

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	9-11 Richmond Buildings, London, W1D 3HF,		
Proposal	Demolition of existing front and rear façades and construction of replacement facades in new position incorporating full height front and rear extensions to provide additional office accommodation; extension to the undercroft; rooftop extension and relocation of the two existing residential units at 4th floor to the new 5th floor level, roof terraces at front fifth floor level and on the main roof, refurbishment of offices in remainder of the building and associated works.		
Agent	Gerald Eve LLP		
On behalf of	Almondbox Property Limited		
Registered Number	17/00688/FULL	Date amended/ completed	15 February 2017
Date Application Received	30 January 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

<p>1. Grant conditional permission, subject to a legal agreement to secure the following:</p> <p>i) A financial contribution of £91,000 towards the Council's affordable housing fund (index linked and payable on commencement of the development);</p> <p>ii) a Crossrail payment of £62,397;</p> <p>iii) car club membership for each of the two residential flats for 25 years;</p> <p>iv) Monitoring costs of £500 for each of the above clauses.</p> <p>2. If the S106 legal agreement has not been completed within two months, then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</p> <p>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the</p>

Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The existing building, dating from the 1960s, is currently vacant but was last used as offices with two flats on the top floor. The flats use the same entrance, staircase and lift as the offices. There is basement car parking accessed from a ramp at the rear of the building, in Richmond Buildings. Part of the building oversails the entrance to Richmond Mews and abuts the Soho Hotel, creating a small lightwell onto which some of the hotel bedrooms look. Permission was previously granted for the complete redevelopment of the site to provide a new building, with additional basements, for wholly residential use, comprising 13 flats with eight parking spaces.

The owner of the site now wishes to retain the office use but improve the accommodation with a major refurbishment of the building: most of it, apart from the basic framework, will be demolished and rebuilt, with extensions to the rear and one additional floor at roof level, similar to those approved in the residential scheme. The design and appearance will also be similar to the residential scheme, but the height will lower. The building line will be brought forward slightly, again in accordance with the approved scheme: the applicant wished to bring it forward even further but this was not acceptable on design grounds. In accordance with Council policy, the scheme replaces the residential accommodation on the top floor.

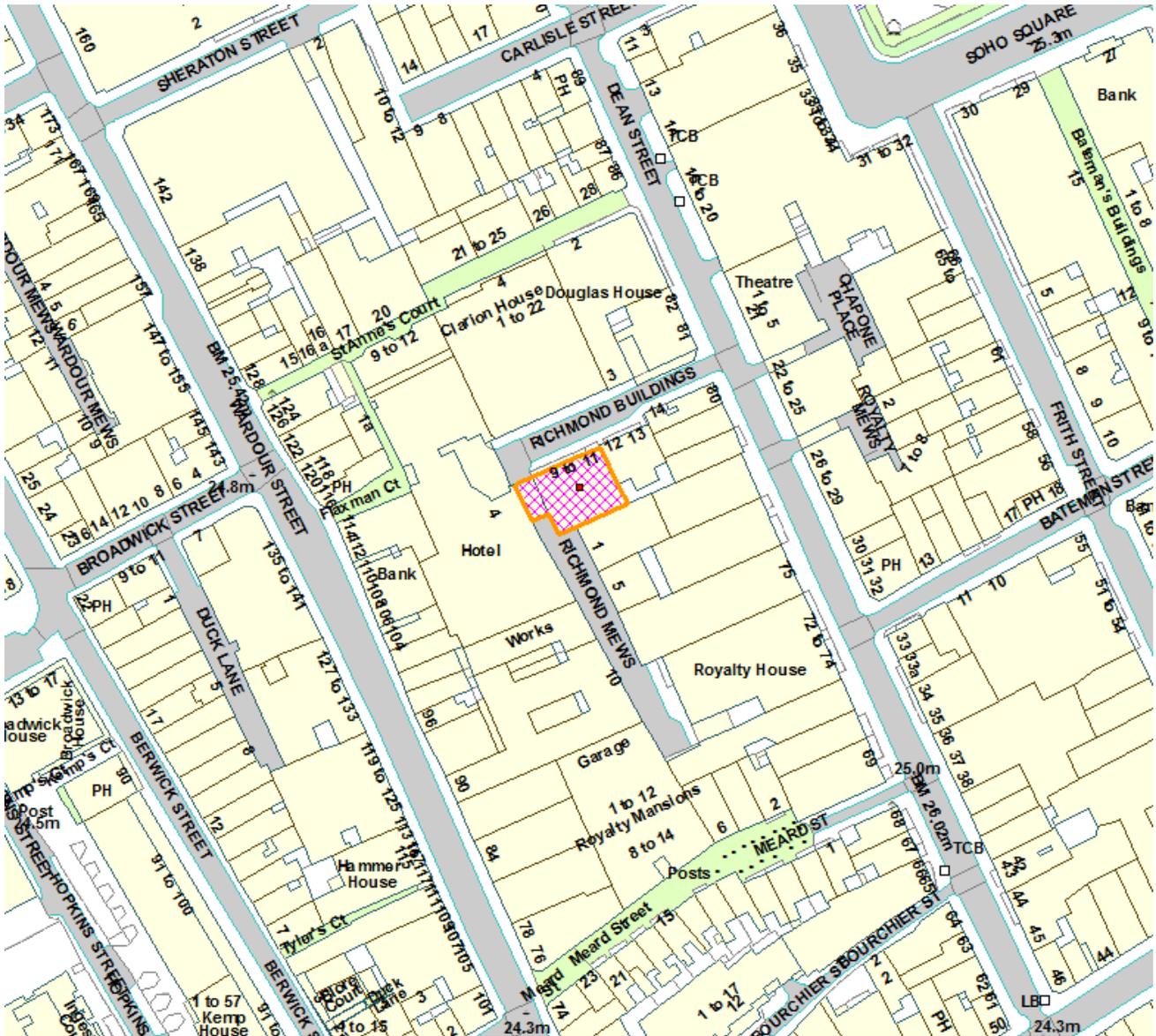
Notwithstanding the objections on amenity grounds received from residents living opposite, the proposals are considered to be acceptable, especially given that the latest proposal is lower than the approved building.

The key issues are considered to be:

- impact on the amenity of adjoining properties;
- affordable housing requirements;
- highways considerations.

For the reasons set out in detail in the main report, the revised proposal is considered to be acceptable. It is acknowledged that given the constraints of the site, partial demolition and construction of the new building will cause noise and disturbance, including local transport movements, but the proposals would be subject to the Council's Code of Construction Practice and this should help minimise disruption. The disruption will also be less than the approved scheme, which included excavation to create additional basements.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Do not consider that the façade as proposed makes a positive contribution to the Soho Conservation Area, in particular the adjacent building in Richmond Buildings and comment that façade could be improved by the use of London stock brick as is typical in the conservation area.

HIGHWAYS PLANNING MANAGER

Objection to:

- the loss of the car parking (on the assumption that this might have been used by the existing residential units and is not being re-provided for the replacement residential units);
- questions about the adequacy of the proposed cycle parking, including no separate cycle parking for the residential flats, no connection with the rest of the building and lack of support facilities for the cyclists (showers and changing rooms);
- concern about lack of connection of the waste store with the rest of the building;
- lack of off-street servicing (though this may be overcome by a robust service management plan);
- projection of the building line and apparent obstruction of the highway.

CLEANSING - DEVELOPMENT PLANNING

Objection on grounds of lack of information about the waste storage provision, and failure to provide separate waste storage for the offices and residential flats.

PLANT AND EQUIPMENT

No objection in principle, subject to conditions, including a requirement for a supplementary acoustic report to be submitted.

CROSS LONDON RAIL 1

Confirm that the site is now outside of the Crossrail 1 safeguarding zone and that they no longer need to be consulted (but confirm that the site is within the Crossrail 2 safeguarding zone).

CROSS LONDON RAIL 2

No objection, subject to a condition safeguarding Crossrail 2 infrastructure.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 125; No. in support: 0

Total No. of replies: 11 – raising objections on some or all of the following grounds:

Use

- Increase in office accommodation [specifically use of the basement parking as office accommodation] impacts on the lives of local residents and nature of the community;

Amenity

- Loss of amenity to the residential flats opposite the site [Clarion House] especially due to the increased height of the building and the replacement flats, specifically

- overshadowing/loss of light and sunlight to the flats, roof terraces and the communal courtyard;
 - increased enclosure;
 - loss of privacy through increased overlooking;
 - noise nuisance from the terraces;
- Noise nuisance from the plant at roof level;
 - Noise and disruption (to the adjoining hotel) from the residential terraces and a request that their use is conditioned;
 - Overlooking of hotel suites;
 - Loss of view from hotel suites;

Design

- Loss of the existing building of merit/local heritage significance;
- Disagree that the proposed design will contribute to the conservation area;
- Adverse visual impact of the increased height of the building as a whole and increased bulk (at the rear);

Highways

- Increased traffic congestion caused by waste removal and servicing;
- Adverse impact on sightlines for vehicles coming out of Richmond Mews due to bringing the building line forward further than approved;
- Potential loss of residents parking bays in Richmond Buildings;

Other

- Noise and disruption from construction works, including increased congestion and adverse impact on the adjacent hotel;
- Inaccurate reference to disruption caused by excavation at basement level and installation of car stackers and increased traffic congestion caused by a basement car park – these refer to the approved residential scheme;
- Inaccuracies in the drawings, some referring to the approved residential scheme;

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The building is located on the south side of Richmond Buildings, and partially oversails the entrance to Richmond Buildings. Dating from the 1960s, it comprises a lower ground floor largely occupied as parking space (approximately 5-6 vehicles, accessed from a shallow ramp in Richmond Mews), upper ground and four upper floors. Apart from two small flats occupying the fourth floor (114m² GIA), the rest of the building was last used as Class B1 offices (995m² GIA): the whole building is currently vacant. The flats and offices share the same entrance, stairs and a single lift.

The building is not listed but it is within the Soho Conservation Area. It is also within the Core Central Activities Zone and the West End Stress Area. Most of the site, apart from

the section which oversails the entrance to Richmond Mews, is within the safeguarding zone for Crossrail 2.

6.2 Recent Relevant History

August 2016 – permission granted for the demolition of the existing building and erection of a replacement building to provide sub-basements for use by a car stacker, and basement, lower ground, ground and first to fifth floor levels for use as residential accommodation comprising 13 residential units (Class C3); creation of terraces at first to fifth floor levels and lightwells to the front and rear of the property; installation of plant and PV cells at main roof level and condenser units within an enclosure at ground floor level within the undercroft.

This was subject to a legal agreement that secured the following:

- i) A financial contribution of £1,015,000 towards the Council's affordable housing fund (index linked and payable on commencement of the development);
- ii) Provision of lifetime car club membership (minimum 25 years) for all 13 flats;
- iii) Provision of Site Environmental Monitoring Plan and £27,000 per annum towards construction monitoring;
- iv) Management and maintenance of the car lift;
- v) Securing unallocated car parking within the development;
- vi) Monitoring costs of £500 for each of the above clauses.

7. THE PROPOSAL

Although the Council granted planning permission for a wholly residential redevelopment last year, the applicant now wishes to effectively retain the existing mix of office and residential uses on the site, but to refurbish and expand them. The changes in floor space are summarised in the table below.

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	995	1,441	+446 (+44.82%)
Residential (Class C3)	114	175	+61 (+53.51%)
Total	1,109	1,616	+507 (+45.72%)

8. DETAILED CONSIDERATIONS

8.1 Land Use

Increase in office floorspace

The site is located within the Core Central Activities Zone and, under the terms of policy S1 and S20 of the City Plan, an increase in office floorspace is acceptable in principle. The applicant advises that the existing accommodation is outdated and that the provision of modern floorspace will help contribute to the area's economic function, which is welcomed.

Although there has been an objection on the grounds that the use of the basement as additional office accommodation [and presumably the overall increase in office floorspace] will have a detrimental impact on local residents and the community, this is a mixed use area within the Core CAZ where office use is acceptable in principle. There are no planning controls that would prevent the existing parking area in the basement from being used as additional office accommodation.

Policy S1 also states that

A) Where the net additional floorspace (of all uses) is

- i) less than 30% of the existing building floorspace, or
 - ii) less than 400sqm; (whichever is the greater),
- or where the net additional B1 office floorspace is less than 30% of the existing building floorspace (of all uses), no residential floorspace will be required.

Where A) does not apply and the net additional floorspace (of all uses) is:

- i) between 30% and 50% of the existing building floorspace, and
- ii) more than 400sqm,

residential floorspace or an equivalent payment in lieu will be provided, equivalent to the net additional B1 office floorspace less 30% of the existing building floorspace.

The residential floorspace can be provided:

- i. on-site,
- ii. off-site,
- iii. by mixed use credits (Policy CM47.2), or
- iv. as a payment in lieu of the residential floorspace.

It is at the applicant's discretion which of i to iv. above they wish to apply.

In this case the net additional floorspace (of all uses) is 45.72% and more than 400 sqm; and the net additional office floorspace is 40.22% of the existing building floorspace (of all uses). Taking account of the uplift in residential floorspace, this would generate a commuted payment (which is the applicant's preferred approach) towards the Council's affordable housing fund of £91,000. This will be secured by legal agreement, payable before commencement of the development.

Residential use

The existing two flats on the top floor of the building are both 1-bedroom and share the same access arrangements as the office accommodation. The applicant has informally asked whether there are alternative options for relocating the existing flats or making a payment in lieu for their replacement, but policy S14 of the City Plan is clear that residential use is the priority across Westminster except where specifically stated. All residential uses, floorspace and land will be protected. The replacement of the two flats is therefore in accordance with this policy and the small increase in floorspace is welcome.

The replacement flats would comprise one 1-bedroom and one 2-bedroom units, a slight improvement in the mix, which is welcome. The access arrangements would be the same as the existing situation, namely shared with the offices, but given the relatively small floor plate it is considered that this cannot be improved upon. The replacements flats are larger than the existing flats and would have a better standard of accommodation and amenity. They will also have their own small balconies.

8.2 Townscape and Design

Richmond Buildings is a short street in the Soho Conservation Area leading to Richmond Mews. It lies within protected vista 2A.2 - Parliament Hill summit to the Palace of Westminster and the Crossrail Line 2 Safeguarding Area. Its history is succinctly described in the Survey of London (volume XXXIII pp246-249).

The street has been comprehensively redeveloped and no buildings of historic interest or architectural merit survive other than at the south-east corner. The north side is occupied by buildings varying in height between three and six storeys and planning permission was recently granted to substantially alter the building on the corner of Dean Street (Nos. 81-82 Dean Street and No. 3 Richmond Buildings) with the intention of minimising its apparent height and to remove the incongruous bay windows which are not a characteristic feature of the conservation area. This development is nearing completion.

The south side of the street is also occupied by modern buildings, of four and five storeys, but the corner (No. 80 Dean Street and No. 14 Richmond Buildings) is a smaller and older scale of development and forms an important part of the setting of neighbouring listed buildings in Dean Street. Planning permission was recently approved for alterations and extensions at Nos. 12-13 Richmond Buildings and that development is nearing completion.

This application is, in design terms, very similar to the previously approved development which, along with the two recently approved developments in the street, are considered to represent significant and welcome improvements to two of the most unattractive buildings in the area. The current proposal, as before, follows their example both in terms of its scale and architectural sobriety. The proposal is considered successful in these key respects.

Contrary to representations made about the desirability of keeping the existing building, it is considered to be out of scale, incongruously designed, and faced with inappropriate materials, meaning its redevelopment is acceptable in principle. It is not worthy of retention but it is the kind of building that conservation area designation was intended to resist.

The proposed development represents a welcome improvement in comparison to the existing building in terms of its detailed design and facing materials. Although the Soho Society suggest that the design could be improved by the use of London Stock bricks, what is proposed is considered to be acceptable given the variety of building materials in the vicinity. Reintroduction of a hierarchy of fenestration and the use of brickwork will ensure that the building relates appropriately to its immediate surroundings and makes a positive contribution to the conservation area. The height and massing respects the prevailing overall height and massing of neighbouring buildings and the subtle vertical

sub-division of the facade would reintroduce an appropriate sense of plot widths more in character with the historic scale of development in the area.

A key feature of the design is the use of metal screens. While they are acceptable in principle, great care will be needed when working-up their detailed design, otherwise the appearance of the building could be spoiled. This may be dealt with by condition.

As with the approved scheme, the building line is being brought forward by 600mm: the existing building line is set back from the site boundary and creates a small forecourt with stairs leading up to the raised ground floor entrance. The applicant wishes to utilise this space and given that the building line along the street does vary, a small extension of the building line for this site was considered to be acceptable in the approved scheme. The current proposal originally sought to extend this projection even further (an additional 711mm) but this was not considered acceptable in townscape terms and the scheme has been revised so that the building line is the same as the approved scheme.

There has been an objection to the adverse visual impact of the increased height and bulk at the rear of the building. However, this is largely the same as in the approved scheme (though lower) and is considered to be acceptable. The current scheme has been revised to reduce the bulk at rear fifth floor level.

In design and heritage asset terms the development accords with NPPF paragraphs 56, 63, 131 and 132, the Westminster City Plan: Strategic Policies S25 and S28, UDP policies DES 1, DES 4 and DES 9, and the 'Development and Demolition in Conservation Areas' supplementary planning guidance.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing and states that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP aims to safeguard residents' amenities, and states that the City Council will resist proposals which result in a material loss of daylight/sunlight, increase in the sense of enclosure to windows or loss of privacy or cause unacceptable overshadowing to neighbouring buildings or open spaces.

Sunlight and Daylight

The application is supported by a daylight and sunlight report based on the guidance published by the Building Research Establishment (BRE). 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. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. If the level of sunlight received is below 25% (and

5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

The BRE guidelines do advise that they should be applied sensibly and flexibly.

There have been six objections from residents in Clarion House, raising concerns about the impact of the proposals on the amenity of their property, both individual flats (including roof terraces) and the communal courtyard. There were no objections from residents in this building to the approved residential development of the site. In that larger scheme there was an assessment that demonstrated that the loss of daylight to these properties will generally be within the recommended guidelines: four of the windows in Clarion House would have experienced losses of daylight that marginally exceed the recommended 20% (maximum loss of VSC – 20.9%) but that is considered to be acceptable.

In the current proposal, the building will be lower than the approved scheme by approximately 2.4m (excluding the set back privacy screen to the roof terrace; including the privacy screen it is still 1.2m lower than the approved building. An updated daylight and sunlight assessment shows that whilst there will still be some losses of daylight, they will be less than in the approved scheme and the maximum losses to Clarion Court will be all be less than 20%. Several of the affected rooms which face the application site are bedrooms; there is also a kitchen (which loses 15.5% VSC) and some living rooms, where the maximum loss of VSC is 15.8%. These losses are within the 20% maximum beyond which the BRE guidelines advise that the impact may be noticeable.

Similarly, with regard to sunlight, in the approved scheme there were five windows in Clarion House which would have lost more than 20% of their annual probable sunlight hours (APSH) and 12 which would have lost more than 20% of their winter sunlight, in five cases all of it. Now there are three windows in Clarion House which will lose more than 20% of their annual probable sunlight hours (though only marginally), with the impact on winter sunlight being the same as in the approved scheme. However, for the winter sunlight, most of the affected windows currently enjoy very limited amounts of winter sun and therefore any reduction expressed as a percentage is disproportionate.

Whilst sympathetic to residents' concerns, although the loss of daylight and sunlight to this property is regrettable, on balance it is not considered to justify a refusal, especially bearing in the taller approved scheme which would have had a greater impact.

The existing building is barely visible from the communal courtyard at the centre of the Clarion House and it is not considered that the additional floor that is proposed will have any material impact on the daylight or sunlight to this space.

Immediately adjoining the site to the east is 12-13 Richmond Buildings, which has recently been converted to residential accommodation. The approved plans show a mix of bedrooms and living accommodation at the rear of the building. To address concerns about the potential impact of the proposals on the new flats, the scheme has been revised to ensure that the office windows very close to the new flats are kept closed (to minimise outbreak of noise). Whilst the scheme retains the rear infill of the site, the amenity at the rear is still largely determined by the flank wall of 1 Richmond Mews. This aspect of the latest proposals are virtually identical to the approved scheme. The applicant's previous

daylight assessment showed that one room will lose 76.3% VSC, but this is a third bedroom at basement level where existing VSC is already low (3.5%) so the loss is proportionately high. The rest of the affected windows have losses less than 20% or just over (up to 21.7% loss) and on balance the impact is considered to be acceptable.

Sense of Enclosure, Privacy and Loss of Views

Part (F) of Policy ENV13 seeks to resist developments that would result in an unacceptable degree of overlooking or increased sense of enclosure. There have been objections from the residents in Clarion House about increased overlooking. However, there is already a degree of overlooking from the existing offices and flats, and there would have been similar mutual overlooking with the approved scheme.

The current proposal does provide small balconies at the front of the building for the flats at fifth floor level, however their height relative to the flats in Clarion House will limit the scope of overlooking. Furthermore, the glass balustrade to the balconies is to be conditioned to comprise obscure glazing to further limit overlooking. Screening to the side of the balcony will also limit the opportunity of overlooking the hotel bedrooms next door.

The latest proposal does differ from the approved scheme in that it now includes a terrace on the main roof: this is to be used by the staff in the office accommodation. It has a screen around it (which will be conditioned) and this minimises the possibility of overlooking the flats opposite or the hotel bedrooms. It is proposed to condition the hours (08.00 – 21.00 hours, Monday to Friday only) that this terrace could be used to protect residents' amenity from potential noise nuisance. There are a number of roof terraces in the vicinity, though these largely seem to be for residential use) and given this it is not considered to be reasonable grounds for resisting a commercial roof terrace, subject to restricting the hours of use.

The hotel has asked that the residential balconies also have restricted hours, but this is not considered to be sustainable given their small size and domestic nature.

The additional floor will partially obscure views for the hotel's bedrooms on the upper floors but there are not considered to be planning grounds for resisting this. The impact on daylight and sunlight to the hotel will also be minimal, and less than in the approved scheme. The hotel's lightwell created where the application site over sails the entrance to Richmond Mews will be the same as existing, and again lower than in the approved scheme.

8.4 Parking, Servicing and Waste Storage

The Highways Planning Manager has raised a number of concerns about the current proposal:

Loss of Existing Car Parking and Car Parking for Residential Units

The existing site has some off-street car parking, accessed from a ramp in Richmond Mews, for approximately 5-6 car parking spaces. UDP policy TRANS23 states "The permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances." The Highways Planning Manager is concerned

that the loss of the car parking will add to existing on-street parking pressures and be contrary to TRANS23 and therefore objects to the proposals. However, the applicant advises that there was no restriction on how this parking might have been used, i.e. the may have been used just by the offices and would not have been protected for use by the flats. Furthermore, the basement could have been used for other purposes ancillary to the office use on the upper floors of the building without the need for planning permission.

Notwithstanding the objection to lack of parking for the residential accommodation, the replacements of the existing flats is considered to take priority over the objection raised. The applicant has agreed to offer life time (25 years) car club membership for each of the flats and given the circumstances of the case, this is considered to be an acceptable compromise.

Some of the objectors have mistakenly referred to the provision of a car stacker being installed into additional basement levels. However, these were part of the approved scheme and are not part of the current proposals.

Cycle Parking

The London Plan Policy 6.9 requires 1 space per 90m² of B1 office and 1 space per 1 bedroom residential unit or 2 spaces for 2 plus bedroom units. Long term off-street cycle parking promotes this sustainable transport to staff. The proposed additional residential unit would require 3 cycle parking spaces (1 1-bed unit and 1 2-bed unit). For the 1680m² of B1 office floor space 19 cycle parking spaces are required.

The total required across the site is 22 long stay cycle parking spaces. The applicant states that 24 cycle parking spaces are proposed. These are to be provided in the same location at the rear of the site, in Richmond Mews. The office and residential accommodation will share the same facilities, and although the Highways Planning Manager has queried this, and the fact that the cycle store is not connected to the other parts of the building, these arrangements are considered to be acceptable.

Refuse

The proposed refuse store is the same as in the approved scheme, located beneath the over sail part of the building that leads into Richmond Mews. The proposed strategy for refuse is for waste to be stored at the basement level of the development and then, on collection days, it will be transferred up to ground level via the goods lift onto a specified collection area of private land on Richmond Mews.

The Highways Planning Manager has queried that it is not connected to the other parts of the building for either the B1 office or residential units. The Cleansing Officer has also raised concerns about the refuse storage provision, and particularly how the refuse will be collected. He has advised that recyclable materials are collected from Richmond Buildings for properties on Richmond Mews by dragging up the wheelie bins; general waste is collected from Richmond Mews by using a small refuse vehicle which reverses into Richmond Mews, but this is often problematic due to parked vehicles, deliveries, etc. that prevent collections.

The applicant has provided additional information about the capacities of the waste storage bins and clarified that there will also be provision for recyclable material storage. It is considered that how the waste collection works in practice can be adequately addressed by a condition requiring details of a refuse management strategy.

Servicing

Policies S42 and TRANS20 require off-street servicing. The Highways Planning Manager has commented that even though servicing currently occurs on-street, given the substantial intervention within the site, there appear to be no valid reasons not to provide off-street servicing. However, the site is relatively small, and a service bay could only be provided at the rear of the site, which would create its own problems, including increased traffic congestion with Richmond Mews. It is considered that servicing can be adequately dealt with by requiring a servicing management plan, which will be secured by condition.

Highway Boundary/Building Line

The proposal alters the building line in Richmond Buildings by bringing it forward (towards Richmond Buildings) by approximately 600mm. This space isn't highway, but within the site boundary. The current proposal originally sought to bring the building line forward by an additional 711mm: of concern is the impact of the altered building line on visibility splays, particularly those between pedestrians and vehicles at the junction of Richmond Buildings and Richmond Mews. There was an objection from a local resident on these grounds. However, given the existing highway layout and existing structures, namely the stairs that lead up the entrance of the existing building, it is not considered that the proposed change to the building line will have an adverse impact on the visibility splays.

Supported transportation issues

There is no objection to the lack of car parking for the replacement offices. The site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the change of use on parking levels will be minimal and consistent with TRANS21 and TRANS22.

The Highways Planning Manager accepts that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (e.g. walking, cycling). Trip generation modelling indicates that the proposed development will not have a significantly detrimental impact on the safety or operation of the highway network, despite the increase in floor space.

The existing building over sails the highway, across Richmond Mews. The proposal is for the over sail to be largely demolished and rebuilt. The drawings submitted by the applicant indicate a minimum clearance of 5.3 metres. This is consistent with the minimum requirements of the Westminster Highways Planning Guide. Therefore, the over sailing section of the proposal is considered acceptable.

8.5 Economic Considerations

The updated office accommodation is likely to contribute positively to the economic vibrancy of this part of the Core CAZ and as such is welcomed in principle.

8.6 Access

The new building provides level access into the entrance lobby, where there is a lift providing access to all the upper floors (including the replacement flats). This is an improvement on the existing situation, where there is a flight of stairs up to the main entrance.

8.7 Other UDP/Westminster Policy Considerations

Plant

The NPPF contains guidance on noise management in planning decisions. Paragraph 123 states that decisions should aim to avoid noise giving rise to significant impacts on quality of life as a result of development, and mitigate noise impacts. This paragraph contains recognition that development will 'often create some noise'. Policy 7.15 of the London Plan, 'Reducing Noise and Enhancing Soundscapes' aims to support the Mayor's Ambient Noise Strategy. The reduction of noise resulting from developments, and screening of them from major noise sources, is sought under this policy. The reduction of noise pollution is covered in Westminster's City Plan: Strategic Policies by Policy S 32. Improvements to the borough's sound environment will be secured, as will the minimisation and containment of noise and vibration in new developments. Developments should provide an acceptable noise and vibration climate for occupants. UDP Policy ENV 6 describes policy to address noise pollution issues. Design features and operational measures which minimise and contain noise from developments are required. Residential developments should be appropriately protected from background noise.

Plant is proposed at roof level. A noise survey report is provided as part of the application package, which identifies surveyed background noise levels and identifies the maximum plant noise emission limits for the proposed rooftop plant, in accordance with Westminster City Council's standards, so as to prevent any adverse noise from the plant adversely affecting the amenity of residents in the vicinity of the site. The proposals have been assessed by the Council's Environmental Health officer who has no objections in principle to the proposals, subject to standard conditions. This includes the need for a supplementary acoustic report as the specific plant has not yet been selected. On this basis the objection from the hotel about potential noise nuisance from the plant is not considered to be sustainable.

Energy, Sustainability and Biodiversity

Sustainability and Energy Statements have been submitted to accompany the planning application. These assess the proposals' compliance with policies and principles for sustainable development and energy efficiency. Policies 5.1 to 5.9 of the London Plan focus on how to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. Developments are required to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions (be lean), adopting sustainable design and construction measures and prioritising decentralised energy (be clean), including renewables (be green). London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments and

requires a 35% reduction of CO2 emissions over the baseline emissions to be achieved by the development.

Energy efficient measures for the building fabric will be incorporated to reduce the energy demand and carbon footprint of the proposals. The proposed measures will result in a total annual saving in carbon emissions over the 41.9% baseline. The feasibility of Combined Heat and Power (CHP) has been assessed, but the applicant concludes that a communal CHP unit is inappropriate for the proposed development given that there is an insufficient heat load and DHW requirements for the building.

It is proposed that the two residential units will have separate individual combi boilers for separated metering. In order to meet the London Plan requirements, an Air Source Heat Pump has been identified as an appropriate renewable energy source.

The proposals also include provision of a small green roof, on top of the rebuilt portion that over sails the entrance to Richmond Mews. Although the main benefit is likely to be visual, it will help promote biodiversity, in accordance with Policy 7.19 of the London Plan, Policy S38 of the City Plan: Strategic Policies and policies ENV4 and ENV17 of the UDP.

Other

There have been objections about the noise and disruption caused by the building works, as well as increased traffic congestion. The latter is a particular concern for the hotel, whose main entrance is on Richmond Buildings and regularly includes visits by taxis. The current proposal will obviously be less disruptive than the approved scheme as it does not involve excavation works to create additional basement. However, it is considered appropriate that the scheme is subject to the Council's Code of Construction Practice and this will be secured by condition.

One objector refers to errors in the submitted drawings – the original submission did include a coloured rendition of the front façade which was actually of the taller approved scheme. This has been rectified.

There has been an objection about potential loss of residents' parking bays in Richmond Buildings. There is no intention for this as part of the proposals. It is possible that parking bays may be temporarily lost during the construction process but this will be a matter to be addressed as part of the Code of Construction and is not known at this stage.

8.8 London Plan

This application raises no strategic issues and is not referable to the Mayor of London. It will however generate a Crossrail contribution which the applicant estimates as being £62,397, which will be secured as part of the legal agreement.

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

On 06 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- i) a financial contribution of £91,000 (index linked) towards the City Council's affordable housing fund, to be paid on commencement of development;
- ii) a Crossrail payment of approximately £62,397 (adjusted to account for the Mayoral CIL);
- iii) car club membership for each of the two residential flats for 25 years;
- iv) monitoring costs for each of the above clauses.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations (2010 as amended).

The applicant estimates that the Mayoral CIL will be £25,363 (subject to indexation) and the Westminster CIL to be £136,524 (subject to indexation).

9. BACKGROUND PAPERS

1. Application form
2. Response from Cross London Rail 2 Links Ltd, dated 3 March 2017
3. Response from Environmental Services Team, dated 2 March 2017
4. Response from Soho Society, dated 9 March 2017
5. Response from Cross London Rail Links Ltd (1), dated 17 February 2017
6. Letter from occupier of 18 Clarion House, London, dated 1 March 2017
7. Letter from the occupiers of flat 38 Soho Lofts, 10 Richmond Mews, dated 10 and 30 March 2017
8. Letter from occupier of flat 14 Clarion House 4 St. Anne's court, Dean Street, dated 7 March 2017
9. Letter from occupier of Flat 6, Clarion House, dated 3 March 2017
10. Letter from occupier of Flat 9, Clarion House, dated 20 March 2017
11. Letter from occupier of Flat 9 Clarion House, 4 St Anne's Court, dated 20 March 2017
12. Letter from occupier of 7 Clarion House, 4 St Anne's Court, dated 6 March 2017
13. Letter from occupier of 18 Thurloe Place [on behalf of Firmdale Hotels], London, dated 3 March 2017
14. Letter from occupier of Flat 3, 10 Richmond Mews, dated 8 March 2017
15. Memorandum from the Highways Planning Manager dated 4 July 2017
16. Memorandum for the Projects Officer (Waste) dated 7 April 2017

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

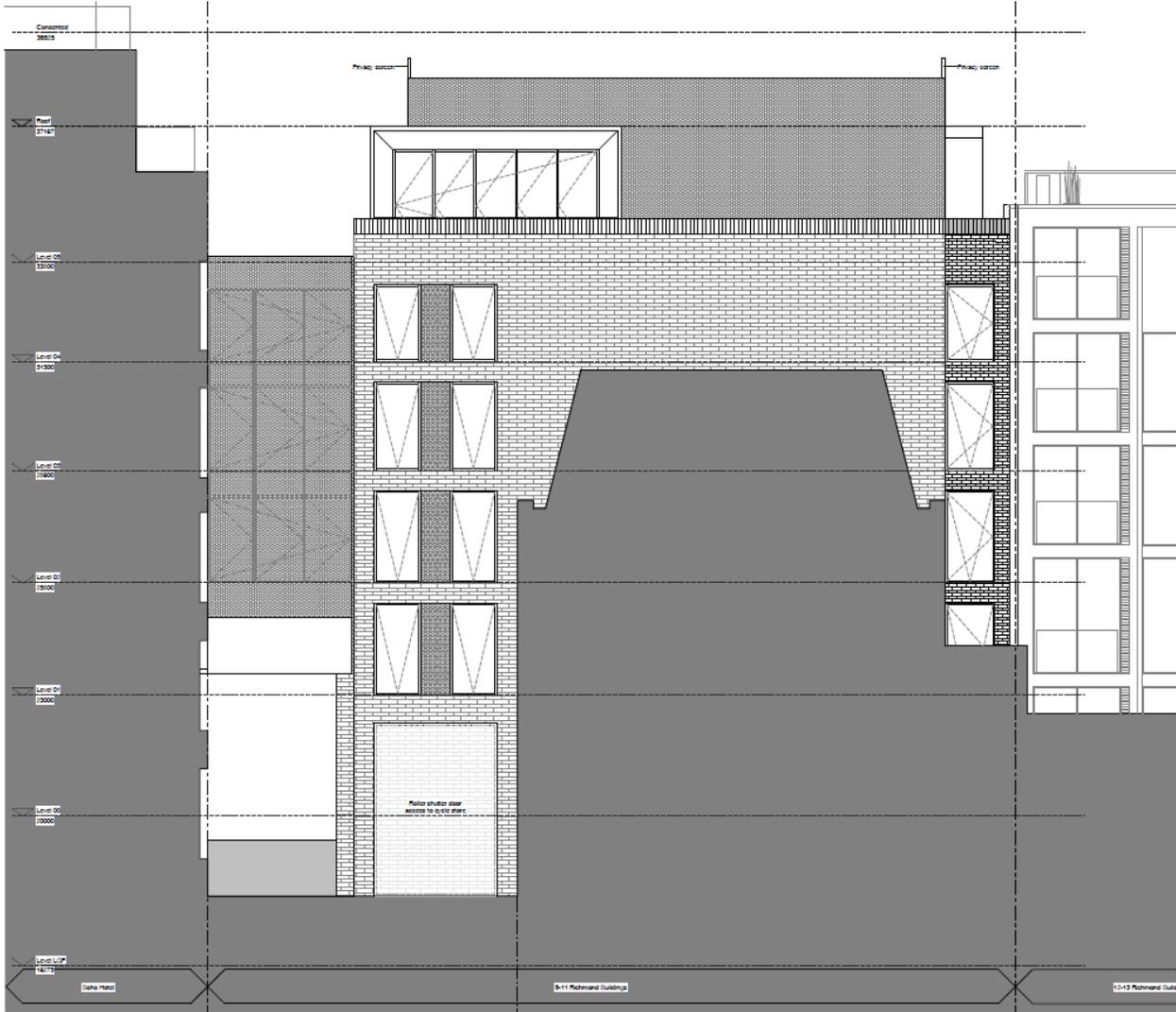
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

10. KEY DRAWINGS

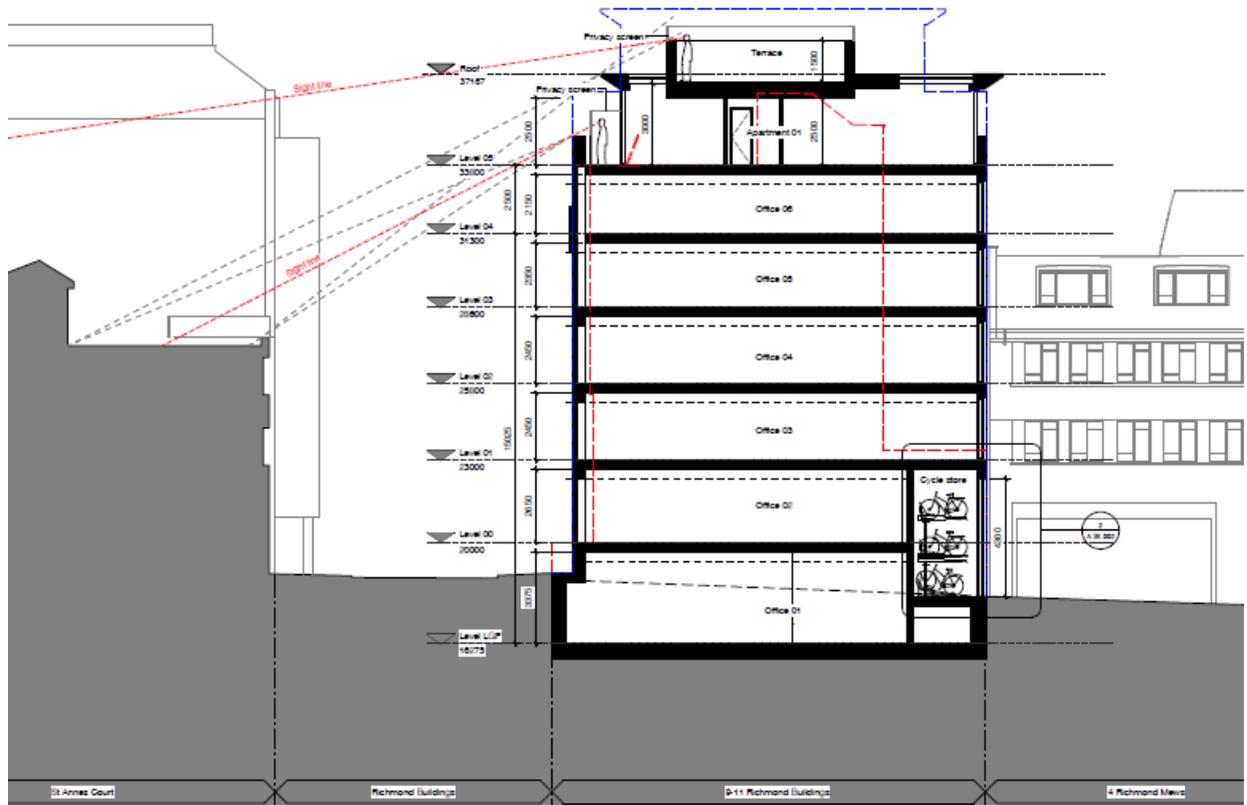
Proposed front elevation



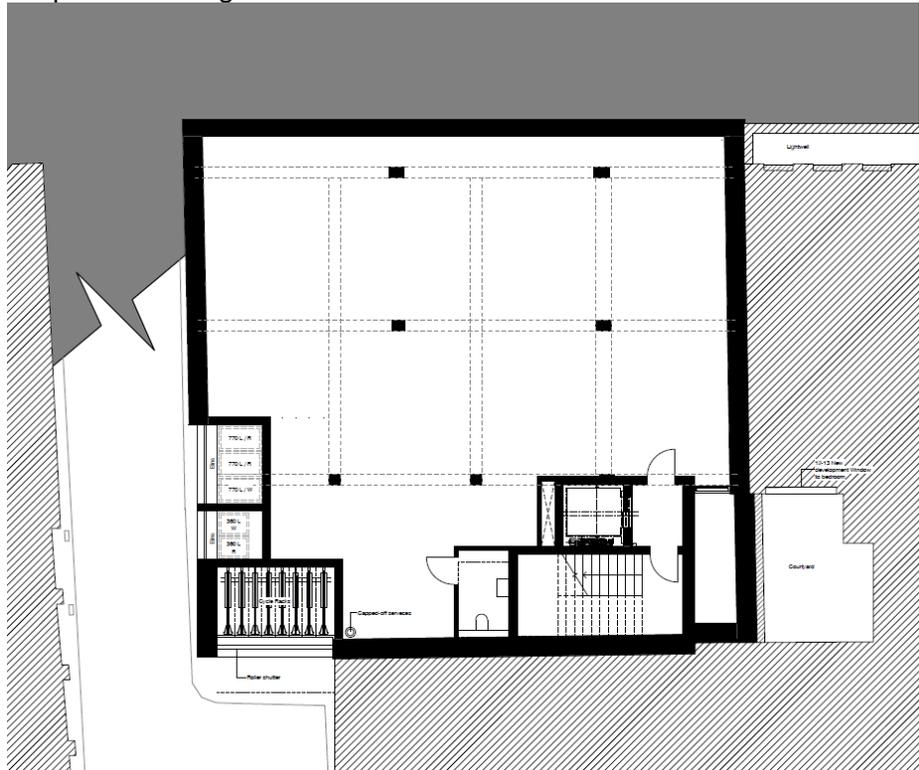
Proposed rear elevation



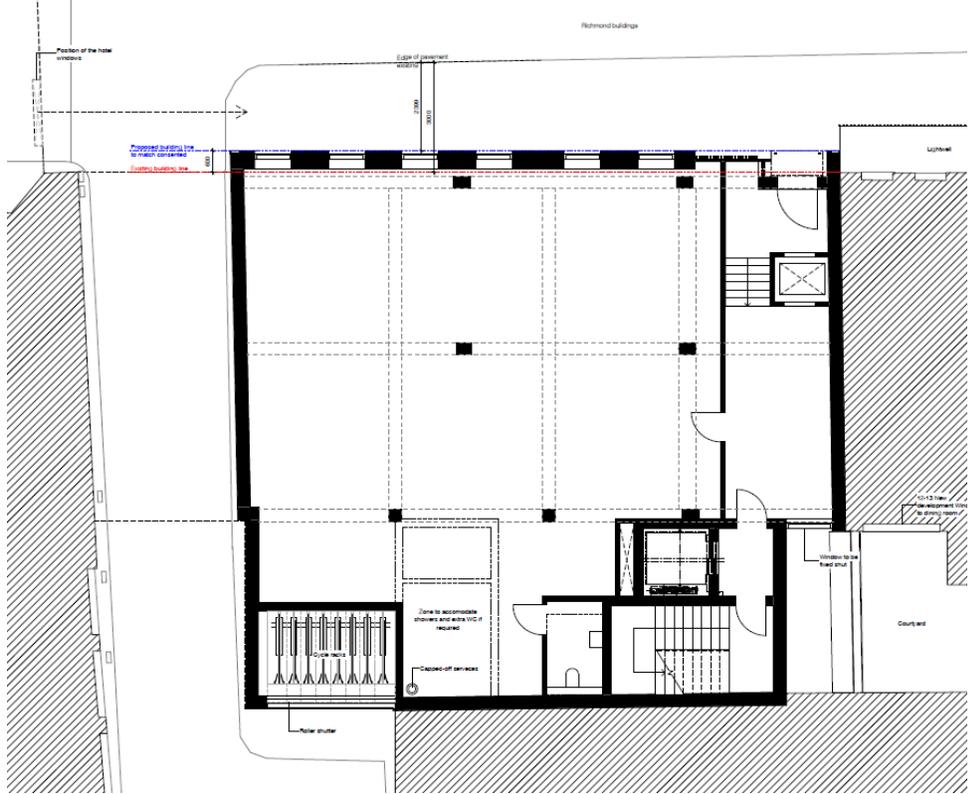
Proposed section



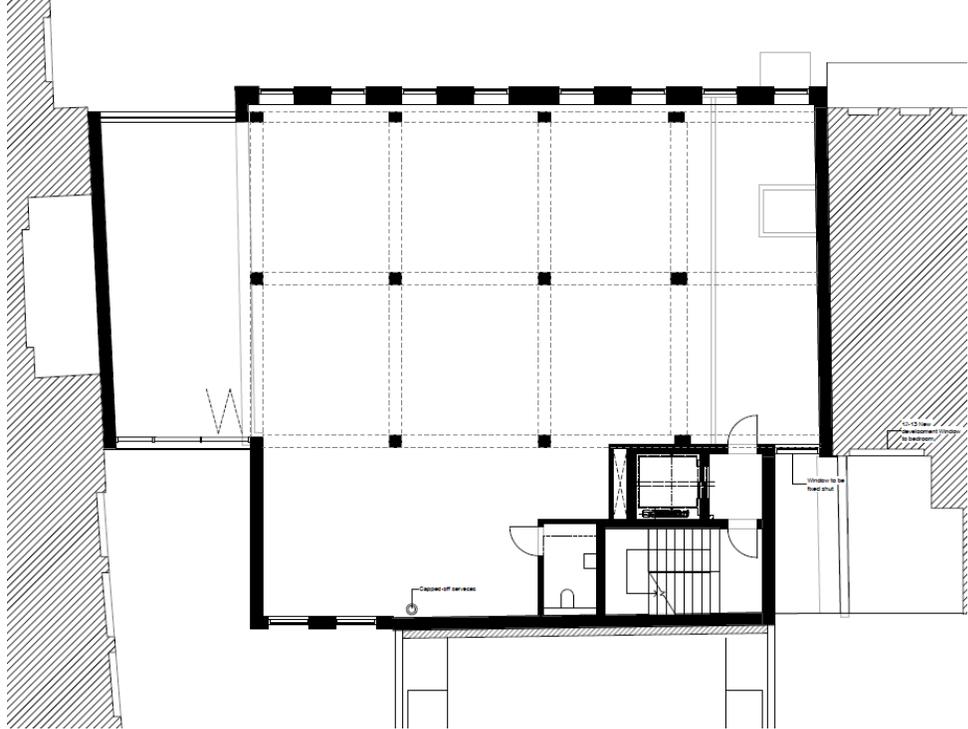
Proposed lower ground floor



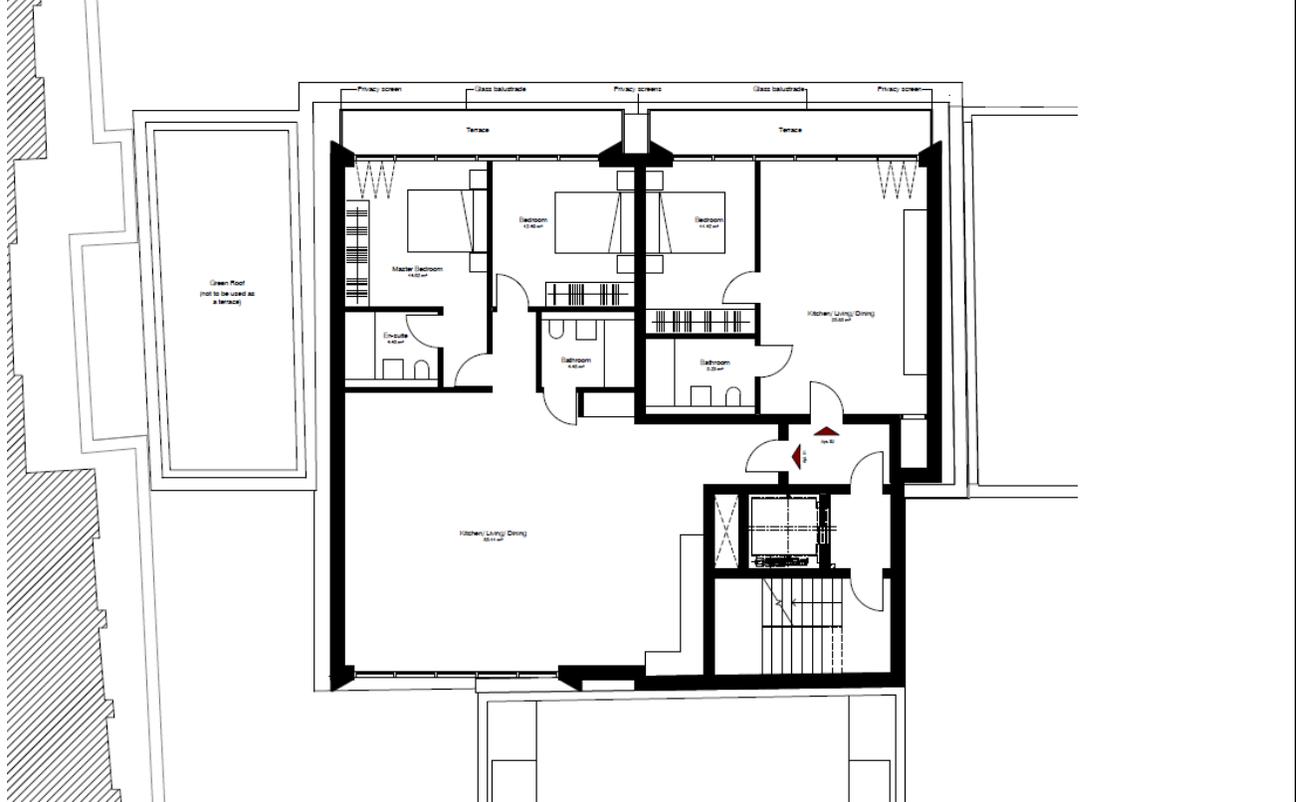
Proposed ground floor



Proposed typical upper floor (Third)



Proposed fifth floor



Proposed roof and office terrace

