

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 11 April 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Elliott House, 1 Molyneux Street, London, W1H 5HU		
Proposal	Variation of Condition 1 of planning permission dated 29 April 2016 (RN: 15/08836/FULL) for, 'Demolition of building, excavation of sub-basement, and erection of replacement building over sub-basement, lower ground, ground and part-four and part-five upper storeys to provide 32 car parking spaces (accessed by car lifts on Cato Street), cycle parking, plant, ancillary gym and refuse store at basement level; plant within lower ground floor vaults; and up to 32 flats (Class C3) over lower ground to fifth floor levels', in order to make the following amendments to the approved development: (i) The reduction in the footprint of the proposed new basement level so that it would no longer extends beneath the pavement vaults on Molyneux Street and Crawford Place; (ii) Reduction in the number of car parking spaces proposed from 32 to 31; (iii) Increase in the depth of the proposed new basement levels (in parts) in order to accommodate car stackers; (iv) Reduction in the number of car lifts from two to one; (v) Relocation of the proposed substation from rear lower ground floor level to a pavement vault on Crawford Place (and corresponding enlargement of Flat LG.2; (vi) Use of former car lift area on Cato Street as cycle store and refuse holding area; (vii) Reduction in the size of Unit 1.2; (viii) Increase in the number of cycle parking spaces from 66 to 70; (ix) Alterations to the railings at fourth floor level; and (x) Other alterations.		
Agent	Savills		
On behalf of	Elliott House (Guernsey) Ltd		
Registered Number	16/05715/FULL	Date amended/ completed	11 October 2016
Date Application Received	19 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	Molyneux Street		

1. RECOMMENDATION

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| 1. Grant conditional permission subject to a S106 legal agreement to secure the following: |
| (a) The applicant to comply with the Council's Code of Construction Practice, comply with the Site |

Environmental Management Plan (Revision 07) approved by the City Council on 19 August 2016 and provide a financial contribution of up to £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;

- (b) Unallocated parking;
- (c) Car Parking Management Plan (including maintenance of the car lift and valet parking);
- (d) Cost of the works associated with the creation of two tree pits and the planting of least two new trees within the vicinity of the site.
- (e) Cost of widening the vehicular crossover on Cato Street and making good;
- (f) Cost of relocating a lamppost on Cato Street; and
- (g) Costs of monitoring the S106 agreement.

2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

- a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The site comprises an unlisted residential building known as Elliott House that is located at the corner of Molyneux Street and Crawford Place and oversails the entrance to Cato Street. The site is located within the Molyneux Street Conservation Area and is adjacent to Grade II listed buildings to the south.

Permission is sought to make a number of 'minor material amendments' to the permission granted by the City Council on 29 April 2016 for the redevelopment of this site, excavation of a sub-basement, and erection of replacement building to provide 32 flats (Class C3) with sub-basement car and cycle parking. The most substantive of the amendments to the approved development is: (i) The reduction in the footprint of the proposed new basement level but to increase its depth from 4.4m to 4.7m for the majority of its footprint and to 8.1m in depth in two areas in order to accommodate triple car stackers; (ii) To reduce the number of car lifts from two to one; and (iii) To reduce the number of car parking spaces from 32 to 31.

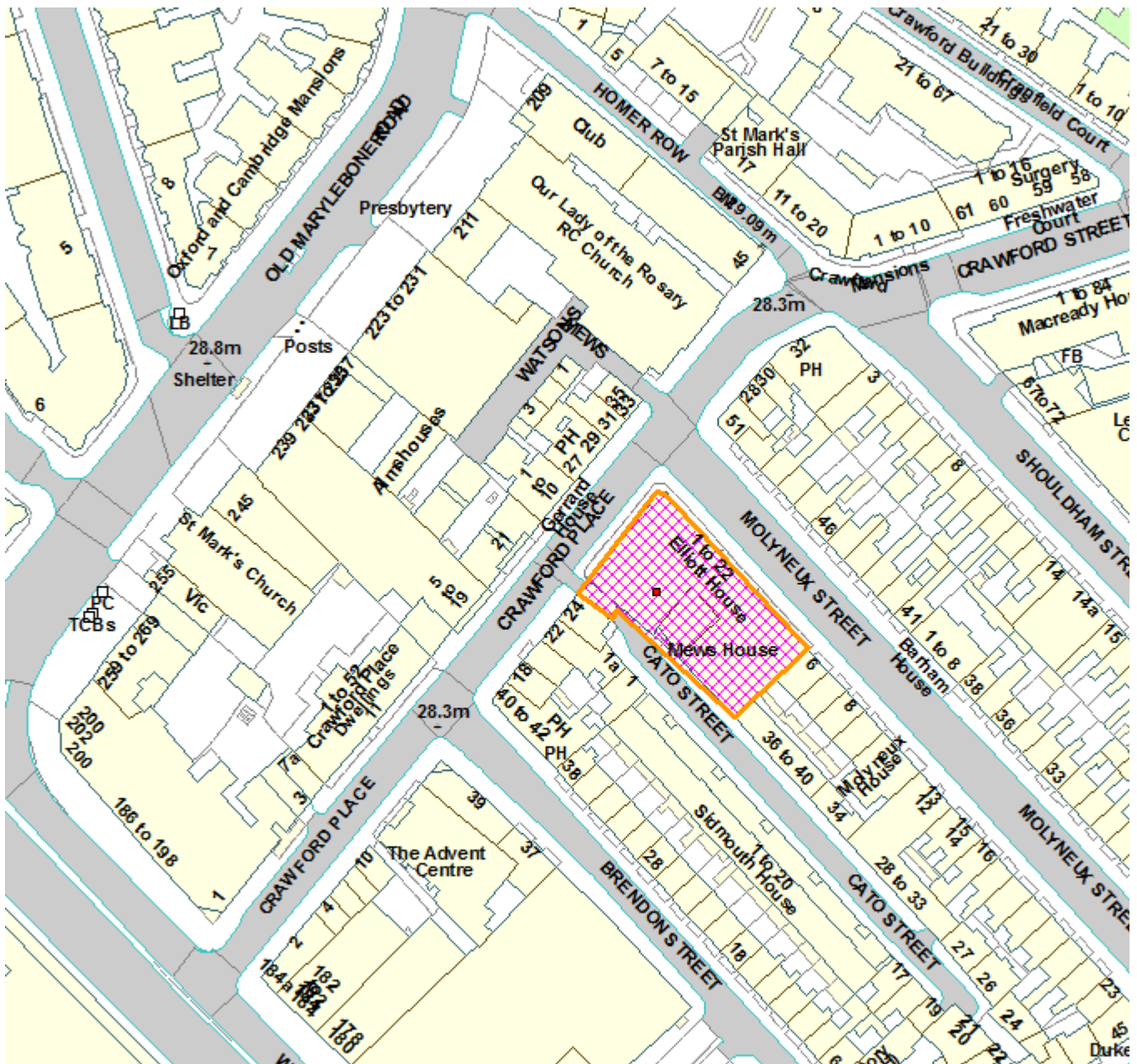
The main issues are:

- (i) The acceptability of the proposed modified basement excavation; and
- (ii) The acceptability of the reduction in a car parking space and the reduction in the number of car lifts.

The proposed reduction in the number of car lifts has attracted objections from two local residents. However, Highways Planning has no objection to the amendment and the proposal is considered acceptable in land use, transportation and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). Furthermore, the proposal is considered to preserve the character and appearance of the Mayfair Conservation Area and not harm the setting of the adjacent listed buildings. For these reasons it is

recommended that conditional planning permission be granted subject to a legal agreement securing the items listed within Section 8.10 of this report.

3. LOCATION PLAN



4. PHOTOGRAPHS

Front elevation from Crawford Place:



Rear elevation from Cato Street:



5. CONSULTATIONS

MARYLEBONE ASSOCIATION:

- Supports reduced footprint of new basement but objects if the total volume of material that needs to be excavated increases.
- Supports the reduction in car parking provision and would welcome a further reduction.
- Supports reduction in the number of car lifts subject to: (i) A managed car parking strategy (i.e. valet parking); (ii) An appropriate maintenance and repair strategy to ensure that the remaining car lift is serviceable at all times; and (iii) The transport modelling confirms that a single car lift can meet the demand of cars and that there will be no cars having to queue on Cato Street at peak times.
- Supports relocation of sub-station.
- Supports the increase in the quantum of cycle parking and the provision of cycle parking at street level as this will encourage sustainable travel options.
- Requests that the crossover is reduced to reflect the reduction in car parking access.
- No objection to the reduction in the size of Flat 1.2.
- No objection to the altered design of the fourth floor railings.

HIGHWAYS PLANNING:

- The proposed increase in the quantum of cycle parking is welcome.
- The reduction in car parking from 32 to 31 spaces is acceptable given car ownership levels in the area, the unallocated nature of the car parking and that the situation compares favourably to the existing situation where 23 flats have only five car parking spaces.
- Based on the levels of likely demand and lift cycle times, the provision of only one car lift is considered to be adequate to ensure that vehicles are unlikely to have to queue on Cato Street before gaining access to the car park.
- Satisfied that the proposed 31 spaces can be independently accessed.

BUILDING CONTROL:

- The calculations and structural methodology for the basement construction has not been provided as part of the submission.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 266

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Raising objections on the following grounds:

Transportation

- The proposed single car lift and triple decker car parking is impractical and will not be used by the residents within the building. Rather, residents will sub-let the car parking spaces and will request on-street resident parking permits. This will add to on-street car parking stress.
- Requests that on-street resident parking permits for future residents of the building be severely restricted.

- The reduction in the number of car lifts will result in vehicle congestion on Cato Street.

Amenity

- The additional queuing on Cato Street will result in noise and pollution in this residential street.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises an unlisted residential building known as Elliott House that is located at the corner of Molyneux Street and Crawford Place and oversails the entrance to Cato Street. Elliott House comprises basement, ground, four upper floors and roof level access staircase and plant. It is made up of 23 flats (16 x two-bed, 6 x three-bed and 1 x five-bed). Basement parking (five spaces) accessed via a curved ramp from street level in Cato Street is located at rear basement level.

The site is located within the Molyneux Street Conservation Area and the Central Activities Zone (CAZ) (but outside of the Core CAZ). The immediate vicinity contains largely residential flats and dwellings, with commercial and entertainment uses to the south west along Edgware Road.

6.2 Recent Relevant History

16/09751/ADFULL

Details pursuant to condition 21 (part a) of planning permission dated 29/04/2016 (RN:15/08836) namely the submission of a written scheme of investigation for a programme of archaeological work,
Application Permitted 25 November 2016

16/06068/MOD106

Submission of Site Environmental Management Plan (SEMP) for construction phase of development pursuant to Clause 2.1 Schedule One of S106 planning obligation agreed in connection with planning permission dated 29 April 2016 (Ref: 15/08836/FULL)
Application Permitted 19 August 2016

16/04588/NMA

Amendments to planning permission dated 29 April 2016 (RN: 15/08836/FULL) for, 'Demolition of building, excavation of sub-basement, and erection of replacement building over sub-basement, lower ground, ground and part-four and part-five upper storeys to provide 32 car parking spaces (accessed by car lifts on Cato Street), cycle parking, plant, ancillary gym and refuse store at basement level; plant within lower ground floor vaults; and up to 32 flats (Class C3) over lower ground to fifth floor levels'; namely, to alter the layout of some of the approved flats.
Application Permitted 8 June 2016

15/08836/FULL

Demolition of building, excavation of sub-basement, and erection of replacement building over sub-basement, lower ground, ground and part-four and part-five upper storeys to provide 32 car parking spaces (accessed by car lifts on Cato Street), cycle parking, plant, ancillary gym and refuse store at basement level; plant within lower ground floor vaults; and up to 32 flats (Class C3) over lower ground to fifth floor levels.

Application Permitted 29 April 2016

7. THE PROPOSAL

The application proposes to make a number of 'minor material alterations' to the redevelopment proposal approved by the City Council on 29 April 2016 for the redevelopment of this site, excavation of a sub-basement, and erection of replacement building to provide 32 flats (Class C3) with sub-basement car and cycle parking.

The following amendments are sought to the approved development:

- i. The reduction in the footprint of the proposed new basement level so that it would no longer extend beneath the pavement vaults on Molyneux Street and Crawford Place.
- ii. Replacement of the ancillary basement gymnasium with a larger ancillary conference room.
- iii. Relocation of the approved basement refuse store.
- iv. Reduction in the number of car parking spaces from 32 to 31.
- v. Increase in the depth of the basement from 4.4m (in the main but with one element that is 6.5m deep) to 4.7m (in the main but with two areas where the triple height car stackers are located that are 8.1m deep).
- vi. Insertion of a partial mezzanine level between basement and lower ground floor level to accommodate plant and an ancillary office;
- vii. Reduction in the number of car lifts on Cato Street from two to one.
- viii. Relocation of the proposed substation from rear lower ground floor level to a pavement vault on Crawford Place (and corresponding enlargement of Flat LG.2;
- ix. Use of former car lift area on Cato Street as a cycle store and refuse holding area;
- x. Reduction in the size of Unit 1.2 to accommodate a double-height space above the main entrance lobby;
- xi. Increase in the number of cycle parking spaces from 66 to 70; and
- xii. Minor alterations to the railings in the corner element of the building at fourth floor level so that they are set within the window reveals.

8. DETAILED CONSIDERATIONS

8.1 Land Use

There is no objection to the proposed relocation of the approved substation from the main building to one of the pavement vaults on Crawford Place. The corresponding increase in the size of Unit 1.2 so that it is converted from a one-bedroom to a two-bedroom flat is welcome and would not harm the housing mix of the development. The floorspace of this enlarged unit is 83 sq.m (GIA) which exceeds the minimum of 70 sq.m (GIA) within Table 3.3 of the London Plan (2016).

Unit 1.2 will retain the same number of bedrooms but is proposed be reduced in size to 73 sq.m in order to accommodate a double height element to the main entrance to the building. Again, this exceeds the minimum of 70 sq.m (GIA) within Table 3.3 of the London Plan (2016) and is therefore acceptable.

The replacement of the ancillary basement gymnasium with a larger ancillary conference room raises no land use concerns. The approved gymnasium and the proposed conference room are to be used in an ancillary capacity for the residents of the building and therefore there will be no material impact arising from this alteration.

8.2 Townscape and Design

The proposed minor alterations to the railings in the corner element of the building at fourth floor level so that they are set within the window reveals raises no concerns in terms of its impact upon the character and appearance of the Molyneux Street Conservation Area and the setting of the neighbouring listed buildings.

8.3 Residential Amenity

For the reasons set out within 8.4 of this report, there is unlikely to be vehicular queuing on Cato Street as a consequence of reducing the number of car lifts from two to one. As such, the objection on noise and pollution grounds from queuing cars is not considered to be sustainable.

8.4 Transportation/Parking

Highways Planning raises no concerns over the reduction in the number of car parking spaces proposed from 32 to 31 given the level of car ownership levels in the area and that the parking is to be unallocated. Furthermore, the proposal still remains favourable when compared to the existing situation where 23 flats have only five car parking spaces.

The car parking is to be unallocated and via a valet, so to enter the car park residents would enter the car lift, go down to the basement, exit the car lift and leave the car for the valet to park. On leaving they would request their vehicle which the valet would retrieve and leave in the basement for collection.

Further information was requested from the applicant to ascertain whether the reduction in the number of car lifts from two to one would create a situation where vehicles had to queue on Cato Street in order to get into the lift. Based on the information provided, Highways Planning is satisfied that the likely levels of demand for the car lifts and the lift cycle times will mean that cars are unlikely to have to queue on Cato Street to gain access to the basement car parking. Subject to securing a Car Parking Management Plan by legal agreement, there is therefore no objection to the reduction in the number of car lifts. For this reason, the concerns from local residents regarding future residents being reluctant to use the basement car park and that cars will have to queue on Cato Street are not considered to represent sustainable objections to the proposal.

The increase in the number of cycle parking spaces is welcome, as is the use of the former car lift area on Cato Street as cycle storage which will encourage this sustainable mode of transportation.

8.5 Economic Considerations

The economic implications of the revised scheme compared to the approved scheme are not considered to be materially different.

8.6 Access

The access arrangements remained unchanged from the approved scheme.

8.7 Other UDP/Westminster Policy Considerations

Revised Basement

Since the determination of the previous application, the City Council has revised its City Plan and this now incorporates a policy on basement developments (City Plan Policy CM28.1). The site is not in a surface water flooding 'hot spot' or in a flood risk zone.

Whilst the applicant has provided an updated Basement Impact Assessment by a suitably qualified engineer, the Building Control Manager has advised that it does not include the calculations and structural methodology for the basement construction for the purposes of City Plan Policy CM28.1(A)(2)(a). Officers have requested that further detail be provided for review by the Building Control Manager and the committee will be verbally updated on this issue.

The original application was determined prior to the City Council's adoption of the Code of Construction Practice in July 2016. The 2016 permission secured by legal agreement a financial contribution towards the Environmental Inspectorate of up to £33,000 per annum and the submission of a Site Environmental Management Plan for the City Council's approval. It is recommended that the same approach is taken in the determination of this application, albeit securing the Site Environmental Management Plan approved by the City Council on 19 August 2016.

Through its location beneath a site that is already completely covered in an existing structure, there is no objection to the footprint of the proposed basement which is smaller than approved. There will be no impact upon neighbouring trees or increased risk of flooding given the site's location outside of fluvial or surface water flooding areas.

Whilst the insertion of a partial mezzanine level result in more than one storey being excavated below the lowest original floor levels, by virtue of this large site's location at the corner of Molyneux Street and Crawford Place and not harming any heritage assets, the proposal accords with the two exceptional circumstances set out within City Plan Policy CM28.1(C)(3); namely, (a) The proposal relates to a large site with high levels of accessibility such that it can be constructed and used without adverse impact on neighbouring uses or the amenity of neighbouring occupiers; and b) No heritage assets will be adversely affected. It is also material that the main body of the basement is only

0.3m deeper than as approved, the deeper areas are located well away from any neighbouring structures, and the total volume to be excavated is less than as approved.

Refuse /Recycling

There is no objection to the relocated basement refuse store as it has the same handling capacity as approved.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

- a) The applicant to comply with the Council's Code of Construction Practice, comply with the Site Environmental Management Plan (Revision 07) approved by the City Council on 19 August 2016 and provide a financial contribution of up to £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- b) Unallocated parking;
- c) Car Parking Management Plan (including maintenance of the car lift and valet parking);
- d) Cost of the works associated with the creation of two tree pits and the planting of least two new trees within the vicinity of the site.
- e) Cost of widening the vehicular crossover on Cato Street and making good;
- f) Cost of relocating a lamppost on Cato Street; and
- g) Costs of monitoring the S106 agreement.

These are the same as legal agreement that accompanies the original permission with the exception of: (i) Requiring compliance with the Site Environmental Management Plan (Revision 07) approved by the City Council on 19 August 2016; and (ii) The inclusion of a Car Parking Management Plan (in addition to unallocated car parking, valet parking and management and maintenance of the car lift).

The estimated CIL payment is:

- £118,416 (Mayoral).

As the original permission was issued prior to the adoption of the Westminster CIL on 1 May 2016 and no additional floorspace is proposed, the development is not liable to the Westminster CIL.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

None.

9. BACKGROUND PAPERS

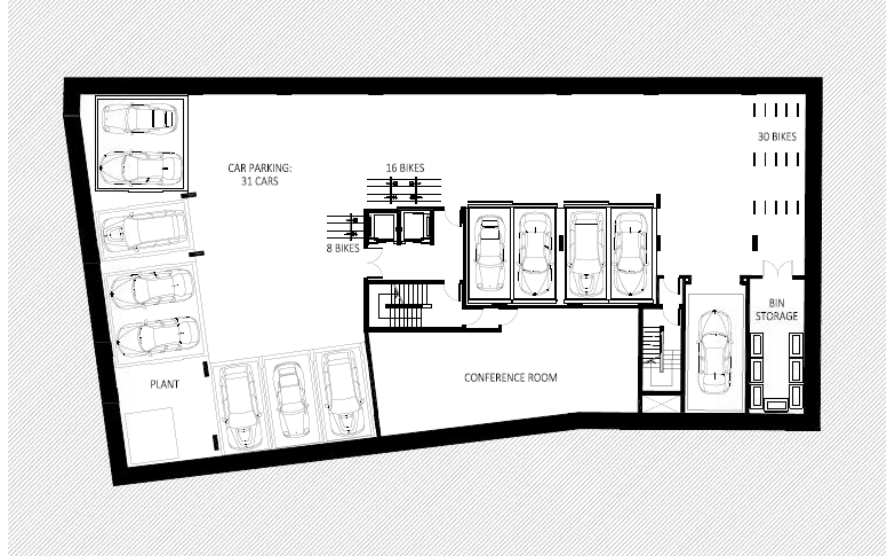
1. Application form
2. Response from the Marylebone Association, dated 24 October 2016.
3. Response from Highways Planning, dated 24 February 2017.
4. Response from Building Control, dated 25 October 2016.
5. Letter from occupier of 2 Cato Street, dated 25 October 2016.
6. Letter from occupier of 6 Molyneux Street, dated 28 October 2016.

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

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

10. KEY DRAWINGS

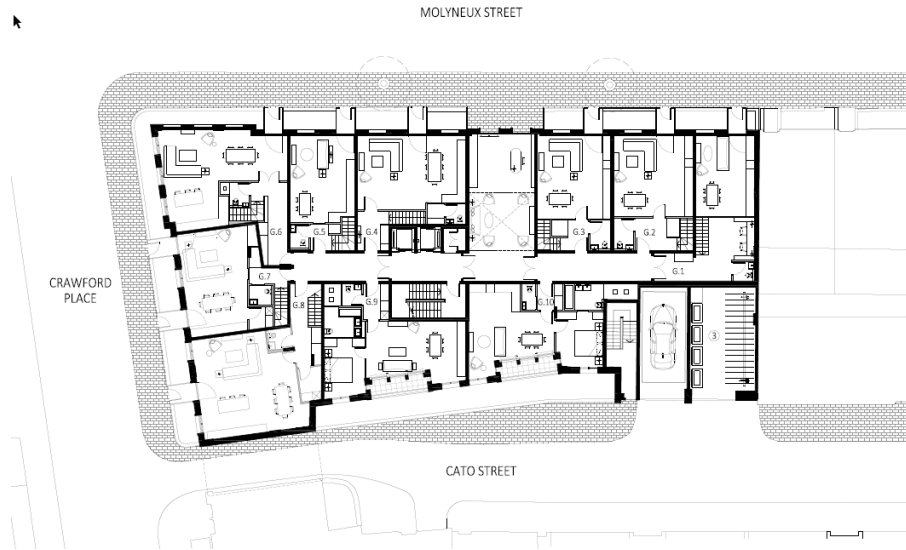
Proposed basement floorplan:



Proposed lower ground floorplan:



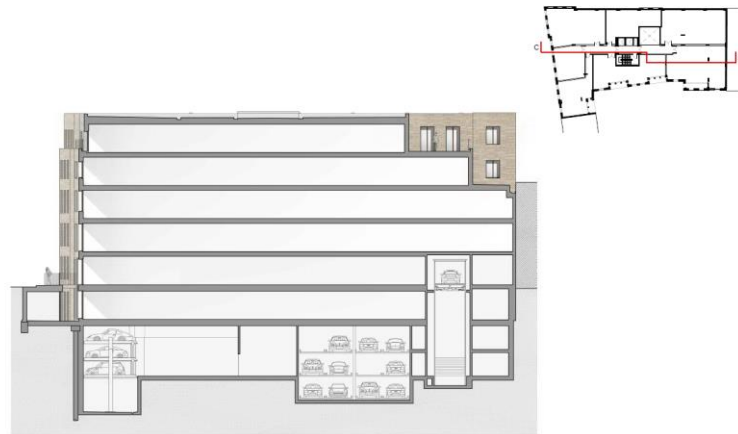
Proposed ground floorplan:



Proposed first floorplan:



Proposed Section C-C:



Proposed Crawford Place elevation:



DRAFT DECISION LETTER

Address: Elliott House, 1 Molyneux Street, London, W1H 5HU,

Proposal: Variation of Condition 1 of planning permission dated 29 April 2016 (RN: 15/08836/FULL) for, 'Demolition of building, excavation of sub-basement, and erection of replacement building over sub-basement, lower ground, ground and part-four and part-five upper storeys to provide 32 car parking spaces (accessed by car lifts on Cato Street), cycle parking, plant, ancillary gym and refuse store at basement level; plant within lower ground floor vaults; and up to 32 flats (Class C3) over lower ground to fifth floor levels', in order to make the following amendments to the approved development: (i) The reduction in the footprint of the proposed new basement level so that it would no longer extends beneath the pavement vaults on Molyneux Street and Crawford Place; (ii) Reduction in the number of car parking spaces proposed from 32 to 31; (iii) Increase in the depth of the proposed new basement levels (in parts) in order to accommodate car stackers; (iv) Reduction in the number of car lifts from two to one; (v) Relocation of the proposed substation from rear lower ground floor level to a pavement vault on Crawford Place (and corresponding enlargement of Flat LG.2; (vi) Use of former car lift area on Cato Street as cycle store and refuse holding area; (vii) Reduction in the size of Unit 1.2; (viii) Increase in the number of cycle parking spaces from 66 to 70; (ix) Alterations to the railings at fourth floor level; and (x) Other alterations.

Reference: 16/05715/FULL

Plan Nos: 15/08836/FULL
Demolition drawings:
1408-PA-101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113.

Proposed drawings:
1408-PA-201 Rev. H, 202 Rev. N, 203 Rev. N, 204 Rev. L, 205 Rev. L, 206 Rev. K, 207 Rev. K, 208 Rev. J, 210 Rev. H, 211 Rev. H, 212 Rev. H, 215 Rev. G, 216 Rev. G, 217 Rev. G, 222 and 213.

16/09751/ADFULL
Archaeological Study dated August 2016.

16/05715/FULL
Proposed drawings:
1408-PA-201 Rev. L, 201.1 Rev. A, 202 Rev. R, 203 Rev. R, 204 Rev. P, 205 Rev. P, 206 Rev. O, 207 Rev. N, 208 Rev. K, 210 Rev. J, 211 Rev. J, 212 Rev. J, 215 Rev. L, 216 Rev. L and 217 Rev. L.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

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

- 3 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. (C26BC)

Reason:

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

- 4 You must apply to us for approval of detailed drawings at a scale of 1:10 of the following parts of the development:
- (i) Typical example of each window and external door.
 - (ii) New railings.

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

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

Reason:

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

- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

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

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

Reason:

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

- 7 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Molyneux Street Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 8 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces or balconies hereby approved. (C26NA)

Reason:

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

9 (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.

- 10 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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.

- 11 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.

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

Reason:

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

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

Reason:

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

- 14 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 using the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 15 The cycle parking area shown on approved drawings 1408-PA-201 Rev. L and 1408-PA-203 Rev. R shall be fitted so that it is capable of storing at least 70 bicycles prior to the occupation of any of the flats hereby approved. Thereafter the cycle spaces must be retained, access provided to all of the occupants of the flats hereby approved and the space used for no other purpose.

Reason:

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

- 16 Other than the area shown as balconies or roof terraces on the approved drawings, you must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

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)

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

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)

- 18 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing numbers 1408-PA-201 Rev. L and 1408-PA-203 Rev. R. You must clearly mark them and make them available at all times to everyone using the building. (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)

- 19 You must apply to us for approval of manufacturer's specification and species list for the living roof hereby approved.

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

must then carry out the work in its entirety prior to the occupation of any of the flats hereby approved and in accordance with the approved drawings, manufacturer's specification and species list. (C26UB)

Reason:

To increase the biodiversity of the environment and to reduce surface water run-off, as set out in S30 and S38 of Westminster's City Plan (November 2016), ENV 4, ENV 17 of our Unitary Development Plan that we adopted in January 2007 and Policies 5.10, 5.13, 7.19 of the London Plan (2016). (R43FB)

- 20 Prior to occupation of any of the flats hereby approved a minimum of seven of the car parking spaces shall be provided with charging points (for electric vehicles) and at least seven of the car parking spaces shall be fitted with the necessary underlying infrastructure (e.g. capacity in the connection to the local electricity distribution network and electricity distribution board, as well as cabling to parking spaces) to enable simple installation and activation of a charge point at a future date. These charging points shall not be removed.

Reason:

To ensure that adequate recharging points are made available within the development hereby approved in accordance with Policy 6.13 of the London Plan (2016).

- 21 (a) You must carry out the archaeological work and development according to the written scheme of investigation for a programme of archaeological work approved by the City Council on 25 November 2016 (Ref: 16/09751/ADFULL). You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.
- (b) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 22 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:
- (i) Combined heat and power unit (energy centre).
 - (ii) 2 x photovoltaic arrays at roof level, in accordance with the approved drawings.
 - (iii) Mechanical ventilation with heat recovery.
 - (iv) Air source heat pumps.

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

Reason:

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

- 23 This permission must be commenced no later than 28 April 2019.

Reason:

This permission authorises amendments to the original planning permission granted on 29 April 2016 (RN: 15/08836/FULL) which must be commenced no later than the above date.

Informative(s):

1. In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
2. You will need to speak to our Tree Section about the proposal to remove a tree from the public footway in Molyneux Street. You will have to pay for the removal of the tree by the Council's own contractors.
3. Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
4. Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
5. The term 'clearly mark' in condition 18 means marked by a permanent wall notice or floor markings, or both. (I88AA)
6. You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
7. Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

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

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

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

8. This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - a) The applicant to comply with the Council's Code of Construction Practice, comply with the Site Environmental Management Plan (Revision 07) approved by the City Council on 19 August 2016 and provide a financial contribution of up to £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
 - b) Unallocated parking;
 - c) Car Parking Management Plan (including maintenance of the car lift and valet parking);
 - d) Cost of the works associated with the creation of two tree pits and the planting of least two new trees within the vicinity of the site.
 - e) Cost of widening the vehicular crossover on Cato Street and making good;
 - f) Cost of relocating a lamppost on Cato Street; and
 - g) Costs of monitoring the S106 agreement.
9. This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.

If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.

You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.

10. Conditions 9 and 10 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)

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