

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 7 March 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	16 Devonshire Place, London, W1G 6HY		
Proposal	Use as six self-contained flats (Class C3) including the demolition and replacement of rear extensions at lower ground and ground floor levels, excavation of rear garden and vault at lower ground floor level. Installation of four condensers at roof level within acoustic enclosure and a condenser unit within an acoustic enclosure within the rear patio at lower ground floor level and condenser in front lightwell. Replacement windows and internal alterations.		
Agent	DP9 Ltd		
On behalf of	DAO Estate Ltd		
Registered Number	16/11937/FULL 16/11938/LBC	Date amended/ completed	16 December 2016
Date Application Received	16 December 2016		
Historic Building Grade	Grade II		
Conservation Area	Harley Street		

1. RECOMMENDATION

1. Grant conditional permission including a condition to secure car club membership for each of the units for 25 years.
2. Grant conditional listed building consent.
3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

16 Devonshire Place is a Grade II listed building. It is a lawful single family dwelling house comprising of a lower ground, ground and four upper floors.

The site is located within the Harley Street Conservation Area and the Harley Street Special Policy Area. It lies outside the Council's Core Central Activities Zone (CAZ).

Planning permission and listed building consent is sought for the sub-division of the building as six self-contained dwelling (Class C3). Further works involve the demolition and replacement of rear extensions over lower ground and ground floor levels, excavation of rear garden and vault at lower ground floor level, replacement of windows, installation of plant with acoustic enclosures and

associated internal alterations.

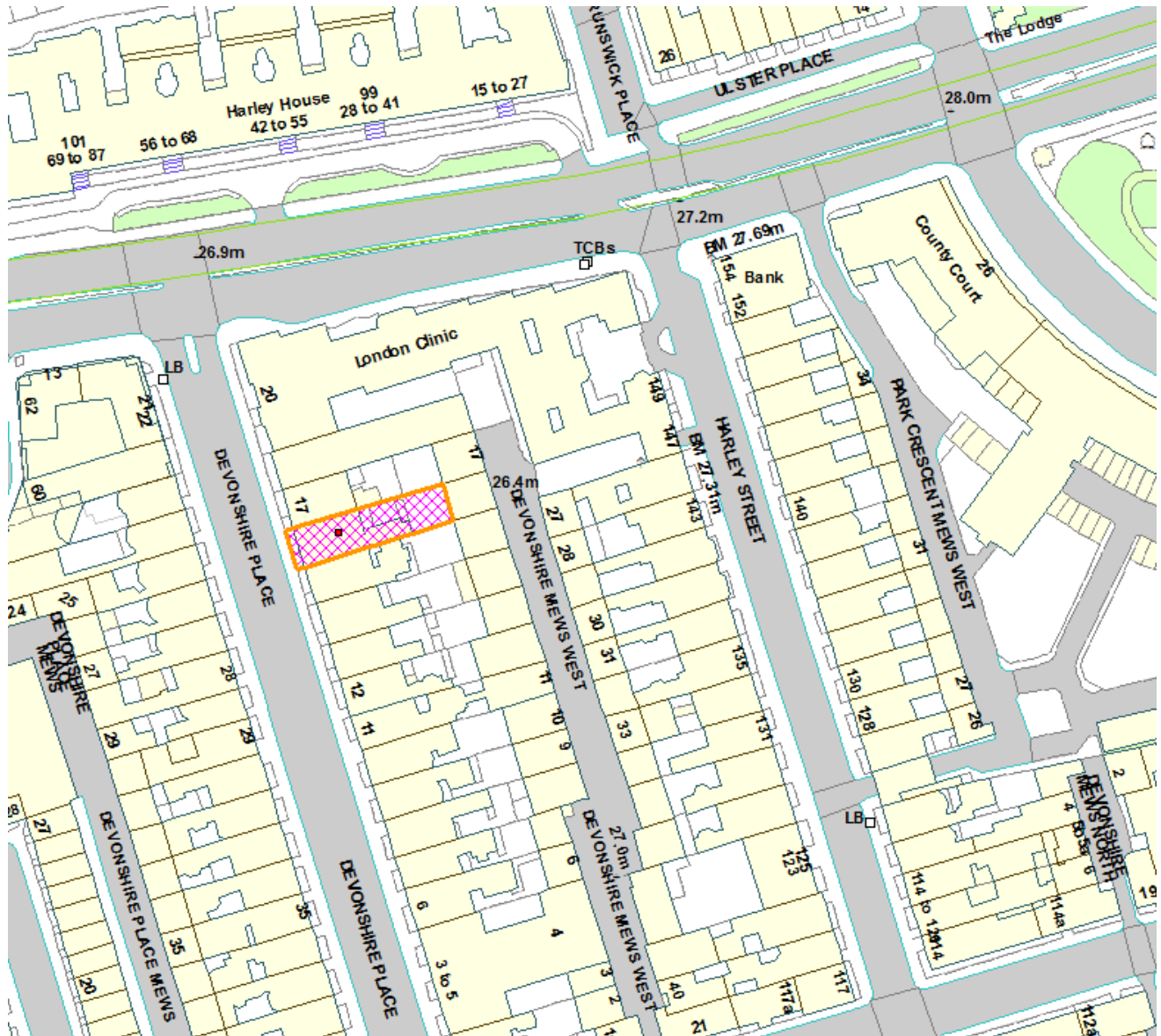
The key issues for consideration are:

* The impact of the works upon the provision of amenity space for the proposed occupiers.

* The impact of the internal and external works upon the character and appearance of the Harley Street Conservation Area and this Grade II listed building.

The application is considered acceptable in land use, amenity, design and conservation terms, and highways terms and is in accordance with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation of application site



5. CONSULTATIONS

HISTORIC ENGLAND:

No objection- to be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

MARYLEBONE ASSOCIATION:

Objections on the grounds of

- Loss of external amenity/garden space
- Substantial loss of and/or alteration to historic fabric on this listed building

BUILDING CONTROL:

The proposed demolition works appears to be in close proximity to underground tunnels and sewers. The application should be advised that the appropriate approvals should be obtained from the relevant statutory undertakes prior to commencement of the works.

CLEANSING:

No objection, revised plans have overcome initial objections

ENVIRONMENTAL HEALTH:

Objection- the arrangements for means of escape appear to be inadequate and the main living room for the lower ground floor flat (Flat 1) will not be provided with adequate light as required by the Housing Act.

No objections are raised to the proposed plant.

HIGHWAYS PLANNING:

Objection- lack of car parking

THAMES WATER:

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

16 Devonshire Place is a Grade II listed building. It is a lawful single family dwelling house comprising of a lower ground, ground and four upper floors. The site is located within the Harley Street Conservation Area and the Harley Street Special Policy Area. It lies outside the Council's Core Central Activities Zone (CAZ).

There is a garden to the rear which abuts 16 Devonshire Mews to the east, which is in residential use. There adjoining properties to either side of the application site, to the north and south are 15 and 17 Devonshire Place, which are also in residential use.

There are existing rear extensions to the building at lower ground and ground floor level. At basement level, the rear extension leads to a courtyard and vault, underneath a raised concrete garden, which is accessed by stairs from the courtyard. There is also access to the raised concrete garden from the ground floor extensions, with part of its roof used as a terrace.

6.2 Recent Relevant History

14/02336/FULL & 14/02337/LBC

Applications withdrawn- for internal and external alterations including installation of lift shaft on rear facade, new windows to front and demolition of rear extension.

7. THE PROPOSAL

Planning permission and listed building consent is sought for the sub-division of the building as six self-contained dwelling (Class C3).

In addition, works involve

- the demolition of existing rear extensions, excavation of rear garden and vault and replacement with new extensions over lower ground and ground floor.
- Installation of replacement windows to the front and rear elevations of the first, second and third floors, the front elevation at ground floor level and the rear windows at fourth floor level.
- Installation of four condensers at roof level within an acoustic enclosure and an additional condenser unit within an acoustic enclosure within the rear patio at lower ground floor level.
- Internal alterations including the installation of an internal lift to serve second to fourth floors and alterations in connection with the sub-division of the building as six self-contained flats.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Harley Street Special Policy Area

Residential uses complement the medical excellence within the Harley Street Special Policy Area. Therefore the continued use of the property as residential is compliant with Policy CM2.1 of the City Plan.

Residential use

Policy S14 Westminster's City Plan: Strategic Policies states that proposals for the conversion or redevelopment of single family houses to flats will be assessed taking into account the character of the street and area and the impact on residential amenity and the mix of units proposed. The number of residential units on site will be optimised. Policy S15 of the City Plan also seeks to ensure that residential developments will provide an appropriate mix of units in terms of size, type and affordable housing provision to contribute towards meeting Westminster's housing needs and creating mixed communities.

The six residential units will comprise of 2 x 1 bed flats, 2 x 2 bed flats, 1 x 3 bed flats and 1 x 4 bed flats. The proposed units are considered to be acceptable in terms of their size and layout. The layout and size is detailed in the table below, which demonstrates that each unit exceeds the requirements set out in the GLA Housing Standards:

Flat	Floor	Bedrooms	GIA (m ²)	GLA minimum space standards (m ²)
1	Lower Ground Floor	1	70	50
2	Lower Ground Floor/Ground Floor	4	340	124
3	First Floor	1	94	50
4	Second Floor	2	87	70
5	Third Floor	2	110.3	70
6	Fourth Floor and Mezzanine	3	129.7	102
Total			972	

Devonshire Place contains a mix of townhouses that remain as single family dwellinghouses, medical (D1) or other mixed use and split into flats. It is not considered that the proposal will have a detrimental impact upon the character of the street. It is considered that generally, the internal arrangement of the units would not have any detrimental impact upon residential amenity.

The unit mix would achieve the requirement of Policy H5 to provide 33% family size (3 or more bedrooms). The remaining units, being either one or two bedroom units assist in providing an appropriate mix. The proposal is therefore considered to comply with Policy S14 and S15 of the City Plan and Policy H5 of the UDP.

Affordable housing

The total increase in residential floorspace is 77m² GIA (Gross Internal Area), which is below the City Council's threshold for providing affordable housing.

8.2 Townscape and Design

16 Devonshire Place is a grade II listed building in the Harley Street Conservation Area. It forms part of some of the most complete Georgian terraces in the Conservation Area.

The majority of the building is unaltered, with the exception of a rear extension, added in 1924, which detracts significantly from the rear elevation. Its construction resulted in the loss of some original window openings, and its design and materials are at odds with the host building.

The key design issues are:

- The principle, and detailed execution, of subdivision of a single family dwelling into six apartments.
- The demolition and reconstruction of the rear extension
- The insertion of a passenger lift
- The insertion of bathroom 'pods'

Subdivision into flats

The subdivision of a listed single family dwelling into flats would ordinarily be contentious. The applicant's contention that flats represent a more viable long term use, and are therefore a heritage gain is not accepted. However permission has already been granted for the subdivision of the basement into a separate flat (05/2000).

The existing floor plan of the building means that subdivision can be carried out with a minimum of alteration to historic fabric; the layout, particularly of the upper storeys, lends itself to subdivision without serious compromise to plan form or circulation. The works necessary to subdivide the building are largely reversible, should the building be required as a single dwelling in the future.

The incorporation of one of the roof forms into the top floor flat is considered to be acceptable in principle. The roof fabric in question dates from a late nineteenth century extension and has only modest significance in its own right.

Lift

The proposed lift will run between second and fourth floors only. It will therefore avoid the principal rooms on the ground and first floor. The lift as proposed is considered to be acceptable. The arrangement of the upper floors lends itself to a discreet lift enclosure, which would have minimal impact to the historic fabric of the building. The protection of the first floor ceiling would be very important however. The proposed lift is understood to require very little overrun, which can be accommodated within the roof space. An overrun which breached the roof form would not be acceptable.

Rooftop plant

The valley between the two roof forms is often considered to be a suitable location for plant, providing its visibility is minimized. 16 Devonshire Place is one of the tallest buildings in the vicinity – it is overlooked only by the upper storeys of the London Clinic. The applicants have reduced the height of the plant to be equal to the height of the rear roof ridge, concealing the equipment from buildings of an equivalent height.

Loss of vault

The loss of the vault in the rear garden is considered to be acceptable. While unusual, there is no evidence that this arrangement is particularly significant. The further excavation in the front vaults is acceptable, providing that there are no historic floor surfaces surviving within them. A condition shall be appended to protect any undiscovered floor surfaces. The historic brick wine cellar is retained.

Capsule bathrooms

The capsule bathrooms have been carefully considered to minimise their impact on the first, second and third floor rooms, both in terms of appearance, and the proposed servicing. The second and third floor rooms are less significant in terms of decorative detail. The first floor room is the most sensitive to an intervention of this kind. On the basis that they do not occupy a large area in terms of floorspace, read as separate and freestanding elements within existing rooms, do not result in the loss of historic fabric and are entirely reversible, it is considered that the capsule bathrooms are considered to be acceptable.

Rear extension

The demolition of the existing rear extension is considered to be acceptable in principle, and the reinstatement of the rear wall of the house a heritage gain. The existing extension was originally built in the 1920s, but subsequently substantially altered in the 1970s.

The proposed rear extension is unconventional in its plan form, and modern in its design. It would not normally be a suitable addition to a listed building. Our usual expectation in terms of the form of rear extensions would be of a traditional closet wing forming a single rear extension at around half the width of the plot.

The rear extension is considered acceptable in this instance only because of the particular circumstances of the case; the poor quality existing extension across the whole of the rear of the property and the pattern of adjacent extensions. The heritage benefits at the rear façade also contribute some weight to the overall acceptability.

The main part of the proposed extension is separate from the body of the house, effectively enclosing a small light well adjacent to the rear wall of the house. It is this lightwell which effectively reveals the original rear wall of the house, and the window openings therein. The adjacent building at number 15 Devonshire Place has a similar rear extension, though one which is even more detached than that proposed at number 16, reading very much as a pavilion in the garden.

The proposed materials; stock brick, with bronze frames to the window openings, are considered to be acceptable.

Loss of Historic Fabric

The Marylebone Association have objected on the basis of the loss of historic fabric. While the scheme does indeed involve a considerable amount of demolition, this is mainly to modern fabric, or to historic fabric of lower significance. The degree of loss involved is

considered to be acceptable. A proposed large opening on the third floor has been reduced in size following negotiation. The loss of part of the fourth floor ceiling has also been removed from the scheme.

Heritage benefits

The heritage benefits of the scheme, which are considered to outweigh the modest harm caused, are considered to be:

- replacement of modern windows throughout with multi-paned single-glazed timber sash windows;
- improvements to brickwork in rear façade;
- reinstatement of rear façade at lower ground and ground floors;
- revealing chimneybreasts and reinstating fireplaces/chimneypieces
- removal of stair enclosure within entrance hallway

8.3 Residential Amenity

Amenity of Proposed Units

Policy S29 of the City Plan requires that 'all new housing, and where possible refurbishment of existing housing, will provide a well-designed, high quality living environment, both internally and externally in relation to the site layout and neighbourhood'. All the flats with exception of Flat 1 are double aspect. Flat 1 only has one aspect to the front; however they all have an adequate outlook.

The Environmental Health Officer has raised concerns that Flat 1 (within lower ground floor level) will not be provided with adequate natural light as required by the Housing Act. There is a partition to separate the living room and bedroom, but this extends at right angles to enclose the bedroom space, meaning there is no direct natural light. The agent has provided additional information from the daylight and sunlight analysis that the partition has limited effect on the distribution of light to the space itself. Furthermore, the partition has been re-designed, and will comprise of a solid low wall up to 900mm high with a glass partition above. Subject to further details of the partition secured by condition, it is considered that the habitable rooms within the lower ground floor Flat 1 will receive adequate natural light in planning terms (see also sunlight and daylight section of this report below) and largely overcomes the objection of Environmental Health, who considers this matter under different legislation.

Provision of amenity spaces/gardens

Saved policy H10 of the UDP requires the provision of amenity spaces as part of housing developments. The site is located outside the Core CAZ and as such, the Council will expect the provision of gardens in association with the ground floor dwellings, which should be family sized. The City Council recognises that it will not be appropriate for balconies and roof gardens to be provided in some cases, such as on a listed building, or

where a straightforward change of use or conversion is proposed with no external alterations.

An objection has been received from the Marylebone Association citing that the proposals would result in a loss of amenity/garden space. The existing amenity areas include a courtyard (measuring 29m²) within the lower ground floor and the raised garden (measuring 69.4m²) at ground floor level.

The proposals at lower ground floor level will see the courtyard being re-provided although reduced in size and measuring 20m², a patio measuring 10m² to be provided to the rear of the site, abutting the party wall with No. 16 Devonshire Mews West. A raised garden including terrace measuring 40m² will be re-provided at ground floor level above the ground floor extension. These will serve the four bedroom maisonette flat (No. 2). The proposed amenity spaces to Flat 2 within the lower ground floor are within enclosed areas. In addition, Flat 3 shall have access to an external terrace measuring 4.5m² at first floor level, to the rear of the main building.

In terms of accessible amenity spaces, the proposed scheme will provide 74.5m² of private amenity space, which is 23.9m² below the existing provision. It is also acknowledged that the majority of the amenity spaces will be used in connection with only one of the six flats. However, this flat is a four bedroomed and the provision of amenity space to the larger family sized flat at lower ground and ground floor level accords with Policy H10 in this regards.

It is noted that the building is listed which impacts the level of amenity spaces that can be provided for the remaining four flats proposed within the building. On balance, it is considered that the provision of amenity spaces for the development is acceptable taking into account the listed status of the building, and the provision of private amenity spaces to the larger of the flats. The objection cannot be supported in this respect.

The proposals shall also provide a green roof at first floor level measuring 34m², although this shall not be used in connection with any of the proposed flats. If it was to be used as a private amenity space, its location may give rise to concerns in respect to noise and disturbance to the other Flats within the upper floors of the building and require extensive external alterations to provide access.

Privacy

The main impacts of overlooking will be from the extensions and the additional amenity areas.

There is an existing degree of mutual overlooking between the existing building and the residential property to the rear of the site at 16 Devonshire Mews West. The existing rear extension at ground floor level is positioned 7.8m (approximately) from the rear boundary wall. The replacement rear extension is to be located at a reduced distance from the rear boundary wall of 7.4m. It is not considered that an increase in overlooking of 0.4m from the extension wall would lead to a significant loss of privacy to the detriment of neighbouring occupiers that would warrant refusal of the application. In addition, the relationship of the rear garden to this adjacent dwelling would be as existing and is not considered to result in any detrimental amenity impacts.

In respect to the first floor terrace, to the rear of the main building, it is proposed to provide fixed planters along the perimeter of the terrace and a fixed timber screen to a height of 1.8m from the finished floor level of the terrace on the southern boundary with No. 15 Devonshire Place.

It is also proposed to provide 1.8m high trellis and planting along the northern and southern boundaries with 15 and 17 Devonshire Place, along the rear raised garden. It is considered that the screening proposed would be adequate to maintain the privacy of the occupiers of the neighbouring properties to the north and south of the application site.

Sense of Enclosure

The replacement of the rear extensions would not have an impact upon the sense of enclosure to neighbouring properties; the proposed extensions are similar in scale and position to the existing rear extensions. It is therefore not considered that the resulting relationship between the site and the adjoining residential buildings would result in an unacceptable degree of enclosure to reasonably withhold planning permission.

Sunlight and Daylight

A daylight and sunlight report has been submitted in order to assess whether the proposed extension would have an impact on daylight and sunlight level to neighbouring properties and to assess whether the residential flats would achieve adequate daylight and sunlight. The properties that have been tested are 15 and 17 Devonshire Place and 16 Devonshire Mews West.

Daylight

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. For buildings that neighbour a new development, the guidance suggests that daylight will be adversely affected by the development if its windows achieve a VSC below 27% and have their levels reduced to less than 0.8 times their former value.

The window that would result in loss of VSC is the ground floor bedroom window (identified as R1) in 17 Devonshire Place would result in a loss of 18.08%. The existing level VSC achieves 22.95 and this will be reduced by 4.15 to 18.80.

The report demonstrates that all of the windows in 15 and 17 Devonshire Place and 16 Devonshire Place West achieve compliance with the BRE guidelines in respect of VSC assessment.

No Sky Line

The 'No Sky Line' (NSL) method measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky. Accurate assessment of the No Sky Line method is dependent upon knowing the actual room

layouts or having reasonable understanding of the likely layouts. BRE guidelines states that if the no-sky line is reduced by 20% this will be noticeable to its occupants.

The window in the ground floor of 17 Devonshire Place serving a bedroom (identified as R1) would result in loss of NSL of 0.19%, however the room would still receive a high level of sky line (existing 88.51% and proposed 88.34%).

The report demonstrates that all windows serving the surrounding properties achieve compliance with the BRE guidelines in respect NSL daylight assessment.

Average Daylight Factor

The Average Daylight Factor (ADF) is an accurate assessment of daylighting conditions within new rooms. The BRE report advises that where supplementary electric lighting is available, the recommended daylight factor levels for dwellings are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. The submitted report demonstrates that all rooms within the proposed development would experience adequate light depending on the type of room, including the bedroom at front lower ground floor.

Sunlight

Only 16 Devonshire Mews West is within 90 degrees north and therefore are required to be tested. The windows that have been tested comply with BRE guidance and there are no losses to existing sunlight levels.

8.4 Transportation/Parking

Car Parking

No off street car parking is proposed for the new flats. UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased beyond identified 'stress levels'. 2011 census figures indicate 35% of households in the Marylebone High Street ward have one or more cars. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%. Within a 200m radius of the site, parking occupancy during the day is 85%; overnight parking occupancy reduces to 63%. Overnight residents can park on single yellow lines which further reduces the parking stress level to 32%.

The Highways Planning Manager has objected to the application due to the lack of on-street parking availability in the daytime. However, given the close proximity of this site to excellent public transport facilities including Regent's Park and Baker Street underground stations, it is considered that permission should not be withheld for parking reasons.

The applicant has also agreed to provide lifetime membership of a car club for each of the residential units and this is dealt with by condition. Given these measures, the objection to increased parking demand and traffic, it is not considered that the application could be refused for parking reasons.

Cycle Parking

10 Cycle parking spaces are proposed in one of the front vaults, meeting the requirements set out in the London Plan (Further Alterations to the London Plan) and shall be secured via condition.

8.5 Economic Considerations

The economic benefits of bringing the building into residential use are welcome.

8.6 Access

Access to the property from street level will be unchanged, however flat one within the front part of the basement will be accessed from the front lightwell. The remaining five flats will use the front entrance as existing.

8.7 Other UDP/Westminster Policy Considerations

Noise

The amenity spaces are considered to be sufficiently screened and given the distances to neighbouring properties are unlikely to give rise to any significant noise disturbance and for both the occupiers of the flats within the main building and any neighbouring occupiers.

Plant

The application has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

Mechanical plant comprising of four external condensers at roof level within an acoustic enclosure and an additional condenser unit within an acoustic enclosure within the rear patio is proposed. Calculations indicate that with the specified acoustic louvres and distance attenuation; the plant will be compliant with the City Council's noise criteria.

The agent has confirmed that the climate control system will enable windows to be opened for ventilation purposes, and satisfies the concerns of the Environmental Health Officer in this respect. A Noise Report has been submitted which demonstrates that the internal living conditions of residents in the development, subject to the implementation of the recommendations providing within the noise report, will meet the daytime and night time noise criteria set out in UDP policy ENV 6.

A condition is recommended to ensure that the envelope of the new building will provide adequate insulation to the residential properties from external noise.

Refuse /Recycling

The Cleansing Officer initially objected to the application due to the lack of details relating to the waste storage and routes from the residential units. Revised plans have been provided and the details of the waste arrangements in one of the front basement vaults are now considered acceptable and shall be secured by condition.

Biodiversity

Policy S38 seeks to protect and enhance biodiversity and green infrastructure as part of development proposals. The proposal includes the provision of an intensive green roof on the first floor flat roof. An intensive green roof is welcomed as it provides opportunities for biodiversity. A condition is recommended to ensure a biodiversity management plan is submitted and the green roof is provided.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application. The estimated CIL payments are:

Mayoral- £62,778.83; Westminster- £413,274.69; Total- £476,053.52

8.11 Environmental Impact Assessment

There are no environmental impacts associated with this proposed development.

8.12 Other Issues

Excavation/Basement

This is a site with an unusual arrangement to the rear and the proposals are considered to involve excavation of raised land around an existing vault, rather than a basement that would result in a new floor level below the original lower ground floor level. The floor level to be created would be in line with the existing lower ground floor and vault level.

If the basement policy was to be applied, the works would be contrary to City Plan policy CM28 in respect to extending beneath more than 50% of garden land. The existing undeveloped garden land measures 81.4m², and after the proposals 32m² of undeveloped garden land would be retained. This would equate to an excavation of 60.7%, 11% above the 50% target. However, this site has an unusual arrangement and the works would result in excavation of an area marginally above the target. Given the context this is considered an acceptable form of development.

Construction impact

The Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all major and basement developments from September 2016.

The publication of the Code represents a fundamental shift in the way the City Council deals with the construction impacts of basement developments. Before September 2016, developments of this scale used legal agreements to fund the Environmental Inspectorate (EI) and required Site Environmental Management Plans to be submitted to and approved by the City Council.

In recognition that there is a range of regulatory measures available to deal with construction impacts and that planning is the least effective and most cumbersome of these, the new approach is for a condition to be imposed requiring the applicant to provide evidence that any implementation of the scheme (by the applicant or any other party) will be bound by the Code. Such a condition is recommended.

Means of Escape

The Environmental Health Officer has raised an objection to the arrangements for means of escape in case of fire. The occupiers of the bedrooms are required to escape via areas of highest risk, namely the kitchen/living room. Particular concern is raised to Flat 3 on the first floor and Flat 4 at second floor level. The agents have been made aware of these concerns; however they have not been able to provide a response to date. Notwithstanding this, the means of escape is primarily a matter for building control.

Trees

There is a tree in the neighbouring rear garden of 15 Devonshire Place. Given the potential risk to this tree from the proposed works it is considered appropriate to require details to be submitted demonstrating how this tree will be protected. This is secured by condition.

9. BACKGROUND PAPERS

1. Application form
2. Response from Historic England, dated 4 January 2017
3. Emails from the Marylebone Association, dated 27 January and 22 February 2017
4. Response from Building Control, dated 3 January 2017
5. Response from Thames Water, dated 3 January 2017
6. Response from Highways Planning, dated 10 January 2017
7. Response from Cleansing, dated 16 February 2017
8. Response from Environmental Health, dated 17 February 2017

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

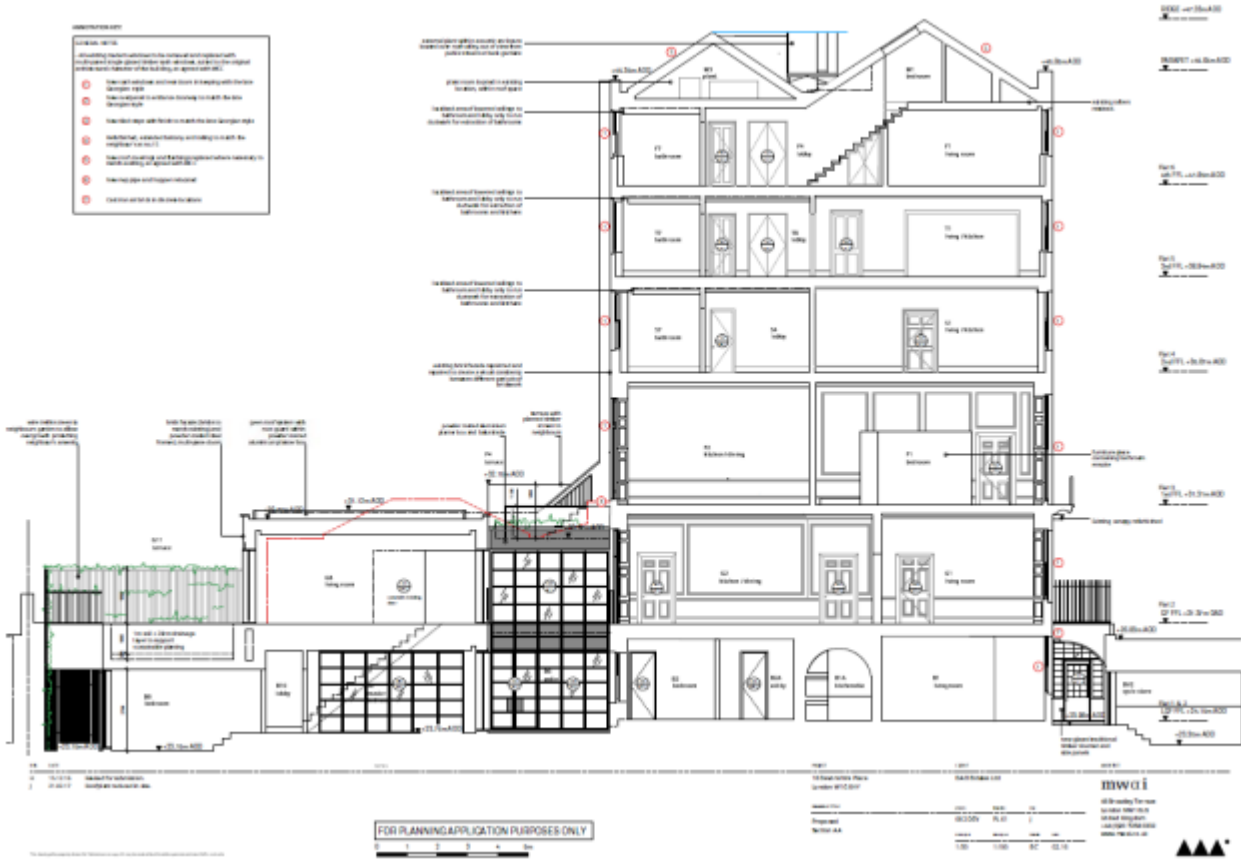
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

10. KEY DRAWINGS

Plan showing the subdivision of the building



Proposed Section A-A



Diagrammatic section



Sectional view showing the proposed extension

DRAFT DECISION LETTER - PLANNING

Address: 16 Devonshire Place, London, W1G 6HY,

Proposal: Use as six self-contained flats (Class C3) including the demolition and replacement of rear extensions at lower ground and ground floor levels, excavation of rear garden and vault at lower ground floor level. Installation of four condensers at roof level within acoustic enclosure and a condenser unit within an acoustic enclosure within the rear patio at lower ground floor level and condenser in front lightwell. Replacement windows and internal alterations.

Reference: 16/11937/FULL

Plan Nos: 082 DEV PL11 rev K, 082 DEV PL12 rev I, 082 DEV PL13 rev H, 082 DEV PL14 rev G, 082 DEV PL15 rev H, 082 DEV PL16 rev G, 082 DEV PL17 rev G, 082 DEV PL18 rev G, 082 DEV PL19, 082 DEV PL20, 082 DEV PL21, 082 DEV PL51 rev E, 082 DEV PL52 rev H, 082 DEV PL61 rev J, 082 DEV PL62 rev H, 082 DEV PL63.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

- 3 Prior to the commencement of any demolition or construction on site the applicant shall 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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 4 The three and four bedroom residential units (Flats 2 and 6) shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms. (C07DC)

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

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

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

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

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

Reason:

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

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

Reason:

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

- 7 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.

- 8 You must install the plant enclosures to the condenser within the lower ground floor patio and to the four condenser units at roof level as shown on the approved drawings before you use the condensers. You must then maintain the enclosures in the form shown for as long as the condensers remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 9 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 082 DEV PL 20 and 082 DEV PL21. You must clearly mark them and make them available at all times to everyone using the residential flats. (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 Prior to occupation of any of the flats, you must provide the 10 cycle parking spaces as shown on the approved drawings. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 11 **Pre Commencement Condition.** You must apply to us for approval of details of a biodiversity management plan in relation to the intensive green roof at rear first floor level.

You must not start any work until we have approved what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you occupy any of the flats and you must not remove any of these features.

Reason:

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

- 12 No residential unit forming part of the development shall be occupied until a car club scheme containing the following provisions has been submitted to and approved in writing by the local planning authority and thereafter the scheme shall be carried out in accordance with those details. Such a scheme shall contain the following:

- a) Confirmation of approval of the particular car club which is to be a Carplus accredited club; ,
- b) Confirmation that on first occupation of each of the residential units forming part of the development and thereafter from first occupation a new resident shall be notified in writing of:
 - 1. the existence of the car club ,
 - 2. explaining that each residential unit is entitled to join the car club without being liable for payment of the membership fee; ,
 - 3. details of how to become a member of the car club; and,
 - 4. in the event that a resident indicates that they wish to become a car club member then this shall be arranged on behalf of that resident [for a continuous period of [25] years] ,
- c) Confirmation that the car club membership shall be fully transferable from outgoing residents to incoming residents. ,
- d) Confirmation that the applicant will provide on written request by the Council evidence of the car club membership for each residential unit within the development. ,
- e) Confirmation that any advert or marketing in relation to the sale of any of the residential units at the development shall include reference to the provision of the car club membership and details of how to become a member of the car club. ,
- f) Confirmation that marketing materials for the development publicise annually will include details of the availability of car club membership and provide details of how to join the car club.
- g) Confirmation that the applicant will provide on reasonable written request by the City Council evidence of the provision of marketing.

Reason:

To mitigate the demand for on-street car parking for people living in the residential part of the development as set out in TRANS 23 of our Unitary Development Plan that we adopted in January 2007 and S41 of the City Plan adopted in November 2016.

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

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

Reason:

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

- 15 You must apply to us for approval of detailed drawings of the following parts of the development
- Cast iron air bricks,
 - Lift doors,
 - New timber sash windows and multi paned timber doors,
 - New internal and external powder coated steel frame mutli-pane windows and doors

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

Reason:

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

- 16 The rooftop plant enclosure must be finished in a slate-grey 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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

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

- 18 Before the occupation of the lower ground floor flat (Flat 1), details shall be provided of the partition separating the living room and bedroom.

The partition shall be installed as per the approved details and must be maintained for as long as the lower ground floor is in residential use.

Reason:

To ensure the occupiers of the lower ground floor flat has adequate natural light as set out in S29 of Westminster's City Plan (November 2016).

- 19 Prior to anyone occupying the flats, you must install the following screening measures:

- fixed planters along the perimeter of the terrace and a fixed timber screen to a height of 1.8m from the finished floor level of the first floor terrace on the southern boundary.
- a 1.8m high trellis and planting along the northern and southern boundary of the rear raised garden

You must maintain and retain the screening according to these details as long as the first floor terrace and raised garden are in use as private amenity areas.

Reason:

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

- 20 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the tree in the rear garden of 15 Devonshire Place. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect the trees and the character and appearance of this part of the Harley Street Conservation Area. 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. (R31DC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can

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

- 3 You are advised to 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.
- 4 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
 - * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible; ,
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992.

At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation.

For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. It is now possible for local authorities to prosecute any of the relevant parties with respect to non-compliance with the CDM Regulations after the completion of a building project, particularly if such non-compliance has resulted in a death or major injury.
- 5 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 7 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please

contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)

- 8 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact: Thames Water Utilities Ltd, Development Planning, Maple Lodge STW, Denham Way, Rickmansworth, Hertfordshire, WD3 9SQ, Tel: 01923 898072, Email: Devcon.Team@thameswater.co.uk
- 9 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 10 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.
- 11 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email Thames Water a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.
- 12 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.
- 13 Thames Water expects the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the

provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

DRAFT DECISION LETTER - LISTED BUILDING

Address: 16 Devonshire Place, London, W1G 6HY,

Proposal: Demolition and replacement of rear extensions at lower ground and ground floor levels, excavation of rear garden and vault at lower ground floor level. Installation of four condensers at roof level within acoustic enclosure and a condenser unit within an acoustic enclosure within the rear patio at lower ground floor level. Replacement windows and internal alterations.

Reference: 16/11938/LBC

Plan Nos: 082 DEV PL11 rev K, 082 DEV PL12 rev I, 082 DEV PL13 rev H, 082 DEV PL14 rev G, 082 DEV PL15 rev H, 082 DEV PL16 rev G, 082 DEV PL17 rev G, 082 DEV PL18 rev G, 082 DEV PL19, 082 DEV PL20, 082 DEV PL21, 082 DEV PL51 rev E, 082 DEV PL52 rev H, 082 DEV PL61 rev J, 082 DEV PL62 rev H, 082 DEV PL63., Servicing plans- 1602-SK-101 rev P4; 102 P4; 103 P3, 104 P3; 105 P3; 106 P3; 107 P3., (Demolition plans-EX11 F, EX12 F, EX13 C, EX14 C, EX15 C, EX16 C, EX17 C, EX51 D, EX61 C, EX62 A, EX63 D.),

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

- 3 You must apply to us for approval of detailed drawings of the following parts of the development
- Cast iron air bricks,
 - Lift doors,
 - New timber sash windows and multi paned timber doors,
 - New internal and external powder coated steel frame multi-pane windows and doors

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

Reason:

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

- 4 The rooftop plant enclosure must be finished in a slate-grey 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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

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

- 6 You must apply for approval of a sample area (1m²) of the proposed repointing, including profile and mortar mix. You must not start work on the cleaning of the building and the repointing until we have approved the sample panel. You must then carry out the work according to the approved sample panel.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1

and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 8 Notwithstanding the approved drawings, you must not disturb existing historic floor surfaces if they are discovered during the course of construction. You must leave them in their present position and protect those features properly during work on site.

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. (R27BC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest. In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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