 4 - 5 Buckingham Gate, London, SW1E 6JP,

Proposal: Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary facilities. Excavation to provide a single-storey basement. External alterations to the building including raising of the boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of a terrace at rear second floor level within recessed part of the building and a terrace at roof level fronting Buckingham Gate. Public realm works to the cul-de-sac on Buckingham Gate and creation of a new on-street loading bay on Buckingham Gate. Associated internal alterations.

Reference: 19/04750/LBC

Plan Nos: PL-01 P03, PL-02 P03, PL-003 P01, PL-004 P01, PL-005 P01, PL-006 P01, PL-007 P01, PL_08 P01, PL-009 P01, PL-010 P01, PL-011 P01, PL-012 P01, PL-013 P01, PL-014 P01, PL015 P01, PL-17 P05 Rev. C, PL-18 P05 Rev. C, PL-19 P05 Rev. C, PL-20 P04 Rev. E, PL-21 P06 Rev. E, PL-22 P06 Rev. E, PL-23 P05 Rev. F, PL-24 P06 Rev. E, PL-25 P04 Rev. E, PL-26 P04 Rev. C, PL-27 P04 Rev. C, PL-28 P06 Rev. E, PL-29 P05 Rev. D, PL-30 P04 Rev. C, , PL-03 P02, PL-04 P02, PL-05 P02, PL-06 P02, PL-07 P02, PL-08 P02, PL-09 P02, PL-10 P02, PL-11 P02, PL-12 P02, PL-13 P02, PL-14 P02, PL_15 P02, PL-31 P04, PL-32 P01, PL-33, Appendix A-Checklists (Code of Construction Practice- Level 1 and Level 2 Developments), Draft Management Plan dated June 2019, Ventilation/Extraction Statement dated 11/06/2019, Daylight and Sunlight Report for the Proposed Alterations at 4-5 Buckingham Gate, London, SW1E 6JP prepared by Malcolm Hollis (Ref:66765/IM (Rev B)) dated 12 July 2018, Flood Risk Assessment Issue P03- 14 June 2019, Transport Statement dated June 2019 prepared by Steer (Ref: 22662903), Energy and Sustainability Report dated June 2019 prepared by Harley Haddow, Planning Statement dated June 2019, Sustainable Drainage Report Issue P03- 14 June 2019 prepared by Meinhardt (UK) Ltd and Planning Compliance Report (Report 13704-NIA-01 RevE dated 14 June 2019 prepared by Clement Acoustics.

For information purposes: Design and Access Statement Rev. D dated July 2019, Structural Investigation Report (Ref: 10260B(ii)/BM/SCW (Rev 1) prepared by Meinhardt (UK) Ltd dated 16 November 2018, Structural Method Statement Issue P3- 14 June 2019 (Ref. 2358-S-SMS-001) prepared by Meinhardt (UK) Ltd and Accurate Visual Representations (AVR1/3) dated June 2019 prepared by Preconstruct Limited.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Condition(s) and Reason(s)

1 The development hereby permitted shall be carried out in accordance with the drawings and other

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

Reason:

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

- 2 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 Birdcage Walk 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 apply to us for approval of detailed drawings (sections, plans and elevations at a scale of 1:10 or 1:20 showing the following alteration(s) to the scheme:
- i) provision of traditional side hinged double doors to the rooftop pavillion (see informative 14);
 - ii) replacement of the metal balustrade at rear second floor level (in front of Rooms 208 and 209) with individual Juliette balconies set within the window reveals; and
 - iii) omission of the door and Juliette balcony (serving Room 109) with a window to match the adjacent new windows.

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

Reason:

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

- 4 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 where appropriate of the following parts of the development:
- i) New sesame stair lift to the front entrance steps to 5 Buckingham Gate.
 - ii) Platform service lift within front basement lightwell fronting Buckingham Gate; and
 - iii) Works to the railings and plinth fronting Buckingham Gate to facilitate the installation of the platform lift.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development

contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 where appropriate of the following parts of the development:
- i) Roof level pavilion;
 - ii) Windows and balconies to windows at rear second and third floor level;
 - iii) External doors;
 - iv) Metal guard rails; and
 - v) Roof level plant equipment (to rise no higher than the adjacent roof ridge line).
- you must not start work of these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

Reason:

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

- 6 The railings shall be painted black and retained that colour.

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 Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 You must carry out the works in accordance with the Structural Method Statement Issue P3- 14 June 2019 (Doc. Ref. 2358-S-SMS-001) or in accordance with other details as submitted to and approved by the City Council.

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 Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 8 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing of the brickwork to all new elevations.

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 sample panels. (C26DB)

Reason:

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

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

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 Birdcage Walk 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)

- 10 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

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, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building. In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes: * any extra work which is necessary after further assessments of the

building's condition;* stripping out or structural investigations; and * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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 20 August 2019 | Classification For General Release | |
| Report of Director of Place Shaping and Town Planning | | Ward(s) involved Marylebone High Street | |
| Subject of Report | Site 1: 50 Weymouth Street, London, W1G 6NT Site 2: Blocks A-C Ossington Buildings, London W1U 4BG Site 3: Osborne House, Moxon Street, London, W1U 4EZ | | |
| Proposal | Site 1: Erection of a mansard roof extension at rear second floor level on Beaumont Mews building to create a self-contained flat (Class C3). Site 2: Alterations to existing roof to create 2 x self-contained flats (Class C3) including new dormer windows and conservation rooflights. Site 3: Erection of rear single storey ground floor extension within rear lightwell of Moxon House and use of enlarged ground floor of both Osborne House and Moxon House as four retail shop units (Class A1), installation of new shop fronts onto Moxon Street and Ossington Buildings and other minor external alterations. | | |
| Agent | Howard De Walden Estate Management Limited | | |
| On behalf of | Howard De Walden Estate Limited | | |
| Registered Number | Site 1: 19/01218/FULL Site 2: 19/01237/FULL Site 3: 19/01219/FULL | Date amended/ completed | 9 April 2019 (1) 30 April 2019 (2) 18 February 2019 (3) |
| Date Application Received | 18 February 2019 – all sites | | |
| Historic Building Grade | Unlisted – all sites | | |
| Conservation Area | Harley Street – all sites | | |

1. RECOMMENDATION

Site 1: Grant conditional permission
Site 2: Grant conditional permission
Site 3: Grant conditional permission, subject to a Grampian condition to secure the replacement residential floorspace and units secured by Applications 1 and 2 prior to the commencement of development.

2. SUMMARY

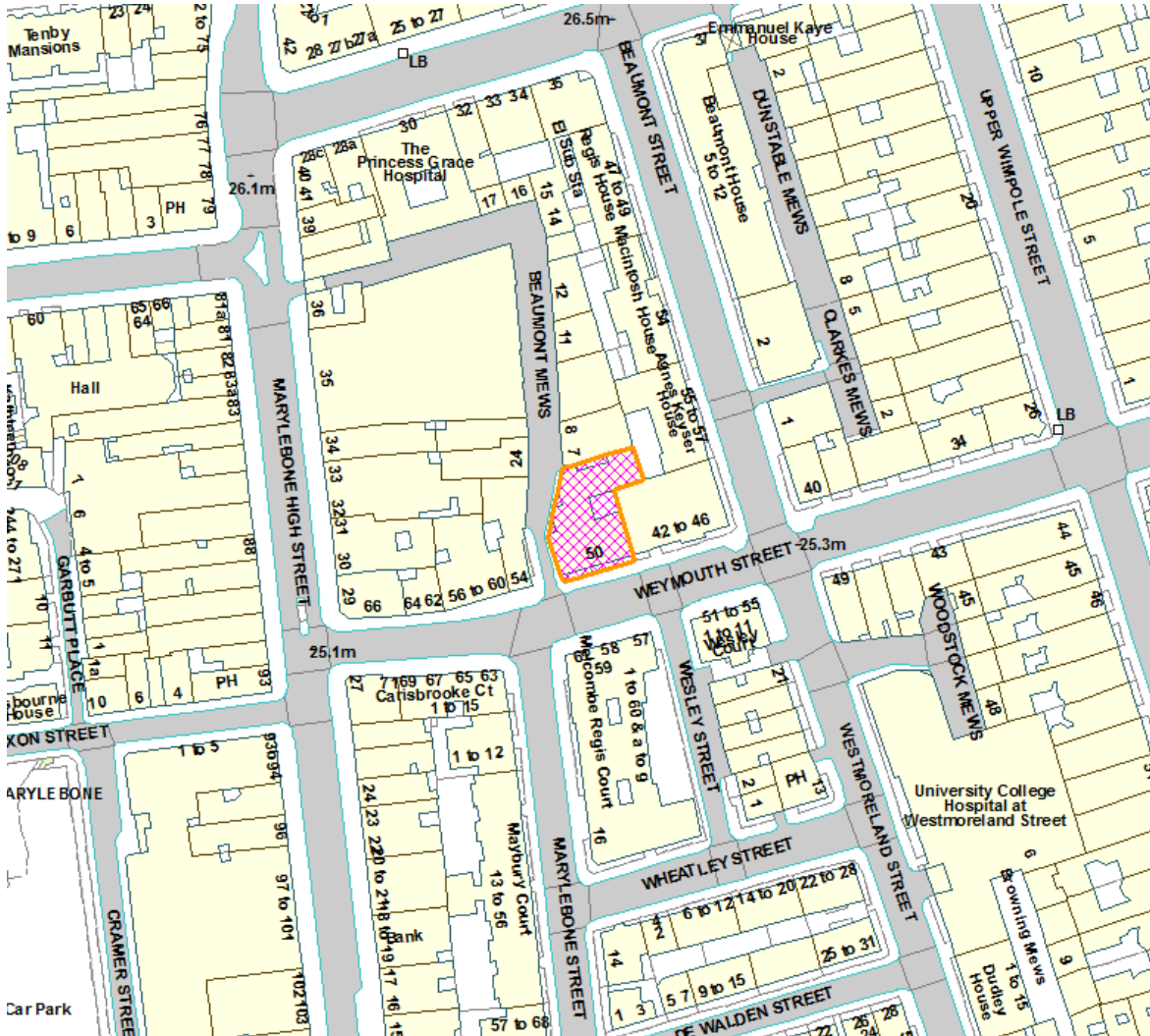
This report concerns proposals for three separate sites which form part of a land use package. It is proposed to convert three flats (1 x 2 and 2 x 1 bed) on the ground floors of Moxon and Osborne Houses to provide four new retail shops (Site 3) and to replace the same number of flats, floorspace and residential mix in new roof extensions on neighbouring sites in Ossington Buildings and Weymouth Street (Sites 1 and 2).

The key considerations are:

- the acceptability of the proposals in land use terms
- the impact of the proposals upon the character and appearance of the Harley Street Conservation Area and
- the impact of the individual schemes upon the amenity of neighbouring residents.

Subject to conditions, and an appropriate mechanism to secure the provision of the replacement residential accommodation, the proposals are considered acceptable in land use terms and in terms of their impact on the character and function of the area. It is also considered that there would be no material impact upon the amenity of neighbouring residential occupiers. The proposed works would also preserve the character and appearance of the Harley Street Conservation Area. The developments are considered to comply with relevant UDP and City Plan policies and are therefore recommended for approval.

3. LOCATION PLAN – SITE 1



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4. PHOTOGRAPHS SITE 1 50 WEYMOUTH STREET



3. LOCATION PLAN – SITE 2

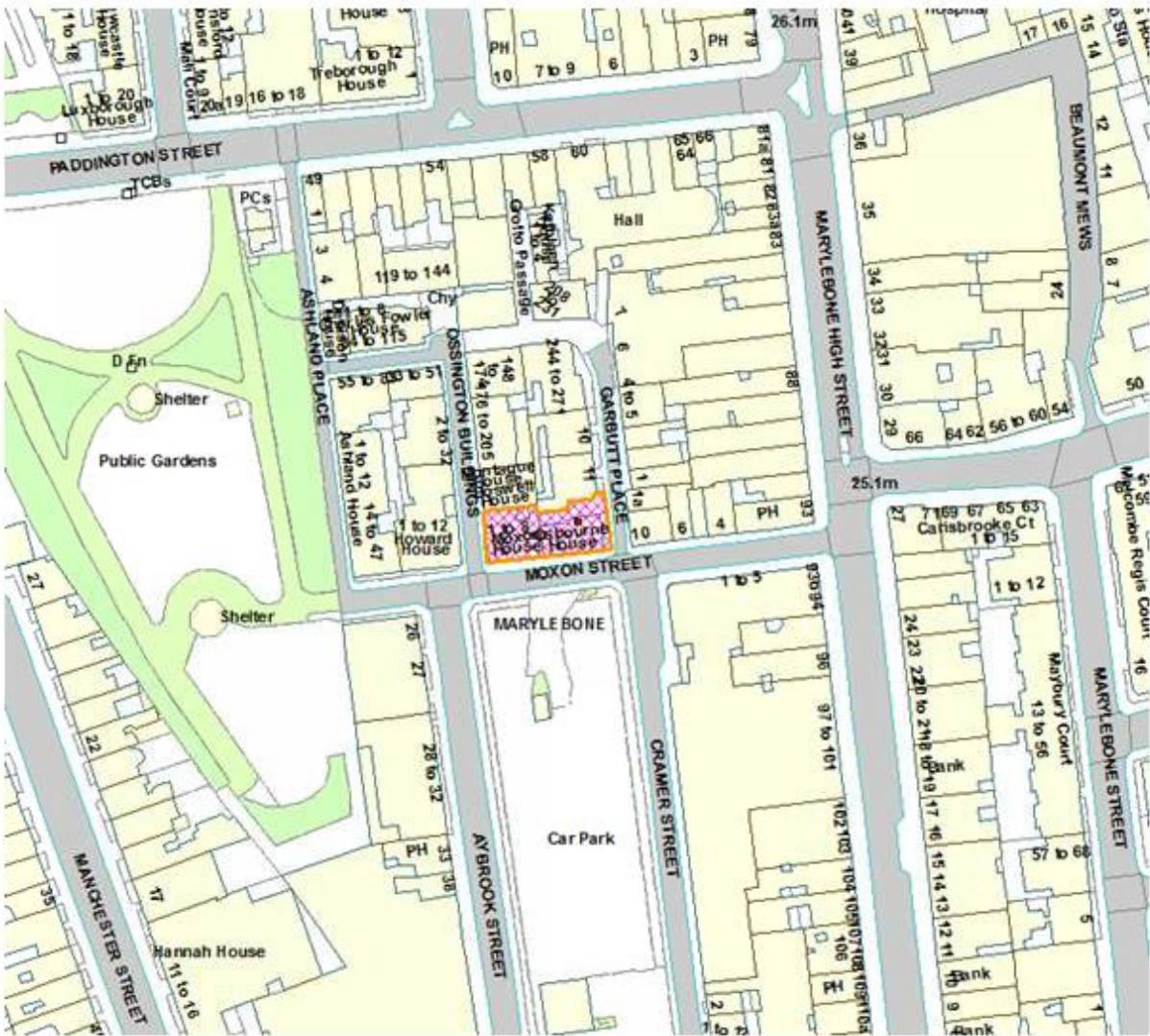


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PHOTOGRAPH – SITE 2 OSSINGTON BUILDINGS



LOCATION PLAN SITE 3



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PHOTOGRAPH – SITE 3 MOXON HOUSE AND OSBOURNE HOUSE



5 CONSULTATIONS

SITE 1 (50 WEYMOUTH STREET)

MARYLEBONE ASSOCIATION

No objection to the principle for a roof extension for residential use; difficult to comment as poor-quality submission/documents missing.

PROJECT OFFICER (WASTE)

Details of refuse/recycling storage required.

HIGHWAYS PLANNING

Objection: impact on parking demand. Lifetime car club membership should be secured if scheme otherwise considered acceptable; details of cycle storage required.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 41

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Amenity

- Loss of light to neighbouring flats
- Loss of privacy

Design

- Extension out of keeping with area, existing buildings already quite tall

PRESS ADVERTISEMENT / SITE NOTICE: Yes

SITE 2 (OSSINGTON BUILDINGS)

MARYLEBONE ASSOCIATION

Any response to be reported verbally

PROJECT OFFICER (WASTE)

Details of refuse/recycling storage required

HIGHWAYS

No objection, details of cycle storage required

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted:

Total No. of replies: 1 No. of objections: 1

No. in support: 0

Comments regarding the cumulative impact of various developments upon the character of the conservation area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

SITE 3 (OSBOURNE HOUSE AND MOXON HOUSE)**MARYLEBONE ASSOCIATION**

Objection:

- Adverse impact on residential amenity, particularly if the units are occupied as food retail units, as other food retail and restaurant uses in Moxon Street are the subject of longstanding enforcement investigations/neighbour complaints.
- Introduction of a retail use in historic residential buildings detrimental to the character of the conservation area; contrary to policies DES 1 and DES9.
- Pavement insufficiently wide to support retail activity.
- Loss of ground floor flat which are suitable for residents with more limited mobility
- No net gain in the number of dwellings in land use package.

ENVIRONMENTAL HEALTH

No objection subject to conditions

PROJECT OFFICER (WASTE)

Objection- details of refuse/recycling storage for shops required prior to commencement of development

HIGHWAYS

No objection subject to provision of cycle parking

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted:

Total No. of replies: 3 (2 letters from one objector)

No. of objections: 3

No. in support: 0

Land use

- Query demand for additional shops in Moxon Street given the shops and restaurants in the approved car park redevelopment.

Design

- Comment regarding the cumulative impact of various development upon the character of the conservation area.

Amenity

- Potential noise disturbance to flat at rear of site, would exacerbate problems of noise and smell nuisance associated with existing retail uses which are subject of longstanding nuisance complaints
- Additional potential disturbance if units used as cafes/snack bars with noise from early/late night deliveries for food preparation; use should be controlled to prevent café-type uses
- New doorway on Ossington Building frontage would bring commercial activity/shop deliveries onto residential street and this door should be omitted. (The proposal has been revised to remove this fixed shop).

Highways

- Pavement too narrow to accommodate retail use

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Sites

This report relates to separate applications for three sites within the Harley Street Conservation Area and the Marylebone and Fitzrovia area of the wider CAZ.

Site 1:50 Weymouth Street

This is a corner property located on the north side of Weymouth Street at its junction with Beaumont Mews. It is designated as an unlisted building of merit within the Harley Street Conservation Area Audit. The building is occupied as flats on the ground to fourth floors, with permission for a medical use at basement level.

The neighbouring buildings at 7 Beaumont Mews and 42-46 Weymouth Street are in commercial use as offices and private medical facility respectively. To the west of the site is Agnes Keyser House (55-57 Beaumont Street) which is occupied as a hospital (Class C2) with basement training and conference rooms and a self-contained resident medical officer's flat with independent access; ground floor offices and a self-contained Matron's flat and nurses' accommodation on the first to fourth floors with shared bathroom, laundry and kitchen facilities.

The closest residential properties are within the application building (12 flats), at 54 Weymouth Street, which has a return frontage on Beaumont Mews (8 flats), 23-24 Beaumont Mews (3 flats) and a new development of town houses at Nos. 22 A-E Beaumont Mews.

Site 2: Blocks A-C Ossington Buildings

Ossington Buildings (also the name of the street on which the blocks are located), comprises three residential blocks, located at the northern end of the street block bounded by Ossington Buildings North), Ossington Buildings (east), Ashland Place and Moxon Street. The existing accommodation rises to third floor level, with an attic above.

Two further residential blocks (Ashland House and Howard House) are located immediately to south and west of the site. There are residential buildings immediately to the north and east in Ossington Buildings. Paddington Street Gardens South is located directly to the west of the site.

Site 3: Moxon House and Osborne House

These are two adjoining, unlisted buildings of townscape merit, on the north side of Moxon Street, close to Ossington Buildings (Site 2). There is a return frontage to Osborne House on Garbutt Place and a return frontage to Moxon House on Ossington Buildings. The sites are located within the Harley Street Conservation Area and opposite the Portman Estate Conservation Area.

The buildings are occupied as flats. The ground floor of Moxon House currently provides 2 x 1 bed flats. There is no basement. The ground floor of Osborne House provides a 2-bed flat. There is also a 2-bed flat at lower ground floor level.

The site is located directly opposite Moxon Street car park. There is extant permission for the redevelopment of the car park to provide a new building with up to 79 flats and shops and restaurants on the majority of the lower ground and ground floors, including three retail units on the Moxon Street frontage, directly opposite Moxon and Osborne Houses. A Lawful

Development Certificate has been issued to confirm that this permission has been implemented.

The area in the vicinity of Sites 2 and 3 is in a mixture of residential and commercial use, with residential buildings at the western end of Moxon Street. The ground floor frontage to the east of the sites is characterised by retail and restaurant uses leading into the Marylebone High Street District Shopping Centre. There is also wine bar/restaurant on the ground floor of Ashland House (26-28 Moxon Street frontage).

6.2 Recent Relevant History

Site 1: 50 Weymouth Street

10.08.17: Permission granted for the use of the basement as an extension to the medial facility at 42-248 Weymouth (part of a land use swap with 9 Weymouth Street) and erection of infill extensions to the northern lightwell to provide additional accommodation to existing ground and first floor flats (Flats 3 and 6) and associated alterations to the front and rear facades. The applicant has confirmed that this permission has been implemented and the basement is in medical use.

14.03.2018: Permission refused for the partial infilling of the lightwell on ground and first floors to provide additional accommodation to Flats 3 and 6; alterations to the Beaumont Mews façade; the erection of a third floor mansard roof extension to Beaumont Mews to provide a new 1 x 3 bed/ flat and additional bathroom accommodation to an existing second/third floor duplex apartment (Flat 9a). Permission refused on the grounds that the height and bulk of the roof extension would have been detrimental to the appearance of building and Beaumont Mews, and would have failed to preserve or enhance the character and appearance of the Harley Street Conservation Area

Site 2: Ossington Buildings

None relevant

It is noted that there are extant permissions for roof level extensions to provide additional flat at Ashland House, Howard House (which form part of the same street block) and to Charles Fowler House and Denison House to the north of the site.

Site 3: Osborne House and Moxon House

12.02.2010 Permission granted for rear extension at lower ground floor level to Osbourne House to provide a 1 x 2 bed roomed flat. Implemented.

7. THE PROPOSALS

The schemes include:

- The erection of a roof extension to the rear of 50 Weymouth Street (Beaumont Mews frontage) to provide a 1 x 2 bed flat in a new second floor. The extension would also incorporate a shower room extension to an existing flat (Flat 9a).
- The erection of a roof extension, including dormer windows and conservation rooflights, to Blocks A, B and C of Ossington Buildings to provide 2 x 1 bed flats.
- The conversion of 2 x 1 bedroom flats on the ground floor of Moxon House and 1 x 2 bed flat on the ground floor of Osborne House to provide four separate retail units, with a

ground floor extension in the rear courtyard of Moxon House and the installation of new shopfronts.

The application for Ossington Buildings has been revised to delete a proposed roof terrace and to replace this with a kitchen extension and access to a shared secondary means of escape for the new units.

The application for Moxon House has been revised to delete the shopfront window on the Ossington Buildings frontage

Additional consultation letters have also been sent to adjoining occupiers to confirm that the application relates to Blocks A, B and C.

The existing and proposed floorspace figures (across all three sites) are as follows:

| | Residential (C3) (GIA) sqm | Retail use (A1) GIA (sqm) | +/- |
|----------------------------|-------------------------------|------------------------------|---------------|
| 50 Weymouth Street | + 87 | 0 | +87 |
| Ossington Buildings | +125.8 | 0 | + 125.8 |
| Moxon/Osborne | -203 | +203 | +0 |
| Total | +9.8 | + 203 | +212.8 |

8. DETAILED CONSIDERATIONS

8.1 Land Use

Land use package

The scheme proposes the conversion of existing ground floor flats within Moxon and Osbourne House (Site 3) into 4 x retail units and the replacement of this residential floorspace within roof extensions on the donor sites (Sites 1 and 2). All applications were submitted at the same time as part of a land use package.

Policy CM47.1 of the City Plan states that the swapping of uses between sites which are located in the CAZ will be appropriate where the sites are in the vicinity of each other; the mixed use character of the immediate area is secured at a fine grain; there is no net loss of floorspace which is protected by other policies in the plan across the sites taken as a whole; the uses are appropriate within each area and there is no loss of amenity resulting from the introduction or intensification of a use into an area; any residential accommodation is of a higher quality than could have been achieved without the land use swap or package; the applications for all sites are submitted at the same time and all elements of the scheme are completed within a time frame agreed by the City Council.

Moxon and Osbourne House are immediately adjacent to the proposed flats at Ossington Buildings and approximately 140m from the donor site at 50 Weymouth Street. The proposals are considered to satisfy the 'vicinity test'. Other policy requirements are explored below.

Proposed retail use/amenity

City Plan policy S8 states that the Named Streets (Edgware Road, Baker Street, Marylebone Road, Portland Place, Park Crescent and Great Portland Street) are appropriate locations for residential use and a range of residential commercial uses. Retail and other appropriate town centre uses will be directed to Marylebone High Street and the Local Shopping Centres. Outside of these locations, new commercial uses will not generally be appropriate unless they provide services to support the local residential community in the part of the CAZ.

Policy S18 seeks to direct commercial development towards a number of locations including the Core CAZ, Named Streets and designated shopping centres. It states that commercial uses must be appropriate in terms of scale and intensity, and the character and function of the area. Policy S21 of the City Plan states that new retail floorspace will be directed to the designated Shopping Centres.

The scheme would provide four small retail units on the ground floors of Osborne and Moxon Houses. They would measure between 35 sqm and 65 sqm. The plans show that there would be no ground floor openings at the rear of the Moxon House shops. The existing ground floor windows at the rear of Osbourne House would be retained. The original planning statement confirms that the applicant anticipates that the shops would be occupied by independent food retailers to reflect the emerging character of Moxon Street. However, the latest Operational Management Plan states that the intention that the units would be occupied by, *'...independent Class A1 retailer(s) who would complement the existing retail offerings in the surrounding area'*.

Objections have been received from the local amenity society and from two local residents on the grounds that the introduction of shop units within historic residential buildings would be detrimental to the character of the conservation area. Objectors have also questioned the need for new shops on the site given the new retail and restaurant uses approved as part of the Moxon Street car park redevelopment. However, the likely demand for a proposed use cannot be taken into account in determining the acceptability of planning proposals.

It is acknowledged that the site does not fall within the Core CAZ, a designated shopping centre, or any of the identified areas within Policy S18. However, No. 8-10 Moxon Street, which is the neighbouring site to Osbourne House (albeit separated by Garbutt Place) is the first unit within the designated shopping frontage commences and therefore the site is very close to a shopping frontage. In these circumstances, and in the context of the approved redevelopment of the car park, where new shops are located immediately opposite the application site (extending the shopping frontage on the south side of Moxon Street), it is considered that the proposed retail use would not have any adverse impact on the immediate character and function of the area. The application has been revised to omit a proposed shopfront window on the Ossington Street frontage to maintain the residential character of that street and to safeguard the amenity of adjoining residential properties. In these circumstances, it is considered that a departure from the Council's retail policies can be justified.

Objectors also consider that the retail operation would adversely affect the amenity of neighbouring residential properties at the rear of the site, including noise disturbance from within the premises and at the rear, which would be exaggerated if the units were occupied by food retail shops. Objectors have referred to enforcement investigations in respect of other retail and restaurant premises in Moxon Street, including the butcher's shop at No. 8-10, and are concerned that existing problems with noise and smell nuisance could be exacerbated. It is noted that permission was granted on 26 June 2019 for the use of No. 8-10 Moxon Street as a butcher's shop, hot food takeaway, delicatessen and butchery school, with a Reco-Air ventilation system to deal with cooking smells. One objector considers that any adverse impact of the proposed retail use would be heightened if the units were to be occupied as cafes/snack bars/restaurant, with additional nuisance from early morning/late evening

deliveries. Consequently, this objector has requested that any permission prevents the use of the premises as cafes/snack bars/restaurants. However, the proposed use of the units is for Class A1 retail purposes, which would preclude their use as cafes and restaurants.

The proposed hours of opening (between 0900 and 1800 hours on Monday to Saturday and from 10.00 until 1600 hours on Sunday) accord with traditional shop opening hours and would be controlled by condition.

The application is supported by an Operational Management Plan which includes details of measures designed to ameliorate the potential impact of the use on neighbours' amenities. The OMP confirms that:

- Rear windows to the shops and on the Ossington Buildings frontage will be fixed shut. (Additionally, it is considered that this restriction should apply to the windows on the return frontages on Garbutt Place and Ossington Buildings).
- Shop deliveries and servicing would be restricted to between 07.00 and 09.00 on Monday to Saturday and between 08.00 and 09.00 on Sundays. All deliveries will take place via the front entrance doors

The application does not include proposals for any new plant, including any air conditioning or refrigeration plant. It is likely that refrigeration plant would be required in association with food retail uses. The applicant acknowledges that any proposed plant would require further planning permission. Any such plant would need to be sensitively located to minimise its appearance, and acoustically attenuated and screened to safeguard neighbours' amenities. However, it appears that there would be limited opportunity to install plant on these sites. An informative is recommended advising the applicant of the constraints to installing plant so that it is aware of this potential issue when looking for future tenants of the unit.

As a retail use would not involve any primary cooking on the site, it is not expected that the proposals would give rise to any smell nuisance. It is assumed that this neighbour concern relates to nuisance associated cooking smells associated with rotisserie cooking at the neighbouring butcher's shop, without adequate ventilation. Concerns regarding any potential future breaches of planning control could not justify the refusal of the application.

City Plan policy S32 and ENV 6 of the UDP require new development to incorporate design features and operational measures to minimise and contain noise and vibration to protect neighbouring properties. The Building Regulations also provide advice regarding levels of sound insulation between domestic and commercial uses, where the level of sound insulation required will depend upon the nature of the uses and likely level of noise generated.

The application is supported by an acoustic report which assess the impact of the proposed retail use on other flats within the same building, including the flat on the lower ground floor of Osborne House. The report confirms that noise levels generated by the proposed shops, which are relatively small in size, are not expected to be high but that the developer should target the highest levels of sound insulation between shops and flats within the building. As this is a speculative application, and as the flats were occupied when the report was produced, the assessment adopts a typical noise operating level of a retail clothes shop playing background music and the timber floor construction within a neighbouring building built at a similar date.

The report concludes that noise levels achieved within the first-floor flats at Moxon and Osbourne House are likely to meet the City Council's noise standards but recommends the construction of a false ceilings within the shop units (given that the first-floor flats are occupied) with independent ceiling joists to keep the ceiling isolated from the separating floor structure. The need for additional wall lining to prevent direct noise transfer via the party walls would also be assessed once the flats are vacated. The report makes further recommendations regarding music speakers and sound transfer via pipes running between

the commercial and residential areas. In addition, in order to safeguard the amenity of the lower ground floor flat in Osbourne House, the report recommends alterations to the floor to control impact sound transmission

This report has been assessed by the Council's Environmental Health Officer who has raised no objection to the application subject to a condition requiring further details of sound insulation measures to be submitted for the City Council's approval and these measures to be installed prior to occupation and retained for the life of the development. Subject to such a condition, it is considered that the development would satisfy policies ENV 6 and S32 and the impact upon the amenity of the occupants of neighbouring flats will be protected.

One resident has expressed concern about a potential new doorway on the Ossington Street frontage on the basis that this would introduce commercial activity/shop deliveries on to a residential street. The original application confirmed that this was a shop window rather than a new doorway. However, on officers' advice, this new window has been omitted from the scheme in order to safeguard the residential character of Ossington Buildings.

Subject to the conditions detailed above and the measures detailed in the Operational Management Plan, it is considered that the proposed uses on each site and the land use package are acceptable in land use and amenity terms. The mixed-use character of the area would be maintained, the proposed uses are appropriate in each location and it is not considered that there would be a material loss of amenity to neighbouring occupiers. The proposals would provide an equivalent amount of residential floorspace within high quality new flats in arguably quieter locations. The proposals therefore comply with the requirements of policy CM 47.1 and with policies ENV 6 and S32 which seek to ensure that new uses are designed and operated in a manner which would safeguard the amenity of neighbouring occupiers.

Residential use

The proposals would result in the loss of a total of 203 sqm of residential floorspace comprising 2 x 1 bed flats on the ground floor of Moxon House and 1 x 2 bed flat on ground floor of Osbourne House.

Policy S14 of the City Plan seeks to protect all residential floorspace and units and the loss of these existing units would be unacceptable in principle. In order to address this policy, the applicant proposes to provide 212.8 sqm of replacement residential floorspace within roof extensions on Sites 1 and 2.

At 50 Weymouth Street, the scheme would provide a 1x 2 bed flat (87 sqm). The unit would be well lit and would comply with minimum space standards in the London Plan. The 2x 1 bed flats proposed in Ossington Buildings would measure 61.4 sqm and 64.4 sqm. Again, these units would meet minimum floorspace standards and would receive good natural light.

The Marylebone Association has objected to the proposals because the scheme provides no net increase in the number of dwellings. However, the replacement of the existing flats with the same number of units and the same residential mix is acceptable in relation policies S15 and H5. Neither these policies, nor policy CM47.1, require an increased number of dwellings to be provided as part of the land use package, which would also be constrained by townscape and design issues at the donor sites.

The provision the replacement residential floorspace would be secured by a Grampian condition to prevent the commencement of development at Site 3 until all replacement flats have been made ready for occupation. Subject to this condition, the principle of the land use package is considered acceptable.

8.2 Townscape and Design

One local resident has commented that the application proposals are amongst several submitted by the Howard De Walden Estate, both pending and approved, and that, cumulatively, these developments would have a detrimental impact upon the character of this part of the Harley Street Conservation Area. However, the acceptability of each proposals is assessed upon its individual merits. Whilst there are have been/are proposals relating to a number of sites in the area, the objector's concerns about the extent of development in the area does not constitute a ground for refusing the current applications.

Site 1:

50 Weymouth Street is an unlisted building located in the Harley Street Conservation Area. The building is identified as an unlisted building of merit in the Harley Street Conservation Area Audit, which was adopted by the City Council in 2008

This corner property comprises of two distinct architectural elements. The main building fronts onto Weymouth Street and is an imposing building on basement, ground and four upper storeys, including an existing mansard storey, which is continued along the terrace. The secondary elevation faces Beaumont Mews. This part of the building, which rises to first floor level, is subservient to the main building and reads as a part of the of the terrace of buildings on the east side of Beaumont Mews which are consistently two storeys in height. The proposal affects this two storey Victorian mews building at the rear.

The Harley Street Conservation Area Audit identifies the building as a property where a roof extension would not normally be acceptable. This building forms part of a terrace in which there are no roof extensions, and is a relatively rare survival in the Harley Street Conservation Area. Consequently, there is a presumption against the addition of a storey at roof level. Previous proposals for the erection of a mansard roof were refused in March 2018 on the grounds that the height and bulk of the mansard roof would harm the appearance of the building, the mews terrace of which it is part, and the character and appearance of the Harley Street Conservation Area.

Following this refusal, the applicant has been in discussion with officers to try and find an acceptable form of extension, with minimal impact on the mews. The current proposal involves demolishing the shallow pitched roof and replacing it with a roof storey incorporating a shallow pitch at the front (34 degrees to match the existing) and a mansard at the rear. To the front, the existing roof form would be extended by approximately 1.3m at a point approximately 5m from the front building line

An objection has been received from one local resident on the grounds that the proposed roof extension would be out of keeping with the character of the area as the existing buildings are already 'quite tall'. However, the proposed design has the advantage of having little visual impact from street level, thereby preserving the character of this side of the mews. It is not considered to harm the character and appearance of the Harley Street Conservation Area. In future, the other buildings in the terrace could have similar shallow pitched extensions without having a harmful impact on the character of the mews.

The Marylebone Association considers the application documents to be of poor quality, making it difficult for them to comment on the application and that the Design & Access Statement is missing from the application. The Design and Access Statement has since been provided and sent to the local amenity society, who have made no further comment. Officers consider that the application documents and drawings are sufficient to enable a full assessment of the proposals.

For the reasons outlined above, the current scheme is considered to have overcome the reason for refusal of the previous proposals and complies with the City Council's urban design and conservation policies, including S25 and S28 of the City Plan and DES 1, DES 6 and DES 9 of the Unitary Development Plan and the objections cannot be supported.

Site 2:

The roof level alterations to Blocks A-C Ossington Buildings include the installation of dormers in the front shallow roof pitches pitch and extending some of these slopes to a higher ridge level. The changes on the street side of the roof will not have a significant visual impact. Mansard- type extensions are proposed at the rear, with roof lights rather than projecting dormers. The impact of these changes will not harm the appearance of the building or the character and appearance of the Harley Street Conservation Area. The proposals comply with the City Council's urban design and conservation policies, including DES 6 of the Unitary Development Plan.

Site 3:

The buildings are attractive, unlisted, late 19th century residential blocks with a central entrance bay, slightly recessed, and flanking bays of paired windows on all main floors. They make a positive contribution to the character and appearance of the Harley Street Conservation Area.

The proposal involves replacing the ground floor windows with shopfronts and the erection of a ground floor infill rear extension to Moxon House. The ground floor rear infill addition is considered uncontentious in design terms. With the change of use of the ground floor it is considered necessary, and justified, to install shopfronts because the retained residential windows would not be appropriate for a retail use, in this instance. Following negotiations, the proposed shopfronts will be formed of painted timber, following traditional design principles, albeit with some modern detailing. They relate well to the existing buildings and the street, are considered acceptable in design terms and will not harm the character and appearance of the Harley Street Conservation Area.

The Marylebone Association has objected to the application on the grounds that the introduction of shop uses within historic residential buildings would be detrimental to the character of the conservation area and contrary to UDP policy DES 1 and policy DES 9, which states that permission will only be granted for development, including a material change of use, which would preserve or enhance the character and appearance of the conservation area. However, as detailed in section 8.1, it is not considered that the introduction of new shops would have an adverse impact on the character of this part of the conservation area. As the proposed alterations are also considered acceptable in design terms, it is not considered that the fact that the buildings were originally built for residential purposes could justify a refusal of permission.

The proposals are considered to comply with all relevant City Plan and UDP design policies and the objection could not be supported.

8.3 Residential Amenity

UDP policy ENV 13 states that the City Council will normally resist proposals which result in a material loss of daylight/sunlight to existing dwellings and will refuse permission where the resulting level is unacceptable. In addition, developments should not result in a significant increase in the sense of enclosure, or overlooking, and should not cause unacceptable overshadowing, particularly on gardens or on adjoining buildings. Policy S29 also states that permission will be refused for developments that would result in a material loss of residential amenity.

i) Daylight/Sunlight

The applications for 50 Weymouth Street and Ossington Buildings are supported by detailed daylight and sunlight assessments.

a) Daylight

Under BRE guidelines, if the Vertical Sky Component (VSC), which is the amount skylight available at the centre of a window, is greater than 27%, enough light should still be reaching the window. Where, as a result of the development, this figure is below 27% and less than 0.8 (or 20%) of its former value, the reduction in light to that room will be noticeable. Where rooms are served by more than one window of the same size, any loss of light to these individual windows can be considered as an average.

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, losses of light to living rooms, dining rooms, studies and large kitchens (if they include dining space and are more than 12.6m²) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways. Additionally, principal living rooms are afforded more protection than bedrooms. The BRE guidance is clear that the advice given is not mandatory and that in some cases e.g. in historic city centres, " a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings". It also states that an assessment of relative impact figures should be treated cautiously as, where an existing value is low, a small reduction in real terms can appear as a large relative impact when, in practice, the loss would be barely perceptible.

The No-Sky Line assessment measures the distribution of daylight within a room and calculates the areas of the working plane which would have a direct view of the sky. Daylight may be adversely affected if the working area of the working plane which can receive direct skylight is reduced to less than 0.8 times its former value.

There is also an assessment of Average Daylight Factor for the new residential accommodation. Where the internal arrangements of the accommodation are known, including details of the internal decor to assess the reflectance of internal surfaces, the ADF test can be used to check that adequate daylight is provided. This test set out minimum values of ADF of 1% for bedrooms, 1.5% for living rooms and 2% for kitchens, which should be attained even if a predominantly daylight appearance is not achievable. Where a room is in a combined use, generally a kitchen/diner, the higher value is appropriate.

Site 1: 50 Weymouth Street

The submitted daylight analysis assesses the impact of the proposed roof extension on neighbouring properties including flats within 50 Weymouth Street, 54 Weymouth Street, 55-57 Beaumont Street (Agnes Keyser House), 42-46 Weymouth Street, 23-24 Beaumont Mews and 7-8 Beaumont Mews.

54 Weymouth Street

Objections have been received from the occupants of flats at 54 Weymouth Street on the grounds that the extension would result in a loss of light to flats within that building – where numerous windows overlook Beaumont Mews - in particular the kitchen, second bedroom and bathroom of Flats 2 and 4 (towards the front of the building) and to the bedroom, living room and kitchen of Flats 1, 2, 3, and 8 (towards the rear of the building).

Officers have secured access to Flat 4 (at second floor) where windows light the kitchen to a dual aspect living/kitchen area, (the principal windows to the living area overlook Weymouth Street); a second bedroom, (currently in storage use) and bathroom (obscured glazed).

Flat 3 (at first floor mezzanine level within the rear wing) has three windows serving a large kitchen/ living space (dual aspect), with a further window serving a bedroom. The residents advised that other flats have a similar layout.

The daylight assessment shows that the proposals would not have a material impact on windows fronting Beaumont Mews. Of the 26 windows tested, 18 would see no reduction in VSC values and the remaining windows would experience marginal reductions of between 1% and 4%.

The NSL assessment confirms that there would be minimal reductions in NSL to habitable rooms, with any reduction ranging from between 2 and 4%, with the exception of a bedroom window at rear first floor mezzanine level, which would see a 23% reduction. This bedroom is directly opposite the boundary of the application site with 7-8 Beaumont Mews at a point where the existing sloping roof will be altered to meet the party wall upstand. As the VSC analysis shows, only a 3% reduction in daylight to this bedroom window is expected, the retained VSC level is good for this location at 19.4% and the room affected is a bedroom that is afforded less protection in terms of NSL. For these reasons, it is not considered that light to this bedroom will be materially affected. In these circumstances, objections on daylight grounds could not be supported.

Existing flats at 50 Weymouth Street

There are flats within the front building at 50 Weymouth Street and also flats on the lower floors of the Beaumont Mews building, where there is extant permission for the reconfiguration and extension of these flats within the existing lightwell on the boundary with 7-8 Beaumont Mews. No objections have been received from occupants of these flats. Plans suggest that the principal living areas are at the front of the building.

Flats in main building

To the main building, the proposed roof extension is expected to result in reductions in VSC to ground and first floor bedroom windows of 43% and 33%, with retained VSC values of 9.1% (from 16.1%) and 16.8% (from 25.2%). Although these losses breach the 20% benchmark, they are not significantly different from those reductions in the 2018 scheme (40% and of 29% VSC losses) which was refused only on design and conservation grounds. Bedroom windows are afforded a lesser degree of protection than living rooms and the retained values are considered acceptable in this built up central location.

The report also shows VSC reductions to ground to second floor kitchens of 59%, 52% and 39% respectively. Again, these values are not significantly different from those under the 2018 scheme. These are small, non-habitable, kitchens and they would retain reasonable VSC values of 6.6%, 12.2% and 18.5%. For these reasons, these losses are considered acceptable. It is noted that plans attached to the daylight report showed that each of these kitchen windows is bisected by a partition to create a smaller kitchen and bathroom at each level.

Losses to the fourth-floor windows are below the BRE benchmark and therefore there will be no material losses in daylight to these rooms.

Although the VSC reductions to some rear habitable rooms would exceed BRE thresholds, for the reasons outlined above, it is not considered that the application could justifiably be

recommended for refusal on the grounds that there would be a material adverse impact on levels of light received.

Beaumont Mews building

The daylight and sunlight assessment has also been updated to include an assessment of the impact of the proposals upon ground and first floor flats within the Beaumont Mews building itself which are served by windows fronting the mews and also by windows to a lightwell on the northern boundary with 7 Beaumont Mews. The report makes a comparison between the original situation, the scheme approved in August 2017 (which approved the partial infilling of the northern lightwell to provide additional accommodation) and the current proposals in relation to windows served by the northern lightwell.

Originally, there were three lightwell windows on both the ground and first floors. Two windows at each level served bedrooms and the third window was bisected to provide light to a bathroom and a kitchen. Under the 2017 scheme/current proposals, this lightwell is partially infilled to be provide extended accommodation with windows to each of three ground floor bedrooms and to two bedrooms and one of three windows to a, dual aspect, living/dining/kitchen room at first floor level. Windows facing the central courtyard serve internal or communal corridors.

The report shows that, within the original layout, all ground floor rooms failed to meet BRE ADF targets, with values of 0.6% and 0.8% to the bedrooms and 0.3% to the kitchen. While the first floor bedrooms also exceeded the 1% target, the kitchen (0.8%) failed the 2% target.

Under the 2017 approval (without a roof extension), ADF values to the ground floor bedroom windows were at 0.8% (two windows) or exceeded the minimum target (1.1%). The first floor bedrooms achieved values of 1.6% and 2.4%, the principal living room achieved a value of 1.6% (against the 2% target).

Under the current proposals (with the roof extension), two ground floor bedrooms would see ADF values of 0.6% and 0.7%, while the third would meet the 1% target. The first-floor bedrooms would still exceed the minimum ADF target (1.2% and 2.0%) and the main living area would see a slight reduction in the ADF value (to 1.3%). While the addition of a roof extension would have some impact on the levels of light received to the approved layouts to the ground and first floor flats, with the proposed changes it is not considered that these marginal changes would have a material impact upon the level amenity afforded by the approved accommodation.

All rooms within the proposed second floor flat would exceed ADF targets.

23 and 24 Beaumont Mews

This building is occupied as ground and first floor offices and flats on the second and third floors. Again, the daylight assessment demonstrates that any losses to residential windows on would be well below BRE threshold with ten windows tested seeing no reduction on VSC and the remaining nine windows seeing losses of between 1% and 3%. The No-Sky Line assessment (NSL) confirms that, where there are any reductions in NSL, these would be limited to 9% in the case of four windows.

Agnes Keyser House (55-57 Beaumont Street)

The daylight assessment shows that in the case of the nurses'/doctor's accommodation within Agnes Keyser House, including the separate flats at lower ground and ground floor levels, all reductions in VSC would be below the 20% threshold and those properties would continue to receive adequate daylight. It is noted that the nurses' accommodation could be converted to an alternative hospital use (Class C2) without the need for planning approval.

7-8 Beaumont Mews and 42-46 Weymouth Street

The report shows that there would be no material loss of light to these buildings which are in office and medical use.

Daylight conclusions

Although the VSC reductions to some rear habitable rooms at 50 Weymouth Street would exceed BRE thresholds, given that these windows serve bedrooms and kitchens (non-dining) and the resulting retained VSC values are not unusual in this built up central location, it is not considered that the application could justifiably be recommended for refusal on the grounds that there would be a material adverse impact on levels of light received to neighbouring properties. In terms of the impact upon the Beaumont Mews building itself, analysis shows that there would be no material impact upon the expected daylight levels within this approved residential accommodation. As such, the impact in this instance is acceptable.

Site 2: Ossington Buildings

The application involves alterations to the front roof slopes on all three street frontages, including the installation of new dormer windows, with an extension of parts of the roof slope on the Ossington Buildings (north) and Ashland Place frontages (by approximately 0.7m) to match the height of the adjacent roof ridge. To the rear, the existing pitch roofs, and a flat roof on Block B, are proposed to be replaced by mansard roof extensions.

There are residential blocks opposite the site, on the northern and eastern branches of Ossington Buildings. The rear of the buildings is overlooked by windows in Ashland House and Howard House. The applicant, the Howard De Walden Estate, have submitted various proposals for roof level/alterations and extensions to residential blocks in the vicinity of the site. There are extant permissions for the installation of dormer windows in the front roof slope of Block D Ossington Buildings (east) and for a roof extension to Howard House.

The submitted daylight report assesses the impact of the proposals on existing rear windows to Block A. This shows that any reductions in VSC would be below 20%, with the exception of one third floor window, which appears to serve a bedroom, which would see a 25.4% reduction (from 19.43% to 14.49%). However, the retained value is considered acceptable on this constrained site.

An updated assessment has been submitted to show the impact of the extension on rear windows to Blocks B and C. This indicates that any reductions in VSC to four existing third floor windows to these blocks would be below the 20% target and that the impact would not be noticeable. The report concludes that, there would be no material impact on levels of light received to windows on the lower floors.

At Charles Fowler House, on the north side of Ossington Buildings (north), there is a current application for the installation of dormer windows in the front roof slope to provide additional residential accommodation (and an extension to the rear roof at the adjacent Denison House). Denison House fronts Ashland Place but also has windows overlooking the corner of Block C, where that part of the roof would be unaltered). The report confirms that all of the existing third floor windows tested would continue to receive a minimum VSC beyond the 27% target. Although the potential impact on the existing second floor windows or the proposed fourth floor dormer windows has not been assessed, given the retained values at third floor and in view of the modest increase in the height of the roof slope, it is considered that light to these windows would not be materially affected.

At Blocks D and E, on the opposite side of Ossington Buildings east, there would be no material loss of light as there would be minimal changes to the roof of the application buildings on this frontage. There is extant permission for the installation of dormer windows in the front roofslope of Block D to provide additional residential accommodation. Although the impact on these windows has not been analysed, it is considered that they would receive good levels of natural light.

Windows to the rear of Ashland House, to the south and west of the proposed extensions, have also been assessed. Those windows closest to the proposed extensions would see reductions in VSC below the 20% threshold and all windows would continue to receive reasonable levels of natural light.

The approved plans for the roof extension to Howard House show that the accommodation would be set back from the closest part of the proposed extension to Block A by approximately 10.5m. Given the relationship of the two sites and the layout of the approved flat, it is not considered that there would be a material impact of on the amenity of the approved accommodation.

Site 3

The ground floor infill extension to the rear courtyard at Moxon House would not have a material impact on the level of light received to neighbouring windows.

Sunlight

BRE guidelines state that access to sunlight should be checked for all neighbouring main living (habitable) rooms which have a window facing within 90 degrees of due south. Windows which face 90 degrees of due north do not need to be tested as they have no expectation of sunlight. The BRE guidance acknowledges that kitchens and bedrooms are of less importance, but states that in the case of these rooms care should be taken 'not to block too much sun'.

If the tested window receives more than one quarter of annual probable sunlight hours, including at least 5% of annual probable winter sun (during the winter months between 21 September and 21 March), then the room should still receive enough sunlight. Any reduction in sunlight below this level should be kept to a minimum. If available sunlight hours are both less than the amount given, less than 0.8 (i.e. more than a 20% loss) of their former value (either over the whole year or just during the winter months) and has a reduction in sunlighting over the whole year greater than 4% of annual probable sunlight hours, then the loss of sunlight will be noticeable.

Site 1:

50 Weymouth Street

Windows to the rear of 50 Weymouth Street face north and do not require testing.

The updated daylight and sunlight assessment does not provide any data relating to levels of sunlight to bedroom and living rooms window to the northern lightwell. However, any existing sunlight to the existing or approved lightwell windows would be severely restricted by the height and proximity of the flank wall to 7 -8 Beaumont mews and it is not considered that the additional of the proposed roof extension would result in any material worsening when compared to the approved situation. Other windows facing the central courtyard serve internal or communal corridors and do not require testing.

54 Weymouth Street

The sunlight analysis shows that reduction in annual sunlight levels is limited to three windows (at 4% and 5%) and that these windows would continue to experience annual sunlight values of 20% or more. There would be no loss of winter sun.

23 and 24 Beaumont Mews

The sunlight analysis shows that there would be no impact on sunlight levels received to flats on the second and third floors.

55-57 Beaumont Street

At Agnes Keyser House, there would be reductions in annual sunlight of 25% (from 4% to 3%) to a window serving a habitable room to a lower ground floor flat and of 36% (from 11% to 7%) to a window serving a habitable room to a ground floor flat. The reduction in sunlighting over the whole year, however, is not greater than 4% of annual probable sunlight hours and therefore the impact is not material.

At first floor level there are losses of 28% and 24% to two windows within a five-window bay to a nurse's room. The remaining panels within the bay achieve BRE targets or do not need to be tested due to their orientation. These values are similar to those under the 2018 scheme and are not considered to be so harmful as to warrant refusing permission.

There would also be some losses of winter sun to this property exceeding 20%, although the affected windows appear to serve non-habitable accommodation or single panels within five-panel bay windows to two nurse's rooms. However, in all cases, as the reduction in sunlight received over the whole year would be below 4%. As such, these reductions would comply with BRE guidelines.

Although some sunlight reductions exceed BRE targets it is not considered that the impact on the affected rooms would be significant. In addition, as stated above, these rooms could be converted to "non-residential" use at any time.

7-8 Beaumont Mews and 44-46 Weymouth Street

Any impact on sunlight to the neighbouring offices at 7-8 Beaumont Mews and the clinic at 44-46 Weymouth Street would not affect the continued operation of these properties.

Sunlighting conclusions

In conclusion is not considered that the proposed extension to 50 Weymouth Street would have a material impact on levels of daylight and sunlight received to neighbouring properties.

Site 2 Ossington Buildings

The sunlight analysis for the Ossington Buildings scheme confirms that windows to the rear of Block A, and to the rear of Ashland House do not face within 90 degrees of due south and do not need to be tested.

The assessment has been updated to include an analysis of sunlight to existing habitable rooms at the rear of Blocks B and C. This shows that the third-floor windows would continue to receive annual and winter sunlight levels exceeding BRE minimum targets and that any reductions in annual and winter sun to windows on the lower floors would be below the 20% BRE target.

Given their relationship with the proposed extensions, east facing windows to the rear of Howard House would not be affected by the proposals. Other windows, including those within the approved roof extension, face north and therefore do not need to be tested.

There are south facing windows on the third floor of Charles Fowler House. Given their orientation, these windows would exceed the minimum threshold for sunlight and do not require assessing. Similarly, it is considered that good sunlight would be received to dormer windows within the proposed roof addition to Charles Fowler House.

As the alteration to the roofslope directly facing Blocks D and E Ossington Buildings is minimal in size, is it not considered that sunlight levels to existing windows or to windows within the approved fourth floor extension to Block D would be materially affected.

Site 3 Osbourne and Moxon House

It is not considered that the proposed infill to Moxon House, which is enclosed the existing building, would have a material impact on levels of light received to neighbouring properties or affect light to flats on the upper floors of the application building.

iii) Sense of enclosure

Site 1 50 Weymouth Street

The proposed second floor roof addition would extend in front of rear windows to existing flats at 50 Weymouth Street, to the clinic at 42-46 Weymouth Street and to the nurses' accommodation at Agnes Keyser House and there would be a slight increase in the height of the existing front roofslope when viewed. It is accepted that there would some increase sense of enclosure to the neighbouring flats. However, as the rear windows serve bedrooms, bathrooms and non-habitable kitchens, it is not considered that the impact up residents' amenity would be so significant as to justify a recommendation for refusal, Similarly, it is not considered that the amenity of the neighbouring clinic and hospital would be materially affected.

There would be a slight increase in the height of the front roofslope in views from the rear wing at 54 Weymouth Street. However, this increased height will be set well set back from the main front elevation and it is not considered that there would be a significant impact on the sense of enclosure to these neighbouring properties.

Site 2 Ossington Buildings

Given that only modest changes are proposed to the front and rear roofslopes at Ossington Buildings, it is not considered that there would be any material increase in the sense of enclosure to neighbouring windows.

iv) Overlooking

Site 1

Objections have been received on the grounds that the roof extension would result in a loss of privacy to Flats 1, 2, 3, 4 and 8 at 54 Weymouth Street due to the narrow width of the mews.

The windows in the front part of the objectors' building look towards the flank elevation of the front building at 50 Weymouth Street, the closest windows to the site of the proposed extension being obscured glazed bathroom windows. Whilst there could be some increased potential for overlooking to windows at the rear part of 54 Weymouth Street it is not

considered that residents would be materially affected. The proposed extension incorporates three rooflights set within the extended front roofslope. One of these rooflights serves a shower room and the others light the seating area of a kitchen (where the roof is also set at an oblique angle). Given the position of these rooflights in relation to the internal floor level, it is considered that the opportunity for direct overlooking to rooms on the opposite site of the mews would be limited and it is not considered that objections on privacy grounds could be supported.

To the rear, the only window facing towards Agnes Keyser House is a rooflight to an en-suite bathroom. Windows facing the rear of existing flats at 50 Weymouth Street light an internal corridor and would be obscured glazed and fixed shut. Other east-facing windows to the same corridor would not provide any direct views towards neighbouring windows.

Site 2

The proposed roof extension to Ossington Buildings would be in a 'L' shape with windows in the front roofslopes looking towards Charles Fowler House and Denison House to the north, and towards residential blocks on the east side of Ossington Buildings. Windows on the interior roof slope would look towards windows on the lower floors of the application buildings and towards windows at the rear of Ashland House and Howard House.

No objections have been received from the occupants of any neighbouring buildings, many of which have been the subject of recent permissions for roof extensions as part of a comprehensive development plan by the Howard de Walden Estate. Given the relationship between windows to existing flats on the application site and neighbouring buildings, it is not considered that the proposals would result in a material loss of privacy to neighbouring residential properties.

Site 3

The proposals would not result in any material loss of privacy to neighbouring flats particularly given that the shopfront window on the Ossington Buildings frontage has been omitted.

8.4 Transportation/Parking

Site 1

Parking/Cycle parking

UDP policy TRANS23 includes 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 parking deficiency. In stress areas, the addition of even one additional residential unit can have an adverse impact on parking levels in the area and this could lead to a reduction in road safety and operation.

No off-street parking provided in association with the development. The evidence of the Council's most recent parking survey in 2015 (Buchanan's) indicates that parking occupancy within a 200 metre radius of the site is 37% at night and 93% during the day. It therefore exceeds the parking stress level set out within UDP Policy TRANS 23. It is acknowledged that the site has a high level of public transport accessibility. The number of households with 1 or more cars in the Marylebone High Street Ward is 35% (2011 Census figures). While this is lower than the borough average, but the above data indicates that residents in the area do own cars, and that Residential Bays have a high level of daytime occupancy.

As the level of on-street parking demand for the "linked" Osbourne/Moxon House site is lower (50% at night and 91% during the day) than for Site 1, it is considered that the relocation of a flat to Weymouth Street would worsen the overall parking situation in that area. Consequently,

the Highways Planning Manager has objected to the scheme on parking grounds. However, it is recommended that, if the scheme is otherwise considered acceptable, the developer should be required to provide Lifetime Car Club membership in association with the proposed flat (minimum 25 years) in order to ameliorate the potential impact on on-street parking demand. It is recommended that this be secured by condition.

The London Plan requires 1 cycle parking space per residential dwelling and 2 spaces for 2 bed and larger units. The submitted planning statement confirms that cycle storage for the new flat would be provided within the basement vault (Vault 1) at 50 Weymouth Street. This is considered acceptable in principle subject to the submission and approval of plans showing the location of this cycle parking in the context of other uses within these pavement vaults. This would be secured by condition.

Site 2 Ossington Buildings

Parking/Cycle parking

The development includes the creation of 2 x 1 bed flats which would be relocated from Osbourne/Moxon House (Site 3). No off-street parking is proposed. The evidence of the Council's most recent parking survey in 2015 (Buchanan's) indicates that parking occupancy within a 200 metre radius of the site is 48% at night and 88% during the day. Again, this exceeds the parking stress level set out within UDP Policy TRANS 23.

As the on-street parking pressure for the "linked site" (Osbourne/Moxon House) is higher (50% overall at night and 91% during the day) than at Site 2, subject to securing the land use swap by a suitable mechanism, the scheme is considered acceptable on parking grounds. However, it is recommended that the developer be required to provide Lifetime Car Club membership in association with the proposed flats as this is considered the strongest mechanism that is likely to reduce car ownership of the future residential occupiers.

The Highways Planning Manager has requested a condition requiring the approval of details of cycle storage. However, given the site constraints, and as the new flats would be constructed at fourth floor level, with no lift access, it is not considered that the absence of dedicated cycle storage could justify a recommendation for refusal.

Site 3 – Osbourne/Moxon House

Parking/Cycle parking

The site and surrounding area is well served by public transport. The site is also within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. Resident bays are restricted to permit holders only 0830 to 2030, 7 days a week, with single yellow and other bays restricted from 0830 till 1830 Monday to Saturday. Given the parking controls and access to public transport in the area the impact of the change of use on parking levels is expected to be minimal.

No cycle parking is included on the submitted plans. The London Plan requires 1 cycle parking space to be provided for every 175 sqm of new retail floorspace, with a minimum of 2 spaces for a threshold of 100m².

The scheme provides four separate shops measuring between 35 and 65 sqm. On the basis the size of the individual units it is not considered that the absence of cycle parking could justifiably form the basis of a recommendation for refusal.

Servicing

Policies TRANS20 and S41 require off-street servicing to be provided in association with new developments. Given the site constraints, there is no opportunity to create a servicing bay. The site is located within a Controlled Parking Zone, which means that the locations single and double yellow lines allow loading and unloading to occur. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. This will service the unit in a similar fashion to the existing use and nearby properties. Given the size of the units, site servicing is not considered likely to have a significant adverse impact on the operation of the public highway.

An objection has been received on the grounds that the narrow pavement widths outside the site make the proposed retail uses unacceptable. However, it is not considered that the level of activity associated with these small shop units would be likely to compromise the use of the pavements by pedestrians and it is not considered that this objection could be supported.

Objectors are also concerned that the proposed retail uses would result in a worsening of traffic congestion in the area, principally as a result of deliveries, which has been exacerbated by the closure of Vincent Street. Given the size of the proposed shop units they are not expected to generate a level of servicing that would have a significant adverse impact on the operation of the public highway. The carriageway is wide enough within a suitable distance of the site to enable a service vehicle to stop and another vehicle to pass it. Any service vehicle stopping on the public highway would need to abide by traffic regulations or face enforcement action. In these circumstances, it is not considered that the objection could be supported. Concerns regarding the redirection of traffic flows in the area cannot be taken into account in the consideration of the current application.

8.5 Economic Considerations

Any economic benefits generated by the proposed new retail units are welcome.

8.6 Access

UDP policy DES 1 requires new development to provide safe and convenient access for all. The Marylebone Association has objected to the proposals on the grounds they would result in the loss of three ground floor units which are likely to be more accessible to people with mobility problems, or with young children, than the replacement flats at second and fourth floor levels, which are only accessible via the main stair cores.

In response the applicant has made the following points:

- There are various examples of other developments on the Estate where replacement accommodation has been approved within new mansard roof extensions. However, no examples have been provided of examples where existing ground level accommodation has been relocated
- Although the existing flats are at ground floor level, with direct access from the pavement level, there is a 'step up' at the entrance (although this is a change of materials rather than a 'step') and the internal doorways, kitchen spaces and internal bathroom spaces are not designed to be DDA compliant
- Matters of accessibility and inclusiveness are limited by design considerations and the fact that the buildings are located within a conservation area.

Whilst it is considered that it would be possible to provide lift access, in principle, it is accepted that this would result in a major redesign of the scheme and significant disruption to the existing occupants of the application buildings. Given the potential improvements in the overall standard of amenity provided by the new flats, including their relocation from the ground floor of the, increasingly busy, Moxon Street where there are direct views into windows from the

adjacent pavement and where levels of natural light are likely to be reduced through the redevelopment of the car park site, although the absence of level/lift access is regrettable, it is not considered that objection on access grounds could justifiably form the basis of a recommendation for refusal.

Level access would be provided to each of the proposed retail units.

8.7 Other UDP/Westminster Policy Considerations

Plant

The applications do not include proposals for new plant.

Refuse /Recycling

The applicant proposes that waste storage for new Weymouth Street flat will be provided in the front basement vaults. The applications for Ossington Buildings and Moxon/Osbourne House have been revised to provide details of waste storage for the new flats and shops. In all cases, the Waste Project Officer has advised that the submitted details do not accord with council recycling and waste storage requirements.

Revised details are required confirming the bin capacities for the storage of general waste and recyclable materials, with the bins marked accordingly. The Waste Project Officer has asked that these details be required prior to the commencement of the development but it is considered that this information can be provided before work starts on the relevant part of the development

Sustainability

City Plan policy S28 requires all new development to incorporate exemplary standards of sustainable design which reduces energy use and emissions that contribute to climate change during the lifecycle of the development. Including the use of high-quality durable materials and efficient operation. All new construction would be undertaken using thermally efficient building fabric energy efficient heating, water and lighting systems and this is welcomed.

Biodiversity

The applications do not include any proposals to improve the sites' contribution to the biodiversity of the area. However, given the proposed roof forms, there is no obvious location for such provision as part of the schemes for new roof extensions.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

Not applicable

8.10 London Plan

These applications do not raise any strategic issues.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

The applicant has agreed to the pre-commencement conditions in respect to car club membership (Sites 1 and 2) and in respect to securing the replacement residential accommodation prior to the commencement of development at Site 3.

8.12 Planning Obligations

The proposals do not trigger a requirement for any planning obligations.

The estimated Westminster CIL payments are:

Site 1: Weymouth Street - £63,976.30

Site 2: Ossington Buildings - £63,389.37

Site 3: No CIL requirement

8.13 Environmental Impact Assessment

The proposals are not of a sufficient scale to require an Environmental Impact Assessment.

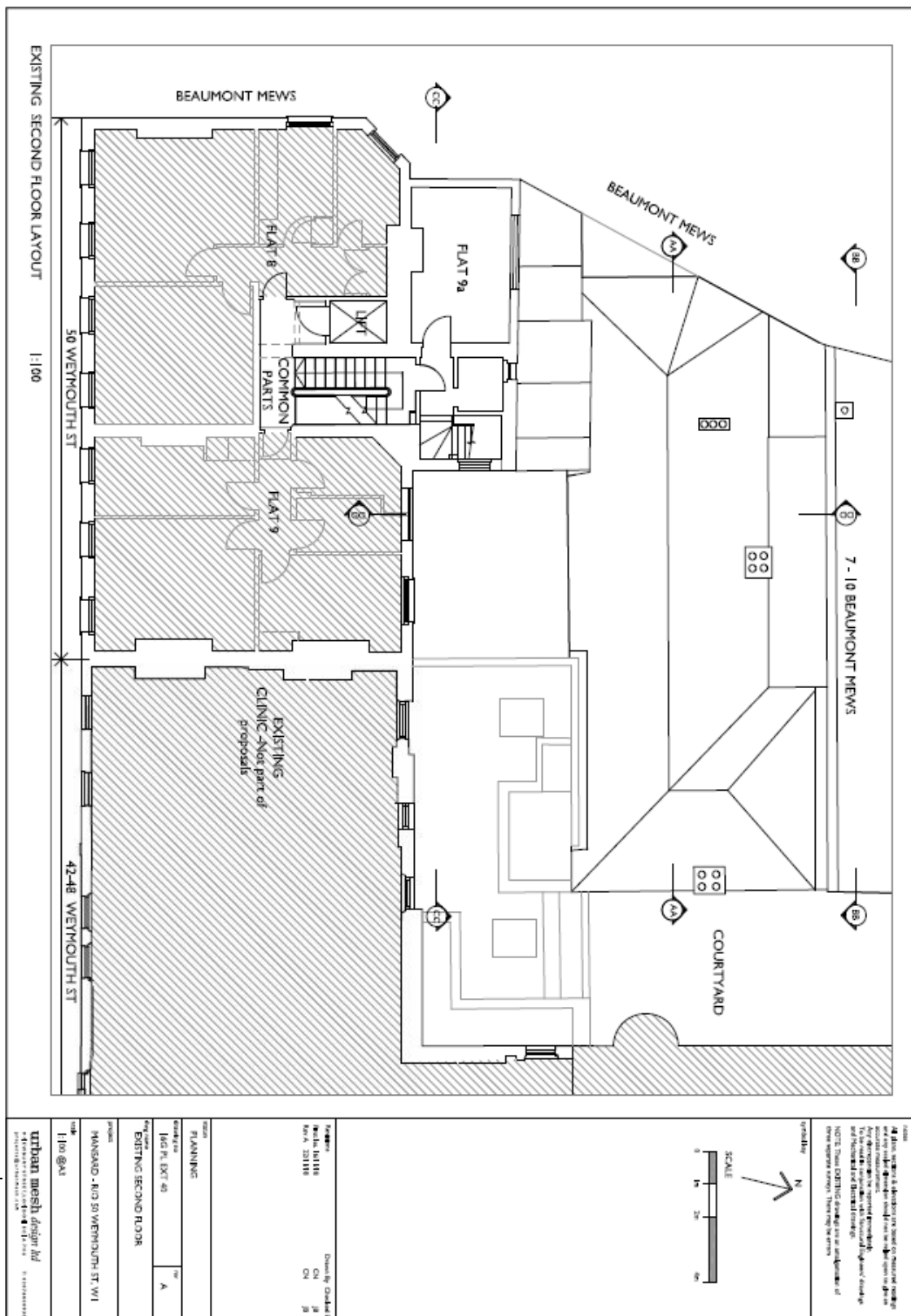
8.14 Other Issues

Not relevant

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

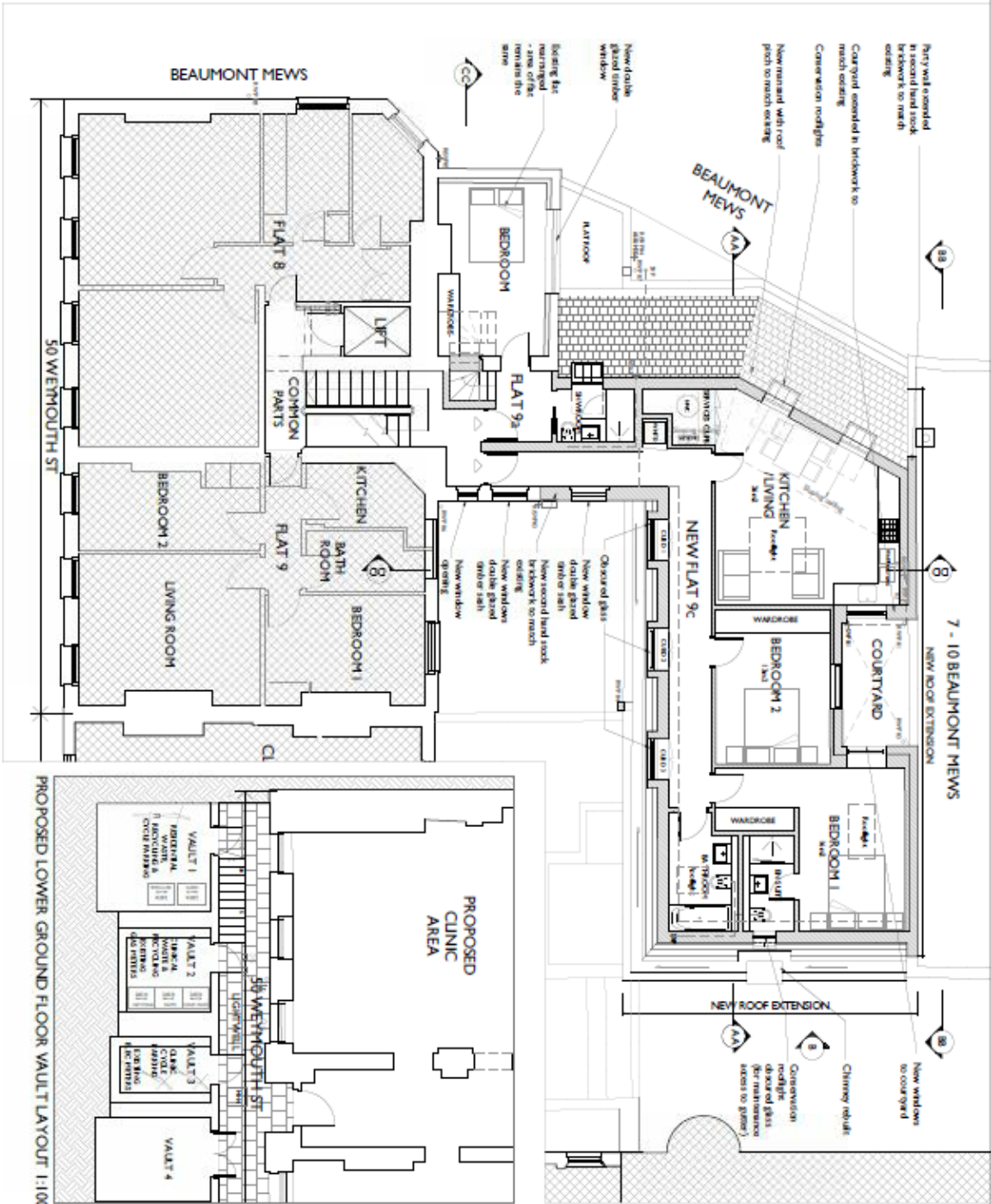
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

9. KEY DRAWINGS: SITE 1 50 WEYMOUTH STREET

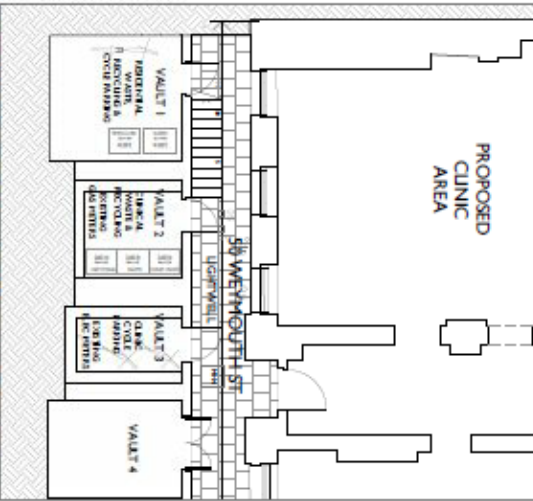


PROPOSED SECOND FLOOR LAYOUT

1:100



PROPOSED LOWER GROUND FLOOR VAULT LAYOUT 1:100

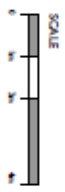
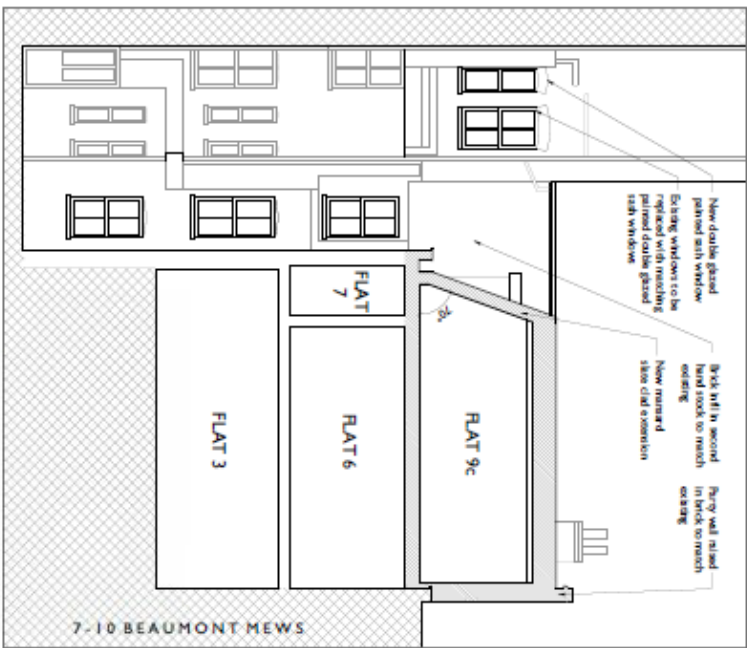
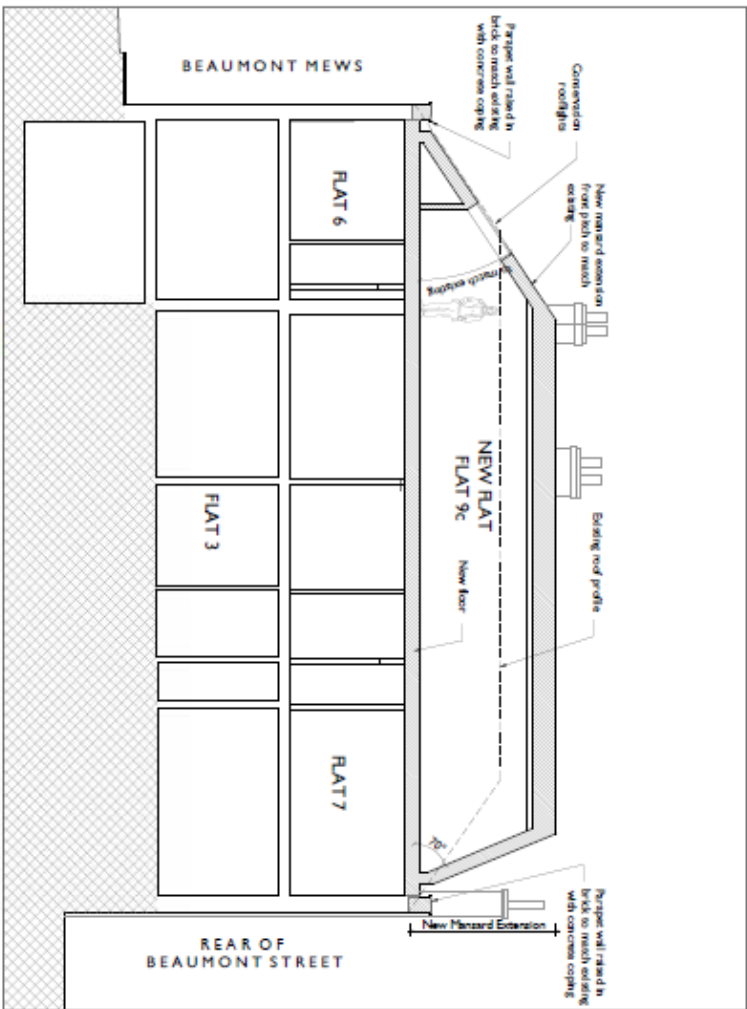


Notes:
 All flats, including the proposed new flats, are constructed using the same materials and construction methods as the existing flats.
 All existing walls to be retained are shown in grey.
 All new walls are shown in white.
 All new windows and doors are shown in black.
 All new roof extensions are shown in grey.



NEW FLAT 9c AREA = 87m²
 FLAT 9a AREA = 47m²
 (both floors)

| | | |
|-------------|-----------------------------------|--|
| Project | PANSBARD - 810 30 WEYMOUTH ST. W1 | |
| Scale | 1:100 GMS | |
| Client | urban north design ltd | |
| Address | 810 30 WEYMOUTH ST. W1 | |
| Project No. | 1607/PL/PROJ-40 | |
| Drawn by | B | |
| Checked by | B | |
| Date | 15/08/2018 | |



Notes
All plans, sections & elevations are based on measured readings and any scaled dimensions should not be relied upon to give an accurate measurement. To be used in conjunction with Structural Engineer's drawings and Mechanical and Electrical drawings.

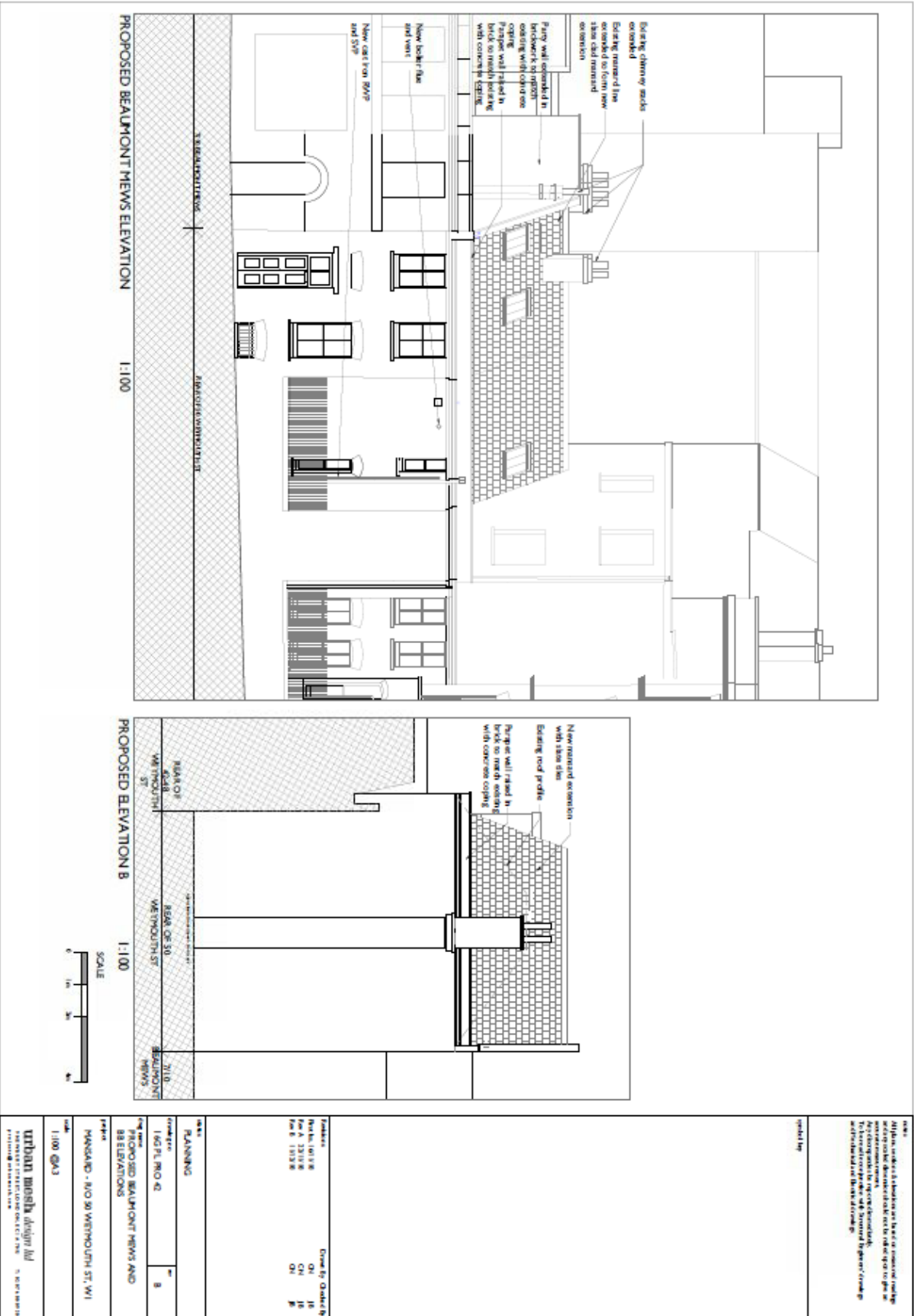
Revision
Rev. No. 1
Date 13/03/18
Drawn by: G. Smith
Checked by: M. Smith

Drawing name
PROPOSED SECTIONS AA & DD
Project
PHOSPHOR - NO 30 WINDMILL ST, W1
Scale
1:100 @ A3

Issue
PLANNING

Drawn to:
160 PL NO 44
urban mesh design ltd
SHEPPARD STREET, LONDON, EC1A 7NU
T: 0207 889 8978
P: 0207 889 8978
www.urbanmesh.com

Rev. 3



DRAFT DECISION LETTER (SITE 1)

Address: 50 Weymouth Street, London, W1G 6NT,

Proposal: Erection of a mansard roof extension at rear second floor level on Beaumont Mews building to create a self contained flat (Class C3).

Plan Nos: 16G PL PRO/ 40B, 41B, 42B, 43B, 44B

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 4 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 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. (R11AC)

- 5 You must apply to us for approval of details of how waste and recycling is going to be stored on the site. You must not occupy the residential (Class C3) use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling store in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the flat. You must not use the waste and recycling store for any other purpose. (C14GA)

Reason:

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

- 6 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 2016 (R22FA)

- 7 **Pre Commencement Condition.** You must not start work on the site until we have approved in writing appropriate arrangements to secure the following.

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

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

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, neighbourhood plan (where relevant), 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.

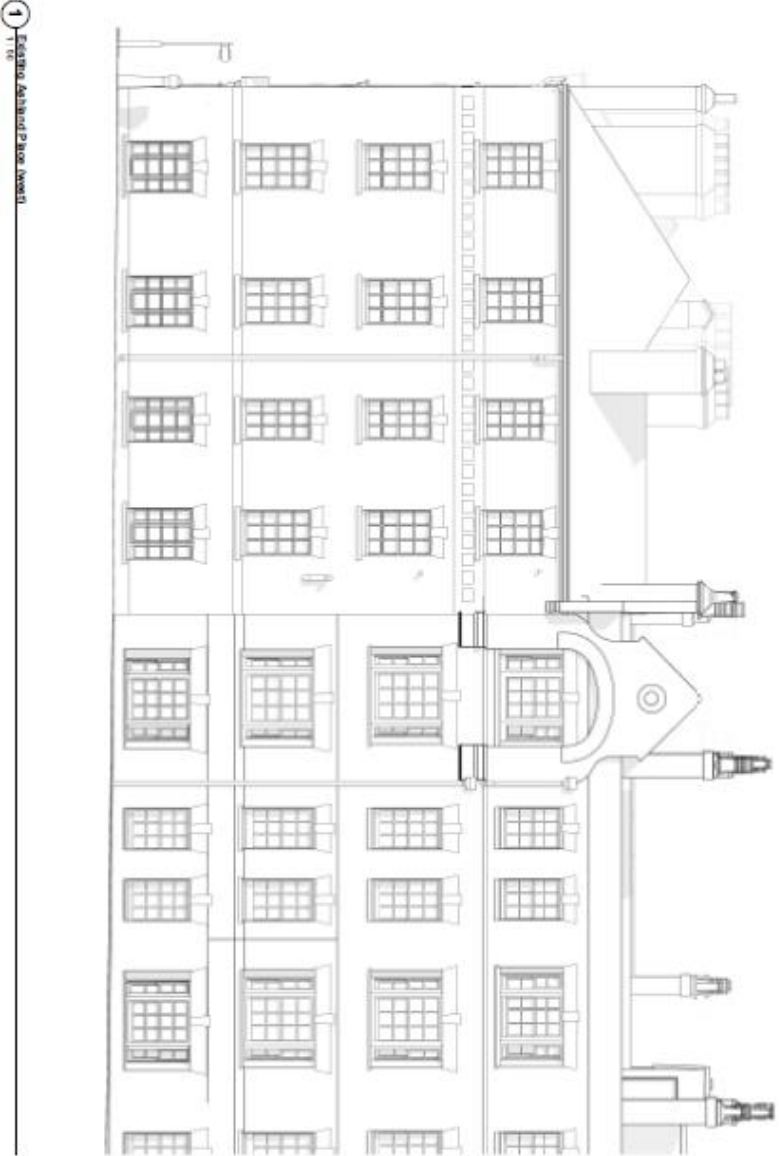
- 2 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 3 Under condition 7, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure Lifetime Car Club Membership (minimum 25 years) in association with the new flat as agreed in the email from the Howard De Walden Estate dated 30 July 2019. Please refer to the 'Supplementary planning guidance' on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)

KEY DRAWINGS; SITE 2 OSSINGTON BUILDINGS



HOLT ARCHITECTURE

225
HOLLYWOOD BLVD
MONTREAL, QUEBEC H3T 2E6
TEL: 514 392-1111
WWW.HOLTARCHITECTURE.COM

PROJECT: ASHWOOD HOUSE
DATE: 2012
DRAWN BY: J. HOLT
CHECKED BY: J. HOLT
DATE: 2012

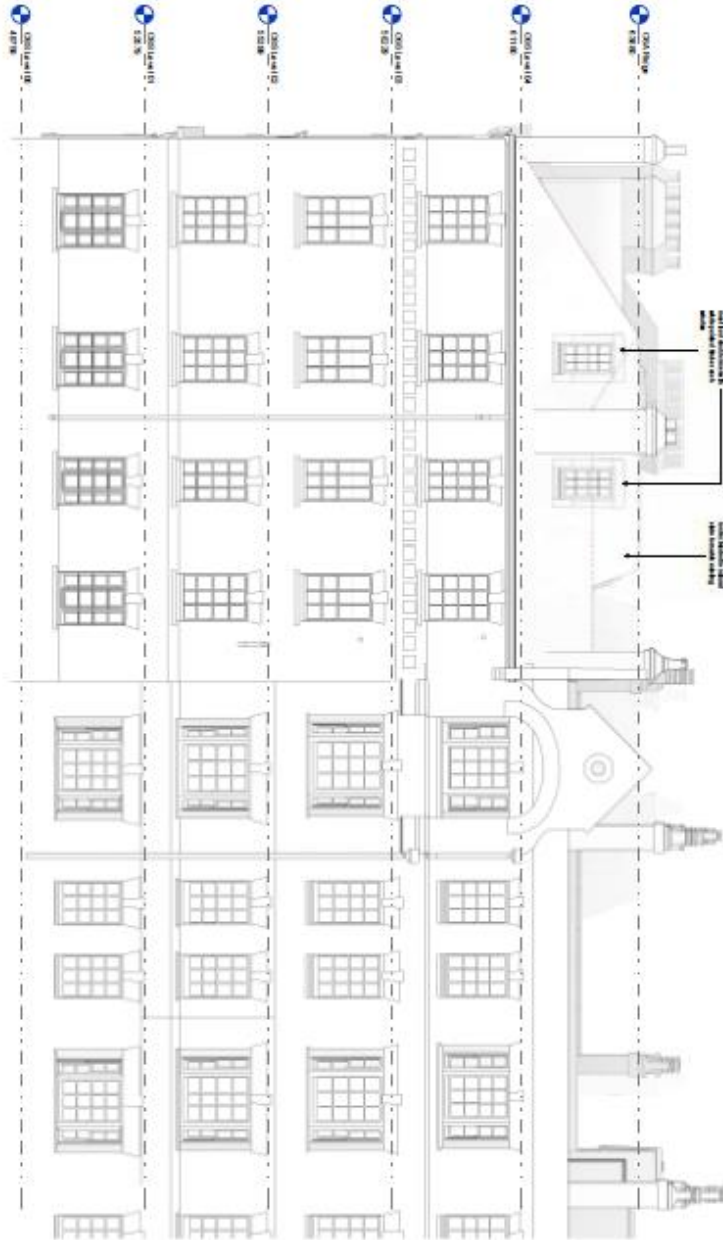
1
2012

| | | |
|-----|-------------------|------|
| NO. | DESCRIPTION | DATE |
| 1 | ISSUED FOR PERMIT | 2012 |

| | | |
|-----|-------------------|------|
| NO. | DESCRIPTION | DATE |
| 1 | ISSUED FOR PERMIT | 2012 |

1
2012

2 Proposed Addition Elevation View



HOLT
ARCHITECTURE

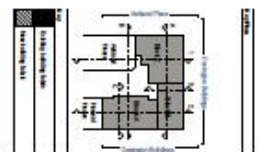
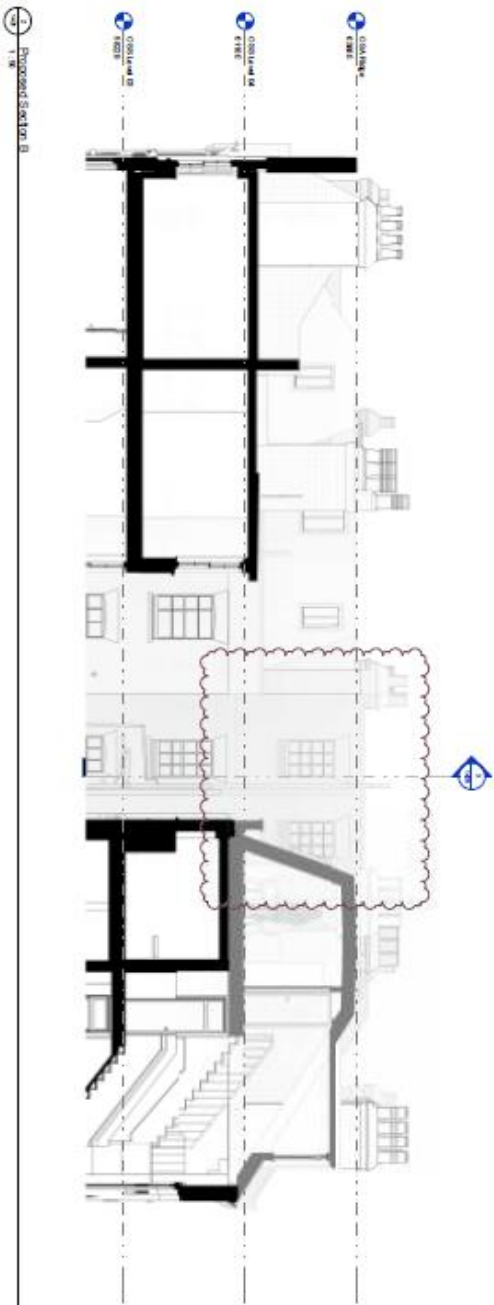
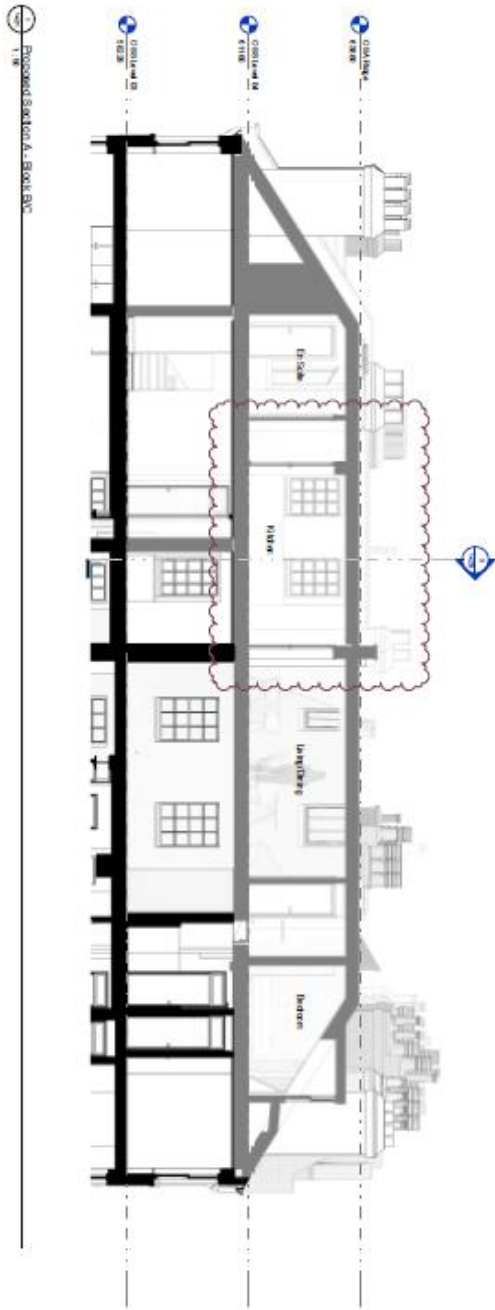
238 WEST 11TH AVENUE, SUITE 100
DENVER, COLORADO 80202
TEL: 303.733.0800
WWW.HOLTARCHITECTURE.COM

PROJECT: PROPOSED ADDITION
DATE: 11.15.2023
DRAWN BY: JMM
CHECKED BY: JMM
SCALE: 1/4" = 1'-0"

EXISTING FOOTPRINT

PROPOSED ADDITION

SCALE: 1/4" = 1'-0"



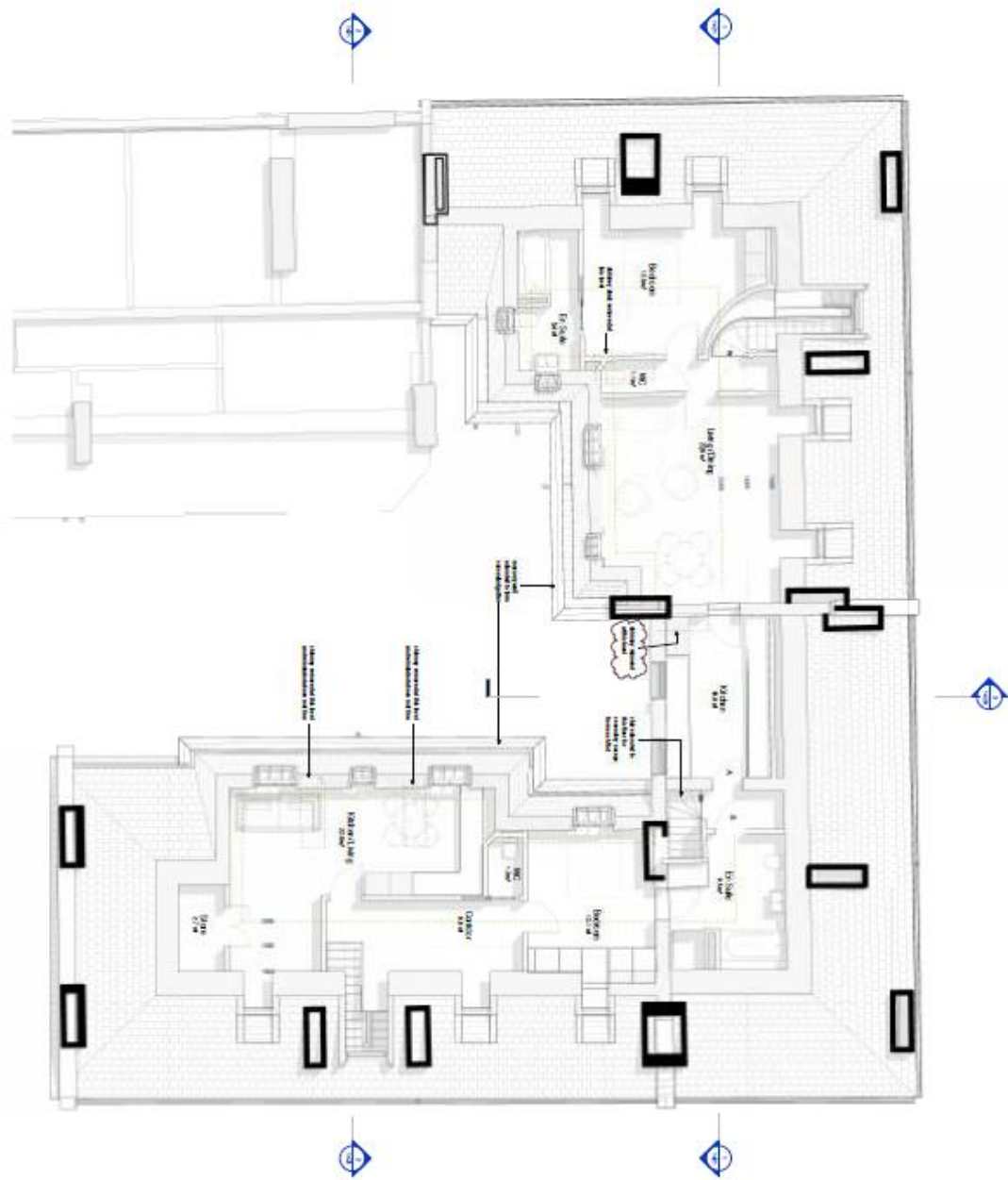
| | |
|--------------------------|------|
| DATE OF ISSUE | 1/18 |
| DATE OF PREVIOUS EDITION | NA |
| BY | NA |
| FOR | NA |



HOLT ARCHITECTURE
 1000 W. 10th Street, Suite 100
 Anchorage, Alaska 99501
 Phone: (907) 562-1111
 Fax: (907) 562-1112
 Website: www.holtarch.com

PROJECT: 1000 W. 10th Street, Suite 100
 DRAWING: 1000 W. 10th Street, Suite 100
 SHEET: 2

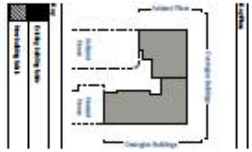
1 Proposed Level 04
1:10



HOLF ARCHITECTURE
 100, North Bridge Road, #04-01, Singapore 078296
 Tel: +65 6339 1188
 Fax: +65 6339 1189
 Email: info@holf.com.sg
 Website: www.holf.com.sg

PROJECT INFORMATION
 Project Name: Proposed Level 04
 Project No: 2021-001
 Date: 2021-001

| NO. | DESCRIPTION | DATE |
|-----|------------------------|----------|
| 1 | Issue for Tender | 2021-001 |
| 2 | Issue for Construction | 2021-001 |
| 3 | Issue for Construction | 2021-001 |
| 4 | Issue for Construction | 2021-001 |
| 5 | Issue for Construction | 2021-001 |
| 6 | Issue for Construction | 2021-001 |
| 7 | Issue for Construction | 2021-001 |
| 8 | Issue for Construction | 2021-001 |
| 9 | Issue for Construction | 2021-001 |
| 10 | Issue for Construction | 2021-001 |



DRAFT DECISION LETTER (SITE 2)

Address: A Block, Ossington Buildings, London, W1U 4BG

Proposal: Alterations to existing roof to create 2 self-contained flats (Class C3) including new dormer windows and conservation rooflights.

Plan Nos: 1613-HA-Z3-DR-A-/1220 Rev 2, 1221 Rev 7, 1222 Rev 6, 1320 Rev 2, 1321 Rev 2, 1322 Rev 1, 1323 Rev 4, 1324 Rev 4, 1420 Rev 1, 1421 Rev 2, 1422 Rev 2, 7003 Rev 1, 7103 Rev 2, 0420 Rev 1, 0421 Rev 2; 1613-HA-Z3-DR- A/1223 Rev 1.

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 4 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

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| Item No. |
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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 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. (R11AC)

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 6 You must apply to us for approval of details of how waste and recycling is going to be stored on the site. You must not occupy the new flats use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling store in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the flats. You must not use the waste and recycling store for any other purpose. (C14GA)

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)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 7 **Pre Commencement Condition.** You must not start work on the site until we have approved in writing appropriate arrangements to secure the following.

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

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

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, neighbourhood plan (where relevant), 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 Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

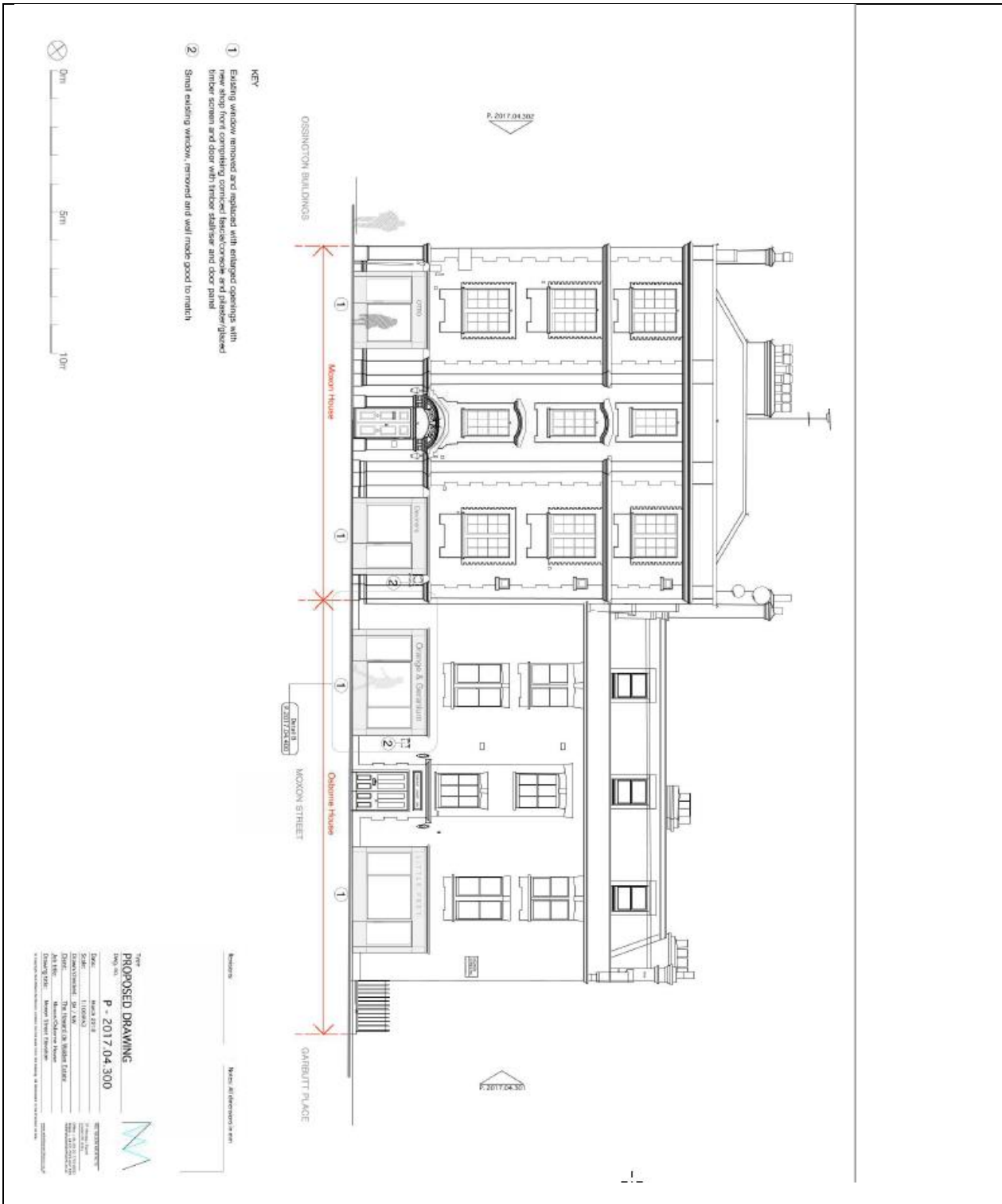
1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

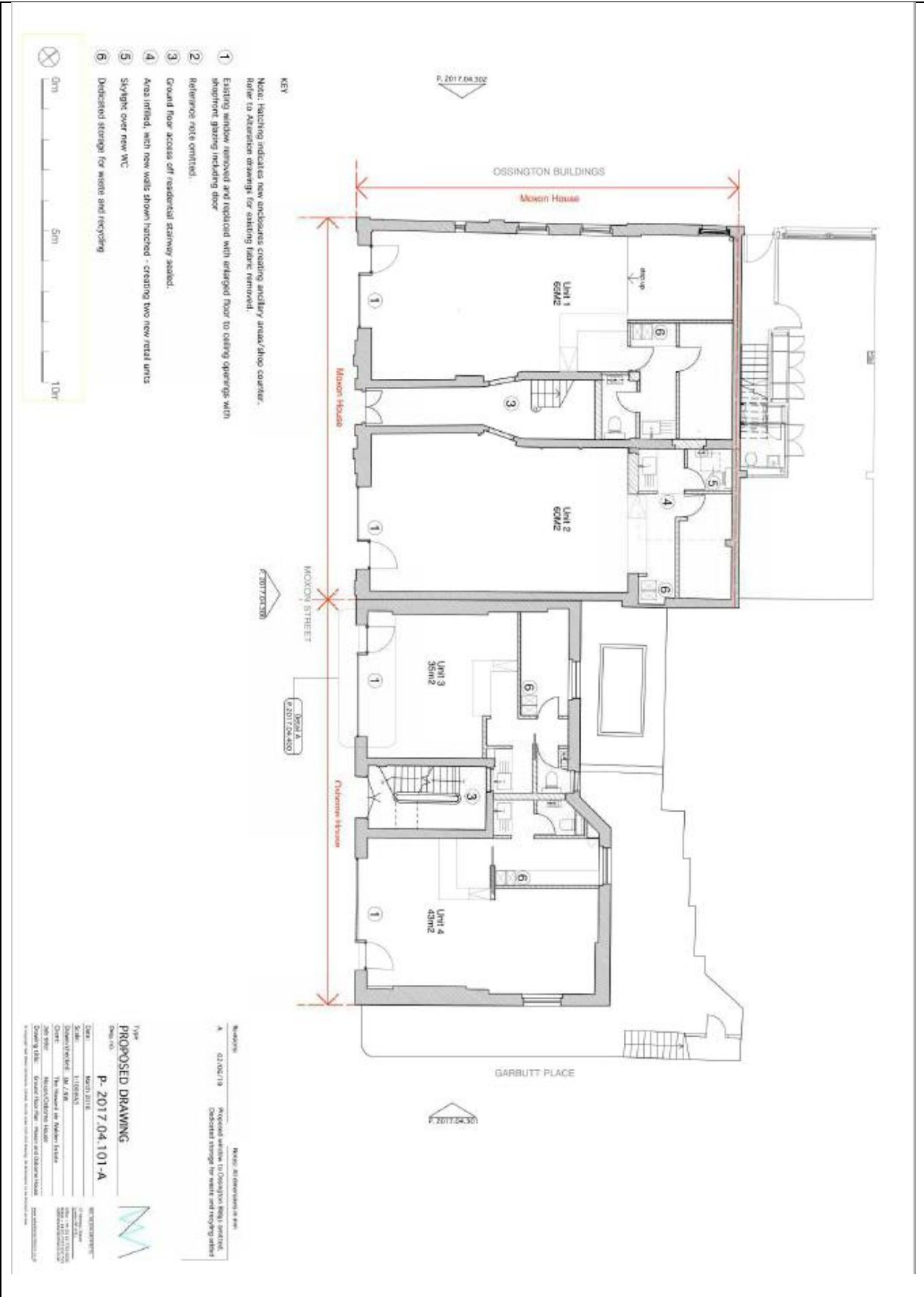
This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 3 Under condition 7 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure Lifetime Car Club Membership (minimum 25 years) in association with the new flats as set out in the email from the Howard De Walden Estate dated 30 July 2019. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 4 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)

KEY DRAWINGS SITE 3: OSBOURNE AND MOXON HOUSE





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| Item No. |
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DRAFT DECISION LETTER (SITE 3)

Address: Osbourne House , Moxon Street, London, W1U 4EZ

Proposal: Erection of rear single storey ground floor extension within rear lightwell of Moxon House and use of enlarged ground floor of both Osbourne House and Moxon House as four retail shop units (Class A1), installation of new shop fronts onto Moxon Street and Ossington Buildings and other minor external alterations. (Part of a land use swap with 2nd Floor rear of 50 Weymouth Street and Blocks A-C Ossington Buildings)

Plan Nos: P-2017.04./101A, 102; P-2017.04/300, 301, 302A; P-2017.04/400, 401

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

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

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

Reason:

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

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

Reason:

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

- 3 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

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police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

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. (R11AC)

- 4 You must apply to us for approval of a detailed acoustic report setting out noise and vibration mitigation measures that will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. You must not occupy any of the retail units hereby approved until the approved noise and vibration mitigation measures have been installed in full. The noise and vibration mitigation measures shall be retained in situ for the life of the development.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 5 Customers shall not be permitted within any of the retail units hereby approved before 09.00 or after 18.00 on Monday to Saturday (not including bank holidays and public holidays) and before 10.00 or after 16.00 on Sundays, bank holidays and public holidays. (C12BD)

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)

- 6 You must carry out the measures included in your management plan dated 3 June 2019 at all times that the shops are in use. (C05KA)

Reason:

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

- 7 No deliveries shall be accepted and no servicing of the retail units hereby approved shall take place except between 07.00 and 09.00 (Monday to Friday) or between 08.00 and 09.00 (Sundays).

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)

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| Item No. |
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- 9 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number P-2017.04.101A. You must clearly mark them and make them available at all times to everyone using the shops. (C14FB)

Reason:

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

- 10 The retail floorspace must be provided and kept as four self-contained units and no unit should be larger than 65 square metres. (C15AB)

Reason:

In accordance with the submitted application and to protect the special retail character of the area as set out in S21 of Westminster's City Plan (November 2016) and SS 10 (B) of our Unitary Development Plan that we adopted in January 2007.

- 11 Other than for the purpose of access/egress through the front doors of the retail units hereby approved, you must keep the doors and windows in all ground floor elevations to the shops hereby approved closed at all times other than in the case of emergency or for maintenance purposes.

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)

- 12 **Pre Commencement Condition.** This permission shall not be implemented until points i) to iv) below have all been complied with:

- i) the works to provide replacement flats at Blocks A-C Ossington Building and 50 Weymouth Street have been completed in accordance with the planning permissions (RN: 19/01218/FULL and 19/01237/FULL) and the residential floorspace on both sites is made ready for occupation;
- ii) the City Council has been notified in writing that the residential accommodation on both sites is complete;
- iii) access has been arranged to 50 Weymouth Street and Blocks A-C Ossington Buildings for an officer from the City Council to inspect the new accommodation and
- iv) the City Council has confirmed, in writing, that the replacement flats at 50 Weymouth Street and Blocks A-C Ossington Buildings has been completed to our satisfaction.

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33, S14 and CM 47.1 of Westminster's City Plan (November 2016) and in H3 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

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| Item No. |
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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, neighbourhood plan (where relevant), 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 proposals for the installation of new plant in association with the retail shops hereby approved would require further planning permission, which must be obtained prior to the operation of any equipment. Given the site constraints, such proposals are likely to be considered contentious in design and amenity terms, and planning permission may not be forthcoming.
- 3 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 You must get planning permission for any tanks, equipment, lift motor rooms, railings or other additions to the property. (I21AA)

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

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| Item No. |
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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS SUB COMMITTEE | Date 20 August 2019 | Classification For General Release | |
| Report of Director of Place Shaping and Town Planning | | Ward(s) involved West End | |
| Subject of Report | 83A Piccadilly, London, W1J 8JA | | |
| Proposal | Use of the ground floor and basement level for a car showroom use (<i>sui generis</i>) and alterations to shopfront to Clarges Street elevation to form vehicular entrance. | | |
| Agent | DP9 | | |
| On behalf of | British Land Company PLC | | |
| Registered Number | 19/03717/FULL | Date amended/ completed | 15 May 2019 |
| Date Application Received | 15 May 2019 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Mayfair | | |

1. RECOMMENDATION

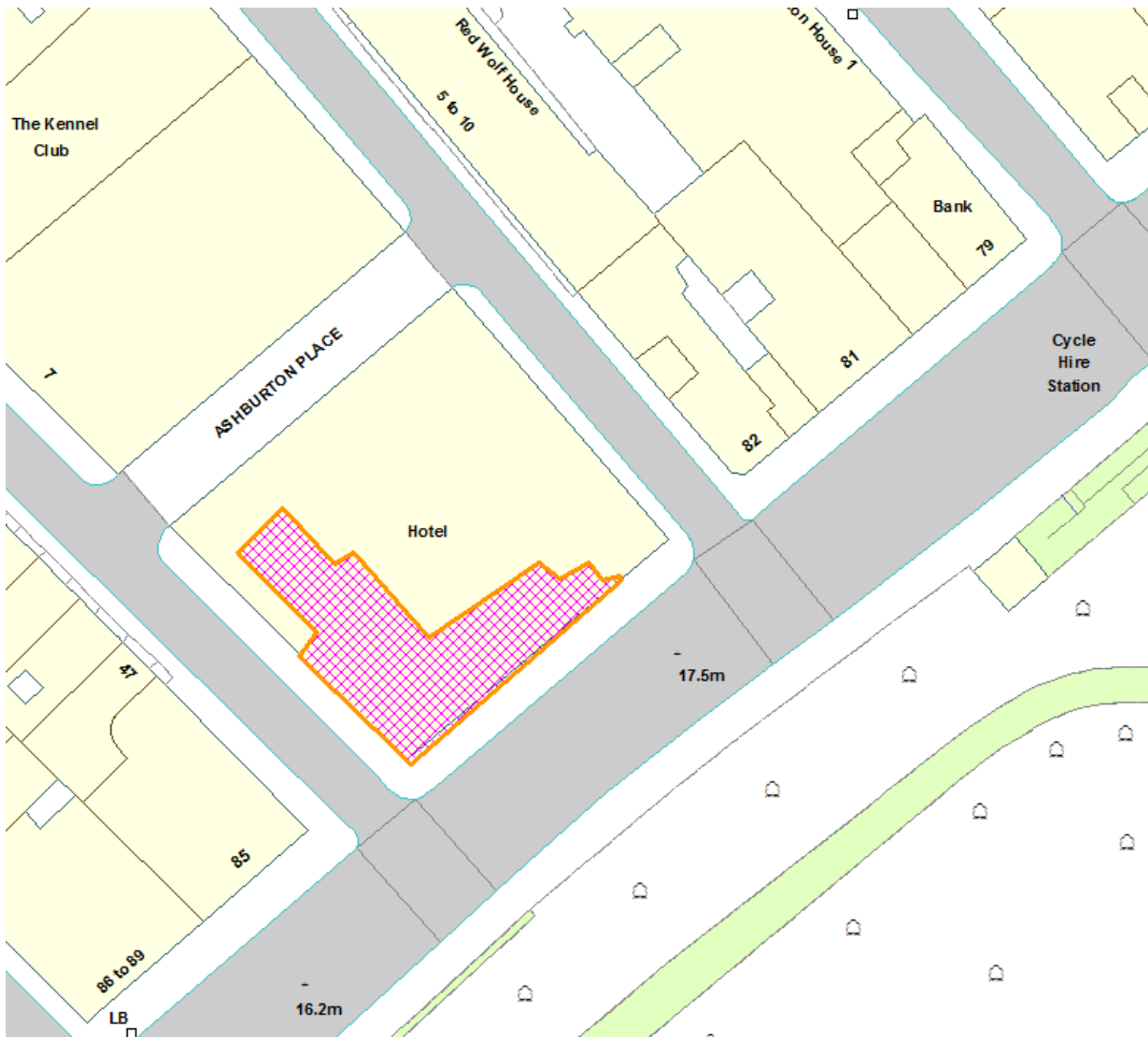
Refuse permission – highway safety.

2. SUMMARY

This application involves the use of a ground and basement floor unit on the corner of Piccadilly and Clarges Street as a car showroom. Alterations to the existing shopfront are also proposed including the replacement of existing doors with sliding/folding doors onto Clarges Street. A new vehicular entrance is proposed on the Clarges Street frontage to enable display vehicles to enter/exit the proposed car showroom.

The car showroom use is considered to provide a service to visiting members of the public, providing an active frontage and is considered acceptable in land use terms. The key issue in this case is the impact of the use in highway safety terms. The proposed crossover is considered to result in an increase in the conflict point for pedestrians and other highway users with motor vehicles and would lead to a reduction in highway safety. In addition, the servicing of the car showroom use is considered to have a significantly adverse impact on the surrounding highway network to other highway users and traffic flows. The application is subsequently recommended for refusal on highway safety grounds.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Objects on the grounds that the introduction of vehicular access in this location would result in an increase in the conflict point for pedestrians and other highway users with motor vehicles and would lead to a reduction in highway safety; and on the grounds that the servicing of the car showroom use would have a significantly adverse impact on the surrounding highway network to other highway users and traffic flows.

WASTE PROJECT OFFICER

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 77; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application involves a vacant ground and basement floor unit on the corner of Piccadilly and Clarges Street within the Mayfair conservation area. The unit forms part of a wider site which has been recently redeveloped following a permission granted in 2013. There are 33 flats within the upper floors of the building from first floor level and above.

The character of this part of Piccadilly is a mix of commercial, entertainment and residential uses. As well as those flats above the application site, there are also a number of other residential properties within the immediate vicinity, including 16 flats at 47 Clarges Street directly opposite the site.

6.2 Recent Relevant History

Planning permission granted in November 2013 for Demolition of existing building at 82-84 Piccadilly, 29 Bolton Street, 1-5 Clarges Street and 6-12 Clarges Street, and redevelopment to provide development over four blocks as follows: Block A:

Construction of a building comprising three basement levels, ground and nine upper floors and roof level plant room, containing plant, car parking, retail and/or art gallery and/or car showroom use (Class A1/A2/D1/sui generis) and residential (Class C3) uses.

Block B: Construction of new office building (Class B1) comprising of two basement levels, ground and six upper floors plus roof level plant and retail and/or art gallery and/or restaurant (Class A1/A2/A3/D1) at part ground and part basement levels. Block

C: Construction of new building of basement, ground, plus four upper floors for use as a

club to include offices, member's lounge, bar and dining facilities, library, museum, gallery, records storage and temporary overnight sleeping accommodation for staff (sui generis use). Block D: Construction of new building comprising basement, ground and five upper floors for residential use (Class C3). New vehicular and pedestrian access route between Clarges Street and Bolton Street.

7. THE PROPOSAL

The application is for the use of the basement and ground floors as a car showroom. Alterations to the existing shopfront are also proposed including the replacement of existing doors with sliding/folding doors onto Clarges Street to allow a new vehicular access point that would enable display vehicles to enter/exit the proposed car showroom.

The applicant has confirmed that the showroom will be the premier London showroom for the Porsche brand, but will be for display of vehicles only, and will not be used for test drives. No vehicle maintenance activities will take place on site and it is understood that the showroom will display both new and some pre-owned cars.

Hours of operation are:

- 08:30 to 18:00 on Mondays to Fridays.
- 09:00 to 17:00 on Saturdays
- 11:00 to 17:00 on Sundays.

Servicing hours are from 08:00 to 18:00 (Mondays to Saturdays) and 11:00-16:00 on Sundays.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Car showroom use

The principle of the proposed car showroom use was approved under the 2013 permission which permits occupation of the unit for flexible retail and/or art gallery and/or car showroom use. However, Condition 46 of that permission enables the car showroom use to be operated for the static display of vehicles only, and prohibits driving demonstrations and customer test drives, and restricts any changing of display vehicles to no more than once in any calendar month. This application seeks a less restricted car showroom use to operate from this unit. The highway impacts arising from this use are set out in further detail below.

Loss of retail

Condition 30 of the 2013 permission requires a minimum of 403sqm (GIA) of Class A1 retail floorspace to be provided within the two units facing Piccadilly, with a minimum of 187sqm (GIA) at ground floor level. The other retail unit within this development, on the corner of Piccadilly and Bolton Street, will partially fulfil this requirement, as it is currently being fitted out as a delicatessen (Class A1) and will provide 195 sqm of retail floorspace at ground floor level. However, in the event that the car showroom use is approved on this site, there would be an overall net shortfall of 208 sqm of retail floorspace as

originally required by Condition 30. The loss of retail accommodation therefore needs consideration.

The City Council places a high priority on retaining A1 uses and Policy SS5 of the Unitary Development Plan (2007) aims to protect retail uses within the CAZ, particularly at ground floor level. The policy does allow for some flexibility for the introduction of a non-A1 use where it would not be detrimental to the character or function of the area. Policy S21 of the City Plan states that A1 uses will be protected throughout Westminster. Exceptions to the policies can be made if the City Council consider the unit is not viable. In this case, despite the completion of the development in December 2017 and extensive marketing by Nash Bond Ltd and CBRE Limited for a period of over eighteen months from December 2016 to August 2018, the applicant claims that limited A1 occupier interest has been shown in the site and appropriate A1 tenant(s) have not been found to occupy the floorspace. The unit has therefore remained vacant for over 19 months. Whilst this marketing evidence has not been independently tested by the City Council, it is recognised that the car showroom use would provide a service to visiting members of the public and does have an active shopfront. Car showrooms are also characteristic of Piccadilly and is not considered to harm the character and function of the area or to the vitality and viability of this part of the Core CAZ. In these circumstances, the proposed use is not considered detrimental to the character and function of the locality.

8.2 Townscape and Design

The alterations are considered to be in keeping with the existing building and are considered acceptable in this location within the Mayfair Conservation Area.

8.3 Residential Amenity

It is not considered that the change of use would have any significant impact on the amenity of surrounding residential occupiers, the closest of which are at 47 Clarges Street opposite the site. The activity associated with a car showroom of this type is likely to be relatively low-key given that the applicant states that cars would not be driven off the premises by customers for test drives. In amenity terms, the hours of deliveries could be controlled by condition to reduce any impact on residents.

8.4 Transportation/Parking

The proposal also involves creating a new vehicle access to the ground floor unit on Clarges Street across the existing footway. The submission documents indicate that the proposed car showroom would generate some 25 movements each week (revised down from 50).

The applicant indicates that no test drives would occur from the site, but vehicles would be driven across the footway for:

- car delivery to the showroom;
- car movement from the showroom;
- car collection by a customer; and
- general servicing deliveries.

The process now involves transfer of vehicles from the existing Porsche showroom in Mount Street (although the applicant had previously indicated that the Piccadilly site would replace this showroom). This process would involve additional trips on the network, increasing both pollution and localised congestion.

The Highways Planning Manager has objected to the application and does not consider that a vehicular access in this location is acceptable in terms of road safety. The vehicle access is considered to create a conflict point with pedestrians. Additionally, the proposed vehicle access provides no visibility splays for pedestrians for a vehicle exiting the site. The lack of visibility splays significantly increases the risk to highway users (including pedestrians). This is of a particular concern if drivers are inexperienced with a high-performance vehicle and, whilst the applicant has proposed the use of banksman for all car movements, they would need to control other highway users (which is not within their powers). This is considered a design flaw that also relies on intensive long-term management.

The applicant argues that the showroom would operate the same as the Porsche showroom on Mount Street. However, the permission granted for the showroom here is heavily restricted. The consent in place enables the showroom only to be used to display vehicles for sales and not for customer collections. A separate basement area exists (accessed from Carpenter Street) where customer cars for collection are meant to be stored and a condition prohibits test drives and the supply of vehicles to customers.

While the applicant indicates that any vehicle change-over would occur within the building, based on the submitted drawings, it is not considered that this has been demonstrated and the Highways Planning Manager believes that it is highly doubtful that the majority of vehicles could be reached without removing other vehicles onto the highway. Further, with other vehicles present, it is unlikely that a single vehicle could be turned within the site – therefore vehicles would either need to enter or exit the site in a reverse movement.

The proposed new vehicular access is not considered to secure an improved environment for pedestrians, with particular regard to their safety, ease, convenience and directness of movement and is considered contrary to S41 and TRANS3.

Servicing

S42 and TRANS20 require off-street servicing. The applicant has stated that it is not intended to deliver any cars to the site by car transporter and that all vehicles will be driven to the site. While the applicant indicates a link with the existing Porsche car showroom at Mount Street, if the Mount Street site were to close it is not clear how the application site would operate, and it is likely that cars would then be delivered to the site by car transporter resulting in localised congestion. Significant concern is raised to display vehicles been dropped off on the highway and how this process will be managed and how vehicles will enter the units. It is not considered that the applicant has demonstrated that the car showroom use could be serviced without adverse impact on highway users (including pedestrians and traffic flow).

Further, given the original development has a combined managed loading bay, accessed via the basement, it is unclear why other general deliveries now need to be

on-street. This aspect is not considered to either maintain or improve the servicing situation, when compared to the existing approved servicing arrangements.

8.5 Economic Considerations

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

8.6 Access

Level access is provided into the unit from both Piccadilly and Clarges Street frontages.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

The examiner's report on the Mayfair Neighbourhood Plan was published on 11 June 2019 with recommendations. The City Council intends to accept all these recommendations and proceed to a local referendum. The publication of the examiner's report means that the Mayfair Neighbourhood Plan is now a material consideration for making planning decisions in the area. However, it will not have full development plan weight until the referendum process has been properly completed.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

Not relevant.

8.14 Other Issues

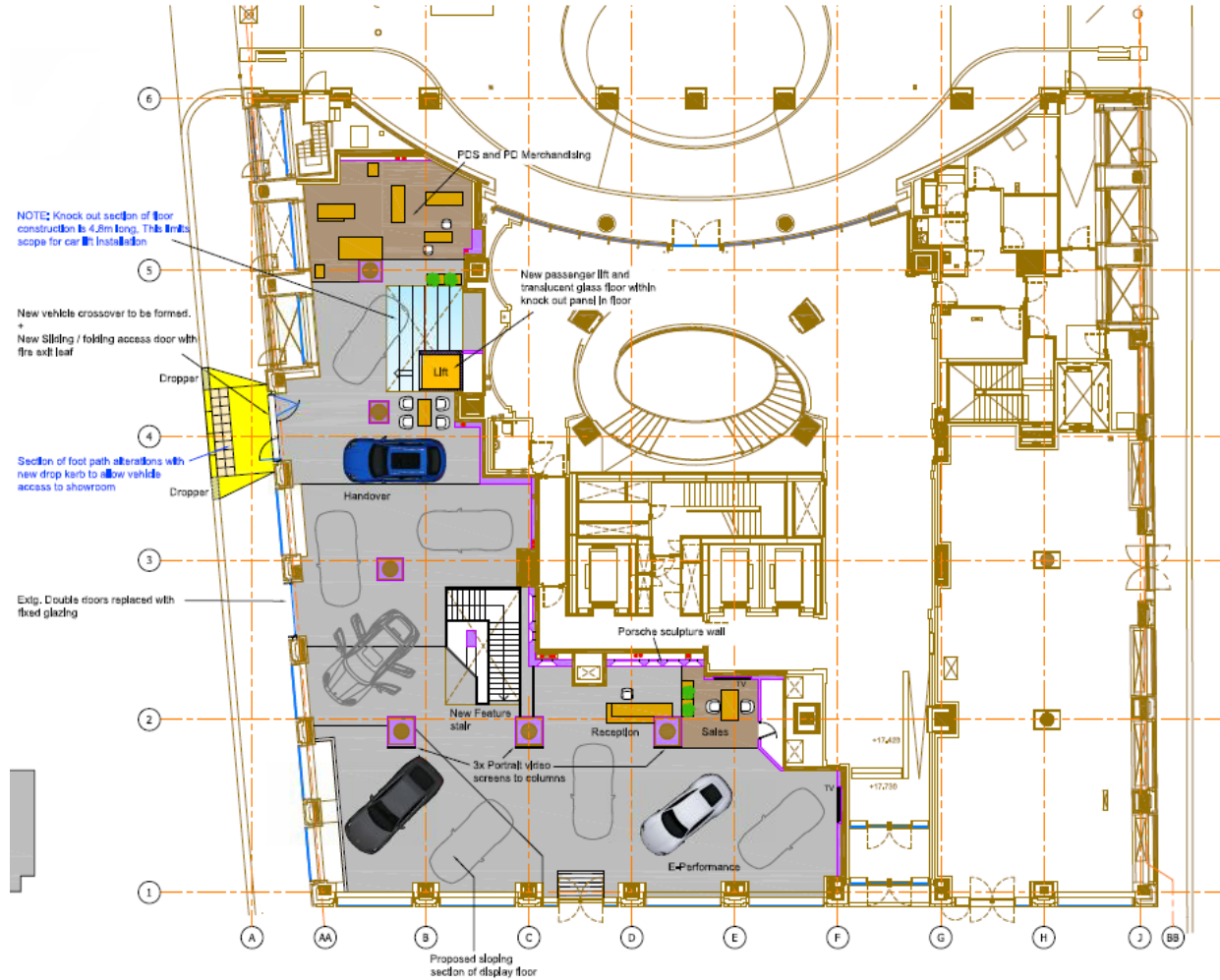
None relevant.

(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

Proposed Ground floor plan



Proposed Elevations



DRAFT DECISION LETTER

Address: 83A Piccadilly, London, W1J 8JA,

Proposal: Use of the ground floor and basement level for a car showroom use (sui generis) and alterations to shopfront to Clarges Street elevation to form vehicular entrance.

Plan Nos: P270 01 Rev J, 04 Rev C; 09047 SQP_BA_00_GA_GF_1052 C03, 09047 SQP_BA_00_GA_B1_0004 C05

Case Officer: Josephine Palmer

Direct Tel. No. 020 7641 2723

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

Reason:

- 1 The means of vehicular access to the showroom and on-street servicing would be unsafe and would have a detrimental impact on the operation of the highway. The proposal is contrary to S41 and S42 of Westminster's City Plan (November 2016) and TRANS 2, TRANS 3 and TRANS 20 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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

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