

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	50 Eastbourne Terrace, London, W2 6LX,		
Proposal	Demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop) / A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews.		
Agent	Mr Joe Wilson		
On behalf of	C/O Agent		
Registered Number	16/07359/FULL	Date amended/ completed	2 August 2016
Date Application Received	2 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The site comprises No.50 Eastbourne Terrace, which incorporates frontages to Eastbourne Terrace, Craven Road and Chilworth Mews. The existing buildings on the site consist of an 8 storey (plus lower ground floor) building linked with 2-3 storey buildings (plus lower ground floor level) on the corner of Craven Road and Eastbourne Terrace. None of the buildings on site are designated listed buildings, although there are a number of heritage assets in the immediate setting, including the Grade I listed Paddington Station, Grade II listed Hilton Hotel and Grade II listed Westbourne Terrace. The site is bordered on the east, south and west sides by the Bayswater Conservation Area, with the site itself not being included within a conservation area.

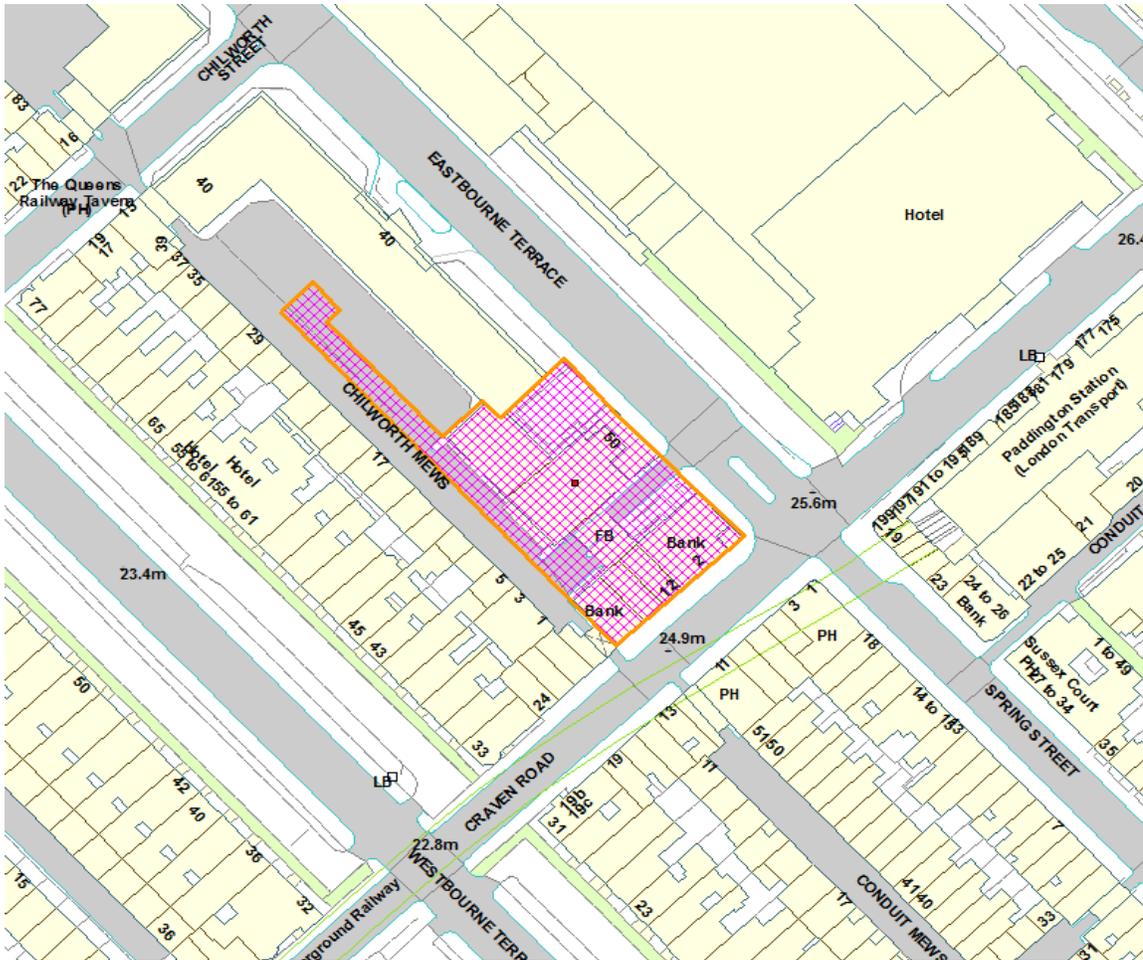
The application proposes the demolition of the existing 1960's buildings on the site and its redevelopment with a lower ground plus 6 storey building fronting the corner of Craven Road and Eastbourne Terrace and 7no. mews houses to the rear fronting Chilworth Mews.

The key issues in the determination of the application are:

- The impact of the proposals in land use terms;
- The impact of the proposals upon the character and appearance of the surrounding area;
- The impact of the proposals upon the amenity of neighbouring properties, notably the residents in Chilworth Mews;
- The impact of the proposals upon the surrounding highway network.

Objections have been received to the application primarily on the grounds of design, amenity and highways implications. The proposals are considered to accord with City Council policies within the City Plan and Unitary Development Plan (UDP) with regards to land use, design, amenity, highways and landscaping and accordingly are recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Eastbourne Terrace & Craven Road Elevation (Top) & Chilworth Mews Elevation (Bottom)

5. CONSULTATIONS

Historic England:

Authorisation to determine in accordance with local and national policy.

Ward Councillors for Hyde Park:

No response.

Cross London Rail Links Ltd:

No response.

Bayswater Residents Association:

No response.

South East Bayswater Residents Association:

Objection on the grounds of traffic disruption, demolition and construction and that clarification should be made between the uses at ground floor level.

Transport For London/ London Underground:

No comment.

Hyde Park Estate Association:

No response.

Paddington Waterways & Maida Vale Society:

No objection.

Paddington BID:

Objection to loss of the bank.

Crime Prevention Design Officer:

No response.

Thames Water Utilities Ltd

No objection.

Network Rail

No objection.

Highways Planning Manager:

No objections subject to conditions.

Cleansing:

No objections subject to conditions.

Building Control:

No response.

Arboricultural Section

Clarification required as to the status of the tree to be removed on Chilworth Mews. Concern also raised regarding the planting of the new trees close to the residential dwellings on Chilworth Mews. No further objections subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 751

Total No. of replies: 4

Four objections have been received on the following grounds:

Design:

- Design and materials should preserve the conservation area;
- The residential properties are unsympathetic to the surrounding properties.

Amenity:

- No loss of light report submitted with the application;
- Loss of light to properties on Chilworth Mews;
- Loss of privacy to properties on Chilworth Mews from terraces proposed;
- Loss of views of Paddington Station/ hotel corner on Craven Road;
- Creation of noise from terraces.

Highways:

- Loss of parking in the surrounding streets;
- Could some of the private parking spaces be allocated to residents of Chilworth Mews?
- The proposals will add to the 'rat run' of Chilworth Mews onto Craven Road;
- Are any traffic measures proposed?

Other:

- Noise and disruption during the course of construction.
- How will building materials be transported to the site.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site is a 1960's building occupying a prominent corner plot on Eastbourne Terrace and Craven Street, opposite Paddington Station. To the north of the site is an office building, 40 Eastbourne Terrace and to the rear of the site is Chilworth Mews, a primarily residential mews. The site comprising an 8 storey building (plus lower ground) located centrally on the site, with linked buildings to the north and south of the building of 2 and 3 storey's. The buildings are used as offices (Class B1), with the southern building used a 3 retail units (Class A1) and a bank(Class A2). At basement level of the main office building and in a rear shed building, there is currently cycle parking for the office development at 40 Eastbourne Terrace. This however is to

be removed to the private parking area to the rear of 40 Eastbourne Terrace, discussed in part 6.2.

The site lies within the Paddington Opportunity Area, the North Westminster Economic Delivery Area and within the Praed Street District Shopping Centre. None of the site is listed and it is not within the Bayswater Conservation Area.

6.2 Recent Relevant History

Planning permission was granted in November 2004 for the extension and refurbishment of the office building at 40 Eastbourne Terrace (ref. 03/09674/FULL). Condition 5 of the permission required the provision of cycle and motorcycle bays in the surface parking area in front of Chilworth Mews.

Planning permission was further approved in October 2005 for a variation of this Condition which allowed for an alternative means of securing parking for cycles and motorcycles (05/06760/FULL). This application proposed the refurbishment of an existing shed at the rear of 50 Eastbourne Terrace to accommodate cycles, with motorcycle parking provided in the space adjacent to the cycle shed. The proposed parking arrangement was subsequently implemented and has remained in place since. Locating the parking spaces for 40 Eastbourne Terrace within the demise of 50 Eastbourne Terrace was possible as both sites were owned by the same landlord.

Given the application currently under assessment at 50 Eastbourne Terrace, the existing cycle and motorcycle spaces approved under planning permission (05/06760/FULL) would need to be relocated to facilitate the redevelopment proposals. An application was therefore approved in August 2016 (16/06661/ADFULL) for the installation of a cycle store and motorcycle parking within the surface parking area to the rear of 40 Eastbourne Terrace. The cycle store will accommodate 38 cycles (1 more than previously provided with consent reference (05/06760/FULL), will be finished in timber, and will measure 9.12m in length, 4.26m in depth, and up to 3m in height. An informative of this permission was added reminding the applicant that the new cycle parking provision must be constructed and available for use by the occupiers of 40 Eastbourne Terrace, prior to the existing cycle parking at the rear of 50 Eastbourne Terrace being removed.

This store has no implications on the carparking provision/ servicing to the proposed development, as discussed in part 8.4 of this report.

7. THE PROPOSAL

Planning permission is sought for the demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop) / A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories. The office building is to have four terraces to both the front and rear elevations. The proposals also include the construction of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The buildings are currently in office use (Class B1) at upper levels with retail accommodation at ground floor level. The existing and proposed land uses can be summarised as follows (as calculated by the applicant):

Use	Existing GIA	Proposed GIA	Uplift
B1 Office	6529m²	8476m²	+1947m²
Residential	0m²	853m²	+853m²
A1/A2/A3 Retail*	1091m²	1165m²	+74m²

*A1/A2/A3 uses are proposed to be (in part) flexible uses.

Office Use:

The existing building comprises 6529m² of office floorspace. The proposed new office building will result in a total floorspace of 8476m² which is an uplift of 1,947m².

Policy S1 of the City Plan: Mixed use in the Central Activities Zone (CAZ) seeks to encourage a mix of uses which supports the vitality, function and the character of the area. In particular the policy seeks to promote commercial floorspace within the Core CAZ and Opportunity Areas, such as this site. The proposals allow for an additional 1,947m² of office floorspace, which is less than 30% of the existing building floorspace, thereby not triggering the requirement for any residential floorspace on the site. The proposals are considered to comply with part 3, A of this policy. The proposals are also supported by policy S3: Paddington Opportunity Area and S12: NWEDA of the City Plan.

It is however welcomed that the proposals also include seven residential units in Chilworth Mews which is discussed in more detail below.

Retail Use:

The existing development currently accommodates 4 retail units. Of these units, three are in A1 (shops) use (12-16 Craven Road) and one is in A2 (financial and professional institutions) use as a bank (2 Craven Road). These existing retail units which are located at ground and lower ground/basement floor level face onto Craven Road. The frontage forms part of a wider designated Secondary Shopping Frontage (District Shopping Centres).

The proposals includes the re-provision of a retail frontage onto Craven Road in the form of three retail units across ground and lower ground floor level and the table above shows the existing and proposed retail provision within the scheme demonstrating that there will be a net gain in overall retail floorspace, including A1 floorspace. The proposal complies with policy S21 (Retail) of the City Plan which identifies that existing A1 retail floorspace will be protected throughout Westminster and part B of policy SS4 (New Retail Floorspace In The CAZ And The CAZ Frontages).

The provision of 3 small/medium sized retail units together with the upgraded standard of retail accommodation and appearance of the units and frontage is considered to make a strong contribution to the wider retail area. The units will be attractive and suitable to a range of occupiers. In accordance with policy SS4 of the UDP the retail units are of a size and type which is appropriate to the character and function of the street.

The proposed division of the retail floorspace and allocation of uses ensures via the two A1 units, that there will be no net loss of A1 floorspace. For the third unit located on the junction of Craven Road and Eastbourne Terrace, the applicant is requesting a flexible permission which would allow the unit to be occupied for either A1 (retail), A2 (financial and professional services) or A3 (café and restaurant).

In the scenario of the unit being occupied in a use falling within the A1 use class this would be appropriate and align with objectives of retail policy for the CAZ.

As identified, the existing unit on the junction of Craven Road and Eastbourne Terrace (2 Craven Road) is within A2 use class (currently occupied by HSBC Bank). The proposals provide the flexibility to accommodate an occupant within the A2 use class within a similar floor area as the current unit. It should be noted that should the unit not be used as an A2 unit, the objection received on behalf of the South East Bayswater Residents Association and the Paddington BID, as to the loss of the valuable A2 unit could not be sustained in this instance given the overall increase in Class A retail floorspace.

The third option for the unit is to be occupied for an A3 restaurant use. A restaurant use in the location is considered appropriate, given its busy location and will integrate well with the proposed public realm works coming forward on Eastbourne Terrace as part of the Crossrail works. Due to the area proposed and the location (545 sq m GIA) the proposal would fall under the consideration of policy TACE10 of the UDP (Entertainment Uses which will be permissible only in Exceptional Circumstances). It is acknowledged that the proposals only marginally exceed the 500 square metre threshold under which Policy TACE9 of the UDP (Entertainment Uses which may be permissible) applies.

Given the location and marginal increase in size above the 500m² threshold, in principle the proposals are considered acceptable. The applicant envisages that the restaurant is to be open seven days a week and the maximum operating hours will be 07.00 – 00.00 with reduced Sunday and Bank Holiday trading hours. The opening times are deemed appropriate for the location and the hours of opening are not considered at odds with other restaurant/ pub uses within the areas. It is not considered that a restaurant use of this size with the provisional hours of opening would harm residential amenity, notably those residents in Chilworth Mews given its location on the busiest corner of the site. The applicant has confirmed that any plant associated with a restaurant use can be routed through the proposed office building and terminate in the proposed plant room. It is recommended that in the event the corner retail unit is used as a restaurant, that a condition securing an Operational Management strategy to be submitted to the Council is attached. Subject to these conditions and the location and size of the unit, it is considered that there are sufficient extenuating circumstances to justify such a use in this location.

Residential Use:

Policy S14 of Westminster's City Plan: Strategic Policies and H3 of the UDP seek to maximise the amount of land or buildings in residential use. Policy H3 states that inside the CAZ, proposals to convert buildings in office use into permanent housing will be generally acceptable. Policy H5 of the UDP seeks to ensure an appropriate mix of unit sizes is achieved in all housing developments, with 33% of units to be family sized.

The introduction of residential houses to the rear of the site on Chilworth Mews is acceptable in principle. The mix of units comprising 1 x 1 bed, 3 x 2bed and 3 x 3bed will comply with policies S15 and H5 of the UDP and the City Plan. The size of each unit and all bedrooms proposed will comply with the Technical Housing Standards (2015).

All of the houses have been designed to meet the Lifetimes Homes Standards as required by policy H8 of the UDP. The units will be single aspect which is typical of many mews properties in Westminster and whilst single aspect, will offer a good standard of accommodation. Each house has outside space in the form of a concealed roof terrace and this is welcomed and compliant with policy H10 of the UDP.

In summary the proposals are considered acceptable in land use terms.

8.2 Townscape and Design

The site incorporates frontages to Eastbourne Terrace, Craven Road and Chilworth Mews. The existing buildings on the site consist of an 8 storey (plus lower ground floor) building linked with 2-3 storey buildings (plus lower ground floor level) on the corner. None of the buildings on site are designated listed buildings, although there are a number of heritage assets in the immediate setting, including the Grade I listed Paddington Station, Grade II listed Hilton Hotel and Grade II listed Westbourne Terrace. The site is bordered on the east, south and west sides by the Bayswater Conservation Area, with the site itself not being included within a Conservation Area.

The existing buildings date from the 1960s and are considered to be of limited architectural merit. The taller block is uncharacteristically high in relation to the surrounding townscape and the detailed design of the buildings are incongruous with the prevailing architectural style, form and scale of the surrounding built form. Bayswater is characterised by its relative uniformity despite being developed over a 70 year period by numerous estates and architects. The buildings on Craven Road retain a consistent form and scale, particularly on the south side, with buildings principally being of 4-5 storeys, some with roof storeys. Solid masonry predominates, with variety created through brick stone and stucco, nevertheless there is uniformity in the fenestration siting and proportions. The west side of Eastbourne Terrace is occupied by office buildings following the 1950s redevelopment plan in response to the bomb damage in this area. To the rear of the site lies Chilworth Mews, the west side of which is located within the Bayswater Conservation Area. The buildings are typical of traditional mews buildings in terms of their scale form and detailed design.

The application proposes the demolition of the existing buildings on the site and its redevelopment with a lower ground plus 6 storey building fronting the corner of Craven Road and Eastbourne Terrace and 7no. mews houses to the rear fronting Chilworth Mews. Given the neutrality of the existing buildings within the townscape the principle of their demolition is considered to be acceptable in design terms.

Office/Retail Building

The south facing façade features a primary grid and frame of masonry with a secondary grid being formed by the projecting glass box windows. The framing will be white in colour and will be articulated by white terracotta spandrel panels. The top set-back storey is to be fully glazed within a low profile frame. In order to define a visual break from the adjacent building to the west a translucent glass panel is located vertically from ground to third floor level. At ground floor level shopfronts will address the street; these take the form of stainless steel surrounds with fully glazed shopfronts above terracotta spandrel panels which respond to the change in ground level. Awnings have been designed into the shopfront and sit beneath the fascia. The Eastbourne Terrace elevation generally follows the same design approach, but due to the scale of the

elevation a greater degree of vertical articulation has been created by the positioning of the principal entrance and the proportions of the framing. In addressing the neighbouring building to the north the elevation steps down at fourth floor level. There will be a terraced area on the top storey and an additional terrace at fifth floor level located within the centre of the facade.

The corner treatment has evolved during the design process and is articulated as a recessed corner at ground to second floor levels with a framed 'lantern' at top floor level which sits flush with the elevations and provides external space for the occupants. The lantern is of the same materiality as the framing to the principal facades; white masonry with a duplicated frame in order to make it appear prominent in the streetscene. Within the recess there is an area dedicated to public art, this is to be secured by condition. At fifth floor level there is a terrace located around the corner treatment from the narrow section on Eastbourne Terrace to a larger area at the western end on the Craven Road elevation. At sixth floor level the flat roof contains solar panels. On the North West section of the roof, the plant room projects approximately half a storey above the sixth floor; this will appear sheer from the rear and north elevations and will be articulated as part of the elevation within the masonry framing. On the south and east elevations the plant room will be enclosed in gun metal grey louvres.

The proposals are considered to be acceptable in design terms. UDP policy DES 4 seeks to ensure the highest quality of new development in order to preserve or enhance Westminster's townscape. It states that development should have regard to the prevailing townscape and character of the area. Whilst the mass of the office building is greater than the existing buildings the overall height of the resultant building is 2no stories lower than the existing office block; this is considered to be sympathetic to the townscape and responsive to the prevailing heights of the buildings within the setting, including heritage assets. Furthermore the resultant height of the building is lower than the Grade II listed Hilton Hotel and the prominent tower which demarks the corner, enabling long views of this feature from the west to remain, despite the objection raised to this point by a local resident. Whilst the plant room projects above the top storey, it has been located on the least prominent area of the roof where public and private views will be limited. The plant room will be evident in long and medium views from Eastbourne Terrace however it will be seen in the context of other office buildings which contain plant in more prominent locations.

In terms of detailed design and materials, the proposals have taken their cue from the wider area, but are contemporary in approach. The consistent solid elevations with punched openings which are found on the terrace buildings to the south have been referenced through the amount of framing and its hierarchy, in a solid material, found on all elevations. Furthermore the proportionality of the building, with respect of the relationship between the base, middle and top is appropriate and reinforced by the introduction of a recessive and subservient top storey. The consistent design approach to the shopfronts is welcomed and their detailed design is respectful of the traditional shopfronts which are in the wider setting. The recessed corner is regrettable in design terms as it is considered that this site could comfortably address the highway on the corner in a traditional manner. However the existing building has a recessed corner at ground floor level and therefore the corner hasn't historically been fronted and in the context of the merits of the scheme this design feature is considered to be acceptable.

Mews buildings

The mews buildings to the rear of the site are of 3 storeys plus a roof storey. The lower levels are to be rendered white whilst the upper storeys and the roof structure are to be clad in satin coloured seamed metal. The elevations contain a mixture of flush fenestration, box windows and recessed balconies, whilst the roof form of each dwelling contains a concealed amenity space. Hard and soft landscaping works are proposed from the front of the buildings.

An objection to the design and appearance of the new mews building has been received from a local resident. The mews buildings are considered to be appropriate and sympathetic to their setting whilst providing a transition between the office building and the existing mews buildings on the west side of Chilworth Mews. They have responded to the characteristic scale and form in terms of the built form and the spaces between them in this setting whilst being contemporary in design approach. UDP Policy DES 1 seeks to ensure the highest quality in the form and quality of new development in order to preserve or enhance the townscape of Westminster. The mews buildings are considered to be in accordance with this policy as they respond to the quality of the existing environment and are of inclusive design and architectural quality. Furthermore they respect the massing of the existing buildings and enable a progression in terms of scale, and materiality from the office building to the smaller scale residential buildings. The detailed design has incorporated distinctive architectural features associated with mews buildings, whilst progressing the form to generate an honest interpretation, such as the incorporation of a distinctive roof form which has been restructured to utilise the area for amenity space.

Townscape and Setting of Heritage Assets

The applicant has provided indicative views within the Design and Access Statement. In terms of the townscape impact and the impact upon the setting of designated heritage assets, the proposed buildings will have a limited impact. In the views from the west, which are all from within the Bayswater Conservation Area, the scale of the building will be readily appreciated however the building will not compete with the Grade II listed Hilton Hotel due to its scale and the recessive top storey. From the north and south the building will be appreciated in the context of the other office buildings, whilst from the east the building will be appreciated in the background of the Listed buildings and therefore the office building is not considered to be visually detracting on approach from these directions. With regards to impact of the mews houses on the setting of the Bayswater Conservation Area, given the buildings are respectful of the characteristic scale, form and detailed design of the existing mews buildings and they will reintroduce a double fronted street scene the setting of the Conservation Area is considered to be preserved.

The proposal is considered to accord with design policies S25 and S28 of our City Plan and DES 1, DES 4, DES 9, DES 10 of the UDP.

8.3 Residential Amenity

Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure,

overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Sunlight and Daylight

A Daylight and Sunlight Report has been prepared by Point 2 Surveyors which is submitted in support of this planning application. This was revised during the course of the application to include an assessment of 1-4 Chilworth Mews. It should be noted that an objector claimed that this report had not been submitted with this application, however this was available to view on the Council's website. The report assesses the impact upon the daylight and sunlight of the existing surrounding buildings which may arise from the proposed development.

The results of the report identify that the vast majority windows and rooms facing the site within the existing surrounding properties will comfortably satisfy the BRE guidelines as a result of the proposed development. In addition, there are many instances around the site where daylight levels are actually improved by the proposed development, given the reconfiguration of the site and the overall reduction in height of the tallest element. Where there are alterations beyond the recommended guidance these reductions are isolated with good retained daylight levels that are commensurate with a city centre urban environment. Furthermore, these reductions occur to nearby hotel accommodation, opposite the site on the south side of the Craven Road, which has a more transient nature of occupancy.

In terms of the sunlight position, all of the southerly orientated windows assessed will satisfy BRE guidance such that the occupants are unlikely to notice any alteration to their sunlight amenity as a result of the implementation of the proposed development.

Sense of enclosure

Whilst it is acknowledged that overall the bulk, height and massing of the office building is greater than the existing part three/ part four and part eight storey building, the building line and therefore bulk of the office part of the development is pushed further eastwards away from the Chilworth Mews properties and is designed to be of similar bulk to the other office buildings on Eastbourne Terrace. It is not considered that the office building results in a significant increase in sense of enclosure to warrant refusal.

The proposed mews houses are to be sited on the same building line as the rear elevation of the existing office building. The mews properties are no taller than the existing three storey rear office projection that exists on Chilworth Mews and are of a similar scale to the existing Chilworth Mews properties and are therefore not considered to result in any harmful sense of enclosure.

Privacy

An objection has been received from a nearby resident on the grounds that the office layout could result in overlooking to their property. Whilst it is acknowledged that there is an increased number of windows in the rear elevation, given that the new office building is to replace an existing office building, it is not considered that the new office development would result in such harmful additional overlooking as to warrant refusal.

The proposals include the provision of external terraces for both the office and residential mews houses to provide outdoor amenity space to occupants.

With regards to the proposed office premises, terraces are proposed in a number of locations on the new building. Those fronting Eastbourne Terrace and Craven Road raise no amenity concerns. Two terraces are proposed within the rear elevation facing Chilworth Mews at third and fourth floor level. The applicant argues that the number of terraces reflects the need for a multi occupied office building. Given the size of these rear terraces and the height on the proposed building, it is not considered that they will result in any substantial or detrimental overlooking to the existing residential properties in Chilworth Mews. As such it is not considered necessary to impose screening to those terraces, as requested by a nearby neighbour. It is recommended that the timing of their use is conditioned largely to working hours.

Terraces concealed within the roof structure of the mews properties are proposed. Given the design and angles of the roof form, there is limited scope to harmfully overlook the residential properties opposite in Chilworth Mews, so as to warrant refusal.

Noise from balconies/terraces

In terms of noise from the terraces, given the size of the terraces associated with the office development and the distance of the terraces away from neighbouring residential properties in Chilworth Mews and the future residents of the proposed mews houses, it is not considered that these would create substantial level of noise to warrant refusal. It is recommended however that a condition restricting the hours of use for the office terraces is attached.

The proposed mews houses are to incorporate concealed terraces within the roof structure. Given the size of these terraces, it is not considered that significant levels of noise, to the detriment of neighbouring properties would be created.

Accordingly, the proposals are considered acceptable in amenity terms.

8.4 Transportation/Parking/Highways Implications

The applicant has submitted a Transport Assessment in support of their application.

Car Parking – Residential

The applicant proposes 7 car parking spaces for the 7 residential units, within existing car parking bays in the private parking area associated with the adjoining office site of 40 Eastbourne Terrace. These carparking spaces are within the ownership of the applicant. As this is private parking which does not contribute to on-street parking in the area, these loss of these spaces cannot be protected. The provision of 7 carparking space in this area is consistent with TRANS21 and TRANS23 and welcomed.

A condition is recommended to secure at least 20% active provision and 20% passive provision of electric car charging points, as required by the London Plan.

Car Parking – Non-Residential

There is no parking proposed for the commercial uses and this is supported by City Council policies. It is considered that in terms of people arriving and departing the site

using the offices, the levels would be similar to the existing use and therefore no significant change will occur.

Cycle Parking – Residential

The London Plan Policy 6.9 requires 1 space per 1 bedroom unit and 2 spaces for all other dwellings. For the residential units, the proposal would therefore require 13 (1, 1-bed and 6, 2+bed units) cycle parking spaces. Cycle parking for 14 bikes is proposed in a secure lock up facility (the ground floor of the 1 bedroom house) accessed from the side of the Chilworth Mews properties and this is considered acceptable. This is to be secured by condition.

Cycle Parking – Non Residential

The London Plan Policy 6.9 requires 1 cycle parking space per 90m² of B1 office and 1 space per 175m² of A class use, with a minimum of 2 spaces for each use. 8476m² of B1 office would require a minimum of 100 cycle parking spaces. 1165m² of A class use would require a minimum of 8 cycle parking spaces.

110 cycle parking spaces are indicated within the lower ground floor of the office development for non-residential uses, accessed from Chilworth Mews and is considered acceptable. This is to be secured by conditioned. The provision of support facilities in the basement including lockers and showers is also welcomed.

Waste

Waste storage is proposed in the lower ground floor for the offices and retail units. The waste storage for the residential units is in a secure facility adjacent the cycle storage facility next to the residential properties. Both facilities are accessed via Chilworth Mews and suitable for access by the future occupiers of the development and by refuse collectors.

Trip Generation

It is expected that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (eg walking, cycling) and whilst the floorspace of the new office building will be increased in comparison to the existing offices, this is unlikely to have a detrimental impact on the safety or operation of the highway network.

Servicing

An area of off-street servicing is provided adjacent the side entrance of the office accommodation at the rear of the residential mew proposed, accessed via Chilworth Mews. The proposed development will require the removal of the existing through internal road and the removal of the vehicle cross-overs on Eastbourne Terrace and Chilworth Mews and will result in an improved pedestrian environment. The off-street servicing is welcomed however, from the submitted Delivery and Servicing Plan, the area allocated for servicing is considered to be rather restricted. It is therefore recommended that a more detailed Servicing Management Plan is secured by condition, to which the applicant has agreed. The proposals are considered to comply with S41 and S42 of the City Plan and TRANS3 and TRANS20 of the UDP.

Building Line

Chilworth Mews

Changes are proposed to the highway as the building line is being brought forward of the existing structures. From the submitted drawings this appears to be largely trees and

some paving and the applicant has confirmed that the proposed building line does not come further forward of the existing bollards which in effect demarks the highway boundary, although this is not completely clear when assessed against the existing building line drawings. As the proposals do not result in the loss of highway or impact upon the pavement width available to pedestrians there is no objection in principle however further details to clarify the building line are requested.

Building Line – Eastbourne Terrace/Craven Road

The building line is extending and in filling part of the existing chamfered corner. This is considered consistent with S41 and TRANS3 of the City Plan and UDP.

Highways Works

All highways works immediately surrounding the site required for the development to occur such as the paving on Chilworth Mews and the alterations to the existing vehicle crossover on Eastbourne Mews are to be secured by condition.

Other

Objections have been received on the grounds that the privately operated parking spaces to the rear of 40 Eastbourne Terrace have not been offered to the existing residents of Chilworth Mews and that as Chilworth Mews is seen as a rat run from Chilworth Street to Craven Road could any traffic calming measures be imposed on the applicant and the City Council to improve this. It is not considered that these requests can be accommodated within the scope of this application.

8.5 Economic Considerations

The economic benefits of providing additional office accommodation in accordance with Policy S3 in the City Plan are welcomed, subject to the other material considerations set out in this report.

8.6 Access

The proposed office development is fully accessible from both Eastbourne Terrace and Chilworth Mews to the office development. The residential units are accessible from Chilworth Mews. The proposed development accords with Policy DES1 in the UDP.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed in the lower ground floor and within the plant enclosures at main roof level of the retail/ office building and an acoustic report identifying the proposed plant has been submitted. This demonstrates that the proposals will comply with the City Council's standard noise conditions. The applicant has confirmed that in the event the corner retail unit on Craven Road/ Eastbourne Terrace is used as a restaurant, any additional extract equipment can be routed through the building internally and exit within the plant enclosure.

Sustainability

The applicant has submitted an Energy Strategy that sets out the energy performance and sustainability of the proposed development. The submitted report sets out that the office building would achieve a BREEAM 'Excellent' rating and would achieve a carbon saving of 37.8% relative to 2013 Building Regulations. This energy performance is to be

achieved through achieving reductions in energy demand, primarily through the use of energy and thermally efficient in the built fabric of the development and through the provision of 137 photovoltaic (PV) panels at roof level. A condition is recommended to ensure the provision of the PV panels.

Subject to the recommended condition the proposed development accords with Policies S28, S39 and S40 in the City Plan and Policies 5.2, 5.3, 5.6 and 5.7 in the London Plan (2015) (as amended) and the Mayor's Energy Planning guidance document (March 2016).

Biodiversity

Green roofs are proposed to the main roof area, and whilst this is also to accommodate PV panels, this is welcomed. A condition to secure this is recommended.

Local Economy and Employment

On appropriate larger scale developments, Policy S19 in the City Plan seeks to encourage contributions towards initiatives that provide employment, training and skills development for local residents and ensure that local people and communities benefit from opportunities which are generated from development. In accordance with Policy S19, the City Council would expect the applicant to provide trainee/ apprenticeship placements during the course of construction works and notification of the City Council and affiliated work placement bodies of construction workforce vacancies so that local employment can be promoted. The applicant has agreed to this and this is to be secured by condition.

Refuse /Recycling

Two main waste stores are shown on the basement plan, one store for residential use and the other for commercial use. The waste storage capacity proposed is adequate for the expected waste generated from the development. The Council's Waste Manager has however requested further details regarding a bin compactor and storage location of waste cooking oil on the plan; bins being marked accordingly and details of a waste route diagram showing how the occupiers of the A1/A2/A3 units will access the commercial waste store located in the basement. This is to be conditioned.

Trees

There are five trees to the rear of 40 Eastbourne Terrace, which are currently within the private carparking area. These are protected by TPO W504. The applicant has confirmed that no trees are proposed to be removed as a result of the development or the allocation of parking spaces to the residential uses, despite the visuals submitted with the application indicating one tree being removed.

The Council's arboricultural officer has requested that a street tree on the Eastbourne Terrace frontage which was removed in relation to the Crossrail works be replaced. It is not considered reasonable to request this from the applicant through this application. The arboricultural officer comments one of the drawings in the supporting information shows three trees and seating proposed on the Eastbourne Terrace frontage. The plan being referred to is actually a roof plan which shows three trees and a seating area to one of the terraces on the Eastbourne Terrace elevation.

The arboricultural officer has stated that on the Craven Road frontage there may be opportunities for street tree planting. This is not considered reasonable in this instance

given the proposed awnings of the retail units at ground floor level and the existing pavement width and existing street furniture.

In Chilworth Mews it is proposed to plant trees outside the new dwellings. The drawings indicate that the trees would be planted within the application site, although it is acknowledged that this appears to be close to the highway boundary (which as discussed above requires further clarification) and in fact the canopy would overhang the highway. The applicant suggests a cultivar of birch as the most appropriate species however the Council's arboricultural officer is not convinced this is the most appropriate species and requests a condition to secure further details.

The proposal for a green roof is welcomed and its provision is to be secured via condition.

The visuals show trees to be planted in tubs at upper levels of the office building. As these are moveable features, there is limited planning control over these, but greening and landscaped is welcomed and the applicant is encouraged to provide this where appropriate.

8.8 London Plan

The application does not raise any significant strategic issues and is not referable to the Mayor due to the size and height of the development. Where relevant, considerations involving London Plan (2015) policies are dealt with in other sections of this report.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The estimated Mayoral CIL and the estimated Westminster Council CIL payment is £687,557.48. This is to be clarified by the applicant with the Council's CIL officers should permission be granted.

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

8.12 Other Issues

Concerns have been expressed by neighbours in Chilworth Mews, Westbourne Terrace and from the South East Bayswater Residents Association regarding the impact of construction works in terms of noise and general disturbance, including obstruction to traffic. These concerns are amplified by the Crossrail works taking place in Eastbourne Terrace.

To seek to minimise disruption to neighbouring residents it is recommended that a condition is imposed to restrict the hours of building works and to require the

construction works to be carried out in accordance with the Code of Construction Practice adopted in July 2016. Compliance with the Code of Construction Practice would include monitoring of the impact of the construction works throughout the construction period by the Environmental Inspectorate at the applicant's expense. Planning permission cannot reasonably be withheld on grounds of construction impact and the conditions recommended in the preceding paragraph would adequately mitigate the impact of the proposed development on the amenity of neighbouring residents in terms of noise and disruption from construction works.

9. BACKGROUND PAPERS

1. Application form
2. Schedule of floor areas of residential properties.
3. Response from Historic England (Listed Builds/Con Areas), dated 17 August 2016
4. Response from London Underground dated 19 August 2016
5. Response from Thames Water dated 25 August 2016
6. Response from Waste Manager dated 26 August 2016
7. Response from Paddington Waterways & Maida Vale Society dated 2 September 2016
8. Response from Network Rail dated 6 September 2016
9. Response from South East Bayswater Residents Association, dated 8 September and 8 October 2016
10. Response from Paddington BID dated 9 September 2016.
11. Letter from occupier of 3A - 3D Chilworth Mews, London, dated 2 September 2016
12. Letter from occupier of 27 Chilworth Mews, London, dated 4 September 2016
13. Letter from occupier of 2nd floor flat, 45 Westbourne Terrace, dated 10 September 2016
14. Letter from occupier of 25 Chilworth Mews, London, dated 14 September 2016
15. Response from Aboricultural Officer dated 6 October 2016
16. Response from Highways Planning Manager dated 31 October 2016
17. Response from Environmental Health dated 2 November 2016.

Selected relevant drawings

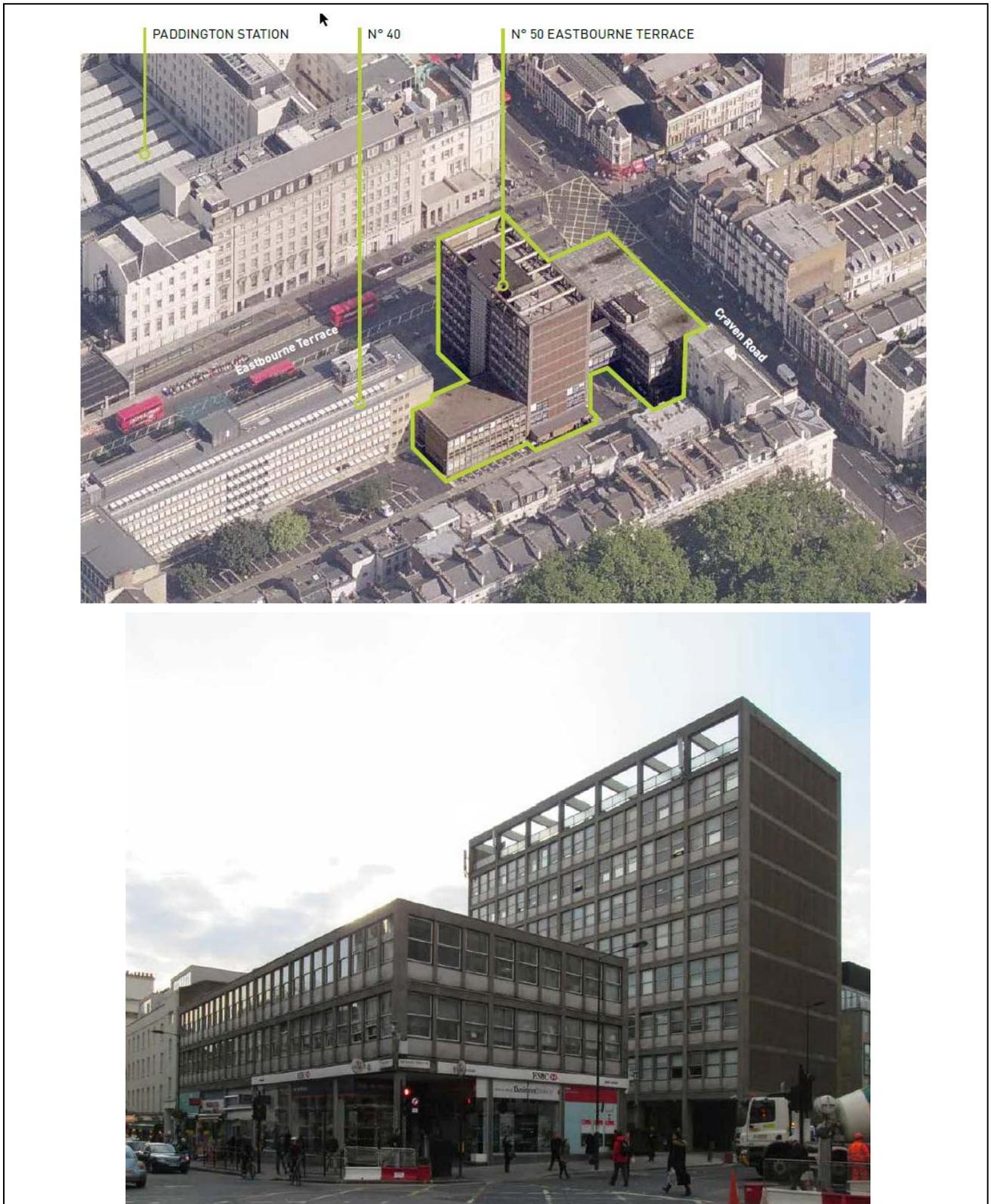
Existing Photographs and Visuals

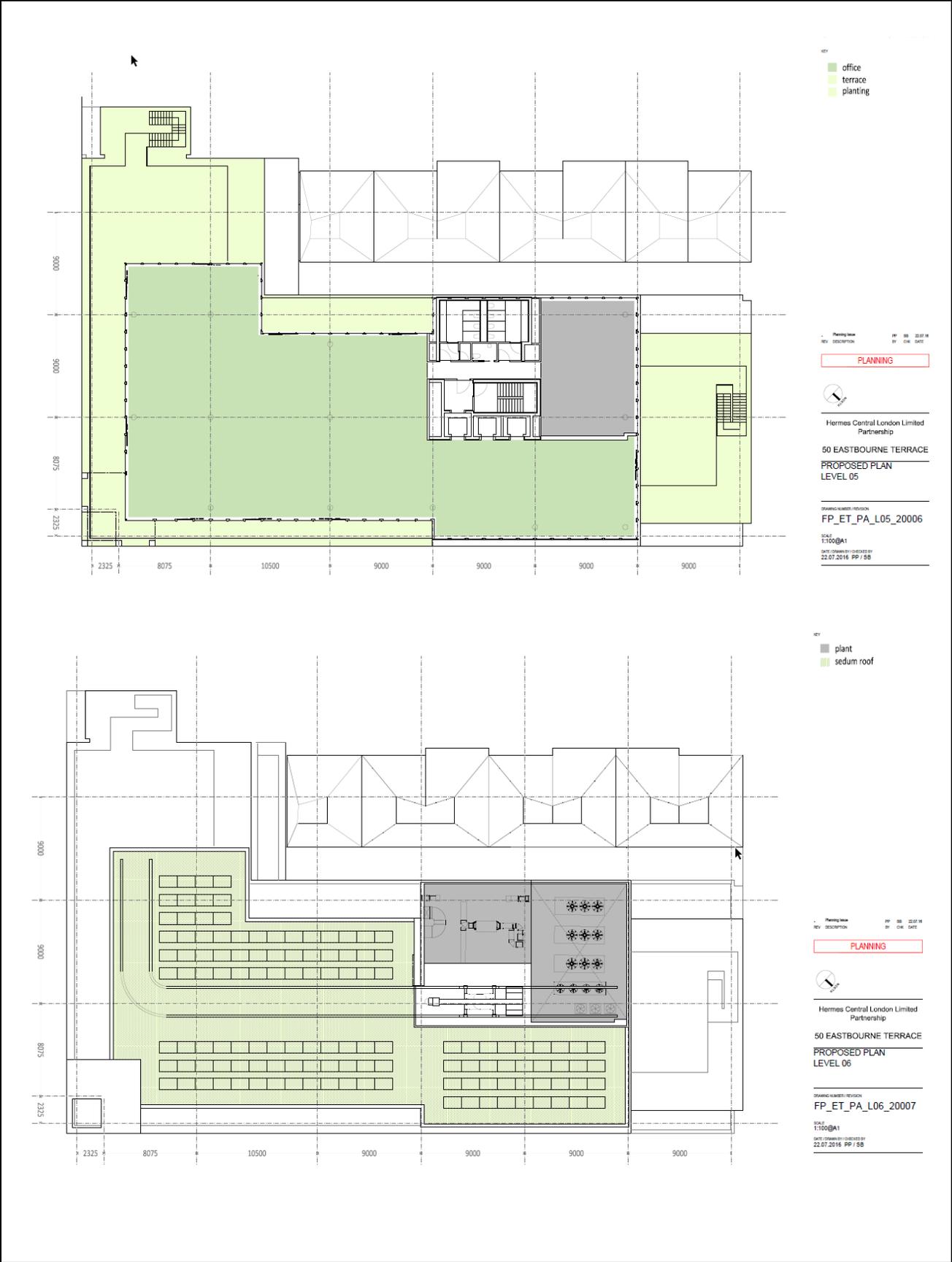
Proposed Lower Ground, Ground, Fifth and Sixth Floorplans, Elevations and Visuals.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk.

10. KEY DRAWINGS





Proposed Eastbourne Terrace/ Craven Road Elevation



Proposed Craven Road Elevation



Proposed Chilworth Mews Elevation



Proposed visuals of mews properties



Proposed Residential Floorplans



DRAFT DECISION LETTER

Address: 50 Eastbourne Terrace, London, W2 6LX,

Proposal: Demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop) / A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews.

Reference: 16/07359/FULL

Plan Nos: FP ET EX LLG 20000; FP ET EX L00 20001; FP ET EX L01 20002; FP ET EX L02 20003; FP ET EX L03 20004; FP ET EX L04 20005; FP ET EX L05 20006; FP ET EX L06 20007; FP ET EX L07 20008; FP ET EX LR 20009; FP ET EX LM 21000; FP ET EX LM 21001; FP ET EX LM 21002; FP ET DE LM 21000; FP ET DE LM 21001; FP ET DE LM 21002; FP ET DE LR 20009; FP ET EX LM 22000; FP ET EX LM 22001; FP ET EX LM 22002; FP ET EX LM 22003; FP ET PA L00 01000; FP ET PA L00 01001; FP ET PA L00 01002 A; FP ET PA L00 01003; FP ET PA LLG 20000; FP ET PA L00 20001 A; FP ET PA L01 20002 A; FP ET PA L02 20003; FP ET PA L03 20004; FP ET PA L04 20005; FP ET PA L05 20006; FP ET PA L06 20007; FP ET PA LM 21000 A; FP ET PA LM 21001 A; FP ET PA LM 21002 A; FP ET PA LM 21003 A; FP ET PA LM 21004 A; FP ET PA LM 21005 A; FP ET PA LM 22000 A; FP ET PA LM 22001 A; FP ET PA LM 22002 A; FP ET PA LM 22003 A; FP ET PA LM 22004 A., Design and Access Statement dated July 2016; Heritage Statement dated July 2016; Floor areas dated 22 July 2016; Planning Statement dated July 2016; Transport Assessment dated 28 July 2016; Noise Assessment by EEC dated 9 June 2016; Sunlight and Daylight Assessment revised October 2016; Statement of Community Involvement dated July 2016; Sustainability Statement dated 29 June 2016; Energy Statement dated 6 July 2016 and BREEAM Pre-Assessment dated 16 June 2016.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o

between 08.00 and 13.00 on Saturday; and, o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 3 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

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

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

Reason:

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

- 5 You must apply to us for approval of 3m x 3m fabricated sample panels of the following parts of the development: i) typical facade bays on the office building., ii) typical façade bays of the mews buildings., The sample(s) should demonstrate the colour, texture, face bond, pointing, component interfaces and means of construction (including any typical expansion/movement joints). You must not start any work on the superstructure of the development until we have approved the sample panels., You must then carry out the work according to these approved sample(s).

Reason:

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

- 6 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - typical bay details to all new facades to indicate the following: i) windows; ii) external doors; iii) interfaces with windows; iv) interfaces with landscaping; v) interfaces with architectural metalwork; vi) ventilation and other services terminations at façade and roof; vii) railings and balustrades; viii) integral lighting; ix) shopfront's and awnings, x) signage strategy, xi) rainwater goods, You must not start any work on the superstructure of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

Reason:

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

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

Reason:

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

- 8 You must apply to us for approval of a drawing demarking where paraphernalia associated with the terraces is to be located. The paraphernalia must then only be located in these areas.

Reason:

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

- 9 Notwithstanding details shown on the approved drawings no street furniture shall be located within the recessed corner at ground floor level.

Reason:

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

- 10 You must only put structures such as satellite or radio antennas on the rear elevation or within the roof terraces of the mews buildings.

Reason:

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

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

Reason:

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

- 12 The Building Maintenance Units hereby approved shall, when not in use, be stored within the roof top plant room.

Reason:

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

- 13 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following., , i. Unallocated parking; , ii. All highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving; , iii. Employment and Training Strategy for the construction phase and the operational phase of the development., , 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 S19, S33 of Westminster's City Plan (July 2016) and in TRANS1 and TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

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

Reason:

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

- 15 In the event that the corner retail unit on Eastbourne Terrace and Craven Road is used as a Class A3 restaurant, an Operational Management Plan shall be submitted for approval. You must not start the restaurant use until we have approved what you have sent use. You must then carr out the measures included in the plan at all times the restaurant is in use.

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 (July 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 16 In the event that the corner retail unit on Eastbourne Terrace and Craven Road is used as a Class A3 restaurant, if you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

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 (July 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 17 In the event that the corner retail unit on Eastbourne Terrace and Craven Road is used as a Class A3 restaurant, customers shall not be permitted within the restaurant before 07.00 or after 00.00 on Monday to Saturday (not including bank holidays and public holidays) and before 08.00 or after 22.30 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 18 You must not use the office terraces hereby approved outside of the hours of 08.00 and 21.00 Monday to Friday.

Reason:

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

- 19 Notwithstanding the outline servicing plan submitted, you must apply to us for approval of a detailed Servicing Management Plan in relation to the commercial premises. You must not occupy the commercial premises until we have approved what you have sent us and abide by the terms of the Servicing Management Plan at all times.

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 20 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

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

Reason:

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

- 22 Any structure including canopies and awnings over the footway shall maintain 2.6m vertical clearance from the footway surface at all time and not extend any closer than 1m to the kerb edge.

Reason:

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

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

Reason:

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

- 24 You must apply to us for approval of details of the following parts of the development:- , , i) Installation of 20% active and 20% passive electric vehicle charging point for the approved seven residential carparking spaces., , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details and maintain them for the lifetime of the development.,

Reason:

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

- 25 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. The details must include: i) Show and indicate the bin compactor, storage location of waste cooking oil on the plan; ii) The storage bins must be shown and indicated on the plan, and mark the recyclable materials bin as R, food waste bin as O and mark the general waste bin as W; iii) Provide a waste route diagram showing how the occupiers of the A1/A2/A3 units will access the commercial waste store located in the basement; iv) If a cardboard bailer is required, provision for this equipment should be included within the commercial waste store. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the . (C14EC)

Reason:

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

- 26 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following: i) Unallocated parking for the residential parking spaces; ii) All highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving; iii) Employment and Training Strategy for the construction phase and the operational phase of the development. 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 S19, S33 and S41 of Westminster's City Plan (July 2016) and in TRANS1 and TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 27 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum. (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins

during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 28 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.

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

Reason:

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

- 30 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.

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.

- 31 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application., , Green Roofs, , You must not remove any of these features. (C44AA)

Reason:

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

- 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. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 6 months of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within 3 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 the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 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)
- 3 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 4 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 6 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 7 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)
- 8 Condition 19 requires the submission of a servicing management plan. The plan should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this case. It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. ,
- 9 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)

- 10 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 11 In the event that the corner retail unit on Craven Road and Eastbourne Terrace is used as a restaurant, you must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
- 12 Conditions 27 and 28 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)
- 13 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.**
- 14 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation., , 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). (I38AB)

- 15 There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

- 16 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 17 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the ground / lower ground floor retail unit on the corner of Craven Road and Eastbourne Terrace floor can change between the A1, A2 and A3 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

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.